



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, June 12, 2017
Council Chambers, City Hall, 6:30 PM**

His Worship Mayor Walter Sendzik takes the Chair and opens the meeting

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- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Adoption of the Minutes (Council and General Committee)**

3.1 [Regular Meeting of Council, Minutes of May 29, 2017](#)

3.2 [General Committee, Minutes of May 29, 2017](#)

- 4. Declarations of Interest**

- 5. Public Meetings Pursuant to Planning Act**

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- 5.1 Planning and Building Services, Planning Services
Proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Common Element Condominium and Draft Plan of Vacant Land Condominium, 10 Pleasant Avenue; Owner: 2390541 Ontario Inc.; Agent: Better Neighbourhoods Development Consultants

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- 5.2 Planning and Building Services, Planning Services
Proposed Transition Clause for the Residential Infill and Intensification Development Review Zoning By-law Amendment 2017-146

[Addenda]

- 6. Delegations**

- 7. Presentations**

- 8. Call for Notices of Motion**

- 8.1 Stop Nuclear Waste in Great Lakes
WHEREAS, St. Catharines City Council supported a resolution in January 2014 to stop the "Great Lakes Nuclear Dump" respecting Ontario Power Generations' plan to build a nuclear waste repository beside the Great Lakes; and

WHEREAS, the City of St. Catharines is a member of the Great Lakes and St. Lawrence Cities Initiative, a binational coalition of Canadian and US mayors and elected officials working to advance the protection and restoration of the Great Lakes and St. Lawrence River; and

WHEREAS a decision on this matter is expected in 2017;

BE IT RESOLVED, that the City of St. Catharines urges the Government of Canada and the Government of Ontario to reject (and seek alternatives to) Ontario Power Generations' proposal to bury radioactive nuclear waste in the Great Lakes Basin.

8.2 Protecting the Automotive Sector in St. Catharines

WHEREAS, the auto sector directly employs over 101,000 people in Ontario, and indirectly supports the creation of more than 300,000 good jobs in communities nationwide; and

WHEREAS, St. Catharines is a member of the Auto Mayors Roundtable and Niagara's industrial sector directly and indirectly employs thousands of employees that support the automotive industry; and

WHEREAS, the automotive industry represents Canada's largest manufacturing sector, Ontario's chief export and the economic lifeblood of hundreds of Canadian communities; and

WHEREAS, a thriving auto sector is an essential part of St. Catharines' local economy and the Niagara regional economy, stimulating growth, innovation, and good, high-paying jobs; and

WHEREAS, Canada's auto sector has been deeply integrated with that of the United States since the early-20th century, as indicated by the 1965 Canada-US Auto Pact; and

WHEREAS, the North American Free Trade Agreement governs nearly every aspect of Canada and the United States' economic relationship, including the import and export of auto parts and vehicles; and

WHEREAS, even minor changes to the established trade relationship between Canada and the United States could have enormous consequences for workers and consumers on both sides of the border; and

WHEREAS, in 2016 the government of Ontario and Michigan signed a Memorandum of Understanding calling for increased cooperation and partnership between their two automotive sectors; and

WHEREAS, the United States has announced its intent to renegotiate NAFTA; and

WHEREAS, Canada's economic future and the continued wellbeing of St. Catharines' local economy depend on a thriving automotive sector;

THEREFORE BE IT RESOLVED, that St. Catharines City Council:

1. Join with Councils across Ontario in calling on the federal government to make the protection and growth of Canada's automotive sector a key priority in the upcoming NAFTA negotiations;
2. Request the Mayor write a letter to Prime Minister Justin Trudeau and local members of Parliament reinforcing these concerns;
3. Urge those local members of Parliament who have not yet done so to join the parliamentary auto caucus, advocating for the wellbeing of Canada's automotive sector in Ottawa.

9. Motions

9.1 Council's Loyalty to Residents

(At the meeting of May 29, 2017, Councillor Kushner provided notice of the following motion)

WHEREAS members of Council are elected by the citizens of St. Catharines;

THEREFORE BE IT RESOLVED, that our loyalty be to our residents and not to 'unconflicted loyalty' to the boards or commissions that we are appointed to; and

BE IT FURTHER RESOLVED, that the intent of the motion be referred to the integrity commissioner for possible inclusion in the City's Code of Conduct.
FORTHWITH

9.2 Canada Day Fireworks Funding

(Councillor Garcia will present the following motion)

WHEREAS the Port Dalhousie Lions have been organizing and funding both a Canada Day Carnival and a Fireworks show at Lakeside Park for 40 years to the delight of residents of St. Catharines and the Region:
and

WHEREAS this year the Carnival has been cancelled and the Fireworks show will be from Henley Island because of the flooding at Lakeside Park; and

WHEREAS the Lions have traditionally used the proceeds from the Carnival to fund the Fireworks and this year they will be up to \$11,000 short of the funding required for a special Fireworks show to celebrate Canada's 150th birthday;

THEREFORE BE IT RESOLVED, that Council authorize up to \$11,000 to fund the Canada Day 150th Fireworks show out of the Civic Project Fund and notify the Lions accordingly. FORTHWITH

9.3 Flood Relief Funding
(Councillor Garcia will present the following motion)

WHEREAS the level of Lake Ontario is the highest in 100 years and this has caused unprecedented and major flooding and erosion damage along the full shoreline of the City of St. Catharines and, particularly at the City's beaches; and

WHEREAS at the May 8, 2017 Council meeting, Councillor Williamson requested That staff "report back to Council regarding the costs that were incurred as a result of the damage done by the high lake water levels and heavy rains, as it pertains to emergency fund applications;" and

WHEREAS the lake levels have not yet receded so the costs cannot be quantified but costs to the City for flood clean-up, shoreline protection and other required services are expected to significantly exceed the capability of our taxpayers to fund them;

THEREFORE BE IT RESOLVED, that Council request the Provincial and Federal governments to provide all available flood relief funding to help the City cover the unprecedented emergency costs that will be incurred. FORTHWITH

10. Resolve into General Committee

11. Motion Arising from In-Camera Session

12. Motion to Ratify Forthwith Recommendations

13. By-laws

13.1 Reading of By-laws

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14. Agencies, Boards, Committee Reports

14.1 Minutes to Receive

- Accessibility Advisory Committee, [February 22, 2017](#), [March 22, 2017](#), and [April 26, 2017](#)
- Canada 150 Anniversary Task Force, [April 6, 2017](#)
- Town and Gown Advisory Committee, [April 6, 2017](#) (draft)
- Outdoor Aquatic Facilities Task Force, [May 15, 2017](#)
- Public Art Advisory Committee, [April 25, 2017](#)
- Master Fire Planning Committee, [May 25, 2017](#)
- Social Sustainability Committee, [May 26, 2017](#) (draft)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: May 15, 2017

Date of Meeting: June 12, 2017

Report Number: PBS-143-2017

Files: 60.30.325, 60.35.1016, 60.46.417,
60.46.427 & 60.46.426

Subject: Public Meeting in Accordance with the Planning Act
Proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, Draft Plan of Common Element Condominium and Draft Plan of Vacant Land Condominium, 10 Pleasant Avenue; Owner: 2390541 Ontario Inc.; Agent: Better Neighbourhoods Development Consultants

Recommendations

Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Lots 34 to 40, Lots 42 to 53, and Lots 64 to 72, Registered Plan CY-147, St. Catharines, municipally known as 10 Pleasant Avenue, as follows:

- a) That Schedule D, General Land Use Plan, be amended by changing the land use designation of the subject lands from Commercial to Neighbourhood Residential, as identified in Appendix 5 of this report; and
- b) That Schedule E4, Central Planning District, be amended by changing the land use designation of the subject lands from Community Commercial to Medium Density Residential as identified in Appendix 6 of this report; and

That the Mayor and City Clerk be authorized to execute the necessary By-law to give effect to Council's decision; 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 upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final approval; and

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

Zoning By-law Amendment

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Lots 34 to 40, Lots 42 to 53, and Lots 64 to 72, Registered Plan CY-147, St. Catharines, municipally known as 10 Pleasant Avenue, as follows:

- a) That Section 15.1, Schedule A (A13), Zoning Maps, be amended by rezoning the subject lands from Community Commercial (C2) to Medium Density Residential Holding (R3-142-H1) as outlined in Appendix 7.
- b) That Section 13.1 'List of Special Provisions' be amended by adding a special provision, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
142	R3	13		10 Pleasant Avenue	
1. Unless otherwise stated in Special Provision 142, the maximum building height for all uses shall be 10 m					
2. The following provisions shall apply for Detached Dwelling:					
a.	Minimum lot area			250 m ²	
b.	Minimum exterior side yard			2 m	
3. The following provisions shall apply for Duplex Dwelling:					
a.	Minimum lot area			275 m ²	
b.	Minimum lot frontage			9 m	
4. The following provisions shall apply for Apartment Building / Long Term Care Facility on Local/Collector Road:					
a.	Minimum lot frontage			16 m	
b.	Minimum front yard			2 m	
c.	Minimum rear yard			height of building	
d.	Minimum interior side yard			1.2 m	
e.	Minimum exterior side yard			3 m	
f.	Maximum building height			11 m	
g.	Density per hectare			Min. 25 / Max. 120 units	
h.	Minimum landscaped open space			20 %	
i.	Minimum parking spaces per unit			0.5	
5. Notwithstanding Section 2.1 (d) 'Accessory Buildings and Structures', maximum height of detached garage with detached accessory dwelling: 8 m					
6. Notwithstanding Section 2.1 (f) 'Accessory Buildings and Structures', rear yard setback from detached garage to private lane: 1 m					
7. One Accessory Dwelling Unit is permitted in a Detached Garage					
8. Notwithstanding Section 2.2.2 'Detached Accessory Dwellings', the maximum floor area for Detached Accessory Dwelling Unit: 50 m ²					

9. Notwithstanding Section 2.5 'Corner Lot Sight Triangles', the Minimum Distance along Each Lot Line from Corner shall be 3 m. This provision shall also apply at the point of intersection of the rear and exterior side lot lines, where the lot has rear access from a private lane.
10. Notwithstanding Section 2.10.2 'Platform Structures', the minimum setback from a rear lot line to a deck with a height above grade of less than 1.2 m: 2 m
11. Notwithstanding Section 2.10.2 'Platform Structures', the minimum setback from a front lot line to a platform structure with a height above grade more than 0.6 m and less than 1.2 m: 1 m
12. Notwithstanding Section 3.9 'Residential Parking', maximum driveway width for lots with rear access from private lane: 7 m
13. Notwithstanding Section 3.9 'Residential Parking', maximum driveway width in front or exterior side yard: 5.6 m or 40%, whichever is less
14. Notwithstanding Section 3.9 'Residential Parking', maximum parking area coverage in front yard or exterior side yard, for lots with rear access from private lane: 0%
15. Attached garage shall be setback a minimum distance of 1 m further from the front lot line than the front wall of the dwelling or the porch
16. Minimum parking for Interior or Detached Accessory Dwelling: 0 spaces
17. Where an attached garage is located to the rear of the dwelling and attached to the dwelling by a structure not greater than 3.5 m in width, the minimum rear and interior side yard for the garage shall be 0.6 m. The applicable interior side yard for the attaching structure shall be maintained.
Note: Holding Provision H1 also applies to the subject lands

That the Mayor and City Clerk be authorized to execute the necessary By-law to give effect to Council's decision; 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 upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final approval; and

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

Draft Plan of Subdivision

That Council defer the recommendation for Draft Plan of Subdivision to a meeting of Council on June 26, 2017, at least 14 days after the Public Meeting of June 12, 2017, pursuant to Section 51(20) of the Planning Act. FORTHWITH

Draft Plan of Common Element Condominium

That Council defer the recommendation for Draft Plan of Common Element Condominium to a meeting of Council on June 26, 2017, at least 14 days after the

Public Meeting of June 12, 2017, pursuant to Section 51(20) of the Planning Act.
FORTHWITH

Draft Plan of Vacant Land Condominium

That Council defer consideration of the Draft Plan of Vacant Land Condominium until such time as a site plan agreement is applied for and processed on Block 17.
FORTHWITH

Recommendations for Consideration June 26, 2017

Draft Plan of Subdivision

That Council approve a Draft Plan of Subdivision for the lands described as Lots 34 to 40, Lots 42 to 53, and Lots 64 to 72, Registered Plan CY-147, municipally known as 10 Pleasant Avenue, prepared by Better Neighbourhoods Development Consultants, dated May 24, 2017 showing Lots 1 to 13 (detached and semi-detached dwellings), Lot 14 (apartment building), Lot 15 (semi-detached dwelling) Blocks 16 to 18 (townhouses), Block 19 (rear laneway), Block 20 (0.8 m road widening), Block 21 (0.3 m reserve) and a new public street (Street 'A') as outlined in Appendix 8, subject to the conditions outlined in Appendix 6 being fulfilled prior to final approval of the Plan and Plan registration; and

That Draft Plan of Subdivision approval shall lapse after 3 years from the date of Council approval, unless a request for extension has been submitted, reviewed and approved prior to the lapsing date; and

That Block 18 on the Draft Plan of Subdivision be exempt from site plan approval; and

That a future Pleasant Avenue road widening be accommodated for on the lands of 282 Ontario Street, to be considered as part of the Secondary Plan exercise for the former GM lands; 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 upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final approval; and

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

Draft Plan of Common Element Condominium

That Council approve a Draft Plan of Common Element Condominium for part of the lands described as Lots 34 to 40, Lots 42 to 53, and Lots 64 to 72, Registered Plan CY-147, municipally known as 10 Pleasant Avenue (further described as Block 19 on the Draft Plan of Subdivision File No. 60.46.417), prepared by Better Neighbourhoods Development Consultants, dated May 24, 2017, showing Block 19 (rear laneway) as

outlined in Appendix 10, subject to the conditions outlined in Appendix 11 being fulfilled prior to final approval of the Plan and Plan registration; and

That Draft Plan of Common Element Condominium approval shall lapse after 3 years from the date of Council approval, unless a request for extension has been submitted, reviewed and approved prior to the lapsing date; 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 upon expiration of the appeal period, staff be directed to forward any appeals to the Ontario Municipal Board for consideration and final approval; and

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

Summary

Approval of the subject applications will facilitate a Plan of Subdivision consisting of at least 37 new housing units in the form of detached, semi-detached, townhouse and apartment dwellings, accessed by a new public street as well as a private rear laneway to be owned by a condominium corporation. One block of townhouses is also proposed to be condominium ownership. The proposal also includes provisions to allow for accessory dwellings on the second level of detached garages facing the rear laneway, in addition to interior accessory dwellings which would be permitted as-of-right. The subject property, which is 1.16 ha (2.87 ac) in size, is located at the southeast corner of Pleasant Avenue and Thomas Street, just northeast of Ontario Street. The former GM lands exist to the northwest, with Alex McKenzie Park to the northeast.

