




CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
 Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	December 3, 2024
SUBJECT/REPORT NO:	Application for a Draft Plan of Subdivision for Lands Located at 75 Centennial Parkway North, Hamilton (PED24222) (Ward 5)
WARD(S) AFFECTED:	Ward 5
PREPARED BY:	Spencer Skidmore (905) 546-2424 Ext. 6340
SUBMITTED BY:	Anita Fabac Acting Director, Planning and Chief Planner Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That **Draft Plan of Subdivision Application 25T-202305, by Bousfields Inc. (c/o David Falletta), on behalf of Hammer GP LP and Hammer GP Services Corp. (c/o Mark Newman), Owner**, on lands located at 75 Centennial Parkway North, as shown on Appendix “A” attached to Report PED24222, be **APPROVED**, in accordance with By-law No. 07-323 being the delegation of the City of Hamilton’s Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:

- (a) That this approval apply to the Draft Plan of Subdivision “Part 1, Plan of Part of Lot 27 Concession 2” certified by R.A. McLaren, O.L.S., dated November 12, 2024, consisting of one block (Block 1) for commercial uses, two blocks (Blocks 2 and 9) for 91 townhouse dwelling units, eight blocks (Blocks 3 to 8, 10, and 11) for 4,234 multiple dwelling units and 12,406 square metres of non-residential gross floor area, three blocks (Blocks 12 to 14) for privately owned public space, four blocks (Blocks 15 to 18) for right-of-way widenings, and one public right-of-way (Street ‘A’), as shown on the Draft Plan of Subdivision in Appendix “B” attached to Report PED24222;

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- (b) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown in Appendix “C” attached to Report PED24222;
- (c) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202305, as shown in Appendix “C” attached to Report PED24222, be received and endorsed by City Council;
- (d) In accordance with the City’s Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (e) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City’s Parkland Dedication By-law, as approved by Council; and,
- (f) That staff be directed to enter into a Privately Owned Public Space Agreement with the Owner that deals with matters including, but not limited to, the long-term ownership, maintenance, and public access of the lands identified as Blocks 12, 13 and 14 as shown on the Draft Plan of Subdivision in Appendix “B” attached to Report PED24222.

EXECUTIVE SUMMARY

The subject lands are municipally known as 75 Centennial Parkway North, Hamilton and are located at the northwest corner of the intersection of Centennial Parkway North and Queenston Road. The lands are bound by Delawana Drive to the north and Kenora Avenue to the west. The lands are currently being used as a commercial shopping centre (Eastgate Square Mall) and a Hamilton Street Rail bus terminal.

The applicant is proposing to redevelop the subject lands in accordance with the Centennial Secondary Plan and in-force zoning. As such, the applicant has applied for a Draft Plan of Subdivision to permit the development of a subdivision containing a total of 4,325 dwelling units and 12,406 square metres of non-residential gross floor area. The subdivision consists of one commercial block (Block 1), two townhouse blocks (Blocks 2 and 9) for 91 townhouse dwelling units, eight mixed use blocks (Blocks 3 to 8, 10, and 11) for 4,234 multiple dwelling units and 12,406 square metres of non-residential gross floor area, three park blocks (Blocks 12 to 14), four right-of-way widening blocks (Blocks 15 to 18), and one public right-of-way (Street ‘A’), as shown on the Draft Plan of

SUBJECT: Application for a Draft Plan of Subdivision for Lands Located at 75 Centennial Parkway North, Hamilton (PED24222) (Ward 5) - Page 3 of 13

Subdivision on Appendix “B” attached to Report PED24222. The proposed development will incorporate a new Hamilton Street Rail bus terminal adjacent to the planned light rail transit B-Line terminus (Block 10), and will include the demolition of a portion of the existing Eastgate Square Mall. The proposed development will be phased with a build-out of over ten years anticipated.

The proposed Draft Plan of Subdivision has merit and can be supported for the following reasons:

- It is consistent with the Provincial Planning Statement (2024);
- It complies with the Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan; and,
- The development represents good planning by, among other things, providing a compact and efficient urban form, supporting the development of complete communities, and supporting transit.

Alternatives for Consideration – See Page 12

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: *Bill 23* amended the *Planning Act* to remove the mandatory requirement for a public meeting to consider a proposed Draft Plan of Subdivision.

