



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, June 11, 2018  
Council Chambers, City Hall, 6:30 PM**

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

Page

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

- 3.1 Special Meeting of Council, [Minutes of May 23, 2018](#), and  
Regular Meeting of Council, [Minutes of May 28, 2018](#)
- 3.2 General Committee, [Minutes of May 28, 2018](#)

- 4. Declarations of Interest**

- 5. Public Meetings Pursuant to Planning Act**

- |          |   |
|----------|---|
| 4 - 16   | 5.1 Planning and Building Services, Planning Services<br><i>Planning Act Public Meeting - Information Report</i><br>Application for Draft Plan of Vacant Land Condominium; 45 Dorchester<br>Boulevard; Owner: 1346704 Ontario Inc.; Agent: Upper Canada<br>Consultants  |
| 17 - 23  | 5.2 Planning and Building Services, Planning Services<br><i>Planning Act Public Meeting - Information Report</i><br>Amendment to Zoning By-law 2013-283 (City Initiated) Section 2.3,<br>Buildings on One Lot   |
| 24 - 60  | 5.3 Planning and Building Services, Planning Services<br><i>Planning Act Continuation of Public Meeting – Recommendation Report</i><br>Proposed Zoning By-law Amendment, 85 Scott Street, Owner: 1393792<br>Ontario Ltd, Agent: Upper Canada Consultants<br><i>(Report contains links; copy available upon request)</i>       |
| 61 - 129 | 5.4 Planning and Building Services, Planning Services<br><i>Planning Act Continuation of Public Meeting - Recommendation Report</i><br>Application to Amend Zoning By-law 2013-283; Subject Lands: 57<br>Lakeport Road; Owner: Royal Canadian Legion Branch 350; Applicant:<br>Rankin Construction Inc.; Agent: MHBC Planning |

Page

Additional Subject Lands: 3 Lakeport Road, 57A Lakeport Road; Owner: Department of Fisheries and Oceans

Additional Subject Lands: 45 Lakeport Road; Owner: City of St. Catharines

*(Report contains links; copy available upon request)*

[Addenda]

130 - 136

- 5.5 Planning and Building Services, Planning Services  
*Planning Act Continuation of Public Meeting - Recommendation Report*  
Application for Draft Plan of Vacant Land Condominium; 585 Welland Avenue; Owner: Cosmopolitan Homes (Niagara) Ltd.; Agent: T. Johns Consulting Group Ltd.

137 - 143

- 5.6 Planning and Building Services, Planning Services  
*Planning Act Continuation of Public Meeting - Recommendation Report*  
Application for Draft Plan of Vacant Land Condominium; 164 & 164A Martindale Road; Owner: Glenbrook Homes Ltd.; Agent: Better Neighborhoods Inc.  
*(Report contains links; copy available upon request)*

## **6. Delegations**

## **7. Presentations**

## **8. Motions**

### **8.1 Commendation of Investigative Reporting**

*At the meeting of May 28, 2018, Councillor Kushner provided notice of the following motion:*

WHEREAS on April 17, 1982, Canada's Constitution came home and freedom of the press was enshrined in the Charter; specifically, Section 2(b) of the Canadian Charter of Rights and Freedoms guarantees that everyone has "the freedom of thought, belief, opinion and expression, including freedom of the press and other media of communication"; and

WHEREAS investigative journalism is being attacked, not only worldwide, but also at the local level;

THEREFORE BE IT RESOLVED that the Council of City of St. Catharines commends the media for their investigative reporting and in no way supports censorship of news.



**8.2 Special Meeting of Council - 2019 Operating Budget Deliberations - December 17 and, if necessary, December 18, 2018**

*Councillor Siscoe will present the following motion for the consideration of Council:*

That Council approve the addition of a Special Council meeting date of December 17, 2018, and if required, December 18, 2018, for the purpose of reviewing the 2019 Operating Budget; and

That the meetings be held in the Council Chambers commencing at 6:30 p.m.; and

That the City Clerk be directed to make the necessary notifications.

**8.3 Suspension of Requests for Staff Reports**

*Councillor Phillips will present the following motion for the consideration of Council:*

That Council agree to suspend requests for staff reports for the remainder of the term of Council following the June 25 Council meeting, so that staff have time to respond to existing requests for information, including the outstanding reports list, the strategic plan and established work plans.

[Addenda]

**9. Call for Notices of Motion**

**10. Resolve into General Committee**

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

**12. Motion to Ratify Forthwith Recommendations**

**13. By-laws**

144 - 145

**13.1 Reading of By-laws**

**14. Agencies, Boards, Committee Reports**

**14.1 Minutes to Receive:**

- [Heritage Permit Advisory Committee, April 26, 2018](#) (draft)
- [Heritage Advisory Committee, May 10, 2018](#) (draft)

**15. Adjournment**



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** May 17, 2018

**Date of Meeting:** June 11, 2018

**Report Number:** PBS-127-2018

**File:** 60.46.439

**Subject:** *Planning Act Public Meeting - Information Report*  
Application for Draft Plan of Vacant Land Condominium; 45 Dorchester Boulevard; Owner: 1346704 Ontario Inc.; Agent: Upper Canada Consultants

## Recommendation

That Council consider this Information Report as part of the Public Meeting; and

That Council consider the Recommendation Report regarding application for Draft Plan of Vacant Land Condominium at a meeting of Council on June 25, 2018, at least 14 days after the Public Meeting of June 11, 2018, pursuant to Section 51(20) of the Planning Act. FORTHWITH

## Summary

The purpose of this Information Report is to provide Council and the public with information concerning the application for Draft Plan of Vacant Land Condominium at 45 Dorchester Boulevard prior to the Public Meeting scheduled for June 11, 2018. This report provides an overview of the application, and a summary of applicable planning policies and circulation comments. A Recommendation Report containing planning analysis addressing any outstanding concerns from the Public Meeting and providing a staff recommendation for this application will be considered by Council at the meeting on June 25, 2018.

## Report

### Proposed Development

The Draft Plan of Vacant Land Condominium application proposes to create 49 townhouses, as well as a common element area for a private road, visitor parking, sidewalks, landscaping and servicing. The proposed Draft Plan of Condominium is attached as Appendix 1.

The development will be accessed by a driveway connection to the recently constructed Dorchester Boulevard extension. The applicant has requested Draft Plan of Vacant Land Condominium Approval so that each of the 49 townhouse units can be sold individually as condominium units. The development will also require site plan approval. An application for site plan approval was submitted concurrently with the condominium

application and the review of the application is nearing completion. Once approved, the Site Plan Agreement will be registered on title of the lands, binding the future condominium corporation.

## Location and Site Description

The subject lands are located on west side of Dorchester Boulevard, south of Meredith Drive in the City's North Planning District. A location map is attached as Appendix 2.

The subject property is approximately 1.96 hectares in size, with 46.5 metres of frontage along Dorchester Boulevard. A City servicing easement runs along the south side of the property, within the rear yards of some future townhouse units and under a portion of the new private road.

Surrounding land uses include:

North:	Berkley Park and private road townhouse development.
South:	commercial plaza (Briarfield Shopping Centre), townhomes and vacant residential lands.
East:	townhomes and vacant residential lands.
West:	commercial/residential plaza (Royal Court Plaza and Apartments).

## Background

The subject parcel was created by way of severance in 2017. The severance application resulted in the dedication of lands to the City for the now substantially completed Dorchester Boulevard extension, which provides a connection between Meredith Drive and Welland Avenue via Dorchester Boulevard South. A single residential lot was also created on the opposite side of the Dorchester Boulevard through that severance but is not part of this application.

## Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. No objections to this application were received. Departmental interests and concerns will be addressed through the Site Plan Approval process and through standard conditions of Draft Plan of Condominium Approval. Niagara Region and the Niagara Peninsula Conservation Authority have both advised that they have no concerns and require no conditions with respect to draft plan of condominium approval.

## Planning Policy Context

The City's decision on this application must be consistent with the Provincial Policy Statement (2014) and must conform with and not conflict with Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff will evaluate this Application for Draft Plan of Vacant Land Condominium against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe (2017), the Regional Official Plan, and the Garden City Plan, all of which apply to land development within St. Catharines, including this proposal, and the staff recommendation will be formed accordingly.

## Provincial and Regional Policy Context

The subject lands are located within a Settlement Area, as defined by the Provincial Policy Statement (2014) and within the Built-up Area as identified by the Provincial Growth Plan for the Greater Golden Horseshoe (2017). These documents contain policies that support various forms of residential intensification and urban area regeneration, directing growth to Built-up Areas. Provincial policies place an emphasis on compatible intensification and infill to foster the development of more complete communities. Complete communities are those which more efficiently use land, resources, infrastructure and public service facilities; have a diverse mix of land uses and housing choices; improve social equity and quality of life; provide new and expanded access to multiple forms of transportation; provide access to public spaces that are vibrant and resilient in their design; and conserve built and cultural heritage resources.

The following provides an overview of the Provincial Policy Statement and the Provincial Growth Plan policy themes that are most relevant to this Application for Draft Plan of Vacant Land Condominium Approval:

- promote the wise use and management of land use change;
- promote compact built form and transit supportive development, a diversity and mix of uses and opportunities, and the efficient use of land, infrastructure and service capacities to support development, redevelopment and growth;
- establish a land use plan and pattern that supports financial sustainability and cost effective development and provision of services;
- provide for a range of uses and opportunities through development, redevelopment, intensification and adaptive reuse to accommodate projected growth and longer term need;
- accommodate an appropriate range and mix of housing opportunities, as well as employment, recreation, institutional, and active and passive recreation;
- support an accessible, connected and complete community;
- foster safe, interactive, active transportation and connected communities;
- ensure viability for long term development and community investment;
- maintain, enhance vitality of main streets, and conservation of neighbourhoods;
- encourage sense of place by promoting well designed built form and cultural planning to conserve features that help define the character, built heritage resources and cultural heritage landscapes of the area;
- adapt to climate change through compact and nodal development;
- promote high quality built form, attractive/vibrant public realm through site design and urban design standards;
- support complete communities.

A more detailed planning analysis and evaluation of the proposal against relevant Provincial policies will be provided in the Recommendation Report.

## Regional Official Plan

According to the Regional Official Plan (ROP), the subject lands are within the Urban Area Boundary of the City of St. Catharines, as identified on the Regional Structure Plan of the Niagara Region Official Plan (ROP). The lands are identified as Built-Up Area, which is to be the focus of residential and employment intensification and redevelopment within the Region over the long term. Municipalities are encouraged to provide a full range of housing types to serve a variety of people as they age through the life cycle.

The ROP echoes the land use policies and objectives of the Provincial Policy Statement for residential intensification and sustainable communities outlined above. The ROP describes that 95% of residential growth in St. Catharines will occur in the Built-Up Area, with intensification being encouraged throughout the entire Built-Up Area.

A planning analysis and evaluation of the development against the policies of the Regional Official Plan will be provided in the Recommendation Report.

## Official Plan (Garden City Plan)

The approval of this application must conform to the City's Official Plan. The St. Catharines Official Plan (Garden City Plan) came into force and effect in July, 2012. The goal of the Official Plan is to create a sustainable community that makes efficient use of its infrastructure by facilitating more compact, mixed use, walkable, bikeable and connected developments. Provincial interests, policies and the land use planning framework inherent in the PPS, Growth Plan and ROP are entrenched within the City's Official Plan.

The subject lands are designated Neighbourhood Residential as per Schedule D1 of the Garden City Plan (GCP) (Appendix 3). The lands are further designated as Medium Density Residential (Appendix 4) as per Schedule E3 of the GCP for the North Planning District. The Medium Density Residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density range generally between 25 and 99 units per hectare of land. The proposed development has a density of 25 units per hectare.

The residential development proposed on the lands is a permitted use under the current Official Plan land use designation. An Official Plan Amendment is not required.

Key themes of the Official Plan that relate to this application speak to the following:

- support a diversity and mix of housing opportunities through compatible infill within established neighbourhoods and transit supportive development and intensification at nodes and along corridors;
- enhance opportunities for more compact and mixed-use development;
- promote multi modal and active transportation, complete streets, greening of the built environment and an enhanced urban tree canopy;
- support accommodation for health and safety;
- promote accessibility and barrier free development;

- provide for context sensitive building, site, streetscape, neighbourhood and community urban design standards that promote and facilitate a balance and accessibility between the old and the new, the built and natural environments, and within and between all neighbourhoods;
- support conservation and enhancement of the City's cultural heritage, built form and landscapes;
- maintain and support protection of natural heritage features, lands and functions;
- support and enhance a sense of place, character, and the promotion of complete community through a connected, more interactive, integrated and mixed use environment;
- facilitate and promote interactive and engaged public processes;
- embrace a balanced consideration of all interests to support and achieve a connected built and natural environment, and long-term opportunities for sustainable growth and evolution.

A more detailed planning analysis and evaluation of the proposal against the policies of the Garden City Plan will be provided in the Recommendation Report.

## **Zoning By-law**

By-law 2013-283 zones the lands as Medium Density Residential (R3) (Appendix 5). The R3 zone permits a range of residential uses, including detached, semi-detached, quadruplex, townhouse units, and apartment dwelling, as well as private road developments comprising any of the preceding housing forms. Townhouses are permitted to be up to 11 metres (generally three storeys) in height.

The proposed townhouse dwelling types are a permitted use under the property's existing R3 zoning. A Zoning By-law Amendment is not required.

## **Site Plan Control**

The City's Site Plan Control By-law describes that all residential developments of four or more dwelling units shall be subject to site plan control. Site plan control is the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. To this end, the site plan agreement will address matters including the location of buildings on the site, the grading, drainage and stormwater management, exterior lighting, landscaping, parking, noise mitigation, access and the exterior architectural design of the units. As part of the process, a site plan agreement is registered against the title of the lands and security deposits are collected to ensure the terms of that agreement are adhered to.

The proposed site plan design for these lands includes twelve blocks of townhouse, with a total of 49 units. A row of ten two-storey townhouses are proposed along the west property boundary, adjacent to the commercial plaza (Royal Court Plaza and Apartments). The remaining townhouses are all one-storey units, grouped in blocks of three to five units. The site design also includes fifteen visitor parking spaces

distributed, an internal sidewalk, an emergency fire access to the west, and a walkway connection to the neighbouring Berkley Park. The current proposed site plan is included as Appendix 6 for information.

For condominium developments such as this one, the future Condominium Corporation will assume the responsibilities of the site plan agreement. In accordance with the requirements of the Condominium Act, additional securities for incomplete primary services within common elements may need to be collected prior to final condominium approval.

### **Draft Plan of Condominium**

The application proposes to establish a condominium ownership structure on the subject lands, allowing each of the 49 townhouses to be sold individually, with each unit sharing responsibility for the project's common elements, including the private road, sidewalks, visitor parking, street lights, landscaping and servicing. Council approval is required for Draft Plan of Condominium applications. Once any conditions of draft plan of condominium approval have been addressed by the owner, the condominium plan can be registered and the units sold.

Section 51(24) of the Planning Act directs the matters to be considered when considering approval for a Draft Plan of Condominium:

- The effect of the development on matters of provincial interest;
- Whether the proposal is premature or in the public interest;
- Whether the proposal complies with the Official Plan, and the suitability of the subject lands for development as proposed;
- The adequacy of the proposed public road;
- The dimensions and shapes of the proposed lots;
- The adequacy of existing utilities and municipal services to support the development;
- The relationship between the proposed subdivision and the site plan control process.

Following approval of the application for Draft Plan of Standard Condominium for 49 dwelling units, plus common element areas and registration of the condominium, the future condominium corporation will be responsible for the terms and conditions of the registered site plan agreement. Staff will be commenting further on the above matters in the Recommendation Report for Council's consideration on June 25<sup>th</sup>, 2018.

### **Public Open House**

A public open house was hosted on April 18<sup>th</sup>, 2018 by Planning and Building Services for the Draft Plan of Condominium and Site Plan applications. The agent for the application was in attendance. One member of the community was in attendance. The attendee was primarily interested in obtaining more information about the project.

## **Public Notice**

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

## **Financial Implications**

Not applicable. This Draft Plan of Condominium application deals strictly with ownership structure for the townhouse units (condo vs. rental).

## **Relationship to Strategic Plan**

### **Economic Sustainability**

The approval of this Draft Plan of Condominium will serve to support the goals for economic sustainability by:

- Facilitating private investment through development in the City (Goal 1).

## **Conclusion**

In summary, this report provides the planning context and explains the application for Draft Plan of Vacant Land Condominium for 45 Dorchester Boulevard. Approval will allow each of the proposed townhouse dwelling units to be sold individually, within a condominium ownership structure. A Recommendation Report will be considered by Council on June 25, 2018.

## **Notification**

It is in order to advise William Heikoop c/o Upper Canada Consultants, 261 Martindale Road, Unit 1, St. Catharines, ON, L9W 1A1, the owner's agent.

### **Prepared by:**

Scott Ritchie, MCIP, RPP  
Urban Design Planner

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Approved by:**

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



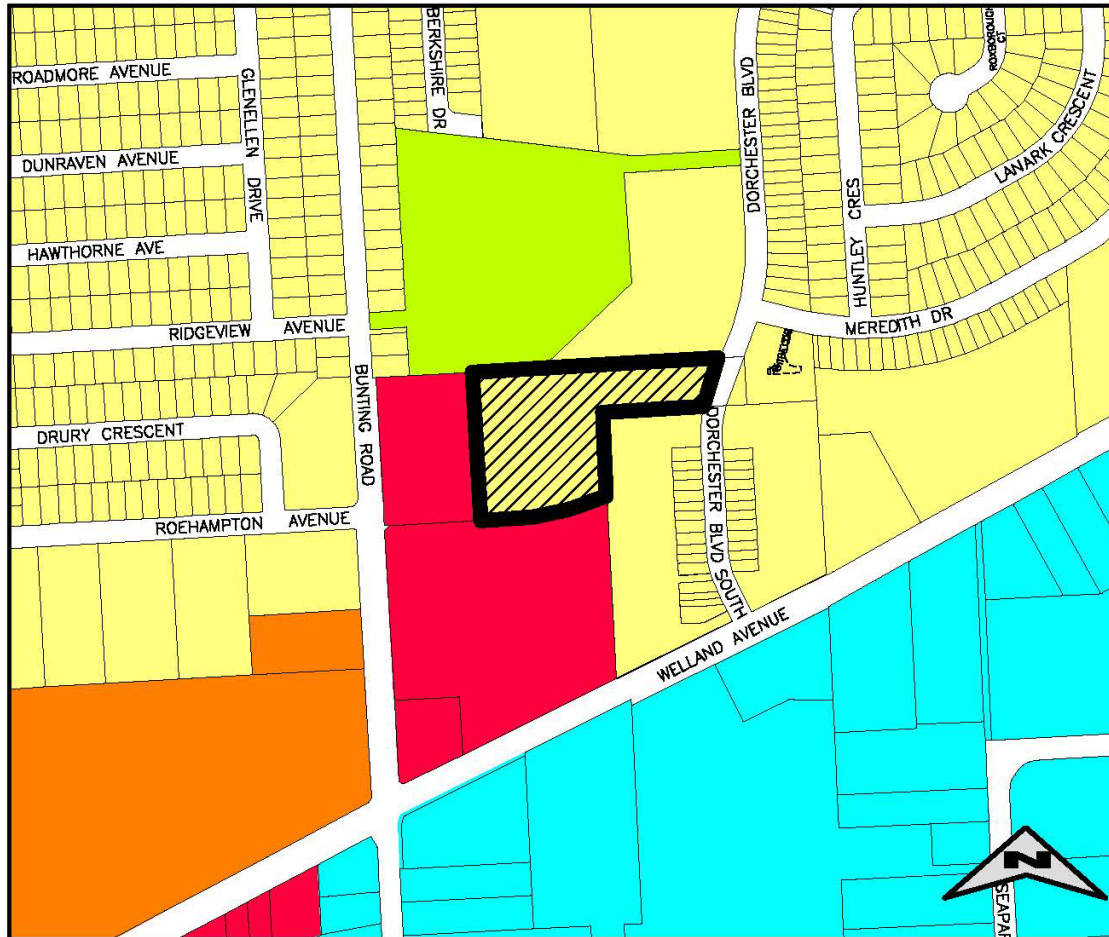


LOCATION MAP










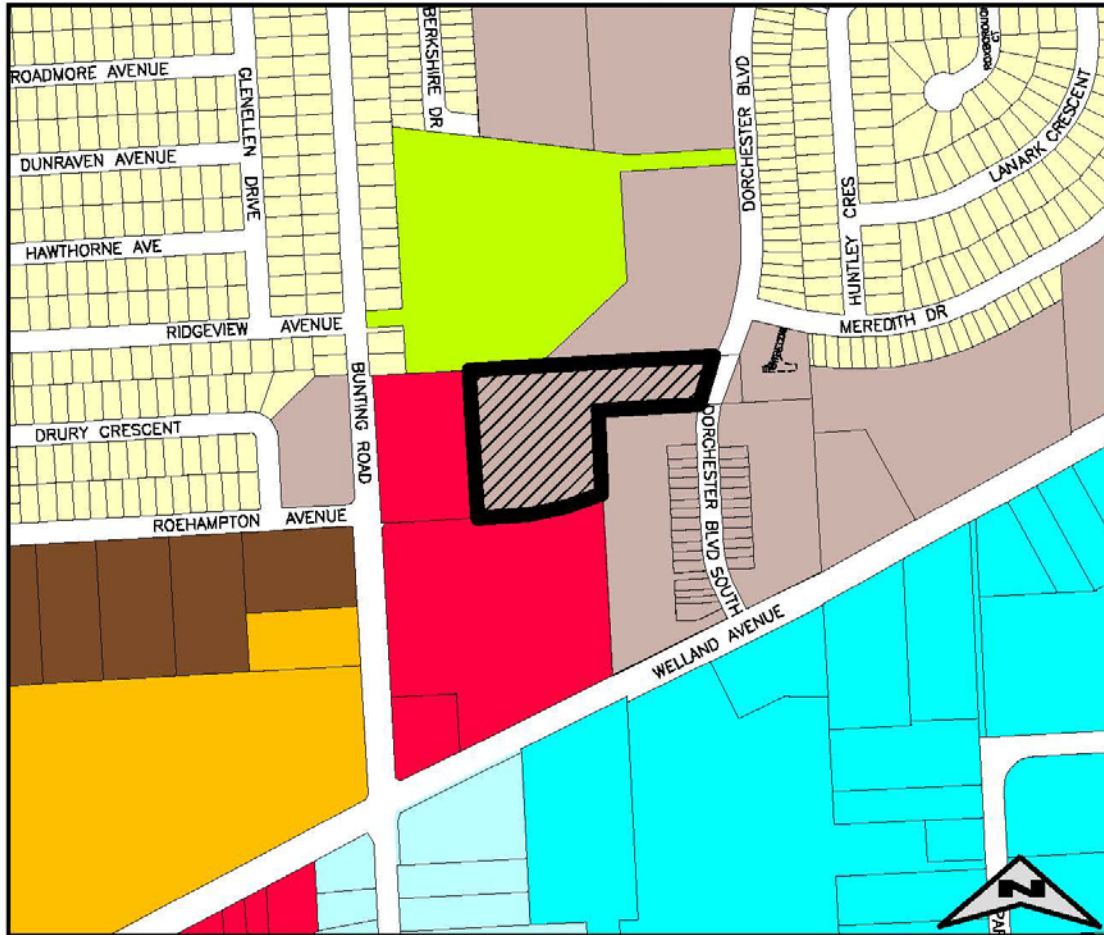
GARNEN CITY PLAN  
GENERAL LAND USE PLAN – SCHEDULE D1








 Subject Lands  
45 Dorchester Boulevard

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

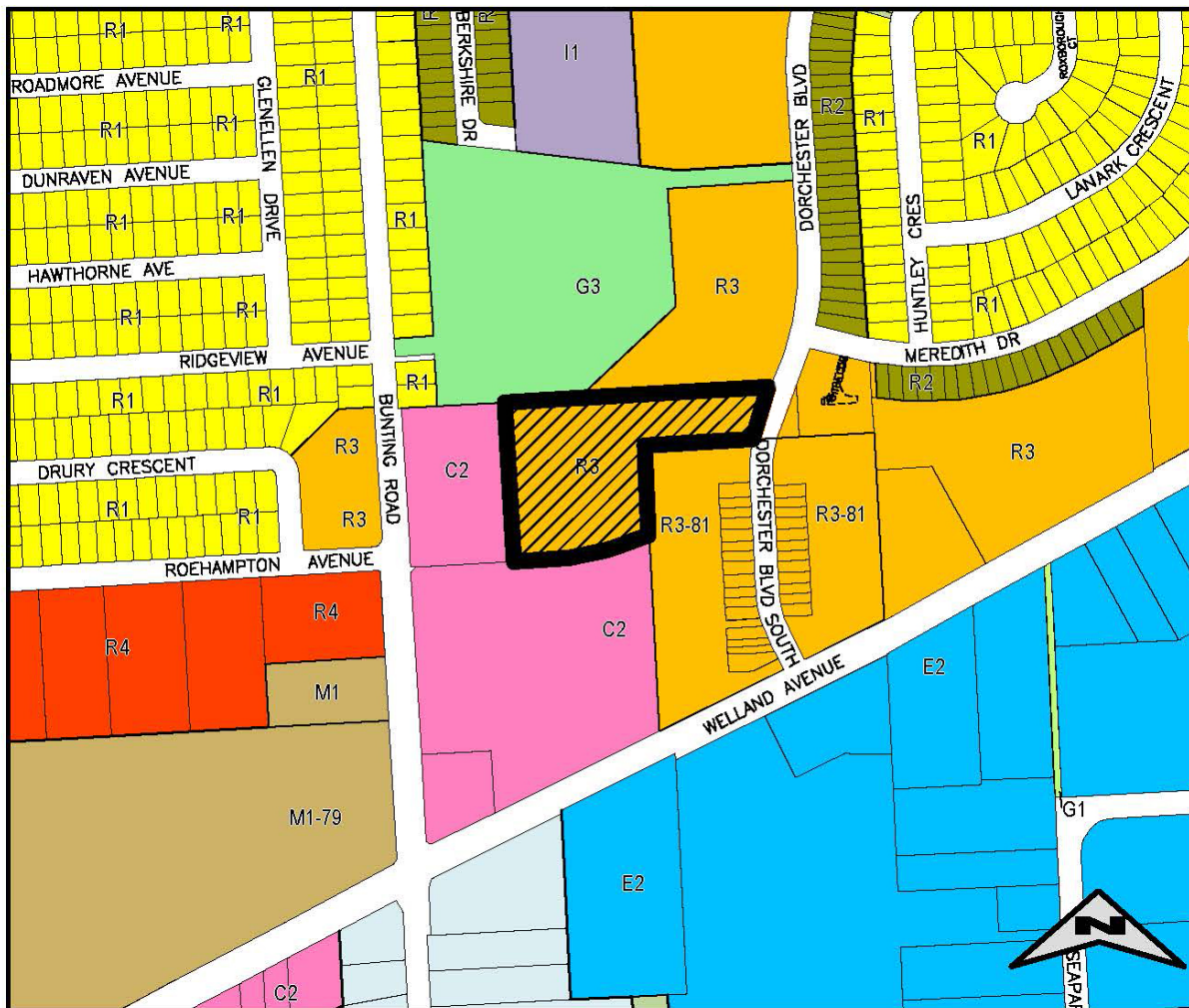
GARDEN CITY PLAN  
NORTH PLANNING DISTRICT LAND USE DESIGNATION – SCHEDULE E3















 Subject Lands  
45 Dorchester Boulevard

Land Use Designations			
	Low Density Residential		Mixed Use
	Medium Density Residential		General Employment
	High Density Residential		Business Commercial Employment
	Community Commercial		Parkland & Open Space

# ZONING BY-LAW (BY-LAW 2013-283)

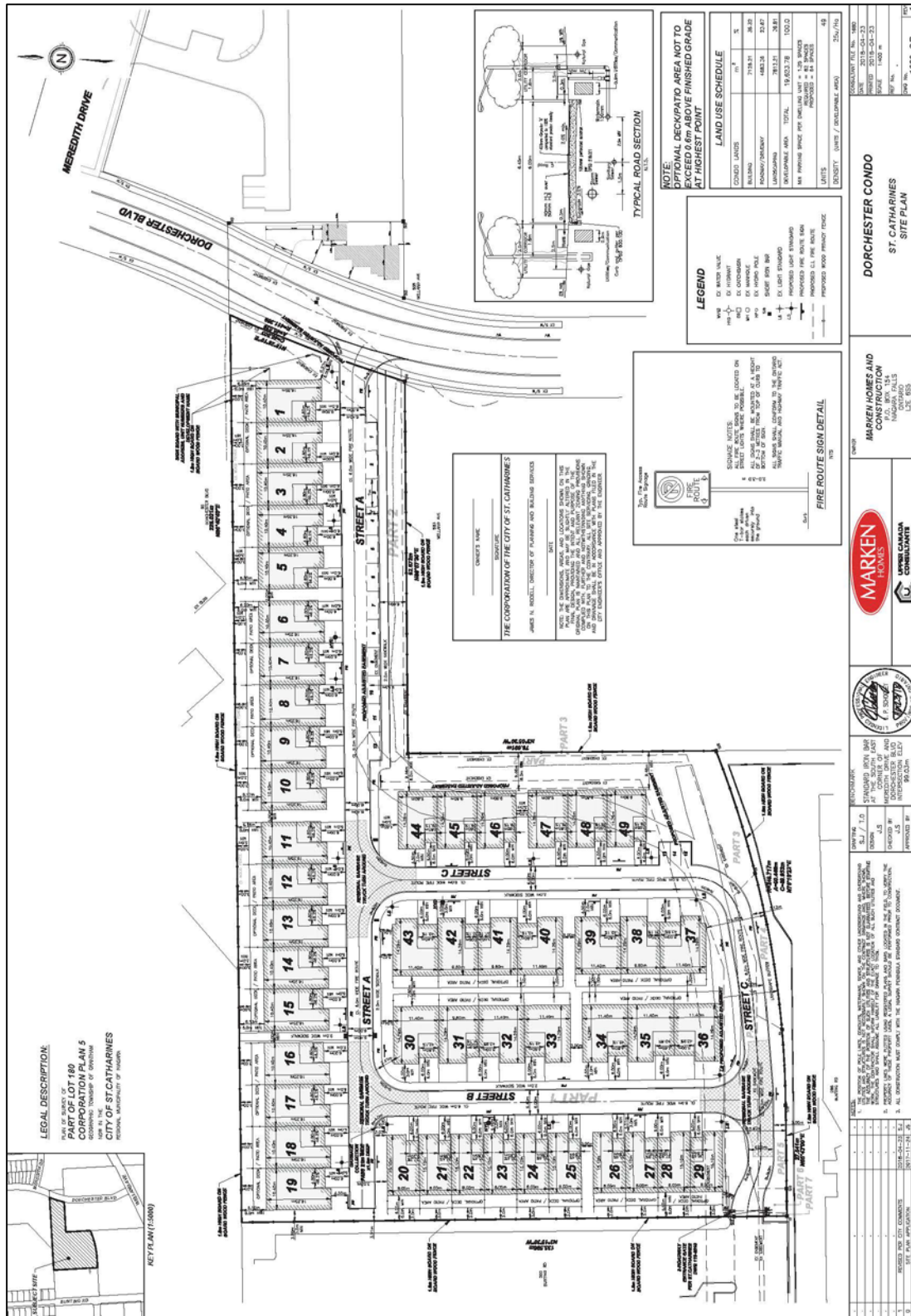


 Subject Lands  
45 Dorchester Boulevard

Zones	
 R1 Low Density Residential - Suburban Neighbourhood	 E1 Business Commercial Employment
 R2 Low Density Residential - Traditional Neighbourhood	 E2 General Employment
 R3 Medium Density Residential	 M1 Medium Density Mixed Use
 R4 High Density Residential	 G1 Conservation / Natural Area
 C2 Community Commercial	 G2 Minor Green Space
	 G3 Major Green Space
	 I1 Local Neighbourhood Institutional



## CURRENT PROPOSED SITE PLAN





CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** June 1, 2018

**Date of Meeting:** June 11, 2018

**Report Number:** PBS-128-2018

**File:** 60.35.1040

**Subject:** *Planning Act Public Meeting - Information Report*  
Amendment to Zoning By-law 2013-283 (City Initiated) Section 2.3,  
Buildings on One Lot

## Recommendation

That Council consider this Information Report as part of the Public Meeting; and

That Council consider a Recommendation Report regarding an amendment to the Zoning By-law to revise Section 2.3, Buildings on One Lot, at the meeting of Council tentatively scheduled for July 9, 2018, pursuant to the two-step process for planning applications approved by Council. FORTHWITH

## Summary

This Information Report is to provide Council and the public with information concerning the proposed amendment to the Zoning By-law, to revise Section 2.3, Buildings on One Lot e). The proposed amendment is initiated by the City in response to public concerns regarding the timing of the issuance of a building permit for semi-detached dwellings and street townhouses prior to the creation of the lot for each dwelling unit.

A Recommendation Report containing planning analysis, addressing any concerns raised at the Public Meeting, and a staff recommendation with respect to the proposed amendment will be considered by Council tentatively scheduled for the July 9, 2018, meeting.

## Background

On January 29, 2018, Council approved the following motion:

*"Whereas residents have expressed concerns regarding the construction of 3 townhouse units at 66 Marsdale Drive,*

*Whereas building permits were issued prior to the creation of lots for each townhouse unit, thereby bypassing the public process that is triggered by a severance application, and bypassing input from the Design Review Panel established by Council in May 2017 to provide input on this type of infill development,*

*Therefore be it resolved that staff be directed to review the current process with the view of requiring lots for individual townhouse units (and similar dwellings with common walls such as semi-detached units) to be created prior to the issuance of building permits, so as not to by-pass the public process associated with a severance application and input by the Urban Design Panel. ”*

At its Council meeting of February 12, 2018, Council authorized staff to pursue an amendment to the Zoning By-law to ensure that each unit of a semi-detached dwelling, be located on a separate lot prior to the issuance of a building permit, and that proposals for semi-detached dwellings be required to receive input from the Design Review Panel and consent approval prior to building permits being issued. Staff have included quadruplex and street townhouse dwelling types in the proposed amendment as well to ensure consistency in approach.

On May 8, 2017, Council approved a two-step process for planning applications requiring a Public Meeting under the Planning Act. The first step is for Council to receive an Information Report together with public input at the Public Meeting. The second step is for Council to consider a Recommendation Report at a subsequent Council meeting. This Information Report will be followed by a Recommendation Report at a future date, tentatively scheduled for July 9, 2018.

## Report

The existing zoning by-law outlines in Section 2.3 the dwelling types permitted on one lot. It currently states:

*Except where otherwise permitted in Private Road Developments only one principal building of the following types shall be permitted on one lot:*

- a) A detached dwelling;*
- b) A semi-detached dwelling;*
- c) A duplex dwelling;*
- d) A triplex dwelling;*
- e) A fourplex dwelling; or*
- f) A quadruplex dwelling.*

Detached dwellings, duplexes, triplexes and fourplexes are of a built form that is not severable into individual lots to recognize individual dwelling units. Semi-detached dwellings, quadruplexes and street townhouse dwellings (not specifically identified in Section 2.3) are often severed into separate lots for each unit to enable the sale of individual units.

The current zoning allows for the construction of a semi-detached or quadruplex dwelling (a quadruplex is a townhouse with a different configuration of common walls than a traditional street townhouse) to be built on one lot, prior to a severance application to establish individual lots for individual dwelling units. Once constructed applicants apply for a severance to create lots for each unit. The public notification and opportunity for input on the severance application is too late in the process to be



considered meaningful. Similarly, the Design Review Panel, created to provide input and guidance for new infill residential lots, is compromised since the building is already under construction or built before a severance application is considered by the Design Review Panel.

Past infill and intensification development on existing lots in established neighbourhoods has instigated the need for review and revision of the current practice to ensure that, in all instances, the issuance of a building permit is obtained after Design Review Panel input, public consultation, and severance approval is obtained.

Minor variances are often triggered by these forms of severance applications because as one building on one lot, zoning compliance is achieved. As separate dwelling units on separate lots, zoning compliance is often not achieved, thereby triggering a minor variance. By requiring a severance to create a lot for each unit *prior to* the issuance of the building permit, minor variances can be identified and addressed up front before the building is constructed.

