

B-25:014 — 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. The owner must provide proof of separate, independent services for both the severed and retained lots. (Development Engineering)

Proposed 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. (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
EASEMENT LANDS (Part 7):	N/A	Varies	23 m ² ±
EASEMENT LANDS (Parts 12 & 13):	6 m±	Varies	151 m ² ±
EASEMENT LANDS (Part 11):	1.5 m±	10 m±	15 m ² ±
REMAINDER LANDS:	7.0 m± (King Street) 32.0 m± (Queen Street)	Irregular	1587.8 m ² ±

The purpose of Consent for Easement application B-25:014 is to create a stratified easements over a portion of the lands for access purposes. Existing structures and parking areas which form part of a mixed-use development are to remain. An associated Consent to Sever application B-25:013 is being reviewed separately.

Staff note that Site Plan Control application SPA-22-129 received final approval on December 13, 2023.

Both the proposed severance and easements are to be stratified. The proposed easements are required to establish reciprocal easements for access, air shafts, maintenance bays, gas meters and elevator pits. 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 Use Designations of the Urban Hamilton Official Plan. Policies E.4.6.5 and F.1.14.3.7 and Section F.4.2, amongst others, applicable and permit the existing and under construction portions of the mixed use development.



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STAFF COMMENTS

HEARING DATE: March 27, 2025

Policy F.1.14.3.7 permits consents for the purposes of long-term lease agreements for infrastructure works provided a separate lot is not created for a dwelling or any urban land use, except the uses noted in this Section.

Staff are of the opinion the proposed easements maintain the general intent of the Urban Hamilton Official Plan.

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 existing and under construction portions of the mixed-use development.

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.

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 easements meet the intent of the Urban Hamilton Official Plan. **Staff recommend approval.**

Zoning:

Recommendation:	Comments and Conditions/Notes
Proposed Conditions:	
Comments:	<ol style="list-style-type: none">1. The proposed Consent to establish easements related to providing access to air shafts, stairways, elevators, exit corridors, access walkways, maintenance bays, service vestibules, mechanical rooms and gas metres, which are all shared within the same parking structure, is required to facilitate Site Plan Control Application No. SPA-22-129, SPA-21-111 and DA-18-086.2. This Division has no concerns with the proposed application.
Notes:	

Development Engineering:

Recommendation:	Approve with Conditions
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HEARING DATE: March 27, 2025

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.

Legislative Approvals:

Recommendation:	No Comments
Proposed Conditions:	
Comments:	
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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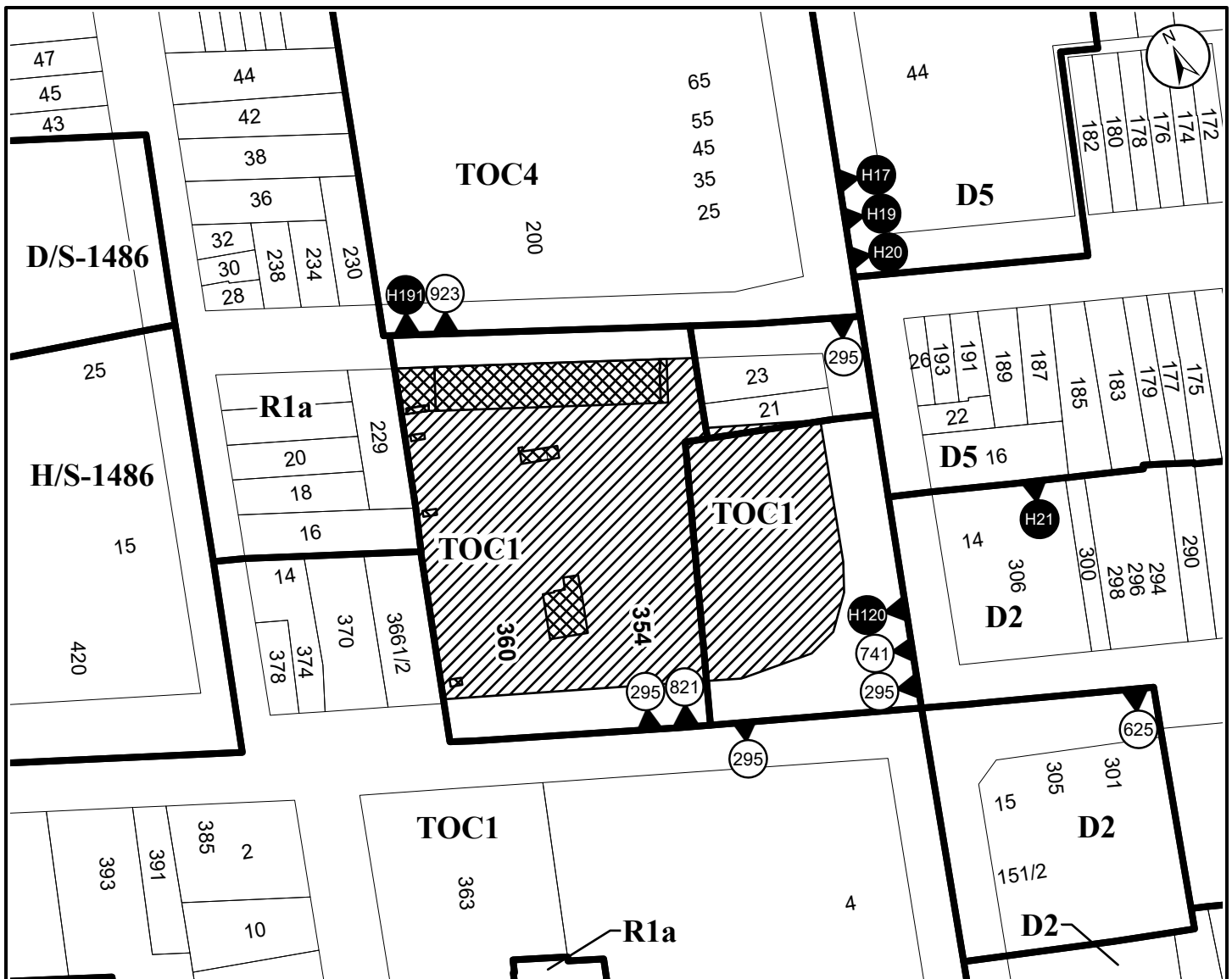
Parts List for 354 King Street West Strata Plan (Job # 3283-1) by R.Avis Surveying Inc. on 10 February 2025

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

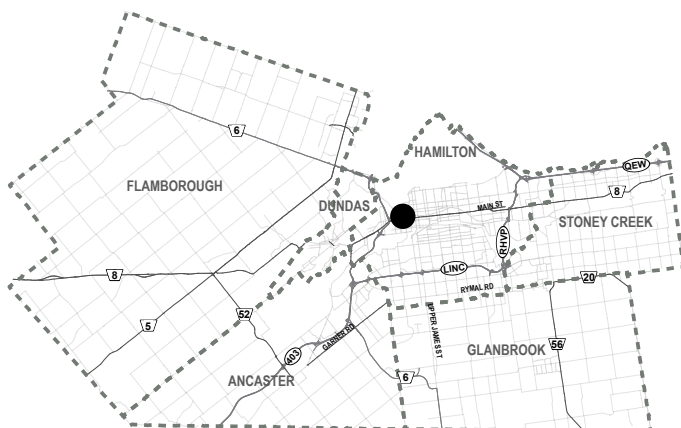
Legend

- 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-25:014

Date:

March 20, 2025

Technician:

DR

Scale:

N.T.S.

Appendix "A"



Hamilton

Planning and Economic Development Department