The proposed development has a gross density of 31.9 units/ha. Staff are recommending approval of the proposed amendments to the Official Plan and Zoning By-law, as well as the Draft Plan of Subdivision and Draft Plan of Common Element Condominium. The decision on the Draft Plan of Vacant Land Condominium is recommended for deferral.

Report

Proposed Development

The proposal is to seek approval for the construction of 37 new housing units. The proposed applications to amend the Official Plan and Zoning By-law seek to change the land use permissions of the subject property from commercial to residential. The Official Plan Amendment changes the designations of the lands from 'Commercial' and 'Community Commercial' to 'Neighbourhood Residential' and 'Medium Density Residential' (as illustrated in Appendix 5 and 3, respectively), The Zoning By-law Amendment changes the zoning of the lands from 'Community Commercial (C2)' to 'Medium Density Residential (R3)' with Special Provisions (as illustrated in Appendix 7).

The proposed Special Provisions reflect the principles of new urbanism and traditional neighborhood development, achieving a compact built form which respects and enhances the character of the existing neighbourhood. For example, the dwellings will be permitted to be close to the street with large front yard porches (similar to the surrounding neighbourhood), promoting walkability and community interaction. The Special Provisions also support the construction of rear yard detached garages, accessed by a private rear laneway (for lots facing Thomas Street and along the west side of the new internal street). Removing garages and vehicles from front yards promotes a streetscape that is stimulating and interactive, with building designs that support street life. Overall, the proposed Special Provisions will ensure compatible integration of this development with the surrounding neighbourhood.

The Draft Plan of Subdivision (Appendix 8) proposes to create:

- 10 lots for detached dwellings
- 4 lots for semi-detached dwellings (8 units)
- 3 blocks for 13 townhouse dwellings
- 1 lot for a 6-units apartment building
- 1 public street
- 1 private laneway

The Draft Plan of Common Element Condominium (Appendix 10) proposes to create:

- 1 block over the private laneway

The Draft Plan of Vacant Land Condominium (Appendix 12) proposes to create:

- 1 block for private road development consisting of 5 townhouse dwellings

The proposed development has a gross density of 31.9 units/ha. A concept plan of full build-out is included as Appendix 13, showing potential building locations on each lot and block.

Background

Location and Site Description

The site is located in Central Planning District on the south east corner of Thomas Street and Pleasant Avenue. A location map is attached as Appendix 1.

The subject lands were formerly a parking lot serving the former GM plant to the north and west beyond Ontario Street. The site area is 1.16 ha (2.87 ac) with a frontage of 98 m on Pleasant Avenue and 103 m on Thomas Street, respectively.

Surrounding land uses include:

North:	Pleasant Avenue and former GM industrial buildings
South:	A mix of residential uses
East:	City lands (Haig Bowl Arena and Alex Mackenzie Park)
West:	A mix of commercial uses, Ontario Street and former GM industrial buildings.

Relationship to Greater former GM Holdings

The parcel under review comprises a small part of the former overall GM holdings. The subject lands are located on the southerly periphery of these holdings and are surrounded on three sides by a City park, and longstanding commercial and residential uses. Development of these lands can proceed at this time and will not compromise the future development of the greater former GM holdings. Development of the larger GM lands will be guided by a comprehensive and coordinated planning process that will involve preparation of a land use study, a secondary plan, public consultation and future Council approvals.

Circulation of Application

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. There are no outstanding objections related to the requested amendments and Draft Plan approvals. Recommended conditions of Draft Plan of Subdivision and Draft Plan of Condominium approvals address City and agency comments that have to be finalized prior to registration of the Plans. Major comments and details are outlined in the Planning Analysis section of this report.

Planning Analysis

Provincial and Regional Policy Context

The subject lands are within a settlement area under the 2014 Provincial Policy Statement (PPS) and within the Built-Up Area for St. Catharines as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2006 and Growth Plan, 2017 (effective July 1, 2017). The PPS and Growth Plan contain policies that direct growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities to meet the social, health and well-being requirements of current and future residents. 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 to settlement areas.

Similarly to the Growth Plan, the Regional Official Plan (ROP) directs development to take place in urban areas and supports intensification where appropriate servicing and infrastructure exists. The ROP establishes a residential intensification target of 95% for the St. Catharines Built-Up Area. The subject are consistent with Provincial and Regional policies and plans.

Official Plan (Garden City Plan)

The Garden City Plan designates the lands Commercial on Schedule D1 (see Appendix 2), The Commercial land use designation is primarily intended to provide concentrations of retail and service commercial uses to accommodate local resident needs, as well as to provide significant employment opportunities. Other uses permitted may include institutional, recreation, cultural, civic, office, and residential.

Schedule E4, Central Planning District further designates the lands Community Commercial (see Appendix 3). Community Commercial Centres are to be spatially dispersed throughout the Urban Area, primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the local surrounding community population. A range of commercial uses are permitted, excluding auto dealerships, adult oriented uses and hotels.

An Official Plan Amendment from Commercial (Schedule D1) and Community Commercial (Schedule E4) to Neighbourhood Residential and Medium Density Residential, respectively, is requested to permit the residential development of the lands (see Appendices 5 and 6).

The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse, and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres. The proposed development has a gross density of 31.9 units/ha. The proposed detached dwellings, semi-detached dwellings, townhouse dwellings and apartment dwellings, which are permitted within the Medium Density designation, will support a mix of housing types, assist with the intensification of the area and help accommodate projected growth in a sustainable manner.

Section 16.1 of the Garden City Plan outlines general policies to be considered in evaluating an Official Plan Amendment application. This application for amendment to the Plan has been evaluated on the basis of those prescribed considerations, as follows:

Garden City Plan Policy (16.1)	Planning Comment
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 the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to manage development. At a gross density of approximately 32 units/ha, this residential development makes efficient use of a vacant brownfield site within the built-up area. Existing public infrastructure and services, including nearby transit, are available. Commercial and community uses as well as parks and trails are in close proximity.

	<p>A sustainable community is one that has a vibrant downtown. One of the primary objectives in support of this principle is the creation of residential uses in or in close proximity to downtown. The subject lands are within 1.5 km of downtown. Residential development of the site supports these objectives.</p>
ii) Consistency with Provincial and upper tier government plans, policies and legislation	<p>As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal complies with Provincial and Regional land use policies.</p>
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use	<p>While designated Intensification Areas are the primary emphasis for housing intensification, the Garden City Plan supports appropriate and compatible infill and intensification in all neighbourhoods to meet housing needs and manage growth. The City's policies encourage the redevelopment of vacant and underutilized sites within the urban area to avoid the need to consider urban boundary expansions to meet housing needs. The proposed residential subdivision is a good example of compatible, transit-supportive intensification that will add to the range of housing types available in the neighbourhood.</p>
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	<p>The residential uses proposed are consistent in size and scale to existing longstanding residential uses to the east and south. The overall configuration of the site is a grid, consistent with the greater traditional neighbourhood. The development proposes a rear laneway, removing front yard driveways and garages from many of the lots, including those fronting Thomas Street.</p> <p>A potential compatibility consideration relates to the uncertainty with how the GM lands to the north will be redeveloped</p>

	<p>and potential impacts related to air emissions if the site were to remain industrial in nature. The City will be undertaking a Secondary Plan on these lands and conducting an Employment Lands Review Study to consider conversion of the lands to another land use. If the site does remain as industrial, mitigation measures may be used to buffer any new use of those lands from the proposed residential uses, at the site plan stage.</p> <p>The Niagara Region has requested standard mitigation measures be used to reduce potential impacts related to noise from adjacent commercial uses and Ontario Street. These are included as conditions of subdivision approval.</p>
v) The potential of the proposal to cause instability within an area intended to remain stable	<p>The nearby residential areas to the east and south developed during the early part of the twentieth century. There are a range of dwelling types in these neighbourhoods from detached dwellings to low-rise apartment buildings. The proposed development demonstrates a compatible fit within the neighbourhood at the lower end of the Medium Density Residential density range (approximately 32 units per hectare). The proposed development is intended to fit seamlessly with the existing neighbourhood.</p>
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	<p>The subject lands are serviced by water, sanitary and storm sewer services. Through the subdivision approval process, the applicant will be required to submit detailed site servicing and storm water management designs which meet City and Ministry of the Environment standards. Servicing Reports submitted to date indicate that existing municipal services have adequate capacity to accommodate the proposed development.</p>
vii) The financial implications, both cost and revenues, to the City	<p>The proposed development presents no cost implications to the City. Any</p>

	improvements to municipal infrastructure which may be necessary to accommodate the development will be at the sole cost of the applicant. The addition of 29 residential dwelling units will provide an increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	<p>The lands immediately to the south on Beech Street (north and south sides) also abutting designated lands on Ontario Street are designated Medium Density Residential. Designating the subject lands similarly will result in a potential gradation of density to the former GM lands to the north. The site is appropriately located for residential intensification in close proximity to an arterial road and at the fringe of a commercial node.</p> <p>There are disadvantages for using the site for commercial purposes. The site does not have direct access to an arterial road and traffic volumes are relatively low, providing limited visibility required by commercial uses. Staff considers the approval of the proposal to not compromise the Community Commercial policy direction of the Garden City Plan.</p>

Based on the matters outlined above, staff is satisfied that the proposed Official Plan Amendment meets the general intent of the Plan and all other prescribed general considerations contained in the Official Plan.

Zoning By-law

Zoning By-law 2013-283 zones the lands Community Commercial (C2) (see Appendix 4). The C2 Zone permits a range of uses, including: animal care establishment, car wash, apartment building, commercial parking structure, cultural facility, day care, apartment dwelling units, emergency service facility, motor vehicle gas station, motor vehicle repair garage, office, place of assembly/banquet hall, place of worship, recreation facility (indoor), restaurant, retail store, service commercial, social service facility, theatre, and university/college.

The applicant has requested an amendment to the Zoning By-law to change the zoning to Medium Density Residential (R3), with Special Provisions. The R3 Zone permits all types of residential uses. The proposed Special Provisions will achieve a compact built

form which respects and enhances the character of the existing neighbourhood. Dwellings will be permitted to be close to the street with large front yard porches, promoting walkability and community interaction. The Special Provisions also support the construction of rear yard detached garages, accessed by a private rear laneway (for lots facing Thomas Street and along the west side of the new internal street). Removing garages and vehicles from front yards promotes a streetscape that is stimulating and interactive, with building designs that support street life. The Special Provisions will ensure the compatible integration of this development with the surrounding neighbourhood. The provisions relax parking standards for the 6-unit apartment building and accessory dwelling units, which is intended to improve the feasibility of building these types of dwelling as affordable units. Detached accessory dwelling units are proposed above rear lane garages. Staff is supportive of the change in zoning as well as the R3 provisions noted below.

Provision	Standard R3 Zone Requirement	Proposed R3 Zone Requirement
<i>Detached Dwelling</i>		
Min. lot area	275 m ²	250 m ²
Min. exterior side yard	3 m	2 m
<i>Duplex Dwelling</i>		
Min. lot area	280 m ²	250 m ²
Min. lot frontage	12 m	9 m
<i>Apartment Building (Lot 14)</i>		
Min. lot frontage	16 m	30 m
Min. front yard	2 m	5 m
Min. rear yard	height of building	height of building
Min. interior side yard	1.2 m	half the height of building
Min. exterior side yard	5 m	3 m
Max. building height	11 m	20 m
Density per hectare	Min. 25 / Max. 120 units	Min. 25 / Max. 99 units
Min. landscaped open space	20%	35%
Min. parking spaces per unit	0.5	1.0
<i>Rear Lane Garages/Accessory Units</i>		
Max. height of detached garage with detached accessory dwelling	4.5 m	8 m
Min. setback from detached garage to private lane	-	1 m
Detached Accessory Dwelling Units permitted in a Detached Garage	-	1
Max. floor area for Detached Accessory Dwelling Unit	105 m ²	50 m ²
Min. parking spaces for Accessory Dwellings	1	0

Max. parking area coverage in front yard or exterior side yard for lots with rear lane	50%	0%
Max. driveway width for lots with rear lane	7.5 m or 50%	7 m
Min. rear lane attached garage setback (where attached by breezeway)	6 m	0.6 m
Sight triangles at rear lane	-	3 m x 3 m
<i>Other Garages/Driveways</i>		
Max. driveway width in front or exterior side yard: 5.6 m or 40%, whichever is less	7.5 m or 50%	5.6 m or 40%
Attached garage front yard setback	-	1 m greater than front wall of dwelling or porch
<i>Platform Structures</i>		
Min. rear yard setback to deck with a height above grade of less than 1.2 m	3 m	2 m
Min. front yard setback to a platform structure with height above grade more than 0.6 m and less than 1.2 m	3 m	1 m

Holding (H) Provision

The Zoning By-law Amendment is being recommended for approval with a Holding (H1) Provision, which stipulates that an Environmental Site Assessment is required to be completed prior to development occurring, and if required, a Record of Site Condition must be filed to ensure that the condition of the site meets developable residential standards. The H1 Provision is being recommended as the site was previously used as a commercial parking lot and is proposed to be used for residential purposes. The lands will be studied, and if required, cleaned to residential standards. The Holding Provision must be removed prior to development proceeding.

Draft Plan of Subdivision

Section 51(24) of the Planning Act directs the matters to be considered in recommending approval for a Draft Plan of Subdivision, including amongst other items:

- The development does not have a detrimental effect on matters of provincial interest, it is not premature and is in the public interest.
- The proposal complies with the Official Plan, and the lands are suitable for development as proposed.
- The proposed lots are of appropriate size and shape, and adequate for the development of detached dwellings in accordance with the Zoning By-law and proposed amendment.
- The proposed development is compatible with the surrounding residential neighbourhood.
- The existing utilities and services are adequate to support the development.
- The size, elevation, grading and adequacy of the proposed road has been reviewed by staff and is acceptable.

Appropriate conditions of Draft Plan of Subdivision approval, addressing various agency and departmental comments, have been included in Appendix 9. Staff recommends approval of the Draft Plan of Subdivision, subject to these conditions. The Plan will create a lot fabric that is complementary to the existing lots in the area, and a built form that is compatible in terms of scale with surrounding dwellings. The road design, in a modified grid layout, is also complementary to the surrounding neighbourhood. Staff has detailed some of the more significant conditions of Draft Plan approval below.

Pleasant Avenue Road Widening

The existing road allowance on Pleasant Avenue is 15.24 m wide. The ultimate desirable road allowance width for a street of this nature would be 20.0 m. As a road widening was taken on the north side of Pleasant Avenue several years ago, it was Staff's initial position that a 3.9m widening would be required along the Pleasant Avenue frontage of these lands with a future 0.8m widening on the north side of Pleasant Avenue when those lands developed.

The south boulevard of Pleasant Avenue adjacent to the proposed development is approximately 3.4 m wide from the back of the curb to the existing property line. The area is a combination of an asphalt boulevard and a 1.2 m wide concrete sidewalk. Also contained within this boulevard are streetlight poles (serviced overhead), underground Bell services and a City sanitary sewer. Servicing this sanitary sewer will be difficult within the confines of the existing road allowance given the presence of the other existing utilities. This is one of reason for Staff's initial position for the requirement of the 3.9 m widening.

