

## Corporate Report

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### **Report from** Planning & Development Services, Implementation

**Date of Report:** October 15, 2012

**Date of Meeting:** October 29, 2012

**Report Number:** PDS-607-2012

**File:** 60.46.379 Vol. 3

**Subject:** Application for Draft Plan of Condominium Approval at 284 Vine Street;  
Applicant: Semcor Properties Inc.; Agent: John Perry

### **Recommendation**

That Council refer the report from Planning and Development Services, Implementation, dated October 15, 2012, regarding an application for draft plan of condominium approval to convert the tenure from rental to condominium, for lands municipally known as 284 Vine Street for consideration after the public meeting scheduled for November 12, 2012.

### **Staff Recommendation**

That the application for draft plan of condominium for the lands municipally known as 284 Vine Street, be approved, subject to the conditions of draft plan of condominium approval outlined in Appendix "5" of this report; and

That the City Clerk 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 after notice of Council's decision has been given, the Director of Planning and Development Services 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, the City Clerk be directed to forward an application to the Ontario Municipal Board for approval of the draft plan of condominium, if any appeals are received; and

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

### **Summary**

The purpose of the application is to request approval of a draft plan of condominium to convert the existing nine (9) unit apartment from rental to condominium tenure.

The proposal conforms to Provincial, Regional and local policies. Staff is recommending approval of the application for draft plan of condominium.

## **Background**

The applicant received draft plan of condominium approval (the previous approval) from Council on June 15, 2009. As one of the conditions of the previous approval, the applicant was required to register the final plans of condominium within three years of approval, being July 14, 2012. The final plans of condominium were not registered before July 14, 2012, and as such the previous approval lapsed. The applicant has submitted the current application to re-establish the draft plan of condominium approval, in order to finalize the process to convert the tenure from rental to condominium.

## **Report Proposal**

The applicant is proposing to convert the existing two and a half storey, nine (9) unit apartment building from rental to condominium tenure. The proposed draft plan of condominium is included in Appendix "1".

## **Site Analysis**

### **a) Location**

The property is located on the east side of Vine Street, north of Carlton Street (Appendix "2").

### **b) Existing Land Use**

- i. Site: The property has a lot area of 0.13 hectares (0.31 acres), with 30.48 metres (100 feet) of frontage on the east side of Vine Street.
- ii. Neighbourhood:
  - North: Mixed commercial/residential
  - South: Residential (apartment building)
  - West: Residential (single detached and semi-detached dwellings)
  - East: Parking lot (Royal Canadian Legion)

### **c) Garden City Plan**

The property is designated Medium Density Residential by the Garden City Plan (GCP) (approved by Niagara Region and in full force as of July 31, 2012) (Schedule E3- North Planning District) (Appendix "3"). The Medium Density Residential designation permits a variety of housing types, including apartment dwellings, with a density range between 25 and 99 units per hectare. The existing development provides a density of 69.2 units per hectare, and accordingly conforms to the GCP with respect to density and land use. No amendment to the GCP is required. Specific policies relating to the conversion from rental to condominium tenure are outlined in the Planning Considerations section of this report.

### **d) Zoning By-law**

The property is zoned Third Density Residential with site specific provisions (R3X) by Zoning By-law 64-207, as amended by By-law 67-186 (Zone 9)

(Appendix “4”). The R3X zone permits the existing nine (9) unit apartment building. An amendment to the zoning by-law is not required.

### **Circulation Comments**

The application was circulated to all appropriate City departments and agencies for their comments and/or requirements. No objections to the proposal were received. The following detailed comments were offered:

- Regional 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. A vacancy rate of 3% or more in rental accommodation is considered desirable. The Regional Policy Plan also requires that local municipalities adopt policies discouraging the conversion of rental housing to condominium ownership in situations where the vacancy rate is less than 3% and the ownership housing to be created is not considered to be affordable. Local policies regarding conversion from rental to condominium tenure are discussed in the Planning Considerations section of this report. Regional staff advise that the conversion is acceptable from a Provincial and Regional planning perspective.
- With regard to waste collection, the Region also notes that although the property is currently receiving private waste collection, the proposed condominium ownership would make the property eligible for enhanced front end dumpster service. Should the enhanced service be desired, the following must be met:
  - The enhanced service must be approved by the City (enhanced service is funded by the City);
  - The location of the bin must have appropriate access and turnaround for the collection truck (to Regional standards);
  - The owner/condominium corporation must sign an indemnity agreement.

