



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, September 24, 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 [September 10, 2018](#)
 - 3.2 General Committee, Minutes of [September 10, 2018](#)
- 4. Declarations of Interest**
- 5. Public Meetings Pursuant to Planning Act and Notice By-law**

5 - 54

- 5.1 Public Meeting Pursuant to Planning Act**
Planning and Building Services, Planning Services
Planning Act Continuation of Public Meeting – Recommendation Report
Proposed Official Plan Amendment, Zoning By-law Amendment, Draft
Plan of Subdivision to Permit Residential Development, 75 Oliver Lane,
Owner: Oliver Lane Property Corp., Agent: IBI Group
(Report contains links; copies available upon request)

55 - 75

- 5.2 Public Meeting Pursuant to Planning Act**
Planning and Building Services, Planning Services
Planning Act Continuation of Public Meeting – Recommendation Report
Applications for Official Plan Amendment and Zoning By-law Amendment;
99 South Drive; Owner: 1473941 Ontario Ltd.; Agent: Adele Arbour
(Report contains links; copies available upon request)

76 - 84

- 5.3 Public Meeting Pursuant to Planning Act**
Planning and Building Services, Planning Services
Planning Act Continuation of Public Meeting – Recommendation Report
Application for Draft Plan of Standard Condominium; 6, 6A, and 10
Dalhousie Avenue; Owner: The Beaches at Port Inc.; Agent: Niagara
Planning Group
(Report contains links; copies available upon request)

Page

- 85 - 115 5.4 **Public Meeting Pursuant to Planning Act**
Planning and Building Services, Planning Services
Planning Act Continuation of Public Meeting – Recommendation 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
(Report contains links; copies available upon request)
- 116 - 122 5.5 **Public Meeting Pursuant to Planning Act**
Planning and Building Services, Planning Services
Planning Act Continuation of Public Meeting – Recommendation Report
Amendment to Zoning By-law 2013-283 (City Initiated) Section 2.3,
Buildings on One Lot
(Report contains links; copies available upon request)
- 123 - 127 5.6 **Public Meeting Pursuant to Notice By-law**
Planning and Building Services, Building and Development
Amendment to Nuisance By-law Regarding Graffiti and Associated
Rates and Fees

6. Delegations

- 6.1 Debra Tappan, Ron McNeil and Holly McNeil
Re: Lorne Street Curbs
(see General Committee Agenda, September 24, 2018, Item 4.9,
Additional Correspondence)
- 6.2 Doris Duhamel, ---[*name redacted at discretion of City Clerk*]--- and
Angela DiPadre
Re: Parking restrictions on Ellis Avenue
(see Council Agenda, Motions, Item 8.3)

7. Presentations

8. Motions

- 8.1 City of Kingston Community Safety Pilot Project
*At the meeting of September 10, 2018, Councillor Siscoe provided
notice that he would present the following motion at the meeting of
September 24, 2018:*

WHEREAS the City of Kingston has developed a pilot project to work on
enhancing safety in their community with respect to public drunkenness
and rowdiness; and

WHEREAS this program involves publicly naming individuals in violation
of Kingston's Nuisance By-law; and

WHEREAS the program is supported by Queen's University and can also lead to discipline by the school if students are found to be in violation of the City's Nuisance By-law; and

WHEREAS the City of St. Catharines has struggled to curb some of the more 'excessive' elements of partying occurring in residential neighbourhoods on city streets;

THEREFORE BE IT RESOLVED that Council direct staff to investigate the Kingston pilot project, as reported in the St. Catharines Standard on September 7, 2018; and

BE IT FURTHER RESOLVED that staff present a program to Council in advance of St. Patrick's Day for implementation of a program that achieves similar ends as Kingston's program; and

BE IT FURTHER RESOLVED that staff immediately engage with Brock University and Niagara College and their student unions to obtain their support of the program, similarly to the support offered by Queen's University in Kingston.

- 8.2 Report on Operating Out of the Cold at a City Facility
At the meeting of September 10, 2018, Councillor Britton provided notice that he would present the following motion at the meeting of September 24, 2018:

WHEREAS the community Out of the Cold program is at risk of closing, leaving many of our community's most vulnerable at risk this 2018-2019 winter season; and

WHEREAS on June 11, 2018, Council agreed to suspend requests for reports following the June 25, 2018 Council meeting, save and except for emergency situations to be discussed with the Chief Administrative Officer; and

THEREFORE BE IT RESOLVED that City Council reconsider the June 11, 2018 resolution suspending requests for reports on a one-time basis; and

BE IT FURTHER RESOLVED that City Council direct staff to prepare a report for the next meeting of Council outlining opportunities to offer space at City Facilities (including, but not limited to, Rex Stimers Arena)

Page

to the Out of the Cold program on a temporary basis if they cannot find a permanent home for this winter season.

8.3 Parking Restrictions on Ellis Avenue

That Council direct staff to survey the residents of Ellis Avenue regarding parking restrictions on either one side or both sides of the street.

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

128 - 130

13.1 Reading of By-laws

14. Agencies, Boards, Committee Reports

14.1 Minutes to Receive:

- Arts and Culture Advisory Committee, [July 10, 2018](#)
- Green Advisory Committee, [August 15, 2018](#)
- Heritage Permit Advisory Committee, [August 30, 2018 \(draft\)](#)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: August 27, 2018

Date of Meeting: September 24, 2018

Report Number: PBS-200-2018

File: 60.30.332, 60.35.1013, 60.46.132

Subject: Planning Act Continuation of Public Meeting – Recommendation Report - Proposed Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision to Permit Residential Development, 75 Oliver Lane, Owner: Oliver Lane Property Corp., Agent: IBI Group

Recommendations

Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan), for the lands described as Part Lot 8, Concession 9, geographic Township of Grantham, St. Catharines, municipally known as 75 Oliver Lane, as identified in Appendix 11, as follows:

That Part E, Section 15.5.1 be amended by adding the following after section 15.5.1.j)

- k) Notwithstanding the Medium Density Residential designation, a density of up to 163 units per hectare shall be permitted on a portion of the lands municipally known as 75 Oliver Lane, identified in the plan below:



That Council advise the Local Planning Appeal Tribunal (LPAT) of its position, given this application has been appealed by the owner to the Local Planning Appeal Tribunal, (LPAT) under the procedures of the former Ontario Municipal Board (OMB); and

That Council acknowledge that public input has been received, considered and has informed the position of Council; and

That Council authorize the City Solicitor or her designate and appropriate staff to respond to the current appeal before the LPAT regarding Case No. PL180351; and

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

Zoning By-law Amendment

That Council approve amendments to the City of St. Catharines Zoning By-law, 2013-283 for a portion of the lands described as Part Lot 8, Concession 9, geographic Township of Grantham, St. Catharines, municipally known as 75 Oliver Lane, as follows:

- a) That for Area A as shown on Appendix 12, Section 15.1, Schedule A (A22), Zoning Maps, be amended by changing the zoning of the subject lands from Medium Density Residential, Holding Provision 1 (R3-H1) to Medium Density Residential, Special Provision 152 (R3-152) as outlined in Appendix 3; and
- b) That for Area B, as shown on Appendix 12, Section 15.1, Schedule A (A22), Zoning Maps, be amended by changing the zoning of the subject lands from Medium Density Residential, Holding Provision 1 (R3-H1) to Medium Density Residential (R3) as outlined in Appendix 3; and
- c) That Section 13.1 'List of Special Provisions', for lands known as 75 Oliver Lane, be amended by adding Special Provision 152, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
152	R3	22		75 Oliver Lane	
1.	Maximum density			163 units per hectare	
2.	Minimum front yard setback			4.9 m	
3.	Minimum rear yard setback			7.4 m	

That Council advise the Local Planning Appeal Tribunal (LPAT) of its position, given this application has been appealed by the owner to the Local Planning Appeal Tribunal, (LPAT) under the procedures of the former Ontario Municipal Board (OMB); and

That Council acknowledge that public input has been received, considered and has informed the position of Council; and

That Council authorize the City Solicitor or her designate and appropriate staff to respond to the current appeal before the LPAT regarding Case No. PL180351; and

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

Draft Plan of Subdivision

That Council approve the application for draft plan of subdivision approval, for lands described as Part Lot 8, Concession 9, geographic Township of Grantham, St. Catharines, municipally known as 75 Oliver Lane, creating one block for residential apartment buildings (Block 3); two new public streets (Street A - Oliver Lane extension and Street B - a new street to service future development to the east); 2 lots for semi-detached dwelling units (Lots 1 & 2) one block (Block 4) for future development with abutting lands to the east, and Blocks 5 & 6, being 0.3 metre reserves to control access to the new public streets, subject to conditions outlined in Appendix 4 to this report; and

That the draft plan of subdivision be granted for a period of three years from the date of approval; and

That the draft plan of subdivision approval shall lapse after 3 years from the date of approval, unless a request for extension has been submitted, reviewed and approved prior to the lapsing date; and

That Council advise the Local Planning Appeal Tribunal (LPAT) of its position, given this application has been appealed by the owner to the Local Planning Appeal Tribunal, (LPAT) under the procedures of the former Ontario Municipal Board (OMB); and

That public input has been received, considered and has informed the position of Council; and

That Council authorize the City Solicitor or her designate and appropriate staff to respond to the current appeal before the LPAT regarding Case No. PL180351; and

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

Site Plan Considerations

That Council direct staff to consider the following matters through the site plan process, should the LPAT approve the related planning applications, currently under appeal:

- a) To provide additional landscaping to mitigate the loss of the mature tree on site, including 80 mm caliper tree plantings at 6-9 metre spacing along the north lot line and along Street A - the Oliver Lane extension;
- b) To include design elements and elevations, materials and colours that promote a comfortable and interesting pedestrian experience at grade along Street A – Oliver Lane extension as well as the inclusion of appropriate detailing and articulation on the side and rear walls of the buildings including balcony placement;
- c) That the site plan agreement contain clauses that will require the mitigation of any negative impacts of construction on the surrounding area, including but not limited to noise and mud-tracking

- d) The location, extent and enclosure of rooftop mechanical equipment, including elevator overruns and stairs so that the appearance of height is minimized and views are not impacted.

Land Use and Development Plan

That Council direct staff to undertake an amendment to the Garden City Plan (Official Plan) to establish a Land Use and Development Plan generally in accordance with Appendix 10 to provide a blueprint for development for all remaining vacant greenfield lands at the north west corner of Welland Canal Parkway and Glendale Avenue.

Application Summary

Official Plan Amendment

The application seeks to retain the Medium Density Residential land use designation but add a special exception to permit a density increase from 99 units per hectare to a maximum of 163 units per hectare for the lands to be occupied by apartment buildings on Block 3.

Zoning By-law amendment

The application requests to make the following revisions to Medium Density Residential R3 zoning pertaining to the site:

- i) Remove the Holding (H) provision since remediation has been completed and a record of site condition has been fulfilled.
- ii) Increase the permitted density for the apartment block (Block 3) from 99 units per hectare to a maximum of 163 units per hectare,
- iii) Include site specific setbacks for the apartment block (Block 3) to reflect the site layout as proposed.

Draft Plan of Subdivision

The application seeks approval to create 2 lots and 4 blocks for residential development in the form of semi-detached dwelling units, and apartment buildings (4 storeys) and the extension of Oliver Lane (Street 'A'), and a new Street 'B'.

Other considerations

Recommendations also include direction for site plan approval to address certain site design requirements. Additionally, staff seek direction to undertake the approval of a Land Use and Development Plan for the area south and east of the subject lands.

Staff is recommending approval of these applications, on the basis that they have regard for matters of Provincial interest, are consistent with the Provincial Policy Statement, conform to, and do not conflict, with the Growth Plan for the Greater Golden Horseshoe, and conform to, and do not conflict, with the Region of Niagara's Official Plan and meet the general intent of the City's Official Plan.

Background

In accordance with the Planning Act, a Statutory Public Meeting for the subject applications was held by Council on March 5, 2018. This Recommendation Report

follows the [Information Report](#) (Report PBS-041-2018 linked here, and copy available upon request) which outlined the proposed application, planning context, and policies, circulation and Open House comments. The Information Report was received by Council at the March 5, 2018, Public Meeting. Council did not close but rather adjourned the Public Meeting at that time. Several residents spoke at the Public Meeting. Comments raised at the Public Meeting are detailed later in this report.

Since the Public Meeting, the applicant has provided the following updated submissions:

Functional Servicing Report:

- Updated to demonstrate that there is sufficient sanitary sewer capacity for the adjacent greenfield lands (not subject to this application).

Amended Draft Plan of Subdivision:

- Street B has been realigned to address staff comments relating to the preferred road alignment to best accommodate the future development of adjacent lands to the east and south.

Amended Site Plan:

- Revised to reflect changes to the Draft Plan of Subdivision, accommodating the preferred road alignment for future development of adjacent lands as mentioned above.

Amended Architectural Concept Elevations:

- Revised to address staff comments about the architectural design of the apartment building along the Oliver Lane extension. The new elevations provide more vertical breaks in the elevation with changes in materials, colours and balcony placements to ensure compatibility with the public realm. It should be noted that the elevations will be further refined through the site plan process.

Appeals

On March 29, 2018, the City received notice of the following appeals:

Planning Act Section	Application Type	Reason for Appeal
22(7)	Official Plan Amendment	Council failed to adopt the requested amendment within 180 days.
34(11)	Zoning By-law Amendment	Council failed to make a decision on the application within 120 days.
51(34)	Draft Plan of Subdivision	Council failed to make a decision on the plan within 180 days.

Staff understand that the appeals that were submitted by the applicant were to retain appeal rights under the former Ontario Municipal Board rules and procedures, which are substantially different than the recently approved LPAT rules and procedures.

Notwithstanding the appeals, staff have continued to review the applications with the view to presenting a recommendation to Council. Although Council is not able to formally approve the applications, since they are under appeal, Council is able to establish a position which would be forwarded to LPAT for consideration in its deliberation on the appeals.

The City has received Notice from the Local Planning Appeals Tribunal (LPAT), formerly the Ontario Municipal Board (OMB), that a Prehearing Conference has been scheduled for October 29, 2018.

The LPAT has instructed the applicant to deliver the Notice of Prehearing to every land owner within 120 metres of the subject lands, and any other person or public body that submitted a written request to the City to receive notice of Council's decision. In accordance with the Notice, the LPAT will deal with the identification of planning issues and procedural matters, including the identification of parties and participants. Persons who wish to be added as a party or participant to the Hearing should attend the Prehearing Conference.

Report

Proposed Development

The applicant is seeking approval for the applications outlined below:

Official Plan Amendment

- Increase the maximum permitted density from 99 units per hectare to 163 units per hectare for Block 3 containing the 4 storey apartment buildings as illustrated in Appendix 11.
- The proposed semi-detached dwelling units on Lots 1 and 2 yield a density of 34.5 units per hectare and fall within the permitted density permissions (25 - 99 units per hectare) and, therefore, are not part of the official plan amendment.

Zoning By-law Amendment:

- Removal of the Holding (H) provision since the environmental cleanup is complete and in accordance with provincial regulations.
- Increase in the maximum permitted density from 99 units per hectare to 163 units per hectare for Block 3 containing the 4 storey apartment buildings.
- reduce certain specified setbacks to accommodate the proposed site design.

The proposed zoning amendment is illustrated in Appendix 3.

Draft Plan of Subdivision

- Lots 1 and 2: two semi-detached dwelling units up to a maximum height of 11 metres
- Block 3: 3 apartment buildings, 4 storeys in height, containing a total of 248 residential units (Building A – 78 units, Building B - 86 units, Building C - 84 units)
- Street A being a new public street as the southerly extension of Oliver Lane ending in a temporary turning circle at the south end of the subject lands, until

such time as future development triggers further extension to Glendale Avenue together with related 0.3 metre reserves (Blocks 5 and 6).

- Street B being a new street to ultimately extend easterly when vacant lands to the east develop.
- Block 4 is intended for future development and will likely merge with vacant lands to the east.

The proposed Draft Plan of Subdivision is attached as Appendix 1 and a conceptual site plan is attached in Appendix 2.

Planning Analysis

Planning Policy Context

The decision of an approval authority on planning applications must be consistent with the Provincial Policy Statement, 2014, and must conform with and not conflict with Provincial plans, upper-tier official plans and meet the general intent of the lower-tier official plan. Accordingly, planning staff have evaluated these applications against the policies of the Provincial Policy Statement, 2014 (PPS), the Provincial Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan), the Regional Official Plan (ROP), and the Garden City Plan (GCP), all of which apply to the proposal, and staff recommendations have been formulated accordingly.

Planning comment

The subject lands are located within the St. Catharines Urban Area, as defined by the ROP. The St. Catharines Urban Area is considered as a Settlement Area by the PPS. The ROP, PPS and Growth Plan together direct development to take place in urban areas to support intensified development and to build upon existing servicing and infrastructure.

Provincial Policy Statement, 2014 (PPS)

The PPS provides direction on matters of Provincial interest related to land use planning and development. Section 3(5) of the Planning Act stipulates that decisions of Council “shall be consistent” with the PPS. The subject lands are located within a settlement area under the PPS.

The following policies of the Provincial Policy Statement apply more specifically to the subject applications:

1.0 Building Strong Healthy Communities

The PPS provides that healthy, liveable, and safe communities are sustained by efficient development that includes an appropriate range and mix of uses that promote cost-effective development patterns, minimize land consumption and infrastructure costs. The policy states that settlement areas shall be the focus of the growth and development. Minimum intensification targets and redevelopment within settlement areas are to be established.

Planning comment

The subject lands are located within a settlement area as defined by the PPS. The City's Official Plan, the GCP, sets out areas for intensification and redevelopment, with a minimum intensification target, as well as policies that guide development standards. The proposed development is an opportunity to promote higher density development, to accommodate the projected needs of the community within the City's urban boundary. The requested higher density maximizes the efficiency of the lands and services while maintaining appropriate compatible built form. This proposal will contribute to the mix of residential densities and tenures within the neighbourhood with a built form that is already permitted within the Official Plan and Zoning By-law. There are no environmental, public health or safety concerns associated with the proposal. The subject lands have been remediated and a record of site condition has been filed with the Province. The lands have sufficient access to municipal services, schools, parkland and community services. The increase in density will not negatively impact these services.

A functional servicing report has been submitted and reviewed. It indicates that sufficient capacity is available to service this development and that sanitary sewer capacity that is otherwise attributed to lands to the south of this site can be accommodated from capacity located west of the site. Draft plan of subdivision conditions (attached as Appendix 4) require that the developer provide sanitary sewer connection for the lands to the south of the subject lands where capacity is available or alternatively, that a cash payment be provided to cover the costs of that connection when lands to the south of this site develop. The alternative sanitary sewer connection for the lands to the south would be through the Hydro corridor and connecting at Green Maple Drive.

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

Healthy, livable and safe communities are sustained in a number of ways. Principally related to this development proposal the following PPS policies apply and are fulfilled by the proposal:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- e) promoting cost-efficient development patterns and standards to minimize land consumption and servicing costs;

1.1.3 Settlement Areas

The PPS states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. The PPS states that "it is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary expenditures." As well, in subsection 1.1.3.2, the PPS states that land use patterns within settlement areas shall be based on:

- a) Densities and a mix of land uses which:

1. Efficiently use land and resources
2. Are appropriate for, and efficiently use the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and /or uneconomical expansion
3. ...promote energy efficiency
4. Support active transportation
5. Are transit supportive, where transit is planned, exists or may be developed; and
6. Are freight-supportive

Subsection 1.1.3.7 states “new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

Planning comment

The proposal will contribute to the intensification and development of the existing settlement area with efficient use of one of the few remaining greenfield lands in the City. While the subject lands are not located in a designated intensification area, the Official Plan recognizes and provides opportunities for intensification throughout the City. This policy is reflective of the general necessity to alter past low density housing trends which are not sustainable and cannot accommodate projected population and housing needs.

1.4 Housing

The PPS requires planning for an appropriate range and mix of housing types and densities to meet the needs of current and future residents. These densities are to be achieved by setting minimum density and intensification targets in the Urban Area and promoting all types of residential uses.

Planning Comment

Both the existing provisions and proposed amendments for the subject lands achieve the requirements of the ‘Housing’ policy by providing a mix of housing options at a designated minimum density. (The specific density calculations are outlined in the Growth Plan section of the report.)

While the development proposal is not specified to be affordable housing, the provision of 248 new units in the City will help with the low inventory of housing units in the market. There can also be a positive impact on the low rental vacancy rate through the secondary rental market. The proposal contributes to diversifying the types of residential dwellings available in the local area.

1.6 Infrastructure and Public Service Facilities

The PPS provides that through development, promoting of sustainable, cost effective infrastructure services shall be ensured. Current and projected needs are to be met. The policy requires that proper storm water management be planned for.

Planning comment

The proposal intends to extend Oliver Lane and the municipal services located in the right of way. Draft plan of subdivision conditions ensure that there is no negative impact to the sanitary sewer capacity for the surrounding vacant lands. The conditions also require that detailed servicing and storm water management reports and designs be approved by the City prior to construction.

Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan)

Section 3(5) of the Planning Act stipulates that decisions of Council “shall conform with” the Growth Plan, or “shall not conflict with” the Growth Plan.

The Growth Plan came into effect on July 1, 2017, and stresses compact and well-designed development and prioritizes intensification in built-up areas. The Growth Plan supports the achievement of complete communities that “ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.” Complete communities “support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.”

In section 1.2.1, Guiding principles, the Growth Plan sets out a number of principles which guide development. Two principles which are particularly applicable to these applications include:

- ‘Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.’
- “Prioritize intensification and higher densities to make efficient use of land and infrastructure and support transit viability.”

Planning Comment

The subject lands are identified as a Greenfield Area inside of a settlement area, as delineated by the Growth Plan. The Growth Plan recognizes that “building more compact greenfield communities reduces the rate at which land is consumed.” Staff are of the opinion that the proposed applications conform with and do not conflict with the policies of the Growth Plan. The following sections of the Growth Plan are particularly relevant to the subject proposal:

2.2.1 Managing Growth

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

Planning Comment

The proposed development appropriately increases densities in an area that is within a Greenfield Area of the settlement area for St. Catharines and thus helps provide an efficient range of residential dwelling types and densities and use infrastructure efficiently.

2.2.2 Delineated Built-Up Areas

According to the Growth Plan, “by the time the next municipal comprehensive review is approved and in effect, and each year until 2031, a minimum of 50 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area.” Then, by 2031 and afterwards, a minimum of 60 per cent of all residential development occurring annually within each upper- or single-tier municipality will be within the delineated built-up area. Further, the Growth Plan requires that each municipality will have an intensification strategy, which identifies the appropriate type and scale of development and transition of built form to adjacent areas, and which ensures lands are zoned and development is designed in a manner that supports complete communities.

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

Planning Comment

The subject lands are not located within the “Built-Up” area of St. Catharines. Rather the lands are part of the Greenfield Area of the city. Policies pertaining to the Greenfield Area apply to the subject lands prevail and are discussed on the next page of this report.

2.2.6 Housing

The Growth Plan supports a range of housing options helping to provide different types and sizes of units that can assist in alleviating the pressure on affordable housing units. Building compact complete communities promotes sustainability and ensures protection of the prime agriculture lands that surround the built boundary.

Planning Comment

The proposal is located on part of the last remaining greenfield lands in the City. The development achieves the greenfield density target of 50 persons and jobs per hectare as currently required by the Official Plan. The proposed dwelling type, largely apartment condominium dwellings, offers a dwelling type not typically available in the immediate neighbourhood and, accordingly, the proposal broadens the range of dwelling unit types available to the community.

2.2.7 Designated Greenfield Area

The Growth Plan defines these areas as “lands within settlement areas but outside of delineated built-up areas that have been designated in an official plan for development

and are required to accommodate forecasted growth to the horizon of the Growth Plan...” Accordingly, new development taking place in these areas “will be planned, designated, zoned, and designed in a manner that:

- a) supports the achievement of complete communities;
- b) supports active transportation; and
- c) encourages the integration and sustained viability of transit services.”

The 2006 Growth Plan set out a 50 residents and jobs per hectare requirement. The 2017 Growth Plan states that “the designated greenfield area of each upper-or single tier municipality will be planned to achieve within the horizon of this Plan a minimum density target that is not less than 80 residents and jobs per hectare.” The Growth Plan also makes some allowance to decrease this density target in outer ring municipalities, however, this determination will not be made until the completion of the Region’s municipal comprehensive review in the future. According to the Growth Plan, until a municipal comprehensive review is completed the City can develop under the previous requirement of 50 people and jobs per hectare. However, the minimum standards and density targets in the Growth Plan are minimum standards and “municipalities are encouraged to go beyond these minimum targets, where appropriate.”

Planning comment

With a density of approximately 284 people/jobs per hectare, the proposal exceeds both the 2006 and 2017 Growth Plan requirements for greenfield development and, therefore, will contribute to the achievement of the minimum density target for the city and Region of Niagara, as required by the Growth Plan.

The development proposes to extend existing municipal services, maximizing efficiency and coordination. The draft plan conditions ensure that water, wastewater and storm water management are effectively dealt with to the satisfaction of the City and the Region.

Essentially, the type and scale of the built form for the development is contextually appropriate. As well, the proposed development will help support the achievement of a complete community including a diverse mix of land uses and sufficient open space.

Regional Official Plan

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

Growth Management objectives of the ROP include:

- “Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-Up Area and in Designated Greenfield Areas.”

- Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.”

Policies pertaining to Designated Greenfield Areas within the ROP state that they will be planned as compact, complete communities by:

- b) Where limited by scale or configuration, making a significant contribution to the growth of respective Urban Areas as a complete community.
- c) Providing opportunities for integrated, mixed land uses.
- d) Creating street patterns that are fine grain and in grid pattern, supporting transit and active transportation with the area and to adjacent areas.
- e) Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.”

The ROP also states that in order to achieve the planned minimum greenfield density target, official plans shall:

- b) Include policies for achieving higher residential and employment densities in greenfield areas.
- c) Include policies for achieving a mix of housing types and residential densities in greenfield areas.

Planning comment

The subject lands are located within the St. Catharines Urban Area, as defined by the ROP. Planning staff are of the opinion that the proposed development conforms to and does not conflict with the ROP.

Intensification, Urban Growth and Greenfield Growth

The ROP states that intensification includes all forms of development that occur within the built-up area. The ROP requires that municipalities develop intensification strategies, including the identification of specific Intensification Areas and general intensification to support the achievement of targets. The ROP establishes a residential intensification target of 95% in the built-up area of St. Catharines. With a density of 284 people per hectare, the proposal exceeds both the 2006 and 2017 Growth Plan requirements for greenfield development and will help to achieve the minimum density target, Region-wide.

Built Form and Transit Supportive development

The development proposes four storey apartment buildings beside an established neighbourhood that is made up of low density built form. The lower height achieves a built form that is compatible with the surrounding area. The concentrated density supports transit.

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 Growth Plan. Once completed, local area municipalities will be required to update their Official Plans accordingly. The Region has exempted its

requirement for approval of this site specific Official Plan Amendment in accordance with the Memorandum of Understanding.

Local Official Plan-Garden City Plan (GCP)

The subject lands are designated as Neighborhood Residential by the City's Official Plan. (see Appendix 5). The East Planning District further identifies the subject lands as Medium Density Residential (see Appendix 6). The Medium Density Residential designation of the GCP provides for a range of housing types, including apartments and townhouse dwellings, at a density range generally between 25 and 99 units per hectare and generally not exceeding 20 meters in height.

The three proposed four storey condominium apartment buildings on Block 3 is a permitted dwelling type in the GCP and with a proposed 13 metre height is below the 20 metre maximum height limit that is allowed in the GCP. The proposal exceeds the density permissions at 163 units per hectare triggering an amendment to the GCP.

The proposed semi-detached dwelling units (Lot 1 and 2) are a dwelling type that is permitted by the GCP. At 34.5 units per hectare, the units fall within the density permissions of the Medium Density Residential designation (25-99 Units per hectare). Since the dwelling units are permitted within the current land use permissions of the GCP, no amendment is required for this part of the proposal.

Accommodation of Growth (Part B, Section 2.3.3)

Section 2.3.3 of the GCP states that "projected population, housing and employment will primarily be accommodated with the Urban Area" of the city. The GCP recognizes a "finite Urban Area, and within it, a diminishing vacant land supply and a finite occupied land base to accommodate project population and employment growth." The GCP states that growth in the city will be accommodated in a number of ways including:

- i) the efficient usability of vacant and occupied lands;
- ii) more compact built form and density of development;
- iv) the reuse, rehabilitation, regeneration, intensification, and enhancement of the built environment;
- v) redevelopment and build out of underutilized properties
- vi) a more integrated, interactive mix of uses, activity and functions;
- vii) service, infrastructure, energy, transportation sustainable, accessible, efficient and support development;
- viii) design initiatives to support:
 - compatible, innovative, efficient and sustainable building, site, streetscape, neighbourhood and community design;
 - enhanced natural and cultural heritage protection, preservation and conservation;
 - greening
 - an accessible, integrated, interactive, usable and connected public realm within and between different use and activity areas, functions, landscapes and identities;

- ix) 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;
- x) 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;
- xi) 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.

The GCP also 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 Growth Plan. This is accomplished by the identification of:

- i) A Built Boundary;
- ii) Intensification Target;
- iii) Greenfield Areas - The Growth Plan identifies all lands outside the Built Boundary but within the Urban Area as Greenfield Areas, and establishes an average minimum density target for development of Greenfield Areas of 50 residents and jobs per hectare;
- iv) Vacant Lands – The GCP establishes a minimum density target of 50 residents and jobs per hectare on all vacant designated residential and employment lands within the Urban Area whether within or outside the Built Boundary;
- v) Urban Growth Centre;
- vi) Intensification Areas; and
- vii) General Intensification

Planning Comment

Located within a Greenfield Area, the proposed development efficiently develops the subject vacant lands with a more compact form of development. The higher density that is requested in the Official Plan Amendment is proposed to be delivered in a built form that is compatible with the surrounding neighbourhood and is supported by local infrastructure and surrounding community services.

The GCP establishes the need for a development pattern that uses lands efficiently in order to meet the Plan's minimum density targets. The GCP recognizes that new development, at a higher density than currently permitted can be appropriate provided that it is compatible with existing surrounding neighbourhoods and that it supports a wide range of housing types and needs. New development need not be the "same as" existing development but, at a higher density, new development does need to provide an appropriate fit with neighbouring development. By adhering to permitted scale building massing, the subject application seeks to increase the permitted density in order to use lands more efficiently and provide a wider variety of housing mix.

Urban Design (Part C, Section 4)

The Urban Design policies contained in the GCP is concerned with how buildings, landscapes, and public spaces look and function together to create an overall character that reflects unique aspects of a community's history and culture. Section 4 of the GCP states that "good urban design is a key planning tool to create sustainable communities".

Built Form (Part C, Section 4.3)

Section 4.3 outlines the importance of built form in defining the character of the area. The basis for evaluating compatibility, achieving design excellence and is outlined below:

- a) Building scale, height, graduation of height and massing.
 - The 4 storey proposed building height is appropriate for the surrounding area which is composed of two and three storey dwellings. There is no request for increased height permissions in these applications.
- b) Spacing of buildings
 - Buildings are adequately spaced, and appropriately setback from existing residential dwellings.
- c) The level and visibility of the ground floor relative to exterior grade
 - The proposed ground floor of apartment units relate to the street.
- d) Roof form and pitch, together with any other structures on the roof.
 - A flat roof is proposed to minimize height.
- e) The placement, number, type and proportion of doors and windows.
 - On the conceptual site plan, doors and windows will relate to the street and be provided in a constant rhythm.
- f) Use of materials, textures, and colours.
 - The staff recommendation includes a direction that staff pay particular attention to the architectural elevations texture and colour, particularly along the Oliver Lane extension.
- g) Continuity in the provision, location, and linkage of amenity, open space, and green Corridors
 - Location of amenity spaces is to be further refined through the site plan approval process. The development is subject to 5% cash in lieu of parkland dedication.
- h) Preservation and enhancement of significant views and vistas.
 - Views and vistas are not compromised by the proposed four storey height.
- i) Retention of natural vegetation and other distinctive landscape or streetscape features

- The only significant vegetation on site is a mature oak tree. The preservation of this tree is not possible given its location on the site and the design of the proposed development. Preserving the tree and designing development around it would severely compromise the development potential and efficiency of the site.
 - Staff recommend additional tree planting on the site be required to compensate for the loss of this existing single mature tree
- 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.
- These matters shall be addressed through site plan approval process.
- k) Mitigating light trespass and glare and to minimize the effects of sky glow.
- Lighting and photometric plans are a requirement of site plan approval.
- l) Mitigating wind, sun shadow impacts.
- Through a review of the applications, it has been found that wind, sun shadow impacts will not factor in this development.