Following initial comments from Staff, the developer had expressed concerns regarding the extent of the widening and the impact it would have on their proposal. They have proposed a 0.8 m road widening while agreeing to undertake the following work at their cost to the satisfaction of the City Engineer:

- Abandon or otherwise relocate the existing sanitary sewer on Pleasant Avenue without compromising any existing connections. This will involve work on Pleasant Avenue beyond the limits of this development.
- Remove and relocate the existing sidewalk along the Pleasant Avenue frontage of these lands. The new sidewalk is to be 1.5 m in width, located a minimum of 2.4 m from the back of the existing curb, creating a 2.4 m wide boulevard
- Relocate existing overhead and underground utilities (streetlighting and Bell) to an underground location outside of the 2.4 m wide boulevard
- Install sod and street trees within the 2.4 m wide boulevard

In light of the above discussion and in lieu of a 3.9 m wide road allowance widening, Staff recommends that a 0.8 m wide road allowance widening be dedicated to the City along the Pleasant Avenue frontage of the subject lands. This widening will increase the width of the Pleasant Avenue Road allowance from 15.24 m to 16.04 m. This is sufficient width to accommodate a treed boulevard, streetlights and sidewalk along the south side of the existing road surface, as well as the necessary underground utilities, provided the owner abandons the existing sanitary sewer within the Pleasant Avenue

road allowance, relocates the existing Bell Canada service and relocates any existing overhead services on the south side of Pleasant Avenue. This is captured within a condition of Draft Plan of Subdivision approval.

The upcoming Secondary Plan process will identify if a sanitary sewer is needed to service the lands on the north side of Pleasant Avenue (282 Ontario Street). The Developer of those lands will be responsible for the cost of any required sewer installation at that time. The Secondary Plan process will also determine the width of road widening to be dedicated to the property at 282 Pleasant Avenue.

Road Designs

The developer has designed the new street and intersection geometries in a manner that is intended to make pedestrians the priority over vehicles. The Developer will finalize road design, including intersection geometries, as a condition of Draft Plan of Subdivision approval. Several departments and agencies (e.g., Niagara Region, Fire Department, Planning and Building Services, Transportation and Environmental Services) will be responsible for commenting on final road designs.

Parkland Dedication

The applicant proposes to defer the requirement to dedicate parkland for the current development at 10 Pleasant Avenue, to the future development site at 282 Ontario Street (the former GM site on the east side of Ontario Street, north of Pleasant Avenue). City Staff are in support of this proposal since the 282 Ontario Street site has the physical space to provide a new park. This request has been included as a condition of Draft Plan approval. The owner of 10 Pleasant will be required to register an agreement on title of the lands at 282 Ontario Street that binds the current and future owner of the property to provide the additional parkland when the site is developed. If the owner cannot accomplish this to the City's satisfaction, the owner will be required to provide cash-in-lieu of parkland dedication prior to registration of the Plan of Subdivision.

Alex McKenzie Park Netting

Parks and Recreation Staff have requested, as a condition of Draft Plan of Subdivision approval, that the owner agrees to be responsible for the cost of the supply and installation of additional netting and related infrastructure (e.g., posts) at Alex McKenzie Park. The condition is requested to protect the future homeowners and their property from errant baseballs travelling from the Alex McKenzie Park baseball diamond directly across the street from the subject site. Existing netting at the park extends only as far as the existing homes along Thomas Street. New netting shall be installed along Thomas Street and be 45.72 m long and 15.25 m tall, starting approximately 3.66 m to 4.57 m from grade. The new netting spans approximately from the easterly edge of Lot 1 to the westerly edge of Lot 2, on the park side of Thomas Street.

The City has received numerous complaints regarding baseballs damaging homes and vehicles in the vicinity of the park. The City is acting diligently to reasonably protect private property from damage, via the current protective netting in place. Additionally, the City does not schedule adult baseball games/practices at the diamond, in an effort

to reduce the occurrence of errant balls. Since the proposed development will create new homes along Thomas Street which will need to be protected from baseballs, the City is requiring the Developer to pay for the installation.

The Developer has the option to pay the City or its contractor to install the netting, or to carry out the work on their own, to the City's satisfaction. The initial estimated cost to install the netting is \$25,000. If the City carries out the work, the maximum contribution from the Developer shall be \$30,000, plus 3% per year for inflation.

Environmental Remediation and Record of Site Condition

As a standard condition of Draft Plan of Subdivision approval, the owner is required to file a Record of Site Condition with the Ministry of Environment and Climate Change, to be finalized prior to Plan registration. The site was previously used as a parking lot and may be subject to contamination. The site will be cleaned to residential standards prior to any development occurring.

Draft Plan of Common Elements Condominium

The proposed rear laneway (Block 19) on the Plan of Subdivision will serve Lots 2 to 13 as the means of vehicular access. While these lots do have frontage on public roads (Thomas Street and Street 'A'), driveways are not permitted in the front yard. The laneway is proposed to be in condominium ownership, with Lots 2 to 13 being the parcels of tied land (i.e., the owners of Lots 2 to 13 will belong to the condominium corporation which owns and maintains the laneway). The laneway will be developed as part of the Subdivision Agreement. The Draft Plan of Common Elements Condominium is included attached as Appendix 10.

As outlined on page 13 of this report, Section 51(24) of the Planning Act directs the matters to be considered in recommending approval for a Draft Plan of Condominium as well.

Appropriate conditions of Draft Plan of Common Elements Condominium approval, addressing various agency and departmental comments, have been included in Appendix 11. Staff recommends approval of the Draft Plan of Common Elements Condominium, subject to these conditions.

Draft Plan of Vacant Land Condominium

The applicant has filed an application for Draft Plan of Vacant Land Condominium on Block 17 on the Plan of Subdivision, which was circulated for review and comment to all relevant departments and agencies. The proposed Draft Plan of Vacant Land Condominium is included as Appendix 12. A Site Plan Agreement is required for this block, to develop five townhouses on a private road. The Site Plan Agreement has not been filed, and as such, there are details of the proposed plan which are not finalized. Staff recommends that consideration of the Draft Plan of Vacant Land Condominium be deferred until the owner has filed for Site Plan Agreement on this block. Conditions of Draft Plan of Vacant Land Condominium approval will be brought forward for Council's consideration at that time.

Deeming By-law

The subject lands are made up of lots on an old Plan of Subdivision. In order to register the new lots on the lands, the existing lots must be deemed not to be in a Plan of Subdivision, under subsection 50. (4) of the Planning Act. The owner has filed this application, which is required to be approved as a condition of Draft Plan approval. The Director of Planning and Building Services has authority from Council to approve Deeming By-law applications. This will be completed following Council approval of the proposed new Draft Plan of Subdivision.

Site Plan Control

The City's Site Plan Control By-law requires that residential developments of four units or more will be subject to site plan control. Townhouse Blocks 17 and 18 would be subject to Site Plan Control.

The Subdivision Agreement for this development, together with the required streetscape plan and townhouse elevation plans (recommended as a condition of Draft Plan of Subdivision), will address matters pertaining to Site Plan Control. For the street townhouses proposed on Block 18, Site Plan Control is a redundant process. Therefore, Block 18 is recommended to be exempt from Site Plan requirements.

The development of the proposed private road townhouses within Block 17 would not be covered by the Subdivision Agreement, and as such, are not being recommended for exemption from Site Plan Control. A separate Site Plan Agreement will be registered on title of the Block 17 lands, which will be applicable to all future owners of the site, including the proposed condominium corporation.

Public Open House

Planning and Building Services staff hosted a public open house on June 1, 2016 for the original planning applications, which one member of the public attended. A subsequent open house was hosted on February 8, 2017 for the revised applications, which two members of the public attended. The purpose of the open houses were to present the applicant's proposal and provide an opportunity for questions to be asked and comments to be received by City staff before formulating a recommendation. Residents in attendance at the meetings were in support of the proposal.

Public comments received at the open house are summarized below, with corresponding Staff responses.

Site Condition (June 1, 2016 Meeting)

Comment: The site was used as a parking lot serving the former GM industrial operations. Will the site be cleaned up as part of the process to allow for residential uses?

Response: An Environmental Site Assessment is required to be completed prior to plan registration, and if required, a Record of Site Condition must be filed to ensure that the condition of the site meets developable residential standards. This requirement is entrenched in the Zoning By-law as a Holding (H) symbol and is also included as a condition of Draft Plan of Subdivision 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

All costs associated with this development are at the expense of the developer. No financial impacts to the City are triggered by these approvals.

Relationship to Strategic Plan

Economic Sustainability

The approval of this residential development proposal will serve to support the goals for economic sustainability by:

- Facilitating private investment through development in the City; and
- Focusing on the redevelopment of the former GM lands on Ontario Street.

Conclusion

In summary, Staff is satisfied that the proposal submitted makes efficient use of these lands and is compatible with the surrounding neighbourhood. The proposed applications facilitate the development of 10 detached-dwellings, 4 semi-detached dwellings, 13 townhouse dwellings and a 6-unit apartment building, accessed by a new public street as well as a private rear laneway. The proposal is consistent with provincial, regional and municipal planning policies, providing for intensification within an established neighbourhood to help meet the current and future housing needs of the City's residents. The conditions of Draft Plan of Subdivision and Draft Plan of Common Elements Condominium approvals are considered appropriate for the successful development of this proposal. The Draft Plan of Vacant Land Condominium will be brought back to Council at a point in time when Site Plan Agreement has been applied for and processed on Block 17.

Notification

It is in order to advise Better Neighbourhood Development Consultants, 190A Ontario Street, St. Catharines, ON, L2R 5K9, the owner's agent.

Prepared by:

Aaron Butler, MCIP, RPP
Planner I

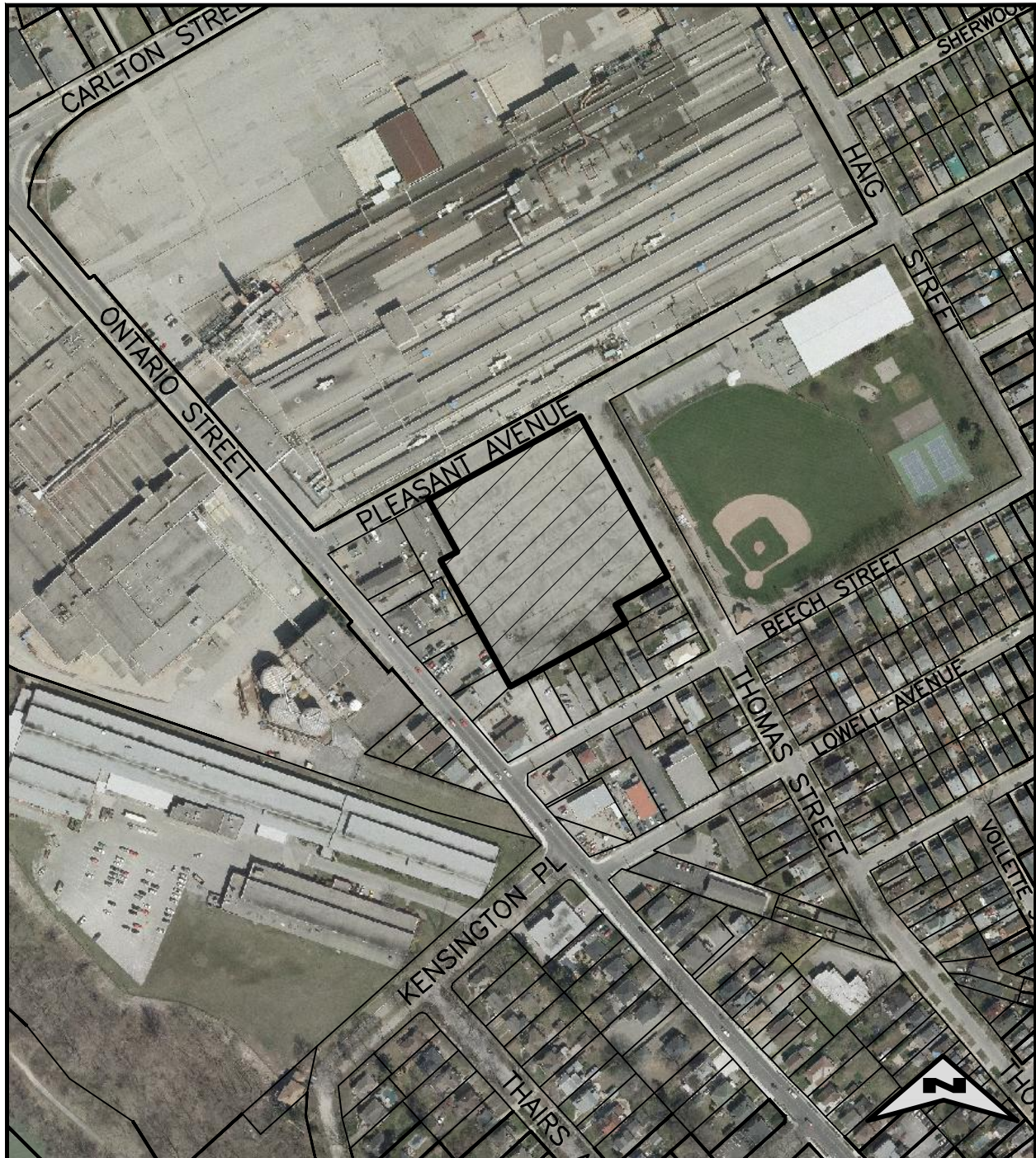
Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

