



**The Corporation of the City of St. Catharines
CITY COUNCIL AGENDA
Regular, Monday, April 29, 2019
Council Chambers, City Hall, 6:00 PM**

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

- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Declarations of Interest**
- 4. Adoption of the Minutes (Council and General Committee)**
Following Adoption of the Minutes, Council will consider General Agenda Items 1 and 2 before proceeding with the remainder of the Council Agenda
 - 4.1 Regular Meeting of Council, Minutes of [April 15, 2019](#)
 - 4.2 General Committee, Minutes of [April 15, 2019](#)
- 5. Public Meetings Pursuant to Planning Act**
 - 5.1 Planning and Building Services, Planning Services
Planning Act Continuation of Public Meeting – Recommendation Report
Application for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Condominium Approval Subject Lands: 102 and 104 Lakeport Road and 3 and 5 Avalon Place; Owner: John Maletta and John Ciocca; Agent: Better Neighbourhoods Inc. (Daniel Romanko)
- 6. Delegations**
 - 6.1 Owen DenBak, Tayler DenBak, Brianna Han, Nicole Heida, MacKenna Vanderwall, Avery Webster and Aiden Wiersma
Re. Operations and Road Salts
(see Motions Item 8.3)
 - 6.2 Renee Guay
Re. Climate Emergency
(see Motions Item 8.1)
 - 6.3 Jean Bridge
Re: Information Request Brock University Rodman Hall Arts Centre
(see General Committee Agenda, April 29, 2019, Item 4.4)

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- 6.4 Rebecca Cann
Re: Information Request Brock University Rodman Hall Arts Centre
(see General Committee Agenda, April 29, 2019, Item 4.4)
- 6.5 Shauna MacLeod
Re: Information Request Brock University Rodman Hall Arts Centre
(see General Committee Agenda, April 29, 2019, Item 4.4)
- 6.6 Mark Elliott
Re: Information Request Brock University Rodman Hall Arts Centre
(see General Committee Agenda, April 29, 2019, Item 4.4)

7. Presentations

8. Motions

- 8.1 Climate Emergency
At the meeting of April 15, 2019, Councillor Williamson provided notice that he would present the following motion:
WHEREAS climate change in Canada is happening at an alarming rate; and

WHEREAS climate change is currently contributing to billions of dollars in property and infrastructure damage worldwide, stressing local and international economies; and

WHEREAS climate change is currently jeopardizing the health and survival of many species and other natural environments worldwide, stressing local and international ecosystems; and

WHEREAS climate change is currently harming human populations through rising sea levels and other extraordinary phenomena like wildfires and extreme weather events; and

WHEREAS recent international research has indicated a need for significant reductions in carbon emissions to avoid devastating economic, ecological, and societal loss; and

WHEREAS an emergency can be defined as "an often dangerous situation requiring immediate action";

THEREFORE BE IT RESOLVED that the City of St. Catharines officially declare a climate emergency for the purposes of recognizing the urgent need to take action to mitigate the effects of climate change and to deepen the City's commitment to protecting its economy, ecosystems, and community from climate change.

8.2 Visitor Parking on Commercial Properties

At the meeting of April 15, 2019, Councillor Kushner provided notice that he would present the following motion:

That Council direct staff to report back on strategies for paid visitor parking on commercial properties at a date to be determined by staff.

8.3 Operations and Road Salts

At the meeting of April 15, 2019, Councillor Townsend provided notice that he would present the following motion:

WHEREAS the City of St. Catharines is focused on green initiatives; and

WHEREAS the current road salt program has not been reviewed since 2011;

THEREFORE BE IT RESOLVED that staff be directed to review and report to Council on the feasibility of alternative road salts to be used during the City's winter program.