This section of the GCP also states that parking impact should be minimized. This is achieved through providing the majority of the required parking underground. Proposed surface parking will be screened from view with one of the buildings and adequate landscaping.

Landscaping (Part C, Section 4.9)

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

Planning Comment

In summary, the applicant has submitted a preliminary site plan design which has a layout and building form that provides adequate separation from existing uses while animating the Oliver Lane extension with street focused building orientation. Underground parking is also proposed to minimize surface parking. The extension of Oliver Lane helps to promote a compact walkable, bike friendly and well-connected community. The staff recommendation includes direction as part of the site plan approval for the condominium

apartment block that particular attention be directed to the architectural elevations for the development along Oliver Lane. This is to ensure that the building elevation that is located along Oliver Lane is a positive enhancement of the public realm. These matters will be further refined through the site plan process and in the detailed design of the project. Particular attention will be afforded to enhancing the visual appeal of the development and assist in buffering from nearby residential development.

Transportation (Part C, Section 5)

The city's transportation system plays a major role in shaping the form, character, development and redevelopment of the city, influencing both land uses and quality of life. It is based on the concept of complete streets – safely accommodating all users of a corridor including pedestrians, bicyclists, users of mass transit, persons with disabilities, motorists, freight providers, emergency responders, and adjacent land users to the extent appropriate to the function and context of the street.

According to section 5.1, “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 regards for upper tier government transportation policies and initiatives.”

Planning comment

Staff have carefully evaluated the road system within this neighbourhood and believe that it is appropriate that Oliver Lane be planned to eventually extend and connect with Glendale Avenue. As such, Staff are of the opinion that the transportation policies as outlined in the GCP, are met through the proposed application. The proposed right of way achieves City standards and the detailed design will be reviewed to the satisfaction of the City Engineer. The applicant submitted a Traffic Impact Study as part of the submission requirements; no upgrades, and improvements are required.

Development/Redevelopment (Part D, Section 7.1)

Section 7.1 outlines all matters by which development is 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, streetscape and neighbourhood context sensitive design to ensure:
 - 1) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood
 - 2) 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.

- 3) Possible negative impacts of noise, odour, and emissions are not excessive in relation to the predominant land use character and function of the area;
- 4) Adequate and appropriate lot size, shape, and configuration, access, on-site facilities and outdoor amenity areas to accommodate use.
- 5) 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 car sharing;
- f) Treatment of existing topographic and vegetative features, and greening and landscaping opportunities.
- g) The best use of existing resources, infrastructure and service capacity.
- h) Surface parking areas should be minimized and shared parking areas.
- 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 Canal Parkway is not permitted.

Planning Comment

The applications achieve these policies in the following ways by providing:

- An accessible connected development to the community;
- enhancement to public realm;
- context sensitive design;
- efficient use of land, infrastructure, and service capacity;
- minimizing surface parking;
- providing transit supportive design.

Contaminated Sites (Part D, Section 7.2 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.

Planning Comment

The applicant has submitted a copy of the Record of Site Condition that has been filed with the Province. Therefore, staff have no objection to the Removal of the Holding Provision.

Neighbourhood Residential (Part D, Section 8)**Planning Comment**

The Neighbourhood Residential designation allows for a full range of residential opportunities. The proposed development fits within the Neighbourhood Residential designation and is a positive example of an integration of low, medium and high densities. No amendment to Schedule D1 of the GCP is required.

Medium Density (Part D, Section 8.1.2)

The Medium Density designation permits a range of dwelling units from detached to apartment dwellings at a density range generally between 25-99 units per hectare, and a height not to generally exceed 20m. New medium and high density development is to be built with context sensitive design and high urban design principles.

Planning Comment

The proposed apartment buildings are a permitted use and height in the Medium Density residential designation which permits a density from 25 to 99 units per hectare. While the proposed density of 163 units/ha exceeds the permitted maximum of 99 units per hectare, it should be noted that the density for the entire site (gross density – roads, apartments and semi-detached dwellings) has an estimated density of approximately 121 units per hectare. Given that the uses are already permitted, the requested density is reasonable because the context sensitive development is proposed in the form of three low rise apartment buildings which will augment the housing supply for the site and contribute to a complete neighbourhood in this area.

Amendment Evaluation

Part F, Section 16.1 outlines the general considerations that each official plan amendment should be evaluated on.

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	The Plan prioritizes the accommodation of growth and change. The proposal represents a higher density use of a key vacant site that is well served by infrastructure, transit, and community facilities. It will achieve key policy goals of providing a variety of housing options and ensuring efficient use of land and infrastructure.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are ingrained 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	While the residential land use and building height proposed for the subject lands is already permitted, the increase in density, especially over the entire site, will provide a needed housing form for this area.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	<p>The Hydro corridor on the site's west edge serves as a substantial open space buffer between the proposed development and the existing low density residential uses further to the west. Land use compatibility with the residential uses immediately north of the site will be achieved through various measures including increased and enhanced landscaping, appropriate setbacks and sensitive site design, layout and site function.</p> <p>Site specific zoning, conditions of draft plan of subdivision approval and site plan approval are the mechanisms that will achieve compatibility.</p>
v) The potential of the proposal to cause instability within an area intended to remain stable	No change in land use designation is proposed and the residential nature of the area will be maintained.
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	There is adequate infrastructure and public service facilities to accommodate the proposed development without need for upgrading or expansion. Draft plan of subdivision conditions ensure that sufficient sanitary sewer capacity remains available to lands to the south.
vii) The financial implications, both cost and revenues, to the City	The proposed development presents no direct negative cost implications to the City. Any servicing connections which may be necessary to accommodate the development will be at the sole cost of the applicant. Increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	No change in land use designation is proposed and the character of the surrounding environment will be maintained. Approval of increased density is based on the appropriateness of this

	specific location, built form, specific design and mitigating measures that will be provided.
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Zoning By-law 2013-283

Zoning By-law 2013-283 zones the lands as Medium Density Residential – Holding Provision 1 (R3-H1) (see Appendix 7). The R3 zone permits all types of residential uses, including semi-detached dwellings, townhouses and apartment buildings, subject to the applicable zoning provisions. The H1 provision requires that a satisfactory record of site condition to be submitted prior to development.

The proposed semi-detached dwelling units comply with all provisions of the zoning by-law and no amendments are required.

Four storey condominium apartment buildings are a permitted use within the existing R3 zoning, however, certain zone provisions cannot be met because the proposed site design actually enhances the placement of the buildings and maximizes the functionality of the development.

The current zoning allowances and requested provisions are noted below and identified on the plan in Appendix 8.

#	Zoning By-law Provision	R3 Zone Requirement	Proposed
1.	Min. rear yard	Height of building (13m)	7.4m
2.	Min. front yard	5m	4.9m
3.	Density per hectare	Min. 25 / Max. 99 units/ha	Max. 163 units/ha

Minimum Front Yard Setback:

The requested relief in front yard setback is minor in nature and required to address a pinch point which is a result of the design and layout of the parking area. Staff have no concern with a decrease in front yard setback for the pinch point from 5.0m to 4.9m.

Minimum Rear Yard Setback:

The applicant is requesting a decrease in the minimum rear yard setback from the required height of the building (13m) to 7.4m. Staff have no objection to the requested setback decrease since the rear property line is adjacent to a hydro corridor. The distance between the site's rear property line and the rear property lines of the homes on St. Augustine Drive, further west, is approximately 35 metres. The decrease in rear yard setback would not have a negative impact on any adjacent residential developments. Privacy and amenity spaces are not negatively impacted.

Maximum Density per Hectare:

The requested increase in density from 99 units per hectare to 163 units per hectare is to allow for approximately 100 extra units to be constructed on Block 3. The resulting

unit count is 248 units. However, it should be noted that when combined with the semi-detached lots, the gross density of the entire subject lands is 121 units per hectare.

Staff consider the increase in 100 units to be appropriate for the type of residential dwellings that are proposed and the design of the Block. The applicant has submitted a traffic impact study which indicated that no improvements were required to accommodate the increased density. It should be noted that the applicant could construct the same type and size of apartment buildings with larger units and less density and be permitted without Official Plan and Zoning By-law amendments.

Holding Symbol Removal

Originally, the Holding (H1) provision on the subject lands required that an Environmental Site Assessment be prepared and submitted to the City of St. Catharines for review in order to satisfy Provincial requirements before construction could commence. A Record of Site Condition has been registered with the Province and a copy was submitted with the application. As such, the conditions for lifting the "H" provision have been satisfied and, therefore, there is no need to continue the "H" Holding provision on these lands.

Draft Plan of Subdivision

The proposed Draft Plan of Subdivision is attached as Appendix 1. Section 51(24) of the Planning Act directs the matters to be considered when analyzing an application and recommending approval for a Draft Plan of Subdivision. These matters include:

a) The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2 of the Planning Act;

In their review, staff has had regard for the matters of Provincial interest as outlined in Section 2 of the Planning Act (they are listed in Appendix 9). The proposal is an efficient use of land, complimented by compatible, well designed built-form development. The subject lands are an appropriate location for growth and development. Adequate servicing and utilities are available. The site is not located within a natural or man-made hazard area.

b) whether the proposed subdivision is premature or in the public interest;

The proposal is not deemed to be premature and is a logical planned extension of an existing residential neighbourhood to the north. Infrastructure needs have been reviewed and deemed satisfactory. The proposal is in the public interest since it will result in an efficient and compatible greenfield development.

c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any

The proposal is suitable in terms of density, layout, and land use. Staff are of the opinion that the proposed official plan amendment to permit the increased density

conforms with GCP. The proposed plan provides increased connectivity for vehicles and pedestrians through the site and surrounding neighbourhood and helps to facilitate future connection to Glendale Avenue. The lands have adequate access and infrastructure available to accommodate the proposed subdivision.

d) the suitability of the land for the purposes for which it is to be subdivided;

The subject lands are sufficient and appropriate for the proposed development. They have access to existing services, and are underutilized as a vacant parcel. Additionally, the lands have been intended to be developed for some time in order to extend Oliver Lane which currently ends in a temporary turning bulb.

e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them

The proposed public roads are of sufficient width as per municipal requirements. Detailed engineering, servicing, and streetscape designs are a condition of draft plan approval. The highway system in the vicinity is considered adequate for anticipated traffic and emergency services.

f) the dimensions and shapes of the proposed lots

The dimensions and shapes of the proposed blocks and lots are considered appropriate shape for the development. Block 3 (apartment buildings) is sized and shaped appropriately to accommodate the proposed increased density. Parking, landscaping and amenity spaces are sufficiently designed.

g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land

There no restrictions, on the lands/buildings/structures.

h) conservation of natural resources and flood control

There are no protected resources on the subject lands. The conditions of draft plan approval require detailed grading and storm water management design to ensure that flooding and drainage requirements are met to the satisfaction of the City.

i) the adequacy of utilities and municipal services

The subject lands have access to adequate services and utility connections for the proposed development. As per the draft plan of subdivision conditions, detailed design of the servicing of the site must be submitted, reviewed and

approved prior to final approval of the subdivision. Staff have also ensured that the increased in sanitary capacity that has been taken up by the increase in density has been sufficiently compensated for.

j) the adequacy of school sites

There are adequate school sites in proximity to the proposed development.

k) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes

No land is to be conveyed for public purposes other than public highway (Streets A & B), and 0.3m reserves. Parkland dedication is to be taken as cash in lieu.

l) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy

The proposed plan demonstrates an efficient design, that includes compatible intensification and provides a range of housing options in the neighbourhood.

m) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land

The City's Site Plan Control By-law requires that residential developments of four or more units will be subject to site plan control. Block 3 will be subject to site plan approval, which will allow a detailed review of the site design, parking layout, circulation, architectural elevations, and landscaping to be provided. The semi-detached dwelling units are not subject to site plan approval. Relevant matters will be addressed through the subdivision agreement.

The draft plan of subdivision proposes a temporary turning circle at the south end of the Oliver Lane extension. Once the lands to the south of the subject property develop, the temporary turning circle can be removed and reinstated with landscaping and Oliver Lane will be extended further south, ultimately to connect to Glendale Avenue.

Staff have included a draft plan of subdivision condition to ensure that the increased density that is requested on Block 3 does not negatively impact the potential for future development of lands to the south and east. The applicant shall be responsible for compensating those lands for the sanitary sewer capacity absorbed by this development that is otherwise attributed to the lands to the south and east of this site. The developer has demonstrated that sanitary sewer capacity is available for these lands through a connection to the existing sanitary sewer on Green Maple Drive. Hence, the developer will be required to construct an extension of the sanitary sewer east from the Green Maple Drive to the westerly limit of the property known municipally as 527 Glendale Avenue (the lands to the south of this site) or alternatively provide a cash payment to be directed to that connection when lands to the south develop.

Appropriate conditions of Draft Plan of Subdivision approval, addressing various agency and departmental comments, have been included in Appendix 4. Staff recommend approval of the Draft Plan of Subdivision, subject to these conditions. The Plan will create a lot fabric that is complementary to the existing lots in the area, and a built form that is compatible in terms of scale with surrounding dwellings.

Land Use and Development Plan – Northwest Quadrant of Welland Canals Parkway/Glendale Avenue

Lands to the south and east of the subject lands are designated as Medium Density Residential in the GCP. As a result of the review of these applications from a servicing perspective and acknowledgement of a public interest in the future development of this site, as well as the development of vacant developable lands to the east and south of this site, staff requested the proponent to draft a Land Use and Development Plan for all the greenfield lands at the northwest corner of Welland Canals Parkway and Glendale Avenue. The draft Land Use and Development Plan is attached as Appendix 10. It provides a land use and development strategy based on the following principles:

- Future land uses be balanced with existing land uses to fulfill the density targets dictated by current land use policy at the provincial, regional and local level
- That Oliver Lane ultimately be extended southerly to connect to Glendale Avenue
- A road layout that provides appropriate connectivity through-out the Plan area and with existing local streets beyond the Plan area.
- Parkland be provided within the Plan area at a location that maximizes connections to public parks, trails and similar public realm entities beyond the Plan area.
- Adequate servicing be available to all vacant greenfield lands subject to future development.

The draft Land Use and Development Plan assures staff that the subject lands can be developed at the proposed density without compromising services for future development and assures staff that target densities can be achieved in a manner that is sensitive to the existing neighbourhood and considered to adhere to the planning principles as set out in the GCP. Council should be aware that this is a draft document only and was required of the developer of these applications to demonstrate how the proposed development fits into a larger development pattern for the entire northwest quadrant of the Glendale Avenue / Welland Canal Parkway intersection. Staff are recommending that Council direct staff to initiate a formal public process to seek input and comment on this plan with the view of formally adopting it as a blueprint for future development in this area.

Staff is confident these applications may be approved without compromising the ultimate outcome of the final Land Use and Development Plan, which will be considered for Council approval at a future date.

Site Plan Control

The City's Site Plan Control By-law requires that residential developments of four units or more be subject to site plan control. Under this by-law Block 3 (condominium

apartment buildings) is 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. Staff have recommended certain matters be addressed through the site plan approval including:

- increased landscaping;
- construction impact mitigation;
- particular attention to architectural elevations;
- balcony placement

Draft Plan of Condominium

The applicant has indicated that the proposed apartment buildings are intended for condominium tenure. This would allow for the units to be sold individually. An application for Draft Plan of Standard Condominium is required: this application is typically made further along in the approval process, once the land use permission has been established and site plan details confirmed.

Public Meeting

In accordance with the Planning Act, a Public Meeting was held by Council on March 5, 2018. Staff from Planning and Building Services presented an Information Report. The applicant was in attendance. Two members of the public spoke at the public meeting. The primary comments that were discussed were:

Comment: Concerns were expressed over bonusing provisions as a method of increasing height and density.

Response: The applicant has not applied for, nor are staff recommending the use of bonusing in this application. The increase in density is being requested through Official Plan and Zoning By-law amendments.

Comments: Condominium tenure restricts rights of residents, leads to conflicts over noise, nuisance and does not provide opportunities for electrical vehicle hookups.

Response: Condominium tenure is an ownership type that allows for units to be sold individually. The impact of noise and nuisance in an apartment building exists regardless of tenure type. Many new condominium buildings provide electrical vehicle hookups. The Ontario Building Code now has requirements for rough-ins in parking garages. At this time, no application for draft plan of condominium approval has been submitted.

Comment: Surrounding neighbours purchased homes based on medium density zoning.

Response: Apartment buildings with a height limit up to 20 metres are already permitted in the R3 zone. The density proposed is intended to be within a building form already permitted. After a full review of the applications staff consider this site to be able to support increased density because the proposal is compatible with the surrounding neighbourhood.

Comment: There are no allowances for green space in the proposed development.

Response: Staff are satisfied with the open space that is proposed on the site. As well, the development is subject to park land dedication in the form of cash in lieu. In addition, landscaping requirements exceed Zoning By-law requirements.

Comment: The request is a large increase in density and is not a minor change.

Response: Staff have evaluated the proposed amendments and believe that the density is appropriately accommodated with compatible built form and appropriate site design. The Traffic Impact Study, submitted, reviewed and approved as part the review of these applications did not require any road upgrades or additional traffic control measures due to the increase in density. The locational context next to a Hydro corridor provides more than adequate buffer on the west edge of the site.

Comment: Mature Oak tree should be preserved. If removed can tree compensation be provided?

Response: From a preliminary review this tree appears to be in generally good condition. Preservation of this tree would require a protection zone of at least 6 metres from the trunk, prohibiting all disturbances, including grading, servicing and excavation. Staff reviewed the possibility of redesigning the development to include preservation of the tree with the applicant. No viable option was found. Staff note that even if the site was redesigned, such extensive construction activity is likely to damage the tree. PRCS staff have required additional landscaping to compensate for the loss of the mature oak tree. This requirement is addressed in the conditions of draft approval of the subdivision and in recommended considerations as part of the site plan agreement for the condominium apartment block.

Comment: Construction concerns: including length of construction, dust issues, and access along Oliver Lane.

Response: The subject lands have always been designated for development. Development of any form will have temporary construction impacts. Staff and the applicant have contacted Transportation Canada (owner of the adjacent lands to the east) to discuss the possibility of having construction access through their lands. The response was that the property would soon be on the market for sale. If the applicant was interested, they could potentially purchase the lands or negotiate the access with the new owner. The lands have not yet been put up for sale. Staff have included in the recommendations direction that the site plan agreement include construction mitigation requirements. The draft plan of subdivision approval conditions also require the owner to submit a construction plan to the City to help mitigate the negative impacts on the surrounding neighbourhood. A condition was also included that requires a cash deposit to be made to the City for road cleaning during construction.

Comment: Has a study been completed on the impact of developments located adjacent to a major hydro corridor?

Response: Hydro One was circulated the applications and expressed no objection to the development proposal. Certain conditions are included in the conditions of draft plan of subdivision approval regarding fencing, storm water management and similar site features that are relative to Hydro's interests.

Comment: Were there previous minor variance applications approved for the townhouses to the north?

Response: There was an approved minor variance application for 39 Oliver Lane, it did not however deal with rear yard setbacks. The development met the required 6.0m setback.

Comment: Traffic calming along Oliver Lane?

Response: A Traffic Impact Study was submitted by the applicant and reviewed by City staff. No upgrades or additional traffic control measures are required.

Comment: There is insufficient parking on site.

Response: The proposal exceeds the required 1.25 parking spaces per unit.

Comment: The block that is intended for future development should be dedicated as green space.

Response: PRCS staff note that a neighbourhood park will be required once all of the north west corner of Welland Canal Parkway and Glendale Avenue is developed. Staff are of the opinion that the “future development” block in this draft plan of subdivision is not the appropriate location for this park. The ideal location is to the south of the subject property, adjacent to both the existing hydro corridor and a future pedestrian or vehicular connection to Green Maple Drive. As lands in this area develop further the hydro corridor running to the east of the subject property will be an ideal location for a future north-south trail connection. This trail is identified in the Garden City Plan. A park in this vicinity should be connected or have the potential to be connected to this future trail system.

Public Notice

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

Second Planning Opinion Advisory

Should Council consider not supporting the Staff Recommendation provided in this report, Council is advised to defer its decision until such time as a second planning opinion from an outside consultant can be obtained.

In the event that Council does not support the Staff Recommendation, Council will need to retain a planner for the purpose of the LPAT pre-hearing scheduled for October 29, 2018.

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

Approval of the applications would support the following pillar of the Strategic Plan:

Economic Sustainability: Approval supports private investment through new construction on current vacant lands.

Conclusion

In summary, Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment, and Draft Plan of Subdivision. This Recommendation Report provides the planning context and justification for Staff's recommendation to support the Applications. Approval of the applications would facilitate development of currently vacant greenfield lands in an efficient and compact manner. The proposal is consistent with and does not conflict with Provincial and Regional policy direction and maintains the overall intent of the Official Plan for the Medium Density Residential designation.

Notification

In order to notify IBI Group, c/o Jared Marcus, 360 James Street North, Suite 200, Hamilton, ON, L8L 1H5, the owner's agent.

Prepared by:

Margaret Josipovic
Project Expeditor

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

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

OF SUBDIVISION

75 OLIVER LANE

PART OF LOT 8, CONCESSION 8,
GEOGRAPHIC TOWNSHIP OF GRANTHAM
IN THE CITY OF ST. CATHERINES,
IN THE REGIONAL MUNICIPALITY OF
NIAGARA



INFORMATION REQUIRED

UNDER SECTION 11(1) OF THE PLANNING ACT, R.S.O. 1990, L.P. 32 AS AMENDED

- (M) - AS SHOWN
- (R) - AS SHOWN
- (L) - AS LISTED BELOW
- (H) - AS SHOWN
- (F) - AS SHOWN
- (Q) - AS SHOWN
- (N) - MUNICIPAL WATER
- (S) - MISCELLANEOUS NON-WOODPILED LAND
- (B) - AS SHOWN
- (W) - MUNICIPAL SANITARY AND STORM SEWERS
- (D) - AS SHOWN

SURVEYOR'S CERTIFICATE

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

SIGNED:
S.D. MCLAUGHLIN, O.L.S.
DATE: June 23, 2017

OWNER'S CERTIFICATE

I HEREBY CONSENT TO THE FILING OF THIS PLAN BY THE GROUP, IN DRAFT FORM.

SIGNED:
MIKE SMITH
OLIVER LANE PROPERTIES CORP.
DATE: June 23, 2017

LAND USE SCHEDULE

LOTS/BLOCKS	AREA (SQ. FT.)	# OF UNITS
LOTS 1 & 2	SEMI-DETACHED DWELLINGS	5,588 2
BLOCK 3	APARTMENT	1,919 248
BLOCK 4	FUTURE DEVELOPMENT	5,893
BLOCK 5 & 6	5.2m RESERVE	5,061
STREETS 'A' & 'B'	MUNICIPAL ROW	5,382
TOTAL		5,863 250

SOURCE:
BUILDING DESIGN AND LAYOUT PROVIDED BY KAYMIL
TOPOGRAPHICAL AND SURVEY INFORMATION PROVIDED BY A.T.
MCLAUGHLIN LIMITED, O.L.S. No. 3518, DATED JANUARY 23, 2017.

BENCHMARK:
MONUMENT S11964087P
THOROLD LEFT BRIDGE No. 6, OVER THE WELLSHIP CANAL,
TABLET IN TOP OF CURVED RETAINING WALL AT WEST END OF
BRIDGE ON NORTH SIDE, 5.1m EAST OF WEST CANAL BANK, 12.3m
NORTH OF NORTH SIDE OF BRIDGE, 20m FROM EDGE OF CANAL,
ELEVATION: 117.48m (elevation 1988-1978)

SCALE:
1:500 (m)

OLIVER LANE
DESIGN BY: J. MARCUS
DRAWN BY: S. CHALMERS
CHECKED BY: M. CROUCH
DATE: 2017-06-22

2017-06-22 AS SECOND DRAFT PLAN SUBMITTED
2017-06-22 AS SECOND DRAFT PLAN SUBMITTED

DATE BY DESCRIPTION

DRAWING ISSUE RECORD



APPROVALS

IBI GROUP
290 East Wing 360 James Street North
Hamilton ON, L8L 1H5 Canada
tel: 905 546 1010 fax 905 546 1011
ibigroup.com

FILE NUMBER: 1020561

Page 35 of 130



BENCHMARK
MONUMENT 0011954/0679
THOROLD LIFT BRIDGE (No. 8), OVER THE WELLAND SHIP CANAL,
TABLET IN TOP OF CURVED RETAINING WALL AT WEST END OF
BRIDGE ON NORTH SIDE, 8.1m EAST OF WEST CANAL BANK, 12.3m
NORTH OF NORTH SIDE OF BRIDGE, 30m FROM EDGE OF CANAL.
ELEVATION: 117.608 metres CGVD-1929 1979

1	2018/06/12	2nd	SECOND 2nd-yrng. Assignment	50000000
2	2017/06/14	2nd	FIRST 2nd-yrng. Assignment	50000000

 IBI GROUPtel 905 548 1010 fax 905 548 1011
@igroup.com

CITY OF ST. CATHARINES

OLIVER LAND PROPERTIES

PRELIMINARY SITE PLAN FOR

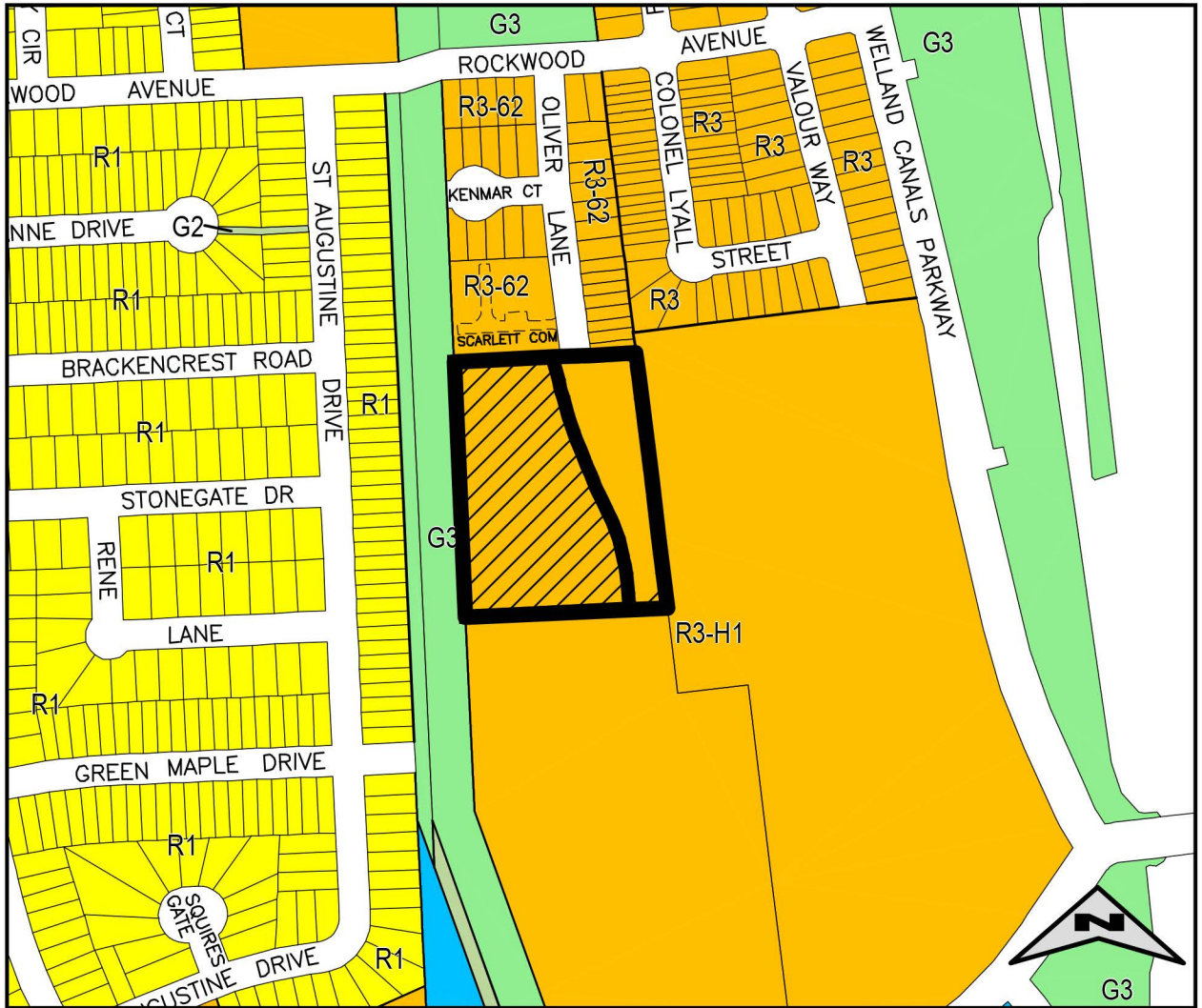
Page 36 of 36

Page 36 of 36

Proposed Amendment to Zoning By-Law 2013-283

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

AGENDA ITEM #5.3



Lands to be rezoned to remove Holding Provision



Lands to be re-zoned to add Special Provision No. 152

Zones

- R1 Low Density Residential
- Suburban Neighbourhood
- R3 Medium Density Residential
- E2 General Employment

- G2 Minor Green Space
- G3 Major Green Space

**Conditions of Draft Approval
75 Oliver Lane
File No. 60.46.432**

General Approval

1. That this approval applies to the Draft Plan of Subdivision of the lands described as Part Lot 8, Concession 9. geographic Township of Grantham, City of St. Catharines, Regional Municipality of Niagara, municipally known as 75 Oliver Lane, prepared by IBI Group, dated June 21, 2017, showing Lots 1 and 2 (2 semi-detached dwelling units), Block 3 (condominium apartment buildings), Block 4 (future development), Blocks 5 and 6 (0.3m reserve) and Streets "A" the extension of Oliver Lane and Street "B" to service future development to the east.

Zoning

2. That prior to approval of the final plan, zoning be in effect to permit the proposed uses.

(City of St. Catharines)

Trees

3. That the owner pay for the City to supply, plant and warranty the trees identified in the approved Streetscape Plan in accordance with the Schedule of Rates and Fees at the time the Subdivision Agreement is registered.

(City of St. Catharines)

4. That the owner pay to the City, or its contractor, to supply, plant, and warranty, trees identified in front of Lots 1, 2, on the Streetscape Plan in accordance with the Schedule of Rates and Fees at the time the Subdivision Agreement is registered. 80mm caliper plantings shall be required at 6-9m spacings, depending on the species selected.

(City of St. Catharines)

Geotechnical Report

5. That the owner submit a Geotechnical Report with a hydrogeological component included, prepared by a qualified soil engineering consultant to the City for review and acceptance, to the satisfaction of the City Engineer

(City of St. Catharines)

Servicing, Grading, and Stormwater Management

6. That the water distribution system be designed by a Professional Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and constructed to the satisfaction of the City Engineer.

(City of St. Catharines)

7. That the sanitary sewer system be designed by a Professional Civil Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, and constructed to the satisfaction of the City Engineer.

(City of St. Catharines, Niagara Region)

8. A Stormwater Management Report shall be prepared for this development by a Professional Engineer in accordance with the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer.

(City of St. Catharines, Niagara Region)

9. The storm system servicing the development shall be designed by a Professional Engineer constructed in accordance with the City of St. Catharines Engineering Manual, as amended, and constructed to the satisfaction of the City Engineer.

(City of St. Catharines, Niagara Region)

10. An overland flow route shall be incorporated into the design of the stormwater management for the site identifying a suitable outlet for the major storm event (> 5-year event) and constructed to Municipal standards.

