



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

TO:	Chair and Members Planning Committee
COMMITTEE DATE:	October 6, 2015
SUBJECT / REPORT NO:	Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (Hamilton) (PED15150) (Ward 7)
WARD(S) AFFECTED:	Ward 7
PREPARED BY:	Melanie Schneider Planner II (905) 546-2424 Ext. 1224 Steve Robichaud Director of Planning and Chief Planner Planning Division
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That approval be given to **Zoning Application ZAR-15-032, by DiCenzo Construction, Owner**, for a change in zoning from the “AA” (Agricultural) District to the “C” (Urban Protected Residential, Etc.) District, to permit the development of three single detached dwellings on lands located at 61, 65 and 69 Aquasanta Crescent (Hamilton), as shown on Appendix “A” to Report PED15150, on the following basis:
- i) That the draft By-law, attached as Appendix “B” to Report PED15150, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
 - ii) That the amending By-law be added to Section 19B of Zoning By-law No. 6593.
- (b) That staff be directed to amend the Ryckman’s Neighbourhood Plan from the “Civic and Institutional” designation to “Single and Double” to reflect the proposed use.

EXECUTIVE SUMMARY

The Zoning By-law Amendment application is to allow for the development of three residential lots for single detached dwellings within the DiCenzo Gardens subdivision. The lands are directly adjacent to two archaeological sites and have undergone stage 4 archaeological assessments to ensure no further archaeological conflicts are present. The proposal will provide a development that is consistent with the existing built form and planned intent of the registered DiCenzo Gardens Plan of Subdivision 62M-1209 and satisfy conditions required under Consent Applications HM/B-15:17 and HM/B-15:18 to create the lots. The proposal is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and complies with the Urban Hamilton Official Plan (UHOP).

Alternatives for Consideration – See Page 14

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: As required by the *Planning Act*, Council shall hold at least one Public Meeting prior to the passing of a Zoning By-law Amendment.

HISTORICAL BACKGROUND

February 28, 2015 Submission of Consent Applications HM/B-15:17 and HM/B-15:18 to the Committee of Adjustment.

April 29, 2015: Consent Applications HM/B-15:17 and HM/B-15:18 approved by the Committee of Adjustment, subject to conditions, to create lots municipally known as 61, 65 and 69 Aquasanta Crescent.

May 6, 2015: Submission of Application ZAR-15-032 by DiCenzo Construction.

May 8, 2015: Proposal exempted from Formal Consultation by City Staff.

May 28, 2015: Application ZAR-15-032 deemed complete.

SUBJECT: Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (Hamilton) (PED15150) (Ward 7) – Page 3 of 15

June 4, 2015: Notice of Complete Application and Pre-Circulation was mailed to 30 residents within 120 m of the subject property.

July 7, 2015: A Public Notice sign was established on the property.

September 9, 2015 Public Notice sign updated with date of Public Meeting

September 10, 2015 Circulation of Notice of Public Meeting to 30 residents within 120 m of the subject property

Background:

The subject properties are located on the east side of Aquasanta Crescent, south of DiCenzo Drive, and are municipally known as 61, 65 and 69 Aquasanta Crescent, Hamilton. The subject lands are 0.17 ha and are currently vacant. The rear easterly and southerly portion of the lands abut a neighbourhood park, Ryckmans Park which contains two archaeological sites, Daniel Young Homestead and Olmstead Iriquois Village. The north portion of the lands abut a residential development within the DiCenzo Gardens Subdivision, while the property fronts onto a newly constructed portion of Aquasanta Crescent. A condition of the Subdivision Agreement required that Archaeology Assessments be carried out on the subject lands to ensure no further archaeological interests were present.

The subject lands are also subject to Consent Applications HM/B-15:17 and HM/B-15:18 (see Appendix “C”) with a special condition for appropriate zoning to be implemented, ensuring zoning provisions appropriately meet the intent and purpose of the Zoning By-law.

The lands currently have a 0.3 m reserve over the frontage of the property and therefore, do not have frontage on a public road. Discussions with Development Engineering staff have ensured that the reserve will be lifted once a rear yard catch basin is installed on the property municipally known as 69 Aquasanta Crescent.

