

September 28, 2016

**Lorelei Jones** , MCIP, RPP  
Principal  
Macaulay Shiomi Howson Ltd

**RE: Port Dalhousie Conservancy Comments on Secondary Plan/HCD**

Dear Ms. Jones;

On behalf of the Port Dalhousie Conservancy, please find below recommended comments and suggestions as a result of both your public presentations as well as subsequent discussions between the Conservancy, yourself and Cathy Nasmith. This feedback represents a summary of citizen consensus which was presented at the two workshops as well as incorporates legal advice received from legal counsel.

**A. Secondary Plan**

**1. Borders**

We believe the three small residential areas adjacent to the Commercial Core/Harbour that you identified in the last workshop should definitely be included in the Secondary Plan as development there can significantly impact the look and feel of the core and harbour. In addition, we believe all the residences on the North side of Michigan Avenue should be included for the same reason.

**2. Heights**

*I. Commercial Core*

Height of new construction here should be restricted to 11m or 3 stories as in the previous Secondary Plan and Zoning By-Law.

*Harbour Area*

- II. The current height of Lincoln Fabrics should be the limiting factor for new projects in this area.

In both areas, shadow impacts should always be minimized, and negative shadow impacts avoided.

### 3. Views of the Harbour

In addition to height restriction, new development in the harbour area should be planned so as to maintain and maximize public water views.

### 4. Size of Commercial/Retail

We do agree this requires a restriction to avoid very large retailers. However, having reflected on it, we believe the proposed 4,000 square feet limit is too generous and should be significantly smaller.

### 5. Treatment of Port Place

We agree that the plan needs to recognize that a height significantly above what the previous policies allowed was approved by the OMB for this site. In addition, we strongly believe that, the OMB approved, that otherwise incompatible height and density exclusively because of the purported "Revitalization" and community benefits to be included and, this must be clearly spelled out in the new plan.

Furthermore, the plan should make it clear that any proposed project for this site which is different from what the OMB approved, must conform with height, density, heritage and other policies for the balance of the Commercial Core and, that deviations would only be considered, and approved, if otherwise conforming with heritage and built form policies, and in exchange for significant Section 37 benefits in the community. Appropriate S.37 benefits should be suggested in the plan, and should not be solely monetary.

If any new application were to be approved, any additional height must be deployed to meet the heritage requirements of the Provincial Policy Statement regarding both HCD plans and adjoining built heritage. This would include location of new buildings, as well as setbacks, stepbacks and heritage views so it does not detract from heritage buildings fronting on the street or elsewhere in the core.

### 6. Parking

The Conservancy supports policies that would increase available public parking without detracting from natural and/or built heritage. In particular, accessing parking capacity on the East side of the harbour would be very beneficial.

## **B. Strengthening Heritage Guidelines**

### 1. Preferred Alternative

Of the three alternatives outlined by Cathy Nasmith, we believe #2 (Creating a new HCD for the Commercial Core with a new plan) is by far the best. This would ensure the new plan clearly carries the stature and weight afforded by the 2005 revisions to the Ontario Heritage Act. The bylaw repealing the old plan would indicate that it does not come into

ONCE OUR ARCHITECTURAL HERITAGE IS DISFIGURED OR DESTROYED, IT CANNOT BE RECOVERED,  
AND A ONCE SPECIAL COMMUNITY WILL COME TO LOOK LIKE THE NEXT ONE DOWN THE ROAD.

effect until after the new one is approved to ensure there are no gaps in the protection of the area's heritage.

## 2. New Plan

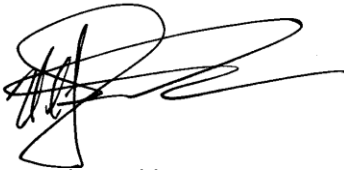
The new plan must be very specific in how the heritage attributes will be protected to avoid future challenges based on how the policies apply.

## 3. Part IV Designations

The Conservancy supports Cathy Nasmith's recommendation that properties that were previously individually designated prior to the approval of the current HCD should again be designated under Part IV. Consideration should also be given to designating significant additional properties that were not previously designated. This would give the heritage attributes of these properties added recognition.

Thank you for considering our input.

Sincerely,

A handwritten signature in black ink, appearing to read 'Hank Beekhuis', with a stylized, flowing script.

Hank Beekhuis

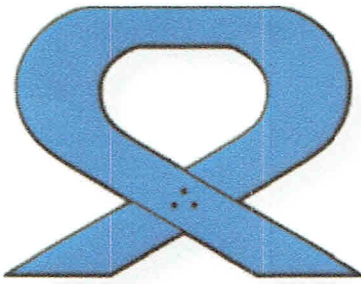
President

Port Dalhousie Conservancy

*A distinguished 17-year history as a volunteer community organization*

Cc: Cathy Nasmith

Aird&Berlis- Attention: Jane Pepino



# Rankin Construction Inc.

## CONTRACTORS & ENGINEERS

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November 1<sup>st</sup>, 2016

Kevin Blozowski  
Planner (Special Projects)  
Planning and Building Services  
City of St. Catharines  
PO Box 3012  
50 Church St.  
St. Catharines, ON  
L2R 7C2

Dear Mr. Blozowski:

**RE: Port Dalhousie Secondary Plan & Heritage District Guidelines Update/Study**

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As you may know, Rankin Construction is the owner of the property located at 57 Lakeport Road in Port Dalhousie which contains the current Royal Canadian Legion Branch No. 350. We participated in the first round of public consultation but were unable to attend the recent "Alternatives Workshop" on September 21, 2016. We have however had an opportunity to review the presentation and summary report materials.

After reviewing the presentation and summary report materials we would like to submit the following comments for consideration:

1. Study Area Boundaries: We agree that Area 3 should be included in the Secondary Plan
2. Building Heights: We agree there should be a range of heights provided for in Area 3. We also agree that the permitted heights within the Harbour Area should be 5 storeys or greater. The mapping provided with the summary report identifies what appears to be a gradation of height across the Harbour Area from 8 to 2 storeys (stepping down to the north). While we support variations in height within the Harbour Area, we believe gradation of height should not be fixed but guided through supportive design guidelines and remains flexible to ensure the highest quality built form and design can be accommodated. We also support the use of Section 37 for consideration of additional height.
3. Retail/Commercial Uses: We agree that the fine-grained commercial uses should be maintained in the commercial core.
4. Lakeport Road and Streetscaping: We support setbacks on Lakeport Road that provide for an open streetscape.

5. Commercial Core Parking Opportunities: We believe a range of options should be provided as part of a parking strategy for the area.
6. Heritage Conservation District: We agree the heritage conservation policies for the commercial core can be strengthened through a new Heritage Conservation District.

Thank you for the opportunity to provide additional comments. We look forward to the final public consultation in November.

Sincerely,

A handwritten signature in blue ink, appearing to read 'J. Frank', written in a cursive style.

Jim Frank

Cc: Thomas Rankin, Rankin Construction Inc.  
Dana Anderson, MHBC Planning



City of St. Catharines  
Mayor Sendzik & Council, Cc: Brian York

February 10, 2017

Wolfgang Guembel  
Chair – Port Dalhousie Business Association

Mayor Sendzik and Members of Council,

On behalf of the Port Dalhousie Business Association I am writing to you to formally express our concerns with respect to the Secondary Plan for Port Dalhousie.

At our December Board Meeting the consultants hired by the City presented their proposal for the Secondary Plan. We expressed our concerns, which include the following:

- lack of any economic development and financial tools, to compensate for the extreme costs of salvaging not only facades but demising walls of heritage buildings when new constructions occurs,
- lack of any environmental sustainability tools or policies,
- we made comments regarding specific height restrictions and how detrimental they could be to good planning and project viability,
- we expressed the notion that development should be evaluated for sustainability, viability, and functionality and not overly rigid and arbitrary metrics such as height,

**The Port Dalhousie Business Association requests that:**

- we receive specific feedback to the issues that we have raised
- the Secondary Plan is **not passed** until there has been further consultation with Port Dalhousie Business Association,
- in the mean time, any site plan applications for developments in Port Dalhousie, **NOT be held up or delayed** until the Secondary Plan is passed, but rather be FAST TRACKED

We look forward to further discussion and to contributing to a sustainable plan for Port Dalhousie and its development future.

Wolfgang Guembel - Chair

## **DRAFT FOR DISCUSSION (August 23, 2017)**

### **Background**

Extensive pre-consultation work has been undertaken by PDHC Limited (PDHC) and their consulting team with the City of St. Catharines Planning staff (and other departments), as well as the City's team of consultants involved in preparing the Port Dalhousie Secondary Plan and Heritage District Guidelines, with regards to the proposed development at 61-63 Lakeport Road.

The numerous discussions and meetings between PDHC and City staff have proven to be highly engaging and productive and have produced, in our view, very positive results in terms of providing for an improved and more refined development concept and site layout, as well as achieving a number of important and positive planning, urban design and community benefits and objectives for the Port Dalhousie community and the site.

### **Proposal**

Briefly, the proposed development concept that has evolved from this extensive process and is currently being contemplated by PDHC would continue to see the historic Lincoln Fabrics building at 63 Lakeport Road retained as the centerpiece of the new development with the following changes.

The Lincoln Fabrics building will be rehabilitated and adaptively re-used for a mixed residential-commercial building with additions in two areas, including a 2-storey component above the existing structure as well as a new 9-storey addition to the rear of the building next to the harbour. A later 2-storey addition that was made to the front of the building adjacent to Lakeport Road is intended to be removed in order to return the building back to its original form. A large cupola feature that had originally graced the top will be reinstated, but with a similarly inspired, contemporary feature.

Based upon the request by the City, PDHC has agreed as part of the development to consider the removal and replacement of the existing one-storey Pier 61 Restaurant building at 61 Lakeport Road with a publicly accessible open space or plaza next to the water's edge. Although the Pier 61 building was initially intended to serve as the amenity area for the proposed development, the removal of the building will enable the creation of a publicly accessible landscaped waterfront space and establishment of a significant permanent view corridor through the site to the water from Lakeport Road to the harbour.

The changes that have been made to the proposal as a result of the consultation and concessions made by the PDHC Limited and the City would, in our view, produce an appropriate and desirable range and mix of new and retained uses, built forms, building heights and massing, as well as making a strong and positive contribution towards the general amenity and character of the village, heritage conservation, active transportation, public/private realm and the parks and open space system.



## **Request for Consideration**

In light of the progress that has been made in developing a positive and desirable plan for the Subject Lands, we request that the Port Dalhousie Secondary Plan, currently underway, be structured to provide for a supportive planning policy framework that would enable the implementation of the development as proposed in order to assist in achieving the enhancements and the positive and desirable elements. This supportive planning framework would, at a minimum, include or address the following principles, objectives or elements as it relates to the Subject Property or the larger Harbour Area:

### Land Use

The Harbour Area shall include a mix of residential, commercial and recreational and open space uses. Additional compatible residential uses that will increase the amount of permanent resident population in the village should be encouraged. Any new commercial uses in the Harbour Area shall generally be of an ancillary nature and limited in scale to maintain the primacy of the Core Commercial Area and its fine-grained character. The Harbour Area will also include existing and new parks, open spaces areas and parking areas to enhance the amenity and functionality of the area. Any new parks, open spaces and parking areas shall be well coordinated and integrated with existing facilities in the larger Harbour Area and the village.

### Built Forms and Height

The “Proposed Building Heights” map forming part of the “Port Dalhousie Secondary Plan and Heritage Conservation District Update Studies Alternative Reports” recommends permission for buildings in the Harbour Area with heights ranging between 2 to 8 storeys, stepping down towards the north end of the Harbour. Similarly, the new Secondary Plan should allow for a range of low and mid-rise mixed-use buildings that will achieve the desired transition and maintain heights that are generally consistent with the heights map but with some minor flexibility to achieve the scale of the proposed development at 9 storeys. While a mix of at grade and below grade parking is anticipated to occur with new development in the Harbour Area, a majority of below grade parking will be encouraged and at-grade parking shall be appropriately set back or screened from adjacent streets.

### Heritage Conservation and Village Character

Existing heritage resources and the character of the Harbour Area and the village will be maintained, preserved and enhanced through various initiatives and redevelopment. The existing Lincoln Fabrics structure shall be preserved as the building serves as an important element in defining village character and as a landmark structure upon entering the village. Additions or changes to the Lincoln Fabrics building shall be compatible with the existing building and the character of the village.



