



Barristers & Solicitors

Bay Adelaide Centre - West Tower
333 Bay Street, Suite 3400
Toronto, Ontario M5H 2S7

Telephone: 416.979.2211
Facsimile: 416.979.1234
goodmans.ca

Direct Line: 416.597.4299
dbronskill@goodmans.ca

March 29, 2018

Our File No.: 161564

City of Hamilton
71 Main Street West, 1st Floor
Hamilton, Ontario
L8P 4Y5

Attention: City Clerk

Dear Sirs/Mesdames:

**Re: Notice of Appeal Pursuant to Subsection 34(11) of the *Planning Act*
Application No. ZAC-17-065
1190 Main Street West, 43, 47, 51 & 55 Forsyth Avenue North, 75, 77, 81, 83, 99,
103, 107, 111 & 115 Traymore Avenue & 50 Dalewood Avenue, City of Hamilton
(the "Site")**

We are solicitors for Knightstone Capital Management II Inc., who is acting as agent for McMaster University in respect of *Planning Act* approvals to enable the redevelopment of the Site. We are writing on behalf of our client to appeal our client's zoning by-law amendment application (the "**Application**") to the Ontario Municipal Board (the "**Board**"), pursuant to subsection 34(11) of the *Planning Act*, for the failure of the City to make a decision on the Application.

Background

The Site occupies the entire block bounded by Main Street West, Forsyth Avenue North, Traymore Avenue and Dalewood Avenue. Generally rectangular in shape, the Site has an overall area of 1.97 acres. A complete description of the Site and the surrounding area is provided in the Planning & Urban Design Rationale submitted in support of the Application.

In a letter dated November 14, 2017, the City declared the Application complete, which would be as of October 23, 2017 when a signed cost acknowledgement agreement was provided to the City. The Application is required to permit the proposed height and density, as well as to introduce appropriate site-specific development standards.

The Proposed Development

The Application proposes the redevelopment of the Site as two 12-storey terraced institutional buildings separated by a limited and controlled access service lane. The proposed building

would include a new McMaster Research on Aging facility and student housing, with accessory convenience and dining uses. A complete description of the proposal is contained in the Planning & Urban Design Rationale Report.

Reasons for the Appeal

Our client believes the Application is consistent with the Provincial Policy Statement, conforms with the Growth Plan, appropriately implements the City's Official Plan, represents good planning and is in the public interest. However, given the significant uncertainty regarding the impact of amendments to the *Planning Act*, we have advised our client that it would be prudent to appeal the Application to preserve its right to have a full and complete hearing before the Ontario Municipal Board.

Despite this appeal, our client has asked us to confirm that they are prepared to continue discussions with City staff and/or local residents, if others are willing, because we anticipate that many, if not all, issues can be resolved through meaningful dialogue. The intent of filing this appeal is protective and is not meant to foreclose ongoing discussions with the various stakeholders.

Planning Rationale

In our submission, the Application represents good planning and urban design, and is worthy of the Board's approval for the following reasons:

- The policy framework at the Provincial and City levels support the intensification proposed for the Site.
- The site is underutilized and the introduction of a high quality institutional development responds appropriately to the site context and the City's urban structure.
- The proposed development conforms generally to the policies in the City of Hamilton Official Plan and is compatible with the uses and the planned context of the immediate area.
- The proposed building features high architectural design with good proportion and appropriate transition to adjacent properties, while contributing to an attractive, street-related pedestrian environment.
- The proposed development will not cause any undue adverse impacts on adjacent properties, streets or other public areas, with shadow impacts adequately limited in accordance with approved Official Plan policies.
- The Site can be developed within the existing and planned capacity of the City's hard and soft infrastructure.

Goodmans^{LLP}

Page 3

These reasons will be expanded upon through opinion evidence from various expert witnesses.

We respectfully request that a prehearing be scheduled for this appeal as soon as possible on the Board's calendar. The Appellant Form is enclosed, along with a cheque in the amount of \$300.00. If any additional information is required, please contact the undersigned.

Yours truly,

Goodmans LLP



David Bronskill

DJB/

6803783