



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, August 13, 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 Regular Meeting of Council, [Minutes of July 9, 2018](#)
  - 3.2 General Committee, [Minutes of July 9, 2018](#)

**4. Declarations of Interest**

**5. Public Meetings Pursuant to Planning Act**

- |           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 - 81    | 5.1 Planning and Building Services, Planning Services<br><i>Planning Act Continuation of Public Meeting - Recommendation Report</i><br>Application for Official Plan Amendment and Zoning By-law Amendment; Subject Lands: 50 Herrick Avenue; Application for Zoning By-law Amendment; Subject Lands: 40 Woodburn Avenue; Owner: Downing Street (Heritage Point) Inc.; Agent: LANDx Developments Inc.<br><i>(Report contains links; copies available upon request)</i> |
| 82 - 106  | 5.2 Planning and Building Services, Planning Services<br><i>Planning Act Public Meeting - Information Report</i><br>Application for Official Plan Amendment and Zoning By-law Amendment at 201 St. Paul Street; Owner: 201 St. Paul Inc.; Agent: Renée Leung, Dialog                                                                                                                                                                                                   |
| 107 - 118 | 5.3 Planning and Building Services, Planning Services<br><i>Planning Act Public Meeting - Information Report</i><br>Application for Draft Plan of Standard Condominium; 405 Merritt Street; Owner: 2605831 Ontario Inc.; Agent: Better Neighbourhoods Inc.                                                                                                                                                                                                             |
| 119 - 137 | 5.4 Planning and Building Services, Planning Services<br><i>Planning Act Public Meeting - Information Report</i><br>Application for Draft Plan of Standard Condominium; 43 Church Street; Owner: 43church.ca Inc.; Agent: Brent Larocque                                                                                                                                                                                                                               |

## 6. Delegations

- 6.1 Michael Commisso  
Re: Request to Delete Sidewalks along Olde School Court  
(see General Committee Agenda, August 13, 2018, Item 3.2)

## 7. Presentations

## 8. Motions

- 8.1 Rental Licensing By-law  
*At the meeting of June 25, 2018, Councillor Britton provided notice that he would present the following motion at the meeting of July 9, 2018, and was subsequently deferred to the meeting of August 13, 2018:*

WHEREAS staff were directed to prepare a report and draft by-law to regulate and license rental housing in the City of St. Catharines on September 25, 2017, for public consideration by April 2018; and

WHEREAS public consideration has been overwhelmingly against the proposed by-law including submitted emails, comments made at a recent public meeting, and a petition containing over 1000 signatures against the by-law; and

WHEREAS the rental vacancy rate in St. Catharines is extremely low causing the supply of affordable housing in St. Catharines to shrink; and

WHEREAS any additional fees placed on landlords will be passed on to renters thereby placing increased upward pressure on monthly rents; and

WHEREAS recent local media has reported that rental rates in St. Catharines are up 15.1% compared to last year; and

WHEREAS there are existing by-laws and enforcement mechanisms at the City of St. Catharines to protect tenants from improper accommodations;

THEREFORE BE IT RESOLVED that City Council recognizes the affordable housing issue in our community and the negative impacts increasing rents can have on lower income residents; and

BE IT FURTHER RESOLVED that due to overwhelming public opposition, City staff be directed to cease all further work associated with developing a by-law to license rental housing in the City of St. Catharines; and

BE IT FURTHER RESOLVED that City Council requests the Mayor's Working Group on this topic to study possible reforms within the jurisdiction of the City to enhance tenant protections and ensure rental housing is safe that will not result in increased rents for tenants; and

BE IT FURTHER RESOLVED that City staff explore opportunities to hold education sessions for tenants across St. Catharines to inform the public about existing requirements around property standards and enforcement mechanisms.

- 8.2 Additional Council Meeting – August 27, 2018  
*Councillor Harris will present the following motion:*

That Council approve the addition of a meeting to the Council meeting schedule to be held on August 27, 2018; and

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

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

**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**

138 - 139 13.1 Reading of By-laws

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

14.1 Minutes to Receive:

- Arts and Culture Advisory Committee, [June 5, 2018](#)
- Environmental Sustainability Committee, [July 10, 2018](#)
- Green Advisory Committee, [May 16, 2018](#)
- Museum Advisory Committee, [June 26, 2018](#)
- Public Art Advisory Committee, [April 25, 2018](#)
- Public Art Advisory Committee, [June 27, 2018](#)
- Recreation Master Plan Advisory Committee, [June 19, 2018](#)
- Heritage Advisory Committee, [June 14, 2018](#)
- Heritage Permit Advisory Committee, [June 28, 2018](#)

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14.2 Appoint Members to the Clean City Advisory Committee

That Deborah Cartmer and Olivia Hickson be appointed to the Clean City Advisory Committee, as recommended by the Environmental Sustainability Committee.

**15. Adjournment**



CITY OF  
ST. CATHARINES

## Corporate Report

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

**Date of Report:** August 3, 2018

**Date of Meeting:** August 13, 2018

**Report Number:** PBS-182-2018

**File:** 60.30.338 and 60.35.1039

**Subject:** *Planning Act Continuation of Public Meeting - Recommendation Report*  
Application for Official Plan Amendment and Zoning By-law Amendment;  
Subject Lands: 50 Herrick Avenue; Application for Zoning By-law  
Amendment; Subject Lands: 40 Woodburn Avenue; Owner: Downing Street  
(Heritage Point) Inc.; Agent: LANDx Developments Inc.

### Recommendation Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Part Lot 54 CY Plan 172 Grantham as in RO268949, St. Catharines, municipally known as 50 Herrick Avenue, as follows:

- a) That Schedule E9, East Planning District, be amended by changing the land use designation of the lands from Low Density Residential to Medium Density Residential as identified in Appendix 7 of this report; and

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

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

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

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

### Zoning By-law Amendment

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as Part Lot 54 CY Plan 172 Grantham as in RO268949, St. Catharines, municipally known as 50 Herrick Avenue, as follows:

- a) That Section 15.1, Schedule A (A15), Zoning Maps, be amended by changing the zoning of the subject lands from Low Density Residential (R2) to Medium Density Residential with Special Provision and Holding

Provision (R3-47-H1) as outlined in Appendix 9. The 'H1' Provision requires that an Environmental Site Assessment shall be prepared and submitted to the City of St. Catharines for approval. If contamination above provincial guidelines is found, a Record of Site Condition, or other acceptable documentation, shall be required for submission to the Ministry of the Environment prior to the removal of the Holding (H) designation; and

- b) That Section 13.1 'List of Special Provisions', for lands known as 40 Woodburn Avenue and 50 Herrick Avenue, be amended by deleting item 5 in the existing Special Provision 47 and replacing it with the following revised item 5:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
47	R3	15		40 Woodburn Avenue & 50 Herrick Avenue	
5.	Minimum landscape buffer				
	a) Abutting an R2 zone			4m	
	b) North of the Woodburn Avenue Entrance (from Woodburn Avenue extending west 33.5 metres)			2m	
	c) South of the Woodburn Avenue Entrance (from Woodburn Avenue extending west 33.5 metres)			0m	

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

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

That upon expiration of the appeal period, staff be directed to forward any appeals to the Local Planning Appeals Tribunal for consideration and final approval; 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](#) (linked here and copy available upon request) that was received by Council at the July 9, 2018, Public Meeting, in accordance with the requirements of the Planning Act, to receive input on the proposed Official Plan Amendment and Zoning By-law Amendment at 50 Herrick Avenue and Zoning By-law Amendment at 40 Woodburn Avenue. Council adjourned the public meeting at that time.

This Recommendation Report analyzes and recommends approval of the applications to designate the lands municipally known as 50 Herrick Avenue from Low Density Residential to Medium Density Residential in the Official Plan; to change the zoning of the lands at 50 Herrick Avenue from Low Density Residential (R2) to Medium Density Residential with a Special Provision and Holding Provision (R3-47-H1); and to amend Special Provision 47 to include a reduction of the required landscape buffer at 40 Woodburn Avenue.

## Background

On May 8, 2017, Council approved a 2-step process for planning applications requiring a Public Meeting in accordance with 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 July 9, 2018, Council received an Information Report on the Applications for Official Plan Amendment and Zoning By-law Amendment which provided an overview of the application, location and site description, planning context and policies, and circulation comments received. At the meeting, Council heard a number of comments from the public about the application. This report addresses those comments and provides Council with planning analysis and staff's recommendation on the applications.

### 40 Woodburn Avenue

These lands were part of a previous draft plan of subdivision approval (October 15, 2007). The plan was subsequently registered (October 10, 2008 - Heritage Point Subdivision). 40 Woodburn Avenue represents the final phase of the subdivision that remains to be developed. The previous phases (1, 3, & 4) have been constructed with a total of 89 residential units composed of a mix of detached dwellings and townhouses with a density of 14.42 units per hectare.

40 Woodburn Avenue was planned to provide a higher density within the subdivision and as such, a Special Provision was established under the zoning by-law to ensure that appropriate setbacks from the surrounding detached homes were implemented at the time of development. While the subject lands are vacant, they have been subject to Environmental Site Approvals and a Record of Site Condition. In addition, the Heritage Point Subdivision, which was a brownfield re-development project, was approved for financial assistance for both remediation and re-development under the 2004 Community Improvement Plan (CIP). Phase 2 of the CIP funding pertains to the lands at 40 Woodburn Avenue and was approved by City Council on November 7, 2011.

### 50 Herrick Avenue

The lands known as 50 Herrick Avenue were not part of the original Heritage Point Draft Plan of Subdivision approval. These lands were formerly used by the Garden City Productions, a non-profit theatre. The building, which was partially located within the Right of Way, recently was recently demolished. As a result of the previous industrial use on the property, an Environmental Site Assessment (ESA) is required to confirm the

lands are suitable for the more sensitive residential use. The ESA and associated Record of Site Condition has not yet been filed for the lands at 50 Herrick Avenue, and as such, a Holding Provision is required for these lands to ensure the necessary approvals are received prior to development taking place on site.

## Report Proposal

The applicant proposes to construct three five-storey apartment buildings with a total of 208 units, 51 at grade parking spaces and 214 underground parking spaces (265 spaces total) on the subject lands. The proposed development represents the final phase of the Heritage Point Subdivision and results in a total density of 48.14 units per hectare (Subdivision as a whole). The lands at 50 Herrick Avenue were not part of the original Heritage Point Subdivision approval and have been acquired by the applicant for inclusion in this development. The addition of 50 Herrick Avenue results in a total density of 46.77 units per hectare (Subdivision as a whole, including 50 Herrick Avenue).

The applicant seeks approval of an Official Plan and Zoning By-law amendment for the lands at 50 Herrick Avenue, identified in Appendix 1, to provide an additional access to the larger land holdings adjacent to the south at 40 Woodburn Avenue. In addition to a proposed access, the lands at 50 Herrick Avenue also would provide 16 at grade parking spaces and landscaping.

The applicant proposes to amend the Official Plan designation for 50 Herrick Avenue from Low Density Residential to Medium Density Residential and to re-zone the lands from Low Density Residential – Traditional Neighbourhood (R2) to Medium Density Residential with Special Provision (R3-47). The proposed Official Plan and Zoning By-law Amendment are necessary to have the Official Plan designation and zoning that is consistent with the larger land holdings, abutting to the south (40 Woodburn Avenue).

The Official Plan designates the lands known as 40 Woodburn Avenue as Medium Density Residential; the zoning is Medium Density Residential with Special Provision (R3-47) which permits the proposed development. Through the review of the proposed development, staff identified that the existing access to the site from Woodburn Avenue is 11 metres wide. This access is permitted in existing Special Provision 47; however, this width is not sufficient to accommodate the required landscape buffer on both sides of the driveway. As such, a Zoning By-law Amendment to the existing Special Provision 47 is required to reduce the landscape buffer along the Woodburn Avenue entrance. The Amendment proposes a 0 metre landscape buffer along the south side of the driveway to accommodate a sidewalk and a minimum 2 metre landscape buffer along the north side of the driveway to ensure vegetation can be sustained.

The proposed Site Plan and elevations are attached for Council's reference (Appendices 2 and 3).

## Planning Policy Context

Provincial planning legislation requires Council's decision on a planning application to 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 Official Plan Amendment and Zoning By-law Amendment against the policies of the Provincial Policy Statement, the Provincial Growth Plan for the Greater Golden Horseshoe, the Regional Official Plan, and the Garden City Plan, all of which apply to this application. Staff recommendations have been formulated accordingly.

For Council's reference, the land use planning framework, as it relates to this application, is outlined in Appendix 4.

## Provincial Policy Statement (PPS 2014)

The PPS stresses the importance of Official Plans and Zoning By-laws in implementing the land use 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.

The following policies of the Provincial Policy Statement apply more specifically to this Application for Official Plan Amendment and Zoning By-law Amendment.

- Accommodate an appropriate range and mix of residential, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;
- Settlement areas are to be the focus of growth and development, and their vitality and regeneration is to be promoted;
- 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;
- Establish a land use plan and pattern that supports financial sustainability and cost effective development and provision of services;
- New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities;
- Promote the wise use and management of land and resources;
- Support an accessible, connected and complete community;
- Establish appropriate development standards to promote/facilitate intensification, redevelopment and compact built form;
- Ensure protection of natural features and areas for the long term; and
- Protect and preserve natural heritage features and hazards, landform systems and functions.

The applications have been made to facilitate the use of 50 Herrick Avenue to provide an additional driveway entrance and surface parking to three proposed apartment

buildings to be located at 40 Woodburn Avenue. The additional entrance provides a sidewalk and drive aisle with direct access to Herrick Avenue which improves connectivity to the site and within the site for both vehicles and pedestrians. While no units are proposed to be located on the lands at 50 Herrick Avenue, these lands serve to improve the entrance, provide additional landscaping and enhance the overall site (50 Herrick Avenue and 40 Woodburn Avenue) which will facilitate the provision of apartment units and introduce a greater range and mix of residential units within the neighbourhood. Staff are of the opinion that the proposed Amendments are consistent with the PPS in that policies related to providing a range and mix of land uses through intensification and redevelopment are upheld. Further, the proposed amendments are consistent with the PPS through the provision of improved access and connectivity from the subject site to the surrounding community.

### **Provincial Growth Plan for the Greater Golden Horseshoe (2017)**

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.

The following provides an overview of the Provincial Growth Plan as it applies more specifically to the subject applications for Official Plan and Zoning By-law Amendment.

- 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;
- 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;
- Conserve, promote cultural heritage to support social, economic and cultural well-being;
- Promote high quality built form, attractive/vibrant public realm through site design and urban design standards;
- Support complete communities; and
- Support multi modal transportation, including active transportation and transit.

The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, while being sensitive to adjacent areas. The City’s Official Plan and Zoning By-law currently implement this existing framework for St. Catharines. For the subject applications, the provision of an additional access encourages a more transit supportive development by providing a new sidewalk connection to Herrick

Avenue and more direct access to existing transit routes surrounding the site, particularly on Westchester Crescent. The entrance also improves access to the site for vehicles and supports a safer more connected community by providing direct access to Herrick Avenue in addition to the existing permitted access to Woodburn Avenue. In addition to surface parking, the landscaping to be provided enhances the streetscape and public realm along Herrick Avenue. Staff are of the opinion that the proposed Amendments are consistent with the Growth Plan in that policies related to fostering connected, accessible and complete communities are upheld.

## **Regional Official Plan**

According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031/Conformity Amendment), which is 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 reiterates the land use pattern policies and objectives of the Provincial Policy Statement for residential intensification and sustainable communities outlined above. The Region's Sustainable Community Policies establish a residential intensification target of 95 per cent for the St. Catharines Built-up Area. The subject lands propose to provide parking and adequate landscaped open space for 208 apartment units proposed as part of the final phase of the Heritage Point Subdivision. These residential units will count towards the City's annual residential intensification target of 95%, as set by the Regional Official Plan.

The subject lands are located within close proximity to local transit along Queenston Street, Westchester Crescent, Eastchester Avenue and Oakdale Avenue. The inclusion of the subject lands at 50 Herrick Avenue with the proposed development at 40 Woodburn Avenue will assist in providing improved pedestrian connectivity. It is also important to recognize that the subject lands were previously used for industrial and commercial purposes. The Regional Official Plan is supportive of the redevelopment of brownfield lands to achieve Regional intensification goals and limit the need for urban expansion.

Based on the above, staff consider the applications and proposed development concept to align with Regional policy.

It should be noted that the Region of Niagara is undertaking a comprehensive review (MCR) with the aim of preparing a new regional Official Plan that will be in conformity with the PPS and the Provincial Growth Plan. Once completed, local area municipalities will be required to update their Official Plans accordingly.

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

All of the relevant City Official Plan policies that apply to this Application have been excerpted and are included in the table attached as Appendix 13.

The subject lands are designated as Neighbourhood Residential (Appendix 5) by the City's Official Plan, The Garden City Plan (GCP). The North Planning District further identifies 50 Herrick Avenue as Low Density Residential and 40 Woodburn Avenue as Medium Density Residential with an identified Natural Area Extent along the southern boundary of the subject lands (Appendix 6).

The Official Plan Amendment application seeks to change the designation for 50 Herrick Avenue from Low Density Residential to Medium Density Residential (Appendix 7). These lands will provide additional access and surface parking for the final phase of the Heritage Point Subdivision at 40 Woodburn Avenue.

The Low Density Residential Designation of the GCP provides for a range of residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres. The Medium Density Residential designation of the GCP provides for apartment dwellings, in addition to the range of residential uses outlined in the Low Density Designation at a density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

Since the time of the original approvals the owner has obtained the lands at 50 Herrick Avenue. An Official Plan Amendment is required to designate 50 Herrick Avenue as Medium Density Residential, consistent with the 40 Woodburn Avenue site. The proposed development is the final phase of the Heritage Point Subdivision and results in a total density of 46.77 units per hectare (subdivision as a whole, including 50 Herrick Avenue).

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

Garden City Plan Policy (16.1)	Planning Comment
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to manage development. At a density of 46.77 units/ha (subdivision as a whole, including 50 Herrick Avenue), this residential development makes efficient use of a vacant brownfield site within the

	built-up area, and improves access and connectivity for a higher density residential development. Existing public infrastructure and services, including nearby transit, are available. Commercial and community uses as well as parks and trails are in close proximity.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal complies with Provincial and Regional land use policies.
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use	<p>While designated Intensification Areas are the primary emphasis for housing intensification, the Garden City Plan supports appropriate and compatible infill and intensification in all neighbourhoods to meet housing needs and manage growth. The City's policies encourage the redevelopment of vacant and underutilized sites within the urban area to avoid the need to consider urban boundary expansions to meet housing needs. The applications propose to utilize the lands at 50 Herrick Avenue to provide an additional entrance, surface parking and landscaping for 208 apartment units proposed at 40 Woodburn Avenue.</p> <p>While none of the proposed residential units are to be located at 50 Herrick Avenue, the property will serve the larger land holdings to the south, 40 Woodburn Avenue, which is currently designated for the proposed use and will provide intensification and a greater range of residential unit types within the neighbourhood. The addition of the lands at 50 Herrick Avenue to the proposed development allows for an improved site layout with greater connectivity to the surrounding neighbourhood.</p>
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms	The residential designation proposed is consistent with the larger land holdings to the south, 40 Woodburn Avenue and the

for achieving compatibility, with adjacent and planned uses	adjacent lands to the east, also part of the Heritage Point Subdivision. The lands at 50 Herrick Avenue are proposed to provide a driveway entrance, surface parking and landscaping associated with proposed apartment buildings to be located at 40 Woodburn Avenue. This will contribute to providing an appropriate transition from the apartment buildings at 40 Woodburn Avenue to landscaping and surface parking at 50 Herrick Avenue where existing one and two storey dwellings are located on the surrounding lands to the north, east and west.
v) The potential of the proposal to cause instability within an area intended to remain stable	The nearby residential areas to north and west developed during the early part of the twentieth century. The lands to the south and east were recently developed following approval of the Heritage Point Subdivision. There are a range of dwelling types in these neighbourhoods from detached dwellings to quadruplexes, and the proposed apartment buildings at 40 Woodburn Avenue. Use of 50 Herrick Avenue in conjunction with the development proposed for 40 Woodburn Avenue demonstrates a compatible fit within the neighbourhood as it services the higher density residential development without contributing any additional units and providing greater landscaping adjacent to existing low density residential uses.
vi) The ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City	Servicing and the capacity of services was established for 40 Woodburn Avenue when the Heritage Point Subdivision was initially reviewed and approved. Staff are satisfied no additional capacity is required to service 50 Herrick Avenue, as no additional units are proposed for the site. Servicing Reports submitted to date indicate that existing municipal services have adequate capacity to accommodate the development and densities proposed at 40 Woodburn Avenue, including the addition of the lands at 50 Herrick Avenue.

vii) The financial implications, both cost and revenues, to the City	The proposed development presents no cost implications to the City. Any improvements to municipal infrastructure which may be necessary to accommodate the development will be at the sole cost of the applicant. The addition of 208 residential dwelling units will provide an increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	The lands immediately to the south and east are designated Medium Density Residential. Designating the subject lands similarly will result in a potential gradation of density to the adjacent low density residential to the west. The site is appropriately located for residential intensification in close proximity to an arterial road, existing transit and adequate services.

There is a Natural Area Extent identified at the southern boundary of 40 Woodburn Avenue. The City's Official Plan utilizes the Natural Area Extent to indicate potential natural hazards. There was previously a watercourse and associated floodplain located at the boundary of 40 Woodburn Avenue and the adjacent lands to the South, now the Garden City Golf Course. Through the draft approval of the Heritage Point Plan of Subdivision, the floodplain was assessed and relocated entirely onto the lands associated with the City's golf course. As such, 40 Woodburn Avenue is no longer impacted by the floodplain or any other natural hazards. The Natural Area extent shown on the Official Plan maps is no longer applicable and the map should be updated as housekeeping.

The Official Plan already permits the proposed development including the proposed density and range of dwelling types at 40 Woodburn Avenue. Changing the designation at 50 Herrick Avenue further augments the physical development of the site by providing additional and improved access, landscaping, and surface parking. Based on the matters outlined above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the Plan and all other policies contained in the Official Plan and recommend approval.

## Zoning By-law

### 50 Herrick Avenue

Zoning By-law 2013-283 zones the lands at 50 Herrick Avenue as Low Density Residential – Traditional Neighbourhood (R2) and the lands at 40 Woodburn Avenue as Medium Density Residential with Special Provision (R3-47) (see Appendix 8). The R2 Zone permits a broad range of residential uses; however, apartment dwellings are not permitted in the R2 zone. As such, the proposal is to change the zoning and thereby

have the Medium Density Residential with Special Provision (R3-47) zone apply to the lands at 50 Herrick Avenue (Appendix 9).

Special Provision 47 details site-specific setbacks that were established at the time of approvals associated with Heritage Point Subdivision. The existing Special Provision for 40 Woodburn Avenue is attached as Appendix 10.

The Zoning By-law Amendment is being recommended for approval with a Holding (H1) Provision for 50 Herrick Avenue, which stipulates that an Environmental Site Assessment is required to be completed prior to development occurring, and if required, a Record of Site Condition must be filed to ensure that the condition of the site meets developable residential standards.

#### **40 Woodburn Avenue**

The proposed Zoning By-law Amendment seeks to amend the existing Special Provision 47 to reduce a portion of the landscape buffer. The City's Zoning By-law (2013-283) has come into effect since the Heritage Point Subdivision was originally reviewed and approved. At the time of approvals, an 11 metre frontage onto Woodburn Avenue was permitted, and is still permitted, in accordance with the Special Provision. However, the current by-law requires a minimum 3 metre landscape buffer from a parking area (including drive aisles) to abutting residential zones. This would require 6 of the 11 metres of frontage along Woodburn Avenue to be landscaping, which does not leave adequate space for a driveway entrance. Since the frontage is existing and permitted, the applicant proposes to accommodate a minimum 2 metre landscape buffer on the north side of the Woodburn Avenue entrance, and a 0 metre landscape buffer on the south side of the entrance, where the sidewalk is proposed. This maximizes the width of the landscape buffer that can be provided while maintaining a distance of 2 metres from the driveway to the residences on either side of the entrance.

Proposed changes to Special Provision 47, item 5, are detailed below and attached (Appendix 11):

5.	Minimum landscape buffer	
	a) Abutting an R2 zone	4m
	b) North of the Woodburn Avenue Entrance (from Woodburn Avenue extending west 33.5 metres)	2m
	c) South of the Woodburn Avenue Entrance (from Woodburn Avenue extending west 33.5 metres)	0m

A Record of Site Condition was previously filed for the lands at 40 Woodburn Avenue, and as such, a Holding Provision is not required for 40 Woodburn Avenue.

## Site Plan

The City's Site Plan Control By-law requires that residential developments of four units or more be subject to site plan control. Site plan approval regulates the placement of buildings, architectural elevations of the buildings, parking, grading, drainage and storm water management, landscaping, fencing and similar details of site design. An application for Site Plan Approval has been submitted concurrent with the subject applications. Appendix 2 provides the proposed site design for reference.

## Public Meeting

In addition to the Open House that was held on May 3, 2018, a Public Meeting was held by Council on July 9, 2018. At that time and in accordance with the Planning Act an Information Report was presented to Council. Three members of the public spoke to the application and the Public Meeting was adjourned. Additional written correspondence has been received since the Information Report and is attached as Appendix 12. Questions raised at the Public Meeting are summarized below, with corresponding staff responses.

### Parkland

**Comment:** No park space has been shown on the plan. How is parkland being provided for this development?

**Response:** Cash in lieu of parkland dedication was collected as part of the Heritage Point Subdivision, which included 40 Woodburn Avenue. Cash in lieu of parkland dedication will be collected for the 50 Herrick Avenue lands at the Site Plan Approval stage. The City's Parks, Recreation and Culture Services Department has reviewed the subject applications and indicate that there is no shortage of, or requirement for additional parkland in this area. The property is located adjacent to the Garden City Golf Course which is approximately 27 hectares of publicly owned parkland. In addition, Centennial Gardens and Princess Park are located at Westchester Crescent and Oakdale Avenue, a short walk from the subject site. As such, collection of cash in lieu of parkland dedication is appropriate for 50 Herrick Avenue.

It should also be noted that sufficient landscaped open space, as required by the zoning by-law, is to be provided for the development with the exception of the landscape provision request in this application.

### Traffic

**Comment:** The traffic study is more than 10 years old and does not account for the traffic volumes experienced today. There been sufficient development within area and surrounding neighbourhood to warrant an updated traffic impact study for the area as a whole.

**Response:** For the subject site specifically, the existing traffic study was completed under the assumption of approximately 216 residential units for the total

Subdivision and estimated a 1% annual traffic growth for a period of 10 years. The study identified that if the level of background traffic growth does occur, it may be necessary to further investigate potential improvements. The study recommended that the Region monitor the possible need for future improvements at the intersection of Queenston Street and Westchester Avenue/Eastchester Avenue. The Region has reviewed the subject applications and with consideration of the proposed development and existing traffic in the area, an updated traffic impact study was not required. The City has also reviewed the proposed development and determined that the vehicles associated with the proposed development can be accommodated on the local road network.

It should be noted that the subject applications seek approval to use the lands at 50 Herrick Avenue for an additional entrance to the apartment building site that is already permitted at 40 Woodburn Avenue, thus assisting to disperse traffic more evenly onto local roads. Further, no residential units are proposed to be located at 50 Herrick Avenue and the proposed units are to be located at 40 Woodburn Avenue, which currently permits the proposed density.

**Comment:** There appears to be an opportunity to provide direct access to the site from Westchester Crescent by way of the northern extent of the City Golf Course Lands.

**Response:** The original draft plan of Subdivision was approved with a single access from Woodburn Avenue. The applicant has proposed to use the lands at 50 Herrick Avenue to provide an additional entrance to the site. The applicant does not have ownership of additional lands to provide access from Westchester Crescent. Further, the existing stormwater management pond and identified natural features are located within the City Golf Course which could limit or restrict the use of these lands for an additional access.

### **Parking**

**Comment:** A citizen led survey of the neighbourhood has indicated an average of 1.957 vehicles per household. How is a parking ratio of 1.25 parking spaces per unit sufficient?

**Response:** The City's Official Plan identifies that sufficient and safe parking shall be provided in accordance with the standards established in the implementing Zoning By-law which requires a minimum 1.25 parking spaces per apartment dwelling. The OP also promotes other modes of transportation, including the provision of bicycle parking and proximity to transit. The subject proposal includes the provision of bike racks and is located in close proximity to a number of existing transit routes.

Comment: What will happen if the proposed underground parking cannot be constructed?

Response: The Site Plan Agreement will require that adequate parking, in this case a minimum of 260 parking spaces for 208 units, is maintained on site. If through the development of site design it is determined that parking cannot be provided as shown in the current Site Plan application, the design would need to be revised to demonstrate that the required parking can be provided on site. At no time will construction be permitted to take place that does not provide adequate parking in accordance with the zoning by-law.

### **Landscape Buffer**

Comment: What is the intent of the required landscape buffer adjacent to residential uses and what will the impact be to the adjacent properties with the proposed reduction of landscape buffers?

Response: The City's Zoning By-law requires a landscape buffer between the edge of any parking area (including drive aisles) and an abutting residential zone to assist in mitigating potential impacts to adjacent residences. Landscape buffers can also assist in providing adequate areas for snow storage. The reduction to the landscape buffer is only proposed along the entrance from Woodburn Avenue, which is immediately adjacent to two residential dwellings associated with previous phases of the Heritage Point Subdivision. The driveway will be centered within the Woodburn Avenue frontage with a 2 metre landscape buffer along the north edge and a 2 metre sidewalk along the southern edge to ensure maximum separation from the driveway to the adjacent residential properties. Fencing has been provided on the adjacent residential lot to the north and will be provided on the adjacent lot to the south.

### **Water on Site**

Comment: The pool of water on site appears to be naturally fed.

Response: The water on site has collected as a result of excavation that has taken place as part of site remediation. While the water that has pooled on site may be partly groundwater fed, it remains on site because it is not connected to the stormwater pond. A stormwater management plan was reviewed as part of the Heritage Point Subdivision and found to be acceptable by the City. The site has been in a state of preparation for construction since that time and water and drainage on site will be addressed with the completion of the development. The pool of water is not a regulated natural feature. There was previously a watercourse that traversed south of the site and had an associated floodplain that impacted the subject lands. Through the Heritage Point Subdivision approvals, it

was demonstrated that the watercourse had been enclosed and the lands were no longer impacted by the associated floodplain.

Comment: How will soil stability and the water table be affected by development on site?

Response: Through Site Plan Approval, it is the responsibility of the applicant to demonstrate that all water from the site can be adequately handled without impacting any adjacent properties. Pre and post development flows must be contained on site. Prior to any development or site works being undertaken, applicants are required to conduct preconstruction assessments of neighbouring properties when there is any chance that damage may occur.

## Public Notice

In accordance with established procedures, notice for the public meeting has been circulated.

## Second Planning Opinion Advisory

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

## Financial Implications

No direct financial impacts to the City are triggered should Council approve the subject applications. The applicant will be responsible for all costs associated with the proposed development.

## Relationship to Strategic Plan

The approval of the subject applications will serve to support the goals of the Strategic Plan through the pillars of economic and social sustainability by facilitating private investment through development in the City.

## Potential Appeals

Council should be aware that, effective April 3, 2018, certain land use appeals in Ontario are subject to new legislation. For official plan amendment and zoning by-law amendment applications, any appeals are submitted to the Local Planning Appeal Tribunal (LPAT) which replaces the former Ontario Municipal Board (OMB).

## Conclusion

In summary, staff are recommending approval of the applications for Official Plan Amendment and Zoning By-law Amendment for 50 Herrick Avenue and 40 Woodburn Avenue. This Recommendation Report provides the planning context and justification for staff's recommendation to support the applications as well as adding the placement of a 'H' holding provision and corresponding conditions for 50 Herrick Avenue. The amendments will facilitate land use designation and zoning for 50 Herrick Avenue that is consistent with the larger land holdings, abutting to the south (40 Woodburn Avenue). The Zoning By-law Amendment also proposes an amendment to existing Special Provision 47 to reduce the required landscape buffer along the Woodburn Avenue entrance. The approval of these applications is consistent with the Provincial Policy Statement and conforms with and does not conflict with the Growth Plan, the Regional Official Plan and City Official Plan.