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

13.1 Reading of By-Laws

14. Agencies, Boards, Committee Reports

14.1 Minutes to Receive:

- Green Advisory Committee, [March 20, 2019](#)
- St. Catharines Heritage Permit Advisory Committee, [March 28, 2019](#) (Draft)

15. Adjournment



CITY OF
ST. CATHARINES

Corporate Report

Report from Planning and Building Services, Planning Services

Date of Report: April 4, 2019

Date of Meeting: April 29, 2019

Report Number: PBS-068-2019

File: 60.30.334, 60.35.1033, 60.46.445

Subject: *Planning Act Continuation of Public Meeting – Recommendation Report*
Application for Official Plan Amendment, Zoning By-law Amendment, and
Draft Plan of Condominium Approval
Subject Lands: 102 and 104 Lakeport Road and 3 and 5 Avalon Place
Owner: John Maletta and John Ciocca
Agent: Better Neighbourhoods Inc. (Daniel Romanko)

Recommendation

1. Garden City Plan Amendment

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for a portion of the subject lands, being Lot 19, Registered Plan 214, municipally known as 5 Avalon Place, as follows:

- a) That Schedule D1, General Land Use Plan, be amended by changing the land use designation of 5 Avalon Place from Neighbourhood Residential to Commercial as illustrated in Appendix 14 of this report; and
- b) That Schedule E1, North Planning District, be amended by changing the land use designation of 5 Avalon Place from Low Density Residential to Community Commercial as illustrated in Appendix 16 of this report; and

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

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

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

That upon expiration of the appeal period, staff be directed to forward any appeals to the Local Planning Appeal 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

That the Clerk be directed to make all necessary notifications; and

2. Zoning By-law Amendment

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283 for the lands described as Lots 19, 20, 21, and 22, Registered Plan No. 214, and Part of Lot 20, Concession 2, Geographic Township of Grantham, and Part of the Road Allowance between Concessions 1 and 2, Geographic Township of Grantham, municipally known as 102 and 104 Lakeport Road and 3 and 5 Avalon Place, as follows:

- a) That Section 15.1, Schedule A (7), Zoning Maps, be amended by changing the zoning of the lands municipally known as 5 Avalon Place from Low Density Residential – Traditional Neighbourhood (R2) to Community Commercial with Special Provision No. 154 (C2-154), and by changing the zoning of the lands municipally known as 102 and 104 Lakeport Road and 3 Avalon Place from Community Commercial to Community Commercial with Special Provision No. 154, (C2-154), all as illustrated in Appendix 18 of this report; and
- b) That Section 13.1, List of Special Provisions, be amended by adding a new Special Provision No. 154, as follows:

Special Provision	Zone	Schedule A	Schedule B	Location	By-law
154	C2	7		102 and 104 Lakeport Road and 3 and 5 Avalon Place	2019-
1.	<p>Despite the provisions of Section 2.10.2, Permitted Encroachments for a Platform Structure (Deck, Porch, Balcony, Patio), the following shall apply:</p> <p>a) Minimum Setback from the Exterior Side Lot Line shall be 0.4 metres;</p> <p>b) Minimum Setback from the Rear Lot Line shall be 4.1 metres.</p>				
2.	<p>Despite the provisions of Section 3.13.1, Landscape Provisions for Parking Areas, the Minimum Landscape Buffer width along Avalon Place for a parking area with 5 or more parking spaces, but fewer than 100 parking spaces, shall be 2.1 metres.</p>				
3.	<p>Despite the provisions of Section 6.4, Provisions for Commercial (C1) to (C4) Zone, the Minimum Exterior Side Yard shall be 1.4 metres.</p>				

and

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

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

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

That upon expiration of the appeal period, staff be directed to forward any appeals to the Local Planning Appeal 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

That the Clerk be directed to make all necessary notifications; and

3. Draft Plan of Condominium

That Council defer its consideration of the application for draft plan of condominium approval for the lands described as Lots 19, 20, 21, and 22, Registered Plan No. 214, and Part of Lot 20, Concession 2, Geographic Township of Grantham, and Part of the Road Allowance between Concessions 1 and 2, Geographic Township of Grantham, municipally known as 102 and 104 Lakeport Road and 3 and 5 Avalon Place, until such time as an application for site plan approval has been received and reviewed; and

