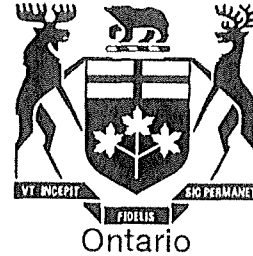


**Ontario Municipal Board**  
Commission des affaires municipales  
de l'Ontario

**14-168-OMB-02**  
**Attachment 1**



**ISSUE DATE:** March 24, 2016

**CASE NO(S).:** PL140938

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

Appellant:	Garth Trails Limited
Appellant:	Gabriel Gasbarrini
Subject:	Proposed Official Plan Amendment No. 24
Municipality:	City of Hamilton
OMB Case No.:	PL140938
OMB File No.:	PL140938
OMB Case Name:	Garth Trails Limited v. Hamilton (City)

**Heard:** October 7, 8, 9, 22, 2015 in Hamilton, Ontario

**APPEARANCES:**

**Parties**

Gabriel Gasbarrini

City of Hamilton

**Counsel**

Self-represented

M. Kovacevic

**DECISION DELIVERED BY H. JACKSON AND ORDER OF THE BOARD**

**INTRODUCTION**

[1] The City of Hamilton (the "City") Council approved Official Plan Amendment ("OPA") No. 24 ("OPA 24") to the Urban Hamilton Official Plan (the "UHOP") and the implementing Zoning By-law No. 14-168 on July 11, 2014. OPA 24 is also known as the Ancaster Wilson Street Secondary Plan (the "AWSSP"). There are two site-specific appeals against Council's decision to approve OPA 24. This decision is for the appeal

by Gabriel Gasbarrini (the “Appellant”) for his lands at 121 Fiddler’s Green Road. The second appeal was filed by Garth Trails Limited. It is to be dealt with in a separate decision.

[2] In Mr. Gasbarrini’s appeal letter, he stated that he is opposed to the change in land use designation from Low Density Residential 3 (“LDR3”) to Low Density Residential 1 (“LDR1”) for the lands located at 121, 127, and 131 Fiddler’s Green Road and 11, 19, 25 and 33 Douglas Road. The change from LDR3 to LDR1 for these lands was made on the basis of a motion brought by the local Councillor at the June 17, 2014, Planning Committee meeting.

[3] Mr. Gasbarrini clarified at the hearing that he is only concerned about the designation of his lands at 121 Fiddler’s Green Road (the “subject property”) and is not appealing the other properties that are noted in his appeal letter. Therefore, the designation of LDR1 is in force for the properties noted above that are not under appeal by Mr. Gasbarrini.

## **BACKGROUND**

[4] The background to the passing of OPA 24 is necessary to the understanding of this appeal.

[5] In July 2009, the Urban Hamilton Official Plan (the “UHOP”) was adopted by Council. The Minister of Municipal Affairs and Housing provided notice of approval of the UHOP, subject to modifications, in 2011. A number of appeals were filed, but none that relate to the subject property.

[6] The UHOP Urban Structure identified the Wilson Street area in Ancaster as a “Community Node”. In order to facilitate a more comprehensive review, a Secondary Plan for the larger area along Wilson Street, including the adjacent residential areas to the Community Node, was initiated in late 2010. The Ancaster Community Node and surrounding area was the first of the Community Nodes to undergo the Secondary Plan

process, developed to assist in maintaining a vibrant, attractive, healthy community. June 13, 2012, the AWSSP was adopted by Council as OPA No. 143 ("OPA 143") to the Ancaster Official Plan. The subject property was designated as LDR3 in the AWSSP. It was also located within the Transition Area of the Community Node.

[7] There were eight appeals filed of OPA 143. Two of the appeals were of the LDR3 designation in the Douglas Road area. These were made by the Participants in this matter; however, the appeals were either dismissed or withdrawn, as the appellants did not have proper standing to bring the appeals. The remaining appeals were settled or withdrawn, the last by Ontario Municipal Board ("Board") decision of June 10, 2013. On August 16, 2013, the UHOP was approved by Board Decision.