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

Location Map

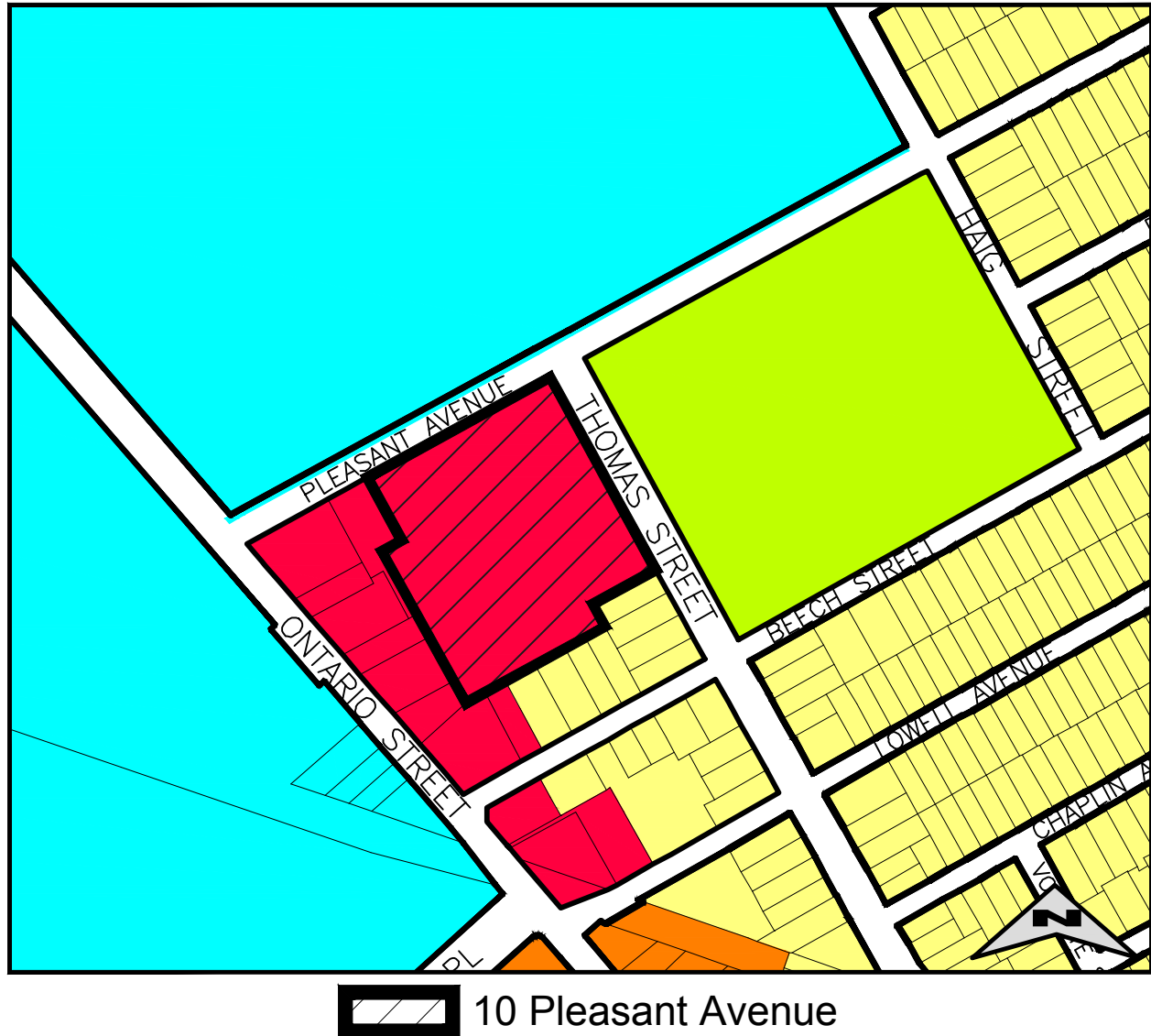


Subject Lands

10 Pleasant Avenue

File: 60.30.325, 60.35.1016 & 10.46.417

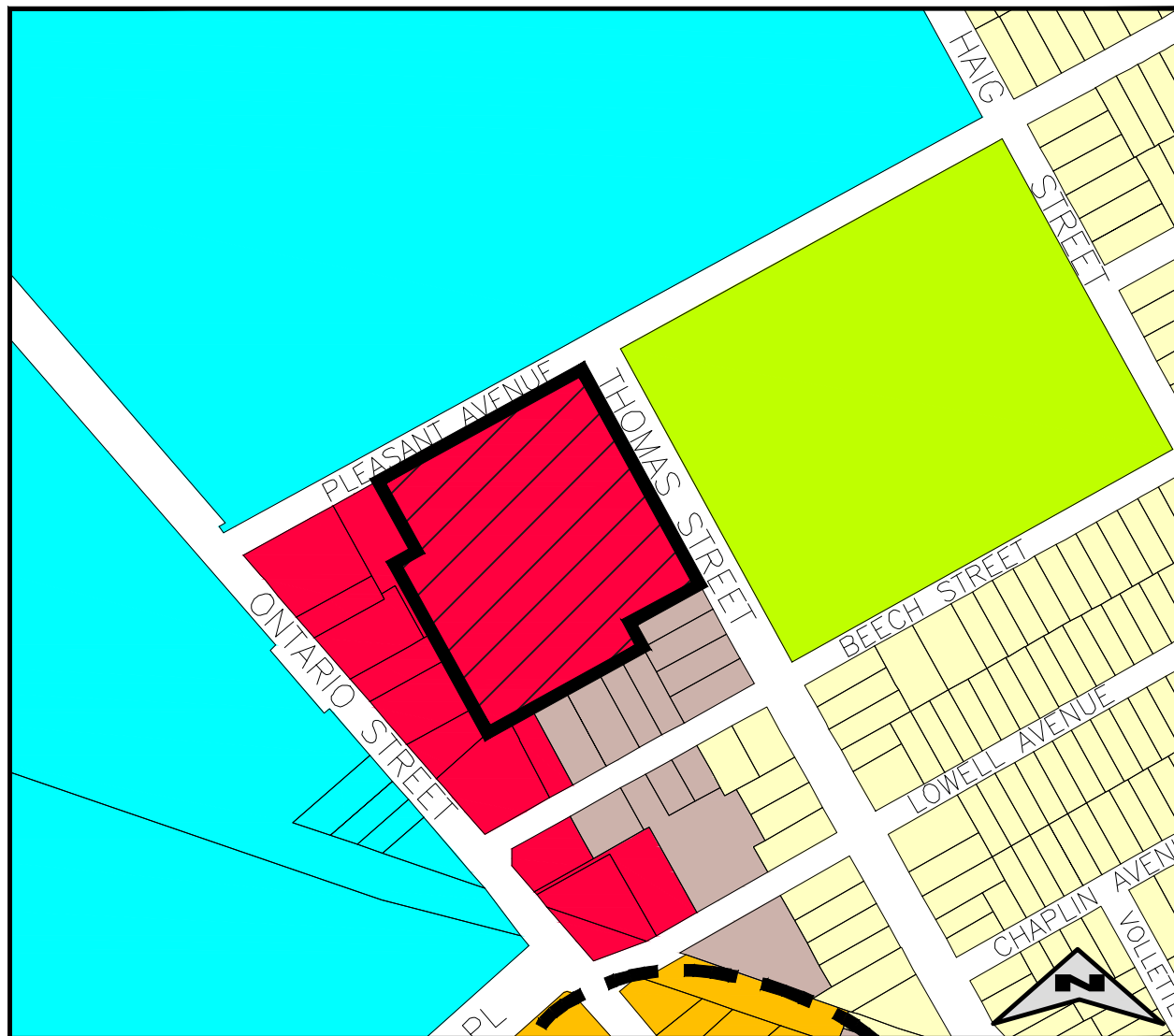
Existing Land Use Designation (General Land Use Plan D1 - Garden City Plan)



Land Use Designations	
 Neighbourhood Residential	 Mixed Use
 Employment	 Parkland & Open Space
 Commercial	

File: 60.30.325, 60.35.1016 & 60.46.417

Existing Land Use Designation (Central Planning District E4 - Garden City Plan)



 10 Pleasant Avenue

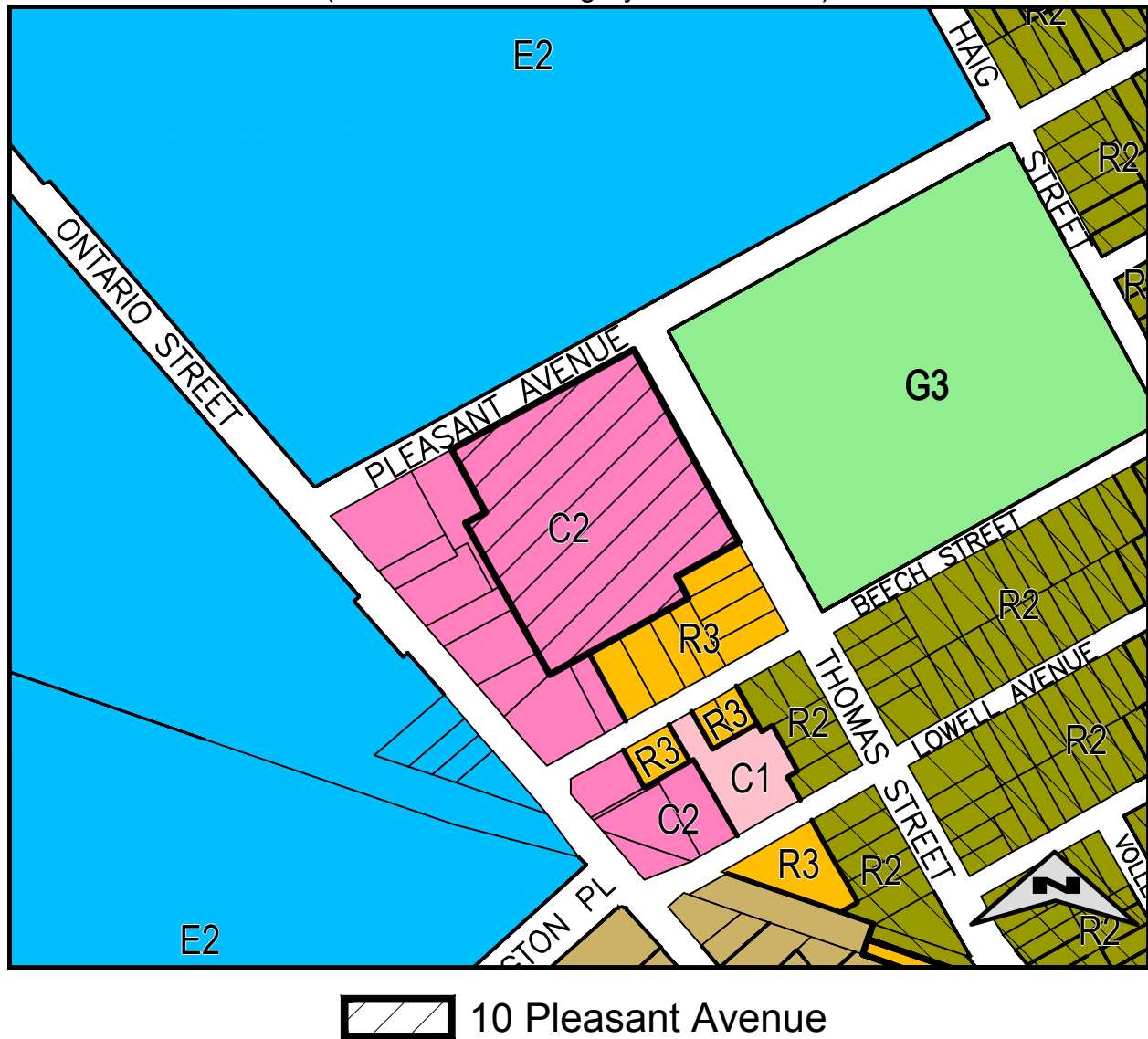
Natural Area Extents

 Low Density Residential	 Mixed Use
 Medium Density Residential	 Parkland & Open Space
 Community Commercial	 Special Study Area
 General Employment	

File: 60.30.325, 60.35.1016 & 60.46.417

Existing Zoning

(Schedule A - Zoning By-law 2013-283)



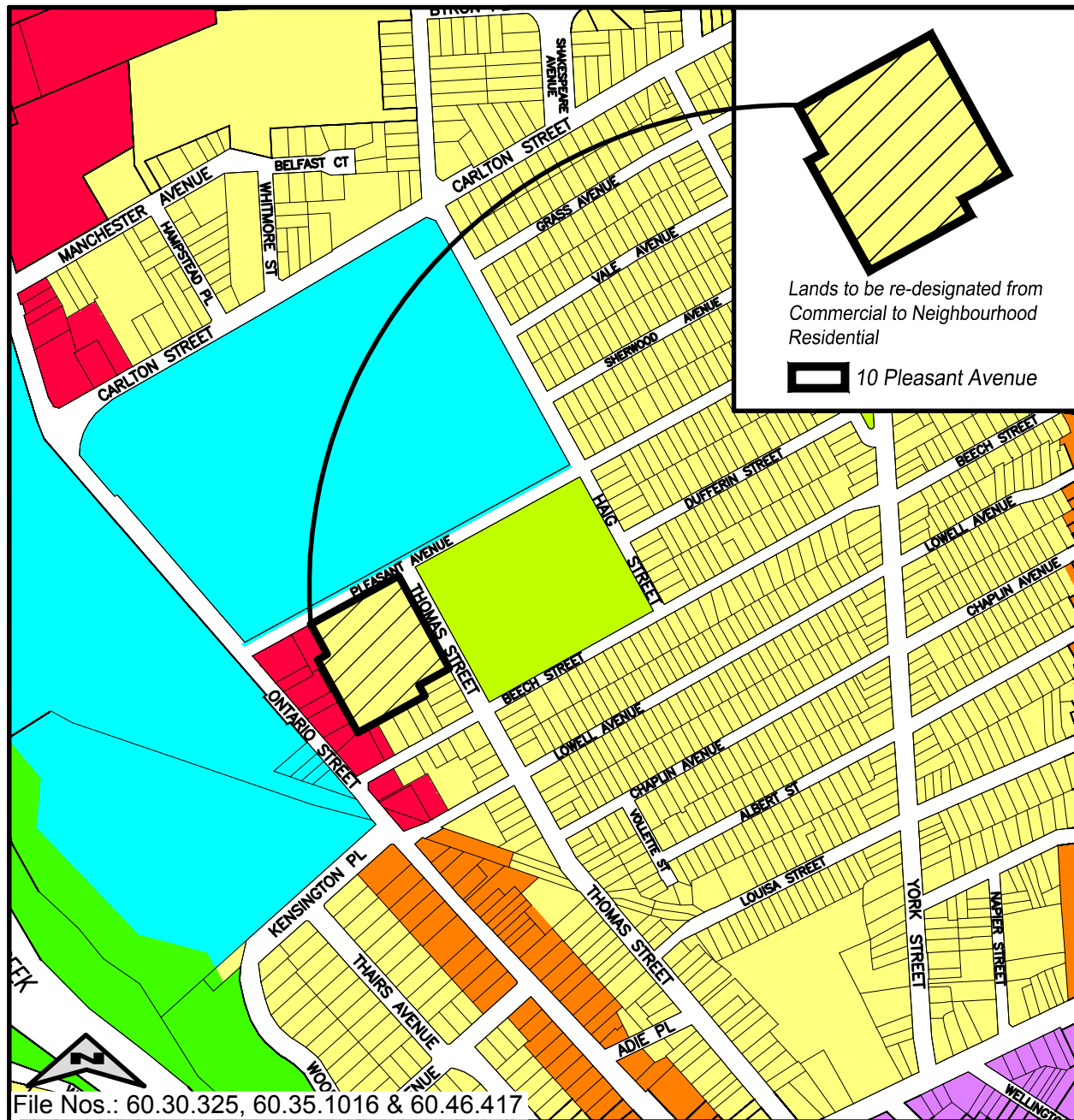
Zones

- R2 Low Density Residential
- Traditional Neighbourhood
- R3 Medium Density Residential
- C1 Local Convenience Commercial
- C2 Community Commercial