The intent of Council's motion is retain the integrity of the public process associated with a severance application and the integrity of the Design Review Panel as an integral step in reviewing and approving infill development. By amending the zoning by-law, the Design Review Panel may provide input prior to the severance application and the public is provided an opportunity for input prior to a new lot being created. Once the severance is final, a building permit may be issued and construction may proceed accordingly.

The proposed revision to Section 2.3 Buildings on One Lot is as follows:

*Except where otherwise permitted in Private Road Developments, only one of the following shall be permitted on one lot:*

- a) One detached dwelling;*
- b) One dwelling unit of a semi-detached dwelling;*
- c) One duplex dwelling;*
- d) One triplex dwelling;*
- e) One fourplex dwelling;*
- f) One dwelling unit of a quadruplex dwelling; or*
- g) One dwelling unit of a street townhouse dwelling.*

The proposed amendment results in a review process that is better aligned with seeking public input on infill development before building permits are issued. In addition, the proposed amendment will better align with the intent of the Design Review Panel, which is to provide input on new infill residential lots prior to lot creation and prior to issuance of building permits. The proposed amendment to Section 2.3 would result in a process whereby severance approval for each unit is required *prior to* the issuance of a building permit. Public input and Design Review Panel input will be completed prior to the decision on a severance application.

## **Circulation of Application**

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. No negative comments or concerns were received.

## **Planning Policy Context**

The proposed amendment is to trigger a change in approval process to better align with public transparency, public input and maintain the integrity of input from the Design Review Panel.

Provincial planning legislation requires that an approval authority's decision on a planning application must be consistent with the Provincial Policy Statement (2014), and must conform to Provincial plans, upper-tier official plans and lower-tier official plans. Accordingly, planning staff will evaluate this Application for Zoning By-law Amendment against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe (2017), the Regional Official Plan, and the Garden City Plan, all of which apply to the proposal, and staff recommendations will be formulated accordingly.

## **Provincial Policy Context**

Pursuant to Provincial legislation, the City's Official Plan must be consistent with the Provincial Policy Statement (PPS), and be consistent and not conflict with Provincial Land Use Plans including the Growth Plan for the Greater Golden Horseshoe - Places to Grow. The PPS provides policy direction and the foundation for matters of Provincial interest. The local Official Plan, including any Secondary Plans must be consistent with the upper tier government (Region of Niagara) Official Plan, which in turn must also be consistent with the PPS and the Provincial land use plans.

In accordance with Section 3 of the Planning Act, a decision of Council of a municipality "shall be consistent with" the PPS, which stresses that the City plan "efficient land use and development patterns." Cost effective development patterns and design standards are promoted. The PPS requires that municipalities "ensure that necessary infrastructure is available to meet current and project needs."

Similarly, guiding principles within the Growth Plan stress compact and well-designed development that prioritizes intensification. The Plan supports the achievement of complete communities that "ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards." Policies ensure that a range and mix of housing options are available including affordable housing.

## **Regional Official Plan**

According to the Regional Official Plan (ROP), the Urban Area for the City of St. Catharines and the Built-up Area under Amendment 2-2009 (Niagara 2031/Conformity Amendment), will be the focus of both residential and employment intensification and redevelopment within the Region over the long term. Municipalities are encouraged to

provide a full range of housing types to serve a variety of people as they age through the life cycle.

The ROP sets out that 95% of residential population growth in St. Catharines will occur in the Built-Up Area, with intensification being encouraged throughout the entire Built-Up Area. Priority is to be given to intensification, infilling and completion of existing neighbourhoods and communities. The ROP also sets out that each municipality will identify Intensification Areas to support the achievement of the intensification target. Intensification Areas are to be planned “to attract a significant portion of population and employment growth, relative to the shape and character of the community and provide a diverse mix of land uses that complement and support the overall residential intensification objective”. The City’s Official Plan has been approved by the Niagara Region and currently implements this policy framework.

## **Official Plan Designation (Garden City Plan)**

The City’s Official Plan establishes a land use planning framework to accommodate future population, housing and employment growth and development in keeping with the direction of Provincial land use policy. The GCP is to have regard for our local context and contributing to sustainable community building. The growth management policies contained in the GCP support and emphasize that development and intensification of the built environment is to be balanced with enhanced urban design to support compatible integration of new development with existing uses.

The Official Plan recognizes that intensification, where appropriate, will generate a greater mix and integration of new uses, and different and alternative uses and building forms within the established environment (Section 2.3.3). In doing so, the existing policy framework is also, and significantly, predicated on providing a balance through enhanced urban design policies and principles in support of compatible and context sensitive design.

Section 4 of the Garden City Plan emphasizes the role urban design plays in shaping communities. The urban design principles in Section 4.1 highlight the need for compatibility of new development with established areas. Section 4.5 – Built Form, enforces the importance of urban design in ensuring compatibility between new development and existing uses.

The City of St. Catharines is within a “Settlement Area” under the 2014 PPS, and contains a Built-up Area, Urban Growth Centre, and Greenbelt Area within St. Catharines, as delineated by the Growth Plan. Both Provincial Plans contain policies that direct growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities to meet the social, health and well-being requirements of current and future residents.

1. Provincial interests, policies and the land-use planning framework inherent in the PPS and the P2G are entrenched within the City’s Official Plan.

Key components of the Official Plan are set out below. These components speak to the promotion of sustainability and sustainable development:

- establish a land use plan that supports the achievement of provincial, and regionally allocated, population and employment growth targets, and density;
- support a diversity and mix of housing opportunities through conservative infill within established neighbourhoods, and transit-supportive development and intensification at nodes and along corridors;
- enhance opportunities for more compact and mixed-use development;
- support and maintains opportunities for employment, accessible public service facilities, passive and active recreation uses, and institutional facilities for all interests;
- promote the maintenance and enhancement of soft/hard services, land and cost efficiencies;
- promote multi-modal and active transportation, complete streets, greening of the built environment, and an enhanced urban tree canopy;
- support accommodation for health and safety;
- promote accessibility and barrier-free development;
- provide for context sensitive building, site, streetscape, neighbourhood and community urban design standards that promote and facilitate a balance and accessibility between the old and the new, the built and natural environments, and within and between all neighbourhoods;
- support conservation and enhancement of the City's cultural heritage built form and landscapes;
- maintain and support protection of natural heritage features, lands and functions;
- support and enhance a sense of place, character, and the promotion of complete communities through a connected, more interactive, integrated and mixed-use environment;
- facilitate and promote interactive and engaged public processes; and,
- embrace a balanced consideration of all interests to support and achieve a connected built and natural environment, and long term opportunities for sustainable growth and evolution.

The Recommendation Report to Council will address how this application relates to provincial land use policy, the Regional Official Plan and the local Official Plan, the Garden City Plan.

## **Public Open House**

A public open house was hosted by Planning and Building Services on May 9, 2018. The purpose of the open house was to present the proposal and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. No members of the public attended.

## **Public Notice**

In accordance with established procedures, notices for the public meeting have been circulated. Notice was published in The St. Catharines Standard on Wednesday, April 25, 2018, in Niagara This Week on Thursday April 26, 2018, and posted on the City's web site.

## **Financial Implications**

There are no direct financial impacts to the Corporation.

## **Relationship to Strategic Plan**

The relationship of the proposed amendment to the City's Strategic Plan will be evaluated as part of the future recommendation report on this matter.

## **Conclusion**

In summary, this Information Report provides the planning context and explains the proposed zoning amendment to Section 2.3, Buildings on One Lot and fulfills the direction of Council. The proposed amendment will ensure that public input, and Design Review Panel input is considered prior to the creation of a new infill lot and prior to a building permit being issued for individual units within a semi-detached, quadruplex or street townhouse dwelling.

A Recommendation Report will be presented tentatively at Council's July 9, 2018, meeting.

### **Prepared by:**

Kirstin Jensen  
Planner I

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Approved by:**

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



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** May 8, 2018

**Date of Meeting:** June 11, 2018

**Report Number:** PBS-114-2018

**File:** 60.35.1017

**Subject:** *Planning Act Continuation of Public Meeting – Recommendation Report*  
Proposed Zoning By-law Amendment, 85 Scott Street, Owner: 1393792  
Ontario Ltd, Agent: Upper Canada Consultants

### Recommendation

That Council deny the proposed Zoning By-law Amendment for the lands described as PCL 20-1, Sec Concession 3, St. Catharines, Pt Lt 20, Con 3 Grantham, Pts 35 to 64 Incl, Pts 74 to 97 Incl, 30R6344, municipally known as 85 Scott Street, for the reasons set out in Report Number PBS-114-2018; and

That given the matter is currently before the Local Planning Appeals Tribunal (LPAT) (formerly the Ontario Municipal Board), LPAT be advised of Council's position and advised that public input has been received, considered, and has informed the position of Council; and

That Council authorize legal counsel, Loopstra Nixon LLP, to respond to the current appeal before the Local Planning Appeals Tribunal (LPAT) regarding Case No. PL171503; and

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

### Summary

This Recommendation Report is a follow-up to the [Information Report PBS-077-2018](#) (linked here and available upon request) that was received by Council at the April 9, 2018, Public Meeting, in accordance with the requirements of the Planning Act, to receive input on the proposed Zoning By-law Amendment at 85 Scott Street. Council did not close but rather adjourned the public meeting at that time.

This report contains staff recommendations to refuse the proposed Zoning By-law Amendment to facilitate the development of one 12-storey apartment building and one 15-storey apartment building, as it does not conform to the City's Official Plan. This report must be read in conjunction with the related Information Report.

## Background

### Application Process to Date

A detailed description of the application process to date, including information regarding an appeal received under subsection 34(11) of the Planning Act, is contained in the related Information Report.

A Statutory Public Meeting for the subject Zoning By-law Amendment was held on April 9, 2018, at a meeting of City Council. Since the Public Meeting, the applicant has provided updates to several studies and reports in support of the application. Those studies are listed below, with a brief description of the changes to each. These submissions do not alter the proposal in respect to building location, orientation, setbacks, height or number of units.

- Noise Feasibility Study
  - Updated to reflect the building heights of 12 storeys and 15 storeys. The Noise Feasibility Study previously referenced two 19-storey buildings.
- Arborist Report and Tree Inventory and Preservation Plan
  - Updated to reflect the proposed orientation of the two buildings. The previous report evaluated impacts based on the westerly building being situated in a north-south direction.
- Transportation Impact Assessment
  - Updated to reflect the total number of 250 dwelling units. The Transportation Impact Assessment previously evaluated a proposal of 280 dwelling units.
- Sun Shadow Analysis Report
  - Updated to include photographic analysis of shadows from existing trees and to make minor correction to the placement of the proposed 12-storey building.
- Planning Justification Report
  - Updated to reflect findings of each updated report, as well as additional analysis related to density, overlook, privacy and height.
- Proposed Zoning By-law Amendment with Schedule illustrating location of proposed buildings in relation to existing easements on the lands
  - Reflects the Zoning By-law Amendment request at the April 9<sup>th</sup> Public Meeting and detailed in the Staff Information Report

Additionally, the following new studies and reports have been submitted by the applicant since the Public Meeting:

- Residential Market Feasibility Analysis
- Existing Tree Shadows illustrations
- Two Peer Reviews of the applicant's Planning Justification Report

All submissions are currently available at [www.stcatharines.ca/development](http://www.stcatharines.ca/development) by clicking on the '85 Scott Street' folder.

## Appeal

On December 26, 2017, the City received an appeal under subsection 34(11) of the Planning Act, for the failure to make a decision on the application within 120 days of the filing of a complete application. The City has received Notice from the Local Planning Appeals Tribunal (LPAT), formerly the Ontario Municipal Board (OMB) that a Prehearing Conference has been scheduled for July 18, 2018.

In accordance with direction from LPAT, the applicant has delivered the Notice of Prehearing to every owner land within 120 metres of the subject lands, including the condominium corporation at 81 Scott, and any other person or public body that submitted a written request to the City to receive notice of Council's decision. In accordance with the Notice, the LPAT will deal with preliminary and procedural matters, including the identification of parties and participants. The Notice of Prehearing advises that persons who wish to be added as a party or participant to the Hearing should attend the Prehearing Conference.

## Report

The subject lands are located on the north side of Scott Street, between Meadowvale Drive and Lake Street, in the City's North Planning District (see location map attached as Appendix 1). Details of the site and surrounding area can be found in the previous Information Report on this matter.

## Proposed Development

The subject lands are zoned High Density Residential with Special Provisions (R4-13), permitting two eight-storey apartment buildings (see Appendix 4). The other permitted uses of the standard R4 Zone continue to apply on the lands (i.e., triplex, fourplex, quadruplex, townhouse, private road development, long term care facility).

The application to amend the Zoning By-law proposes to alter the existing Special Provision to facilitate the development of one 12-storey apartment building and one 15-storey apartment building, including an enclosed amenity area as the top storey of each building. The proposed amendment also requests reductions in minimum yards. Full details of the proposed amendment are available in the Information Report. It should be noted that the requested minimum south interior side yard for Part 2 is 20 m to the building, 17 m to the balconies and 0 m for underground parking structures or ramps. The Information report incorrectly stated the requested setbacks for this yard. The current proposal is for a total of 250 dwelling units between the two apartment buildings, with a density of approximately 187 units per hectare.

## Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. The previous Information Report summarized comments received relating to the most recent submissions at the time of the Public Meeting. Additional comments have been provided relating to certain updated studies and reports and are summarized below.



## Transportation

The Traffic Division of Transportation and Environmental Services has reviewed the updated Traffic Impact Assessment, which concluded that there are currently no significant issues with existing traffic at the adjacent intersections within the study area, nor will there be any significant impacts on the traffic operations as a result of the proposed development. Traffic Division Staff have no concerns with the Traffic Impact Assessment and conclude that there are no infrastructure improvements needed as a result of the development.

## Parks, Recreation and Culture Services

The applicant has submitted a Tree Inventory and Preservation Plan (TIPP), prepared by a certified arborist, which identifies trees on the subject property and trees within 4 metres of the property boundary and/or having branches overhanging the site. Approximately 183 trees are proposed for removal of which six are infected Ash trees, and three are in either poor or dead condition. Approximately 37 trees are being retained, some of which are property line trees.

Parks, Recreation and Culture Services (PRCS) Staff have reviewed the proposal and the most recent TIPP. PRCS Staff commented that the location and extent of the proposed underground parking, landscaping, grading and drainage would conflict with preservation efforts for several trees proposed to be retained.

## Niagara Region

Regional Planning Staff have reviewed the updated noise reliance letter submitted in support of the application. A number of noise abatement measures to mitigate noise from road traffic on the QEW are recommended. A Regional review of the noise study will be completed as part of any future condominium and/or site plan application to ensure that warning clauses and mitigation measures are satisfactorily addressed.

## Planning Analysis

### Provincial Policy Statement

The Provincial Policy Statement (PPS), 2014 provides direction on matters of provincial interest related to land use planning and development. The Planning Act stipulates that decisions of Council “shall be consistent with” the PPS.

The subject lands are within a settlement area under the PPS. The following sections of the PPS are particularly relevant to the subject proposal:

#### 1.1.3 Settlement Areas

*1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.*

*1.1.3.2 Land use patterns within settlement areas shall be based on:*

- a) densities and a mix of land uses which:*
  - 1. efficiently use land and resources;*
  - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
  - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
  - 4. support active transportation;*
  - 5. are transit-supportive, where transit is planned, exists or may be developed; and*
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

*1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

*Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.*

*1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

*1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.*

The policies above require settlement areas to be the focus of growth and development, with land use patterns that efficiently use land and resources, efficiently use infrastructure and support transit, among other matters. A range of uses and opportunities for intensification are to be provided, with planning authorities having the ability to identify appropriate locations for growth, with appropriate development standards. Minimum intensification targets and redevelopment within built-up areas are to be established.

The City's Official Plan, the Garden City Plan, sets out areas for intensification and redevelopment, with a minimum intensification target, and policies that guide development standards. This is detailed in the Official Plan subsection of this report. The City's Zoning By-law further implements these policies.

## 1.4 Housing

*1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

*1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:*

- a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) permitting and facilitating:*
  - 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
  - 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed; and*

- e) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

The Housing policies of the PPS require that planning authorities plan for an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Lands in the municipality shall be suitably zoned with sufficient servicing capacity available to meet a three-year demand of growth through intensification. Planning authorities must permit and facilitate all forms of housing and intensification, with densities that efficiently use land and resources, with appropriate development standards.

The City's Official Plan and Zoning By-law provide for all forms of housing, through intensification and other forms of development. The City has the ability to meet the housing needs of current and future residents within its current land use planning framework. While there is a need for affordable housing in the Region, the applicant has not demonstrated that the proposed units are for affordable housing. The proposed number of units can be accommodated by existing infrastructure in the area.

#### **4.0 Implementation and Interpretation**

- 4.7 *The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.*

*Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.*

*Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas. In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.*

- 4.8 *Zoning and development permit by-laws are important for implementation of this Provincial Policy Statement. Planning authorities shall keep their zoning and development permit by-laws up-to-date with their official plans and this Provincial Policy Statement.*

The PPS stresses the importance of official plans and zoning by-laws in implementing the policies of the province. Land use designations and policies of official plans, along

with development standards of zoning by-laws, are important tools to protect provincial interests and direct development to suitable areas.

### **PPS Summary Opinion**

The existing Zoning By-law, as it pertains to the subject lands, is consistent with the PPS in that matters of provincial interest related to intensification, growth, housing and infrastructure are being upheld. To that end, a decision to refuse the subject application would be consistent with the PPS, given that the site exists in a planning context at the municipal level that achieves the policies of the PPS; the policies and regulations in place support the proposed density. Staff are also of the opinion that the proposed Amendment is generally consistent with the PPS in that policies related to intensification, growth, housing and infrastructure would be upheld. However, it is Staff's opinion that the Official Plan and Zoning By-law are the appropriate tools to implement the policies of the PPS. The relevant policy issues are related to the proposed heights and setbacks, which are dealt with in more detail in the City's Official Plan and guided by the Growth Plan for the Great Golden Horseshoe and the Regional Official Plan.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan) came into effect on July 1, 2017. The Growth Plan stresses compact and well-designed development and prioritizes intensification in built-up areas. The Growth Plan supports the achievement of complete communities that "ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards."

In accordance with the section 3 of the Planning Act, a decision of Council of a municipality "shall conform with... or shall not conflict with" the Growth Plan, "as the case may be."

The subject lands are located within the built-up area inside of a settlement area, as defined by the Growth Plan. The following sections of the Growth Plan are particularly relevant to the subject application:

#### **2.2.1 Managing Growth**

*2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:*

- a) the vast majority of growth will be directed to settlement areas that:*
  - i. have a delineated built boundary;*
  - ii. have existing or planned municipal water and wastewater systems; and*
  - iii. can support the achievement of complete communities;*
- c) within settlement areas, growth will be focused in:*
  - i. delineated built-up areas;*
  - ii. strategic growth areas;*

- iii. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv. *areas with existing or planned public service facilities;*

*Complete communities are defined as:*

*Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.*

*2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
  - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. *public service facilities, co-located and integrated in community hubs;*
  - iii. *an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
  - iv. *healthy, local, and affordable food options, including through urban agriculture;*
- e) *ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards;*
- f) *mitigate and adapt to climate change impacts, build resilience, reduce greenhouse gas emissions, and contribute towards the achievement of low-carbon communities; and*
- g) *integrate green infrastructure and low impact development.*

The above policies of the Growth Plan set out a hierarchy of growth within settlement areas, intended to achieve complete communities that provide a range and mix of land uses and housing, with a high quality and attractive private and public realm.

## **2.2.2 Delineated Built-Up Areas**

*2.2.2.4. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

- a) encourage intensification generally to achieve the desired urban structure;*
- b) identify the appropriate type and scale of development and transition of built form to adjacent areas;*
- c) identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
- e) prioritize planning and investment in infrastructure and public service facilities that will support intensification; and*
- f) be implemented through official plan policies and designations, updated zoning and other supporting documents.*

The Niagara Region Official Plan (ROP) sets out that St. Catharines must meet a minimum residential intensification target of 95% in the built-up area. The City's Official Plan, as is detailed further in the following section, sets out a growth management framework to meet this objective and to align with the Growth Plan hierarchy. The subject lands are within a built-up area, but not in a strategic growth area (i.e., Intensification Areas in the Official Plan).

The Growth Plan specifically sets out that each municipality will have an intensification strategy identifying the appropriate type and scale of development and transition of built form to adjacent areas, to be implemented through official plan policies and designations, zoning and other documents.

## **Summary Growth Plan Opinion**

The City's Official Plan and Zoning By-law set out the policies and standards to achieve the level of intensification and growth intended to occur within the City's built-up area, to support the development of complete communities. The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, sensitive to adjacent areas. The City's Official Plan and Zoning By-law currently implement this framework for St. Catharines.

The City's Official Plan and Zoning By-law help to guide what is considered to be appropriate development given the context of the area. A decision to approve the subject application would not conform to the Growth Plan, in that the approval would result in an inappropriate scale of development with inadequate transition of built form to adjacent areas.

## **Regional Official Plan**

Similar to the Growth Plan, the Regional Official Plan (ROP) directs development to take place in urban areas and supports intensification where appropriate servicing and infrastructure exists. Policy 4.C.5 of the ROP establishes a residential intensification target of 95% for the St. Catharines Built-Up Area. Particularly relevant ROP policies related to intensification include the following:

### **4.C Intensification and Greenfield Growth**

*4.C.1.1 Intensification includes all forms of development that occur within the Built-up Area as identified on Schedule A of this Plan. The Region will promote intensification by:*

- a) Providing a Regional framework for measuring intensification.*
- c) Working with local municipalities to develop intensification strategies including but not limited to coordination between growth management and the maintenance and expansion of utility infrastructure, both in terms of technological advancement and service provision.*
- d) Monitoring intensification rates across the Region on an annual basis.*

*4.C.2.1 Each municipality will develop and implement through its local official plan and other supporting documents, a strategy and policies for promoting intensification and achieving the intensification targets set out in Sub-section 4.C.4 of this Plan. Local official plans shall:*

- b) Generally encourage intensification throughout the Built-up Area;*
- c) Identify specific Intensification Areas to support the achievement of the intensification targets, including downtowns, intensification nodes and corridors and strategically located brownfield and greyfield areas.*

Regional Staff have commented that the proposal “generally aligns with Regional and Provincial policy direction regarding intensification and increased density”. It was also noted by Regional Staff that “although this development contributes to the City’s density and population targets, the significant mass, density and height of the two proposed apartment buildings within a neighbourhood primarily comprised of single detached



dwelling may benefit from being located within the Urban Growth Centre, or in close proximity to a major transit hub or community node”.

### **Summary ROP Opinion**

The ROP outlines a general planning framework for accommodating growth. The Plan generally encourages intensification throughout the Built-up Area while stipulating that local municipalities shall identify Intensification Areas to support the achievement of Intensification targets. Regional Staff have provided an opinion that the proposal generally aligns with policy direction of the ROP regarding intensification and density. The ROP does not contain specific guiding policies related to compatibility of built form. This is not within the direct scope of the ROP.

The existing Zoning By-law, as it pertains to the subject lands, conforms to the Regional Official Plan with regard to achieving intensification in the Built-up Area. A decision to refuse the application would conform to the Regional Official Plan. While there is no maximum density provision for the lands within the existing or proposed zoning, there are prescribed setbacks and height permissions in place which reflect the mass and scale of appropriate development for the site.

Staff are also of the opinion that the proposed Amendment generally conforms to the ROP in that Regional policies related to intensification, growth, housing and infrastructure would be upheld. However, the Regional Official Plan directs local municipalities to develop appropriate intensification strategies, which are contained in the City’s Official Plan. The local Official Plan is the appropriate tool to set specific policies related to the evaluation of development applications, which are analyzed in the next subsection. The Zoning By-law is the appropriate tool to implement such policies.

### **Official Plan (Garden City Plan)**

The City’s Official Plan, The Garden City Plan, sets out land use designation, policies and principles to direct and manage the future orderly and efficient growth of the City. The Plan reflects the City’s individual community interests within the context of Provincial and Region planning regimes. Section 1.1 b) i) of the Official Plan states that “no By-law may be passed... that does not conform to this Plan”.

The subject lands are designated as ‘Neighbourhood Residential’ on Schedule D1, the General Land Use Plan (see Appendix 2). The Neighbourhood Residential designation provides for a range of housing opportunities, types, forms and densities.

Schedule E1 of the Official Plan (see Appendix 3) provides additional direction for the North Planning District and designates the lands as ‘High Density Residential’. The High Density Residential designation permits triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally 85 units per hectare of land or greater.

The Zoning By-law Amendment proposes a development with a combined density of approximately 187 units per hectare for the two new buildings.

The most relevant Official Plan policies evaluated by Planning Staff to evaluate the application are outlined and discussed below.

## 2.3 Managing Growth and Change

A framework for managing growth in the City is set out in Section 2.3 of the Official Plan. The Plan provides a balanced approach that reflects and respects the character, function, scale and context of each area of the City. The City's Urban Area boundary is finite and cannot be expanded. Within the Urban Area, there is only a small amount of vacant Designated Greenfield Area remaining. The Official Plan therefore identifies areas for residential intensification within the Built-Up Area of the City. The primary areas for intensification within the Built Boundary are the Urban Growth Centre, Intensification Areas and other vacant lands dispersed throughout the City.

### 2.3.1 Municipal Planning Structure

*2.3.1.3 i) The Urban Area is established by the Region of Niagara Policy Plan and is set out on Schedule D 'Municipal Structure' of this Plan. This area is intended to provide urban development opportunities on full municipal services to accommodate the majority of the City's projected future population and employment growth.*

The subject lands are located in the Urban Area, which is intended to accommodate the majority of future growth. The Official Plan provides further direction in Section 2.3.3 for the accommodation of growth in specific areas of the Urban Area.

### 2.3.2 Growth Forecast

*The growth forecast is based on targets prepared for the Region of Niagara Policy Plan and accompanying growth management strategies, and will be revisited every 5 years as part of a municipal Official Plan Review as set out in Part A, Section 1.3 of the Plan.*

It is noted that the population and growth forecasts listed in this Section were originally deferred by the Region of Niagara until appeals to the former Ontario Municipal Board (OMB) to Regional Official Plan Amendment 2-2009 had been addressed. Appeals were settled at the former OMB in 2014 and the forecasts of Table 4-1 of the Regional Official Plan are now in effect. It should be noted that the applicant has incorrectly relied upon population forecasts from the deferred Section 2.3.2 of the Official Plan in their planning justification.

The City is forecasted to grow to a population (with undercount) of 137,500 by 2021 and 137,919 by 2031, in accordance with Table 4-1 of the Regional Official Plan. The total population of the City as per the 2016 Census (without undercount) is 133,113. It is the opinion of Staff that the City is on target to achieve the growth forecasts allocated to it from the Region, to 2031, based on the 2006 Growth Plan forecast for Niagara. Through

the ongoing Municipal Comprehensive Review and preparation of a new Regional Official Plan, the Region is updating its growth forecasts by municipality to be consistent with the forecast for Niagara in the 2017 Growth Plan.

The Official Plan envisions high density residential growth on the subject lands, subject to an evaluation of a number of Official Plan policies, including those related to compatibility and urban design. While high density residential development is permitted on the subject lands, the evaluation of compatibility of built form is of utmost importance when evaluating a Zoning By-law Amendment application which seeks to change the development parameters for the site.

### 2.3.3 Accommodation of Growth

Section 2.3.2 of the Official Plan indicates that population and employment growth will be primarily accommodated for in the Urban Area of the City. With a finite land supply, Section 2.3.3.3 sets out that growth will be accommodated by:

- i) the efficient usability of vacant and occupied lands;*
- ii) more compact built form and density of development;*
- iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;*
- iv) redevelopment and build out of underutilized properties;*
- v) a more integrated, interactive mix of uses, activity and functions;*
- vi) service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development;*
- vii) design initiatives to support:*
  - compatible, innovative, efficient and sustainable building and site design;*
- x) providing a balance of housing and employment opportunities to maximize the opportunities for people to live and work in St. Catharines, and to maintain a sustainable healthy tax base to support a balanced and complete community, and sustainable long term growth and development opportunities.*

Growth and development in the City will occur by using land efficiently, building compact forms, having a mix of uses, achieved through a compatible design.

The Official Plan establishes a framework for growth that is consistent with and supports the growth and intensification strategies as set out in the Growth Plan. Section 2.3.3.4 sets out this framework generally:

*i) Built Boundary*

The Built Boundary sets the limits of the developed portion of the Urban Area.

*ii) Intensification Target*

As per the Regional Official Plan, 95% of the City's population growth is to occur within the limits of the Built Boundary.

*iii) Greenfield Areas*

Lands within the Urban Area but outside of the delineated Built Boundary are identified as Greenfield Lands, which are to be developed at a rate of 50 residents and jobs per hectare. Approximately 6% of new dwelling unit growth to 2031 is planned to occur in Greenfield Areas.

*iv) Vacant Lands*

The Official Plan also sets out that growth on vacant lands within the Built Boundary will occur at a rate of 50 residents and jobs per hectare, not including lands that are within the Urban Growth Centre or Intensification Areas. Approximately 52% of new dwelling unit growth to 2031 is planned to occur on these vacant lands. The subject lands are located in this category.

*v) Urban Growth Centre*

The Downtown is designated as an Urban Growth Centre (UGC) in the Growth Plan, and is intended to support the highest density, concentration and mix of housing, employment, commercial and civic uses in the municipality. The UGC is planned for a minimum density of 150 residents and jobs per hectare. Approximately 21% of new dwelling unit growth to 2031 is planned to occur in the UGC.

*vi) Intensification Areas*

The Official Plan sets out specific Intensification Areas, consistent with Growth Plan direction, to attract a significant portion of population and employment growth to support the 95% Intensification Target. Intensification Areas are generally located along strategic nodes and corridors served well by public transit and active transportation. Densities are planned to be higher than surrounding areas. Approximately 21% of new dwelling unit growth to 2031 is planned to occur in Intensification Areas.

*vii) General Intensification*

The Plan provides opportunities for housing intensification throughout the Urban Area.

### 2.3.3.5 Housing

- ii) This Plan emphasizes the provision of new housing through the efficient use of vacant and occupied lands; higher density of development; small lot infill; intensification; mixed use development; and reuse, rehabilitation and redevelopment of the built form, including brownfield and greyfield sites.*
- iii) All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City's network of parks, open space and natural areas, and public realm opportunities.*
- v) This Plan establishes higher housing density standards and opportunities for a greater mix of housing types than has traditionally been directed by the municipality.*

*While it is recognized that new housing development and intensification may occur in all residential neighbourhoods, the primary emphasis for housing intensification is directed towards the Urban Growth Centre and Intensification Areas as set out on Schedule D 'Municipal Structure', along major road corridors, at commercial centres and mixed use areas.*

AS noted previously, the applicant has incorrectly relied upon population forecasts from the deferred Section 2.3.2 of the Official Plan in their planning justification.

The Official Plan provides for intensification throughout the Urban Area, and emphasizes the efficient use of vacant and occupied lands. The Plan has many opportunities for high density housing and a mix of housing choices. Policy 2.3.3.5 above provides that new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure and function of established residential neighbourhoods. The City's Zoning By-law is very progressive in providing a significant range of housing types throughout the City.

### **Summary Opinion of Official Plan Section 2.3 Managing Growth and Change**

The City's growth management strategy is consistent with, and supports the achievement of the growth targets established in the Growth Plan and allocated to the local municipality by the upper tier ROP. While the proposed Zoning By-law Amendment generally aligns with the growth management policies of the Official Plan in that the proposal provides for apartment dwelling units on a vacant parcel, designated for higher density residential uses, the growth management policies of the Official Plan provide direction that growth is to occur in a sensitive manner, with compatible building and site design, accentuating and enhancing the character of established residential neighbourhoods. Through the evaluation of the detailed land use and urban design policies of the Official Plan, it is the opinion of Staff that the proposed building heights and setbacks are not compatible with surrounding land uses. Refusal of the Zoning By-

law will not detract from the City's ability to provide for a diversity of housing opportunities, or the ability to support and achieve intensification and growth targets.

#### 4. Urban Design

The urban design policies of Section 4 of the Official Plan describe how development should occur in the City. Since growth is being planned through intensification and redevelopment, sensitive and compatible design is stressed as a key component of the Official Plan. Unless the proposed development can comply with these policies, it should not be supported.

##### 4.1 Urban Design Principles

The Official Plan lists a number of sustainable design principles that guide the urban design and development policies of the Plan. Principles of particular relevance to this application include:

- d) compatibility of new development with established areas;*
- g) protection of the natural environment and processes;*
- h) a compact, walkable, bikeable and well connected community;*
- i) a range of choices for housing and transportation;*

##### 4.5 Built Form

Section 4.5 of the Official Plan is cited below, with an detailed summary analysis of the main themes provides the basis for evaluating compatibility of new development:

*Built form refers to the arrangement of buildings and their relationship to each other, and to the natural environment. It plays a large role in defining the character of an area. New development in St. Catharines will primarily be by way of intensification and redevelopment, and urban design will have a significant impact on how the new development will fit with established areas. Compatibility of development does not necessarily mean the same as or similar to existing buildings in the vicinity, but rather that new development respects and enhances the existing character and context of an area. Where there is no discernable character, new development will set the standard for future development.*

*4.5.1 As a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that reflects the principles established in Part C, Section 4.1 of this Plan and that maximizes compatibility with the surrounding area in terms of the following matters:*

*a) Building scale, height, gradation of height, and massing.*

*b) Spacing of buildings.*

Scale, Height, Gradation of Height:

The scale of the proposal will overwhelm its context, failing to provide an appropriate transition in building form and resulting in avoidable adverse impacts on surrounding lands. The lands are already zoned and designated for high density residential development. Of concern is the proposed built form and site design which is not consistent with the direction and intent of the Official Plan. The proposal does not maximize compatibility, it does not minimize impacts, it does not provide an appropriate gradation of height, and it is not reflective of context-sensitive design.

The existing height and setback permissions in the Zoning By-law provide an appropriate framework for the accommodation of a high density, mid-rise apartment building form within this context, being located between an existing 11-storey apartment building and a low density suburban residential neighbourhood consisting of one and two storey detached dwellings along Timber Lane. The inclusion of Special Provision 13 in the Zoning By-law implements the built form and compatibility requirements of the Official Plan by ensuring that development on these lands is contained within a form that provides an appropriate setback and gradation of building height between the taller existing building at 81 Scott Street and the low-rise character of the surrounding lands. The importance of maintaining this gradation in height was also clearly articulated in the OMB decision that permitted the site's existing land use designation and zoning. The proposed building height and setbacks do not achieve a gradation in height which Section 4.5.1 of the Official Plan requires. The applicant has not provided adequate justification to address this policy. The existing zoning provisions do achieve the desired gradation in height.

Setbacks:

The existing Special Provision 13 of the Zoning By-law requires a 45-degree or 1:1 angular plane from the rear property line to the top of a proposed building. Rather than using this basis, the applicant has used a 45-degree angular plane from a point 7.5 m above the rear property line. Staff finds that this method does not appropriately scale the building and does not reflect the method that the Zoning By-law consistently uses with this type of residential interface. In general, the standard R4 Zone provisions would allow a lesser building setback for apartment buildings than the existing Special Provision. However, it is recognized through this evaluation that the subject property is not the same as all other R4 Zones in the City, in that there is a sensitive interface with an adjacent R1 Zone to the north.

The applicant's method of applying an angular plane is not consistent with the City's method contained in the Zoning By-law. The applicant's method was taken from the Town of Grimsby's Official Plan, as noted in their Planning Justification Report, and does not reflect the approach used in the City's Zoning By-law.

Privacy, Overlook, Landscaping:

The proposed buildings, particularly the 12-storey building, have been designed in a manner that would result in privacy and overlook impacts on neighbouring homes and yards. The buildings include numerous balconies that project into the reduced yards to the north east and west. The most impacted properties are the detached dwellings immediately adjacent to the site along Timber Lane; neighbouring apartment buildings will also be impacted. Privacy and overlook impacts are exacerbated by the additional proposed building height and the design and layout of the proposed buildings. The applicant has submitted cross-section drawings and renderings which include illustrations of buffering from existing vegetation. Much of this vegetation is proposed to be removed and many of the trees to be retained are located on adjacent lands. According to the applicant's tree protection plan, only one deciduous tree and three coniferous trees are proposed to be retained on the subject lands within the yard between the 12-storey building and the Timber Lane homes (trees 616, 622, 623 and 624). While new perimeter tree planting is proposed, it will take many years to mature and provide a screening function. Overlook impacts on Timber Lane could have been minimized through a reorientation of the building or a reconfiguration of balconies, but this has not been proposed. As the building is restricted by easements, a different orientation is not possible.