### Prepared by:

Taya Devlin  
Planner I

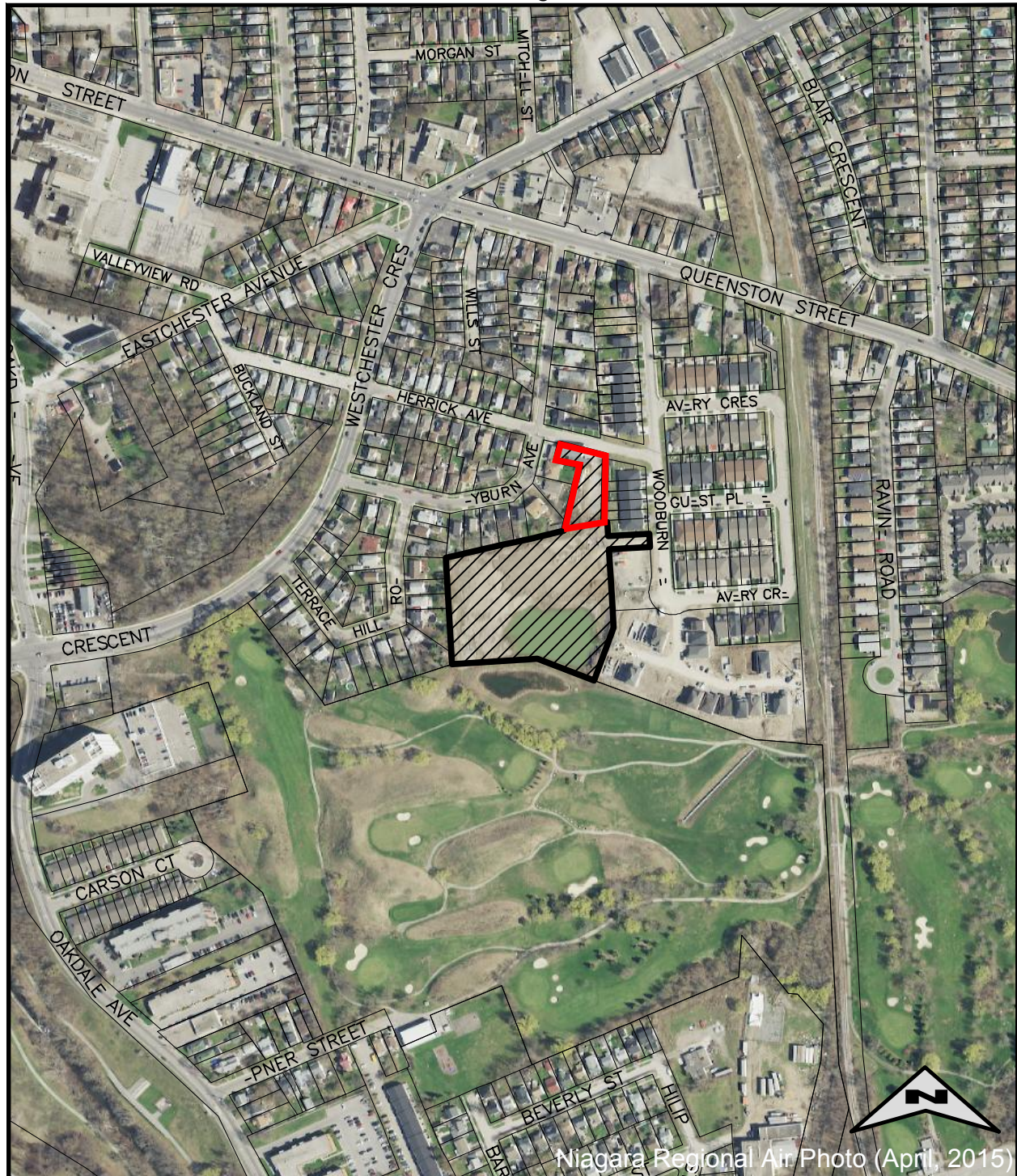
### Submitted by:

Judy Pihach, MCIP, RPP  
Manager, Planning Services

### Approved by:

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

# Aerial Photo Surrounding Area



Niagara Regional Air Photo (April, 2015)



Subject Lands

50 Herrick Avenue

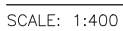
Files: 60.30.338 & 60.35.1039

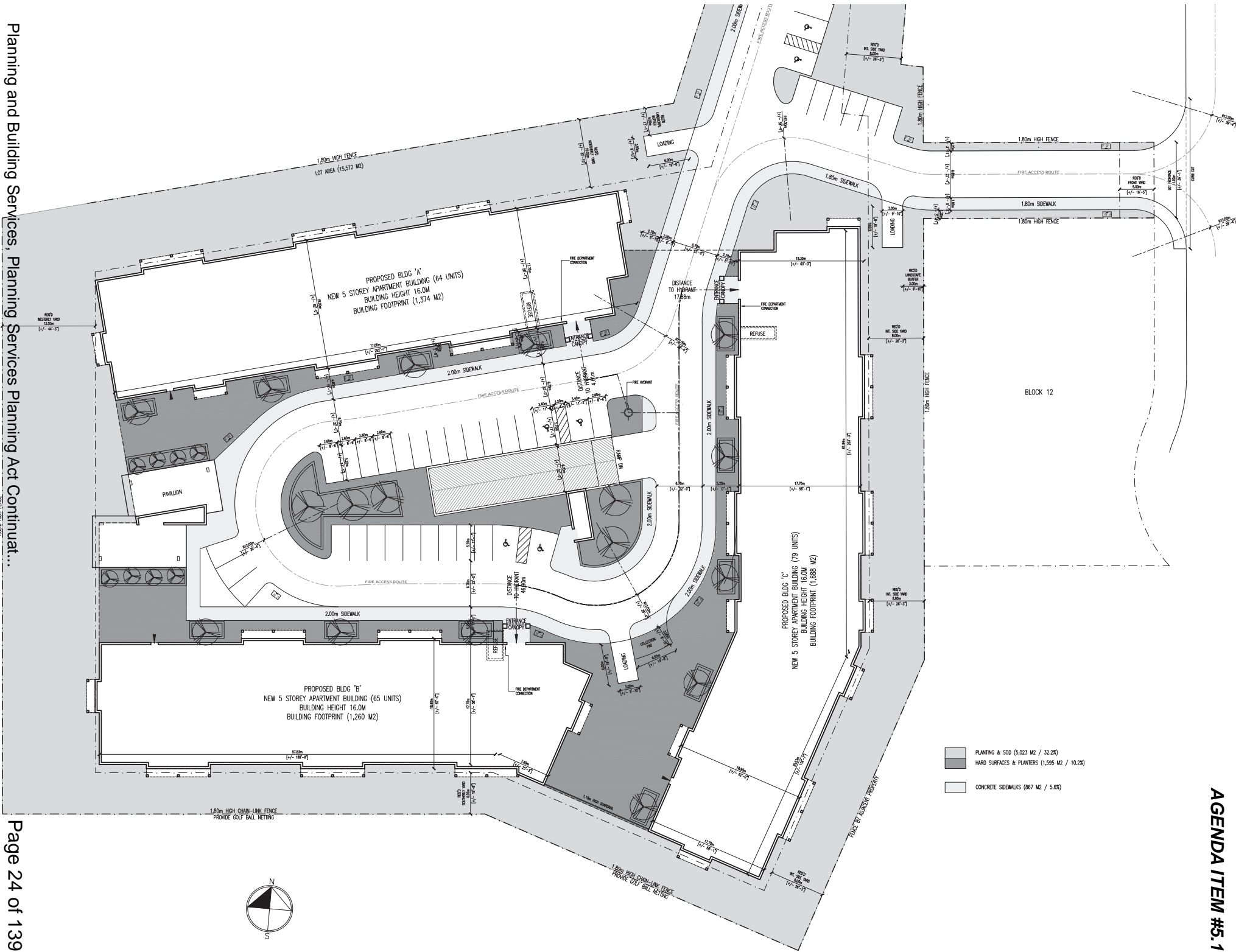


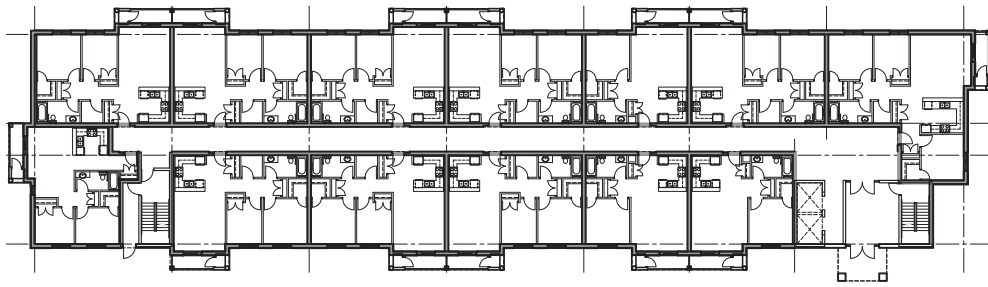
Adjacent Lands Owned by Applicant

40 Woodburn Avenue

Proposed Amendment to existing Special Provision 47







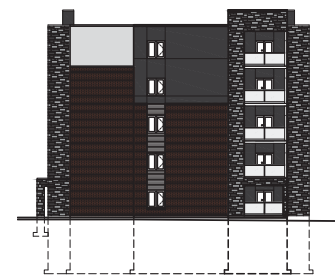
GROUND FLOOR (BUILDING A)

SCALE: 1:250



SOUTH ELEVATION

SCALE: 1:250



EAST ELEVATION

SCALE: 1:250



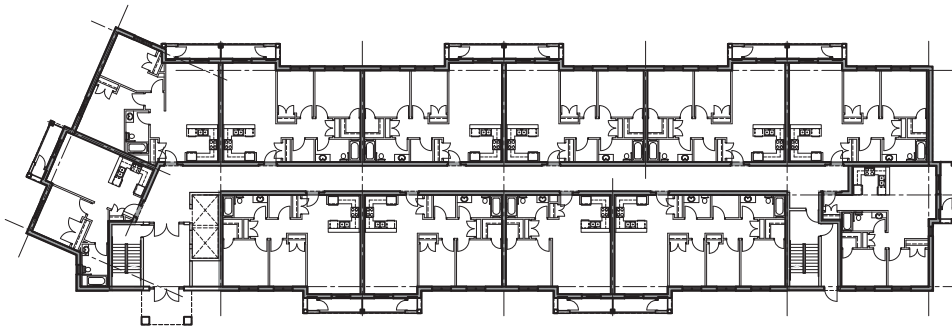
NORTH ELEVATION

SCALE: 1:250



WEST ELEVATION

SCALE: 1:250



GROUND FLOOR (BUILDING B)

SCALE: 1:250



NORTH ELEVATION

SCALE: 1:250



WEST ELEVATION

SCALE: 1:250



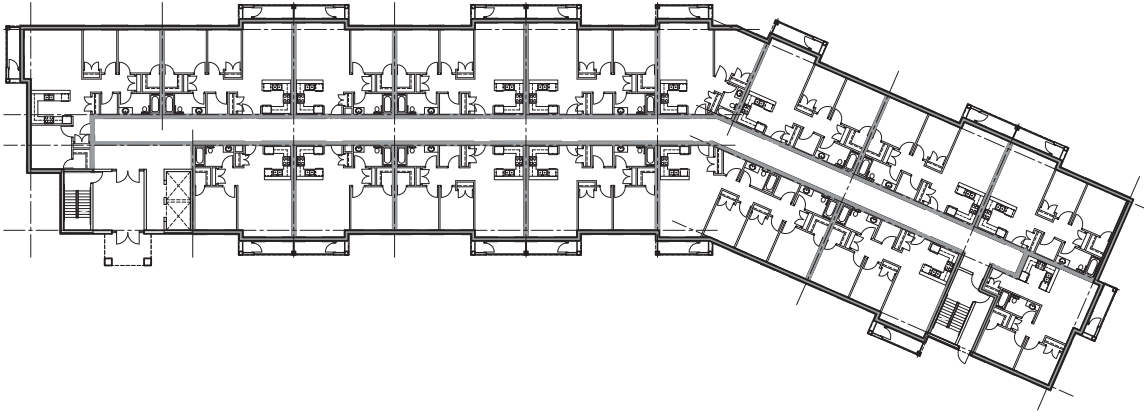
SOUTH ELEVATION

SCALE: 1:250



EAST ELEVATION

SCALE: 1:250



GROUND FLOOR (BUILDING C)

SCALE: 1:250



WEST ELEVATION

SCALE: 1:250



SOUTH ELEVATION

SCALE: 1:250



EAST ELEVATION

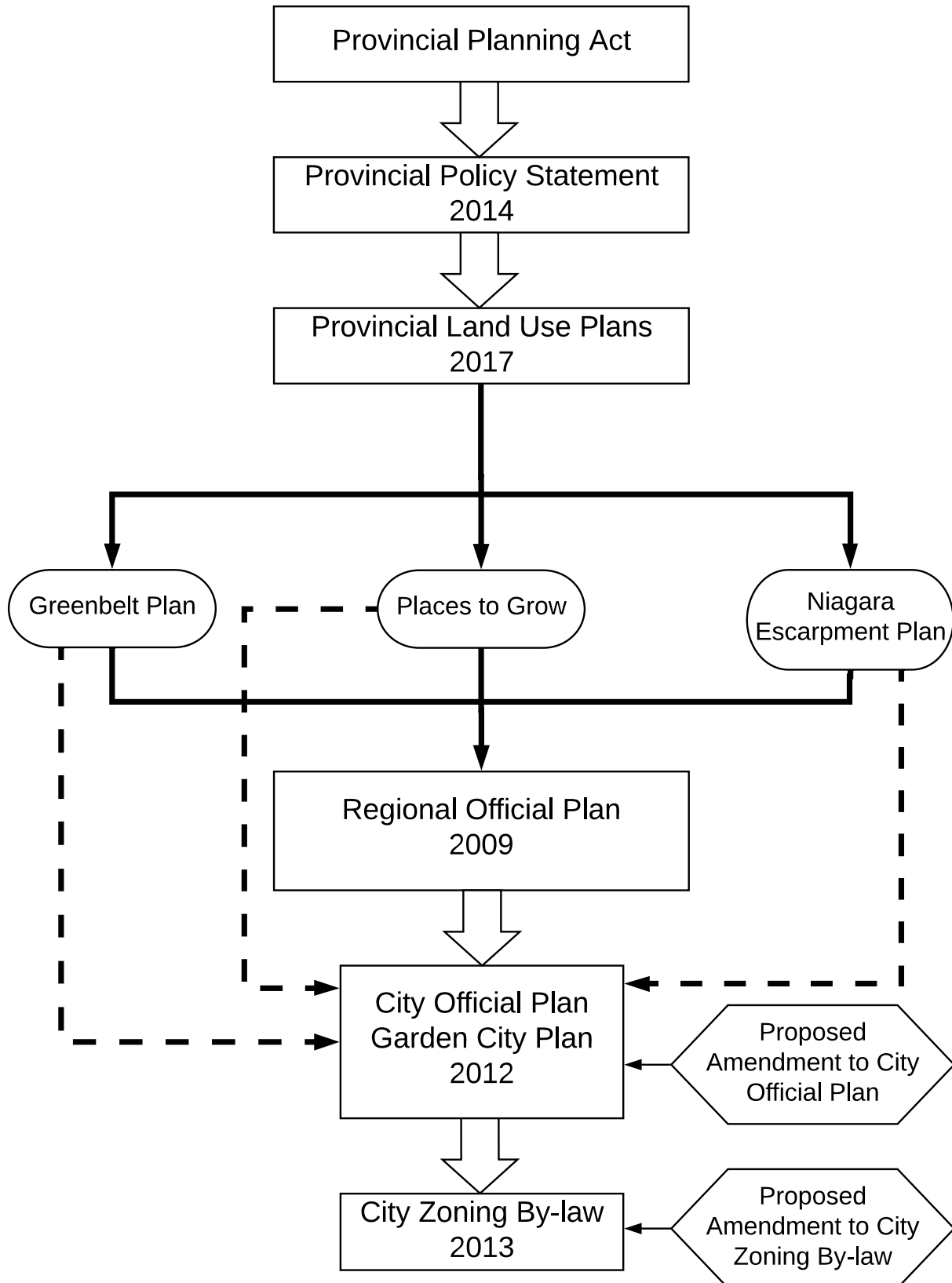
SCALE: 1:250



NORTH ELEVATION

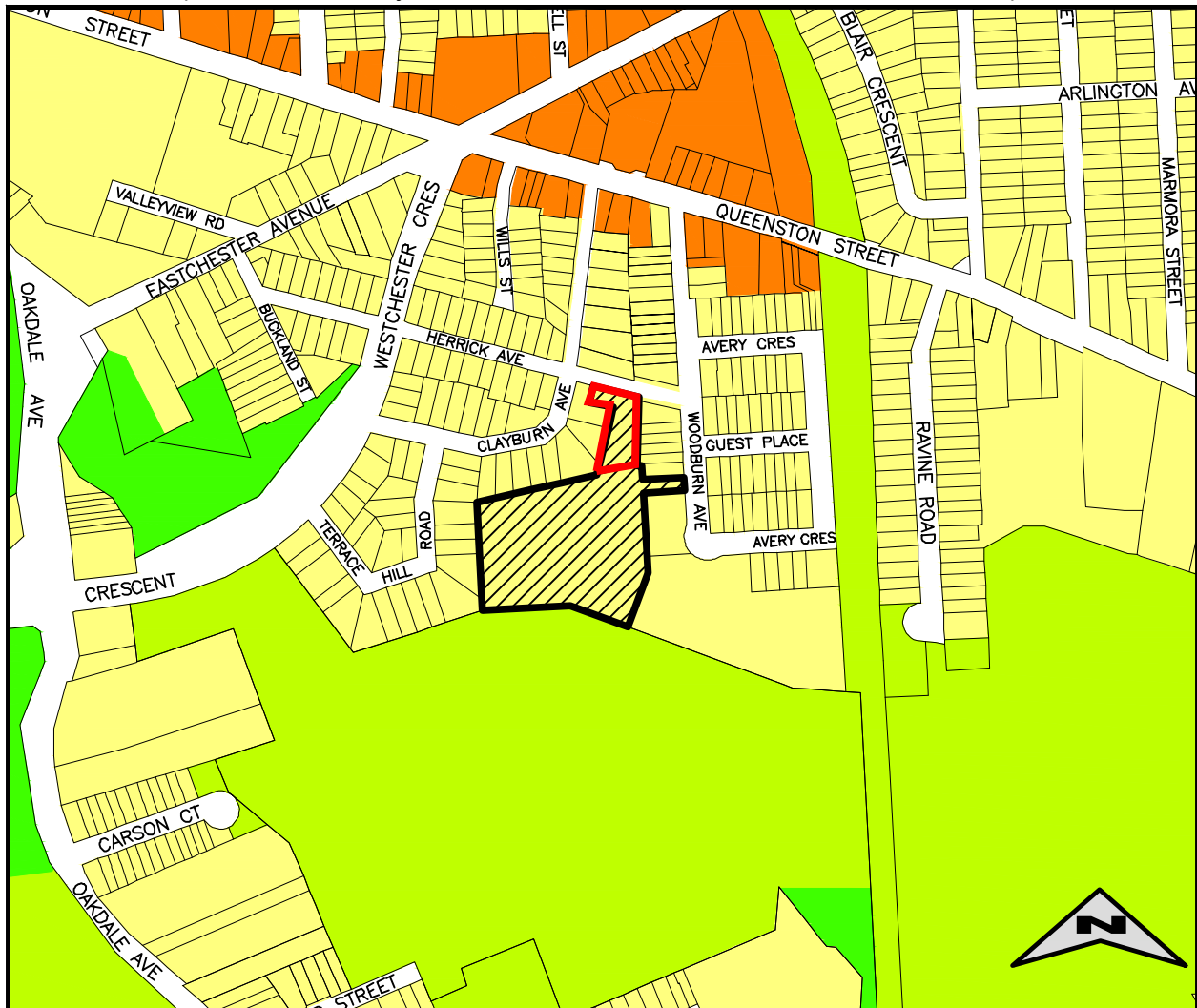
SCALE: 1:250

# Ontario Land Use Planning Framework



## Existing Land Use Designation

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





 Subject Lands (50 Herrick Avenue)

 Adjacent Lands owned by Applicant (40 Woodburn Avenue)

### Land Use Designations

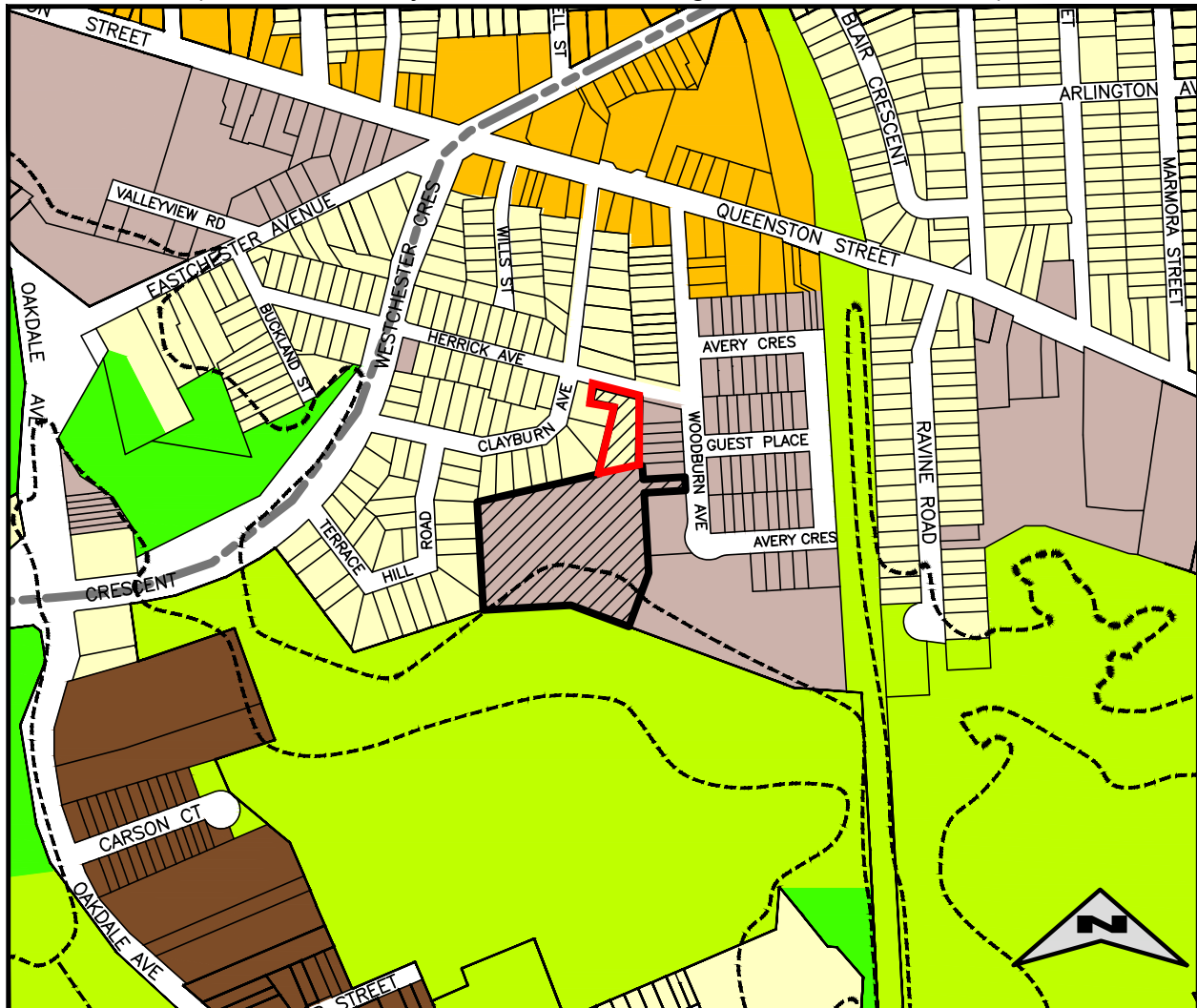
 Neighbourhood Residential  
 Mixed Use


 Natural Areas  
 Parkland & Open Space

Files: 60.30.338, 60.35.1039 & 60.51.968

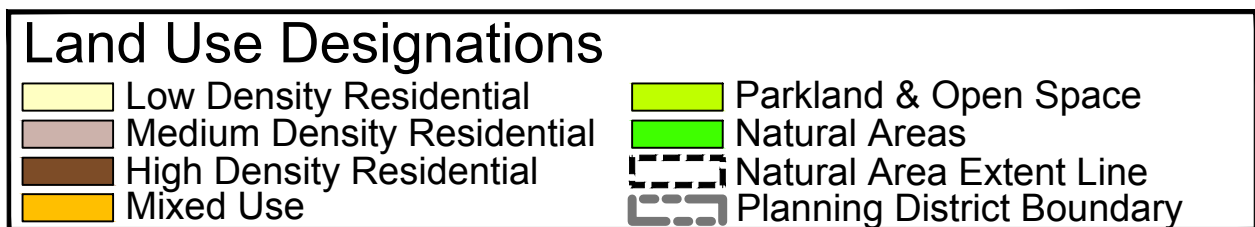
## Existing Land Use Designation

(The Garden City Plan - East Planning District, Schedule E9)



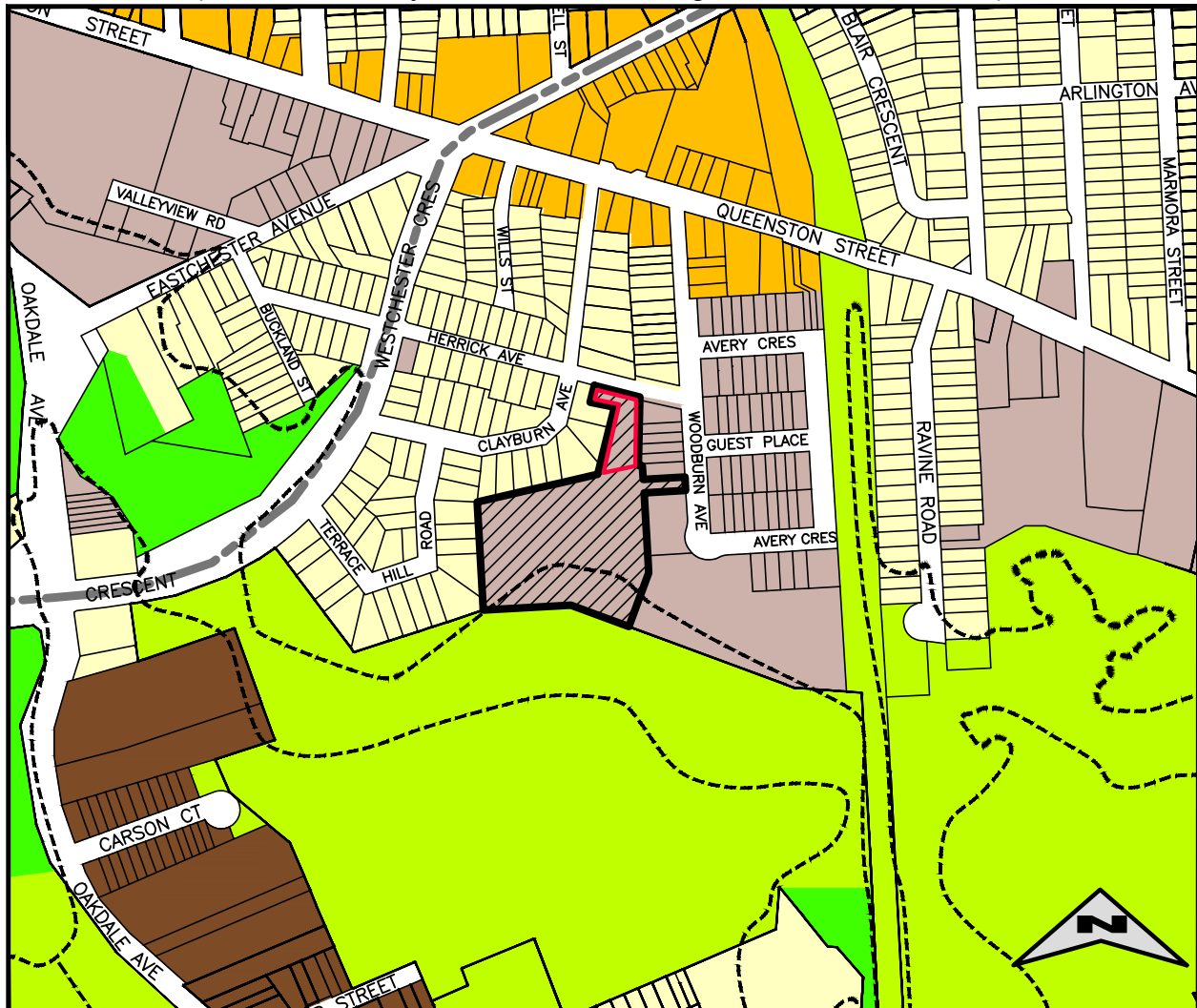
 Subject Lands (50 Herrick Avenue)


 Adjacent Lands owned by Applicant (50 Herrick Avenue)



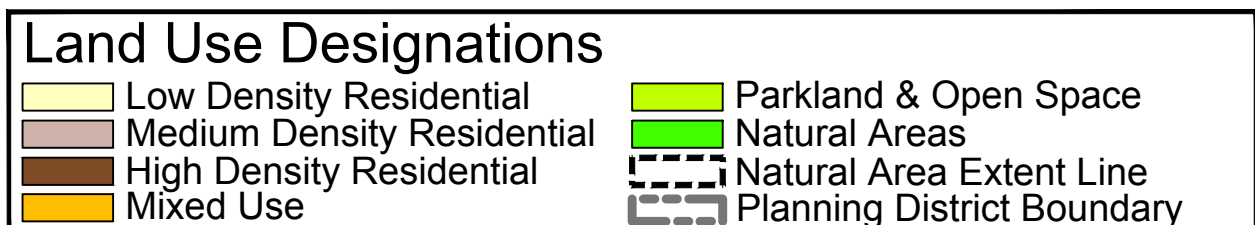
Files: 60.30.338, 60.35.1039 & 60.51.968

# Proposed Official Plan Amendment (The Garden City Plan - East Planning District, Schedule E9)



 Lands to be re-designated from Low Density Residential to Medium Density Residential

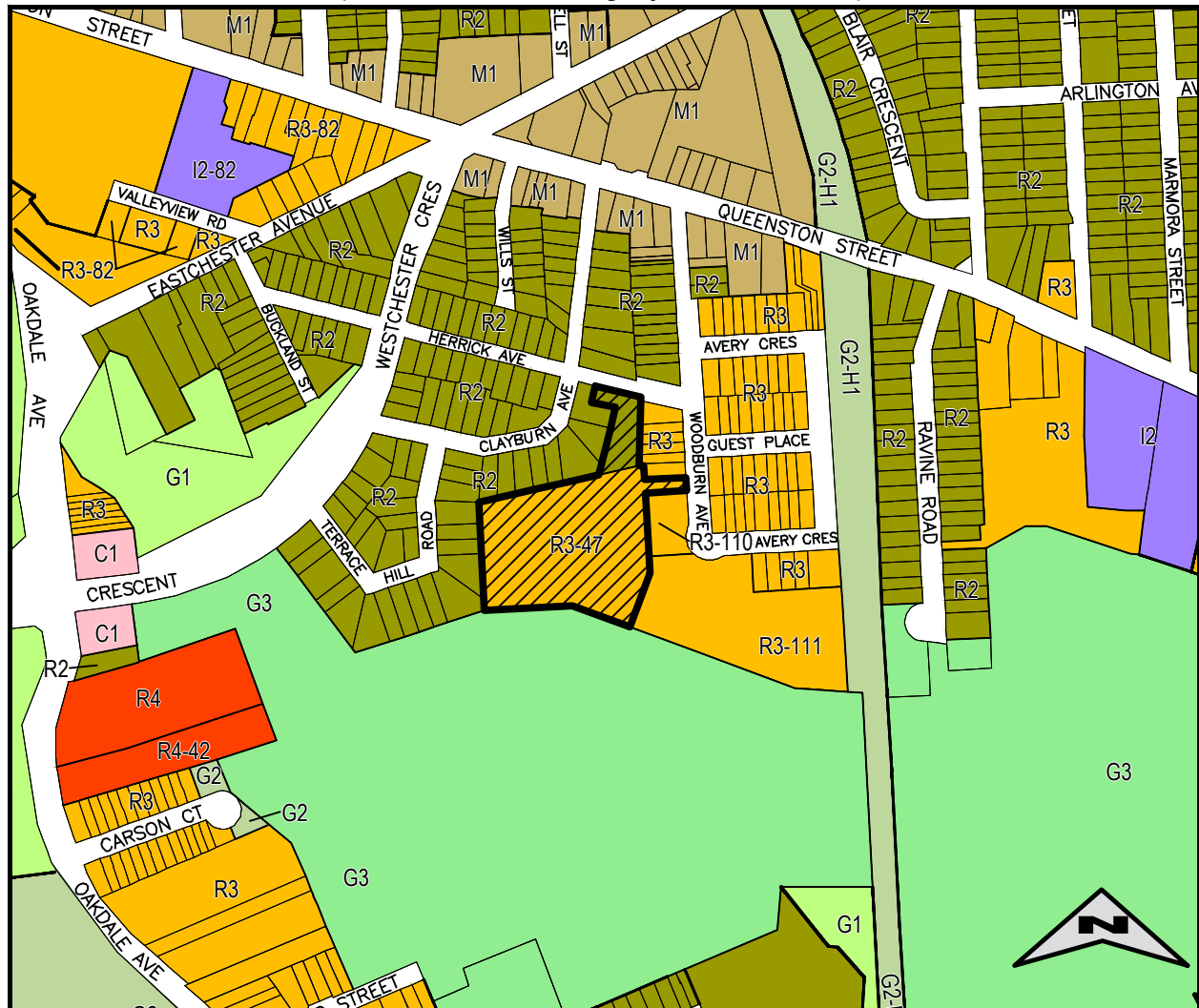
 Adjacent Lands owned by Applicant (40 Woodburn Avenue)



Files: 60.30.338, 60.35.1039 & 60.51.968

## Existing Zoning

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



 Subject Lands (40 Woodburn Avenue & 50 Herrick Avenue)

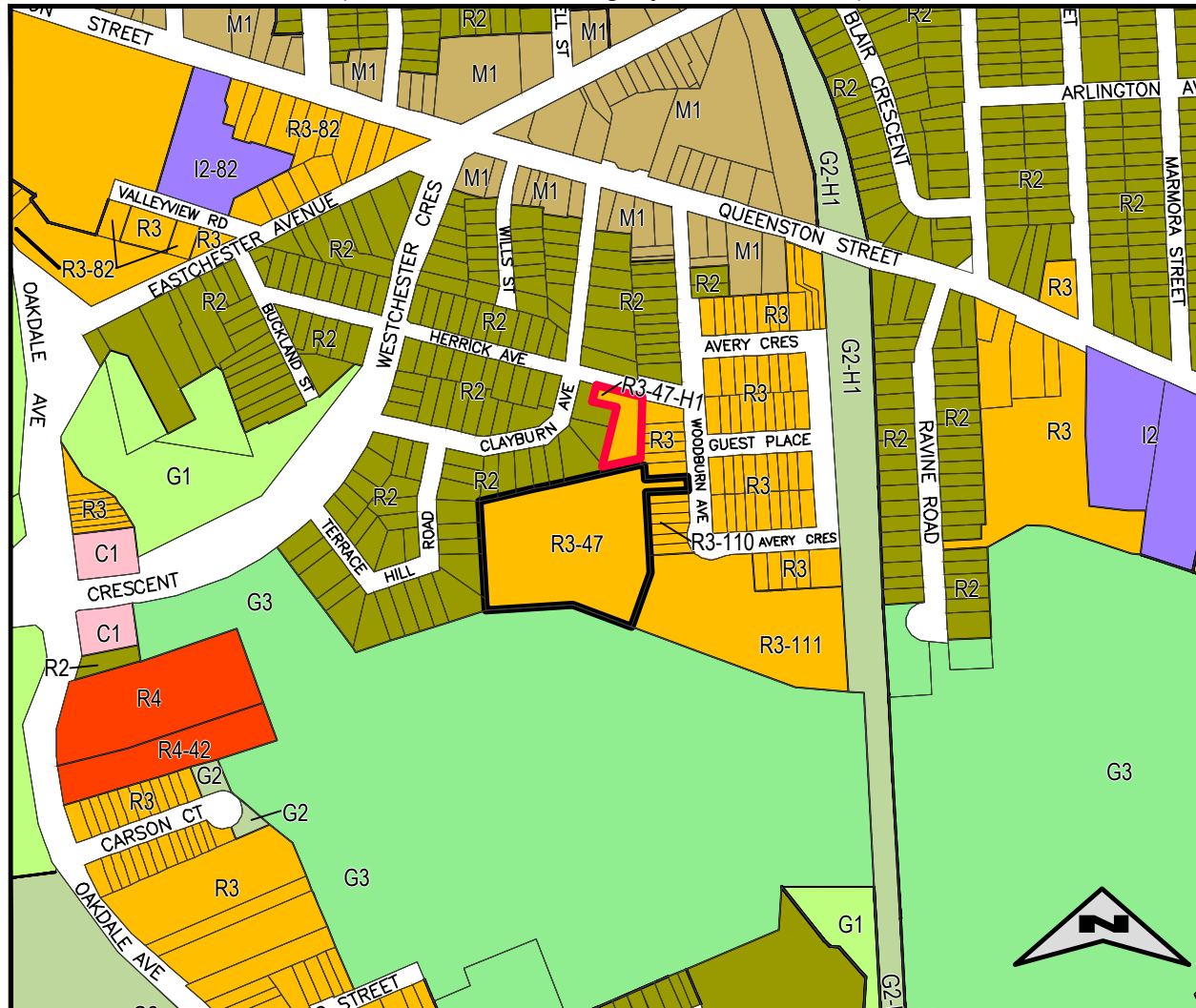
### Zones

**R2** Low Density Residential  
- Traditional Neighbourhood  
**R3** Medium Density Residential  
**R4** High Density Residential  
**C1** Local Convenience Commercial

**M1** Medium Density Mixed Use  
**G1** Conservation / Natural Area  
**G2** Minor Green Space  
**G3** Major Green Space  
**I2** Community Institutional

Files: 60.30.338, 60.35.1039 & 60.51.968

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



- Lands to be re-zoned from  
Medium Density Residential with Special Provision No. 47 (R3-47) to  
Medium Density Residential with amended Special Provision No. 47 (R3-47)
- Lands to be re-zoned from  
Low Density Residential - Traditional Neighbourhood (R2) to  
Medium Density Residential with amended Special Provision No. 47 and Holding  
Provision No. 1 (R3-47-H1)

### Zones

<span style="background-color: #92d050; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R2 Low Density Residential - Traditional Neighbourhood	<span style="background-color: #d9c48f; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> M1 Medium Density Mixed Use
<span style="background-color: #ffcc00; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R3 Medium Density Residential	<span style="background-color: #c6e0b4; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> G1 Conservation / Natural Area
<span style="background-color: #ff6600; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> R4 High Density Residential	<span style="background-color: #d9ead3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> G2 Minor Green Space
<span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> C1 Local Convenience Commercial	<span style="background-color: #cfe2f3; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> G3 Major Green Space
	<span style="background-color: #f4cccc; border: 1px solid black; display: inline-block; width: 15px; height: 10px; margin-right: 5px;"></span> I2 Community Institutional

Files: 60.30.338 & 60.35.1039

Special Provision	Zone	Schedule A	Location	By-law
47	R3	15	40 Woodburn Avenue	
Provisions for apartment building/retirement dwelling/private road development				
1.	Minimum lot frontage		10 m	
2.	Minimum yard from the Municipal Golf Course		6 m	
3.	Minimum northerly side yard		10 m	
4.	Minimum rear yard (west)		13.5 m	
5.	Minimum landscape buffer		4 m along side and rear lot lines abutting an R2 zone	
6.	Balconies		Balconies shall be permitted to encroach 1.2 m into any required yard.	
7.	A retirement dwelling shall be permitted			
	a)	Retirement dwelling means a building containing dwelling units with a maximum floor area of 60 m <sup>2</sup> . Individual dwelling units may not include facilities for cooking, dining, recreation or fitness activities but, rather, have access to facilities within the retirement dwelling for any one or more of these purposes;		
	b)	Retirement dwelling shall be subject to apartment building provisions;		
8.	Density per hectare:		No maximum number of dwelling units	
9.	Section 5.7 shall not apply;			
10.	Additional provisions for private road development – townhouses;			
	a)	Minimum easterly side yard:	6 m	
	b)	Minimum parking requirement:	2 spaces per unit, including one space to be provided in an attached garage.  Tandem parking is permitted;	
11.	Minimum side yard for detached dwelling:		1 m	
12.	Maximum number of attached dwelling units:		8	
13.	No maximum lot area shall apply to detached dwelling, semi-detached dwelling and duplex.			

