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May 8, 2024

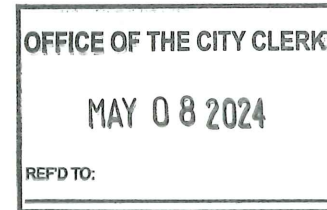
VIA EMAIL & COURIER

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

Attention: Janet Pilon, City Clerk

Dear Ms. Pilon:

**Re: NOTICE OF APPEAL
Zoning By-law Amendment No. 24-051 and 24-052
City-Wide Parking Standards for Residential Uses**



We represent Hammer GP LP and Hammer GP Services Corp. ("**Hammer**"), owners of lands municipally known as 75 Centennial Parkway North, also known as Eastgate Square ("**Subject Lands**"). The purpose of this letter is to appeal to the Ontario Land Tribunal ("**Tribunal**") the passing of Zoning By-Law Amendment No. 24-051 and 24-052 ("**ZBLA**") pursuant to subsection 34(11) of the *Planning Act*, R.S.O., c. P.13.

THE SUBJECT LANDS

On August 3, 2023, a Draft Plan of Subdivision application ("**Draft Plan**") was submitted for the Subject Lands. The Draft Plan was deemed complete by the City of Hamilton ("**City**") on September 5, 2023 and is currently under review. The Draft Plan proposes to divide the Subject Lands into multiple development blocks to facilitate future redevelopment of a vibrant, mixed-use community, with a number of residential buildings, public parkland blocks, a new east-west public road, and a block to retain a significant portion of the existing shopping centre.

BASIS FOR APPEAL

This appeal applies to the proposed minimum requirements for Electric Vehicle Parking Spaces and the definition of "Parking Space, Electric Vehicle" in the ZBLA. This includes sections 5.1.4 and 5.7.4 of the ZBLA.

The EV parking requirements in the ZBLA do not have regard to matters of provincial interest as set out in Section 2 of the *Planning Act*, are inconsistent with the Provincial Policy Statement 2020 ("PPS") and fail to conform with the Growth Plan for the Greater Golden Horseshoe ("**Growth Plan**") and the Urban Hamilton Official Plan ("**UHOP**"). The reasons for this appeal include but are not limited to the EV parking requirements being inconsistent and failing to conform with Provincial and local policies promoting intensification and the efficient use of infrastructure.

The requirement for 100% of all provided residential parking spaces to be electric vehicle parking spaces as proposed in the ZBLA is not feasible to implement due to existing servicing capacity constraints on the City's electric grid. There are known capacity challenges from the development industry in meeting current market demand for electric vehicle charging infrastructure and implementing the 100% requirement would further exacerbate these capacity issues. The electrical capacity constraints have the potential to negatively impact and delay the approval and construction of needed housing supply in the City and the Subject Lands if the requirements of the ZBLA cannot be met due to insufficient electrical capacity.

APPEAL PACKAGE

In satisfaction of the Tribunal's processing requirements, enclosed please find:

1. Bousfields Comments Letter;
2. Appeal Form A1; and
3. Cheque in the amount of \$2,200.00, as the appeal fee

Should you have any questions or require any additional information, please do not hesitate to contact the undersigned.

Yours truly,



Nancy Smith
Ns/at



Project No.: 21229

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))
Eastgate Square, 75 Centennial Parkway North, City of Hamilton**

We are the planning consultants for Hammer GP LP and Hammer GP Services Corp. (the "Owners") the owners of the property municipally addressed as 75 Centennial Parkway North, also known as Eastgate Square (the "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

On August 3, 2023, a Draft Plan of Subdivision ("DPOS") application was submitted which proposed the division of the subject site into multiple development blocks to facilitate the future redevelopment of the subject site into a vibrant, mixed-use community, with a number of residential buildings, public parkland blocks, a new east-west public road, and a block to retain a significant portion of the existing shopping centre. The DPOS application was deemed complete by the City on September 5, 2023 and is currently under review.

More specifically, the DPOS application proposed the division of the site into ten (10) residential and mixed-use development blocks, three (3) public park blocks, multiple road widenings, and a 20.0 metre-wide east-west public road. Overall, 18 towers at heights ranging from 15-20 storeys in height, and 104 3-storey multiple dwelling units are proposed on the subject site, with approximately 4,000 residential units in total. The future development of the site will occur over four (4) phases of development, as contemplated in the DPOS application submission material.



Our Comments

We are generally supportive of the adopted amendments to Section 5.0 of Zoning By-law 05-200, which include a significant reduction in the residential parking requirements for the subject site. These amendments are supportive of the Council-approved long-term vision of the Centennial Neighbourhoods Secondary Plan which calls for the development of a vibrant, mixed-use area with transit-supportive densities focused around a higher order transit station area specifically by developing on portions of the subject site currently occupied by underutilized, large surface parking areas.

With that being said, the Owners have concerns about the proposed minimum requirements for Electric Vehicle (EV) Parking Spaces where 100% of all *provided* residential parking and 50% of all *provided* non-residential parking will be required to be EV-ready if the amendments are approved as-is.

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

In the alternative, we would recommend that the definition of "Parking Space, Electric Vehicle" be revised as follows:

*"Shall mean a Parking Space equipped with electric vehicle charging equipment which provides, or which is capable of providing **at a future date** Level 2, or greater, electric vehicle charging **conduit rough-ins** in accordance with the SAE International J1772 standard, as amended."*

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 Paton, MCIP, RPP

cc. *Hammer GP LP and Hammer GP Services Corp.*
Alana Fulford, City of Hamilton, Residential Zones Project
Brian Hollingworth, City of Hamilton, Director, Transportation Planning and Parking