- E2 General Employment
- M1 Medium Density Mixed Use
- G3 Major Green Space

Files: 60.30.325, 60.35.1016 & 60.46.417

Proposed Official Plan Amendment, Schedule D1 - General Land Use Plan



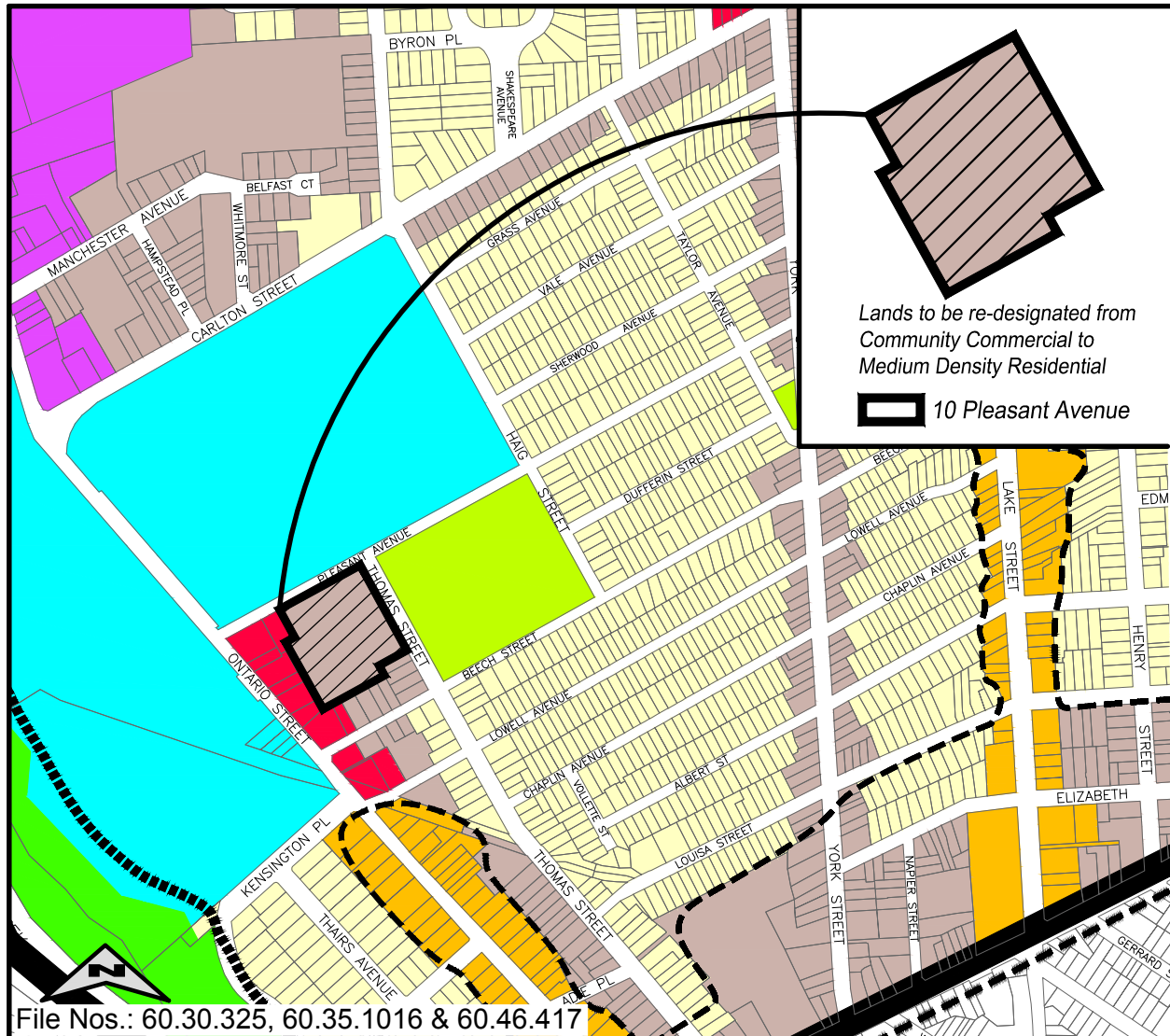
General Land Use Plan

- Neighbourhood Residential
- Employment
- Commercial
- Mixed Use
- Natural Areas

- Urban Area Boundary
- Parkland & Open Space
- Agriculture
- Downtown

CITY OF ST. CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

Proposed Official Plan Amendment, Schedule E4 - District Land Use Plan



Land Use Designations

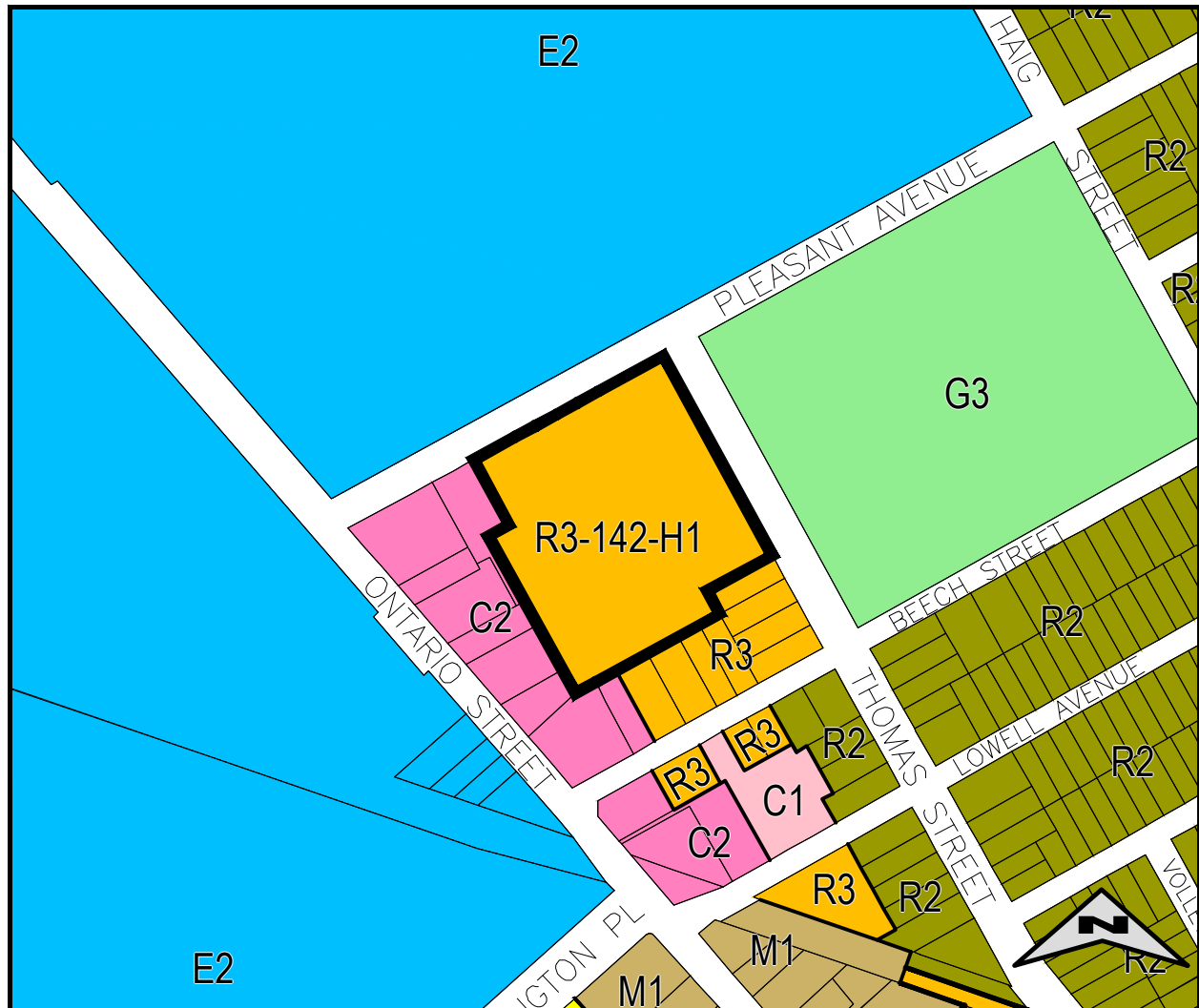
- Low Density Residential (20 to 32 units / ha)
- Medium Density Residential (25 to 99 units / ha)
- High Density Residential (85 units / ha or greater)
- Major Commercial
- Community Commercial
- Arterial Commercial
- T Major Transit Station

- Special Study Area
- Mixed Use
- General Employment
- Business Commercial Employment
- Parkland & Open Space
- Natural Areas
- Natural Area Extent Line

CITY OF ST. CATHARINES
PLANNING SERVICES DEPARTMENT
OFFICIAL PLAN JANUARY 31, 2014

NOTWITHSTANDING LAND USE DESIGNATIONS SHOWN ON THIS SCHEDULE, THE USE OF LAND WITHIN OR ADJACENT TO THE NATURAL AREA EXTENT LINE MAY BE SUBJECT TO ADDITIONAL REGULATION OR RESTRICTION. REFER TO PART D, SECTION 13.2 NATURAL AREA POLICIES, ALSO SEE SCHEDULES F2, F3, F4 AND F5

Proposed Amendment to Zoning By-Law 2013 - 283 (Schedule A - Zoning By-law 2013-283)

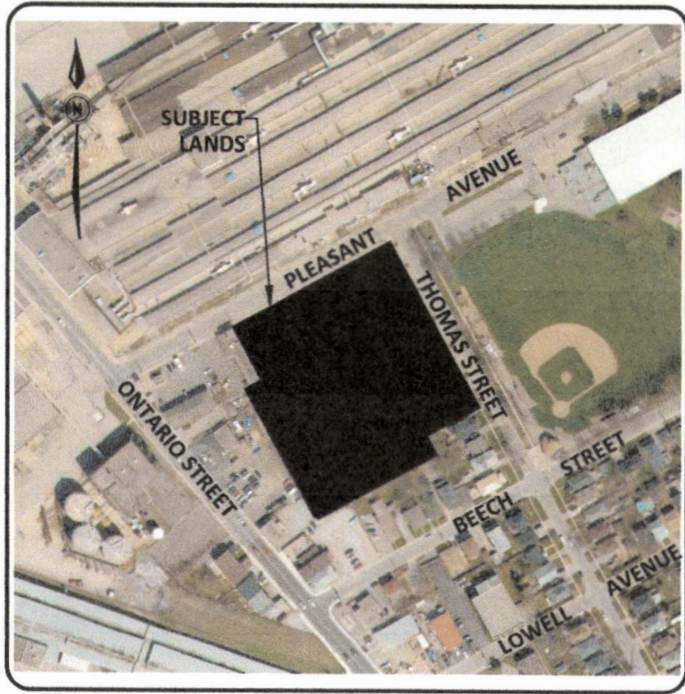


10 Pleasant Avenue

Subject lands to be re-zoned from
Community Commercial (C2) to
Medium Density Residential with Special Provision No. 142 and
Holding Provision No. 1 (R3-142-H1)

Zones	
R2 Low Density Residential - Traditional Neighbourhood	C2 Community Commercial
R3 Medium Density Residential	E2 General Employment
C1 Local Convenience Commercial	M1 Medium Density Mixed Use
	G3 Major Green Space

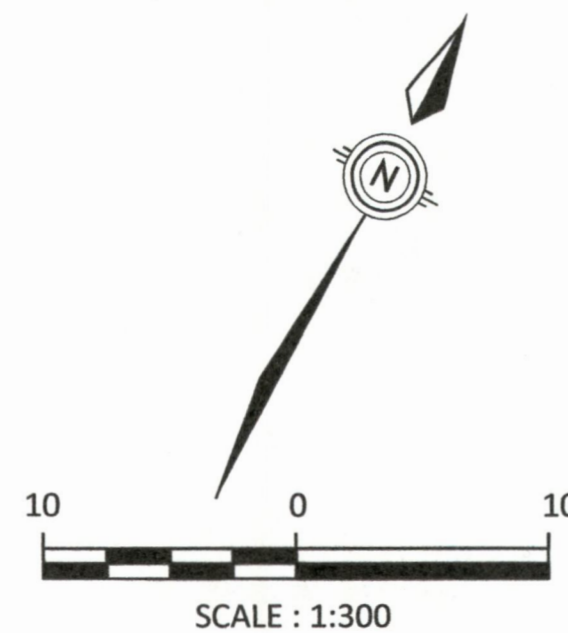
Files: 60.30.325, 60.35.1016 & 60.46.417



McKINNON PARK - PLEASANT AVENUE SECTION

(FORMER GM PARKING LOT)

St. Catharines, Ontario



REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- | | |
|-------------------|---------------|
| (A) SEE PLAN | (B) SEE PLAN |
| (C) SEE PLAN | (D) SEE PLAN |
| (E) SEE PLAN | (F) SEE PLAN |
| (G) SEE PLAN | (H) MUNICIPAL |
| (I) SILTY CLAY | (J) SEE PLAN |
| (K) FULL SERVICES | (L) SEE PLAN |

LAND USE SCHEDULE		
LOTS/ BLOCKS	LAND USE	#UNITS
LOT 2, 3, 4, 6, 7, 8, 9, 11, 12, 13	SINGLE DETACHED	10
1, 5, 10, 15	SEMI - DETACHED	8
16, 18	STREET TOWNHOUSES	8
17	BLOCK TOWNHOUSES	5
14	MULTI RESIDENTIAL (6 PLEX)	6
19	COMMON ELEMENT CONDO (LANEWAY)	-
20	0.8 m ROAD WIDENING	-
21	0.3 m RESERVE	-
TOTAL # UNITS		37

LEGAL DESCRIPTION

LOTS 34 TO 40 INCLUSIVE, LOTS 42 TO 53 INCLUSIVE, LOTS 64 TO 72 INCLUSIVE, REGISTERED PLAN CY-147 IN THE CITY OF ST. CATHARINES, REGIONAL MUNICIPALITY OF NIAGARA.

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE BETTER NEIGHBOURHOODS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE CITY OF ST. CATHARINES.

