



Hamilton

STAFF COMMENTS

HEARING DATE: June 25, 2024

A-24:106 – 61-63 King Street East, Stoney Creek

Recommendation:

Table

Proposed Conditions:

1. That the 3 metres right-of-way dedication be transferred to the City of Hamilton as per the Road Widening Dedication Procedure Guide (To the satisfaction of the Manager of Transportation Planning).

Proposed Notes:



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Development Planning:

Background

The application is to to permit the development of a seven (7) storey mixed-use building. This Minor Variance application is necessary to facilitate Site Plan Control application DA-23-032, which received conditional approval.

The following variances are requested:

1. The front lot line shall be the lot line abutting King Street West, whereas the definition of Front Lot Line indicates that with reference to a corner lot, Front Lot Line shall mean the shorter of the lot lines abutting the street;
2. A maximum building height of 23.25 metres shall be permitted, instead of the maximum permitted building of 22.0 metres;
3. A minimum setback of 12.0 metres to the rear lot line for any portion of a building exceeding 22.0 metres in height, and a minimum setback of 16.0 metres to the rear lot line for an enclosed rooftop amenity area and/or a rooftop mechanical room, shall be permitted; and,
4. A minimum setback of 0.0 metres to a stairwell designed to provide access to a rooftop amenity area from the exterior walls of the storey directly beneath shall be permitted.

Urban Hamilton Official Plan

The subject lands are identified as “Neighbourhoods” on Schedule E – Urban Structure and designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land Use Designations in the Urban Hamilton Official Plan. The policies amongst others that apply are the following E.4.6.5, E.4.6.8 and E.4.6.29, which permit the use of a mixed use commercial/residential building and allow for a seven storey building.

The subject lands are designated “Mixed Use - Medium Density - Pedestrian Focus” on Map B.7.2-1 of the Old Town Secondary Plan Land Use Plan.

The following policies shall apply to lands designated Mixed Use – Medium Density on Map B.7.2-1– Old Town – Land Use Plan. The following policies, amongst others, are applicable.

- B.7.2.4.2 a) Section E.4.6 – Mixed Use – Medium Density Designation shall apply to the lands designated Mixed Use - Medium Density on Map B.7.2-1 Old Town – Land Use Plan.



- b) Section E.4.3 – Pedestrian Focus Streets of Volume 1 shall apply to lands identified as pedestrian focus streets on Map B.7.2-1 Old Town – Land Use Plan. (OPA 64)
- c) Building heights should not generally exceed six stories in height.

The language of Policy B.7.2.4.2 c) states that building height should generally not exceed six stories in height. Staff note that the language does allow for some flexibility of the proposed height, where appropriate. Staff note that a seven storey building is a slight exceedance and in keeping with the intent of the Old Town Secondary Plan policies.

City of Hamilton Zoning By-law No. 05-200

The subject lands are zoned Mixed Use Medium Density – Pedestrian Focus “C5a” District, which permits the use of mixed-use buildings.

Analysis

	Variations Requested	Comments
1	The front lot line shall be the lot line abutting King Street West, whereas the definition of Front Lot Line indicates that with reference to a corner lot, Front Lot Line shall mean the shorter of the lot lines abutting the street;	Staff do not foresee any major impacts with front lot line abutting King Street West, which will operate as the functional front of the building. Urban Hamilton Official Plan Policy E.4.6.17 states new development shall be designed and oriented to create comfortable, vibrant and stimulating pedestrian oriented streets within each area designated Mixed Use - Medium Density. King Street West is the more pedestrian focused street compared to Battlefield Drive. Staff support this variance.
2	A maximum building height of 23.25 metres shall be permitted, instead of the maximum permitted building of 22.0 metres;	The Urban Hamilton Official Plan Section E.4.6.8 allows up to an additional height of 12 storeys total within this designation based on if the applicant is able to demonstrate the following criteria have been satisfied: a) The development shall provide for a mix of unit sizes to accommodate a range of household sizes and income levels, to be implemented through the Zoning By-law; (OPA 167) b) The development shall incorporate sustainable building and design principles including but not limited to use of locally sourced and/ or recycled



