

September 22, 2016

AN/B-16:64 (88 Valleyview Drive, Ancaster)

PLANNING and ECONOMIC DEVELOPMENT DEPARTMENT

Development Planning – Suburban:

The applicant is proposing the creation of a new residential lot with approximately 17.6 m of frontage and a lot area of approximately 1039.0 sq m. The proposed retained lands measure approximately 17.6 m of frontage with a lot area of approximately 1039 sq m for residential purposes. The existing dwelling and accessory structure are proposed to be removed.

Provincial Policy Statement

The application has been reviewed with respect to the Provincial Policy Statement (PPS), namely the Settlement Areas Policy 1.1.3, and Housing Policy 1.4. In particular, staff are of the opinion that the application is consistent with Policy 1.1.3.3, which promotes intensification and redevelopment where appropriate. Furthermore, Housing Policy 1.4.3 encourages planning authorities to permit and facilitate all forms of residential intensification. Based on the foregoing, Staff are of the opinion that the proposal is consistent with the Provincial Policy Statement's guidelines for residential intensification.

Urban Hamilton Official Plan

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).

Archaeology:

The subject property meets one of the ten criteria used by the City of Hamilton and Ministry of Tourism, Culture and Sport for determining archaeological potential:

- 1) In an area of sandy soil in areas of clay or stone.

This criterion defines the property as having archaeological potential. Accordingly, Section 2 (d) of the *Planning Act* and Section 2.6.2 of the *Provincial Policy Statement* apply to the subject application. If this severance is granted, Staff require that the Committee of Adjustment attach the condition listed below.

Residential Intensification Policy B.2.4 in the Urban Hamilton Official Plan states:

“Residential intensification is a key component of Hamilton’s growth strategy and is essential to meet our growth and employment targets. Intensification

ensures land, urban services and the transportation network are used more efficiently and sufficient population is maintained to support existing community facilities. Successfully accommodating more residents within the existing built-up area reduces the need for development of greenfield lands and urban boundary expansions.

Intensification contributes to creating and maintaining vibrant neighbourhoods, nodes and corridors and can provide a wider range of housing types to meet the housing needs of Hamilton’s current and future population. This Plan supports the intensification of the existing built-up area of the City, with a focus on intensification of planned Urban Nodes and Urban Corridors described in Chapter E – Urban Systems and Designations.

While growth through residential intensification brings many benefits to communities and the City as a whole, it must be recognized that it also brings change in varying degrees across the City. In node and corridor areas targeted to receive intensification, greater changes in built form can be expected to occur.

Residential intensification is a key component in successfully developing and transforming targeted areas of the City. Intensification creates livable, vibrant, compact communities; facilitates and enhance the node and corridor structure of the City, and makes efficient use of the City's public transit network and other infrastructure. For intensification to make a positive contribution to the City, careful consideration must be given to design and compatibility with existing uses, neighbourhood character, and cultural and natural heritage. Intensification must represent good planning and not cause unacceptable impacts.”

Staff are of the opinion that the proposed severance does consider the design and compatibility with the existing neighbourhood. The proposed lot fabric will be consistent with the development patterns of the neighbourhood, and will allow for further residential intensification that is in keeping with the established streetscape character. Staff do note that a variance will be required to the minimum lot frontage of the lands to be conveyed and retained. However, Staff are confident that the proposed lot configuration will be consistent with the established character of the area, and is in keeping with the policies listed above.

Residential Intensification Policy B.2.4.1.4 in the Urban Hamilton Official Plan states:

“Residential intensification developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g) as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development’s contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the compatible integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development’s contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

Staff note that the proposed severance will allow for development that will enhance and build upon the existing character of the neighbourhood. Staff feel that the land to be severed and retained are in keeping with and will maintain the character of the established neighbourhood, while allowing for development that will further enhance and build upon the existing streetscape character.

Consent policy F.1.14.3.1 in the Urban Hamilton Official Plan states:

“Consents for new lot creation for both the severed and retained lands for residential uses in the Neighbourhoods designation shall be permitted provided the following conditions are met:

- a) The lot comply with the policies of this Plan, including secondary plans, where one exists;
- b) The lots comply with existing neighbourhood Plans;
- c) The lots are in conformity with the Zoning By-law or a minor variance is approved;

- d) The lots reflect the general scale and character of the established development pattern in the surrounding area b taking into consideration lot frontage and areas, building height, coverage, mass, setbacks, privacy and overview;
- e) The lots are fully serviced by municipal water and wastewater systems; and,
- f) The lots have frontage on a public road."

Planning staff are of the opinion that the proposal complies with the above policies, except for conditions c) and e). Staff note that the lot frontages of the lands to be conveyed and retained do not meet the minimum requirements of the Existing Residential "ER" Zone. However, Staff are confident that the proposed lot configurations are in keeping with the general scale and character of the neighbourhood. Furthermore, Staff note that due to the depth of lots fronting on Valleyview Drive in this area, overall lot areas are well above the required 695.0m² area of the "ER" Zone. Therefore, staff are confident that the proposal will satisfy condition c) for lot creation, contingent upon a successful minor variance application as a condition of approval.