The applicant has indicated that the enhanced service is desirable for the property. Regional staff recommend that a condition be included in any draft plan of condominium approval to address waste management requirements. (Appendix “5”)

- Planning and Development Services, Development Division staff advise that Vine Street is designated in the Garden City Plan as an Arterial Road, with an ultimate right-of-way of 26.2 metres (86 feet). A road widening dedication of approximately 3.0416 metres (10 feet) in width across the frontage of the subject parcel is to be conveyed gratuitously to the City in order to establish the road right-of-way.

These requirements are discussed in the Planning Considerations section of this report.

### **Public Open House**

A Public Open House was hosted by staff on September 25, 2012. The purpose of the open house was to present the applicant’s proposal and to allow an opportunity for questions to be asked and comments to be received by City staff before

decisions are made. Only the applicant and agent attended. No written or verbal comments have been received from the public.

### **Planning Considerations**

The existing, two and a half storey apartment building was constructed in 1968. There are nine (9) dwelling units, comprised of four (4) one bedroom units and five (5) two bedroom units. The site plan is included as Appendix "1".

### **Conversion from Rental to Condominium**

The Garden City Plan (GCP) contains policies regarding affordable housing, including seeking a balance of housing tenure. In an effort to protect the loss of affordable housing, the GCP states that "conversion... 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."
- (Part D, Section 7.8(iv))

In terms of vacancy rate, the latest report from CMHC (Fall 2011) indicates vacancy rates are at 3.2% within the region. More recent data from CMHC (April 2012) indicates vacancy rates are at 3.4% for one bedroom units and 3.2% for two bedroom units within St. Catharines. These rates are above the 3% threshold required by the GCP, and as such the proposal complies with the first criteria.

For Council's information, five (5) (sixth pending) draft plan of condominium approvals for conversion from rental to condominium tenure have been approved by Council and are pending final registration, as summarized below.

<b>OUTSTANDING DRAFT APPROVED CONDOMINIUMS</b>				
<b>Address</b>	<b>Date of Draft Plan Approval</b>	<b>Date of Lapsing</b>	<b>Number of Units</b>	<b>Vacancy Rate (Region) at Time of Draft Approval</b>
28 Bonavem Drive	10/21/08	10/21/2011 (extended to 10/21/2012)	12	3.9%
159 Main Street	10/21/08	10/21/2011 (extended to 10/21/2012)	21	3.9%
7 Riverview Boulevard	12/16/09	12/16/12	31	5.3%
16 Tremont Drive	12/16/11	12/16/14	123	3.9%
345 Geneva Street	12/16/11	12/16/14	104	3.9%
240 Lakeshore Road	Decision pending	Decision pending	98	3.2%

These applications have a combined total of 389 units. In 2011, St. Catharines had a total of 8,245 rental apartment and townhouse units. The removal of these draft plan of condominium units from the rental stock will result in a rental stock of 7,856

units when registered; however, CMHC reports that new rental unit starts in 2011 were 108, thus yielding a total rental housing stock of approximately 7,964 units. The proposed conversion of an additional nine (9) rental units under the present application will lower the rental stock to 7,955 units. As such, staff is of the opinion that the new decrease of 9 units under this application will not adversely affect the supply of affordable housing in St. Catharines.

Staff determine affordability in accordance with the Provincial Policy Statement (PPS) definition, being housing for which the purchase price is at least 10% below the average purchase price of a resale unit in the region. The average purchase price of a resale unit in the region is \$223,000 (CMHC, 2011). Units marketed 10% below this average, \$200,700 or less, are considered affordable.

The applicant has submitted projected resale values for the ownership units, as follows:

- One-bedroom units- \$80,000;
- Two-bedroom units- \$85,000

These purchase prices are well below the affordability threshold outlined above, being \$200,700; therefore, the units are considered to be affordable in accordance with the PPS definition.

The proposal complies with the policies in the Garden City Plan with regard to conversion from rental to condominium tenure.

Council should be aware that condominium conversion is routinely sought for financing purposes. In these instances, the units continue to be rented, notwithstanding they are condominium units. CMHC rental stats do not recognize this scenario.

### **Condominium Conversion Agreement**

As a condition of the previous approval, the applicant was required to enter into a condominium conversion agreement with the City to ensure the property is improved to reflect as many of the current site design standards as possible and to bind the future condominium corporation to the terms of the site plan agreement. The applicant submitted the condominium conversion agreement application, and is in the final stages of that process. Many of the requirements from City departments and agencies outlined in the Circulation Comments section of this report, including waste collection, have been addressed or will be addressed through the condominium conversion agreement. As such, staff recommend that the requirement to enter into a condominium conversion agreement continue to be included as a condition of draft plan of condominium approval. (Appendix "5")

### **Building Condition**

Section 9(4) of the Condominium Act allows Council to require that a building and property condition study be completed by a qualified professional engineer or architect, to confirm that the building and property is safe for occupancy and the intended use. This was also a condition of the previous approval, and the applicant

submitted the required study as part of the condominium conversion agreement process. The study confirmed that the building is well built and maintained, and did not identify any necessary repairs or improvements. A professional engineer has confirmed that the building is safe for its intended use and occupancy. As such, staff do not require that the standard condition for a building and property condition study be included as a condition of the draft plan of condominium approval.