(City of St. Catharines)

11. The storm system shall be designed to accommodate residential foundation weeping tile drainage via sump pump to be discharged to the storm sewer via storm sewer laterals.

(City of St. Catharines)

12. A Master Grading Control Plan shall be prepared by a Professional Civil Engineer to Municipal Standards and in accordance with the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer

(City of St. Catharines)

13. The owner shall construct an extension of the sanitary sewer east from the Green Maple Drive dead-end terminus to the westerly limit of the property known municipally as 527 Glendale Avenue, lands directly south of this plan of subdivision,

adequately sized to the satisfaction of the City of St. Catharines. Alternatively, the owner shall pay to the City \$50,000.00 for the future construction of an extension of the sanitary sewer.

(City of St. Catharines)

14. Should the owner choose to construct the extension of the sanitary sewer as described in condition 13, the owner shall approach HONI and Skyway Lumber to make arrangements for the construction of the proposed sanitary sewer extension through their lands and dedicate an easement to the City for the perpetual maintenance of the infrastructure until such time as a public road and further municipal services are extended through those lands.

(City of St. Catharines)

Roads

15. That the design for the road within the development be prepared by a Professional Engineer to Municipal Standards (20.0 metres) in accordance with the City's current Engineering Standards Manual, as amended to the satisfaction of the City Engineer, and be submitted for review and approval by the City of St. Catharines.

(City of St. Catharines)

16. That the proposed Street 'A' and Street 'B' be dedicated as public road and named to the satisfaction of the City of St. Catharines.

(City of St. Catharines)

17. That the existing temporary turn around located at the *existing* end of Oliver Lane be removed and reinstated in accordance with the approved site plan for Block 3

(City of St. Catharines)

18. That the owner grant an easement over the southerly portion of Block 3 for the construction of a new temporary turn around.

(City of St. Catharines, Region of Niagara)

19. That the owner submit a construction impact mitigation plan to the City that will outline what measures will be taken to mitigate the negative impact of construction on the neighbouring residents. These requirements are to be included in the subdivision agreement.

(City of St. Catharines)

20. That the owner agrees in the subdivision agreement to make a cash deposit to the City for road cleaning.

(City of St. Catharines)

Subdivision Design

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

(City of St. Catharines)

Streetscape Plan

22. That the owner submit a Streetscape Plan for Oliver Lane that identifies, among items identified by other departments and agencies, the location of boulevard trees, utilities, streetlights, sidewalks, driveways, curbs, and hydrants.

(City of St. Catharines)

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

(City of St. Catharines)

Sidewalks

24. That 1.50m wide sidewalks shall be constructed along both sides of Street 'A' and Street 'B' and in accordance with the road cross-sections in the City of St. Catharines Engineering Standards Manual, as amended, to the satisfaction of the City Engineer.

(City of St. Catharines)

Street Lighting

25. That the owner submit to the City a street lighting concept prepared by a Professional Electrical Engineer, in accordance with the City's Engineering Standards Manual, as amended, for review and acceptance to the satisfaction of the City Engineer.

(City of St. Catharines)

26. The owner shall pay for and construct the proposed street lighting in accordance with the Electrical Safety Authority's standards, and to the satisfaction of the City Engineer.

(City of St. Catharines)

Parkland

27. The Owner shall pay an amount equal to 5% of the value of the subject lands in lieu of parkland dedication, in accordance with the Planning Act, and the owner shall submit a report prepared by a qualified real estate appraiser to establish this amount.

(City of St. Catharines)

Land Dedication and Easements

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

(City of St. Catharines)

29. The Owner shall dedicate Block 5 and Block 6 as a 0.3m reserves.

(City of St. Catharines)

Utilities

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

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

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

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

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

(Bell Canada or comparable utility)

Canada Post

33. That the owner shall work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

(Canada Post)

34. The owner shall identify on the engineering servicing drawings a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.

(Canada Post)

35. That the owner shall include on all offers of purchase and sale, a statement that advises the prospective purchaser that the home/business mail delivery will be from a designated Centralized Mail Box and that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

(Canada Post and the City of St. Catharines)

Region of Niagara

36. That the owner shall submit the sanitary sewer and storm drainage system design drawings (with calculations) for this development for review and approval.

(Region of Niagara)

37. That the owner shall obtain the required Ministry of the Environment and Climate Change environmental compliance approvals and submit a copy to Niagara Region Development Services.

(Region of Niagara)

38. That the applicant shall ensure that the development is in accordance with the Regional Municipality of Niagara policy C3.007, requirement for Commencement of Collection for New and Redevelopments in order for review free Regional waste collection or the applicant shall provide waste collection through a private contractor.

(Region of Niagara)

Niagara Peninsula Conservation Authority

39. That the owner submit to the Niagara Peninsula Conservation Authority for review and approval, grading, storm servicing, stormwater management, and construction sediment control drawings.

(NPCA)

40. That condition 39 be incorporated into the Subdivision Agreement between the owner and the City of St. Catharines, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of St. Catharines shall circulate the draft subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

(NPCA)

Hydro One

41. The owner must contact, Hydro One Networks Inc. (HONI) Senior Real Estate Coordinator (currently Jim Oriotis at 905 946 6260) to discuss all aspects of the subdivision design, and ensure all of HONI's technical requirements are met to HONI's satisfaction.

Hydro One

42. Prior to HONI providing its final approval, the owner must make arrangements satisfactory to HONI for lot grading and drainage. Two copies of the lot grading and drainage (true scale), showing existing and proposed final grades, must be submitted to HONI for review and approval. The drawings must identify the transmission corridor, location of towers within the corridor and any proposed uses within the transmission corridor. Drainage must be controlled and directed away from the transmission corridor.

Hydro One

43. Any development in conjunction with the subdivision must not block vehicular access to any HONI facilities located on the transmission corridor. During construction, there must be no storage of materials or mounding of earth, snow or other debris on the transmission corridor.

Hydro One

44. At the owner's expense, temporary fencing must be placed along the transmission corridor prior to construction, and permanent fencing must be erected along the common property line after construction is completed.

Hydro One

45. The costs of any relocations or revisions to HONI facilities which are necessary to accommodate this subdivision will be borne by the owner. The owner will be responsible for restoration of any damage to the transmission corridor or HONI facilities thereon resulting from construction of the subdivision.

Hydro One

Administration

46. That the owner submit to the City Engineering Inspection and Administration fees to the satisfaction of the City Engineer.

(City of St. Catharines)

47. That the owner submit to the City the digital data and contract documentation in accordance with the Niagara Peninsula Standard Contract Document and City of St. Catharines CAD standards, to the satisfaction of the City Engineer.

(City of St. Catharines)

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

(City of St. Catharines)

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

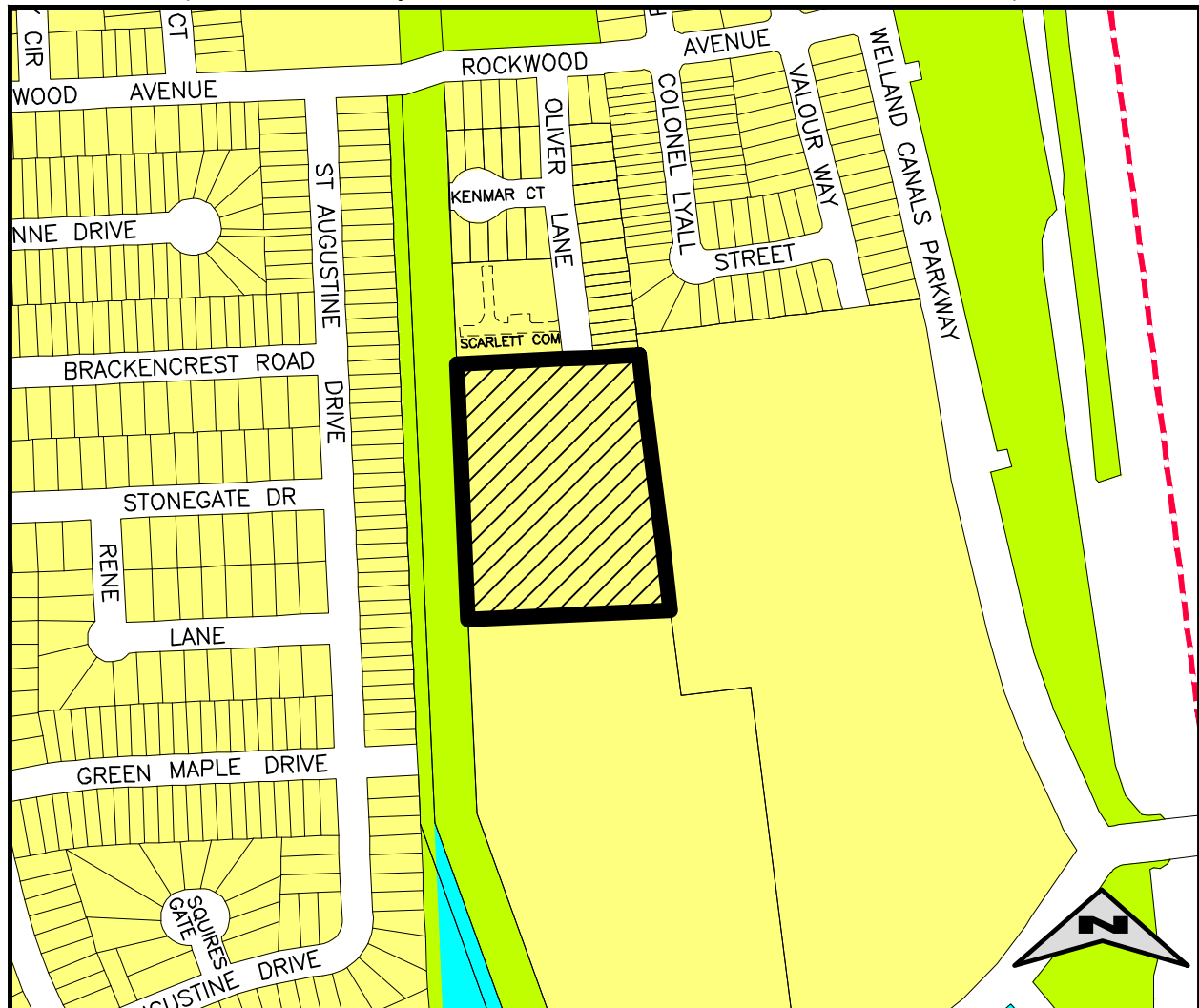
(City of St. Catharines)

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

(City of St. Catharines)

Existing Land Use Designation

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



Subject Lands
75 Oliver Lane

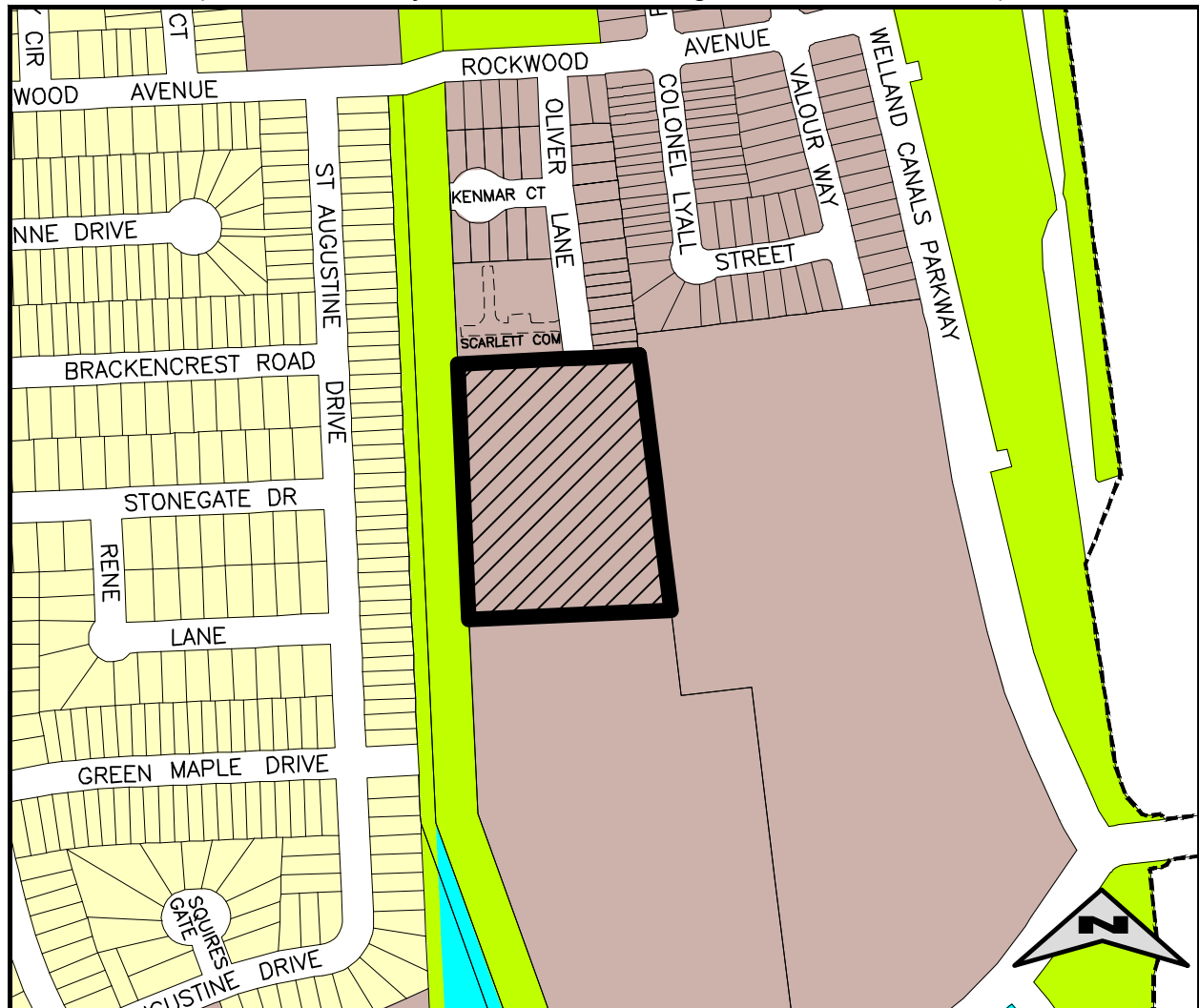
Land Use Designations

Neighbourhood Residential
 Employment

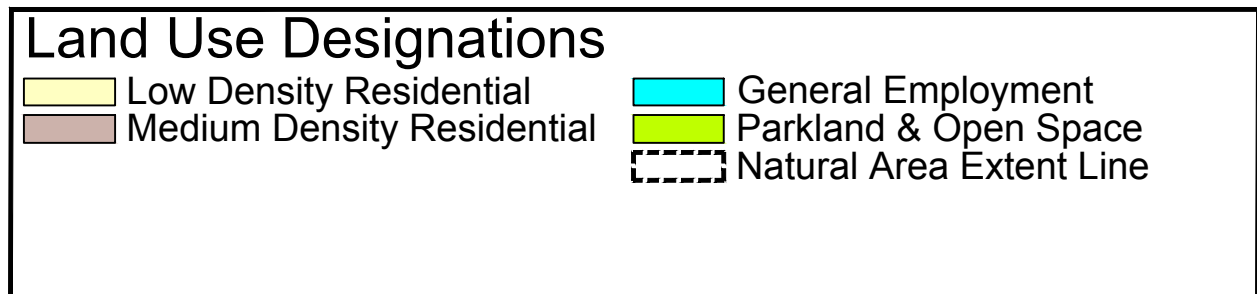
Parkland & Open Space
 Urban Area Boundary

Files: 60.30.332, 60.35.1031 & 60.46.132

Existing Land Use Designation (The Garden City Plan - East Planning District, Schedule E9)



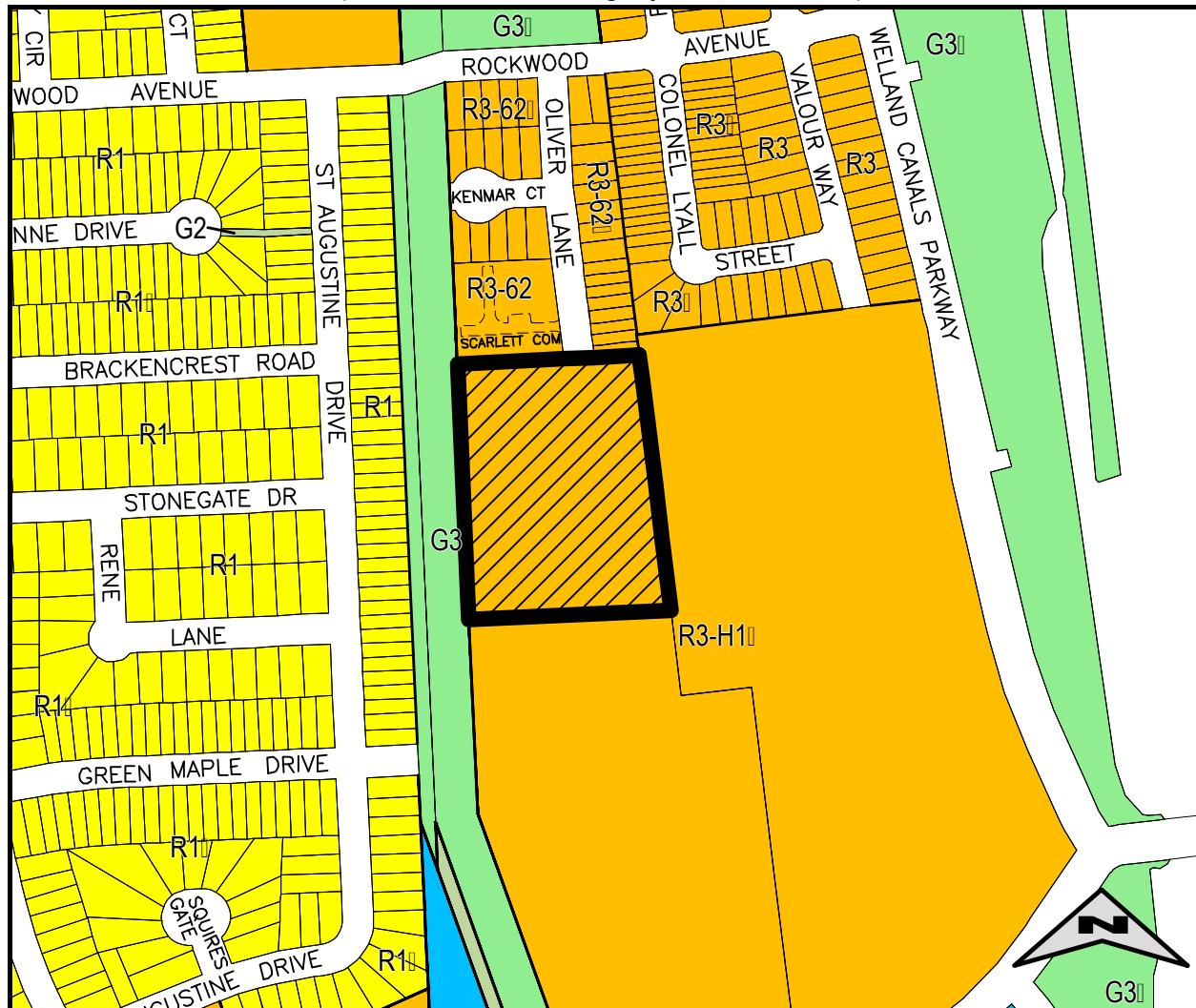
 Subject Lands
75 Oliver Lane



Files: 60.30.332, 60.35.1031 & 60.46.132

Existing Zoning

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



Subject Lands

75 Oliver Lane

Zones

- R1** Low Density Residential
- Suburban Neighbourhood
- R3** Medium Density Residential
- E2** General Employment

- G2** Minor Green Space
- G3** Major Green Space

Files: 60.30.332, 60.35.1031 & 60.46.132

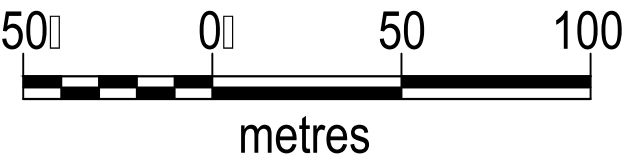
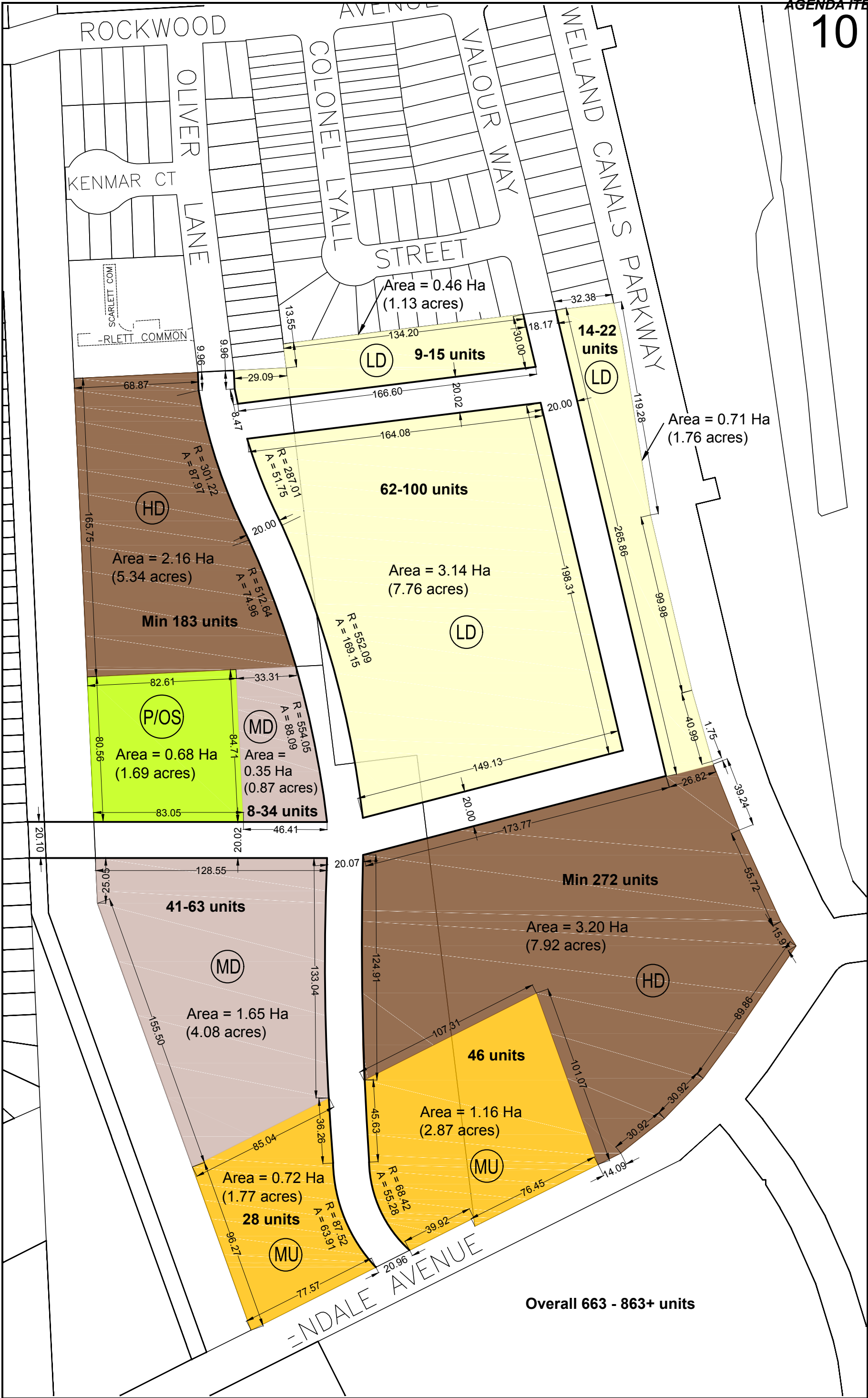


Section 2 of the Planning Act:

Shall have regard to:

- (a) the protection of ecological systems, including natural areas, features and functions;
- (b) the protection of the agricultural resources of the Province;
- (c) the conservation and management of natural resources and the mineral resource base;
- (d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;
- (e) the supply, efficient use and conservation of energy and water;
- (f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;
- (g) the minimization of waste;
- (h) the orderly development of safe and healthy communities;
- (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- (i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;
- (j) the adequate provision of a full range of housing, including affordable housing;
- (k) the adequate provision of employment opportunities;
- (l) the protection of the financial and economic well-being of the Province and its municipalities;
- (m) the co-ordination of planning activities of public bodies;
- (n) the resolution of planning conflicts involving public and private interests;
- (o) the protection of public health and safety;
- (p) the appropriate location of growth and development;
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

- (r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate



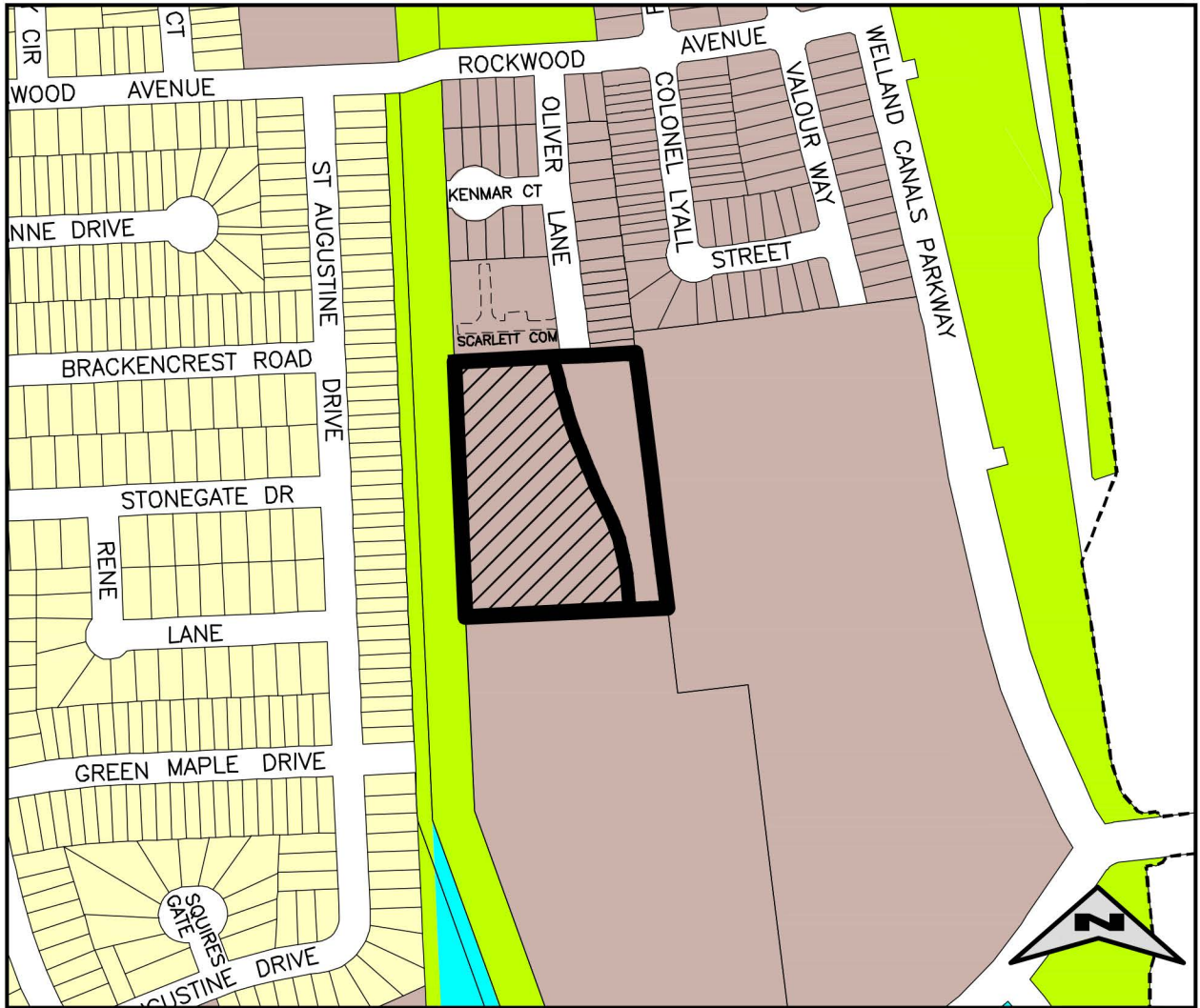
1:200

Distances shown are in metres.

Proposed Land Use Designation

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

AGENDA ITEM 15.1



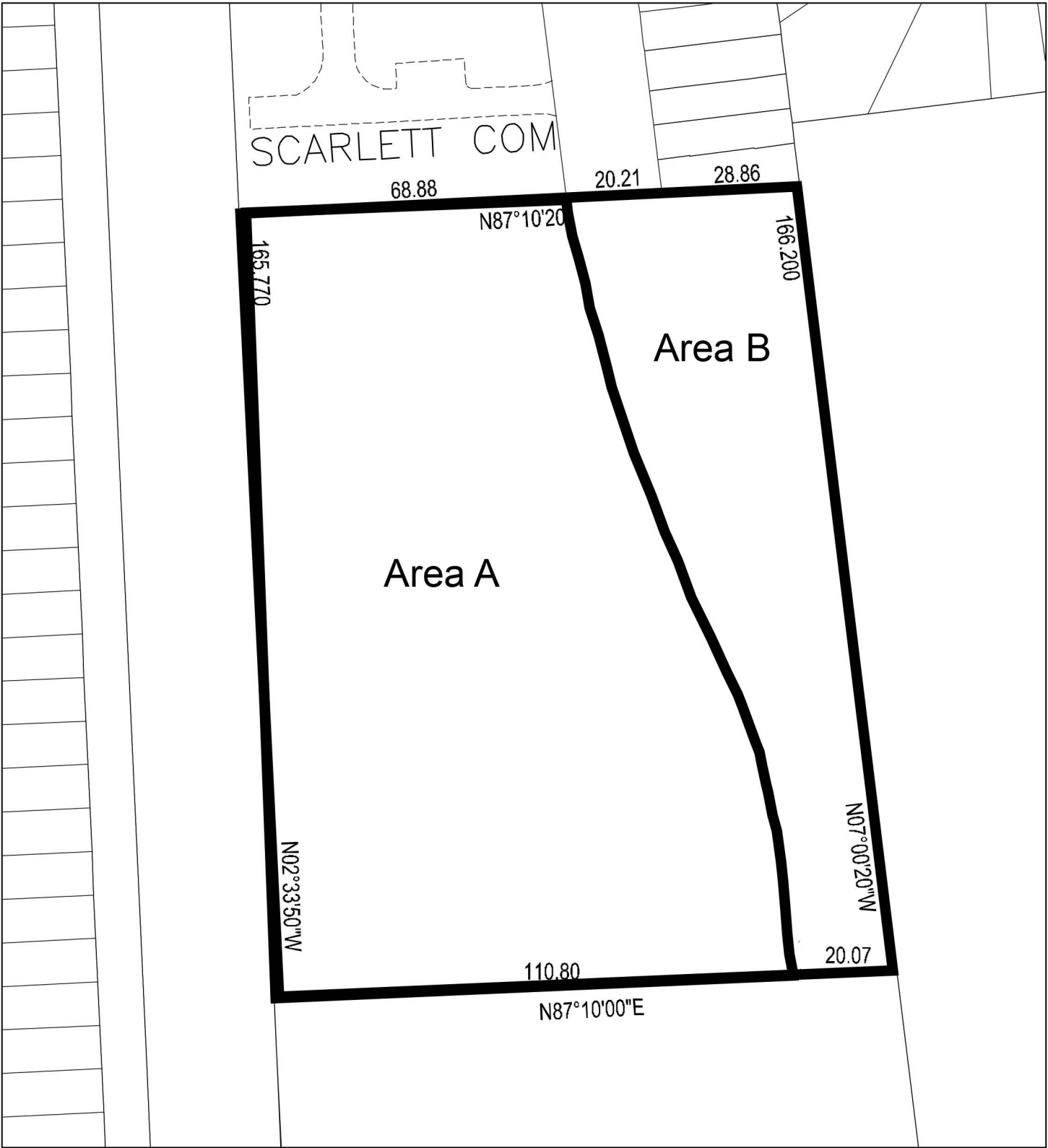
 Subject Lands 75 Oliver Lane

 Special Policy Area

Land Use Designations

- | | |
|---|--|
|  Low Density Residential |  General Employment |
|  Medium Density Residential |  Parkland & Open Space |
| |  Natural Area Extent Line |

PASSED ON THE _____ DAY OF _____, 2018



AN ILLUSTRATION SHOWING

Part of Lot 8, Concession 9, designated as Parts 1 & 2 on 30R-14722

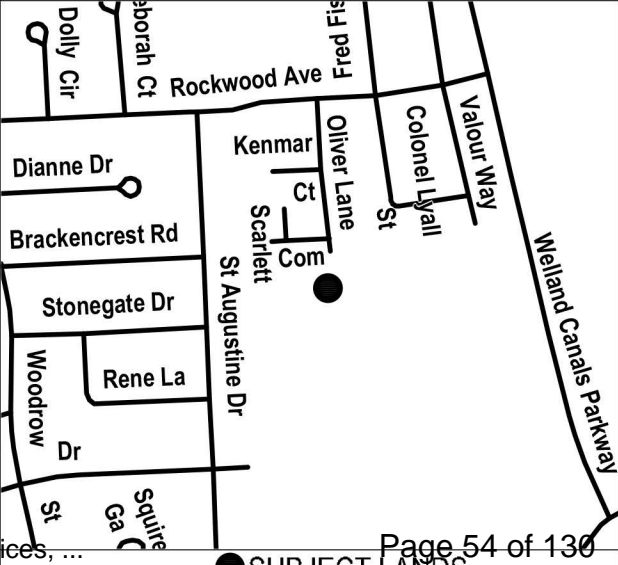
IN THE CITY OF ST.CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA



DISTANCES SHOWN ARE IN METRES

NOT TO SCALE
Public Meeting Pursuant to Planning Act Planning and Building Services, ...