*h) Preservation and enhancement of significant views and vistas.*

Staff's opinion is that there are no significant views or vistas to be considered in the evaluation of this application.

*i) Retention of natural vegetation and other distinctive landscape or streetscape features.*

As discussed, the tree protection plan proposed by the application would result in one deciduous tree and three coniferous trees being retained on the subject lands within the yard between the 12-storey building and the Timber Lane homes (trees 616, 622, 623 and 624). Other trees are proposed to be preserved at the easterly part of the site adjacent to the north property line.

*l) Mitigating wind, sun shadow impacts.*Shadow Impacts:

The Official Plan requires that mitigation of shadow impacts be maximized, and that adverse impacts on adjacent properties be minimized. Based on best practices, Staff consider shadows to be impactful if areas are in shadow longer than two hours on any given day.

The shadow study prepared by the applicant shows that shadows would linger within the rear yards of the adjacent homes along Timber Lane through much of the morning through the spring, fall and winter, particularly the yards to the north and northwest of the 12-storey building. As such, the proposal will introduce shadow impacts on



surrounding residential lots. Portions of some yards (e.g., 30 Timber Lane) would be in constant shadow until noon. This shadow impact is more significant than the shadows that would be cast by an 8-storey building, as permitted. The application proposes to place the building with an east-west alignment, rather than a north-south alignment, which has the effect of creating much larger shadows that move more slowly across neighbouring lands.

It is noted that the applicant has stated that many of these yards are already in shadow from existing tree canopy from June to September. However, many of these trees are proposed to be removed and many are located on adjacent lands and cannot be relied upon to create shade in the long term. Several mature trees that are proposed to be preserved also have the risk of being damaged by the excavation of the proposed underground parking garage. Additionally, shadow impacts would be occurring largely at a time of year when the trees have little or no leaves, in the spring, fall and winter. Staff notes that shade from a tree canopy is generally accepted as a more desirable condition for residential land uses than shade from a building. Shade from a building reduces the desirability of the use of private amenity space. Further, the buildings would also appear to cast some prolonged late afternoon/evening shadows during the spring and fall periods on the homes at 99A Scott Street.

#### **Summary Opinion of Official Plan Section 4 Urban Design**

The proposed Zoning By-law Amendment principally seeks to permit increased building height and decreased building setbacks for the two proposed apartment buildings. The existing Zoning By-law limits height on these lands to eight storeys (or 25 m), with setbacks not less than the height of the building from the north property line and half the height of the building from the east and west property lines. It is the opinion of Staff that the proposal represents a building form that is not appropriate in this context, that will have significant impact on surrounding lands, and that is not consistent with Urban Design policies of the Official Plan.

The proposed building heights and setbacks do not achieve compatibility as required to be evaluated by the Official Plan, with respect to building scale, height, gradation of height, massing, spacing of buildings, the overall scale of the development as it relates to the surrounding area, retention of natural features, and the mitigation of shadow impacts. In part, this is because easements that exist on the lands significantly restrict the placement of buildings and in turn, restrict the developer's ability to achieve compatibility with surrounding land uses.

#### **7. General Policies (Land Use)**

Section 7 General Policies states that zoning regulations shall encourage development that is efficient, integrated, accessible, sustainable, environment friendly and context sensitive. Section 7.1 further details the policies to be used in evaluating development and redevelopment in the Urban Area:

## 7.1 Development/Redevelopment

*Development and redevelopment within the Urban Area shall be evaluated having regard for the following:*

*c) Building, site and streetscape context sensitive design to ensure:*

- i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;*
- ii) Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards;*

Further to the discussion above regarding the evaluation of compatibility, it is the opinion of Staff that proposed Zoning By-law Amendment would not facilitate the development with compatible building form, scale, massing, height, setbacks, spacing, siting and orientation with surrounding properties. Further, adverse impacts on adjacent property are not minimized in regard to transition in height, privacy and protection of natural features.

## **8. Neighbourhood Residential**

The subject lands are designated as Neighbourhood Residential on Schedule D1 of the Official Plan, which is intended to provide a full range of housing opportunities, types, form and density to help accommodate growth. The uses permitted within this designation are further refined under the residential land use designations of Section 8.1, and as set out in District Plans. The subject lands are designated as High Density Residential in Section 8.1.

Paragraph 3 of Section 8 states:

*The full range and scale of uses permitted in the residential use designations may not be allowed in all locations so designated. The precise range and scale of uses permitted may be further defined or modified in Part E 'District Plans' or the implementing Zoning By-law.*

### 8.1.3 High Density Residential

The High Density residential designation permits triplex, quadruplex, fourplex, townhouse and apartment dwellings at a density generally 85 units per hectare of land or greater.

## 8.2 General Policies

*8.2.1 Residential development, redevelopment and intensification will be integrated within Low, Medium and High Density residential designations having regard for Part D, Section 7 and all other policies of this Plan.*

In the case of 85 Scott Street, the implementing Zoning By-law clearly restricts the scale of development in order to achieve the policies of the Official Plan with respect to compatibility. The Zoning By-law does not restrict the number of units. Having regard for all policies of the Plan, the proposed Zoning By-law Amendment results in a scale of development that does not implement the policies of the Plan.

The previous decision by the OMB to approve the existing zoning provisions for the site took into consideration the same basic planning principles with regard to compatibility. The City's Official Plan at the time contained policies regarding scale of new development, gradation of height between high and low density sites, spacing between buildings and compatibility. The Board's decision considered these matters and implemented the existing zoning. While the planning context has changed since that time, the same basic design and compatibility principles continue to apply, and are accentuated in the City's current Official Plan given the importance of intensification and development within the City's Built-Up Area.

## **16. Implementation**

### 16.2 Zoning

Section 16.2 outlines the function of Zoning By-law in implementing the policies of the Official Plan:

*16.2.1 Zoning by-laws shall be used to implement the policies of the Plan by regulating the use of land, buildings or structures in accordance with the Planning Act, and may be more restrictive than the provisions of the Plan. By-laws will establish the following criteria:*

- a) Land use zones which will permit the type of development specified in the Plan*
- b) Development and performance standards appropriate to each type of use*
- c) Any regulations needed to implement the intent of the Plan*

The Zoning By-law is a primary tool for guiding the use of land and implementing the policies and intent of the Official Plan, through the use of development standards and regulations, which may be more restrictive than the Plan.

The proposed Zoning By-law Amendment does not implement the policies of the Official Plan with regard to urban design and compatibility as detailed in the previous

subsections. The current zoning of the lands does not restrict the number of units that can be developed on the lands, facilitating a development that would achieve the growth planned within the High Density Residential land use designation.

### **Summary Official Plan Opinion**

The subject lands are planned to accommodate a density of 85 units per hectare or greater, contributing to the overall achievement of the City's population growth forecast. The proposed Zoning By-law Amendment generally aligns with the growth management policies of the Official Plan in that the proposal provides for apartment dwelling units on a vacant parcel, designated for higher density residential uses. However, the Official Plan also provides direction that growth is to occur in a sensitive manner, with compatible building and site design, accentuating and enhancing the character of established residential neighbourhoods. It is the opinion of Staff that the proposed Zoning By-law Amendment, if approved, would not conform to the Official Plan with respect to urban design and compatibility. The proposed building heights and setbacks facilitate development which is not compatible with regard to building form, scale, massing, height, setbacks, spacing, siting and orientation with surrounding properties. Further, adverse impacts on adjacent property are not minimized in regard to transition in height, privacy, views and vistas. The proposed building heights and setbacks do not achieve compatibility as required by the Official Plan, with respect to building scale, height, gradation of height, massing, spacing of buildings, the overall scale of the development as it relates to the surrounding area, and the mitigation of shadow impacts.

### **Existing Condominium Corporation**

Niagara North Condominium Plan No. 62 (NNCP 62) is registered on the lands to the south of the subject lands, at 81 Scott Street. Created in 1990, NNCP 62 consists of 128 dwelling units within an 11 storey apartment building, as well as outdoor amenity areas, exclusive use areas, parking (surface and underground), and driveway/access areas. At the time of the registration of NNCP 62, two additional condominium corporations were contemplated on the lands at 85 Scott Street, for two future apartment buildings in alignment with the approved zoning. The condominium documents were crafted in a manner so that the three condominium corporations (NNCP 62 and the two future condominium corporations) would share certain services and would have certain rights over each of the other's lands. Report PBS-077-2017 contains further details of the condominium corporations and easements.

### **Easements**

The existing easements do not appear to allow one condominium corporation to use surface parking located on the other's land. Each corporation has the ability to construct surface parking on its own lands, for the exclusive use of its own owners.

In several instances, parts of the surface parking proposed on 85 Scott Street appear to be located within easements related to amenity space uses, in favour of the condominium corporation at 81 Scott Street. However, this is also the case at 81 Scott Street (i.e., parts of the surface parking on 81 Scott Street are located on similar

easements for amenity space uses in favour of the owners of 85 Scott Street). It is the City's position that the regulation of easements is an issue between the two parties affected. These matters should be rectified between the existing condominium corporation and the owner of the subject lands prior to site plan approval for any future development.

The placement of surface parking in relation to established easements does not affect Staff's opinion of the proposed Zoning By-law Amendment for height and building setbacks. Staff is satisfied that the proposed building setbacks correspond with the existing easements related to the placement of buildings and underground parking. The applicant has provided a site plan with the restricted location of buildings and underground parking outlined, based on established easements (Appendix 6).

### **Site Plan Control**

The existing development at 81 Scott Street is controlled by a Site Plan Agreement from 1987. The agreement is also registered on the title of the subject lands at 85 Scott Street and includes landscape plans and engineering plans for the development of the subject lands.

Any development on the subject lands would be subject to a new Site Plan Agreement, to regulate the placement of buildings, architectural elevations, parking, grading, drainage and storm water management, landscaping, fencing and similar details of site design. The concept site plan, landscape plan and building elevations are attached as Appendix 5 to this report.

### **Public Consultation**

Two public Open Houses were hosted by Planning and Building Services. The first, held on June 22, 2017 was to share the second submission by the applicant for one 17-storey building and one 19 storey building. A total of 64 members of the public signed in at the first Open House.

A second Open House was hosted on January 17, 2018, to review the third and most recent submission for one 12-storey building and one 15-storey building. A total of 45 members of the public signed in at the second Open House.

The statutory Public Meeting was held on April 9, 2018. Five members of the public spoke in opposition to the proposal.

Written comments received prior to the Public Meeting are attached to the Information Report on this matter. [Written comments received since the Public Meeting](#) are linked here and copies are available upon request. Comments on the application include three petitions in opposition to the development.

Common matters of concern from members of the public, with a brief Staff response are as follows:

**Comment:** The increase in the number of units will generate a significant increase in traffic on and off site.

**Response:** The application does not propose to amend the Zoning By-law with respect to the number of units permitted on the lands. A Traffic Impact Assessment has been submitted with the application and reviewed by Staff. There are no concerns with increased traffic as a result of this application on public roads or on private property.

**Comment:** There will be a shortage of parking on the site.

**Response:** The application does not propose to amend the Zoning By-law with respect to minimum number of parking spaces required. Details of location of parking would be reviewed at the Site Plan stage. The necessary parking for the proposal to meet the Zoning By-law appears to be achievable on site.

**Comment:** Proposed building heights and setbacks will cause a loss of privacy.

**Response:** As detailed in the Planning Analysis section of this report, the proposed buildings, particularly the 12-storey building, have been designed and sited in a manner that would result in privacy and overlook impacts on neighbouring homes and yards.

**Comment:** Proposal is not in keeping with the character and context of the area.

**Response:** It is the opinion of Staff that the development does not conform to the Official Plan with regard to compatibility and context given its location in relation to the surrounding area.

**Comment:** Proposed building heights and setbacks will cause impacts from wind and shadows.

**Response:** The proposal would introduce shadow impacts on surrounding dwellings. The shadow study prepared by the applicant shows that shadows would linger within the rear yards of the adjacent homes along Timber Lane through much of the morning, particularly the yards to the north and northwest of the 12-storey building. Further, the buildings would also appear to cast some prolonged late afternoon/evening shadows during the spring and fall periods on the homes at 99A Scott Street. This shadow impact is more significant than the shadows that would be cast by an 8-storey building, as permitted. The proposal does not conform to the Official Plan in this regard.

**Comment:** Proposal will result in the removal of existing vegetation on the lands.

**Response:** A Tree Inventory and Preservation Report by an Arborist was submitted as part of the application. Approximately 183 trees are proposed for removal of which six are infected Ash trees, and three are in either poor or dead condition. While new perimeter tree planting are proposed, they will take many years to mature and provide a screening function.

**Comment:** There is a concern with respect to servicing capacity.

**Response:** The Engineering Division of Transportation and Environmental Services have reviewed a Sanitary Assessment Report prepared by the applicant's engineer and have undertaken an additional study of the sanitary sewer system in the area. Staff have concluded that there is sufficient capacity in the sanitary sewers servicing the subject lands to allow connection of the two additional buildings with a maximum number of 288 units. The applicant is currently proposing 250 units between the two buildings.

**Comment:** Construction activities may cause damage to existing services and buildings.

**Response:** Any development would be subject to a Site Plan Agreement, dealing with construction activities. Damages as a result of the proposal would be the responsibility of the owner.

**Comment:** There will be a noise impact from construction activities and additional units.

**Response:** Noise as a result of construction may be experienced and is governed by the City's Noise By-law No. 95-198, as amended.

**Comment:** The condominium declaration for 81 Scott Street sets out building footprints allowances by way of establishing easements on the subject lands. These cannot be changed.

**Response:** As detailed in the Existing Condominium Corporation Section of this report, the placement of surface parking in relation to established easements does not affect Staff's opinion of the proposed Zoning By-law Amendment for height and building setbacks. The proposed building setbacks do not appear to contravene the registered easements. The applicant has provided a site plan with the restricted location of buildings and underground parking outlined, based on established easements (Appendix 6).

**Comment:** Current permission of 8 storeys for each building is acceptable.

**Response:** Noted by Staff.

## Public Notice

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

## Second Planning Opinion Advisory

Should Council consider not supporting the staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Local Planning Appeals Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Local Planning Appeals Tribunal.

## Financial Implications

All costs associated with this development are at the expense of the developer. Costs associated with retaining legal counsel to represent the City at the Local Planning Appeals Tribunal will be borne by the City.

## Relationship to Strategic Plan

Refusal of the proposed Zoning By-law Amendment does not conflict with the Strategic Plan. The following goals and actions are maintained:

### Economic Sustainability

- Goal 1: Attract public and private investment, support local businesses and provide excellent customer service to demonstrate we are open for business.

### Social Sustainability

- Goal 4: Strive for the highest quality of life for all citizens.

## Conclusion

This report contains staff recommendations to deny the proposed Zoning By-law Amendment to facilitate the development of one 12-storey apartment building and one 15-storey apartment building. This report must be read in conjunction with the related Information Report received by Council on April 9, 2018).

It is the opinion of Staff that a decision to deny the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe, conforms to the Regional Official Plan and conforms to the City's Official Plan. Refusal of the application does uphold matters of provincial interest related to intensification, growth, housing and infrastructure as the requested amendment does not affect the permitted density of development on the lands.

Moreover, the application, if approved would not conform to the Growth Plan and the City's Official Plan, in that amendment would facilitate an inappropriate scale of



development with inadequate transition of built form to adjacent areas. The proposed building heights and setbacks facilitate development which is not compatible with regard to building form, scale, massing, height, setbacks, spacing, siting and orientation with surrounding properties. Further, adverse impacts on adjacent property are not minimized in regard to transition in height, privacy, views and vistas. The proposed building heights and setbacks do not achieve compatibility as required by the Official Plan, with respect to building scale, height, gradation of height, massing, spacing of buildings, the overall scale of the development as it relates to the surrounding area, and the mitigation of shadow impacts.

## **Notification**

It is in order to advise Upper Canada Consultants, c/o Ken Gonyou, 1-261 Martindale Road, St. Catharines, ON L2W 1A1, the owner's agent.

### **Prepared by:**

Aaron Butler, MCIP, RPP  
Planner I

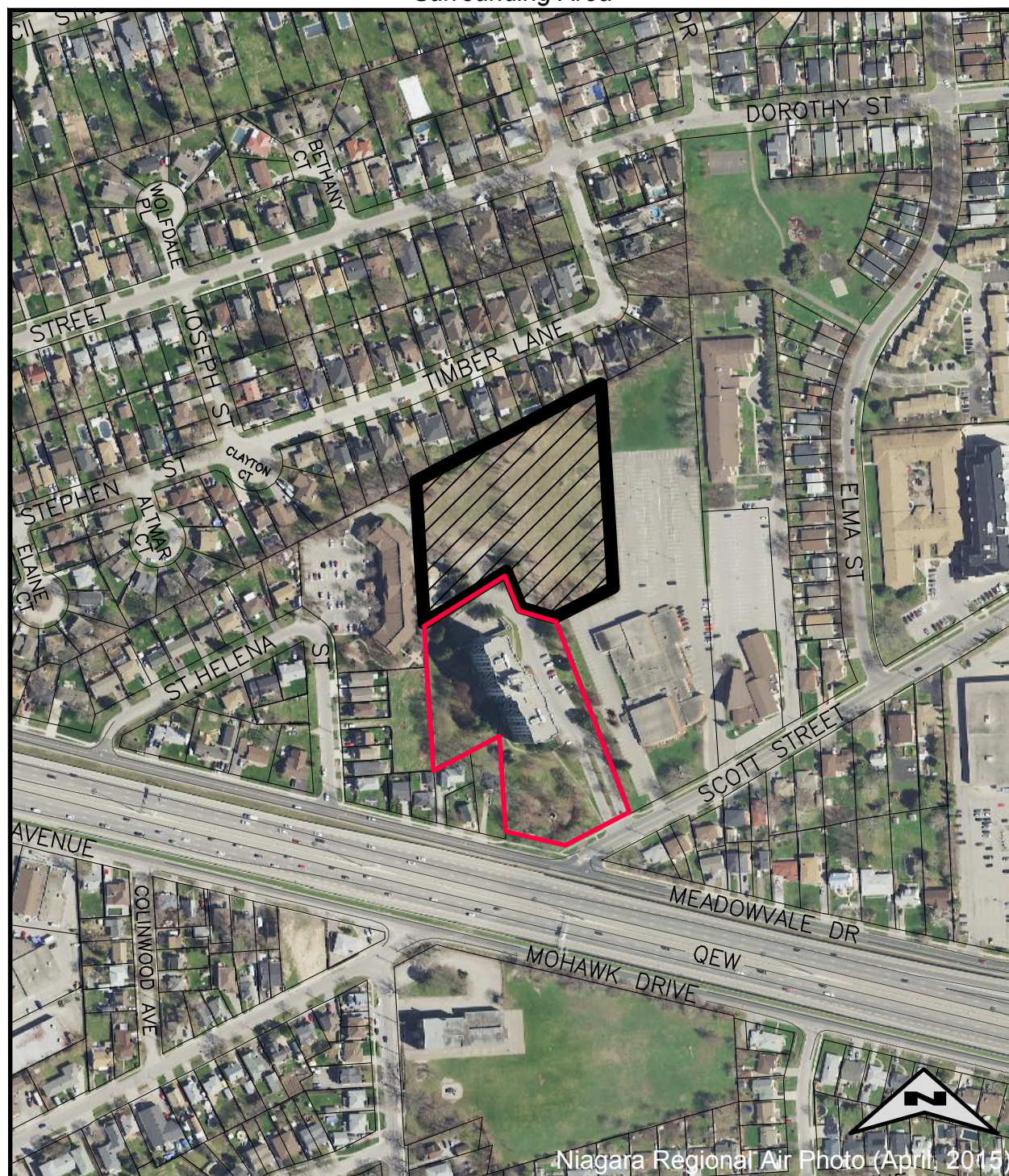
### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services


### **Approved by:**

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

# Aerial Photo Surrounding Area



Niagara Regional Air Photo (April, 2015)

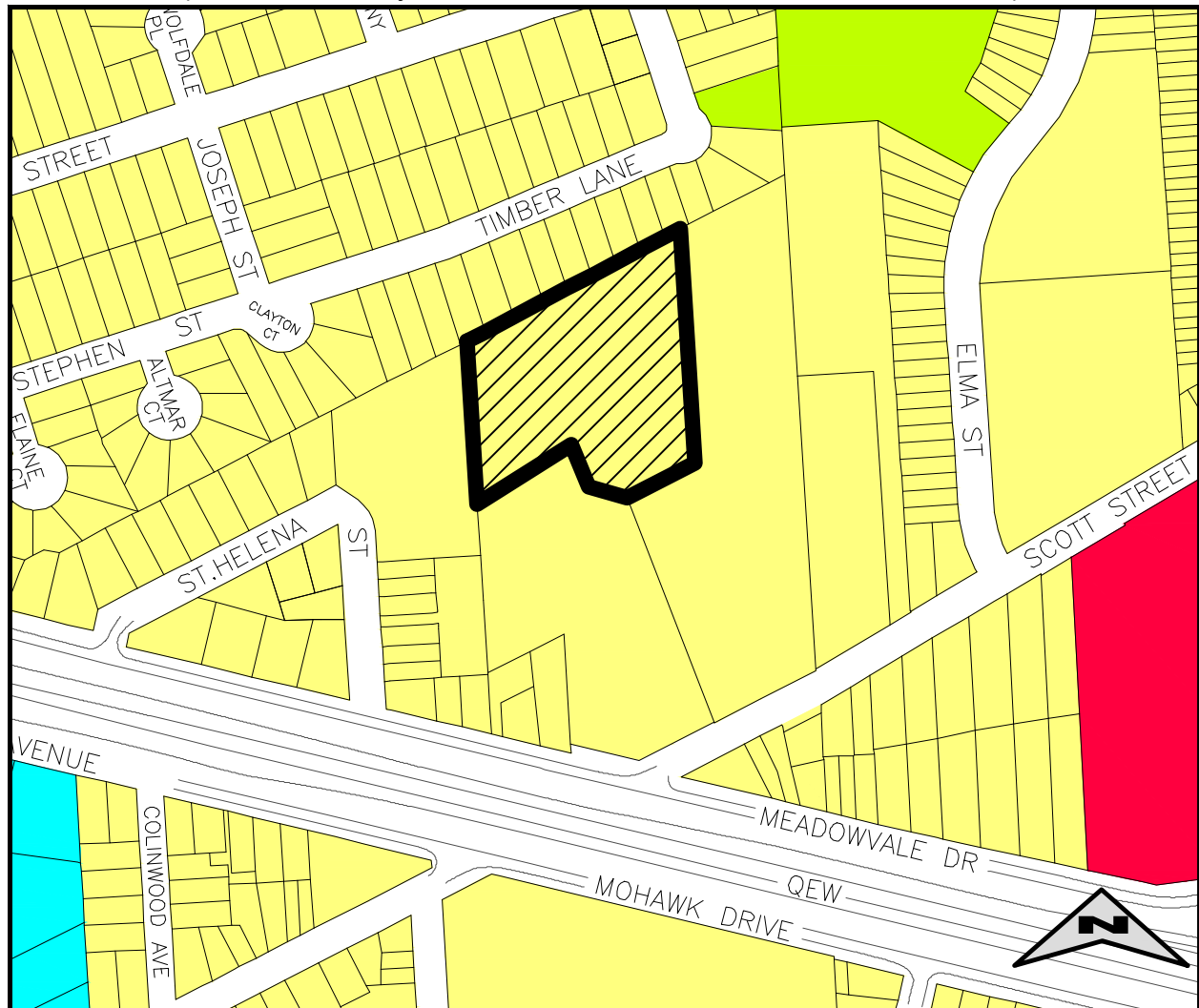
 Subject Lands  
85 Scott Street  
File: 60.35.1017

 81 Scott Street



## Existing Land Use Designation

(The Garden City Plan - General Land Use Plan, Schedule D1)



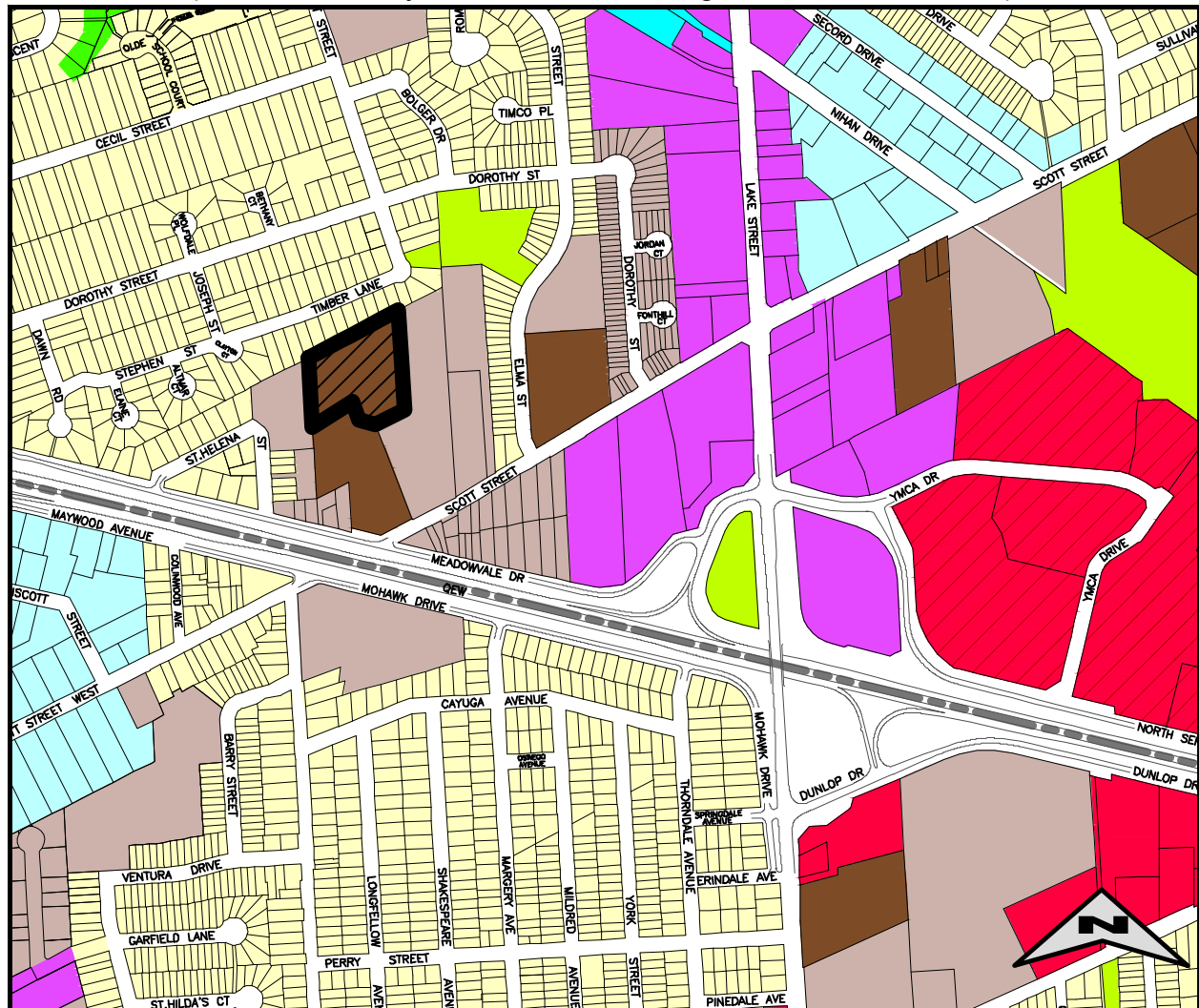
 Subject Lands  
85 Scott Street


Land Use Designations			
	Neighbourhood Residential		Commercial
	Employment		Parkland & Open Space

File: 60.35.1017



## Existing Land Use Designation

(The Garden City Plan - North Planning District, Schedule E1)



 Subject Lands  
85 Scott Street

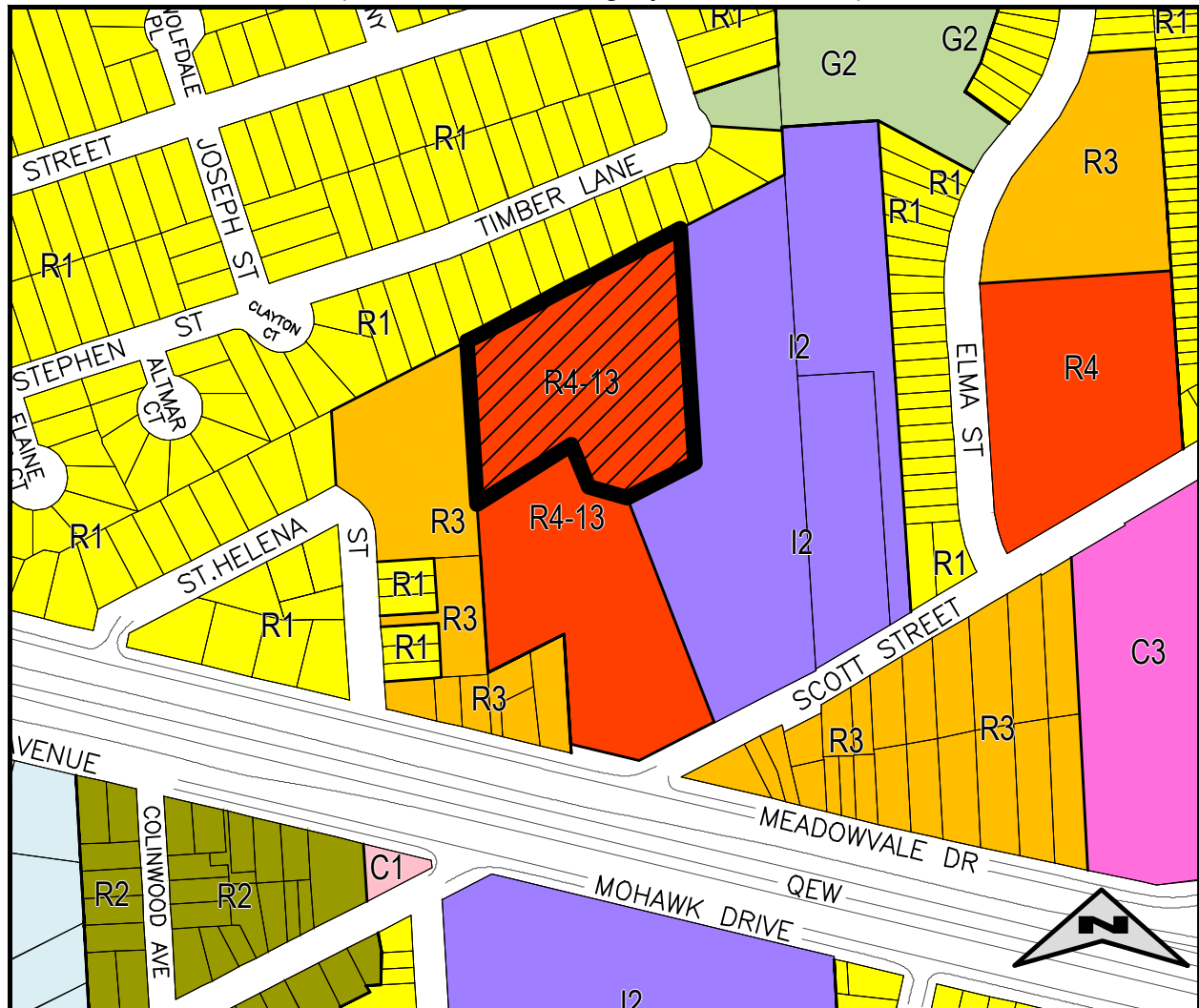
### Land Use Designations

 Low Density Residential	 Arterial Commercial
 Medium Density Residential	 General Employment
 High Density Residential	 Business Commercial Employment
 Major Commercial	 Parkland & Open Space
 Community Commercial	 Planning District Boundary

File: 60.35.1017

## Existing Zoning

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



**Subject Lands**  
85 Scott Street

### Zones

<b>R1</b> Low Density Residential - Suburban Neighbourhood	<b>C1</b> Local Convenience Commercial
<b>R2</b> Low Density Residential - Traditional Neighbourhood	<b>C3</b> Arterial Commercial
<b>R3</b> Medium Density Residential	<b>E1</b> Business Commercial Employment
<b>R4</b> High Density Residential	<b>G2</b> Minor Green Space
	<b>I2</b> Community Institutional

File: 60.35.1017

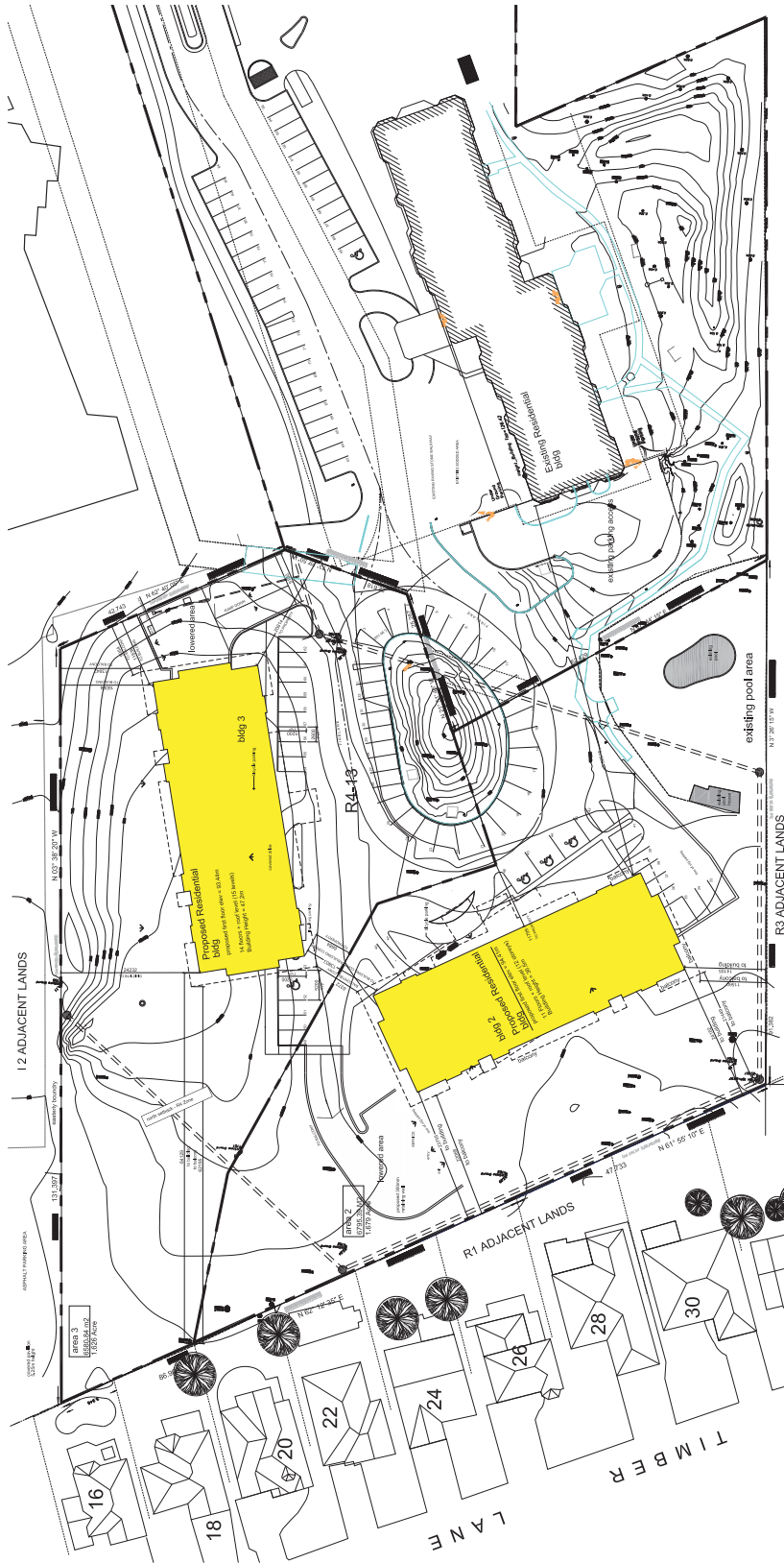
Site Plan September 2017

Legal Description  
PART LOT 20, CONCESSION 3  
PARTS 134 6547 73 984 99  
ON REFERENCE PAN 30R-6344