That Council close the statutory public meeting on the application for draft plan of condominium approval; and

4. Site Plan Approval

That Council direct staff to pay particular attention to the following site, landscape, and building design matters through the future site plan approval process:

- a) the provision of building step-backs beyond the fourth storey, generally consistent with the model views attached to this report as Appendices 3 thru 7;
- b) the location, extent and screening of rooftop mechanical equipment, including elevator overruns and stairs, so that impacts on height and views are minimized;
- c) the provision of enhanced landscape buffering along the southerly lot line to adequately screen the development from adjacent low rise homes;

- d) the exclusion of balconies along the southerly façade of the eastern leg of the building, being that portion of the building closest to the southerly lot line.

FORTHWITH

Summary

The applicant proposes a mixed use development on the lands municipally known as 102 and 104 Lakeport Road and 3 and 5 Avalon Place. The building, proposed at six-storeys in height (21 metres approximately), would include a 100m² ground floor commercial space and 53 apartment dwelling units (residential density equates to 149 units per hectare).

The proposed building itself would occupy 102 and 104 Lakeport Road and 3 Avalon Place. The community commercial official plan and zoning by-law permissions currently in place for those three properties allow for the proposed use, height, and density. To be clear, a six-storey, mixed use building that includes ground floor commercial space and 53 apartment dwelling units is permitted as-of-right on 102 and 104 Lakeport Road and 3 Avalon Place without Council approval.

The applicant has submitted a proposal that includes 5 Avalon Place; it was acquired to not only round-out the site and provide additional development area, but also to facilitate a better site design than what would result if the development lands did not include 5 Avalon Place. The inclusion of the additional lot provides for greater separation from the proposed building and the existing lower-rise uses to the south, and additional parking and landscaped areas. However, the low density residential official plan designation and zoning that are currently in place for 5 Avalon Place do not permit the lot to be developed as contemplated.

The applicant has requested that the official plan designation and zoning of 5 Avalon Place be changed to allow the proposed use. Further, the applicant is requesting that a Special Provision be applied to the zoning of all four of the properties to deal with certain site specific building and site design matters. The applicant has also requested draft plan of condominium approval so that each of the proposed units may be sold separately.

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

Staff is recommending that approval of the application for draft plan of condominium be held in abeyance pending the receipt and review of an application for site plan approval. Through the site plan approval process, detailed designs for site elements such as site servicing, parking, and landscaping are further refined. This refinement provides more

certainty with respect to the limits of common element and exclusive use areas and is needed before Council approval of the draft plan.

This Recommendation Report follows the Information Report ([PBS-235-2018](#) linked here and copy available upon request) that was received by Council at the January 28, 2019 public meeting. Council did not close but rather adjourned the public meeting at that time.

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

- Appendix 1: Location Map
- Appendix 2: Revised Preliminary Site Plan (with aerial)
- Appendix 3: Model View – Lakeport Road Façade
- Appendix 4: Model View – Corner of Lakeport Road and Avalon Place
- Appendix 5: Model View – Avalon Place Façade
- Appendix 6: Model View – View from South
- Appendix 7: Model View – Aerial View from Avalon Place
- Appendix 8: Revised Preliminary Basement Floor Plan
- Appendix 9: Revised Preliminary Ground Floor Plan
- Appendix 10: Revised Preliminary Floor Plan - 2nd thru 4th Floors
- Appendix 11: Revised Preliminary Floor Plan - 5th Floor
- Appendix 12: Revised Preliminary Floor Plan - 6th Floor
- Appendix 13: Existing Land Use Designation (GCP, Schedule D1)
- Appendix 14: Proposed Land Use Designation (CGP, Schedule D1)
- Appendix 15: Existing Land Use Designation (GCP, Schedule E1)
- Appendix 16: Proposed Land Use Designation (GCP, Schedule E1)
- Appendix 17: Existing Zoning
- Appendix 18: Proposed Zoning
- Appendix 19: Ontario Land Use Planning Framework
- Appendix 20: Correspondence received since the date of the public meeting

Background

The official plan designation and zoning that are currently in place for 102 and 104 Lakeport Road and 3 Avalon Place permit the proposed six-storey, mixed-use building, including ground floor commercial space and 53 apartment dwelling units. The applicant is requesting that the official plan designation and zoning for 5 Avalon Place be changed so that those lands may be used as part of the proposed development.

