May 10, 2010

VIA EMAIL AND FAX

Mayor Fred Eisenberger and Members of Council
City of Hamilton
Hamilton City Centre
77 James Street North, Suite 230
Hamilton, ON L8R 2K3

Attention: Rose Caterini, City Clerk

Dear Mayor Eisenberger and Members of Council:

Re: City Initiative CI-09-H - Comprehensive Zoning By-laws New Industrial Zones, Bunge Canada, 400 and 446 Burlington Street and 424 and 442 Burlington Street East

Meeting of City Council on Wednesday, May 12, 2010

We are the solicitors for Bunge Canada and we appeared before the Economic Development and Planning Committee at its April 27, 2010 meeting to ask that Bunge Canada’s land (400 and 446 Burlington Street East) and adjacent lands (424 and 442 Burlington Street East) be zoned M5-Heavy Industrial in place of the M6 zoning with site specific Special Exception 413 that was proposed for 400 and 446 Burlington Street East. The Committee accepted our representations and instructed Planning Staff to prepare appropriate amendments to rezone each of those addresses M5 – Heavy Industrial.

We have reviewed Report 10-009 of the Economic Development and Planning Committee and it appears that there is a typographical error in the recommended amendment for these properties. On page 3, recommendation 1(b)(i)(ee) recommends that a "M6 – Heavy Industrial Zoning" be placed on 400 and 446 Burlington Street East and 424 and 442 Burlington Street East. The intent was, of course, that these properties be rezoned M5, as the M6 zoning is a light industrial zoning.

We would respectfully ask that when Council adopts the recommendations contained in the Economic Development and Planning Committee Report 10-009, it do so with an amendment to that recommendation so that 400 and 446 Burlington Street East and 424 and 442 Burlington Street are zoned M5 – Heavy Industrial, in accordance with what we believe was the Committee’s intent.
Thank you for your consideration.

Yours very truly,

GOWLING LAFLEUR HENDERSON LLP

[Signature]

David C.K. Tang

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     Alexandra Rawlings
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