



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Fifth Meeting, Regular, March 3, 2014  
Council Chambers, City Hall, 6:30 PM**

*Deputy Mayor Dawn Dodge takes the Chair and opens the meeting*

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- 1. Invocation**
- 2. Opening Remarks, Deputy Mayor Dawn Dodge**
- 3. Presentations**
- 4. Adoption of the Agendas**
- 5. Declarations of Interest**
- 6. Public Meetings Pursuant to Planning Act (Commencing at 7:30 p.m.)**

3 - 26

- 6.1 Application to Amend Garden City Plan and Zoning Area By-law 64-270 (Zone 4) to Permit Three Storey Apartment Building at 11 and 13 Permillia Street; Owner: Liliano and Nella Perossa; Agent: 2M Architects Inc. Files:60.30.316, 60.35.997. General Committee, September 9, 2013, Item Number 4.11 (COPY ATTACHED). Council Minutes, September 23, 2013, Item 6.1 - PUBLIC MEETING ADJOURNED (COPY ATTACHED)

- 7. Adoption of the Minutes (Council and General Committee)**

- 7.1 Fourth Meeting of [Council, February 24, 2014](#)
- 7.2 Fourth Meeting of [General Committee, February 24, 2014](#)

- 8. Delegations**

- 8.1 Marty Mako and John Crawley, Members of St. Catharines Heritage Committee; Re: Annual Update
- 8.2 Sharon Stewart, President and Head Coach; Ian Lucas, Director of Communications / City Liaison, Niagara Olympic Club; Re: Update on Activities of the Organization

- 9. Call for Notices of Motion**

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**10. Motions**

**11. Resolve into General Committee**

**12. Motion Arising from In-Camera Session**

**13. Motion to Ratify Forthwith Recommendations**

**14. By-laws**

14.1 Reading of the By-laws

**15. Agencies, Boards, Committee Reports**

15.1 Committee Minutes to Receive:

Arena Partners, [December 11, 2013](#); [January 8, 2014](#)

Mayor's Advisory Committee for Black History, [November 25, 2013](#)

Clean City Committee, [January 21, 2014](#)

Culture Committee, [January 7, 2014](#)

Green Committee, [January 8, 2014](#)

Public Art Advisory Committee, [November 21, 2013](#)

Citizens Advisory Committee on Community Sustainability, [January 29, 2014](#)

**16. Adjournment**

## Corporate Report

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**Report from** Planning and Development Services, Planning Services

**Date of Report:** August 19, 2013

**Date of Meeting:** September 9, 2013

**Report Number:** PDS-272-2013

**File:** 60.30.316, 60.35.997

**Subject:** Applications to Amend Garden City Plan and Zoning Area By-law 64-270 (Zone 4) to Permit Three Storey Apartment Building at 11 and 13 Permilla Street; Owner: Liliano and Nella Perossa; Agent: 2M Architects Inc.

### Recommendation

That Council refer the report from Planning and Development Services, Planning Services, dated August 19, 2013, regarding applications to amend the Garden City Plan and Zoning Area By-law 64-270 (Zone 4) for lands known municipally as 11 and 13 Permilla Street and the rear portion of 38 St. Paul Street West, to City Council for consideration after the public meeting scheduled for September 23, 2013. FORTHWITH

### Staff Recommendation

1. That Council approve an amendment to the Garden City Plan (the Official Plan) for the subject lands known municipally as 11 and 13 Permilla Street and the rear portion of 38 St. Paul Street West (Appendix 1) as follows:
  - a. That Schedule D1 (General Land Use Plan) and Schedule E6 (West Planning District) be amended by changing the designation as follows:
    - i) From High Density Residential to Medium Density Residential (11 Permilla Street)
    - ii) From Low Density Residential to Medium Density Residential (13 Permilla Street)
    - iii) From Mixed Use to Medium Density Residential (rear portion of 38 St. Paul Street West)
2. That By-law No. 64-270 (Zone 4), as amended, be further amended by rezoning the subject lands known municipally as 11 and 13 Permilla Street and the rear portion of 38 St. Paul Street West (Appendix 1) as follows:
  - a. From General Commercial (C2) to Residential Third Density (R3) (11 Permilla Street)
  - b. From Residential Second Density (R2B) to Residential Third Density (R3) (13 Permilla Street)
  - c. From Residential Second Density (R2B) to Residential Third Density (R3) (rear portion of 38 St. Paul Street West) to permit a three storey, twelve unit apartment building
  - d. That an apartment building on this site be subject to the following provisions:

- i) Maximum Density 76 units per hectare
- ii) Minimum Density 25 units per hectare
- iii) Minimum Front Yard Setback 14 m (46') from centreline
- iv) Minimum East Side Yard Setback 1.9 m (6' 4")
- v) Maximum Height 11 m (35')
- vi) Maximum driveway aisle width 4.5 m (14.8')
- vii) That all waste be stored internally within the building; and

That staff be directed to make the necessary Notice of Decision required by the Planning Act, R.S.O, 1990, c.P.13, as amended; and

That the City Solicitor be directed to prepare the necessary By-laws to give effect to Council's decision; and

That upon expiration of the appeal period, staff be directed to forward an application to the Ontario Municipal Board for approval of the proposed zoning by-law, if any appeals are received; and

Further, that the City Clerk be directed to make the necessary notifications. FORTHWITH

## **Summary**

The applications to amend the Garden City Plan (the Official Plan) and Zoning By-law are requested to permit a three storey, twelve unit apartment building. An Official Plan Amendment is required to change the designation of the lands (Appendix 1) from High Density Residential, Low Density Residential and Mixed Use to Medium Density Residential. This land use designation will provide a more suitable transition between the High Density Residential area to the east and the Low Density Residential area to the west. The applicant is proposing to acquire the rear portion of 38 St. Paul Street West to provide additional parking and amenity area for the apartment building. A Zoning By-law Amendment is required to rezone the lands from General Commercial and Residential Second Density to Residential Third Density. Concept plans are illustrated in Appendix 2.

## **Report**

### **Proposal**

The applicant is proposing to construct a three storey, twelve unit apartment building on the lands illustrated in Appendix 1. The apartment building is proposed to be located close to Permilla Street in line with adjacent dwellings. A drive aisle along the west side of the property will provide access to the rear parking area. Concept plans for the proposed development, including a site plan and elevation drawings, are included in Appendix 2 to this report.