### **Road Widening**

Part C, Section 5.2 (Roads) of the Garden City Plan (GCP) sets out road classifications according to the type of service each class is intended to provide. Vine Street is designated as an arterial road, which shall accommodate relatively high volumes of traffic and act as transit corridors. The GCP states that “sidewalks shall be provided on both sides of the road. Bicycle lanes and facilities shall be provided, except where the road platform is not wide enough, in which shared road use will be promoted in keeping with Regional and local municipal cycling policy and plans.” (Part C, Section 5.2.1(B)(c))

The requested road widening of 3.0416 metres (10 feet) in width along Vine Street is not necessarily to facilitate the physical widening of the road pavement, but to increase the road allowance in which all utilities, street trees, bike lanes and sidewalks are located, as outlined in the GCP. Roadways that have a less than standard road allowance generally do not have sufficient width to allow sidewalks that are not located directly at the curb or asphalt roadway (curb faced sidewalks), street trees, bike lanes, utility corridors and pavement widening (if future demand requires additional traffic lanes). The requirement for the road widening is consistent with direction in the GCP, and as such staff recommend that the requirement for a road widening be included as condition of draft plan approval. (Appendix “5”)

### **Parking**

There are currently 11 parking spaces provided on the property, including 1 accessible space. The zoning by-law typically requires a ratio of 1.75 parking spaces for condominium units, which equates to 16 spaces. On August 11, 2009, the Committee of Adjustment approved a minor variance application to reduce the parking requirement from 16 spaces to 11 spaces, including 1 accessible space. As such, the property meets the required parking as varied.

### **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.

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.

### **Financial Implications**

Not Applicable.

### **Conclusion**

Staff is supportive of the application for draft plan of condominium approval to allow for the conversion of the existing nine (9) apartment units from rental to condominium tenure, subject to the condition outlined in this report and included as Appendix "5".

### **Notification**

It is in order to advise Semcor Properties Inc., 23 Marilyn Avenue, Toronto, ON, M1S 1B9, and John Perry.

### **Submitted by:**

Judy Pihach, M.C.I.P, R.P.P  
Manager of Planning Services

### **Prepared by:**

Britney Williamson  
Planner I

### **Approved by:**

James N. Riddell, M.Pl., M.C.I.P, R.P.P.  
Director of Planning and Development Services