Note:

Special Provision	Zone	Schedule A	Location	By-law
47	R3	15	40 Woodburn Avenue & 50 Herrick Avenue	
Provisions for apartment building/retirement dwelling/private road development				
1.	Minimum lot frontage			10 m
2.	Minimum yard from the Municipal Golf Course			6 m
3.	Minimum northerly side yard			10 m
4.	Minimum rear yard (west			13.5 m
5.	Minimum landscape buffer			
	a) Abutting an R2 zone			4 m
	b) North of the Woodburn Avenue Entrance (from Woodburn Avenue extending west 33.5 metres)			2 m
	c) South of the Woodburn Avenue Entrance (from Woodburn Avenue extending west 33.5 metres)			0 m
6.	Balconies			Balconies shall be permitted to encroach 1.2 m into any required yard
7.	A retirement dwelling shall be permitted			
	a) Retirement dwelling means a building containing dwelling units with a maximum floor area of 60 m <sup>2</sup> . Individual dwelling units may not include facilities for cooking, dining, recreation or fitness activities but, rather, have access to facilities within the retirement dwelling for any one or more of these purposes;			
	b) Retirement dwelling shall be subject to apartment building provisions;			
8.	Density per hectare:			No maximum number of dwelling units
9.	Section 5.7 shall not apply;			
10.	Additional provisions for private road development – townhouses;			
	a) Minimum easterly side yard:			6 m
	b) Minimum parking requirement:			2 spaces per unit, including one space to be provided in an attached garage. Tandem parking is permitted;
11.	Minimum side yard for detached dwelling:			1 m
12.	Maximum number of attached dwelling units:			8
13.	No maximum lot area shall apply to detached dwelling, semi-detached dwelling and duplex.			

**City of St Catharines  
Legal and Clerks Services  
City Clerk's Division  
City Hall  
50 Church Street  
St Catharines, Ontario  
L2R 7C2**

Hand Delivered to **Citizens First Department** June 29, 2018 by Gilles R Marceau, 14 Woodburn Avenue St Catharines, Ontario L2P 2W7

**Files:** 60.30.338 & 60.35.1039  
**AMANDA Nos.:** 18 101818 OP & 10 101819 ZA

## **Executive Summary**

**The Planning Justification Report dated January 2018** and submitted by Stephen Bedford MCIP, RPP, PLE Development Manager LANDx Developments Ltd ends its report with the following statement: "In conclusion, the proposed Official Plan amendment and Zoning By-law amendment for 50 Herrick Avenue is considered a "house keeping amendment", as the proposed apartment development can be constructed solely on the 40 Woodburn Avenue portion of the property."

To the Residents of this Community our conclusion is quite different.

1. The Planning Justification Report states that there is an "excavated pit that has filled with rainwater". History demonstrates it may not be "rainwater". Research done by Residents of the Community has identified that the pool of water may be as a direct result of a "stream" which is feeding the 'pond'.

*There is a community concern that if the proposed Underground Parking cannot be built as suggested, parking could become a significant issue if, indeed, the 'pool' cannot be converted to parking.*

2. The Planning Justification Report also stated the following:  
 “Council approved the Heritage Point Draft Plan of Subdivision, which includes the 40 Woodburn portion of the consolidated property, on October 15th, 2007. The entire subdivision was given approval for single detached dwellings, street townhouse dwellings and apartment units.” The report also states: “a building permit could (be) issue (issued) for the proposed development solely on the 40 Woodburn Avenue property.”

The Community needs significant reassurance that:

- the 'pond' can become a parking facility  
     and
- in the event underground parking is proceeded with that such underground parking will be built without affecting the water table (residents are concerned about the soil shifting thereby causing Foundation Problems).

Therefore, we ask that no building permit be issued until it is determined that the 'pond' is able to convert to the 214 underground parking spots as identified in the current plan.

3. The Developer's Agent stated at the Open House of April 2, 2018 that the 1.2 vehicle to household ratio is satisfactory. The Community conducted its own research as to the current number of permanent vehicles per household. The Traffic and Parking Survey was delivered to each house located on the following streets: Terrace Hill; Clayburn; Herrick; Woodburn; Avery; and Guest Place. Fifty-four percent (54%) of the households responded. The results have confirmed the current ratio of 1.957 vehicles per household. The number of vehicles reported upon where those who are attached to the household 24-7. There was no provision for guest(s) and /or family visitations.

The Community wishes to have a Parking Study which addresses how this issue can be resolved. We recommend that part of the Parking Study mandate be directed to find ways not to infringe on the little parking that is currently available. We ask that approval of the Official Plan Amendment and Zoning By-Law Amendment be postponed until the Parking Study is completed and discussed in an Open Meeting with Residents.

Addressing this issue will need a creative solution (s) suitable to all stakeholders- the Residents; the Developer; and the City. All parties must be treated equally and having the Developer in a position to work with the Community is extremely important. At the end of the build it is the Community that lives with the decisions made.

Again, to maintain harmony in the Community there cannot be more pressure to have the current parking traffic the community is now experiencing.

4. The last Traffic Survey was completed in May 2007. The Developer's Agent stated at the Open House of April 2, 2018 that there was a more recent traffic survey which supported the May 2007 findings. The Community was uncomfortable with the suggestion and followed up with the City Planning Department. On April 28, 2018 the Planning Department advised us that "the agent has since clarified that he misspoke at the meeting and an updated traffic study was not completed, as it was not required by either the City or the Region."

The Community takes the position that the May 2007 Traffic Survey is not acceptable as the 2007 Traffic Study does not realistically take into consideration today's Traffic Issues. These include:

- Congestion best exemplified by potential accident hazard due to traffic on Westchester which will not support any left turn from Herrick to Westchester in the morning and afternoon traffic periods.
- Traffic Past Through off Queenston or Westchester by using Herrick and Woodburn (and Woodburn to Herrick) to bypass the lights at Westchester and Queenston.
- Speeding on both Woodburn and Herrick.
- Stop Sign Ignorance. It is not uncommon to see drivers pass through the stop sign at Herrick and Woodburn. For many, the sign is just a 'suggestion'.

We ask that the Official Plan Amendment and Zoning By-Law Amendment be postponed until the Traffic Study is completed and discussed in an Open Meeting with Residents.

To add to our roads the vehicles of another 208 households before being able to 'fix' the current traffic issues is at best "poor planning". In addition, The Planning Justification Report has identified: "... a road widening along Herrick Avenue will be required to obtain an ultimate road width of 9.144m, needed to match the existing widening that was previously taken by the City." This needs to be better understood by the Community.

End of Executive Summary.

## Detailed Comments

- 1. The Planning Justification Report** dated January 2018 and submitted by Stephen Bedford MCIP, RPP, PLE Development Manager LANDx Developments Ltd contains a possible error which if proven correct could significantly affect the proposed underground parking.

The Report states that: "The proposed development involves the construction of three 5-storey apartment buildings, 16m in height. 265 parking spaces will be provided, 51 at grade and 214 underground.

A sizable portion of 40 Woodburn Ave. is presently the location of an excavated pit that has filled with rainwater. This pit was dug as part of remediation efforts related to the industrial landfill which previously existed on the property."

**Contention:** Research done by Residents of the Community has identified that the pool of water may be as a direct result of a "stream" which is feeding the 'pond'- not rainwater as addressed in this Justification Report. There is a community concern that if the proposed Underground Parking cannot be built as suggested, parking could become a significant issue if, indeed, the 'pool' cannot be converted to parking.

The following picture (taken from the Cushman & Wakefield Marketing Brochure selling the site) best demonstrates the significance of the 'pond' as part of 40 Woodburn.



**Rational for community concern:** There has been demonstrated that whatever has been creating the 'pond' has been in existence from at least 1934 (that is how far back the researchers could go). The following pictures are self-explanatory. They have been research through Goggle Earth Pro.

1934 Picture: The 'pond' appears to be feed through some sort of stream of water.



**2003 Picture: At this time the 'pond' was filled with organic and rubble approved fill.**



**Saturday, April 24, 2010 St Catharines Standard article addresses removal of the materials from the 'pond'**

“The city had completed a golf course master plan in 2005, which called for placing a number of berms around the property to catch errant balls and make the course more playable. It never materialized due to cost. A couple of years later, because of the development on the adjacent brickyard property, materials were available and that’s why they moved forward.”

stcatharines  
standard  
ca

# LIFE

D

Saturday, April 24, 2010



## BRING US YOUR QUESTIONS!

We'll find the answers.  
Send your queries to Karena Walter  
or Monique Beech at  
standard@stcatharinesstandard.ca  
Subject: Search Engine

**Q:** The berms on the Garden City Golf Course are constructed of landfill from an unregulated heritage dumpsite on the old Burnstein Brickyard property on Woodburn Ave. The Ministry of the Environment has recently completed an investigation regarding the content and capacity of these berms. What was the result of this investigation, and why is the valley beside the new Signature Fairway being filled in with the same unregulated fill, when the present berms have already greatly exceeded the 65,000 cubic meters of so called "organic and rubble" material originally agreed to by St. Catharines city council?

**A:** City officials say the fill does not exceed the amount allowed and was found to be safe by the Ministry of the Environment.

For those who haven't followed the story, the city came to an agreement with Brickyard Development, a private development consortium, to remediate a former industrial brownfield site for residential land use. On the property there were materials identified as approved fill.

Mike Anderson, city horticultural technician, said the fill included soil, identified as sand and clay with some organics, brick and other materials, such as glass, plastic and rubber.

Testing was done and all materials tested satisfied Ministry of Environment requirements for material used for residential, parkland or institutional use.

The city had completed a golf course master plan in 2005, which called for placing a number of berms around the property to catch errant balls and make the course more playable. It never materialized due to cost.

A couple of years later, because of development on the adjacent brickyard property, materials were available and that's why they moved forward.

Anderson said the improvements to the course exceed \$2 million.

Mark Green, manager of environmental services, said the berms are using 48,131 cubic metres of approved fill. That doesn't include top soil or sand for sand traps.

They should be completed in three weeks.

FROM THE  
ST. CATHARINES MUSEUM

2009 picture: The water is coming back.



2015 picture: Waters remains as witnessed by this picture.





As evidenced by the pictures, there is much doubt by the Community that the 'pool' will lend itself to becoming a part of an underground parking resource.

The Planning Justification Report dated January 2018 stating this is 'rainwater' appears to be incorrect.

It is important to note that the Clarity of the Water leads the Community to believe that this is indeed a fresh water 'pond' The following pictures were taken on June 29<sup>th</sup>, 2018. You will note there is no algae.







**Yet in the same Planning Justification Report there is stated the following:**

“Council approved the Heritage Point Draft Plan of Subdivision, which includes the 40 Woodburn portion of the consolidated property, on October 15th, 2007. The entire subdivision was given approval for single detached dwellings, street townhouse dwellings and apartment units.”

**The report continues to state:** “a building permit could (be) issue (issued) for the proposed development solely on the 40 Woodburn Avenue property.”

**Consideration:** If the Council had known in 2007 that the ‘pond’ may not be from ‘rainwater’ then would the approval been given allowing the developer to request a ‘building permit’? Especially, as identified in the following picture the size of the ‘pond’ in comparison to the land mass available for development.



**The Ask:** As the third stakeholder in the process, the Community needs proof that the 'pond' can become a parking facility without affecting the water table which may lead to some residents having Foundation Problems. Therefore, we ask that no building permit be issued until it is determined that the 'pond' is able to convert to underground parking spots.

**Why?** The Community understands the need for the City to increase its tax base and the desire of the Developer to profitably build. **But not at the cost of the resident's livability.** If the 'pond' cannot be converted to underground parking, the issue of alternative parking needs to be addressed.

**2. The Planning Justification Report dated January 2018** does not realistic take into consideration the area's Parking Issues.

It is stated in this report that "The proposed development involves the construction of three 5-storey apartment buildings, 16m in height. 265 parking spaces will be provided, 51 at grade and 214 underground."

**Contention:** That is proposed 1.27 vehicle parking spots per household is inadequate to meet community needs.

**Rational for community concern as respects Parking:** The Community conducted its own research as to the current number of permanent vehicles per household. The Traffic and Parking Survey encompassed a survey given to each house located on the following streets: Terrace Hill; Clayburn; Herrick; Woodburn; Avery; and Guest Place.

A copy of the survey is as follows:

June 17, 2018

## TRAFFIC AND PARKING SURVEY

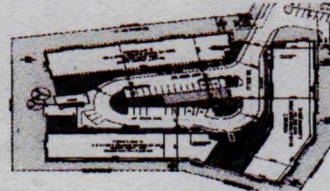
### 40 Woodburn & 50 Herrick -Build of 208 Apartments

Please participate in the survey by dropping off your answers at the following mailboxes:

38 Woodburn  
14 Woodburn  
14 Terrace  
29 Herrick  
24 Clayburn  
Or e-mail

grmarceau@outlook.com

**We  
need  
your  
Help!**



There will be built 208 apartment units as outlined in the site plan reproduced on this page. The Site is at the corner of Herrick and Woodburn. There has been allocated 1.2 parking spots per unit, thus 265. We believe that this is not enough parking space. In addition, the last Traffic survey was done in May 2007. It, apparently, is sufficient to proceed and the authorities do not view the need for another one.

**Please identify to us the number of vehicles associated with your household.**

**Household Address:** \_\_\_\_\_

**Number of Vehicles:** \_\_\_\_\_

The purpose is to share with City Council and the Planning Department that the density associated with the build of the apartments is more than 1.2 vehicles per household.

The other purpose is to ask for a traffic survey which is more current.

**Please complete the Survey by June 26th. Thank you.**

**Please consider  
attending the St  
Catharines Council  
Meeting on July 9th @  
6:30pm at Council  
Chambers @ City Hall.**

**OUTCOME:** Of the 174 households in the area, 94 replied (response rate of 54.0%) and the number vehicles associated with the replies were 184 thereby demonstrating a per household vehicle rate of 1.957.

Important: The number of vehicles reported upon where those who are attached to the household 24-7. There was no provision for guest and /or family visitations.

**The Ask:** We need have a **Parking Study** which addresses how this issue can be resolved. We ask that the Official Plan Amendment and Zoning By-Law Amendment be postponed until the Parking Study is completed and discussed in an Open Meeting with Residents.

We view one of the mandates of the Parking Study is to find ways not to infringe on the little parking that is available yet meet the Developer's needs.

**Note:** There maybe an opinion held by the Developer and/or the City Planning Department that a 1.2 ratio suffices as the 208 Units to be built will have a need for less parking than for single unit houses and/or townhomes. The Community needs to understand such rational when one considers the following:

- The condos or apartments will, probably, attract a more affluent clientele because of location and the fact this is a 'new build'.

**If the rational of 1.2 prevails-** is it not logical to limit the 214 underground spots to the residents of the apartment /condo thereby using the other 51 parking spots for their guests and family? Obviously, to put more parking traffic into the community is not an acceptable alternative to residents when one considers the almost 2 vehicles per household ratio. Parking, as it stands now, is very tight.

**Rational for community concern as respects Traffic:** The last Traffic Survey was completed in May 2007. The Developer's Agent stated at the Open House of April 2, 2018 that there was a more recent traffic survey which supported the May 2007 findings. The Community was uncomfortable with the suggestion as no one at the meeting recalled seeing signs of a Traffic Survey. Thus, the Community followed up with the City Planning Department.

**OUTCOME:** On April 28, 2018 the Planning Department advised us that "the agent has since clarified that he misspoke at the meeting and an updated traffic study was not completed, as it was not required by either the City or the Region."

3. **The Developer's Agent's** expressed attitude of April 28th that the requirement of a Traffic Study has been met (dated May, 2007) does not realistically take into consideration the today Community Traffic Issues.

**The Ask:** We need have a Traffic Study which addresses the significant issues we, as a Community, are facing. These include:

- **Congestion** best exemplified by potential accident hazard due to traffic on Westchester which will not support any left turn from Herrick to Westchester in the morning and afternoon traffic periods. Do we need lights at Herrick and Westchester?
- **Traffic Past Through** off Queenston or Westchester by using Herrick and Woodburn (and Woodburn to Herrick) to bypass the lights at Westchester and Queenston. Do we need Calming Speed Bumps?
- **Speeding** on both Woodburn and Herrick. Residents on Woodburn have seen speeds of 70-80 kms per hour. Woodburn is also a school bus route. Do we need a three way stop at Woodburn and Herrick? Can we get Niagara Police to monitor?
- **Stop Sign Ignorance.** It is not uncommon to see drivers pass through the stop sign at Herrick and Woodburn. For many the sign is just a 'suggestion'. Can we get Niagara Police to monitor?

We ask that the Official Plan Amendment and Zoning By-Law Amendment be postponed until the Traffic Study is completed and discussed in an Open Meeting with Residents.

**Why?** To add to our roads the vehicles of another 208 households before being able to 'fix' the current traffic issues is at best "poor planning". In addition, **The Planning Justification Report has identified:** "... a road widening along Herrick Avenue will be required to obtain an ultimate road width of 9.144m, needed to match the existing widening that was previously taken by the City."

Two members of the community measured the width of Herrick. The result was 7.4 meters. How will this “road widening” affect traffic patterns?

**Summation: The Planning Justification Report** ends its report with the following statement:

“In conclusion, the proposed Official Plan amendment and Zoning By-law amendment for 50 Herrick Avenue is considered a “house keeping amendment”, as the proposed apartment development can be constructed solely on the 40 Woodburn Avenue portion of the property.”

**To the Residents of this Community our conclusion is quite different.**

- ✓ One cannot simply state that there is an “excavated pit that has filled with rainwater” when history demonstrates it may not be.

(Besides which the fact is there no algae in the pond (a sign of flowing water).

- ✓ One cannot simply state that the 1.2 vehicle to household ratio is acceptable when the Community has demonstrated the current ratio is 1.95.

(To maintain harmony in the Community there cannot be more pressure to have the current parking traffic become even more than the community is now experiencing).

- ✓ One cannot state that the 2007 Traffic Survey is acceptable when half the residents were not even in the Community in May 2007. Here is a picture of the community in July 2009:



Respectfully Submitted

Gilles Marceau 14 Woodburn Avenue

Keith Pidduck 1 Avery Crescent

George Lake 8 Woodburn Avenue

Keith Ireland 38 Woodburn Avenue

Dale Wallace 16 Woodburn

Gilles Marceau and Keith Ireland will speak at the July 9<sup>th</sup> Council Meeting.

End of document

June 29, 2018

GRM

## Applicable Official Plan Policies City of St. Catharines Garden City Plan

Policies
<b>PART B: VISION AND GUIDING PRINCIPLES</b>
<p><b>2.3. Managing Growth and Change</b></p> <p><b>2.3.1 Municipal Planning Structure</b></p> <p>3. Planning Areas The City is divided into two primary planning areas – the Urban Area and the Agriculture Area.</p> <p>i) Urban Area 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.</p> <p><b>2.3.3. Accommodation of Growth</b></p> <p>1. Projected population, housing and employment will primarily be accommodated within the Urban Area as defined on Schedule D ‘Municipal Structure’.</p> <p>2. The Plan recognizes a finite Urban Area, and within it, a diminishing vacant land supply and a finite occupied land base to accommodate projected population and employment growth.</p> <p>3. Growth will be accommodated by:</p> <ul style="list-style-type: none"> <li>i) the efficient usability of vacant and occupied lands;</li> <li>ii) more compact built form and density of development;</li> <li>iii) the reuse, rehabilitation, regeneration, intensification and enhancement of the built environment;</li> <li>iv) redevelopment and build out of underutilized properties;</li> <li>v) a more integrated, interactive mix of uses, activity and functions;</li> <li>vi) service, infrastructure, energy, transportation sustainable, accessible, efficient and supportive development;</li> <li>vii) design initiatives to support: <ul style="list-style-type: none"> <li>• compatible, innovative, efficient and sustainable building and site design;</li> <li>• enhanced natural and cultural heritage protection, preservation and conservation;</li> </ul> </li> </ul>

- greening;
- an accessible, integrated, interactive, usable and connected public realm within and between different use and activity areas, functions, landscapes and identities;

viii) recognizing the preferred mix and interaction of uses contemplated, the City's Urban Design Guidelines shall be emphasized in the evaluation of all development, redevelopment and intensification opportunities;

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.

4. This Plan establishes a land use planning framework consistent with and supporting the growth and intensification strategy and the achievement of minimum density targets set out in the Provincial Growth Plan for the Greater Golden Horseshoe, 2006, (referenced as the Provincial Growth Plan) as follows:

i) Built Boundary – the Provincial Growth Plan establishes a Built Boundary which represents the limits of the developed Urban Area of the municipality, as defined by the Ministry of Infrastructure Renewal. The Built Boundary for St. Catharines is defined on Schedule D 'Municipal Structure' of this Plan.

## 6. Employment

i) The land use plan provides opportunities for a diverse range, mix, scale and location of economic activities to accommodate projected employment growth forecasts.

To accommodate projected employment growth forecasts, and support long term sustainable employment opportunities, economic development and competitiveness, this Plan promotes and emphasizes:

- the provision of an adequate, available, suitable, variable and competitive choice of vacant employment lands to attract and accommodate a diverse range of new economic activities.
- reuse, rehabilitation, redevelopment and enhancement of occupied employment lands to accommodate new or expanded economic activity and employment opportunities;

- transit supportive, public realm, design and greening initiatives to provide compatible, efficient, functional, connected, accessible, interactive, environment friendly and sustainable development.
- clustering of like activities to support compatible development and encourage integrated, interactive and connected business and employment opportunities.

iv) Population serving commercial, institutional, recreation, and cultural uses generate significant employment opportunities outside the Urban Growth Centre and Employment Lands.

ii) This Plan will ensure opportunities for commercial, institutional, recreational and cultural activities to help build complete communities adequately serve and support local resident needs and employment opportunities, and to support and attract tourist related activity and employment.

## **PART C: GENERAL POLICIES**

### **4. URBAN DESIGN**

#### **4.1. Urban Design Principles**

Good urban design is a key planning tool to create sustainable communities. Sustainable design involves the holistic design of communities and buildings for long-term economic prosperity, social harmony and stability, minimized environmental impact, and strengthened cultural identity.

The development of St. Catharines will be based on the following sustainable design principles:

- a) a strong sense of identity and place as the “Garden City”;
- b) innovative and sustainable design;
- c) a stimulating, attractive, and safe public realm;
- d) compatibility of new development with established areas;
- e) universal access to public areas;
- f) conservation of heritage buildings and structures;
- 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 ;
- j) mixed-use nodes and corridors;
- k) complete streets for all users;
- l) building design to support street life.

#### **4.3. The Natural Environment**

St. Catharines is located between Lake Ontario and the Niagara Escarpment, with numerous creek systems and environmentally sensitive natural areas. In the urbanized areas, the relationship to these natural features and areas will be enhanced through a thoughtful approach to their conservation, visibility, and accessibility.

2. The enjoyment of the valleys and ravines will be protected and enhanced by ensuring that adjacent development, particularly from building height and massing, will protect for views and vistas.

3. Development and redevelopment activities will be designed to be compatible in scale and character with natural features and areas, and enhance the visual qualities and public enjoyment of those features and areas.

4. Site design and planning will consider the existing topography and the preservation and enhancement of vegetation, natural features and areas, open space, and naturalized areas. This includes:

- a) Ensuring that existing naturalized open space on lands proposed for development/redevelopment is retained to the maximum extent possible, and where retained, is allowed to regenerate with minimum intervention;
- b) Enhancing ecological stability by supporting the use of low maintenance landscape features and materials;
- c) Supporting the use of native plant species when creating new plant communities or when adding to existing native plant communities;
- d) Applying development standards designed to maximize retention of all woodlots and other natural features and areas;

6. A program of tree planting, preservation, and landscaping will be undertaken so that all areas are provided with trees and other vegetation to maintain a high standard of amenity and appearance, with specific emphasis given to the Urban Growth Centre and Intensification Areas, as set out on Schedule D 'Municipal Structure', at the time of infrastructure renewal and reinvestment.

7. In all public works, trees should be retained and when trees must be lost to accommodate the works, they will be replaced as soon as possible by other trees of sufficient maturity and in sufficient numbers to enhance the appearance of the public works.

8. Where development or redevelopment may necessitate the loss of existing trees or vegetative planting on a public right-of-way, they will be replaced and relocated on the public right-of-way in the immediate vicinity of the affected lands, to the satisfaction of the City or the Region of Niagara, and at the cost of the proponent.

#### **4.4. The Public Realm**

The public realm – the streets, parks, squares, public buildings, and open spaces, is a critical component of city life, drawing people together and providing the setting for festivals, cultural events, and recreational and leisure activities, as well as for daily casual contact. They create strong social bonds and help establish our public identity.

1. 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. The design of such projects will consider:

- 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;
- c) naturalization opportunities including the use of native species of trees in development of open spaces;
- d) the placement of a broad range of art works in publicly accessible and visible locations;
- e) roadway design to maximize the preservation and maintenance of natural features and the development of complete streets;
- f) the protection and enhancement of major vistas, gateways, and scenic routes;
- g) measures to mitigate light trespass and glare to minimize the effects of sky glow.

3. Where feasible, major public and private development projects will be required to incorporate public spaces, bicycle facilities and sidewalks to support connections to the City's pedestrian, bike and transit network.

#### **4.5. Built Form**

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.
- 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.

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.

3. Development/Redevelopment may be required to provide amenities for adjacent streets and open spaces such as street furniture, bicycle parking facilities, trees, signage, and lighting to ensure they are fully integrated into the surrounding neighbourhood.

4. Major development/redevelopment proposals shall be required to prepare an urban design scheme (site plans, building elevations, context plans, and other studies) to determine impacts on the physical compatibility of the surrounding area and on the long term development or redevelopment potential of the area.

#### **4.6. Universal Access**

Universal access means providing a broad range of users with varying needs the opportunity to move through the City independently with as few obstacles, physical and psychological, as possible.

1. New buildings, the retrofitting of existing municipal buildings and public spaces shall be designed to foster and support accessibility by all citizens. The full range of abilities of all ages and users shall be considered in the design of the built environment.

2. The travelled portion of pedestrian and bicycle routes shall be kept free from obstructions or projections of street furniture, fixtures, or buildings.

3. Barrier-free features shall be well-integrated within the functional and aesthetic design composition, including but not limited to:

- i) ensuring appropriate driveway and sidewalk height to length ratios to support safe accessibility and travel for all;
- ii) requiring sidewalk curb cuts at all intersections;
- iii) requiring paving changes be incorporated at grade changes and intersections;
- iv) requirements for accessibility parking spaces;
- v) encouraging other features appropriate to ensure that barrier free design is provided.

#### **4.7. Personal Safety**

Design, through sensitive site layout, location of public spaces and road design, can have a significant influence on the safety of an environment based on the “eyes on the street” philosophy.

1. Publicly accessible spaces shall be located near public roads, transit stops, or other public spaces in order to allow public surveillance.
2. Adequate lighting shall be provided in concealed areas or those areas where visibility may be poor.
3. Views shall be provided into, out of, and through publicly accessible spaces.
4. Access points from public and public accessible spaces shall be clearly identified.
5. Public spaces shall be designed to encourage a variety of activities on a daily, weekly, and seasonal basis.

#### **4.8. Landscaping**

Landscaping has a number of significant roles to play in creating interesting and functional places.

1. Landscaping design shall:

- a) enhance the visual appeal of development.
- b) buffer unsightly areas or uses that are incompatible.
- c) promote the use of native species.
- d) provide seasonal variation in form, colour, texture, and representation.
- e) promote human scale and create an attractive environment for pedestrian movement.

- f) assist in energy conservation.
- g) mitigate the effects of inclement weather.
- h) preserve and compliment existing natural landscape.

2. Appropriate buffering will be required between all uses of land where there may be a conflict and where one use may detract from the enjoyment.

## **5. TRANSPORTATION**

### **5.1. General Policies**

1. A Sustainable Transportation Master Plan will be prepared that will outline the City's strategic direction for the development of its transportation networks, programs, and priorities, and how it can best implement the complete streets concept and integration with transit, active transportation, trails and bike route networks. The policies of this Plan together with the Sustainable Transportation Master Plan will contribute to the overall transportation management strategy for the City.

2. The transportation system shall be designed to complement and facilitate the City's achievement of planned land use patterns, growth objectives, and urban structure, and shall have regard for upper tier government transportation policies and initiatives.

3. To facilitate a greater multi-modal split, with less emphasis on the automobile, the City will balance the provision of a safe, functional, and attractive pedestrian and cycling oriented environment with an acceptable level of vehicular traffic. The City may accept a level of automobile service which is less than optimum in return for a more pedestrian and cycling oriented environment, transit supportive development, and a vibrant public realm.

4. The City will encourage and facilitate alternative forms of transportation that promote energy conservation and a healthy lifestyle.

5 A Transportation Impact Study may be required for new development or redevelopment to assess transportation demands, impacts, and opportunities.

6. To implement the findings of the Transportation Impact Study, the City will include conditions of approval that support safe and functional pedestrian and cyclist movement, including:

- a) The acquisition of easements and dedication of land for sidewalks, bicycle trails, transit stops, or other facilities;
- b) The provision of associated amenities such as transit shelters, bicycle parking facilities, and lighting;
- c) Site, building, and road designs that meet the needs of pedestrians, cyclists, and transit users.

7. The City shall consider various traffic calming and transportation demand

management measures to reduce the negative impacts of traffic, and to promote safer streets and the concept of complete streets.

### **5.3. Alternative Forms of Transportation**

This Plan recognizes that in order to achieve a healthy and livable community, the transportation system now and in the future, will need to reduce reliance on the automobile in favour of more sustainable forms of connective transportation such as walking, cycling, and transit.

#### **1. Transit**

1. Transit will provide access to residential areas, employment areas, schools and other institutions, community facilities, downtown, shopping areas and recreational areas in an efficient and reliable manner.

7. The City shall encourage the provision of convenient, safe pedestrian access and a maximum walking distance of 400 metres to transit facilities through its planning approvals.

#### **3. Pedestrians**

1. The City shall ensure that the transportation system will be designed to provide continuous and direct access by sidewalks and walkways to schools, recreation and cultural destinations, community services, major activity centres, and other high volume pedestrian centres.

2. Streetscape design shall provide safe, convenient, and attractive pedestrian ways and connections.

4. Pedestrian safety will be enhanced on sidewalks and walkways through the provision of lighting and /or public visibility, where feasible.

5. Sidewalks are to be built to a standard that facilitates the mobility of persons with disabilities.

### **5.4. Parking**

Parking is an integral component of the transportation system, influencing travel patterns and development potential. It is the intent of this Plan to ensure the location and design of parking facilities will provide sufficient and safe functioning of the transportation system, and balances the needs of the travelling public with the goal of promoting other modes of transportation. In keeping with the "Garden City" image, it is also important to ensure that large expanses of barren asphalt lots are not created.

1. Vehicle parking standards will be established for all land uses in the implementing zoning by-law, and adequate off-street parking shall be provided for development/redevelopment in accordance with these standards. Zoning bylaws may establish maximum as well as minimum parking requirements for both vehicles and bicycles.

6. The negative impacts of vehicular parking on the urban environment, cycling and pedestrian activity shall be minimized through:

- a) locating parking and loading areas at the rear of buildings where feasible;
- b) use of alternative paving materials such as permeable pavement systems;
- c) alternative surface water management such as swales and ditches;
- d) landscape treatments and pedestrian walkways in accordance with the Urban Design Guidelines;
- e) Buffering sidewalk users from through traffic, where feasible.

### **5.5. Rail**

1. Consultation is required with Canadian National Railway or Trillium Railway, where applicable, for any development, redevelopment or site alteration adjacent to or within the vicinity of railway main line or spur line right-of-ways. Noise, vibration, drainage and other studies may be required in the evaluation of development, redevelopment or site alteration. Noise and vibration attenuation, minimum building, structure and use setbacks from the rail right-of way, berming, buffering, safety features, and other mitigative measures may be required, as well as safety clauses, restrictive covenants, environmental easements and assigning of rights-of way.

## **6. ACHIEVING A SUSTAINABLE CITY**

### **6.1. General Policies**

1. The City shall develop an Integrated Community Sustainability Plan that will provide guidance for the development or alignment of all municipal plans, policies and decisions under one integrated decision-making framework.

2. The City shall support sustainable development through land use and development patterns that:

- b) Promote the use of public transit and other alternative transportation modes among residential, employment and commercial areas, and other activity centres;
- c) Promote development/redevelopment throughout the City's Urban Area on sites that are or will be well served by public transit, with particular emphasis on the Downtown Urban Growth Centre and Intensification Areas as set on Schedule D 'Municipal Structure'.
- d) Promote design and orientation that maximizes the use of alternative or renewable energy sources, such as solar and wind, and the mitigating effects

of vegetation.

3. All of the City's sustainable development principles shall be considered when reviewing applications for development, public works, and capital expenditures.

6. In making decisions about planning, development, and conservation, within the sustainability framework, the City shall employ an ecosystem approach addressing:

- a) The interrelationships among air, land, water, plant and animal life, and human activities;
- b) The health and integrity of the broader landscape, including impacts on the natural environment in neighbouring jurisdictions;
- c) The long term and cumulative impacts on the ecosystem.

7. Development should maintain, enhance, or restore ecosystem health and integrity.

8. The City will collaborate with Niagara Region, the Niagara Peninsula Conservation Authority and other appropriate stakeholders, in developing and maintaining an environmental data base and monitoring program to assess ecosystem health and integrity and recommend improvements, where necessary, to this Plan.

#### **6.5. Water Resources**

4. A Stormwater Management Plan prepared by a qualified engineer, and based on sediment and erosion control guidelines from the Niagara Peninsula Conservation Authority (NPCA), as amended from time to time, may be required with an application for development, redevelopment or site alteration depending on:

- i. The scale and nature of the proposal.
- ii. Site specific environmental conditions.

The City, in conjunction with the Region, the Niagara Peninsula Conservation Authority (NPCA) and other authorities will determine the need for such a plan as part of the complete application process. Stormwater Management Plans will be required to consider alternative approaches to traditional stormwater management such as Low Impact Development practices as noted in Part D, Section 7.1 g) of this Plan.

#### **6.6. The Urban Forest**

4. Planning applications shall integrate natural features and natural vegetation, including the planting of native species, into development plans.