KEY PLAN NOT TO SCALE





CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: September 12, 2018

Date of Meeting: September 24, 2018

Report Number: PBS-218-2018

File: 60.30.340 and 60.35.1044

Subject: *Planning Act Continuation of Public Meeting – Recommendation Report*
Applications for Official Plan Amendment and Zoning By-law Amendment;
99 South Drive; Owner:1473941 Ontario Ltd.; Agent: Adele Arbour

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 municipally known as 99 South Drive, as identified in Appendix 1, as follows:

- a) That Section 15.4.1 be amended by adding the following after Section 15.4.1.c):
 - d) Notwithstanding Part D, Section 8.8.1, lands designated Low Density Residential and known municipally as 99 South Drive shall permit an apartment building with a maximum of 10 dwelling units.

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

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

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

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

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

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

Zoning By-law Amendment

That Council approve amendments to the City of St. Catharines Zoning By-law 2013-283, for the lands municipally known as 99 South Drive, as identified in Appendix 1, as follows:

a) That Section 15.1, Schedule A (A20), Zoning Maps, be amended by changing the zoning of the subject lands from Local Neighbourhood Institutional – Special Provision 122 (I1-122) to Local Neighbourhood Institutional – Special Provision 122, Special Provision 151 (I1-122-151) as outlined in Appendix 6.

b) That Section 13.1 ‘List of Special Provisions’, for lands known as 99 South Drive, be amended by adding a Special Provision 151, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
151	I1	20		99 South Drive	
1.	Permitted Use				
	Additional Permitted Use: Apartment building having a maximum of 10 dwelling units				
2.	Building Setbacks				
	Minimum required setbacks for an apartment building shall be as follows: Front Yard: 5 m Rear Yard: height of building South Side Yard: 3 m North Side Yard: half height of building				
3	Landscape Buffering				
	Notwithstanding the landscape buffering requirements described in Section 3.13.1, minimum landscape buffering shall be provided as follows: North Yard: 0.5 m East Yard: 1.0 m				

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

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

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

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

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

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

Summary

This Recommendation Report considers a proposed Official Plan Amendment and a Zoning By-law Amendment related to the lands at 99 South Drive. The Amendments are necessary to permit the conversion of the existing former school building, but without the gymnasium, into 10 condominium apartment dwelling.

This Recommendation Report follows the [Information Report](#) (PBS-212-2018 linked here and copy available upon request) that was received by Council at the September 10, 2018, Public Meeting. Council did not close but rather adjourned the public meeting at that time. Staff is recommending approval of the Applications.

Staff is recommending approval of these applications, on the basis that they have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to, and do not conflict, with the Growth Plan for the Greater Golden Horseshoe, and conform to, and do not conflict, with the Region of Niagara's Official Plan and meet the general intent of the City's Official Plan.

Background

On September 10, 2018, at a Statutory Public Meeting, Council received an [Information Report](#) respecting applications for Official Plan and Zoning By-law Amendment. The Information Report provided an overview of the applications, the site, the planning policy context, and comments received from staff, outside agencies, and the community. This Recommendation Report provides Council with a planning analysis and staff recommendation on the application

Report

Proposed Development

The applicant seeks approval for an Official Plan and Zoning By-law amendment for the lands identified in Appendix 1 to permit the conversion of the two-storey former Glenridge School building into 10 condominium apartment units. The gymnasium of the former school will be demolished and a new parking lot will be established in its approximate location. No additions to the former school building are proposed. The applicant has advised that it is their intention to sell the apartment dwellings as condominium units. Further applications for site plan approval and draft plan of standard condominium approval will be needed if the subject proposed amendments are approved by Council. The conceptual site plan is attached as Appendix 2.

Circulation of Application

This application was circulated to all relevant departments and agencies in accordance with the requirements of the Planning Act; there were no objections received. The previous [Information Report](#) summarized comments received on the submissions at the time of the Public Meeting. No additional correspondence has been received since the preparation of the Information Report.

Following the Public Meeting, the applications were presented by Staff to the St. Catharines Heritage Advisory Committee (SCHAC) at their meeting of September 13, 2018. The following motion was passed by the Committee: “That the SCHAC supports the planning applications to permit the adaptive re-use of the former Glen Ridge school building at 99 South Drive into 10 condominium apartment units. The proposed conversion should be in accordance with the findings and recommendations contained in the Heritage Impact Assessment prepared by Megan Hobson (May 16, 2018) and supplemental Gymnasium Demolition Plan, also prepared by Megan Hobson”.

Planning Analysis

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 meet the general intent of the lower-tier official plan. Accordingly, planning staff have evaluated these applications against the policies of the Provincial Policy Statement (2014), 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. Appendix 7 outlines the land use planning framework in Ontario as it applies to these applications. Staff recommendations have been formulated accordingly.

Provincial Policy Statement

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

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

1 Settlement Areas

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

2 Long-Term Economic Prosperity

The PPS describes that long-term economic prosperity should be supported through a number of measures, including: “encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes”.

3 Cultural Heritage and Archaeology

The policies of the PPS require that significant built heritage resources and significant cultural heritage landscapes shall be conserved. The former Glenridge School building has been designated as a heritage building under Part IV of the Ontario Heritage Act.

PPS Summary Opinion

Staff are of the opinion that the proposed Amendments are consistent with the policies of the Provincial Policy Statement in that policies related to intensification, growth, and cultural heritage would be upheld. The proposal will efficiently use existing infrastructure and public service facilities, will contribute to the range of housing options in the community, and will facilitate the conservation of a heritage building, all of which are consistent with the policies contained in the PPS.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan), stresses compact and well-designed development and prioritizes intensification in built-up areas. The subject lands are located within a built-up area, as delineated by the Growth Plan. Several themes of the Growth Plan are particularly relevant to the subject proposal and these themes are described below. The Growth Plan reiterates many of the focusses of the PPS.

1 Managing Growth

The Growth Plan directs the majority of growth to settlement areas that have a delineated built boundary, have existing or planned water and wastewater systems, and can support the achievement of complete communities. Growth within settlement areas will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit; and areas with existing or planned public service facilities. Municipalities are required to establish a hierarchy of growth within settlement areas, intended to achieve complete communities that provide a range and mix of land uses and housing, optimize infrastructure, and have a high quality and attractive private and public realm.

2 Delineated Built-Up Areas

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

Intensification strategies are to be implemented through official plan policies and designations, zoning, and other documents.

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

3 Cultural Heritage

The Growth Plan states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. The former Glenridge School building has been designated as a heritage building under Part IV of the Ontario Heritage Act and the proposed amendment would facilitate the adaptive re-use of the building.

Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments conform with and do not conflict with the policies of the Growth Plan for the Greater Golden Horseshoe in that the proposed development is consistent with the Growth Plans direction to accommodate more intensive development patterns and to promote complete communities within existing built-up areas. The proposal further supports achievement of the minimum intensification target established for the City's built-up area.

Regional Official Plan

The Regional Official Plan (ROP) identifies the subject lands as being located within the Urban Area for the City of St. Catharines and within a Built-up Area, which will be the focus of both residential and employment intensification and redevelopment. The ROP establishes a framework for developing complete communities that include a diverse mix of land uses, a range of housing types, high quality public open spaces, and access to transportation options.

Regional staff have confirmed that they have no objection to the applications, subject to certain matters being addressed through future approvals, including archeological investigations. While Regional staff have requested the completion of an archeological assessment prior to the new zoning taking effect, Staff are of the opinion that any archeological potential be satisfactorily addressed through the site plan approval process. Regional staff have also confirmed that the site-specific Official Plan Amendment is exempt from Regional Council approval in accordance with the Regional Official Plan and the Memorandum of Understanding. Staff agree with Regional staff that the proposal is consistent with the Regional Official Plan.

Local Official Plan (Garden City Plan)

The City's Official Plan, The Garden City Plan (GCP) sets out land use designations, policies, and principles to direct and manage the orderly and efficient growth of the City.

The Plan reflects the City's individual community interests within the context of Provincial and Region planning regimes. Section 1.1 b) i) of the Official Plan states that "no By-law may be passed... that does not conform to this Plan".

The City's Official Plan was approved by the Region of Niagara in 2012. Since then, the Province has updated the PPS in 2014, and the Greenbelt Plan, Niagara Escarpment Plan and the Growth Plan in 2017. The City's Official Plan will need to be updated once the Region of Niagara completes its MCR and adopts a new Official Plan. Notwithstanding, the City's current Official Plan is consistent with, conforms with, and does not conflict with the PPS, Provincial Plans and the Regional Official Plan.

Land Use Policies and Growth Accommodation – Neighbourhood Residential

The subject lands are designated as 'Neighbourhood Residential' on Schedule D1, General Land Use Plan for the GCP (Appendix 3). The Neighbourhood Residential land use designation applies to most residential areas throughout the City. The South Planning District, Schedule E8, further designates these lands as Low Density Residential (Appendix 4) which permits a variety of residential uses, including detached, semi-detached, duplex, quadruplex, fourplex and townhouse dwellings generally at a density range between 20 and 32 units/ha. Apartment dwelling units are not identified as a permitted use. The proposed development (school site only) represents a density of 43.5 units/ha. When considering the larger development proposal which includes both the school building and 10 townhouse units, the total project density is 33.3 units per hectare, generally consistent with the upper limit for Low Density Residential areas. An Official Plan Amendment is required to permit apartment dwellings as a land use on the property.

The Official Plan Amendment application has been made to facilitate the conversion of the former school building on the subject lands into a condominium apartment building. No expansion to the former school building is proposed. While an apartment building is not permitted within the Low Density Residential designation, the proposed school conversion is considered by Staff to be both appropriate and desirable for the site and the community. The proposal supports the adaptive re-use of a significant community landmark and will help to ensure that this building continues to be maintained and used appropriately for the long term. The overall low-rise character of the surrounding community will be maintained.

Amendments to the Official Plan

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 below considerations. The proposed Amendment satisfies each of these conditions.

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	The Plan prioritizes the accommodation of growth and change, including residential growth and intensification, in

Plan, particularly the vision, planning principles and general policies of the Plan	appropriate locations. The Plan also directs the conservation of heritage resources. The proposal represents a means to facilitate the continued use of a heritage building in a manner that is appropriate for the neighbourhood and provides more housing choice.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are ingrained 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	The lands are already designated for residential use and no change in land use designation is proposed. The Amendment only addresses the form of the residential development, being an apartment building. The conversion of an existing heritage building from a school to a residential use is an appropriate adaptive re-use of this neighbourhood asset.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	Compatibility of the proposal will be achieved through the implementing zoning by-law amendment, site plan control and heritage permits. Given the proposal is for an adaptive re-use project, the building has already established compatibility with the area.
v) The potential of the proposal to cause instability within an area intended to remain stable	No change in land use designation is proposed and the low-rise residential character of the surrounding environment will be maintained. The gymnasium, which is not part of the heritage designation, will be demolished. Development will be limited to interior alterations of the existing two-storey former school building. No neighbourhood instability is triggered with this approval.
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	There is adequate existing infrastructure and public service facilities to accommodate the proposed development without need for upgrading or expansion.

and public service facility improvements in other areas of the City	
vii) The financial implications, both cost and revenues, to the City	The proposed development presents no direct negative cost implications to the City. Any serving connections which may be necessary to accommodate the development will be at the sole cost of the applicant. The addition of 10 dwelling units will provide an increase in property tax revenues and contribute to a varied housing supply.
viii) The degree to which approval of the amendment would establish an undesirable precedent	No change in land use designation is proposed and the low rise residential character of the surrounding environment will be maintained.

Zoning By-law

Zoning By-law 2013-283 zones the lands as Local Neighbourhood Institutional, Special Provision 122 (I1-122) (see Appendix 5). The I1 Zone permits a broad range of institutional and community uses, including schools, day cares, community facilities, places of worship, long term care facilities and social service facilities, subject to the applicable zoning provisions. The I1 zone also permits residential uses including detached, semi-detached and townhouse dwellings, subject to the low density residential zoning standards. Special Provision 122 describes that any residential uses shall comply to the Low Density Residential – Traditional Neighbourhood (R2) zone standards. The surrounding lands are all zoned as Low Density Residential – Traditional Neighbourhood (R2). An apartment building is not a permitted use in either the I1 or the R2 zone.

The Applicant has requested a Zoning By-law Amendment to add an apartment building as a permitted land use through the creation of a new zone Special Provision. The applicant has also requested reduced yard setbacks to be consistent with the placement of the existing building and reduced landscaped buffering around the proposed new parking area. These amendment requests are outlined below, together with an analysis of each.

Apartment Building as Permitted Use

The application proposes to add an apartment building as a permitted use on the subject lands. The intent of the zoning by-law's current restriction on apartment buildings in this area is to maintain the overall low density and low-rise character of the neighbourhood. Apartment buildings in residential areas are generally located along arterial and collector streets, in closer proximity to transit, shopping and community facilities. As the former school building is two-storeys in height and no expansions are proposed to facilitate the conversion of this building to residential use, the overall intent

of the by-law will be maintained. Staff are recommending that a maximum of 10 dwelling units be permitted within the apartment building, consistent with the proposal.

Minimum Yard Setbacks

The I1 zone does not describe specific minimum setback requirements for apartment buildings. Staff are recommending that minimum building setbacks be established for the school building that are consistent with the structure's existing setbacks to the street and the adjacent park, and that are consistent with typical setbacks for apartment buildings when adjacent to residential development (consistent with R3 zone standards for apartment buildings). The recommended setbacks are described below.

Front Yard Setbacks: Recommended minimum setback of 5 m, consistent with the existing setback of the school building.

Rear Yard Setback: Recommended minimum setback equal to the height of the building. This will ensure adequate spacing between the apartment building and neighbouring future residential townhouse units along Highland Avenue.

South Side Yard Setback: Recommended minimum setback of 3 m, consistent with the existing setback of the school building.

North Side Yard Setback: Recommended minimum setback equal to half the height of the building. This will ensure adequate spacing between the apartment building and neighbouring future residential townhouse units along Ridgewood Road.

Parking Lot Landscape Buffering

The zoning by-law includes a general provision that requires that a minimum 3 m landscape buffer be provided between a parking lot and neighbouring residential lots. The applicant has proposed to reduce the width of these landscape buffers along the north and east property lines to 0.5 m and 1.0 m respectively. Given the constrained distance between that the existing school building and the recently-approved townhouse lots along Ridgewood Road, there is not sufficient space to provide a parking lot for the apartment building that meets all zone standards. Staff are recommending approval of the reduced landscape buffers to facilitate the adaptive re-use of the former school building and will require mitigating measures within the reduced landscape buffers including fencing through the site plan agreement.

The recommended Zoning By-law Amendment is attached as Appendix 6.

Site Plan Approval

In accordance with the City's Site Plan Control By-law, the Applicant will be required to enter into a site plan agreement with the City prior to the issuance of a building permit for the development. The Site Plan Agreement will address detailed site and building design matters such as servicing, streetscaping and heritage conservation. Through the site plan review process, neighbouring property owners will be advised of the submission and invited to review and provide feedback on the submitted detailed plans. The conceptual site plan submitted with the Amendment applications (Appendix 2)

should the establishment of a new parking area to the north of the school and the balance of the lands remaining largely unchanged.

Upon approval, the site plan agreement will be registered against the title of the lands and legally binding upon the existing and future property owners. The Applicant will be required to post securities to ensure the terms of the agreement are carried out.

Consistent with Council direction, a neighbourhood information meeting on the site plan application will be held by Staff and input on the detailed plans will be received.

Public Consultation

Planning and Building Services hosted an Open House related to this Application on August 16, 2018. The purpose of the Open House was to share information with the community regarding the development proposal and to gather feedback from those in attendance. The Owner and the Applicant were in attendance to answer questions.

In accordance with the requirements of the Planning Act, a statutory Public Meeting was held by Council on September 10, 2018. Staff from Planning and Building Services presented the previous [Information Report](#). The agent for the owner was in attendance and made a presentation in support of the proposal. No members of the community spoke to the application. The Public Meeting was adjourned.

Questions raised at the Open House are described below, with a corresponding Staff response.

Park Improvements

Comment: A new park entrance should be provided from South Drive to replace the park entrance that will be removed as part of the development proposal.

Response: Relocation of the park entrance from South Drive will be addressed as a condition of the site plan approval process. PRCS will also evaluate improved park access from the other street frontages.

Comment: The adjacent City park should include reduced fencing to make it appear more open and inviting and feel less like a dog park.

Response: This matter is not directly related to the proposed policy amendments but the City's PRCS department has been advised of this request and will evaluate in conjunction with other potential future park alterations which.

Traffic and Parking

Comment: Concern about existing vehicle speed issues along South Drive being worsened and need for traffic calming measures in the area;

Response: TES staff have advised that they have no concerns related to the addition of the 10 apartment dwelling units along South Drive. If vehicle speeds are

considered to be an existing concern, Council, may direct an evaluation under the City's traffic calming eligibility evaluation program.

Comment: Parking on perimeter streets should be limited to one side of the street.

Response: No additional on-street parking restrictions are contemplated at this time. The frontage of the subject lands was previously marked as a school bus loading zone and this restriction is no longer necessary. TES may consider operational changes to area on-street parking permissions if warranted.

Heritage Conservation

Comment: How will the building's important architectural elements including windows and entrances be preserved?

Response: The building is designated under Part IV of the Ontario Heritage Act and any exterior alterations will require heritage permits. The owner has advised that it is their intention to retain and restore these building elements.

Rental Housing

Comment: Are the new apartment dwellings going to be operated as rental units?

Response: It is Staff's understanding that the owner intends to sell the residential dwellings as condominium apartment units. A further application for plan of standard condominium approval is required. The City cannot however restrict the renting of these dwellings if a rental model is contemplated.

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

Approval of the proposed Amendments would serve to support the goals of the Strategic Plan through the pillars of Economic, Social and Cultural Sustainability as follows:

Economic Sustainability

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

Relationship to Goal

Approval supports private investment through new construction at a prominent downtown location.

Cultural Sustainability

- Goal: Embrace our diversity and celebrate our heritage and history

Will promote appreciation of built heritage resources that informed the design of the new building. The building should demonstrate how contemporary building forms can exist harmoniously within a historic streetscape.

Conclusion

In summary, Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment. This Recommendation Report provides the planning context and justification for Staff's recommendation to support the applications. The Amendments will facilitate the adaptive re-use of a significant built heritage resource and community landmark. The proposed apartment building conversion will provide context-appropriate neighbourhood intensification and will provide additional housing options within the neighbourhood. The proposal is consistent with Provincial and Regional policy direction and maintains the overall intent of the Official Plan for both residential neighbourhoods and heritage conservation.

Notification

It is in order to advise Adele Arbour, 3020 Fire Route 44, Lakefield, ON, K0L 2H0, the owner's agent.

Prepared by:

Scott Ritchie, MCIP RPP
Urban Design Planner

Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

Approved by:

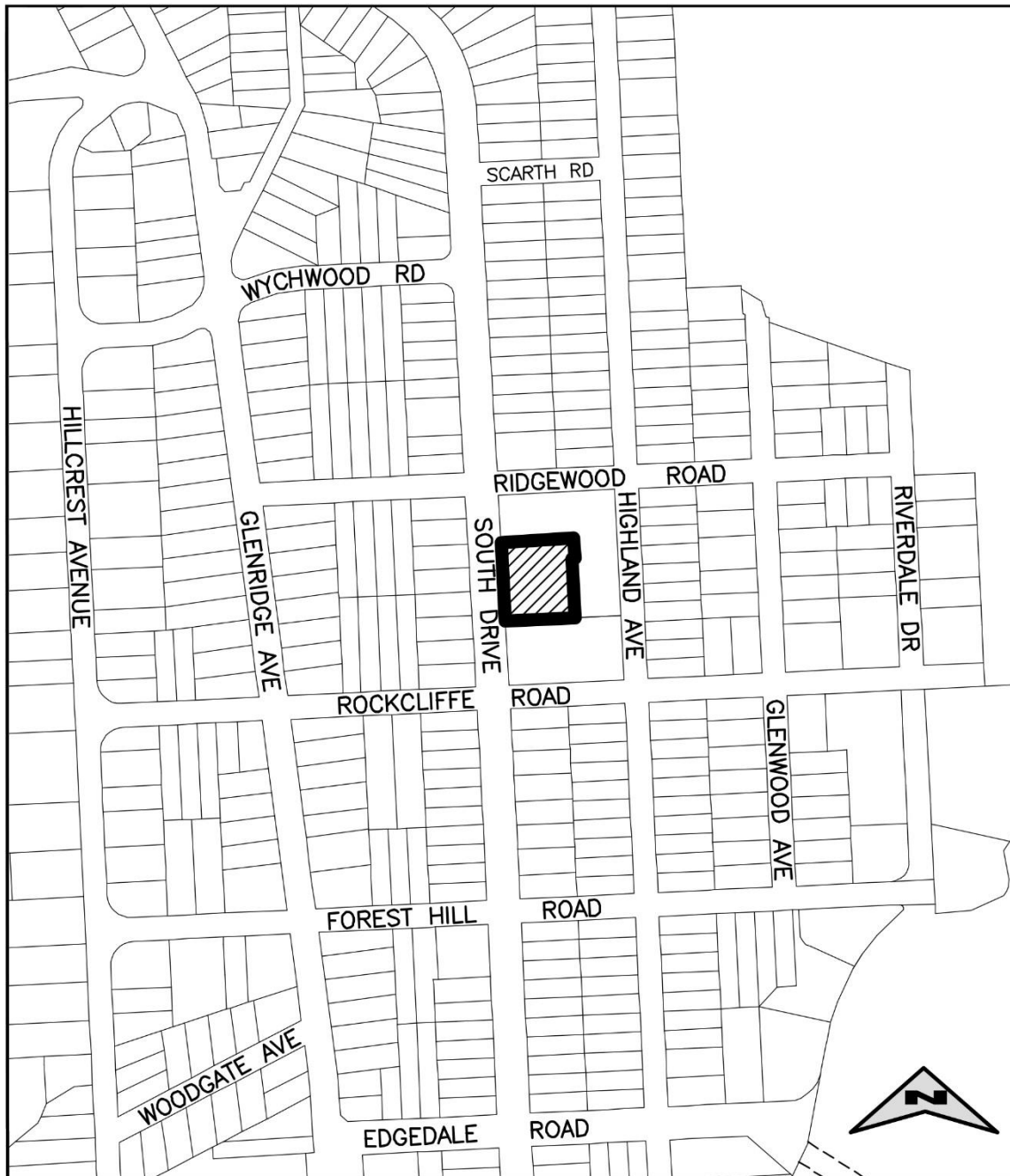
James N. Riddell, M.P.L., MCIP, RPP
Director, Planning and Building Services

List of Appendices

1. Location Map
2. Concept Overall Site Plan
3. Official Plan – Schedule D1, General Land Use Plan Map
4. Official Plan – Schedule E8, South Planning District
5. Zoning By-law 2013-283, Schedule A20
6. Recommended Zoning By-law Amendment
7. Provincial Land Use Planning Framework Diagram

Location Map

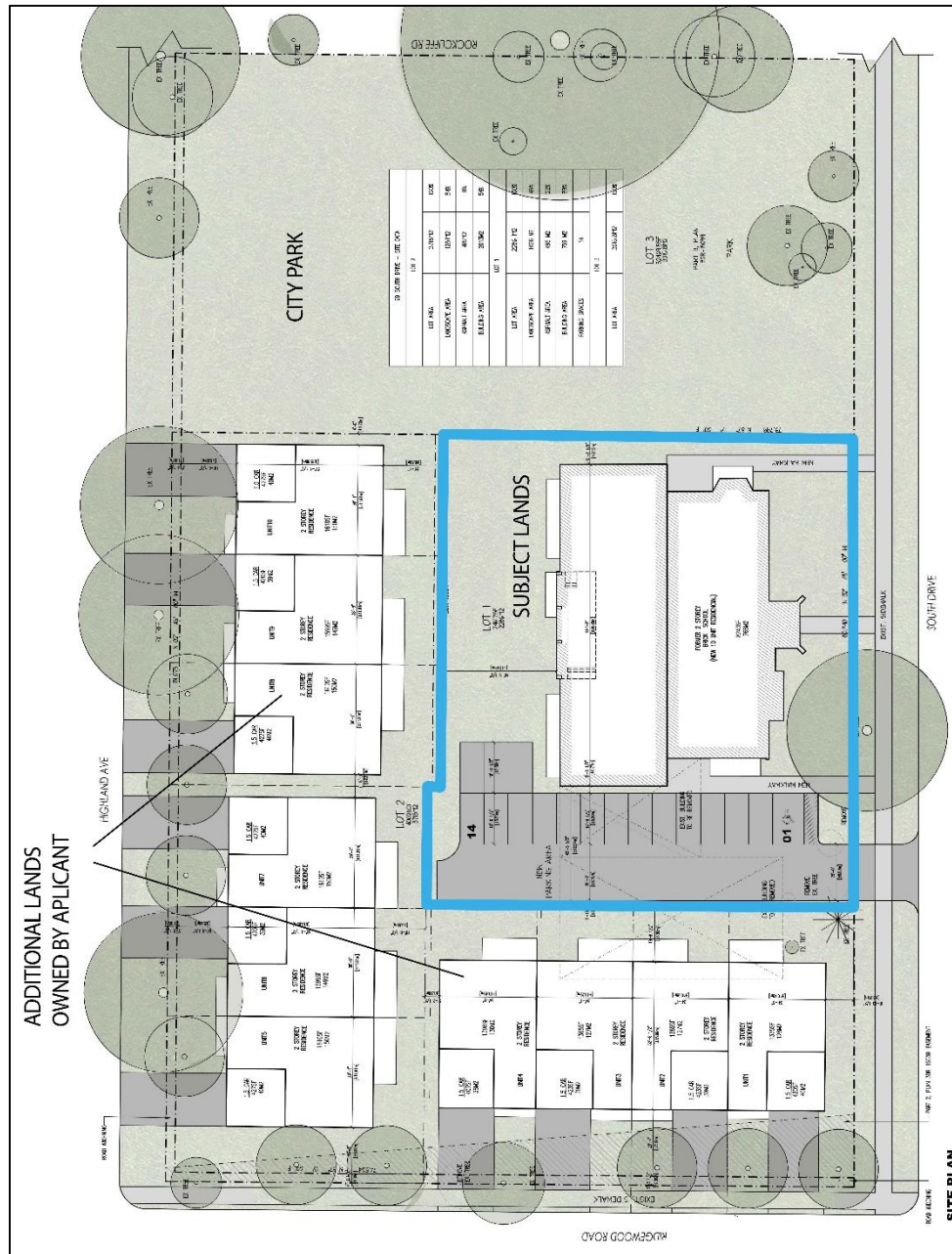
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Subject Lands

99 South Drive

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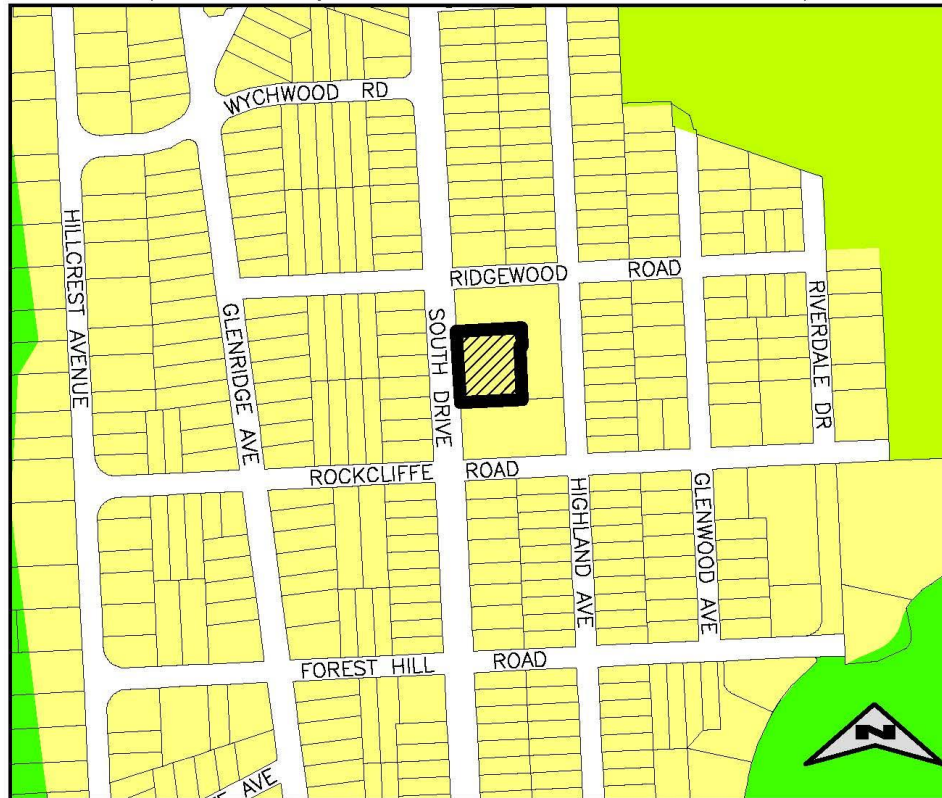