HISTORICAL BACKGROUND

Report Fact Sheet

Application Details	
Owner:	Hammer GP LP and Hammer GP Services Corp. (c/o Mark Newman).
Applicant:	Bousfields Inc. (c/o David Falletta).
File Number:	25T-202305.
Type of Applications:	Draft Plan of Subdivision.

SUBJECT: Application for a Draft Plan of Subdivision for Lands Located at 75 Centennial Parkway North, Hamilton (PED24222) (Ward 5) - Page 4 of 13

Proposal:	The purpose of the Draft Plan of Subdivision is to establish one commercial block (Block 1), two townhouse blocks (Blocks 2 and 9) for 91 townhouse dwelling units, eight mixed
Proposal: (continued)	<p>use blocks (Blocks 3 to 8, 10, and 11) for 4,234 multiple dwelling units and 12,406 square metres of non-residential gross floor area, three privately owned public space blocks (Blocks 12 to 14), four right-of-way widening blocks (Blocks 15 to 18), and one public right-of-way (Street 'A'), as shown on the Draft Plan of Subdivision on Appendix "B" attached to Report PED24222.</p> <p>The proposal is intended to be developed in four phases over a period of 10+ years. The proposal also includes a privately owned public space on Blocks 12, 13 and 14 and the inclusion of a future Hamilton Street Rail bus terminal in Blocks 10 and 11. The proposed bus terminal is to be delivered in the first phase of development.</p> <p>The effect of this application is to facilitate the development of a total of 4,325 dwelling units and 12,406 square metres of non-residential gross floor area and the creation of a new public street (Street 'A').</p> <p>Access will be from Delawana Drive, Centennial Parkway North, Queenston Road, Kenora Avenue, and the proposed Street 'A'.</p>
Property Details	
Municipal Address:	75 Centennial Parkway North.
Lot Area:	17.68 ha.
Servicing:	Existing full municipal services.
Existing Use:	Shopping centre.
Documents	
Provincial Planning Statement:	The proposal is consistent with the Provincial Planning Statement (2024).
Official Plan Existing:	"Mixed Use – High Density" on Schedule E-1 – Urban Land Use Designations.

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SUBJECT: Application for a Draft Plan of Subdivision for Lands Located at 75 Centennial Parkway North, Hamilton (PED24222) (Ward 5) - Page 5 of 13

Secondary Plan Existing:	“Mixed Use – High Density” and “Pedestrian Focus Street” on Centennial Neighbourhoods Secondary Plan Map B.6.7-1 – Land Use Plan.
Zoning Existing:	Mixed Use High Density (TOC4, 633) Zone.
Processing Details	
Received:	August 29, 2023.
Deemed Complete:	September 5, 2023.
Notice of Complete Application:	Sent to 222 property owners within 120 m of the subject property on September 6, 2023.
Public Notice Sign:	Posted September 15, 2023, and updated with Public Meeting date November 22, 2024.
Notice of Public Meeting:	The Statutory Notice for the Public Meeting was published in the Hamilton Spectator on November 22, 2024.
Staff and Agency Comments:	Staff and agency comments have been summarized in Appendix “F” attached to Report PED24222.
Public Consultation:	In addition to the requirements of the <i>Planning Act</i> , the applicants submitted a Public Consultation Strategy with the supporting materials. A project website and email address have been identified as public participation tools. The applicant also mailed out 2,264 postcards to postal routes immediately surrounding the site. The applicant received two comments via the project website and email address. A summary of public feedback received by the applicant has been included in Appendix “H” attached to Report PED24222.
Public Comments:	Two emails from the public and a petition with 15 names were received expressing concern with the proposed application and are attached in Appendix “G” to Report PED24222.
Processing Time:	455 days.

Existing Land Use and Zoning

	Existing Land Use	Existing Zoning
Subject Lands:	Shopping centre.	Transit Oriented Corridor Mixed Use High Density (TOC4, 633) Zone.

