



Hamilton

STAFF COMMENTS

HEARING DATE: July 23, 2024

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

Recommendation:

- Approve

Proposed Conditions:

Proposed Notes:



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HEARING DATE: July 23, 2024

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. This application was tabled at the June 25, 2024, meeting in order for staff to obtain more information.

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.



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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 materials, water conservation and energy efficiently



		<p>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>With respect to criteria E.4.6.8 a) the applicant is proposing that approximately 37 % of units are 1 bedroom plus den, 44 % are two bedroom, 9 % are two bedroom plus den and 10 % are three bedroom. Staff are satisfied that this is a sufficient range of unit sizes to accommodate a variety of household sizes and incomes.</p> <p>With respect to criteria E.4.6.8 b) the applicant has submitted a letter that outlines the sustainable building and design principles being considered for the proposed development. This includes the adoption of an Environmental Building Rating System, Heat Management Designs, the optimization of building orientation, the use of locally sourced and reclaimed materials, and considerations related to alternative modes of transportation, water use, and stormwater management.</p> <p>With respect to criteria E.4.6.8 c) the building is located on the south side of King Street West and shadows are being cast to the north on the public right-of-way and not on adjacent sensitive land uses, including the low-density residential uses to the south.</p>
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		<p>With respect to criteria E.4.6.8 d), the property to the south is commercially zoned (C5a) and accordingly the angular plane requirement under the Zoning by-law is not triggered for the proposed building. The proponent has however, incorporated an additional setback of 12 metres for any portion of the building above 22 metres in height and 16 metres from an enclosed rooftop amenity area. These are self-regulating setbacks that go beyond what is required under the Zoning by-law and are intended to ensure an appropriate transition for the additional 1.25 metres in building height being sought through this variance. Furthermore the applicant is proposing to integrate translucent glass panels for the proposed balconies on the non-solid sections to maximize privacy between the proposed development and the low density residential uses to the south.</p> <p>With respect to criteria E.4.6.8 e), the proposal generally complies with a 45 degree angular plane drawn from 80% of the width of the King Street West right-of-way. This is in accordance with the City's City-Wide Corridor Planning Principles and Design Guidelines.</p> <p>Staff are supportive of this variance.</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 and to mitigate any impacts of the additional 1.25m in height being sought through Variance 2, above. 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 setback requirement where none exists currently. Staff support this variance.</p>
4	<p>A minimum setback of 0.0 metres to a stairwell designed to provide access to a rooftop</p>	<p>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</p>



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amenity area from the exterior walls of the storey directly beneath shall be permitted.	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.
Notes:	

Development Engineering:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
Notes:	

Building Engineering:

Recommendation:	Comments Only
Proposed Conditions:	
Comments:	
Notes:	<p>A building permit is required for the construction of the proposed seven (7) storey Dwelling Unit, Mixed Use.</p> <p>Be advised that Ontario Building Code regulations may require specific setback and construction types.</p>