Official Plan – Schedule D1, General Land Use Plan Map

3

Existing Land Use Designation

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



Subject Lands

99 South Drive

Land Use Designations

Neighbourhood Residential
Natural Areas

Parkland & Open Space

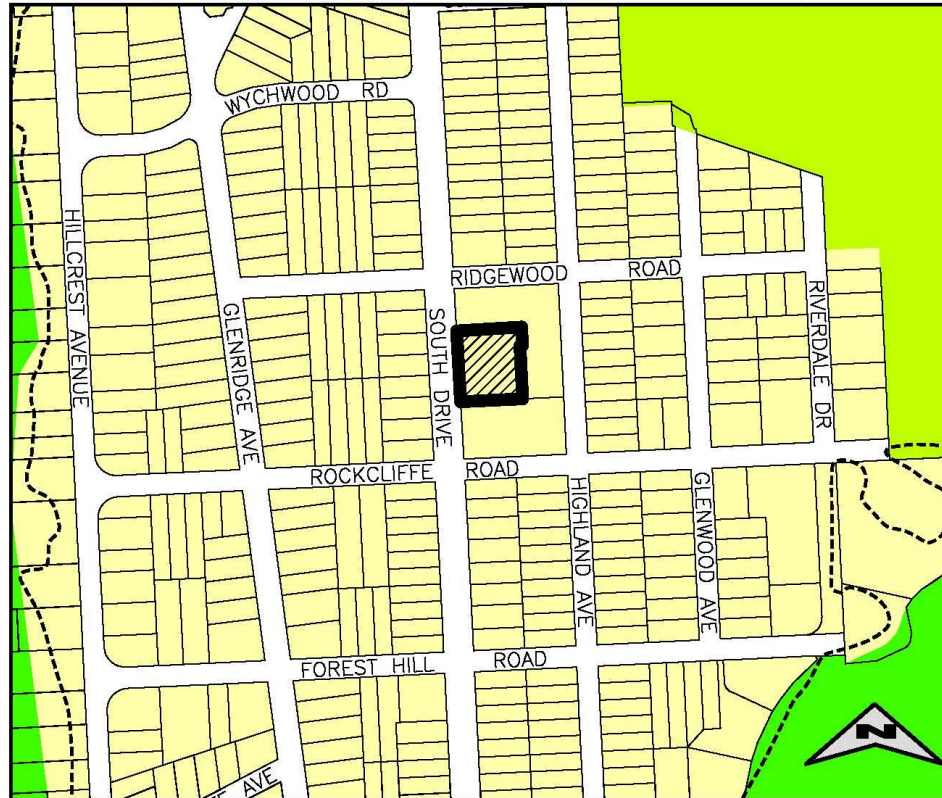
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Official Plan – Schedule E8, South Planning District

4

Existing Land Use Designation

(The Garden City Plan - South Planning District, Schedule E8)



 Subject Lands
99 South Drive

Land Use Designations

- | | |
|---|--|
|  Low Density Residential |  Natural Areas |
|  Parkland & Open Space |  Natural Area Extent Line |

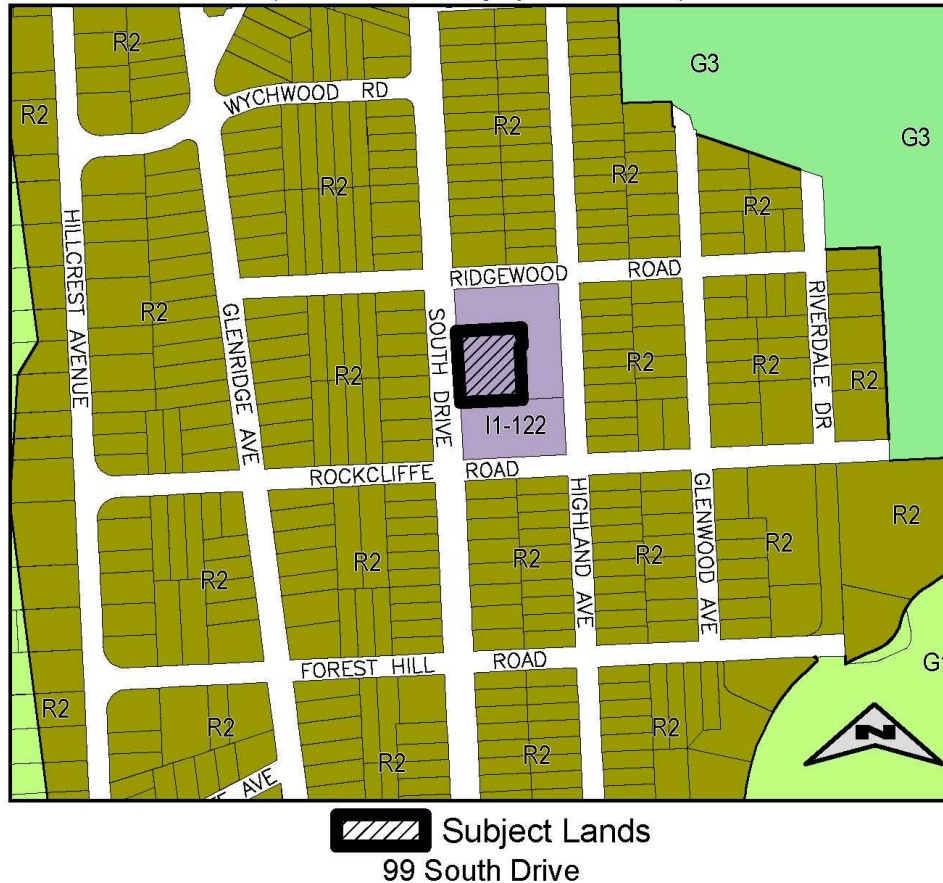
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Zoning By-law 2013-283, Schedule A20

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
Existing Zoning

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



Subject Lands
99 South Drive

Zones

- | | |
|---|--|
|  R2 Low Density Residential
- Traditional Neighbourhood |  G3 Major Green Space |
|  G1 Conservation / Natural Area |  I1 Local Neighbourhood Institutional |

Files: 60.30.340 & 60.35.1044

Recommended Zoning By-law Amendment

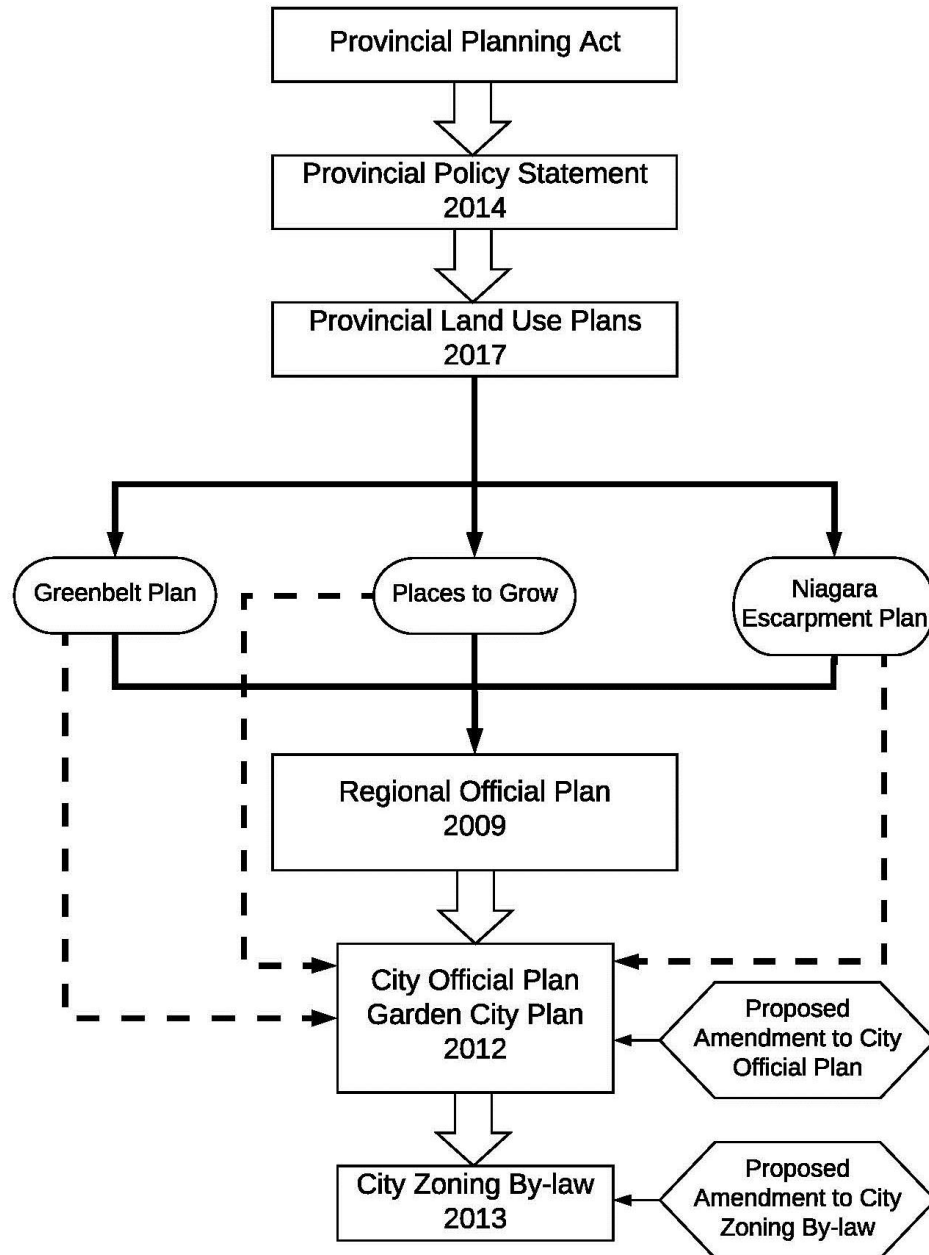
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- a) That Section 15.1, Schedule A (A20), Zoning Maps, be amended by changing the zoning of the subject lands from Local Neighbourhood Institutional – Special Provision 122 (I1-122) to Local Neighbourhood Institutional – Special Provision 122, Special Provision 151 (I1-122-151) as outlined in Appendix 6.
- b) That Section 13.1 ‘List of Special Provisions’, for lands known as 99 South Drive, be amended by adding a Special Provision 151, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
151	I1	20		99 South Drive	
1.	Permitted Use				
	Additional Permitted Use: Apartment building having a maximum of 10 dwelling units				
2.	Building Setbacks				
	Minimum required setbacks for an apartment building shall be as follows: Front Yard: 5 m Rear Yard: height of building South Side Yard: 3 m North Side Yard: half height of building				
3	Landscape Buffering				
	Notwithstanding the landscape buffering requirements described in Section 3.13.1, minimum landscape buffering shall be provided as follows: North Yard: 0.5 m East Yard: 1.0 m				

Provincial Land Use Planning Framework Diagram

7

Ontario Land Use Planning Framework



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: September 14, 2018

Date of Meeting: September 24, 2018

Report Number: PBS-215-2018

File: 60.46.444

Subject: *Planning Act Continuation of Public Meeting – Recommendation Report*
Application for Draft Plan of Standard Condominium; 6, 6A, and 10
Dalhousie Avenue; Owner: The Beaches at Port Inc.; Agent: Niagara
Planning Group

Recommendation

That Council approve the Draft Plan of Standard Condominium for the lands described in Appendix 1 known as 6, 6A, and 10 Dalhousie Avenue, showing 13 apartment dwelling units within one apartment building and 1 detached dwelling unit together with common elements containing parking, landscaping, and servicing, as illustrated in Appendix 1 of this report, subject to the Conditions of Draft Plan of Standard Condominium Approval, as outlined in Appendix 2 of this report; and

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

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

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

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

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

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

Summary

This application seeks approval of a Draft Plan of Standard Condominium for a detached dwelling unit and 13 apartment dwelling units and common areas for parking,

landscaping and servicing, as illustrated in Appendix 1 of this report. Condominium approval will allow each of the 14 dwelling units to be sold individually.

The development was previously approved, is under construction and is subject to a Site Plan Agreement. This application for Draft Plan of Standard Condominium approval relates to tenure (ownership) of the units only. Should Council approve the subject application for Draft Plan of Condominium, the Condominium Corporation will be subject to the applicable Site Plan Agreement.

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

Report Background

On September 10, 2018, Council received an [Information Report](#) (linked here and available upon request) on this Application for Draft Plan of Standard Condominium Approval, which provided an overview of the proposed development, location and site description, planning context and policies, circulation comments and concerns that arose from public consultation.

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

Proposal

The Draft Plan of Standard Condominium application proposes to create 1 detached dwelling unit and 13 apartment dwelling units as well as a common element area for visitor parking, landscaping and servicing, as outlined in Appendix 1.

From Dalhousie Avenue the development has access to a driveway for the detached dwelling unit and a separate driveway to the apartment building and associated visitor parking. There is a second access to an underground parking garage within the apartment building via Gary Road, a private road accessing Main Street. There are existing easements and a licensing agreement registered on title granting access to the development over portions of Gary Road that are not owned by the applicant. The applicant has requested Draft Plan of Standard Condominium Approval so that each of the 14 units can be sold individually. The development has an approved Site Plan and the Site Plan Agreement is registered on title of the lands. The project is under construction.

Draft Plan of Condominium

Section 51(24) of the Planning Act guides staff in assessing plans of condominium, as described in the Information Report, which was considered at a Public Meeting under

the Planning Act on September 10, 2018. To that end, the following analysis is provided.

- The development is consistent with and does not conflict with matters of provincial interest, it is not premature and is in the public interest. The parcel is already zoned and planned to allow for multi-unit residential uses, and contributes to the City's growth which is supported and encouraged by the Growth Plan and Provincial Policy Statement.
- The proposal complies with the Official Plan, and the lands are suitable for development as previously approved. The subject lands are developing at medium density for residential uses, in keeping with previous approvals and the site contains adequate parking, access and landscaping, in keeping with the policies of the Official Plan.
- The adequacy of existing roads in the vicinity of the development is sufficient. The development is located at the corner of Dalhousie Avenue and Lock Street, both of which are designated as local roads in the Official Plan. The development also has access to a private road, Gary Road, which has frontage onto Main Street, also designated as a local road in the Official Plan. These roads are considered adequate to support any traffic generated by the subject development. Access has been fully reviewed and approved as part of the site plan approval process.
- The proposed development is compatible with the surrounding land uses. The surrounding uses are residential and parkland. The buildings in which the units are proposed are under construction in accordance with previous planning approvals. Land use compatibility was addressed as part of earlier planning approvals.
- The size of the units is appropriate for the residential use.
- The existing utilities and services are adequate to support the development, as per earlier planning approvals.
- The shoreline has been dedicated to the City, in accordance with earlier planning approvals.
- At the Site Plan Approval stage, easements (NR151285 and NR427501) and a licensing agreement (NR422536, By-law 2016-190) were established to permit continued use of the portions of land not owned by the applicant for access to the development. There are existing easements and a license agreement in place and registered on title to further ensure the continued long term function of the site for the dwelling units proposed.

Site Plan Control

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 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. As part of the process, a site plan agreement is registered against the title of the lands and security deposits are collected to ensure the terms of that agreement are adhered to.

A site plan agreement was registered against the title of the lands and the Draft Plan of Standard 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. The Site Plan Agreement addresses the development as a whole including the structures, access to the property, and the developer's responsibility to repair any damage to City property resulting from construction activity, including the staircase between Dalhousie Avenue and Lakeside Park.

The development relies on access via portions of Dalhousie Avenue and Gary Road that are not owned by the applicant and as such, not proposed to be included in the Draft Plan of Condominium. At the Site Plan Approval stage easements (NR151285 and NR427501) and a licensing agreement (NR422536, By-law 2016-190) were established to permit continued use of these lands for access to the development.

Council should be aware that a minor encroachment of Gary Road into Lakeside Park has occurred during the construction of upgrades to that road contrary to the terms of the easement agreements and site plan approval. PRCS has advised staff that appropriate steps are being taken to remove the encroachment and that final approval of this condominium, should Council approve the application, be held in abeyance pending confirmation from PRCS that all encroachments into Lakeside Park have been removed. A condition (Condition 2) to the proposed draft approval has been included to reflect this requirement.

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. All development on site shall be in compliance with the Registered Site Plan Agreement. All agreements shall be complied with prior to final condominium registration.

Public Meeting

In accordance with the Planning Act, a Public Meeting was held by Council on September 10, 2018. Staff from Planning and Building Services presented an Information Report. The agent for the application was in attendance. No members of the public spoke to the application. Questions raised by members of Council, with a brief Staff response are summarized below.

Comment: What is the impact of the Draft Plan of Condominium to any existing easements over Gary Road?

Response: Existing easements or rights of way in favour of adjacent lands would be unaffected by the subject application provided the easement or right of way is registered on title. Further, it is the applicant's responsibility to register and manage any easements on their own property. The City does not register easements on private lands.

Comment: There are concerns regarding the constructed height of the apartment building. Members of the public have requested that the building height be inspected and confirmed by City Building staff but have not received confirmation of the recorded height of the structure.

Response: City Building staff have inspected the site and are satisfied construction is taking place in accordance with the approved plans. The approved plans indicate a height of 9 metres from the top of bank to the roof mid-point and 12.38 metres to the roof mid-point for the elevator and mechanical room.

Financial Implications

All costs associated with this development will be borne by the developer. No direct financial impacts to the City are triggered should Council approve the subject application. The costs referenced above associated with the improvements to the staircase are not related to the subject application.

Relationship to Strategic Plan

Economic Sustainability

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

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

Potential Appeals

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

Second Planning Opinion Advisory

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

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

Conclusion

In summary, staff recommends that approval be granted to this Draft Plan of Standard Condominium, as illustrated in Appendix 1, subject to the Conditions of Draft Plan Approval outlined in this report and included as Appendix 2. A plan of condominium will allow the detached dwelling unit and each of the 13 apartment dwelling units to be sold individually. The proposal is consistent with Provincial, Regional and local Official Plan policies, and is in accordance with all planning approvals already granted.

Notification

It is in order to advise Dianne Ramos, Niagara Planning Group, 4999 Victoria Avenue, Niagara Falls, ON, L2E 4C9, the owner's agent.

Prepared by:

Taya Devlin
Planner I

Submitted by:

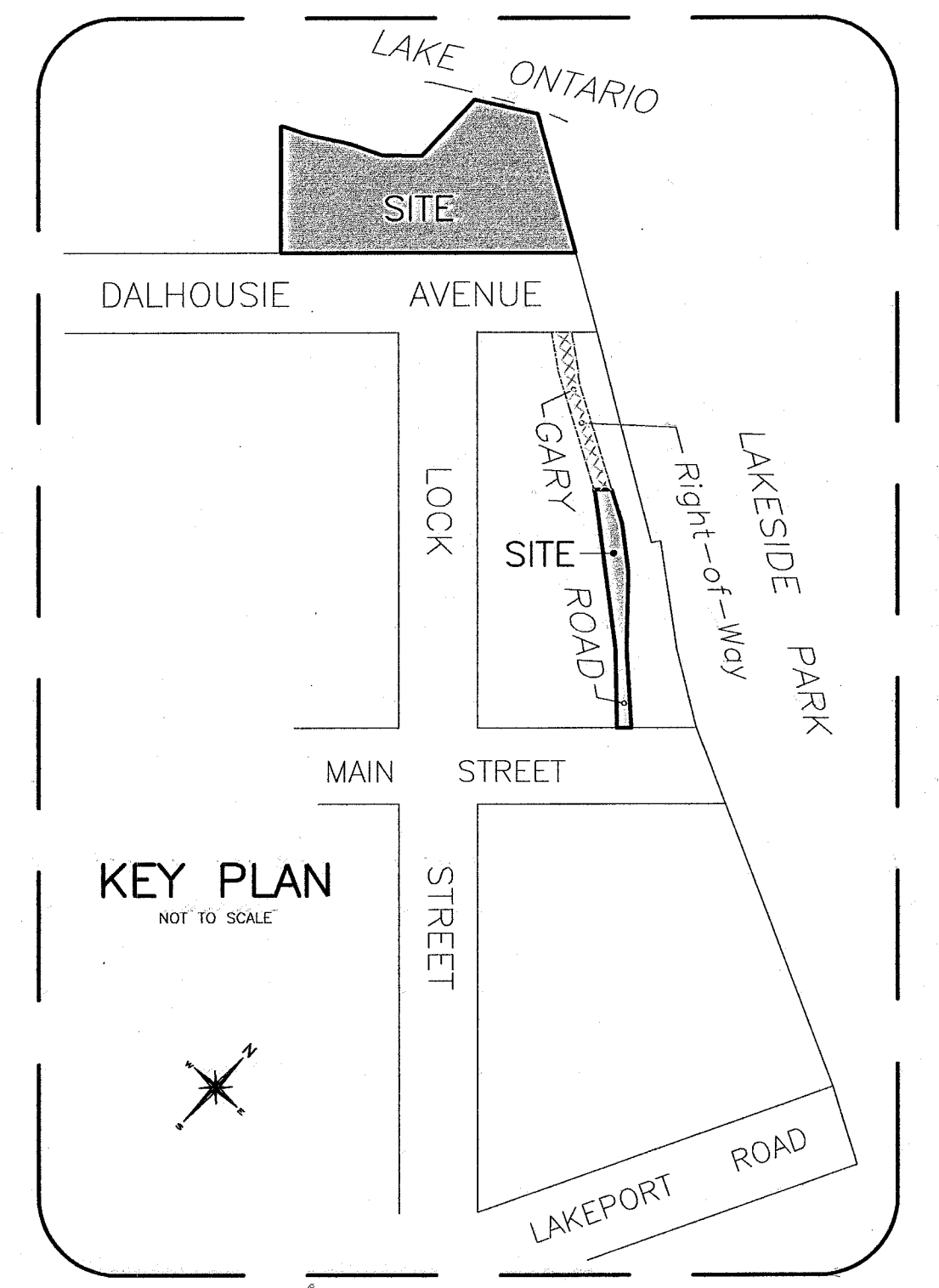
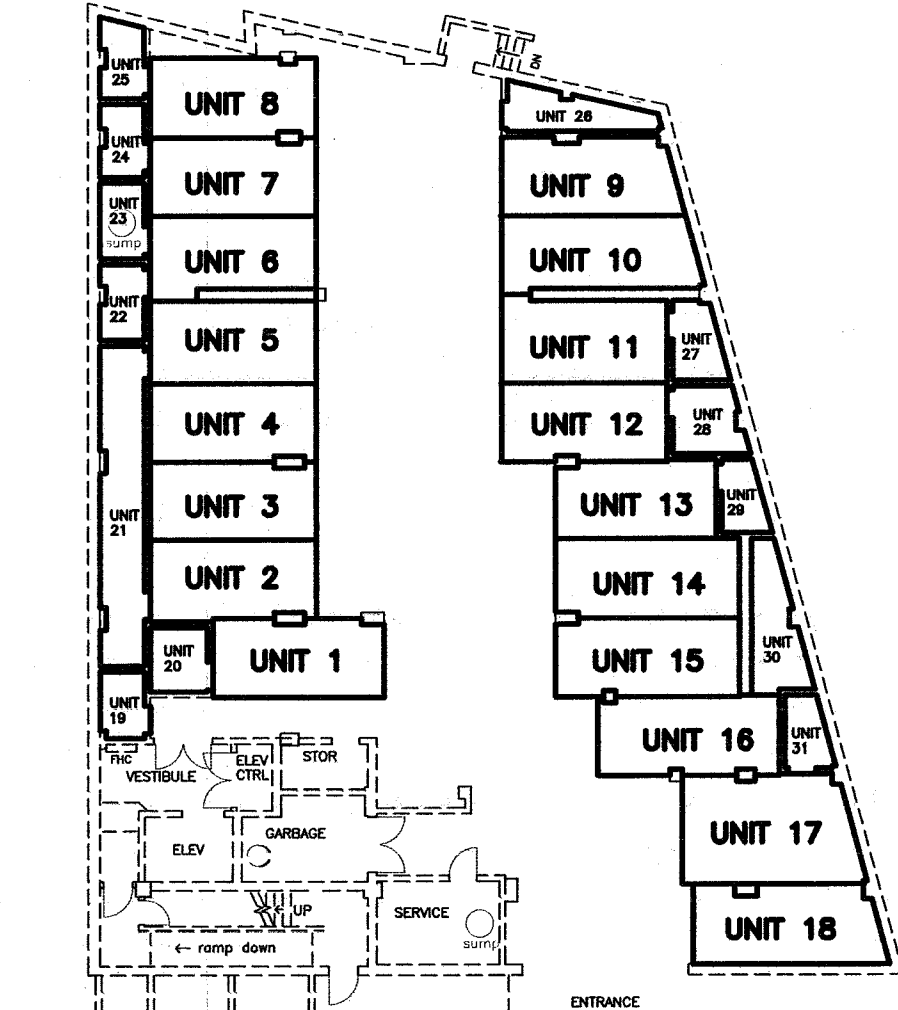
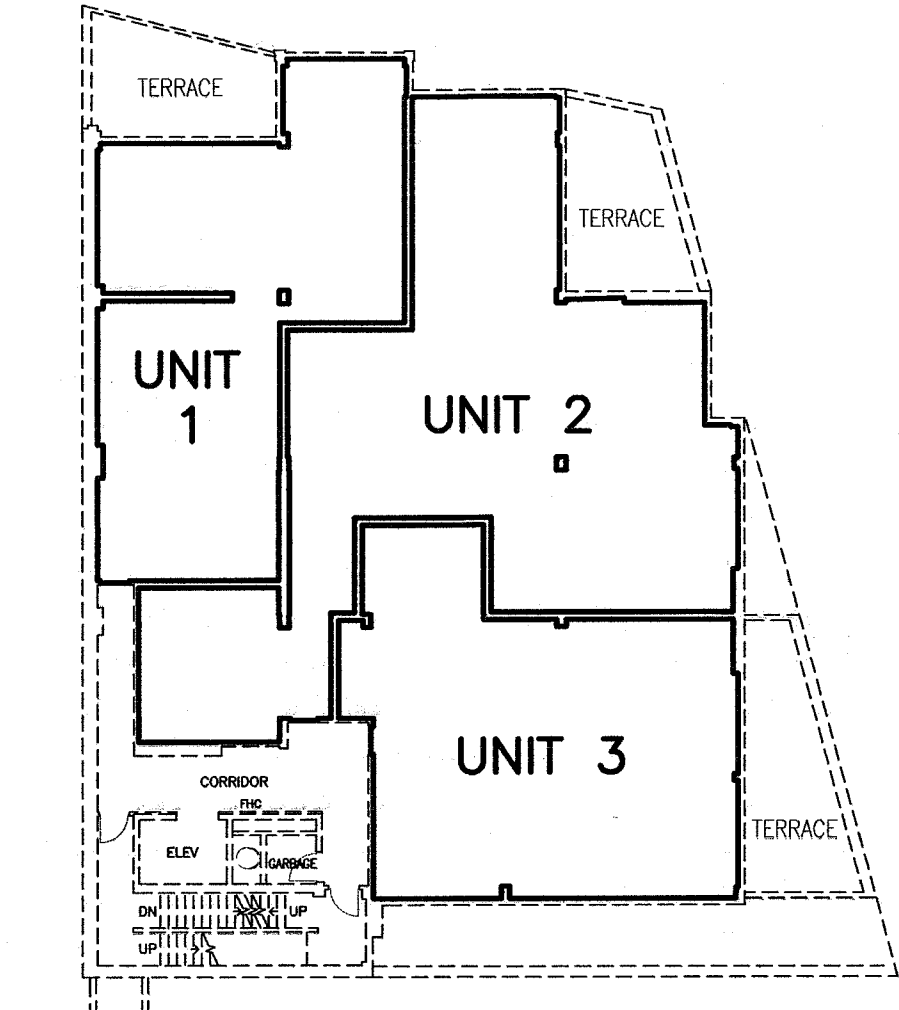
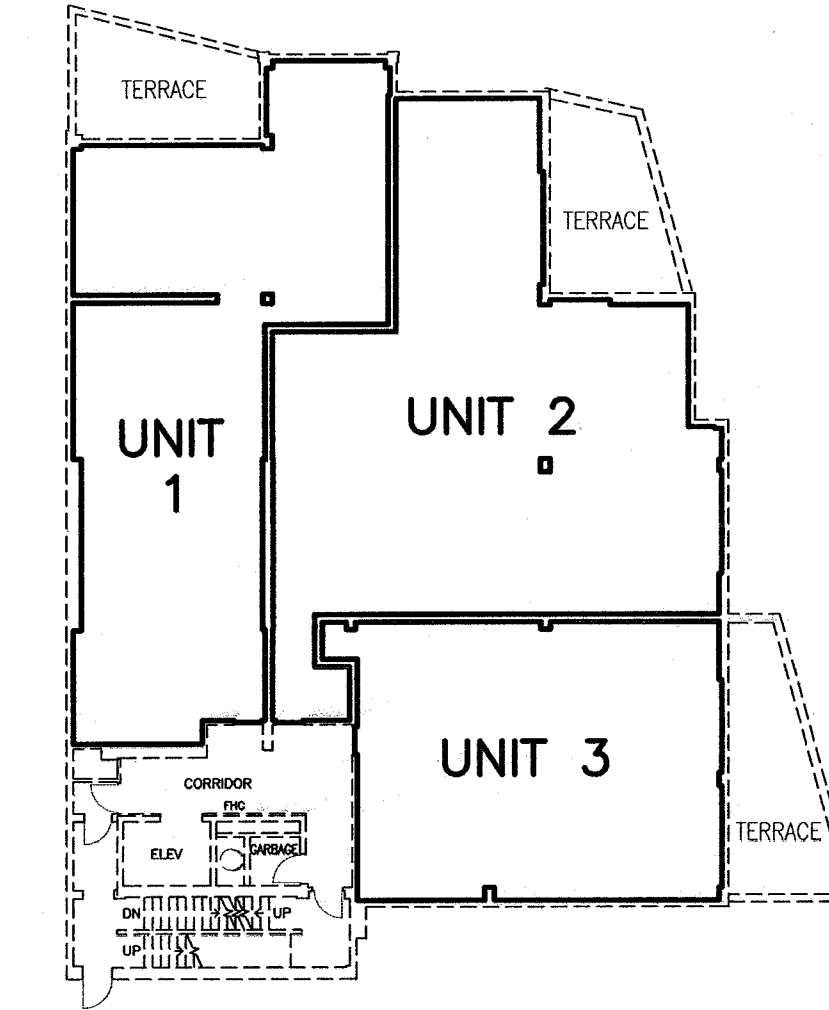
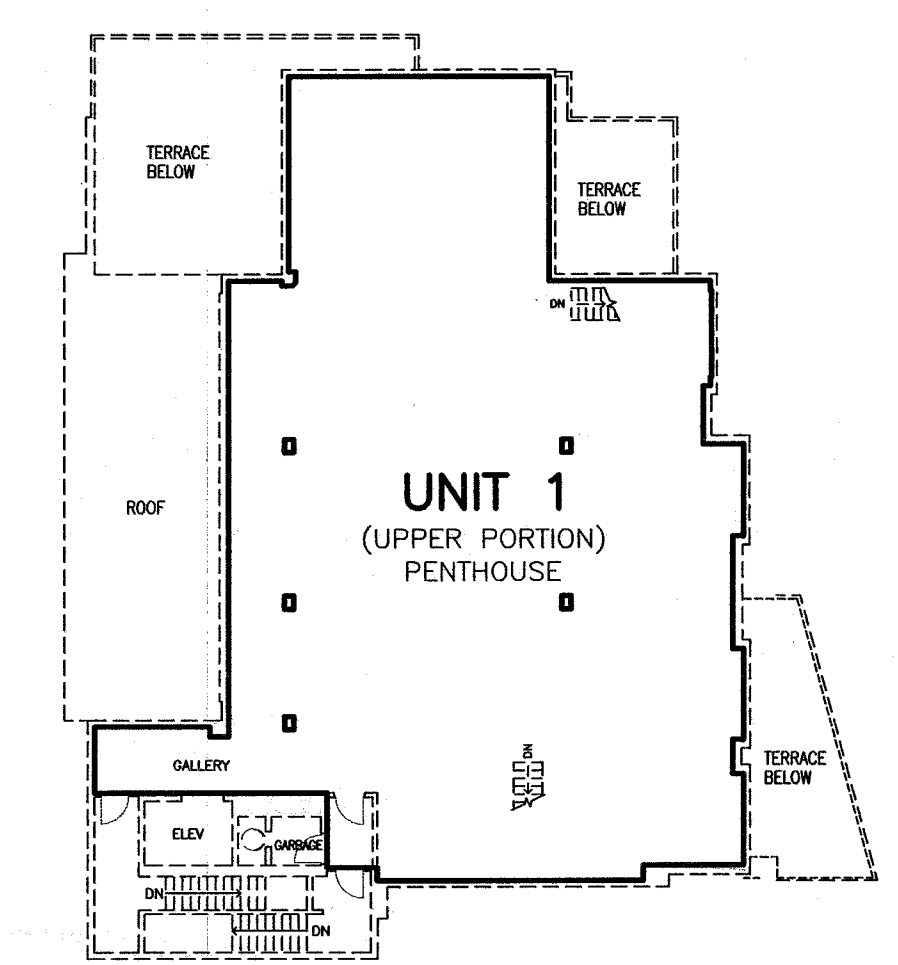
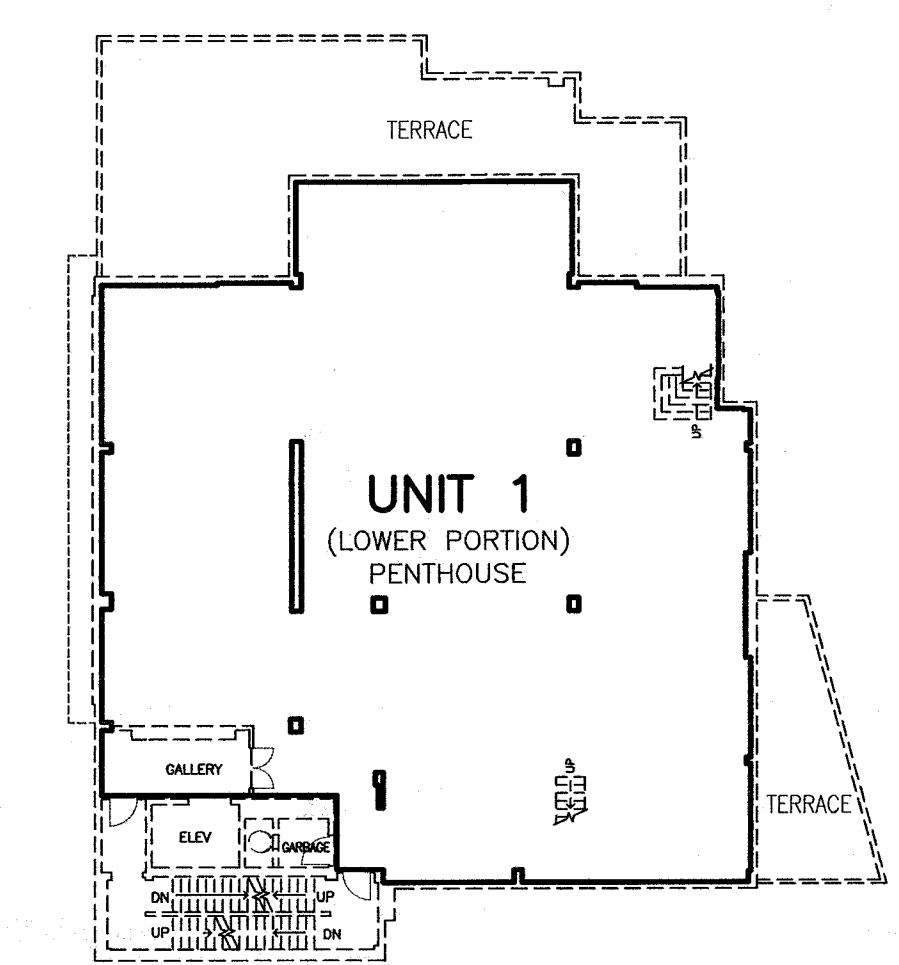
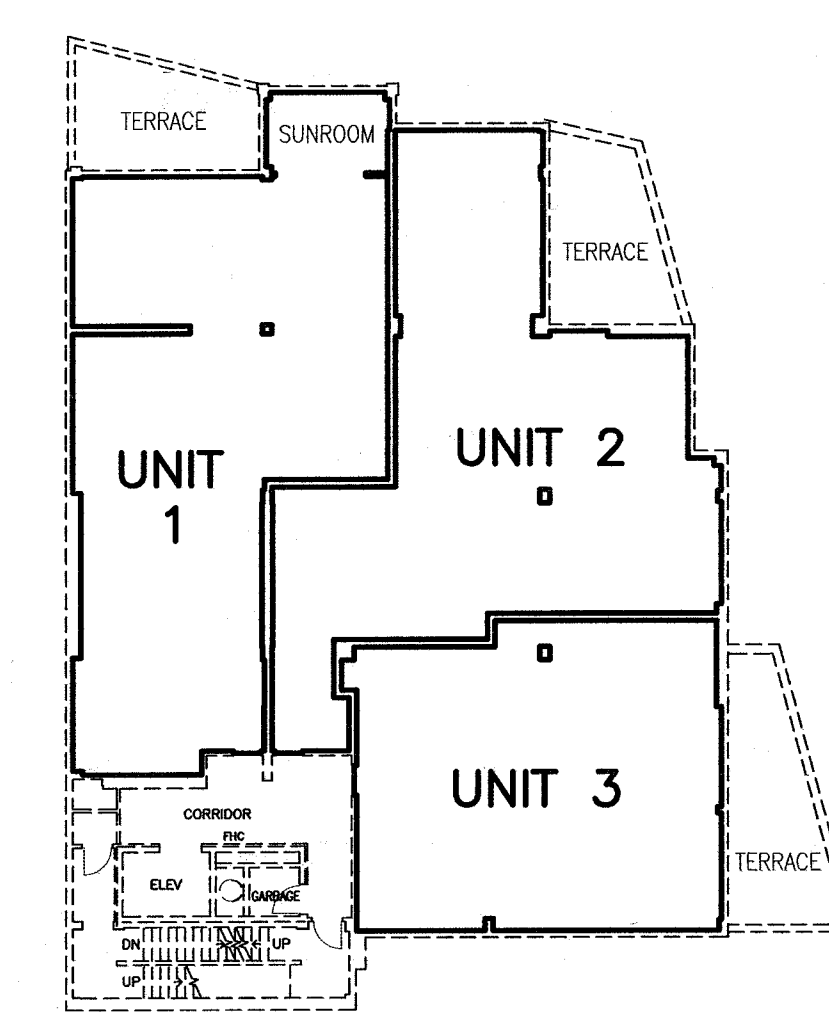
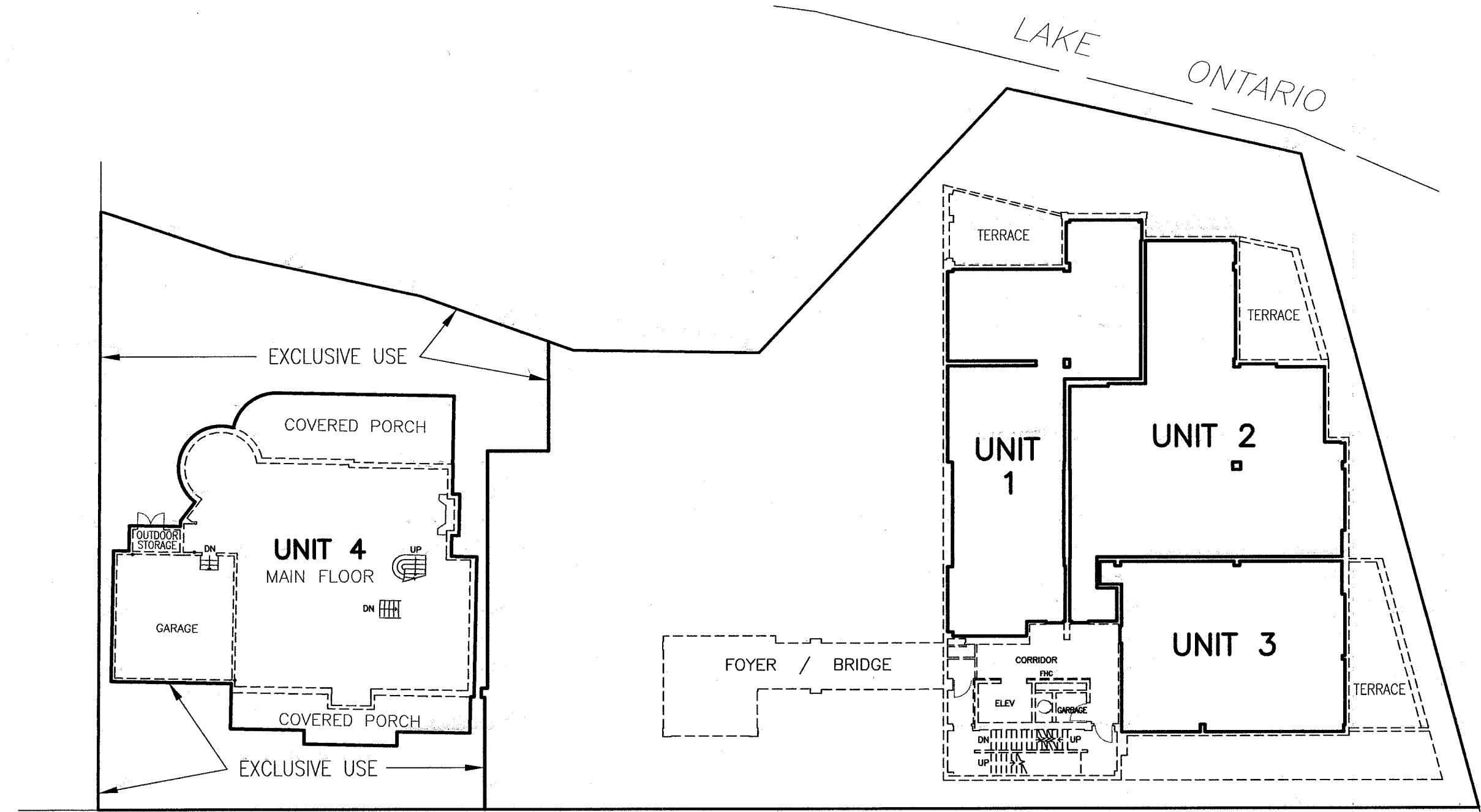
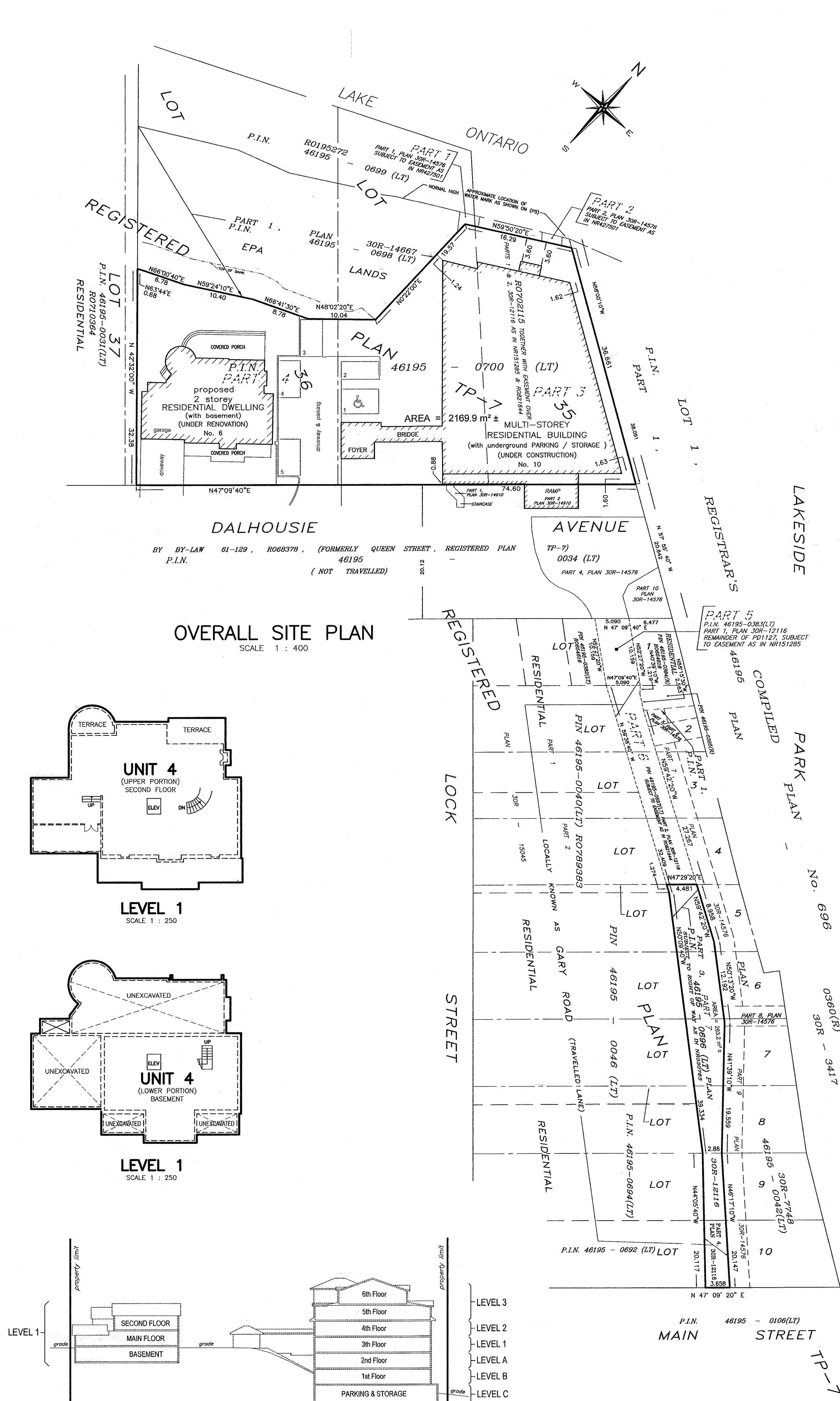
Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