[8] The AWSSP is currently in effect under the Ancaster Official Plan and an amendment is required to incorporate the AWSSP into the UHOP. In July 2014, OPA 24 to the UHOP was adopted by Council. OPA 24 incorporates an updated version of the Secondary Plan previously adopted as part of OPA No. 143. Importantly to this matter, the subject property, along with other properties on Fiddler's Green Road and Douglas Road, are now designated LDR1 in OPA 24 whereas these properties were designated LDR3 in OPA 143.

[9] In August 2014, Mr. Gasbarrini appealed the approval of OPA 24 and the change to LDR1 in relation to his lands, as did Garth Trails Limited in relation to their lands at 153 Wilson Street. Mr. Gasbarrini takes the position that the subject property was designated as LDR3 on the basis of comprehensive planning studies and public consultation undertaken by the City, whereas the change to LDR1 in OPA 24 was done without any planning rationale and is inappropriate as it was based solely on a motion brought by the local Councillor at the Planning Committee meeting.

#### Witnesses

[10] The Appellant called Candice Macucci to provide expert land use planning evidence in support of the LDR3 designation for his lands at 121 Fiddler's Green Road.

The Appellant also summoned Michelle Sergi, Manager of Community Planning for the City, to provide expert evidence regarding the extensive studies and history for the implementation of the AWSSP.

[11] Allan Ramsay, of Allan Ramsay Planning Associates Inc., was retained by the City to provide expert land use planning evidence in support of Council's decision. Mr. Ramsay had also been retained by the City for a previous appeal to the Board in 2012 for this property.

[12] Three local residents who live in the immediate vicinity of the subject property spoke in opposition to the Appellant's position. Pat Banyard lives at 19 Douglas Road. Her rear yard abuts the subject property. Theresa St. Michael lives at 25 Douglas Road adjacent to Ms. Banyard, and her rear yard also abuts the subject property. Frank VanHullenaar lives at 33 Douglas Road. His property is very deep, and the rear lot line of the subject property abuts his rear side yard. The participants are all concerned about over-development of the subject lands.

#### Previous Application

[13] The Appellant previously applied for a zoning by-law amendment in March 2011, for the subject property, to permit 24 (later revised to 22) dwelling units within two separate buildings. The buildings were 2.5 storeys in height with a density of 78.8 units per hectare ("uph"). The City Council refused the application, and the Appellant appealed the refusal to the Board. By decision of November 7, 2012 (PL120037), the Board dismissed the appeal by the Appellant. Amongst the reasons given by Vice-Chair Stefanko in that Decision was that the proposal would be out of character with the low scale residential character of the neighbourhood consisting of predominately single family homes that characterizes the area.

## PLANNING EVIDENCE

### Location and Context

[14] The subject property is located on the east side of Fiddler's Green Road, between Wilson Street and Douglas Road in the former municipality of Ancaster. The site is rectangular in shape, with a frontage of 29.88 metres ("m"), a depth of 101.99 m, and an area of 0.3047 hectares, and is currently occupied by a single-detached home. An earlier request to sever the subject property into three lots was granted, however, the conditions were not met and the approval has lapsed. Future development will require a zoning by-law amendment.

[15] To the south of the subject property, fronting onto Fiddler's Green Road, are single-detached homes at 127 and 131 Fiddler's Green Road. There are also a number of detached houses that front onto the north side of Douglas Road and flank the south side yard of the subject property. There are single family homes at the rear of the subject property on Rosemary Lane. Across the street, on the south side of Douglas Road, are single family homes as well. To the south of these homes is a townhouse development that fronts onto Fiddler's Green Road.

[16] On the west side of Fiddler's Green Road, opposite the subject property, are single family homes. To the rear of these is a commercial shopping area. Directly to the north of the subject property is a one-storey single family dwelling associated with the adjacent commercial flower shop, Shaver's Florist. There is also a two-storey seniors' residence, Green Acres Apartments, at 109 Fiddler's Green Road that abuts the rear half of the north side lot line of the subject property. There are 45 one-bedroom units in this facility.

### Planning Merits

[17] Ms. Micucci describes the neighbourhood as a mixed-use neighbourhood with most amenities within 10 minutes walking distance. She also notes that Schedule D of

the AWSSP designates the subject property as part of the Community Node and places it within the Transition Area.

