

**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario



**ISSUE DATE:** April 28, 2016

**CASE NO(S):** PL131390

**PROCEEDING COMMENCED UNDER** subsection 17(24) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Appellant:	1176792 Ontario Ltd
Subject:	Proposed Official Plan Amendment No. 11
Municipality:	City of Hamilton
OMB Case No.:	PL131390
OMB File No.:	PL131390
OMB Case Name:	Hamilton v. Hamilton (City)

**Heard:** April 14, 2016 in Hamilton, Ontario

**APPEARANCES:**

**Parties**

**Counsel**

1176792 Ontario Ltd.

J. Restivo

City of Hamilton

J. Wice

**MEMORANDUM OF ORAL DECISION DELIVERED BY JASON CHEE-HING ON  
APRIL 14, 2016 AND ORDER OF THE BOARD**

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[1] These matters have been settled between the Parties.

[2] 1176792 Ontario Ltd. (“Appellant” and “Applicant”) had appealed the adoption by municipal council of Official Plan Amendment (“OPA”) No.11 otherwise known as the Strathcona Secondary Plan (“SP”) as it pertains to the subject lands known municipally as 331, 337, and 339 York Boulevard and 96, 100 and 120 Ray Street North in the City

of Hamilton (“City”).

[3] On consent of the Parties, Melanie Pham, staff planner with the City gave planning evidence in support of the settlement and the revisions to the SP as it pertains to the subject lands.

[4] Ms. Pham testified that while the designations that apply to the subject lands remain the same (Mixed Use – Medium Residential and low Density Residential 3), a site specific policy (Site Specific Policy – Area K) has been drafted which would permit an additional height of up to 12 storeys for part of the subject lands and a maximum building height of three storeys would apply to other parts of the subject lands as detailed in Tab 5 of Exhibit 1. The site specific policy and map are provided as an Attachment 1 to this decision.

[5] It was Ms. Pham’s planning opinion that the site specific amendment to the SP conform to the SP and the City’s OP. It was her planning opinion that the site specific amendment would allow for the comprehensive development of the subject lands and would be consistent with the planned development for this part of the SP area.

[6] Joanna Wice, solicitor for the City advised the Board that this appeal is the only outstanding appeal of the SP.

[7] The Board adopted and relied on the planning evidence of Ms. Pham in support of the site specific amendment to the SP.

## **ORDER**

[8] The Board orders that the appeal is allowed in part and Amendment No. 11 to the Official Plan for the City of Hamilton is modified as set out in Attachment 1 to this Order and as modified is approved.

*“Jason Chee-Hing”*

JASON CHEE-HING  
MEMBER

If there is an attachment referred to in this document,  
please visit [www.elto.gov.on.ca](http://www.elto.gov.on.ca) to view the attachment in PDF format.

**Ontario Municipal Board**

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Website: [www.elto.gov.on.ca](http://www.elto.gov.on.ca) Telephone: 416-212-6349 Toll Free: 1-866-448-2248

**Text Changes:**

Volume 2, Chapter B – Secondary Plans, Section B.6.6 – Strathcona Secondary Plan

**Site Specific Policy – Area K**

6.6.15.11 For the lands located at 331, 337 and 339 York Boulevard, and 96, 100 and 120 Ray Street North, designated Mixed Use – Medium Density and Low Density Residential 3, shown as Area K on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the following policies shall apply:

- a) Notwithstanding Policy E.4.6.8 of Volume 1 and Policy 6.6.6.1c), for the lands located at 331 and 337-339 York Boulevard, 120 Ray Street North and the easterly portion of 100 Ray Street North, designated Mixed Use – Medium Density, additional height up to a maximum of 12 storeys may be permitted without amendment to this Plan, provided the applicant demonstrates:
  - i) That potential impacts have been mitigated on adjacent lands designated Low Density Residential 3;
  - ii) That buildings are progressively stepped back from adjacent low rise forms of housing in the Low Density Residential 3 designation. The Zoning By-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
  - iii) That buildings are stepped back from any street to minimize the height appearance from the public realm, where necessary.
- b) For the lands located at 96 Ray Street and the westerly portion of 100 Ray Street, designated Low Density Residential 3, the following policies shall apply:

- i) Notwithstanding Policy 6.6.5.3c), a maximum building height of 3 storeys shall be permitted. For any building adjacent to Ray Street North with a height of 3 storeys, the third storey shall require a minimum 3 metre step-back from the building face along Ray Street North.
- ii) Notwithstanding Policy E.3.4.4 of Volume 1 and Policy 6.6.5.3b) a maximum of 16 dwelling units shall be permitted if the lands are developed comprehensively and in conjunction with the lands in the Mixed Use – Medium Density Designation.
- iii) If the lands are not developed comprehensively with and in conjunction with the lands in the Mixed Use – Medium Density Designation, Policy 6.6.5.3b) shall apply.
- iv) Access to the Mixed Use - Medium Density designated lands shall be permitted through the lands designated Low Density Residential 3.

**Map Changes:**

That Map B.6.6-1 Strathcona Secondary Plan – Land Use Plan be amended by identifying the properties located at 331, 337 and 339 York Boulevard, and 96, 100 and 120 Ray Street North as "Site Specific Policy – Area K".

★ Lands Under Appeal  
 - 146, 148, 150, 152, 154, 156,  
 158 and 162 Strathcona Avenue  
 North, and 31, 35, 37, 41 and  
 43 Inchey Street

**Appendix B**

Lands to be identified as Site Specific Policy Area "K"  
 (331, 337 and 339 York Boulevard, 98, 100 and 120 Reg Street North)

Date: March 14, 2016	Revised By: MP/NB	Reference File No.: PL131390
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**Legend**

- Residential Designations
  - Low Density Residential 3
  - Medium Density Residential 2
  - High Density Residential
  - Commercial and Mixed Use Designations
  - Arts and Culture, Medium Density
- Parks and Open Space Designation
  - Parkway
  - Neighbourhood Park
  - Community Park
  - General Open Space
  - Natural Open Space
  - Other Designations
  - Recreational
  - Utility
- Other Features
  - Preference/Precedent
  - Axes of Site Specific Policy
  - Neighbourhood Node
  - Secondary Plan Boundary

Urban Health Official Plan  
 Strathcona  
 Secondary Plan  
 Land Use Plan  
 Map B.6.6.1

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