### **Site Analysis**

#### **a. Location:**

The subject lands are located on the south side of Permilla Street, west of Henrietta Street. (Appendix 1)

b. Existing Land Use:

- i) Site: The subject lands are comprised of three properties which will be joined together. Two of the parcels are contiguous along the south side of Permilla Street (11 and 13 Permilla Street). The third property (38 St. Paul Street West) is situated to the rear and is proposed to be severed and added to the lands at 11 and 13 Permilla Street to accommodate the proposed development. The consent application, which is required to sever the property, will be made once Council makes a decision on the Official Plan and Zoning By-law Amendment applications. All three lots are vacant (see Appendix 5). Combined, the properties have an area of 1,576.4 m<sup>2</sup> (16,968.2 ft<sup>2</sup>), with 30.84 m (101.18 ft) of frontage on Permilla Street and an irregular depth ranging from 45.7 m (150 ft) on the east side and 51.5 m (168.8 ft) on the west side.
- ii) Neighbourhood Land Uses:
  - North: Wakinshaw Park
  - South: Mix of commercial and residential (single and semi-detached) dwellings
  - East: Commercial uses and one legal non-conforming dwelling
  - West: Single detached dwellings and a two storey apartment building

c. Garden City Plan

The subject lands are designated as follows by the Garden City Plan (GCP) (Schedule E6- West Planning District) (Appendix 3):

- i) High Density Residential (11 Permilla Street), which permits multiple attached, triplex and apartment dwellings at a density range of 85 units per hectare or greater
- ii) Low Density Residential (13 Permilla Street), which permits detached, semi-detached, duplex, and ground oriented multiple attached dwellings including triplexes at a density range of 20 to 32 units per hectare
- iii) Mixed Use (rear portion of 38 St. Paul Street West, which permits a broad array and mix of medium and higher density housing, work live accommodation, commercial, local office, institutional, indoor recreation and cultural uses intended to serve the immediate neighbourhood and community population

The proposal constitutes a density of 76 units per hectare, which is not permitted by either the Low or High Density Residential designation. Further, the proposed apartment building is not permitted within the Low Density Residential designation (13 Permilla Street). Therefore, an Official Plan Amendment is required. Land use policies are addressed further in the Planning Considerations section of this report.

d. Existing Zoning

The subject lands are zoned as follows by By-law 64-270 (Zone 4) (Appendix 4):

- i) General Commercial (C2) (11 Permilla Street), which permits a broad range of commercial uses
- ii) Residential Second Density (R2B) (13 Permilla Street), which permits detached, semi-detached, duplex dwellings, churches and private schools
- iii) Residential Second Density (R2B) (rear portion of 38 St. Paul Street West), which permits detached, semi-detached, duplex dwellings, churches and private schools

The existing zoning does not permit the proposed apartment building, and an amendment to the by-law is required in this regard. The applicant has requested that the property be rezoned to Residential Third Density (R3), which permits apartment buildings. The requested amendment and specific zoning requirements are further addressed in the Planning Considerations section of this report.

### **Circulation Comments**

The applications were circulated to all appropriate City departments and agencies for their comments and/or requirements. No objections were received; however, the following detailed comments were offered:

- Regional Development Services
  - The lands are within a 500 metre radius of a former landfill area to the northwest (Henrietta Street landfill- closed in 1940). The Ministry of Environment (MOE) Guideline D4 (Land Use On or Near Landfills and Dumps) recommends that the presence and impact of any adverse effects or risks to health and safety be evaluated for land use proposals within 500 metres of the perimeter of a fill area and that necessary remedial measures be undertaken. In the past there have not been any issues associated with the former landfill. Methane or landfill odour is not evident. In addition, groundwater flow is east towards Twelve Mile Creek away from the subject lands, and MOE water quality sampling locations along Twelve Mile Creek (upstream and downstream) have not identified the landfill as a source of leachate contamination. It is the City's practice not to require additional landfill related impact studies where there is existing historical intervening development and there is no known landfill related impacts to the existing development or the environment. Regional staff concurs with the City's approach and concludes that further impact studies are not necessary prior to the development of the subject lands.
  - The subject lands are situated approximately 300 metres from Highway 406 to the northeast. Noise generated from highway traffic may, therefore, be audible. The proposed building does not include common or individual outdoor living areas that could be affected by highway noise. To ensure that indoor sound levels meet the MOE's noise criteria, it is recommended that the building design include appropriate construction measures (i.e. double glazed windows/patio doors, exterior walls consisting of brick veneer or acoustically equivalent materials, provision for installation of central air conditioning to allow windows to remain closed if required.)

Although a noise study will not be required, specific building design considerations for noise attenuation will be addressed as part of the site plan agreement process.

- The Official Plan Amendment is exempt from Regional Council approval in accordance with the Memorandum of Understanding.
- Ministry of Transportation (MTO)
  - The site is within the MTO permit control area and will require MTO land use permit as part of the site plan agreement process.
- Bell Canada
  - An easement may be required to service the subject property, depending on a review of the more detailed plans submitted with the site plan agreement application. Bell Canada will be circulated as part of the site plan agreement process for more detailed review.
- Recreation and Community Services
  - While the proposed side yard setback of 1.9 m to 3.56 m does not accommodate typical buffering requirements, the setback is sufficient to accommodate buffering at a human scale (e.g. tall grasses, shrubs). Payment of 5% of the appraised value of the lands in lieu of dedication of parkland land will be required as part of the site plan agreement process.

### Open House

A public open house was hosted by staff on July 17, 2013. The purpose of the open house was to present the applicant's proposal and allow for an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation to Council.

Seventeen residents, three of the owners, the builder and the agent attended the open house. Several concerns were expressed, including:

- The building will not fit with the character of the neighbourhood
- A three storey building is too high
- There will be overflow parking into the neighbourhood
- The development will increase traffic along Permilla Street
- The development will cause drainage problems for neighbouring properties
- The development will decrease property values in the area
- The front and east side yard setbacks should be larger
- There could be soil contamination
- Excavation will cause damage to neighbouring properties

In addition to the open house, four letters of comments and one petition were received. Additional concerns expressed in these letters include:

- Effect on privacy, light and enjoyment of property
- Light and noise from the parking lot and balconies
- Lack of green space
- Retention of the boulevard tree and trees on the subject lands
- Smell of outdoor garbage storage

- The building will block views down the street
- The proposed building is too large for the site
- The development is inconsistent with the low density character of the neighbourhood
- A retirement home would be a better use for the property

These concerns are addressed in the Planning Considerations section of this report.

## **Planning Considerations**

### **Provincial Policies**

The subject lands are within a settlement area under the 2005 Provincial Policy Statement (PPS) and the built-up area as identified in the Places to Grow Plan for the Greater Golden Horseshoe (Growth Plan). Both the PPS and the Growth Plan contain policies that direct growth to settlement areas where appropriate levels of services and infrastructure exist and encourage the development of complete communities with a diverse mix of land uses, a diverse mix and range of housing types and densities, including affordable housing and housing for special needs (i.e. housing for the elderly) and easy access to local stores and services. Growth management policies also direct a significant portion of new growth to the built-up areas through intensification. The Provincial Growth Plan establishes a minimum 40 percent of all residential development occurring annually within the municipality is to be within the Built Boundary by 2015 and for each year thereafter. Land use patterns shall be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities which are planned or available. The proposal is in conformity with Provincial policies.

### **Regional Policy Plan**

The property is within the City's Urban Area Boundary, as defined by the Regional Policy Plan (RPP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area. Similar to Provincial policies, the RPP promotes development of higher densities than in the past, and promotes the usage of lands suitable for infilling, intensification and redevelopment to promote more compact urban forms of development. The Sustainable Community Policies require 95% of all residential intensification in St. Catharines to be located in the built up area. Regional staff has confirmed that the proposal complies with Regional policies.