		<p>materials, water conservation and energy efficient techniques and low impact development approaches: (OPA 167)</p> <p>c) there are no adverse shadow impacts created on existing residential uses within adjacent lands designated Neighbourhoods;</p> <p>d) buildings are progressively stepped back from adjacent areas designated Neighbourhoods. The Zoning by-law may include an angular plane requirement to set out an appropriate transition and stepping back of heights; and,</p> <p>e) buildings are stepped back from the street to minimize the height appearance from the street, where necessary.</p> <p>Staff have not been provided with the appropriate materials to determine compliance with the policies of E.4.6.8 a) and b). Accordingly, staff are unable to determine if the proposed variances are in keeping with the general intent and purpose of the Urban Hamilton Official Plan, with respect to the criteria of E.4.6.8. Staff recommend tabling the application until such time as we have the ability to review additional materials in support of the satisfaction of the criteria of Policy E.4.6.8.</p>
3	<p>A minimum setback of 12.0 metres to the rear lot line for any portion of a building exceeding 22.0 metres in height, and a minimum setback of 16.0 metres to the rear lot line for an enclosed rooftop amenity area and/or a rooftop mechanical room, shall be permitted; and,</p>	<p>This variance is not required as the lands adjacent to the south are not a Residential or Institutional Zone. The applicant has requested this variance to introduce a series of setbacks from the low density residential development to the south and to ensure the proposed design will maintain an appropriate height transition. Staff are of the opinion that this variance is minor in nature and desirable for the appropriate development of the lands as it introduces a stepback requirement where none exists currently. Staff support this variance.</p>



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4	A minimum setback of 0.0 metres to a stairwell designed to provide access to a rooftop amenity area from the exterior walls of the storey directly beneath shall be permitted.	Staff note that the 0.0m setback for a stairwell designed to provide access to a rooftop amenity is along the eastern façade of the proposed development, which abuts a surface parking lot for the adjacent recreational facility. Staff note that there is a stepback from the street between the proposed amenity penthouse and King Street West. Staff support this variance.
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Zoning:

Recommendation:	Comments Only.
Proposed Conditions:	
Comments:	<ul style="list-style-type: none"> i. These variances are necessary to facilitate Site Plan Application No. DA-23-032 and have been written exactly as requested by the applicant; ii. A 3.0 metre road widening along King Street West is proposed; and, iii. Please be advised an encroachment agreement is required to permit the proposed balcony's that encroach into the future King Street West Right of Way. iv. Demolition of the existing building(s) is subject to the issuance of a demolition permit in the normal manner.
Proposed Notes:	

Natural Heritage:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Cultural Heritage:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	<p>Archaeology:</p> <p>Staff comments addressed as part of DA-23-032</p> <p>Cultural Heritage:</p>



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	Staff comments addressed as part of DA-23-032
Proposed Notes:	

Development Engineering:

Recommendation:	No comments.
Proposed Conditions:	
Comments:	
Proposed Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Proposed Notes:	Be advised that Ontario Building Code regulations may require specific setback and construction types.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	That the 3 metres right-of-way dedication be transferred to the City of Hamilton as per the Road Widening Dedication Procedure Guide. https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication
Comments:	
Proposed Notes:	

Real Estate:

Recommendation:	Comments and Conditions / Notes
Proposed Conditions:	
Comments:	On 5/30/2022, Corporate Real Estate responded with a comment to the Formal Consultation application (FC-22-064), stating we would not be in favour of a reduced setback from the adjacent community park at 37 King St W (which is the eastern boundary of the subject site).
Proposed Notes:	In our current review of the variance requests, no reduced side yard setback is being requested (where the subject property abuts the community park/rec centre) and therefore no objection from Real Estate. Per the Applicable Law Review respecting zoning bylaw compliance, dated April 3, 2024, the chart states that the minimum side yard setback conforms to the