### Harbour Views and Vistas

New buildings in the Harbour Area shall be located and oriented in order to open up and maximize views and vistas from Lakeport Road through the site towards the Harbour as well as to maintain views of the existing Lincoln Fabrics building. Opportunities for the removal of existing non-heritage structures or portions of structures that would enhance the current views and vistas are to be encouraged and further investigated, including giving consideration of providing off-sets through land exchanges, granting of additional density and other forms of compensation.

## Ritchie, Scott

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**From:** Blozowski, Kevin  
**Sent:** Wednesday, August 23, 2017 2:07 PM  
**To:** Lorelei Jones  
**Cc:** Pihach, Judy; Riddell, Jim; Wolfgang Guembel; Ritchie, Scott  
**Subject:** FW: Secondary Plan Feedback - Port Dalhousie  
**Attachments:** MountTremblant.jpg

*Lorelei*

*Please see correspondence below from Wolfgang Guembel concerning the PDSP study.*

*Regards*

*Kevin*

**Kevin Blozowski** M.C.I.P., R.P.P.  
Heritage Planner  
**Email:** kblozowski@stcatharines.ca  
**Tel:** 905.688.5601 x1710

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**From:** Wolfgang Guembel [mailto:wolf@trysportniagara.com]  
**Sent:** Tuesday, August 22, 2017 4:28 PM  
**To:** Blozowski, Kevin; Riddell, Jim; Pihach, Judy  
**Cc:** George Darte; Gregory Darte  
**Subject:** Secondary Plan Feedback - Port Dalhousie

Hello Kevin, Jim, and Judy,

I've cc'd my partners above.

For the record, I wanted to offer some additional feedback that relates to the proposed Secondary Plan for Port Dalhousie.

My understanding of the current commercial zoning of the properties at 9, 15, and 17 Lock Street, and the proposed by-laws in the secondary plan, will impose an 11m or 3-storey height limit.

I'd like to propose, and request, that an additional provision be included for the properties at 9, 10, and 17 Lock Street, as well as the even number equivalents on the opposite side of Lock Street, such that, height limits may be increased to up to 18.5m or 5-storey, if, and only if, the design fits within a heritage village feel and/or gains the approval of the Heritage Committee.

We have a long-term vision of some local properties that would include a newer form of commercial and residential density. Specifically, we have future design intentions of structures that include small, local, village-like retail/commercial on the main floor, or bottom two floors, and between 2 and 4 storey's of residential above.

A fifth storey is often required to house mechanical structures or a loft space.

We'd like to see a provision in the secondary plan, that modest height increases can be applied for when sensitive to the village feel.

I've attached a picture of the village at Mt. Tremblant in Quebec. It shows a version of what we are thinking of and includes, 3, 4 and 5 storey heights each with commercial/retail on the main floor and condo units above.

We are prepared to speak in more detail with your consulting team if we're afforded the opportunity.

Thank you for your time,

Wolf

905.931.3472

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Wolfgang Guembel, OCT, M.Ed.  
Aktiv Life Inc.  
AktivLife.ca







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January 15, 2018  
Mayor Sendzik and Members of Council  
City of St Catharines  
PO Box 3012, 50 Church St.  
St. Catharines, ON  
L2R 7C2

Dear Mayor Sendzik and Members of Council:

### **COMMENTS ON PORT DALHOUSIE DRAFT SECONDARY PLAN AND HERITAGE CONSERVATION DISTRICT PLAN DOCUMENTS**

Please accept this letter as part of the formal written comments to be considered at the Statutory Public Meeting being held under the authority of the *Planning Act* and *Ontario Heritage Act*, on January 15, 2018 as part of the ongoing Port Dalhousie Secondary Plan, (the “Secondary Plan”) and Heritage Conservation District Plan (the “HCD Plan”) process.

We are the planning consultants representing Union Waterfront Inc., who are the Owners of properties known municipally as 16 Lock Street, 12 Lock Street, 12 Lakeport Road, 14 Lakeport Road, 18A Lakeport Road, and 26 Lakeport Road. In this capacity, we are also the agents for the active planning applications pertaining to 16 Lock Street and 12 Lakeport Road, which are currently under review, (the “Applications”).

To date, we have participated in the planning process, attending neighbourhood open houses at the Port Dalhousie Lions Club on September 21, November 29, 2016 and October 25, 2017. We also submitted written comments to staff on June 12 and November 29, 2017, both of which are attached to this correspondence for your convenience.

In addition, on June 27, 2017 we presented the Applications at a workshop session at the offices of Brook McIlroy at the request of the City. It was our understanding that this session was organized by City staff and the consulting team in order to consider existing development proposals as inputs into the Secondary Plan and HCD Plan process.

For the comments within this letter, members of our project team have reviewed the draft Secondary Plan and HCD Plan documents posted online at: <https://www.stcatharines.ca/en/governin/port-dalhousie-secondary-plan-study.asp>, and these comments are submitted on behalf of our client based on this review. We trust that they will be useful in the ongoing review and refinement of the draft documents.

### **OVERARCHING COMMENTS**

As we have indicated previously to staff, it is our position that the decision that was made by the Ontario Municipal Board (the “Board”) in PL060850 should be reflected in both the proposed Secondary Plan and the proposed HCD Plan. It is not appropriate to attempt to legislate around a decision by the Board in the absence of an appropriate justification identifying why the decision should no longer be recognized.

Second, as staff are well aware, our client has filed Applications for their lands. If the existing Board permissions are not being reflected in the proposed Secondary Plan and HCD Plan, then the lands that are the subject of the current Applications should be exempt from the Secondary Plan and HCD Plan. Including them in the Secondary Plan or the HCD Plan inappropriately pre-

determines the outcome of the site-specific development Applications prior to the evaluation on them being complete.

### **Draft Port Dalhousie Commercial Core and Harbour Area Secondary Plan**

Notwithstanding the forgoing, and in addition to our previous submissions made on the Secondary Plan, for which we have yet to receive a response and therefore remain valid, the following summarizes additional concerns and comments with this proposed version of the Secondary Plan:

#### **1. Vision, Guiding Principles and Objectives**

It appears that Objective 2 q) is a new addition from the previous draft. The policy speaks to encouraging and supporting year round vitality through accommodating low and mid-rise mixed used buildings with commercial, employment and housing options. We interpret this objective as speaking to potential residential intensification. However, the terms low and mid-rise are not defined. Nor is there any clarity as to why only low and mid-rise buildings are capable of supporting year round vitality.

#### **2. Community Commercial**

The policy wording in 5.1.a) now includes community and cultural uses, as we previously suggested, while 5.1.b) includes additional wording to attempt to clarify permitted uses on the ground floor. Further, policy 5.1.e) maintains the previously provided wording regarding floor plan maximum size of 400 sq. m, but now also includes additional wording specific to restaurant uses. Further, the wording attempts to clarify that the size restrictions are not intended to apply to floor space above the ground floor level. We maintain our interpretation that the term “should” indicates flexibility, but generally agree with the inclusion for a larger size for restaurant uses and the clarification for applicability to ground floor areas. For sites with topographic grade changes, direction on the identification of ground floor area could be provided.

#### **3. Built Form**

In addition, policy wording under 7.1 has been revised with a seemingly similar approach for clarification. We note that the revised policy wording suggested in our previous letter has not been included.

### **Draft Port Dalhousie Heritage Conservation District Plan**

The following paragraphs provide comments on both the process and content of the Draft HCD Plan.

The executive summary makes the following assertion: “The 2005 Ontario Heritage Act does not require a municipality to conduct a Study prior to adopting an HCD Plan for an area”. In our opinion, this statement appears to be inaccurate, and something that is certainly not supported by the practice of other municipalities or by the Province through their Heritage Tool Kit.

Moreover, the executive Summary identifies 40.2(d) as an OHA Plan requirement. This is incorrect, as 40.2(d) of the Act provides the requirements for a Study that in our opinion, should have been completed by the City prior to a sub-district HCD Plan being created.

Under the *Ontario Heritage Act*, the scope of a HCD Study shall include:

- a) examine the character and appearance of the area that is the subject of the study, including buildings, structures and other property features of the area, to determine if the area should be preserved as a heritage conservation district;
- b) examine and make recommendations as to the geographic boundaries of the area to be designated;

- c) consider and make recommendations as to the objectives of the designation and the content of the heritage conservation district plan required under section 41.1;
- d) make recommendations as to any changes that will be required to the municipality's official plan and to any municipal by-laws, including any zoning by-laws

In our opinion, a detailed heritage study should have been prepared to give consideration of, and to properly engage with the public on, the 4 items above rather than simply proceeding with a sub-district HCD Plan. It is our opinion that that to use a Study dated from 2000 to support a new HCD Plan in 2018 (even if only for a sub-district) is insufficient not only from a substantive heritage planning perspective, but also from a public engagement perspective.

The primary concern in the HCD Plan is its failure to recognize the as-of-right development on our client's lands. For example:

- In Section 3, the 2000 Heritage Assessment, 2001 Plan, De-designation of Properties, and Changes to Provincial Policies since 2001 are all referenced. Even the 2009 OMB decision is referenced with respect to how the decision noted weaknesses in the 2001 HCD Plan. However at no time is the as-of-right development recognized for our client's lands
- Subsection 3.4.4, references the Harbour Area Urban Design Study, which proposes infill options, but does not appear to reference the as-of-right permissions as permitted by the Board
- Subsections 3.4.5, and 3.5 reference proposals for change in the Commercial Core without referencing the allowed development
- Subsection 3.6 assesses the options for the roll out of a new Plan and recommends the approach taken in the document. Splitting the District was rejected in favour of updating the original Plan despite the changes resulting from the Board decision
- Section 4 sets out the objectives for the plan without any reference to integrating approved or as-of-right development with the heritage attributes of the District

Additional comments include:

- Section 6 presents the character and history of the area but no reference is made to the current state of the area, such as the open area in the development lands. Hogan's alley appears to be described as it was in 2001 rather than its current state. In Subsection 6.4, the Cultural Heritage Landscape District Typology is described and identifies the area as an "Evolved Dynamic Landscape". No reference is made to the major loss of buildings in the core area, nor is the as-of-right development referenced as an element in an evolving landscape
- Section 9 identifies that all properties in the sub-district are included in the HCD Plan and subject to the Plan guidelines. Views, vistas and vantage points are described but Hogan's Alley appears to be misrepresented as it appears to ignore the profile of the alley
- Section 10 enumerates conservation policies and guidelines. No response is present related to permitted development. For instance, Hogan's alley should be modified to frame views "with new infill buildings with front door access from Hogan's Alley". Pedestrian and vehicular access to Hogan's alley is also suggested which is completely different from what is permitted. On Lock Street, infill buildings should be no higher than 3 storeys for the first 16m from the street wall. We note that the comments for the Port Dalhousie jail do not even appear to respond to what was permitted in the aforementioned Board decision



- The height map appears to suggest that only 6 storeys is acceptable in the area governed by the decision of the Board, which is acknowledged to permit up to 17 storeys over a portion of our client's lands. In our opinion, considerable re-work of this section is required to reflect the Board approved heights for the development lands within the HCD Plan and the Secondary Plan, or alternatively the lands should be removed from the HCD Plan and the Secondary Plan pending final decisions being made on the development applications which are currently under review at the City

In summary, the HCD Plan generally does not appear to have been adequately updated to acknowledge the as-of-right development permitted by the Board. The results of that hearing appear to have only been touched on and the findings all but ignored. If this HCD Plan is adopted, it will interfere with completion of any development going forward.

### **Port Dalhousie Commercial Core and Harbour Area - Transportation Review for Draft Secondary Plan**

We have the following comments on the Port Dalhousie Commercial Core and Harbour Area – Transportation Review for Draft Secondary Plan, prepared by BA Group ("Transportation Report") for your consideration:

Based on our review of the Transportation Report, it appears that parking, and not traffic, is the key issue for the area. We agree with the report finding that traffic growth can be accommodated and that will be looked at more closely through each site-specific development application.

With respect to parking, the study states that the 2016 parking surveys conducted in July and August indicate capacity or near capacity conditions on the west side of the harbour during summer weekdays and weekends. Based on parking surveys conducted in August of 2017 by Paradigm in support of the Union Waterfront development applications, this does not appear to hold true for typical weekdays and weekends.

We further note that the Transportation Report finds that there are multiple measures that can be implemented to assist with maximizing current supply, while ensuring new development provides appropriate parking without creating an oversupply that would compromise other valid land use planning objectives. These can include:

- Paid parking on the west side of harbour and free parking on east side with transit/shuttle services
- Pedestrian bridge to east side or regular ferry service
- Finance works that improve/expand parking with cash-in-lieu or Section 37 funds
- Meeting City's Comprehensive By-law parking requirements for net new floor area or new residential units, but include consideration for shared parking reductions and cash-in-lieu or Section 37 funds for off-site parking improvements
- Increased transit service, particularly the 60-minute service on weekends
- Provision of resident and visitor bicycle parking at all new residential and commercial development sites with supporting facilities (e.g. showers at workplaces)

It is our position that these should be explored further, prior to requiring an oversupply of parking through the proposed Secondary Plan or through site specific development applications.