### **Garden City Plan (GCP)**

#### *Amendment to Permit Medium Density Residential*

Every application to amend the GCP is evaluated on the basis of the following general policies (Part F, Section 16.1 (i) to (viii)) and any other sections of the Plan that are applicable:



<b>GCP Policy</b>	<b>Planning Comment</b>
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of this Plan.	Part B (Vision and Guiding Principles) of the GCP provide the general intent of the Plan, including priorities for sustainability, managing growth and change, accommodation of growth, provision of housing and employment opportunities. The proposed apartment building will make efficient use of underutilized lands, in a location that is within walking distance to Downtown and other amenities. The proposal maintains the general intent of the GCP philosophy.
ii) Consistency with Provincial and upper tier government plans, policies and legislation.	The proposal complies with Provincial and Regional plans, as outlined above.
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use.	Provision of alternative forms of housing in close proximity to Downtown is encouraged in Provincial, Region and Local policy documents. There are limited parcels in proximity to Downtown that can accommodate the proposed use.
iv) The compatibility of the proposal, or the adequacy of the proposed mechanisms for achieving compatibility, with adjacent and planned uses.	The proposed amendment will provide an appropriate transition between the existing High and Low Density Residential designations in the area, both in terms of scale and intensity of use.
v) The potential of the proposal to cause instability within an area intended to remain stable.	There is opportunity to refine elements of the built form through the site plan approval process to enhance compatibility. The proposed use demonstrated a compatible fit with the surrounding neighbourhood.
vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading or required deferral of other planned infrastructure and public service facility improvements in other areas of the City.	The subject lands are currently serviced by both water and sewer (sanitary only). In accordance with the Sewer Use By-law, no storm sewer will be permitted to outlet into the sanitary system. Thus, storm water will have to be accommodated through on site storage. No planned infrastructure or public service facility improvements are planned for this area and the proposed development will not necessitate any infrastructure improvements.

vii) The financial implications, both cost and revenues, to the City.	There are no financial implications to the City. The addition of twelve apartment units will provide additional tax base.
viii) The degree to which approval of the amendment would establish and undesirable precedent.	There are limited opportunities for land assembly in this established neighbourhood. As previously outlined, the amendment to Medium Density Residential will provide a more appropriate transition between the existing High and Low Density Residential land use in the area and is preferable to the existing land use designations.

### *Density*

The proposal constitutes a density of 76.1 units per hectare, which is not permitted by either the Low or High Density Residential designation. The Medium Density designation of the GCP permits detached, semi-detached, duplex, multiple attached, triplex and apartment dwellings at a density range generally between 25 and 99 units per hectare. Height of the buildings will generally not exceed 20 metres. The proposal complies with these policies. In addition, the site is within close walkable proximity to a commercial area and park. The site is within walking distance to public transit on St. Paul Street. As well, it provides an excellent transition between lands designated High Density Residential at the corner of St. Paul Street and Henrietta Street, the lands along St. Paul Street West that are designed Mixed Use, which are intended to provide for a broad array and mix of medium and high density housing, work live accommodations and commercial uses amongst others, and the Low Density Residential designated lands along the balance of Permilla Street. The lands are also within an Intensification Area (Schedule D - Municipal Structure), which is intended to attract a significant portion of population and employment growth.

### *Building Height*

The GCP permits a maximum building height of 20 m (65.6 ft) within the Medium Density Residential designation. The current height permission in the GCP for 11 Permilla Street (High Density Residential) is unlimited. Conversely, the maximum height permitted in the GCP for 13 Permilla Street (Low Density Residential) is 11 m (36 ft), which is reflective of the current height limitation in the Zoning By-law of 10.6 m (35 ft). Although the Medium Density Residential designation permits height to generally not exceed 20 m (65.6 ft), the proposed building is 10.59 m (34' 9"), which is actually below the maximum height of 11 m (36 ft) allowed in both the GCP and the maximum height of 10.6 m (35 ft) permitted in the R2B zone.

### **Zoning**

#### *Amendment to Residential Third Density (R3)*

The proposed Residential Third Density (R3) zone permits triplexes, double duplexes, apartment buildings, hospitals, nursing homes, fraternal organizations, private clubs, community halls and buildings accessory thereto. The proposal is to permit an

apartment building only. The following table illustrates the permissions of the current zoning compared to the R3 requirements and what is proposed. Specific deviations from the by-law are shown below.

	<b>C2 zone (11 Permilla Street)</b>	<b>R2B zone (13 Permilla Street)</b>	<b>R3 requirements for apartments</b>	<b>Proposal</b>
<b>Permitted Uses</b>	Variety of commercial uses	Single, semi, duplex, church, private school	Apartment building	Apartment building only
<b>Min. Lot Area</b>	No requirement	4,000-6,000 ft <sup>2</sup> (depending on the use)	12,000 ft <sup>2</sup> (for 12 units)	16,968 ft <sup>2</sup> (1,576.4 m <sup>2</sup> )
<b>Min. Frontage</b>	No requirement	40-60 ' (depending on the use)	100'	101.2' (30.84 m)
<b>Max. Building Coverage</b>	65%	45%	35%	29.98%
<b>Min. Front Yard Setback (from centreline of the street)</b>	53'	53'	53'	46' (14 m)
<b>Min. West Sideyard Setback</b>	25'	3-10'	½ height of building (17.4')	22.2' (6.76 m)
<b>Min. East Sideyard Setback</b>	No requirement	3-10'	½ height of building (17.4')	6' 4" (1.9 m)
<b>Min. Rear Yard Setbacks</b>	25'	25'	Height of the building (34' 9")	69' 3" (21.11 m)
<b>Max. Building Height</b>	No requirement	35' (to midpoint)	No requirement	34' 9" (10.59 m)
<b>Min. Parking</b>	1 space/19 m <sup>2</sup>	1.25 spaces/unit	1.5 spaces/unit (18 spaces total)	1.4 spaces/unit (17 spaces total)
<b>Green Space</b>	10' landscape strip next to residential	No requirement	No requirement	26% of the lot area

#### *Minimum Front Yard Setback*

The applicant is proposing a front yard setback of 14 m (46') from the centreline of the road, as opposed to the 53' required by the base R3 zone. The proposed setback will result in an apartment building that is in line with the existing setbacks of the buildings along Permilla Street, and therefore will maintain the existing streetscape character. The reduced setback also allows the building to face and interact with the street, and provides additional room at the rear to accommodate parking and a small amenity area. The proposed site layout facilitates a built form that addresses the street with maximum landscaping opportunity, as opposed to having a parking area in the front yard with a building at the back of the lot.

#### *Minimum East Side Yard Setback*

The east side yard setback requirement in the R3 zone is proposed to be reduced from ½ the height of the building or 5.3 m (17.4') to 1.9 m (6' 4") to accommodate a 4.5 m

drive aisle on the west side, together with landscape buffering to mitigate noise and light impacts from the drive aisle. This setback is proposed only for the front portion of the building, and increases to 3.56 m (11.68') towards the rear of the building.

The current C2 zoning at 11 Permilla Street permits a commercial building with unlimited height located 0 m from the east sideyard. It should be noted that the property to the east, while containing a dwelling currently, is also zoned C2. The proposed setback is greater than the 1 m (3 ft) setback permitted if a detached dwelling were sited on the subject lands. The form and height of the proposed building is similar to that permitted for a detached dwelling in the R2B zone. As well, transom windows on the east side of the building will minimize privacy concerns. In this context, the reduction in the proposed setback is appropriate.

