



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Fourteenth Meeting, Regular, Monday, July 7, 2014
Council Chambers, City Hall, 6:30 PM**

His Worship Mayor Brian McMullan takes the Chair and opens the meeting

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

6.1 Planning and Development Services, Planning Services
Application for Draft Plan of Condominium Approval at 610 Lake Street;
608-610 Lake Street Limited, Owner; David Petrina, Realstar
Management, Agent

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

7.1 Thirteenth Meeting of City Council held Monday, [June 23, 2014](#)

7.2 Thirteenth Meeting of General Committee held Monday, [June 23, 2014](#)

- 8. Delegations**

8.1 John Scott, Director, Port Dalhousie Business Improvement Area Board of Management; Re: Support of Efforts of Renaissance Committee and Upcoming Pan Am Games

8.2 Jim Davidson, on behalf of the owners of 321 St. Paul Street; Re: Community Improvement Plan 2014, Final Applications and Funding (See [General Committee, July 7, 2014, Item 3.2](#))

8.3 Bernice D'Ettorre; Re: Flooding Incidents at 302 Pelham Road (See [General Committee Agenda, July 7, 2014, Item 3.1](#))

- 9. Call for Notices of Motion**

10. Motions

10.1 Event of Municipal Significance - Niagara Greek Festival

That Council of the City of St. Catharines declare the Niagara Greek Festival, to be held September 5, 2014 to September 7, 2014, to be an event of Municipal Significance with respect to obtaining liquor permits in accordance with the Alcohol and Gaming Commission of Ontario requirements; and

That the Office of the City Clerk make the necessary notifications.

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:

Mayor's Advisory Committee on Accessibility, [April 23, 2014](#)

16. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Development Services, Planning Services

Date of Report: June 16, 2014

Date of Meeting: July 7, 2014

Report Number: PDS-190-2014

File: 60.46.401

Subject: Application for Draft Plan of Condominium Approval at 610 Lake Street; 608-610 Lake Street Limited, Owner; David Petrina, Realstar Management, Agent

Recommendation

That Council grant Draft Plan of Condominium approval for the lands described as Block 'B', Registered Plan 594, St. Catharines, municipally known as 610 Lake Street, as outlined in Appendix 2, subject to the conditions of Draft Plan of Condominium approval, as outlined in Appendix 5 of this report; and

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

That after notice of Council's decision has been given, the Clerk be authorized to endorse the plan as "draft approved" on the day after the appeal period has expired, in accordance with the Planning Act, provided that no appeals have been lodged; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final decision; and

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

Summary

The above-noted application proposes conversion of two existing 85-unit apartment buildings (170 units in total) from rental to condominium tenure. The proposal conforms to Provincial, Regional and local policies. Staff is recommending approval of this Draft Plan of Condominium (refer to the site plan attached as Appendix 2), subject to the Draft Plan conditions outlined in Appendix 5.

Report

Location and Site Description

The site is located in the Lakeport neighbourhood, in the City's North Planning District. More specifically, it is oriented on the east side of Lake Street, just south of Lakeshore Road, and backing onto Orchard Park. A location map is attached as Appendix 1.

The subject lands are 1.6 hectares in size, with approximately 100 metres of frontage on the east side of Lake Street.

The property includes two 9-storey apartment buildings, which are nearly identical in shape and size. The majority of parking is provided in a large area to the rear of the buildings, adjacent to Orchard Park. The grounds appear well maintained.

Surrounding land uses include:

North:	High density residential (apartment building) Commercial further north (commercial plaza, bank)
South:	Residential (semi-detached dwellings along Prince Paul Court) Institutional further south (Heidehof Home for the Aged, Club Heidelberg, Heidelberg Village)
East:	Natural Area (Orchard Park) Residential further east (single-detached dwellings)
West:	Commercial (grocery store) Residential (apartment building, block townhouses)

Official Plan Designation

The Garden City Plan designates the majority of the lands as Neighbourhood Residential, providing for a range of housing opportunities, types, forms, and densities. Schedule E1 (refer to Appendix 3) provides additional direction for the North Planning District and designates the lands High Density Residential, permitting triplex, quadruplex, fourplex, townhouse, and apartment dwellings at a density of generally 85 units per hectare of land or greater.