On January 28, 2019, Council received an Information Report respecting these applications for official plan and zoning by-law amendment and draft plan of condominium approval. The Information Report provided an overview of the applications, location and site description, planning policy context, comments received on the applications from staff, outside agencies, and the public, and a detailed description of the application process to-date. Since the date of the statutory public meeting, the applicant has revised the proposal in an effort to address comments and concerns heard from the public. A description of the revised proposal is provided in the

Proposed Development section of this report. This Recommendation Report provides Council with a planning analysis and staff recommendation on the revised applications.

For Council's consideration, the Planning Act provides that an applicant may appeal to the Local Planning Appeal Tribunal if Council fails to make a decision on an application for zoning by-law amendment within 150 days of its receipt and, in the case of an application for official plan amendment, within 210 days. These applications for official plan and zoning by-law amendment were received on November 8, 2017 and declared complete on December 7, 2017, pursuant to the requirements of the Planning Act. The 150- and 210-day periods referred to above have therefore expired.

Report

The subject lands are located within the City's North Planning District. Specifically, the lands are located at the southeast corner of the intersection of Lakeport Road (a Regional arterial road) and Avalon Place (a local road). The subject lands are served by two transit route (weekday routes 301 and 302, weekend routes 401 and 402). A location map is attached as Appendix 1.

Proposed Development

The applicant proposes to construct a six-storey (21 metres approximately) mixed use building on subject lands, as illustrated in the model views attached to this report as Appendices 3 thru 7. Building step-backs (terracing) are provided above the fourth storey along the north, west, and south elevations. Located at the edge of a commercial node centred around Lakeshore and Lakeport Roads, the building will include a 100m² ground floor commercial space and 53 apartment dwelling units. Condominium tenure is proposed so that each of the units may be sold individually.

Since the date of the statutory public meeting held on January 28, 2019, the applicant has revised its proposal to address concerns raised by the public, as follows:

- The number of apartment dwellings has been reduced from 63 to 53;
- The number of parking spaces has been increased from 64 to 69;
- The residential parking provision has increased from 1 space per unit to 1.2 spaces per unit;
- Terracing has been introduced beyond the 4th floor;
- Units on the 5th and 6th floors have been reconfigured resulting in 9 two-storey units.

The revised concept site plan attached to this report as Appendix 2 shows an "L" shaped building sited toward Lakeport Road. The building generally occupies 102 and 104 Lakeport Road and 3 Avalon Place. These three properties are currently zoned and designated for the use, height, and density contemplated. The remainder of the lands, being 5 Avalon Place, was acquired by the applicant to not only provide additional lot area and round-out the site, but to provide more separation from adjacent lower rise residential uses to the south, as well as to provide a more desirable landscaping and parking area design. Official plan and zoning by-law amendments are required for 5

Avalon Place, which is currently zoned and designated for low density residential development.

The concept site plan provides for access to the site off of Avalon Place in a one-way-in-one-way-out configuration. Surface parking (16 spaces) and access to the parking garage (53 spaces) are located to the south of the building. In total, 69 parking spaces are provided, while 54 are required. A parking surplus of 15 spaces results.

The revised concept floor plans attached to this report as Appendices 8 thru 12 show 31 parking spaces being provided on the lower level of the building, and 22 parking spaces on the first floor. A 100m² commercial space is also proposed on the ground floor, at the very northwest corner of the building, in addition to two apartment dwelling units, and common areas such as a crafts room and a refuse room. Twelve apartment dwellings are proposed on each of floors 2 thru 4, three on each of floors 5 and 6, plus nine two-storey units on the upper two floors. A combination of 1-, 2-, and 3-bedroom units are envisioned. In total, the development provides for 53 apartment dwellings.