#### *Minimum Parking*

The proposal is to provide parking at a ratio of 1.4 spaces per unit (17 spaces total, one of which is accessible), as opposed to the 1.5 spaces per unit (18 spaces total) required in the R3 zone. The intent of the 1.5 space parking ratio is to accommodate 1 vehicle per unit plus additional parking for visitors or for households that have more than 1 vehicle. The reduction yields a difference of 1 parking space for the overall development, which staff considers to be acceptable.

#### **Open House Comments**

The following comments are offered in response to the concerns expressed at the open house:

<b>Concern</b>	<b>Staff Response</b>
The building with not fit with the character of the neighbourhood.	The building is proposed to be setback in line with the existing dwellings along Permilla Street.
A three storey building is too high.	The proposed height complies with the current height permissions in the R2B zone, which applies to the dwellings to the west on Permilla Street.
There will be overflow parking into the neighbourhood.	The proposed parking provision of 1.4 spaces per unit accommodates 1 vehicle per unit plus additional parking for visitors or for households that have more than 1 vehicle.
The development will increase traffic along Permilla Street.	The Traffic Division has no concerns with the proposed development. The development will yield 12 additional units within the neighbourhood, with residents and visitors coming and going at various times. Staff does not anticipate any negative impacts on traffic as a result of the proposed development.

The development will cause drainage problems for neighbouring properties.	As a requirement of the site plan approval process, all stormwater flowing onto the site must be accommodated on site. There will be no adverse impacts on neighbouring properties.
The development will decrease property values in the area.	There is no evidence that the development will decrease property values.
The front and east side yard setbacks should be larger.	The front yard setback is in line with existing setbacks of neighbouring properties. The east side yard setback is currently permitted to be 0 m front the property line, and the proposed setback of 1.9 m to 3.56 m can adequately accommodate buffering at a human scale (e.g. tall grasses, shrubs) to mitigate the visual impact of a 3 storey building.
There could be soil contamination.	Regional Development and Environmental Services staff has reviewed the proposal and have no concerns regarding soil contamination.
Excavation will cause damage to neighbouring properties.	The applicant will be required to address excavation and protection measures for neighbouring properties through the building permit process.
Effect on privacy, light and enjoyment of property.	The elevation plans have been revised to incorporate transom windows along the east elevation, and no balconies are proposed along the east and west sides of the building to alleviate privacy concerns. Light shielding will be required for site plan approval, which will result in zero light trespass onto neighbouring properties. A 1.8 m privacy fence and landscape buffering is also proposed. A small amenity area is provided at the rear of the property, similar to adjacent properties.
Light and noise from the parking lot and balconies.	A 1.8 metre high wood board privacy fence is proposed around the property boundary to mitigate light impacts from vehicles entering and exiting the proposed development. Further, a landscape buffer is proposed along the rear of the property, where headlights would be shining onto neighbouring properties from parked vehicles. The width of the driveway along

	the west side of the building will be reduced to 4.5 metres to allow additional landscape buffering along the west side of the property.
Lack of green space.	The proposal will provide 26% landscaped open space. There is no minimum requirement in the current zoning by-law.
Retention of the boulevard tree and trees on the subject lands.	The applicant is proposing to retain and protect the existing boulevard tree to the east of the building entrance. To accommodate the proposal, trees that are located on site will not be able to be retained.
Smell of outdoor garbage storage.	The zoning by-law amendment will prohibit external waste storage. Garbage will be stored internal to the building.
The building will block views down the street.	The building is proposed to be setback the same distance from the street as the existing dwellings along Permilla Street.
The proposed building is too large for the site.	The building occupies 29.98% of the total lot area, which is below the 35% permitted in the R3 zone and the 65% and 45% permitted by the existing C2 and R2B zoning, respectively.
The development is inconsistent with the low density character of the neighbourhood.	The proposed three storey apartment building provides an appropriate transition between the area designated for higher density development to the east and the low density area to the west. There are similar apartment buildings (2 and 3 storey) along Permilla Street further west, as well.
A retirement home would be a better use for the property.	A nursing home would be permitted by the R3 zone. Although this permission has not been requested, it would be an appropriate use provided the same built form is maintained.

In accordance with established procedures the date for the public meeting is provided in the recommendation and notices for the public meeting have been circulated.

### **Second Planning Opinion Advisory**

Should Council consider not supporting the Staff Recommendation, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by

Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

### **Financial Implications**

Not Applicable.

### **Conclusion**

Staff is supportive of the amendment to the Garden City Plan and Zoning By-law to permit a three storey, twelve-unit apartment building. The proposal provides a more appropriate transition between the high density/commercial node at the corner of St. Paul Street West and Henrietta Street and the low density residential neighbourhood to the west. The proposal is consistent with Provincial, Regional and local policies regarding intensification, infill development, use of existing serviced lands and provision of a variety of housing opportunities.

### **Notification**

It is in order to notify 2M Architects Inc. (Lou Marcantonio), 115 Lake Street, St. Catharines, ON, L2R 5X7.