### **SUMMARY**

In summary, it is our position that the Secondary Plan and the HCD Plan should either reflect the current as-of-right permissions for our client's lands or should exempt our client's properties from

Mayor Sendzik and Members of Council – January 15, 2018

these documents until a decision has been made with respect to their Applications. Failing to do so is to unjustifiably legislate around a decision made by the Board and to pre-determine the outcome of a site specific development application.

It is our desire to continue to work with staff on our Applications however we believe that the approval of the Secondary Plan or the HCD Plan in advance of a decision on the Applications will significantly compromise our ability to do so in a meaningful way, as it will unnecessarily entrench positions.

Finally, we believe that further public engagement on the 4 key elements that would have been considered in detail had a HCD Study been done, needs to be completed, rather than those elements having been presented in the HCD Plan as a "fait accompli".

We look forward to continuing to work with the City on the Secondary Plan, the HCD Plan and our client's site specific development applications.



Mike Crough RPP MCIP  
Senior Planner



John Ariens RPP MCIP  
Associate, Practice Lead

CC: Jim Riddell – Director of Planning and Buildings  
Judy Pihach – Manager – Planning Services  
Scott Ritchie – Urban Design Planner



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November 16, 2017

Jim Riddell  
Director of Planning and Building  
City of St Catharines  
50 Church St  
St Catharines, ON  
L2R 7C2

Dear Mr. Riddell:

### **COMMENTS ON THE DRAFT PORT DALHOUSIE SECONDARY PLAN AND HERITAGE CONSERVATION DISTRICT DOCUMENTS**

Please accept this letter as part of the written comments to be considered through the ongoing Port Dalhousie Secondary Plan and Heritage Conservation District Plan study process. We are the planning consultants representing Union Waterfront Inc., who are the Owners of properties known municipally as 16 Lock Street, 12 Lock Street, 12 Lakeport Road, 14 Lakeport Road, 18A Lakeport Road, and 26 Lakeport Road, and these comments are submitted on their behalf. We note that we are also the agents for the active planning applications pertaining to 16 Lock Street and 12 Lakeport Road, which staff are currently reviewing. We attended the neighbourhood open house meeting on October 25, 2017 at the Lions Club, and have reviewed the draft documents posted online at: <https://www.stcatharines.ca/en/governin/port-dalhousie-secondary-plan-study.asp>. The comments below are based on our understanding of the draft documents in light of our initial review and the discussion that occurred at the neighbourhood open house. This is not an exhaustive list of our review, but rather a collection of main points based on our initial reading and interpretation. We would be like to continue the conversation regarding anything stated in this letter, as well as additional comments we might have, prior to a decision being made by Council on either document.

### **Draft Port Dalhousie Commercial Core and Harbour Area Secondary Plan**

#### **Previous Comments and Submissions**

We previously submitted comments to City staff through a written memorandum dated June 12, 2017. A copy of that correspondence is attached as Appendix A to this letter, for your reference. In addition, on June 27, 2017 we presented the proposed development that was subject to the aforementioned formal planning applications for 16 Lock Street and 12 Lakeport Road at a workshop session at the offices of Brook McIlroy. It was our understanding that this session was organized by City staff and the consulting team in order to consider current and forthcoming development proposals as inputs into the Secondary Plan (SP) and Heritage Conservation District Plan (HCD). This material is not provided as an attachment to this letter, but the formal materials submitted with the applications are now part of the complete applications which the City is reviewing.

Mr. Jim Riddell – November 16, 2017

### **Vision, Guiding Principles and Objectives**

We generally agree with several components of the vision which seeks, for instance, a diversity of uses, vibrant retail, service and tourist businesses, a meaningful public realm, an accessible and connected pedestrian and bicycle network, and high quality design. We note that some of the points could be combined and shortened. For instance:

- A diversity of uses that support a vibrant and thriving mixed-used area, including residential, retail, businesses, and tourism

We note, however, that there is no mention of accommodating residential intensification in either the guiding principles or the objectives. Given that there is potential in the SP area for a level of residential intensification and that current provincial, regional and local policies support and encourage residential intensification, it is our view that supportive wording to this extent should also be included in the vision and objectives. For instance, under proposed Guiding Principle d) – Create a Place for Business, part of the objective is to “improve the draw of the area and enhance the vibrancy and viability of the commercial core”. We agree with this scope, and suggest that this can be accomplished by providing additional residential units which are occupied generally on a year-round basis and which provide a level of population to support existing and new retail, business and tourism uses. Further, Objectives h) and i) speak to improving vitality and enhancing the regional tourism role of the area. Again, while we agree with efforts to increase vitality and support retail, business and tourism, in our view a missing component to this is encouraging and accommodating residential intensification to provide a year-round population base and activity level. For instance, there should be an objective that also encourages and supports year-round vitality through accommodating residents in mixed-use buildings offering diversity in housing options.

With respect to transportation, travel and parking, we support the proposed Guiding Principle g) and Objective n), which seek to improve active transportation and transit use through reducing private automobile-related demand.

### **General Policies**

With respect to these policies, it is noted that Policy 2.3.3.4 vii) of Part B of the Official Plan is proposed to be subject to a notwithstanding clause, stated in the context that the potential for housing intensification is identified on Schedule E5 of the secondary plan. In our review, it appears that the HCD Plan may be more restrictive than the Secondary Plan suggests. Despite this, we generally agree with the approach to accommodating residential intensification primarily in upper floors of mixed use buildings. However, the draft proposed policy as currently worded would likely limit the potential for residential intensification in the Commercial Core through the HCD Plan, if that plan is not aligned with respect to flexibility and diversity in design expression on a case-by-case basis that is properly justified and supported.

### **Cultural Heritage**

Under the proposed Cultural Heritage policies, wording in Policy 1 states:

When the City adopts the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation Sub-District Plan under the 2005 Ontario Heritage Act,  
**Council will not pass any by-law that is contrary to the objectives**  
**(emphasis added)** set out in the Commercial Core and Harbour Area Heritage Conservation Sub-District Plan or carry out any public work that is contrary to the

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objectives set out in the Commercial Core and Harbour Area Heritage  
Conservation Sub-District Plan

We interpret this policy as providing direction to the proposed Objectives found under Section 4.0 of the HCD Plan, found on Page 8 of that document. While these are not numbered, bullets 2 and 3 provide objectives which speak to enhancing vitality of the area through conservation. While we agree that the sub-district area has heritage attributes, we do question the strategy of enhancing vitality through strict conservation. In other words, we believe the area has suffered decline over a prolonged period, and that in order to re-vitalize it, new development, including residential intensification, is needed. This development should be permitted to work with existing heritage components, and both the SP and the HCD Plan should explicitly state this.

Policies 2 a) through f) provide direction for reviewing proposals for construction, demolition or removal of buildings. As such, it is stated that the City shall be guided by relevant Heritage Conservation District Guidelines, principles established in Part C of the Official Plan, and the specific policies listed in 2 a) through f). We interpret this to direct staff to review and apply the guidelines mentioned as to be developed within the Objectives stated in Section 4. This includes guidelines which “clearly define appropriate change”. We generally agree with the approach to developing guidelines for use in reviewing development proposals. However, in the current context such guidelines would be one of the key elements used in staff review. In that regard, it is difficult to understand the implications of the proposed policy wording without the guidelines to review simultaneously.

Policy 2a) states that in addition to the provisions of Part C Section 3.2.7 b) of the Official Plan, which speak to general principles to be applied by the City in reviewing proposals for construction, demolition or removal of buildings, etc. under general Cultural Heritage policies, the retention and adaptive re-use of the entire or substantial portions of contributing buildings in the Sub-District is desirable and strongly encouraged, and the retention of the building facades alone is discouraged. While we support retention and adaptive reuse of buildings where appropriate, there are many ways in which a design can be proposed for an existing building. In that regard, the term “substantial” should be defined to provide a sense of the scale of removal that might be accommodated. Alternatively, additional wording could be added to this policy to allow for flexibility for the retention of portions of existing buildings subject to assessment and justification by a Qualified Professional.

Policy 2b) states that, notwithstanding provisions in Part C Section 3.2.7 c), new additions and features should generally be no higher than existing building, and higher additions are proposed, they should be placed to the rear of the building or setback substantially from the principle facade. This policy has been examined with reference to the proposed building heights on Schedule E-5. In that context, it would seem that properties that have existing buildings that occupy the majority of the lot area would be challenged to add height in accordance with permissions in the height schedule, and that they could only so through an Official Plan Amendment. For instance, a two-storey building fronting on to Lakeport Road could only add perhaps a partial third storey.

Policy 2c) provides that new construction and infilling should be of context-sensitive design. For Lock Street west of Lakeport Road, this is to be accomplished by generally having the same height, width and orientation as adjacent buildings, having a similar setback, and using similarly proportioned windows, doors and roof shapes. However, provision is also made to allow new construction in accordance with proposed heights on Schedule E5. We interpret the term “generally” to allow some flexibility in application and/or to allow consideration of the specifics of the case at hand. This process would be aided by the aforementioned guidelines referenced in the HCD Objectives. Again, it is difficult to assess implications of this policy wording without the

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accompanying guidelines. However, it would be important to allow for submission of assessment and justification by Qualified Professionals for the specific design choices in support of development proposals. In that regard, the HCD should provide the same flexibility in reviewing and assessment development proposals.

### **Community Commercial**

These policies would apply to properties so designated on Schedule E4. We note the inclusion of the notwithstanding clause as confirming that the proposed Community Commercial policies supersede and/or replace the standard Community Commercial policies of the Official Plan for the defined area described in text.

With respect to the preamble wording, we suggest the following adjustment:

Existing commercial uses in the core are generally fine grained, ground oriented uses, that provide an engaging front façade which animate the streetscape and support the regional tourist focus of the area. New commercial uses should support this character, where appropriate, by providing appropriate scale and/or design features.

Policy 1 a) allows for an appropriate range and mix of commercial, employment, institutional, entertainment and indoor recreation uses. We suggest that a community cultural facility, or simply cultural and community facilities, could also be explicitly-stated as permitted, which would line up with the existing Zoning By-law definition for a Community Cultural Facility.

Policy 1 b) allows for residential dwellings in mixed use buildings, and restricts residential uses other than a lobby or residential components of a live-work unit are permitted on the ground floor level facing public streets. Further, where alternatives exist, residential lobbies should be directed away from Lock Street. We generally agree with these requirements, as it permits some residential intensification which will support increased vitality of this area. Further, we agree that residential units should only be provided as part of mixed-use buildings, and that street frontages should mainly be devoted to commercial use. We suggest elaboration of the term “lobby”, or the inclusion of additional items such as limited opportunities for hallways, corridors, moving rooms, loading docks, indoor and outdoor amenity spaces, and other similar items related to residential portions of the building. This could avoid confusion at the implementation stage.

Policy 1 e) states that the ground floor plate size for commercial uses should be limited to 400 sq. m, in order to restrict large format retail uses not consistent with the area. We generally agree with the intent to restrict large format retail, as we interpret this to mean, as an example, big-box retail uses. We also note the inclusion of the word “should”, which in our opinion allows for flexibility in application, but re-iterate our previous comment that the size restriction could be made more flexible for uses that are supportive of vitality and tourism in the area, such as restaurants. Allowing an appropriately designed restaurant use, either as part of a mixed-used development or as a stand-alone facility, larger than 400 sq. m could add to the desired vitality and tourism draw. Further, we note there are several examples of existing commercial and community uses in the area with floorplates that would exceed 400 sq. m in the commercial core. In that regard, the policy could be amended to include some larger uses, generally similar to the approach in 1 f).

Further, we also re-iterate our previous comments on the substance of Policy 1 f). The policy indicates that the width of new individual retail commercial units on the street should be restricted to a maximum of 12 m at the front lot line. Proposals for wider units are required to

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demonstrate compatibility through an urban design brief. This approach to allowing for consideration of alternatives based on justification is in-line with our earlier comments, as it allows for consideration of specific design choices, as justified by a Qualified Professional. We also note the inclusion of the word “should”, as once again we interpret it to allow for flexibility in application. Based on our review, however, we note that there are several properties with existing commercial developments where the lot widths are in excess of 12 m. The policy would require new development on such lots to be a series of smaller units that do not occupy the entire frontage. Given this context, the proposed policy could be reworded to acknowledge this, and explicitly state that units greater than 12 m may be permitted, not just proposed. Further, clarifying that justification and approval would not be required in every circumstance (i.e. an Urban Design Brief and Plan Amendment would not be required to merge existing commercial units within an existing building) should be added.

