April 29, 2009

His Worship, Mayor Fred Eisenberger  
And Members of Council, City of Hamilton

And

Mr. Tim McCabe  
General Manager  
Planning and Economic Development Department  
City of Hamilton  
71 Main Street West  
Hamilton City Hall  
Hamilton, Ontario  
L8P 4Y5

Dear Sirs & Mesdames:

RE: City of Hamilton Draft Urban Structure Official Plan  
Comments  
Our clients: 20 Road East Landowners, City of Hamilton

As you are aware, we represent some 25 landowners in the Twenty Road East area of the City of Hamilton who have an interest in the final form of the City of Hamilton Official Plan. We are writing further to our submission of January 26, 2009, which was a complete and comprehensive response to the proposed draft Hamilton Urban Structure Plan as it was presented to the public at that point.

We have now had an opportunity to review the recent modifications to the Hamilton Urban Structure Plan which we understand arise from the comments received from the public as well as the actions of the Province in approving or not approving various aspects of the adopted Hamilton Rural Official Plan.

We would like to take this opportunity to provide our comments on the revised Urban Structure Official Plan. However, we would refer staff back to the comments provided in detail in our planning submission made January 26, 2009.

References to an urban expansion area

The Draft Official Plan continues to reference the Elfrieda area as a ‘Future Urban Growth District’ despite the December 24, 2008 decision of the Ministry of Municipal Affairs and Housing (MMAH) to eliminate the Future Urban Growth District Special Policy Area in its entirety from the Rural Official Plan.
1. The reference to these Future Urban Growth District policies in Section 2.2 of the Draft Urban Structure Official Plan is inconsistent with the MMAH decision and these references should be removed from the Draft Official Plan. It continues to be our position that the City's background studies indicate that no urban expansion is warranted at this time and that any future urban expansion must be subject to a full comprehensive review at the time an expansion is shown to be warranted, as required by the Provincial Policy Statement.

2. Given that the density target for the Downtown Urban Growth Centre has been increased from 200 to 250 persons and jobs per hectare with a provision that anticipates that increases to the target will be considered as part of the Downtown Secondary Plan review (Section 2.3.1.9), it is inappropriate for the City to consider or refer to any area of urban expansion in this Plan. It is clear that increases in Downtown density could have a significant impact on the need for, location, and timing of any potential urban expansion.

3. The requirement for an infrastructure analysis as part of the comprehensive review requirements (Section 2.2.4) has been eliminated from this version of the Draft Urban Structure Official Plan. This important requirement should be included as part of any comprehensive review for an urban expansion.

**Request for Consideration of a Community Node at Upper James and Rymal Road**

In our previous submission, we made a strong case urging staff to review and consider the area of Upper James and Rymal Road as a Community Node. The current draft of the Urban Structure Official Plan makes no reference to the possibility of a Community Node in this location, nor have we received any response from the City as to the reasons why this prime location has not been considered as a Community Node.

We note the following:

- **Efrida Node** – located at the intersection of two Secondary Corridors
- **Meadowlands Node** – located on a Secondary Corridor
- **Centre Mall and Heritage Green Nodes** – not located on any Corridors
- **Upper James and Rymal Road** – located at the intersection of a Primary and Secondary Corridor with planned LRT – not yet identified as a Community Node.

It is a major concern that the City has provided no planning rationale as to why a location at the intersection of a Primary and Secondary Corridor, which clearly meets all the criteria for a Community Node under the Urban Structure framework, would not be included as a Community Node in this Urban Structure Plan, especially in view of the fact that many, less meritorious, locations have been so included.

We are therefore requesting that the City, either through direction of Council, or staff on its own initiative, conduct this planning analysis and make a determination with respect to the inclusion of
this area as a Community Node. Alternatively, the City must provide some legitimate rationale as to why such a major omission continues to be part of this draft Urban Structure Plan. To assist you in the analysis we attach a copy of the reasons we provided in our planning report for the inclusion of the intersection of Upper James and Rymal Road as a Community Node in the new Official Plan (please see attachment).

**Notice of Public Meetings**

Please be advised that despite numerous requests, orally and in writing, by myself and by my client’s planning advisors, (of which we have records) neither I nor my client’s planners have received notice of a single meeting in respect to this Official Plan process. This is completely inexcusable and contrary to the planning process set out in the Planning Act. We would ask that you revise your records accordingly and ensure this omission is corrected immediately, as this omission could have implications for the legality of this planning process.

Yours truly,
TOWNSEND, ROGERS LLP

Susan Rogers
Partner

Encls.

cc Mr. Louis Bonti, Ministry of Municipal Affairs and Housing
Mr. Kevin C. Christenson, Clerk, City of Hamilton
Ms. Joanne Hickey-Evans, Manager, Policy Planning, City of Hamilton
Maria Gatzios, Gatzios Planning
Jeff Greene, Gatzios Planning
Carmen Chiaravalle
Elaine Vyn
Analysis of Upper James and Rymal Road as a potential Community Node.

1. The City maintains in the Draft Urban Structure staff report (November 2008) that node locations were evaluated through GRIDS; that no changes to the urban structure are needed at this time; and that node locations will be re-evaluated at the 5 year Official Plan review. However, in our review of the GRIDS report, a potential node location in the Upper James and Rymal Road area did not appear to be evaluated in the context of the Nodes and Corridors Structure identified and assessed as part of the GRIDS process. This is a significant error in the GRIDS process, which should be reviewed and corrected.