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Prepared by:**

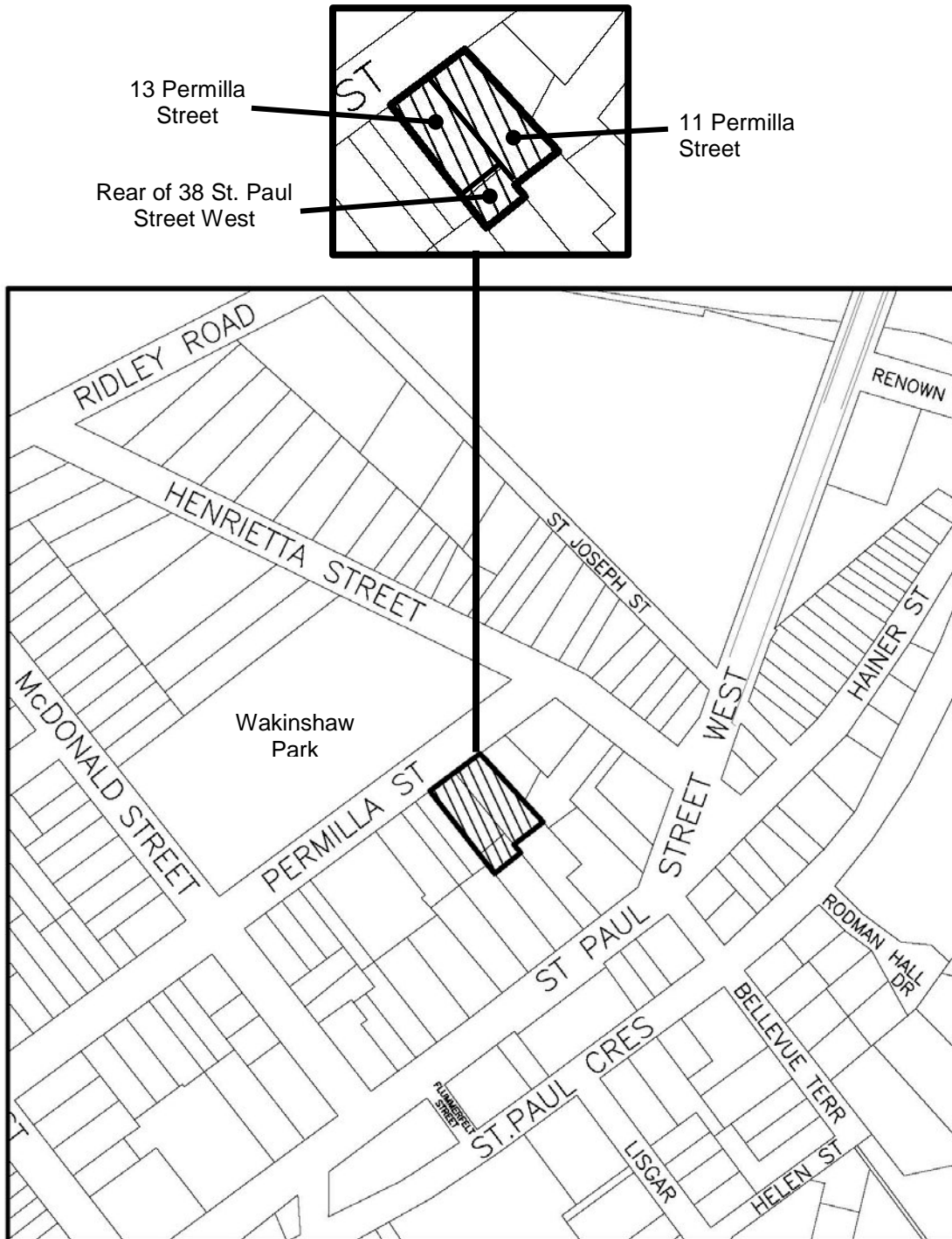
Britney Williamson  
Planner I

### **Approved by:**

James N. Riddell, MPI, MCIP, RPP  
Director of Planning and Development Services

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LOCATION MAP

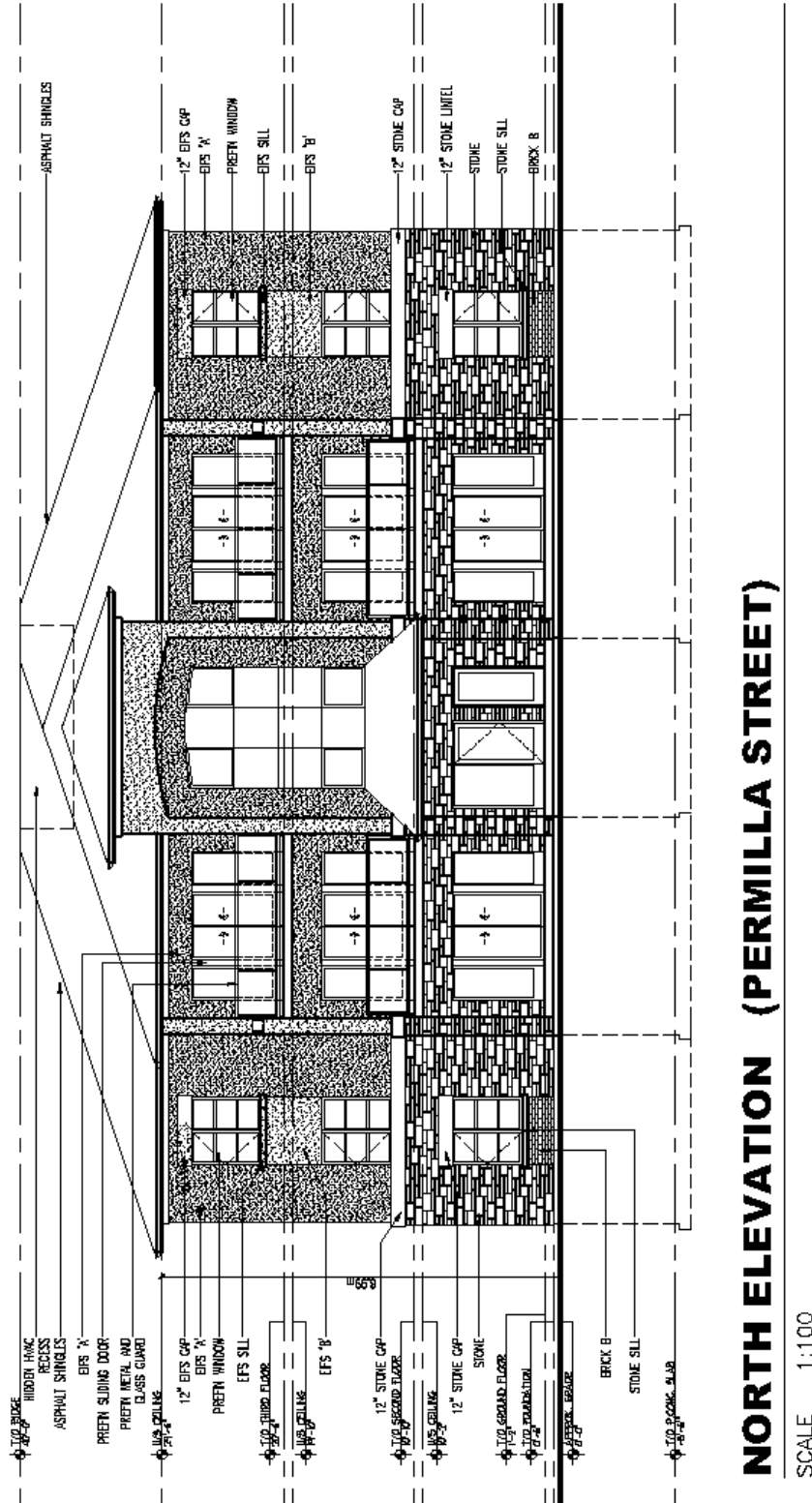


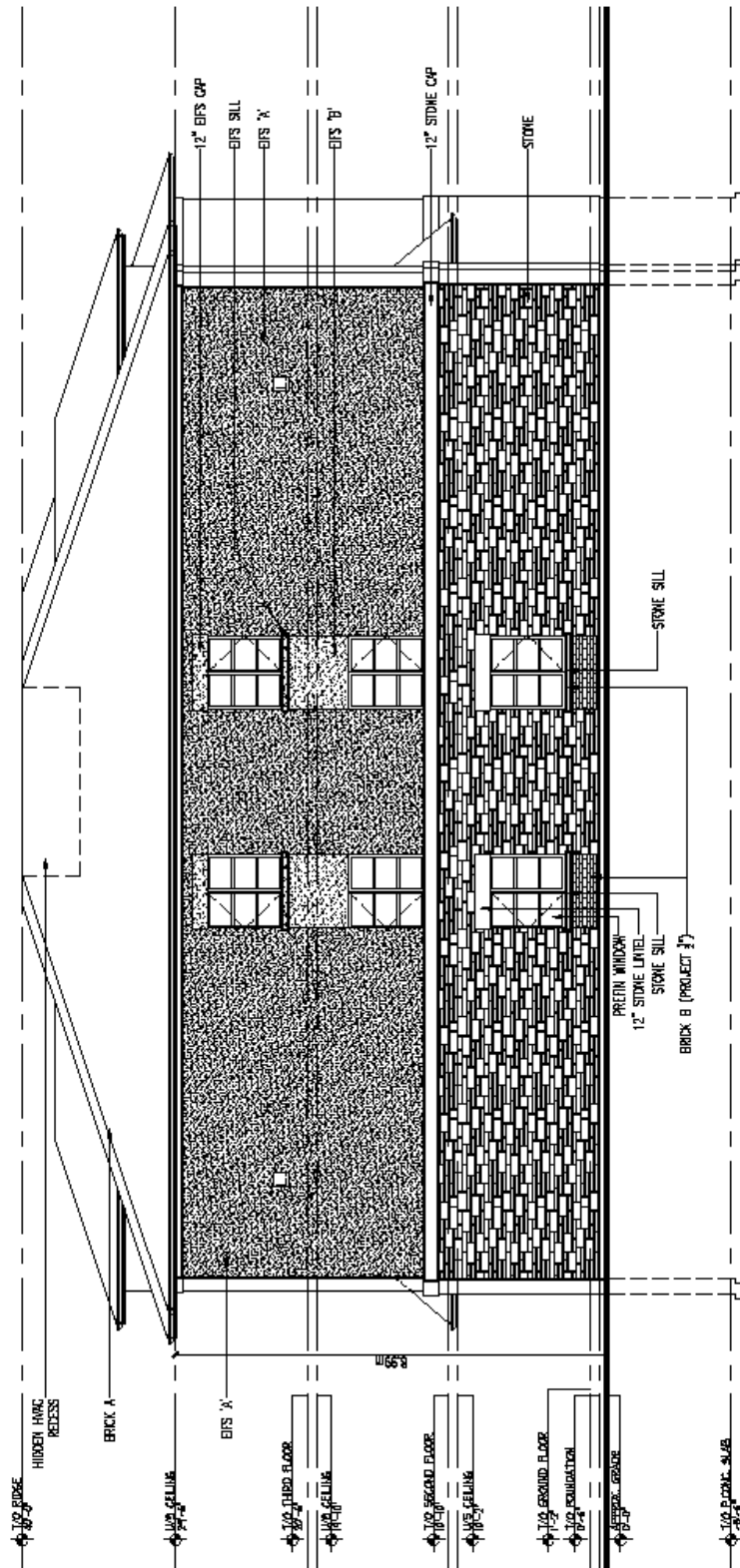
**SUBJECT LANDS KNOWN AS  
11 & 13 PERMILLA STREET; PART OF 38 ST. PAUL STREET WEST  
FILE: 60.30.316 & 60.35.997**