Zoning By-law Amendment (ZAC-15-032)

The purpose of the application is for a change in zoning from “AA” (Agricultural) District to “C” (Urban Protected Residential, Etc.) District. The application seeks to permit the development of three lots for single detached dwellings within the DiCenzo Gardens Subdivision. No modifications are proposed to the “C” District in order to facilitate the development. The proposed change in zoning will permit development that is consistent with the existing residential uses to the north and west of the subject lands.

SUBJECT: Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (Hamilton) (PED15150) (Ward 7) – Page 4 of 15

DETAILS OF SUBMITTED APPLICATION:

Owner / Applicant: DiCenzo Construction Company

Agent: WEBB Planning Consultants Ltd. c/o James Webb

Location: 61, 65 and 69 Aquasanta Crescent (Hamilton) (see Location Map noted as Appendix “A”)

Property Size:

Frontage	43 m
Area	0.17 ha
Depth	36.4m

Servicing: Full Municipal Services

EXISTING LAND USE AND ZONING:

	<u>Existing Land Use</u>	<u>Existing Zoning</u>
<u>Subject Lands</u>	Vacant	“AA” (Agricultural) District
<u>Surrounding Lands:</u>		
North	Single Detached Dwellings	“C” (Urban Protected Residential, Etc.) District
East	Neighbourhood Park	Neighbourhood Park (P1) Zone in Hamilton Zoning By-law No. 05-200
South	Neighbourhood Park	Neighbourhood Park (P1) Zone in Hamilton Zoning By-law No. 05-200
West	Single Detached Dwellings, Vacant Land	“C” (Urban Protected Residential, Etc.) District

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Provincial Policy Statement (2014)

The 2014 Provincial Policy Statement (PPS) applies to all decisions made on or after April 30, 2014. The PPS promotes growth within settlement areas by encouraging efficient and sustainable development patterns to meet current and future needs.

Intensification and a range of housing options are encouraged to achieve efficient patterns of development to meet a range of future housing needs. The following policies from the PPS, amongst others, are considered to be applicable to the applicant's development proposal:

- “1.1.1 Healthy, liveable and safe communities are sustained by:
- 1.1.1a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
 - 1.1.1b) Accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial, commercial), institutional (including places of worship, cemeteries, and long term care homes), recreation, park and open space, and other uses to meet long-term needs;
 - 1.1.1c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.
- 1.1.3.1 *Settlement areas* shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
- 1.1.3.2 Land use patterns within *settlement areas* shall be based on:
- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;
 - 2. are appropriate for, and efficiently use, the *infrastructure* and *public service facilities* which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency”

The proposed development is consistent with the above-noted policies. The proposal provides for an appropriate form of residential development within a settlement area, consistent with the existing low density development within the established subdivision. The applicant also proposes to maintain the established development pattern along Aquasanta Crescent which will provide an efficient use of the subject lands in an appropriate manner for the existing infrastructure.

“1.4.3 Planning authorities shall provide for an appropriate range of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- a) permitting and facilitating:
 - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs; and,
- c) promoting densities for new housing which efficiently use land resources, infrastructure and public service facilities, and support the use of alternative transportation modes and public transit in areas where it exists or is to be developed.”

With respect to the above Housing policies, the proposed Zoning By-law Amendment will provide for development that is appropriate for the overall DiCenzo Gardens Subdivision (see Appendix “D”). The proposed low density built form is appropriate for this location as it efficiently uses the subject lands, infrastructure, and public service facilities.

“2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.”

The applicant submitted Stage 3 and 4 Archaeological Assessments prepared by Detritus Consulting Ltd., dated March 2015 and April 2015, respectively. Staff are satisfied that all archaeological potential on the subject lands has been assessed, and appropriate measures have been taken to ensure archaeological resources have been appropriately conserved for the future development of the lands.

Based on the foregoing, the proposed development is consistent with the PPS.

Growth Plan for the Greater Golden Horseshoe

The following policies, amongst others, from the Growth Plan for the Greater Golden Horseshoe are applicable to the proposal:

- “2.2.2.1 Population and employment growth will be accommodated by:
- h) encouraging cities and towns to develop as *complete communities* with a diverse mix of land uses, a range and mix of employment and housing types, high quality public open space and easy access to local stores and services; and,

- i) directing development to *settlement areas*, except where necessary for development related to the management or use of resources, resource-based recreational activities, and rural land uses that cannot be located in *settlement areas*.

2.2.3.1 By the year 2015 and for each year thereafter, a minimum of 40 per cent of all residential development occurring annually within each upper- and single-tier municipality will be within the built-up area.

