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From: Bryan Dykstra [<mailto:bdykstra@blackspoint.ca>]
Sent: April-12-18 2:13 PM
To: Thorne, Jason
Cc: Office of the Mayor; Farr, Jason; Murray, Chris; Norton, Glen; Robichaud, Steve; Fabac, Anita; Kehler, Mark; scott@lpplan.com; victor@lpplan.com
Subject: 107 MacNab St N - Copley Redevelopment

Dear Mr. Thorne:

I am writing you with regards to the Site Plan Application and current approvals process for 107 MacNab Street N.

My company, Blacks Point Development, has been working with Copley Limited for more than 4 years to find a new, permanent home for their company in downtown Hamilton. During that time we reviewed many options and eventually settled on redeveloping a site at which they are already partially located.

Approximately one year ago, we filed our pre-consultation for the project with the use specified as 'craftsperson shop'. The definition, as we understood it, fairly reflected the business of Copley and fit neatly into the existing zoning. Our request was waived as it was determined that a formal consultation was unnecessary at that time (see attached). This resulted in our team assuming we were in good standing and that we had a clear path forward with regards to zoning. Please note that the building size and operation proposed at that time is reflective of the proposal before the City today.

Fast forward one year. We have participated in Design Review Committee meeting and our formal site plan application was made on February 13th. We had hoped to have conditional site plan approval by the end of March, or shortly thereafter. We anticipated that we would be filing for our building permit immediately after and commencing our site works mid-May and construction in June or July.

Some weeks after our application, we were informed that staff no longer believed Copley fit into their interpretation of the definition of a 'craftsperson shop'. We were advised that we would need to follow a different zoning approach and that as a result our site plan application would be held up. The subsequent proposal made by staff was to pursue a site specific zoning which would be included in the Downtown Hamilton Secondary Plan (DHSP). While we are grateful for this option, it leaves our application at the mercy of any appeals or other obstructions that may delay the passing of the DHSP.

Our project at 107 McNab St N. is time sensitive and delays to our construction may risk the entire project. Due to the structure of our deal with Copley, unexpectedly losing 3-4 months to appeals of the DHSP may result in a complete reset. It has a domino effect of delaying our plans for redeveloping the other two Copley properties on Hughson Street and York Boulevard – for which we have exciting urban offices and other uses planned.

I firmly believe that you (and everyone copied) are strongly in support of having Copley relocated into a future-friendly home in downtown Hamilton. I believe that everyone acknowledges this use is unique in the core and that the history of Copley in this community warrants extraordinary consideration. I believe that everyone is committed to making this happen and seeing Copley invest more than \$10M to be part of downtown Hamilton's future.

Considering all the above, I am requesting you further accommodate our application by allowing it to be processed as a 'craftsperson shop' and clearing the way for us to predictably achieve site plan and building permit. This would decouple our project from the Secondary Plan and ensure that we can move forward with certainty. We would commit to making any necessary changes now to conform to the proposed zoning once the DHSP is passed and the site specific zoning is in place however at this time we are in need to progress as a 'craftsperson shop'. We have reviewed this matter in detail and given that there is no size limitation on a 'craftsperson shop' use, the interpretation by staff is subjective and permitting our use could be supported at this time. The DHSP and zoning process will follow through and

ultimately recognize the use in a way staff envision, however that process may have impacts on timing which we cannot afford.

I appeal for your consideration of the special circumstances of this file and ask that you temporarily reassess the Copley use as that of a 'craftsperson shop' and permit this application to proceed to Site Plan Approval separately from the DHSP and zoning matters.

Sincerely,

--

Bryan Dykstra

Partner

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