[18] Ms. Micucci provided planning evidence to support the contention that LDR3 is the more appropriate designation for the subject property. She testified that the LDR3 designation allows for slightly greater intensity and a wider range of built form and uses than the LDR1 designation. Both she and Mr. Ramsay provided a table to distinguish the differences between the two designations, as follows:

	Permitted Uses	Density (uph)	Maximum Height
LDR1	Single-detached, semi-detached	1 to 20	2.5 Storeys
LDR3	Single-detached, semi-detached, all forms of townhouses and low rise multi-residential; commercial uses limited to business and professional offices, medical office uses or clinics, day nursery, artist studios and personal services	20 to 60	3 Storeys

At a density of 60 uph, the LDR3 designation yields 18 units for the subject lands. At a density of 20 uph, the LDR1 designation yields 6 units. Currently, at 121 Fiddler's Green Road, there is one single family dwelling. The current zoning permits three single family dwellings on the basis of severances that were approved previously.

#### Provincial Policy Statement 2014

[19] Ms. Micucci's opinion is that the LDR3 designation is consistent with the Provincial Policy Statement 2014 (the "PPS") that directs that:

healthy, livable and safe communities are sustained by promoting efficient development and land use patterns, accommodating an appropriate mix of residential and employment land uses to meet long term needs and by promoting cost effective development standards to minimize land consumption and servicing costs.

She said the LDR3 designation permits an increased density and more efficient use of the land and it provides for a progression between higher density uses and lower density uses while accommodating an appropriate mix of land uses.

[20] Ms. Micucci testified that the LDR3 designation provides for increased opportunity to provide for an appropriate range of housing types and densities to meet the requirements for existing and future residents by various means as is directed by the PPS in s. 1.4.3. The PPS directs development of new housing to locations where appropriate levels of infrastructure and public service facilities are or will be available; by promoting densities for new housing which will efficiently use land; and by establishing development standards for new residential development which minimize the cost of housing and facilitate compact form. Her view is that the lands are currently underdeveloped and can be developed with more than six units on the subject property.

[21] Ms. Micucci testified that “accommodate,” within the context of the policy documents, means establishing whether core infrastructure services, such as roads, sewer and water, are present such that development can be considered.

[22] Mr. Ramsay does not agree with this opinion. He states s. 1.1.3.2 b) of the PPS requires land use patterns to be based on a range of uses and opportunities for intensification and redevelopment “where this can be accommodated”. It is his opinion that the LDR3 designation proposes an amount of intensification and redevelopment beyond what can be accommodated on the subject lands and still retain the character of the area. He said intensification should not occur at the expense of other planning principles. In any event, he said that the increase from one unit that now exists to six units, as anticipated by the LDR1 designation, represents a form of residential intensification.

#### Growth Plan

[23] The Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) provides provincial policy direction for building “stronger, prosperous communities”. Policies for

managing growth direct a significant portion of new growth to the built up areas of the community through intensification, focussed in intensification areas; and, reducing dependence on the car through the development of mixed-use, transit supportive, pedestrian-friendly urban environments. Ms. Micucci said that this is best met by the LDR3 designation. Maintaining the status quo and continuing to restrict development to single family and semi-detached dwellings will continue sprawl tendencies and increase all development costs.

[24] By contrast, Mr. Ramsay's opinion is that the LDR3 designation permits a range of uses that is too wide and densities that are too intensive for the existing scale and character of the area, and as such, does not conform to the Growth Plan. Though the AWSSP area is an intensification area, the Growth Plan defines specific locations for different levels of intensification. He says the LDR1 designation represents an appropriate type and scale of development within the context of the surrounding area and its existing and planned development.

#### UHOP and AWSSP

[25] The lands that encompass the downtown area of the former municipality of Ancaster are shown as a Community Node on Schedule E, Urban Structure of the UHOP. The location is also designated Neighbourhoods on Schedule E- 1, Urban Land Use Designations.

[26] Community Nodes are planned to accommodate some residential intensification, to be established through secondary plans. Generally, Community Nodes are to achieve a target density of 100 persons and jobs per hectare; however, s. 2.3.2.12 of the UHOP establishes that for the Ancaster Node, the target is 50 persons and jobs per ha. Mr. Ramsay testified that the main factor in establishing this lower target is the existing predominately single family dwelling character of the area that tempers the density. He also pointed out that there is no higher order transit to Ancaster and this also tempers the target density.