GENERAL NOTES



BUILDING #2 AREA		BUILDING #3 AREA	
<p>CONCRETE CALCULATIONS</p> <p>PROPOSED BLDG. 2 (1000.00 SF)</p> <p>1. CONCRETE</p> <p>2. FORMWORK</p> <p>3. REINFORCEMENT</p> <p>4. PAINT</p> <p>5. LANDSCAPE</p> <p>6. TOTAL</p>		<p>CONCRETE CALCULATIONS</p> <p>PROPOSED BLDG. 3 (1000.00 SF)</p> <p>1. CONCRETE</p> <p>2. FORMWORK</p> <p>3. REINFORCEMENT</p> <p>4. PAINT</p> <p>5. LANDSCAPE</p> <p>6. TOTAL</p>	
<p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p>		<p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p>	
<p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p>		<p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p> <p>1000.00 SF</p>	



NO.	DATE	REVISION	BY
1	09/01/17	REVISED SITE PLAN	AK
2	09/01/17	REVISED SITE PLAN	AK
3	09/01/17	REVISED SITE PLAN	AK
4	09/01/17	REVISED SITE PLAN	AK
5	09/01/17	REVISED SITE PLAN	AK
6	09/01/17	REVISED SITE PLAN	AK
7	09/01/17	REVISED SITE PLAN	AK
8	09/01/17	REVISED SITE PLAN	AK
9	09/01/17	REVISED SITE PLAN	AK
10	09/01/17	REVISED SITE PLAN	AK

Meadowdale Green Phase II

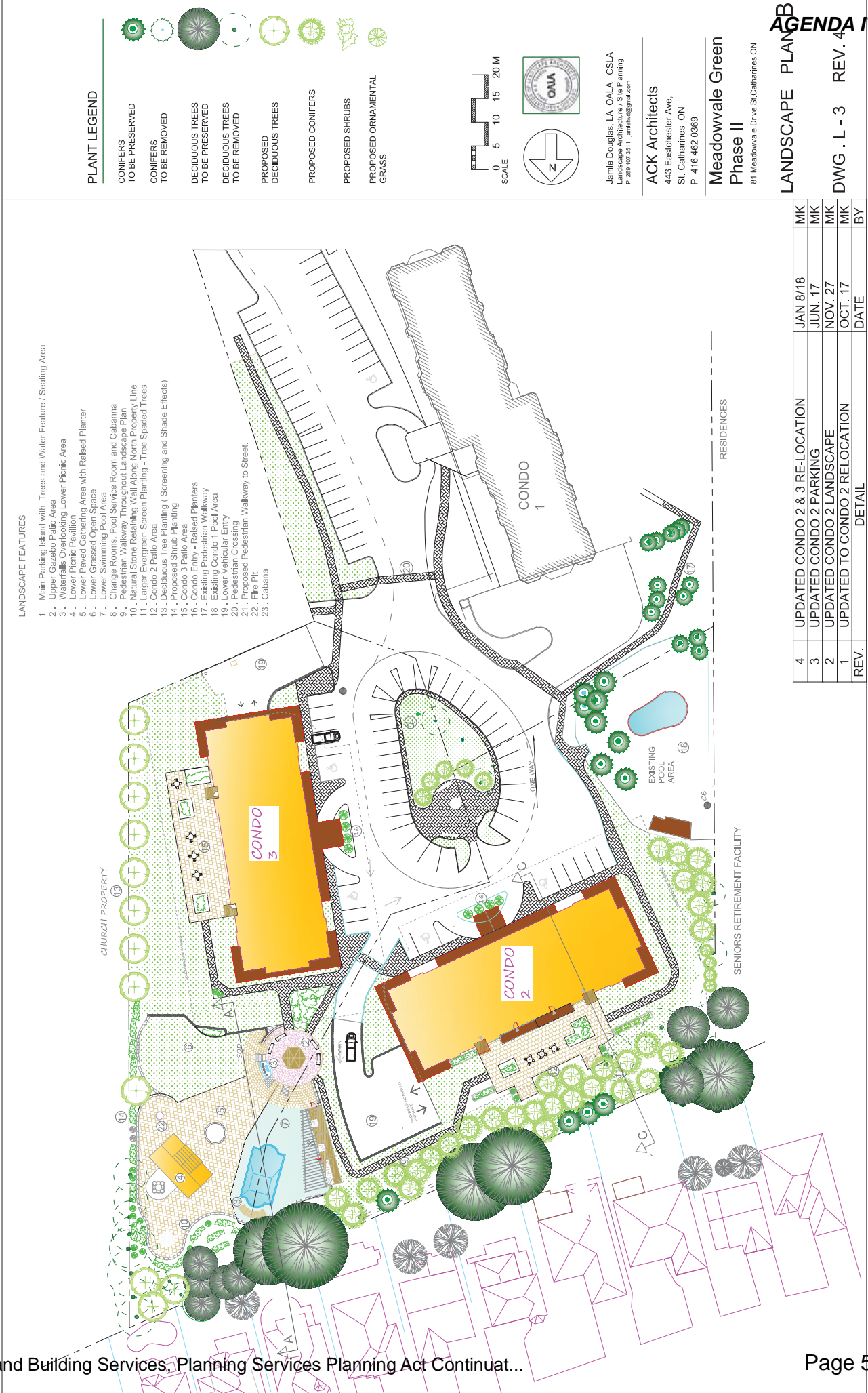
**A|C|K**  
architects  
www.ackarchitects.com

Preliminary  
Site Plan

S1.1

Site Plan  
Scale: 1/8" = 1'-0"











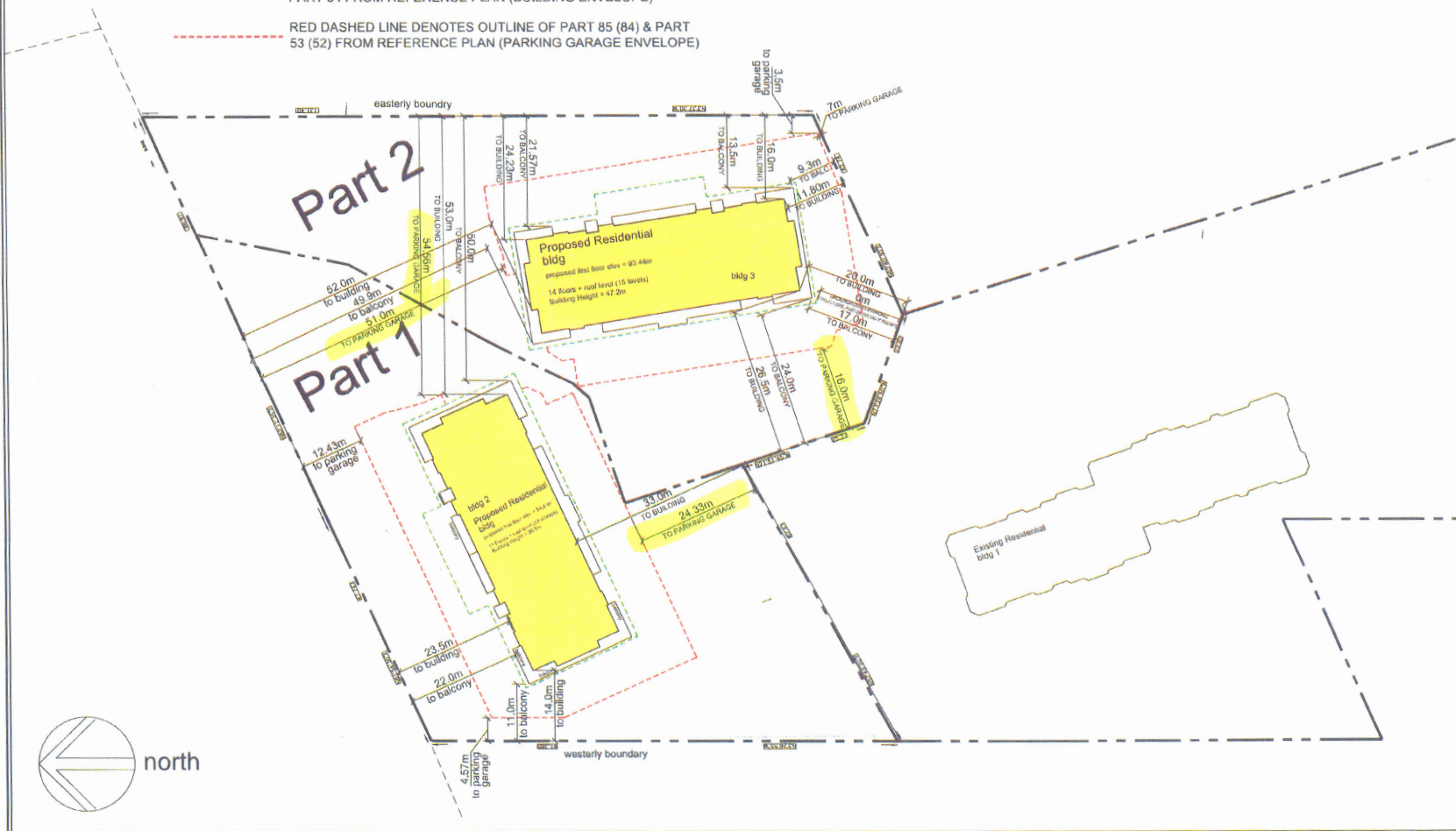
## Schedule B Of By-Law No.

### LEGEND

PERMISSIBLE BUILDING AND PARKING GARAGE LOCATIONS AS PER REGISTERED CONDOMINIUM DOCUMENTS

GREEN DASHED LINE DENOTES OUTLINE OF PART 90 & PART 54 FROM REFERENCE PLAN (BUILDING ENVELOPE)

RED DASHED LINE DENOTES OUTLINE OF PART 85 (84) & PART 53 (52) FROM REFERENCE PLAN (PARKING GARAGE ENVELOPE)





CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** May 30, 2018

**Date of Meeting:** June 11, 2018

**Report Number:** PBS-129-2018

**File:** 60.51.1032

**Subject:** *Planning Act Continuation of Public Meeting – Recommendation Report*  
Application to Amend Zoning By-law 2013-283; Subject Lands: 57 Lakeport Road; Owner: Royal Canadian Legion Branch 350; Applicant: Rankin Construction Inc.; Agent: MHBC Planning

Additional Subject Lands: 3 Lakeport Road, 57A Lakeport Road; Owner: Department of Fisheries and Oceans

Additional Subject Lands: 45 Lakeport Road; Owner: City of St. Catharines

## Recommendation

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the subject lands municipally known as 57 Lakeport Road, and portions of the additional subject lands municipally known as 3 Lakeport Road, 45 Lakeport Road, and 57A Lakeport Road, as outlined in Appendix 17 of this report, to permit the development of an eight-storey (29.15 metre-high) mixed-use building, comprising 560 square metres of ground floor assembly space, 51 apartment dwelling units, outdoor patio areas, and 94 underground parking spaces; and

That Council approve in principal the use of publicly owned lands, which are necessary to facilitate the proposed development, specifically parts of 3 Lakeport Road, 45 Lakeport Road, and 57A Lakeport Road; and

That Council direct staff to pay particular attention to the following site, landscape, and building design matters through the Site Plan Approval process:

- a) the provision of building step-backs beyond the fifth floor generally consistent with the revised preliminary elevations attached to this report as Appendix 4;
- b) the location, extent and screening of rooftop mechanical equipment, including elevator overruns and stairs, so that impacts on height and views are minimized;
- c) the provision of transparent or open-construction guards around the parking deck and patio so that impacts on views to the harbour, marina, and Twelve Mile Creek are minimized;
- d) the provision of transparent or open-construction guards around the roof-top amenity space so that impacts of building height and profile are minimized;

- e) Ground floor architectural design that includes a prominent street presence for the Legion use, with appropriately scaled and located signage, and a residential entrance and lobby component that is subordinate to the Legion use;
- f) the impacts of wind on the pedestrian environment that may be caused by the proposed building;
- g) the coordination of landscape design with adjacent lands, including the surrounding publicly owned lands and the Lincoln Fabrics lands to the south, so that elements such as exterior lighting, paving materials, furnishings, railings, and landscaping are harmonized across the west harbour area;
- h) the provision of adequate public parking with appropriate signage so that there are a minimum of 33 public parking spaces in Lockhart Point;
- i) the refinement of the design of Lockhart Point so that it is generally consistent with the concept plan, prepared by Parks, Recreation and Culture Services staff and attached to this report as Appendix 5.

That a heritage commemoration/interpretation plan be submitted to retain heritage elements in the building design;

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

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

That the Notice of Decision include a statement that public input has been received, considered and has informed the decision of Council; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Local Planning Appeals Tribunal (LPAT) for consideration and final approval; and

That, in the event of an appeal to the Local Planning Appeals Tribunal (LPAT), Council authorize the City Solicitor or her designate and City staff, as appropriate, to attend any LPAT hearing in support of Council's decision;

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

## **Summary**

This Recommendation Report considers a Zoning By-law Amendment related to the privately owned lands at 57 Lakeport Road as well as portions of the publicly owned lands at 3 Lakeport Road, 45 Lakeport Road, and 57A Lakeport Road. The Zoning By-law Amendment is necessary to permit the development of an eight-storey (29.15 metre-high) mixed-use building, comprising 560 square metres of ground floor assembly space for use by the Royal Canadian Legion, 51 apartment dwelling units, and 94 underground parking spaces.

This Recommendation Report follows the [Information Report](#) (PBS-092-2018 linked here and copy available upon request) that was received by Council at the April 23, 2018, Public Meeting. Council did not close but rather adjourned the public meeting at that time.

The following items are appended to this report for Council's reference:

- Appendix 1: Location Map
- Appendix 2: Revised Preliminary Site Plan
- Appendix 3: Preliminary Underground Parking Plan
- Appendix 4: Revised Preliminary Elevations and 3D Views
- Appendix 5: Lockhart Point Concept Plan (by City)
- Appendix 6: Photo – Existing view to the north from Lakeport Road, near the northwest corner of the Lincoln Fabrics building
- Appendix 7: Perspective – Post-development view to the north from Lakeport Road, near the northwest corner of the Lincoln Fabrics building
- Appendix 8: Photo – Existing view to the east towards the harbour, from the municipal sidewalk adjacent 57A Lakeport Road
- Appendix 9: Perspective – Post-development view to the east towards the harbour, from the municipal sidewalk adjacent 57A Lakeport Road
- Appendix 10: Photo – Existing view to the east towards the harbour, from the municipal sidewalk adjacent the lock remnants
- Appendix 11: Perspective – Post-development view to the east towards the harbour, from the municipal sidewalk adjacent the lock remnants
- Appendix 12: Photo – Existing view to the north towards the marina, from the location of the proposed public parking and viewing deck
- Appendix 13: Perspective – Post-development view to the north towards the marina, from the proposed public parking and viewing deck
- Appendix 14: Photo – Existing view to the east towards the harbour, from the intersection of Lakeport Road and Lock Street
- Appendix 15: Perspective – Post-development view to the east towards the harbour, from the intersection of Lakeport Road and Lock Street
- Appendix 16: Letters from Michael McClelland, ERA Architects, dated April 18, 2018 and June 1, 2018 respectively
- Appendix 17: Recommendation – Zoning By-law Amendment
- Appendix 18: Ontario Land Use Planning Framework
- Appendix 19: Correspondence received since the date of the Public Meeting

Staff is recommending approval of the Application, on the basis that the Application has regard for matters of provincial interest, is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with both the Region of Niagara's Official Plan and the City of St. Catharines Official Plan, subject to the staff recommendations herein.

## Background

On April 23, 2018, Council received an Information Report respecting this Application for Zoning By-law Amendment, which provided an overview of the Application, location and site description, planning policy context, comments received on the Application from staff, outside agencies, and the public, and a detailed description of the Application process to-date. Since the date of the related statutory Public Meeting held the same evening, the Applicant has updated various plans and reports in support of the Application, and has provided additional perspectives. These items are listed in the Proposed Development section of this report, with a brief description of the changes to each. These submissions do not alter the proposal as it relates to the number of units, nor the location, orientation, or setbacks of the proposed building and parking structure. Additional building step-backs beyond the fifth floor have been introduced, and the overall height of the building has been modestly reduced from 30 metres to 29.15 metres.

On May 7, 2018, Council adopted the Port Dalhousie Commercial Core and Harbour Area Conservation District Plan (HCD Plan) as well as the Port Dalhousie Commercial Core and Harbour Area Secondary Plan (PDSP) and implementing Official Plan Amendment No. 18 (OPA 18). Both the HCD Plan and PDSP are now subject to an appeal period and are, therefore, not yet in effect. Given the Zoning By-law Amendment that is the subject of this report was submitted and deemed to be complete prior to the new policy documents coming into effect, the Application has been evaluated under the existing approved policy framework. Notwithstanding, the secondary plan policies and heritage conservation district plan guidelines have informed staff's analysis of and recommendations on this Application.

On May 23, 2018, Council received an Information Report (PBS-110-2018) and held a Statutory Public Meeting regarding an Application for Zoning By-law Amendment (60.35.1034) for the Lincoln Fabrics property at 61 and 63 Lakeport Road owned by Port Dalhousie Harbour Club Ltd., and additional publicly owned lands. Those additional publicly owned lands include a portion of 57A Lakeport Road, which is also the subject of this Application. Staff note that the two development proposals and recommended zoning changes do not conflict with one another; the Royal Canadian Legion/Rankin Construction proposes to encroach only slightly into the northern portion of 57A Lakeport Road, while Port Dalhousie Harbour Club Ltd. proposes to encroach into the southern portion.

## Report

The subject lands are located within the Port Dalhousie Heritage Conservation District and the City's North Planning District. Specifically, the lands are located on the east side of Lakeport Road, south of Lock Street, and west of the harbour. The privately owned lands at 57 Lakeport Road are surrounded by publicly owned lands, which include 3 Lakeport Road, 45 Lakeport Road, and 57A Lakeport Road. Attached as Appendix 1 is a location map that delineates the boundaries of each of the four parcels. Details of the site and surrounding area can be found in the previous Information Report.



## Proposed Development

The Applicant seeks approval for a Zoning By-law Amendment to permit the construction of an eight-storey (29.15 metre) mixed used building comprising approximately 560 square metres of ground floor assembly space for use by the Royal Canadian Legion, 51 apartment dwelling units on floors two through eight, and an outdoor patio area along the south and east sides of the building (refer to the revised preliminary site plan attached as Appendix 2). The existing two-storey building is to be demolished. The proposal represents a density of 232 units per hectare of land (130 units per hectare when all lands proposed to be developed are included in the calculation).

Since the date of the public meeting, the applicant has submitted the following revised plans and studies, and additional perspectives:

- Preliminary Site Plan (Appendix 2)
  - Updated to reflect changes to the public parking layout on the deck of the proposed parking structure, including the addition of a public viewing plaza
- Preliminary Elevations (Appendix 4)
  - Updated to reflect changes to the upper three floors of the building, including a modest reduction in height, the introduction of additional step-backs beyond the fifth floor, and changes in building materials.
- Perspectives (Appendices 7, 9, 11, 13, 15)
  - Updated to reflect changes to the building elevations and to the guard surrounding the patio and parking deck
  - Additional perspectives provided to demonstrate impacts on views to the harbour
- Heritage Impact Assessment
  - Updated to reflect changes to the building elevations and to provide an analysis of the impact on views
- Functional Servicing Assessment
  - Updated to confirm that the last leg of the Lakeport Road sanitary sewer will likely require upgrading

The revised preliminary site plan (Appendix 2) shows the proposed building, balconies, and patio located entirely within the privately owned parcel municipally known as 57 Lakeport Road. The revised preliminary elevations (Appendix 4) indicate an ultimate building height of 29.15 metres, plus an exposed stairwell and roof-top observation area with glass guard. No rooftop mechanical equipment is shown. The exterior finish includes substantial glazing on the ground floor, while the second through fifth floors are cantilevered over the ground floor and clad in brick. The top three floors of the building include substantial glazing and are stepped back on all sides.

A total of 94 parking spaces are provided on a single-level parking structure that is accessed from 3 Lakeport Road (Lockhart Point), by way of a driveway over 45 Lakeport Road, which includes the remnants of Lock I of the second Welland canal (refer to Appendices 3 and 4). The footprint of the parking structure is proposed to

extend into publicly owned lands at 3 Lakeport Road, 45 Lakeport Road, and 57A Lakeport Road, the wedge of land located between the Royal Canadian Legion site and the Lincoln Fabrics/Pier 61 Bar and Grill site. Of the 94 parking spaces provided, 57 extend either wholly or in part into publicly owned lands.

When viewed from the Lakeport Road sidewalk, the parking structure is not visible; it is located below the proposed ground floor elevation of 79.0 metres (geodetic elevation). However, due to the grade change between Lakeport Road and the harbour, the north, south, and east walls of the structure are either partially or wholly located above the proposed exterior finished grades. When viewed from the Harbour Walkway Trail for example, the east wall of the parking structure stands approximately 3.5 metres tall. These exposed walls are treated with large, tiered landscape planters.

The revised proposal also provides for 30 public parking spaces on the deck above the portion of the parking structure that extends into Lockhart Point. These 30 public parking spaces are intended to replace the existing 27 public parking spaces in that area. A new public viewing platform and plaza space are shown along the northerly limit of the parking deck.

## **Circulation of Application**

This application was circulated to all relevant departments and agencies in accordance with the requirements of the Planning Act; there were no objections received. The previous Information Report summarized comments received on the most recent submissions at the time of the Public Meeting. Additional comments have been provided relating to certain updated or new materials. These are summarized below.

## **Parks, Recreation and Culture Services**

The revised preliminary site plan provides for 30 public parking spaces on the deck of the underground parking structure. In total 33 public parking spaces exist in Lockhart Point today; 27 of them in the larger parking area, and six adjacent to the Dalhousie Yacht Club's office and washroom building. Through the Site Plan Approval process, the Applicant will be required to demonstrate that there will be no net loss in public parking. Staff note that additional public parking spaces can be accommodated along the access road, as illustrated in the concept plan attached to this report as Appendix 5.

## **Development Section, Planning and Building Services**

The Applicant has submitted a revised Functional Servicing Report that indicates that an upgrade to the last leg of the Lakeport Road sanitary sewer will likely be necessary to accommodate the proposed development. Through the Site Plan Approval process, the Applicant will be required enter into a Servicing Agreement with the City to ensure the sanitary sewer is designed and constructed to City standards, and at no cost to the City.

## **St. Catharines Heritage Advisory Committee**

The Applicant presented its proposal to the St. Catharines Heritage Advisory Committee on May 10, 2018. Afterwards, the following motions were carried by the Committee:



*“That the St. Catharines Heritage Advisory Committee (SCHAC) is supportive of the proposed redevelopment of the lands at 57 Lakeport Road (3, 45, 57A Lakeport Road) for a mixed use building, in accordance with the concept presented and with the applicable heritage principles.”*

*“That the committee expresses its concerns regarding future potential installation of communications equipment above and beyond approved maximum building height and encourages City Council and staff to explore ways and means to approach this matter.”*

The regulation of telecommunication towers is a federal jurisdiction and is administered by Industry Canada. It is noted that while it requires proponents to work with local land-use authorities and to accommodate reasonable local requirements, Industry Canada makes the final decision on whether or not a tower facility can be constructed.

On November 30, 2015, Council adopted the consultation process for proposed new wireless telecommunications facilities. Through the consultation process, the City is to encourage the operator to strongly consider certain location criteria for all proposal for new telecommunication facilities, including the following:

- avoid locating tower facilities on heritage listed or designated properties under the authority of Part IV or Part V of the *Ontario Heritage Act*;
- locate and design tower facilities which minimize visual impact in high profile and sensitive areas and to ensure land use compatibility with the surrounding area.

## Planning Analysis

Recent changes to the Planning Act require Council to fully consider planning applications in the context of consistency with the Provincial Policy Statement, and conformity with Provincial Land Use Plans (in this case the Growth Plan for the Greater Golden Horseshoe, also known as Places to Grow), the Regional Official Plan, and the City's local official plan, the Garden City Plan. The Ontario Land Use Planning Framework applicable to this application is outlined in Appendix 18 of this report.

## Provincial Policy Statement

The Provincial Policy Statement, 2014 (the PPS), provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council “shall be consistent” with the PPS.

The subject lands are within a settlement area under the PPS. Sections of the PPS, which are particularly relevant to the subject proposal, are summarized below.

## Settlement Areas

The PPS requires settlement areas to be the focus of growth and development, with land use patterns based on densities and a mix of land uses, which efficiently use land, resources, and infrastructure, and which are transit supportive and support active transportation, among other matters. A range of uses and opportunities for intensification and redevelopment are to be provided, with planning authorities having the ability to identify suitable locations for growth, subject to appropriate development

standards. Minimum intensification targets and redevelopment within settlement areas are to be established.

The City's Official Plan, the Garden City Plan (GCP), sets out areas for intensification and redevelopment, with a minimum intensification target, as well as policies that guide development standards. This is detailed in the Official Plan subsection of this report. The City's Zoning By-law further implements these policies.

### **Housing**

The Housing policies of the PPS require that planning authorities plan for an appropriate range and mix of housing types and densities to meet the needs of current and future residents. Lands in the municipality shall be suitably zoned with sufficient servicing capacity available to meet a three-year demand of growth through intensification. Planning authorities must permit and facilitate all forms of housing and intensification, subject to appropriate development standards, with densities that efficiently use land and resources, are transit supportive, and support active transportation.

The housing policies of the PPS are reiterated in the Province's Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2017, detailed below. Further, the City's Official Plan and Zoning By-law provide for all forms of housing, through intensification and other forms of development. The City has the ability to meet the housing needs of current and future residents within its current land use planning framework. Subject to an upgrade to a portion of the local sanitary sewer at the Applicant's cost, the proposed number of units can be accommodated by existing municipal infrastructure.

### **Public Spaces, Recreation, Parks, Trails and Open Space**

The PPS provides that healthy, active communities should be promoted by planning for safe, pedestrian friendly public spaces that facilitate community connectivity, and by providing opportunities for public access to shorelines.

The policies above are reiterated in the Growth Plan. Further, the City's Official Plan and Zoning By-law promote a diverse and connected system of parks, open spaces, and trails to support opportunities for recreation, conservation and enhancement of cultural and natural heritage.

### **Cultural Heritage and Archaeology**

The policies of the PPS require that significant built heritage resources and significant cultural heritage landscapes shall be conserved. Planning authorities shall not permit development on lands adjacent to protected heritage property unless it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The cultural heritage policies of the PPS are reiterated in the Growth Plan. Further, the City's Official Plan policies provide the framework for the protection and enhancement of the City's cultural heritage resources. The City may require a cultural heritage impact

assessment where a proposed development has the potential to adversely affect cultural heritage resources.

### **Natural Hazards**

The PPS provides that development shall generally be directed to areas outside of hazardous lands adjacent to the shoreline of the Great Lakes, which are impacted by flooding hazards, erosion hazards, and/or dynamic beach hazards.

The City's Official Plan and Zoning By-law provide for the protection of the public from natural hazards through policies, land use designations, and screening tools. The Niagara Peninsula Conservation Authority's Regulation 155/08 identifies the floodplain limit along the subject section of the shoreline as 76.15 metres and requires that all building openings be located above this limit.

### **Implementation and Interpretation**

The PPS stresses the importance of official plans and zoning by-laws in implementing the policies of the province. Land use designations and policies of official plans, along with development standards of zoning by-laws, are important tools to protect provincial interests and direct development to suitable areas.

### **PPS Summary Opinion**

Staff are of the opinion that the proposed Zoning By-law Amendment is consistent with the policies of the Provincial Policy Statement in that policies related to intensification, growth, housing, public spaces, cultural heritage, and natural hazards are upheld.

At a density of 232 units per hectare, the proposal will efficiently use existing infrastructure (subject to an upgrade to the Lakeport Road sanitary sewer at the Applicant's cost), and public service facilities, and will contribute to the range of housing options in the city. The proposed development is located along both an existing transit route and the Greater Niagara Cycle Route, within a Community Commercial Centre, as identified by the City's Official Plan. The development proposal provides opportunities for improvements to Lockhart Point, including upgraded public parking, increased accessibility and connectivity, a more efficient public green space, and increased public access to the waterfront. Impacts on cultural heritage can be mitigated through commemoration and the display and interpretation of salvaged building materials.

### **Growth Plan for the Greater Golden Horseshoe**

The Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan), came into effect on July 1, 2017. The Growth Plan stresses compact and well-designed development and prioritizes intensification in built-up areas. The Growth Plan supports the achievement of complete communities that "ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards." Section 3(5) of the Planning Act stipulates that decisions of Council "shall conform with" the Growth Plan, or "shall not conflict with" the Growth Plan, as the case may be.

The subject lands are located within a built-up area inside of a settlement area, as delineated by the Growth Plan. Several sections of the Growth Plan are particularly relevant to the subject proposal. As noted in the Provincial Policy Statement analysis above, the Growth Plan reiterates many of the policies of the PPS.

### **Managing Growth**

The Growth Plan directs the vast majority of growth to settlement areas that have a delineated built boundary, have existing or planned water and wastewater systems, and can support the achievement of complete communities. Municipalities are required to establish a hierarchy of growth within settlement areas, intended to achieve complete communities that provide a range and mix of land uses and housing, optimize infrastructure, and have a high quality and attractive private and public realm.

### **Delineated Built-Up Areas**

The Growth Plan specifically sets out that by the year 2031, a minimum of 60% of all residential development occurring annually within upper-tier municipalities will be within delineated built-up areas. Further, the Growth Plan requires that each municipality will have an intensification strategy, which identifies the appropriate type and scale of development and transition of built form to adjacent areas, and which ensures lands are zoned and development is designed in a manner that supports complete communities. Intensification strategies are to be implemented through official plan policies and designations, zoning, and other documents.

Notwithstanding the 60% intensification target set out in the Growth Plan, the Regional Official Plan (ROP) provides that 95% of all residential development occurring annually in St. Catharines must be within the built-up area. To meet this objective, the City's Official Plan sets out a growth management framework, which includes Designated Intensification Areas and general intensification, and establishes design policies to ensure growth is context sensitive, compatible, and fosters complete communities.

### **Summary Growth Plan Opinion**

The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, sensitive to adjacent areas. The City's Official Plan and Zoning By-law set out the policies and standards to achieve the level of intensification and growth intended to occur within the City's built-up area. These policies support the development of complete communities and help guide what is considered appropriate development given the context of the area. Staff are of the opinion that the proposed Zoning By-law Amendment conforms with and does not conflict with the policies of the Growth Plan for the Greater Golden Horseshoe in that policies related to managing growth, directing growth to built-up areas, housing, public spaces, cultural heritage, and public open space are upheld.

The proposed density of 232 units per hectare will count toward the City's 95% residential intensification target and contribute to the range of housing opportunities in the neighbourhood. The mixed use development is located within a Community Commercial Centre, along a transit route, and in close proximity to public parks and the

waterfront. The redevelopment of these underutilized lands will efficiently utilize existing infrastructure and public services. The proposal provides opportunities for improvements to the public open space network and will not impact the natural heritage system. Although the existing building is proposed to be demolished, heritage resources contained within the building can be salvaged, conserved, and re-used in a commemoration/interpretation plan.

## **Regional Official Plan**

Similar to the Growth Plan, the Regional Official Plan (ROP) directs that intensification in the form of compact, mixed-use, transit supportive development is to take place in built-up urban areas where appropriate servicing and infrastructure exists. The ROP establishes a framework for developing complete communities that include a diverse mix of land uses, a range of housing types, high quality public open spaces, and access to commercial uses by bike, car, and transit.

The subject lands are located within the St. Catharines Urban Area, as defined by the ROP. Policies of the ROP that are particularly relevant to this application are summarized below.

## **Intensification and Greenfield Growth**

The ROP states that intensification includes all forms of development that occur within the built-up area. The ROP requires that municipalities develop intensification strategies, including the identification of specific Intensification Areas and general intensification to support the achievement of targets. The ROP establishes a residential intensification target of 95% for the City of St. Catharines, which target is reflected in the City's Official Plan, together with policies to establish Intensification Areas and to support general intensification throughout the built-up area, including within Community Commercial Centres.

## **Urban Design and the Public Realm**

The policies of the ROP promote urban design analysis and municipal beautification to ensure communities remain attractive places, enhance the quality of life of residents, and encourage tourism. Municipalities are encouraged to adopt urban design guidelines to support the development of a strong sense of place and to include urban design analysis through private development projects so that public safety, active transportation, landscaping, and human scale in buildings facing public space are achieved. Further, the ROP promotes the development of the public realm in a manner that "supports vibrant social and cultural gathering spaces easily accessed by a variety of transportation modes." The City's Official Plan contains urban design policies against which this Application has been evaluated. A detailed analysis included within the Official Plan section of this report.

## **Natural Hazards**

The ROP stipulates that development and site alteration shall be directed away from hazardous lands that could be unsafe due to naturally occurring processes such as flooding. Local municipalities are required to include mapping in their official plans and

zoning by-laws showing the extent of hazardous lands as determined by the Niagara Peninsula Conservation Authority (NPCA).

Through the pre-consultation process, NPCA staff advised that the subject lands are impacted by the Lake Ontario Flood Hazard. The NPCA is satisfied that all building openings are located above the 100 year lake flood elevation of 76.15 metres.

### **Summary ROP Opinion**

The ROP outlines a general planning framework for accommodating growth. The Plan generally encourages intensification throughout the built-up area while stipulating that local municipalities shall establish Intensification Areas and encourage general intensification to support the achievement of intensification targets. Regional Staff have commented that “the application and proposed development are considered to align with Regional and Provincial policies, and will build upon and enhance existing public and community assets, and will contribute to the ongoing maintenance of Port Dalhousie as a Complete Community.”

Staff are of the opinion that the proposed Zoning By-law Amendment conforms to and does not conflict with the ROP in that Regional policies related to intensification and natural hazards would be upheld. The proposed density of 232 units per hectare will count toward the city’s 95% residential intensification target and contribute to the range of housing opportunities in the neighbourhood. The NPCA is satisfied that all building openings are located above the 100 year lake flood elevation.

### **Local Official Plan (Garden City Plan)**

The City’s Official Plan, The Garden City Plan (GCP) sets out land use designations, policies, and principles to direct and manage the future orderly and efficient growth of the City. The Plan reflects the City’s individual community interests within the context of Provincial and Region planning regimes. Section 1.1 b) i) of the Official Plan states that “no By-law may be passed... that does not conform to this Plan”.

### **Land Use Policies – Community Commercial and Parkland and Open Space**

The majority of the subject lands, specifically 3, 57, and 57A Lakeport Road, are designated as ‘Commercial’ on Schedule D1, General Land Use Plan for the GCP. The Commercial land use designation is primarily intended to provide concentrations of retail and service commercial uses to accommodate local resident needs, as well as to provide significant employment opportunities, subject to the policies of the Plan. Building height and density are not restricted in the Community Commercial designation.

Schedule E1 of the GCP provides additional direction for the North Planning District and designates these same lands as ‘Community Commercial’. The Community Commercial designation permits a range of commercial uses as well as institutional, civic, cultural, indoor recreation, entertainment and residential apartment dwelling units.

The remainder of the subject lands, specifically 45 Lakeport Road, are designated as 'Parkland and Open Space' on both Schedule D1, the General Land Use Plan, and Schedule E1, the North Planning District. The Parkland and Open Space designation is intended to provide opportunities for a variety of active and passive recreation, to provide relief from the built environment, and to support opportunities for conservation and enhancement of cultural and natural heritage. Permitted uses include private and public parks, open space linkages, and cultural heritage. Underground parking is not specifically addressed as a permitted use or accessory or ancillary use within the Parkland and Open Space designation, or any other designation for that matter; the GCP is silent on underground parking in this regard.

