SUBJECT: Demolition Permit – 260 King Street East (PED06054) (Ward 2)

RECOMMENDATION:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 260 King Street East in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $340,000 ($20,000 for each of the seventeen dwelling units of the existing building that were demolished);

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building and Licensing and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

Lee Ann Coveyduck
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The owner of this property is proposing to demolish the existing three (3) storey building which contains commercial on the ground floor and seventeen (17) vacant dwelling units on the upper floors. A Site Plan application, DA-05-142 for the construction of an eleven (11) storey - one hundred and twenty three (123) unit multiple dwelling with retail on the ground floor has been conditionally approved at the Development Review Committee meeting on December 19, 2005. As of this date, the required building permit application for the replacement building has not been submitted.

BACKGROUND:

PRESENT ZONING: D-2 (Map 953 of the Downtown Zoning By-law 05-200)

PRESENT USE: Commercial with Seventeen (17) Dwelling Units

PROPOSED USE: Commercial with One Hundred and Twenty Three (123) Dwelling Units

BRIEF DESCRIPTION: The owner is proposing to demolish the existing three (3) storey building which contains commercial on the ground floor and seventeen (17) vacant dwelling units on the upper floors. City Council had previously approved the demolition of this commercial/residential building at City Council meeting of December 8, 1998. The recommendations imposed by Council at that meeting were similar to the ones imposed in this recommendation. The only difference being that the replacement requirement of a new building was permitted to be a sales office and model suite and the sum, if the building was not completed within the two year time limit, was $15,000. The demolition permit application has since expired and the demolition permit application was cancelled.

A Site Plan application, DA-05-142 for the construction of an eleven (11) storey - one hundred and twenty three (123) unit multiple dwelling with retail on the ground floor has been conditionally approved at the Development Review Committee meeting on December 19, 2005. As of this date, the required building permit application for the replacement building has not been submitted.

Please be advised that this property is located in the “Central Area” as defined in City Council’s resolution passed on July 26, 1994 regarding demolition control and is subject to special conditions regarding demolition control that requires a building permit to be issued for a replacement dwelling on the property and for reconstruction within a specific time frame. This land is in the Beasley neighbourhood and is
located in Ward 2. Please see attached location map shown as Appendix A to Report PED06054.

No LACAC interest. Lot size 50.01m x 53.95m

The owner of the property, as per the demolition permit application is:

Spallacci & Son’s Limited
85 Lancing Drive
Hamilton, ON L8W 2Z9

**ANALYSIS/RATIONALE:**

N/A

**ALTERNATIVES FOR CONSIDERATION:**

N/A

**FINANCIAL/STAFFING/LEGAL IMPLICATIONS:**

N/A

**POLICIES AFFECTING PROPOSAL:**

The subject lands are designated "Prime Retail Streets" in the Downtown Hamilton Secondary Plan. The policies of the Secondary Plan encourage ground floors occupied by street oriented commercial uses with upper floors used for office commercial or residential. As the proposal, as per Site Plan Application DA-05-142, is for a residential building with ground floor commercial, the development conforms to the policies of the Downtown Hamilton Secondary Plan.

**RELEVANT CONSULTATION:**

The above information regarding the policies affecting the proposal was provided by a Senior Planner from the Development and Real Estate Division.

**CITY STRATEGIC COMMITMENT:**

By evaluating the “Triple Bottom Line”, (community, environment, economic implications) we can make choices that create value across all three bottom lines, moving us closer to our vision for a sustainable community, and Provincial interests.

- Community Well-Being is enhanced. □ Yes ☑ No
- Environmental Well-Being is enhanced. ☑ Yes □ No

Human Health and safety are protected.
In addition to the general unsightliness of the building, the building has remained vacant, has been subject to vandalism and to trespass on several occasions. It was the opinion of the Fire Chief that the deteriorated condition also presents a potential fire risk to neighbouring buildings and their occupants. There is some concern that the building is also a haven for rodents and may become a health hazard.

**Economic Well-Being is enhanced.** ☑ Yes □ No

Investment in Hamilton is enhanced and supported.

Redevelopment of this property with the construction of a new commercial and residential building will enhance the neighbourhood, provide additional taxes and curb urban sprawl.

**Does the option you are recommending create value across all three bottom lines?**

□ Yes ☑ No

**Do the options you are recommending make Hamilton a City of choice for high performance public servants?**

□ Yes ☑ No

FP:fp – Attach. (1)