We note that Policy 3 a) maintains the existing policy wording in the Official Plan applicable to 16 Lock Street and 12 Lakeport Road. As we are the planning consultants for the proposed development on these lands, we agree with the inclusion of this wording. We also agree with the wording provided in 3 b), as it clarifies any confusion with respect to the direct applicability of the secondary plan on applications submitted prior to adoption. We agree that the plan would not be applicable. In that regard, the wording “and will give general consideration to the overall policy framework provided in this Secondary Plan” creates such confusion, in our opinion, and should be removed.

Policy 6 speaks to view corridors through Hogan’s Alley, and that these should be maintained. We support the use of this alleyway as a pedestrian-oriented route that would generally be free of car and truck traffic (with the exception of loading facilities for buildings fronting public streets). In that regard, the proposed policy wording could be amended to speak to enhancing the experience of pedestrian travel through Hogan’s Alley from both directions, and that the quality of this experience could be enhanced by development which could include framing of all or part of the alley with appropriately-scaled buildings. Such wording could then be addressed through a submitted urban design brief.

## **Built Form**

We interpret this section as proposed to apply to all new development.

Within the preamble, we suggest the following wording update:

The tallest existing building in the Study Area is currently the Lincoln Fabrics building, while existing permissions allow for a 17 storey building at 16 Lock Street and 12 Lakeport Road

Accordingly, we also suggest the following wording for Policy 1:

Height permissions for 16 Lock Street allow for a 17 Storey Building as per the text of Policies 3 a) and b) of the Community Commercial Section of this Secondary Plan, as well as Part E, Section 15.1, Policy 1 b) ii) a). Applications to amend the site-specific policies may result in adjusted development permissions, including uses and building heights.

In our view, the continued reference to the OMB decision implies that the current permissions were not supported by staff or the City at the time, which is incorrect. Further, the text of the policies provides the height and use permissions granted as-of-right, and so referring specifically to those policies provides the direct application of the permissions.



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Policies 4 and 5 encourage new buildings to maintain the existing street wall for Lock Street, east of Main, with minimal setbacks and a minimum two storey height. New buildings are also encouraged to build out to the side property lines, to prevent gaps in the streetscape. We agree generally with the intent behind these policies but suggest the minimum height could be increased to 3 storeys

Policy 7 indicates that buffering between commercial areas and adjacent residential areas through setbacks, stepping down of heights, and landscaping will be provided. We suggest that public right-of-ways could be included in this list.

Policy 9 provides direction with respect to the historic jail, indicating that if development does not proceed in accordance with as-of-right permissions in Part E Section 15.1.2.5.3, retention of the jail in its current location, in an open landscaped plaza with appropriate setbacks will be strongly encouraged. We agree with the vision for including the jail in an open-landscaped plaza with appropriate setbacks. However, we suggest wording to allow for a minor or slight-relocation of the jail to an immediately adjacent location in the existing Lakeport Road ROW (note that this implies to the portion of the Lakeport Road that passes Lakeside Park, which is understood to be not owned by the City or the Region). In that context, the jail can be an important component of the public streetscape, occupying a landscaped, open-space plaza that connects the jail to Lakeside Park, but essentially retain its importance by remaining very close to its current location. This will also allow it to be repositioned on higher ground in order to protect the building's foundations from exposure to water, and to rectify the grading issues that currently exist adjacent to the structure.

### **Transportation and Parking**

We agree with the intent and most of the wording in the preamble. It has been our experience that peak demands for parking and travel are concentrated during certain times of the year, and that this colours the perception of how parking and traffic should be handled in the remaining times. A focus on active transportation and transit is welcomed.

Policy 1 applies to lands designed Community Commercial. We agree with the wording and provisions provided in 1 a) through c). With respect to 1 d), the policy could be revised to clarify that it applies to service parking facilities (i.e. loading and unloading facilities, etc.) and not site servicing (i.e. sewers, etc.). We also agree with the intent of and wording in Policies 2-9.

### **Urban Design**

We interpret this section to apply to all development. It is noted that these policies build on, and do not replace, those respecting urban design of the Official Plan. Further, reference is made to the HCD and that all major development will be required to provide an urban design concept plan, establishing the contextual relationship of the proposed development. In general, we agree with the requirement for and ability to submit an urban design study and material in support of a proposed development. However the term "major development" is not defined, and clarity should be provided in policy text to outline this. Again, small-scale development, such as merging of existing units in an existing building, and relatively minor modifications to exteriors should not require justification and an urban design study. Further, our previous concerns regarding potential flexibility and review of justification on development proposals in the secondary plan should be accompanied by the same approach in the HCD.

Policy 1 applies to the lands designated Community Commercial on Schedule E4, where a) provides direction on Built Form and Massing. Policy 1 a) i) provides consistent direction that

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new buildings on Lock Street should maintain established setbacks, to maintain a continuous street wall. Further, buildings on Lock Street south of Lakeport Road are encouraged to maintain setbacks there. We agree with this approach.

Policy 1 a) iii) provides further direction for the design of infill development on Lock Street and Lakeport Road, indicating design should be compatible with, and not mimic, existing buildings. This includes attention to datum lines, including rooflines, cornices, window alignment, and floor heights to help create a consistent street wall. Further, the architectural style should reflect the character of prevalent buildings in the Core, using sympathetic materials, scale and details, and address the Building Guidelines in the HCD. In general, we agree with the approach to structuring design decisions for proposed developments to ensure that new development does not simply mimic the context, but responds to it. This potentially allows for diversity in design expression while maintaining consistency with certain key elements. We note that some of the items listed are those that would be covered in a design guideline document, which was addressed in earlier comments. Further, we re-iterate a concern that the policy wording of the secondary plan allows for individual design decisions to be made and justified through submission of supporting material, and that this approach should also be reflected in the HCD.

Policy 1 a) iv) speaks to size of commercial uses. We note the use of the term “should”, and the lack of a specific size requirement. This wording is in keeping with our earlier comments regarding size restrictions and the ability to allow flexibility for certain uses.

Policy 1 a) vii) provides direction for minimum and maximum ground floor heights. We agree with the approach and have no concerns with the proposed minimum height of 3.5 m and maximum height of 6 m. An explanation or definition of Ground Floor could be provided, which considers and addresses topography differences within a site.

Policy 1 a) ix) reiterates views through Hogan’s Alley should be maintained. Our earlier comments with respect to the experience of the pedestrian in both directions through the alley as framed by buildings could be re-iterated here.

Policy 1 a) xii) provides direction for building design and setbacks. We agree with a setback approach to building design, and note the inclusion of the term “should” with respect to the minimum setback of 3 m along Main Street and 7.5 m along Lock Street. However, we also note the inclusion of the wording “except above existing buildings where the setback should reflect the existing building depth”. We interpret this to mean that the setback should consist of the entire length of the existing building. We assume this wording is intended to provide direction regarding placing new additions to the back of existing buildings as noted in earlier policies. Again, we provide our opinion that this approach is overly restrictive for some sites, and that the wording also removes the ability to provide a comprehensive design justification and assessment of a consistent setback approach for sites that have a combination of existing and proposed new buildings. For instance, the policy wording implies there is flexibility in the 3 and 7.5 m setbacks for new buildings, should appropriate justification be provided. However, this does not apply to additions to existing buildings, thus preventing the ability to carry massing and setbacks consistently through portions of a proposed scheme that contains new and existing buildings.

Policy 1 c) i) provides that a public plaza should be provided around the historic jail, which will be directly accessible from the road. Complementary public art pieces, signage, etc. is encouraged. This approach is consistent with our suggested policy wording regarding the location of the jail earlier in this letter. In our opinion, a landscape public plaza that includes the jail and provides a coordinated design will leverage this asset for public benefit. To accomplish this, a minor or slight relocation of the jail should be considered.

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## Schedules

We note that Schedule E4 provides land use designations consistent with the text.

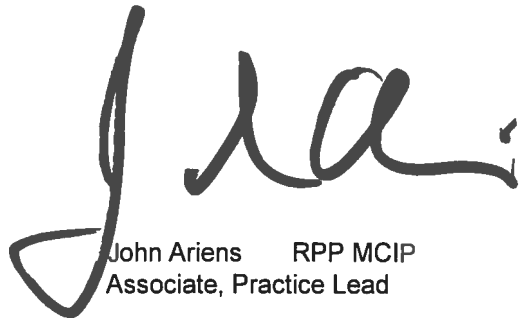
Schedule E5 provides permitted building heights in storeys. A range is listed from 1-8, with corresponding colours. Based on our review, it appears that a 5 storey building height is provided in the list, but not on the map. However, the shading between the 3 and 5 storey height is similar, so it is difficult to tell. Despite this, it appears that heights have been revised down from what was presented to the public at previous neighbourhood meetings. As our attached comments from June 12, 2017 show, heights were considered for 8 storeys for several sites, with the potential for 12 storeys based on Section 37 benefits. The proposed heights now allow for up to 8 storeys only in the west harbour area, and there is no longer consideration for heights up to 12 storeys. Further, it is noted that the schedule includes a notation stating "Notwithstanding the heights shown for the site known as Port Place, the heights granted by the Ontario Municipal Board under Case No PL. 060850 continue to be permitted for the specific development that was approved". This wording is intended to work with the building height that shows a maximum of 6 storeys for portions of this site, and three storeys for other parts of this site. In our opinion, this mapping and the wording create confusion. Firstly, as stated earlier, the continued reference to the OMB approval places the as-of-right permissions with the OMB, but does not reflect the fact that City staff and Council also approved the proposal. Secondly, the site-specific text permissions are clear with respect to height and use. The building height map should be altered to reflect the as-of-right permissions in this text. This can be achieved by changing the map to reflect the as-of-right building height, or removing the proposed 3 and 6 storey building heights from the map while leaving a notation to refer to the specific policies in the text of the secondary plan and the Official Plan for permitted height.

## Final Thoughts

Please accept these comments as constructive input as part of the ongoing dialogue on the Secondary Plan and Heritage Conservation District plan study for the Port Dalhousie area. It should be noted that we may have additional comments specific to the content of the HCD at a later date. Should you wish to discuss these comments, we would be happy to meet and do so. Otherwise, we look forward to the opportunity to review revised documents prior to a decision being made by Council.



Mike Crough RPP MCIP  
Senior Planner



John Ariens RPP MCIP  
Associate, Practice Lead



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# Memorandum

<b>To</b>	Mr. Jim Riddell Director – Planning and Development Services City of St. Catharines	<b>Date</b>	June 12, 2017
<b>From</b>	Mike Crough	<b>Project</b>	Port Dalhousie Secondary Plan
<b>cc</b>	Travis Nolan		
<b>Subject</b>	Port Dalhousie Secondary Plan and Heritage Conservation District Study Update - Process and Feedback		

We are the consulting planners for Union Waterfront Inc., who are the owners of the lands at 16 Lock Street and 12 Lakeport Road. As part of our services, we have been monitoring the ongoing secondary plan and heritage conservation district study update for the Port Dalhousie area. In that capacity, we attended two neighbourhood meetings; one on September 21, 2016 and one on November 29, 2016. To our knowledge, no additional information regarding the process has been yet released to the public.

As per your request during the meeting we attended on May 30, 2017, we are providing preliminary feedback on the secondary plan process to date, including the material that has been publicly presented and made available for discussion by the City's secondary plan team.

1. At the September 21 meeting, the consulting planner from MSH leading the public consultation meeting was clear in stating that the existing OMB as-of-right approvals for our clients lands, as granted by the Ontario Municipal Board and incorporated into the City's current Official Plan and Zoning By-law documents, need to be recognized and considered in any secondary planning exercise. We agree with this position.
2. However, we note that the maps presented by the City's secondary plan team at the September discussion through worksheets and in the presentation materials illustrated proposed building heights of 8-12 storeys for our clients lands. The graphics indicated that 8 storeys could be permitted as-of-right, with additional height up to 12 storeys being possible through the Section 37 process. This map would seem to contradict the verbal statements noted above, and does not incorporate the as-of-right permission in the existing OP under Section 15.1.1 b) ii) a).
3. The documents provided at the September 21<sup>st</sup> meeting indicated that the City does not currently have a Section 37 process (we note the inclusion of policies in the current OP under Section 16.7), and so the idea of implementing such process was one of the discussion items. Understandably, attendees at the meeting did not seem to have a firm grasp on the implications and mechanics of implementing a Section 37 process. We understand that this feedback was the driver that prompted the second meeting we attended on November 29 to be devoted almost exclusively to the issue of Section 37.