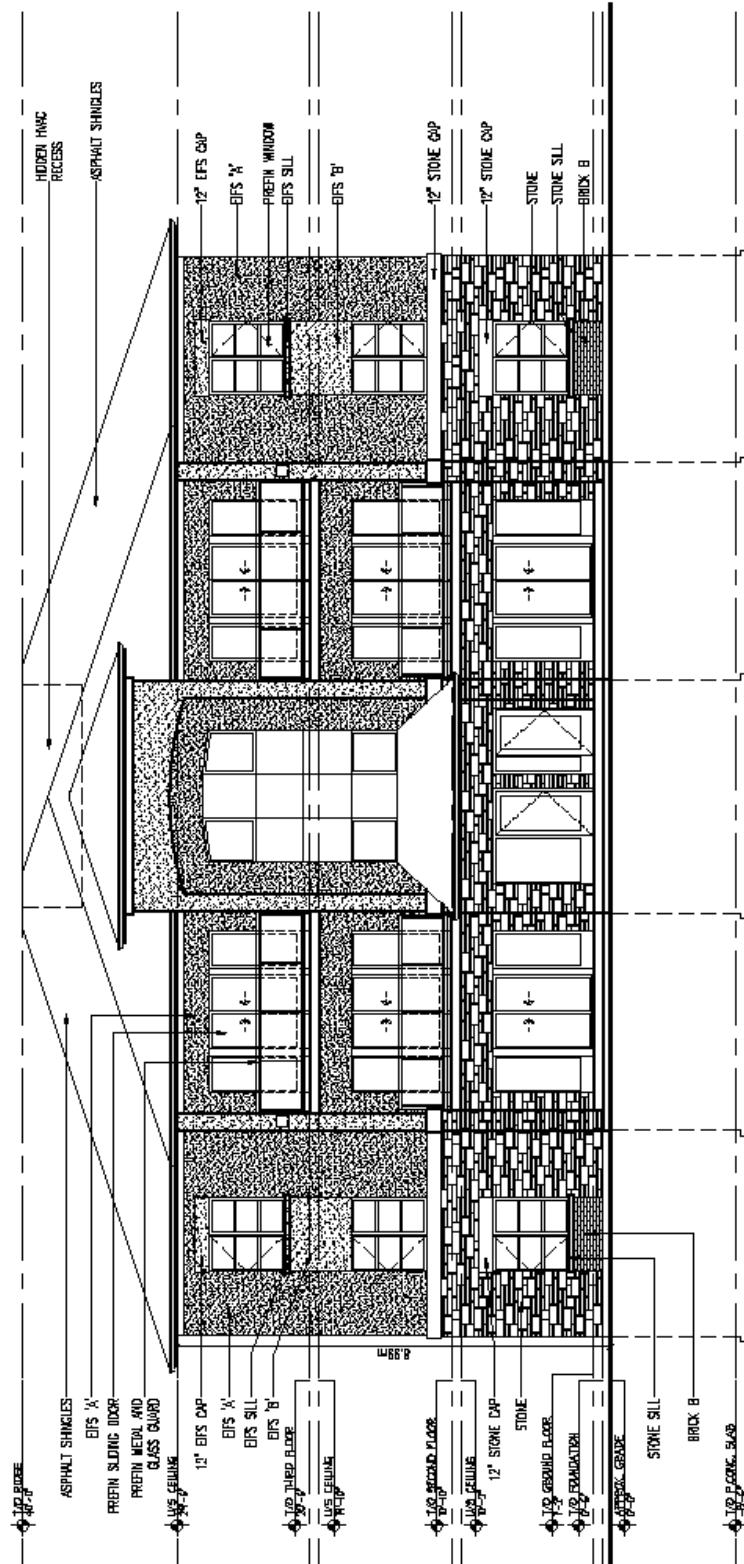
# ELEVATION PLANS





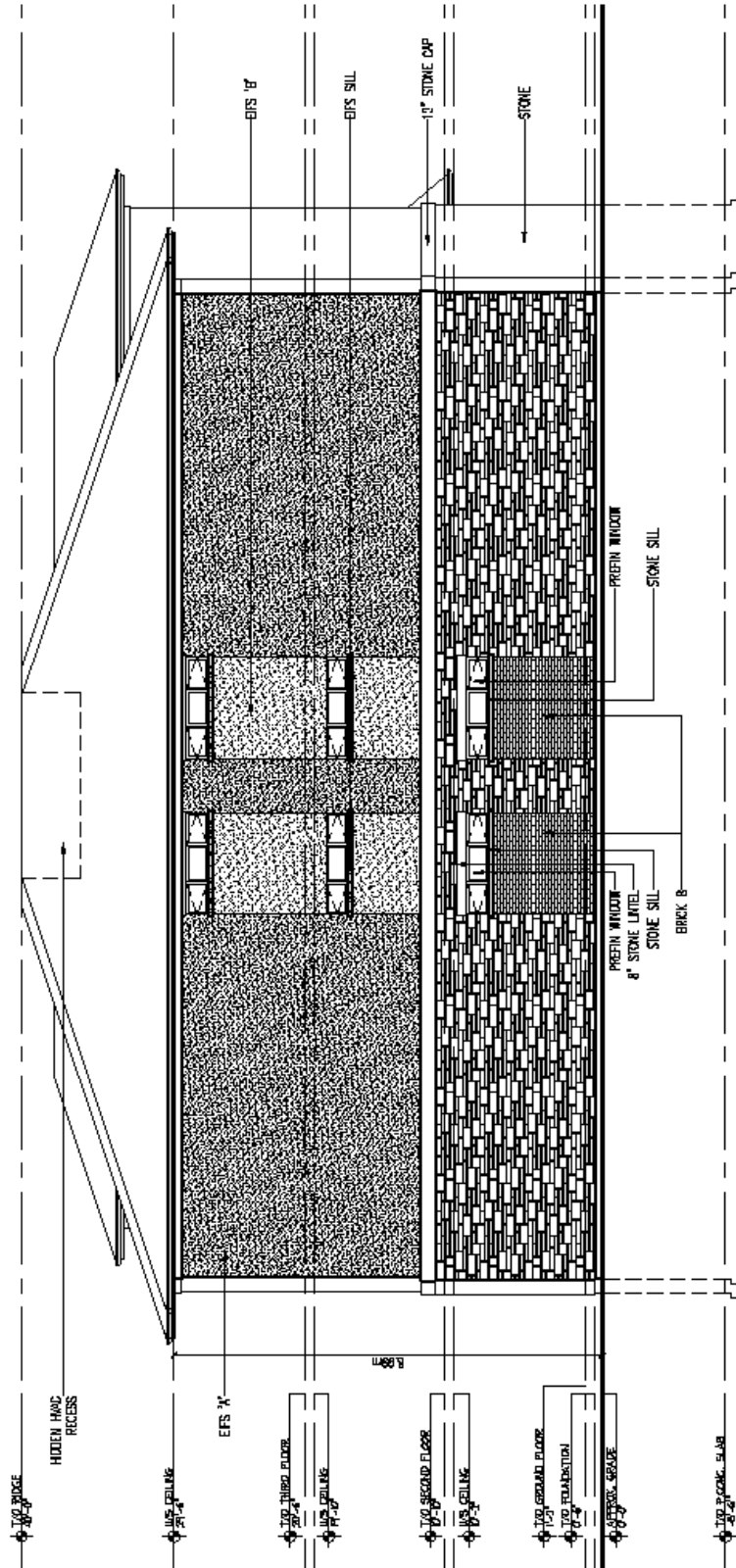
## WEST ELEVATION

SCALE 1:100



## SOUTH ELEVATION

SCALE 1:100

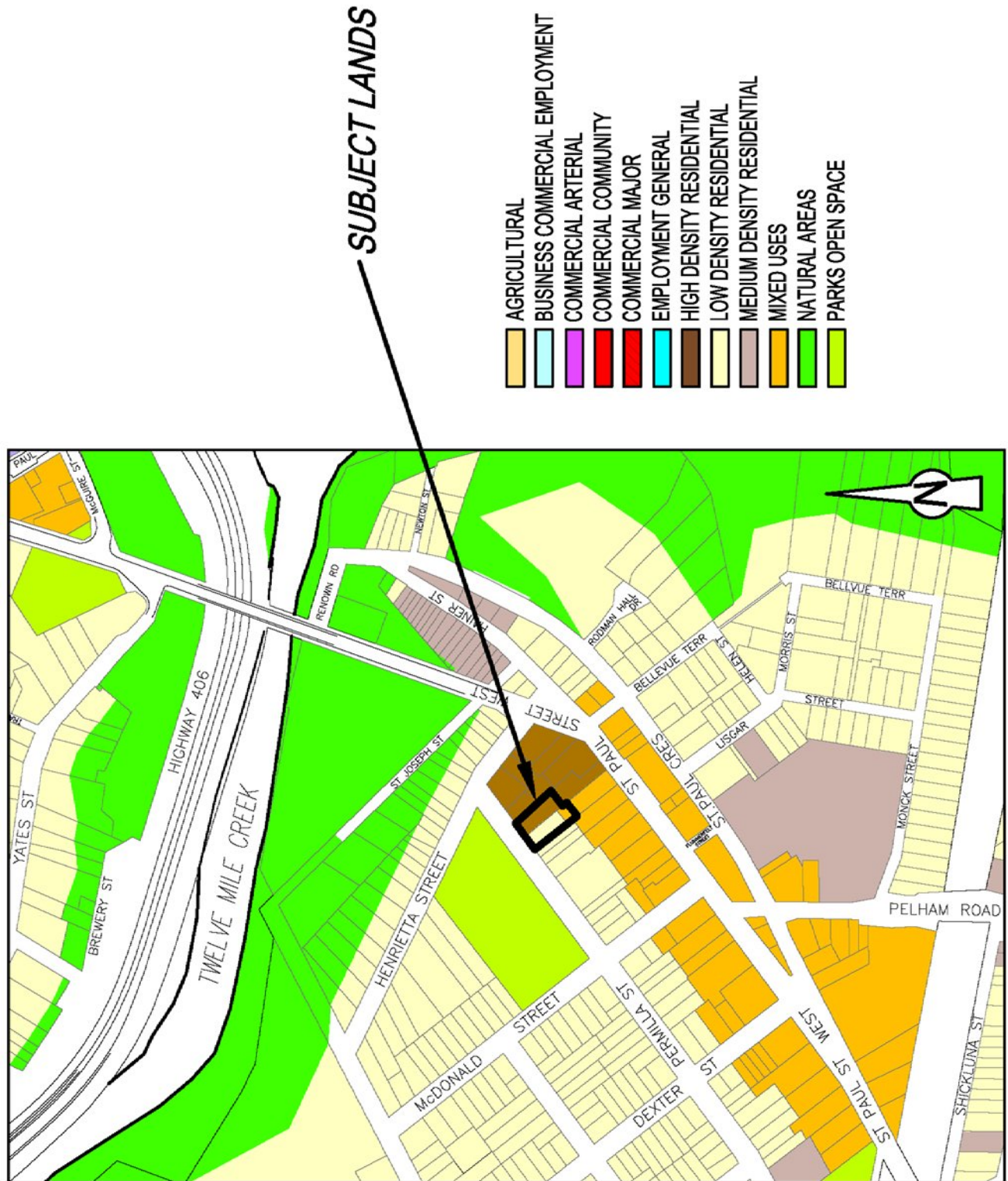


## EAST ELEVATION

SCALE 1:100

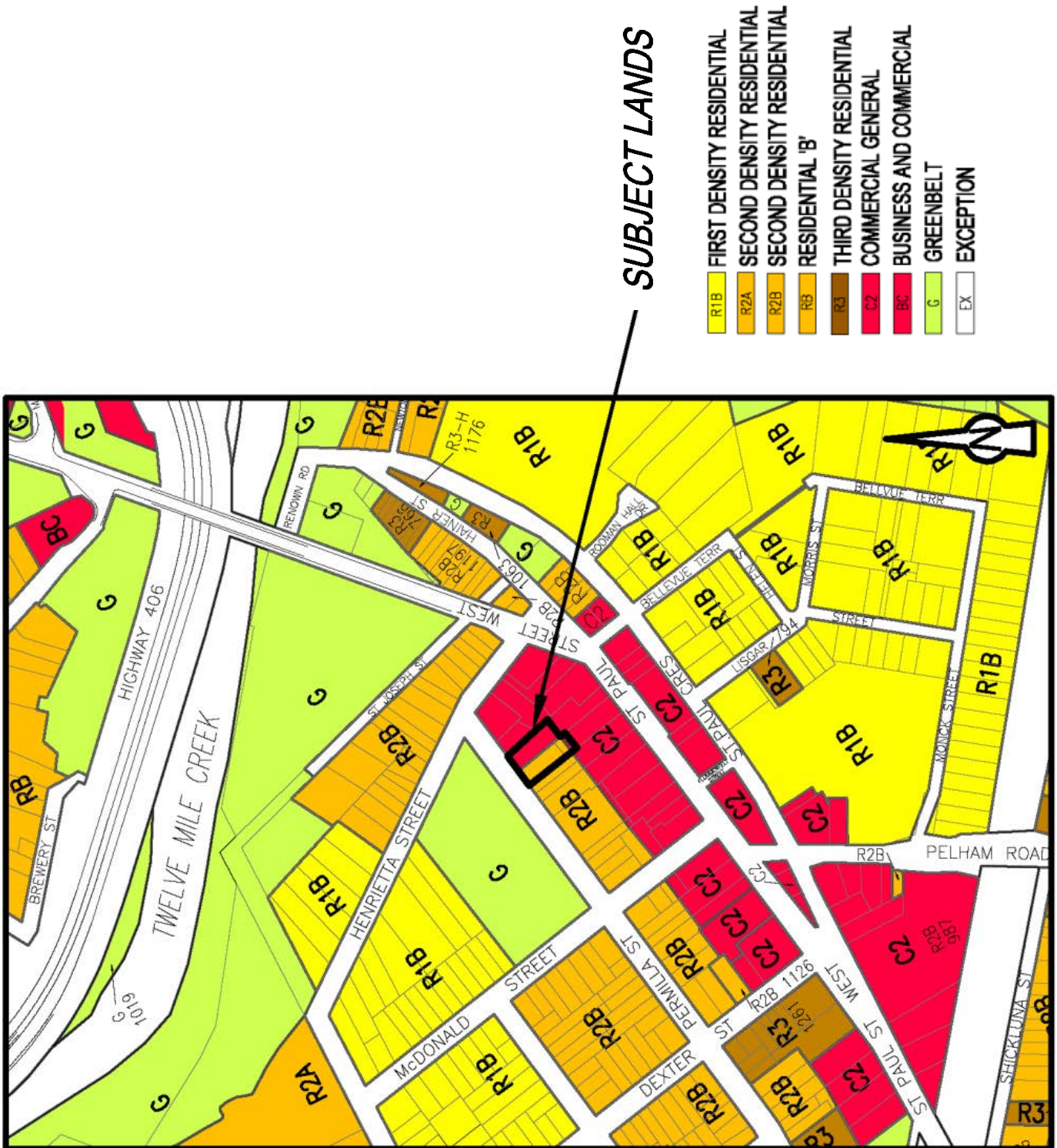
3

EXISTING GARDEN CITY PLAN DESIGNATION (WEST PLANNING DISTRICT)





## SUBJECT LANDS



# 5

## SITE AND SURROUNDING BUILDINGS







CITY OF  
ST. CATHARINES

**Public Meetings Pursuant to Planning Act (Commencing at 7:30 p.m.)**

- 6.1. Applications to Amend Garden City Plan and Zoning Area By-law 64-270 (Zone 4) to Permit Three Storey Apartment Building at 11 and 13 Permilla Street; Owner: Liliano and Nella Perossa; Agent: 2M Architects Inc. File: 60.30.316, 60.35.997 (See General Committee Minutes, September 9, 2013, Item 4.11.)

Council held a public meeting regarding an application to amend the Garden City Plan and Zoning By-law 64-270 to permit a three storey apartment building at 11 and 13 Permilla Street.

Sherri Martin, Dan Shura, Kelly Delaney, Vivek Rajatumar and Ted Smithson addressed Council in opposition to the proposal. Their comments are outlined below.

- this development is too high for the existing neighbourhood
- townhouses would be preferred over the three storey apartment building
- development of this property should be consistent with the existing neighbourhood
- urged Council to consider other options for 11 and 13 Permilla Street
- additional onsite parking is needed to offset the already congested road