These existing apartment buildings provide a density of 106.92 units per hectare of land, conforming to the Garden City Plan with respect to density and land use. No amendment to the Plan is required. Specific policies relating to the conversion from rental to condominium tenure are outlined in the Planning Analysis section of this report.

Zoning

By-law 2013-283 zones the lands High Density Residential (R4) (refer to Appendix 4). The R4 zone permits a range of residential uses, including triplex, fourplex, quadruplex, and townhouse dwelling units, apartment buildings, long term care facilities, as well as private road developments. The existing apartment buildings are permitted in the High Density Residential (R4) zone.

No amendment to the zoning by-law is required as a result of this proposed conversion to condominium tenure. Constructed in 1972, the existing apartment buildings complied with the majority of the zoning by-law requirements at that time (By-law 64-207), and therefore, the provisions of the current zoning by-law will not be applied for the proposed conversion. The exception to this is parking. The existing parking supply is deficient by two spaces under the previous by-law and cannot therefore be “grandfathered”. The standards of the new zoning by-law, for both the design and supply of parking, will apply. This is discussed in greater detail in the Planning Analysis section of this report.

The Proposal

This Draft Plan of Condominium proposes the conversion of two existing 85-unit apartment buildings (170 units in total) from rental to condominium tenure (refer to Appendix 2). No new development is proposed.

Circulation Comments

This application for Draft Plan of Condominium approval was circulated to all appropriate departments and agencies for their comments and requirements. There were no objections received. The conditions of Draft Plan approval, attached as Appendix 5, reflect the requirements of those commenting agencies and departments.

Niagara Region

Regional Planning and Development Services staff advise that the Regional Policy Plan does not support the conversion of rental accommodation to condominium ownership where the proposal will adversely affect the supply of affordable rental housing. Furthermore, the Region's Plan requires that local municipalities adopt policies discouraging the demolition or conversion of rental housing to condominium ownership in situations where the vacancy rate is less than three per cent (3%) and the ownership housing to be created is not considered to be affordable. Based on information available through Canada Mortgage and Housing Corporation (CMHC) and other information provided by the applicant, Regional staff advise that the proposed conversion is acceptable from a Provincial and Regional planning perspective. Local policies regarding conversion from rental to condominium tenure are discussed in the Planning Analysis section of this report.

With regard to waste collection, Development Services engineering staff note that this site would be eligible for Regional waste collection through enhanced front end dumpster services as a result of the conversion to condominium. Should the enhanced service be desired, the following criteria must be met:

- The enhanced service must be approved by the City (enhanced service is funded by the City).
- Waste bins are to be provided in an appropriate outdoor location for waste collection vehicles to access the bins with adequate turnarounds.
- The owner / condominium corporation must sign an indemnity agreement.

During the pre-consultation meeting, the applicant's agent confirmed that waste material is currently stored internally. Notwithstanding the current site layout does not appear to meet the Region's waste collection policy, Regional staff encourage the City to work with the owner to determine if site modifications can be achieved, which would permit municipal waste collection. Private waste collection would be required should this site not meet the above requirements.

Recreation and Community Services

A site inspection has revealed that the current site conditions do not reflect the plans approved at the time of registration of the existing site plan agreement (1972).

Recreation and Community Services staff will review fencing and landscaping requirements through the required condominium conversion agreement, which is discussed in the Planning Analysis section of this report.

Urban Design

It is noted that the existing apartment buildings are 'grandfathered' with respect to the majority of provisions under the current zoning by-law (parking excepted). Nevertheless, the applicant is encouraged to provide both indoor and outdoor bicycle parking for use by building residents and visitors.

The applicant is also encouraged to provide a pedestrian connection to the municipal sidewalk along Lake Street from each of the two main building entrances. Currently, pedestrians walk along the main driveways to access the municipal sidewalk.

Public Open House

A public open house was hosted by the Planning and Development Services Department on May 15, 2014, as required by the Planning Act. The purpose of the open house was to present the applicant's proposal and afford an opportunity for attendees to ask questions and provide comments before decisions are made by City staff. There were eight persons in attendance: representatives from the owner company; the applicant's agents; the applicant's legal counsel; a building superintendent for the property; and two residents of the buildings.