### **PART D: LAND USE POLICIES**

#### **7. GENERAL POLICIES**

### 7.1 Development / Redevelopment

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

- a) Support for safe, accessible and connected active transportation linkages within and between residential neighbourhoods, other activity centres, uses, and the City's public realm and open space network.
- b) Opportunities to create or enhance public places, active transportation linkages, facilities and gateways.
- 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.
  - iii) Possible negative impacts such as noise, odour, and emissions are not excessive in relation to the predominant land use character and function of the area;
  - iv) Adequacy of lot size, access, on-site facilities and outdoor amenity areas to accommodate use;
  - v) Provision of parking areas that do not dominate the site physically or visually, and maximize opportunities for perimeter and internal landscaping.
- d) The preservation, conservation, enhancement and integration of natural and cultural heritage features, landscapes and identities.
- e) Opportunities to support and improve connectivity and accessibility to public transit and active transportation, including carpooling and carsharing.
- f) Treatment of existing topographic and vegetative features, and greening and landscaping opportunities.
- g) The best use of existing resources, infrastructure and service capacity. Development/redevelopment will only be permitted where there is adequate municipal water and wastewater service, waste management, and public service facilities. Compatible and practical on-site renewable water, waste and energy management techniques and design are encouraged, including Low Impact Development (LID) practices.
- h) Surface parking areas should be minimized and shared parking areas, standards and access shall be encouraged where compatible, and adequate and appropriate for intended level of service.

Parking areas and access should be designed to optimize greening opportunities, and to support reduction of heat islands, sustainable storm water management, limited access points to public roads, and provide for safe and friendly active transportation circulation.

i) Development will only be permitted where the sustainable transportation system is adequate to accommodate anticipated traffic volumes, generation, circulation and use.

j) Land assembly and configuration will not detract from the potential development or redevelopment on adjacent properties, or create isolated parcels which may otherwise have future development or redevelopment potential.

k) Alternative and innovative lotage patterns are supported provided that compatible street, building and site context sensitive design with adjacent properties and the surrounding neighbourhood can be achieved; and adequate and maintained access to a public road is provided and ensured.

l) Direct vehicular access from individual properties to the Welland Canals Parkway is not permitted.

## **7.2 Contaminated Sites**

ii) On all lands known or suspected of potential environmental hazards, the City shall require, prior to consideration of approval for development /redevelopment or site alteration, appropriate studies to assess potential hazards. Protective or mitigating measures may be applied to the subject lands, subject to study evaluation and Provincial standards. A record of site condition may be required.

iii) On all lands subject to Official Plan or Zoning By-law amendment or Subdivision approval, an environmental site assessment from the proponent will be required as a condition of approval, identifying that the site has been investigated and found to be free from contamination subject to Provincial standards. A record of site condition may be required. Where hazards are identified, they shall be subject to appropriate studies, and protective or mitigating measures may be applied.

## **8. NEIGHBOURHOOD RESIDENTIAL**

### **8.1. Residential Use Designations**

#### **1. Low Density**

The Low Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres.

#### **2. Medium Density**

The Medium Density residential designation permits detached, semi-detached, duplex, triplex, quadruplex, fourplex, townhouse and apartment dwellings at a

density range generally between 25 and 99 units per hectare of land. Height of buildings will generally not exceed 20 metres.

### **13. GREEN SPACE**

#### **13.1. PARKLAND AND OPEN SPACE**

The Parkland and Open Space designation is intended to provide opportunities for a variety of active and passive recreational opportunities, to provide relief from the built environment, and to support opportunities for conservation and enhancement of cultural and natural heritage.

Parkland and Open Space is designated on Schedule D1 'General Land Use Plan' and on District Plans in Part E. Schedule F1 'Parkland and Major Trails' of this Plan also identifies public parkland, and existing and proposed major trails. For the convenience of mapping, not all parkland and open space may necessarily be shown on the Schedules of this Plan, primarily where they are small in size such as small trails and special urban parks. Specific reference should be made to the City's Parks Policy Plan and the Recreation Master Plan.

#### **1. Permitted Uses**

Permitted uses include:

- i) private and public parks, and open space linkages;
- ii) cemeteries;
- iii) active or passive indoor and outdoor recreational facilities;
- iv) cultural heritage;
- v) essential operations for service infrastructure and utilities.

a) Permitted uses may be allowed provided that:

- i) the use of land does not conflict with the policies in this Plan related to natural hazard lands, natural heritage or cultural heritage resources;
- ii) the design minimizes or eliminates any potential instability of slopes;
- iii) all structures, parking areas and active playing fields are attractively designed and landscaped in order to enhance their appearance, and are appropriately setback and buffered between adjacent properties.

b) Ancillary uses may be permitted where they provide complementary services and facilities to the main use, and will be limited in size subject to zoning bylaw regulation.

#### **13.2. NATURAL AREA**

The City's Natural Area is comprised of a diverse natural heritage system of rivers, streams, valleylands, wetlands, shoreline, woodlots, forests, natural areas, habitats and corridors. Not only are these natural areas and features environmentally significant on a local neighbourhood and community basis, but many are also of regional, provincial, national or world significance.

The Natural Area is more specifically defined as Natural Hazard Lands and Natural Heritage as set as follows:

a) Natural Hazard Lands

- i) shoreline;
- ii) floodplain;
- iii) significant valleylands;

b) Natural Heritage

- i) wetlands;
- ii) significant woodlands;
- iii) fish habitat;
- iv) areas of natural and scientific interest;
- v) significant habitat of endangered species and threatened species;
- vi) significant wildlife habitat;
- vii) natural corridors;
- viii) key hydrologic features.

The purpose of the Natural Area policies of this Plan is to promote the long term sustainability of Natural Hazard Lands and Natural Heritage by supporting:

- the protection, preservation, restoration , maintenance, and where possible, the improvement of a diverse, connected and integrated system of natural areas, features, hazard lands, habitats, corridors and associated biological and ecological functions.
- a diverse, connected and integrated system of local natural heritage with that of the Region of Niagara Core Natural Heritage System, the Provincial Greenbelt Plan Protected Countryside and Natural Heritage System, and the Provincial Niagara Escarpment Plan.

### **13.2.1 Natural Area Mapping**

#### **1. Natural Area Designation**

Lands designated Natural Area on Schedule D1 'General Land Use Plan' and on District Plans in Part E contain one or more of Natural Hazard Lands and/or Natural Heritage mapped by the City.

Development, redevelopment, site alteration and use of lands within and adjacent to the City's Natural Area designation is subject to the policies set out in Section 13.2 of the Plan.

## 2. Natural Area Extent Line

Natural Hazard Lands and Natural Heritage are also mapped by the Province, the Region of Niagara and the Niagara Peninsula Conservation Authority (NPCA). This mapping is shown on Schedule F2 'Natural Hazard Lands' and Schedules F3 and F4 'Natural Heritage' of this Plan.

Upper tier government and NPCA mapping of Natural Hazard Lands and Natural Heritage on Schedule F2, F3 and F4 does not necessarily coincide with, and often extends beyond the City's Natural Area designation shown on Schedule D1 'General Land Use Plan' and on District Plans in Part E of this Plan.

The combined furthest extent and limit of all the Natural Hazard Lands and Natural Heritage mapping identified on Schedules F2, F3 and F4 is shown as an overlay on District Plans in Part E, identified as the 'Natural Area Extent Line'. Development, redevelopment, site alteration and use of lands within and adjacent to the Natural Area Extent Line is subject to the policies set out in Section 13.2 of the Plan.

## 3. Niagara Natural Environment Screening Layer

Further to Natural Area mapping set out in Section 13.2.1.1 and 13.2.1.2 above, the NPCA establishes a Niagara Natural Environment Screening Layer. The 'Screening Layer' is shown on Schedule F5 of this Plan, and the limits of which generally extend onto lands beyond the City's Natural Area designation as well as the Natural Area Extent Line.

Development, redevelopment, site alteration and the use of lands within the 'Screening Layer' may be subject to Provincial or Region of Niagara policies, regulation or controls as applied to Natural Hazard Lands and Natural Heritage and/or subject to NPCA regulation or controls in accordance with Ontario Regulation 155/06 as amended from time to time. Ontario Regulation 155/06 applies to watercourses, significant valleylands, floodplains, shorelines and wetlands.

## 4. Interpretation

- i) The Natural Area mapping set out on the Schedules of this Plan should not be construed as representing the precise boundaries or all of known Natural Hazard Lands and Natural Heritage.
- ii) Natural Hazard Lands and Natural Heritage may be defined more precisely through Watershed, Environmental Planning Studies, Environmental Impact Studies (EIS), the NPCA, or other government or regulatory authority and mapping.

iii) Where through the review of a planning application it is found that there are important environmental features or functions that have not been adequately evaluated, the applicant shall have an evaluation prepared by a qualified biologist in consultation with the City, Region of Niagara and where appropriate, the NPCA and the Ministry of Natural Resources. If the evaluation finds one or more natural features meeting criteria set out by the Region of Niagara Policy Plan and/or the NPCA for inclusion as Natural Hazard Lands or Natural Heritage, the applicable policies for such features as set out in Part D, Section 13.2 of this Plan will apply.

iv) Where new Natural Hazard Lands or Natural Heritage are identified or where more accurate mapping is available in which may modify the location or extent of Natural Hazard Lands or Natural Heritage, Schedules F2, F3, F4 and the Natural Area Extent Line shown on District Plans in Part E may be updated without amendment to this Plan.

Where new Natural Hazard Lands or Natural Heritage are identified, they shall be considered for inclusion as a Natural Area designation in this Plan. Where a new Natural Area designation is to be added or where a significant modification is made to an existing Natural Area designation on Schedule D1 'General land Use Plan' and District Plans in Part E, an amendment to this Plan is required. Minor boundary adjustments to an existing Natural Area designation may be made without an amendment to this Plan.

v) Schedule F5 of this Plan represents the general location of the Niagara Natural Environment Screening Layer. Reference to the precise boundaries of the subject Screening Layer should be made to the NPCA.

Modification to the Niagara Natural Environment Screening Layer shown on Schedule F5 may be made without an amendment to this Plan.

vi) Where lands contain two or more Natural Hazard Lands and/or Natural Heritage features of differing significance, the more restrictive policies pertaining to the applicable Natural Hazard Lands and/or Natural Heritage features shall apply.

### **13.2.2. General Policies**

#### **1. Permitted Uses**

The following uses are permitted within the Natural Area designation and the Natural Area Extent Line, subject to the policies of this Plan:

- i) legally existing uses, buildings and structures including existing agricultural uses;
- ii) new agriculture uses subject to Part D, Section 13.2.5;
- iii) fish, wildlife and conservation management including forestry management;
- iv) essential linear public uses including transportation, utility, and communication facilities subject to Federal or Provincial Environmental Assessment approval;
- v) watershed management and flooding and erosion control facilities

where it has been demonstrated that they are necessary in the public interest and other alternatives are not available, subject to an Environmental Impact Study (EIS) to the satisfaction of the Region of Niagara;  
vi) passive small scale recreation features such as trails, walkways, and bicycle paths that will have no significant negative impact on natural features or ecological functions.

2. Where planning applications to establish a new use, or expand a permitted use, are not subject to the Environmental Assessment Act, an approved Environmental Impact Study (EIS) shall be required, subject to the policies of this Plan, for any development, redevelopment or site alteration within or adjacent to Natural Hazard Lands or Natural Heritage. Protection or mitigating measures may be required to be implemented by the applicant.

3. Where an EIS is required, it shall be prepared in accordance with Environmental Impact Study (EIS) Guidelines or subsequent guidelines adopted by the Region of Niagara.

The required scope and/or content of an EIS may be reduced, after consultation with the Niagara Region and the NPCA where the environmental impacts of a development application are thought to be limited; or other environmental studies fulfilling some or all requirements of an EIS have been accepted by the City, Niagara Region and the NPCA.

4. The City may require an independent peer review of an EIS with costs to be borne by the applicant.

5. On lands within or adjacent to a designated Natural Area or the Natural Area Extent Line where no development or placement of fill and site grading is permitted, the erection, location or use of any buildings or structures is prohibited other than those which legally exist.

6. Subject to other policies of this Plan, expansion of an existing use located within or adjacent to Natural Hazard Lands or Natural Heritage may be permitted subject to approval of an EIS and any mitigation measures that may be required.

7. Where development, redevelopment or site alteration is approved within Natural Hazard Lands, Natural Heritage or the associated adjacent land buffer zone, the applicant will submit a Tree Saving Plan maintaining or enhancing the ecological functions to be retained. The Plan shall be prepared in accordance with the Tree and Forest Conservation By-law and its implementation monitored by a member of the Ontario Professional Forestry Association.

8. Where lands are not subject to Section 13.2.2.7 above, the City should enact and maintain a by-law regulating the destruction or injuring of trees in identified

woodlots less than 0.5 hectares of land in size.

Where a woodland greater than 0.5 hectares of land in size is located on or adjacent to lands subject to an application for plan of subdivision, consent, site plan approval or other development approval, the applicant shall be required to prepare a Tree Saving Plan as a condition of approval. A grading or building permit shall not be issued until the Tree Saving Plan, with appropriate implementation and monitoring measures, has been approved by the City in consultation with the NPCA.

9. Where development, redevelopment or site alteration is approved in or adjacent to Natural Hazard Lands or Natural Heritage, new lots thus created shall not extend into either the area to be retained in a natural state or the required adjacent buffer zone identified through an EIS unless approved in consultation with the NPCA. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a block and zoned to protect their natural features and ecological functions, and where appropriate and desirable, be dedicated to the municipality or a public agency.

10. The City will, where deemed appropriate, pursue the acquisition of Natural Hazard Lands and Natural Heritage lands by way of land dedication or other means, and which will be adequately sized to support the protection of natural features, function, access and maintenance. It should not be assumed that these lands will be accepted as parkland dedication, and lands having inherent environmental constraints will generally not be accepted as parkland dedication pursuant to the Planning Act.

11. The City recognizes that lands designated Natural Area, whether in private or public ownership, are accessible to the public at the discretion of the owner.

12. The City shall encourage and provide assistance, where feasible, to private landowners and interest groups in developing and maintaining stewardship programs to support retention and enhancement of Natural Hazard Lands and Natural Heritage.

13. Prior to any planning approvals, new development applications requiring a Provincial Permit to Take Water shall satisfy the City, the NPCA and the Niagara Region that the water taking will not have any negative impacts on natural ecosystems or the quantity and quality of water to meet existing and planned uses.

### **13.2.3. Natural Hazard Lands**

Natural Hazard Lands mapping is shown on Schedule F2 of this Plan.

Notwithstanding policies related to Shoreline, Floodplains and Valleylands in Sections 13.2.3.1-3 below, the following policies apply to all Natural Hazard Lands and hazardous sites.

i) Development shall generally be directed to areas outside of Natural Hazard Lands and hazardous sites.

ii) Development, redevelopment and site alteration shall not be permitted:

- within areas that would be rendered inaccessible to people and vehicles during times of flooding hazards, erosion hazards and/or dynamic beach hazards, unless it has been demonstrated that the site has safe access appropriate for the nature of the development and the natural hazard.

Notwithstanding the above, development, redevelopment and site alteration may be permitted in certain areas identified above where the development is limited to uses which by their nature must locate within the floodplain, including flood and/or erosion control works or minor additions or passive non-structural uses which do not affect flood flows.

iii) Development or redevelopment shall not be permitted where the use is:

- an institutional use associated with hospitals, nursing homes, pre-school, school nurseries, day care and schools, where there is a threat to the safe evacuation of the sick, the elderly, persons with disabilities or the young during an emergency as a result of flooding, failure of floodproofing measures or protection works, or erosion;
- an essential emergency service such as that provided by fire, police and ambulance stations and electrical substations, which would be impaired during an emergency as a result of flooding, the failure of floodproofing measures and/or protection works, and/or erosion control;
- associated with the disposal, manufacture, treatment or storage of hazardous substances.

### 3. Significant Valleylands

Along valleylands where the valley bank height is equal to or greater than 3 metres, the following applies:

i) Development, redevelopment or site alteration shall not be permitted within the valley, being all the lands below the valley long term stable top of bank(s) as determined by the NPCA, except for permitted uses as set out in Part D, Section 13.2.2.1 and subject to the applicable policies of this Plan.

ii) Unless otherwise directed by the NPCA, development, redevelopment or site alteration on lands within the adjacent 15 metres of land above the valley long term stable top of banks, must demonstrate through an approved EIS, that erosion and adverse impacts to water quality and quantity, slope stability, wildlife habitat, existing vegetation and drainage shall be minimized, and valley slopes not disturbed.

iii) No development, redevelopment or site alteration on lands adjacent to the valley long term stable top of bank(s) is permitted unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the valley or on its ecological functions.

iv) A minimum 7.5 metre setback from the valley stable top of bank(s) shall be required for all development, redevelopment or site alteration.

Subject to review by the NPCA, a reduced valley top of bank setback may be considered on sites within the Urban Area, where:

- an existing lot provides insufficient depth to accommodate the required setback;
- a proposed development or redevelopment does not result in the creation of generally more than two new lots, and where there is adequate municipal water and sewer capacity available on the existing road frontage, and no construction of new public or private roads are required.
- the ecological function of the lands adjacent to the valley top of bank has been evaluated and it has been demonstrated that there will be no negative impacts on the valley or on its ecological functions.
- subject to a geotechnical investigation, the reduced setback, with any required mitigating measures, will result in no adverse long term environmental impacts

v) Where the NPCA finds evidence of slope instability, the angle of the valley slope exceeds 3:1 (horizontal distance: vertical distance), or where evaluation demonstrates negative impact on natural features or ecological functions, a greater setback from valley top of bank may be required to address site specific issues subject to a geotechnical report prepared by a qualified engineer at the cost of the proponent and to the satisfaction of the NPCA.

vi) Where possible, existing vegetation should be maintained within the defined valley top of bank adjacent land setbacks. Vegetation below the top of bank shall not be disturbed, and where already impacted, the applicant may be required to rehabilitate and revegetate the valleylands as a condition of development approval.

#### **13.2.4. Natural Heritage**

Natural Heritage mapping is shown on Schedule F3 and F4 of this Plan.

#### **2. Significant Woodlands**

i) To be identified as significant, a woodland must meet one or more of the following criteria:

- contains threatened or endangered species;
- contains interior woodland habitat at least 100 metres in from the woodland boundaries;
- overlap or contain one or more other natural area features identified in Section 13.2;

- be a minimum of 2 hectares in size, and may be crossed by a watercourse.

Notwithstanding the above, for lands within the Provincial Greenbelt Plan, significant woodlands are identified pursuant to the Greenbelt Plan and its related technical guides.

- ii) Development, redevelopment or site alteration shall not be permitted within a significant woodland unless it has been demonstrated that there will be no negative impacts on the woodland or its ecological functions.
- iii) Development, redevelopment or site alteration shall not be permitted within the required adjacent land buffer zone from the significant woodland, which shall generally be a minimum of 10 metres measured from the drip line of the significant woodland, unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the significant woodland or its ecological functions. The final width of the required adjacent land buffer zone shall be established through an approved EIS or Subwatershed Study.
- iv) Unless otherwise directed by the NPCA, development, redevelopment or site alteration proposed on lands within 50 metres of a significant woodland shall require approval of an EIS to demonstrate that there will be no negative impacts on the significant woodland or their ecological function.

#### 7. Regional Natural Heritage Corridors

Where development, redevelopment or site alteration is proposed in or near a Regional Natural Heritage Corridor, as generally illustrated on Schedule F3, the corridor shall be considered in the development review process. An EIS may be required to demonstrate that there will be no negative impact to the natural features and ecological functions within the corridor, and to the system and linkages within and between natural features and processes within the corridor.

### **PART F: IMPLEMENTATION AND INTERPRETATION**

#### **16: IMPLEMENTATION**

##### **16.1 Official Plan**

Every application for amendment to this Plan will be evaluated on the basis of the following general considerations and any others that are pertinent to the particular application:

- i) the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan;
- ii) consistency with Provincial and upper tier government plans, policies and legislation;
- iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;
- iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- v) the potential of the proposal to cause instability within an area intended to remain stable;

- vi) the ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;
- vii) the financial implications, both costs and revenues, to the City;
- viii) the degree to which approval of the amendment would establish an undesirable precedent.

## **16.2. Zoning**

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

2. Notwithstanding, in the area of the Niagara Escarpment Plan, certain lands are subject to Niagara Escarpment Development Control, as identified in Part F, Schedule F5. In these areas of Development Control, City zoning by-laws have no force or effect. Subject to Niagara Escarpment Regulations, permits are required from the Niagara Escarpment Commission for all new development in the Development Control Area.

## **16.3. Holding By-Laws**

1. The City may, in a zoning by-law, affix an "H" in conjunction with any zoning category in order to limit or prevent the use of certain lands which are considered inappropriate or premature for immediate development.

2. Where a holding designation is in effect, the lands shall generally be limited to existing uses or uses which will not prejudice the future development of these lands. In addition, no building or structure may be erected on the site until such time as an application has been approved by Council to remove the "H" symbol. The holding symbol shall not apply to minor accessory buildings and structures such as sheds, garages, or pools.

3. Prior to enacting a by-law to remove the holding provision in accordance with the Planning Act, Council shall be satisfied that:

- a) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and disposal, and roads can be provided;
- b) All necessary requirements of the city have been satisfied;

- c) All necessary development agreements have been entered into, and that the conditions of these agreements have been, or will be met;
- d) Development satisfies all other relevant policies of the Plan.

#### **16.7. Site Plan Control**

1. All lands within the limits of the City shall be designated a proposed Site Plan Control Area.

2. The City shall, by by-law, identify specific types of development subject to site plan control. It may also deem certain types of development exempt from site plan control.

3. Unless an exemption is granted under Part F, Section 16.7.2, site plan approval shall be required for all of the following:

- a) All lands used, zoned or to be zoned for residential purposes, save and except lands used, zoned or to be zoned for residential buildings having less than 4 dwelling units.
- b) All lands used, zoned or to be zoned for commercial, employment, institutional, public or recreational purposes.
- c) All lands used, zoned or to be zoned for mixed-use purposes.
- d) All lands within the "Agriculture Area" which are used, zoned or to be zoned for:

- i. Existing and expanded non-agricultural uses, except residences, where there is an enlargement of existing uses, as set out in Part D, Section 14.2.10.
- ii. Wineries as set out in Part D, Section 14.2.2.
- iii. Agriculture farm related commercial and industrial uses directly related to and serving the surrounding agricultural uses as set out in Part D, Section 14.2.4.
- iv. Agri-tourism and value-added uses and activities greater than 93 square metres, as set out in Part D, Section 14.2.1, with the exception of bed and breakfast accommodation and uses set out in Part D, 14.2.1.b).

e) All lands used for the purpose of public service by the Corporation of the City of St. Catharines and any Local Board or Commission thereof, as defined by the Municipal Affairs Act, and the Regional Municipality of Niagara and any Local Board or Commission thereof as defined by the Municipal Affairs Act.

4. No development shall be undertaken within a site plan control area designated in accordance with Section 16.7.3, until the City has approved drawings and/or agreements sufficient to ensure the matters set out Subsections 41(4) and 41(5) of the Planning Act as amended, including but not limited to:

- a) Matters relating to exterior design, including without limitation, the character, scale, appearance and design features of buildings and their sustainable design.
- b) Sustainable design elements within and adjoining a City right-of-way, including, without limitation, trees, landscaping, permeable paving materials, street furniture, curb ramps, waste and recycling containers, and bicycle facilities.
- c) Matters relating to the protection and continued function of natural areas, features and hazard lands.

5. As a condition of approval of the plans and/or drawings required in this section, the City may require the owner of the land to:

- a) Provide and maintain, to the satisfaction of and at no expense or risk to the City, the facilities, works, or matters set out in Section 41(7) of the Planning Act as amended.
- b) Enter into one or more agreements with respect to the provision and maintenance of such facilities, works, or matters.
- c) Enter into one or more agreements to ensure that the development proceeds in accordance with the approved plans and drawings as required by this Section.

#### **16.9. Development Permits**

1. The City may, in a by-law, designate one or more development permit areas pursuant to the provisions of the Planning Act.

2. Upon authorization of a development permit system, the City may implement this Plan, as it applies to the designated development permit area(s) by the use of a development permit regime independent or supplemental to its powers of implementation described in this Plan.

2. Only those plans of subdivision which conform to the following criteria will be recommended for approval.

- a) The plan of subdivision conforms with the policies of this Plan.
- b) Adequate servicing, such as water supply, sewage disposal facilities, storm water drainage, solid waste collection and communications/ telecommunications infrastructure, and access can be provided.
- c) The City is able to provide necessary community services without imposing undue increases in taxation on all residents.



CITY OF  
ST. CATHARINES

## Corporate Report

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

**Date of Report:** July 26, 2018

**Date of Meeting:** August 13, 2018

**Report Number:** PBS-183-2018

**File:** 60.30.331 and 60.35.1029

**Subject:** *Planning Act Public Meeting - Information Report*  
Application for Official Plan Amendment and Zoning By-law Amendment at  
201 St. Paul Street; Owner: 201 St. Paul Inc.; Agent: Renée Leung, Dialog

### Recommendation

That Council consider this Information Report as part of the Public Meeting in accordance with the Planning Act; and

That Council consider the application for approval of an Official Plan Amendment and Zoning By-law Amendment at the meeting of August 27, 2018, pursuant to the 2-step process for planning applications that was approved by Council on May 8, 2017.  
FORTHWITH

### Summary

This Information Report is to provide Council and the public with information concerning the application for an Official Plan Amendment and Zoning By-law Amendment at 201 St. Paul Street to be considered at a Public Meeting scheduled for August 13, 2018. This Information Report provides an overview of the application, and a summary of applicable planning policies and circulation comments.

The applicant is requesting changes to the site-specific Official Plan Policies and Zoning By-law requirements related to these lands to facilitate the construction of a seven-storey commercial building. The following amendments are proposed:

Official Plan: Retain the Commercial Core designation and amend site-specific policies to permit increased building height on the subject lands.

Zoning By-law: Retain the Downtown Traditional Main Street (C6) zoning category and add a new special provision to permit increased building height on the subject lands. A reduction in the minimum corner visibility triangle is also proposed.

A Recommendation Report containing a planning analysis addressing any outstanding concerns raised at the Public Meeting, and providing a staff recommendation will be considered by Council at the meeting of August 27, 2018.

The conceptual proposed site plan (Appendix 2) and architectural renderings (Appendix 3) are attached for Council's reference.

## **Background**

On May 8, 2017, Council approved a 2-step process for planning applications requiring a Public Meeting in accordance with the Planning Act. The first step is for an Information Report to be presented to Council on the date of the Public Meeting when public input will be gathered. The second step is for Council to consider a Recommendation Report at a subsequent Council meeting. This report is the Information Report and will be followed by a Recommendation Report at a future Council meeting (August 27, 2018).

The subject lands are located at the corner of St. Paul and James Street and previously included the former Russell Hotel. The Russell Hotel was damaged by fire and eventually demolished in 1996. The property has been largely vacant since that time, occasionally accommodating food vendors and events.

## **Report**

### **Proposed Development – Original Submission**

The applicant seeks approval for an Official Plan and Zoning By-law amendment for the lands identified in Appendix 1 to permit the construction of a seven-storey commercial building that includes 205 m<sup>2</sup> (2,200 ft<sup>2</sup>) of retail space on the ground floor and 1,990 m<sup>2</sup> (21,400 ft<sup>2</sup>) of office space on the upper six floors. The plans submitted in support of the application identify a building height of 29.1 m (34.1 m to top of mechanical penthouse), with a slight step-back proposed above the sixth floor. The building would utilize the adjacent laneway which is not owned by the applicant for service access. The exterior finish of the original submission shows substantial glazing on the ground floor while the upper floors are clad in varied brick and masonry panels with an irregular window pattern. An architectural rendering of the original submission is attached as Appendix 2.

This original submission was presented at the community Open House hosted by the Planning and Building Services Department on May 22, 2018.

City staff have had ongoing discussions with the Applicant since receipt of this Application for Official Plan Amendment and Zoning By-law Amendment to provide feedback, primarily related to:

- The appropriateness of the proposed building height with the St Paul Street and James Street context and opportunities to mitigate the impact of building height;
- The proposed building design and its fit within the traditional main street context;
- Conformity of the proposal with the City's approved Downtown Urban Design Guidelines;
- The interface of the proposed building with adjacent lands including use of the rear laneway and implications on the neighbouring commercial building; and
- Minimizing disruption to the recently-improved St Paul Street frontage and the continuation of the streetscape improvements along the James Street frontage.

## Proposed Development – Revised Submission

In response to staff's preliminary feedback outlined above, as well as community feedback received through the Open House, the Applicant has submitted a revised development proposal for the site for Council consideration. The revised building concept maintains the seven floors of commercial space but reduces the footprint and height of the rooftop mechanical penthouse, reduces the overall footprint of the seventh floor, increases office floor heights, and introduces a building step-back above the second floor. The architectural design approach has also been revised to include a more defined two-storey podium section that matches the height of neighbouring buildings, the inclusion of a glazed third floor to separate the upper and lower building masses and a more simplified composition of upper floor windows. The building design changes result in a reduction in the total amount of office space in the building (252 m<sup>2</sup>), a slight increase in the amount of retail space in the building (5 m<sup>2</sup>), and an overall building height increase, from 29.1 m to 30.5 m. Adjacent to St. Paul Street, the revised design is 0.4 m taller than the original, measured to the top of the sixth floor. The revised architectural renderings and elevations, along with the preliminary site plan, are attached to this report as Appendices 3 and 4 respectively.

## Location and Site Description

The subject lands are located at the northeast corner of St. Paul Street and James Street, in the City's Downtown Planning District. A location map is attached as Appendix 1. The subject lands are approximately 0.05 hectares in size. St. Paul Street and James Street are both designated as City arterial roads. The subject lands are served by several transit routes and is located two blocks from the transit terminal. Surrounding land uses include a service laneway immediately to the north and a number of mixed commercial/residential buildings which typically range in height from two to three storeys along both sides of St. Paul Street and James Street.

## Supporting Documentation

The applicant has submitted the following plans and studies in support of the proposed policy amendments:

- Planning Justification Report and Urban Design Study, prepared by Dialog, dated January, 2018;
- Functional Servicing and Stormwater Management Report, prepared by S. Llewellyn & Associated Ltd, dated January, 2018;
- Mechanical Design Brief, prepared by Dialog, dated January 17, 2018;
- Electrical Design Brief, prepared by Dialog, dated January 19, 2018; and
- Grading and Servicing Plan, prepared by S. Llewellyn & Associated Ltd, dated January 19, 2018;

Digital copies of the various documents are also available of viewing on the City's website, at the following address: <http://www.stcatharines.ca/development>.

## Planning Policy Context

The decision of an approval authority on a planning 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 Official Plan Amendment and 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 the staff recommendation will be formulated accordingly.

## Provincial 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). The site is further identified in the Growth Plan as being part of the Downtown St. Catharines Urban Growth Centre. These documents contain policies that support forms of intensification and urban area regeneration, directing growth to Built-up Areas. More specifically, Urban Growth Centres are intended to serve as high density major employment centres and to accommodate significant population and employment growth. The St. Catharines Urban Growth Centre is to be planned to achieve a minimum density target of 150 people and jobs per hectare by 2031, or earlier. Provincial policies place an emphasis on intensification and infill to foster the development of complete communities which efficiently use land, resources, infrastructure and public service facilities.

The following provides an overview of the Provincial Policy Statement and the Provincial Growth Plan theme as they apply more specifically to this Application for Official Plan Amendment and Zoning By-law Amendment.

- directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres;
- conserve built and cultural heritage resources;
- 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;
- establish appropriate development standards to promote / facilitate

- |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>intensification, redevelopment and compact built form;</p> <ul style="list-style-type: none"> <li>• foster safe, interactive, active transportation and connected communities;</li> <li>• ensure viability for long term development and community investment;</li> <li>• maintain, enhance vitality of main streets, and conservation of neighbourhoods;</li> <li>• encourage sense of place by promoting well designed built form and cultural planning to conserve</li> </ul> | <p>features that help define the character, built heritage resources and cultural heritage landscapes of the area;</p> <ul style="list-style-type: none"> <li>• promote high quality built form, attractive / vibrant public realm through site design and urban design standards;</li> <li>• mitigate / adapt to climate change impacts;</li> <li>• support complete communities;</li> <li>• support multi modal transportation, including active transportation and transit.</li> </ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

## Regional Official Plan

According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031/conformity amendment), which will be the focus of residential and employment intensification and redevelopment within the Region over the long term.

The Regional Plan identifies the subject lands as being part of the Downtown St. Catharines Urban Growth Centre and describes that the Urban Growth Centre is to be planned as a focal area for investment, is to accommodate and support transit infrastructure and active transportation, and is to serve as a high density employment centre. The Regional Plan also provides direction on employment and commercial growth, promoting the revitalization of downtowns, and encourages municipalities to establish planning policies and zoning by-laws to support redevelopment of vacant or underutilized commercial lands into mixed-use areas that include a variety of uses, including employment uses.

## City Official Plan (Garden City Plan)

The subject lands are designated as Downtown (Appendix 5) by the City's Official Plan, The Garden City Plan (GCP). The Plan describes that its intent "is to ensure that downtown continues to evolve as a compact, multi-functional activity centre, and remains a focus for government, civic, institutional, commercial, office, service, entertainment and cultural employment, enterprise and activity, residential accommodation, and a focus for public and private investment and infrastructure" (11.a). The Plan further describes that "as the Niagara Region's 'Urban Growth Centre', it is important that Downtown project a sense of vitality, beauty and dynamism" (11.d) and describes the importance of the public realm, design excellence, character and heritage within the downtown context. As Niagara's only Urban Growth Centre, the density target to be reached throughout the downtown area is 150 people and jobs per hectare by 2041. Based on a gross floor area of approximately 3,000 m<sup>2</sup> of office and retail space within the building, the proposal could be expected to generate up to 120-150 jobs, achieving the minimum density target described in the Growth Plan.

The Downtown Planning District further identifies the subject lands as being within the Commercial Core area (Appendix 6). The Commercial Core designation of the GCP provides for a range of retail, service commercial, institutional, office, civic, cultural and entertainment uses, along with apartment dwelling units.

To support mixed use development, efficiency and increased density, buildings in the Commercial Core area will be a minimum 2 storeys, and generally not less than 7.5 metres in height. The GCP further describes that in order to foster a vibrant, connected, contiguous, walkable and bikeable retail and commercial environment, office uses that do not generate a significant amount of pedestrian traffic or require a ground floor location are encouraged to locate on upper floors, and retail functions will only be permitted on upper floors where in conjunction with a ground floor commercial use.

While the GCP does not describe general height limits within the Commercial Core, the Plan does include the following direction, which applies to the subject lands:

“To protect and enhance the heritage landscape, building height on St. Paul Street between William Street and Garden Park shall generally be restricted to 11 metres at the street front, and any additional height should be appropriately terraced away from the street to maintain the historical landscape” (11.2.6.c). The proposed building height adjacent or in close proximity to St. Paul Street is 30.5 m and this increased building height necessitates the proposed Official Plan Amendment. The Commercial Core land use designation is to be retained, however the Official Plan requires amendment to include a site-specific increased height permission.

The proposed building is also subject to the Council-approved Downtown Urban Design Guidelines (2012) which provide more detailed direction on matters of built form, architectural expression, site design and streetscape function. The Guidelines seek to promote building forms that are consistent with the Official Plan’s stated vision for the Commercial Core and surrounding area, and includes specific direction related to building design within the traditional main street context.

Section 16.1 of the GCP details specific matters that must be evaluated when considering applications of an Official Plan Amendment. Every application for amendment is to be evaluated on the basis of the following considerations:

- i) “the degree of conformity of the proposed amendment to the general intent, purpose and philosophy of the Plan, particularly the vision, planning principles and general policies of the Plan;
- ii) consistency with Provincial and upper tier government plans, policies and legislation;
- iii) the availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use;
- iv) the compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses;
- v) the potential of the proposal to cause instability within an area intended to remain stable;

- vi) the ability of the City's infrastructure and public service facilities to accommodate the proposal without costly expansion, upgrading, or required deferral of other planned infrastructure and public service facility improvements in other areas of the City;
- vii) the financial implications, both costs and revenues, to the City; and
- viii) the degree to which approval of the amendment would establish an undesirable precedent".