SIGNATURE: *[Signature]* DATE: May 31/17

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

ROY S. KIRKUP, O.L.S. DATE: May 23, 2017

#	DATE	REVISIONS	
4	2017 05 19	PLEASANT AVE ROAD WIDENING	GB
3	2016 12 12	FORMAL SUBMISSION	GB
2	2016 10 28	FOR PRE - CONSULTATION	GB
1	2016 07 12	FOR PRELIMINARY SUBMISSION	GB
0	2016 07 02	PRELIMINARY	GB

better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, St Catharines, ON L2R 5K9
Studio: 905-684-8585 betterneighbourhoods.ca

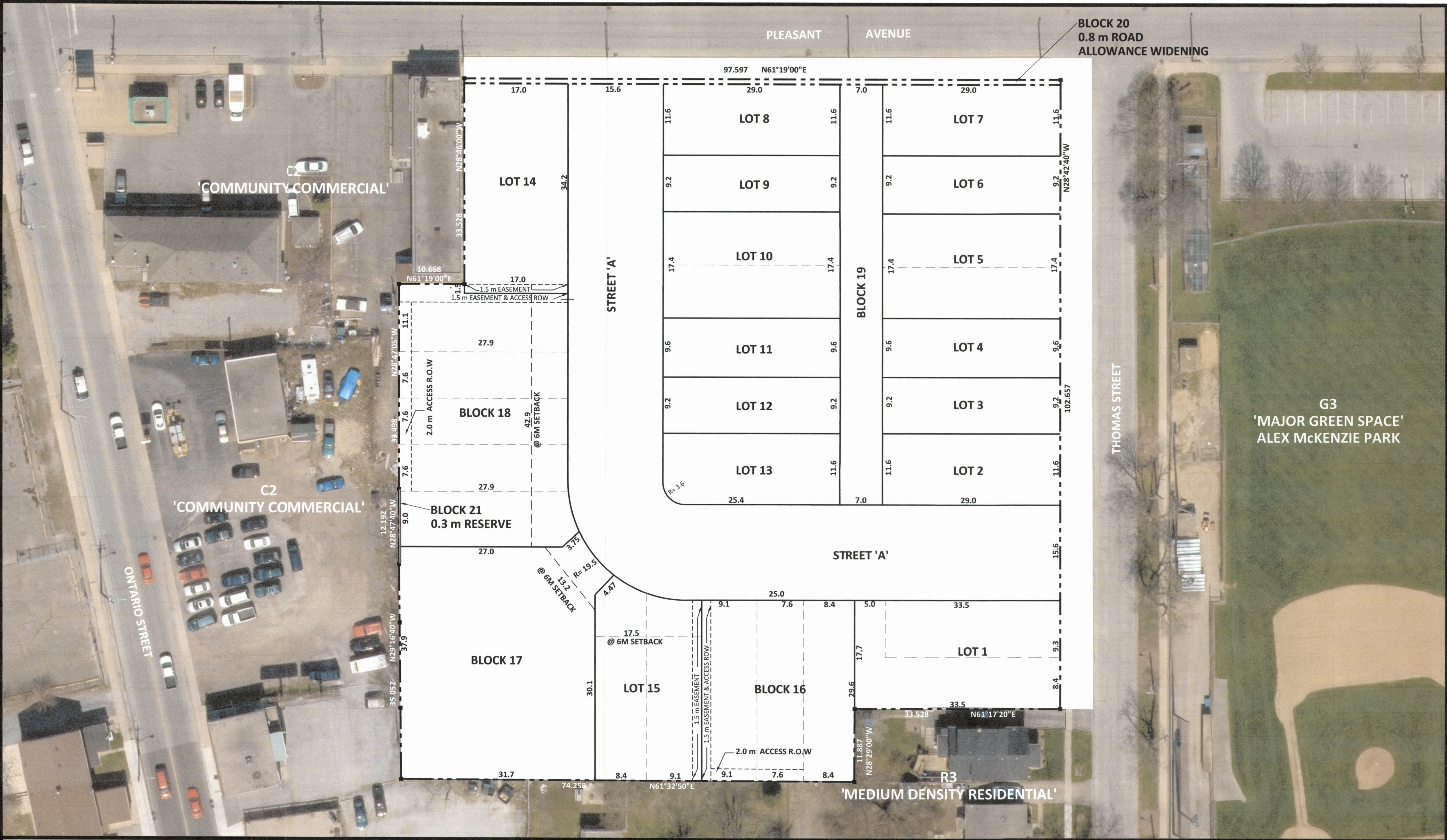
DRAWING TITLE:

DRAFT PLAN OF SUBDIVISION

DATE OF ISSUE:
2017 05 24

DRAWING No:
0201-DP- 1

REV. NO.
4



**10 Pleasant Avenue
Conditions of Draft Plan of Subdivision Approval
File No. 60.46.417**

General Approval

1. That this approval applies to the Draft Plan of Subdivision of the lands described as Lots 34 to 40, Lots 42 to 53, and Lots 64 to 72, Registered Plan CY-147, municipally known as 10 Pleasant Avenue, prepared by Better Neighbourhoods Development Consultants, dated May 24, 2017 showing Lots 1 to 13 (detached and semi-detached dwellings), Lot 14 (apartment building), Lot 15 (semi-detached dwelling) Blocks 16 to 18 (townhouses), Block 19 (rear laneway), Block 20 (0.8 m road widening), Block 21 (0.3 m reserve) and a new public street (Street 'A').

Official Plan

2. That prior to approval of the final plan, any related Official Plan Amendments be approved by Council and in full effect.

(City of St. Catharines)

Zoning

3. That prior to approval of the final plan, any related Zoning By-law Amendments be approved by Council and in full effect.

(City of St. Catharines)

Deeming By-law

4. That prior to approval of the final plan, the existing lots and the subject lands be deemed not to be in a Plan of Subdivision.

(City of St. Catharines)

5% for Parks

5. That the owner pay an amount equal to 5% of the appraised value of the subject lands in lieu of parkland dedication in accordance with the Planning Act, and that the owner submit a report prepared by a qualified real estate appraiser to establish this amount. Alternatively, the owner may defer parkland dedication requirements to the property known as 282 Ontario Street (additional lands owned by the Developer), through a legal means satisfactory to the City of St. Catharines.

(City of St. Catharines)

Trees

6. That the owner agrees in the Subdivision Agreement to pay for the planting of boulevard trees within Street A, Thomas Street and Pleasant Avenue in accordance with the Schedule of Rates and Fees at the time the Subdivision Agreement is registered.
(City of St. Catharines)
7. That the owner agrees to implement the recommendations of the Tree Preservation Plan and Report, to be submitted to and approved by the City.
(City of St. Catharines)
8. That the owner agrees to be responsible for the cost of the City or its contractor to remove and replace trees on City property, if approved, in accordance with the Schedule of Rates and Fees at the time the work is complete.
(City of St. Catharines)

Land Use Compatibility

9. That the owner agrees to include the following warning clause in the subdivision agreement as well as all offers of purchase and sale or lease:
A number of City operations and events occur in and around Alex McKenzie Park that may be viewed as a disturbance or nuisance. These include, but are not limited to, general park maintenance and baseball games, practices and tournaments. These activities occur throughout the day and on weekends, including during the early morning and evening hours, and often require the use of lights, utilize on-street parking and may result in errant balls.
(City of St. Catharines)
10. That the owner agrees to be responsible for the supply and installation of additional netting and all related infrastructure (e.g., posts) in Alex McKenzie Park (to the City's satisfaction), or the cost of the City or its agent to supply and install the additional netting and infrastructure in Alex McKenzie Park. The netting shall be installed along Thomas Street and be 45.72 m (150 ft) long and 15.25 m (50 ft) tall, starting approximately 3.66 m (12 ft) to 4.57 m (15 ft) from grade. The Developer has the option to pay the City or its contractor to install the netting, or to carry out the work on their own, to the City's satisfaction. If the City carries out the work, the maximum contribution from the Developer shall be \$30,000, plus 3% per year beyond 2017.
(City of St. Catharines)

Noise and Vibration

11. That the owner agrees that the following warning clause be included in the subdivision agreement and inserted in all Offers of Purchase and Sale or Lease for each dwelling unit:

The lands in the plan of subdivision may be exposed to noise, reduced air quality, odour, dust or vibrations from nearby industrial and commercial operations that may interfere with some activities of the owners/tenants who occupy these lands.

(Region of Niagara)

12. That in lieu of the submission of a detailed noise study, the owner agrees that the subdivision agreement include the following standard mitigation measures for all units with exposure to Ontario Street and the western limit of the Subdivision (Lot 14, Blocks 17 and 18):
 - i. A 1.8 metre wood board fence along the entire western property line;
 - ii. Triple glazed windows;
 - iii. Central Air / Forced Air; and
 - iv. The following warning clauses are included in the subdivision agreement and all Offers of Purchase and Sale or Lease:
 - a) *Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic and adjacent land uses may on occasion interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.*
 - b) *This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment and Climate Change.*

(Region of Niagara)

Site Condition

13. That prior to approval of the final plan, the Owner/Developer shall submit to the Regional Planning and Development Services Department and the City copies of a Phase 1 Environmental Site Assessment (ESA)/soils investigation report which is RSC compliant and prepared by a qualified person in accordance with Ontario Regulation 153/04, as amended by Ontario Regulation 511/09. If any site remediation is required, a copy of the site remediation report shall be provided to the Regional Planning and Development Services Department and the City for information.

That following completion the ESA, the owners shall file a Record of Site Condition (RSC) on the Ministry of the Environment and Climate Change's Brownfields Environmental Site Registry in accordance with Ontario Regulation 153/04, as amended by Ontario regulation 511/09 and that the owner provide the Niagara Region Planning and Development Services Department and the City with copies of the Environmental Site Assessment and site remediation reports, as well as a copy

of the Ministry of the Environment and Climate Change's written acknowledgement of the filing of the RSC.

It is assumed that the RSC will be prepared to potable water standards unless the Region and Municipality has issued a non-objection letter in response to the notice for the intended use of non-potable water standards.

(Region of Niagara)

Geotechnical Report

14. The owner submit a Geotechnical Report prepared by a qualified Soil Engineering Consultant to the City for review and acceptance.

(City of St. Catharines)

Servicing, Grading, and Stormwater Management

15. The Owner shall have the water distribution system designed by a Professional Civil Engineer in compliance with Municipal standards and the City of St. Catharines Engineering Standards Manual, as amended, for review and acceptance by the City Engineer.

(City of St. Catharines)

16. The Owner shall replace the watermain along Thomas Street to the satisfaction of the City Engineer, if the existing watermain will be compromised as a result of multiple new lateral connections.

(City of St. Catharines)

17. The sanitary sewer system within the subdivision and the local main proposed along Thomas Street shall be designed by a Professional Civil Engineer in compliance with the Ministry of Environment's "Design Guidelines for Sewage Works" and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer.

(City of St. Catharines)

18. The Owner shall submit a Functional Servicing Report in order to justify the receiving sanitary infrastructure's capacity to accommodate the proposed number of added units to the system, to the satisfaction of the City Engineer.

(City of St. Catharines)

19. The storm system servicing the development shall be designed by a Professional Civil Engineer in compliance with the Ministry of Environment's "Design Guidelines for Sewage Works" and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and submitted for review and acceptance by the City Engineer.

(City of St. Catharines)

20. A Stormwater Management Report shall be prepared for this development by a Professional Civil Engineer in compliance with the Ministry of Environment's "Stormwater Management Planning & Design Manual" March 2003, and be submitted for review and acceptance by the City Engineer.
(City of St. Catharines)
21. An overland flow route shall be incorporated into the design of the stormwater management of the site and constructed to Municipal standards, identifying a suitable outlet for the major storm (> 5-year) event.
(City of St. Catharines)
22. The storm system servicing the development shall accommodate quality requirements to a 'Normal' standard in compliance with the Ministry of Environment's "Stormwater Management Planning and Design Manual" March 2003, to the satisfaction of the City Engineer
(City of St. Catharines)
23. A Master Grading Control Plan shall be prepared by a Professional Civil Engineer to Municipal Standards and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and submitted for review and acceptance by the City Engineer.
(City of St. Catharines)
24. That the owner provides a written acknowledgement to the Niagara Region Planning and Development Services Department stating that draft approval of this subdivision does not include a commitment of servicing allocation by the Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
(Region of Niagara)
25. That the owner provides a written undertaking to the Niagara Region Planning and Development Services Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision, shall contain a clause indicating that servicing allocation for the subdivision will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the city.
(Region of Niagara)
26. That prior to final approval for registration of this plan of subdivision, the owner shall obtain Ministry of the Environment and Climate Change Compliance Approval under the Transfer of Review Program.
(Region of Niagara)
27. That the final subdivision design conform to Niagara Region Requirements for Commencement of Collection for New and Redevelopments Policy (C3.007), to the satisfaction of the Region of Niagara. Should the owner fail to conform with this policy, the owner shall provide a written undertaking to the Niagara Region Planning

and Development Services Department acknowledging that because the subdivision design does not meet Regional Waste Policy, public garbage/recycling pick-up for the development will not be provided by the Region. A similar clause shall be inserted in the subdivision agreement between the owner and the municipality. In addition, the following warning clause shall be included in the Subdivision Agreement and inserted in all Agreements of Purchase and Sale or Lease for Lots 8 to 15 and Blocks 16 to 18:

Purchasers/Tenants are advised that due to the subdivision layout, garbage/recycling pick-up for the development will be not be provided by the Region.

(Region of Niagara)

Roads

28. That the design for all roads within the development be prepared by a Professional Civil Engineer to municipal standards and to the satisfaction of the City Engineer.

(City of St. Catharines)

29. That the proposed Street 'A' be dedicated as public highway and named to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

30. That a 0.8 m road widening along the entire frontage of Pleasant Avenue be dedicated gratuitously for a nominal fee of two dollars (\$2.00) to the City of St. Catharines, free and clear of any mortgages, liens or encumbrances. The owner is also required to abandon the existing sanitary sewer within the Pleasant Avenue road allowance, relocate the existing Bell Canada service and relocate any existing overhead services underground on the south side of Pleasant Avenue, to the satisfaction of the City Engineer.

(City of St. Catharines)

31. That all public roads be re-instated to the satisfaction of the City Engineer.

(City of St. Catharines)

32. That along the frontage of Thomas Street and Pleasant Avenue, the asphalt boulevard be removed and reinstated with topsoil and sod, to the satisfaction of the City Engineer.

(City of St. Catharines)

Subdivision Design

33. That the final design of the internal public rights-of-way, including on street parking, lighting, road width, parking restrictions, among other matters, be to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

Architectural Design

34. The owner agrees to include appropriate architectural controls within the subdivision agreement for detached accessory dwelling units, dwellings on corner lots and townhouse dwellings within Block 18. Prior to the issuance of a building permit for such dwellings, elevation plans will be submitted for approval by the Director of Planning and Building Services.

(City of St. Catharines)

Streetscape Plan

35. That the owner prepare, to the satisfaction of the City of St. Catharines, a streetscape plan, which identifies the location of all roadways, driveways, sidewalks, pedestrian connections, curbs, boulevard trees, fencing, hydrants, on street parking, street lights, utilities, utility boxes, community mailboxes, hydro transformers, telephone pedestals and cable television pedestals.

(City of St. Catharines)

36. That the subdivision agreement include a clause requiring the owner to communicate the approved streetscape plan to the public by both including the plan on the subdivision sign to be posted on site and by attaching a copy of the plan to each agreement of purchase and sale.

(City of St. Catharines)

Sidewalks

37. Sidewalks be constructed along both sides of Street 'A', and replaced on Pleasant Avenue, in accordance with the City of St. Catharines Engineering Standards Manual. The Thomas Street sidewalk will be replaced to current standards if significantly damaged.