Attendees expressed no concerns regarding the proposed conversion to condominium tenure. The following matters were discussed:

- The applicant's agent and legal counsel explained that the proposed conversion to condominium tenure is primarily a legal and financial strategy and that there is no plan to sell units individually. Units will continue to be rented.
- In response to the question of whether residents of the building will notice any construction activities, staff reiterated that there is no development proposed at this time, nor is any required as a condition of Draft Plan approval. Staff noted that residents may notice some landscaping work or other minor site works stemming from the City's review of the condominium conversion agreement.

Planning Analysis

Provincial and Regional Policy Context

The subject lands are located within a settlement area under the Provincial Policy Statement (2014) and within the built-up area as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (2006). These documents contain policies that direct major growth and development to settlement areas; support intensification; and require the provision of an appropriate range of housing types and densities, including the provision of affordable housing and all forms of housing required to meet the social, health and well-being requirements of current and future residents.

According to the Regional Official Plan, the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031 / conformity amendment). Municipalities are encouraged to provide a full range of housing types and densities, including affordable housing, which is suited for a variety of household types and income groups.

At a density of 106.92 units per hectare, these existing apartment buildings, comprised of one-, two- and three-bedroom units, make efficient use of the lands and provide for a range of housing opportunities, meeting the spirit and intent of the applicable Provincial and Regional policies. Affordability is addressed in greater detail in the Official Plan section below.

Official Plan

The Garden City Plan designates the lands as Neighbourhood Residential, providing for a range of housing opportunities, types, forms and densities. Schedule E1 (refer to Appendix 3) provides additional direction for the North Planning District and designates the lands High Density Residential, permitting triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density of generally 85 units per hectare of land or greater.

These existing apartment buildings provide a density of 106.92 units per hectare of land, conforming to the Garden City Plan with respect to density and land use.

The Garden City Plan includes policies related to the provision of a sufficient supply of housing which is affordable to low and moderate income households, including seeking a balance of housing tenure. In an effort to protect the loss of affordable housing, Part D, Section 7.8(iv) of the Plan provides that “conversion of rental accommodation to condominium and other forms of ownership shall be discouraged where:

- 1) the annual rental vacancy rate by dwelling / structure type, as defined and reported through the Canada Mortgage and Housing Corporation (CMHC) Rental Market Survey, is less than 3% within the municipality; and
- 2) the ownership housing to be created is not considered to be affordable”.

As is necessary, staff refers to CMHC Rental Market Reports as the best available data for rental supply. It is noted for Council’s information, however, that these reports do not represent an exhaustive survey of all rental unit types.

The latest Rental Market Report for the St. Catharines-Niagara Census Metropolitan Area (CMA) (Fall 2013) indicates there were 8,196 rental units (apartment and townhouse units only) in St. Catharines in 2013, and rental unit vacancy rates were at 4.2% at that time - above the 3% threshold established by the Garden City Plan.

If the rental unit supply is adjusted to account for a loss of 170 units, then rental vacancy rates will decrease to 3.9% - still above the 3% threshold. Staff are satisfied that the proposed conversion complies with the policies of the Garden City Plan with respect to the supply of affordable housing.

It should be noted that there are a number of factors which could potentially impact the reported rental unit supply, including a change in status of residential units which are currently either:

- a) draft approved for conversion to condominium tenure but not yet finalized (represents a decrease in supply);
- b) under site plan review but not yet approved (represents an increase in supply); or
- c) under construction or recently completed but not yet absorbed by the market (represents an increase in supply).

Staff cannot speculate that any of these three scenarios will result in a definitive impact on the rental housing supply, but it is acknowledged that the foregoing may represent a potential 25-unit decrease in the reported rental unit supply. Vacancy rates would fall marginally but would continue above the 3% threshold established by the Garden City Plan.

For Council's information, the particulars of those residential units, which are not the subject of this application, are summarized below:

- Seven Plans of Condominium, comprising 398 existing rental units, have been draft approved by Council for the purposes of conversion to condominium.