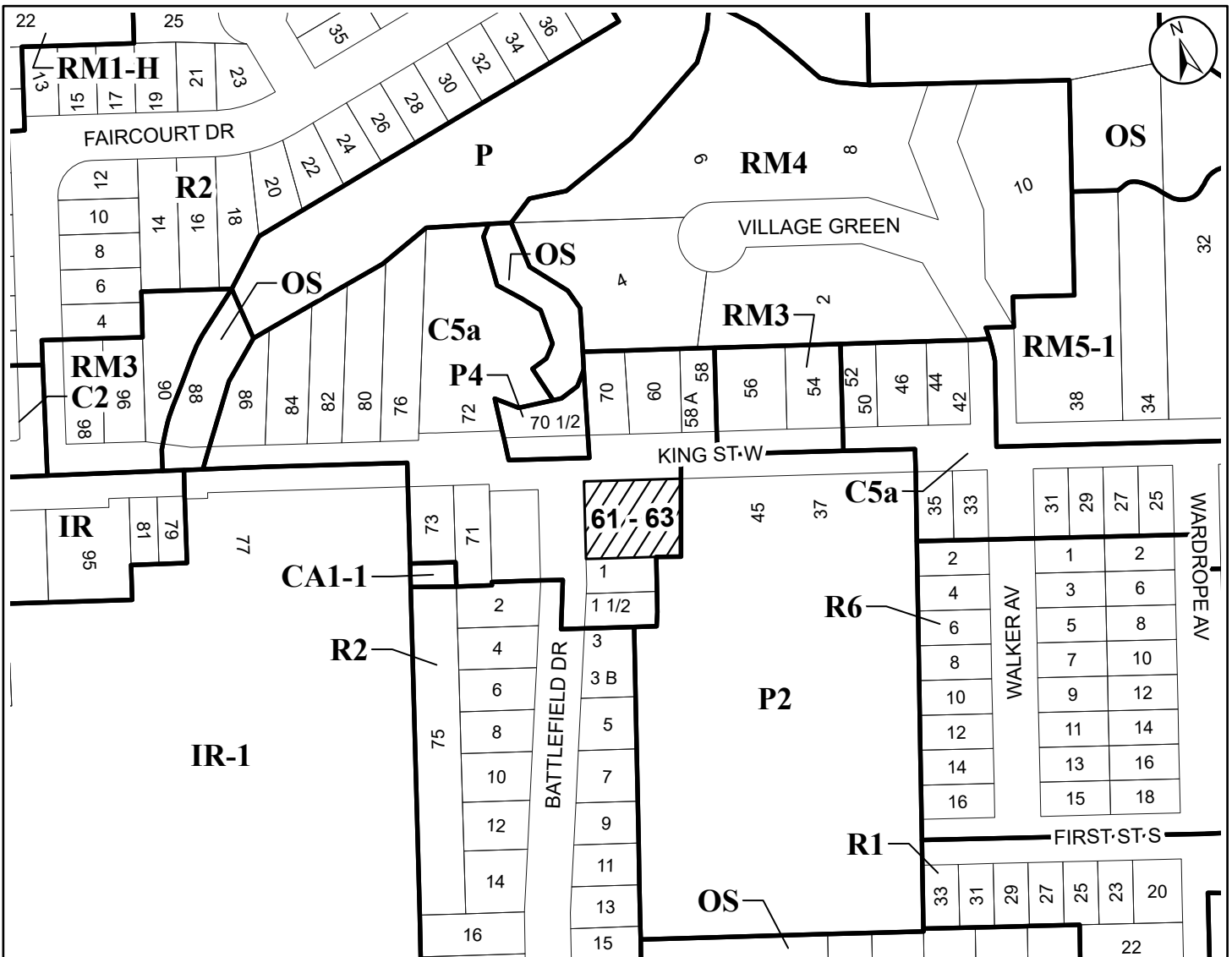


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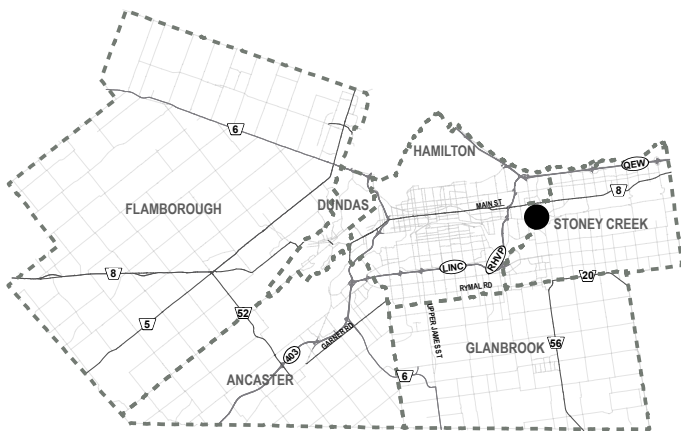
STAFF COMMENTS

HEARING DATE: June 25, 2024

	Bylaw. In the future, should there be any changes (eg. a request for a reduced setback abutting the community park/rec centre lands), Real Estate would like an opportunity to review and provide further comments.
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● Site Location



City of Hamilton

Committee of Adjustments

Subject Property



61-63 King Street West, Stoney Creek (Ward 5)

File Name/Number:

A-24:106

Date:

June 10, 2024

Technician:

SH

Scale:

N.T.S.

Appendix "A"



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