



Hamilton

STAFF COMMENTS

HEARING DATE: March 27, 2025

B-25:013 — 354–360 King Street West, Hamilton

Recommendation:

Approve — Development Planning

Proposed Conditions:

1. The owner shall submit a deposited Ontario Land Surveyor's Reference Plan to the Committee of Adjustment Office, unless exempted by the Land Registrar. The reference plan must be submitted in pdf and also submitted in CAD format, drawn at true scale and location and tied to the city corporate coordinate system. (Committee of Adjustment Section)
2. The owner shall pay any outstanding realty taxes and/or all other charges owing to the City Treasurer. (Committee of Adjustment Section)
3. The owner submits to the Committee of Adjustment office an administration fee, payable to the City of Hamilton, to cover the costs of setting up a new tax account for each newly created lot. (Committee of Adjustment Section)
4. King Street West is to be 26.213 metres from Highway 403 to Queen Street North. The existing right-of-way at the subject property is approximately ± 20 metres. Approximately ± 3.048 metres are to be dedicated to the right-of-way on King Street West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. All to the satisfaction and approval of the Manager, Transportation Planning
 - a) A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. (Transportation Planning)
 - b) The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. <https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication>. (Transportation Planning)
 - c) Subject to the satisfaction and approval of the Manager, Transportation Planning.
5. The owner must provide proof of separate, independent services for both the severed and retained lots. (Development Engineering)



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Proposed Notes:

In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees. (Building Engineering)

We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road. (Legislative Approvals)

Grading approval was provided through SPA-22-129 and Servicing approval was provided through DA-18-096. (Development Engineering)



Development Planning:

Background

	Frontage	Depth	Area
SEVERED LANDS – Parcel 1 (Parts 1, 5, 6, 7 and 10):	62.0 m± (King Street) 7.0 m± (Market Street)	Irregular	4506.6 m ² ±
SEVERED LANDS – Parcel 2 (Parts 2, 8 and 11):	54.0 m± (Market Street)	Irregular	717.1 m ² ±
RETAINED LANDS – Parcel 3 (Parts 3, 4, 9, 12 and 13):	7.0 m± (King Street) 32.0 m± (Queen Street)	Irregular	1587.8 m ² ±

The purpose of Consent to Sever application B-25:013 is to permit the conveyance of two parcels of land for residential uses (multiple dwelling), as part of a stratified land severance, and to retain a parcel of land for commercial uses (hotel). Existing structures and parking areas which form part of a mixed use development are to remain. An associated Consent for Easement application B-25:014 is being reviewed separately.

Staff note that Site Plan Control application SPA-22-129 received final approval on December 13, 2023. Additionally, a related Urban Hamilton Official Plan Amendment application (UHOPA-20-003) was approved by the Ontario Land Tribunal on August 24, 2022. UHOPA-20-003 was required to permit a maximum height of 25 storeys for the proposed multiple dwelling and a maximum height of 12 storeys for the hotel.

Staff further note that the proposed severance consists of Part 1, being the multiple dwelling under construction, Part 2 being the existing multiple dwelling (stacked townhouses) fronting onto Market Street and Part 3, being the existing hotel. For a detailed breakdown and full list of the proposed Parts and easements, please see Appendix A.

Analysis

Urban Hamilton Official Plan

The subject lands are identified as “Primary Corridor” and “Priority Transit Corridor” on Schedule E – Urban Structure and are designated “Mixed Use – Medium Density” on Schedule E-1 – Urban Land



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Use Designations of the Urban Hamilton Official Plan. Policies E.4.6.5 and F.1.14.3.4, amongst others, applicable and permit the existing and under construction portions of the mixed-use development.

Policy E.4.6.5 permits the existing multiple dwelling (Part 2) and hotel (Part 3) and the under construction multiple dwelling (Part 1).

Policy F.1.14.3.4 permits new lot creation for mixed uses, commercial, institutional or open space uses within Commercial/Mixed Use and Institutional designations provided the following conditions are met:

- a) the lots severed for commercial, institutional or open space uses shall comply with the policies of this Plan including secondary plans, where one exists;
- b) The lots are in conformity with the Zoning By-law or a minor variance is approved;
- c) the lots severed for residential uses, including mixed use buildings which contain residential uses shall comply with Section B.2.4 – Residential Intensification Policies, Section B.3.3 – Urban Design Policies, Section E.3.0 – Neighbourhoods Designation and any other relevant policies of this Plan;
- d) the lots are fully serviced by municipal water and wastewater systems; and,
- e) the lots have frontage on a public road.