OUTSTANDING DRAFT APPROVED CONDOMINIUMS (CONVERSIONS)			
Address	Date of Draft Plan Approval	Date of Lapsing	Number of Units
28 Bonavem Drive	10/21/08	10/21/2011 (extended to 10/21/2014)	12
159 Main Street	10/21/08	10/21/2011 (extended to 10/21/2014)	21
7 Riverview Boulevard	12/16/09	12/16/12 (extended to 12/16/2014)	31
16 Tremont Drive	12/16/11	12/16/14	123
345 Geneva Street	12/16/11	12/16/14	104
240 Lakeshore Road	11/27/12	11/27/15	98
284 Vine Street	12/15/12	12/15/15	9
Total Number of Units			398

- Eight residential developments, comprising 282 rental units, are currently being reviewed through the City's site plan approval process.

RENTAL DEVELOPMENTS UNDER SITE PLAN REVIEW	
Address	Number of Units
63 Vine Street South	9
15 Church Street	101
1 Norman Road	24
136 James Street	52
51 Lake Street	67
11 Permillia Street	12
11 Blain Place	10
29 Queenston Street	7
Total Number of Units	282

- The latest reports from CMHC (Housing Now – St. Catharines-Niagara CMA, 2nd Quarter, 2014) indicates that 111 rental units were either started, are currently under construction, or were completed since the release of the Rental Market Report in 2013.

Council should be aware that conversion to condominium is routinely a legal and financial strategy. In these instances, the units continue to be rented, notwithstanding they are condominium units. CMHC rental statistics do not recognize this scenario.

Also of significance is that CMHC does not consider structures with less than 3 units in its rental market surveys. The reported total rental supply of 8,196 units therefore does not include any existing single-detached units, semi-detached units, duplexes, accessory apartment dwelling units, or apartment units within mixed use buildings, notwithstanding, they are offered and occupied as rental units in St. Catharines.

With respect to affordability, staff refers to the definition provided under the Provincial Policy Statement, being housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the region. The latest reports from CMHC (Housing Now – St. Catharines-Niagara CMA, 2nd Quarter, 2014) indicate the average purchase price of a resale unit (all unit types) in the region is \$246,319. Units marketed 10% below this average, \$221,687 or less, are considered affordable.

The applicant has submitted a projected resale value of \$112,000 for an average unit - well below the affordability threshold outlined above. The units are therefore considered to be affordable, complying with the affordable housing policies of the Garden City Plan.

Zoning By-law

By-law 2013-283 zones the lands High Density Residential (R4) (refer to Appendix 4). The R4 zone permits a range of residential uses, including triplex, fourplex, quadruplex, and townhouse dwelling units, apartment buildings, long term care facilities, as well as

private road developments. The existing apartment buildings are permitted in the High Density Residential (R4) zone.

Constructed in 1972, these apartment buildings are non-complying with respect to the majority of the R4 zone provisions under By-Law 2013-283 passed in December 2013. However, no amendment to the zoning by-law is required. It is noted, however, that the owner will need to address deficiencies in both the number and size of parking spaces through the condominium conversion agreement process.

There are currently 211 parking spaces provided on the property, including 18 accessible spaces. Zoning by-law 64-207, the by-law in effect at the time of building permit issuance for these buildings, required the provision of 1.25 parking spaces per apartment unit or 213 parking spaces. The existing parking supply of 211 spaces constitutes a zoning deficiency and therefore cannot be considered a legal non-complying situation.

Zoning By-law 2013-283 provides for the same parking ratio: 1.25 spaces per unit or 213 spaces, including seven accessible spaces. It is noted that each of the 18 accessible parking spaces currently provided on-site are undersized.

Through review of the condominium conversion agreement, the owner will be required to provide a parking layout that demonstrates compliance with the provisions of the zoning by-law: respecting both number and size of spaces provided. The City's parking design standards have been revised since these buildings were constructed: the minimum width of a parking stall was reduced to 2.6 metres from the previous 2.75 metres. By restriping the rear parking area to reflect these updated standards, the owner will be able to achieve compliance with current parking requirements.