Planning Analysis

The Planning Act requires Council to fully consider planning applications in the context of consistency with the Provincial Policy Statement, and conformity with Provincial Land Use Plans (in this case the Growth Plan for the Greater Golden Horseshoe, also known as Places to Grow), the Regional official plan, and the City's official plan, the Garden City Plan. Staff recommendations have been formulated accordingly. The Ontario Land Use Planning Framework applicable to this Application is outlined in Appendix 19 of this report.

Provincial Policy Statement

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

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

Managing and Directing Land Use

Healthy, livable and safe communities are sustained in a number of ways, including the promotion of efficient development and land use patterns, and the provision of an appropriate mix of residential, employment (including commercial), and other uses to meet long terms needs.

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 that efficiently use land, resources, and infrastructure, and which are transit supportive and support active transportation, among other matters. A range of uses and opportunities for intensification and redevelopment are to be provided, with planning authorities having the ability to identify suitable locations for growth, subject to appropriate development

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

Housing

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

Infrastructure and Public Service Facilities

The PPS provides that through development, promotion 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 and that prior to developing new infrastructure and public service facilities the use of existing services and facilities should be optimized.

Long-Term Economic Prosperity

The PPS requires that long term economic prosperity be supported by promoting opportunities for economic development and community investment readiness, and by encouraging a sense of place by promoting well-designed built form.

Implementation and Interpretation

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

PPS Summary Opinion

Staff are of the opinion that the proposed official plan and zoning by-law amendments are consistent with the Provincial Policy Statement in that policies related to intensification, growth, housing, infrastructure, and long-term economic prosperity are upheld. At a residential density of 149 units per hectare, this transit-supportive proposal on an underutilized parcel of land will efficiently use existing infrastructure and public service facilities, will contribute to the range of housing options in the city, and will provide a mix of uses to meet the needs of the community within the urban boundary.

This proposal will contribute to the mix of residential densities and tenures within the neighbourhood with a built form that is already permitted on the majority of the subject lands by the existing official plan and zoning by-law designations that are in place for 102 and 104 Lakeport Road and 3 Avalon Place. The subject lands are located along existing transit routes and the Greater Niagara Cycle Route, with access to municipal services, schools, parkland, and community services; an increase in density in this area will not negatively impact these services. The proposal to provide a mix of uses

(residential and commercial) will strengthen the commercial node centred around the intersection of Lakeport Road and Lakeshore Road. Through the site plan approval process the development will be required to achieve urban design and development standards that contribute to a compatible and aesthetically pleasing built form.

Growth Plan for the Greater Golden Horseshoe

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

The subject lands are located within a built-up area and within a settlement area, as delineated by the Growth Plan. The Growth Plan reiterates many of the policies of the PPS. Several sections of the Growth Plan are particularly relevant to the subject proposal.

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. The Growth Plan supports the provision of a range of housing options, including different unit types and sizes, to accommodate a diverse range of household sizes and incomes.

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 such a manner as to support complete communities. Intensification strategies are to be implemented through official plan policies and designations, zoning, and other documents.

Climate Change

The Growth Plan supports actions that will reduce greenhouse gas emissions and address climate change adaption goals. The Plan aligns with the Ontario Climate Change Strategy (2015) in supporting the achievement of complete communities as well as the minimum intensification and density targets in the Plan, and by reducing dependence on the automobile and supporting existing and planned transit and active transportation.

Summary Growth Plan Opinion

The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, sensitive to adjacent areas. The City's official plan and zoning by-law set out the policies and standards to achieve the level of intensification and growth intended to occur within the City's built-up area. These policies support the development of complete communities and help guide what is considered appropriate development given the context of the area. Staff are of the opinion that the proposed 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 policies related to managing growth, directing growth to built-up areas, housing, and climate change are upheld.