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4. Lastly, we note the inclusion in the materials from September for the potential restriction of commercial spaces to a maximum of GFA of 400 m<sup>2</sup> and a maximum unit width of 12 m and/or some type of urban design policies to preserve fine-grained commercial spaces. At this stage, we suggest that flexibility in size should be provided for certain uses, such as a restaurant, or the currently permitted theater and hotel in the site-specific zoning. As an example, a restaurant in excess of the proposed 400m<sup>2</sup> maximum could be compatible with and appropriate for this location. The maximum width of 12 m is also an issue. For instance, it would preclude a wider unit that might be appropriate along a street frontage to support a use such as a restaurant space.

Concurrently with the process above, our client has been engaged in the preparation of an updated concept plan for its lands and has been diligently working on a planning application for formal submission to the City. The planning application considers existing planning permissions and proposes a new vision for this site; one that is context sensitive in massing and heritage preservation, and includes the following proposed modifications:

- Building heights have been lowered from the current site specific zoning bylaw and are proposed to range from 3 storeys to a maximum height of 14 storey plus mechanical penthouse
- 23,161 ft<sup>2</sup> of mixed use commercial retail space on the Ground Floor and P1 levels that will accommodate a variety of uses including retail, restaurants, office, hotel and a 2,500 ft<sup>2</sup> community space adjacent to the Old Jailhouse
- A total of 212,739 ft<sup>2</sup> of residential gross floor area with 220 residential units that are located on the 2<sup>nd</sup> to 14<sup>th</sup> floors of the building
- Inclusion of 37 new publicly accessible parking spaces located on the P1 level of the project
- The Old Jailhouse will be restored and relocated into a new parkette space that will be owned by the City to celebrate the history of Canal 1
- Retain and adaptively reuse the existing 3 storey Austin House heritage building at 16 Lock Street
- Repurposing the lands at 12 Lakeport Road where the former McGrath and Union House Hotels were previously located to include 2 storeys of mixed use commercial, with residential above
- Reconstruction of Hogan's Alley into an exciting pedestrian promenade which celebrates the history of the commercial core of Port Dalhousie and is planned to include new restaurants, shops, a courtyard, and public gathering areas to be utilized for community events

As you are aware, this formal submission has paralleled the ongoing secondary plan process, with the following noteworthy events that have occurred to date:

- Presentation of concept plan to City representatives and other attendees at a June 28, 2016 project preview meeting
- The submission of a Formal Consultation Application on July 13, 2016
- A formal Consultation meeting with City and agency staff and project team members on August 11, 2016

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- The receipt of a Formal Consultation Summary letter from City staff, dated September 16, 2016, providing detailed feedback from various agencies and complete application requirements
- Attendance at and participation in the aforementioned secondary plan open houses on Sept 21 and Nov 29, 2016 by IBI staff
- Simultaneous ongoing dialogues between the property Owner and various City and community representatives between January and June of 2017
- A meeting with City staff and several project team members on May 30, 2017 to present and discuss the refined concept plan
- Submission of Formal Planning Applications on June 12, 2017

Further to your suggestion on May 30, 2017, our client would be available to attend a meeting with City staff and the secondary plan consulting team in the near future to present the refined development concept for this project. We look forward to an ongoing positive dialogue with City staff and key stakeholders.

In the interim, please feel free to contact either of the undersigned for further discussion.

Sincerely,



Mike Crough RPP MCIP  
Senior Planner



John Ariens RPP MCIP  
Associate, Practice Lead

## Ritchie, Scott

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**From:** Hans Braul <hansbraul@icloud.com>  
**Sent:** Thursday, October 26, 2017 9:46 AM  
**To:** Blozowski, Kevin; Ritchie, Scott  
**Subject:** Secondary Plan & Heritage Conservation District Plan Study

Hello Kevin and Scott,

I attended the first half of yesterday's meeting but was not able to stay for the workshop. I was impressed by the keen interest and insightful questions. While I think it is a good thing to engage the public in workshops such as this, I'm afraid the results could be used to claim that the public had been fully consulted when the workshop questions were quite limited in scope and did not address the real issues people have with the way Port Dalhousie development has been dealt with in the past. For a person who can't stand liver, a questionnaire about whether liver is best cooked rare, medium or well done doesn't really get to the heart of the liver issue.

My input on the questions posed in the workshop are as follows:

### Secondary Plan Worksheet

#### 1. Heights

- a. On Lock Street - For a village feel and a scale of Port Dalhousie I think an upper limit should be 6 stories. This would allow for higher density, high quality residential use while preserving the human scale of Port.
- b. On Lakeport Road - same as for a.
- c. Eastern harbour area - Less of an issue as far as the scale and feel goes. However, the people that currently have a view of the lake to the west could be negatively affected.

#### 2. Permitted Uses

- a. I have no issues with expanding permitted uses on the east side of the harbour, of the types you list.
- b. I think the question was about permitted uses of Dalhousie House (the photo I took of the workshop questions was cut off). I like the idea of expanding the use of Dalhousie House. The only use that I would object to is a restaurant that involves cooking exhaust that would directly impinge on the houses above. I don't live there but I sure wouldn't want to be smelling cooking fumes constantly!

#### 3. Transit Service

While I agree that the city should provide incentives to encourage greater transit usage, I do NOT agree that such incentives should be seen as an enabler for developments to place greater parking stresses on our small village. I realize that this plan applies FUTURE developments and not necessarily Port Place, but this rationale has already snuck into their design. I simply do not believe that residents will restrict themselves to one vehicle per unit.

#### 4. Active Transportation

Strongly agree with suggestions for improving active transportation.

### Heritage Conservation District Plan Worksheet

#### 1. I can't think of any locations that have been missed



2. Views:

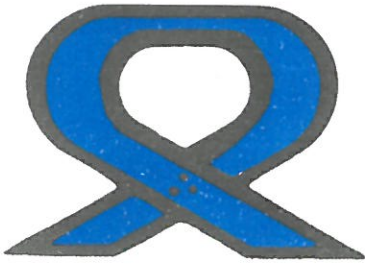
Foot of Main Street: The view looking up to the business district from the park and the foot of Main Street will be completely dominated by a 17 story building. This view is never shown in artists' renditions of the proposed development because it would be severe. Out of keeping with the heritage feel.

3. Small Businesses: Agree with preserving and creating space for small businesses, but this sounds a bit motherhood (who wouldn't agree with this?). What would this actually mean in practice?

4. Setbacks: In general I agree that additions should not change the essential character of contributing heritage buildings. However, I'm not sure imposing this rule would necessarily accomplish the objective. It depends on the addition and how it is executed.

Hans Braul  
27 Simcoe Street

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# Rankin Construction Inc.

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November 9<sup>th</sup>, 2017

Kevin Blozowski  
Planner (Special Projects)  
Planning and Building Services  
City of St. Catharines  
PO Box 3012  
50 Church Street  
St. Catharines, Ontario  
L2R 7C2

RE: Draft Port Dalhousie Secondary Plan and Heritage Conservation District Plan

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As you may know, Rankin Construction Inc. is the owner of the property located at 57 Lakeport Road in Port Dalhousie ("Subject Lands"). We have recently submitted an application to redevelop the subject lands with an eight storey, 51 unit mixed use building containing the existing Royal Canadian Legion on the ground floor. Our application was deemed complete on October 18, 2017.

We have been actively engaged in the available opportunities for public input through the Secondary Plan process. We submitted a letter on November 1, 2016 with our comments on the initial draft recommendations. Our consultants also attended a meeting on June 27, 2017, with the City's consultants to discuss our proposal in the context of the evolving studies.

Following the open house on October 25, 2017, which we also attended, we further reviewed the draft Port Dalhousie Secondary Plan and Heritage Conservation District Plan and submit the following comments for consideration:

### Port Dalhousie Secondary Plan

Heights and Intensification	
15.1.2.3.2	We agree with the direction for intensification and building heights shown on Schedule E5 for the Community Commercial designation. The existing low density development and surface parking lots render the area underutilized. As such,

	increasing the number of people living and working in the area will strengthen the local demand for goods and services, increase year-round day and night activity in the surrounding public open spaces and increase the overall vibrancy and attractiveness of the area.
15.1.2.5.2.d.i & 15.1.2.10.2.a	While we agree that development and redevelopment should take into account the surrounding neighbourhood context, it is unclear what these policies mean by requiring the Lincoln Fabrics building to remain the "most prominent building" in the Harbour Area with other buildings decreasing in prominence. The Lincoln Fabrics building is prominent due to, among other things, its location, design and materiality, which will not change as a result of surrounding development. Although adjacent development should not dominate the Lincoln Fabrics building, the building's current and future height should not place a constraint on the height of adjacent development by superseding the height allowances set forth in Schedule E5.
<b>Uses</b>	
15.1.2.5.2.a & b	We agree with the direction to diversify the range of permitted uses in the Community Commercial designation for the lands located east of Lakeport Road. Diversifying the range of permitted uses allows for greater development potential of land and contributes to establishing a mixed use, pedestrian oriented environment.
<b>Design</b>	
15.1.2.4.2.e & 15.1.2.7.3	We agree that views of the Port Dalhousie Harbour are important to the character and attractiveness of the area. However, we believe that the view arrows shown on the Views Analysis Map should not be narrowly interpreted as exact sight line corridors but rather should provide general guidance.
15.1.2.10.2.c	We do not support the requirement of a 3 metre building setback on all sides of a building for buildings above 3 storeys. Although we agree in principle with the use of setbacks at the top of buildings to increase views of the sky and reduce the perceived mass of the building from ground level, we oppose the use of a fixed design metric in policy rather than in a design guideline. Building setbacks must be considered in the broader context of adjacent land uses, lot dimensions, building siting and so on. The strict imposition of 3 metre building setbacks would place significant constraint on development in the Western Harbour Area for the lands designated Community Commercial given the existing site constraints, including the relatively small, irregular and fragmented nature of the lot fabric in the area.

#### Heritage Conservation District Plan

Pages 27 & 35	The Legion building is identified as a heritage attribute under 'buildings' but then identified as a 'non-contributing building' in Section 9.3.1. This needs to be corrected to clarify that the Legion building is 'non-contributing' to the District.
Page 27	We agree with the statement that 'open and irregular placement of industrial buildings in relationship to former water courses and transportation' is part of the

	Villagescape. This is consistent with the irregular lot fabric in the Harbour Area and should be considered in the review of plans for a new buildings.
Pages 48-50	View 1 and Image 1f (Looking east to the Legion building, and beyond to the harbour, piers and lighthouses.) identify an "open landscape with many water views occasionally interrupted by surviving buildings" from Lakeport Road. It should be noted that this area contains large areas of surface parking which allow these open views. Given that Policy 15.1.2.3.2 of the draft Port Dalhousie Secondary Plan identifies these lands as a potential area for housing intensification and that these views are not part of a primary significant viewshed, there needs to be a balance between redevelopment of the lands and the protection of views.
Page 69	We do not support that statement that "...replacement buildings will be generally the same size, height, width and depth as the demolished building." These design criteria place a significant constraint on the redevelopment of the subject lands without taking into account the existing context of the area and modern building practices. We appreciate that the heritage character of the area needs to be maintained but the plan should not constrain the physical design of the building with such a strict blanket policy and not allow room for creative design.
Page 87	Policy 10.7 discusses the Maple Leaf Rubber (Lincoln Fabrics) building as setting the maximum height for the Harbour Area. Similar to our comment above regarding Secondary Plan Policies 15.1.2.5.2.b.i & 15.1.2.10.2.a, we do not believe that the maximum building height on adjacent lands should be linked to the existing or future heights of the Lincoln Fabrics building (see comment above for additional detail).

Again, we thank you for the opportunity to provide comments on the draft Port Dalhousie Secondary Plan and Heritage Conservation District Plan and appreciate the work of staff and consultants on these studies. We look forward to any future public meetings and additional information being released on this matter. Please continue to keep us informed of the next steps.

Sincerely,



Thomas Rankin, P.Eng.  
CEO, Rankin Construction Inc

cc: Dana Anderson, MHBC Planning

December 29, 2017

Mr. Jim Riddell, Director of Planning  
City of St. Catharines  
PO Box 3012, 50 Church Street  
St. Catharines, ON L2R 7C2

**Re: Port Dalhousie Commercial Core and Harbour Area  
Draft Secondary Plan and Draft Heritage Conservation District Plan**

We act for the Port Dalhousie Harbour Club Inc (PDHCI), the owners of the property in Port Dalhousie known municipally as 61-63 Lakeport Road ("Subject Property"). PDHCI acquired the Subject Property on June 1, 2017 and made applications for Zoning By-law Amendment and Site Plan Control on November 17<sup>th</sup>, 2017 to permit development of the site. This development proposal involves retention and restoration of the former Lincoln Fabrics building, including a 2-storey addition atop the existing 4-storey building and 9-storey expansion at the rear. The Zoning By-law Amendment and Site Plan Control applications were deemed complete by the City on December 7, 2017.