2. We understand that the City has taken the position that no changes are to be considered to the GRIDS recommendations. However, at the same time, staff recommended in November 2008 that a portion of Mohawk Road between Upper James and Meadowlands Node be added as a Secondary Corridor in the Urban Structure Plan, despite the fact this area was not assessed or identified as such in GRIDS recommendations. It is clear therefore, that City staff are considering changes to what was considered in the GRIDS process, as the Official Plan policies move through the planning process. This is appropriate and good planning. We urge upon you that it would be appropriate and good planning to consider a further node at the intersection of Upper James and Rymal Road.

3. The Draft Official Plan states that Hamilton will have nodes that are connected through a series of Primary and Secondary Corridors. The nodes are focal points. The character of the nodes and corridors will vary depending on their function, scale, land uses, intensification potential and infrastructure issues. Based on the node policies of the Draft Official Plan, we believe that the area located at the intersection of Upper James and Rymal Road meets the Official Plan criteria for a node and should have been identified as a 'Community Node' through GRIDS and subsequently included in the Draft Official Plan. Considering its location on the primary north-south transit spine in the City (Upper James) that connects to the Mohawk Activity Centre, Downtown Hamilton, the Airport and the Airport employment lands as well as key transportation corridors such as the Linc, Main Street, King Street, Mohawk Road and Rymal Road, it is difficult to understand why this location has not yet been considered as a possible Community node.

4. The Ministry of Municipal Affairs and Housing (MMAH) states the following regarding nodes and corridors in their comment letter to City staff dated November 5, 2008: "We would encourage the City to examine and plan for the correlation between existing/proposed transit routes and the proposed nodes and corridors and identify additional nodes and corridors to maximize the benefits of future transit investments and movement of people." MMAH supports future study to potentially identify additional nodes, and we concur that further analysis regarding node locations is needed.

5. Upper James is identified in the Draft Official Plan as a Primary Corridor. Rymal Road is identified as a Secondary Corridor. The Draft Official Plan states that the purpose of Primary Corridors is to link two or more nodes or major activity centres, while Secondary Corridors shall serve to link nodes and employment areas, or Primary Corridors. The
Upper James Corridor does not currently link two nodes and connects only with the Downtown Urban Growth Centre. An additional node at Upper James and Rymal Road would reinforce and support the obvious significance of the Upper James Primary Corridor.

6. The Draft Official Plan has identified other areas as nodes, which are less suited to such a designation, in light of the criteria set out in the background GRIDS study and the Official Plan itself. For example, Elfrida has been designated as a 'Community Node'. The Elfrida node connects two Secondary Corridors: Rymal Road and Centennial Parkway and is primarily used for large scale retail with lower density residential uses located off of Rymal Road. The Elfrida node does not possess the same locational advantages as the Upper James and Rymal area, given its limited service and transportation connections. When compared to other Community Nodes such as Elfrida, Meadowlands and East Mountain/Heritage Green, the Upper James and Rymal area has superior public transit potential based on its strong central location between Downtown Hamilton and the Airport. A node at this location would bring benefits to the triple bottom line as intensification around the primary north-south transit line would improve the social, environmental and economical well-being of the City while avoiding costly infrastructure expansions.

7. Upper James Street is identified as a Higher Order Transit Corridor in both GRIDS and the Transportation Master Plan and as such, has the potential to accommodate future rapid transit (i.e. BRT or LRT). This higher order transit potential increases the opportunity for intensification along this corridor, as the densities in the area will need to be transit supportive. In addition, Upper James is currently used as one of the City's main north-south bus routes. As a result, the intersection of Upper James and Rymal is a logical location for a node based solely on its existing and future transportation function.

8. Upper James and Rymal meets the criteria for a node as set out in the Draft Urban Structure Plan with respect to existing uses and future development potential. The area has a good mix of land uses and functions. It is currently one of the main shopping and service areas in the City. The areas along the Upper James and Rymal corridors are primarily a mix of large scale retail, small retail shops, restaurants and service commercial, while there is a good mix of lower density residential uses immediately adjacent to the main roads, and within walking distance of the shops and services. Public service uses (i.e. police station and YMCA) are also located in the area along Rymal Road.

9. In terms of live-work opportunities, the potential node at Upper James and Rymal currently offers employment opportunities for area residents given the large amount of commercial uses, its proximity to the Airport and Airport employment lands, as well as to the Glanbrook Business Park. Moreover, the existing and future transit options along Upper James Street allow for additional connections to other employment areas such as Mohawk College and Downtown Hamilton.

10. The intensification potential of the Upper James and Rymal area is strong. With future higher order transit planned, less emphasis would be placed on the automobile and opportunities for residential intensification and employment intensification (i.e. offices)
could replace or infill existing parking lots or underutilized buildings/uses. It would be appropriate to include policies in the Official Plan that encourage more efficient use of existing and planned infrastructure at the Upper James and Rymal Road in accordance with existing provincial policies.

11. An additional node at Upper James and Rymal Road would create density targets and a Secondary Plan process that would lead to better planning and growth management in the area. It would also assist in stimulating redevelopment, infill and intensification within the current urban boundary while taking advantage of its excellent transit connections and its close proximity to nearby employment lands.