Condominium Conversion Agreement

A condominium conversion agreement is a hybrid agreement: site plan agreement and condominium assumption agreement (this binds the condominium corporation to the terms of the site plan agreement). As a condition of Draft Plan approval, the applicant will be required to enter into a condominium conversion agreement with the City to ensure the property is maintained to the same standards as were applied at the time the existing site plan agreement was finalized (1972). Staff will evaluate the existing condition of the site and seek compliance with the terms of the original site plan agreement for items such as landscaping, fencing, grading, lighting, etc., if necessary.

Staff will also review other site elements to ensure compliance with certain present-day municipal standards. For example, external storage of waste will be reviewed should the owner wish to seek public waste collection by the Region of Niagara. The Region's comments regarding waste collection are more appropriately addressed as part of the condominium conversion agreement on and not as specific conditions to this Draft Plan of Condominium approval.

Building and Property Condition

Section 9(4) of the Condominium Act provides that Council may require submission of a building and property condition study, to be completed by a qualified professional engineer or architect, for the purposes of confirming that the building and property are safe for occupancy and the intended use. Accordingly, staff has included the requirement for the study as a condition of Draft Plan approval.

Public Notice

In accordance with established procedures, notices for the public meeting have been circulated.

Second Planning Opinion Advisory

Should Council consider not supporting the staff Recommendation provided in this report, 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

In summary, staff is supportive of the application for Draft Plan of Condominium approval to allow for the conversion of the existing 170 apartment units from rental to condominium tenure, subject to the conditions of Draft Plan approval outlined in this report and included as Appendix 5. The proposal is consistent with Provincial, Regional and local policies.

Notification

It is in order to advise David Petrina, the owner's agent.

Prepared by:

Amanda Knutson, Planner I

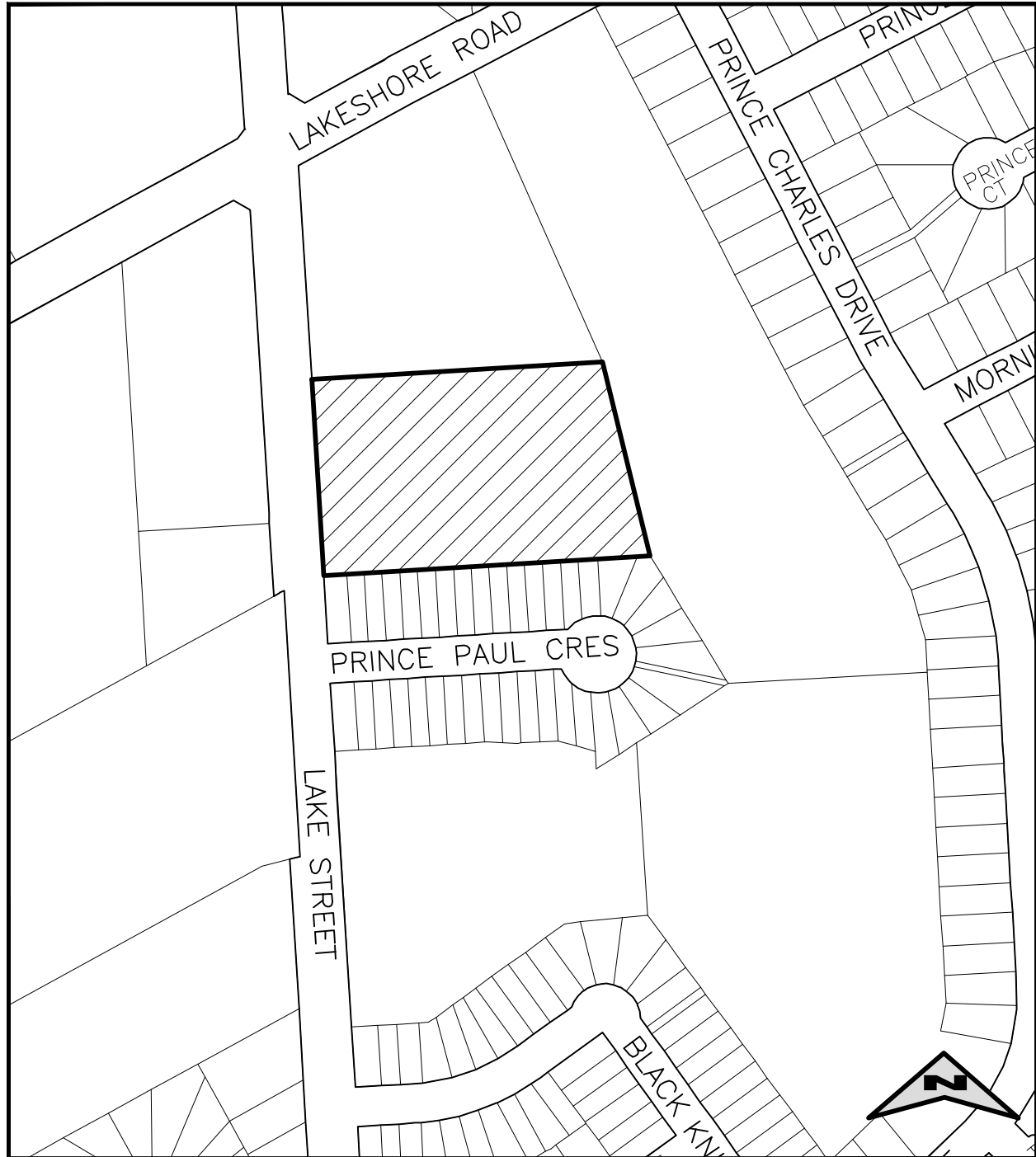
Submitted by:


Judy Pihach, MCIP, RPP, Manager of Planning Services

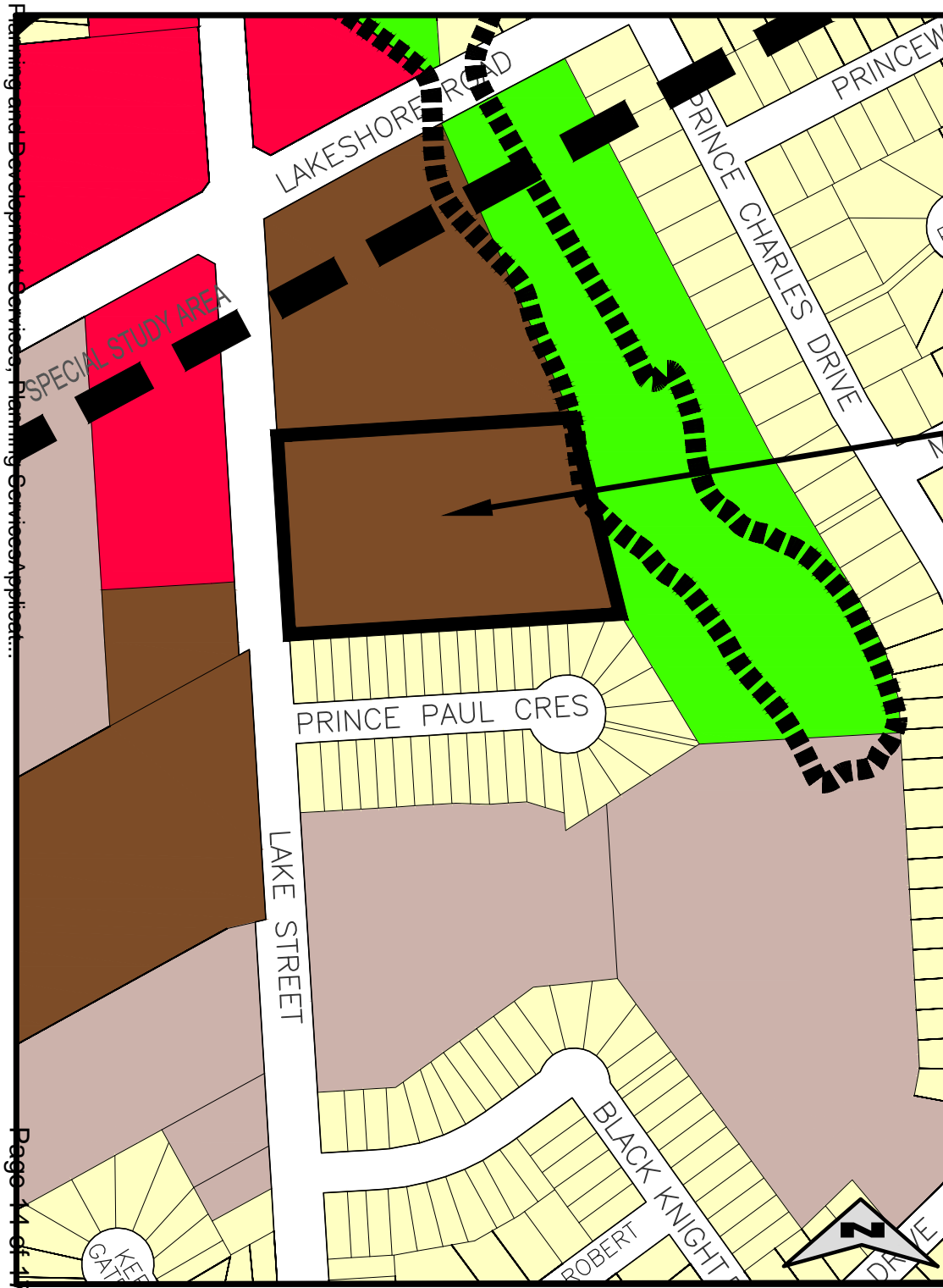
Approved by:

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

Location Map



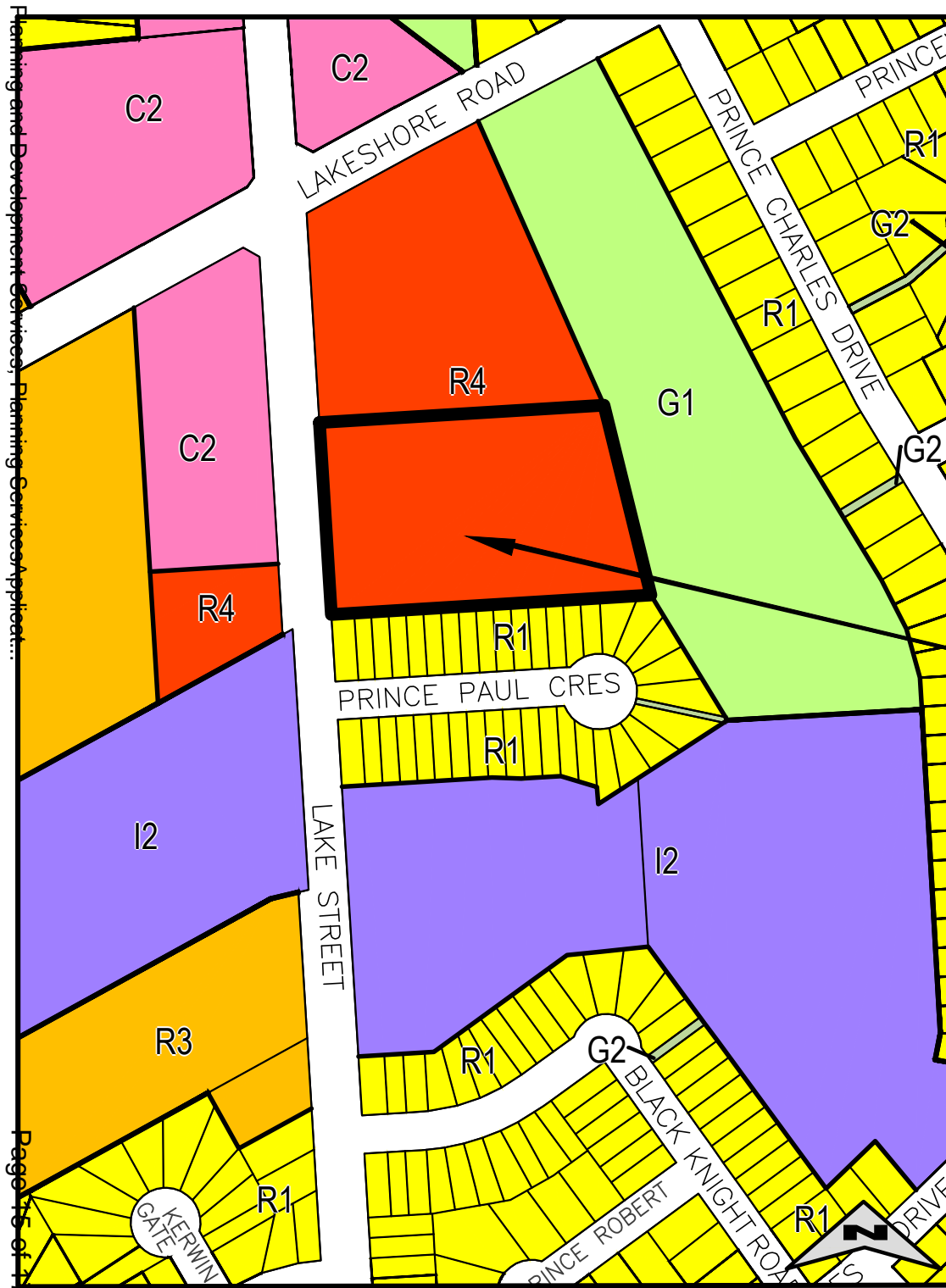
 Subject Lands
 608 & 610 Lake Street
 File: 60.46.401 (14 103117 CD)