[27] As noted by Mr. Ramsay, Residential Intensification in Neighbourhoods is governed by the following policies:

- E.3.1.5 Promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.
- E.3.2.4 The existing character of established Neighbourhoods designated areas shall be maintained. Residential intensification within these areas shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with Section B.2.4 – Residential Intensification and other applicable policies of this Plan.

[28] Section B2.4.1 General Residential Policies include the following:

2.4.1.4 Residential intensification – developments shall be evaluated based on the following criteria: .... “b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;” ...

[29] Section 2.4.2.2 states that when considering an application for a residential intensification development within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in s. 2.4.1.4;
- b) compatibility with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;
- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;

- i) the conservation of cultural heritage resources; and
- j) infrastructure and transportation capacity and impacts.

[30] According to s. E.3.3.2 "Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area."

[31] The secondary plan (OPA 24) s. 2.8.7.2 a) describes the General Residential Policies as follows: "Residential development or redevelopment and infill development shall maintain and enhance the character of the residential areas through architectural style that is sympathetic and complementary with the existing adjacent residential areas, heritage buildings, and uses. Further direction regarding design shall be provided in the Urban Design policies, detailed in Policy 2.8.12 of this Plan." However, these design requirements do not apply to single-detached and semi-detached dwellings as provided by s. 2.8.12 f) of the Plan.

[32] Mr. Ramsay said that in the context of the subject lands, because the property is deep, development of the subject property would be a side yard to rear yard situation and the setbacks are important as to whether compatibility can be achieved. He used the form of the previously proposed development as a guide as to what could be proposed at this site if it were designated as LDR3.

[33] His view is that the LDR3 permits a denser form of redevelopment and a broader range of uses that will not be compatible with the scale and character of the existing residential neighbourhood as is required by the UHOP policies or the AWSSP policies for residential developments or redevelopment as described above. His opinion is that townhouses, low-rise apartment and commercial buildings would not maintain the character of the area and would not be well integrated with the neighbourhood.

[34] Mr. Ramsay said the single-detached and semi-detached dwellings permitted by the LDR1 designation would maintain, enhance and build upon the established patterns and built form, and development could easily be integrated with the surrounding area in

terms of use, scale, form and character. The LDR1 policies will ensure the compatibility with existing and future uses in the surrounding area.

[35] Mr. Ramsay notes that the LDR1 designation is widely used throughout the area as the interface between areas of more intensive development and lower density residential uses, and in this case, it would serve that purpose as it relates to the lower density residential development on Rosemary Lane and Douglas Road.

[36] In regards to density, Mr. Ramsay's opinion is that a density of 60 uph, which at this site would be a yield of 18 dwellings, would be an over-development of the site, and could result in adverse impacts for the existing single-detached dwellings located along Fiddler's Green Road, Douglas Road and Rosemary Lane. This extends to the issues of building height. Mr. Ramsay's opinion is that a three-storey building with a peaked roof, or a four-storey mansard roof design would be incompatible with the existing single-detached dwellings and could lead to impacts with respect to privacy and overlook.

[37] Mr. Ramsay testified as to the density that he originally calculated for the seniors' residence at 109 Fiddler's Green Road, to the north of the subject property. The seniors' residence has 45 one-bedroom units. In evidence for the previous hearing, he stated that the density of this property was in the order of 77.8 uph. However, at this hearing he stated that he wished to correct that evidence, as upon review of the situation, he determined that in practice, the units at the seniors' residence do not function in the same manner as an ordinary apartment building, and the calculation of units per hectare results in a statement of over-development of the site. He said that the density measurement of uph is not a good proxy when the units are so small, and the parking requirement is a fraction of an ordinary apartment building. He said that a building of the same size of 109 Fiddler's Green Road, if it were an ordinary apartment building, would have a density of approximately 34 uph. As such, he said the transition of the seniors' residence at 34 uph to the subject property at 20 uph and then the single family homes at about 12 uph would be consistent with the LDR1 designation for the subject property that limits the density to 20 uph.

