SUBJECT: Demolition Permit – 322-326 King Street East (PED09215) (Ward 2)

RECOMMENDATION:

That the Director of Building Services be authorized and directed to issue a demolition permit for 322-326 King Street East in accordance with By-Law 08-226 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 $160,000;

(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 Services 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.

Tim McCabe
General Manager
Planning and Economic Development Department
EXECUTIVE SUMMARY:

The owner of this property is proposing to demolish the existing three storey commercial/residential mixed use building and construct a new commercial/residential mixed use building in the future. The building contains ground floor commercial with eight residential units on the upper floors. As of this date the required building permit application has not been submitted for the replacement dwellings.

As this property is located in the middle of an established neighbourhood and current zoning would permit the replacement residential use, the application of the special conditions by Council are appropriate for this situation.

BACKGROUND:

PRESENT ZONING: D2 – Downtown Prime Retail

PRESENT USE: Ground Floor Commercial with Eight Dwelling units

PROPOSED USE: Commercial with residential

BRIEF DESCRIPTION: A recent inspection revealed that this is a three storey brick and stucco clad building with ground floor commercial and second and third floor residential dwelling units. The building is currently vacant and in a deteriorated condition, more pronounced in the rear. The age of the building appears to be between 60 - 70 years.

As of this date the required building permit application has not been submitted for the replacement of the eight dwelling units, however, the removal of this building and construction of a new building will enhance the neighbourhood.

This land is located in the Beasley Neighbourhood and is located in Ward 2. Please see attached location map shown as Appendix A to Report PED09215.

No interest to the Hamilton Municipal Heritage Committee.

Lot size: irregular 15.15m x 32.1m

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

R. Denninger Ltd
284 King Street East
Hamilton, Ontario
L8N 1B7
ANALYSIS/RATIONALE:

This property is located within the Beasley Neighbourhood. The present building is vacant and in a deteriorated condition with the rear of the building containing the area of greatest deterioration. The building consists of main floor commercial with eight dwelling units located on the upper two floors. The applicant is proposing to demolish this mixed use building and erect a new replacement building in the future. The area is a well established neighbourhood with the property maintaining frontage on King Street East. This is a high profile street located within the City centre. To prevent a vacant lot from occurring within the existing neighbourhood the imposition of conditions for its replacement are deemed appropriate.

ALTERNATIVES FOR CONSIDERATION:

Should the Committee wish to approve the demolition without imposing the conditions for a replacement dwelling, then the following recommendation may be appropriate:

That the Director of Building Services be authorized and directed to issue a demolition permit for 322-326 King Street East in accordance with By-Law 08-226 pursuant to Section 33 of The Planning Act as amended.

FINANCIAL/STAFFING/LEGAL IMPLICATIONS:

N/A

POLICIES AFFECTING PROPOSAL:

N/A

RELEVANT CONSULTATION:

The property contains eight dwelling units and as such must comply with the requirements of the Official Plan regarding the conversion of rental units. Planning staff advise that the applicant has provided information that indicates conformity with the Hamilton Official Plan Policy C.7.11. Planning staff have no concerns with this application as a result.

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
Replacing an older building with new construction will enhance and add to the stability of the neighbourhood.

Environmental Well-Being is enhanced. ☑ Yes ☐ No
Human health and safety are protected.
Modern building techniques and utilitarian equipment help provide a better living environment for the home owners.

Economic Well-Being is enhanced. ☑ Yes  □ No
Investment in Hamilton is enhanced and supported.
Redevelopment of this property with the construction of a new mixed use 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

SB:sb
Attach. (1)
Location Map

File Name/Number: PED09215
Date: July 7, 2009

Appendix "A"

Scale: N.T.S.
Planner/Technician: SE/AL

Subject Property

322 - 326 King Street East

Ward 2 Key Map N.T.S.