Surrounding Lands:

North	Single detached dwellings, multiple dwelling, and place of worship.	“DE-3/S-1202” (Multiple Dwelling) District, Modified, Low Density Residential (R1) Zone, and Community Institutional (I2) Zone.
South	Commercial plaza, multiple dwelling, and motor vehicle service station.	Transit Oriented Corridor Mixed Use High Density (TOC4, 631) Zone and Transit Oriented Corridor Mixed Use High Density (TOC4, 632) Zone.
East	Gas station, motor vehicle service station, commercial plaza, restaurant, motor vehicle dealership, and various commercial and personal service uses.	Transit Oriented Corridor Mixed Use High Density (TOC4, 632) Zone, “HH/S-343” (Restricted Community Shopping and Commercial) District, Modified, and “HH” (Restricted Community Shopping and Commercial) District.
West	Single detached dwellings and restaurants.	Transit Oriented Corridor Mixed Use Medium Density (TOC1, 629) Zone, “DE-2/S-22” (Multiple Dwellings) District, Modified, and Low Density Residential (R1) Zone.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Planning Statement (2024)

A full policy review has been provided for the Provincial Planning Statement (2024) in attached Appendix “E” to Report PED24222.

The proposed development supports the creation of complete communities. The development accommodates an appropriate range and mix of housing, transportation options, and open space to meet long term needs and it makes efficient use of land and supports transit. Policies 2.2.1 b) and 2.4.1.3 expressly support the intensification and redevelopment of underutilized shopping malls and plazas as mixed-use residential communities.

Based on the foregoing, the proposal is consistent with the Provincial Planning Statement (2024).

Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan

The subject lands are identified as “Sub-Regional Service Node” on Schedule E – Urban Structure and designated “Mixed Use – High Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The subject lands are further designated “Mixed Use – High Density” and the eastern and southern portion of the subject lands are identified as “Pedestrian Focus Street” on Centennial Neighbourhoods Secondary Plan Map B.6.7-1 – Land Use Plan. The western and northwestern portion of the lands fall within a “Neighbourhood Transition Area” as identified on Centennial Neighbourhoods Secondary Plan Appendix A – Transition Areas. Centennial Neighbourhoods Secondary Plan Map B.6.7-3 – Transportation and Connections also identifies a “Gateway Improvement Area” at the intersection of Queenston Road and Centennial Parkway North, a “Higher Order Transit Station” adjacent to the lands and identifies Queenston Road and Centennial Parkway North as “Streetscape Improvement Areas”. The lands are also identified as “Site Specific Policy – Area F” on Centennial Neighbourhoods Secondary Plan Map B.6.7-4 – Area and Site Specific Policy Area. A full policy analysis of the applicable Urban Hamilton Official Plan policies is provided in Appendix “E” attached to Report PED24222.

“Sub-Regional Service Node” areas are intended to provide a range of uses that allow access to housing, jobs, services, and recreation in proximity to each other and higher order transit. The proposed development introduces residential uses to an area with existing jobs, services, and recreation along a planned light rail transit route.

The “Mixed Use - High Density” designation permits a full range of retail, service commercial, entertainment, office, and high density residential uses. The range of retail uses are intended to appeal to a broad regional market and serve residents across the City and the surrounding area. The proposed development complies with the uses permitted within the “Mixed Use – High Density” designation.

Policy 1.14.1.2 of the Urban Hamilton Official Plan contains the criteria for evaluating plans of subdivision. Plans of subdivision are required to:

- Conform to the policies and land use designations of the Urban Hamilton Official Plan;
- Implement the City’s staging of development program;
- Be supplied with adequate services and community facilities;
- Not adversely impact upon the transportation system and the natural environment;
- Be integrated with adjacent lands and roadways;
- Not adversely impact municipal finances; and,
- Meet all requirements of the *Planning Act*.

The proposed Draft Plan of Subdivision has been evaluated in this regard and satisfies the identified criteria.

Portions along Queenston Road and Centennial Parkway North are identified as “Pedestrian Focus Street” on Map B.6.7-1 - Centennial Neighbourhoods Secondary Plan - Land Use Plan. In addition to the policies of Section E.4.3 of Volume 1, Section B.6.7.7.5 of the Secondary Plan contains policies that govern development along Pedestrian Focus Streets. These policies primarily seek to ensure that new development along Queenston Road and Centennial Parkway North is the focus for retail activity and shall provide pedestrian oriented design at grade along the street. This includes that active uses are proposed at-grade along Pedestrian Focus Streets. The current zoning restricts the location of dwelling units to above the ground floor, which implements the intent of the Pedestrian Focus Streets policies. The proponent is not proposing amendments to the in-effect zoning and will be required to comply with the at-grade permitted uses during the detailed design of each block at the Site Plan stage.