SUBJECT LANDS

Official Plan Land Use Designations

- AGRICULTURE
- BUSINESS COMMERCIAL EMPLOYMENT
- COMMERCIAL ARTERIAL
- COMMERCIAL COMMUNITY
- COMMERCIAL MAJOR
- GENERAL EMPLOYMENT
- HIGH DENSITY RESIDENTIAL
- LOW DENSITY RESIDENTIAL
- MEDIUM DENSITY RESIDENTIAL
- MIXED USE
- NATURAL AREA
- PARKLAND & OPEN SPACE
- NATURAL AREA EXTENT LINE
- SPECIAL STUDY AREA



SUBJECT LANDS

Zoning By-Law 2013-283 Zones

- R1 Low Density Residential
- Suburban Neighbourhood
- R3 Medium Density Residential
- R4 High Density Residential
- C2 Community Commercial
- G1 Conservation / Natural Area
- G2 Minor Green Space
- I2 Community Institutional

**Conditions of Draft Approval
610 Lake Street
File No. 60.46.401
Submission No. 26CD—10-14001**

General Approval

1. That this approval applies to lands described as Block 'B', Registered Plan 594, St. Catharines, municipally known as 610 Lake Street, as illustrated on the plan prepared by Matthews, Cameron, Heywood-Kerry T. Howe Surveying Ltd., dated January 17, 2014, for a total of 170 dwelling units.

Condominium Conversion Agreement

2. The applicant shall enter into a condominium conversion agreement with the City of St. Catharines to address certain matters including, but not limited to landscaping, fencing, parking, and waste collection.

(City of St. Catharines)

3. As part of condominium conversion agreement process, a building and property condition study shall be completed by a qualified professional engineer or architect, to confirm that the building and property are safe for occupancy and the intended use. Should the study determine that certain elements of the building and/or property require improvements, those elements shall be improved prior to the registration of the condominium plan. Confirmation that the improvements are completed shall be submitted by the author of the building and property condition study. Said confirmation must indicate that the building and property is safe for occupancy and for the intended use.

(City of St. Catharines)

Administration

4. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft approval shall lapse. If the Owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Development Services.

Prior to granting approval to the final plan of condominium, the City of St. Catharines shall be satisfied that all conditions have been satisfactorily met.

By-laws to be considered July 7, 2014

- (a) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers". (Three readings – with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize an Agreement with The Lions Club of Merritton (Incorporated). (Three readings – with respect to ice allocation and user fees at the Merritton Arena at 7 Park Avenue. General Committee, June 23, 2014, Item No. 12.)
- (c) A By-law to amend By-law No. 2012-154 entitled "A By-law for regulating the erection of signs and other advertising devices." (Three readings – with respect to Banner Signs. General Committee, July 11, 2011, Item No. 338, and TO BE CONSIDERED by General Committee, July 7, 2014.)
- (d) A By-law to authorize a contract with Rankin Construction Inc. (Three readings – with respect to Henley Island Bridge Replacement, under Project No. 14-122. TO BE CONSIDERED by General Committee, July 7, 2014.)
- (e) 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 the 7th day of July, 2014. (Three readings – with respect to ratification and adoption of City Council Minutes of June 23, 2014, and General Committee Minutes of June 23, 2014.)