The subject lands are located within an Intensification Area, as identified by the City's official plan. Notwithstanding the 60% intensification target set out in the Growth Plan, the Regional official plan provides that 95% of all residential development occurring annually in St. Catharines must be within the built-up area. The proposed density of 149 units per hectare will count toward this intensification target, while also contributing to the range of housing opportunities in the neighbourhood and making efficient use of existing services. The proposed development contributes toward achieving a complete community by offering a mix of commercial and residential uses, including apartment dwelling units, for people of all ages in a location that is accessible to a full range of services and public transit. Through the site plan approval process the design of this site will be refined to ensure that development is compatible and context sensitive and in keeping with the City's urban design principles.

Regional Official Plan

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

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

Intensification and Greenfield Growth

The ROP states that intensification includes all forms of development that occurs within the built-up area. The ROP requires that municipalities develop intensification strategies, including the identification of specific Intensification Areas and general intensification to support the achievement of targets. The ROP establishes a residential intensification target of 95% for the City of St. Catharines, together with policies to establish Intensification Areas and to support general intensification throughout the built-up area.

Summary Regional Official Plan Opinion

Regional planning staff have confirmed their support for the applications and are satisfied that the proposal aligns with its official plan policies. The proposed density of 149 units per hectare will count toward the City's 95% residential intensification target and contribute to the range of housing opportunities in the neighbourhood. Staff agree with Regional staff that the proposal is consistent with the Regional official plan.

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 GCP reflects the City's individual community interests within the context of Provincial and Regional planning regimes. Section 1.1 b) i) of the GCP 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 Provincial Policy Statement in 2014, and the Greenbelt Plan, Niagara Escarpment Plan and Growth Plan in 2017. The City's official plan will need to be updated to reflect provincial land use policy. 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

The Garden City Plan (Schedule D1, Appendix 13 attached hereto) designates the lands at 5 Avalon Place as Neighbourhood Residential, while the lands at 102 and 104 Lakeport Road and 3 Avalon Place are designated as Commercial. The North Planning District of the GCP (Schedule E1, Appendix 15 attached hereto) further designates the lands at 5 Avalon Place as Low Density Residential and the lands at 102 and 104 Lakeport Road and 3 Avalon Place as Community Commercial.

The Low Density Residential designation applicable to 5 Avalon Place provides for a range of residential uses including detached, semi-detached, duplex, triplex, quadruplex, fourplex and townhouse dwellings at a density range generally between 20 and 32 units per hectare of land. Height of buildings will generally not exceed 11 metres. Apartment dwelling units are not permitted; an official plan amendment is therefore required to permit the proposed development.

The GCP designates the lands generally centered around the intersection of Lakeport Road and Lakeshore Road, including 102 and 104 Lakeport Road and 3 Avalon Place, as Community Commercial. The Community Commercial designation provides for a range of commercial uses, excluding auto dealerships, adult oriented uses and hotels. Other uses permitted include institutional, civic, cultural, indoor recreation, entertainment and residential apartment dwellings units. The City's previous official plan (approved by the Region of Niagara on March 12, 1999) similarly designated these lands for commercial purposes. As such, 102 and 104 Lakeport Road and 3 Avalon Place have long established permissions for commercial and apartment uses with no height limit.

Community Commercial Centres are to be located at the intersection of arterial roads and well served by public transit. They are generally between 2 and 12 hectares in size and shall not exceed a total gross leaseable floor area of 30,000 square metres for all uses, except residential. Non-retail (e.g. assembly uses) should be limited in size and scale to protect the primary function of the centre for the provision of shopping and service commercial facilities. The size of individual uses shall be limited in a manner that supports a diversity and mix of uses in the Centre. Residential uses shall be located in freestanding buildings or in upper storeys of commercial buildings, providing adequate outdoor amenity space for residents (Section 9.2.2 (b and c)). An application to establish a new Community Commercial Centre or to expand an established Centre beyond existing property limits requires an amendment to the official plan.

