December 3, 2008

City of Hamilton
Hamilton City Centre
77 James Street North
Hamilton, Ontario
L8R 2K3

Attention: His Worship, Mayor Fred Eisenberger
And Members of Council

Dear Sirs and Mesdames:

Re: City of Hamilton Urban Structure Plan and Rural Plan
Our Clients: Owners of lands – Twenty Road East

I am writing further to the presentation that was made on behalf of our clients by Maria Gatziou to the Economic Development and Planning Committee last Thursday November 26, 2008. In her presentation, Ms. Gatziou made two requests of the Committee. We would like Council to act on these requests when the matter comes before Council.

Firstly, we are asking Council to provide direction to Staff to investigate the inclusion of a Community Node in the area of Upper James and Rymal Road as part of the City’s Urban Structure Plan.

Secondly, we ask that Council direct staff to reassess the provisions in the draft Urban Structure Plan and Rural Official Plan which include Elfrida as an area of future urban expansion through a Special Policy Area approach.

I would like to take the opportunity to highlight the reasons in writing in this letter.

With respect to the investigation of Upper James and Rymal Road area as an urban node, we submit the following:

1. Upper James has been shown in the draft Urban Structure Plan (USP) as a Primary Corridor. Rymal Road has been shown in the draft (USP) as a Secondary Corridor.

2. The Upper James Corridor connects to the Downtown Urban Growth Centre node, which is identified in the USP as the “pre-eminent node in Hamilton due to its scale, density, range of uses, function and identity by residents of the City”.

3. Both GRID 5 and the City’s Transportation Master Plan identify Upper James as a “Higher Order Transit Corridor”. With its connection to the Downtown, the Airport and employment areas, as well as other key transportation corridors, Upper James is the primary north-south transit corridor in the City with potential to accommodate future rapid transit. As such
there is the opportunity for intensification along the Corridor in order for densities to be transit supportive.

4. The Upper James and Rymal Road area meets the criteria for a Community Node as set out in the draft USP. The area has a mix of commercial, residential and public services uses, is a retail focal point in the City, is located in proximity to employment uses and has strong infill and intensification potential to better utilize existing infrastructure.

5. A Community Node designation at Upper James and Rymal Road would implement density targets for this area and would help stimulate redevelopment, infill and intensification along a major transit line within the City’s current urban boundary.

6. The USP states that the function of a Primary Corridor such as Upper James is to “serve to link two or more nodes or major activity centres”. The Upper James Corridor is not presently shown as linking two nodes. It connects only with the Downtown Urban Growth Centre.

7. Upper James and Rymal Road is at the juncture of a Primary and a Secondary Corridor. It would be rational and reasonable for City staff, in light of the goals and objectives of their Urban Structure study, to conduct the necessary assessment of the merits of designating this area as a Community Node. We submit that this is a planning assessment that should be required by Council, and may be required by the Province. We note that the Province has already stated in their November 5, 2008 letter to the City that additional nodes and corridors should be considered to maximize the benefits of future transit investments.

8. Staff have recommended the inclusion of an additional Corridor (along Mohawk Road) in the USP which was not considered in GRIDS. There is every reason, as the City goes through this process to also reassess the addition of a node at such an important transportation juncture as Rymal Road and Upper James.

With respect to our request to assess the removal of the Elfrida area as a Special Policy Area in the Rural Official Plan and the draft Urban Structure Plan, we submit:

1. The GRIDS background study has determined (and our studies have confirmed) that there is no need for urban expansion at this time. The City’s projected short to mid-term residential growth can be accommodated within the existing boundary.

2. The Province requires that the City review its Official Plan every five 5 years and requires that the expansion of an urban area boundary only be permitted after a comprehensive review at the time of the expansion, based on the need for additional land, the suitability of the area and the avoidance of prime agricultural areas.

3. The designation of the Elfrida area as a Special Policy Area designation avoids the provincial requirement for a future comprehensive review and puts in place a de-facto
expansion, which the existing comprehensive review (GRIDS) determined was not necessary at this time. This is contrary to the Provincial Policy Statement and we believe that the Province will not and should not approve this approach. We note the Province is on record in its February 20, 2007 letter to the City stating its opposition to the Special Policy Area approach.

4. In view of the foregoing, it is difficult to understand the reasoning behind the inclusion of Elfrida as a Special Policy Area (future urban growth). We would respectfully suggest that the matter of an urban expansion should be comprehensively reassessed when the need has been more immediately identified.

5. As we understand it, City staff have repeatedly advised Council that there can be no deviation from the conclusions of the City in respect to the GRIDS. This message has been repeated to the public. Staff refer to GRIDS as the "growth management strategy for the City of Hamilton".

6. We believe that Council should understand that there is no final growth management strategy until that strategy has been included in an Official Plan that has been approved by the Province and determined to conform with provincial policies. GRIDS is simply a background study that was completed to provide some direction for a growth management strategy.

7. An Official Plan process is intended to be fluid and responsive. It is open to staff and this Council to deviate from the GRIDS findings – if rationally and reasonably justified. In fact, staff have already done so by recommending an additional Corridor designation along Mohawk Road in the revised draft USP. Furthermore, if City staff have decided from the outset that no change will be countenanced from the GRIDS background study, they offer no opportunities for meaningful public and planning input as the Plan goes through the public process.

8. We submit, therefore, that it is open and appropriate for this Council to withdraw its intention to identify the Elfrida area as a Special Policy area intended for future urban growth, in both the Urban Structure Plan and the Rural Official Plan, as requested by the Province in its correspondence to the City. We are asking the City to listen to the information being provided to it by our clients and by the Province.
All of which is respectfully submitted.

Yours truly,
TOWNSEND ROGERS LLP

[Signature]

Susan D. Rogers
Partner

c.c  Mr. Kevin Christenson, Clerk, City of Hamilton
     Ms. Maria Gatzios, Gatzios Planning & Development Consultants Inc.
     Mr. Carmen Chiaravalle, c/o Twenty Road Landowners
     Mr. John Demik
     Ms. Elaine Vynn, c/o Twenty Road Landowners
     Mr. Paul Mason, Director, Long Range Planning, City of Hamilton
     Ms. Joanne Hickey-Evans, Manager, Policy Planning, City of Hamilton
     Mr. Tim McCabe, General Manager, Planning and Economic Development Department, City of Hamilton
     Mr. Victor Doyle, Ministry of Municipal Affairs & Housing