Staff note Part 1 will have a lot area of 4506.6 square metres and frontages of 62 metres on King Street West and 7 metres on Market Street. Part 2 will have a lot area of 717.1 square metres and a 54 metre frontage on Market Street. Part 3 will have a lot area of 1587.8 square metres and frontages of 7 metres on King Street West and 32 metres on Queen Street North. Additionally, the commercial and residential uses are permitted within the “Mixed Use – Medium Density” designation, the proposed lots conform to the Zoning By-law, the lots are fully serviced by municipal water and wastewater services and will have frontage on public roads.

Strathcona Secondary Plan

The subject lands are designated “Mixed Use – Medium Density”, “Area Specific Policy C-5”, “Area Specific Policy C-6” and “Area Specific Policy L” on Land Use Plan – Map B.6.6-1 of the Strathcona Secondary Plan. Policies 6.6.6.1, 6.6.15.3 and 6.6.15.12, amongst others are applicable and permit the mixed use development and the maximum building heights of 25 and 12 storeys.



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Strathcona Neighbourhood Plan

The subject lands are identified as “Civic and Institutional” on Map 6804 (Map 2 of 2) of the Strathcona Neighbourhood Plan.

Based on the above analysis, staff are of the opinion the proposed severance maintains the general intent of the Urban Hamilton Official Plan.

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

The subject lands are zoned Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 295, 821) Zone and Transit Oriented Corridor – Mixed Use Medium Density (TOC1, 295, 741, H120) Zone in City of Hamilton Zoning By-law No. 05-200. The existing and under construction portions of the mixed-use development are permitted.

Parcel 1 would have a frontage of 62 metres on King Street West and 7 metres on Market Street, with an area of 4506.6 square metres. Parcel 2 would have frontage of 54 metres on Market Street and an area of 717.1 square metres. Parcel 3 would have a frontage of 7 metres on King Street West and 32 metres on Queen Street North with an area of 1587.8 square metres. Staff note that the Zoning By-law does not require a minimum lot area or lot width for the proposed uses.

Based upon review of the above policies and the materials provided in support of this severance application, staff are of the opinion that the proposed severance meets the intent of the Urban Hamilton Official Plan. **Staff recommend the proposed severance be approved.**

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<p>1. Please note that as per Special Exception E821 and amending By-law No. 22-242, within the lands zoned Transit Orientated Corridor Mixed Use – Medium Density (TOC1) Zone, identified on Map 909 and 951 of Schedule “A” to By-law No. 05-200 and described as 354 King Street West, the following special provisions shall apply:</p> <p>The lands zoned Transit Oriented Corridor Mixed Use – Medium Density (TOC1, 295, 821) Zone and the lands zoned Transit Oriented Corridor Mixed Use – Medium Density (TOC1, 295, 741) Zone shall be deemed to be one lot for the purposes of applying the provisions of the By-law. Zoning provisions shall</p>



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	<p>apply only to the external lot lines of the overall lands, not to internal lot lines resulting from any future severance.</p> <p>As the subject lot(s) shall be deemed one lot for the purpose of applying the provisions of the By-law and zoning provisions shall only apply to the external lot lines of the overall lands, not to internal lot lines resulting from the proposed Consent / Land Severance Application, this Division has no concerns with the proposal.</p> <p>2. This application will facilitate to Site Plan Control Application No. SPA-22-129, SPA-21-111 and DA-18-086.</p>
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
Proposed Conditions:	The owner must provide proof of separate, independent services for both the severed and retained lots.
Comments:	<p>According to our GIS records, the existing municipal infrastructure fronting the subject property is summarized as follows:</p> <ul style="list-style-type: none"> • King Street West <ul style="list-style-type: none"> ○ 300mmø Combined Sewer ○ 675mmø Combined Sewer ○ 150mmø Watermain ○ 300mmø Watermain • Queen Street North <ul style="list-style-type: none"> ○ 378mmø Combined Sewer ○ 300mmø Watermain • Market Street <ul style="list-style-type: none"> ○ 300mmø Combined Sewer ○ 150mmø Watermain <p>Separate and independent services shall be provided for each dwelling constructed within each parcel of land in accordance with the current Sewer and Water By-laws.</p>
Notes:	Grading approval was provided through SPA-22-129 and Servicing approval was provided through DA-18-096.

Building Engineering:



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Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	
Notes:	In order to clear conditions, the applicant will be required to make application for Ontario Building Code compliance and pay the relevant fees.