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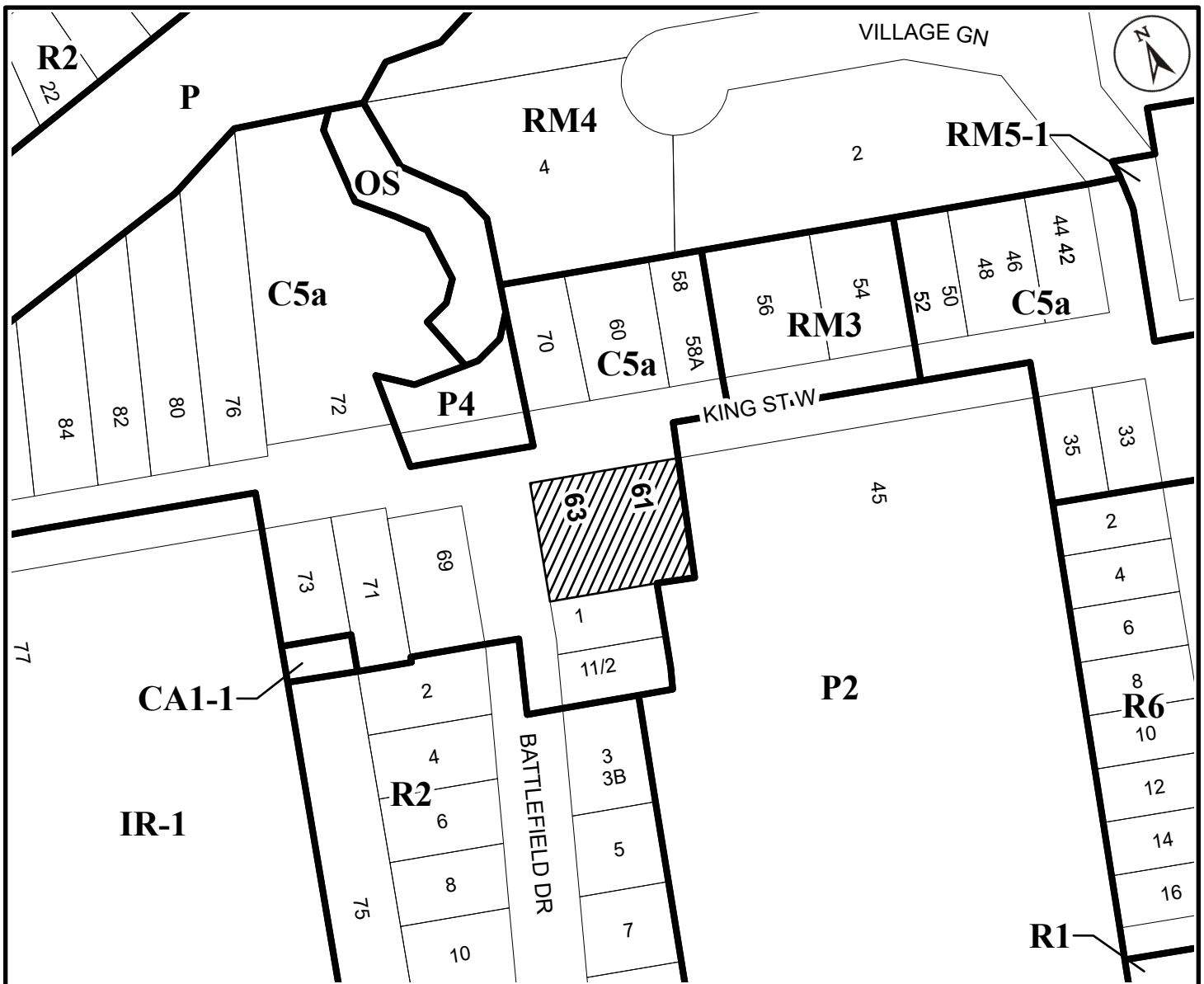
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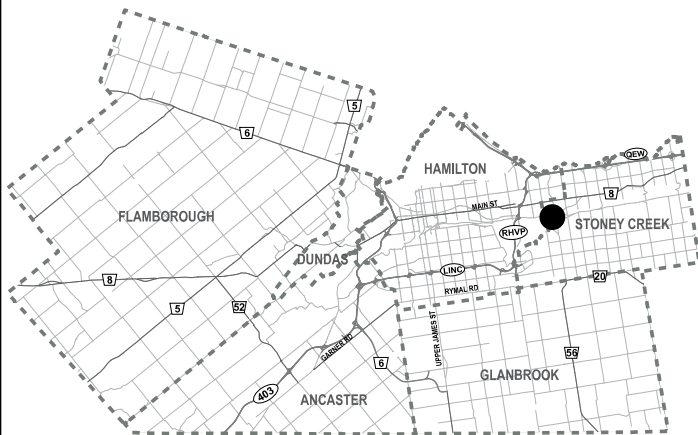
Transportation Planning:

Recommendation:	Approve
Proposed Conditions:	
Comments:	
Notes:	

Please Note: Public comment will be posted separately, if applicable.



● Site Location



City of Hamilton

Committee of Adjustment

Subject Property



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

File Name/Number:

A-24:106

Date:

July 8, 2024

Technician:

AL

Map Not To Scale

Appendix "A"



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