(City of St. Catharines)

Street Lighting

38. The Owner shall submit to the City a street lighting design in accordance with the City's Engineering Standards Manual, as amended, for review and acceptance to the satisfaction of the City Engineer.

(City of St. Catharines)

39. The Owner shall construct the proposed street lighting in accordance with the City's Engineering Standards Manual, as amended, and the Electrical Safety Authority's standards.

(City of St. Catharines)

Easements

40. The Owner shall grant to the appropriate authority all easements as required for Municipal and Utility needs.

(City of St. Catharines)

Dedication of Lands

41. The Owner shall dedicate Block 20 to the City as a road right-of-way widening.

(City of St. Catharines)

42. The Owner shall dedicate Block 21 to the City as a 0.3 m reserve.

(City of St. Catharines)

Utilities

43. That the owner satisfy all utility companies with respect to the feasibility of and design for providing wire-line communication/telecommunication service, natural gas and electrical distribution services, street lighting, etc., and that the owner enter into any necessary agreements with those private utility companies for the provision of their respective services.

(Bell Canada or comparable utility, Enbridge Gas Distribution, Alectra Utilities)

44. That the owner grants any easements necessary for the provision of services to the development by private utility companies.

(Bell Canada or comparable utility, Enbridge Gas Distribution, Alectra Utilities)

45. That the owner confirm that sufficient wire-line communication/telecommunication infrastructure is currently or will be available within the development to provide, at a minimum, communication/telecommunication service for emergency management services (ie: 911 emergency services).

(Bell Canada or comparable utility)

Canada Post

46. That the owner agrees to install a Community Mailbox in the Pleasant Avenue boulevard, at the side/rear of Lot 8, facing the sidewalk. The Community Mailbox location must be identified on all required servicing plans.

(Canada Post and the City of St. Catharines)

Administration

47. That the owner enter into one or more agreements with the City of St. Catharines agreeing to satisfy all requirements, financial or otherwise, as the City of St. Catharines may consider necessary, including the provision of municipal services, roads, sidewalks, landscaping, grading, drainage, fencing, and all other matters pertaining to the development of the site.

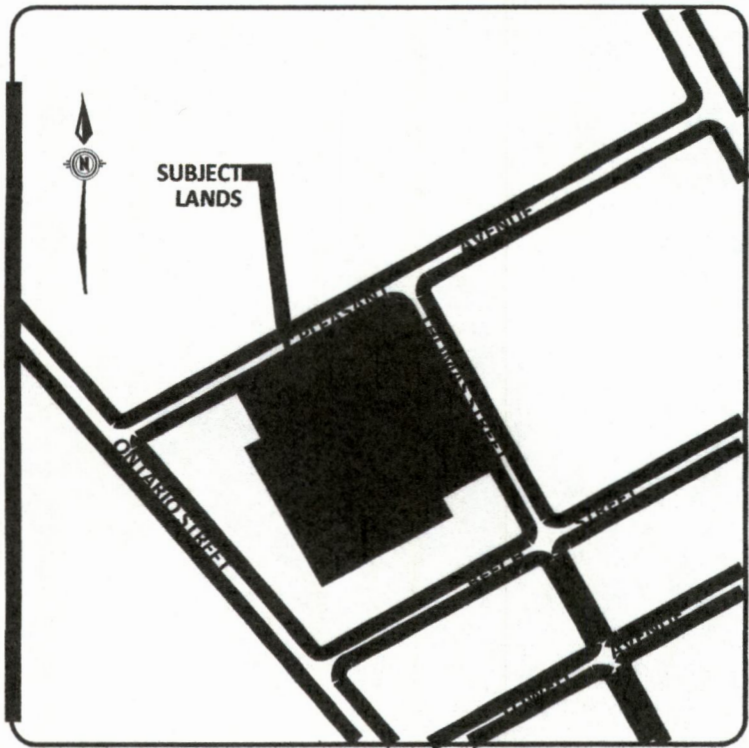
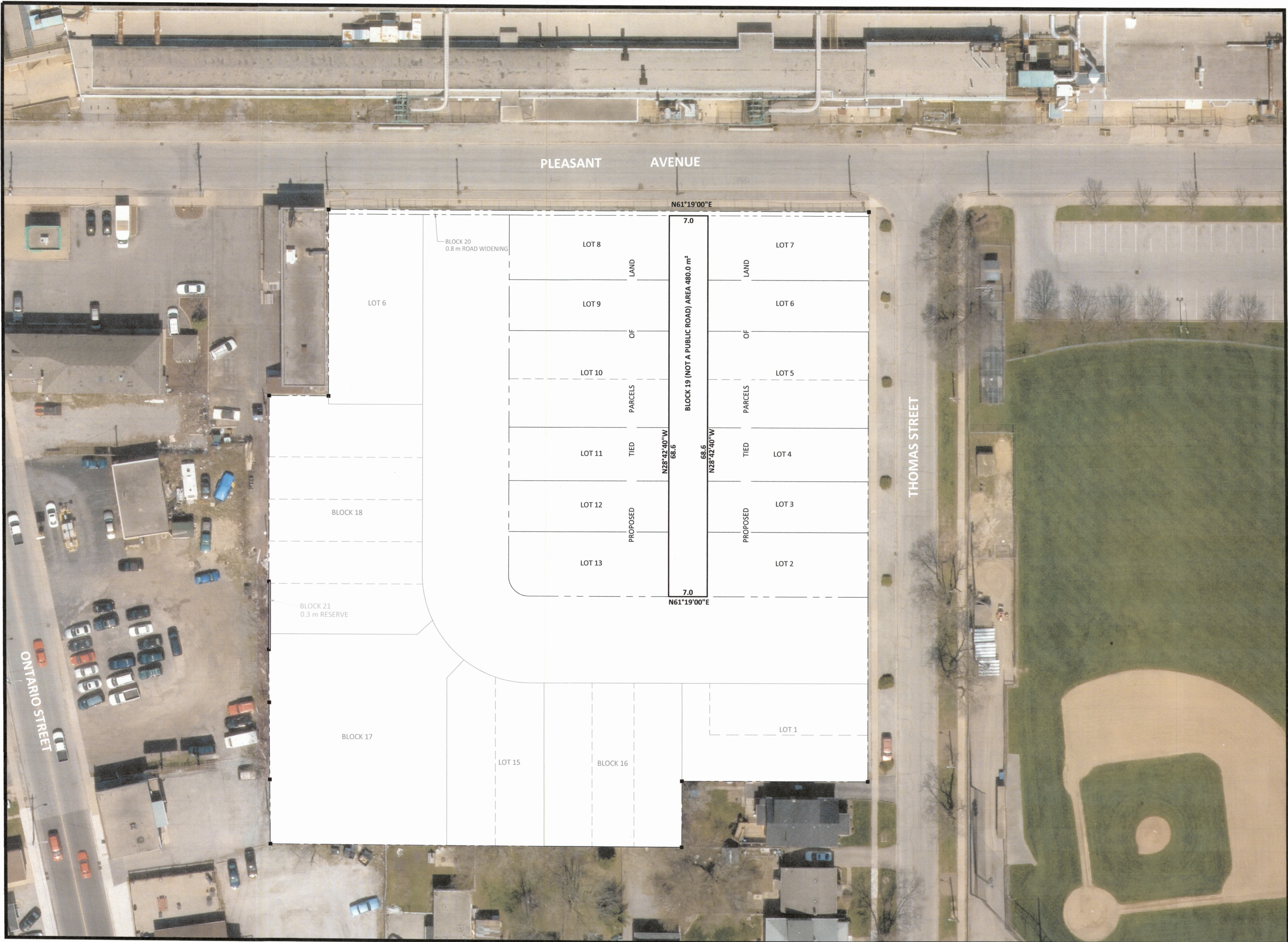
(City of St. Catharines)

48. That the subdivision agreement between the owner and the City of St. Catharines be registered by the municipality against the lands to which it applies as provided for under the Planning Act.

(City of St. Catharines)

49. If final approval is not given 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 must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

(City of St. Catharines)



METRIC NOTE

DISTANCE SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING 0.3048

REQUIREMENTS OF SECTION

51(17) OF THE PLANNING ACT

- | | |
|-------------------|---------------|
| (a) SEE PLAN | (b) SEE PLAN |
| (c) SEE PLAN | (d) SEE PLAN |
| (e) SEE PLAN | (f) SEE PLAN |
| (g) SEE PLAN | (h) MUNICIPAL |
| (i) SILTY CLAY | (j) SEE PLAN |
| (k) FULL SERVICED | (l) SEE PLAN |

#	DATE	REVISIONS	
3	2017 05 19	PLEASANT AVE. ROAD WIDENING	GB
2	2016 12 12	FORMAL SUBMISSION	GB
1	2016 10 28	FOR PRE - CONSULTATION	GB
0	2016 08 11	PRELIMINARY	GB

LEGAL DESCRIPTION

BLOCK 19, REGISTERED PLAN 30M - -----, CITY OF ST. CATHARINES, REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE BETTER NEIGHBOURHOODS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF COMMON ELEMENT CONDOMINIUM TO THE CITY OF ST. CATHARINES.

SIGNATURE: *[Signature]* DATE: *May 31/17*

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

ROD S. MURPHY, O.L.S. *[Signature]* DATE: *May 29 2017*

DRAWING TITLE:

**DRAFT PLAN OF
COMMON ELEMENT CONDOMINIUM**

DATE OF ISSUE: 2017 05 24

DRAWING No: 0201-DP-3

REV. NO: 3

**10 Pleasant Avenue
Conditions of Draft Plan of Common Elements Condominium
File No. 60.46.427**

General Approval

1. That this approval applies to the Draft Plan of Common Elements Condominium of part of the lands described as Lots 34 to 40, Lots 42 to 53, and Lots 64 to 72, Registered Plan CY-147, municipally known as 10 Pleasant Avenue (further described as Block 19 on the Draft Plan of Subdivision File No. 60.46.417), prepared by Better Neighbourhoods Development Consultants, dated May 24, 2017, showing Block 19 (rear laneway).

Zoning

2. That prior to approval of the final plan, any necessary Zoning By-law Amendments be approved and finalized by the Council.

(City of St. Catharines)

Final Plan of Subdivision Approval

3. That prior to the final approval of the Plan of Condominium, the Plan of Subdivision and Subdivision Agreement for 10 Pleasant Avenue (26T-10-16002) be approved and registered.

Common Elements

4. That prior to final approval of the Plan of Condominium, the Owner shall deposit securities in the amount of 100% of the estimated cost for all works that are incomplete, and which comprise part of the common element. The deposit shall be secured under a Development Agreement, and may include the Subdivision Agreement for 10 Pleasant Avenue (26T-10-16002).

(City of St. Catharines)

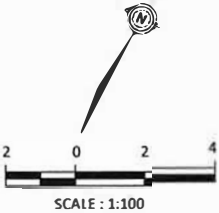
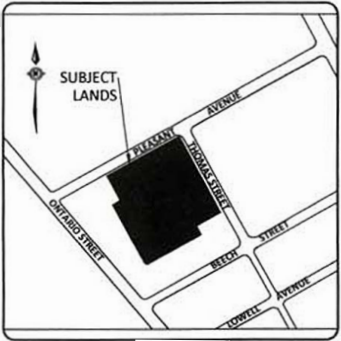
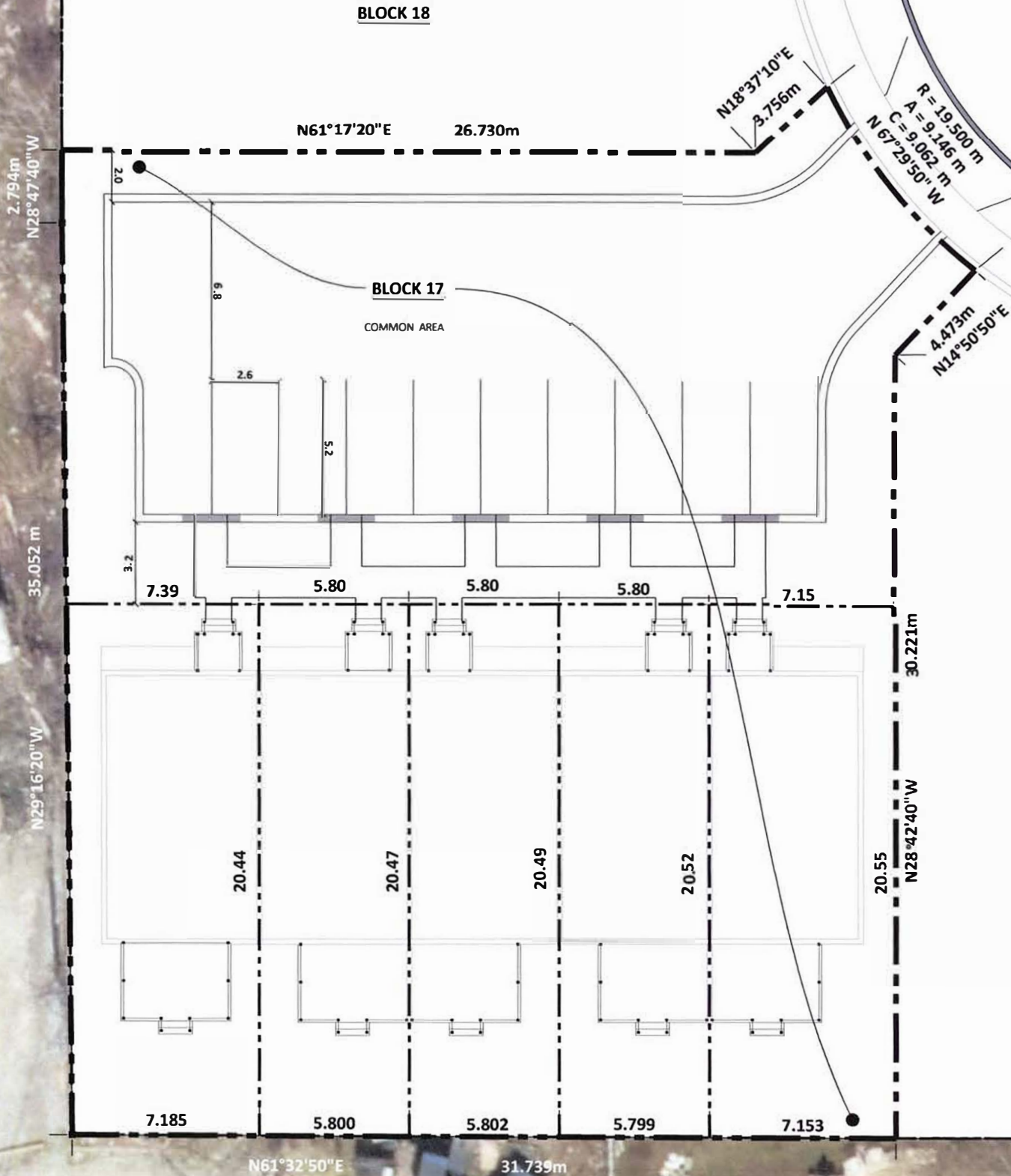
Administration

5. That if final approval is not given 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 must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

(City of St. Catharines)

McKINNON PARK - PLEASANT AVENUE CONDOMINIUMS

St. Catharines, Ontario



METRIC NOTE

DISTANCE SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 3.281

REQUIREMENTS OF SECTION 51(17) OF THE PLANNING ACT

- (a) SEE PLAN
- (b) SEE PLAN
- (c) SEE PLAN
- (d) SEE PLAN
- (e) SEE PLAN
- (f) SEE PLAN
- (g) SEE PLAN
- (h) SEE PLAN
- (i) SEE PLAN
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- (p) SEE PLAN
- (q) SEE PLAN
- (r) SEE PLAN
- (s) SEE PLAN
- (t) SEE PLAN
- (u) SEE PLAN
- (v) SEE PLAN
- (w) SEE PLAN
- (x) SEE PLAN
- (y) SEE PLAN
- (z) SEE PLAN

LAND USE SCHEDULE			
BLOCK	LAND USE	# UNITS	# OF PARKING
17	VACANT LAND CONDO	5	10
TOTAL # UNITS		5	

LEGAL DESCRIPTION

BLOCK 17, REGISTERED PLAN 304 - CITY OF ST. CATHARINES, REGIONAL MUNICIPALITY OF NIAGARA

OWNER'S CERTIFICATE

BEING THE REGISTERED OWNER, I HEREBY AUTHORIZE BETTER NEIGHBOURHOODS INC. TO PREPARE AND SUBMIT THIS DRAFT PLAN OF VACANT LAND CONDOMINIUM TO THE CITY OF ST. CATHARINES.