Transportation Planning:

Recommendation:	Approve with Conditions
Proposed Conditions:	<p>King Street West is to be 26.213 metres from Highway 403 to Queen Street North. The existing right-of-way at the subject property is approximately ± 20 metres. Approximately ± 3.048 metres are to be dedicated to the right-of-way on King Street West, as per the Council Approved Urban Official Plan: Schedule C-2 - Future Right-of-Way Dedications. All to the satisfaction and approval of the Manager, Transportation Planning</p> <ol style="list-style-type: none"> a. A survey conducted by an Ontario Land Surveyor and at the Applicant's expense will determine the ultimate dimensions for the right-of-way widening. b. The Applicant's surveyor is to contact Geomatics and Corridor Management to confirm the right-of-way dedication requirements. https://www.hamilton.ca/build-invest-grow/planning-development/planning-policies-guidelines/road-widening-dedication. c. Subject to the satisfaction and approval of the Manager, Transportation Planning.
Comments:	
Notes:	

Forestry:

Recommendation:	Approve
Proposed Conditions:	No conditions required.
Comments:	There are no public tree assets impacted by the proposed conveyance.
Notes:	

Legislative Approvals:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	



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HEARING DATE: March 27, 2025

Comments:	The lands to be retained (Part 3) will remain as 7 Queen Street North (Hamilton) . The lands to be conveyed (Part 2) will remain as 213, 215, 217, 219, 221, 223, 225, 227 Market Street (Hamilton) . The lands to be conveyed (Part 1) will remain as 354 & 356 King Street West (Hamilton) .
Notes:	We ask that the Owner agrees to physically affix the municipal numbers or full addresses to either the buildings or on signs in accordance with the City's Sign By-law, in a manner that is clearly visible from the road.