The proposed Zoning By-law Amendment will allow for the development of three single detached dwellings within settlement and built-up areas. The development will maintain a complete community within the DiCenzo Gardens Subdivision, directly adjacent to public space, being Ryckmans Park.

Based on the foregoing, the proposal conforms to the Growth Plan for the Greater Golden Horseshoe.

Urban Hamilton Official Plan

Neighbourhoods

The subject lands are identified as “Neighbourhoods” on Schedule “E” – Urban Structure and designated “Neighbourhoods” on Schedule “E-1” – Urban Land Use Designations in the Urban Hamilton Official Plan (UHOP). The following policies, amongst others, apply:

“E.3.2.1 Areas designated Neighbourhoods shall function as *complete communities*, including the full range of residential dwelling types and densities as well as supporting uses to serve the local residents.”

The proposed development of three residential lots will maintain the planned intent of the DiCenzo Gardens Subdivision, a complete community containing open public space to serve local residents within walking distance and substantial pedestrian access throughout the community.

Low Density Residential

“E.3.4.1 The preferred location for low density residential uses is within the interior of neighbourhoods.

E.3.4.4 For low density residential areas the maximum net residential density shall be 60 units per hectare.

E.3.4.5 For low density residential areas, the maximum height shall be three storeys.

- E.3.4.6 Development in areas dominated by low density residential uses shall be designed in accordance with the following criteria:
- a) Direct access from lots to adjacent to major or minor arterial roads shall be discouraged.
 - d) Development, including the creation of infill lots involving the creation of new public streets or extensions, shall generally proceed by way of plan of subdivision. Such plans shall achieve the logical and sequential extension of streets and municipal services and an efficient lotting pattern.”

The subject lands are located within the interior of the existing neighbourhood, bounded by Upper James Street, Upper Wellington Street, Stone Church Road and Rymal Road West. The density of the proposed development is approximately 17 units per hectare, and shall be limited to a maximum of two and a half storeys by the “C” District of the Zoning By-law (see Appendix “B”). The lands do not have direct access to major or minor arterial road and will continue the planned intent of the Registered Plan of Subdivision known as DiCenzo Gardens Subdivision, 62M-1209 (see Appendix “D”).

Cultural Heritage

- “B.3.4.2.1 The City of Hamilton shall, in partnership with others where appropriate:
- a) Protect and conserve the tangible cultural heritage resources of the City, including archaeological resources, built heritage resources, and cultural heritage landscapes for present and future generations.
 - b) Identify cultural heritage resources through a continuing process of inventory, survey, and evaluation, as a basis for the wise management of these resources.
 - d) Avoid harmful disruption or disturbance of known archaeological sites or areas of archaeological potential.
 - g) Ensure the conservation and protection of cultural heritage resources in planning and development matters subject to the *Planning Act* either through appropriate planning and design measures or as conditions of development approvals.”

The subject lands are in close proximity to the Daniel Young Homestead and Olmstead Iroquois Village. The applicant has submitted to the City and the Ministry of Tourism, Culture and Sport Stage 3 and Stage 4 Archaeological Assessments for review. City

SUBJECT: Application for a Zoning By-law Amendment for Properties Located at 61, 65 and 69 Aquasanta Crescent (Hamilton) (PED15150) (Ward 7) – Page 9 of 15

staff have reviewed the documents and are satisfied with the findings. Two find spots were identified within the assessments located on the rear easterly portion of the subject lands and have been appropriately surveyed and inventoried for evaluation. The applicant is advised that further communication from the Ministry should be forwarded to the City upon receipt. Staff are satisfied that the archaeological sites have been appropriately protected from harmful disruption, and that the resources are adequately conserved and protected through the Archaeological Assessments.

Servicing

Policy C.5.4 of Volume 1 provides direction with regards to storm water management:

“C.5.4 The City shall ensure that appropriate storm water management facilities are built and maintained to provide a safe and secure system for storm water.”

The lands municipally known as 69 Aquasanta Crescent are subject to a special condition as part of the DiCenzo Gardens Subdivision, ensuring that a rear yard catch basin is installed prior to the development of the lands. The developer will be required at Building Permit stage to ensure that the catch basin has been installed to the satisfaction of the City.

Based on the foregoing, the proposal complies with the policies of the UHOP.