These considerations will be addressed and analysed in the future Recommendation Report.

## **Zoning By-law**

Zoning By-law 2013-283 zones the lands as Downtown Traditional Main Street, Special Provision 92 (C6-92) (see Appendix 7). The C6 Zone permits a broad range of commercial uses, including retail stores, restaurants, service commercial uses and offices and apartment units, subject to the applicable zoning provisions. The C6 zoning category permits a maximum building height of 11 metres (generally three storeys) at the street edge, with additional height permitted where it is setback an equal amount from the property line adjacent to a street. This allows for increased building height, where terraced away from the street, while maintaining a 2-3 storey tall street wall. The C6 zoning category applies to nearly all properties with frontage on St. Paul Street, between Ontario Street and Geneva Street, as well as all frontage on James Street, between King Street and St. Paul Street. Special provision 92 applies to most of the downtown area and provides an exemption from the by-law's parking requirements.

A Zoning By-law Amendment is required to create a new special provision that would permit the proposed increased building height, which is described in the below chart (next page). Section drawings are also included as Appendix 8 to this report which illustrate the location and extent of proposed height increases beyond those currently permitted in the Zoning By-law.

The zoning by-law also includes a general provision that requires a 7.5m corner lot sight triangle in all non-residential zones which is proposed to be reduced. Proposed changes to the By-law to be included in a new Special Provision are listed below. The existing C6 zoning category and all other associated zoning standards would be retained.

In other words, the building design, as submitted, seeks to increase the height of the building without stepping the building back at the height thresholds currently required in the zoning by-law. The purpose of the height thresholds, where the building is required to be set back, is to maintain the existing context of low rise buildings along the street fronts. In the Recommendation Report staff will address this design element in detail. The applicant's draft proposed zoning amendment by-law is attached as Appendix 9 to this report.

	Current By-law Requirement	Proposed Special Provision Change
<i>Maximum Building Height</i>		
Maximum Building Height	<p>11 m (a)</p> <p>(a) Above 11 m in building height, 1 m of additional building height shall be permitted for each 1 m of building setback from the ground floor exterior and/or front building façade.</p>	<p>30.5 m (a)</p> <p>(a) A building podium having a maximum height of 11 m and a maximum setback of 0m shall be provided;</p> <p>Above the podium, a minimum setback of 1.2 m from both street frontages shall be provided;</p> <p>Building sections ranging in height between 12.5 m and 26.5 m shall be setback a minimum of 0.6 m from both street frontages; and</p> <p>Building sections ranging in height between 26.5 m and 30.5 m shall be setback a minimum of 5.3 m from St Paul Street and 3.1 m from James Street.</p>
<i>Setbacks</i>		
Corner Lot Sight Triangle	7.5m along each lot line from corner.	1.5m along each lot line from corner.

## Site Plan Approval

The proposed development would be subject to site plan control and require the approval and registration of a Site Plan Agreement. The Site Plan Agreement would address detailed site and building design matters such as servicing, streetscaping and architectural design. An application for site plan approval has been made by the owner and will be reviewed pending the outcome of the requested Amendments.

## Circulation of Applications

The applications were circulated to all relevant departments and agencies in accordance with the Planning Act. No department or agency has objected to the proposed Official Plan and Zoning By-law Amendments. The following feedback has been received:

## **Regional Municipality of Niagara (Summary)**

**Regional Land Use Policy:** The subject lands are located within the St. Catharines Urban Area, as defined by the Regional Official Plan (ROP) and the St. Catharines Urban Area is considered as a Settlement Area by the 2014 Provincial Policy Statement (PPS). The ROP, 2014 PPS and Growth Plan together direct development to take place in urban areas and delineated built-up areas to support intensified development and to build upon existing servicing and infrastructure. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improved social equity and quality of life, new and expanded access to multiple forms of transportation, the provision of spaces that are vibrant and resilient in their design, and the conservation of built and cultural heritage resources.

The Growth Plan identifies Downtown St. Catharines as an Urban Growth Centre (UGC). Generally, the UGC is to be a focal point for investment and growth in Niagara. The Growth Plan and ROP both place an emphasis on the inclusion of institutions, public services, commercial employment and intensified residential development to contribute to a high density, urban community. Further, the UGC is also to serve as a culture hub, exhibiting excellent urban design, welcoming and accessible public spaces and is to be a nexus of human activity. The proposed uses (i.e. commercial uses, office) are consistent with those desired for the St. Catharines UGC.

Regional staff also note that the site is readily serviceable and is accessible by numerous forms of transportation, and its design integrates with the recent public realm investments made along St. Paul Street. The development will be accessible by pedestrian, bicycle, private vehicle and public transit. The Carlisle Municipal Parking garage and St. Catharines Transit terminal are both located within a block of the site to satisfy parking and access needs.

Regional staff considers the application to align with Provincial and Regional policy direction and will contribute to the continued growth and intensification of the St. Catharines UGC. Given the site-specific nature of the application, the Official Plan Amendment is exempt from Regional approval in accordance with the Memorandum of Understanding with Area Municipalities and Regional Official Plan Policy 14.E.7.

**Regional Servicing:** As a general servicing note the development will need to be designed to comply with the Region's Sewer Use By-law #27-2014 which regulates discharges to sanitary and storm sewer systems.

**Regional Waste Collection:** Regional staff note that this property is proposing a (7) seven storey commercial (office / retail) building. Based on a review of the current Regional Waste Collection Policy, the development does not meet the eligibility requirement (i.e. being 3 storeys, or less) and will not be eligible for curbside collection. Accordingly, private collection must be arranged by the owner / developer.

### **Parks, Recreation and Community Services (PRCS)**

PRCS staff have advised that they have no objection to the proposed Official plan and Zoning By-law Amendments. PRSC staff identified the need for streetscape improvements and boulevard tree protection as conditions of site plan approval.

### **Transportation and Environmental Services (TES) - Traffic Division**

TES staff have advised that they have no objection to the proposed Official Plan and Zoning By-law Amendments with respect to transportation matters. TES staff have also advised that they have no concern with the proposed reduced corner visibility triangle at St. Paul and James Streets since this intersection includes wide sidewalks, which combined with the three-way-stop at the intersection allows for visibility at the corner.

### **Planning and Building Services (PBS) – Development Engineering Division**

**Streets:** St. Paul Street and James Street are both designated as Arterial roads in the City's Official Plan. Although an Arterial Road as designated in the City's Official Plan with a required width of 26.21m (88'), St. Paul Street has recently been improved and reconstructed to accommodate existing zero-lot line setback buildings along this section, with a current right-of-way width of 20.12m (66'). A road widening will not be sought by the City along the St. Paul Street frontage with this application. In order to maintain the established streetscape character and match the setbacks on surrounding buildings to promote compatibility, a road widening will not be required along James Street.

**Sidewalks and Curbs:** The applicant has been directed to limited all new service connections to the James Street frontage, wherever feasible, in order to minimize disruption to the recently reconstructed St. Paul Street streetscape.

**Water:** A 25mm water service exists to the property line from St. Paul Street. This small diameter is likely inadequate for the needs of the proposal. The Owner shall be required to provide an adequate water connection for both domestic and fire needs. Since recent streetscape improvement works have been completed on St. Paul Street the new service shall be installed off the James Street watermain.

**Wastewater:** A Functional Servicing Report was submitted by the applicant. Staff are satisfied that there is sufficient system capacity to accommodate the proposed development's sanitary flows. The new sewer line for the property should be installed off of James Street.

**Stormwater:** Through site plan approval process, the Owner will be required to provide an acceptable Storm Water Management scheme prepared by a Professional Engineer.

**Geotechnical:** A soils investigation report is recommended to be prepared by a qualified Geotechnical Engineer / Consultant that will analyze soil composition to determine its structural stability and its ability to accommodate the proposed development.

### **Fire Services**

Fire Services offered no objection to the proposal but noted that the adjacent laneway would need to be signed as a "no parking / stopping" area to ensure that required fire exit doors are not blocked.

### **Downtown Development and Revitalization Advisory Committee (DDRAC)**

The City's DDRAC will be asked to provide comment on the proposed development in advance of the Recommendation Report being considered by Council. Staff anticipate that the proposal will be considered at the DDRAC's August meeting.

### **Utilities and Service Providers**

Alectra Utilities, Enbridge Gas, Bell Canada, Cogeco Cable and Canada Post have all advised that they have no concerns with the proposed policy amendments and have offered specific considerations related to matters of building construction and servicing.

### **Public Open House**

A public open house was hosted by Planning and Building Services on May 22, 2018, at City Hall. The purpose of the open house was to share information with the community regarding the proposed development applications consisting of requested Official Plan and Zoning By-law amendments and to gather feedback from those in attendance. The applicant and their architect were in attendance to answer questions. Five members of the public attended the Open House and completed the sign-in sheet.

Some in attendance expressed support for the project as proposed noting positive attributes such as the project's economic development and job creation potential.

Others in attendance expressed concern with the proposal (original design submission), specifically with respect to the following themes:

- Concern about substantial deviation from clear policy direction on building height and associated risk of setting an undesirable precedent;
- Preference for upper level residential uses;
- Concern that proposed building form does not reflect downtown landscape;
- Concern about existing high office vacancy rates within the downtown;
- Concerns that the architectural approach doesn't strengthen the historic fabric;
- Mechanical penthouse appears oversized and very heavy;
- Concerns that all glass storefront may in fact act as a barrier and not contribute to the active street fabric if windows are reflective; and
- Concern about single-use design and potential lack of long-term floor space flexibility.

In addition to the Open House, staff have also received correspondence from some members of the community in response to the applications and the opinions raised in these messages was consistent with these themes raised at the Open House, both for and against. The applicant's revised design submission (Appendix 3 and 4) represents an attempt by the applicant to address some of the above design-related feedback. Further analysis will be provided in the Planning Recommendation Report.

### **Public Notice**

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

## Financial Implications

All costs associated with this development will be borne by the developer. No direct financial impacts to the City are triggered by these approvals. If approved and constructed, additional tax revenues would be generated by the development.

## Relationship to Strategic Plan

The proposed development has the potential to tie into several aspects of the City's Strategic Plan. These related goals and actions are listed below. The degree to which the below goals of the Strategic Plan will be achieved will be evaluated as part of the future recommendation report.

### Economic Sustainability

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

### 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, this report provides the planning context and explains the applications for Official Plan Amendment and Zoning By-law Amendment for 201 St. Paul Street. The amendments would facilitate the construction of a different building form on the subject lands than was anticipated or accommodated in the City's existing policy framework for traditional main street section of St. Paul Street. A Recommendation Report will be presented to Council at the meeting of August 27, 2018.

## Notification

It is in order to advise Renée Leung, Dialog, 2 Bloor Street East, Suite 1100, Toronto, ON, Canada, M4W 1A8, the owner's agent.

**Prepared by:** Scott Ritchie, MCIP RPP, Urban Design Planner

**Submitted by:** Judy Pihach, MCIP, RPP, Manager, Planning Services

**Approved by:** James N. Riddell, M.PL., MCIP, RPP, Director, Planning and Building Services

## **List of Appendices**

1. Location Map
2. Original Concept Renderings
3. Revised Concept Renderings and Elevations
4. Revised Concept Site Plan
5. Official Plan – Schedule D1, General Land Use Plan Map
6. Official Plan – Schedule E10, Downtown Planning District
7. Zoning By-law 2013-283, Schedule A14
8. Proposed Height Increase Diagrams
9. Proposed Zoning By-law Amendment

Location Map

1

Aerial Photo  
Surrounding Area



Niagara Regional Air Photo (April, 2015)



**Subject Lands**

201 St. Paul Street

File: 60.30.337 & 60.35.1038

# Original Concept Renderings

2



Revised Concept Renderings and Elevations

3



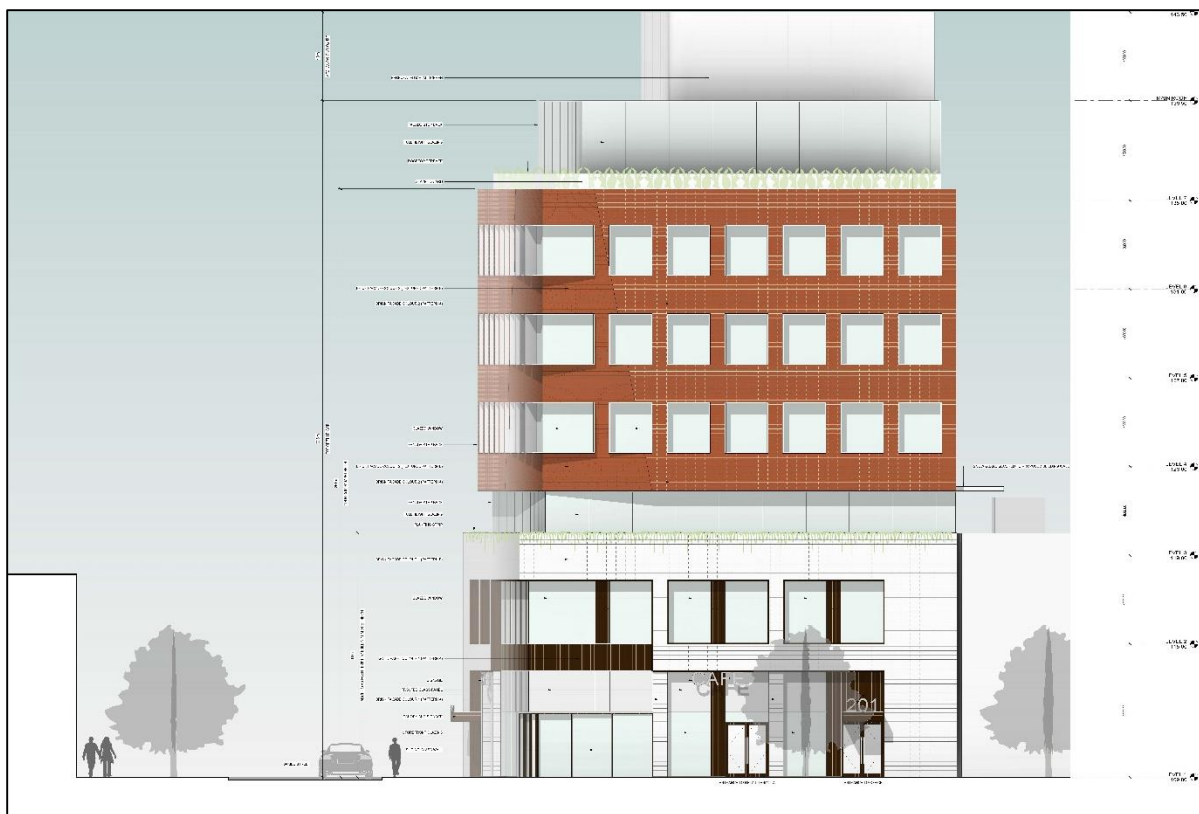
Perspective at St Paul and James Street Looking East – Day and Night



Perspective at James Street Looking South



Perspective at St Paul Street Looking West



South Elevation Facing St Paul Street



West Elevation Facing James Street



East Elevation Facing Adjacent Buildings



North Elevation Facing Laneway

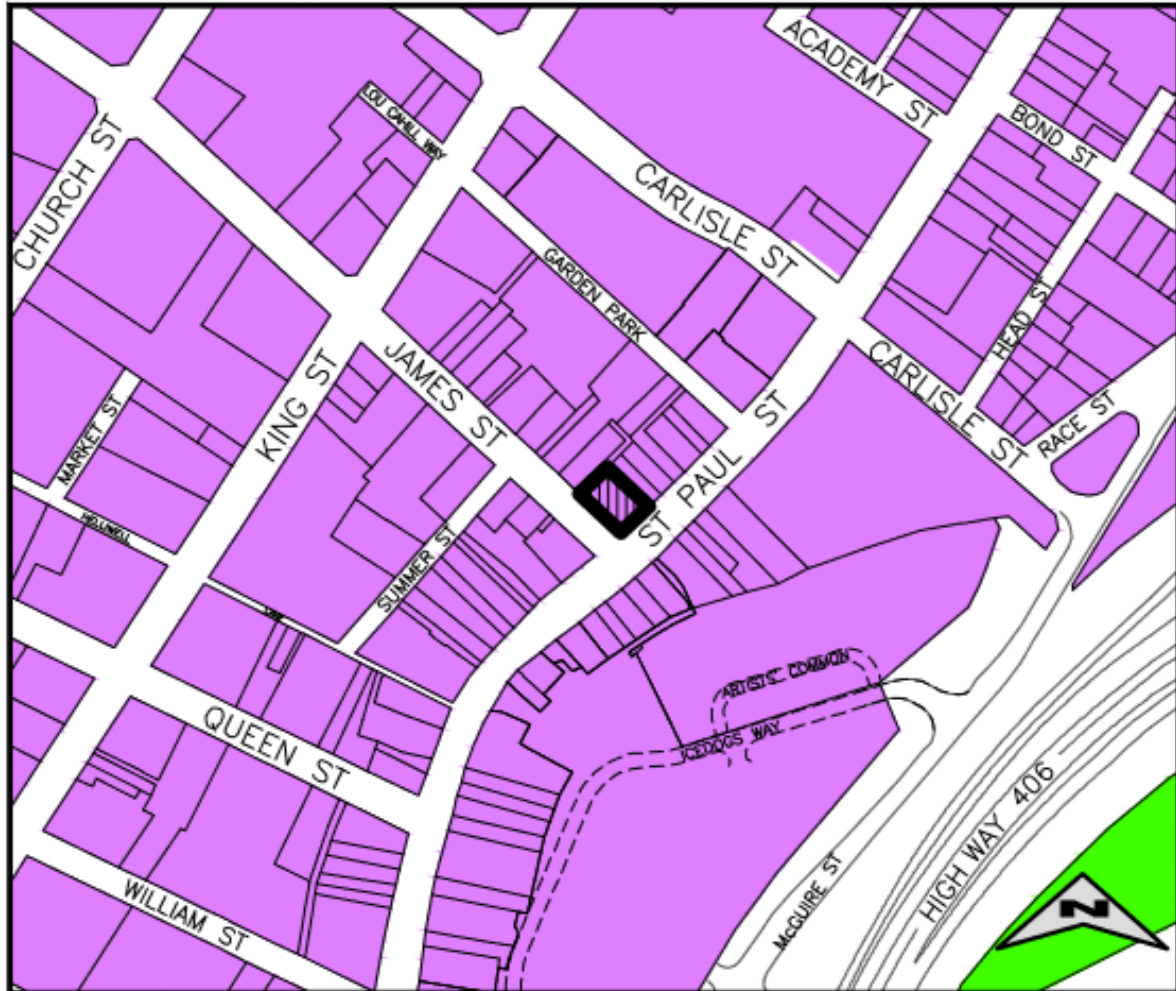
Revised Concept Site Plan


4



## Existing Land Use Designation

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



 **Subject Lands**  
201 St. Paul Street

### Land Use Designations

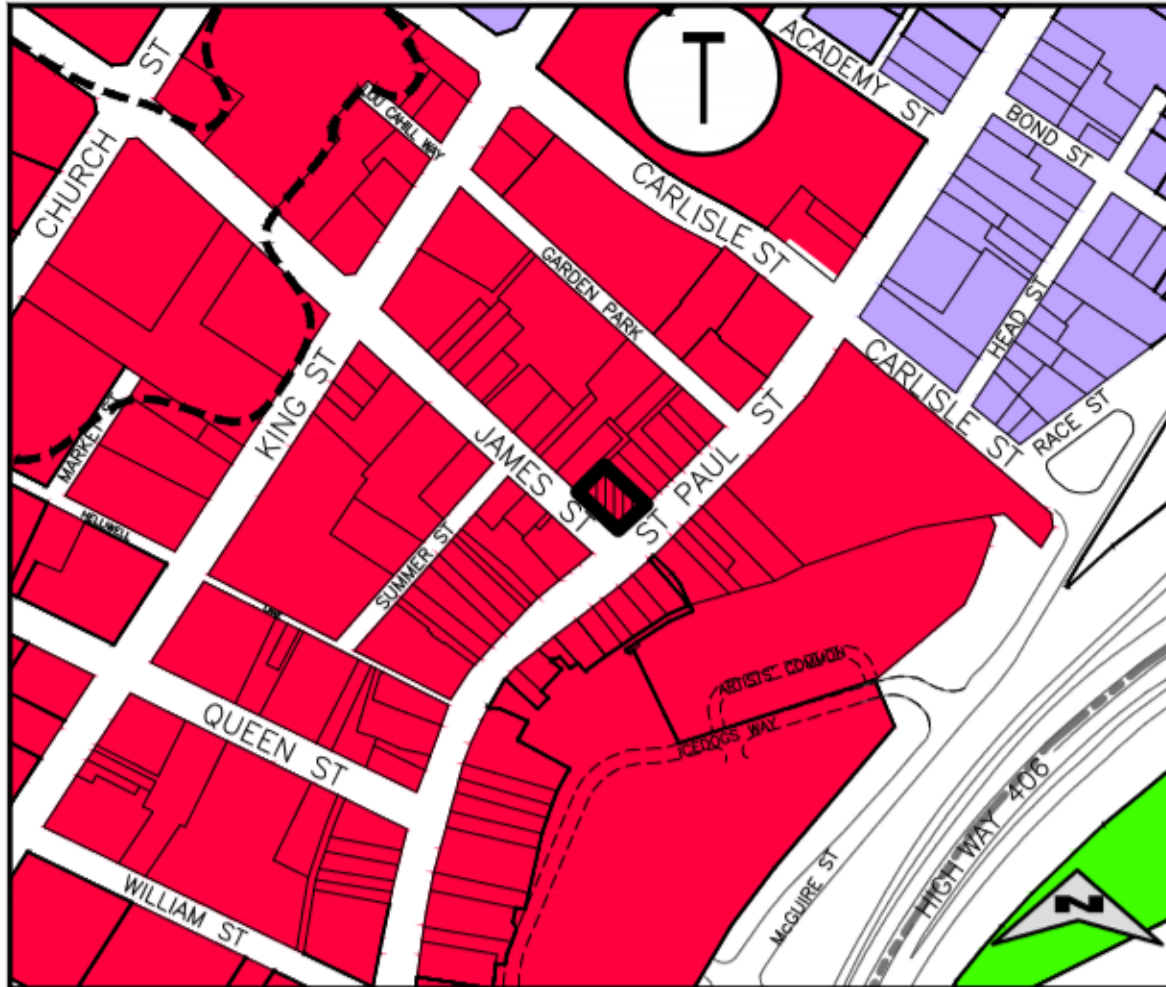
 Downtown


 Natural Areas

Files: 60.30.337 & 60.35.1038







## Existing Land Use Designation

(The Garden City Plan - Downtown Planning District, Schedule E10)



 Subject Lands  
201 St. Paul Street

### Land Use Designations

- |                                                                                                               |                                                                                                           |
|---------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------|
|  Mixed Medium High Density |  Civic Square Area     |
|  Residential / Commercial  |  Major Transit Station |
|  Commercial Core           |                                                                                                           |
|  Natural Areas             |                                                                                                           |

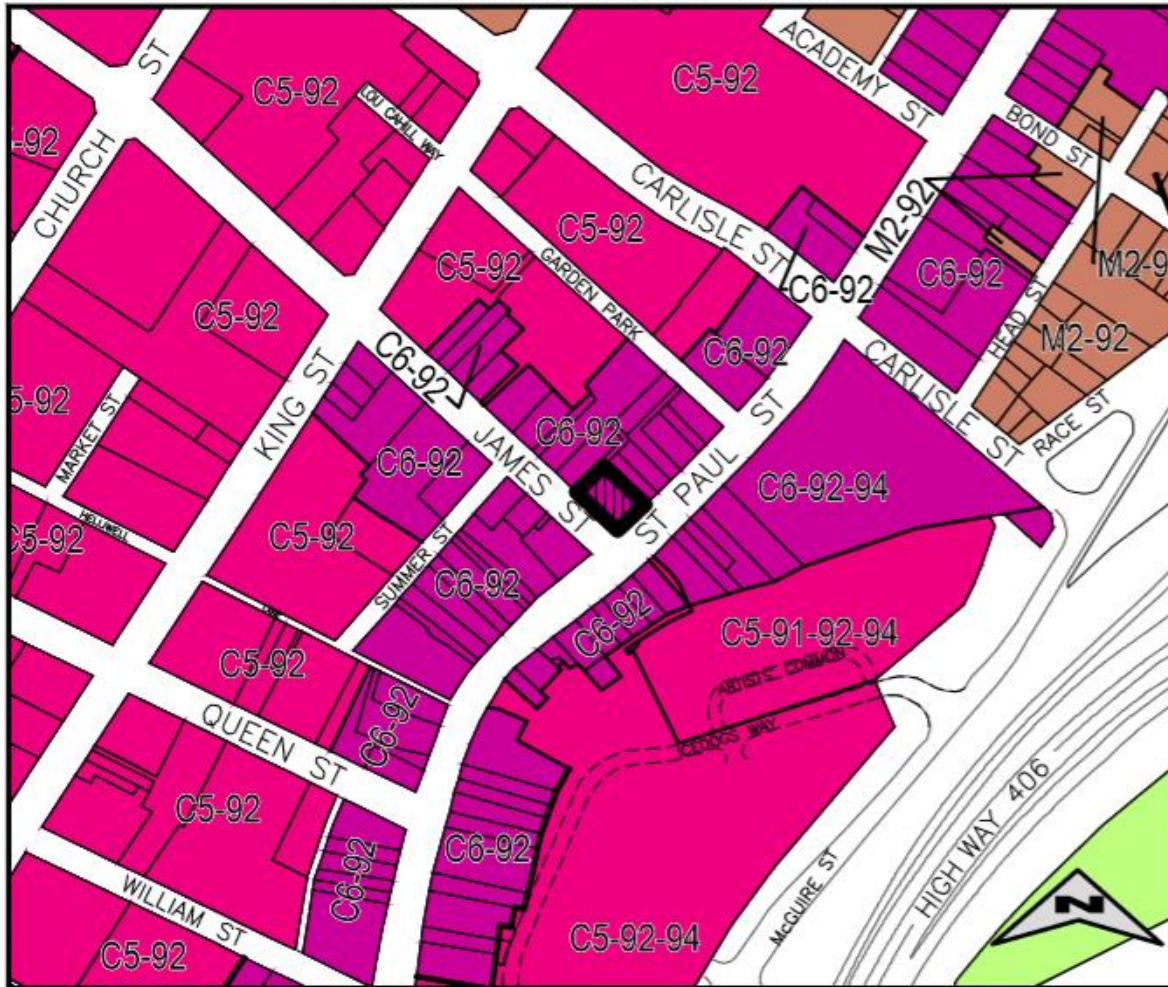
Files: 60.30.337 & 60.35.1038


## Zoning By-law 2013-283, Schedule A14

7


## Existing Zoning


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




 Subject Lands  
201 St. Paul Street

## Zones

 C5 Downtown Commercial Core

 C6 Downtown Traditional Main Street

 M2 Medium / High Density Mixed Use

 G1 Conservation / Natural Area

Files: 60.30.337 &amp; 60.35.1038

# Proposed Height Increase Diagrams

8



Section looking west along St Paul Street.



Section looking south along James Street

## Proposed Zoning By-law Amendment

9

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for lands described as LOT 461 CORPORATION PLAN 2 CITY OF ST.

CATHARINES, municipally known as 201 St. Paul Street, as follows:

- a) That Section 15.1, Schedule A (A14), Zoning Maps, be amended by rezoning the subject lands from Downtown Traditional Main Street (C6-92) to Downtown Traditional Main Street (C6-92-###) as outlined in Schedule A.
- b) That Section 13.1 'List of Special Provisions' be amended by adding a special provision, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
###	C6	14		201 St Paul Street	
1. Maximum building height of 30.5 m shall be permitted.					
2. Notwithstanding Section 2.5 'Corner Lot Sight Triangle', the minimum corner lot sight triangle shall be 1.5 m.					

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

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

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

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



CITY OF  
ST. CATHARINES

## Corporate Report

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

**Date of Report:** August 3, 2018

**Date of Meeting:** August 13, 2018

**Report Number:** PBS-181-2018

**File:** 60.46.440

**Subject:** *Planning Act Public Meeting - Information Report*  
Application for Draft Plan of Standard Condominium; 405 Merritt Street;  
Owner: 2605831 Ontario Inc.; Agent: Better Neighbourhoods Inc.

## Recommendation

That Council receive this Information Report; and

That Council consider the Recommendation Report regarding application for Draft Plan of Standard Condominium at a meeting of Council on September 10, 2018, at least 14 days after the Public Meeting of August 13, 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 Standard Condominium at 405 Merritt Street prior to the Public Meeting scheduled for August 13, 2018. This report provides an overview of the application, and a summary of applicable planning policies and application circulation comments. A Planning Recommendation Report containing planning analysis, addressing outstanding concerns from the Public Meeting, and providing a staff recommendation will be considered by Council at the meeting on September 10, 2018.

The Draft Plan of Standard Condominium application proposes to create 15 residential units within the existing building (formerly St. James Anglican Church), as well as a common element area for visitor parking, landscaping and servicing, as outlined in Appendix 1. The property is accessed from Merritt Street and Elm Lane.

## Report

### Proposed Development

As described in the Summary Section of the report, the proposed development (Appendix 1) has one access from Merritt Street, and there are to be a limited number of parking spaces accessible from Elm Lane. The applicant has requested Draft Plan of Standard Condominium Approval so that each of the proposed 15 units can be sold individually. The development is under review through the Site Plan Approval process and a Site Plan Agreement is being drafted. Once approved, the Agreement will be registered on title of the lands.

## Location and Site Description

The subject lands are located on southwest corner of Merritt Street and Oakdale Avenue in the City's East Planning District. A location map is attached as Appendix 2.

The subject property is 0.16 hectares in size with 40.21 metres of frontage along Merritt Street, 40.23 metres of frontage along Oakdale Avenue and 40.23 metres of frontage along Elm Lane.

Surrounding land uses include:

North:	Restaurant (Dairy Queen), St. Catharines Fire Station No. 4
South:	Elm lane, detached dwellings
East:	Automotive sales lot
West:	Detached dwellings

## 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 are being addressed through the Site Plan Approval Process.

## Planning Context

### Provincial and Regional Policy Context

The subject property is located within a settlement area under the 2014 Provincial Policy Statement (PPS) and the Built-Up Area for St. Catharines as delineated by the Provincial Growth Plan for the Greater Golden Horseshoe (Growth Plan). The PPS and Growth Plan contain policies that direct growth and development to settlement areas, encourage the development of complete communities, support intensification, and require the provision of an appropriate range of housing types and densities to meet the social, health and well-being requirements of current and future residents. Land use patterns shall be based on densities and a mix of land uses that efficiently use land, resources, infrastructure, and public service facilities which are planned or available to settlement areas.

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. The ROP reiterates the land use pattern policies and objectives of the Provincial Policy Statement and Growth Plan for residential intensification and sustainable communities outlined above and establishes a residential intensification target of 95% for the St. Catharines Built-Up Area.

### Official Plan (Garden City Plan)

The subject lands are designated Mixed Use as per Schedule D1 of the Garden City Plan (GCP) (Appendix 3). The lands are further designated as Mixed Use (Appendix 4) as per Schedule E9 of the GCP. The Mixed Use designation provides for a broad array and mix of medium and higher density housing, work live accommodation, commercial, office, institutional, indoor recreation, and cultural uses. The proposed 15-unit condominium has a density of 93 units per hectare. The Mixed Use designation permits medium and higher density housing which is generally greater than 25 units per hectare. Lands designated Mixed Use are intended to support a minimum density of 100 people

or jobs per hectare. The standard number of people per unit in apartment dwellings is generally 1.8 people per unit. Using this number, the development is expected to house approximately 27 people which is equivalent to 166 people per hectare.

The residential apartment development proposed on the subject lands is a permitted use under the current designation and complies with the applicable land use policies. An Official Plan Amendment is not required.

### **Zoning By-law**

By-law 2013-283 zones the lands as Medium Density Mixed Use (M1) (Appendix 5). The M1 zone permits a range of residential, commercial, office and institutional uses, including standalone residential apartment buildings. The Committee of Adjustment has approved minor variances to permit a reduction in the minimum required parking, a reduction of the minimum rear yard setback and the exterior side yard setback to recognize the location of the existing building, and a reduction of the landscape buffer along Elm Lane to recognize the location of the existing parking area. The proposal is in conformity with the approved variances.

The proposal is a permitted use under the property's existing M1 zoning. A Zoning By-law Amendment is not required.

### **Site Plan Control**

The development of the proposed apartment units within the former church building and associated site alterations is subject to the developer entering into a site plan agreement with the City, which shall address matters such as access, parking layout, lighting, buffering, servicing, stormwater management, building facades, and potential noise from the nearby Fire Hall No. 4 and Trillium and CN railway lines. A Site Plan application is under review, and an Agreement is being drafted which shall be registered on title of the subject lands. The Draft Plan of Condominium is required to be in compliance with the approved Site Plan.

Circulated departments and agencies had the opportunity to comment on the development during the site plan process. No further concerns were raised by the circulated departments with respect to the condominium application.

### **Draft Plan of Condominium**

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

- The development does not have a detrimental effect on matters of provincial interest, it is not premature and is in the public interest.
- The proposal complies with the Official Plan, and the lands are suitable for development as proposed.
- The adequacy of existing roads in the vicinity of the development.
- The proposed development is compatible with the surrounding land uses.
- The size of the units is appropriate for the residential use proposed.
- The existing utilities and services are adequate to support the development.
- The site plan addresses the detailed design and function of the site.

Approval of the application for Draft Plan of Standard Condominium for 15 apartment dwelling units, plus common element areas, which include parking, servicing, and landscaped areas would transfer to the condominium corporation the responsibility for the terms and conditions of the site plan agreement. Staff will be commenting further in the Recommendation Report for Council's consideration on September 10, 2018.

## **Public Open House**

A public open house was hosted by Planning and Building Services on May 24, 2018. The agent for the application and the property owner were in attendance. Seven members of the public attended. The developer answered questions about detailed architectural features of the building and discussed the timeline for renovation. The developer clarified to the public that no physical additions are proposed to the existing built form. No objections or concerns were raised.

## **Public Notice**

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

## **Financial Implications**

There are no financial costs to the City should this application be approved. All costs incurred by the approval of this development are attributed to the developer.

## **Relationship to Strategic Plan Economic Sustainability**

The approval of this Zoning By-law amendment 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 Standard Condominium for 405 Merritt Street. The plan of condominium will allow each of the proposed apartment dwelling units to be sold individually. A Planning Recommendation Report will be considered by Council on September 10, 2018. This report will provide further analysis of the merits of the application.