2390541 ONTARIO INC.
Signature: [Signature] Date: Dec 22/2016
Director

SURVEYOR'S CERTIFICATE

I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.

[Signature] Date: Dec 21/2016
Roy S. [Signature], P.L.S.

b better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, St Catharines, ON L2R 5M9
Studio: 905-684-8585 betterne@betterneighbourhoods.ca

DRAWING TITLE:

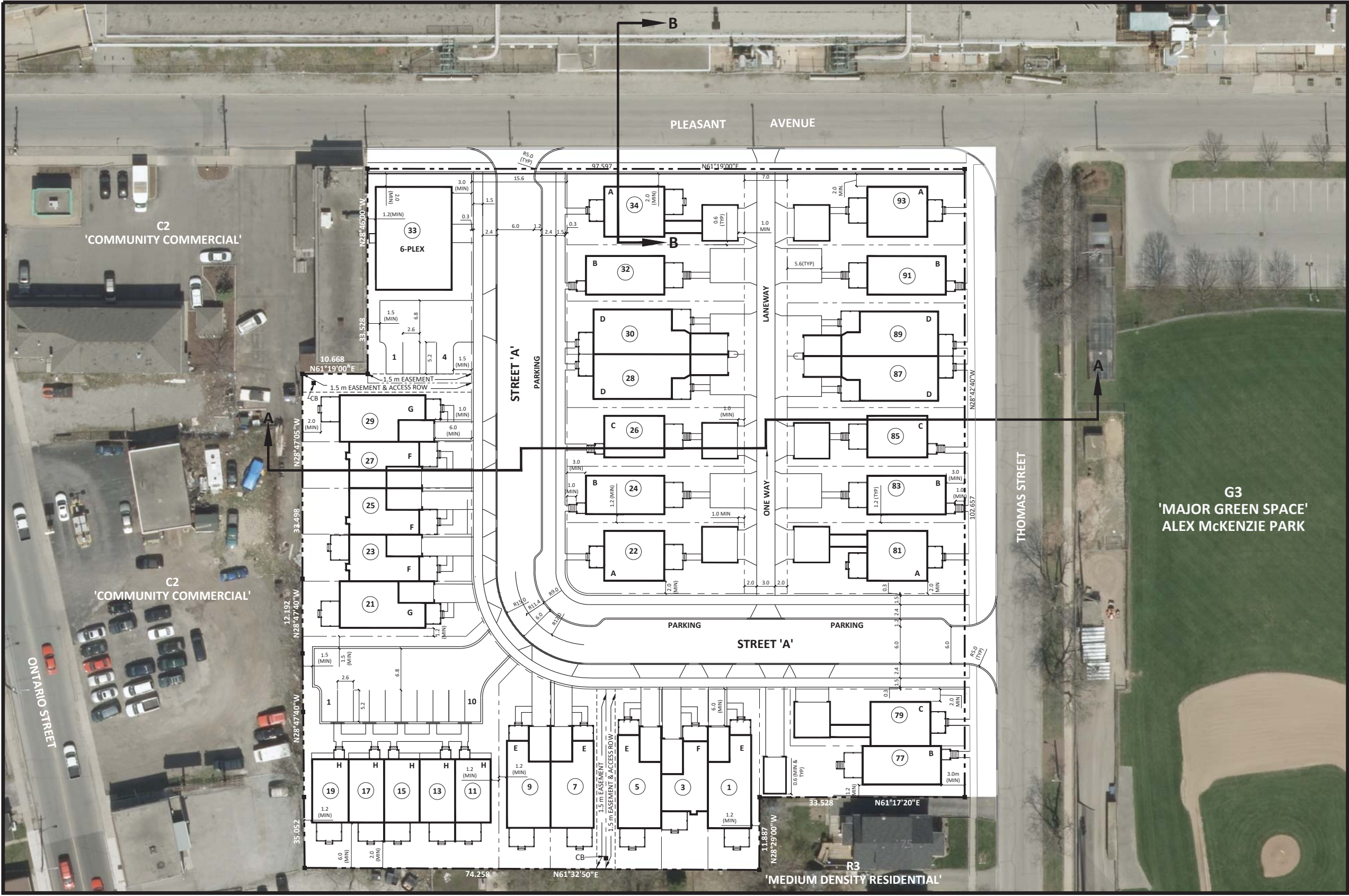
DRAFT PLAN OF VACANT LAND CONDOMINIUM

DATE OF ISSUE: 2016 12 19

DRAWING NO: 0201-DP-1

REV. NO. 0

McKINNON PARK - PLEASANT AVENUE SECTION
(FORMER GM PARKING LOT)
St. Catharines, Ontario



LEGEND:

A HOUSE TYPE
① STREET ADDRESS
↕ CROSS SECTION
(SEE BNI DRAWING 0201 - CS - 1)

10 0 10
SCALE : 1:300

#	DATE	REVISIONS	
6	2017 04 28	FOR PLEASANT AVE ROAD ALLOWANCE WIDENING	GB
5	2016 12 12	LANEWAY REDESIGNED	GB
4	2016 10 12	FOR PRE-CONSULTATION	GB
3	2016 09 30	STREET 'A' ALLOWANCE WIDENED	GB
2	2016 09 30	SECTION ADDED	GB
1	2016 07 12	FOR PRELIMINARY SUBMISSION	GB
0	2016 07 02	PRELIMINARY	GB

b better neighbourhoods
DEVELOPMENT CONSULTANTS
190A Ontario Street, St Catharines, ON L2R 5K9
Studio: 905-684-8585 betterneighbourhoods.ca

DRAWING TITLE:
SITE PLAN CONCEPT

DATE OF ISSUE:
2017 04 28

DRAWING No:
0201-SP-1

REV. NO.
6



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: May 31, 2017

Date of Meeting: June 12, 2017

Report Number: PBS-156-2017

File: 60.35.1026

Subject: Public Meeting in accordance with the Planning Act
Proposed Transition Clause for the Residential Infill and Intensification
Development Review By-law 2017-146

Recommendation

That Council approve the Amendment to the City's Comprehensive Zoning By-law No. 2013-283 to establish a Transition Clause for implementation of the Residential Infill and Intensification Development Review Zoning By-law Amendment 2017-146; and

That the City Solicitor be directed to prepare the necessary By-law; and

That the Mayor and City Clerk be authorized to execute the necessary By-law to give effect to Council's decision; 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 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

On May 8, 2017, Council adopted the Residential Infill and Intensification Development Review Zoning By-law Amendment 2017-146. A number of development projects initiated under the zoning prior to By-law 2107-146 coming into effect may now require redesign, and at significant cost, in order to meet the new zoning provisions established by By-law 2017-146. Staff recommends that a transition clause be enacted, which will exempt these projects from the new zoning provisions of By-law 2017-146 and enable building permits to be issued to support completion of these projects.

Report

On May 8, 2017, Council adopted By-law 2017-146 to amend the City's Comprehensive Zoning By-law No. 2013-283. The amendment is in relation to the City's Residential Infill

and Intensification Development Review, and enacts changes to zoning by-law provisions related to the City's four residential zone categories (R1, R2, R3, R4).

According to subsection 34(21) of the Planning Act, the infill and intensification zoning amendment will have been deemed to have come into force on the day it was passed when no notice of appeal is filed. As such, the infill and intensification zoning amendment will take effect when the final date of appeal for By-law 2017-146 has lapsed, or if appealed, when all appeals are resolved by the Ontario Municipal Board.

The effective date of By-law 2017-146 triggers a number of difficulties for those existing development applications that are being reviewed and are substantially invested in ongoing approvals, prior to construction starting. Significant investments have already been made on these projects and, without transition clauses, substantial impacts will be triggered to those projects, including but not limited to:

- Significant delays to projects where site servicing is already underway, but final planning and building permits have not been issued;
- Increased costs to projects that are substantially designed, but would have to be redesigned to meet the new zoning standards;
- Compliance with the new zoning standards cannot be achieved and the viability of the project is threatened accordingly.

The intent of By-law 2017-146 was not to trigger such impacts for development projects where a complete application was submitted or approved under the former zoning, or where the final issuance of an associated building permit has not yet occurred.

In order to mitigate the impacts of By-law 2017-146 on existing development applications and partial approvals, where a building permit has not yet been issued, staff recommends a further zoning amendment to establish a transition clause related to the implementation of By-law 2017-146.

The transition clause will enable projects with complete applications received prior to passage of By-law 2017-146 to proceed under the zoning in effect at time of application submission, and allows sufficient time to apply for and be issued associated building permits to complete the project.

Transition Clause

The recommended transition clause is as followings:

- Applies to project applications deemed to be complete in accordance with the Planning Act, as follows:
 - Approval of draft plans of subdivision or condominium;
 - Subdivision or Condominium Agreement
 - Site Plan approval, Development Agreement
 - Removal of part lot control

- Committee of Adjustment approval
 - Building Permit
- Exempts projects from the provisions of By-law 2017-146, and will not prevent the issuance of a building permit for projects, where a complete application as noted above, and any related complete application, is received after December 16, 2013 (the date of approval of the City's Comprehensive Zoning By-law 2013-283) and on or before June 9, 2017 (the final date of appeal of By-law 2017-146), or if an appeal is lodged, until all appeals to By-law 2017-146 are resolved; and
 - provided that any associated building permit for the project is issued on or before May 7, 2020.

Public Input

Since adoption of By-law 2017-146, staff has met with a number of development stakeholders to formalize an appropriate transition clause to support project completions.

On May 30, 2017 staff hosted a Public Information Session to present and receive input on the recommended transition clause. Four persons were in attendance, all in support of the transition clause and no adverse comments were made.

Financial Implications

The adoption of the transition clause will enable completion of projects under the zoning provisions in effect at time of application, and if otherwise, may require significant project redesign and development delays and result in significant increased costs to development proponents.

Relationship to Strategic Plan

The amendment to the Zoning Bylaw to establish a transition clause for the implementation of By-law 2017-146 supports Goal 1 of the Strategic Plan to attract public and private investment, support local businesses and provide excellent customer service to demonstrate we are open for business.

Notification

Notification of Council's decision regarding the recommendations contained in this report will be provided upon request.

Prepared by:

Bruce Bellows, Policy Planner

Approved by:

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

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

By-laws to be considered Monday, June 12, 2017

- (a) A By-law to authorize a contract with Triumph Aluminum and Sheet Metal Inc. (One reading - with respect to Market Square Roof Replacement, under Project No. P16-160. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with Catalina Excavating Inc. (One reading - with respect to Wakil Drive Watermain Replacement, under Project No. P16-105. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to amend By-law No. 89-304 entitled "A By-law to designate private roadways as fire routes along which no parking of vehicles is permitted." (One reading - with respect to fire routes at 1128 & 1136 Vansickle Road N. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize a Subscription Agreement with Emergency Services Marketing Corp., Inc. (One reading – with respect to accessing lamResponding.com services. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize the acceptance of a conveyance of certain lands from 1703230 Ontario Inc. (One reading – with respect to 45 Dorchester Boulevard. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to authorize a contract with Stevensville Lawn Service Inc. (One reading – with respect to Wise Guys Park – Phase 2, under Project No. P15-166-2. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to amend By-law No. 2017-150 entitled "A By-law to authorize a Servicing Cost-Sharing Agreement with 1891121 Ontario Inc. (o/a Fruitbelt Developments)." (One reading – with respect to the service provider's name correction. General Committee, May 8, 2017, Item No. 4.6.)
- (h) A By-law to amend By-law No. 2017-152 entitled "A By-law to authorize an Agreement for Contract Administration and Inspection Services with Upper Canada Planning & Engineering Limited (o/a Upper Canada Consultants)." (One reading – with respect to the service provider's name correction. General Committee, May 8, 2017, Item No. 3.2.)
- (i) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading – with respect to 10 Pleasant Avenue. To be considered by Council, June 12, 2017.)
- (j) A By-law to amend By-law No. 2013-283 entitled "A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines." (One reading – with respect to 10 Pleasant Avenue. To be considered by Council, June 12, 2017.)

- (k) A By-law to amend the City's Comprehensive Zoning By-law 2013-283 to establish a Transition Clause for Zoning By-law Amendment 2017-146. (One reading – with respect to Transition Clause for the Residential Infill and Intensification Development Review. To be considered by Council, June 12, 2017.)
- (l) A By-law to authorize a contract with Rankin Construction Inc. (One reading – with respect to Oakdale Avenue – Road Reconstruction, under Project No. P17-065. To be considered by General Committee, June 12, 2017.)
- (m) A By-law to authorize a contract with Wesroc Construction Ltd. (One reading – with respect to Leeper Street / McDonald Street sewer and watermain upgrades, under Project No. P17-001. To be considered by General Committee, June 12, 2017.)
- (n) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading – with respect to parking prohibition on Jasmin Crescent. To be considered by General Committee, June 12, 2017.)
- (o) A By-law to authorize a Special Events Licence Agreement with The St. Catharines Athletics Lacrosse Club. (One reading – with respect to a one day community event "Lacrosse Day in Niagara" at the Jack Gatecliff Arena. To be considered by General Committee, June 12, 2017.)
- (p) A By-law to confirm the proceedings of council at its meeting held on the 12th day of June, 2017. (One reading – with respect to confirming the proceedings of the meeting held on June 12, 2017.)