The proposed development is considered residential intensification and represents a compatible form of infill development. It will provide a greater range of housing types and achieve the planned urban structure as a “Sub-Regional Service Node”. The increased density will support the use of existing and planned transit and commercial uses. A Concept Plan, prepared by BDP. Quadrangle dated February 21, 2024, was submitted in support of the proposed development. Policy B.6.7.7.4 e) applies a Neighbourhood Transition Area to the western and northern portion of the lands that is adjacent to existing low density development. This Neighbourhood Transition Area is implemented through Centennial Neighbourhoods Secondary Plan Map B.6.7-2 – Maximum Building Heights in the Node, identifying those areas as being a low-rise development. The proposal complies with this policy.

The Concept Plan, as shown on Appendix “D” attached to Report PED24222, shows that the proposed development has been designed to ensure an appropriate transition

from the existing adjacent low density residential buildings west of Kenora Avenue. Block 2 and Block 9, which are adjacent to Kenora Avenue, contain three storey townhouse buildings.

The “Site Specific Policy – Area F” designation within the Centennial Neighbourhoods Secondary Plan applies to lands that contain the Eastgate Square Mall. The mall is the focal point of the Centennial Sub-Regional Node. The regional retail function of this mall is essential to the function of the area. However, the lands are encouraged to evolve over the long term to a more compact, pedestrian friendly form that accommodates a mix of uses in addition to retail, such as residential. In addition, lands are intended to be an important location for access to public transit, including higher order transit.

The proposed development includes a proposed Hamilton Street Rail bus terminal in Blocks 10 and 11, as secured through Condition No. 37 of Appendix “C” attached to Report PED24222, which will further enhance access to the planned light rail transit route.

The Transit Oriented Corridor Mixed Use High Density (TOC4, 633) Zone that applies to the site contains regulations that prohibit dwelling units on the ground floor and requires dwelling units to be accommodated in a mixed use building. These regulations are intended to maintain the commercial retail function of the Centennial Node. The (TOC4, 633) Zone also includes regulations to permit residential uses to encourage the evolution of the site to a mixed use area. To ensure that the lands are developed into a pedestrian friendly form with access to public transit, a Streetscape and Public Realm Design Study and Urban Design and Architectural Guidelines are required as Condition Nos. 42 and 55 of Appendix “C” attached to Report PED24222. These studies will ensure appropriate interface between private development and the public realm and provide guidance on built form for each development block at the Site Plan Control stage.

Based on the foregoing, the proposal complies with the Urban Hamilton Official Plan and Centennial Neighbourhoods Secondary Plan.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use High Density (TOC4, 633) Zone, which permits a variety of uses including multiple dwellings and various commercial uses. The proposed Draft Plan of Subdivision intends to be developed in accordance with the range of permitted uses under the current zoning.

Land uses and maximum building heights are regulated through the use of a Special Figure, Special Figure 18. Special Figure 18 identifies two different Zoning Areas on the

subject lands, Area A, which is located adjacent to existing low density residential uses along Kenora Avenue and Delawana Drive, and Area B, which is the remainder of the site. Area A is limited to a maximum height of 11 metres (three storeys) and permits residential uses on the ground floor. Development Blocks 3 and 9 of the proposed Draft Plan of Subdivision implement the regulations of Area A. Area B is intended to facilitate the mixed use, high density redevelopment of the balance of the subject lands. Area B permits a maximum building height of 62 metres (20 storeys) and does not permit dwelling units at-grade. Area B contains additional setback provisions from Area A to further ensure an appropriate transition from the existing low density development to the west and north. Development Blocks 3 to 8 and 10 to 12 of the proposed Draft Plan of Subdivision implement the regulations of Area B.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal has merit and can be supported for the following reasons:
 - (i) It is consistent with the Provincial Planning Statement (2024);
 - (iii) It complies with the policies of the Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan; and,
 - (iv) It represents good planning by, among other things, providing a compact and efficient urban form, supporting development of complete communities, and supporting transit.