Neighbourhood Plan

The subject lands are identified as “Civic and Institutional” on the Ryckman’s Neighbourhood Plan. The following policies apply to the subject lands:

“3. Institutional (Educational and Religious Facilities)”

Objective 1 – School Site

The public school site located in the centre of Ryckmans should be developed for a school, in conjunction with other community services. This development should be integrated into the overall design of the neighbourhood.

Policies

- 1) The Board of Education will be encouraged to build a public school on their lands;
- 2) The Separate School Board will be encouraged to develop the lands for a school site, if the Board of Education decides not to develop them;

- 3) The proposed school could be used to provide additional facilities for community services during the evening hours;
- 4) The design of the proposed school should consider the possibility of future conversion to residential and/or other compatible uses; and,
- 5) The school site will be re-designated for other uses if a school is not built.”

The original intent of the subject lands was for the development of a public school. However, the discovery of the Daniel Young and Olmstead Sites indicated that further development would negatively impact these archaeological sites. The adjacent lands were then transferred to the City for the establishment of a Neighbourhood Park. The subject lands are located along the frontage of Aquasanta Crescent, and were not included in the planned intent of Ryckmans Park. Accordingly, Staff recommend that the Neighbourhood Plan be amended to the “Single and Double” classification in order to reflect the proposed use.

RELEVANT CONSULTATION

The following internal Departments and external Agencies had no concerns or objections with respect to the proposed applications:

- Recreation Division, Community and Emergency Services Department;
- Corridor Management, Public Works Department;
- Operations Support, Public Works Department;
- Hamilton Municipal Parking System, Planning and Economic Development Department;
- Forestry and Horticulture, Public Works Department; and,
- Bell Canada.

Public Consultation

In accordance with Council’s Public Participation Policy, the Zoning By-law Amendment Application was circulated as part of the Notice of Complete Application to 30 residents within 120 m of the subject lands on June 4, 2015. Three submissions from the surrounding neighbourhood have been received by staff identifying issues and concerns related to archaeology, natural heritage, site alteration, and access to parkland (see Appendix “E”). The issues and concerns in the correspondence are discussed in the Analysis and Rationale for Recommendation Section of this Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

1. The proposal can be supported for the following reasons:
 - (i) It is consistent with the Provincial Policy Statement, which supports compact development and the provision of a full range of housing opportunities;
 - (ii) It conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), which encourages the development of compact communities within built-up areas;
 - (iii) It complies with the policies in effect for the Urban Hamilton Official Plan; and,
 - (iv) The proposal would be compatible with existing and planned development in the surrounding area and represents good planning.

2. The issues which have been examined for the proposed Zoning By-law Amendment relate to land use and archaeology. These issues are summarized below as follows:
 - a. The Proposed Land Use

The proposed development is located on lands which are designated “Neighbourhoods” on Schedule “E-1” of the UHOP, and is consistent with the planned intent of the surrounding area, consisting of low density residential development. The three lots would continue the planned intent of the DiCenzo Gardens Subdivision, as conceptually illustrated on the Plan of Subdivision 62M-1209 (see Appendix “D”).

 - b. Archaeology

The subject lands meet two of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

 - 1) located within 250 m of known archaeological sites; and,
 - 2) located within 300 m of a primary watercourse or permanent waterbody, 200 m of a secondary watercourse or seasonal waterbody, or 300 m of a prehistoric watercourse or permanent waterbody.

The lands are located west of Ryckmans Park which contains two archaeological sites, the Daniel Young Homestead and the Olmstead Iroquois Village. The Archaeological Assessments submitted by the applicant indicated two find spots on the rear easterly portion of the lands. As per the recommendation of the Stage 3 Assessment, the Stage 4 Archaeological Assessment followed through with clearing the area of archaeological concern. The Assessments have been submitted to the Ministry of Tourism, Culture and Sport for further review and comment.

3. Servicing

Existing servicing was examined by City staff to ensure adequate services were available for the proposed development.

Growth Management staff have advised that there is adequate servicing available adjacent to the subject lands. At the Building Permit stage, the owner is required to demonstrate that a rear yard catch basin has been installed on lands known as 69 Aquasanta Crescent by providing a video inspection after the connection has been completed. At that time, the existing one foot reserve at the front of the properties may be removed for the full development of the lands.