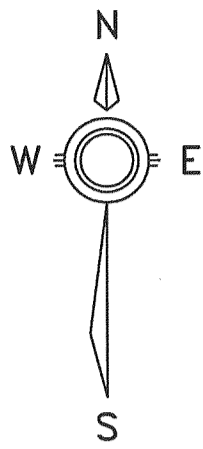
## **Notification**

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

**Prepared by:** Charlotte McEwan, 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



< FORMERLY DAK STREET BY CORPORATION PLAN No. 6 >

OAKDALE AVENUE  
< 20.117 WIDE >

N 87° 01' 03" E

40.234

EDGE OF ROAD

MUNICIPAL CONCRETE SIDEWALK

PART  
HIGHWAY PLAN 744

6

LOT

187

2 STOREY SECTION

NO.  
EXISTING BRICK BUILDING  
No. 405 MERRITT STREET  
< FORMERLY ST. JAMES CHURCH >

PLAN

LOT LINE

1 STOREY SECTION

GARDEN

GLASS ENTRANCE  
CONCRETE WALK

LOT

188

ASPHALT

ASPHALT

N 86° 55' 57" E

ASPHALT LANE

ELM LANE  
< 5.029 WIDE >

"RESIDENTIAL"

195

LOT

40.206

STREET

MERRITT STREET  
< WIDTH VARIES - 20.117 ± >  
< FORMERLY REGIONAL ROAD No. 52 >

N 02° 44' 27" W

CURB CUT

40.234

BELL  
PEDESTALS

COVERAGE TABLE		
TOTAL AREA OF SITE = 1618.33 SQ. M.	METRES SQUARED	PERCENTAGE OF LOT AREA
TOTAL BUILDING COVERAGE	652.24	40.3 %
TOTAL PARKING COVERAGE	521.40	32.2 %
TOTAL LANDSCAPE COVERAGE	444.69	27.5 %

#### LAND USE ANALYSIS

— DENOTES BOUNDARY OF SITE  
1618.33 SQ. M. - AREA OF SITE  
15 UNITS - 15 2 BEDROOM UNITS  
TOTAL NUMBER OF PROPOSED PARKING SPACES= 15  
1 PARKING SPACE PER UNIT - TOTAL OF 12  
1 HANDICAPPED PARKING STALL  
3 ADDITIONAL VISITOR PARKING STALLS  
DENSITY = 92.71 UNITS PER HECTARE

KEY PLAN NOT TO SCALE

CITY OF ST. CATHARINES

OAKDALE AVENUE

SUBJECT  
LANDS

ELM LANE

ELM STREET

BIRCH LANE

MERRITT STREET  
< FORMERLY REGIONAL ROAD No. 52 >

## MERRITT STREET CONDOMINIUM

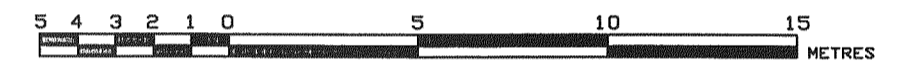
DRAFT PLAN OF CONDOMINIUM OF

LOTS 187 AND 188,  
CORPORATION PLAN No. 6

IN THE

CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA

SCALE: 1 : 200



PHILIP S. SUDA O.L.S.

### SECTION 51 ( 17 ) , PLANNING ACT ADDITIONAL INFORMATION

- A) AS SHOWN ON DRAFT PLAN
- B) AS SHOWN ON DRAFT PLAN
- C) AS SHOWN ON DRAFT PLAN
- D) CONDOMINIUM WITH A TOTAL OF 15 RESIDENTIAL UNITS
- E) AS SHOWN ON DRAFT PLAN
- F) AS SHOWN ON DRAFT PLAN
- G) AS SHOWN ON DRAFT PLAN
- H) MUNICIPAL WATER IS AVAILABLE
- I) CLAY
- J) LAND GENERALLY FLAT
- K) SANITARY AND STORM SEWERS, WATER, HYDRO, TELEPHONE, GARBAGE COLLECTION, GAS, FIRE PROTECTION & SCHOOLS
- L) NONE

### SURVEYOR'S CERTIFICATE

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

PHILIP S. SUDA  
ONTARIO LAND SURVEYOR

July 24, 2018  
DATE

### OWNER'S CERTIFICATE

I, CHRIS LAMB BEING THE REGISTERED OWNER OF THE SUBJECT LANDS, HEREBY AUTHORIZE PHILIP S. SUDA OF SUDA & MALESZYK SURVEYING INC. TO PREPARE AND SUBMIT A DRAFT PLAN OF CONDOMINIUM TO THE CORPORATION OF THE CITY OF ST. CATHARINES FOR APPROVAL.

CHRIS LAMB  
OWNER

July 24, 2018  
DATE

### METRIC NOTE

DISTANCES SHOWN ON THIS PLAN ARE IN METRIC AND CAN BE CONVERTED TO IMPERIAL BY DIVIDING BY 0.3048.

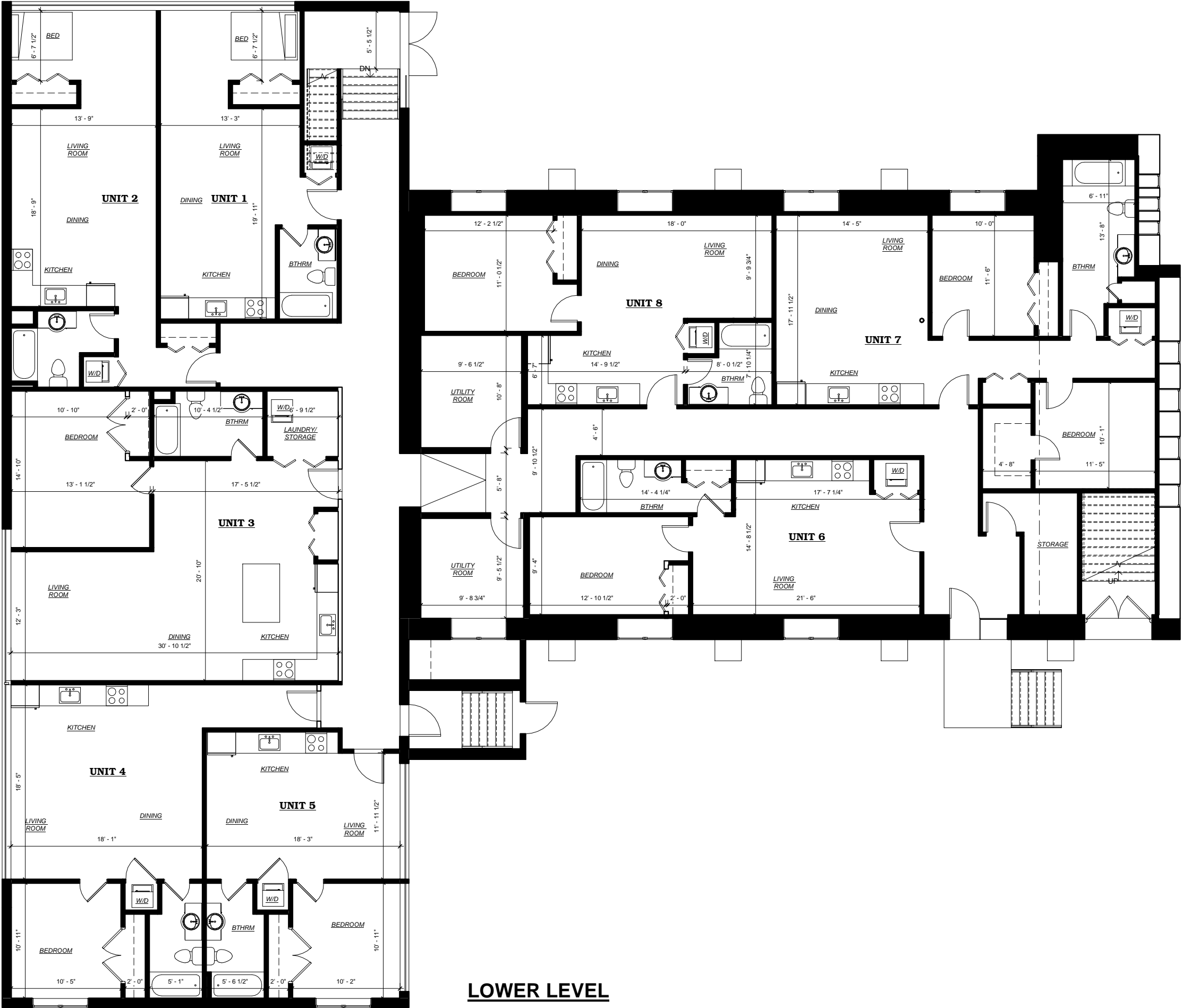
SUDA & MALESZYK SURVEYING INC.

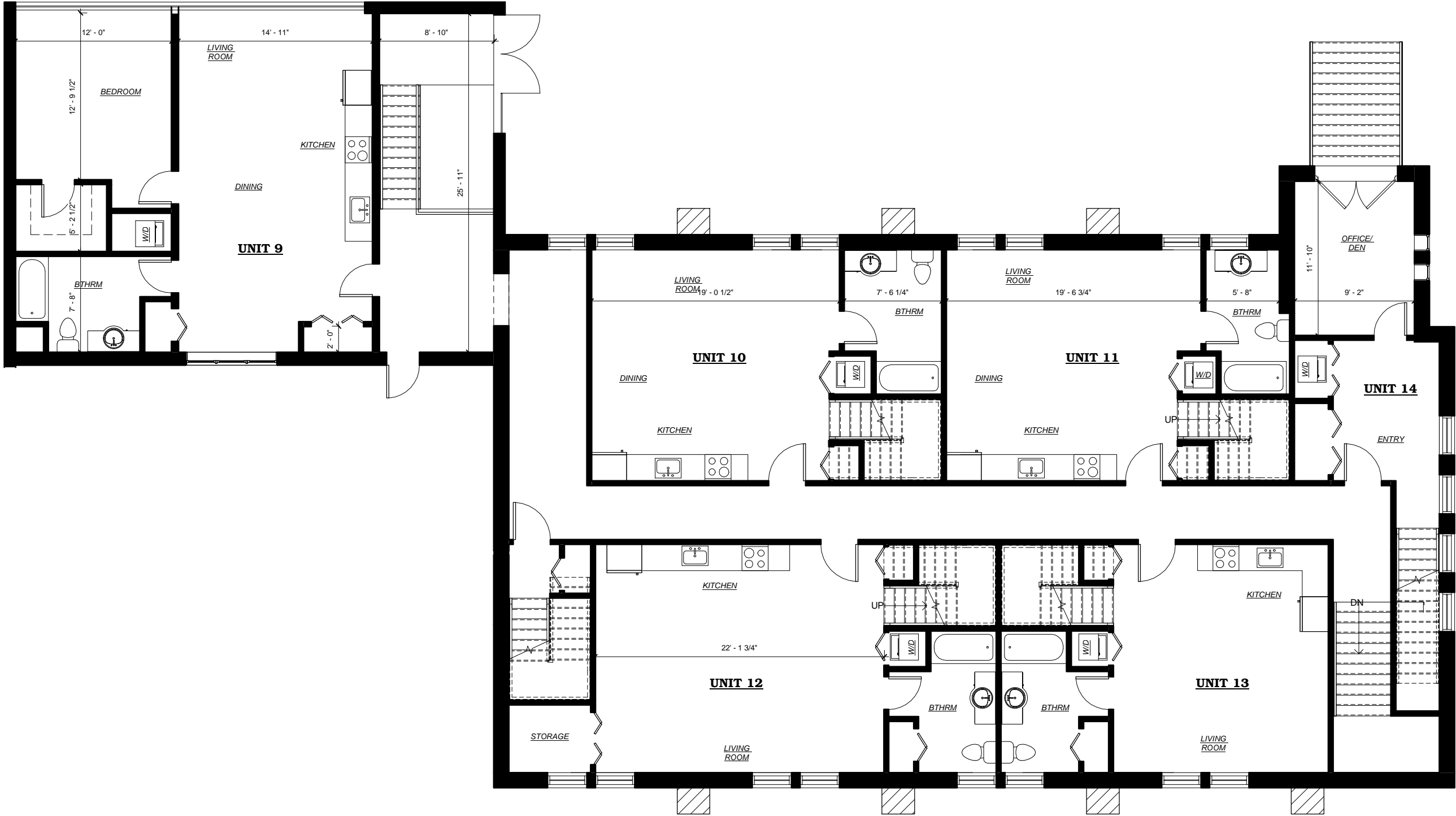
ONTARIO LAND SURVEYORS

26 EAST MAIN STREET, WELLAND, ONTARIO, L3B 3W3  
TEL: (905) 732-7651

FILE NO: 17-159

JOB NO: 5420-C



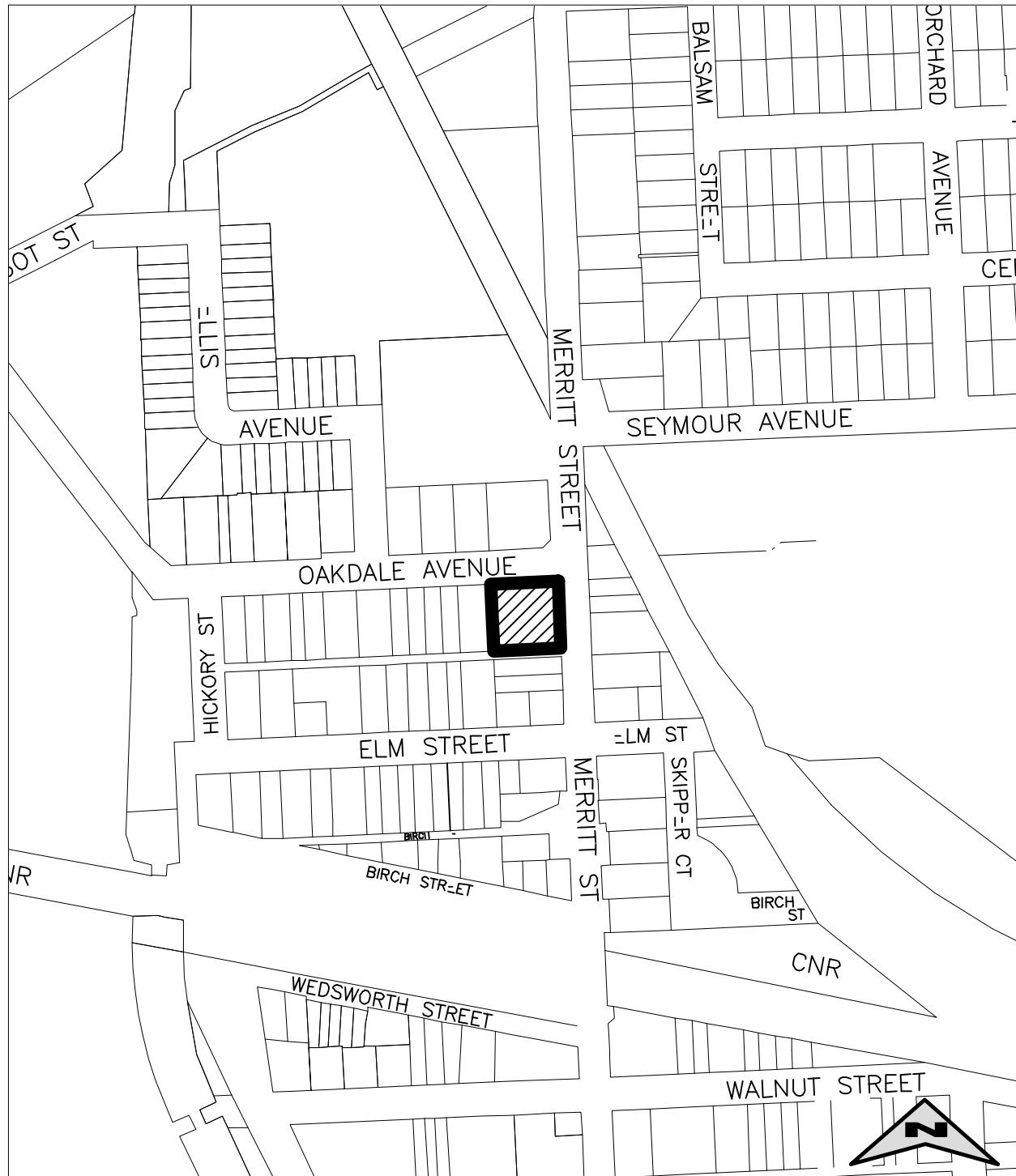



**MAIN FLOOR**

**SECOND FLOOR**



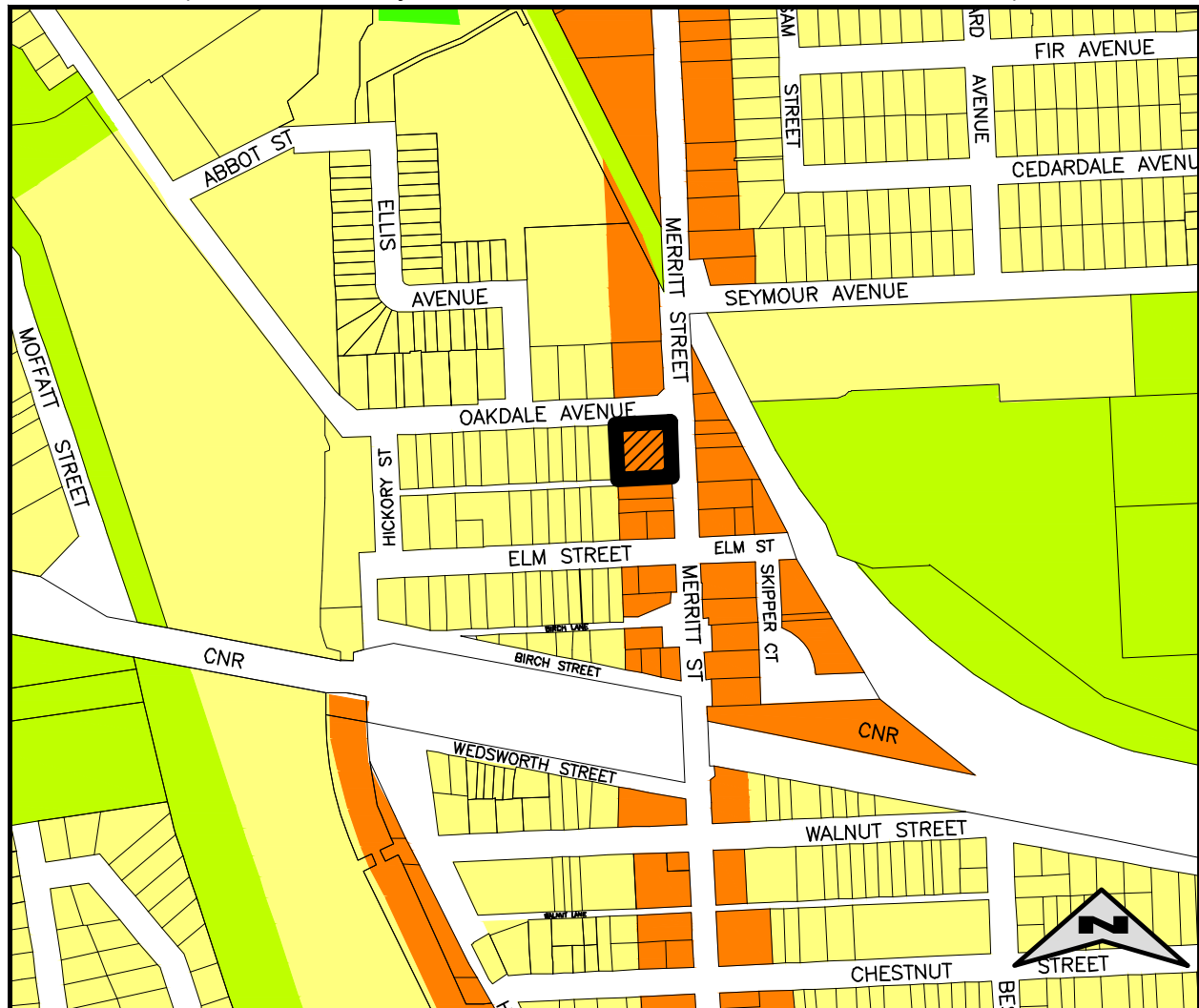
## Location Map







 Subject Lands  
405 Merritt Street  
File: 60.46.440

## Existing Land Use Designation

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



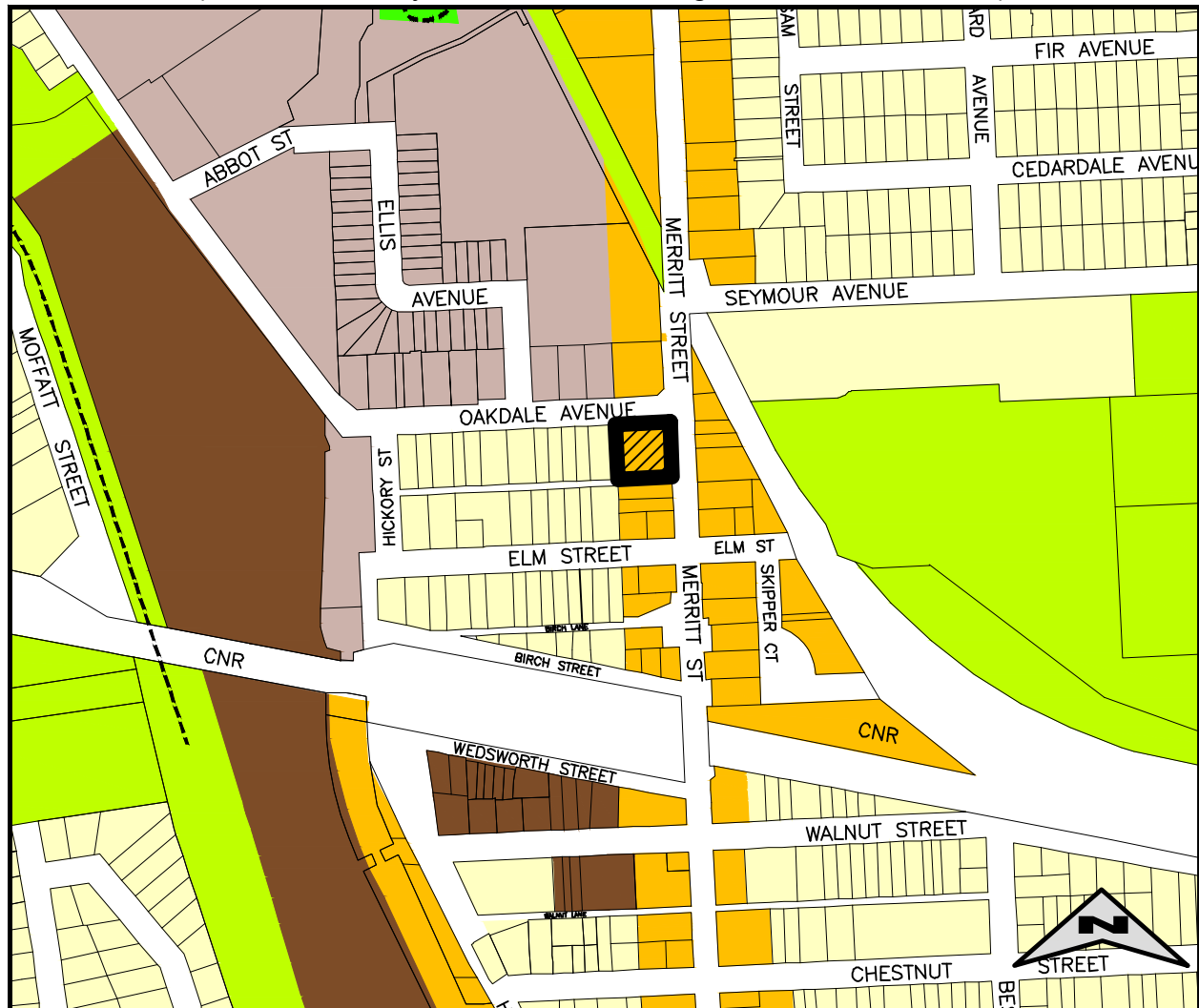
 Subject Lands  
405 Merritt Street


Land Use Designations			
	Neighbourhood Residential		Natural Areas
	Mixed Use		Parkland & Open Space








Files: 60.46.440 & 60.51.969

## Existing Land Use Designation

(The Garden City Plan - East Planning District, Schedule E9)



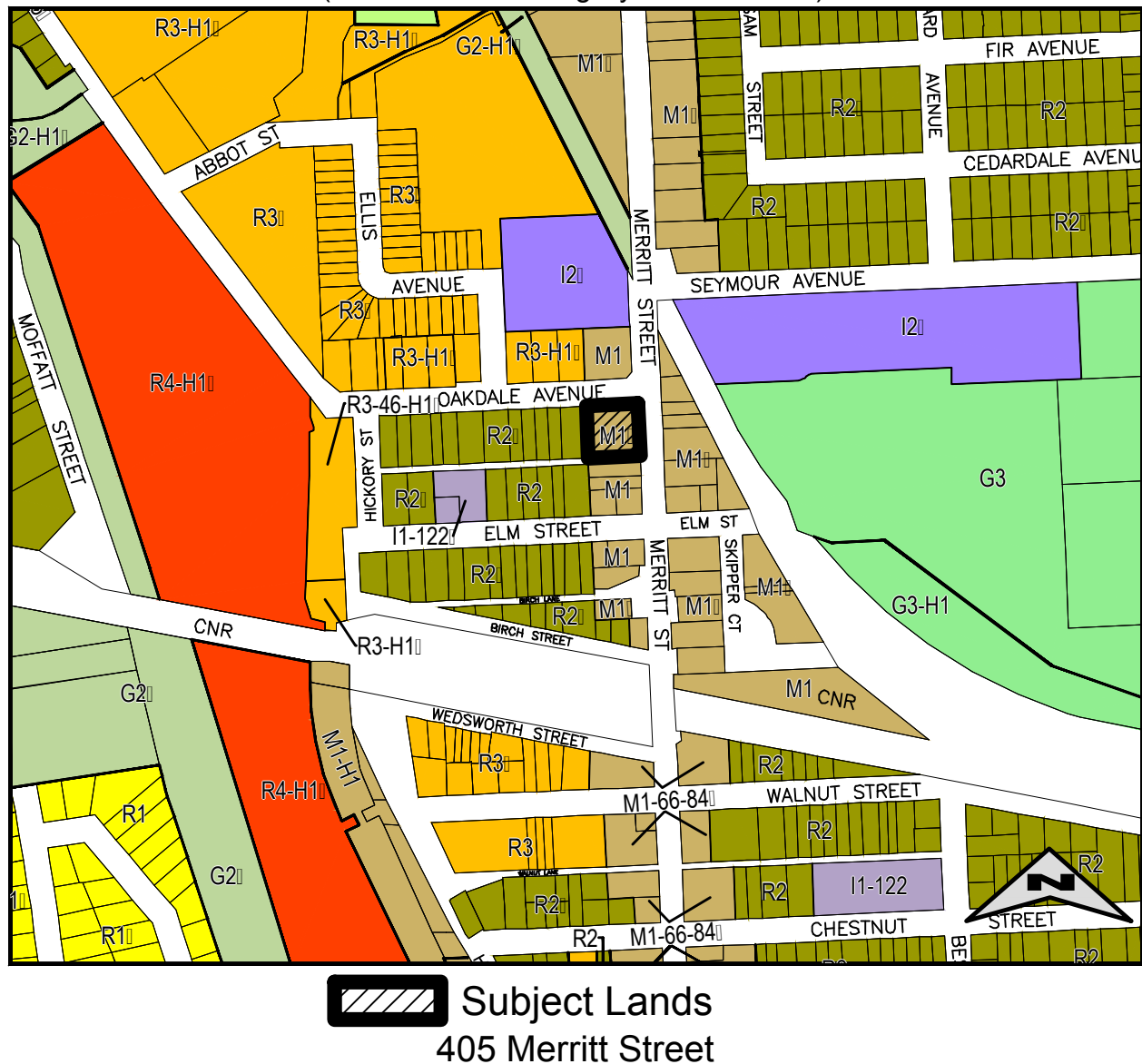
 Subject Lands  
405 Merritt Street

Land Use Designations	
	Low Density Residential
	Medium Density Residential
	High Density Residential
	Mixed Use
	Natural Areas
	Parkland & Open Space
	Natural Area Extent Line

Files: 60.46.440 & 60.51.969

## Existing Zoning

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



Zones	
<b>R1</b> Low Density Residential - Suburban Neighbourhood	<b>M1</b> Medium Density Mixed Use
<b>R2</b> Low Density Residential - Traditional Neighbourhood	<b>G1</b> Conservation / Natural Area
<b>R3</b> Medium Density Residential	<b>G2</b> Minor Green Space
<b>R4</b> High Density Residential	<b>G3</b> Major Green Space
	<b>I1</b> Local Neighbourhood Institutional
	<b>I2</b> Community Institutional

Files: 60.46.440 & 60.51.969



CITY OF  
ST. CATHARINES

## Corporate Report

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

**Date of Report:** July 26, 2018

**Date of Meeting:** August 13, 2018

**Report Number:** PBS-176-2018

**File:** 60.46.443

**Subject:** *Planning Act Public Meeting - Information Report*  
Application for Draft Plan of Standard Condominium; 43 Church Street;  
Owner: 43church.ca Inc.; Agent: Brent Larocque

## Recommendation

That Council receive this Information Report; and

That Council consider the Recommendation Report regarding application for Draft Plan of Standard Condominium at a meeting of Council on September 10, 2018, at least 14 days after the Public Meeting of August 13, 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 Standard Condominium at 43 Church Street prior to the Public Meeting scheduled for August 13, 2018. This report provides an overview of the application, and a summary of applicable planning policies and application circulation comments. Recommendation Planning Report containing planning analysis, addressing outstanding concerns and questions from the Public Meeting, and providing a staff recommendation will be considered by Council at the meeting on September 10, 2018.

## Report

### Proposed Development

The Draft Plan of Standard Condominium application proposes to convert an existing commercial office building into a commercial condominium comprised of 55 commercial units, 12 storage units, and 35 parking spaces and related common areas. The proposed draft plan is attached as Appendix 1. Approval of this application would enable the units to be owned, as an alternative to leasing. It is important to note that this application for draft plan of condominium approval requests ownership tenure only. There is no new development proposed nor any change of use.

The building has an access from Wellington Street and another access that leads to underground parking from Duke Street, via an easement over abutting lands (Part 2 on Reference Plan 30R-14341). The applicant has requested Draft Plan of Standard

Condominium Approval so that each of the 55 commercial units, 12 storage units and 35 parking spaces can be sold individually. The existing building has an approved site plan registered on title.

## **Location and Site Description**

The subject lands are located on the north corner of Wellington Street and Church Street, in the City's Downtown Planning District. A location map is attached as Appendix 2.

The subject property is 0.27 hectares in size, with 33.2 metres of frontage along Church Street.

Surrounding land uses include:

North:	Knox Presbyterian Church and Robert SK Welch Courthouse
South:	Canada Revenue Agency
East:	St. Catharines City Hall
West:	parking lot

## **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.

## **Planning Context**

### **Provincial and Regional Policy Context**

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

Municipalities are to promote economic development and competitiveness through a mix and range of employment and institutional uses to meet long-term needs and providing for a diversified economic base, including "maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses".

The PPS also directs that land use planning should focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future. Efficient development patterns promote strong, livable, healthy and resilient communities, protect the environment, as well as public health and safety, and facilitate economic growth.

Similarly to the Growth Plan, the Regional Official Plan (ROP) directs development to take place in urban areas and supports intensification where appropriate servicing and

infrastructure exists. The ROP stresses the importance of achieving a level of balance between economic development and housing to meet the needs of those who live in Niagara, and also realizing an appropriate balance between conservation and development. According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment 2-2009 (Niagara 2031/Conformity Amendment), which will be the focus of both residential and employment intensification and redevelopment within the Region over the long term.

The subject property also falls within the Downtown St. Catharines Urban Growth Centre (UGC), as identified in the ROP and Growth Plan. The UGC is planned to achieve a minimum density of 150 people and jobs combined per hectare by 2041 by focusing significant residential and employment growth within its boundaries. Based on a gross leasable floor area of 7010m<sup>2</sup> of office space within the building, the proposal would generate 312 jobs at a ratio of 1 employee per 22.5m<sup>2</sup> of floor area, achieving the density target described in the Growth Plan.

### **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 Downtown as per Schedule D1 of the Garden City Plan (GCP) (Appendix 3). The lands are further designated as Commercial Core (Appendix 4) as per Schedule E10 of the GCP. The lands are also contained within the Civic Square Area of the Downtown Planning District of the GCP. The Commercial Core designation permits retail and service commercial uses, institutional, education, civic, government, office, finance, indoor recreation, creative and cultural uses, hospitality, restaurants, entertainment, and residential apartment units. Auto related service uses or dealerships, and adult oriented uses are not permitted. Buildings are to be a minimum 2 storeys, and generally not less than 7.5 metres in height. The Civic Square area is to be the focus area of the provision of civic and government facilities in the Downtown. Aside from a community farm market, commercial uses should be directed to the periphery of the Civic Square area, as is the case with the uses associated with this application.

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

- provide concentrations of retail and service commercial uses to accommodate local resident needs, as well as to provide significant employment opportunities;
- 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;
- support and enhance a sense of place, character, and the promotion of complete community through a connected, more interactive, integrated and mixed use environment;
- ensure evolution of the Downtown as a compact, multi functional activity centre that remains a concentration of government, civic, institutional, commercial, office, service, entertainment and cultural employment, enterprise and activity, as well as attractive for investment and infrastructure;
- 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.

Section 11 of the GCP sets forth the policies guiding development and land uses within the Downtown area. As previously identified, the Growth Plan and Regional Official Plan designates the majority of the lands within the Downtown of St. Catharines as an Urban Growth Centre (UGC). The subject property is located within the UGC which is intended to attract and accommodate a high concentration and mix of activity and transit supportive residential and employment accommodation within the municipality.

The commercial building existing on the lands is a permitted use under the current designation and complies with the applicable land use policies. An Official Plan Amendment is not required.

Council should note that, unlike the conversion of residential rental properties to condominium tenure, where specific policies are in place to regulate residential conversions to condominium, no such policies exist in the Official Plan addressing conversion of commercial buildings to condominium tenure.

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 Downtown Commercial Core (C5-92) (Appendix 5). The C5 zone permits a range of commercial uses, including but not limited to a commercial parking structure, office, retail store, service commercial uses, and restaurant. Special Provision 92 is the Downtown Parking Exemption, which exempts various building downtown from the parking requirements of Sections 3.12.1, 3.12.2 and 3.15 of the Zoning By-law.

The existing office building is a permitted use under the property's existing C5-92 zoning. A Zoning By-law Amendment is not required.

## Site Plan Control

The City's Site Plan Control By-law requires that all lands used, zoned or to be zoned for commercial purposes 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, a site plan agreement addresses 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.

A site plan agreement was registered against the title of the lands on June 12, 2001. The Draft Plan of Condominium is required to be in compliance with the approved Site Plan. The proposed Condominium Corporation will assume the responsibilities of the site plan agreement, should this application be approved.

Since there is no change of use proposed in this application and the application seeks approval for ownership tenure only, no further concerns were raised by the circulated departments with respect to the existing registered site plan.

## Draft Plan of Condominium

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

- The proposal does not have a detrimental effect on matters of provincial interest, it is not premature and is in the public interest.
- The proposal complies with the Official Plan, and the lands are suitable for a commercial condominium.
- The roads in the area are adequate to support the proposed condominium.
- The size of the units proposed in the condominium are appropriate.
- Are there any restrictions for the site or on any abutting sites, necessary as part of the approval of the condominium?
- The proposed condominium is compatible with the surrounding land uses.
- The existing utilities and services are adequate to support the proposed condominium.
- Is the site plan approval registered on title impacted by the proposed condominium?

Staff will be commenting further in the Recommendation Report on the matters identified in Section 51(24) of the Planning Act and how they relate to this application.

## Public Open House

A public open house was not held for this application. A public open house is not required under the Planning Act. This application for draft plan of condominium approval deals solely with tenure, or ownership type. There is no development or changes proposed to the existing commercial building whatsoever, be it internal or external.

## **Public Notice**

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

## **Financial Implications**

Not applicable.

## **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 Standard Condominium for 43 Church Street. The plan of condominium will allow each of the existing commercial units to be sold individually. A Recommendation Report will be considered by Council on September 10, 2018.

## **Notification**

It is in order to advise Brent Larocque – The Larocque Group, 12 Lyman Street, St. Catharines ON, L2R 5M7, the owner's agent.