The GCP directs that "Permitted uses may be allowed provided that (among other matters) the use of land does not conflict with the policies in this Plan related to natural hazard lands, natural heritage or cultural heritage resources" (13.1.2). Further, the GCP provides that in order to "support the minimization of large tracts of asphalt for parking, the City encourages the use of compatible and context sensitive underground and structured parking for development or redevelopment within the Downtown Urban Growth Centre, mixed use areas and commercial centres, for medium and high density residential development, and large scale developments." (Section 5.4.3)

The Applicant proposes an eight storey (29.15 metre-high) mixed use building comprising approximately 650 square metres of ground floor assembly space for use by the Royal Canadian Legion, plus 51 apartment dwelling units on floors two through eight. The development constitutes a density of 232 units per hectare on the privately owned lands at 57 Lakeport Road, which are designated Community Commercial. The mixed use building is permitted under the policies of the Official Plan.

Further, the Applicant proposes all of the private parking associated with the development within a one-level parking structure. The parking structure is located beneath the proposed building, partially below grade and partially above grade, as the lands slope down towards Lockhart Point and the harbour. The parcel at 45 Lakeport Road, which is designated Parkland and Open Space, includes the remnants of the second Welland canal along its westerly limits, and public parking and an access road along its easterly limits. The proposed parking garage will encroach under only a small portion of the access road; the remnants of the lock will be undisturbed.

### **Summary Opinion of Official Plan Land Use Policies**

This Application for Zoning By-law Amendment proposes an eight storey mixed use building comprising ground floor assembly space and 51 apartment dwelling units at a density of 232 units per hectare. The proposed building and density are permitted under the Community Commercial policies of the Official Plan. Underground parking associated with the principal use extends into adjacent publicly-owned lands, including 45 Lakeport Road, which is designated Parkland and Open Space. The parking itself is not visible from above grade and does not impact the Lock remnants. While underground parking is not specifically set out as a permitted use in any of the land use designations, staff are satisfied that the proposal meets the spirit and intent of the

Official Plan. The primary use and function of the property to support the conservation and enhancement of cultural heritage is maintained.

### **Managing Growth and Change**

A framework for managing growth in the City is set out in Section 2.3 of the Official Plan. The Plan provides a balanced approach that reflects and respects the character, function, scale and context of each area of the City, and which is consistent with and supports the growth and intensification strategies as set out in the Growth Plan.

The City's Urban Area boundary is finite and cannot be expanded and there is only a small amount of Designated Greenfield Area remaining. Section 2.3.2 of the Official Plan indicates that population and employment growth will therefore be primarily accommodated by:

- i) the efficient usability of vacant and occupied lands;*
- ii) more compact built form and density of development;*
- iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;*
- iv) redevelopment and build out of underutilized properties;*
- v) a more integrated, interactive mix of uses, activity and functions;*
- vi) service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development;*
- vii) design initiatives to support:*
  - compatible, innovative, efficient and sustainable building and site design;*
  - enhanced natural and cultural heritage protection, preservation and conservation;*
  - greening;*
  - an accessible, integrated, interactive, usable and connected public realm within and between different uses and activity areas, functions, landscapes and identities;*
- ix) the upgrading of existing infrastructure and public service facilities, and where required, the provision of new infrastructure and public service facilities to ensure adequate service capacity to support development, redevelopment and intensification;*
- x) providing a balance of housing and employment opportunities to maximize the opportunities for people to live and work in St. Catharines, and to maintain a sustainable healthy tax base to support a balanced and complete community, and sustainable long term growth and development opportunities.*

Growth and development in the City will occur by using land and infrastructure efficiently, building compact forms, having a mix of uses and housing forms, achieved through a compatible design. The primary areas for intensification within the built boundary are the Urban Growth Centre, Intensification Areas and other vacant lands dispersed throughout the City. The Plan also recognizes and supports general intensification within all Local Neighbourhood Convenience Commercial, Major



Commercial, and Community Commercial Centres, provided the intensification is achieved without detracting from the primary commercial use of such Centres.

Located in a Community Commercial Centre, the Plan envisions medium to high density residential growth on the subject lands, in conjunction with commercial uses, subject to an evaluation of a number of Official Plan policies. The evaluation of compatibility of built form is of utmost importance when evaluating a Zoning By-law Amendment application which seeks to alter the development parameters for the site.

Section 2.3.5 of the Garden City Plan sets out the following housing policies as they relate to the management of growth and change:

- ii) This Plan emphasizes the provision of new housing through the efficient use of vacant and occupied lands; higher density of development; small lot infill; intensification; mixed use development; and reuse, rehabilitation and redevelopment of the built form, including brownfield and greyfield sites.*
- iii) All types of new housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function and accessibility of established residential neighbourhoods and other activity areas; cultural and heritage landscapes, buildings and identities; and the City's network of parks, open space and natural areas, and public realm opportunities.*
- iv) All types of new housing will be encouraged to support housing diversity for a range of life stages, special needs, incomes and ages to promote social inclusion, reduce isolation, and promote affordable housing opportunities.*
- v) This Plan establishes higher housing density standards and opportunities for a greater mix of housing types than has traditionally been directed by the municipality.*

*While it is recognized that new housing development and intensification may occur in all residential neighbourhoods, the primary emphasis for housing intensification is directed towards the Urban Growth Centre and Intensification Areas as set out on Schedule D 'Municipal Structure', along major road corridors, at commercial centres and mixed use areas.*

In summary, the Official Plan provides for many opportunities for high density housing and a mix of housing choices, primarily directed towards the Urban Growth Centre, Intensification Areas, and at commercial centres. New housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure and function of cultural and heritage landscapes, buildings and identities, and the City's network of parks, open space and natural areas, and public realm opportunities. The City's Zoning By-law permits a wide range of housing types throughout the City.

### **Summary Opinion of Official Plan Section 2.3 Managing Growth and Change**

The proposed Zoning By-law Amendment aligns with the growth management policies of the Official Plan in that the proposal provides for apartment dwelling units in a compact, mixed use building located on an underutilized site within a Community Commercial Centre. The development will efficiently use existing municipal services, is transit supportive, and provides for a mix of dwelling unit sizes. The Official Plan

provides direction that growth is to occur in a sensitive manner, with compatible building and site design, accentuating and enhancing the character, structure, and function of cultural heritage landscapes and the City's parks and open space networks. Through the evaluation of the detailed land use, cultural heritage, and urban design policies of the Official Plan, it is the opinion of Staff that the proposed building and parking structure height and setbacks are compatible with surrounding land uses. Approval of the Zoning By-law Amendment will contribute towards intensification targets and a diversity of housing opportunities in the City.

### **Cultural Heritage**

The Official Plan supports the continuing use, reuse, care, and conservation of cultural heritage resources and properties. Section 3.1 of the Plan sets out the following policies for development and/or redevelopment proposals:

4. *All development/redevelopment shall have regard for identified cultural heritage resources and shall wherever feasible, incorporate these resources into any development plan.*
5. *The City may require a cultural heritage impact assessment where a proposed development/redevelopment or site alteration of lands, or on adjacent lands, has the potential to adversely affect cultural heritage resources.*
6. *Development/redevelopment and site alteration may be permitted on adjacent lands to protected heritage property pursuant to Part IV and V of the Ontario Heritage Act, where the proposed development or site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved. Mitigative measures and/or alternative development approaches may be required in order to conserve the heritage attributes of the protected heritage property affected.*
7. *All new development/redevelopment in established areas of cultural heritage value or interest shall also be subject to the City's Urban Design Guidelines to ensure development is in keeping with the overall character of these areas.*

Section 3.2.7 provides additional direction, as follows:

*In reviewing proposals for the construction, demolition, or removal of buildings and structures or the alteration of existing buildings, the City shall be guided by the applicable heritage district plan and the following general principles where there is potential to impact any cultural heritage resources:*

- a) *Heritage buildings, associated landscape features and archaeological sites including their surroundings shall be protected from any adverse effects of change;*
- b) *Original building fabric and architectural features should be retained, repaired, or restored rather than replaced wherever possible;*
- d) *New construction and/or infilling should be compatible with surrounding buildings and streetscapes by being generally of the same height, width and orientation as adjacent buildings; being of similar setback; and using similarly proportioned windows, doors, and roof shape;*

- e) *Design, style, materials and colours for new construction will be considered on an individual basis on the premise that contemporary styles can be more appropriate in certain cases than using design styles and motifs from previous periods.*

The Applicant has provided a revised Heritage Impact Assessment (HIA), dated May 2018. The HIA provides a detailed background of the applicable policy regime measured against the heritage status of resources on the lands as well as adjacent lands. The HIA supports the removal of the existing Royal Canadian Legion Branch 350 building with mitigating measures. The HIA also supports the proposed redevelopment of the lands as it does not result in adverse heritage impacts on the adjacent lands.

In addition, a peer review of the Applicant's proposal has been completed by Michael McClelland of ERA Architects. Mr. McClelland is a member of both the Ontario Association of Architects and Canadian Association of Heritage Professionals. ERA specializes in heritage conservation, heritage planning, and urban design. ERA has engaged with the City and the Applicant in an iterative consultation process. The result of this process, in its view, is a development that is generally respectful of the context of the area. Mr. McClelland's letters dated April 18, 2018, and June 1, 2018, respectively, are attached to this report as Appendix 16.

The following policies of Section 3.4 of the Official Plan provide guidance on matters related to archaeological resources:

2. *Until an Archaeological Management Plan is adopted, a development proposal on or adjacent to a property with a known archaeological feature or with archaeological potential will require an assessment by an archaeologist licensed under the Ontario Heritage Act. The archaeological assessment must be carried out in compliance with Provincial standards and guidelines.*
3. *Development and site alteration shall only be permitted on lands containing archaeological resources or areas exhibiting archaeological potential if the significant archaeological resources have been conserved by removal and documentation, or by preservation on site.*
4. *Where significant archaeological resources must be preserved in-situ, only development and site alteration which maintain the heritage integrity of the site will be permitted.*
6. *The City has special regard for the Welland Canals system. Any proponent for development, redevelopment or site alteration on lands within or adjacent to the Welland Canals first, second and third Canal system as generally illustrated on Part G, Appendix 1 of this Plan, will require an archaeological assessment. Significant archaeological resources shall be conserved by removal and documentation, or by preservation on site or in-situ, and other measures may be required to ensure that the heritage integrity of the Canals systems is preserved and promoted.*

The applicant has provided a Stage 1 Archaeological Assessment dated August 31, 2016. The assessment found that there is no potential for Indigenous archaeological

resources. However, the property does retain the potential of encountering historical Euro-Canadian archaeological deposits, dependent on the degree of recent land disturbance. The report recommends that construction excavations be subject to monitoring to document the remains of these features.

### **Summary Opinion of Official Plan Section 3 Cultural Heritage**

Staff is of the opinion that the proposed development has given regard to cultural heritage resources in accordance with the City's cultural heritage policies. Recommended mitigation measures, including documentation, salvage (where practicable), and future commemoration, are appropriate and acceptable.

The proposed new building will not adversely affect the heritage attributes of the adjacent first lock of the second Welland canal, the former Lincoln Fabrics building or adjacent and nearby harbour or green space features. The proposed development introduces a stand-alone contemporary built form that is generally compatible with the closest surrounding contributing (built) heritage property (Lincoln Fabrics). Compatibility is achieved through scale, massing and materiality.

The Stage 1 Archaeological Assessment submitted in support of the application has concluded that there is no potential for the recovery of pre-contact or early contact period Indigenous material from the site. Staff believes that the recommendations made by the Archaeological Assessment regarding monitoring during construction excavation meets the spirit and intent of the cultural heritage policies regarding giving special regard to the Welland Canals system.

### **Urban Design**

The Official Plan provides a framework for the evaluation of development and redevelopment proposals with respect to matters of urban design. These urban design policies are "concerned with how buildings, landscapes, and public spaces look and function together to create an overall character that reflects unique aspects of a community's history and culture" (Section 4). Specifically, the Plan describes urban design policies and deliverables, which seek to both maximize compatibility and to promote design excellence within the community. Urban Design policy sections that are particularly relevant to this development proposal include Section 4.4, The Public Realm; Section 4.5, Built Form; and Section 4.6, Universal Access. Below is summary of these policy sections, with associated evaluation.

Section 4.4 describes the City's ambitions and expectations for the public realm, being the streets, parks, squares and other shared community places. The Plan describes that "Urban design opportunities to enhance the quality of the public realm shall be encouraged as part of the design of all municipal undertakings, including public parks and buildings, public streets, natural areas, and all municipal engineering projects related to public spaces" (Section 4.4.1). While this mixed-use project is not a municipal undertaking, it does involve partnership with the City in the use and redesign of municipal lands, including Lockhart Point. The Plan describes that such works on public lands will consider the following:

- a) *the introduction or improvement of linkages where existing areas are inadequately connected to each other or between public places;*
- b) *improvements to streetscapes, including pedestrian-scale lighting, bicycle facilities, street furniture, signage, landscaping, and enhanced active transportation wherever road improvements occur; and*
- f) *the protection and enhancement of major vistas, gateways, and scenic routes.*

The proposal represents an opportunity to improve the public realm within Port Dalhousie, most notably through improvements to Lockhart Point and the harbour wall, including enhanced pedestrian access. Lockhart Point has long been an underutilized community asset and this development proposal would include a reconfiguration of the Point, with improved connectivity and linkages to the water. The proposed reconfiguration of Lockhart Point, which includes the construction of a parking structure, does not appear to significantly impact views to the water from Lakeport Road and will result in the creation of a new public viewing platform (refer to Appendices 6 through 15). The project also presents an opportunity to secure public realm improvements and enhanced pedestrian linkages along Lakeport Road.

Section 4.5 of the Plan describes the City's design requirements related to built form and provides an associated framework for the evaluation of development applications. The Plan states that:

1. *As a basis for evaluating compatibility and for achieving design excellence, development/redevelopment will be designed in a manner that reflects the principles established in Part C, Section 4.1 (Urban Design Principles) of this Plan and that maximizes compatibility with the surrounding area in terms of the following matters:*
  - a) *Building scale, height, gradation of height, and massing;*
  - b) *Spacing of buildings;*
  - c) *The level and visibility of the ground floor relative to exterior grade;*
  - d) *Roof form and pitch, together with any other structures on the roof;*
  - e) *The placement, number, type and proportion of doors and windows;*
  - f) *Use of materials, textures, and colours;*
  - g) *Continuity in the provision, location, and linkage of amenity, open space, and green corridors;*
  - h) *Preservation and enhancement of significant views and vistas;*
  - i) *Retention of natural vegetation and other distinctive landscape or streetscape features;*
  - j) *The overall scale of the development as it relates to the surrounding area. In this regard, factors contributing to compatibility include avoiding long unbroken expanses of walls; creating relief in walls; the use of varied colours, textures, types, qualities and patterns of finish materials; roofline articulation;*
  - k) *Mitigating light trespass and glare and to minimize the effects of sky glow;*
  - l) *Mitigating wind, sun shadow impacts.*

The surrounding context for this development site is dominated by the neighbouring former Lincoln Fabrics building and the harbour environment adjacent to Lakeport Road. The site is surrounded by public realm lands, including Lockhart Point, the remnants of Lock I of the second Welland canal, Rennie Park and the harbour wall, all sitting adjacent to the more traditional 'main street' environment of the Port Dalhousie Commercial Core.

The proposed building has been designed in manner that seeks to reflect the industrial character and architectural language of the neighbouring Lincoln Fabrics building through the use of similar materials, architectural detailing elements, and façade composition. While the proposed building is taller than the Lincoln Fabrics building, efforts have been made to reduce the impact of height through step-backs, and to reduce the appearance of bulkiness through façade articulation. To help minimize the overall profile of the building, the location and extent of any rooftop mechanical equipment will be restricted through the Site Plan Approval and heritage permit processes.

The building has been oriented perpendicular to Lakeport Road and is well spaced from the Lincoln Fabrics building, both of these aspects helping to maintain open views of the harbour. Views of the water from Lakeport Road will be partially obstructed by the new parking structure but this impact will be reduced through the use of clear or open-type perimeter fencing along the upper parking deck rather than solid masonry or concrete walls.

The ground floor of the building will include the assembly space for use by the Royal Canadian Legion and the residential lobby, supplemented by a large outdoor patio terrace for the Legion. In order to ensure that the building relates to the street in a manner that supports an active and interesting streetscape within this commercial district, the Legion will need to feature prominently along the Lakeport Road frontage, with a conspicuous street presence. This approach will also help to recall and reinforce the importance of the Royal Canadian Legion within the community fabric.

Section 4.5.2 of the Official Plan provides further direction with respect to the appropriate design and placement of parking, service areas and utilities, as follows:

2. *Development/redevelopment will locate parking, service areas, and utilities to minimize the impact on the property, surrounding area, and the environment by:*
  - a) *Consolidating and minimizing the width of driveways and curb cuts;*
  - b) *Providing underground parking or parking structures where possible;*
  - c) *Limiting surface parking between the front and flanking face of a building and the public street;*
  - d) *Providing perimeter landscaping as well as landscaped interior islands;*
  - e) *Using permeable pavement systems or other low impact development practices;*

- f) *Connecting parking areas to the street through safe, landscaped pedestrian walkways;*
- g) *Integrating utilities as part of the building and site design, where feasible;*
- h) *Ensuring safety for active transportation.*

The proposal satisfies these requirements by placing all parking associated with the building in a primarily below-grade structure. The surface parking depicted on the plans is existing or replacement public parking. The placement of the parking garage ramp and service access on the north building wall is also desirable as it removes these unattractive features and pedestrian conflicts from the primary Lakeport Road frontage. To better define the entrance to this site and the neighbouring Lincoln Fabrics site, the existing vehicular access will be reduced in width. The building will be connected to public parking and municipal sidewalks by enhanced pedestrian linkages.

Section 4.6 of the Official Plan describes the importance of providing for mobility and universal access, particularly in the design of new buildings and in public spaces. The Plan provides that new buildings and public spaces “shall be designed to foster and support accessibility by all citizens” (4.6.1). This policy is significant with respect to proposed re-grading of the lands and the proposed reconfiguration of Lockhart Point. The proposed redesign for Lockhart Point includes the construction of a new sidewalk connection between Lakeport Road and the harbour wall, which should improve accessibility to the water’s edge.

Staff note that the recently adopted Port Dalhousie Commercial Core and Harbour Area Secondary Plan includes urban design policies, including specific urban design direction related to the west harbour area, where the subject lands are located. The general urban design policies of the Official Plan should be read in conjunction with these new Secondary Plan urban design policies, which focus primarily on recognizing and reflecting the heritage character of the area, including its nautical and industrial character and its strong connection to the water. While not determinative in the evaluation of this Application, the proposed development appears to be largely consistent with these new Secondary Plan urban design policies.

#### **Summary Opinion of Official Plan Section 4 Urban Design**

The proposed Zoning By-law Amendment, as recommended, will facilitate the construction of a mixed-use development that can achieve the urban design expectations and deliverables described in the Official Plan. Implementation of specific urban design matters will be further secured through the future Site Plan Approval process, in conjunction with appropriate measures to ensure the conservation of significant heritage resources. Specific design matters that will be further addressed through the site plan control process are described in both the Site Plan Control section of this report and the Staff Recommendation.

## Port Dalhousie Commercial Core and Harbour Area Secondary Plan

The subject lands are located within the boundaries of the Port Dalhousie Commercial Core and Harbour Area Secondary Plan (the PDSP). The PDSP and implementing Official Plan Amendment were approved by Council on May 7, 2018, and are now subject to an appeal period. This Application for Zoning By-law Amendment was received prior to the approval of the PDSP and OPA18, therefore the new policies are not determinative as it relates to the evaluation of this Application for Zoning By-law Amendment. Instead, the PDSP and policies contained within OPA 18 have informed staff's evaluation of and recommendations on this Application.

The PDSP designates the subject lands as follows:

- 57 Lakeport Road and 57A Lakeport Road – Community Commercial (West Harbour Area)
- 3 Lakeport Road and 45 Lakeport Road – Parkland and Open Space

The Community Commercial designation provides for a variety of uses that contribute to and enhance the vibrancy, year round activity, tourism, and economic vitality of the area. The PDSP provides further direction for lands within the West Harbour Area (Section 3.3 ii), as follows:

*The Community Commercial designation east of Lakeport Road (West Harbour Area) is characterized by larger properties that have traditionally been developed independent of each other. It is the intent of the PDSP to support the creation of a vibrant group of mixed use buildings, developed in a cohesive and coordinated manner, that celebrates (the) heritage of the lands, maintains and enhances key views and vistas, and establishes an expanded open space network that promotes increased public access, connectivity to the waterfront, and linkages within and to other areas of the PDSP.*

Permitted uses within the Community Commercial designation of the West Harbour Area include an appropriate range and mix of commercial, institutional, entertainment, hotel, community and cultural uses, indoor recreation, and apartment dwelling units within mixed use buildings. Height of buildings will generally not exceed 28 metres (8 storeys). Other policies relate to appropriate building setbacks, placement, and massing; mitigation of shadow impacts; the maintenance and enhancement of views; the provision of direct public waterfront access; connected and accessible landscape design; and other matters. The Lincoln Fabrics building will remain the most prominent building in the Harbour area.

Lands designated Parkland and Open Space by the PDSP will be guided by the policies of the Garden City Plan (see above), the Parks Policy Plan, and Section 3.4.1 of the PDSP as it relates to the west side of the Harbour. Specifically:

*User experience and facilities should be enhanced at the existing parks to provide a mix of passive and active recreational uses, support year round tourist and recreational draw, optimize public access, and support and integrated, interactive and accessible public realm and open space network providing*



*connections within and between the parks and other areas throughout the PDSP area.*

The Applicant proposes an eight storey (29.15 metre-high) building with a mix of commercial and residential uses at a density of 232 units per hectare. The proposed use and density are permitted.

The PDSP provides that height will *generally* not exceed 28 metres or 8 stories. At 29.15 metres and eight storeys in height, the proposed mixed use building is in keeping with this policy. The Applicant's shadow study demonstrates that there is no significant shadow impact on the open space within Lockhart Point.

Section 3.3.2 i) of the Secondary Plan provides that "residential dwelling units are only permitted in mixed use buildings. Residential uses are not permitted on the ground floor other than small scale lobby entranceways to dwelling units, and other related facilities requiring ground floor access."

Ground floor uses proposed include approximately 650 square metres of ground floor assembly space for use by the Royal Canadian Legion, primarily sited to the harbour side of the building, with a very inconspicuous lobby at the northwest corner of the building. An expansive residential lobby is proposed at the front of the building, facing Lakeport Road, which, in staff's opinion is so large that one might confuse the building for a stand-alone apartment building. Staff are recommending that the size of the residential lobby be restricted to half the width of the façade facing Lakeport Road. A larger commercial space will generate desired activity at the ground level facing Lakeport Road; will provide flexibility for future commercial uses should the Legion no longer occupy the building; and, in the interim, could provide space for the display of heritage artifacts as part of the necessary commemoration/interpretation program.

The development proposal presents opportunities for increased public access to the waterfront and significant public realm improvements, including upgraded public parking and a more efficient green space in Lockhart Point, together with the introduction of a new viewing platform. Through the Site Plan Approval process, staff will work with the owner to ensure the coordinated design of this development with the neighbouring Lincoln Fabrics development to ensure an ultimately cohesive landscape of mixed-use buildings and open space in the west harbour area.

### **Summary Opinion of Port Dalhousie Commercial Core and Harbour Area Secondary Plan**

Staff is satisfied that the proposed 8-storey, 29.15 metre-high, mixed use building is largely consistent with the policies of the not-yet-in-effect PDSP. The proposal presents opportunities for public realm improvements and an overall cohesive landscape for the west harbour area. Staff are recommending a site-specific zoning provision so that ground floor residential lobby space is minimized, in keeping with the spirit and intent of the Community Commercial policies of the PDSP.

## Port Dalhousie Heritage Conservation District

The subject lands are located within the Port Dalhousie Heritage Conservation District; heritage permits for demolition and new construction will be required for the development proposal. The Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change (2001) identify the existing Royal Canadian Legion building as a remnant industrial structure directly associated with the port environment and shipping. The purpose of the Guidelines is to “provide guidance in the care and protection of the heritage character” of the District.

The Guidelines state that “it is worth emphasizing that these are ‘guidelines’. They are intended to provide an objective minimum level of appropriateness for physical change over the coming years. The guidelines are not prescriptive in determining specific design solutions for each building or lot.”

The Guidelines provide that demolition of existing heritage structures and the construction of new buildings will be actively discouraged, although it is not prohibited by the Ontario Heritage Act. New construction is required to be compatible with the character of adjoining properties and the streetscape, and should not copy historical buildings, rather should appear as new. The document does not include design guidelines specific to mixed use development such as the one proposed by the Applicant.

The Guidelines establish the following priorities to ensure the wise care and management of the heritage character of the area:

- *the protection of all remnants of the Welland Canals as significant elements of industrial archaeology in the landscape;*
- *encouraging the current vitality of the commercial area by promoting its unique architecture and contemporary commercial adaptive reuse as well as continuing to protect its distinctive heritage fabric;*
- *maintaining the low profile, compact building forms of the cottage and residential areas by encouraging any future changes to develop in depth or in width on lots rather than vertically in height;*
- *maintaining and enhancing existing open space, sport and recreation areas in a manner consistent with protecting distinguishing heritage features;*
- *ensuring that supporting and contextual landscape features such as grass boulevards, street trees, hedgerows, front yard plantings and many mature boundary plantings such as trees, mixed shrub borders and hedges are conserved and managed; and*
- *encouraging new development, construction and any public works where it is clearly demonstrated that such changes will have no adverse effects upon the heritage attributes of the district and will positively contribute to the character of the area.*

The proposed development of the subject lands will not adversely affect the remnants of the Welland canals. The Heritage impact Assessment (HIA) has recommended that among other mitigation measures, the site should be appropriately commemorated in

the future. Commemoration will further protect the remnants of the Welland Canals by fostering public awareness.

Although the lands are not located in the commercial area, future residential use will create a permanent population base that that will patronize local establishments, many of which are contributing heritage buildings.

The lands are not located in the cottage or residential areas of the heritage district. The proposed development will result in improvements to the public realm, including Lockhart Point and the harbour walkway. These improvements will create enhanced connectivity to public open space, while not compromising heritage attributes.

A concept landscape plan was submitted in support of this Application. The plan maintains existing supporting and contextual landscape features (eg street trees and benches). It also introduces new landscape features on the lands and at the interface between the subject lands and Lakeport Road as well as the surrounding public realm. The landscape design for this site will be further refined through the Site Plan Approval process.

#### **Summary Opinion of Port Dalhousie Heritage Conservation District Priorities**

Staff is of the opinion that the proposed development has given regard to the Port Dalhousie Heritage Conservation District Guidelines for Conservation and Change District Priorities. The proposed development will have no adverse impacts upon the heritage attributes of the district, concurring with the proponent's HIA. The closest heritage attributes are the former Lincoln Fabrics building and Lock I of the second Welland canal. The new building will serve as a distinct point of reference along this part of Lakeport Road and contribute to the character of the area in a positive manner.

#### **Port Dalhousie Commercial Core and Harbour Area Heritage Conservation Sub-District**

The subject lands are located within the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation Sub-District approved by Council on May 7, 2018, and now subject to an appeal period. The Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan (the HCD Plan) identifies and defines the District's natural and cultural heritage attributes, which contribute to the distinct character of the area, and establishes policies and guidelines to support the retention, conservation, and enhancement of those natural and cultural heritage attributes. Although the policies are not determinative for this Application, since they were approved after this Application for Zoning By-law was submitted, staff do offer the following comments.

The HCD Plan identifies a portion of the existing Royal Canadian Legion building as dating to the 1870's, however it is much altered. Accordingly, the HCD Plan has assessed the property as non-contributing; that is a property which does not have heritage character defining features or heritage fabric. Notwithstanding the building's non-contributing status, the HCD Plan recommends that, prior to issuing a demolition

permit, the City may require a Heritage Impact Assessment to describe means by which surviving historic fabric will be conserved or commemorated in a replacement project.

The HCD Plan provides direction for infill development in the area south of Lock Street, east of Lakeport Road, and west of the harbour. Specifically, infill development should be incorporated into this area in separate buildings, which are compatible in material, scale, general size, and shape to the existing industrial buildings, but designed in a contemporary yet compatible style. Infill buildings shall be visually subordinate to the existing Lincoln Fabrics Building (former Maple Leaf Rubber building).

The Applicant has submitted a revised Heritage Impact Assessment (HIA) in support of this Application, which evaluates the impacts of demolition of the existing building and the impacts of the proposed new building, including views.

The proposed new building is compatible with surrounding buildings. It is contemporary in design and respectful of and visually subordinate to the adjacent former Lincoln Fabrics building through the use of stepbacks (upper storeys), materiality, rhythm of openings (windows and doors) and overall scale, and does not attempt to replicate its historic style elements.

The HCD Plan describes views, vistas and vantage Points and provides measures aimed at enhancing identified features of these views, vistas and vantage points. These measures include:

- *Retain all vantage points in the public realm*
- *Avoid construction which would block views*
- *Ensure continuous public access along kinetic view routes*
- *Consider adding elevated positions to enhance views, or providing public access to places such as the lighthouses where additional interpretive views might be found.*

The HCD Plan recognizes that new development will “encroach to some extent on views to the harbour”. To that end, the Plan directs as follows:

- *Ensure that the spacing of buildings provides generous openings, through which views to the water may be achieved from new public spaces and routes and from Lakeport Road.*
- *Ensure that new development is organized to provide frequent views to the water (i.e., narrow buildings preferred).*

The subject lands are within three kinetic (continuous view path) views (Lakeport Road; Harbour Walk/Waterfront Trail; and East Harbour Edge) and one static (fixed) view (Lock Street) as identified in the HCD Plan. The static view along Lock Street from the intersection of Main Street and Lock Street will change with the partial introduction of the proposed new building. Water views will not be impacted (as they do not presently exist). Vegetation across the harbor will remain partially in the view plane and the existing buildings on Lock Street are not impacted.

The subject lands are located between the Lakeport Road and Harbour Walk/Waterfront Trail kinetic views and across from the East Harbour Edge kinetic view. The proposed new building will not adversely impact these views as it will be located in approximately the same location (albeit higher) than the existing structure. Views to and from the harbour and Martindale Pond will be maintained regarding the first two views. With respect to the East Harbour Edge views will continue to be provided across the harbour to the west harbour, Lockhart Point and walkway.

### **Summary Opinion of Port Dalhousie Commercial Core and Harbour Area Heritage District**

Staff is of the opinion that the proposed development has given regard to the Port Dalhousie Commercial Core and Harbour Area Heritage Conservation District Plan. As stated above, a peer review of the Applicant's proposal has been completed by Michael McClelland of ERA Architects. As a result of this process, and in Mr. McClelland's view, the development proposal is generally respectful of the context of the area.

### **Zoning By-law**

Zoning By-law 2013-283 zones the majority of the subject lands, specifically 57 Lakeport Road, 3 Lakeport Road and 57A Lakeport Road, as Community Commercial, with Special Provision 10 (C2-10). The C2 Zone permits a broad range of commercial uses, including retail stores and restaurants, non-commercial uses, including offices and places of assembly/banquet halls, as well as apartment dwelling units. Special Provision 10 restricts the height of buildings to 11 metres, and details additional permitted uses, including administrative offices of a marina and boat slips, and hotels/motels.

The remainder of the subject lands, specifically 45 Lakeport Road, are zoned Minor Green Space (G2), permitting, among other uses, picnic areas and shelters, and outdoor recreation facilities. Underground parking is not explicitly set out as a permitted use; the Zoning By-law is silent in this regard.

The Applicant has requested a Zoning By-law Amendment to add a new Special Provision to the subject lands to deal with site and building design-specific matters. These are outlined below, together with an analysis of each.

### **Lot Frontage**

The Applicant is proposing that both 57 Lakeport Road and 3 Lakeport Road (Area A and Area B) be recognized as having no frontage on a public road. The subject lands are currently land-locked and accessed by a legal easement over 57A Lakeport Road, owned by the Department of Fisheries and Oceans and leased to the City. The By-law stipulates that no person shall develop or construct a building or structure or otherwise use any lot unless the lot fronts on a public road.

While in most instances this provision is necessary to ensure that properties have sufficient access to the City's road network, the unique nature of the proposal means that it includes multiple irregularly parcels of land surrounded by water to the north and east. The inclusion of surrounding properties within the amendment ensures that 3

Lakeport Road and 57 Lakeport Road have access to the public road over 45 Lakeport Road. Staff is satisfied that the existing easements provide adequate access to both parcels, meeting the intent of the Zoning By-law provision.

### **Definition of Front Lot Line**

For the purposes of the proposed development, the common boundary between Area A and Area C shall be deemed to be the front lot line of Area A (57 Lakeport Road). A lot line means any line that makes up the legally defined boundaries of a lot. In the case of a typical parcel with frontage on a public road, the front lot line is the shortest lot line along the public road. It must be defined in order to determine the front yard setback for the principal structure on the lot as well as the setbacks for the various platform structures located around the building.

### **Where and How Height is to be Measured**

A considerable change in grade exists from Lakeport Road to the harbour wall. The geodetic elevation of the ground floor adjacent to the harbour is 79.0 metres above sea level. In order to maintain the desired views to the waterfront, it is necessary to also define from and to which points height will be measured. Using a firm geodetic elevation to measure height ensures that the site will not be filled to increase the grades prior to development, thereby increasing the height of the building. The public can be assured that the proposed 29.15 metre high building is what will actually be built.

### **Exemption from Requirements for Platform Structures**

The development site is recommended to be exempt from the requirements of the minimum setback from a rear lot line and maximum area for platform structures as outlined in Section 2.10.2 of the zoning by-law. The intent of this section of the by-law is to ensure that platform structures (typically raised decks and balconies) do not impose onto neighbouring properties or result in overlook impacts that would create a loss of privacy. The area surrounding structure is primarily surface parking with no residential development and as such, the exemption will not have any impact on neighbouring properties. The exemption would apply to the balconies of the structure as well as the parking platform.

### **Maximum Gross Leasable Floor Area for Non-Commercial Uses**

The applicant has requested permission to delete the 40% maximum gross leasable floor area limitation for non-commercial uses on the ground floor. This limitation is contained within the general C2 zoning standards. The request for a zoning amendment is to permit the use of the ground floor by the Royal Canadian Legion, which is technically considered a "non-commercial use" in the zoning by-law as it is classified as a place of assembly. The zoning by-law does not allow more than 40% of the gross leasable floor area of the ground floor to be used for any non-commercial uses. The subject lands at 57 Lakeport Road are already home to Royal Canadian Legion Branch 350, who have been longstanding users of the existing building. The proposal involves demolishing the current Royal Canadian Legion Branch No. 350 building on site and accommodating the use within the new structure.

The intent of the by-law's cap on the percentage of gross leasable floor area that is permitted to be used by non-commercial uses on the ground floor within the commercial district is to help ensure that traditional commercial functions (shops, restaurants, etc.) remain the dominant ground floor function. In this case, staff are satisfied that the Legion continuing to utilize the ground level of this property is both desirable and appropriate for the community and that the presence of the Legion on the majority of the ground floor does not diminish the commercial character or function of the broader Port Dalhousie commercial area. Staff also note that the design of the space would facilitate potential future conversion to commercial uses if the Legion use were ever to cease. Staff support the proposed increase in permitted ground floor non-commercial uses, for the purpose of allowing a place of assembly.

### **Maximum Building Height**

The application proposes to allow the construction of an eight-storey (29.15 metre) mixed-use building. The City's Zoning By-law identifies the lands as being zoned Community Commercial, Special Provision 10 (C2-10), which limits building height to a maximum of 11 metres within the Port Dalhousie Harbour Area. This 11 metre height limit also applies to the neighbouring Port Dalhousie Commercial Core area. The intent of the maximum building height constraint within the By-law is to promote compatibility with surrounding built fabric and to minimize potential impacts of building height such as shadowing or loss of privacy.

An increase in the permitted building height for the subject site is not expected to impose a significant impact on the established character of the built form as it is located a substantial distance away from the majority of the commercial core of the area and adjacent to the Lincoln Fabrics building which already exceeds the existing height restrictions. Increased building height in this location, coupled with the existing Lincoln Fabrics building will help to reinforce the harbour area's identity as being distinct from that of the commercial core. Staff also note that the proposed increase in height is not expected to create adverse impacts on surrounding lands as the building will stand apart from other nearby structures. The applicant has provided a sun-shadow study that has indicated there will be no significant negative impacts on Lockhart Point or Renee Park resulting from the building height, though some shadows will be cast on the neighbouring harbour walk. Staff is supportive of the request to increase the maximum building height to 29.15 metres, as described in the staff recommendation.