2. Draft Plan of Subdivision

Staff reviewed the application against criteria set out in sub-section 51(24) of the *Planning Act* to assess the appropriateness of the proposed subdivision, staff advise that:

- (i) The proposal is consistent with the Provincial Planning Statement (2024);
- (ii) The proposal represents a logical and timely extension of existing development and services and is in the public interest;
- (iii) The proposal complies with the applicable policies of the Urban Hamilton Official Plan and the Centennial Neighbourhoods Secondary Plan;
- (iv) The proposed land uses are suitable for the purposes for which it is to be subdivided;

- (v) The proposal establishes an appropriate and logical extension to the existing street network, subject to applicable conditions in Appendix “C” attached to Report PED24222 and in the Standard Form Subdivision Agreement;
- (vi) The dimensions and shape of the proposed blocks are appropriate;
- (vii) The proposed restrictions, set out in the Special Conditions of draft plan approval in Appendix “C” attached to Report PED24222 and in the Standard Form Subdivision Agreement, are appropriate;
- (viii) Adequate utilities and municipal services will be available, subject to applicable conditions in Appendix “C” attached to Report PED24222 and in the Standard Form Subdivision Agreement;
- (ix) The proposed Draft Plan of Subdivision includes a new future Hamilton Street Rail bus terminal directly adjacent to the future Light Rail Transit B-Line terminus, as implemented through Special Condition Nos. 37 to 39 of Appendix “C” attached to Report PED24222;
- (x) The proposed Draft Plan of Subdivision includes a privately owned public space on Blocks 12, 13 and 14, as shown on the Draft Plan of Subdivision in Appendix “B” attached to Report PED24222, as implemented through Special Condition No. 52 of Appendix “C” attached to Report PED24222; and,
- (xi) The detailed design of each of the proposed development blocks will be further evaluated and regulated through the Site Plan Control process and must be in accordance with the Mixed Use High Density (TOC4, 633) Zone of Zoning By-law No. 05-200.

Therefore, staff are supportive of the proposed Draft Plan of Subdivision and recommend its approval subject to the Special Conditions outlined in Appendix “C” attached to Report PED24222.

3. Privately Owned Public Space

Blocks 12 to 14 have been identified as Privately Owned Public Spaces. A Privately Owned Public Space is a space that is privately owned but allows public access and enjoyment. A Privately Owned Public Space is recommended instead of a public park, which is a publicly owned space, as the spaces function as extensions of the adjacent commercial uses and proposed mixed use

buildings. The use of Privately Owned Public Spaces is consistent with recommendations from the Hamilton Parks Master Plan (September 2023).

To ensure public access to the Privately Owned Public Spaces the owner shall be required to enter into an agreement with the City. This agreement will also address matters such as long-term maintenance, ownership, and the registration of easements to ensure public access in perpetuity. This agreement is included as Condition No. 52 of Appendix “C” attached to Report PED24222. Staff note that the Transit Oriented Corridor Mixed Use High Density (TOC4, 633) Zone does not permit recreation or parking lots as a primary use. Therefore, staff recommend that the Draft Plan of Subdivision is modified to combine Blocks 12 to 14 with adjacent development blocks or that the owner address any zoning issues related to Blocks 12, 13 and 14 remaining as stand-alone blocks. This is addressed as Condition No. 53 of Appendix “C” attached to Report PED24222.

The City’s Parkland Dedication By-law No. 22-218 and the Urban Hamilton Official Plan do not currently permit the provision of a parkland credit for Privately Owned Public Spaces to be applied against the cash-in-lieu requirement for the Draft Plan of Subdivision under the *Planning Act*. Section 42 of the *Planning Act* has been amended to permit Privately Owned Public Spaces to be conveyed as parkland; however, the applicable sections that implement this have not yet come into force. The Privately Owned Public Space agreement will include provisions that allow for the refund of a portion of the paid cash-in-lieu of parkland requirement in accordance with the requirements of the *Planning Act* and any associated Ontario Regulations if and when those sections come into force and provided that they override both the City’s Parkland Dedication By-law and the Urban Hamilton Official Plan or that the City’s Parkland Dedication By-law and the Urban Hamilton Official Plan are amended in accordance with the requirements of the *Planning Act*.

ALTERNATIVES FOR CONSIDERATION

Should the application be denied, the subject property would not be further subdivided into development blocks and the creation of Street ‘A’ would not be permitted. The lands could then be developed in accordance with the Transit Oriented Corridor Mixed Use High Density (TOC4, 633) Zone through a Site Plan Control application.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PED24222 – Location Map
Appendix "B" to Report PED24222 – Proposed Draft Plan of Subdivision
Appendix "C" to Report PED24222 – Draft Plan of Subdivision Special Conditions
Appendix "D" to Report PED24222 – Concept Plan
Appendix "E" to Report PED24222 – Policy Review
Appendix "F" to Report PED24222– Staff and Agency Comments
Appendix "G" to Report PED24222 – Public Comments
Appendix "H" to Report PED24222 – Applicant Public Consultation Summary

SS/mb