- a shade study should be conducted
- concerned about the setback from the neighbouring property
- there are a number of young families moving into the area and a need for affordable housing
- the owner of 38 St. Paul Street West presented concerns regarding severance of his property and the impact on the development

No one came forward to speak in support of the application other than the owner, Liliano Perossa and the Agent, Lou Marcantonio from 2M Architects Inc. Their comments are outlined below

- the building will be professionally managed and maintained
- the units are 950 square feet, 2 bedroom units
- the maximum height, including the roof is 35 to 42 feet
- worked with planning staff to bring the best possible development forward
- addressed the concerns introduced during the public consultation process

Jim Riddell, Director of Planning services provided the following summary comments.

- the neighbourhood development is both changing and stable
- long term plan is needed for an appropriate transition
- side yard setback for this development is 6 feet in the front and 11 feet in the rear while normally 3 feet is required
- the corner lot is currently designated high density, including 3 Permilla Street



CITY OF  
ST. CATHARINES

**AGENDA ITEM #6.1**  
**EXCERPT OF THE MINUTES OF THE**  
\_\_\_\_\_  
Council \_\_\_\_\_ COMMITTEE  
DATE Sept. 23 2013 ITEM NO. 6.1  
RATIFIED BY COUNCIL October 7, 2013

*City Council reconvened.*

