

September 30, 2013

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VIA EMAIL

File 13098.00104

City of Hamilton
City Clerk's Office
City Hall, 71 Main St. W., 1st Floor
Hamilton, Ontario L8P 4Y5

Attention: Vanessa Robicheau

Dear Ms. Robicheau:

**Re: Proposed Strathcona Secondary Plan
41, 45, 47, 49, 55 and 59 Head Street, 22 and 24 Dundurn Street North, 620, 622 and
624 Main Street West, Hamilton (collectively the "subject lands")**

We are counsel for Shoppers Drug Mart ("**Shoppers**"), the applicant/appellant of proposed Official Plan and Zoning By-law amendments for the redevelopment of the subject lands listed above. We are also counsel for the registered owners of the subject lands. The subject lands are located at the northeast corner of King Street West, Dundurn Street North and Head Street, within the proposed Strathcona Secondary Plan area of the City of Hamilton (the "**City**").

We have had an opportunity to review the report prepared jointly by the City's Planning and Economic Development Department and Public Works Department for the public meeting of the Planning Committee which will take place on Tuesday, October 1, 2013. Following are our written submissions on behalf of our clients for consideration by the Planning Committee at that meeting:

1. As you may be aware, our clients have filed development applications with the City in respect of the subject lands. The applications seek approval to redevelop the subject lands as a mixed-use building containing a two-storey Shoppers Drug Mart retail store (second floor to be utilized for storage), comprised of 1,951 square metres in total, as well as a relocated 93.8 square metre TDL drive-thru facility, almost entirely on the commercial portion of the subject lands. In addition, eight grade-related residential townhouse dwelling units fronting on Head Street are proposed as part of the redevelopment.
2. In our respectful submission, the proposed redevelopment of the subject lands facilitates an appropriate form of land development and represents good land use planning.

Through extensive consultation with City Staff, the local Councillor's office and the surrounding community, it consists of a form and scale of development which is compatible with and sensitive to the pattern of existing development within the surrounding area. At the same time, it affords an opportunity to significantly improve the built-form and implement the approved policy framework with a high-quality and contemporary urban design, as a much preferred alternative to maintaining the existing status quo.

3. Moreover, the proposed redevelopment is consistent with and conforms to the applicable planning policy framework, including the following:
 - (a) The *Provincial Policy Statement (2005)*, by providing a sustainable land use pattern for the financial well-being of the Province and the Municipality;
 - (b) The *Provincial Growth Plan for the Greater Golden Horseshoe (2006)*, by providing a form of intensification within a built-up area utilizing existing services and infrastructure. Moreover, it is a pedestrian-friendly site within a transit-oriented corridor, with major roadways and bus routes abutting the subject lands; and
 - (c) The Urban Hamilton Official Plan (UHOP), insofar as the proposed higher density mixed-use development will bring intensification to the built-up area while providing an affordable alternative to new and existing tenants.
4. The proposed redevelopment has been the subject of an evolving process over the period of two and a half years in which Shoppers has been working with City Staff, the local councillor's office and the surrounding community. The final product which is the culmination of that process represents an appropriate balancing of a range of important objectives and meets the general intent of the Secondary Plan. However, it would require certain modifications to be made to the Secondary Plan as it applies to the subject lands in order to ensure full conformity. In our respectful submission, the lack of full conformity should not trump the extensive consultative process which has led to the final concept plan for the proposed redevelopment of the subject lands.

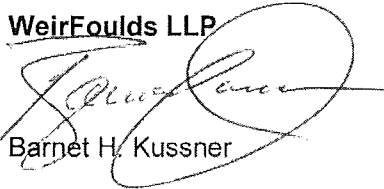
Given all of the foregoing considerations, we respectfully submit that it would be premature for the Planning Committee to recommend in favour of adopting the proposed Strathcona Secondary Plan in its current form, as it applies to the subject lands. Instead, we submit that further consideration of the Secondary Plan should be deferred and that

in the interim, Staff should be directed to meet with our client and its consultants for the purpose of determining and incorporating appropriate site-specific policies for the subject lands within the Secondary Plan, so as to accommodate the proposed redevelopment of the subject lands.

Thank you for your consideration of these submissions. We understand our clients' planning consultants (IBI) will also be making an oral presentation at the public meeting on October 2nd which will elaborate further on these submissions.

Yours truly,

WeirFoulds LLP



Barnet H. Kussner

BHK/ng

- c: P. Kulkarni, Shoppers Drug Mart
- J. Ariens and M. Johnston, IBI Group
- M. Bodrug, Tim Hortons Inc.
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