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May 8, 2024

Our File No.: 241394

DeliveredCity Clerk
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5**Attention: J. Pilon, Acting City Clerk**

Dear Sirs/Mesdames:

**Re: City of Hamilton Zoning By-law Nos. 24-051 and 24-052
Notice of Appeal Pursuant to Subsection 34(19) of the *Planning Act***

We are counsel to The Cadillac Fairview Corporation ("CF") in respect of the lands known municipally in the City of Hamilton (the "City") as 999 Upper Wentworth Street (the "Property"), which is the site of CF Lime Ridge mall. We write on behalf of our clients to appeal Zoning By-law Nos. 24-051 and 24-052 (together, the "By-laws") as they relate to certain parking matters to the Ontario Land Tribunal (the "Tribunal") pursuant to subsection 34(19) of the *Planning Act*.

The Property

By way of background, the Property is located on the east side of Upper Wentworth Street, just north of the Lincoln M. Alexander Parkway. Approximately 25 hectares in size, the Property is currently the site of CF Lime Ridge mall (the "Mall"), a large two-storey shopping centre with approximately 100,000 square metres of commercial gross floor area. The Property also contains abundant surface parking, with over 4,260 parking spaces, substantially exceeding the existing by-law requirement of 2,190 spaces as well as the peak parking demand as determined through site-specific studies.

In October of 2022, CF submitted an application for site plan control to facilitate the redevelopment of a portion of the Property with two 13-storey residential apartment buildings. In addition, the application proposed to redevelop a portion of the Mall for commercial purposes. Collectively, the proposed development represents the first phase of a long-term, multi-phase plan to redevelop the Property into a complete, mixed-use community, through the intensification of certain surface parking areas around the Mall (which is to remain).

In June of 2023, the City issued conditional site plan approval for the first phase of development of the Property. CF is in the process of clearing conditions of approval.

The By-laws and Reasons for Appeal

By letter dated February 27, 2024, Bousfields Inc. expressed concerns on behalf of CF with the City's proposed amendments to section 5 of Zoning By-law 05-200 as it relates to certain parking matters. A copy of that letter is attached as Schedule A.

City Council approved the proposed zoning amendments and enacted the By-laws on April 10, 2024.

CF supports the vast majority of the amendments reflected in the By-laws. In particular, it strongly supports the reduction in minimum parking requirements for residential and commercial uses. However, it continues to have concerns with the two aspects of the By-laws raised in the Bousfields Letter:

1. The requirement to provide 100% of all parking spaces (excluding visitor parking spaces) for Dwelling Unit, Dwelling Unit Mixed Use and Multiple Dwelling uses as Electric Vehicle Parking Spaces (as defined in the By-laws); and
2. The proposed visitor parking requirement of 0.15 visitor spaces per unit in parking rate area 2.

These aspects of the By-laws do not represent good planning and fail to conform with applicable policy. They are particularly inappropriate in the context of the Mall, which has an inordinately large amount of surface parking already existing on site.

Electric Vehicle Parking Spaces

The requirement to provide all non-visitor residential parking spaces as Electric Vehicle Parking Spaces is excessive and represents a drastic change, made without appropriate regard for the implications on development or the ability of existing infrastructure to accommodate the significant increase in demand for electricity that will result. In the context of a large site like the Property, providing sufficient electric capacity to provide all non-visitor parking spaces with electric vehicle charging equipment would be unduly burdensome, and have significant implications on site infrastructure. In addition, at a broader scale, CF's understanding is that existing electrical infrastructure in the City is likely insufficient to accommodate the electrification of all new residential parking.

While CF supports efforts to enhance environmental sustainability and reduce greenhouse gas emissions, requirements for Electric Vehicle Parking Spaces should be phased-in over time to allow for necessary infrastructure planning and electric capacity-building work to occur, which in turn will facilitate the orderly development of land in a manner that supports environmental

sustainability. The requirements as reflected in the By-laws are not consistent and do not conform with provincial and municipal policy direction relating to the integration of land use and infrastructure planning to achieve cost-effective development patterns, and the establishment of development standards that provide for the efficient use of land, among other things.

The definition of Electric Vehicle Parking Space in By-law 24-051 also requires refinement. Among other things, the language should be modified to reflect the intention (as expressed in the staff report regarding the By-laws) for the provision of rough-in conduits to satisfy the definition.

Visitor Parking

The By-laws provide for a minimum visitor parking requirement of 0.15 per unit for buildings with 5 or more units located in parking rate area 2. This visitor parking rate is excessive and does not reflect the specific circumstances of the Property.

The Property has good access to both existing and planned higher-order transit. A Hamilton Street Railway (HSR) station and associated bus stops are located directly on the Property, providing service through four different bus routes which connect the Property to the remainder of the City. Further, the Property is located along the City's planned Rapid Transit BLAST Network. As part of the planned redevelopment of the Property, CF is proposing to establish a new centralized transit hub within the Property along the future BLAST line to supplement the existing transit station, allowing for additional bus bays and increasing transit service to the area in line with the City's transit expansion plans.