### **Prepared by:**

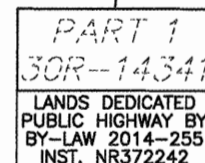
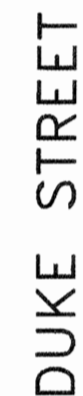
Kirstin Jensen  
Planner I

### **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



**THE LAROCQUE GROUP**  
O.L.S./PROJECT CONSULTANTS/LAND MANAGEMENT  
12 LYMAN STREET, ST. CATHARINES, ONTARIO  
905-688-1413  
6385 COLBORNE STREET, NIAGARA FALLS, ONTARIO  
905-358-8400  
[www.larocquegroup.ca](http://www.larocquegroup.ca)

DATE : APRIL 24, 2018 FILE No. : 2017-082  
DWG.FILE : 2017-082-08(1)

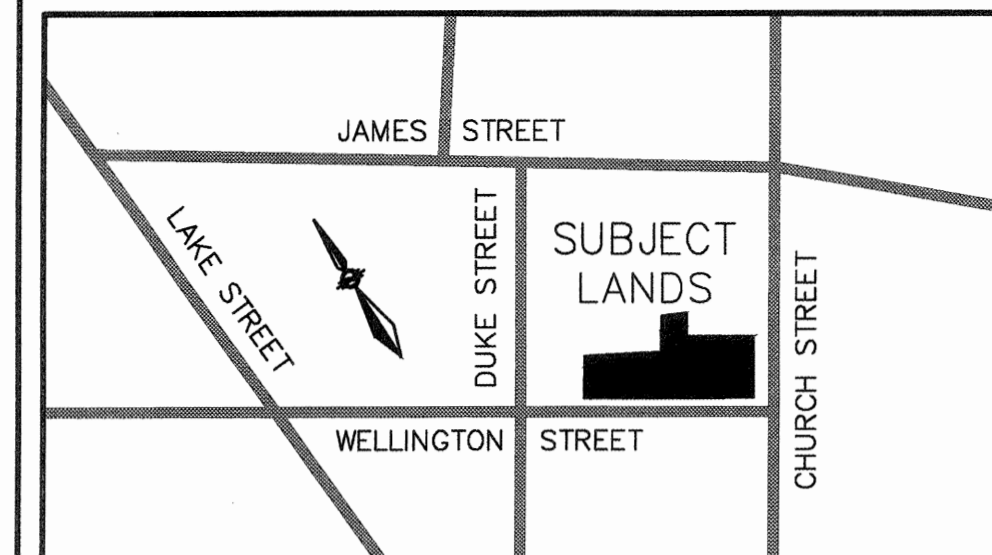
BEARINGS HEREON ARE GRID BEARINGS AND ARE DERIVED FROM OBSERVED REFERENCE POINTS (A) AND (B) BY REAL-TIME NETWORK OBSERVATIONS (LEICA SMARTNET) AND ARE REFERRED TO THE CENTRAL MERIDIAN 81°00'W LONGITUDE, ZONE 17, UNIVERSAL TRANSVERSE MERCATOR (6° UTM). THESE VALUES ARE NAD83 (CSRS v6) EPOCH 2010.0 REFERENCE SYSTEM.

DISTANCES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

DISTANCES SHOWN ON THIS PLAN ARE ADJUSTED GROUND LEVEL DISTANCES AND CAN BE USED TO COMPUTE GRID CO-ORDINATES BY MULTIPLYING THE DISTANCES BY A COMBINED SCALE FACTOR OF 0.99983799.

ELEVATIONS HEREON ARE ORTHOMETRIC AND ARE RELATED TO THE NAD83 (CSRS v6) EPOCH 2010.0 REFERENCE SYSTEM AS PREVIOUSLY ESTABLISHED BY THE LAROCQUE GROUP.

ALL FOUND MONUMENTS ARE (1257) UNLESS SHOWN OTHERWISE.



KEY PLAN  
SCALE 1:4000

**DRAFT PLAN OF CONDOMINIUM  
PART OF LOTS 680 TO 687 (INCLUSIVE)  
CORPORATION PLAN No. 2  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA**

SCALE 1:250 METRIC





5m 0 5m 10m

A horizontal scale bar with alternating black and white segments. It is marked with '5m', '0', '5m', and '10m' from left to right. The total length represents 10 meters.

SECTION 51 (17) , PLANNING ACT  
ADDITIONAL INFORMATION


- A) AS SHOWN ON DRAFT PLAN
- B) AS SHOWN ON DRAFT PLAN
- C) AS SHOWN ON DRAFT PLAN
- D) AS SHOWN ON DRAFT PLAN
- E) AS SHOWN ON DRAFT PLAN
- F) AS SHOWN ON DRAFT PLAN
- G) AS SHOWN ON DRAFT PLAN
- H) MUNICIPAL WATER AVAILABLE
- I) MAINLY LACUSTRINE HEAVY CLAY
- J) AS SHOWN ON DRAFT PLAN
- K) ALL MUNICIPAL SERVICES AVAILABLE
- L) AS SHOWN ON DRAFT PLAN

### LEGEND

- |                                                                                       |         |                          |
|---------------------------------------------------------------------------------------|---------|--------------------------|
|  | DENOTES | SURVEY MONUMENT FOUND    |
|  | DENOTES | SURVEY MONUMENT PLANTED  |
| CC                                                                                    | DENOTES | CUT-CROSS                |
| SSB                                                                                   | DENOTES | STANDARD IRON BAR        |
| (539)                                                                                 | DENOTES | SHORT STANDARD IRON BAR  |
| (1257)                                                                                | DENOTES | D. G. URE, O.L.S.        |
| (1339)                                                                                | DENOTES | RICHARD LAROCQUE, O.L.S. |
| (WIT)                                                                                 | DENOTES | M. A. MASCOE, O.L.S.     |
| BOLL                                                                                  | DENOTES | WITNESS                  |
| BP                                                                                    | DENOTES | BOLLARD                  |
| CB                                                                                    | DENOTES | BELL - PEDESTAL          |
| CLS                                                                                   | DENOTES | CATCH BASIN              |
| GM                                                                                    | DENOTES | CONCRETE LIGHT STANDARD  |
| GV                                                                                    | DENOTES | GAS METER                |
| MH                                                                                    | DENOTES | GAS VALVE                |
| MS                                                                                    | DENOTES | MANHOLE                  |
| PM                                                                                    | DENOTES | METAL SIGN               |
| UCP                                                                                   | DENOTES | PARKING METER            |
| 108.00                                                                                | DENOTES | UTILITY CONTROL PANEL    |
|  | DENOTES | EXISTING ELEVATION       |
|  | DENOTES | DECIDUOUS TREE           |

~~SURVEYOR'S~~ CERTIFICATE

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

  
BRENT LAROCQUE  
ONTARIO LAND SURVEYOR

APRIL 25, 2018  
DATE

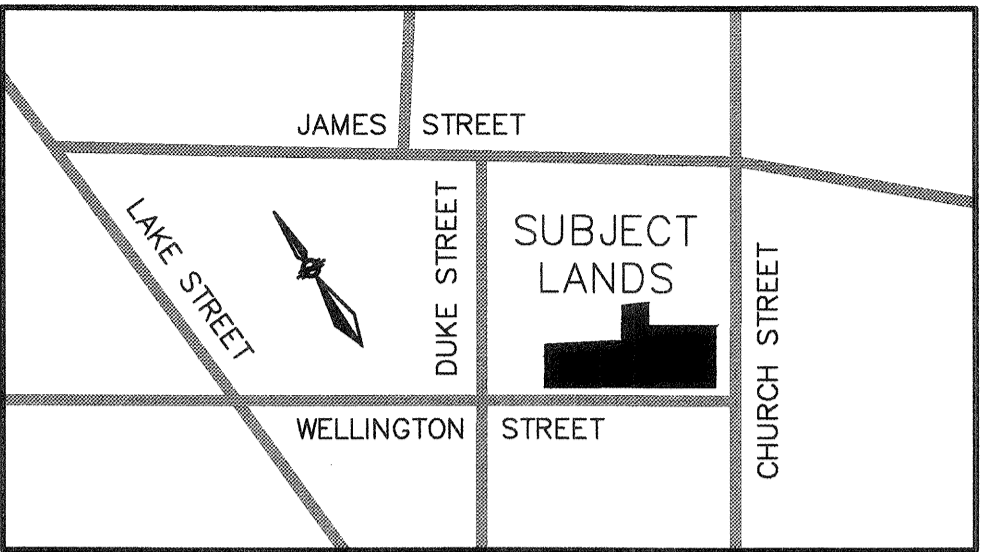
### OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT 43CHURCH.CA INC.  
IS THE OWNER OF THE LAND OUTLINED IN HEAVY LINE ON THE PLAN  
AND HEREBY AUTHORIZES THE SUBMISSION OF THIS PLAN FOR APPROVAL.

OWNER : 43CHURCH.CA INC.

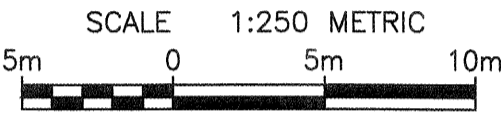
~~RAINER HUMMEL~~  
DIRECTOR

APRIL 25, 2018  
DATE



KEY PLAN  
SCALE 1:4000

DRAFT PLAN OF CONDOMINIUM  
PART OF LOTS 680 TO 687 (INCLUSIVE)  
CORPORATION PLAN No. 2  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA



SECTION 51 (17), PLANNING ACT  
ADDITIONAL INFORMATION

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- J) AS SHOWN ON DRAFT PLAN
- K) ALL MUNICIPAL SERVICES AVAILABLE
- L) AS SHOWN ON DRAFT PLAN

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	DENOTES SURVEY MONUMENT FOUND
	DENOTES SURVEY MONUMENT PLANTED
	DENOTES CUT-CROSS
CC	DENOTES STANDARD IRON BAR
SIB	DENOTES SHORT STANDARD IRON BAR
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MH	DENOTES METAL SIGN
MS	DENOTES PARKING METER
PM	DENOTES UTILITY CONTROL PANEL
UCP	DENOTES EXISTING ELEVATION
108.00	DENOTES DECIDUOUS TREE

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BRENT LAROCQUE  
ONTARIO LAND SURVEYOR

APRIL 25, 2018  
DATE

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OWNER : 43CHURCH.CA INC.  
  
RAINER HUMMEL  
DIRECTOR

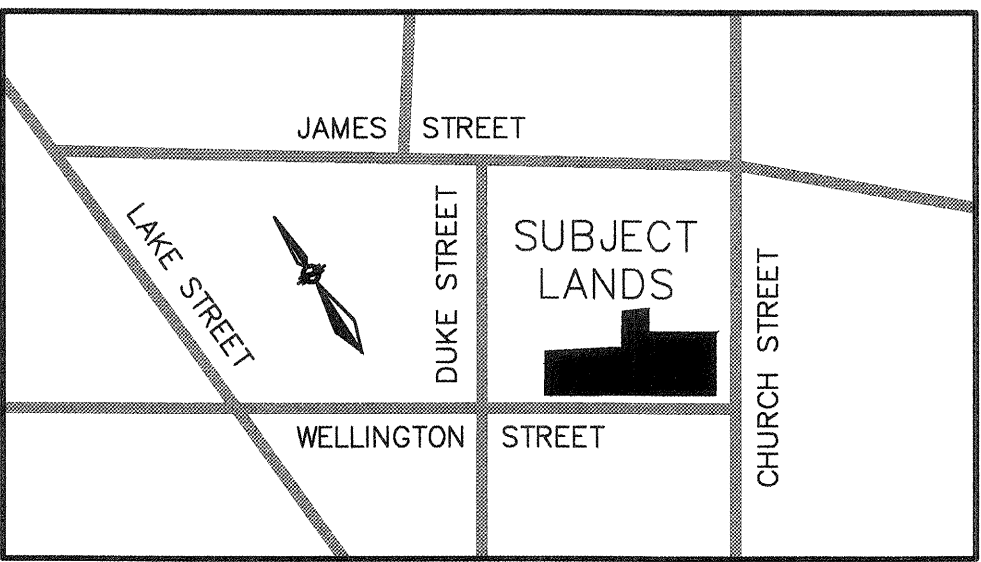
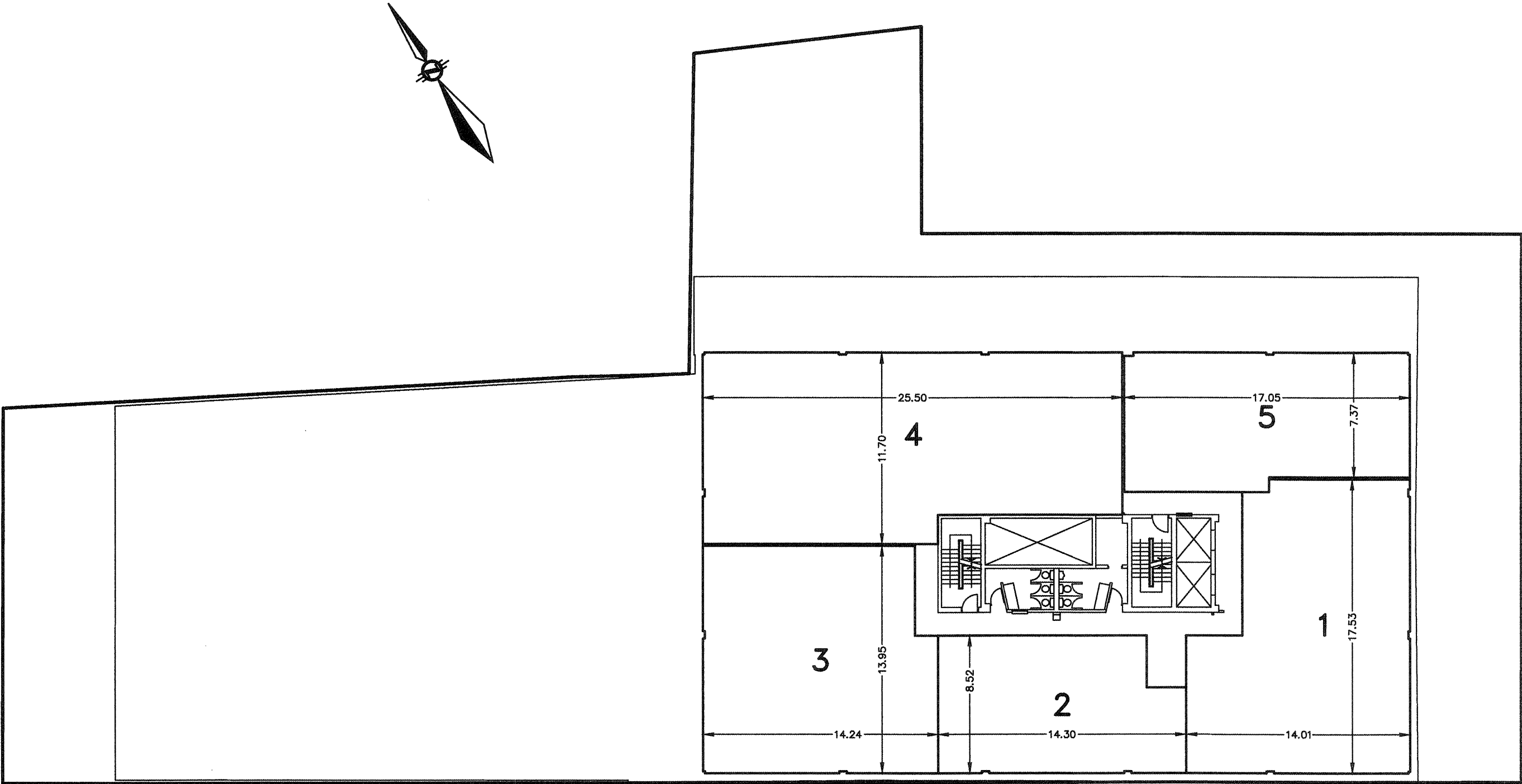
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GENERAL NOTES

- 1. INTERIOR UNITS 1, 2, 3, 4, 5, 7 & 8
- 2. EXTERIOR UNITS 6 & 9
- 3. EXTERIOR PARKING UNITS 10-13 (INCLUSIVE)

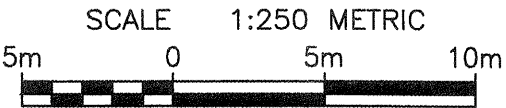
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DWG.FILE : 2017-082-08(2) --



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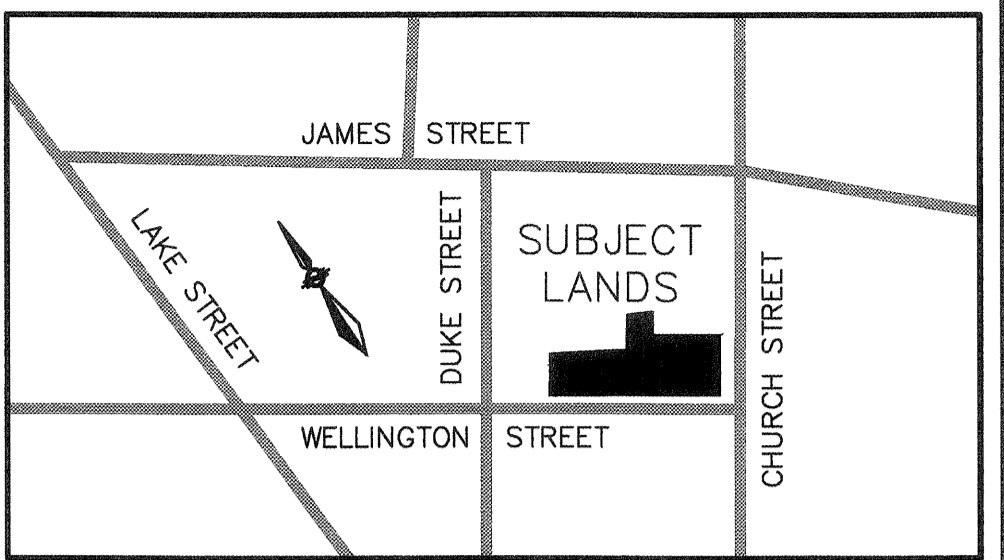
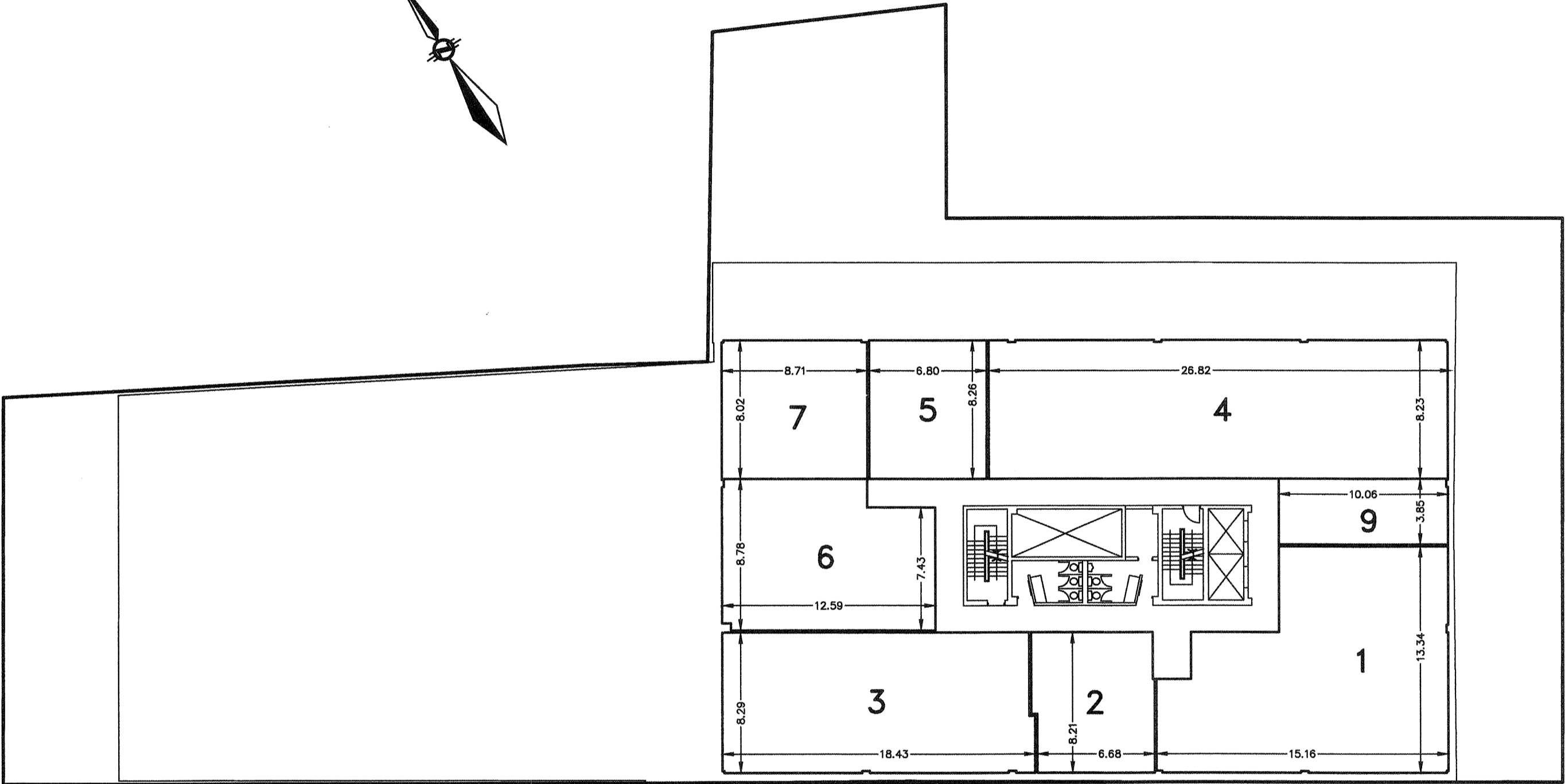
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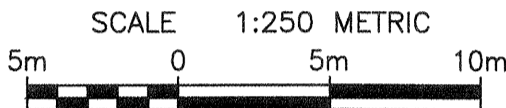
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Planning and Building Services, Planning Services Planning Act Public Me...



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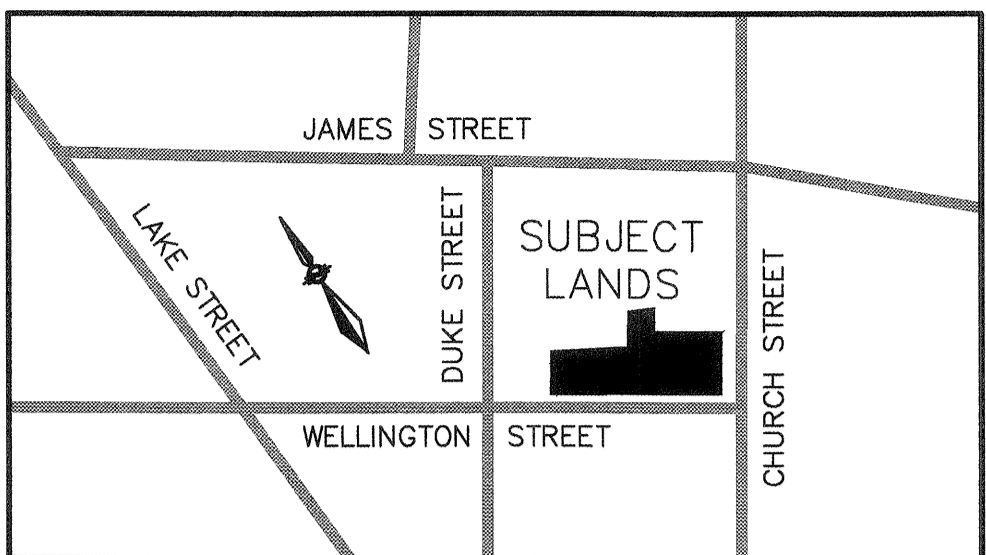
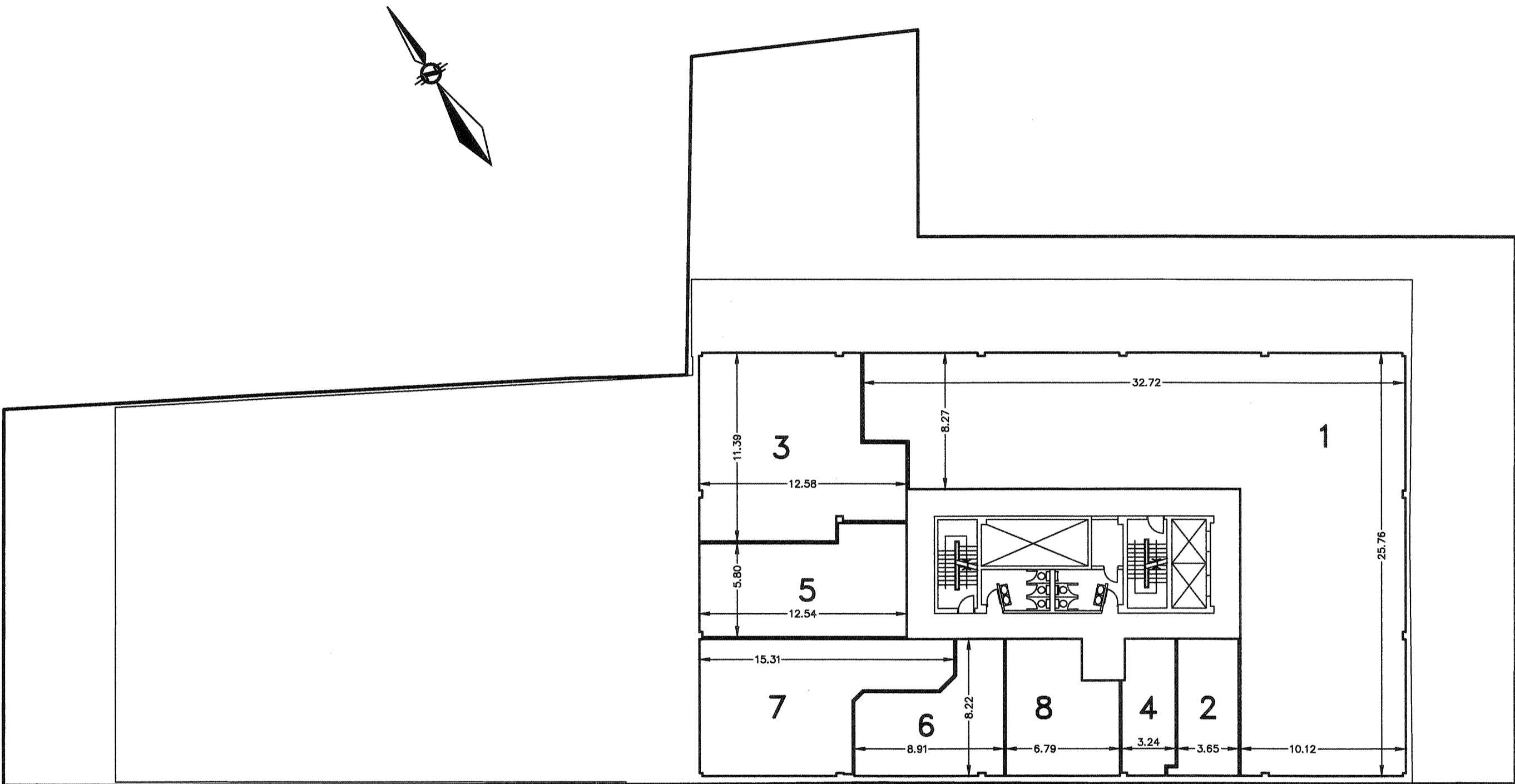
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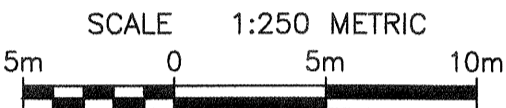
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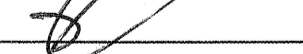
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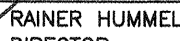
  
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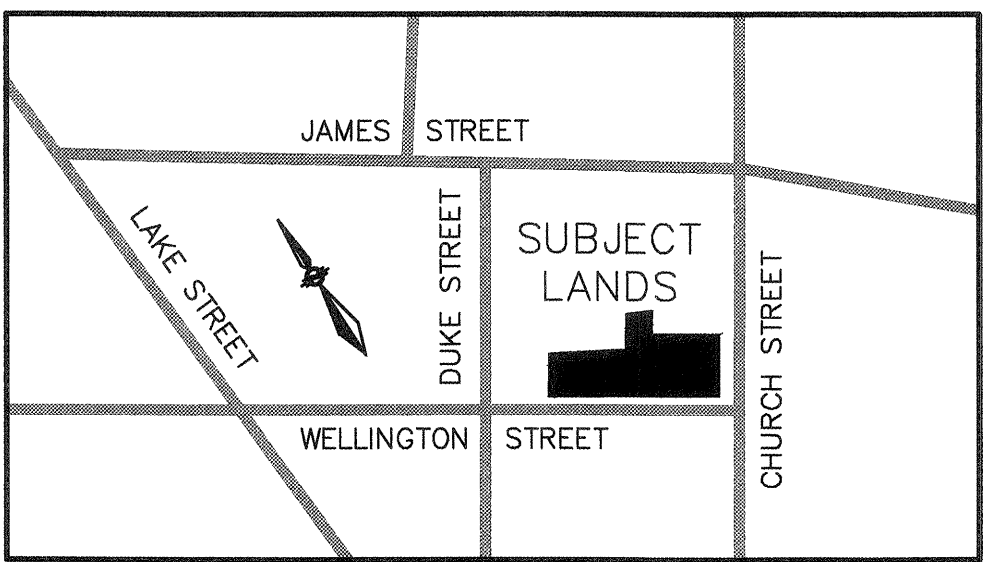
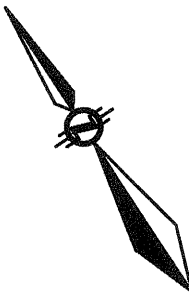
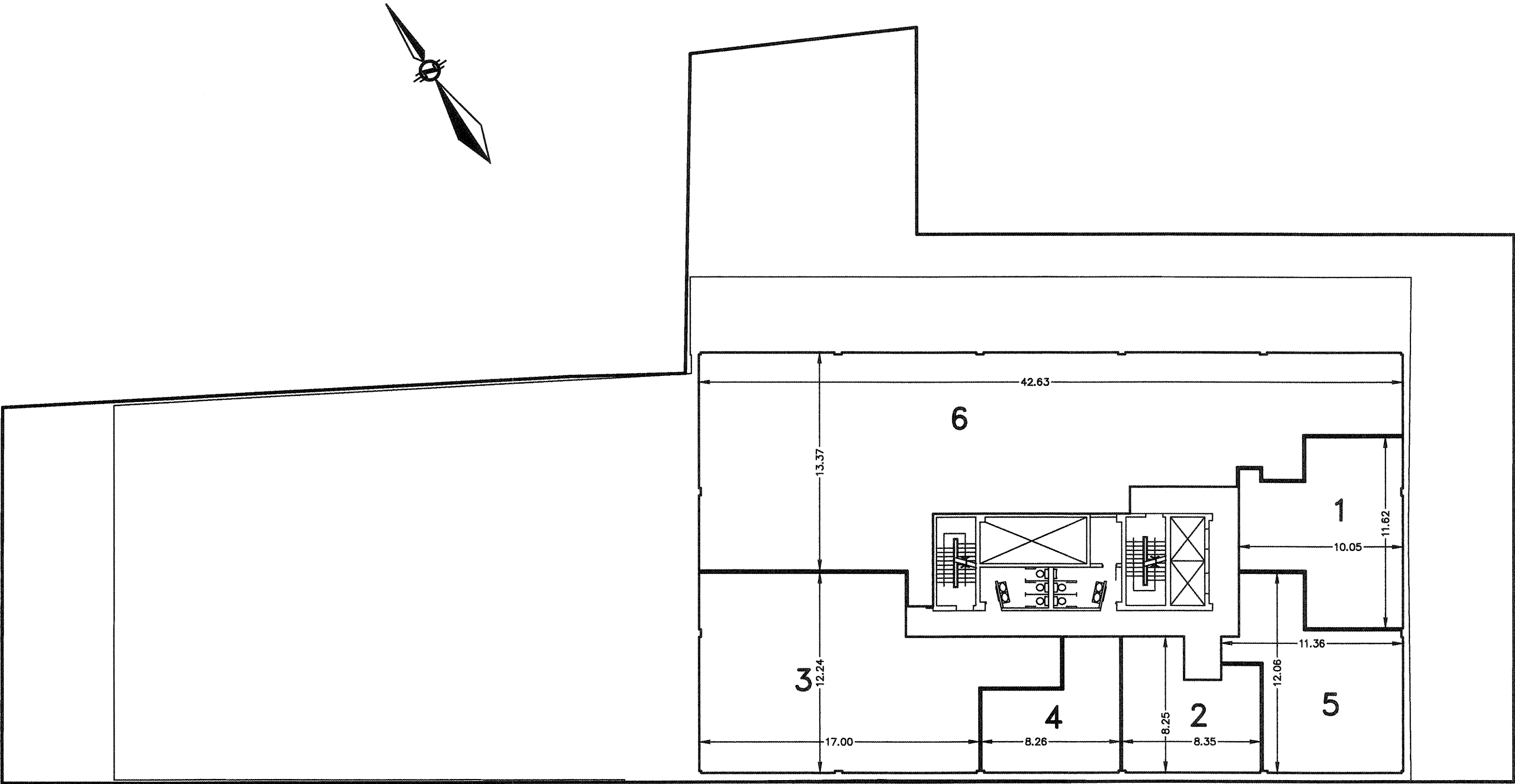
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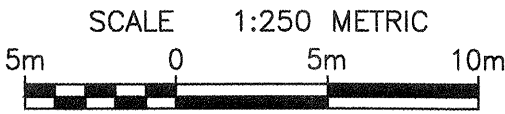
  