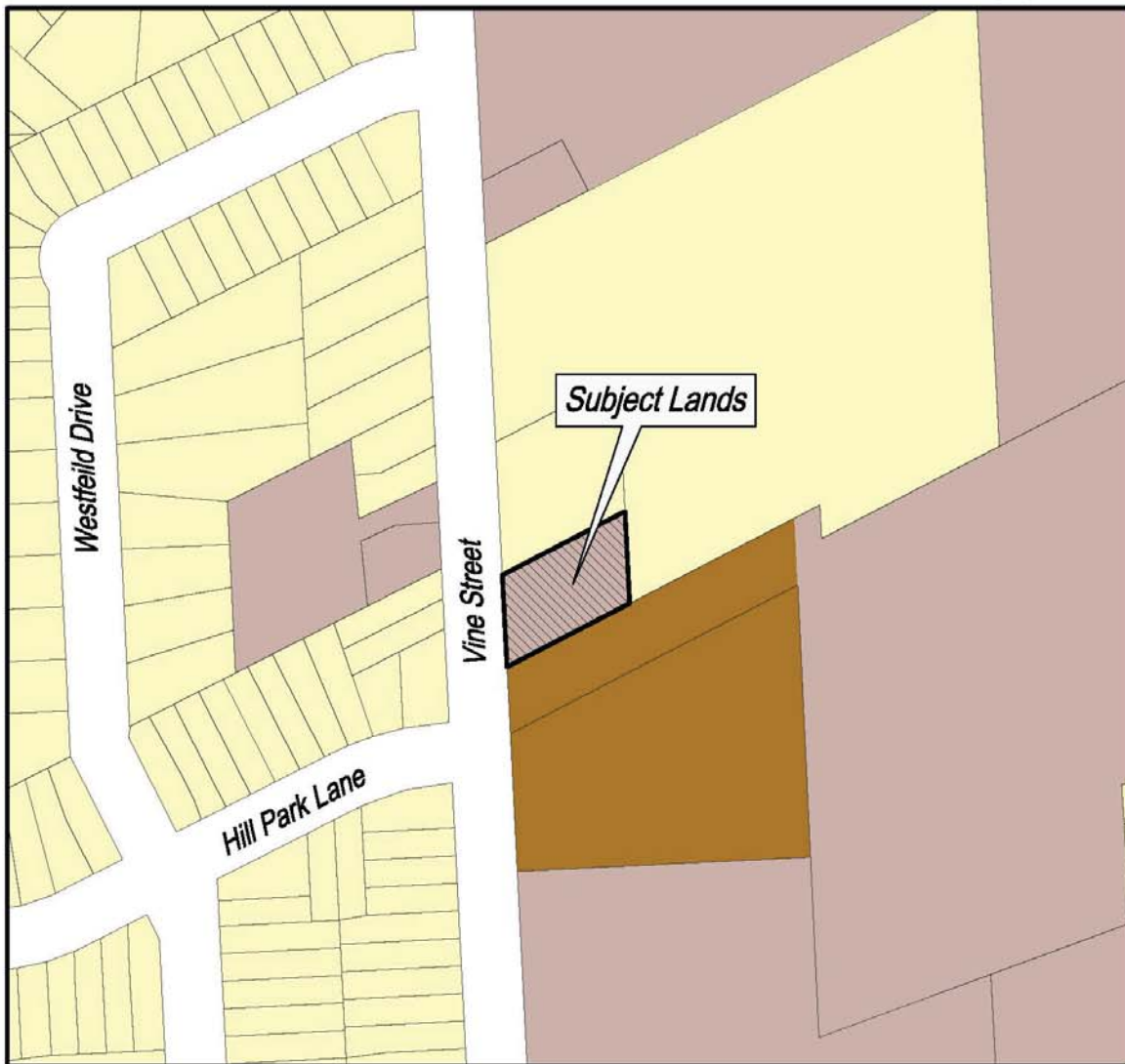
# LOCATION MAP



SUBJECT LANDS KNOWN AS  
284 VINE STREET



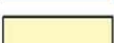

# APPENDIX 3

*Location: 284 Vine Street  
File #: 60.46.379 Vol. 3*



## GARDEN CITY PLAN

### LEGEND

-  Subject Lands
-  High Density Residential
-  Low Density Residential
-  Medium Density Residential

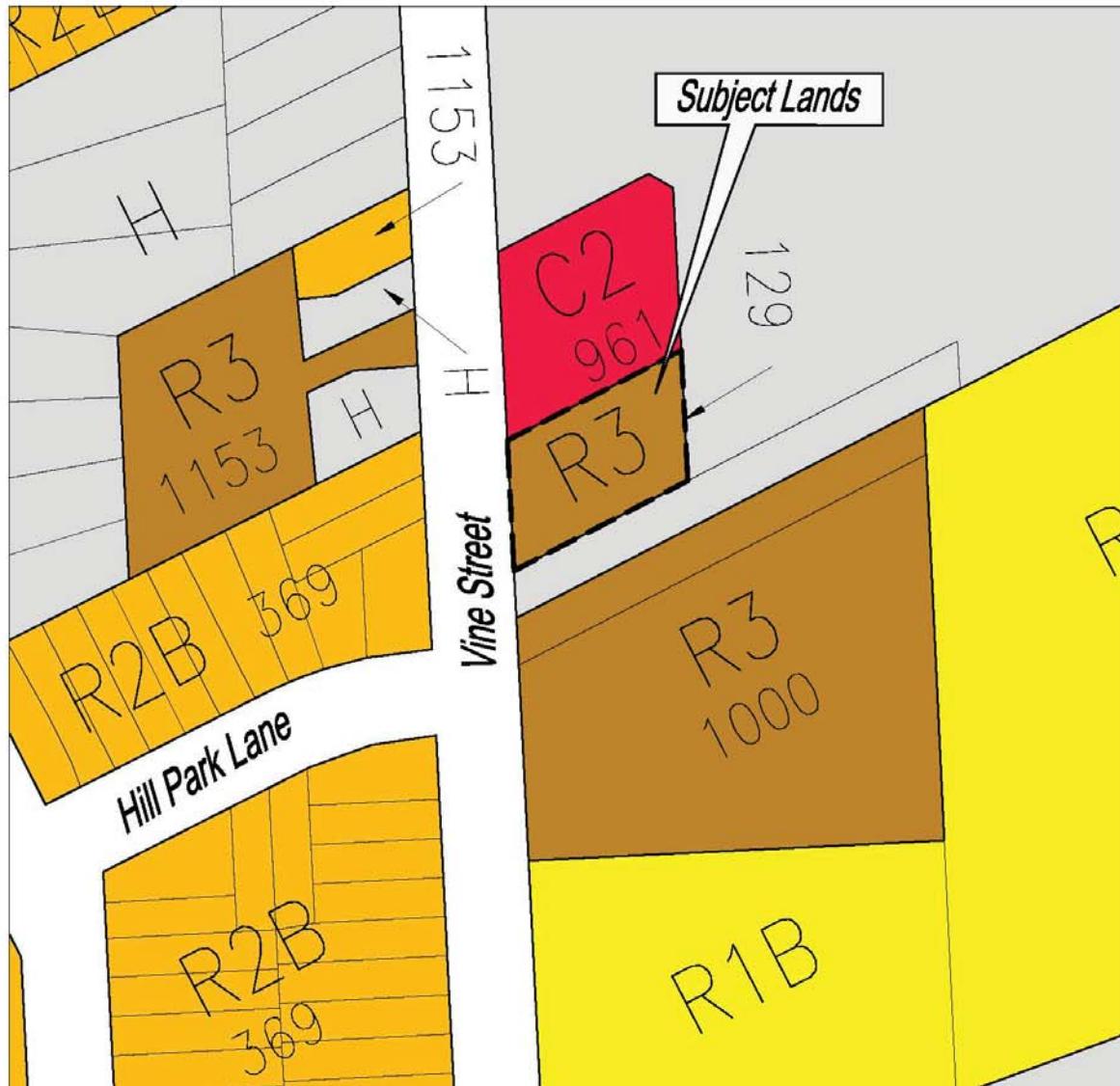
### Notes:

*This plan is diagrammatic only and should be read in conjunction with the plan policies for purposes of boundary interpretation.*

OFFICE CONSOLIDATION

# APPENDIX 4

Location: 284 Vine Street  
FILE #: 60.46.379 Vol. 3



## ZONING BY-LAW

### LEGEND

	SUBJECT LANDS
	R1B FIRST DENSITY RESIDENTIAL
	R2B SECOND DENSITY RESIDENTIAL
	R3 THIRD DENSITY RESIDENTIAL
	C2 COMMERCIAL GENERAL
	H HOLDING

**CONDITIONS OF DRAFT PLAN OF CONDOMINIUM APPROVAL  
284 VINE STREET  
FILE NO. 60.46.379 VOL. 3  
SUBMISSION NO. 26CD-10-09003**

**General Approval**

1. That this approval applies to lands described as Part of Lot 14, Concession 4, municipally known as 284 Vine Street, prepared by Matthews, Cameron, Heywood-Kerry T. Howe Surveying Ltd., dated September 12, 2012, for a total of 9 dwelling units.

**Condominium Conversion Agreement**

2. The applicant shall enter into a condominium conversion agreement with the City of St. Catharines. This agreement is to address certain matters including, but not limited to, waste collection and landscaping. (City of St. Catharines, Planning Division)
3. That if enhanced front end dumpster service is approved by the City, the Owner shall modify the plan to conform to Niagara Regional Waste collection policy and the owner shall enter into an indemnity agreement with Niagara Region for service.

Should the owner fail to design the site to conform with this policy, the owner shall provide a written undertaking to the Niagara Region Public Works Department (Development Services Division) acknowledging that because the site design does not meet Regional Waste Policy, garbage/recycling pick-up for the development will not be provided on-site by the Region. The following warning clause shall be included in the Condominium Conversion Agreement and inserted in all Agreements of Purchase and Sale or Lease for each dwelling to survive closing:

*"Purchasers/Tenants are advised that due to the site layout, garbage/recycling pick-up for the development will be provided by the condominium corporation through a private contractor and not the Region."*

Alternatively, this building is eligible for curbside collection of waste management materials by the Region in compliance with the Regional Waste Policy (limit of one garbage bag per unit and recycling service using boxes or carts at the curb). (Regional Municipality of Niagara, Public Works)

**Road Widening**

4. That a road right-of-way widening dedication of approximately 3.0416 metres (10 feet) be conveyed gratuitously to the City across the Vine Street frontage of the property free and clear of any mortgages, liens or encumbrances, prior to registration of the condominium conversion agreement. (City of St. Catharines, TES)

**Administration**

5. 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.