

Ontario Municipal Board
Commission des affaires municipales
de l'Ontario



ISSUE DATE: September 01, 2015

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
Appellant: Moore Sovereign Consistory
Appellant: Glenn Hamilton
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: August 24, 2015 by telephone conference call

APPEARANCES:

Parties

Counsel

City of Hamilton

Dennis Perlin

Moore Sovereign Consistory

Nancy Smith

**MEMORANDUM OF ORAL DECISION DELIVERED BY SYLVIA SUTHERLAND ON
AUGUST 24, 2015 AND ORDER OF THE BOARD**

[1] This was a settlement hearing related to a site-specific appeal of the City of Hamilton's ("City") Strathcona Secondary Plan ("Secondary Plan") by Moore Sovereign Consistory ("MSC"), also known as the Scottish Rite.

[2] Three Masonic organizations own the block bounded by King Street West, Queen Street South, George Street and Ray Street (“the Block”) in the City. The Trustees of the MSC own the lands known municipally as 148, 152 and 154 George Street (“subject property”)

[3] The City passed By-law No.13-281 (“ZBL”), being a By-law to adopt Official Plan Amendment 11 (“OPA 11”). OPA 11 creates the Secondary Plan within which the subject property, designated Low Density Residential 3, is found.

[4] Pursuant to s. 17(24) of the *Planning Act* (“Act”) MSC appealed OPA 11, specifically the Low Density residential 3 designation and associated policies as they applied to the subject property. MSC’s concern with the designation of its property related to possible future development and functional flexibility of their lands as part of the Block. Following discussions between the Parties, a settlement of the appropriate designation and policies for the subject property was arrived at (Exhibit 1, Tab D). This settlement is intended to form Policy 6.6.15.10 of the Secondary Plan. It focuses on three planning issues: permitted uses, residential density and height.

[5] Benjamin Clare, gave expert land use planning opinion, both by affidavit (Exhibit 1) and orally in response to questions from Counsel for the City. Having carefully reviewed the Settlement, as outlined in his Affidavit, it was Mr. Clare’s uncontested expert opinion that the Settlement has regard for the relevant matters of provincial interest in s. 2 of the Act, is consistent with the Provincial Policy Statement 2014, conforms to the Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan. He recommended approval of the Settlement.

ORDER

[6] The Board orders that the appeal is allowed and OPA 11 for the City of Hamilton is amended as set out in Attachment 1 to this Order, and as amended is approved.

“Sylvia Sutherland”

SYLVIA SUTHERLAND
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Ontario Municipal Board

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ATTACHMENT 1

Text Changes:

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

Site Specific Policy - Area J

6.6.15.10 For the lands located at 148, 152 and 154 George Street, designated Low Density Residential 3, shown as Area J on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, the following policies shall apply:

- a) In addition to the uses permitted in Policy E.3.4.3 – Low Density Designation of Volume 1, and Policy B.6.6.5.3(a), the following uses shall also be permitted:
 - i. institutional uses, educational establishments, and cultural facilities
 - ii. hotel, including an accessory restaurant
 - iii. artist's studios
 - iv. multiple dwelling
 - v. live-work units
 - vi. professional and medical offices and personal services, which shall only be located within a building existing on the date of approval of this plan or on the ground floor of a building, and may include an accessory restaurant.
 - vii. Uses accessory to (i) through (vi) above
 - viii. parking lot accessory to uses contained within the block bounded by King Street West, Queen Street South, George Street, and Ray Street South. In this regard, the City may require an offsite parking agreement.
- b) Notwithstanding Policy E.3.4.4 of Volume 1, and Policy B.6.6.5.3b), the *net residential density* shall not exceed 100 units per net hectare.
- c) Notwithstanding Policy E.3.4.5 of Volume 1, and Policy B.6.6.5.3c), the maximum building height shall be 5 storeys, subject to the following:

- i. Any height above 2.5 storeys shall be stepped back a minimum of 3 metres from the building face along George Street and Ray Street South, to create a transition in height from the neighbourhood to the south and west. In this regard, the Zoning By-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights.
 - ii. Any buildings with a total height greater than 2.5 storeys shall provide a landscaped area between the building and the property boundary fronting George Street and Ray Street South which is sympathetic and complimentary to the existing character of the neighbourhood.
- d) Permitted uses may be located in single or mixed use buildings, except as set out in policy B.6.6.15.10a)vi) for professional and medical offices and personal services.
- e) For any *development* which includes a multiple dwelling or non-residential uses, as part of a single use or mixed use *development*, the following shall apply:
 - i. *Development* shall maintain and enhance the character of the neighbourhood through an architectural style that is sympathetic and complementary to the existing character and heritage of the neighbourhood.
 - ii. Adequate internal traffic circulation, parking, loading and maneuvering facilities and facilities for *active transportation* shall be accommodated on-site.
 - iii. Landscaping shall form an integral part of all *development* and shall provide buffering between adjacent residential or *sensitive land uses* and commercial, mixed-use, and parking areas.
 - iv. Parking areas shall be subject to the following:
 - a) All parking areas shall be buffered from the street through the use of building placement or enhanced landscaping; and,
 - b) The location of parking areas shall not negatively affect the pedestrian environment or access to buildings.

- v. As part of a mixed use building containing both residential and non-residential uses, amenity space shall be provided exclusively for the residential component and shall be functionally separated from public areas associated with the non-residential component. This requirement shall not apply to live-work units.

- f) Parking areas shall be subject to enhanced design standards to minimize the impact of the parking area on the interior of the neighbourhood. Design standards may include features such as decorative fencing, low walls, covered structures, or other innovative design features, in addition to enhanced landscaping.

- g) All *development* shall be *compatible* with and may be integrated with adjacent lands designated as Mixed – Use Medium Density.


- h) *Development* shall respect and maintain the low density residential character of George Street through the use of setbacks, massing, and scale. Facades facing George Street shall maintain a residential character through the use of design features, building materials, and other appropriate design measures.

- i) In addition to Policy B.6.6.11.4b), for uses permitted under Policy B.6.6.15.10a), a scoped *cultural heritage impact assessment* may be required prior to *development*.

Map Changes:

That Map B.6.6-1 Strathcona Secondary Plan – Land Use Plan be amended by identifying the properties located at 148, 152 and 154 George Street as "Site Specific Policy Area – Area J".
















Appendix B

 Lands to be identified as Site Specific Policy Area "J"
(148, 152 & 154 George Street)

Date	Revised By	Reference File No.
May 13, 2015	UP:NB	PL131300



Legend

- Residential Designations**
 -  Low Density Residential
 -  Medium Density Residential
 -  High Density Residential
- Commercial and Mixed Use Designations**
 -  Mixed Use - Medium Density
- Parks and Open Space Designations**
 -  Parks
 -  Neighbourhood Park
 -  Community Park
 -  General Open Space
 -  Nature Open Space
- Other Designations**
 -  Industrial
 -  Lots
- Other Features**
 -  Potential Preservation
 -  Area of 3% Slope Policy
 -  Neighbourhood Water
 -  Section Plan Boundary

Urban Hamilton Official Plan
Strathcona
Secondary Plan
Land Use Plan
Map B 6-1