### **Maximum Building Width**

The proposed building design features a maximum building width of 29 metres along Lakeport Road, which includes cantilevered portions of the building. One aspect of consideration for the development is the impact of the structure on the views of the harbour and views from adjacent lands across the harbour. The site plans and elevations show a proposed building at a width of 29 metres, with the building oriented perpendicular to the street and consequently minimizing view obstructions. This approach is considered by staff to be well-suited for the property and an appropriate fit with the neighbouring established character and built form. Staff recommend that building width be limited to a maximum of 29 metres to help ensure the submitted

proposal is upheld and that no expansion of the building width will take place within the overall footprint of the property. This will also help to ensure that the important views will be maintained.

### **Maximum Width of Ground Floor Residential Lobby Area**

Staff do not support the proposal to construct a large residential lobby across the frontage of the building facing Lakeport Road. The recommended 50% cap on the width of the façade permitted to be ground floor residential lobby area is intended to ensure that the character and function of the commercial district remains paramount, with residential functions as secondary elements along the street. The current design proposal includes a significant residential lobby space spanning almost the entirety of the street frontage, with the Legion relegated to a secondary entrance. This approach is not appropriate or desirable within this commercial designation. Ensuring that the building contributes positively to the commercial fabric of Lakeport Road is a critical factor in achieving compatibility within the district. Staff recommend limiting the extent of the street-facing ground floor of the building that can be devoted to residential lobby space to a maximum of 50%. At least 50% of the ground floor will need to be dedicated to a permitted commercial or assembly use (such as the Legion) to maintain both the intended and established commercial character and function of the area. An enhanced commercial street presence will also support the creation of a more interesting and engaging public realm and provide greater long term flexibility to accommodate future commercial uses.

### **Parking**

The recommended Special Provision will permit the required parking associated with the residential use to be located partly on adjacent lands, being portions of Lockhart Point, the City-owned former canal lands, and the parcel to the south. The zoning by-law requires that parking for a residential development shall be provided on the same lot as the residential use requiring the parking. The nature of the proposal is such that additional lands are being considered as part of the application, but which are not owned by the applicant. The additional lands are required to function as space for required parking for the development.

The zoning by-law states that for non-residential uses, required parking shall be provided on the same lot as the non-residential use requiring the parking, or on a lot within 120 m that is not within a residential zone. The applicant owns 57 Lakeport Road only, whereas surrounding lands are owned by the City of St. Catharines and Department of Fisheries and Oceans. An agreement may be reached whereby the owner could provide parking on adjacent lots (including City property), as a result of the parking garage below ground encroaching into these neighbouring lands. Provision of some required parking for 57 Lakeport Road on adjacent properties is appropriate as the neighbouring properties are similarly zoned Community Commercial and the surface of these lands will be marinated for public use.

In addition, while the required parking associated with the principal use of the building is permitted on adjacent lands, the recommended Special Provision would stipulate that



private parking on these adjacent lands must be provided below grade. The adjacent lands to the north (city-owned former canal lands) are zoned G2 – Minor Green Space (Neighbourhood Parks/Open Space) which permits a range of parkland uses, recreational uses, and service and utility infrastructure. This area provides opportunities for a variety of recreational activities and is intended to remain publicly accessible. The purpose of requiring that any parking associated with the lands be below grade is to ensure that the function of the open space is maintained, with no loss of public surface access/use.

### **Landscape Buffer Provisions**

The parking structure deck that encroaches in Lockhart Point is recommended to be exempt from the landscape buffer provisions of Section 3.13.1 of the zoning by-law. The public parking deck is designed to provide surface level parking and a new public viewing platform. This element extends beyond the property boundary of 57 Lakeport Road and into Lockhart Point. Buffering and landscaping has been proposed across the entirety of the site as well as bordering the parking area, which will be located in a park. As a result, the typical requirement to provide a dedicated landscape buffer surrounding parking areas is not essential in the context.

### **Height of Structures**

Where the parking structure encroached onto neighbouring lands, the height of all platform structures, parking structure decks, and exposed walls associated with a parking structure (not including guards), are recommended not to exceed the geodetic elevation of 79.0 meters above sea level. This elevation has been determined to be the grade at the principal entrance of the development, and is located slightly below the elevation of Lakeport Road. Limiting the height of all platform structures to not exceed the elevation of 79.0 meters above sea level will help to ensure no significant impacts to the views of the harbour, marina, or parkland areas surrounding the development as a result of these structures. Reducing the height of these elements will also help to maintain a more comfortable pedestrian scale along the adjacent harbour walk.

### **Site Plan Control**

In accordance with the City's Site Plan Control By-law, the Applicant will be required to enter into a site plan agreement with the City prior to the issuance of a building permit for the development contemplated. The site plan agreement will address issues related to the design of public spaces, access and parking, lighting, buffering, servicing, storm water management, façade finishes and treatments, among other matters. As a condition of Site Plan Approval, the owner will be required to enter into a servicing agreement for the required upgrades to the Lakeport Road sanitary sewer. As is detailed in the staff recommendation, Council should direct staff to pay particular attention to the following matters, which are particularly important given the context in which these lands are located:

- a) the provision of building step-backs beyond the fifth floor generally consistent with the revised preliminary elevations attached to this report as Appendix 4;
- b) the location, extent and screening of rooftop mechanical equipment, including elevator overruns and stairs, so that impacts on height and views are minimized;

- c) the provision of transparent or open-construction guards around the parking deck and patio so that impacts on views to the harbour, marina, and Twelve Mile Creek are minimized;
- d) the provision of transparent or open-construction guards around the roof-top amenity space so that impacts of building height and profile are minimized;
- e) Ground floor architectural design that includes a prominent street presence for the Legion use, with appropriately scaled and located signage, and a residential entrance and lobby component that is subordinate to the Legion use;
- f) the impacts of wind on the pedestrian environment that may caused by the proposed building;
- g) the coordination of landscape design with adjacent lands, including the surrounding publicly owned lands and the Lincoln Fabrics lands to the south, so that elements such as exterior lighting, paving materials, furnishings, railings, and landscaping are harmonized across the west harbour area;
- h) the provision of adequate public parking with appropriate signage so that there are a minimum of 33 public parking spaces in Lockhart Point;
- i) the refinement of the design of Lockhart Point so that it is generally consistent with the concept plan, prepared by Parks, Recreation and Culture Services staff and attached to this report as Appendix 5.

The public will again be consulted on the detailed designs refined through the Site Plan Approval process. Upon approval, the site plan agreement will be registered against the title of the lands and legally binding upon the existing and future property owners. The Applicant will be required to post securities to ensure the terms of the agreement are carried out. Cash-in-lieu of parkland dedication will also be payable.

## **Use of Public Lands**

The Applicant will be required to enter into various lease agreements with both the City and the Department of Fisheries and Oceans, as owners of the public lands into which the proposed parking structure encroaches. The negotiation of those leases will occur once more refined designs and cost estimates are available, and once there has been additional public consultation through the Site Plan Approval process. Staff are recommending that Council approve, in principal, the use of these lands by the Applicant.

## **Public Consultation**

Planning and Building Services hosted an Open House related to this Application on January 10, 2018. The purpose of the Open House was to share information with the community regarding the development proposal and to gather feedback from those in attendance. The Applicant and members of their consulting team were in attendance to answer questions. The Open House was well attended, with 43 members of the public completing the sign-in sheet.

In accordance with the requirements of the Planning Act, a statutory Public Meeting was held by Council on April 23, 2018. Staff from Planning and Building Services presented the previous Information Report. Tom Rankin of Rankin Construction Inc. was in

attendance, together with the consulting planner and architects. John Orchard, President of Royal Canadian Legion Branch 350 was also in attendance. Several members of the public spoke to the application and afterward the Public Meeting was adjourned. Common matters of concern from members of the public, with a brief Staff response are summarized below. Written comments received prior to the Public Meeting are attached to the Information Report on this matter. Written comments received since the Public Meeting are attached to this report as Appendix 19.

**Comment:** Additional public parking should be provided in Lakeside Park, perhaps in the form of a three-storey parking structure.

**Response:** See discussion on public parking provided below.

**Comment:** The Applicant has negotiated the acquisition of public lands to accommodate the required parking, so the height of the building should be reduced to six storeys.

**Response:** Staff has considered the requested increase in building height and reviewed the materials submitted in support of this Application, including the preliminary elevation plans and perspectives. Staff, as well as the peer reviewer, are satisfied that the proposed building height is appropriate, respects the heritage character of the community and the adjacent Lincoln Fabrics building, and has minimal impact on views to the water.

**Comment:** Views to the harbour will be impacted by both the building and parts of the parking structure. The development should provide public access to enjoy views.

**Response:** The Applicant has submitted various perspectives which demonstrate that there will be little impact on views to the water. Additionally, the Applicant is proposing an elevated public viewing platform in Lockhart Point where new and enhanced views will be enjoyed by the public.

Several members of the public spoke in support of the Application, including the following aspects:

- that the proposal is an efficient use of land;
- that the public space improvements are desirable;
- that the development is good for not only Port Dalhousie, but the entire City as well;
- that the building design is sensitive to adjacent uses and the heritage character of the community with the top floors being stepped back;
- that the building will not intrude on any homes;
- that without the development, the Royal Canadian Legion may leave the community or cease operations altogether;
- that the proposed development will provide a more modern, efficient, and manageable space for the Royal Canadian Legion;

- that the development will bring people to Port Dalhousie in the winter, supporting local businesses;
- that the development will provide maintenance-free housing options for residents.

As part of the public input received and further to the direction from Councillor Britton that this Recommendation Report speak to the matter of public parking, staff offer the following comments.

The issue of the reduction of availability of public parking resulting from the approval of this development and other proposed developments in the vicinity, namely Lincoln Fabrics and Fortress' Union Waterfront proposal, has been raised a number of times throughout the various public input forums. The potential need for additional public parking in the Port Dalhousie commercial core and harbour area, to ensure adequate public parking remains available after these proposed developments are constructed and occupied, is a concern of various stakeholders.

A number of options for additional public parking and alternatives to public parking have been presented by various stakeholders throughout the review process including the following:

- Reconfigure the Lakeside Park parking lot to provide more spaces;
- Build a parking structure in Lakeside Park to provide more parking;
- Reconfigure the existing public parking lot in Rennie Park to provide more spaces;
- Provide improved way finding, lighting and awareness of available parking within a short walk to the commercial core and harbour area, including parking in Jaycee Park off of Ontario Street, which provides a direct pedestrian link to Port Dalhousie, and including parking areas on the east side of the harbour;
- Provide a bridge over the harbour to improve access to existing parking on the east side of the harbour;
- Provide on street parking along the Lakeport Road in front of Rennie Park;
- Provide more public parking in Lockhart Point;
- Provide more frequent transit service to offset public parking demand;
- Introduce paid public parking to encourage alternative modes of travel, including transit, cycling, walking, carpooling etc.;
- Require car share facilities in the proposed developments to decrease the overall need for parking, particularly second vehicles per household that may encroach into public parking facilities as a permanent parking arrangement;
- Prohibit overnight parking in public parking spaces to deter residents of the new developments from using public parking facilities for permanent personal use.

Staff consider the following factors as requiring additional review and consideration, as part of a larger discussion regarding public parking in Port Dalhousie.

- Are Lakeside Park, Lockhart Point, and Rennie Park suitable locations for additional public parking, including the introduction of a parking structure, at the expense of the loss of public parkland?

- Does the provision of additional public parking to address peak demands on summer weekends justify the likely underutilization of those same parking spaces for the remainder of the year?
- Would the benefits of a new bridge over the harbour, in terms of reduced walking times between either side of the harbour, justify the cost of constructing the bridge?
- Does the Region's undertaking of a streetscape plan for Lakeport Road in the next few years, offer an opportunity to make the case for additional on-street public parking along certain sections of Lakeport Road?
- Does the introduction of residential apartment condominium units to the area, with dedicated private parking for residents and guests, actually have any impact on public parking at all?

It is important for Council to know that the proposed development at 57 Lakeport Road meets the minimum parking requirement of the zoning by-law and actually exceeds that minimum by 19 parking spaces. In addition, as a condition of development, the developer is obligated to provide public parking to the extent that currently exists in Lockhart Point so there is no net loss of public parking should this application be approved. As the details of development are further refined through the Site Plan Approval process, there may be the opportunity to provide a few more public parking spaces as part of an overall Lockhart Point design exercise, which will supplement the public parking inventory.

From a staff perspective, at this point in time, no additional public parking initiatives are recommended as conditions of development for 57 Lakeport Road, beyond those already mentioned in this report. Should Council wish to further investigate the need for additional public parking in Port Dalhousie, Council will need to direct staff accordingly and commit financial resources to undertake a comprehensive review and assessment of public parking demands and options for additional parking if an unacceptable shortfall is determined.

## **Public Notice**

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

## **Second Planning Opinion Advisory**

Should Council consider not supporting the staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Local Planning Appeals Tribunal, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Local Planning Appeals Tribunal.

## Financial Implications

All costs associated with this development will be borne by the developer. If approved and constructed, additional tax revenues would be generated by the development. The future operation of the public parking area within Lockhart Point may have capital and operational cost implications beyond those currently incurred by the existing parking lot and these elements will require further consideration as the design of Lockhart Point is refined through the Site Plan Approval process.

## Relationship to Strategic Plan

This Application for Zoning By-law Amendment will help in the achievement of several aspects of the City's Strategic Plan. The related goals and actions are listed below.

### Economic Sustainability

- Action: Prioritize redevelopment initiatives consistent with provincial planning legislation and the City's Official Plan to intensify mixed-use residential developments and ultimately enhance the property tax base and support job creation.
- Action: Focus on the redevelopment of the commercial core of Port Dalhousie, the General Motors and Hotel Dieu sites on Ontario Street, and the former General Hospital site on Queenston Street, setting target dates for redevelopment for each project with quarterly updates to Council.

### Social Sustainability

- Goal: Strive for the highest quality of life for all citizens.
- Goal: Connect people, places and neighbourhoods

### Cultural Sustainability

- Goal: Embrace our diversity and celebrate our heritage and history
- Goal: Support cultural festivals and events that build civic pride, encourage local engagement and attract people to the community.

## Conclusion

In summary, staff is recommending approval of this Application for Zoning By-law Amendment to permit on the subject lands an eight-storey mixed-use building, including ground floor assembly space, 51 apartment dwelling units, 94 parking spaces, outdoor patio areas, and associated public space improvements. The building design is sensitive to the heritage character of the area and, in particular, the Lincoln Fabrics building. The remnants of Lock I of the second Welland canal are not impacted. Site plan control will ensure the implementation of appropriate designs for landscaping, lighting, servicing, and storm water management.

The development provides for the efficient and appropriate use of underutilized lands within the urban area with access to existing infrastructure, services, transit, and community commercial facilities. The proposed mixed use building contributes to the City's intensification targets and the range of available housing types in the community.

The development also provides for improved public access to the waterfront, Lockhart Point, and the Harbour Walkway Trail.

This Application for Zoning By-law Amendment has regard for matters of provincial interest, is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with both the Region of Niagara's Official Plan and the City of St. Catharines Official Plan, subject to the staff recommendations herein.

## **Notification**

It is in order to advise Dana Anderson, MacNaughton Hermesen Britton Clarkson Limited, 442 Brant Street, Suite 204, Burlington, Ontario, LR 2G4, the owner's agent.

### **Prepared by:**

Amanda Knutson, Planner

### **Submitted by:**

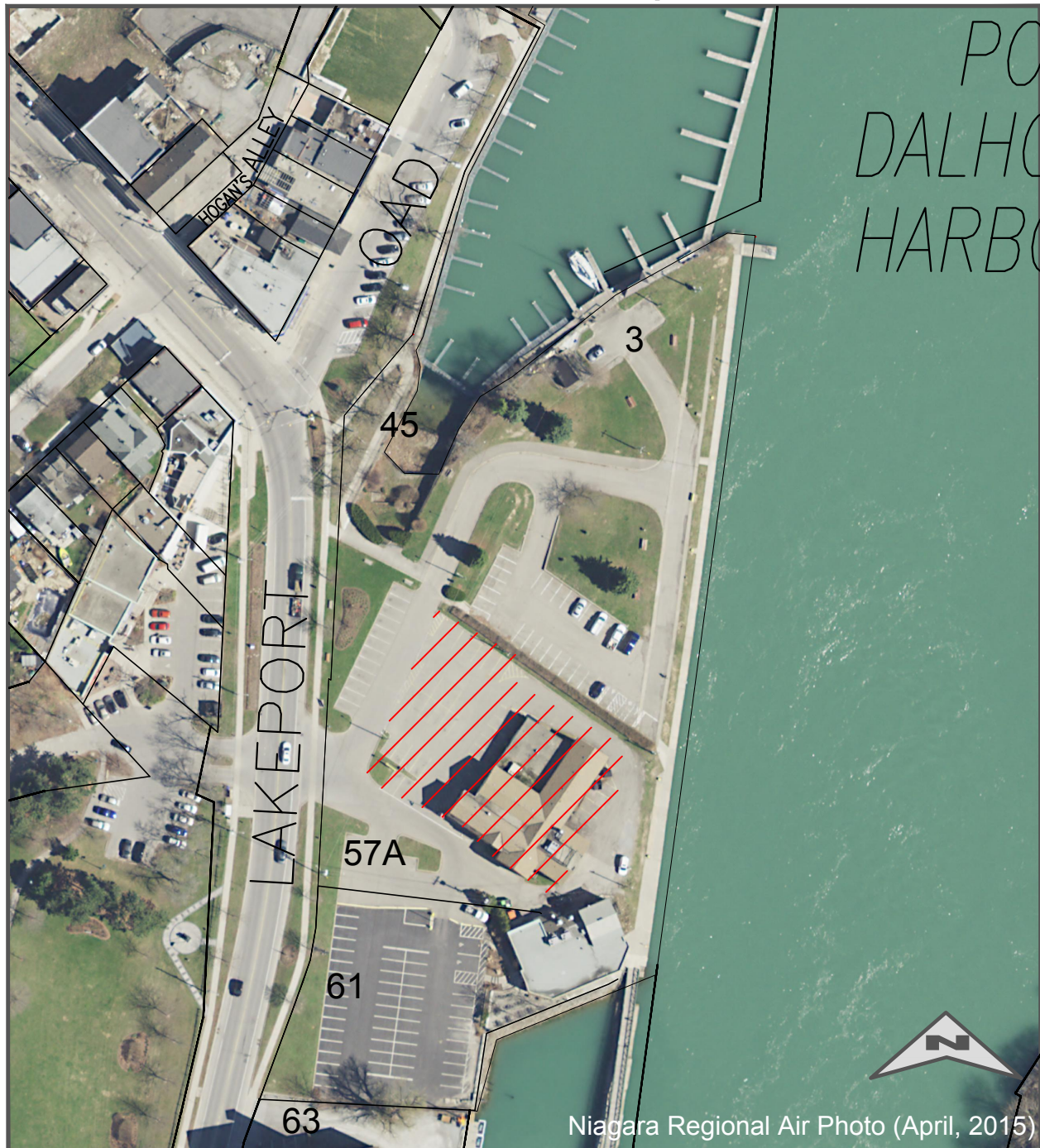
Judy Pihach, MCIP, RPP  
Manager, Planning Services

### **Approved by:**

James N. Riddell, M.P.L., MCIP, RPP  
Director, Planning and Building Services




## Location Map



Niagara Regional Air Photo (April, 2015)

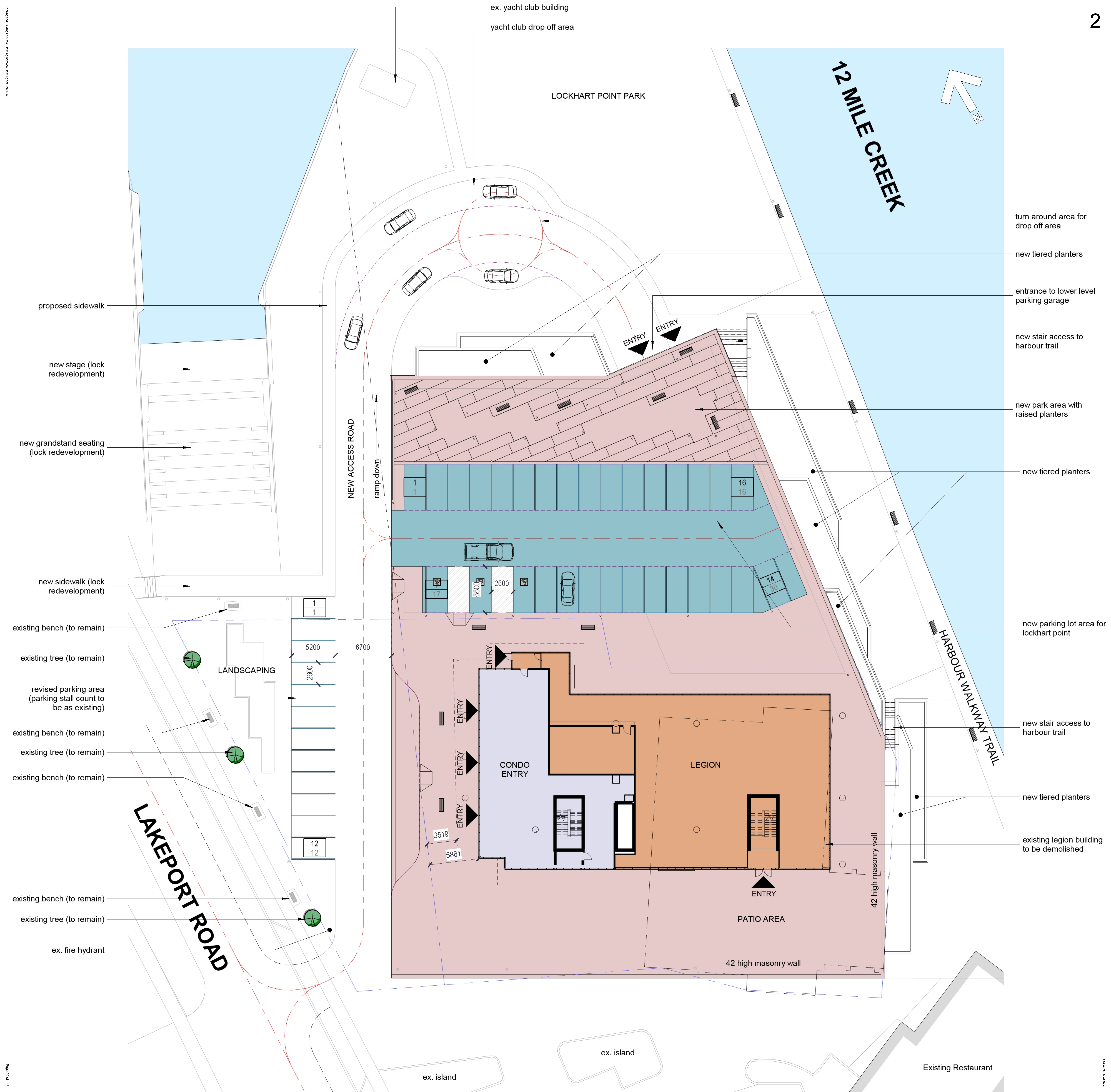
 Subject Lands  
57 Lakeport Road  
(Royal Canadian Legion)

File: 60.35.1032

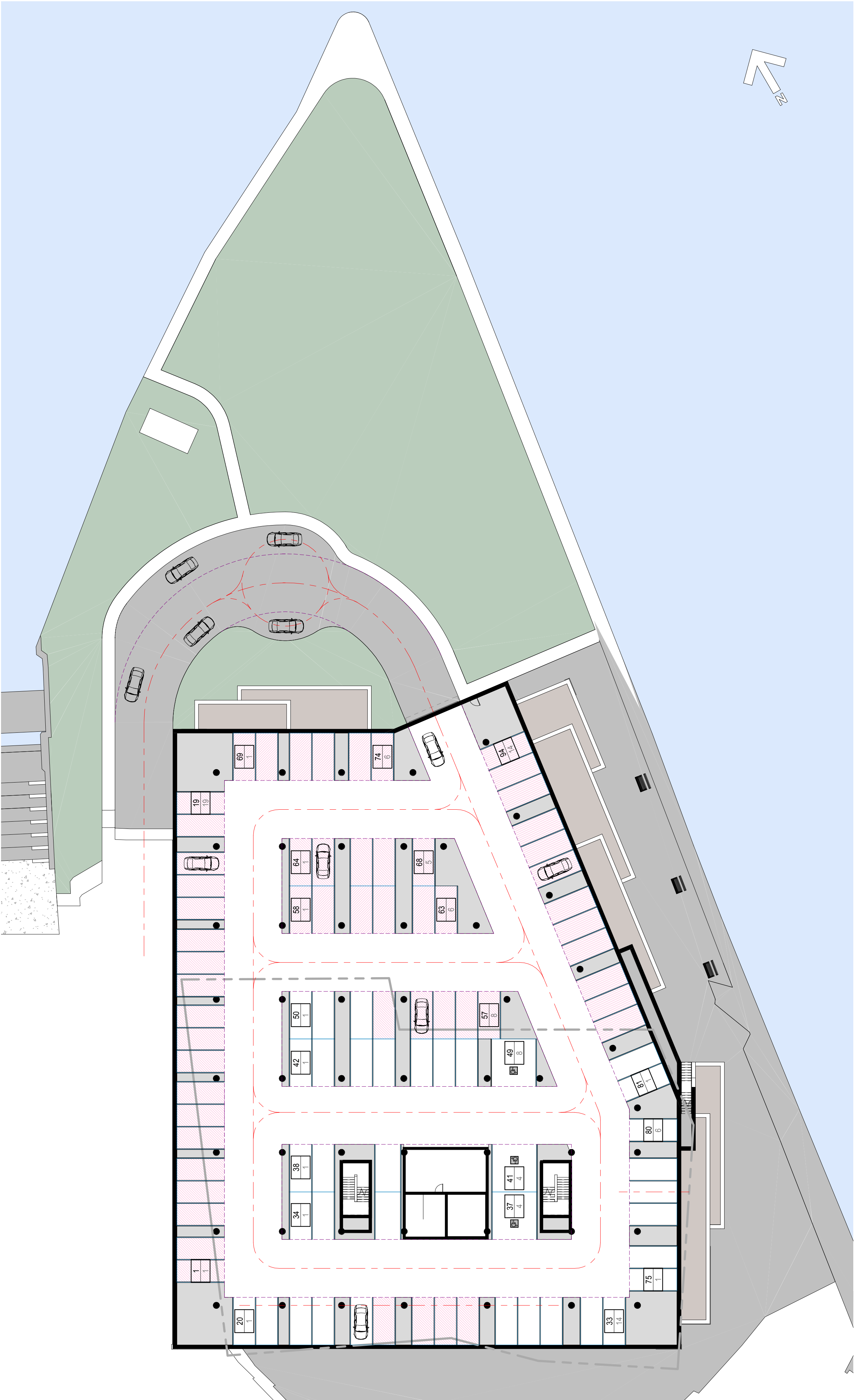
 Additional Subject Lands  
3 Lakeport Road, 45 Lakeport Road,  
57A Lakeport Road

 Area of Development









DRAWN BY: \_\_\_\_\_  
DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
PROJECT NO: \_\_\_\_\_  
CHECKED: \_\_\_\_\_

MRK  
15/03/2018 4:35:11 PM  
1 : 300  
14-100  
BA

DRAWINGS ARE NOT VALID FOR CONSTRUCTION UNTIL SEALED AND SIGNED BY THE ARCHITECT.  
THIS SET OF DRAWINGS IS THE PROPERTY OF RAIMONDO + ASSOCIATES INC. AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. ALL DRAWINGS AND DESIGNS ARCHITECT BEFORE PROCEEDING. ANY REVISIONS OR CHANGES TO THE DRAWINGS MUST BE APPROVED BY THE ARCHITECT IN WRITING.  
THIS SET OF DRAWINGS IS THE PROPERTY OF RAIMONDO + ASSOCIATES INC. AND SHALL REMAIN THE PROPERTY OF THE ARCHITECT. ALL DRAWINGS AND DESIGNS ARCHITECT BEFORE PROCEEDING. ANY REVISIONS OR CHANGES TO THE DRAWINGS MUST BE APPROVED BY THE ARCHITECT IN WRITING.  
USE BY THE PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS REFERRED TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

RANKIN CONSTRUCTION INC.  
**NEW CONDOMINIUM**  
57 LAKEPORT ROAD, PORT DALHOUSIE ST. CATHARINES, ONTARIO

Overall Site Plan (P1 Parking)

**RAIMONDO + ASSOCIATES**  
4697 Queen Street Suite 2, Niagara Falls, Ontario, L2E 2L9  
TEL: 905.381.1234  
WEB: www.raimondarchitects.com  
EMAIL: mail@raimondarchitects.com

**ARCHITECTS INC.**





1 Presentation Elevation - North  
1 : 300



2 Presentation Elevation - East  
1 : 300



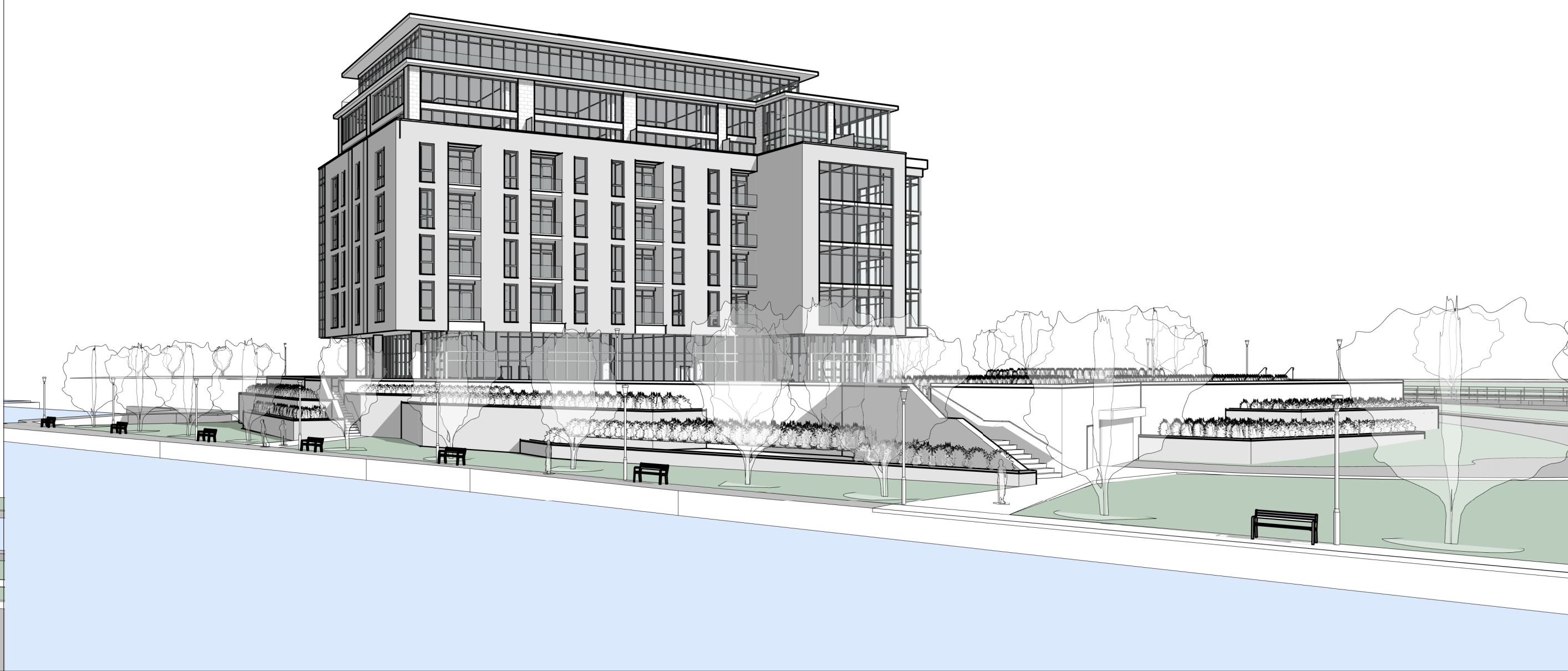
3 Presentation Elevation - South  
1 : 300



4 Presentation Elevation - West  
1 : 300



6 3D Presentation View - View 1  
P1-004



5 3D Presentation View - View 2  
P1-004

**RAIMONDO + ASSOCIATES ARCHITECTS INC.**  
4697 Queen Street Suite 2, Niagara Falls, Ontario, L2E 2L9  
PHONE: 905.363.8203  
WEB: www.raimondopartners.com  
EMAIL: mail@raimondopartners.com

Project Name  
**Client Name**  
Enter address here

Proposed Elevations

DRAWN BY: MBK  
DATE: 18/08/2015 1:22:16 PM  
SCALE: 1 : 300  
PROJECT NO.: 000-00  
CHECKED: BA

DRAWINGS ARE NOT VALID FOR CONSTRUCTION UNTIL SEALED AND SIGNED BY THE ARCHITECT.  
THIS SET OF DRAWINGS IS THE PROPERTY OF THE ARCHITECT. IT IS TO BE USED ONLY FOR THE PROJECT AND NOT FOR ANY OTHER PROJECT. THE ARCHITECT ASSUMES NO LIABILITY FOR THE DESIGN OR CONSTRUCTION OF THE PROJECT. THE ARCHITECT IS NOT RESPONSIBLE FOR ANY DAMAGE TO ANY PARTY WITH WHOM THE DESIGN PROFESSIONAL HAS NOT ENTERED INTO A CONTRACT.