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



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STAFF COMMENTS

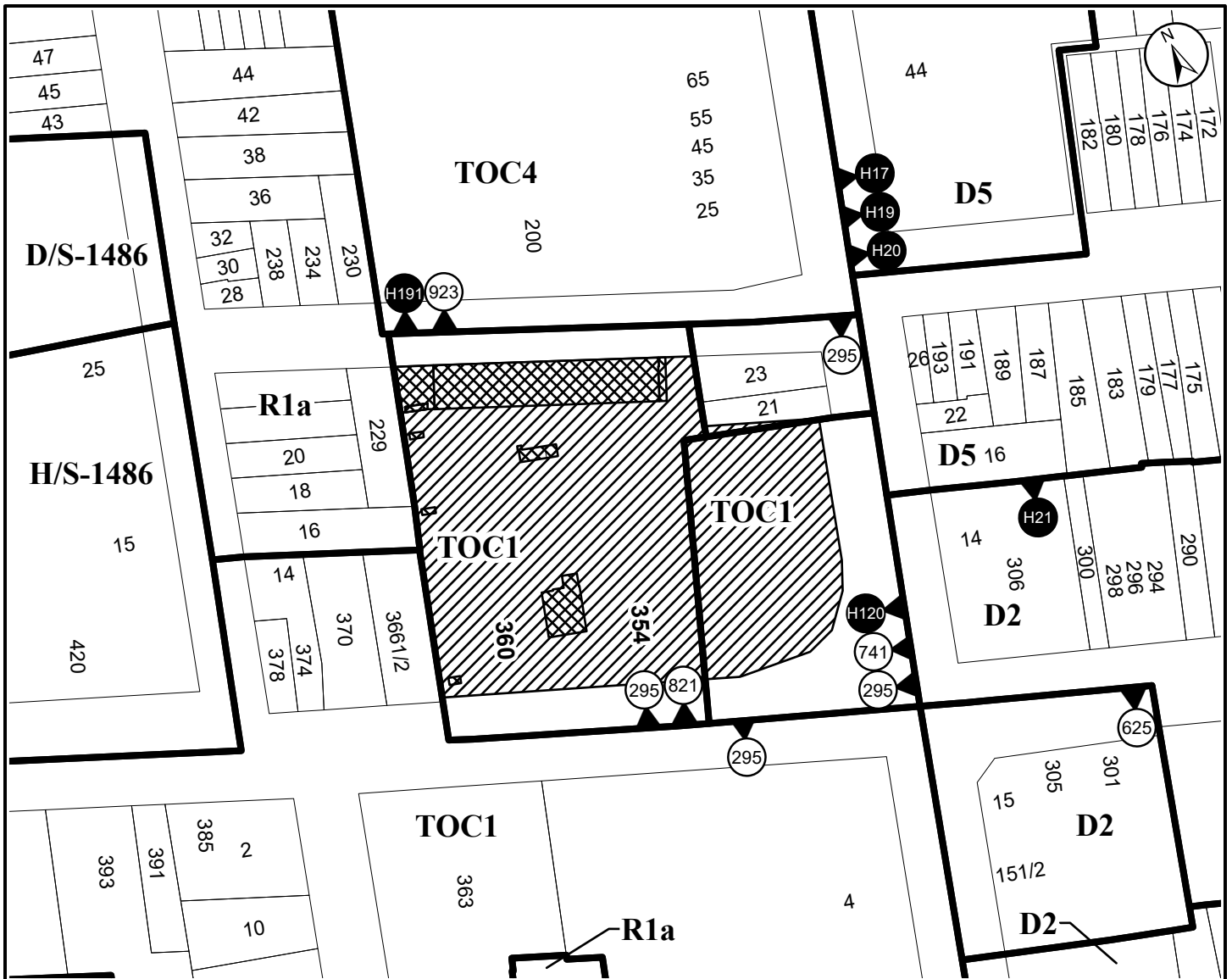
HEARING DATE: March 27, 2025

Parts List for 354 King Street West Strata Plan (Job # 3283-1) by R.Avis Surveying Inc. on 10 February 2025								
Part No	Current Owner	P.I.N.	Floors	Proposed Owner	Proposed Easement in favor of			Description
1	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Residential Rental	Hotel US, B, S, A, E	Stacked Townhouses US, B, S, A, E		balance of the residential rental lands
2	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Stacked Townhouses	Hotel US, B, S, A, E		Residential Rental US, B, S, A, E	balance of the stacked townhouse lands
3	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Hotel		Stacked Townhouses US, B, S, A, E	Residential Rental US, B, S, A, E	balance of the hotel lands
4	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Hotel		Stacked Townhouses US, B, S, A, E	Residential Rental US, B, S, A, E	portion of the hotel lands subject to an existing easement (1)
5	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Residential Rental	Hotel US, B, S, A, E	Stacked Townhouses US, B, S, A, E		Air Shaft
6	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Residential Rental	Hotel US, B, S, A, E	Stacked Townhouses US, B, S, A, E		Air Shaft
7	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Residential Rental	Hotel P, US, B, S, A, E	Stacked Townhouses P, US, B, S, A, E		Stairway
8	King West Crossing Ltd.	17145-0434(LT)	P1	Stacked Townhouses	Hotel US, B, S, A, E		Residential Rental US, B, S, A, E	Gas Meter Location
9	King West Crossing Ltd.	17145-0434(LT)	P2	Hotel		Stacked Townhouses US, B, S, A, E	Residential Rental US, B, S, A, E	Mechanical room
10	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Residential Rental	Hotel US, B, S, A, E	Stacked Townhouses US, B, S, A, E		Air Shaft
11	King West Crossing Ltd.	17145-0434(LT)	1,P1,P2	Stacked Townhouses	Hotel P, US, B, S, A, E		Residential Rental P, US, B, S, A, E	Stairway
12	King West Crossing Ltd.	17145-0434(LT)	P1	Hotel		Stacked Townhouses P, US, B, S, A, E	Residential Rental P, US, B, S, A, E	Exit Corridor
13	King West Crossing Ltd.	17145-0434(LT)	1,P1	Hotel		Stacked Townhouses P, US, B, S, A, E	Residential Rental P, US, B, S, A, E	Maintenance Bay, Service Vestibule

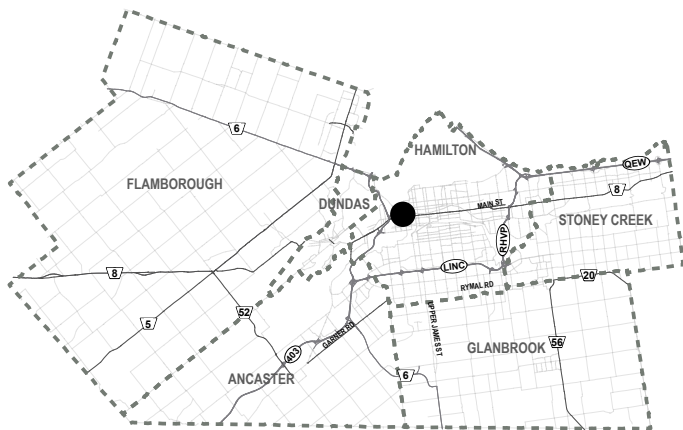
Legend

- 1 subject to an easement as set out in Instrument WE1659069 (Alectra Utilities Corporation)
- P easement for pedestrian access
- US easement for the maintenance & repair of utilities & services
- B easement for the maintenance & repair of the buildings
- S easement for support rights
- A easement for unimpeded air flow rights
- E easement for emergency egress

Note: Reciprocal easements between the Residential Rental, the Stacked Townhouses and the Hotel will be provided for specific pedestrian access easements; general easements will be provided for rights of support, unimpeded and uninterrupted rights to air flow, emergency egress through the stairwells, the maintenance and repair of utilities and services and the maintenance and repair of the buildings, over all of PARTS 1 to 13 inclusive.



● Site Location



City of Hamilton

Committee of Adjustments

Subject Property

354-360 King Street West, Hamilton
(Ward 1)



Lands to be retained



Lands to be severed

File Name/Number:

B-25:013

Date:

March 20, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



Hamilton