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

List of Appendices

1. Draft Plan of Condominium
2. Conditions of Draft Plan Approval



DRAFT PLAN OF CONDOMINIUM OF
PART OF LOTS 5 TO 10, BOTH INCLUSIVE,
PART OF LOTS 35 AND 36
REGISTERED PLAN TP-7
CITY OF ST. CATHARINES
REGIONAL MUNICIPALITY OF NIAGARA

SCALE : 1:400
KIRKUP MASCOE URE SURVEYING LTD.
ONTARIO LAND SURVEYORS
THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART,
WITHOUT THE PERMISSION OF KIRKUP MASCOE URE SURVEYING LTD. IS PROHIBITED.

ADDITIONAL INFORMATION REQUIRED UNDER
SECTION 51 (17), OF THE PLANNING ACT.

- a) SEE PLAN
- b) SEE PLAN
- c) SEE PLAN
- d) SEE SCHEDULE OF LAND USE
- e) SEE PLAN
- f) SEE PLAN
- g) SEE PLAN
- h) CITY OF ST. CATHARINES WATER SUPPLY
- i) CLAY/LOAM
- j) SEE APPROVED SITE / GRADING PLAN
- k) FULLY SERVICED
- l) SEE PLAN

SCHEDULE OF LAND USE
SITE AREA TOTAL AREA = 2433.1 m² ±

- LAND USE
- 1 - SINGLE FAMILY DWELLING CONDOMINIUM UNIT WITH FRONT, REAR AND SIDE YARD EXCLUSIVE USE.
- 13 - RESIDENTIAL APARTMENT CONDOMINIUMS UNITS

- PARKING / STORAGE
- 18 - UNDERGROUND BASEMENT PARKING UNITS (UNITS 1 TO 18, LEVEL C)
- 4 - VISITOR PARKING SPACES AT GRADE
- 1 - HANDICAP VISITOR PARKING SPACE AT GRADE
- 13 - UNDERGROUND STORAGE UNITS (UNITS 19 TO 31, LEVEL C)

OWNER'S CERTIFICATE
WE AUTHORIZE KIRKUP MASCOE URE SURVEYING LTD., Ontario Land Surveyors
TO PREPARE AND SUBMIT THIS DRAFT PLAN OF CONDOMINIUM TO THE PLANNING
DEPARTMENT OF THE CITY OF ST. CATHARINES

OWNER : THE BEACHES AT PORT INC.
DATE : MAY 24, 2018
STEVEN MASSIS Secretary-Treasurer
I HAVE THE AUTHORITY TO
BIND THE CORPORATION

SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LAND TO BE
SUBDIVIDED ARE CORRECTLY SHOWN.

DATE : MAY 24, 2018
WILLIAM A. MASCOE
WILLIAM A. MASCOE
Ontario Land Surveyor

THIS PLAN IS NOT VALID UNLESS EMBOSSED WITH THE ORIGINAL SURVEYORS SEAL

KIRKUP MASCOE URE
SURVEYING LTD.
49 EASTCHESTER AVENUE, ST. CATHARINES, ONTARIO L2P-2Y6
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E-MAIL info@niagarasurveyors.com
www.niagarasurveyors.com

JOB No. : 2018-0047 DWG FILE : 18-0047-2condodraftplan

**Conditions of Draft Approval
6, 6A and 10 Dalhousie Avenue
File No. 60.46.444**

General Approval

1. That this approval applies to lands described as PT LT 35 TP PL 7 (PORT DALHOUSIE LT 155) GRANTHAM; PT LT 36 TP PL 7 (PORT DALHOUSIE LT 155) GRANTHAM AS IN R0195272; PT LT 35 TP PL 7 (PORT DALHOUSIE LT 155) GRANTHAM AS IN R0702115, SAVE AND EXCEPT PART 1, PLAN 30R14667; T/W EASEMENT OVER PTS 1 & 2 ON 30R12116 AS IN NR151285 AND R0821644; TOGETHER WITH AN EASEMENT OVER PART LOTS 35, 36, TP PLAN 7 (PORT DALHOUSIE LOT 155), GRANTHAM, DESIGNATED AS PARTS 1, 2, PLAN 30R14576 AS IN NR427501; CITY OF ST. CATHARINES, municipally known as 6, 6A and 10 Dalhousie Avenue, for a draft plan of standard condominium prepared by Kirkup, Mascoe and Ure Surveying Ltd., dated May 24, 2018, and showing a 1-unit detached dwelling and 13-unit apartment building.
2. That all encroachments into Lakeside Park be removed and that the removals be confirmed with a survey. All disturbed park areas shall be re-instated with landscaping to the satisfaction of the Director of Parks, Recreation, and Culture Services.

Administration

1. That if approval is not given to this plan within three years of the approval date and no extension has been granted, draft plan approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation with reasons why the extension is required shall be submitted to the Director of Planning and Building Services.

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



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: September 12, 2018 **Date of Meeting:** September 24, 2018

Report Number: PBS-195-2018 **File:** 60.30.331 and 60.35.1029

Subject: *Planning Act Continuation of Public Meeting – Recommendation 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

Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands municipally known as 201 St Paul Street, as follows:

- a) That Section 15.6.1 be amended by adding the following:
 - f) Notwithstanding Part D, Section 11.2.6.c), lands designated Commercial Core and known municipally as 201 St Paul Street shall permit a maximum building height up to 30.5 m, provided that the building includes terracing above 11 m in building height and above 26.5 m in building height along both the St Paul Street and James Street frontages.

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

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

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

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

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

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

Zoning By-law Amendment

That Council approve amendments to the City of St. Catharines Zoning By-law 2013-283, for the lands municipally known as 201 St Paul Street, as follows:

- a) That Section 15.1, Schedule A (A14), Zoning Maps, be amended by changing the zoning of the subject lands from Downtown Traditional Main Street – Special Provision 92 (C6-92) to Downtown Traditional Main Street – Special Provision 92, Special Provision 148 (C6-92-148).
- b) That Section 13.1 ‘List of Special Provisions’, for lands known as 201 St Paul Street, be amended by adding a Special Provision 148, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
148	C6	14		201 St Paul Street	
1.	Maximum Building Height				
	<p>a) 7 Storeys, to a maximum of 30.5 m</p> <p>b) A building podium having a maximum height of 11 m and a maximum setback of 0m from both St Paul Street and James Street shall be provided;</p> <p>above this podium, a minimum setback of 1.2 m from both the St Paul Street and James Street frontages shall be provided;</p> <p>the portion of building from 12.5 m to 26.5 m shall be setback a minimum of 0.6 m along both the St Paul Street and James Street frontages; and</p> <p>the portion of building from 26.5 m to 30.5 m in height shall be setback a minimum of 5.3 m from St Paul Street and 3.1 m from James Street.</p> <p>c) Ground floor uses shall be limited to retail stores, restaurants, service commercial uses, and access lobbies / ancillary functions for upper floor uses.</p> <p>d) The principle exterior façade materials shall be brick masonry and glass.</p> <p>e) Notwithstanding the height exemptions described in Section 2.7.3, any rooftop mechanical equipment and elevator penthouse shall be enclosed and the enclosure shall have a maximum height of 4.0 m, and shall have a footprint not greater than 170 m²</p>				
2.	Corner Lot Sight Triangle				
	Shall be determined by a minimum distance of 1.5 m, measured along each lot line from the corner of St Paul Street and James Street.				

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

- a) the provision of building step-backs beyond the second and sixth floors generally consistent with the revised design proposal by Dialog dated July 16, 2018;
- b) the location, extent and enclosure of rooftop mechanical equipment, including elevator overruns and stairs, are designed so that height and views are minimized and to include suitable materials;
- c) the inclusion of active ground floor commercial uses and appropriate storefront designs and pedestrian amenities that will contribute to the character and vibrancy of the street;
- d) the use of masonry as the principal facade material, particularly for the podium section, to promote compatibility with the historic streetscape;
- e) the inclusion of appropriate window configuration and detailing to promote fit within the surrounding built character;
- f) the inclusion of design elements, materials and colours that help to mitigate the visual impact of height and to promote a comfortable and interesting pedestrian experience at grade;
- g) the inclusion of appropriate detailing and articulation on side and rear walls of the building that will also have prominent exposure; and
- h) the coordination of streetscape design with the recently constructed improvements on St Paul Street.

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

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

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

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

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

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

Summary

This Recommendation Report considers a proposed Official Plan Amendment and a Zoning By-law Amendment related to the lands at 201 St Paul Street. The Amendments

are requested to permit the development of a seven-storey office building with ground level retail uses. The Amendments principally relate to increased building height permissions.

This Recommendation Report follows the [Information Report](#) (PBS-183-2018 linked here and copy available upon request) that was received by Council at the August 13th, 2018, Public Meeting. Council did not close but rather adjourned the public meeting at that time. Staff is recommending approval of the Applications, subject to certain building design criteria that should be applied at the time of site plan approval.

Background

On August 13, 2018, at a Statutory Public Meeting. Council received an [Information Report](#) respecting applications for Official Plan and Zoning By-law Amendment. The Information Report provided an overview of the applications, the site, the planning policy context, and comments received from staff, outside agencies, and the community.

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

Report

The subject lands are located within the City's Downtown Planning District and within the Downtown St Catharines Urban Growth Centre. Specifically, the lands are located on the northeast corner of St Paul Street and James Street. Attached as Appendix 1 is a location map that identifies the location of the subject lands. Additional details of the site and surrounding area can be found in the previous [Information Report](#).

Proposed Development

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 commercial uses (retail, restaurants, personal services etc.) on the ground floor and office space on the upper six floors. The plans submitted in support of the application identify a building height of 30.5 m (34.5 m to top of mechanical penthouse), with building step-backs proposed above the second and sixth floors. The building would utilize the adjacent laneway which is not owned by the applicant for service access. No on-site parking is proposed or required under current zoning requirements. The proposed exterior finish of the building is predominantly brick and glass, with glass covering most of the third and seventh floors. Architectural renderings and elevation plans of the proposed building are attached as Appendix 2. The proposed site plan is attached as Appendix 3.

Circulation of Application

This application was circulated to all relevant departments and agencies in accordance with the requirements of the Planning Act; there were no objections received. The previous [Information Report](#) summarized comments received on the submissions at the

time of the Public Meeting. Additional comments have been summarized below which were not available at the time of preparing the Information Report.

Downtown Development and Revitalization Advisory Committee

The application was presented by staff to the St. Catharines Downtown Development and Revitalization Advisory Committee (DDRAC) on August 16, 2018. The following motion was carried by the Committee:

1. *That the DDRAC supports the scale of the building as proposed.*
2. *That the DDRAC further encourages the designer to consider the following matters:*
 - a. *The inclusion of pedestrian amenities and relationships, particularly for the lower two floors; and*
 - b. *Consider colour palette options to make the upper sections of the building visually lighter.*

Planning Analysis

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 meet the general intent of the lower-tier official plan. Accordingly, planning staff have evaluated this Application for Official Plan Amendment and Zoning By-law Amendment against the policies of the Provincial Policy Statement (2014), 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. For Council's reference, the land use policy framework relevant to these applications is outlined in Appendix 8. Staff recommendations have been formulated accordingly.

Provincial Policy Statement

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

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

1 Settlement Areas

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

2 Employment

The Employment policies of the PPS also require that planning authorities shall promote economic development and competitiveness by providing for an appropriate range and mix of employment and institutional uses to meet long-term needs. This includes

providing opportunities for a diversified economic base and encouraging compact, mixed-use development.

3 Long-Term Economic Prosperity

The PPS describes that long-term economic prosperity should be supported through a number of measures, including: “maintaining and, where possible, enhancing the vitality and viability of downtown and mainstreets” and “encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes”.

4 Cultural Heritage and Archaeology

The policies of the PPS require that significant built heritage resources and significant cultural heritage landscapes shall be conserved. While St Paul Street is not designated as a heritage district under the Ontario Heritage Act, it is described in the City’s Official Plan as being a historic landscape of importance.

PPS Summary Opinion

Staff are of the opinion that the proposed Amendments are consistent with the policies of the Provincial Policy Statement in that policies related to intensification, growth, employment, and cultural heritage would be upheld. The City’s Official Plan identifies downtown St Catharines as a target area for significant intensification of both housing and employment and the proposed development would result in employment intensification that supports the vitality and viability of downtown. While downtown St. Catharines is not designated under the Ontario Heritage Act as a heritage district, it does have a distinct and significant historic character that has been reflected in aspects of the proposed development. The proposal will efficiently use existing infrastructure and public service facilities, and will contribute to the range of employment options in the city.

Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe, 2017 (the Growth Plan), stresses compact and well-designed development and prioritizes intensification in built-up areas. The subject lands are located within a built-up area, as delineated by the Growth Plan. The site is further identified in the Growth Plan as being part of the Downtown St. Catharines Urban Growth Centre which is intended to serve as a high density major employment centre 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. Several sections of the Growth Plan are particularly relevant to the subject proposal and these sections are described below. The Growth Plan reiterates many of the themes of the PPS.

1 Managing Growth

The Growth Plan directs the majority of growth to settlement areas that have a delineated built boundary, have existing or planned water and wastewater systems, and can support the achievement of complete communities. Growth within settlement areas

will be focused in: delineated built-up areas; strategic growth areas; locations with existing or planned transit; and areas with existing or planned public service facilities. Municipalities are required to establish a hierarchy of growth within settlement areas, intended to achieve complete communities that provide a range and mix of land uses and housing, optimize infrastructure, and have a high quality and attractive private and public realm.

2 Urban Growth Centres

The Growth Plan describes that Urban Growth Centres will be planned as focal areas for investment in regional public service facilities, as well as commercial, recreational, institutional, cultural, and entertainment uses; to serve as high-density major employment centres that will attract provincially, nationally, or internationally significant employment uses; and to accommodate significant population and employment growth. The Downtown St. Catharines Urban Growth Centre is planned to achieve a minimum of 150 residents and jobs combined per hectare.

3 Employment

The Growth Plan describes that economic development and competitiveness in the GGH will be promoted by:

- a) making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;
- b) ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;
- c) planning to better connect areas with high employment densities to transit; and
- d) integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.

The Growth Plan further describes that retail and office uses will be directed to locations that support active transportation and have existing or planned transit, and that in planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.

4 Cultural Heritage

The Growth Plan states that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas. While St Paul Street is not a designated as a heritage district under the Ontario Heritage Act, it is an important historical landscape nonetheless.

Summary Growth Plan Opinion

Staff are of the opinion that the proposed Official Plan and Zoning By-law Amendments conform with and do not conflict with the policies of the Growth Plan for the Greater Golden Horseshoe in that the proposed development is consistent with the Growth Plan's direction to accommodate more intensive mixed-use forms within appropriate existing built-up areas. The proposal further supports achievement of the minimum

density target established for the St. Catharines Urban Growth Centre through the potential creation of 120-150 jobs (2,400-3,000 jobs per hectare).

Regional Official Plan

The Regional Official Plan (ROP) identifies the subject lands as being located within the Urban Area for the City of St. Catharines and within a Built-up Area, which will be the focus of both residential and employment intensification and redevelopment. The ROP establishes a framework for developing complete communities that include a diverse mix of land uses, a range of housing and employment types, high quality public open spaces, and access to transportation options.

The property also falls within the Downtown St. Catharines Urban Growth Centre (UGC) designation, consistent with the Growth Plan. The UGC is planned to achieve a minimum density of 150 people and jobs combined per hectare by 2031 by focusing significant residential and employment growth within its boundaries. The UGC 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 ROP also promotes 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.

Regional staff have confirmed their support for the application and have advised that “this development is considered to align with Provincial and Regional policy and will contribute to the continued growth and intensification of the St. Catharines UGC”. Regional staff have also confirmed that the site-specific Official Plan Amendment is exempt from Regional Council approval in accordance with the Regional Official Plan and the Memorandum of Understanding. Staff agree with Regional staff that the proposal is consistent with the Regional Official Plan.

Local Official Plan (Garden City Plan)

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

The City’s Official Plan was approved by the Region of Niagara in 2012. Since then, the Province has updated the PPS in 2014, and the Greenbelt Plan, Niagara Escarpment Plan and the Growth Plan in 2017. The City’s Official Plan will need to be updated once the Region of Niagara completes its MCR and adopts a new Official Plan. Notwithstanding, the City’s current Official Plan is consistent with, conforms with, and does not conflict with the PPS, Provincial Plans and the Regional Official Plan.

Land Use Policies and Growth Accommodation – Downtown / Commercial Core

The subject lands are designated as 'Downtown' on Schedule D1, General Land Use Plan for the GCP (Appendix 4). The Downtown land use designation is largely consistent with the boundaries of the Urban Growth Centre and a stated intent of the Plan for this area is "to ensure that downtown continues to evolve as a compact, multi-functional activity centre" (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. The downtown experience is based not only on the level of activity on the streets, but also the character of its streets and the quality of its public realm and built environment. Good urban design ensures that the built environment and public spaces fit together harmoniously to create a distinct sense of place" (11.d). The downtown area is intended to provide the highest concentration, density and mix of office, commercial, entertainment, civic, government, institutional, recreational, creative and cultural employment uses within the City.

The Downtown Planning District further identifies the subject lands as being within the Commercial Core area (Appendix 5). 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. 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.

The proposed building includes six floors of office uses on upper floors, with the ground floor street frontages dedicated to two commercial units and a small lobby area for the upper office uses. The ground floor units would be occupied by retail, restaurant or service commercial tenants. The proposed mix of uses within the building is consistent with the land use direction of the GCP. Based on a gross floor area of approximately 3,000 m² of office and retail space within the building, the proposal could be expected to generate up to 120-150 jobs, contributing towards the achievement of the minimum density target for the Urban Growth Centre. This calculation is based on an estimate of one employee per 20-25 square metres (215-270 square feet) of commercial space but actual job creation will vary based on the building's occupant mix.

Building Height and Urban Design Policies

The Plan describes that 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. 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 form is 11 metres in height adjacent to the street which is consistent with the minimum building height direction of the Plan. Above the 11 metre base section of the building, the upper floors (levels 4-6) are setback 0.6 m along the St Paul Street and James Street frontages. The third floor of the building is setback an additional 0.6m (1.2m total) to provide more pronounced break between the upper and lower building sections. A greater setback of 5.3 m from St Paul Street and 3.1 m from James Street is proposed for the seventh floor. The overall height of the building is 30.5 metres (34.5m to top of mechanical penthouse). This overall building height and its proximity to St Paul Street necessitates the Official Plan Amendment application for this project given the height restrictions that apply to the section of St. Paul Street between William Street and Garden Park.

The podium section of the proposed building (lower two floors) is fully in compliance with the Official Plan. Contrary to Official Plan policy direction, the upper floors of the proposed building are not fully “terraced away from the street”. While step-backs are proposed above the second and sixth floor, the proposed second floor stepback is minor and will result in a six storey building form in very close proximity to both street frontages and that will be significantly taller than any surrounding building. The setback of the seventh floor is greater and this floor will generally not be visible unless viewed from afar.