Staff note that the proposed lots are fully serviced by municipal water and wastewater systems, and have frontage on a public road. However, staff are of the opinion that the proposed severance does not comply with policy F.1.14.3.1 e). Specifically, staff note that pursuant to Information Report PW14105, Council has passed a motion to defer lot severances in rural cross section neighbourhoods until the Assessment of Development Intensification in Rural Drainage Neighbourhoods Study is completed. Valleyview Drive does not currently have storm services available, and as such, both the lands to be conveyed and retained would be within a rural cross section. A report addressing this matter is tentatively anticipated to be brought to the Public Works Committee for fourth quarter 2016.

Ancaster Zoning By-law No. 87-57

The lands are zoned Existing Residential "ER" Zone, in the Ancaster Zoning By-law No. 87-57. Single detached dwellings are permitted under this By-law. Staff note that a successful minor variance application for the lot width of the lands to be conveyed and retained will be a condition for approval of this consent application.

Based on the foregoing, staff support the proposed severance, but request that this application be **Tabled** until the Council motion for the Assessment of Development Intensification in Rural Drainage Neighbourhoods Study is completed.

Conditions (if approved)

- 1) That the applicant / owner receives final approval of a Minor Variance Application, to the satisfaction of the Manager of Development Planning, Heritage and Design.

- 2) "That the proponent shall carry out an archaeological assessment of the entire property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found.

No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Tourism, Culture and Sport.

Should deeply buried archaeological materials be found on the property during any of the above development activities the Ontario Ministry of Tourism, Culture and Sport (MTCS) should be notified immediately (416.314.7143). In the event that human remains are encountered during construction, the proponent should immediately contact both MTCS and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Small Business and Consumer Services (416.326.8392)."

Growth Management:

Based on this application being approved and all conditions being met, the owner / applicant should be made aware that the lands to be Retained will remain as 88 Valleyview Drive, and the lands to be conveyed will be assigned the municipal address of 86 Valleyview Drive.

Building Division:

COMMENTS:

1. The applicant should obtain an appropriate municipal address for the proposed parcel(s) from the Growth Planning Section of the Planning and Economic Development Department prior to the issuance of a building permit.
2. Demolition of all or an appropriate portion of the building straddling the proposed property line and the accessory building shall be a condition of consent. Such demolition is subject to a demolition permit issued in the normal manner.
3. Variances for lot frontage will be required for zoning compliance of the lands to be conveyed and retained.

CONDITIONAL UPON:

1. The owner shall receive final approval of any necessary variances from the requirements of the Zoning By-law as determined necessary by the Planning and Economic Development Department (Building Division – Zoning Section)
2. The owner shall demolish all or an appropriate portion of any buildings straddling the proposed property line and also demolish the accessory building, to the satisfaction of the Planning and Economic Development Department (Building Division – Zoning Section). May be subject to a demolition permit issued in the normal manner

Development Engineering – West:**Information:**

Staff have been directed by Public Works Committee to table applications within Rural Drainage Neighbourhoods in Ancaster until such time as the Drainage Assessment is completed. The Committee of Adjustment is hereby advised that the cumulative impacts of re-developments in this area are not known at this time and may have a negative impact on downstream properties. Development Approvals recommends that the application be tabled until the Ancaster Rural Drainage Assessment is satisfactory to the Public Works Committee.

Should this application be supported by the Committee, Development Approvals recommends the following:

Recommendation:

1. The applicant must enter into and the City of Hamilton register on title, a consent agreement, with an administrative fee of \$3,940.00 (2016 fee) to deal with and address issues including but not limited to: grading and drainage (detailed grading plan required), erosion and sediment control measures (to be included on grading plan); cash payment requirements for items such as the future road urbanization of Valleyview Drive at a rate of \$766.63 per m frontage, street-trees (1 street-tree/lot @ \$590.00 + HST), inspection of grading and securities for items such as: lot grading (\$10,000.00 grading security), driveway approaches and minimum 450mmØ culverts (approximately \$2,000.00 per lot), relocation of existing infrastructure and any damage during construction (unknown costs at this time). A stormwater-management-report must be provided that identifies a suitable storm drainage outlet and details the increased post-development storm flow volumes and peak storm flow rates, all to the satisfaction of the Manager of Development Approvals.

PUBLIC WORKS DEPARTMENT

Source Protection Planning:

No comments.

Traffic, Engineering and Operations Division:

CORPORATE SERVICES:

Budgets, Taxation & Policy (outstanding taxes):

The owner shall pay any outstanding realty taxes and / or all other charges owing to the City Treasurer.