Despite the Property's proximity to existing and planned transit, it currently has a substantial oversupply of parking, with over 4,260 parking spaces relative to an existing by-law requirement of 2,190 parking spaces. With the reduction in commercial parking requirements in the By-laws (which CF supports), the overall parking required for the Property would be reduced further, resulting in an even greater surplus of parking. Studies prepared in connection with the first phase of development of the Property demonstrate that, even on the busiest days of the year, the maximum parking utilization rate does not exceed 66%. The Property will continue to have a dramatic oversupply of parking even once the first phase of development is constructed.

Given the transit context of the Property and the substantial oversupply of parking, a residential visitor parking requirement of 0.15 spaces per unit is not appropriate. Visitors to residential development on the Property would have effective transit options for travel to and from the Property, and those that do drive would have access to an abundance of surface parking in immediate proximity. In these circumstances, given the recognized impact of excess parking on transportation mode choice and greenhouse gas emissions, the visitor parking requirement for the Property as reflected in the By-laws does not represent good planning. It is also not consistent with policy direction at the provincial or municipal level, which promotes the efficient use of land, transit-supportive development, optimizing the use of transit and active transportation, and

reducing reliance on personal vehicles to limit environmental impacts, especially in areas like the Property that are well-served by transit.

Conclusion and Enclosures

As noted above, CF supports the vast majority of the amendments reflected in the By-laws, including the reductions in required resident and commercial parking. However, the Electric Vehicle Parking requirements (and associated definitions) and the visitor parking requirements for Multiple Dwelling and Dwelling Unit, Mixed Use uses in parking rate area 2 do not represent good planning and do not meet the statutory tests of consistency and conformity with provincial and policy and the City's official plan. The scope of our client's appeal is limited to these two matters.

CF looks forward to collaborating with the City on appropriate modifications to the By-laws, as it believes that its issues can and should be resolved through discussion and, if needed, mediation.

Please find enclosed an appeal form, as well two cheques in the amount of \$1,100.00 each, payable to the Minister of Finance. Please do not hesitate to contact us if any further information is required.

Yours truly,

Goodmans LLP



Max Laskin
MXL/

cc. Client

1374-5345-6908



Schedule "A"

Bousfields Inc. letter dated February 27, 2024



Project No.:16180-4

February 27, 2024

Via Email to clerk@hamilton.ca

Office of the City Clerk
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

**Re: Planning Committee Report 24-003 – February 23, 2024
Updates and Amendments to Zoning By-law No. 05-200 as Phase 2 of the
Residential Zones Project (Staff Report PED22154(a))
CF Lime Ridge Mall, 999 Upper Wentworth Street, Hamilton**

We are the planning consultants to The Cadillac Fairview Corporation (the “owner”) with respect to their property located at 999 Upper Wentworth Street in the City of Hamilton, more commonly known as CF Lime Ridge Mall (“subject site”). We are writing on behalf of our client to provide comments regarding Report PED22154(a), specifically the amendments to Section 5 (Parking) of Zoning By-law 05-200 recommended for approval by Planning Committee on February 23, 2024.

Background

The City of Hamilton issued conditional Site Plan Approval on June 15, 2023 to construct two (2) multiple dwellings on the north side of the subject site along with the redevelopment of the northern portion of the existing retail space. The owner is currently working through the clearance of the conditions of approval with the City. This Site Plan Approval represents the first phase in a long-term redevelopment plan for the entire subject site.

The owner is generally supportive of the proposed amendments to Section 5.0 of Zoning By-law 05-200, which include a reduction in the residential parking requirements for future development phases on the subject site. However, the owner has concerns about the amount of required visitor parking spaces (0.15 spaces/unit for Parking Rate Area 2) which does not align with recent trends as well as with the proposed minimum requirements for Electric Vehicle (EV) Parking Spaces.



Our Request

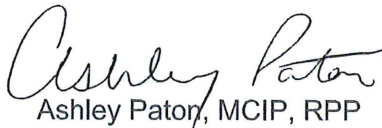
We respectfully request that the approval of the Zoning By-law Amendment, specifically as it relates to the amendments in Section 5 (Parking) of Zoning By-law 05-200, be deferred to allow for additional consultation with City staff, landowners, and developers.

Please do not hesitate to contact the undersigned at dfalletta@bousfields.ca or apaton@bousfields.ca should you have any questions.

Sincerely,
Bousfields Inc.



David Falletta, MCIP, RPP



Ashley Pator, MCIP, RPP

cc. *The Cadillac Fairview Corporation Limited*
Thomas Woodhall and Emily Ecker, BA Group
Alana Fulford, City of Hamilton, Residential Zones Project
Brian Hollingworth, City of Hamilton, Director, Transportation Planning and Parking