In evaluating this requested height increase, staff must consider the intent of the existing height restriction. In this case, the intent is explicit: “to protect and enhance the heritage landscape” of St Paul Street, the City’s traditional main street. Staff must then consider the impact of increased building height in this location and how it relates to the distinct and long-established character of the St Paul Street built environment as well as historical context. This evaluation is also guided by the Council-approved Downtown Urban Design Guidelines (2012) which provide direction on matters of built form, architectural expression, site design and streetscape function, including specific direction related to the traditional main street context.

It is the opinion of Staff that the subject lands are an appropriate location for increased building height and that the proposal will result in a structure that positively contributes to both the vibrancy and evolving character of the traditional main street environment. The intent of the Official Plan is upheld as the proposal will result in a compact, mixed-use building form that will appropriately fit with the heritage landscape of St. Paul Street.

Staff’s support for the requested height increase on this specific property is particularly influenced by three key factors: impact on the public realm, historical context, and achievement of compatible building design. With respect to the public realm, staff are of the opinion that the quality, character and vibrancy of the street would all be improved through this development. While the building height is considerably taller than its neighbours, staff are of the opinion that the podium section of the building will positively define the pedestrian experience along St Paul and James Street. The stepped-back upper building sections will be more visible from a distance but this visibility along St

Paul Street is reduced as a result of the curvature of the road. There are no significant shadow impacts to St Paul or James Street that would result from the additional proposed building height. The inclusion of two commercial units and the office building lobby will animate the sidewalks and repair the longstanding vacant condition on these lands. It is the opinion of staff that the proposed additional building height in this location will not compromise the quality and comfort of the pedestrian experience downtown.

With respect to historical context of the site and surrounding area, staff note that the intersection of St Paul and James Street was previously home to the former Bank of Nova Scotia building. This building stood well above all other structures on the street as evidenced by historical imagery. Staff estimate that the height of this building was approximately 20 metres. While this building was demolished over 50 years ago, it was significant component of the St Paul Street environment during the same era that most of the remaining traditional main street buildings were constructed. The historical landscape of St Paul Street was one that featured a prominent landmark building at this intersection. Staff note that proposed building height adjacent to the corner of St Paul and James Street is similar to the height of the Bank of Nova Scotia building that graced this intersection over 100 year ago. Staff also note that there has been a tradition of placing other taller buildings on prominent corners within the downtown, also known as 'bookending'. The most prominent example is the nearby 6-storey former Leonard Hotel at the corner of St. Paul and Carlisle Streets. For these reasons, it is the opinion of Staff that the placement of a taller landmark building in this location would not undermine the historic landscape.

With respect to the achievement of compatible building design, staff are satisfied that the proposed design approach to utilize brick masonry of varied colour and finish for the primary façade material, combined with appropriately proportioned and detailed storefront and upper floor window patterns will result in the construction of a building that fits appropriately within the streetscape. The building will appear as a contemporary building rather than a historical replica, but should fit comfortably within its historical context. The building design has drawn inspiration from existing and former surrounding buildings in term of colour, material, detail and proportions which further supports compatibility and ensures that the intent of the GCP to protect and enhance the heritage landscape of St Paul Street is maintained.

The proposed Official Plan Amendment, as recommended, will facilitate the construction of a mixed-use commercial development that can achieve the compatibility and urban design expectations and deliverables described in the Official Plan. Implementation of specific urban design matters will be further secured through the future Site Plan Approval process, in conjunction with appropriate zoning standards address building form and massing. Specific design matters that will be further addressed through the site plan control process are described in both the Site Plan Control section of this report and the Staff Recommendation.

Amendments to the Official Plan

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 below considerations. The proposed Amendment satisfies each of these conditions.

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	The Plan prioritizes the accommodation of growth and change, including employment growth, in appropriate locations. The Plan also heavily emphasizes the revitalization and intensification of the downtown as a compact, mixed-use activity centre. The proposal represents an intensive use of a key vacant site that is well served by infrastructure, transit, and community facilities.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are ingrained 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	The land uses contemplated for the property are already permitted uses. No change in land use designation is proposed. Downtown is intended to accommodate the highest concentration, density and mix of office and commercial uses in the City.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	Compatibility of the proposal will be achieved through the implementing zoning by-law amendment to ensure building setbacks along the street frontages to help mitigate the visual impacts of height. Compatibility will also be achieved through site plan control to achieve an architectural character that is compatible with the historic streetscape and that implements the Council-approved Downtown Urban Design Guidelines.

v) The potential of the proposal to cause instability within an area intended to remain stable	No change in land use designation is proposed and the traditional main street character of the surrounding environment will be maintained. The prevailing character of St Paul Street will remain 2-3 storey commercial building, with occasional taller commercial buildings at key intersections.
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	There is adequate existing infrastructure and public service facilities to accommodate the proposed development without need for upgrading or expansion. The municipal sidewalks along the James Street frontage will be upgraded to match the recently improved sidewalks along St Paul Street, but this will be done at the developer's cost.
vii) The financial implications, both cost and revenues, to the City	The proposed development presents no direct negative cost implications to the City. Any serving connections which may be necessary to accommodate the development will be at the sole cost of the applicant. The addition of 3,000 square metres of commercial and retail space will provide an increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	No change in land use designation is proposed and the traditional main street character of the surrounding environment will be maintained. The increased height approval is based on the appropriateness of such height in this specific location and based on the specific design and mitigating measures proposed.

Zoning By-law

Zoning By-law 2013-283 zones the lands as Downtown Traditional Main Street, Special Provision 92 (C6-92) (see Appendix 6). 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.

The Applicant has requested a Zoning By-law Amendment to permit increased building height, consistent with the proposed seven-storey office building design, and to reduce the size of the required corner visibility triangle. These amendment requests are outlined below, together with an analysis of each.

Maximum Building Height

The application proposes to allow the construction of a seven-storey (30.5 m) mixed-use commercial building. The City's Zoning By-law identifies the lands as being within the Commercial Core (C6) zone area, which limits building height to a maximum of 11 metres along the street frontages. Additional building height above 11 metres is required to be setback an additional 1 metre from the street edge for each additional metre in building height, resulting in taller building sections being setback from the street. The intent of the maximum building height constraint within the By-law is to promote continuation of the traditional main street's built character in this area, which is typically characterized by commercial buildings 2-3 storeys in height. The By-law seeks to ensure that building heights above the traditional street wall are terraced away from the street in order to maintain the overall low rise character of the area. The requested height increase relates to the proximity of the upper floors to the street edge due to reduced upper floor setbacks along these frontages.

In reviewing the requested height increase, Staff note that the proposed building design includes a podium section, 11 metres in building height, that closely relates to the height of the neighbouring building along St. Paul Street. This two-storey podium section anchors the building and maintains the by-law's intent of maintaining a well-defined 2-3 storey street wall. Above this podium section, the proposed building includes a 1.2m stepback and a clear visual break in materials which helps to reinforce the prominence of the podium section along the street edge and to break up the building mass. The additional building height above the podium is proposed at a significant corner site and is reflective of the downtown tradition of bookending prominent corners with taller, mid-rise buildings that serve as landmarks. It is Staff's opinion that the additional building height proposed for this development is appropriate for this site in that the building's podium maintains the traditional street wall, the upper floors are setback in manner that accentuates the podium section and minimizes the impact of the additional height on the street character, and the building will positively contribute to the surrounding built environment.

To ensure that that the building will contribute positively to the creation of an active and engaging public realm, ground floor commercial uses are recommended to be limited to retail stores, restaurants and service commercial uses, as proposed by the applicant. Staff are also recommending that the principle exterior building material be limited to

brick, consistent with the design proposal, to further promote compatibility and fit with the surrounding fabric.

Staff note that the zoning by-law generally exempts rooftop mechanical equipment and enclosures from maximum building height standards by way of general provision. On this site, given the high visibility of the building profile and potential additional height impacts resulting from a larger rooftop enclosure, staff are further recommending that the size and height of the rooftop enclosure be limited in the zoning by-law, to reflect the revised proposal by the applicant which significantly reduced the visual impact of this element.

Corner Sight Triangle

The zoning by-law includes a general provision that requires that a minimum 7.5m corner lot sight triangle be provided in all non-residential zones. The corner sight triangle is intended to ensure clear sight lines for motorists to improve safety at intersections. The applicant has proposed to reduce the size of the corner visibility triangle on the development site to 1.5m. Transportation and Environmental Services (TES) staff have reviewed the request and have advised that they have no concern with the proposed reduction on this site due to the presence of a three-way-stop condition at the intersection and wide sidewalks along St Paul Street which provide enhanced visibility for pedestrians and motorists. Staff also note that vehicle speeds are generally slow approaching this intersection and that the 7.5m sight triangle would result in a significant building setback from the intersection that is not consistent with the downtown character.

The recommended Zoning By-law Amendment is attached as appendix 7.

Site Plan Approval

In accordance with the City's Site Plan Control By-law, the Applicant will be required to enter into a site plan agreement with the City prior to the issuance of a building permit for the development. 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.

Upon approval, the site plan agreement will be registered against the title of the lands and legally binding upon the existing and future property owners. The Applicant will be required to post securities to ensure the terms of the agreement are carried out.

Through the Site Plan Agreement process, staff can ensure that a compatible building design is realized that will contribute positively the character of St. Paul Street and that implements the City's Downtown Urban Design Guidelines. To strengthen Staff's position in the review of the detailed site design proposal, Council is encouraged to direct Staff to specifically address the following matters which are considered particularly important to achieve design compatibility:

- a) the provision of building step-backs beyond the second and sixth floors generally consistent with the revised design proposal by Dialog dated July 16, 2018;
- b) the location, extent and enclosure of rooftop mechanical equipment, including elevator overruns and stairs, are designed so that height and views are minimized and to include suitable materials;
- c) the inclusion of active ground floor commercial uses and appropriate storefront designs and pedestrian amenities that will contribute to the character and vibrancy of the street;
- d) the use of masonry as the principal facade material, particularly for the podium section, to promote compatibility with the historic streetscape;
- e) the inclusion of appropriate window configuration and detailing to promote fit within the surrounding built character;
- f) the inclusion of design elements, materials and colours that help to mitigate the visual impact of height and to promote a comfortable and interesting pedestrian experience at grade;
- g) the inclusion of appropriate detailing and articulation on side and rear walls of the building that will also have prominent exposure; and
- h) the coordination of streetscape design with the recently constructed improvements on St Paul Street.

Public Consultation

Planning and Building Services hosted an Open House related to this Application on May 22, 2018. The purpose of the Open House was to share information with the community regarding the development proposal and to gather feedback from those in attendance. The Applicant and members of their consulting team were in attendance to answer questions.

In accordance with the requirements of the Planning Act, a statutory Public Meeting was held by Council on August 13, 2018. Staff from Planning and Building Services presented the previous [Information Report](#). The agent for the owner was in attendance and made a presentation in support of the proposal. One member of the community spoke in opposition to the application and the Public Meeting was adjourned.

Matters of concern raised by the speaker and questions of Council are described below, with a corresponding Staff response.

Building Height

Comment: The proposed height increase weakens the integrity of the Official Plan and sets an undesirable precedent.

Response: The intent of the height limit described in the plan for these lands is to protect and enhance the heritage landscape. Through careful evaluation of the site and proposed development scheme, Staff are satisfied that this intent would be upheld, as explained earlier in this report.

Comment: The proposed height increase does not appear to be tied to any specific community benefits, unlike recent proposals for increased height in Port Dalhousie.

Response: While existing as an Official Plan policy, the use a Section 37 agreement (height and density bonusing) is a tool not utilized to date for any development application in the City. In this case, no public lands are being used to facilitate the proposed development. The principal community benefit would be the development of a longstanding vacant site into a use that contributes to the downtown environment.

Land Use

Comment: The project should include residential dwelling units on the upper floors given the need and policy direction to promote more housing within the downtown.

Response: Upper floor apartment dwelling units are permitted by the existing zoning for the site. The inclusion of residential uses on upper floors is optional for buildings in the commercial core. The proposed mix of office and retail uses is permitted by both the Official Plan and the Zoning By-law.

Comment: Concern that six floors of new office space are being proposed when there is an existing large volume of vacant office space in existing downtown office buildings.

Response: Office uses are already a permitted on this site in the Official Plan and Zoning By-law and the intention for Downtown to act as a major employment centre is well entrenched in the Provincial, Regional and local land use policy frameworks. While there may be vacancy in existing office buildings downtown, the applicant is proposing to construct a modern office space format that does not currently exist downtown, supporting a greater variety of employment types. This proposal is consistent with Provincial policy direction for Urban Growth Centres in the Growth Plan.

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

Approval of the proposed Amendments would serve to support the goals of the Strategic Plan through the pillars of Economic, Social and Cultural Sustainability as follows:

	Relationship to Goal
Economic Sustainability	
<ul style="list-style-type: none"> Goal: Attract public and private investment, support local businesses and provide excellent customer service to demonstrate we are open for business 	Approval supports private investment through new construction at a prominent downtown location.
Social Sustainability	
<ul style="list-style-type: none"> Goal: Strive for the highest quality of life for all citizens. 	Supports the continued revitalization of Downtown St. Catharines which is an asset to the community.
<ul style="list-style-type: none"> Goal: Connect people, places and neighbourhoods 	Will facilitate improvements to the James street sidewalks and the creation of a more vibrant streetscape
Cultural Sustainability	
<ul style="list-style-type: none"> Goal: Embrace our diversity and celebrate our heritage and history 	Will promote appreciation of built heritage resources that informed the design of the new building. The building should demonstrate how contemporary building forms can exist harmoniously within a historic streetscape.
<ul style="list-style-type: none"> Goal: Support cultural festivals and events that build civic pride, encourage local engagement and attract people to the community. 	Has the potential to build civic pride as a show of confidence in the downtown and by developing a prominent site that has sat vacant for many years.

Conclusion

In summary, Staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment, subject to certain parameters. This Recommendation Report provides the planning context and justification for Staff's

recommendation to support the Applications. The Amendments would facilitate the redevelopment of a prominent vacant site and provide for a mix of commercial uses within the heart of the traditional commercial main street. The proposed seven-storey building includes stepbacks and a design approach that will mitigate visual impacts of height and has been designed to fit appropriately within the historic streetscape. The Amendments are appropriate given the site context and downtown tradition of bookending prominent intersections with taller structures. The proposal is consistent with Provincial and Regional policy direction and maintains the overall intent of the Official Plan for Commercial Core area.

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:

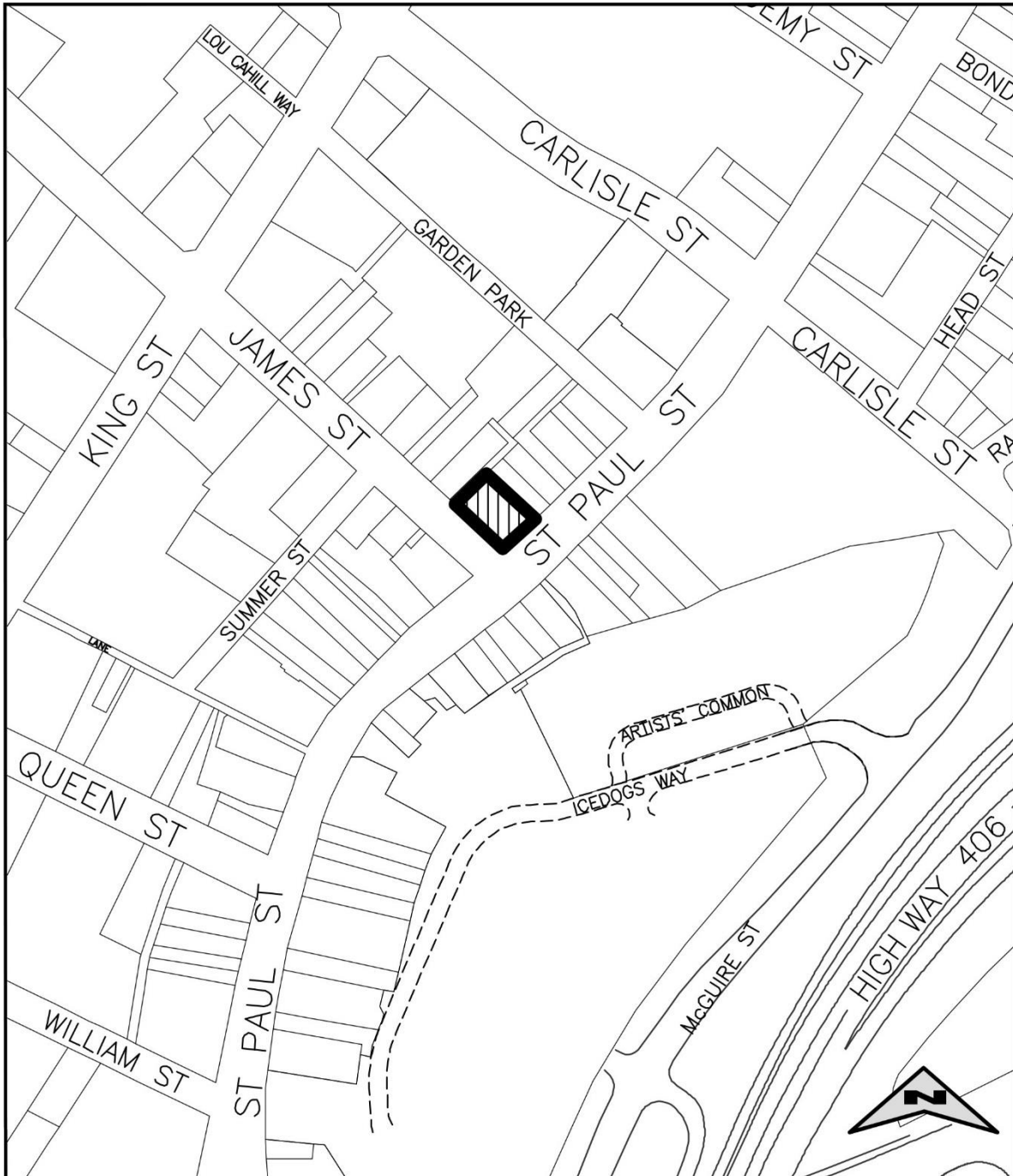
James N. Riddell, M.P.L., MCIP, RPP
Director, Planning and Building Services

List of Appendices

1. Location Map
2. Concept Building Renderings and Elevations
3. Concept Site Plan
4. Official Plan – Schedule D1, General Land Use Plan Map
5. Official Plan – Schedule E10, Downtown Planning District
6. Zoning By-law 2013-283, Schedule A7
7. Recommended Zoning By-law Amendment
8. Provincial Land Use Planning Framework Diagram

Location Map

1



Concept Building Renderings and Elevations

2



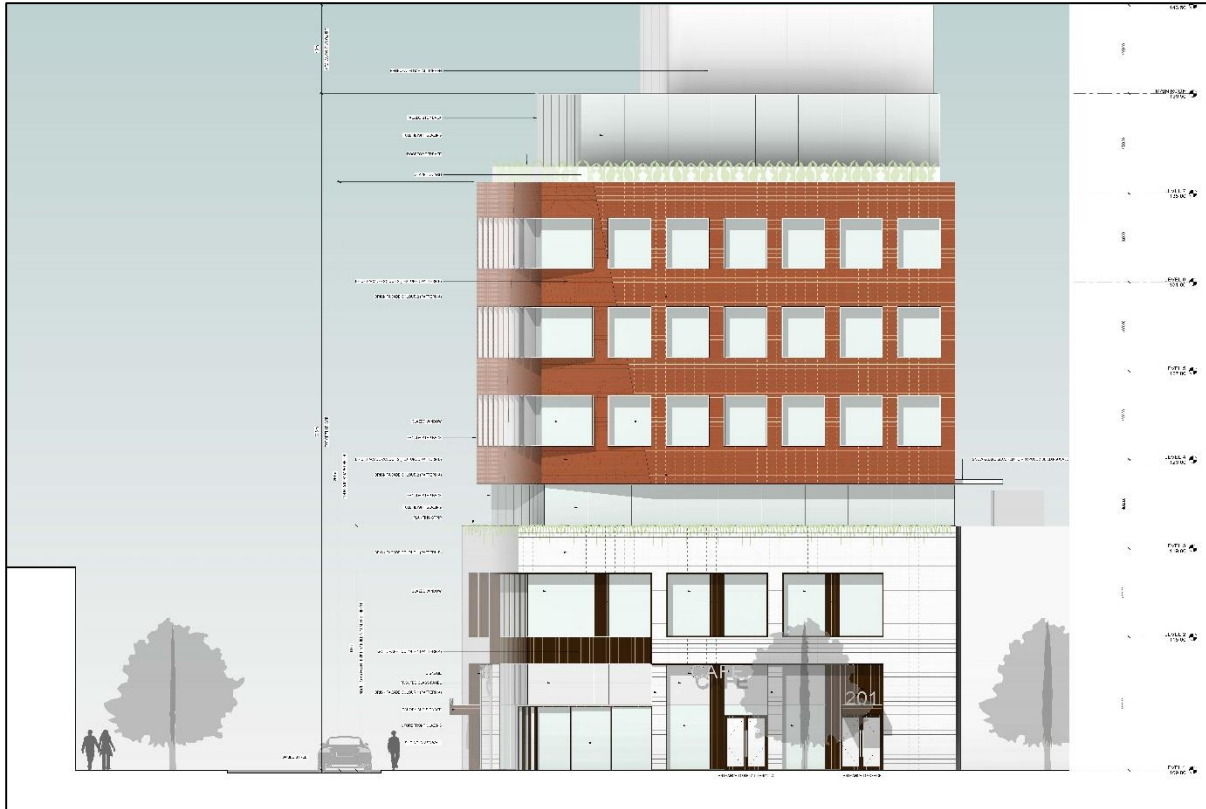
Perspective at St Paul and James Street Looking East – Day and Night



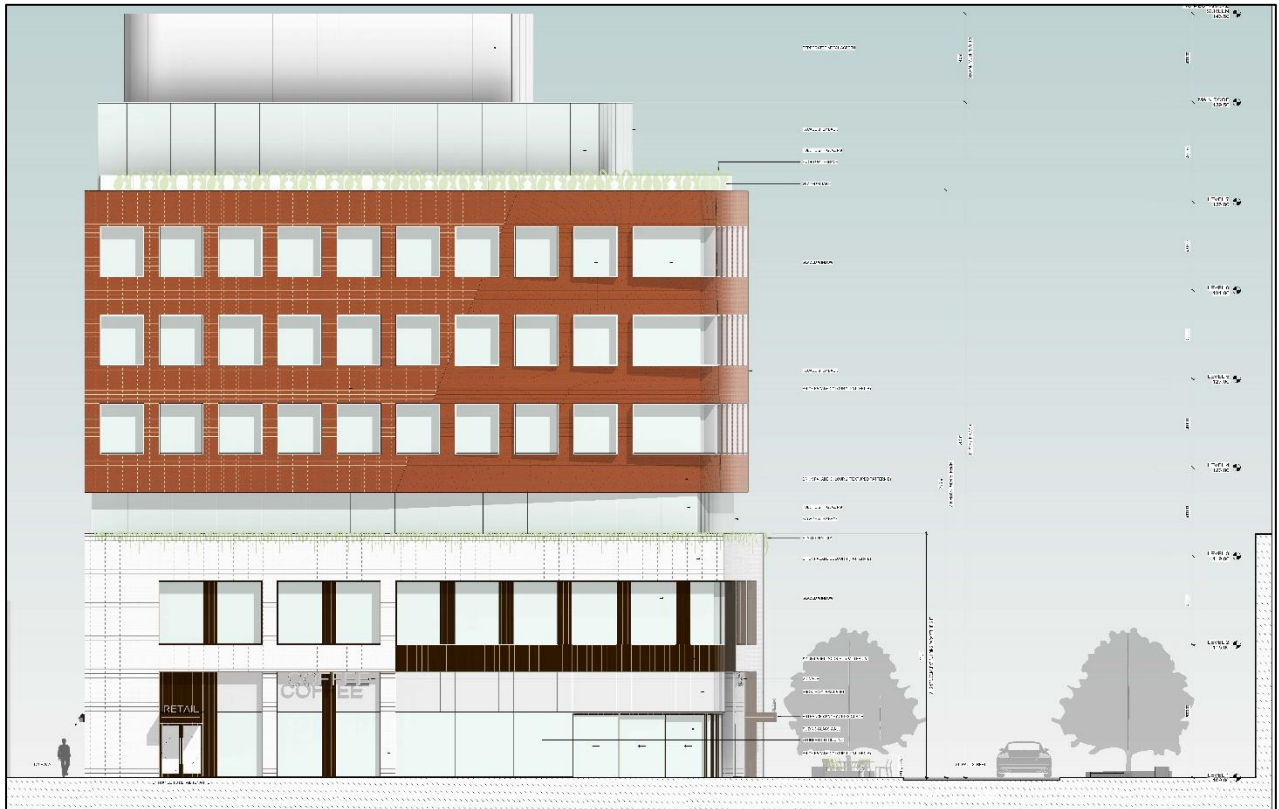
Perspective at James Street Looking South



Perspective at St Paul Street Looking West



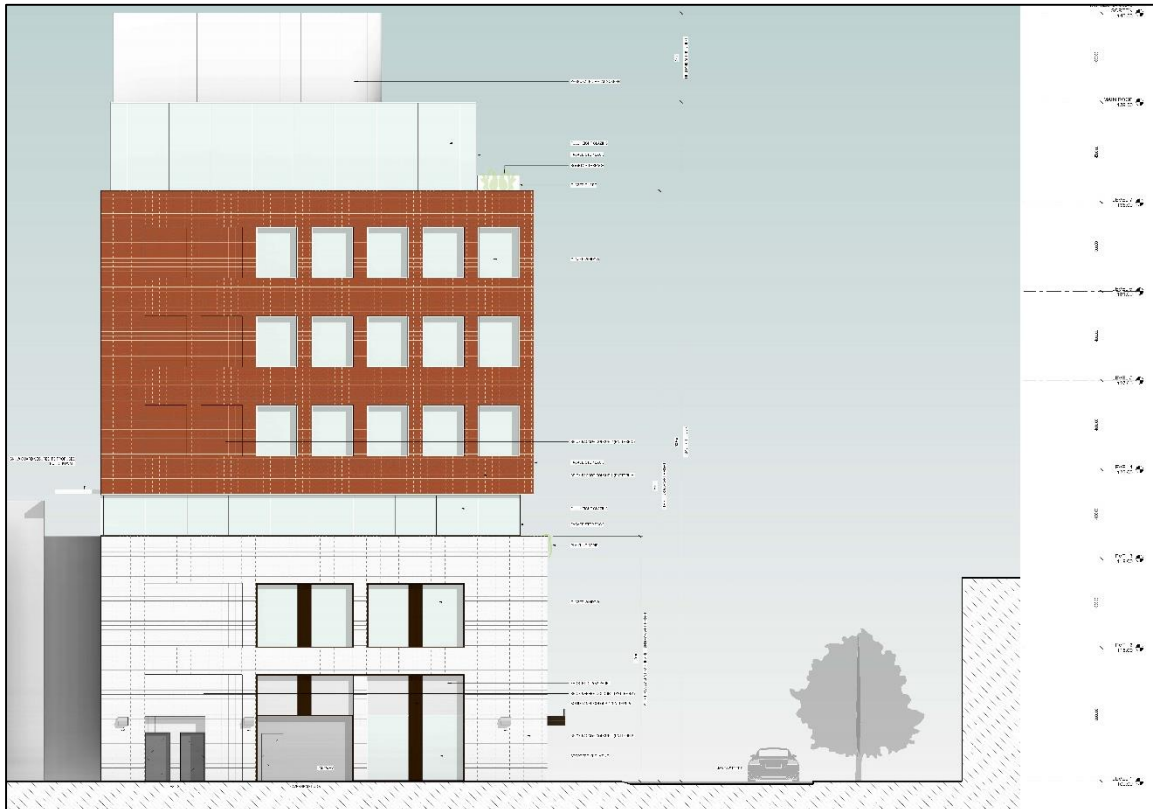
South Elevation Facing St Paul Street



West Elevation Facing James Street



East Elevation Facing Adjacent Buildings



North Elevation Facing Laneway

Concept Site Plan

3

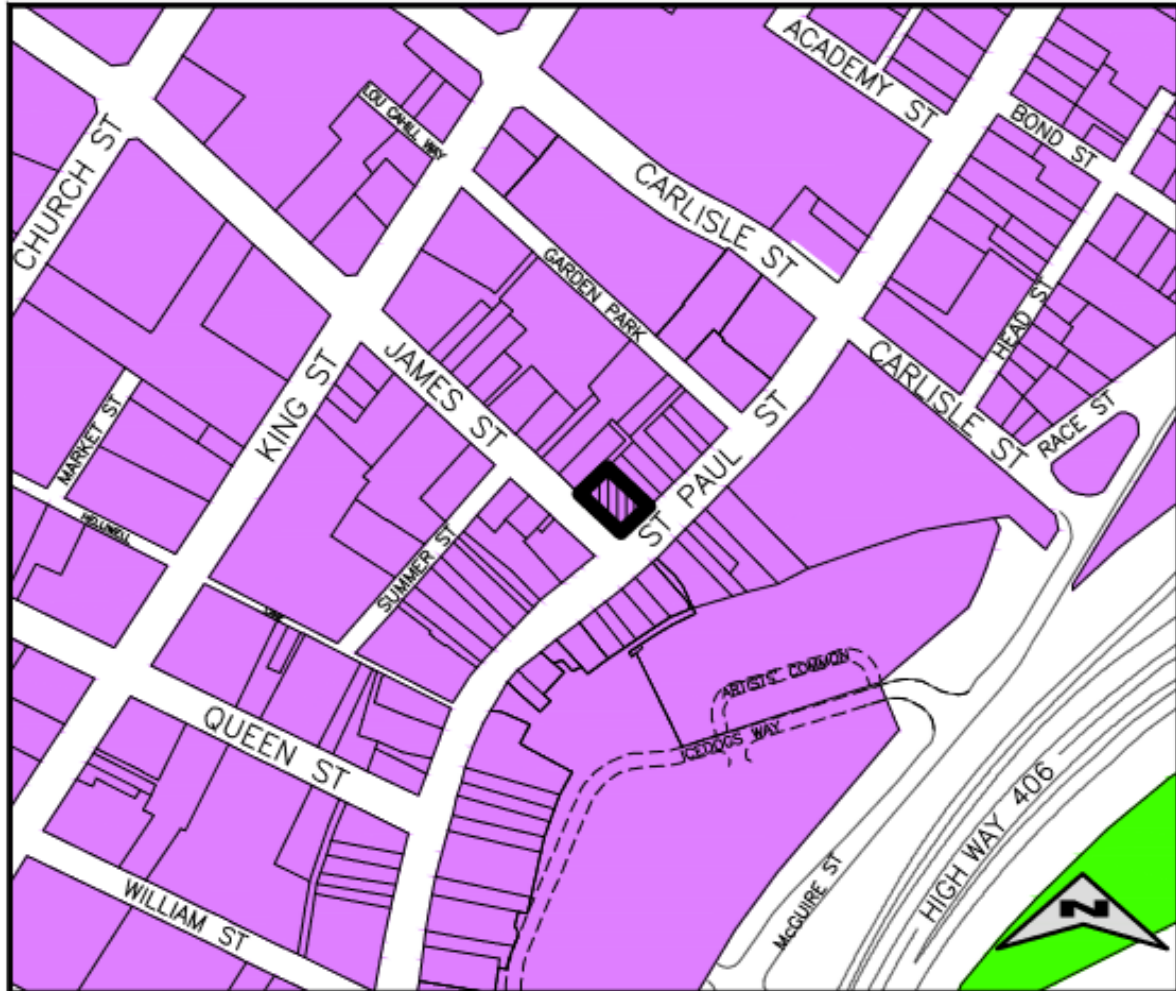



Official Plan – Schedule D1, General Land Use Plan Map

4

Existing Land Use Designation

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



 Subject Lands
201 St. Paul Street

Land Use Designations

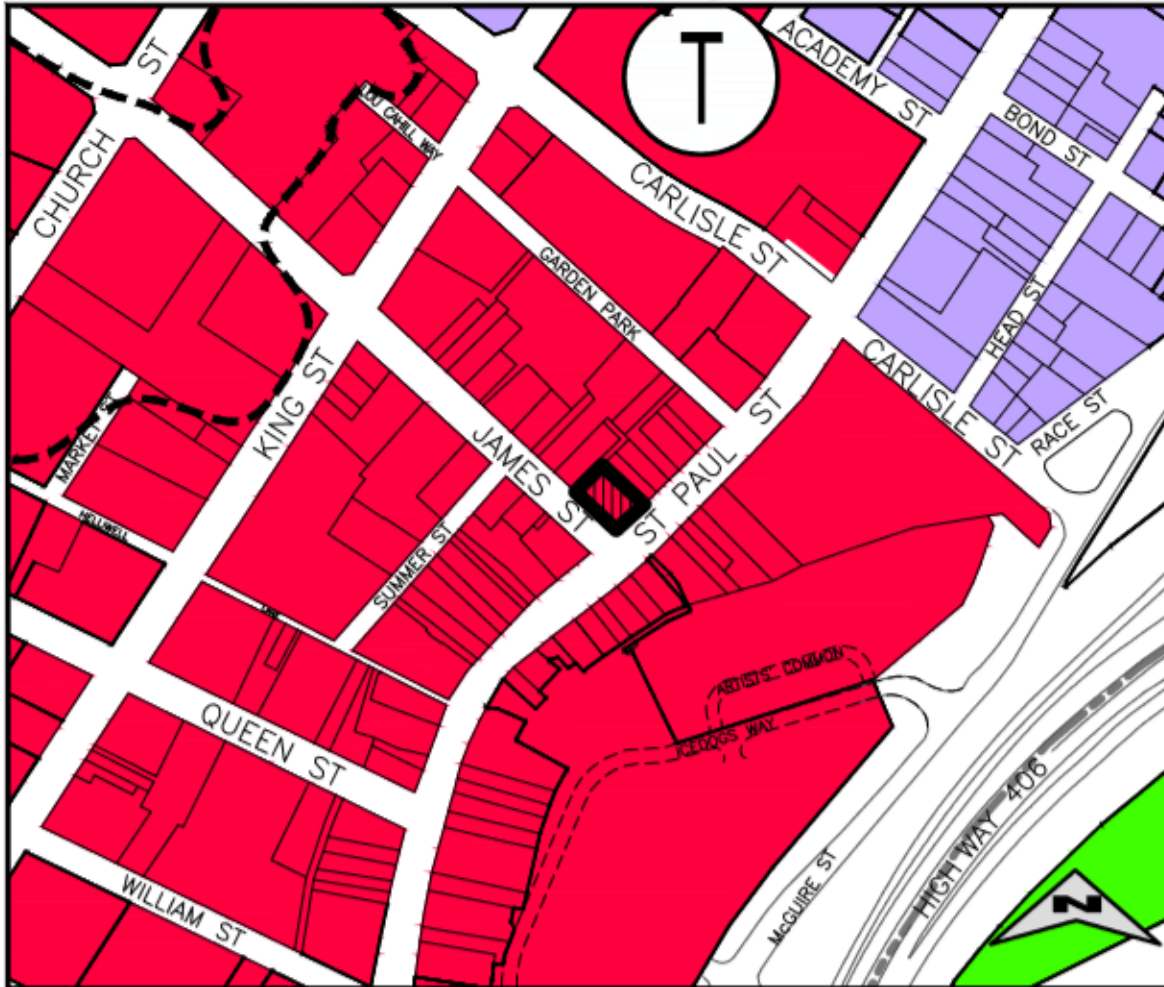
 Downtown


 Natural Areas

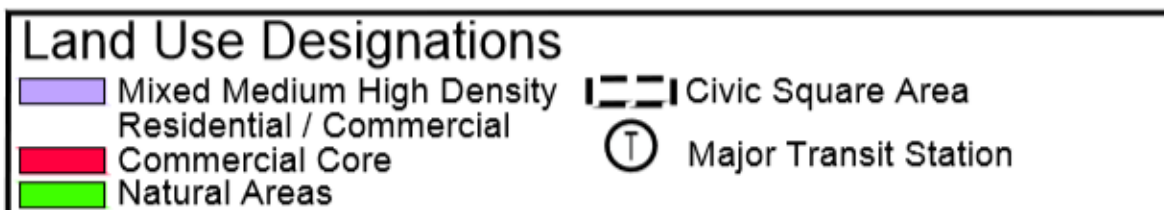
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Existing Land Use Designation