Moved By: Councillor Siscoe  
Seconded By: Councillor Harris

That City Council recess and reconvene In Camera for the purpose of discussion of a matter pertaining to solicitor client privilege.

**Carried**

*Council recessed at 8:35 p.m. and reconvened In Camera. The In Camera session recessed at 8:42 p.m. and City Council reconvened.*

Moved By: Councillor Kushner  
Seconded By: Councillor Harris

That the Public Meeting respecting an application to amend the Garden City Plan and Zoning Area By-law 64-270 to permit a three storey apartment building at 11 and 13 Permilla Street be adjourned to a later date to allow further discussions between the residents, developer and city staff.

**Motion to Adjourn Carried**

## **By-laws to be considered March 3, 2014**

- (a) A By-law to authorize the acceptance of a Transfer of Easement from Andrew Ian Ainsworth and Meghan Victoria Anne Dellaire. (Three readings – with respect to installation of culvert for erosion protection to 70 Jarrow Road. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a Lease with Grantham Mennonite Brethren Church. (Three readings – with respect to use of parking lot. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to confirm the proceedings and decisions of the Council of The Corporation of the City of St. Catharines at its Meeting held on March 3, 2014. (Three readings – with respect to ratification and adoption of City Council Minutes of February 24, 2014, and General Committee Minutes of February 24, 2014.)