P1-004





Lockhart Point Concept Plan B





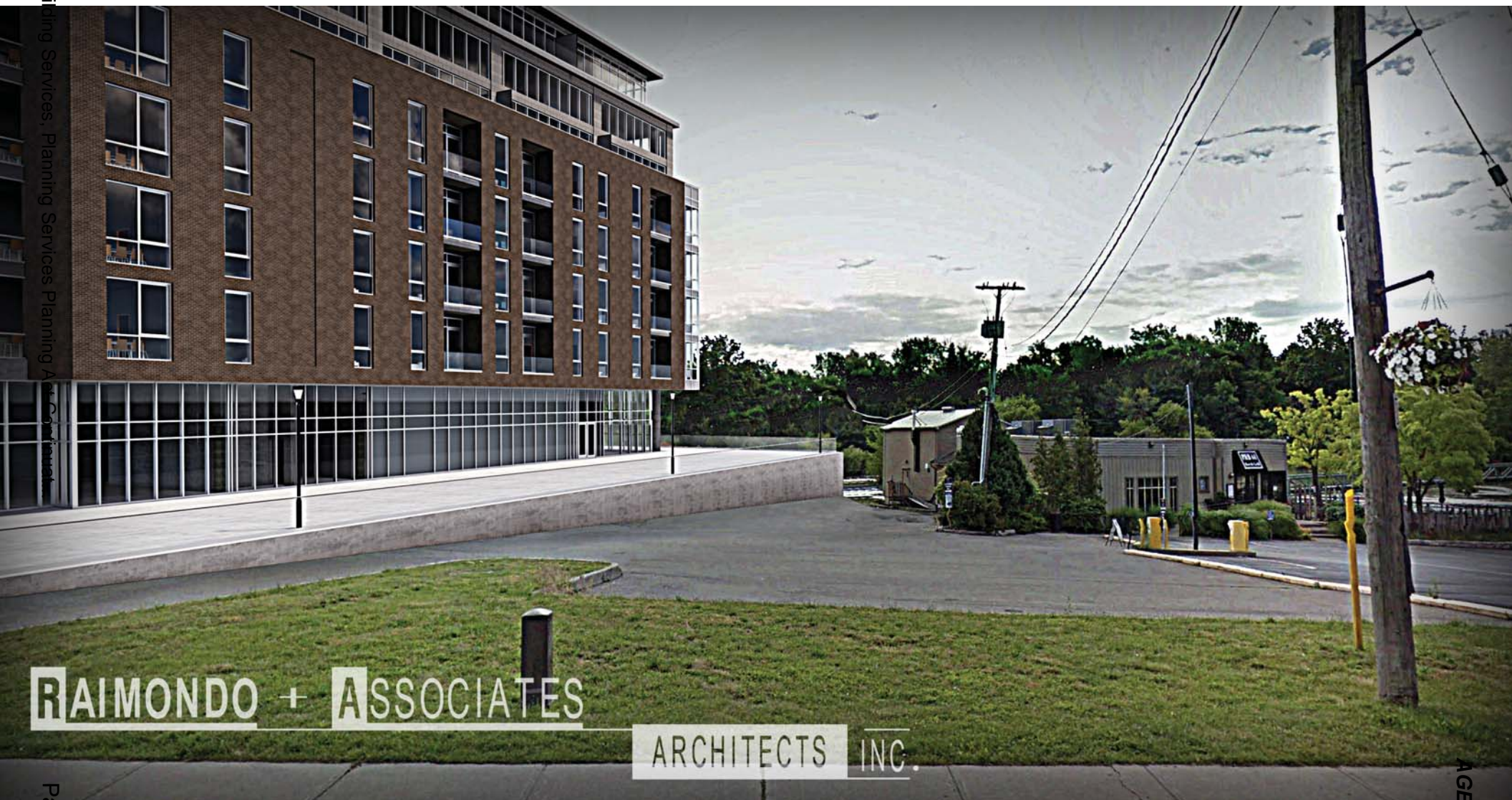












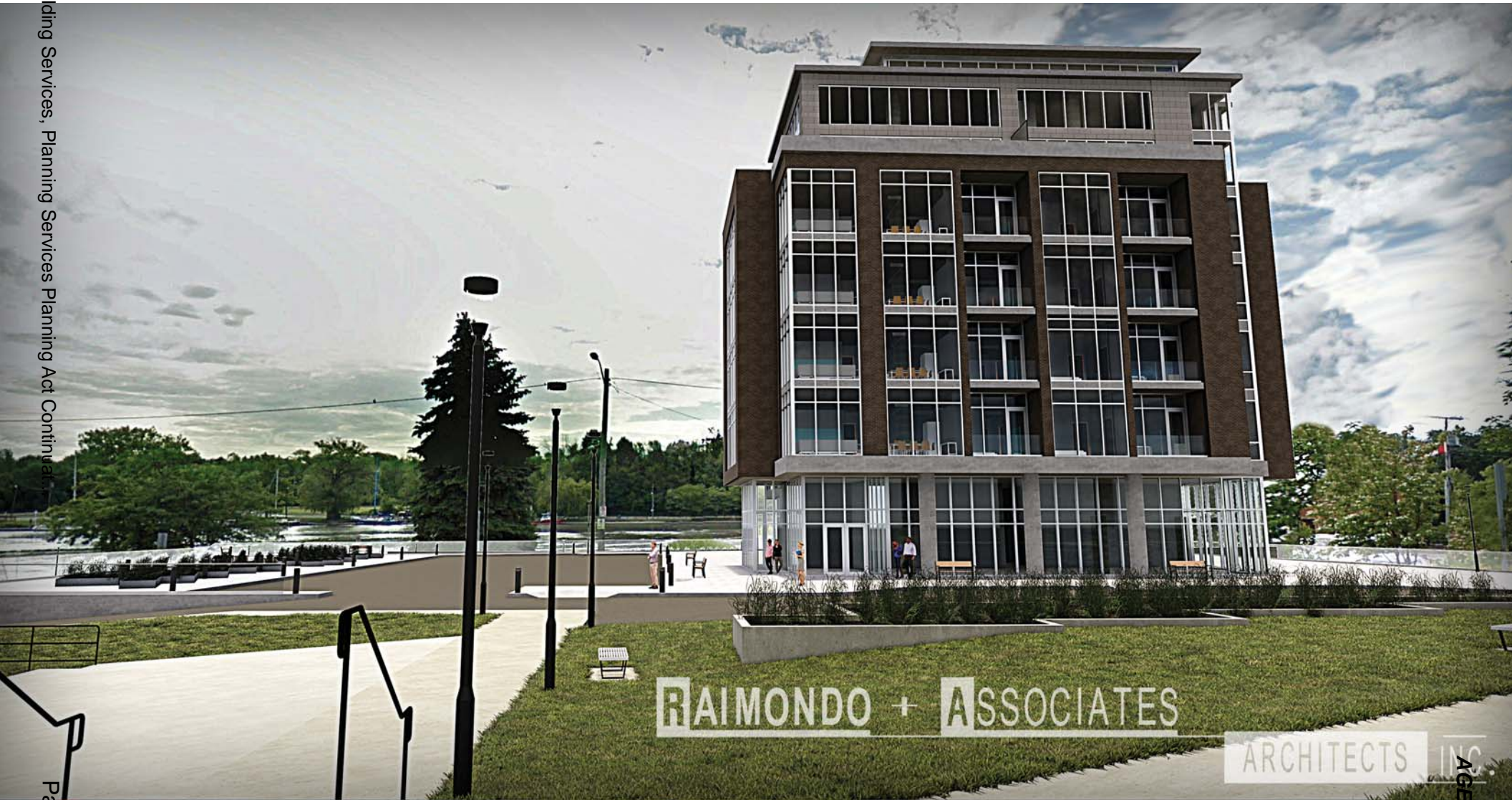
RAIMONDO + ASSOCIATES

ARCHITECTS INC.

















RAIMONDO + ASSOCIATES

ARCHITECTS INC.









AIMONDO + ASSOCIATES

ARCHITECTS INC.





ERA Architects Inc.  
10 St. Mary Street, Suite 801  
Toronto, Canada  
M4Y 1P9

April 18, 2018

Dear Kevin, Scott, and Amanda,

On April 10, 2018, ERA met with St. Catharine's planning staff (as well as members of the applicant's team to discuss the rezoning application for the Legion building, located at 57 Lakeport Road. The purpose of the meeting was to have a high-level dialogue with the city, applicants, and consultants to assess design principles of the proposed development. There are many good elements to the design of the proposed building and we would only suggest minor modifications to support the developments within its context. The conversation was productive and collaborative and ERA noted the following comments:

- The treatment of the western façade, which features a 5-storey masonry base with step backs and transparent cladding above, works well and provides a suitable transition to, and interface with, the low-rise commercial character of the villagescape on the west side of Lakeport Road. However, the overall height in relation to the context needs to be addressed from all viewpoints. Several options could be considered, including:
  - ! The height of the masonry base could be limited to 5-storeys on all elevations, above which the top floors of the building could feature setbacks and transparent glass cladding. This would create a masonry building base that references the height and general pattern of articulation of the original Lincoln Fabrics Building,
  - ! Whereas we have concerns with the height of the masonry on the front and side elevation, we think this could also be addressed with a simple roof line. In that regard, we would ask that consideration be given to reducing the high degree of visibility of the stairwell on top of the building.
- The fit between the new building and its context needs to be clearly demonstrable—further renderings of the building from multiple vantage points would be helpful to understand its contextual impact and relationship to the Lincoln Fabrics building.
- We recommend that every effort be made to mitigate the visual impacts of the sub-grade parking retaining wall and additional surface parking. Considerations should be made to refine the height and material of the parking wall (eg potentially masonry rather than poured concrete), and lowering the profile of the surface parking below grade level at the road. Every effort should be made to minimize the visual impact of the retaining wall on the experience of harbor walks and views. Further renderings of the impact of the parking and retaining wall should be provided both from Lakeport rd. and from the harbor.
- The remaining heritage fabric of the site's original building is likely limited to its timber frames. Consider mitigating the impact of demolition by reusing and repurposing some of this material. The height of the ground floor would allow for the incorporation of an interior design piece or decorative elements made from the timbers. Consider options which will also help to activate use at grade and contribute to the character of the HCD.

- The collaboration with the Legion is an important community element of the project: consider options to increase the street presence of the Legion via measures such as signage, public art, or increased space. Repurposed heritage fabric could also be used to create display cases and other features for the potential memorial hallway planned either by the Legion or as part of the lobby interior.
- Perhaps consider a written “statement of approach” for a heritage interpretation plan that would outline the intention of the proposed interpretations. Consider and plan for possibility of finding artifacts during development. Our understanding is that this is to be reviewed as part of the SPA process.

Sincerely,



Michael McClelland, Principal  
E.R.A. Architects Inc.





ERA Architects Inc.  
10 St. Mary Street, Suite 801  
Toronto, Canada  
M4Y 1P9

June 1, 2018

**RE :**               **57 Lakeport Road, St. Catherine's (The Legion Building) – ERA Project No. 17-058-02**  
Heritage Review of Resubmission Materials

Dear Kevin, Scott, and Amanda,

On April 10, 2018, ERA met with St. Catharines' planning staff and members of the applicant's consultant team to discuss the rezoning application for the Legion building, located at 57 Lakeport Road, St. Catherine's (the 'Development Site'). The purpose of the meeting was to have a high-level dialogue with the city, applicants, and consultants to assess design principles of the proposed development. Following this meeting, ERA provided a number of comments to the City on April 18, 2018, which summarized salient points from our earlier discussion on April 10, and suggested further minor refinements to the proposal to ensure the fulfillment of heritage best practices, and the creation of a context-sensitive development on the Port Dalhousie waterfront.

Based on our review of the current resubmission materials, the applicants and their consultant team have incorporated the majority of our comments into their revised design, and we thank both the applicant and the City for a truly collaborative and cooperative design process.

Please find below ERA's comments on the original design package, along with an assessment of how successfully the applicant/consultant team has responded to these original comments in their revised submission materials:

**Original Comment:** The treatment of the western façade, which features a 5-storey masonry base with step backs and transparent cladding above, works well and provides a suitable transition to, and interface with, the low-rise commercial character of the villagescape on the west side of Lakeport Road. However, the overall height in relation to the context needs to be addressed from all viewpoints. Several options could be considered, including:

- The height of the masonry base could be limited to 5-storeys on all elevations, above which the top floors of the building could feature setbacks and transparent glass cladding. This would create a masonry building base that references the height and general pattern of articulation of the original Lincoln Fabrics Building;

- Whereas we have concerns with the height of the masonry on the front and side elevation, we think this could also be addressed with a simple roof line. In that regard, we would ask that consideration be given to reducing the high degree of visibility of the stairwell on top of the building.

***Assessment of Revised Proposal:** In response to ERA's comments above, the applicant has reduced the height of the building's masonry base to 5-storeys on all elevations, above which the upper storeys feature step-backs and transparent glass cladding. The stairwell on top of the proposed building has also been relocated, to reduce its visibility from the public realm. At approximately 19 metres tall, this newly-established 5-storey datum line better reflects the height of the existing Lincoln Fabrics Building to the south (which stands approximately 16 metres tall); further, at approximately 14 metres high, the masonry component of the proposed building is actually smaller in scale than the Lincoln Fabrics Building. This design refinement creates visual coherence, both in terms of scale and materiality, within the context of the Port Dalhousie waterfront, while maintaining the prominence of the Lincoln Fabrics Building.*

**Original Comment:** The fit between the new building and its context needs to be clearly demonstrable—further renderings of the building from multiple vantage points would be helpful to understand its contextual impact and relationship to the Lincoln Fabrics building.

***Assessment of Revised Proposal:** Consistent with ERA's original comment, the applicant has provided renderings and views of the proposed building within its context, which demonstrate its visual impact within the surrounding context of Port Dalhousie. While additional views more clearly showing the relationship between the proposed tower and the Lincoln Fabrics Building to the south have not been provided as part of the resubmission package, given the changes to the building described above, ERA is satisfied that the revised proposal complements the form and character of the adjacent heritage building. No further views are necessary.*

**Original Comment:** We recommend that every effort be made to mitigate the visual impacts of the sub-grade parking retaining wall and additional surface parking. Considerations should be made to refine the height and material of the parking wall (eg potentially masonry rather than poured concrete), and lowering the profile of the surface parking below grade level at the road. Every effort should be made to minimize the visual impact of the retaining wall on the experience of harbor walks and views. Further renderings of the impact of the parking and retaining wall should be provided both from Lakeport Rd. and from the harbor.

***Assessment of Revised Proposal:** The applicant has made several changes to the development proposal in response to ERA's comment above. Firstly, north of the proposed tower, the amount and configuration of surface parking has been reduced, and a new paved park area with raised planters has been added on top of the sub-grade parking garage. Further, the materiality of the concrete wall*

*along the edge of the parking garage has been refined, and is now proposed as a transparent glass railing. These two interventions (the reduction of surface parking and the transparency of the railing) serve to reduce the visual impact of the parking garage on the experience of harbor walks and views. Further, the design of the tiered planters on the parking garage's north and east walls has been further refined to lessen the perception of blank walls, and to mitigate visual impact on the Port Dalhousie waterfront. With this said, landscaping will be an integral part of this proposal, and the City should carefully review the landscape plan (which ERA has not reviewed in preparing this letter) to ensure the success of this design.*

**Original Comment:** The remaining heritage fabric of the site's original building is likely limited to its timber frames. Consider mitigating the impact of demolition by reusing and repurposing some of this material. The height of the ground floor would allow for the incorporation of an interior design piece or decorative elements made from the timbers. Consider options which will also help to activate use at grade and contribute to the character of the HCD.

**Assessment of Revised Proposal:** *In response to our above comment, MHBC has revised their Heritage Impact Assessment (HIA) with additional mitigation measures, which include the investigation, documentation, and salvage of historical structural elements in good condition, for incorporation into the future commemoration/interpretation of the Development Site. While the HIA suggest reusing salvaged materials for either interior or exterior uses, given the age and durability of salvaged wood elements, we have serious concerns about the original timber frames being incorporated into any outdoor use. As suggested in our original comment above, please ensure that any salvaged wood elements are incorporated into interior design/decorative pieces only.*

*In order to ensure that the reuse of salvaged materials is completed to the satisfaction of the City, a final commemoration/interpretation plan should be completed by the applicant's heritage consultant, as the development proposal progresses through Site Plan Approval.*

**Original Comment:** The collaboration with the Legion is an important community element of the project: consider options to increase the street presence of the Legion via measures such as signage, public art, or increased space. Repurposed heritage fabric could also be used to create display cases and other features for the potential memorial hallway planned either by the Legion or as part of the lobby interior.

**Assessment of Revised Proposal:** *In response to ERA's comment above, MHBC has revised their HIA to make reference to the Legion in the possible interpretation/commemoration strategy for the Development Site. This strategy should be further developed in a future commemoration/interpretation plan for the site, to be completed to the satisfaction of the City as the development proposal progresses through Site Plan Approval.*

Original Comment: Perhaps consider a written “statement of approach” for a heritage interpretation plan that would outline the intention of the proposed interpretations. Consider and plan for possibility of finding artifacts during development. Our understanding is that this is to be reviewed as part of the SPA process.

*Assessment of Revised Proposal: In response to ERA’s comment above, MHBC has revised their HIA with additional mitigation measures, which include the investigation, documentation, and salvage of historical structural elements in good condition, for incorporation into the future commemoration/interpretation of the Development Site. The revised HIA also suggests a number of possible interpretive themes, which elucidate the site’s layered history. In order to ensure that the commemoration/interpretation strategy is completed to the satisfaction of the City, a final commemoration/interpretation plan should be completed by the applicant’s heritage consultant, as the development proposal progresses through Site Plan Approval. As stated in our original comment above, the future commemoration/interpretation plan should also consider and plan for possibility of finding artifacts during development.*

We trust that the information contained within this letter sufficiently assesses, from a heritage perspective, the resubmission materials received in relation to the development proposal for 57 Lakeport Road, in the City of St. Catherine’s. Please do not hesitate to contact us should you require further information, or wish to discuss the contents of this letter.

Sincerely,



Michael McClelland, Principal  
E.R.A. Architects Inc.

17a

**Recommendation – Zoning By-law Amendment for 57 Lakeport Road, 3 Lakeport Road, 45 Lakeport Road, and 57A Lakeport Road**

1. THAT Section 15.1, Schedule A (A1), Zoning Maps, be amended by changing the zoning of 57 Lakeport Road and portions of 3 Lakeport Road and 57A Lakeport Road, as illustrated in Schedule A attached hereto, from Community Commercial with Special Provision 10 (C2-10) to Community Commercial with Special Provision 146 (C2-146);
2. That Section 15.1, Schedule A (A1), Zoning Maps, be amended by changing the zoning of a portion of 45 Lakeport Road, as illustrated in Schedule A attached hereto, from Minor Green Space (G2) to Minor Green Space with Special Provision 146 (G2-146);
3. THAT Section 13.1, List of Special Provisions, be amended by adding Special Provision 146, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
146	C2/G2	7	36	3 Lakeport Road, 45 Lakeport Road, 57 Lakeport Road, 57A Lakeport Road	2018-
1.	For Area A illustrated on Schedule B36 the following provisions shall apply:				
	a)	Area A is exempt from Section 2.6 a), Lot Frontage on Public Roads.			
	b)	The common boundary between Area A and Area C shall be deemed to be the front lot line of Area A.			

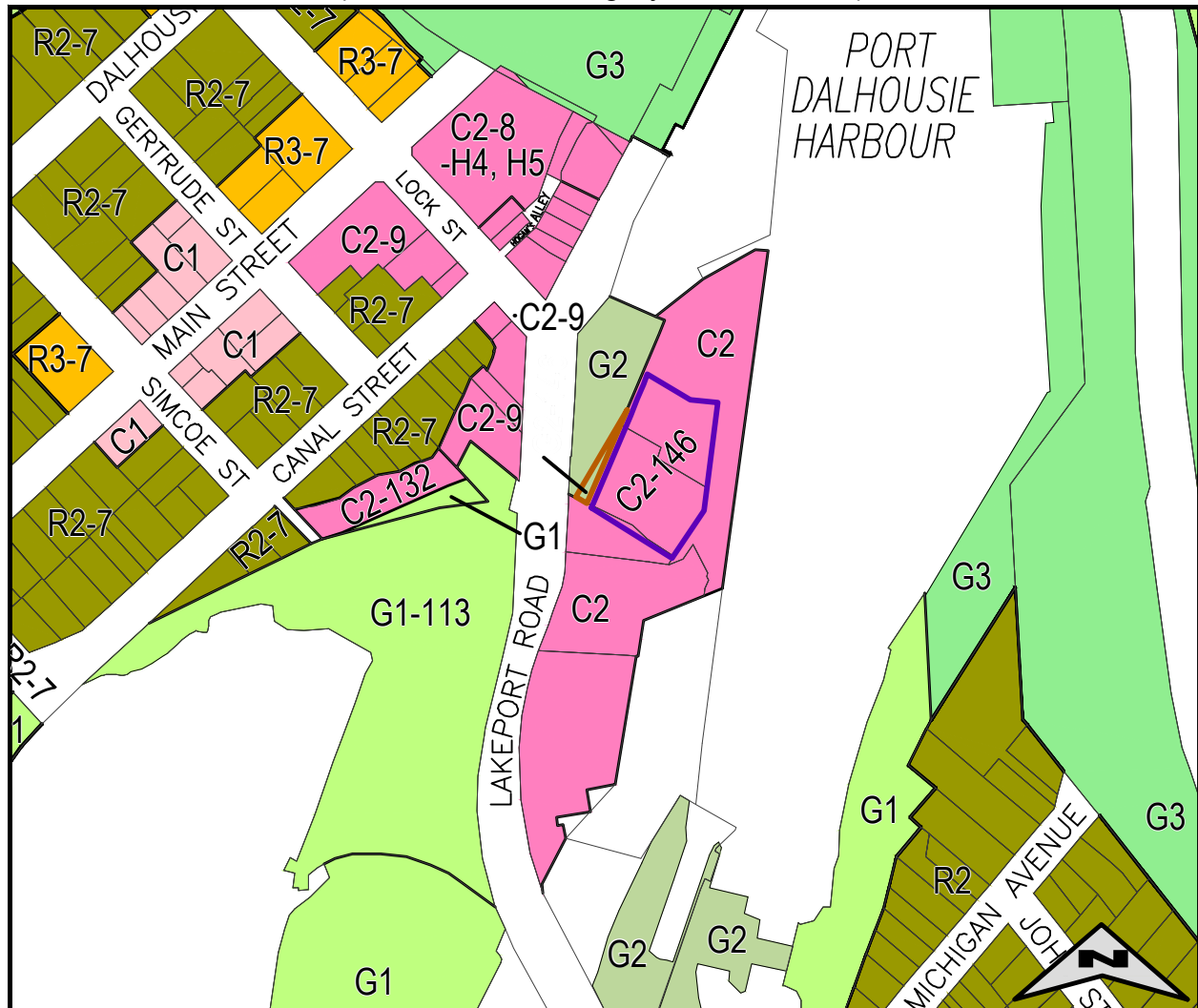
	c)	Despite the provisions of Section 2.7.1, Where Height is Measured, height shall be measured from the geodetic elevation of 79.0 metres above sea level.
	d)	Despite the provisions of Section 2.7.2 a), How Height is Measured, for a Principal Building, height shall be measured from the geodetic elevation of 79.0 metres above sea level to the highest point of the ridge of a pitched roof, or the highest point of the roof surface of a flat roof.
	e)	Area A is exempt from the following requirements for Platform Structures outlined in Section 2.10.2, regardless of the height of the Platform Structure: -Minimum Setback from a Rear Lot Line; and -Maximum Area.
	f)	Despite the provisions of Section 3.2.1, Parking Location – Residential Uses, required parking for residential uses shall be provided on the same lot as the residential use requiring the parking (Area A), and shall also be permitted on Areas B, C, and D.
	g)	Despite the provisions of Section 6.4, Provisions for Commercial (C1) to (C4) Zones, the following C2 provisions apply: -Area A is exempt from the Maximum 40% Non-residential GLFA provision for all permitted non-residential uses, except Commercial Parking Structures; -Maximum Building Height shall be 29.15 metres, measured in accordance with Sections 1c) and 1d) above. -Maximum Building Width shall be 29 metres, including cantilevered portions of the building; -Maximum width of ground floor residential lobby areas facing Lakeport Road shall be 50% of the width of the westerly façade. All other C2 provisions continue to apply.
2.		For Area B illustrated on Schedule B36 the following provisions shall apply:
	a)	Area B is exempt from Section 2.6 a), Lot Frontage on Public Roads.

	b)	Area B is exempt from Section 3.13, Landscape Provisions for Parking Areas.
3		For Areas B, C, and D illustrated on Schedule B36 the following provisions shall apply:
	a)	Required parking associated with a principal use located on Area A shall be permitted on Areas B, C, and D, provided the parking is located below the geodetic elevation of 79.0 metres.
	b)	For Areas B, C, and D, height of the following shall not exceed the geodetic elevation of 79.0 metres: -Platform Structures; -Parking structure decks; -Exposed walls associated with a parking structure, not including guards or rails.

4. That Section 15.2, Schedule B - Lot Specific Maps for Special Provisions, be amended by inserting an additional lot specific map (B36), as illustrated on Schedule B attached hereto.

# Proposed Amendment to Zoning By-Law 2013-283

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



- Lands to be re-zoned from Community Commercial with Special Provision No. 10 (C2-10) to Community Commercial with Special Provision No. 146 (C2-146)
- Lands to be re-zoned from Minor Green Space (G2) to Minor Green Space with Special Provision No. 146 (G2-146)

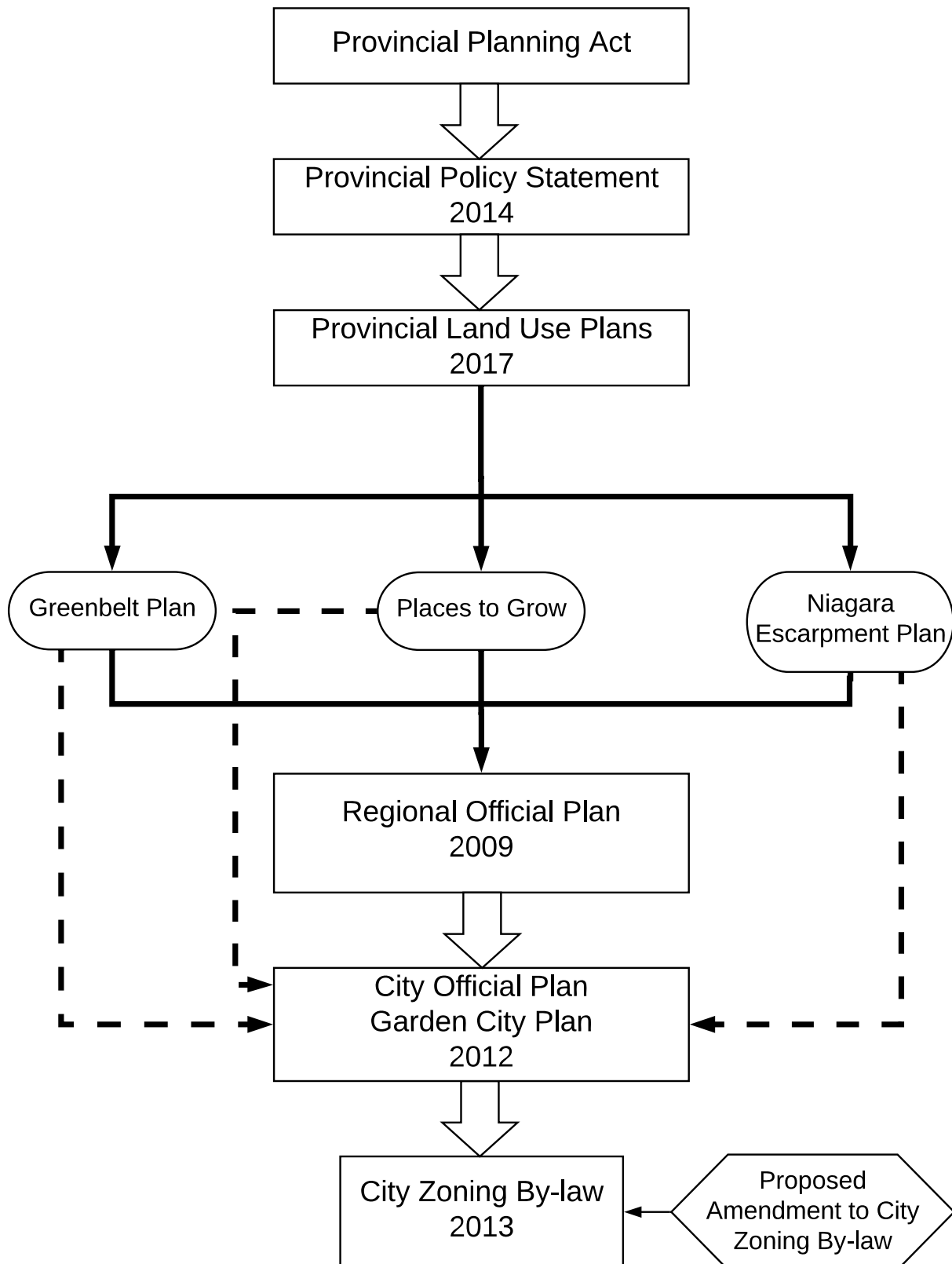
## Zones

<span style="background-color: #d4b87d; border: 1px solid black; padding: 2px;">R2</span> Low Density Residential - Traditional Neighbourhood	<span style="background-color: #ff99cc; border: 1px solid black; padding: 2px;">C2</span> Community Commercial
<span style="background-color: #ffcc99; border: 1px solid black; padding: 2px;">R3</span> Medium Density Residential	<span style="background-color: #99ff99; border: 1px solid black; padding: 2px;">G1</span> Conservation / Natural Area
<span style="background-color: #ffcccc; border: 1px solid black; padding: 2px;">C1</span> Local Convenience Commercial	<span style="background-color: #ccffcc; border: 1px solid black; padding: 2px;">G2</span> Minor Green Space
	<span style="background-color: #99ff99; border: 1px solid black; padding: 2px;">G3</span> Major Green Space

File: 60.35.1032



# Ontario Land Use Planning Framework



May 2, 2018

Attention: Jim Riddell  
Director, Planning and Development Services  
City of St Catharines

The development proposals that are presently being assessed, Lincoln Fabrics and The Legion, have elements that are directly opposed to the Port Dalhousie Heritage Conservation Plan as well as the new Secondary Plan. Of particular concern are the height of the buildings and the appropriation of public land at Lockhart Point by the Legion development.

I know that Tom Rankin has accrued much political and social capital over the years and rightfully so. But to allow the increase of the height of his development from 3 currently allowed to 8 storeys should not be allowed. Based on the Open Houses, I believe the community will accept 6 storeys, which is already double what's allowed and triple the current building. He will save substantial monies by changing his excavation of the parking garage from 3-1/2 storey to 1-storey, which by the way will be situated under public land. These savings alone should offset his need to add 2 storeys.

A large portion of the small triangular public park at Lockhart Point is being converted to a double-deck, concrete, automobile parking lot, is reminiscent of a WW2 bunker. Aside from the obvious complete lack of aesthetic appeal, the public parking spaces will have to be entered via an entrance, making it less than accessible, especially for the handicapped. The proposed use of public lands at Lockhart Point should not be allowed unless there is some meaningful public compensation. Which by the way, I'm not aware of having been offered by any of the developers. If you have any knowledge of trade-offs or public compensation, I as well as the public would love to hear of them.

After studying the architectural drawings for the Legion project, it's clear that the development will co-opt the public space and parking for their condo owners and visitors. They have folded the public parking spaces at the entrance to the current building and Lockhart Point into their complex. I believe these public spaces will be for the most part, occupied by condo visitors and associated service vehicles, resulting in a net loss of public spaces to a community already strained for parking.

The maximum height of 6-storeys should also apply to the Lincoln Fabrics development. It's interesting to note that when the PD Conservancy was invited by Sheldon Rosen to view the building and be apprised of his plans, he mentioned he wanted to build 110 to 115 condo units. But now he's proposing over 150! This is seemingly under the guidance and approval of the Planning Department, please correct me if I'm wrong. On top of that he's proposing what in effect will be a 10-Storey very large addition right on the very edge of the harbour. The approval of this extra height allowance will set a dangerous precedent in the Heritage District for any future development proposals, in that it will open the door to arguments that the area already has allowed height variances. I'm sure

you know a particular proposed development that will pounce on this sorry fact, should it become a reality.

Another serious issue is the devastating visual effect both developments will have on the now open panoramic view of the harbour when entering Port via Lakeport Road. They will obscure and limit the view to a narrow and fleeting glimpse of the harbour between the developments. The sky vista will also be severely compromised, and add to the feeling of enclosure when entering Port. It seems the historic harbour view will be reserved for the exclusive enjoyment of the condo owners. *The Port Dalhousie Commercial Core & Harbour Area Heritage Conservation Study of 2017 (10.6.2)* supports and recommends this perspective:

#### 10.6.2 Lakeport Road

Lakeport Road's character changes along its route, which is described in sections 6.2 Heritage Character, 7.4 Heritage Character Statement, 9.3 Heritage Inventory, Evaluation and Statements of Contribution, and 9.3.1 Views, Vistas and Vantage Points.

Until it reaches Lock Street it offers wide open views interrupted by occasional placement of buildings. North of Lock Street, in the area formerly known as Front Street, there is a short row of closely spaced contributing buildings and angle parking

overlooking the harbour and Second Welland Canal edge.

The heritage character of Lakeport Road south of Lock Street shall be conserved and enhanced by the following measures:

- Conserve contributing buildings.
- Ensure the wide spacing of any new buildings that are introduced to preserve views to the water features both sides of the road.
- Consider interpretive landscape features to identify the route of the Second Welland Canal.

- Avoid blocking of open views with new plantings.
- Conserve pedestrian and cycling routes along Lakeport Road as part of the kinetic views.
- Avoid road widening.

The heritage character of Lakeport Road north of Lock Street shall be conserved and enhanced by the following measures:

- Conserve contributing buildings.
- Construct new buildings on the currently empty site, formerly occupied by Port Mansion, north of the contributing row of buildings to re-instate the streetwall.
- Do not construct new buildings east of Lakeport Road to preserve views to the Harbour.
- Avoid blocking of open views with new plantings.
- Conserve or narrow existing road width.



The alignment of Lakeport Road is recent and crosses over portions of the former Second Welland Canal, which passed west of the Maple Leaf Rubber Factory. Its current character allows open views to the water (Catherine Nasmith)

I'm appealing to the Planning Department's professional judgment and respect for the significance of preserving and encouraging the appropriate development/conservation of the Port Dalhousie Heritage District's architectural and cultural landscapes. Its future generations of residents, regional citizens and visitors demand proper and thoughtful development.

Peter Wing

[REDACTED]  
St Catharines, ON L2N4G7

Home: [REDACTED]  
Cell: [REDACTED]

**Knutson, Amanda**

---

**From:** Knutson, Amanda  
**Sent:** Monday, May 07, 2018 3:26 PM  
**To:** Riddell, Jim  
**Subject:** FW: Legion/Rankin Proposal

Jim - For your consideration prior to sending out to the Councillor. When sending, please copy me, Jessica, and Phil. Thanks.

Good afternoon Councillor Williamson. Thank you for your submission of Tuesday, May 1st regarding Rankin's Application for Zoning By-law Amendment and, in particular, the proposed alterations to Lockhart Point. Please accept the following in response to your comments and questions.

- The parking encroachment into Lockhart Point will be at-grade, from Lakeport Road, and one storey above-grade from the Harbour Walkway Trail.
- Bathymetric studies have not been consulted - no changes to the harbour or harbour wall are being proposed that would warrant such a study.
- The entirety of the surface of Lockhart Point, including the new public parking deck, greenspace, and Harbour Walkway Trail, will remain public space.
- Proposed modifications to the open space areas in the northern half of the park (e.g. removal of the asphalt drive and six parking spaces that bisect the point) will result in a more efficient use of at-grade green space
- Proposed walkway realignments and widening of the Harbour Walkway Trail will serve to improve overall connectivity, accessibility, and public access to the water.
- Access to the harbour and Harbour Warbour Walkway Trail by the public, including pedestrians and anglers, will be maintained.
- A shadow study has been submitted with the Application for Zoning By-law Amendment.
  - Tthe development will not result in prolonged shadows on the public open (green) space; shadows are primarily limited to the existing parking area.
- A wind study is typically requested at the time of Application for Site Plan Approval.
- Staff considers parking in Lockhart Point as a use *ancillary* to the principal and more important use of parkland and open space.

In addition to our reply, the following response is provided by Parks, Recreation & Culture Services:

- The Concept Plan presented in the The Port Dalhousie Harbour Walkway Study, 1986 study (Area M), Section 9.4) is largely consistent with the current proposal in terms of pedestrian connectivity and waterfront access. Key differences between the current plan and the 1986 plan are:
  - wider walkways
  - the accommodation of Dalhousie Yacht Club
  - the reconfiguration of public parking, which includes raising the grade of the land adjacent to the Harbour Walkway Trail, but not the grade of the Walkway itself



- the viewing area at the extreme northern limit of Lockhart Point would not be enlarged, rather it would be constructed *in line* with the harbour walk (the 1986 plan would inhibit tall ships entering the harbour)
- The proposal and associated public realm improvements would maintain and enhance public connectivity along the waterfront. The existing harbour walk will be widened from 2m to 6m wide in order to accommodate a comfortable walking area, sitting area and fishing. Accessible path connections to Lakeport Road are also provided. The proposed alterations will improve connectivity between existing public spaces.
- Tall ships will still be able to dock; the park improvements have been designed by staff to ensure access to these docks as well.
- PRCS support for the application is contingent on a number of public realm improvements associated with this development which will benefit both the public and the public realm at the cost of the developer. These include:
  - a new parking lot
  - additional public parking spaces
  - a widened harbour walk with accessible pedestrian access from Lakeport Road
  - park and viewing area at the northernmost tip of Lockhart Point
- Lockhart Point provides a vital pedestrian connection along the waterfront. Both improvements to the walkway as well as additional connections to Lock 1 and Lakeport Road will be required. The re-configuration of the parking area (and additional storey) will also consolidate green space to one side of Lockhart Point, maximizing usable space, and providing a lookout over the water.

**From:** Williamson, Bruce

**Sent:** Tuesday, May 1, 2018 10:10 PM

**To:** Chemnitz, Shelley <[schemnitz@stcatharines.ca](mailto:schemnitz@stcatharines.ca)>; Riddell, Jim <[jriddell@stcatharines.ca](mailto:jriddell@stcatharines.ca)>; Cristi, Phil <[pcristi@stcatharines.ca](mailto:pcristi@stcatharines.ca)>

**Subject:** Legion/Rankin Proposal

Dear Shelley, Jim and Phil,

I am submitting my list of information/questions coming out of the meeting of April 23, 2018.