4. Zoning

Staff are recommending the proposed development be placed in the “C” (Urban Protected Residential, etc.) District with no site-specific provisions. The proposed zone change would be in keeping with the existing zoning within the DiCenzo Subdivision, particularly with the lands to the north and west. Staff are satisfied that the lots are in keeping with the “C” District in regards to lot frontages and lot area, and that the proposed zoning is more in keeping with the character of the neighbourhood.

5. The circulation of the application to consider a Zoning By-law Amendment Application has resulted in the submission of correspondence from three area residents (see Appendix “E”).

The issues identified in the neighbourhood letters and previous correspondences are discussed as follows:

a) Archaeology

Several residents were concerned that site alteration was occurring on archaeological lands adjacent to the subject lands. One of the residents that submitted correspondence was Dr. Faux, a descendent of Daniel Young. Dr. Faux's concerns were directed towards fill and grading activity that was

occurring on City lands to the south of the subject application, allegedly within the identified Daniel Young Homestead Site. City staff met with the resident, and carried out review of the lands based on these concerns, as well as documentation provided by the resident. Further investigation of the claim, have indicated that the fill and grading was part of the Subdivision Agreement for DiCenzo Gardens. The City also carried out a subsequent Stage 2 Archaeological Assessment on June 29, 2015 to ensure the development had no further impact on the Daniel Young Site. The archaeologists on site indicated that no further artifacts were found during this exercise.

The Stage 3 and 4 Assessments submitted with the Zoning By-law Amendment Application indicated that there were some artifacts located within the subject lands, and subsequently cleared and inventoried for further reference. Staff are satisfied that all archaeological concerns have been addressed on site. Any further archaeological concerns on City lands, however, are not subject to this application.

b) Natural Heritage

Residents identified concerns that the proposed development would negatively impact the natural heritage landscape associated with the Olmstead Iroquois Site. The subject lands are located to the west of Ryckmans Park, which contains both active and passive recreational areas. The lands directly adjacent to 61, 65 and 69 Aquasanta Crescent contain a vegetated area with long grass species. As part of the proposed development, siltation and erosion fencing is to be placed around the development to ensure the natural area is not negatively impacted. The west portion of Ryckmans Park is intended to be a passive area, whereas the Olmstead Site to the south is intended to remain vegetated to represent the ecology of the area. Staff are satisfied that the natural heritage of the area will continue to be preserved.

c) Ticks

A resident raised concerns that the naturalized area of Ryckmans Park contains a high population of ticks and therefore, the vegetated area should be removed. While Ryckmans Park is not subject to the current application, staff note that this concern has been brought to staff before. The City's Public Health Department is currently developing a City Tick Strategy for mitigation purposes, and a City tender has been awarded to transform the vegetated area to mowed turf.

d) Land Use

A resident objected to the application stating that the subject lands would better be suited as a parking area for Ryckmans Park. Staff note that the park is designated and zoned as a Neighbourhood Park. Accordingly, the park is not intended to serve the needs of residents via vehicular traffic. The park can be accessed to the south of the lands from Tevere Place and another access fronting onto DiCenzo Drive by pedestrians. The proposed residential lots will not impede the pedestrian traffic to the park since there are sidewalks proposed along Aquasanta Crescent. Should residents choose to drive personal vehicles to the park, on street parking is available along the street.

ALTERNATIVES FOR CONSIDERATION

Should the proposed Zoning By-law Amendment Application be denied, the property would remain under the “AA” (Agricultural) District and approvals for Consent Applications HM/B-15:17 and HM/B-15:18 would lapse.

ALIGNMENT TO THE 2012 – 2015 STRATEGIC PLAN

Strategic Priority #1

A Prosperous & Healthy Community

WE enhance our image, economy and well-being by demonstrating that Hamilton is a great place to live, work, play and learn.

Strategic Objective

- 1.5 Support the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents.
- 1.6 Enhance Overall Sustainability (financial, economic, social and environmental).

Strategic Priority #2

Valued & Sustainable Services

WE deliver high quality services that meet citizen needs and expectations, in a cost effective and responsible manner.

APPENDICES AND SCHEDULES ATTACHED

- Appendix “A” - Location Map
- Appendix “B” - Proposed Amending By-law to Hamilton Zoning By-law
- Appendix “C” - Decisions for Consent Applications HM/B-15:17 and HM/B-15:18
- Appendix “D” - Registered Plan of Subdivision
- Appendix “E” - Correspondence

MS/mah