As you are aware, this proposal and the related applications have involved significant pre-consultation, design evaluation and collaboration as well as post-submission consultation with Planning Staff, as well as discussions of the nearby development applications and the review of the Port Dalhousie Commercial Core and Harbour Area (CCHA) Secondary Plan ("Secondary Plan") and Port Dalhousie CCHA Heritage Conservation Sub-District Plan (HCDSDP).

Although there is not a specific legislative or administrative requirement to do so, the applicant deferred submission of their applications for Zoning By-law Amendment and Site Plan Control Approval for almost 3 months until the Draft versions of the text of the Secondary Plan and the HCDSDP were released in order to fully understand and give some consideration to the evolving planning policy framework and provide opinions with respect to the conformity or consistency of the proposal with the draft policy documents.

In terms of input on the later matter, our firm previously provided written comments to Planning Staff on the Secondary Plan and HCDSDP process just before the end of August, 2017. The first drafts of the actual text of the two documents were released by the City on October 19, 2017, at which time we reviewed those documents. We later attended the associated Public Open House on October 25, 2017. Updated versions of the Secondary Plan and HCDSDP were released on December 21, 2017. The purpose of this letter is to provide up-to-date comments in response to the recently released versions of the two updated, yet still draft documents.



In general, we feel that Staff and the consulting team with community input, have done a thorough and excellent job in the identification, characterization and setting out of a relevant and grounded overall vision, guiding principles, objectives for Port Dalhousie.

We concur with and support the Draft Secondary Plan vision, guiding principles and objectives for the Port Dalhousie CCHA, particularly as they relate to providing for better and more convenient connections and access with the waterfront, protecting and enhancing the existing character, making this a good place for business and fostering a diverse, vibrant economy, conserving heritage buildings and resources, enhancing and animating the parks and open space system, the Harbour Area and the public realm, and preserving or improving the views to and from the water.

We feel that the Draft Secondary Plan establishes appropriate general policies related to matters of cultural heritage, Community Commercial and Residential designations, built form, parkland and open space, transportation and parking and urban design related to the Commercial Core, Western Harbour Area and the East Side of the Harbour, as well as direction for the implementation and interpretation of the Secondary Plan.

In our view, development of the Subject Property, both as originally proposed as well as subsequently modified through pre-consultation with the City and adjacent landowners, is consistent with the vision for Port Dalhousie and supports the stated principles and objectives. Since the submission, we have undertaken further engagement with City Planning Staff, the development applicant (Rankin Construction) of the Legion lands to the north at 57 Lakeport Road regarding development of both the Subject Lands and the Legion lands.

The purpose of these discussions and further engagement is to ensure that the plans for both of these properties are well integrated and will work together and appropriately take into consideration the context of the Harbour Area and the larger Port Dalhousie area, including the pedestrian, park and open space network and views and connection/access to the waterfront. We are already heavily invested with meaningful, ongoing engagement to ensure that the two developments, both individually and collectively, either conform to or are consistent with the vision, objectives and policies of the Draft Secondary Plan.

In addition to the active and ongoing consultation regarding the development proposals for the Subject Lands and the proximate Legion lands, we would also like to provide number of more specific comments or points of clarification related to the December 21, 2017 version of the Draft Secondary Plan for your consideration, as follows:

#### **1. Section 15.1.2.4.2(b) – Page 6**

**Policy** - The Draft Secondary Plan identifies that new additions and features should be no higher than the existing building and that any proposal to increase the height of an existing building beyond its original roof line should be placed to the rear of the building and setback substantially. However, the Draft Secondary Plan notes that an exception

may be made for a two storey addition on top of the existing Lincoln Fabrics building in keeping with the HCDSDP.

**Comment** - The development proposal for the Subject Property involves a two-storey addition on top of the existing Lincoln Fabrics building as well as a new expansion element to east and north of the building, which, consistent with the Draft Secondary Plan policy, has been placed to the rear of the existing building, setback substantially from the existing principle façade and, by virtue of its design and materials, is easily differentiated and distinguishable from the original building.

The Subject Property is large and thus easily able to accommodate the height and scale of this expansion element, which was specifically designed and scaled to enable and compensate for removal of the Pier 61 building to provide for enhanced views to and from the Harbour as well as to increase the area of publicly accessible space at the Harbour as well as a grander termination point for the Harbour Promenade. Though the proposed expansion conforms with this policy, for clarity we request that the notwithstanding clause be amended to recognize this approach and provide explicit permission for not only an addition on top of the existing building, but also an appropriate expansion to the rear.

## **2. Section 15.1.2.5.2(b) – Page 8**

**Policy** – The Draft Secondary Plan identifies that the lands located east of Lakeport Road and west of the harbour are intended to accommodate a vibrant group of mixed use buildings in a setting that celebrates its heritage, maintains year-round activity, preserves key views/vistas, expands the open space network and provides for increased public access and connectivity to the waterfront. Policy 15.1.2.5.2(b) provides permission for residential dwelling units in a mixed-use building but discourages them from being located on the ground floor and specifically prohibits them at grade if facing Lakeport Road.

**Comment** – The Lincoln Fabrics development proposal provides a mix of residential, live-work and commercial units in the building, the latter two being located on part of the ground floor of the original portion of the building facing Lakeport Road. The intent for the commercial units is to provide a limited number of spaces that are consistent with the intended vision, but that would not undermine the function or primacy of the commercial uses west of Lakeport Street located in the Commercial Core.

No purely residential units are proposed for the Lakeport Road ground floor spaces, however some live-work units are proposed between the end commercial units in the existing building and for the eastern side of the expansion portion facing the harbour. The intent is that the remaining spaces at grade in the original portion of the building be reserved for live/work uses with at-grade access to accommodate uses such as offices possibly combined with living spaces. This approach is reflected in the proposed Draft Zoning By-law Amendment. We recommend that the notwithstanding clause in 15.1.2.5.2(b) be amended to permit live-work units on the ground floor facing Lakeport Road in lieu of all such spaces being dedicated for commercial units or uses.



### 3. Section 15.1.2.7.1 – Page 12

**Policy** – The Built Form policies indicate the tallest building in the area is currently the Lincoln Fabrics building but that taller permissions elsewhere in Port Dalhousie have been granted and stress that new development will be of a size or scale that can be appropriately integrated with surrounding development.

Specifically, Policy 15.1.2.7.1 indicates that Schedule E5 provides maximum heights for buildings and that new buildings will not exceed the maximum number of storeys shown in Schedule E5 except for the OMB permission for 16 Lock Street. Schedule E5 shows the properties east of Lakeport Road and west of the Harbour, including each of the Lincoln Fabrics, Legion and City/Department of Fisheries and Oceans (DFO) properties, with building heights of a maximum of 8 stories.

**Comment** – The 8 storey height limit established under the Draft Secondary Plan should be a general reference point for the height of new buildings as they relate to Lakeport Road, acknowledging that there is a change in grade that is experienced moving east away from Lakeport towards the Harbour such that lower levels of existing and proposed buildings may be exposed along the east elevations.

The expansion portion of the proposed Lincoln Fabrics building has an overall height of 8 full storeys plus a smaller 9<sup>th</sup> level with an integrated mechanical penthouse and 3 additional family sized suites. The 8<sup>th</sup> and 9<sup>th</sup> levels are smaller and setback substantially, such that the overall gross floor area of each is significantly less than the areas of the levels below (85% and 55% of the area of 7<sup>th</sup> floor respectively). The residential portion of the 9<sup>th</sup> level is only about 400 m<sup>2</sup>, which is only about 1/3 of the gross floor area of the lower levels.

The overall height of the proposed building on the Legion property is 30.0 metres to the top of the 8<sup>th</sup> floor, not including any portion of the mechanical penthouse or mechanical elements above that. The overall height of the proposed expansion portion on the Subject Property is 32.3 metres to the top of the 9<sup>th</sup> level, which includes an integrated mechanical penthouse and the 3 additional residential suites.

The difference in the height of the two buildings is only a modest 2.3 metres and by the time the height of the mechanical penthouse on the Legion property is taken into account, the buildings will be virtually the same height overall. Aside from the difference in one floor level, the minor differential in heights between the two buildings can be partly attributed to the Legion building having higher floor to ceiling heights on the main level as well as on the remaining levels.

As outlined in our Planning and Urban Design Rationale Report, the height of these proposed buildings is appropriate given their surrounding context and the additional breathing room that the sites afford by being within the more open Harbour Area and further away from the more compact and finer grained Commercial Core. Although the proposed developments do not have to formally abide by the heights limits for the Harbour

Area specified in the Draft Secondary Plan given that it is still a draft and not an approved document and since the applications have already been submitted and deemed complete, it is our view that the proposed heights of both buildings are contextually appropriate, that they have had proper regard for the evolving policy framework and, in our opinion, they conform to or are consistent with the heights anticipated for the area.

We request that the Secondary Plan recognize the modest additional height proposed for the Lincoln Fabrics site as being appropriate and really a function of the significant design collaboration that has occurred with the City and their specific request to modify previous plans to remove the Pier 61 building and establish a smaller, but taller expansion footprint in order to provide for direct views to the Harbour, as well as a desire to provide additional publicly accessible waterfront open space and an enhanced promenade feature. The Secondary Plan should recognize that an overall height limit generally in the range of 8 stories or at about 30 to 32 metres would be appropriate and remain consistent with the emerging direction for maximum heights in the Harbour area and other developments proposed in the area.

#### **4. Section 15.1.2.10.2 – Page 19**

**Policy** - Section 15.1.2.10.2 provides urban design direction relating to the intended character of development in the Western Harbour Area recognizing and reflecting the area's nautical and industrial character. Section 15.1.2.10.2(a) stresses that the Lincoln Fabrics building is an iconic building that represents the area's industrial heritage and that it should remain as the most prominent building within the Harbour Area with other buildings decreasing in prominence.

**Comment** - Although we do not feel that this prominence will be diminished, we reiterate that the prominence of the existing building is not just a function of its current height, but is also a reflection of its prominent location as the first building you encounter when you enter Port Dalhousie from the south, its significant dimensions with the longest axis being roughly parallel to Lakeport Road and its extensive number of window openings and the consistent materiality and colour palette of the existing building.

Although the proposed development will involve both an addition and expansion to the building, it will not change the elements that contribute to the building's prominence. The new construction will be located both above the existing building but significantly setback at the upper levels or located to the rear of the existing structure and behind the main wall. The new construction will also be "of its time" and utilize building styles and materials that will be compatible and sympathetic to the existing building, yet allow it to be visibly differentiated and distinguishable from the older portion.

When viewed together, the lower larger portion and the taller, more compact portion will provide for a balanced, perhaps even a sculptural aesthetic. Further, through the redevelopment, the existing portion of the building will be fully restored, later incompatible or structurally unsound additions or features will be removed and a new cupola feature in the spirit of the one which originally graced the top of the elevator and stairwell shaft will

be reincorporated. Taken together, the renovation of the existing building, the addition/expansion elements and the reinstatement of certain features will, in our opinion, only serve to reinforce, enhance or heighten the buildings prominence.

**Policy** - Section 15.1.2.10.2(c) requires new buildings above 3 storeys to have a 3 m setback on all sides to reduce the perceived mass of buildings at ground level.

**Comment** – Although we agree with the use of stepbacks and other built form and design elements to achieve this urban design objective, we disagree with the use of a strict numerical requirement within the Secondary Plan. The existing Lincoln Fabrics building is well set back from the street and sidewalk. It is currently 4 storeys in height and will have a setback at the 5<sup>th</sup> and 6<sup>th</sup> levels to reinforce the prominence of the building and to help with pedestrian scale.

The expansion, although not an entirely new or separate building, will nonetheless be located behind and well back from the main wall of the existing building and the street. Further, it will employ the use of different building materials at the first two levels and a small setback above the second level in order to reinforce the prominence of the existing building and to reduce the perceived mass at the ground level. Access to sky views will be increased with stepbacks at the 8<sup>th</sup> and 9<sup>th</sup> levels and views to the Lake and water will be enhanced at grade with open colonnades.