Since time is limited and I have a full-time career and family responsibilities I decided to focus on the one particular issue for which I have abiding concerns.

Please see attached.

Thanks, Bruce

**Knutson, Amanda**

**From:** [REDACTED]@sympatico.ca>  
**Sent:** Monday, May 28, 2018 8:59 PM  
**To:** Aly N Alibhai Ministry of Affairs Director; Hudson, Darlene; Risi, Rosa; Notice Review; Sarah Mastroianni (NPCA); Dave Deluce; Niagara Homes Builders; Bell Canada (circulations@wsp.com); Craig Rohe; DSBN; Samantha Burke; danderson@mhbc.com; Councillors; Nistico-Dunk, Bonnie; Lindsay Earl; Morgan Casciani; Enquiry Mailbox; Niagara Region Development Planning; Enbridge Consumers Gas; Pat Busnello; Salter, Heather; Beedling, Moira; Trillium Railway  
**Cc:** Marchenko, Olga; Dilts, Ann; Wardman, Lindsay; Pihach, Judy; Knutson, Amanda; Tom Rankin; Garcia, Carlos; Williamson, Bruce  
**Subject:** RE: Public Meeting Notice - 57 Lakeport Road - Zoning By-Law Amendment - File no.: 60.35.1032

May 28, 2018

To: Bonnie Nistico-Dunk City Clerk

City of St.Catharines

From: Phil Baranoski, [REDACTED], St. Catharines, ON. L2N 6E3

*Re: The Site: The proposed Zoning By-Law Amendment is for the Subject Lands and Additional Subject Lands specifically shown and described below:*

*File 60 35 1032: 57 Lakeport Road, 3 Lakeport Road, 45 Lakeport Road &*

*57A Lakeport Road*

*The Development Proposal:*

*The Applicant has submitted a proposal for an eight-storey (30 metre) mixed-use building comprising ground floor assembly space (for use by Royal Canadian Legion Branch 350), 51 apartment dwelling units (on floors two thru eight), and 94 underground parking spaces. Condominium tenure is proposed. Some underground parking is proposed to encroach into adjacent publicly-owned lands, which lands are included in this Application and referred to as "the Additional Subject Lands".*

*The proposal also accommodates public parking at-grade, intended to replace the existing public parking spaces in Lockhart Point (3 Lakeport Road). Any surface parking on the Additional Subject Lands, whether existing or proposed, is intended for continued public use*

*The Proposed Zoning By-law Amendment:*

*The City's Zoning By-law (2013-283) zones the Subject Lands Community Commercial with Special Provision 10 (C2-10), permitting the proposed mixed-use building to a maximum height of 11 metres (three storeys). The Applicant is requesting a zoning bylaw amendment to:*

• allow for an increase in building height to 30 metres (eight storeys) • remove the existing 40% limit for non-commercial uses on the ground floor (a place of assembly is a non-commercial use) • recognize that the Subject Lands do not have frontage on a public road • permit the location of up to 10 required residential parking spaces on an adjacent property (ie beneath the Additional Subject Lands)

A zoning by-law amendment is also required for the Additional Subject Lands to:

• include underground parking as a permitted use • regulate the location and extents of the underground parking garage walls • reduce landscape buffering requirements around the surface public parking area in certain areas

Bonnie Nistico-Dunk City Clerk,

Thank you for the notice of meeting and allowing me to submit my comments in writing. Just to advise you that I am in favour of the above Application for Zoning By-Law Amendment for Rankin Construction's condo-public development located on Lakeport Road in Port Dalhousie. Rankin Construction is a very reputable construction in the Niagara Region. Their construction undertakings are of great quality, on time and usually under budget and ... **always abides by local zoning bylaws**. We are fortunate that Rankin construction is known to always give back financially to our community. This project is of unique design and will be a real asset to our Port Village entrance. I trust our Rankin Family to do an outstanding job that we all can be proud of. I appreciate being involved in this positive process for Port Dalhousie.

Please note: In comparison there are many Port Dalhousie Ward residents that would like to know the details of ... how and when... 'The Beaches at Port' new condo project ... which is now under construction with the metal framing... now eight storeys in height.... was approved ...and by whom? This new condo is now the tallest building in our Port Dalhousie Village which is not in compliance of either the Port Dalhousie Primary Plan or the new Secondary Plan zoning bylaws for our beach location and also five storeys in height at the 6-10 Dalhousie Ave. at Lock Street area!

Thank you for your attention.

As I see it

Sincerely

Phil Baranoski

Port Dalhousie Ward

905 [REDACTED]

----- Original Message -----

From: "Risi, Rosa" <rrisi@stcatharines.ca>

Date: May 25, 2018 at 2:24 PM

Please see notice of the continuation of the Public Meeting for above noted address.



CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** May 30, 2018

**Date of Meeting:** June 11, 2018

**Report Number:** PBS-132-2018

**File:** 60.46.435

**Subject:** *Planning Act Continuation of Public Meeting - Recommendation Report*  
Application for Draft Plan of Vacant Land Condominium; 585 Welland Avenue; Owner: Cosmopolitan Homes (Niagara) Ltd.; Agent: T. Johns Consulting Group Ltd.

### Recommendation

That Council approve the Draft Plan of Vacant Land Condominium for the lands located at 585 Welland Avenue, showing 36 townhouse dwelling units and common element areas, as illustrated in Appendix 1 of this report, subject to the Conditions of Draft Plan of Condominium Approval, as outlined in Appendix 2 of this report; and

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

That the Notice of Decision include a statement that public input has been received, considered, and has informed the decision of Council; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Provincial Local Planning Appeals Tribunal (LPAT) (formerly the Ontario Municipal Board) for consideration and final approval; and

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

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

### Summary

This application seeks Draft Plan of Vacant Land Condominium approval for a 36-unit private road townhouse development, as illustrated in Appendix 1 of this report. Condominium approval will allow each of the townhouses to be sold individually.

Staff is recommending approval of this Draft Plan of Vacant Land Condominium, subject to the Conditions of Draft Plan Approval outlined in Appendix 2 of this report. The proposal conforms to the relevant Provincial, Regional and local land use policies.



## Background

On May 8, 2017, Council approved a two-step process for planning applications requiring a Public Meeting under the Planning Act. The first step is for Council to receive an Information Report together with public input at the Public Meeting, in accordance with the Planning Act. The second step is for Council to consider a Recommendation Report at a subsequent Council meeting.

On May 28, 2018, Council received [Information Report PBS-117-2018](#) (linked here and available upon request) on this Application for Draft Plan of Condominium Approval, which provided an overview of the proposed development, location and site description, planning context and policies, and circulation comments and concerns that arose from public consultation.

This Recommendation Report provides Council with a planning analysis and staff recommendation on the application.

## Report Proposal

The applicant proposes vacant land condominium tenure – a form of property ownership – for 36 townhouses, as well as a common element areas for a private road, visitor parking, sidewalks, landscaping and servicing. Draft plan of condominium approval will allow each of the 36 townhouses to be sold individually.

### Draft Plan of Condominium

Section 51[24] of the Planning Act guides staff in assessing plans of condominium, as described in the Information Report, which was considered at a Public Meeting under the Planning Act on May 28, 2018. To that end, the following analysis is provided.

This 36-unit condominium townhouse will add to the range of housing opportunities in the City, which is timely and in the interest of the community. The redevelopment of this vacant site makes efficient use of existing services and utilities. The design of the project is compatible with neighbouring residential uses which are similarly developed for condominium townhouses and street townhouses. The proposal complies with the policies of the Garden City Plan and Zoning By-law 2013-283 and are consistent with Provincial land use policies. In addition, existing utilities and services are adequate to support the development. Staff is satisfied that the proposed vacant land condominium development fulfills the criteria outlined in the Planning Act, subject to the Conditions of Draft Plan Approval outlined in Appendix 2 of this report.

Given that the Public Meeting for this application was held more than 14 days prior to the date when Council gives consideration to the recommendations herein, in accordance with Section 51(20)(b) of the Planning Act, Council may make its decision on the application forthwith.

## Site Plan Approval

The City's Site Plan Control By-law describes that all residential developments of four or more dwelling units shall be subject to site plan control. Site plan control is the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. To this end, the site plan agreement will address matters including the location of buildings on the site, the grading, drainage and stormwater management, exterior lighting, landscaping, parking, access and the exterior architectural design of the units. As part of the process, a site plan agreement is registered against the title of the lands and security deposits are collected to ensure the terms of that agreement are adhered to.

The project design proposed through the associated site plan application for these lands includes eight blocks of townhouse, with a total of 36 units. A row of twelve two-storey townhouses are proposed along the north property boundary, adjacent to the recently approved condominium project at 50 Dorchester Boulevard. The remaining townhouses are all one-storey units, grouped in blocks of four. The architectural design of the units will be similar to the townhouses that have already been constructed along Dorchester Boulevard South. The site design also includes seventeen visitor parking spaces distributed throughout the site, an internal sidewalk and a large landscape buffer along the Welland Avenue frontage. The current proposed site plan is included as Appendix 3 for information.

For condominium developments such as this one, the future Condominium Corporation will assume the responsibilities of the site plan agreement. In accordance with the requirements of the Condominium Act, additional securities for incomplete primary services within common elements may need to be collected prior to final condominium approval. Staff recommends that this requirement, which is also outlined in the site plan agreement, be included as a Condition of Draft Plan Approval (Appendix 2).

## Public Meeting

In accordance with the Planning Act, a Public Meeting was held by Council on May 28, 2018. Staff from Planning and Building Services presented an Information Report. The agent for the application was in attendance and spoke in favour of the application. No members of the public spoke to the application.

## Second Planning Opinion Advisory

Should Council consider not supporting the staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Ontario Municipal Board, then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Ontario Municipal Board.

## Financial Implications

Not applicable.

## Relationship to Strategic Plan

### *Economic Sustainability*

Draft approval of this standard condominium will support the goals of economic sustainability by:

- Facilitating private investment through development in the City (Goal 1).

## Potential Appeals

Council should be aware that, effective April 3, 2018, certain land use appeals in Ontario are subject to new legislation. For draft plan of condominium applications, the appeal process has not been significantly revised and largely reflects the process in effect prior to April 3, 2018. Any appeals to draft plans of condominium are submitted to the Local Planning Appeal Tribunal (LPAT) which replaces the Ontario Municipal Board (OMB).

## Conclusion

In summary, staff recommends that approval be granted to this Draft Plan of Vacant Land Condominium, as illustrated in Appendix 1, subject to the Conditions of Draft Plan Approval outlined in this report and included as Appendix 2. A plan of condominium will allow each of the proposed townhouse dwellings to be sold individually. The proposal is consistent with Provincial, Regional and local Official Plan policies.

## Notification

It is in order to advise Cheryl Selig c/o T. Johns Consulting Group Ltd., 310 Limeridge Road, Suite 6, Hamilton, ON, L9C 2V2, the owner's agent

### **Prepared by:**

Scott Ritchie, MCIP, RPP  
Urban Design Planner

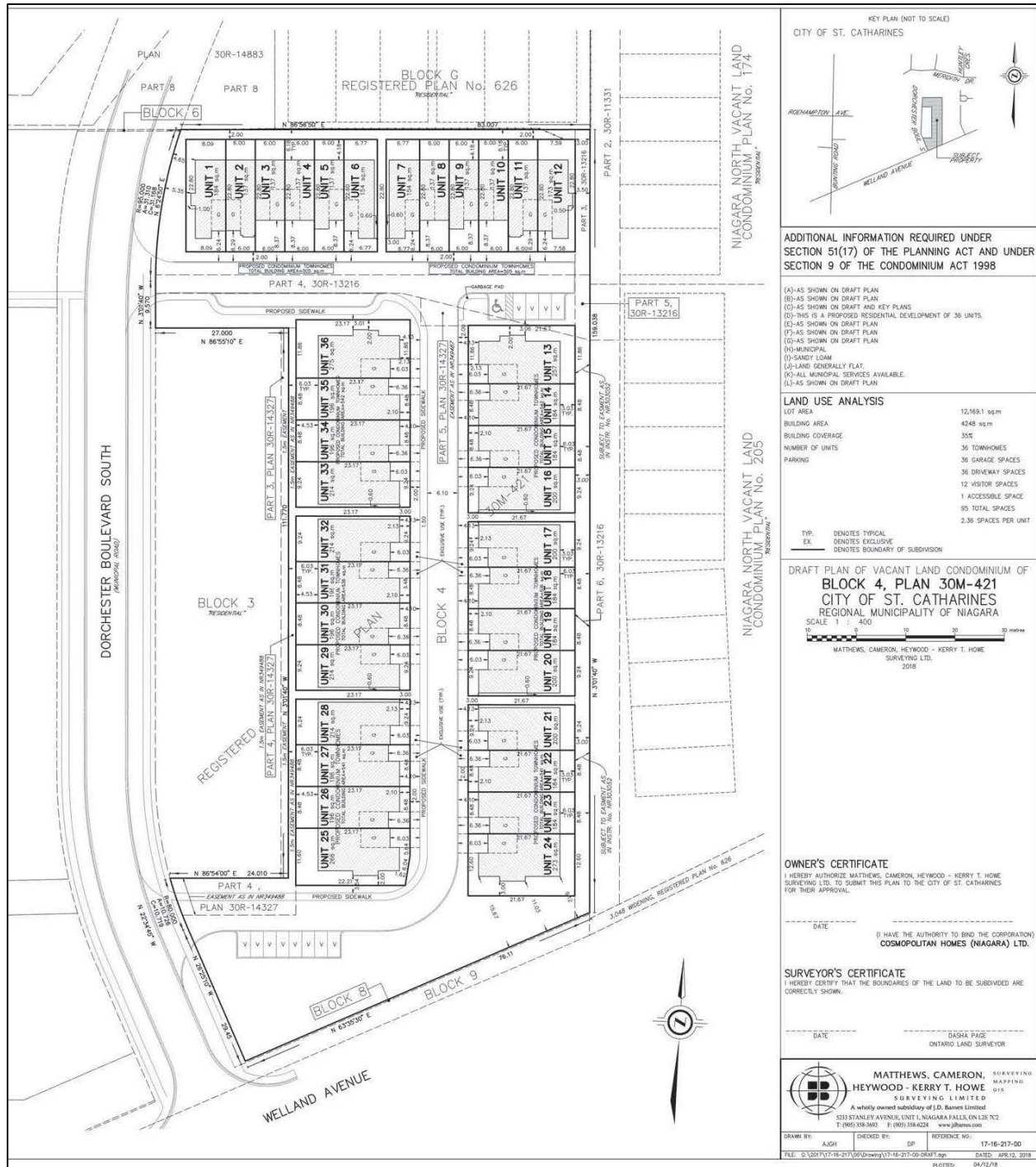
### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Approved by:**

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

PROPOSED DRAFT PLAN OF CONDOMINIUM



CONDITIONS OF DRAFT PLAN APPROVAL  
585 WELLAND AVENUE

### General Approval

1. That this approval applies to lands described as BLOCK 4, PLAN 30M421; SUBJECT TO AN EASEMENT IN GROSS OVER PART BLOCK 4, PLAN 30M421 BEING PART 3, 5 & 6 ON 30R13216 AS IN NR303052; SUBJECT TO AN EASEMENT IN GROSS OVER PART BLOCK 4, PLAN 30M421 BEING PART 14 ON 30R14327 AS IN NR349486; SUBJECT TO AN EASEMENT IN GROSS OVER PART BLOCK 4, PLAN 30M421 BEING PART 5 ON 30R14327 AS IN NR349487; SUBJECT TO AN EASEMENT IN GROSS OVER PART BLOCK 4, PLAN 30M421 BEING ) PART 4 ON 30R14327 AS IN NR349488; CITY OF ST. CATHARINES, municipally known as 585 Welland Avenue, for a draft plan of vacant land condominium prepared by Matthews, Cameron, Heywood – Kerry T. Howe Surveying Ltd., dated April 12, 2018, and showing a 36-unit private road townhouse development.

### Site Plan Agreement

1. That prior to final approval of the plan of condominium, the owner shall enter into a Site Plan Agreement with the City of St. Catharines, which shall be registered against the title of the lands. The Site Plan Agreement shall address certain matters including, but not limited to landscaping, parking, lighting, waste collection, architectural design, sidewalks, and servicing.

*(City of St. Catharines)*

2. The site plan agreement shall require, prior to final approval of the plan of condominium, that the Owner shall deposit securities in the amount of 100% of the estimated cost of all works that are incomplete and which comprise part of a common element.

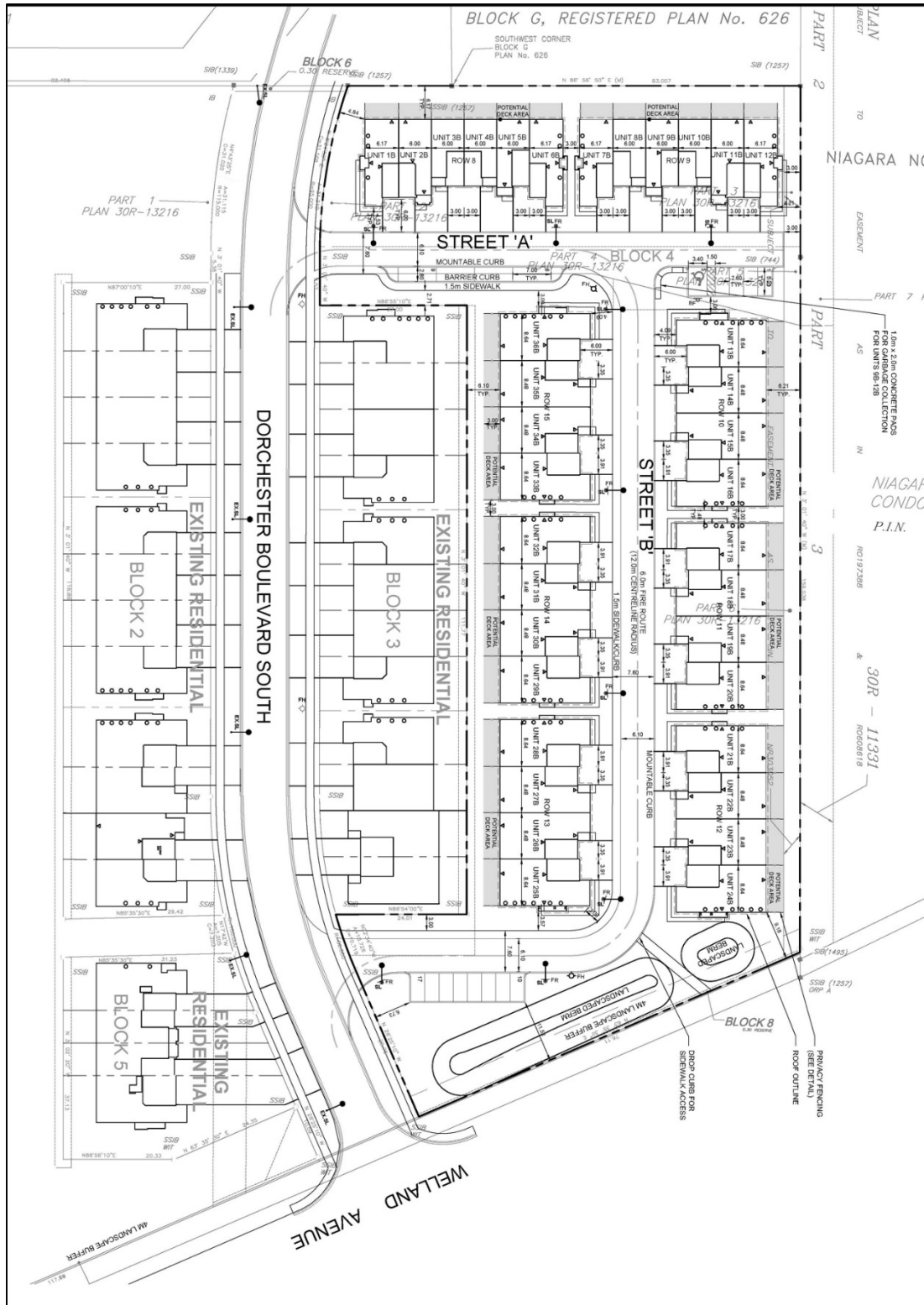
*(City of St. Catharines)*

### Administration

3. That if final approval is not given within three years of the approval date and no extension has been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

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

CURRENT PROPOSED SITE PLAN





CITY OF  
ST. CATHARINES

## Corporate Report

**Report from** Planning and Building Services, Planning Services

**Date of Report:** May 30, 2018

**Date of Meeting:** June 11, 2018

**Report Number:** PBS-133-2018

**File:** 60.46.433

**Subject:** *Planning Act Continuation of Public Meeting - Recommendation Report*  
Application for Draft Plan of Vacant Land Condominium; 164 & 164A  
Martindale Road; Owner: Glenbrook Homes Ltd.; Agent: Better  
Neighborhoods Inc.

### Recommendation

That Council approve the Draft Plan of Vacant Land Condominium for the lands located at 164 and 164A Martindale Road, showing 10 townhouse dwelling units and common element areas, as illustrated in Appendix 1 of this report, subject to the Conditions of Draft Plan of Condominium Approval, as outlined in Appendix 2 of this report; and

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

That the Notice of Decision include a statement that public input has been received, considered, and has informed the decision of Council; and

That upon expiration of the appeal period, staff be directed to forward any appeals to the Provincial Local Planning Appeals Tribunal (LPAT) (formerly the Ontario Municipal Board) for consideration and final approval; and

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

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

### Summary

This application seeks Draft Plan of Vacant Land Condominium approval for a 10-unit private road townhouse development, as illustrated in Appendix 1 of this report. Condominium approval will allow each of the townhouses to be sold individually.

Staff is recommending approval of this Draft Plan of Vacant Land Condominium, subject to the Conditions of Draft Plan Approval outlined in Appendix 2 of this report. The proposal conforms to the relevant Provincial, Regional and local land use policies.



## Background

On May 8, 2017, Council approved a two-step process for planning applications requiring a Public Meeting under the Planning Act. The first step is for Council to receive an Information Report together with public input at the Public Meeting, in accordance with the Planning Act. The second step is for Council to consider a Recommendation Report at a subsequent Council meeting.

On May 28, 2018, Council received [Information Report PBS-116-2017](#) (linked here and available upon request) on this Application for Draft Plan of Condominium Approval, which provided an overview of the proposed development, location and site description, planning context and policies, and circulation comments and concerns that arose from public consultation.

This Recommendation Report provides Council with a planning analysis and staff recommendation on the application.

## Report Proposal

The applicant proposes vacant land condominium tenure – a form of property ownership – for 10 townhouses, as well as a common element areas for a private road, visitor parking, sidewalks, landscaping and servicing. Draft plan of condominium approval will allow each of the 10 townhouses to be sold individually. The initial application for these lands included 11 townhouse dwellings, but the applicant later requested a reduction to 10 townhouse in order to facilitate the construction of larger units.

### Draft Plan of Condominium

Section 51[24] of the Planning Act guides staff in assessing plans of condominium, as described in the Information Report, which was considered at a Public Meeting under the Planning Act on May 28, 2018. To that end, the following analysis is provided.

This 10-unit condominium townhouse will add to the range of housing opportunities in the City, which is timely and in the interest of the community. The redevelopment of this vacant site makes efficient use of existing services and utilities. The design of the project is compatible with neighbouring residential uses which are similarly developed for condominium townhouses and street townhouses. The proposal complies with the policies of the Garden City Plan and Zoning By-law 2013-283 are consistent with Provincial land use policies. In addition, existing utilities and services are adequate to support the development. Staff is satisfied that the proposed vacant land condominium development fulfills the criteria outlined in the Planning Act, subject to the Conditions of Draft Plan Approval outlined in Appendix 2 of this report.

Given that the Public Meeting for this application was held more than 14 days prior to the date when Council gives consideration to the recommendations herein, in accordance with Section 51(20)(b) of the Planning Act, Council may make its decision on the application forthwith.



## Site Plan Approval

The City's Site Plan Control By-law describes that all residential developments of four or more dwelling units shall be subject to site plan control. Site plan control is the City's principal tool through which staff can implement design considerations to maximize compatibility with the surrounding neighbourhood and ensure the long-term maintenance and functionality of the site. To this end, the site plan agreement will address matters including the location of buildings on the site, the grading, drainage and stormwater management, exterior lighting, landscaping, parking, access and the exterior architectural design of the units. As part of the process, a site plan agreement is registered against the title of the lands and security deposits are collected to ensure the terms of that agreement are adhered to.

The project design proposed through the site plan application for these lands includes two blocks of five townhouses, each backing onto the Twelve Mile Creek valley lands. The proposed townhouses are expected to be one and two storeys in height, with distinct architectural design for each unit, in keeping with the character of the larger Village on the Twelve development. The garages for lots 5 and 6 are both proposed to be side-facing, requiring the creation of reciprocal rights-of-way in the condominium plan for each of the two lots for access. No development is proposed on the opposite side of the new private street at this time as these lands form part of a future development phase. A strip of ravine lands along the east property boundary (Block 13) includes significant valley lands and significant woodlands and will be dedicated to the City as a condition of site plan approval, to be merged with the City's adjacent Twelve Mile Creek valley lands. The current proposed site plan is included as Appendix 3 for information.

For condominium developments such as this one, the future Condominium Corporation will assume the responsibilities of the site plan agreement. In accordance with the requirements of the Condominium Act, additional securities for incomplete primary services within common elements may need to be collected prior to final condominium approval. Staff recommends that this requirement, which is also outlined in the site plan agreement, be included as a Condition of Draft Plan Approval (Appendix 2).

## Public Meeting

In accordance with the Planning Act, a Public Meeting was held by Council on May 28, 2018. Staff from Planning and Building Services presented an Information Report. The agent for the application was in attendance and spoke in favour of the application. No members of the public spoke to the application.

## Second Planning Opinion Advisory

Should Council consider not supporting the staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained. In the event the second planning opinion is supported by Council, and Council makes a decision based on that second planning opinion, and if and when the matter should be heard before the Local Planning

Appeal Tribunal (LPAT), then the planner who has provided the second opinion shall be retained for the purpose of a hearing before the Local Planning Appeal Tribunal.

## Financial Implications

Not applicable.

## Relationship to Strategic Plan

### *Economic Sustainability*

Draft approval of this standard condominium will support the goals of economic sustainability by:

- Facilitating private investment through development in the City (Goal 1).

## Potential Appeals

Council should be aware that, effective April 3, 2018, certain land use appeals in Ontario are subject to new legislation. For draft plan of condominium applications, the appeal process has not been significantly revised and largely reflects the process in effect prior to April 3, 2018. Any appeals to draft plans of condominium are submitted to the Local Planning Appeal Tribunal (LPAT) which replaces the Ontario Municipal Board (OMB).

## Conclusion

In summary, staff recommends that approval be granted to this Draft Plan of Vacant Land Condominium, as illustrated in Appendix 1, subject to the Conditions of Draft Plan Approval outlined in this report and included as Appendix 2. A plan of condominium will allow each of the proposed townhouse dwellings to be sold individually. The proposal is consistent with Provincial, Regional and local Official Plan policies.

## Notification

It is in order to advise Dan Romanko c/o Better Neighbourhoods Inc., 190A Ontario Street, St. Catharines ON, L2R 5K9, the owner's agent.

### **Prepared by:**

Scott Ritchie, MCIP, RPP  
Urban Design Planner

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager of Planning Services

### **Approved by:**

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

**MERRITT TRAIL**

**WILLOW BANK COMMON**

**ARMENIAN HALL PARKING LOT**

**BLOCK 13 PARK LAND**

**LOT 1** **LOT 2** **LOT 3** **LOT 4** **LOT 5** **LOT 6** **LOT 7** **LOT 8** **LOT 9** **LOT 10**

**TULIP TREE COMMON**

**BLOCK 12 COMMON ELEMENT**

**LEGEND**

**SYMBOLS**

**LOT LINES**

**EASEMENTS**

**OTHER FEATURES**

**SCALE**

**0 20 40 60 80 100 FEET**

**TABLE**

NO.	DATE	DESCRIPTION	BY	CHKD.
1	2018 03 21	ISSUED FOR PERMIT	W. J. B.	W. J. B.
2	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
3	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
4	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
5	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
6	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
7	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
8	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
9	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
10	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
11	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.
12	2018 03 21	REVISED FOR PERMIT	W. J. B.	W. J. B.

**PROJECT INFORMATION**

**PROJECT NAME** Village on the Twelve Stage VI

**LOCATION** St. Catharines, Ontario

**DRAFT PLAN OF VACANT LAND CONDOMINIUM**

**DATE** 2018 03 21

CONDITIONS OF DRAFT PLAN APPROVAL  
164 & 164A MARTINDALE ROAD

**General Approval**

1. That this approval applies to lands described as PART OF LOTS 2 AND 3 AND PART OF LOT 1 REGISTERED PLAN 30M-167 CITY OF ST. CATHARINES REGIONAL MUNICIPALITY OF NIAGARA, municipally known as parts of 164 and 164A Martindale Road, for a draft plan of vacant land condominium prepared by Better Neighbourhoods Development Consultants., dated March 21, 2018, and showing a 10-unit private road townhouse development.

**Site Plan Agreement**

1. That prior to final approval of the plan of condominium, the owner shall enter into a Site Plan Agreement with the City of St. Catharines, which shall be registered against the title of the lands. The Site Plan Agreement shall address certain matters including, but not limited to landscaping, parking, lighting, waste collection, architectural design, sidewalks, and servicing.

*(City of St. Catharines)*

2. The site plan agreement shall require, prior to final approval of the plan of condominium, that the Owner shall deposit securities in the amount of 100% of the estimated cost of all works that are incomplete and which comprise part of a common element.

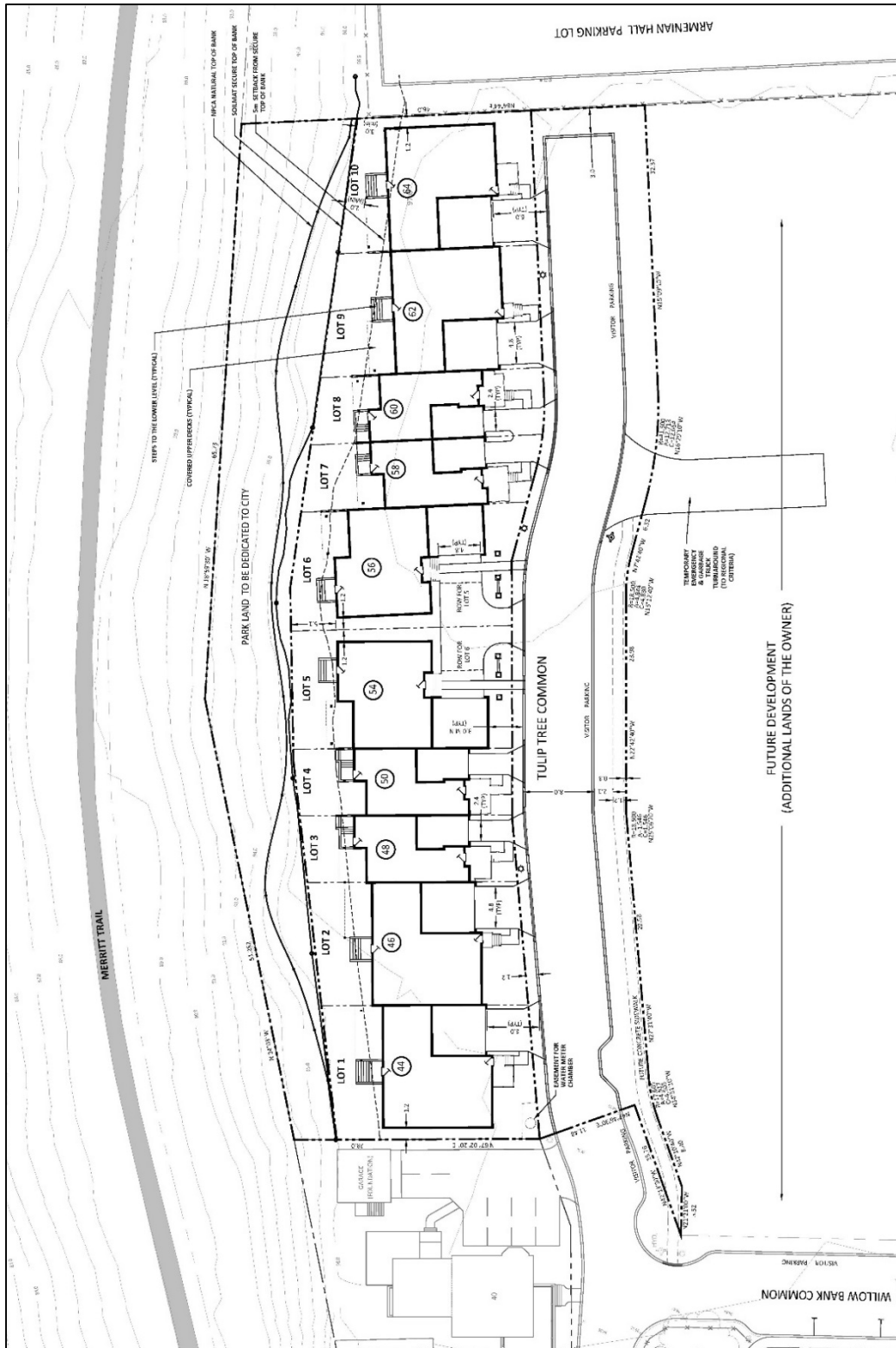
*(City of St. Catharines)*

**Administration**

3. That if final approval is not given within three years of the approval date and no extension has been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required must be received by the City prior to the lapsing date. An updated review and revisions to the conditions of approval may be necessary at that time.

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

# CURRENT PROPOSED SITE PLAN





## **By-laws to be considered Monday, June 11, 2018**

- (a) A By-law to authorize the execution of resolutions passed at the annual shareholder meeting of St. Catharines Hydro Inc. (One reading - with respect to the annual shareholder meeting of St. Catharines Hydro Inc. of June 11, 2018.)
- (b) A By-law to authorize a contract with Rankin Construction Inc. (One reading - with respect to 2018 Resurfacing Program - Part 1, under Project No. P18-080-1. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a contract with Brennan Paving Limited. (One reading - with respect to 2018 Resurfacing Program - Part 2, under Project No. P18-080-2. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to remove certain lands from part lot control. (One reading - with respect to 999 Pelham Road. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize a Land Exchange with Donatelli Productions Limited in relation to certain lands along the westerly boundary of Hastings Street in the City of St. Catharines. (One reading - with respect to development of 271 Merritt Street. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to authorize the acceptance of a conveyance of certain lands from Donatelli Productions Limited. (One reading - with respect to development of 271 Merritt Street. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to authorize the Transfer of Easement to benefit certain lands owned by Donatelli Productions Limited. (One reading - with respect to development of 271 Merritt Street. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to exempt from taxes levied for municipal and school purposes portion of the land known as the Meridian Centre, located at 1 IceDogs Way, upon which municipal capital facilities are located. (One reading - with respect to the Municipal Capital Facilities Designation for the Meridian Centre. General Committee, January 15, 2018, Item No. 4.5.)
- (i) A By-law to repeal By-law No. 2018-132 entitled "A By-law to designate the property at 109 St. Paul Crescent (Rodman Hall) to be of cultural heritage value or interest." (One reading - with respect to repealing heritage designation by-law. Council, May 23, 2018, Item No. 6.1.)
- (j) A By-law to authorize an agreement with Stantec Consulting Ltd. (One reading - with respect to engineering services to undertake Study ST16-005 - Road Condition Data Collection and Software Services. To be considered by General Committee, June 11, 2018.)

- (k) A By-law to authorize an agreement with Stantec Consulting Ltd. (One reading - with respect to provisional traffic signage data collection as part of Study ST16-005 - Road Condition Data Collection and Software Services. To be considered by General Committee, June 11, 2018.)
- (l) A By-law to amend By-law No. 2013-283 entitled "A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines." (One reading - with respect to lands municipally known as 57 Lakeport Road, and additional publicly owned lands municipally known as 3 Lakeport Road, 45 Lakeport Road and 57A Lakeport Road. To be considered by Council, June 11, 2018.)
- (m) A By-law to confirm the proceedings of council at its meeting held on the 11th day of June, 2018. (One reading - with respect to confirming the proceedings of the meeting held on June 11, 2018.)