February 25, 2014

Mayor and Council
City of Hamilton
71 Main Street West
Hamilton, ON L8P 4Y5

Dear Sirs and Madams:

ZONING BY-LAW APPLICATION ZAC-12-063
1670 GARTH STREET, HAMILTON
VALERY HOMES

The above-noted application was considered by the Planning Committee on February 4th and subsequently again on February 18th. The principal concern expressed by members of the public was that the intersection of Rymal and Garth does not have the capacity available to accommodate the traffic that will result from the approval of the development on the subject lands (10-storey, 192-unit apartment building). As was debated at the Planning Committee, the road network is going through an Environmental Assessment and additional turning lanes, sidewalks and urbanization is expected to occur in the very near future. Transportation Staff at City Hall are satisfied that by the time this development comes on stream the adjacent road network will be upgraded and would have no difficulty in accommodating the proposed development.

At Planning Committee it was suggested that the development can proceed as long as it is coordinated with the pending road improvements. In other words, the development has to be coordinated so that when these units are ready for occupancy the adjacent roads are ready for the additional traffic.

A Holding provision has been suggested by Planning Staff which would ensure that the timing of the development and the timing of the road improvements are coordinated in the manner as is requested by Planning Committee. Our client, Valery Homes, is satisfied with the use of the Holding provision; however, Valery has no control over either the EA process currently underway or the City's capital budget dealing with these road improvements. An open-ended Holding Zone is therefore not satisfactory and causes concern to my client. We therefore respectfully request that a "sunset clause" to the spring of 2017 be added to the holding provision so as not to unduly delay the development project. A three-year timeline should be more than sufficient to ensure that the road improvements can be designed, approved and included in your budget forecast and fully coordinated with my client's design, marketing, sales and construction schedule.

We therefore respectfully request that the above timeline be included in the Holding provision, or alternatively, that the By-law be delayed while we negotiate with Staff an appropriate timing schedule for removal of the "H".
We trust the above is satisfactory and thank you for your anticipated cooperation.

Yours truly,

John Ariens, MCIP RPP
Associate Director

cc: Rob Ostrowercha, Valery Homes
    Councillor Terry Whitehead, City of Hamilton
    Greg MacDonald, City of Hamilton
    George Zajac, IBI Group