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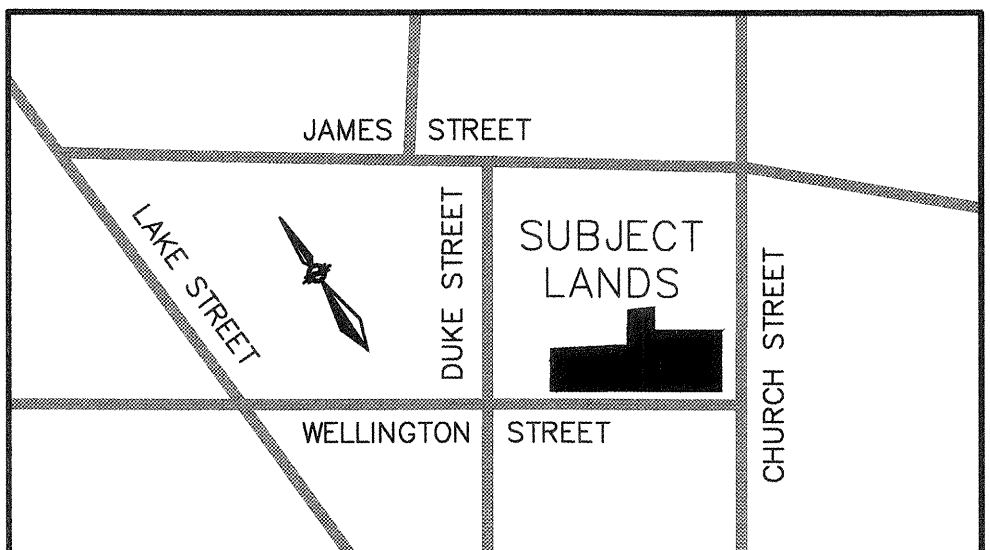
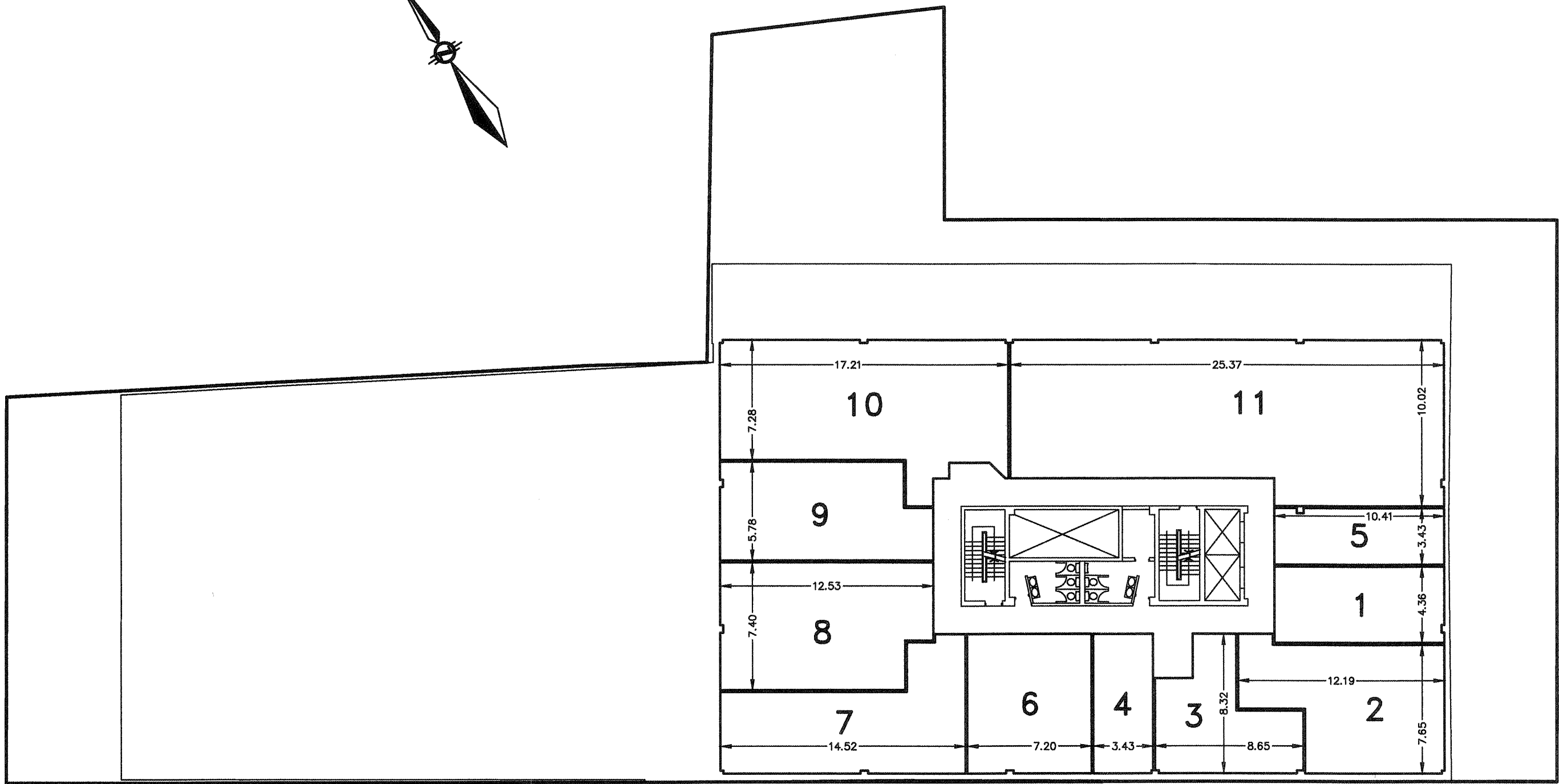
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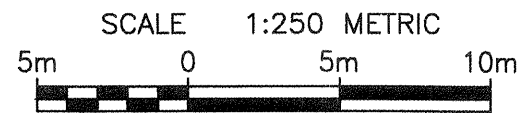
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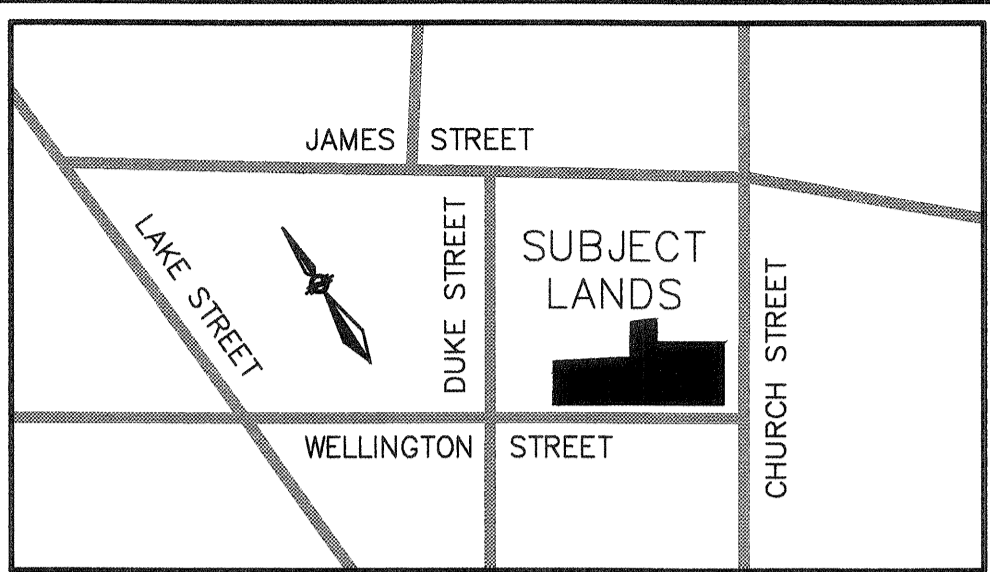
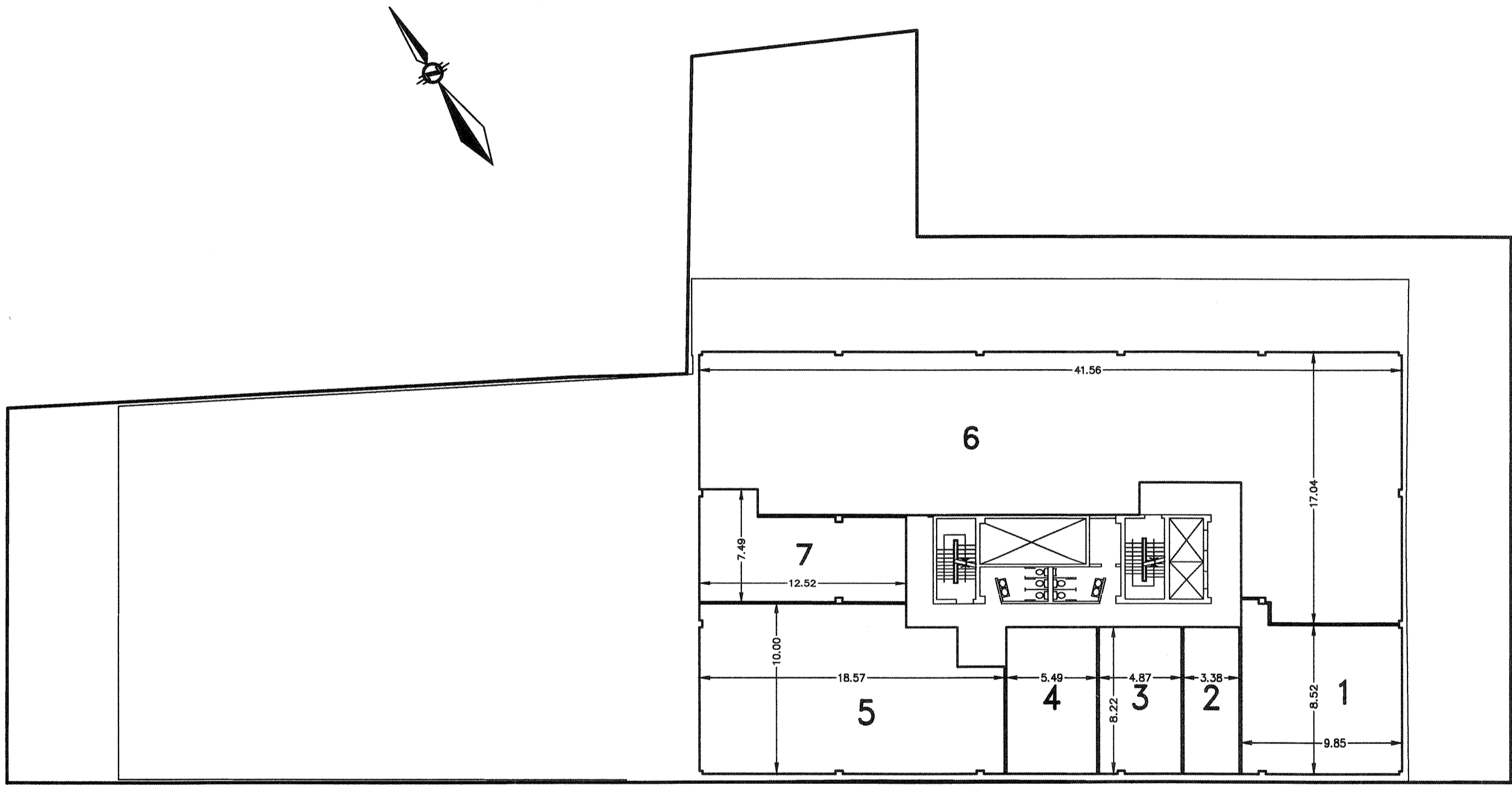
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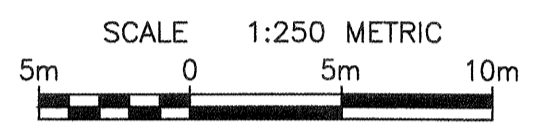
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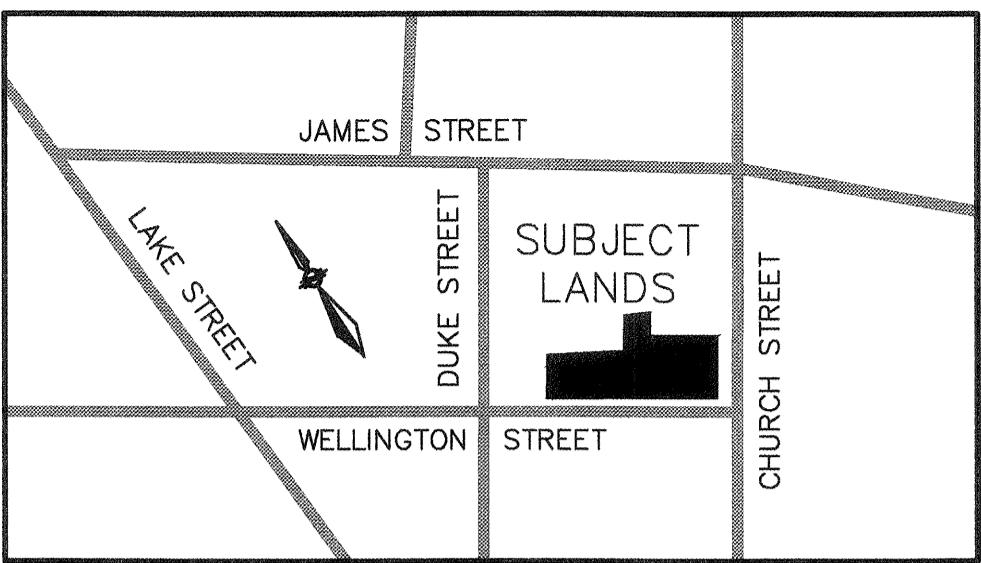
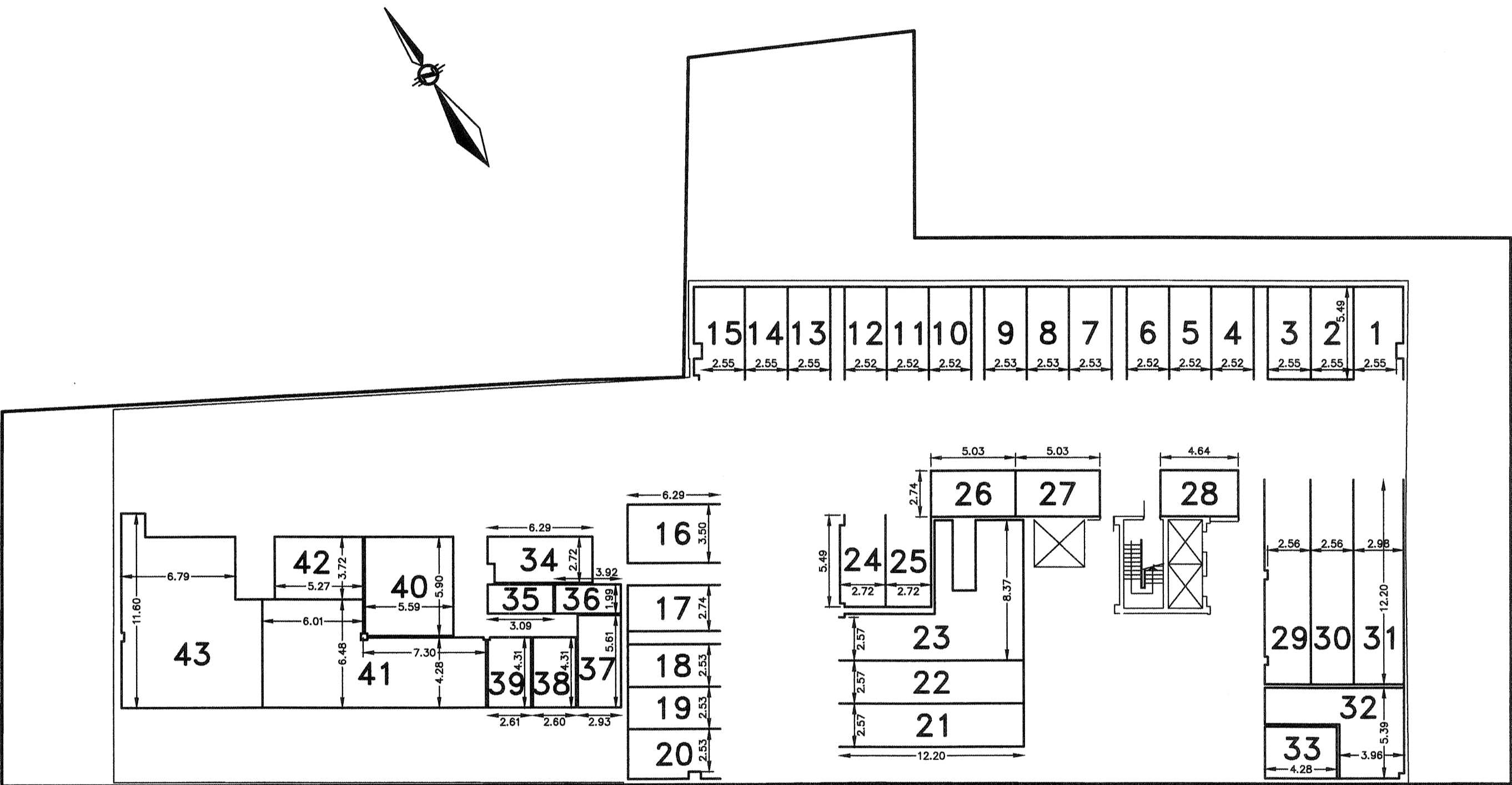
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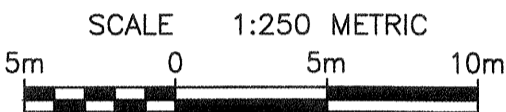
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LEVEL A - BASEMENT



KEY PLAN  
SCALE 1:4000

DRAFT PLAN OF CONDOMINIUM  
PART OF LOTS 680 TO 687 (INCLUSIVE)  
CORPORATION PLAN No. 2  
CITY OF ST. CATHARINES  
REGIONAL MUNICIPALITY OF NIAGARA



SECTION 51 (17), PLANNING ACT  
ADDITIONAL INFORMATION

- A) AS SHOWN ON DRAFT PLAN
- B) AS SHOWN ON DRAFT PLAN
- C) AS SHOWN ON DRAFT PLAN
- D) AS SHOWN ON DRAFT PLAN
- E) AS SHOWN ON DRAFT PLAN
- F) AS SHOWN ON DRAFT PLAN
- G) AS SHOWN ON DRAFT PLAN
- H) MUNICIPAL WATER AVAILABLE
- I) MAINLY LACUSTRINE HEAVY CLAY
- J) AS SHOWN ON DRAFT PLAN
- K) ALL MUNICIPAL SERVICES AVAILABLE
- L) AS SHOWN ON DRAFT PLAN

LEGEND

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT PLANTED
- CC DENOTES CUT-CROSS
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- (539) DENOTES D. G. URE, O.L.S.
- (1257) DENOTES RICHARD LAROCQUE, O.L.S.
- (1339) DENOTES W. A. MASCOE, O.L.S.
- (WIT) DENOTES WITNESS
- BOLL DENOTES BOLLARD
- BP DENOTES BELL PEDESTAL
- CB DENOTES CATCH BASIN
- CLS DENOTES CONCRETE LIGHT STANDARD
- GM DENOTES GAS METER
- GV DENOTES GAS VALVE
- MH DENOTES MANHOLE
- MS DENOTES METAL SIGN
- PM DENOTES PARKING METER
- UCP DENOTES UTILITY CONTROL PANEL
- 108.00 DENOTES EXISTING ELEVATION
- DENOTES DECIDUOUS TREE

SURVEYOR'S CERTIFICATE

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

BRENT LAROCQUE  
ONTARIO LAND SURVEYOR

APRIL 25, 2018  
DATE

OWNER'S CERTIFICATE

I HEREBY CERTIFY THAT 43CHURCH.CA INC.  
IS THE OWNER OF THE LAND OUTLINED IN HEAVY LINE ON THE PLAN  
AND HEREBY AUTHORIZES THE SUBMISSION OF THIS PLAN FOR APPROVAL.

OWNER : 43CHURCH.CA INC.

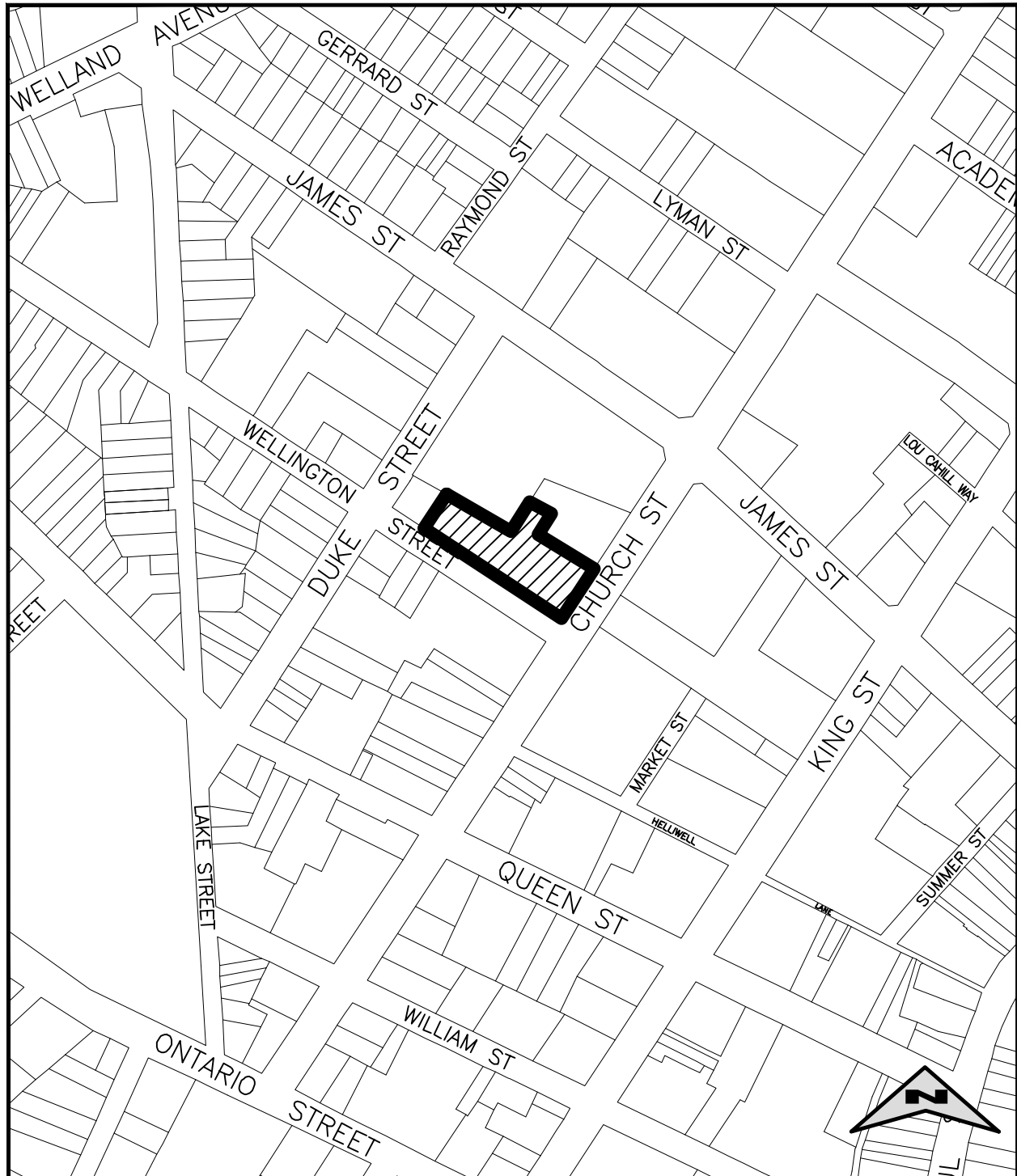
RAINER HUMMEL  
DIRECTOR

APRIL 25, 2018  
DATE

GENERAL NOTES

- 1. INTERIOR PARKING UNITS 1-31 (INCLUSIVE)
- 2. STORAGE UNITS 32-43 (INCLUSIVE)

## Location Map



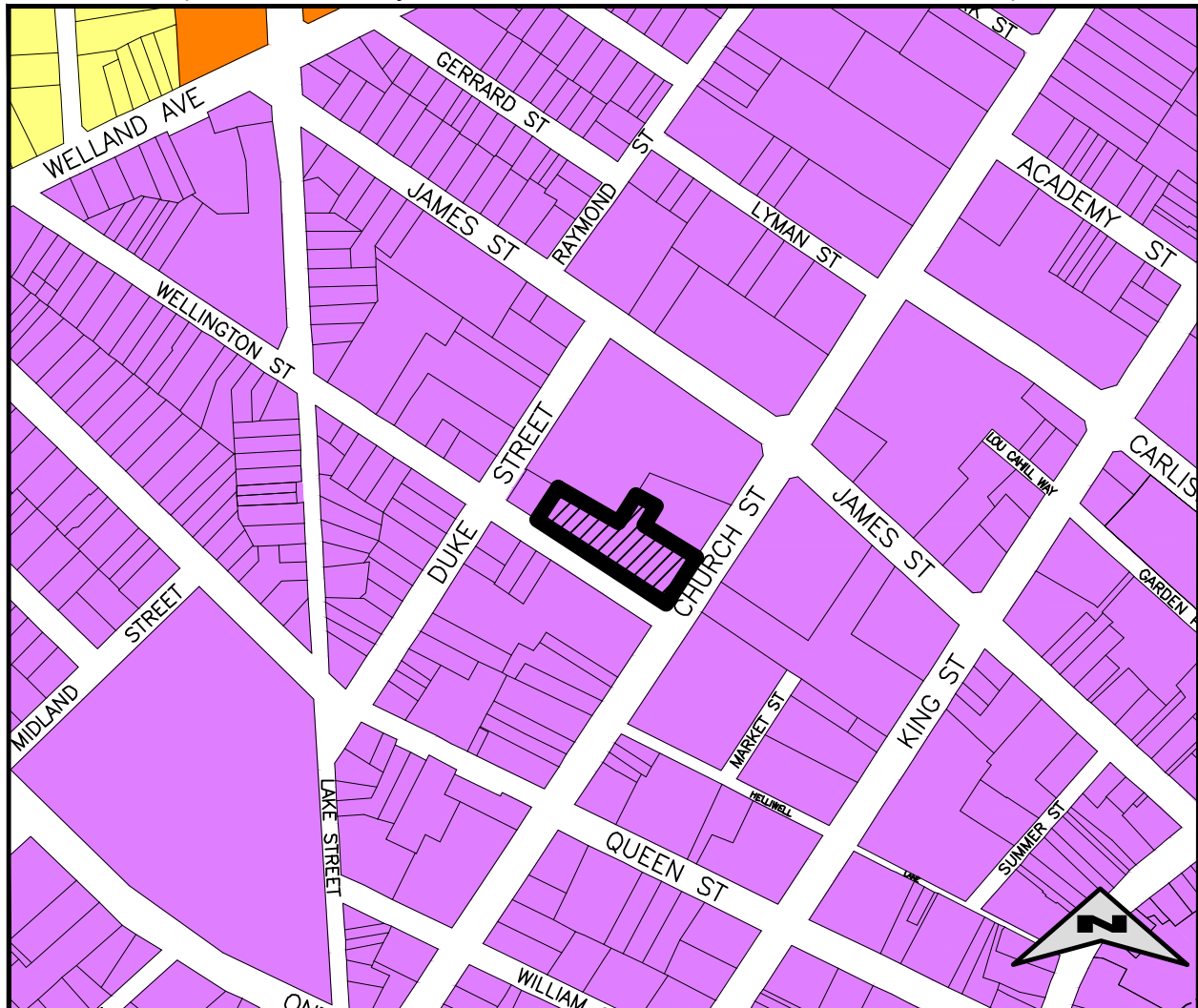
 Subject Lands

43 Church Street

File: 60.46.443




## Existing Land Use Designation

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



Subject Lands  
43 Church Street

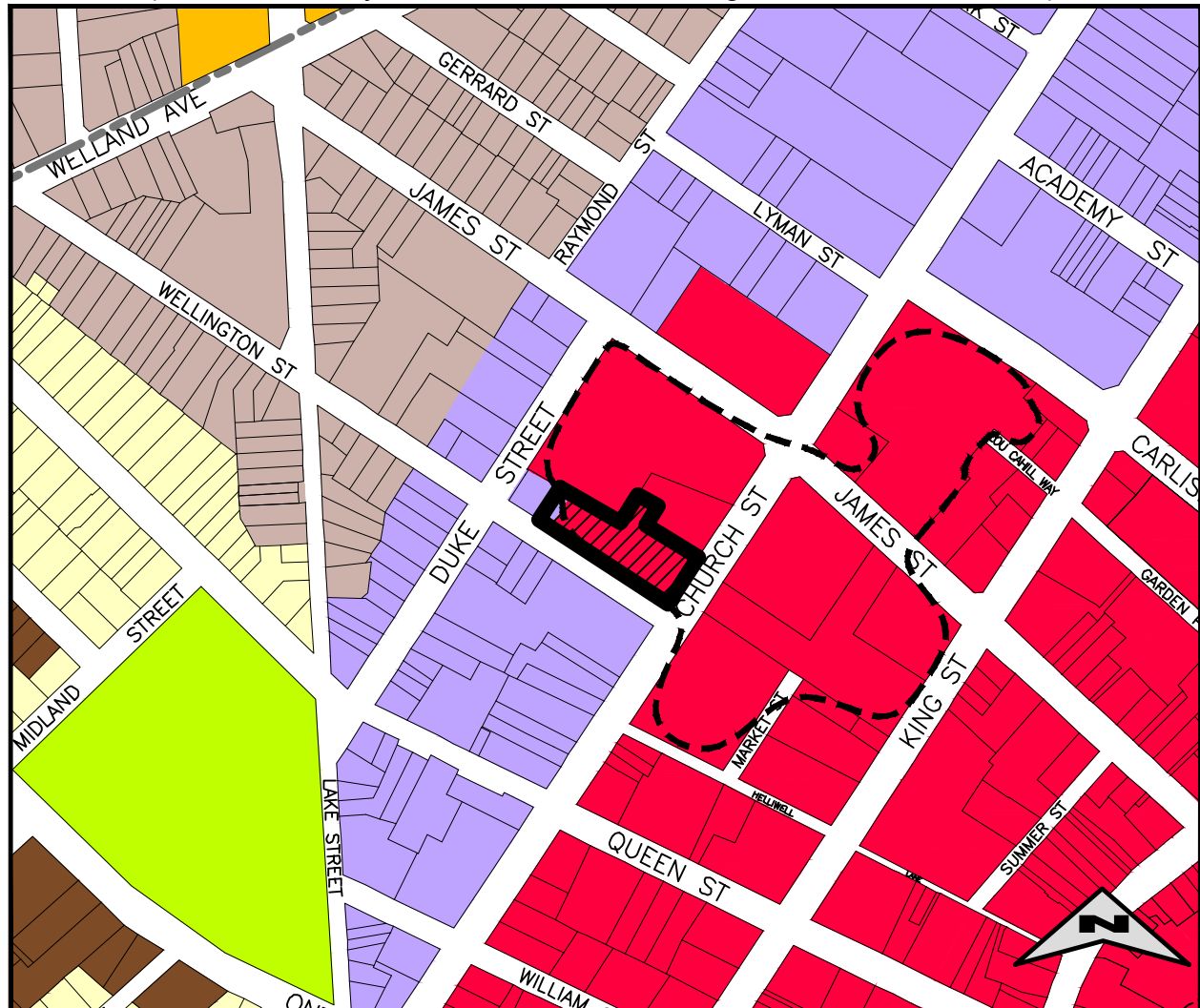
### Land Use Designations

	Neighbourhood Residential		Downtown
	Mixed Use		

File: 60.46.443

## Existing Land Use Designation

(The Garden City Plan - Downtown Planning District, Schedule E10)



Subject Lands

43 Church Street

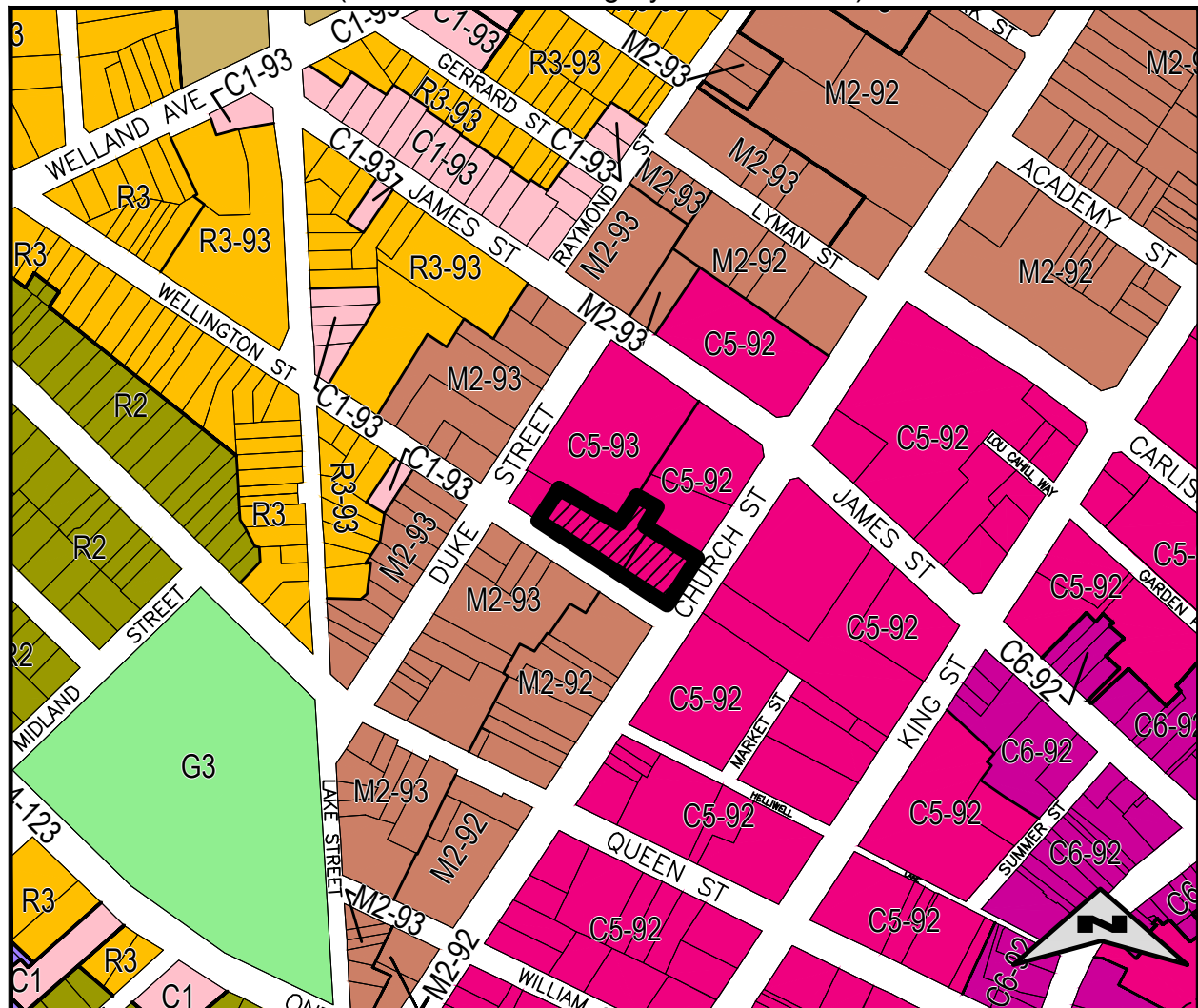
### Land Use Designations

 Low Density Residential	 Mixed Use
 Medium Density Residential	 Commercial Core
 Medium High Density Residential	 Parkland & Open Space
 Mixed Medium High Density Residential / Commercial	 Planning District Boundary
	 Civic Square Area

File: 60.46.443

## Existing Zoning

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



**Subject Lands**

**43 Church Street**

### Zones

- R2** Low Density Residential  
- Traditional Neighbourhood
- R3** Medium Density Residential
- C1** Local Convenience Commercial
- C5** Downtown Commercial Core

- C6** Downtown Traditional Main Street
- M1** Medium Density Mixed Use
- M2** Medium / High Density Mixed Use
- G3** Major Green Space

File: 60.46.443

**By-laws to be considered Monday, August 13, 2018**

- (a) A By-law to authorize a contract with Dambro Environmental Inc. (One reading - with respect to 2018 CCTV Sewer Inspection, under Project No. P18-014. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with Demar Construction Inc. (One reading - with respect to Municipal Services Improvements - Rivercrest Drive, under Project No. P13-067. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a tender award to Ben Berg Farm and Industrial Equipment Ltd. (One reading - with respect to three (3) Narrow Width Specialty Tractors, under RFT No. 18-15. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading - with respect to Parking Prohibitions on Hillcrest Avenue. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to amend By-law No. 89-2000 entitled "A By-law regulating traffic and parking on City Roads." (One reading - with respect to addition of Lowell Avenue to One-Way Highways. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-law No. 2002-81 entitled "A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers." (One reading - with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to amend By-law No. 2014-253 entitled "A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act." (One reading - with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to authorize the acceptance of a conveyance of certain lands from 2494551 Ontario Inc. for the widening along Lloyd Street. (One reading - with respect to 4 Lloyd Street. Delegation By-law No. 2004-277, as amended.)
- (i) A By-law to remove certain lands from part lot control. (One reading - with respect to 11 (15) Manhattan Court. Delegation By-law No. 2004-277, as amended.)
- (j) A By-law to remove certain lands from part lot control. (One reading - with respect to 35 Francesco Drive. Delegation By-law No. 2004-277, as amended.)
- (k) A By-law to authorize a Servicing Agreement with Mark Mirabella. (One reading - with respect to installation of private sanitary sewer for 29 Power Glen. Delegation By-law No. 2004-277, as amended.)

- (l) 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 Rodman Hall designation under Part IV of Ontario Heritage Act. Special Council, May 23, 2018, Item No. 6.1.)
- (m) A By-law to authorize a Lease Agreement with Beattie Stationary Limited. (One reading - with respect to City's Print Centre production digital copier and printers. To be considered by General Committee, August 13, 2018.)
- (n) A By-law to delegate authority respecting administration of business licensing of adult entertainment parlours and body rub parlours to the Regional Municipality of Niagara and to authorize an agreement to govern such delegation. (One reading - with respect to Adult Entertainment and Body Rub Parlours. To be considered by General Committee, August 13, 2018.)
- (o) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading - with respect to 50 Herrick Avenue. To be considered by Council, August 13, 2018.)
- (p) 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 40 Woodburn Avenue and 50 Herrick Avenue. To be considered by Council, August 13, 2018.)
- (q) A By-law to confirm the proceedings of council at its meeting held on the 13<sup>th</sup> day of August, 2018. (One reading - with respect to confirming the proceedings of the meeting held on August 13, 2018.)