[38] Ms. Micucci disagrees with Mr. Ramsay's assessment that the character of the neighbourhood is only of single family homes. She looks to the commercial flower shop, the seniors' residence and the dentist, all in the immediate vicinity of the subject lands. She also notes that there is the large commercial plaza very nearby fronting onto Wilson Street.

[39] Ms. Micucci testified that the compatibility provisions set out under s. E.3.3.2 of the UHOP can be met with the subject site being designated LDR3. She said the LDR3 at this location provides a transition to the single family homes on Douglas Road to the south that are designated LDR1. She also noted that the lands directly opposite the street from the subject property are designated Uptown Core where development is to be encouraged. The provision of LDR3 for the subject lands directly across the street makes sense as it provides a buffer to the LDR1 lands on Douglas Road. Ms. Micucci notes that some of the homes on Rosemary Lane are quite large and abut LDR3 lands without any incompatibility. In her view, LDR1 and LDR3 are compatible with each other.

[40] Overall, Ms. Micucci concluded that the LDR3 designation provides the opportunity for increased intensity, offers more types of housing forms, is compatible with the Community Node policies, is compatible with the transition area policies, is located with the area of transition, and is compatible with the adjacent LDR1 uses and potential uses. Her view is that the secondary plan looks to opportunities for intensification and redevelopment. The LDR3 designation provides a broader development potential to meet the needs of the existing and future residents and provides for an increase in the use of the existing services. It provides for a more economic and cost effective land use, and provides a broader range of housing types to meet the community's needs.

[41] Ms. Micucci testified that official plan and secondary plan policies are broad documents that are meant to guide development. Zoning by-laws set further requirements for development and the site plan allows for the progression of development. In her view, rezoning and site plan control can be used as tools to assist

in ensuring compatibility. For this property, any change from the current site-specific zoning would require public consultation and this would provide for the opportunity for determining the scale and compatibility of the development to the adjacent properties.

[42] Ms. Sergi, Manager of Community Planning for the City, provided evidence regarding the historical information that lead to the adoption of OPA 143 and OPA 24. She testified as to the process that was undertaken and the community consultation. She acknowledged that Council does not always adopt staff recommendations as provided in a Planning Report, such as what occurred in this situation when the local Councillor made the motion to change the designation of the subject lands from LDR3 to LDR1. She testified under cross-examination that she and the City planning staff prefer the LDR3 designation for the lands as it was provided for in OPA 143, but with the lands designated as LDR1, the integrity of the secondary plan is not compromised, and the AWSSP still represents good planning.

## **ANALYSIS AND FINDINGS**

[43] The key issue in this matter is whether the designation of the subject lands should be designated as LDR1, as provided for in OPA 24, or LDR3.

[44] Ms. Micucci's planning opinion is that the subject lands are best designated as LDR3, as this would provide for a greater opportunity for various housing forms at a greater density, and that this would be consistent with the intensification policies of the PPS and the Growth Plan and would also meet the intent of the intensification policies of the official plan and secondary plan. Her opinion is that LDR3 is compatible with LDR1, and therefore there are no compatibility concerns with the adjacent single family homes, particularly on Douglas Road.

[45] Ms. Micucci's view is that s. E.3.3.2 of the UHOP that requires development or redevelopment to be "compatible" with existing and future uses is the tool that Council possesses to ensure that the site-specific development ultimately proposed is compatible with the area. This, the Appellant contends, is the "safety test". Therefore,

all the evidence that Mr. Ramsay has provided with respect to compatibility is irrelevant, because by way of s. E.3.3.2, the site-specific redevelopment proposed must be compatible with existing and future uses. Further, the Appellant contends that the City has consistently provided the example of a maximum build out of 18 units for this site, which the City also said will not work. However, the City has not considered the situation of lower densities that could be tested when a site-specific proposal is submitted.

[46] The Board is not persuaded by the Appellant's argument that compatibility issues are irrelevant in the determination of whether the LDR1 or LDR3 designation is appropriate for the subject property, and the contention that the compatibility issues can be dealt with when a redevelopment proposal is submitted. This simply perpetuates the ongoing conflict regarding what is appropriate for the subject property.

[47] The Board agrees with the opinion of Mr. Ramsay that the LDR3 designation has the potential to create an incompatible situation, particularly to the abutting single family homes on Douglas Road. The LDR3 allows commercial development, and multiplex housing built forms with a density and height that would not be compatible with the adjacent land uses on Douglas Road, as was provided by Mr. Ramsay's evidence.