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



 Subject Lands
201 St. Paul Street



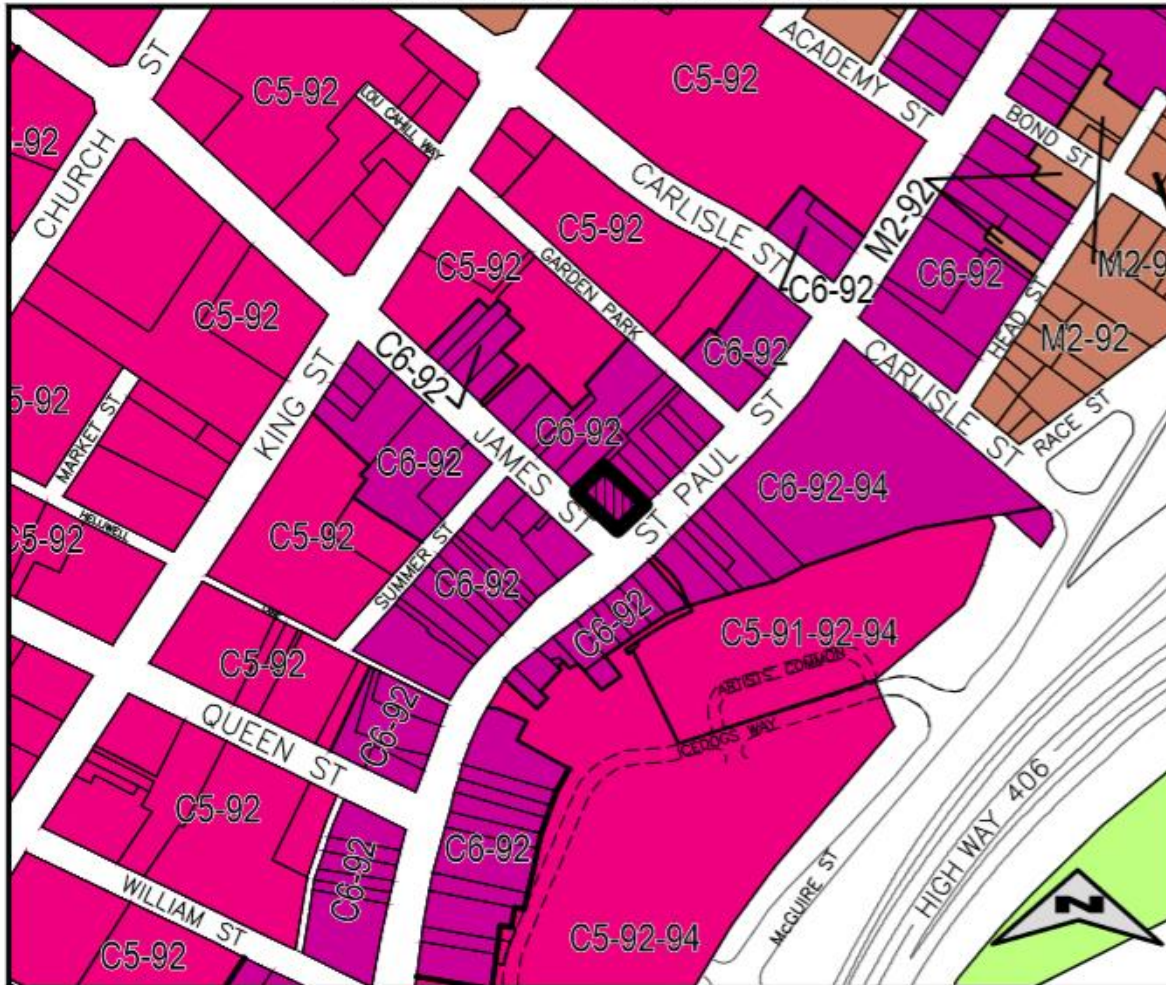
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Zoning By-law 2013-283, Schedule A14

6

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 & 60.35.1038

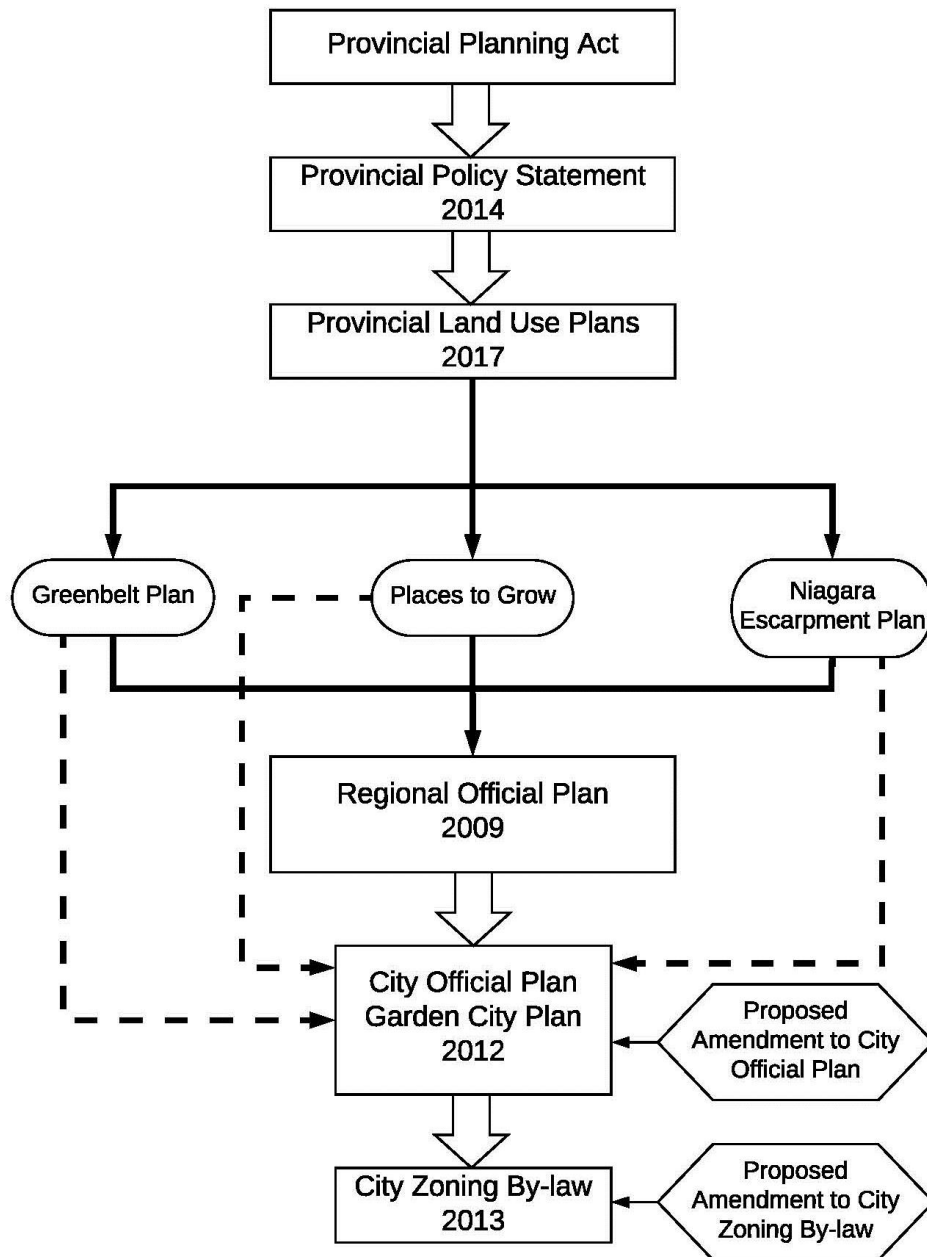
Recommended Zoning By-law Amendment

7

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
148	C6	14		201 St Paul Street	
1.	Maximum Building Height				
	<p>c) 7 Storeys, to a maximum of 30.5 m</p> <p>d) A building podium having a maximum height of 11 m and a maximum setback of 0m from both St Paul Street and James Street shall be provided;</p> <p>above this podium, a minimum setback of 1.2 m from both the St Paul Street and James Street frontages shall be provided;</p> <p>the portion of building from 12.5 m to 26.5 m shall be setback a minimum of 0.6 m along both the St Paul Street and James Street frontages; and</p> <p>the portion of building from 26.5 m to 30.5 m in height shall be setback a minimum of 5.3 m from St Paul Street and 3.1 m from James Street.</p> <p>f) Ground floor uses shall be limited to retail stores, restaurants, service commercial uses, and access lobbies / ancillary functions for upper floor uses.</p> <p>g) The principle exterior façade materials shall be brick masonry and glass.</p> <p>h) Notwithstanding the height exemptions described in Section 2.7.3, any rooftop mechanical equipment and elevator penthouse shall be enclosed and the enclosure shall have a maximum height of 4.0 m, and shall have a footprint not greater than 170 m²</p>				
2.	Corner Lot Sight Triangle				
	Shall be determined by a minimum distance of 1.5 m, measured along each lot line from the corner of St Paul Street and James Street.				

Provincial Land Use Planning Framework Diagram

8

Ontario Land Use Planning Framework



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: September 13 , 2018 **Date of Meeting:** September 24, 2018

Report Number: PBS-128-2018 **File:** 60.35.1040

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

Recommendation

That Council approve an amendment to the Zoning By-law to revise Section 2.3, Buildings on One Lot, as follows:

2.3 Buildings on One Lot

Only one of the following dwelling types shall be permitted on one lot:

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

Section 2.3 Buildings on One Lot, shall not apply in Private Road Developments and shall not apply to lots or blocks in a registered plan of subdivision that has been registered for less than 10 years;

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

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

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

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

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

Summary

The approval of this amendment to the zoning by-law will require each unit in a semi-detached dwelling to be on one lot. Similarly, the proposed amendment provides greater clarity in wording requiring an individual street townhouse unit to be on one lot.

The approval of this amendment will achieve the following:

- Require all new infill lots to first receive input from the Design Review Panel, an Advisory Committee of Council, intended to provide input on new infill lots.
- Require all new infill lots to be subject to a public process *prior to* the decision to create the lot, and in conjunction with the approval of any related minor variances.
- Exempts private road development which is otherwise regulated by the site plan approval process
- Exempts lots or blocks within a registered plan of subdivision providing that the plan of subdivision has been registered for under 10 years.

The approval of this amendment results in land use permissions on residential infill lots that is more transparent, acknowledges the input of the Design Review Panel and preserves the integrity of public input during the lot creation process by the Committee of Adjustment.

Background

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

On June 11, 2018, Council received an [Information Report](#) (link provided, copies available upon request) on this Application for a Zoning By-law Amendment, which provided an overview of the application, planning context and policies, and circulation comments received. No one presented at the public meeting and the meeting was adjourned.

The continuation of the public meeting is on Council's agenda for September 24, 2018. Additional public notice has been issued on the City's website and published in the St. Catharines Standard and Niagara This Week.

This Recommendation Report provides Council with a planning analysis and staff recommendation for Council's consideration. The recommended zoning amendment, initiated by the City, responds to concerns by staff and the public regarding the timing of the issuance of a building permit for semi-detached dwellings, quadruplexes and street townhouses, prior to the creation of the lot for each dwelling unit. Staff are recommending approval of the zoning by-law amendment.

Report

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

“Section 2.3 Buildings on One Lot

Only one of the following shall be permitted on one lot:

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

Section 2.3 shall not apply to Private Road Developments and shall not apply to lots or blocks in a registered plan of subdivision that has been registered for under 10 years.”

Council should be aware that there is an additional exception being recommended that was not referenced in the Information Report, but was referenced in a related report considered by Council on February 12, 2018 ([Report PBS-128-2018](#); linked here and available upon request). In the February report, Council approved direction to staff to exempt lots or blocks in registered plans of subdivision. Lot creation, via part lot control and not the severance process, is typically used to create new lots for semi-detached and townhouse dwelling types if they are located in lots or blocks in a registered plan. Staff has now included this exemption in the Recommendation, providing the registered plan of subdivision has been registered for under 10 years. If a lot or block has been registered for more 10 years or more, a new lot within a lot or block in a registered plan of subdivision would have to be created via the severance process.

Circulation of Application

The application was circulated to all relevant departments and agencies in accordance with the Planning Act. There were no concerns submitted.

Planning Analysis

Provincial Policy Statement, Growth Plan, ROP and GCP

Recent changes to Provincial planning legislation require that Council's decision on a planning application must be consistent with the Provincial Policy Statement (2014), and must conform to Provincial Land Use Plans (in this case the Growth Plan), upper-tier official plans (the Region of Niagara Official Plan) and lower-tier official plans (the City's Garden City Plan).

There is no development proposed with this application, and no proposed changes that would have an impact on the Provincial Policy Statement, Growth Plan, Regional Official Plan and Garden City Plan. The proposed amendment triggers a change in process as opposed to a change in policy or zoning permissions that would impact growth targets and overall intensification. The outcome of the approval of this amendment impacts the process and timing of a severance application to create a new lot for certain dwelling unit types.

Given the nature of the proposed zoning amendment, staff conclude the approval of this amendment is consistent with the Provincial Policy Statement, conforms with and does not conflict with Growth Plan, conforms with and does not conflict with the Region of Niagara Official Plan and conforms with and does not conflict with the City's Official Plan.

The proposed amendment will trigger a change in the planning approval process to better align with public transparency, public input and maintain the integrity of input from the Design Review Panel. The proposed amendment results in a review process that is better aligned with seeking public input prior to the creation of new lots for semi-detached dwellings. The proposed amendment also clarifies the wording for a similar approach to street townhouses. In addition, the proposed amendment will better align with the intent of the Design Review Panel, which is meant to provide input on new infill residential lots prior to lot creation and prior to issuance of building permits. The proposed amendment to Section 2.3 would result in a process whereby severance approval for each unit of a semi-detached dwelling, quadruplex dwelling or a street townhouse dwelling, is required *prior to* the issuance of a building permit. Public input and Design Review Panel input are mandated to be completed prior to the decision on a severance application.

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

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

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

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

The current zoning by-law allows for the construction of a semi-detached or quadruplex dwelling (a quadruplex is a townhouse with a different configuration of common walls than a traditional street townhouse) to be built on one lot, prior to formal application for a severance to establish individual lots for each individual dwelling unit. Once constructed, applicants apply for a severance to create one lot for each unit. At that point however, the public notification and opportunity for input on the severance application is too late in the process to be considered meaningful. Similarly, the intent of the Design Review Panel, which was created to provide input and guidance on new infill residential lots, is compromised since the building is already under construction or built before a severance application is considered by the Design Review Panel.

An awareness by staff and the public has triggered the need for review and revision of the current process to ensure that, in all instances, the issuance of a building permit is obtained *after* Design Review Panel input, and after public consultation inherent in an application to create a new lot.

In addition, minor variances are often triggered by these forms of severance applications because when a building permit is applied for to construct a building on one lot, zoning compliance is achieved. However, as separate dwelling units on separate lots, zoning compliance is occasionally not achieved, thereby prompting a number of minor variances. By requiring a severance to create a lot for each unit *prior to* the issuance of the building permit, minor variances can be identified and addressed up front before the building is constructed.

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

Public Open House

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

Exemption for Registered Subdivisions

Staff acknowledge that discussions with certain stakeholders from the development community indicate the exemption for lots and blocks within registered plans of subdivision is an important exemption to include within the proposed amendment. Typically, semi-detached and townhouse dwelling types are built within one lot or block in a registered plan of subdivision and then the lots or blocks are divided via part lot control to create individual lots for each unit. Staff concur with the rationale that lots and blocks within registered plans of subdivision warrant exemption from the proposed zoning amendment, but only for a certain period of time. Registered plans of subdivision are generally not considered to be infill development when they are new and development is proceeding in a timely manner in accordance with the approved plan. Typically dwelling types are built in accordance with the subdivision approval and no further public input is warranted over the short term. However, staff have concluded that, should development not proceed in accordance with the approved registered plan within a 10-year time span from the date of registration, that after 10 years, lots and blocks not developed should be further divided by the severance process and not by part lot control. Staff are recommending an exemption for lots and blocks within a registered plan based on a development time frame of 10 years, after which a severance process will be required to further divide lots or blocks into individual lots for individual units. Within 10 years of the registration of a plan of subdivision, lots or blocks may be further divided by part lot control. After 10 years from the registration of the plan of subdivision, lots or blocks may be further divided only through the severance process.

Public Meeting

In accordance with the Planning Act, a Public Meeting was held by Council on June 11, 2018. Staff from Planning and Building Services presented an Information Report. No members of the public spoke to the application and there were no questions raised by Council. The Public Meeting was adjourned.

Public Notice

In accordance with established procedures, notices for the public meeting have been circulated. Notice was published in the St. Catharines Standard on Wednesday, April 25, 2018, in Niagara This Week on Thursday April 26, 2018, and posted on the City's web site. Further notice of the continuation of the public meeting was provided on the City's website on September 11, 2018, and scheduled for publication the St. Catharines Standard on September 14, 2018, and in Niagara This Week on September 20, 2018.

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

There are no direct financial impacts to the Corporation.

Relationship to Strategic Plan

The approval of this amendment does not directly relate to the Strategic Plan.

Potential Appeals

Council should be aware that, effective April 3, 2018, certain land use appeals in Ontario are subject to new legislation. For 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

The proposed amendment to the zoning will permit one dwelling unit on one lot for a semi-detached dwelling and provide greater clarity in the wording requiring one townhouse dwelling unit on one lot for street townhouses. The outcome of the recommended amendment will trigger an improvement to the lot creation process for new infill lots. The improved process will ensure that the integrity of public input and Design Review Panel input are considered prior to the creation of a new infill lot and prior to a building permit being issued. It further ensures that all potential minor variances are captured upfront rather than after a dwelling has already been constructed.

The amendment conforms with and does not conflict with the Provincial Policy Statement, the Provincial Policy Plan, Places to Grow, the Regional Official Plan and the City's Garden City Plan.

Submitted by:

Judy Pihach, MCIP, RPP
Manager of Planning Services

Approved by:

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



CITY OF
ST. CATHARINES

At the meeting of September 10, 2018, **AGENDA ITEM #5.6**
Committee approved the Recommendation to hold a
public meeting on September 24, 2018, at which time
Council will consider the Staff Recommendation.

Corporate Report

Report from Planning and Building Services, Building and Development

Date of Report: September 4, 2018

Date of Meeting: September 10, 2018

Report Number: PBS-222-2018

File: 10.13.0,10.57.28

Subject: Amendment to Nuisance By-law Regarding Graffiti and Associated Rates and Fees

Recommendation

That Council refer this report for consideration after the public meeting scheduled for September 24, 2018; and

That the City Clerk be directed to provide the necessary public notice. FORTHWITH

Staff Recommendation

That Council approve the following amendment to the Nuisance By-law 2007-295, as amended:

Add into Definitions, "Director" means the Director of Planning and Building Services or his/her designate.

Add Clause 2.5.2 (c) Where a notice has been sent by the Director or a person authorized to enforce this By-law pursuant to the provisions of this By-law, and the requirements of the notice have not been complied with, the Director or a person authorized to enforce this By-law shall cause the work to be done and the Corporation may require such expense by action or in like manner as municipal taxes.

That Council approve an amendment to the 2018 and 2019 Schedule of Rates and Fees for the "Removal of Graffiti on Private Property" as a line item for actual cost (job specific costing).

Report

City By-laws pertaining to Graffiti

Under By-law 2007-295, as amended, a by-law to address Public Nuisances, graffiti "means images or lettering scratched, scrawled, painted or any form of marking on property that does not belong to the artist." Subsection 2.5 of this by-law states that "no person shall mark or apply graffiti on any public place, including signs, or private property." The provisions of this by-law may be enforced by a municipal law enforcement officer, police officer, or other individual duly appointed for the purpose of

enforcing the by-law. Subsequently, By-law 2007-295 was amended by By-law 2008-306 and states that “every owner or occupant of property shall maintain the property free of graffiti.”

Graffiti is mischief. Mischief is the willful damage or destruction of property and can be punishable for up to a 10-year prison sentence.

Graffiti is not a victimless crime. If graffiti is ignored it can:

- Leave the impression that no one cares;
- Lead to more graffiti;
- Damage business growth and tourism;
- Divert tax dollars from essential community programs and services since it costs considerable money to remove graffiti;
- Reduce property values; and
- Decrease residents’ feelings of safety and sense of place.

Current Procedure

Graffiti complaints are received by the By-law Enforcement staff in Planning and Building Services. By-law staff attend the site, liaise with the owner and try to work with the owner to achieve compliance. The difficulty with graffiti is that the person who is responsible for the clean-up of the graffiti is the owner of the property who has been “tagged” by a graffiti “artist.” Essentially, they are victims of vandalism.

The goal is compliance and staff approach the situation with compassion understanding the owner is considered the victim. By-law Enforcement staff usually provide 14 days for compliance in the first notice to the owner. Extensions have been granted while the owner works through their options for removal of the graffiti, including the Graffiti Removal Financial Assistance Program. Under this program the City may contribute 50% of the cost of graffiti removal, up to a maximum contribution of \$500. To take advantage of this program, a person must complete an application form and submit it to Parks, Recreation and Cultural Services (PRCS) for approval. Every time a notice of infraction for graffiti is sent out by By-law Enforcement staff, that notice is accompanied by a Graffiti Removal Financial Assistance Program information package.

By-law Change to Include Clean-up Option

Although many victims of graffiti work with By-law staff to clean up the tag to gain compliance, there are always those property owners who do not cooperate in the removal of graffiti. The current by-law contains no provision to cause the work to be completed by the City if no removal action is undertaken by the property owner. Currently, the only option is to proceed to prosecution, which takes up significant staff time and still may not achieve compliance. For this reason, staff recommend adopting a similar process that exists in the Waste By-law 2001-409, as amended, which in addition to prosecution under this by-law, if the requirements of the notice are not complied with would enable staff to cause the graffiti to be removed and require the

expense to be recovered in a like manner as municipal taxes. The draft amendment is attached as Appendix 1.

Financial Implications

The amendment of the 2018 and 2019 Schedule of Rates and Fees to include a fee for graffiti removal on private property by the City provides the first step for the City with the ability to recover the costs incurred from the property owner. The Municipal Act provides authority to the municipality to add certain fees and charges to the tax roll and to collect as municipal taxes.

Relationship to Strategic Plan

Under the Economic Sustainability Pillar the goal is to attract public and private investment, support local businesses and provide excellent customer service to demonstrate we are open for business.

Under the Social Sustainability Pillar the goal is to strive for the highest quality of life for all citizens.

By taking action against graffiti, the City shows it cares about its citizens and supports investment in the city. It should also deter further graffiti and foster more growth and tourism while providing the residents with a feeling of safety and a sense of place.

Conclusion

PBS By-law staff will continue to work with the community and PRCS in implementing the Graffiti Removal Financial Assistance Program. In addition, staff recommend that the Public Nuisance By-law 2007-295, as amended, be amended to allow staff to cause the graffiti to be removed by City forces and require the expense to be recovered in a like manner as municipal taxes. This is in addition to the current option to prosecute for non-compliance. The 2018 and 2019 Schedule of Rates and Fees will also need to be amended to include a cost for graffiti removal by City resources.

Prepared and Submitted by:

Sandra Burrows, P. Eng., MCIP, RPP
Chief Building Official, Manager of Building and Development Services

Approved by:

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

CITY OF ST. CATHARINES

BY-LAW NO. _____

A By-law to amend By-law No. 2007-295 entitled "A By-law to address Public Nuisances."

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF ST. CATHARINES enacts as follows:

1. That By-law No. 2007-295, as amended, be and the same is further amended by adding after section 1.2, under Definitions, the following section:

1.2.1. "Director" means the Director of Planning and Building Services or his/her designate.

2. That By-law No. 2007-295, as amended, be and the same is further amended by adding after section 2.5.2 (b) the following section:

2.5.2 (c) Where a notice has been sent by the Director or a person authorized to enforce this By-law pursuant to the provisions of this By-law, and the requirements of the notice have not been complied with, the Director or a

person authorized to enforce this By-law shall cause the work to be done and the Corporation may require such expense by action or in like manner as municipal taxes.

3. This By-law comes into force the date that it is passed.

Read and passed this day of 2018.

CLERK

MAYOR



By-laws to be considered Monday, September 24, 2018

- (a) A By-law to authorize the acceptance of a conveyance of certain lands from Silvergate Developments Inc. and Mancini Developments Inc. for a road widening along Eastchester Avenue and to repeal By-law No. 2018-211. (One reading – with respect to 104A and 106A Eastchester Ave. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize the acceptance of a conveyance of certain lands from 2575115 Ontario Inc. for a road widening along Rykert Street. (One reading – with respect to 121 Rykert Street. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a contract with O'Hara Trucking & Excavating Inc. (One reading - with respect to the Burness Drive Watermain and Sanitary Sewer Replacement, under Project No. P17-008. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize a contract with Greenspace Landscaping & Property Services Inc. (One reading - with respect to the Lester B. Pearson & Eastport Parks – Tennis & Pickleball Courts, under Project No. P18-174-4. 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 stop sign locations on Princess Street and Melbourne Avenue. Delegation By-law No. 2004-277, as amended.)
- (f) 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 stop sign locations on Melbourne Avenue and Collier Street. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to authorize a Fire Training Centre Facility Use Agreement with The Corporation of the Town of Fort Erie. (One reading – with respect to the use of a Fire Training Centre at 525 Industrial Drive in Fort Erie. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to authorize a Conditional Permit Agreement with 2605831 Ontario Inc. (One reading – with respect to conversion of the existing church to residential occupancy development at 405 Merritt Street. Delegation By-law No. 2004-277, as amended.)
- (i) A By-law to appoint Kristen Sullivan as Deputy Clerk. (One reading – with respect to the appointment. Section 228(2) *Municipal Act, 2001*.)
- (j) A By-law to authorize a contract with Nexterra Substructures Incorporated. (One reading – with respect to Greenwood Avenue/Beatrice Street Sanitary Sewer Replacement, under Project No. P16-061. To be considered by General Committee, September 24, 2018.)



- (k) A By-law to authorize an Encroachment Agreement with Iwona Nowysz, Karol Nowysz and Karina Anna Nowysz. (One reading – with respect to 32 St. Paul Street. To be considered by General Committee, September 24, 2018.)
- (l) A By-law to authorize an Agreement with Perry Wakulich. (One reading – with respect to “The Spirit of St. Catharines” Rowing Monument. To be considered by General Committee, September 24, 2018.)
- (m) A By-law to authorize an Agreement with Lily Otasevic. (One reading – with respect to the artwork “Curtain Call” as part of the Carlisle Street Public Art Project. To be considered by General Committee, September 24, 2018.)
- (n) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading - with respect to 99 South Drive. To be considered by Council, September 24, 2018.)
- (o) 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 99 South Drive. To be considered by Council, September 24, 2018.)
- (p) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading - with respect to 201 St. Paul Street. To be considered by Council, September 24, 2018.)
- (q) 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 201 St. Paul Street. To be considered by Council, September 24, 2018.)
- (r) 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 Buildings on One Lot. To be considered by Council, September 24, 2018.)
- (s) A By-law to amend By-law No. 2007-295 entitled "A By-law to address Public Nuisances." (One reading – with respect to removal of graffiti on private property. To be considered by Council, September 24, 2018.)



- (t) A By-law to amend By-law No. 2017-312 entitled “A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters.” (One reading – with respect to removal of graffiti on private property. To be considered by Council, September 24, 2018.)
- (u) A By-law to confirm the proceedings of council at its meeting held on the 24th day of September, 2018. (One reading - with respect to confirming the proceedings of the meeting held on September 24, 2018.)