We request that the policy be less prescriptive and more generally encourage or require the use of various stepbacks and other massing, design and building material techniques to visually differential building components to maintain a pedestrian scale at grade and to maximize sky views and views to the Lake or harbour.

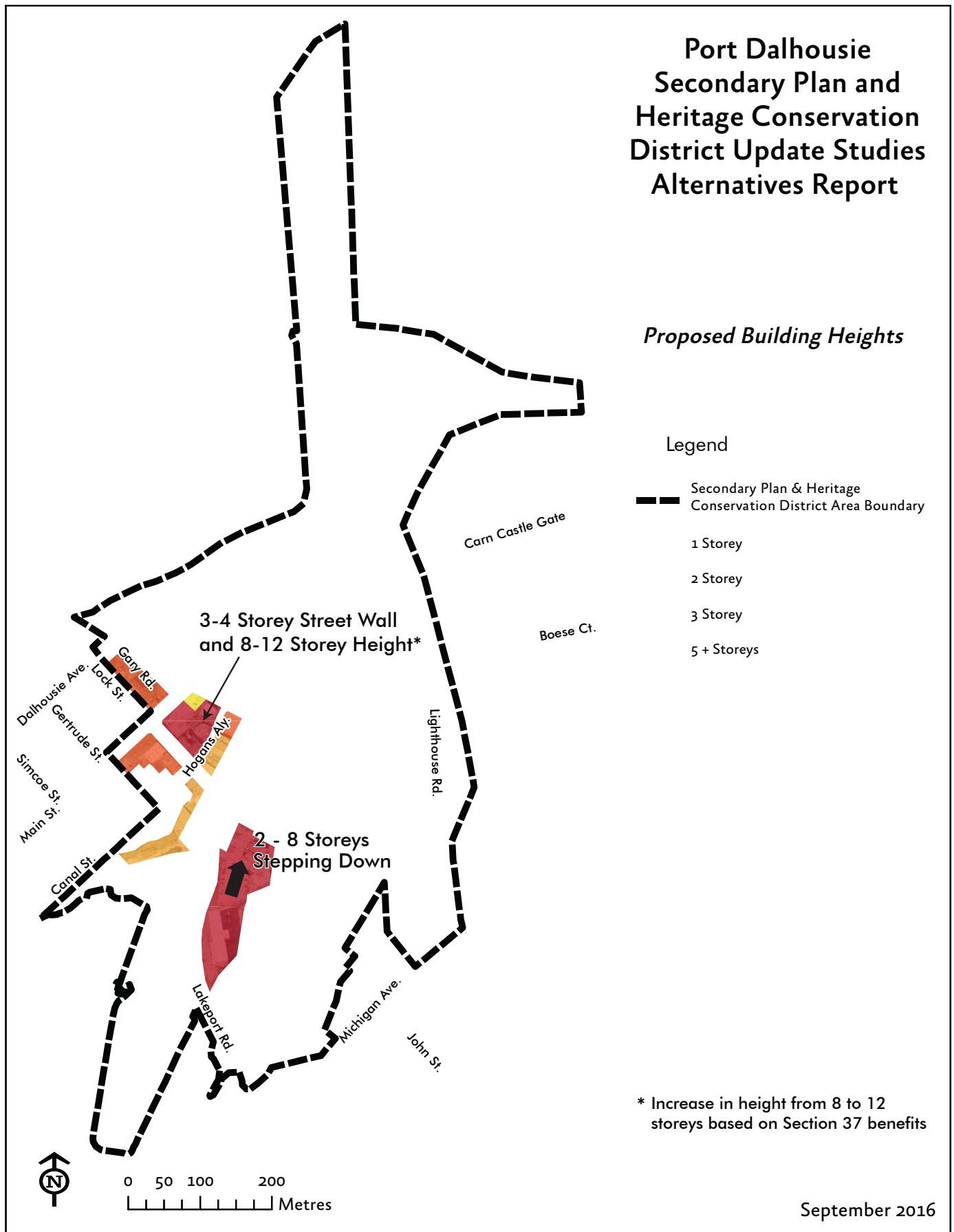
As previously detailed in our Planning and Urban Design Rationale Report submitted with the complete application for the Subject Property, we feel that the proposed development generally conforms with the Draft Policies of the Draft Secondary Plan. Our intent in providing this letter is to respond to the City's request for comments and to help in moving the Secondary Plan forward with additional clarity and confirmation of the relationship of the Draft policies to the Subject Site and development. We appreciate the opportunity to provide these comments and look forward to continuing to work with staff and the other applicants on the proposed developments in a highly collaborative manner to implement good development, cohesive plans and help realize the vision of the Secondary Plan.

Yours truly,

A handwritten signature in dark ink, appearing to read "Bruce Hall", with a stylized, flowing script.

Bruce Hall, BES, MCIP, RPP, Principal  
THE PLANNING PARTNERSHIP

Figure 2



**Concerns for the New Secondary Plan for the Port Dalhousie Commercial Core and Harbour Area and Heritage Conservation District**

January 8<sup>th</sup>, 2018

To: Mayor Walt Sendzik , City Councillors, Bonnie Nistic-Dunk, City Clerk and Scott Ritchie, Urban Design Planner and Kevin Blozowski, Heritage Planner.

Re: A New Secondary Plan for the Port Dalhousie Commercial Core and Harbour Area and Heritage Conservation District

**Without Prejudice**

City Staff and City Councillors

I am forwarding the following new written aspects of common-sense and safety concerns as an addition to my letter of September 27<sup>th</sup>, 2017 submitted to Scott Ritchie and City Councillors for the December 12<sup>th</sup> 2017 Council Meeting about the Fortress Condo Tower proposal. It was posted on page #153 of the City Council Agenda. I am doing this especially for my grandchildren and also for my family, friends and associates that also have concerns.

The following additional issues in regards to a new Secondary Plan for Port Dalhousie now need to be addressed and answered. Please do not take it as offensive but it is my opinion ... and many others that I associate with .... that it appears ... after personally being on several City committees that City Hall is now being self-directed by the newer City staff in a negative manner for short term benefit planning issues and not thinking in the best interest for the City residents for the long term and future generations.

Some of our new concerns:

**Concern #1 - DELAY OF PORT DALHOUSIE SECONDARY PLAN.** First of all it is my opinion this Secondary Plan should have been prepared and approved several years ago before the first Port Dalhousie tower was proposed. Was there a lack of competency? Our City taxpayers, my relatives, friends and associates need answers. Why did our City staff wait so long? Why did our City staff wait longer than 180 days to have a final public meeting or decision for the new Fortress Condo proposal that put the project's financier in an advantage position with the OMB? Why are our City staff and some councillors trying to destroy our unique Old Port village for our grandchildren and future generations to bail out the project's financiers and increase the tax base? Interesting Question - **How many of our councillors would vote to allow a contractor build a massive 220 unit 14 storey tower at Peggy's Cove in Nova Scotia?**

**Concern #2 - NEED THE PREVIOUS OMB DECISION REVOKED.** The Ontario Municipal Board is now dissolved. The former OMB approved the current 80 unit condo tower, hotel and theater complex. This proposal was the decision of only one board person Susan Campbell in favour of the developer. I attended this lengthy OMB hearing and testified about the PARKING ISSUES being on the former Parking Advisory Committee. However it is my opinion that this OMB board originally should have been comprised by a decision of at least three OMB board members for this important Heritage Historical ruling ... not by one person who could have been unduly influenced. There should have been an expiry date on the OMB approval for construction to start. To-date because of this misguided error-in-judgment ruling the new construction has not happened for the past nine years. It does not make

common sense that this OMB ruling is allowed to be the exclusive authorization plan for our Port Dalhousie for the next 100 plus years. It is our Old Port village not the expired defunct OMB's village. It is my opinion that our City's legal department needs to immediately start the legal initiative actions with the Province to have this past out-dated ruling revoked .... especially now that the 'pro-developer OMB' has been dissolved. However, in the mean time if this new 220 unit 14 storey condo proposal and secondary plan have to go to a '**Grandfathered OMB Hearing**' then the residents of St.Catharines need to insist that the OMB hearing be composed of a minimum of at least three board members.

Concern #3 - OPEN FOR BUSINESS??? It is my opinion that some of our City staff and certain councillors are more concerned about being '**open for business**' for only **Toronto area developers** while giving our great reliable local contractors and taxpaying residents difficult times in regards to planning and renovation issues. From personal knowledge our City planning department staff has a unique way in managing the stalling of permits for months and unnecessary re-overcharging residents ... such as requesting detailed blue prints for a front entrance railings & stairways .... minor expanding of an existing deck .... and new revised costly blue prints for our honourable local contractors for minor constructions changes in new construction plans ... condo plans in Old Port, a new car dealership and a new Credit Union branch ... and minor changes to residences especially in the Port Dalhousie Heritage area. However, it is my opinion it is a **serious questionable contrasting double-standard** that our City planning staff have **NO PROBLEM** in freely allowing an out-of-town Toronto financial company build a money making oversize residential 14 storey 220 condo unit in a **confined limited three storey commercial historical village** area just to recover their financial losses in financing the previous developer. It is my opinion that our City planning department's short-sighted non-sustainable-thinking that this out-of-place oversize condo complex will help increase the tax base .... but in reality will destroy our unique historical 1826 Port Village for our future generations because of the current ... money, power and greed .... using the questionable excuse that St.Catharines must be '**open for business**'. 'Open for Business' is a fallacy when it comes to short-term projects like a condo development. Condos especially built by out-of-town developers who are in it for huge profits and are only in it for short-term, self interest and not the community's benefit .... and in realty the money leaves the community. We need to be **open for business** for research and development, health and science, computer and technology, and unique manufacturing businesses which will bring in real long term jobs to our community

Concern #4 - MONEY, POWER & GREED. It is interesting that some councillors commented that Port Dalhousie belongs to all the residents in St.Catharines. Some City residents, City staff and other Ward counsellors living outside the Port Dalhousie Ward have commented that they are in favour of this complex simply because they are tired of all the opposition and just want this condo built. Some also have a conflict of interest especially being in real estate. However, it is my opinion these people do not live in Old Port and do not fully comprehend the negative environmental impact this out-of-place monster development will have on the entire Port Dalhousie neighbourhood. From my environmental urban planning training I find that this is an unsustainable over-crowded lack-of common-sense City planning decision for a confined limited village core ... with lack of parking, additional traffic congestion, shadowing, change in convection winds, overload on sanitation and utility infrastructures and safety factors ... adapting to new climate changes especially with local flooding and violent storms. **This is not Toronto.** Local residents and St.Catharines visitors will be affected when trying to use the beach, recreation and marina facilities and local food establishments. Our local City visitor users understand the numerous current problems and are also sympathetic to this inappropriate potential proposal for the sake of Toronto's money, power and greed. Again we ask **how many of our**

**councillors would vote to allow a contractor build a massive 220 unit 14 storey tower at Peggy's Cove in Nova Scotia?**

Concern #5 - CRIME PREVENTION THROUGH ENVIRONMENTAL DESIGN. Unfortunately the new world order with potential terrorism safety issues has to be addressed. Example look at just what happened this past summer in Las Vegas where many people were killed and seriously injured from bullets fired a long distance into an open public area from a high-rise hotel complex. It is my opinion that this is a new warning wake-up-call for us. This new proposed 14 storey condo tower will be in close visual shooting range proximity to hundreds of residents, boaters and visitors using the wide-open busy Lakeside Park areas of the Old Port beach, Merry-Go-Round, the new children's play ground, the new band shell, the new pavilion and the harbour and rowing docks, complex court yard, and other facilities. Yes ... this is 2018 and it is my opinion that unfortunately it could potentially happen here. We now have to be careful and vigilant with the locations of new high rise buildings, their designs, location of balconies in close proximity and window views of near large open public areas.

Reference: I took a very alarming course sponsored by Brock University and notably the City of Ottawa has now adopted it in their planning departments. It was put on by Security Through Safe Design Inc. .... the course called '**Crime Prevention Through Environmental Design**'. One of our City staff also attended. It is my opinion that unfortunately our new Secondary Plan now needs to adopt these security design safety features into account for our busy Lakeside Park .... and recommend limiting the village core to a maximum of three to four stories structures depending ... on the structure design and most of all ..... scrutinizing all the public security visual access layout design plans and balcony locations. The security course instructor stressed that the new successful city planners need to think '**as a criminal**' to be creative with crime prevention designs.

I want to thank you for listening and allowing me to express my additional concerns and provide a few new suggestions.

