January 26, 2009

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

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

and

Attention: Mr. Tim McCabe, General Manager, Planning and Economic Development Department,
City of Hamilton

Dear Sirs and Mesdames:

Re: City of Hamilton Urban Structure Plan
Our Clients: Owners of lands – Twenty Road East
Planning Comments – Gatzios Planning and Development Consultants Inc.

Please find enclosed a Planning Report dated November 24, 2008, and entitled “Planning Analysis of Current Planning Policy Initiatives in the City of Hamilton” prepared for The Twenty Road Landowners Group. We submit this report as part of our client’s detailed input into the public consultation process that is currently being undertaken with respect to the Proposed City of Hamilton Urban Structure Plan.

In addition, this submission is further to the presentation that was made by Maria Gatzios on behalf of our clients, the Twenty Road Landowners Group, to the Economic Development and Planning Committee on Thursday November 26, 2008 and my subsequent letter to the Mayor and Council dated December 3, 2008. That presentation and correspondence related to our client’s concerns with the proposed City of Hamilton Urban Structure Plan. Both Ms. Gatzios and I made two requests of the Committee.

Firstly, we asked Council to 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.

We have been notified by the Province that, in approving the City of Hamilton Rural Plan, the Province eliminated all reference to the Elfrida Special Policy Area B. We further understand that City Council made a subsequent determination not to appeal that decision. We assume, therefore, that the City of Hamilton Urban Structure Plan will be amended accordingly to eliminate all reference to the City of Hamilton Elfrida Special Policy Area.
Our clients support the decision of the Province in this regard, and support City Council's decision not to appeal that decision. Our clients are resolved to continue to support those decisions. To that end, our reasons for so doing are contained in the enclosed Planning Report and can be summarized as follows:

1. The GRIDS background study has determined (and our independent studies have confirmed) that there is no need for an 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 Elfrida area as a Special Policy Area 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. We therefore respectfully suggest that the matter of a City urban boundary expansion should be comprehensively reassessed when the need has been more immediately identified.

4. 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 as of the date it was completed. Part of that strategy is that no urban expansion is required for many years. Thus any reassessment of the need for an urban boundary expansion in the future, as required by Provincial Policy, may use the GRIDS study as a basis but must be completed in the context of the planning, built form and infrastructure realities of the time and within the framework of the planning policies and principles of good planning as they exist at that time.

Secondly, we have asked that Council and City staff 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. The reasons for that request are outlined in detail in the enclosed report. The reasons can be summarized as follows:

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 GRIDS 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. A Community Node at Upper James and Rymal Road would rectify this deficiency.

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. It is our view 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 reassessed the results of GRIDS in drafting the Urban Structure Plan and recommended the inclusion of an additional Corridor (along Mohawk Road) which was not considered in GRIDS. There is every reason, as the City goes through this public consultation process for the Urban Structure Plan to also reassess the addition of a Community Node at such an important transportation juncture as Rymal Road and Upper James.

We respectfully submit this report for review and response by City staff. We are, as always, available to meet to discuss the findings and recommendations of this report.

Yours truly,
TOWNSEND ROGERS LLP

[Signature]

Susan D. Rogers
Partner