[48] Mr. Ramsay's evidence is that the character of the neighbourhood is predominately single family homes. This is the finding that was made by Vice-Chair Stefanko in the earlier decision related to this property in 2012. There is no evidence to indicate that this character has changed since that relatively recent point in time, and no reason why this panel of the Board should disagree with that finding.

[49] In his evidence, Mr. Ramsay stresses that the policy documents use the word "enhance" in both the UHOP and the AWSSP which signifies the importance of compatibility with respect to future development. In this case, an LDR3 designation would permit development that has the potential to lead to incompatibility with the adjacent properties, and would not maintain and enhance the character of the area.

[50] In this matter, the Board is being asked to permit a designation that would permit a density of up to 60 uph. Notwithstanding the “fail safe clause” of s. E.3.3.2 of the UHOP, the designation must be capable of being implemented. The Board agrees with the submission of the City that a designation on a property should not be created where the principles of compatibility cannot be achieved.

[51] The evidence points to this as a stable residential neighbourhood of predominately single family homes with little development pressure. The area does not have higher order transit to drive development pressure. The intensification goals of the AWSSP apply to the secondary plan area as a whole – it is not necessary or intended that all the intensification goals be met at the subject property. In this situation, the designation of LDR1 on the subject property will permit a modest amount of intensification, from the zoning permission for three units, to permission for six units, and this would conform to the UHOP policies in relation to compatibility of future development. The increase to 18 units, as would be permitted by the LDR3 designation at this location, would not be compatible with the surrounding area.

[52] The Board accepts and agrees with Mr. Ramsay’s evidence in regards to the PPS and the Growth Plan. The Board finds the modest amount of intensification to six units on the subject property is consistent with the PPS as this amount of intensification can be accommodated on the subject lands and the character of the area will still be retained. The Board finds the LDR1 designation will allow for an appropriate type and scale of development within the existing and planned context of the surrounding area and this conforms to the Growth Plan.

[53] In balancing the interests of all, and in consideration of the decision of Council, the Board finds that the designation of LDR1 is the appropriate designation for the subject lands. The designation of the subject lands at 121 Fiddler’s Green Road as LDR3 would permit an overdevelopment of the site, is not in keeping with the character of the area and would be incompatible with the existing uses located immediately to the south. The designation of LDR3 is not consistent with the PPS and does not conform to the Growth Plan. The result would be a form of intensification that would not conform to

the UHOP policies dealing with Neighbourhoods and residential intensification, whereas the LDR1 designation would conform.

#### Community Node Boundary

[54] The subject lands, as well as adjacent lands at 11, 19, 25, and 33 Douglas Road, and 127 and 131 Fiddler's Green Road, are depicted as within the Community Node on the Character Areas and Heritage Features map within the AWSSP.

[55] The Board accepts Mr. Ramsay's opinion that this is in error, and should have been revised when the designation of LDR3 was revised to LDR1 for these lands at the June 17, 2014, Planning Committee meeting. Coincident with this revision, there should have been a companion revision to the Community Node boundary to exclude these lands. The Board agrees with the opinion of Mr. Ramsay that the Community Node policies should not apply to the subject lands as these policies encourage growth, development and intensification in a manner incompatible with the area and support a range of uses that would not be suitable. Attached to this Decision as Attachment 1 is a revised Appendix F of OPA 24 that adjusts the Community Node boundary to exclude the subject lands as well as the adjacent lands noted above, prepared by Mr. Ramsay and entered into evidence as an Attachment to Exhibit 3. This figure is Appendix A to the AWSSP when incorporated to the UHOP.

#### **ORDER**

[56] The Board orders that the appeal is dismissed and Amendment No. 24 to the Official Plan for the City of Hamilton is approved.

[57] The Board orders that the Community Node boundary (Appendix F of OPA 24) is modified as provided in Attachment 1, to exclude the subject lands, as well as adjacent lands at 11, 19, 25, and 33 Douglas Road and 127 and 131 Fiddler's Green Road. This figure is Appendix A to the AWSSP when incorporated to the UHOP.



*"H. Jackson"*

H. JACKSON  
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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