As I see it

Sincerely

Phil Baranoski  
18 Kilkenny Drive (Port Dalhousie Ward)  
St.Catharines, ON  
L2N 6E3

[pkbar@sympatico.ca](mailto:pkbar@sympatico.ca)

Cell 905-685-2456





## *Dalhousie Yacht Club*

74 Lighthouse Road,  
St. Catharines ON, L2N 7P5  
Telephone: 905-934-8325  
Fax: 905-934-5966  
[www.discoverdyc.com](http://www.discoverdyc.com)

January 26, 2018

Stephanie Tripp – Manager of Realty  
Jim Riddle – Director of Planning and Building Services

Re: Port Dalhousie Secondary and Heritage Plans,  
Impact on Dalhousie Yacht Club (DYC) leased land and club access.

Dear Stephanie and Jim,

After review of Port Dalhousie Commercial Core and Harbour Area Secondary Plan and some drawings from the workshop studies, the area of Lockhart Point has been identified as potential future parkland in which DYC supports. However DYC wants to inform the city that our main gate and access to our west side docks is currently at northern end of Lockhart Point connected by an access road to our six parking spots and our washroom facility. (See Schedule A from our lease) This current access to the docks is handicap accessible along with a handicap parking spot. This handicap access will need to be retained in order for the yacht club to operate. This access also provides emergency fire and ambulance route.

Attached are HCD Plan (page 10) and the Harbour Urban Design Study Plan 'F' and Schedule 'A' from our current lease for your reference. As described in the secondary plan (top of page 14) the vision includes *"reconfigured facilities for shared –public-private facility to improve public access to the point."* DYC also supports this with the intent of a new shared washroom facility with a private club washroom on one side and a public on the other.

Our main concern is handicap, fire and ambulance access, and perhaps a more direct access lane, directly along the west side of point would work well with the public and DYC without encroaching on the parkland as a solution for all when the time comes in the future. We are also interested in discussing options for channel crossing, such as footbridge and or water taxi. As large scale users of the harbour, we have a lot knowledge and experience with respects to water and surrounding land and would be thrilled to be your partner throughout the decision making process.

DYC requests that we are to be included in all future discussions regarding our leased lands both west and east side of the harbour. The Dalhousie Yacht is celebrating our 81<sup>st</sup> year in the harbour, providing affordable boating slips to the residents of St. Catharines and beyond. Since 1959 DYC has offered an open to public, learn to sail program for youths and adults without the need of paying a club membership. This has allowed thousands of citizens the opportunity to enjoy the sport of sailing and getting out on the water at an affordable price. DYC diligently promotes bringing travelling boaters from the reaches of Lake Ontario which has a positive impact on local business. Last year DYC made a capital investment with a brand new above ground fueling system for boats, which serves all boaters who require fuel while at Port Dalhousie, including fueling coast guard, and all emergency services boats. All of this makes the Dalhousie Yacht Club a proud member and supporter of the community and we look forward to the exciting future development of this great harbour and city.

Best Regards

Paul Haynes  
2016 -2017 Past Commodore

Simon Krall  
2018-2019 Commodore



# **PORT DALHOUSIE COMMERCIAL CORE AND HARBOUR AREA HERITAGE CONSERVATION DISTRICT PLAN**

Prepared for:  
CITY OF ST. CATHARINES

# PORT DALHOUSIE COMMERCIAL CORE AND HARBOUR AREA HERITAGE CONSERVATION DISTRICT PLAN

DECEMBER 2017



415-21 NASSAU STREET  
TORONTO, ON M5T 3K6

2509 WINDERMERE ROAD  
WINDERMERE, ON P0B 1P0



The report has not been adopted by Council but has been used as a reference in the companion Secondary Plan Study prepared concurrently with this HCD Plan.

### **3.4.5 Proposals for Change in The Commercial Core and Harbour Area**

Within the Commercial Core and Harbour Area of Port Dalhousie there are several properties which are the subject of actual or potential re-development applications; Gary Road, 16 Lock Street, Royal Canadian Legion, and Maple Leaf Rubber Factory (Lincoln Fabrics). In addition, Lakeview Park is being

re-planned by the City of St. Catharines. The City is in the process of identifying appropriate new uses and operators for the municipally owned Dalhousie House, (Muir Brothers Dry Docks building).

### **3.4.6 Need to Update the HCD Plan**

All of the above factors led to the City of St. Catharines commissioning a new Secondary Plan Study and HCD Plan update for the Commercial Core and Harbour Area. Here follows extracts from the Terms of Reference and options considered for the “Update” to the HCD Plan.

## **3.5 TERMS OF REFERENCE FOR UPDATE OF HCD PLAN**

The following are extracts for the Terms of Reference issued by the City of St. Catharines for the Update of the 2001 HCD Plan.

### **3.5.1 Objectives**

- To identify opportunities and provide guidance aimed at protecting and enhancing heritage assets within the study area, in conjunction with appropriate land uses;
- To examine how heritage assets can be integrated with existing planning approvals and future development;
- To ensure connectivity between improvements to natural and open heritage features with overall Secondary Plan objectives.
- To ensure that objectives for future development and objectives for preservation of heritage assets and place character are consistent with one another.

### **3.5.2 Process**

- To review the existing Guidelines policies pertaining to the Commercial Core and Harbour Area and evaluating their effectiveness and need for revision or expansion;



*Plan from the 2012 Harbour Area Urban Design Study*

Current Dalhousie Yacht Club Main Gate and Handicap Parking and access and washroom facility.



Schedule "A"

Lake Ontario

Leased From DFO

Port Dalhousie Pier Inc.

Public Walkway

Lighthouse Road

Emergency Docks

6 Parking Spaces

Washroom

Sanitary  
Forcemain Sewer

Access  
to Water Lot

- Transient Dockage Area
- DYC Premises
- Shared Area for Public Walkway
- Area Leased from Fisheries and Oceans Canada
- Sanitary Forcemain Sewer
- Access to Water Lot over Part 8, 30R-2522



# **Port Dalhousie Secondary Plan & Heritage District Guidelines Update Study**

## **Visioning Workshop June 21, 2016**

### **Port Dalhousie Lions Centre**



Macaulay Shiomi Howson Ltd.  
Brook McIlroy Inc.  
Catherine Nasmith Architect  
BA Consulting Group Ltd

# F. Harbour Urban Design Study

## Preferred Option A

Preferred Option A provides two very distinct waterfront areas, including Lockhart Point Park and the Harbour Square. Together, these two areas establish a setting with diverse recreational activities, vibrant open spaces, and increased connectivity to the waterfront.

## Legend

Building Heights (Storeys)	#
Harbour Square	
Treadwell's Restaurant	1
Lincoln Fabrics Building	2
Market/Community Building	3
Mixed-Use Buildings	4
Lockhart Point Park	
Boardwalk Promenade	5
Park Pavilion and Viewing Terrace	6
Passive/Active Green Space	7
Lock Gardens	8
Parking Area	9
Vehicular Drive	10
Existing Pedestrian Bridge	11
Lockkeeper's Shanty	12
Yacht Club	13



**CITY OF ST CATHARINES**

**PORT DALHOUSIE  
COMMERCIAL CORE AND  
HARBOUR AREA  
SECONDARY PLAN**

**December 2017**

- encourage park useage and animate the area on a year round basis. The Park currently houses the Yacht Club and associated facilities and the City may consider options for these facilities including reconfiguring the facilities and/or shared public-private facilities to improve public access to the point. The uses should augment rather than compete with the uses in Lakeside Park. The Park should be designed to take advantage of its prominent location and ensure views and vistas of the harbour are maintained.

4. The protection and restoration of the historic lock walls as well as the possible restoration of Lock 1 of the Second Welland Canal and/or historical commemoration of the canal through interpretative plaques or a monument like structure commemorating the history of the area will be encouraged.
5. The western harbour promenade is a defining feature of the area and where possible should provide for multiple modes of active transportation. Improvements to the promenade including high quality landscaping, seating and increased connections with private uses will be encouraged. Pedestrian linkages between the harbour area and Rennie Park should be created to enhance connectivity. Grade changes must be appropriately addressed and integrated into the landscape design in order to ensure accessibility.
6. For the lands on the east side of the harbour which are currently designated Parkland and Open Space, the permitted uses will be expanded to allow uses which support and enhance the harbour and tourist functions in order to support an increased activity level and facilitate greater use of the area on a year round basis. Cultural facilities and recreational uses which support the tourism and leisure function of the area including such uses as markets, artisan workshops, galleries, restaurants, meeting or festival spaces, or small community serving facilities such as library or community centres are encouraged. Stand-alone restaurants that take advantage of the harbour views may be permitted in the zoning by-law. The intent is to generally encourage retail stores and service commercial uses to remain in the Commercial Core but uses that are appropriate in the harbour context, may also be considered. Development of the area would be further enhanced by increased connectivity with land west of the harbour as identified in Part E 15.1.2.9.10. Buildings or structures proposed within the area may be subject to further studies to address hazard mitigation measures, shoreline protection works and suitable setbacks. Any new development in the area will be subject to the urban design policies in Part E Sections 15.1.2.10.3.
7. The Locktender's Shanty which is located at 69A Lakeport Road should be restored internally and notwithstanding the uses permitted in Part C Section 13.1.1 of the Plan, additional commercial, tourist or community service uses such as a studio, community classes or bicycle rental facility may be permitted in order to facilitate maintenance and adaptive reuse of the building.



Memo to: Amanda Knutson- City Planner

From: Port Dalhousie Conservancy

RE: Response to: Lincoln Fabrics Proposal.

Dear Ms Knutson:

The adaptive reuse of Heritage Buildings is something that the Conservancy is very much in favour of. We are also pleased with the fact that the architect for the proposal proposes to reuse the Lincoln Fabrics building and incorporate the building into their development plans. We have previously had the opportunity to tour the building with Sheldon Rosen and have a fair understanding of what they are attempting to do, as well as the strengths and weaknesses of the building site.

However our concerns with respect to the Secondary plan also apply to this particular plan, as we don't believe that it reflects the discussions with the consultants at the Secondary Plan Open Houses nor the current planning regime. We await the requested comprehensive analysis on infrastructure and services which are needed for the entire secondary plan and we hope that this proposal can be made to fit within an approved secondary plan so that we can support it.

We also have a number of direct concerns about the proposal;

- A) The size and volume is inconsistent with appropriate homage that new construction ought to pay to the Heritage building itself. During our tour we were clearly told by the builder that they were shooting for 90-110 units. We are disappointed that the final plan as drafted, indicates 153 units. We do question what has caused this radical change.
- B) We know that city planners are attempting to preserve the views between the two projects currently planned for the harbour area. That goal is something we can support, however it appears that the price requested to be paid for this swap is totally out of proportion to what has been requested by the city.
- C) The tearing down of Pier 61 and the integration of it into the Heritage building is an interesting concept, however it does not require an addition of what appears to be almost 10 stories and approximately 50 additional units from what was previously proffered in the original design. The tearing down and rehabilitation of the Pier 61 site is a relatively small job which could be completed in a few days according to a local contractor we consulted. The fifty additional units simply produces another 20 million in value and raises additional infrastructure concerns.
- D) The new higher and larger addition proposed to be added to the existing building, completely overwhelms the Heritage structure, (even if you were to accept adding two stories to the historic building) to the extent that the historical nature of the building is lost. In our view the addition should be more subordinate to the historical structure and definitely lower in height.
- E) The plan as proposed also reorients the "front" of the new building to the water and the "back" to the community and Lakeport road. In fact the newly restored cupola, which we support, cannot even be seen from the park over the additional stories added to structure.
- F) We reiterate that 8 stories (much less 10) has no support from the public consultations nor from the professional recommendations that came about out of those consultations. In addition the 2012 Brooks MacLroy report only suggests 8 stories in 1 out of 3 options presented and only in context of a declining height towards the water at Lockhart point.

- G) The public consultations clearly established the maximum height of the existing Lincoln Fabrics building as the community's desired height, so we have no idea how the recent draft report comes up with 8 stories. We can surmise that the swap of square footage for views is responsible for this additional height, but if that is so, then the price being paid is way too high.
- H) We would also like to make you aware that we would like you to consider the preservation of the old powerhouse either in situ or as a park monument which would be an interesting artifact for the city. The power house was used to power the entire village of Port Dalhousie and we understand that some individuals even went door to door to collect payment for their power consumption. This is an interesting part of Port History that should not be lost. Perhaps Pier 61 could be rebranded as the "Powerhouse Grill" 😊 since that is the location of its replacement next to weir.

It may be instructive to consider our previous comments with respect to underground parking on site and under public land, for the Legion to assist you in reducing the height.

Thank-you for allowing us to comment on this proposal. We remain ready and willing to meet and discuss these issues further.

Hank Beekhuis, President

On behalf of the Port Dalhousie Conservancy