



# A. J. Lakatos Planning Consultant

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September 30, 2013

Our File No: 2013-003-NP

On behalf of 1176792 Ontario Ltd., owner of .512 hectares (1.26 acres) of land having frontage on York Boulevard and Ray Street North, municipally known as 331, 337, & 339 York Boulevard, 96, 100 & 120 Ray North, Hamilton, ON, please be advised the landowner has the following **comments and concerns** regarding the proposed "Strathcona Secondary Plan" (date September 6, 2013), the respective Official Plan Amendments, as it pertains to their lands, being considered for approval on October 1, 2013 by the Planning Committee for the City of Hamilton:

## **Strathcona Secondary Plan – Land Use Designations and Related Policies:**

1. It is stated in the plan that proposed Strathcona Secondary Plan establishes land use and development standards that will guide development of land located within the Strathcona Secondary Plan area.

The majority of the landowner's land, as per the proposed Strathcona Secondary Plan "Land Use Plan", Map B.6.6-1 (August 1, 2013), are within the Commercial and Mixed Use Designations of the plan, "Mixed Use – Medium Density", while a small portion of the owner lands, also having frontage onto Ray Street North, area within the proposed "Low Density Residential 3" designation of the plan. The dual designation of these lands is not desirable or appropriate for the future development of the lands. Their entire holdings should be designated "Mix Use – Medium Density" and should follow property boundaries. Designating properties as per property boundaries is the approach taken with the balance of the lands within this planning area.

Proposed Policy 6.6.6., Commercial and Mixed Use Designations, guides land use and the built form of future development within this designation. More specifically Policy 6.6.6.1, Mixed Use – Medium Density designation guides the building height, stating that a minimum of 2 storeys and a maximum building height of 6 storeys is envisioned in this designation. It also states that "additional height up to a maximum of 10 storeys may be permitted without amendment to the plan, provided the applicant demonstrates:

- i) That potential impacts have been mitigated on adjacent lands designated Low Density Residential 3;
- ii) Buildings are progressively stepped back from adjacent low rise forms of housing in the Low Density Residential 3 designation and Medium Density Residential 2 designation. The Zoning By-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,
- iii) Buildings are stepped back from any street to minimize the height appearance from the public realm, where necessary."

Policy 6.6.6.1 does not allow the full potential of the landowners lands to be brought to fruition without amendment to the plan and is not consistent with the Strathcona Secondary Plan Urban Design Guidelines, appended to this plan and presented at the March 5, 2013 Public Information Centre meeting, regarding recommended building heights at the south-west corner of York Boulevard and Queen Street North.

The following amendment to the Strathcona Secondary Plan as an Area Specific Policy, is proposed by the landowner as a means of determining the full potential of their lands:

Area Specific Policy – Area X

6.6.15.X Notwithstanding maximum building height identified in Policy 6.6.6.1 b) - Mixed Use - Medium Density Designation, the following policies shall apply to lands known municipally as 331, 337, & 339 York Boulevard, 96, 100 & 120 Ray North, shown as Area X on Map B.6.6.-1 Strathcona Secondary Plan: Land Use Plan:

- a) Notwithstanding Policies E.4.3.4. (f) and E.4.6.7 of Volume 1, the minimum building height shall be 2 storeys and the maximum building height shall be 10 storeys.
- b) Notwithstanding Policy E.4.6.8 of Volume 1, additional building height may be permitted without amendment to the Plan, provided the following is demonstrated:
  - i) That potential negative impacts have been mitigated on lands designated Low Density Residential 3;
  - ii) Buildings are stepped from York Boulevard to minimize the height appearance from the public realm, where necessary.
  - iii) Compatibility with adjacent low density residential use(s) with respect to shadowing, overlook, noise, lighting and parking.

The above-mentioned proposed Area Special Policy X is in keeping with the approach taken in Policy 6.6.5.5 c) of the High Density Residential designation when lands abut an area designated Low Density Residential 3.

## **2. Cultural Heritage Resources of the Strathcona Secondary Plan**

A small portion of the landowners land has been identified on the cultural heritage resources mapping of the Strathcona Secondary Plan (i.e. Cultural Heritage Resources, Appendix B).

These lands should be removed from the mapping, as this area is currently an asphalt parking area which is part and parcel of the commercial (restaurant) and warehouse building having frontage on York Boulevard, municipally known as 331, 337 and 339 York Boulevard which are not identified.

In addition, it is noted that only four (4) homes, along the east side of Ray Street North remain somewhat intact from the original Arnold's Survey. The homes to the south appear to be built after 1990 and are not characteristic of the Arnold's Survey era.

In conclusion, notwithstanding the proposed Official Plan Amendment to adopt the Strathcona Secondary Plan into the Urban Hamilton Official Plan, the City must be mindful that the Strathcona Secondary Plan must get its direction from Volume 1. It must comply with the general “**Neighbourhoods**” designation of the Hamilton Official Plan, which recognizes that all existing neighbourhoods in Hamilton are “by and large regarded as stable. However, that does not mean these areas (Neighbourhoods) are static”.

To be consistent with the Provincial Policy Statement, conform to Growth Plan for the Greater Golden Horseshoe, and the Hamilton Official Plan, Volume 1, the Strathcona Secondary Plan must be a Land Use Plan with respective policies that provide reasonable guidance for the development of land to protect the public interest while remaining flexible (i.e. anticipating social and economic change) to prevent undue hardship to landowners.

Respectfully Submitted,

A handwritten signature in black ink that reads "Joe Lakatos". The signature is fluid and cursive, with a long horizontal stroke at the end.

Mr. Joe Lakatos, MCIP RPP

jl/JL

cc: 1176792 Ontario Ltd.  
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Attention: Mr. Gus Manderino, President