The subject lands also form part of a Mixed Use Intensification 'Special Study Area' which is intended to "establish an appropriate range of transit supportive medium and higher density housing opportunities, with a mix of commercial, employment, institutional and recreational uses" (15.1.1.d). While the special study has not yet been undertaken, the GCP does acknowledge that this corridor is anticipated to transition into more of a higher density mixed use corridor.

The GCP emphasizes more compact, innovative and alternative design to manage growth and development. Section 7.1 stipulates that any proposal for development or redevelopment within the Urban Area must be evaluated having regard for the following matters.

- Support safe, accessible and connected active transportation linkages.
- Provide opportunities to create or enhance public spaces, active transportation linkages, facilities and gateways.
- Require building, site, streetscape, and neighbourhood context sensitive design to ensure:
 - the integration of compatible built form, scale, massing, height, setbacks, spacing, siting, orientation, facades, and architectural materials with adjacent uses and the surrounding neighbourhood;
 - adverse impacts on adjacent properties are minimized as they relate to grading, drainage, access, circulation, and parking, etc.;
 - possible negative impacts, such as noise, odour, and emissions, are not excessive;
 - adequate and appropriate lot size, shape and configuration, access, on-site facilities, and outdoor amenity areas;
 - that parking areas do not dominate the site physically or visually.
- Provide opportunities to support and improve connectivity and accessibility to public transit and active transportation.
- Consideration for the treatment of existing topographic features, and greening and landscaping opportunities.
- Promote the best use of existing resources, infrastructure and service capacity.
- Minimize surface parking areas and promote shared parking areas, standards, and access, where appropriate and compatible.

- Ensure land assembly and configuration will not detract from the potential development or redevelopment of adjacent properties.

Summary Opinion of Official Plan Land Use Policies

The proposed development is consistent with the intent of the land use policies of the Garden City Plan by providing a mix of higher density residential and commercial uses in an identified Intensification Area. The development constitutes a residential density of 149 units per hectare (the GCP sets the minimum threshold for high density at 85 units per hectare), which is transit supportive. The proposed mixed use of the lands (including apartment dwelling units) is permitted for 102 and 104 Lakeport Road and 3 Avalon Place. The amendments to the GCP and zoning by-law to allow 5 Avalon Place to be used in conjunction with those lands are considered minor.

The existing Community Commercial Centre is approximately 3.7 hectares in size, with approximately 8,000 square metres of gross leaseable floor area, well within the 30,000 metre maximum established by the Garden City Plan. The addition of 5 Avalon Place to the Centre is considered minor and will contribute to the ongoing function of the Centre.

The proposal has been designed to maximize the site attributes but respect the proximity to existing low rise residential uses in close proximity. The proposed six storey building is considered context sensitive, being situated towards Lakeport Road, away from neighbouring residences. Terracing beyond the fourth storey has been integrated into the building design to minimize massing, resulting in a design that does not overwhelm the public realm or neighbouring homes. A shadow study submitted in support of the application demonstrates that shadow impacts resulting from the development will be marginal. Surface parking has been minimized in favour of underground parking. A refinement of this compatible, context sensitive design will be secured through the site plan approval process.

Growth Management

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

The City's Urban Area boundary is finite and cannot be expanded and there is only a small amount of Designated Greenfield Area remaining. Section 2.3.3.2 of the GCP provides that growth and development in the city will occur by using land and infrastructure efficiently, building compact forms, having a mix of uses and housing forms, achieved through compatible design. The primary areas for intensification within the built boundary are the Urban Growth Centre, Intensification Areas and other vacant lands dispersed throughout the City. New housing will be provided in a manner not to compromise, but to accentuate and enhance the character, structure, function, and accessibility of established residential neighbourhoods

Summary Opinion of Official Plan Growth Management Policies

The proposed official plan and zoning by-law amendments align with the growth management policies of the Garden City Plan in that the proposal provides for a mix of uses on an underutilized site located within an Intensification Area. At a density of 149 units per hectare, the development will efficiently use existing municipal services, is transit supportive and provides for a mix of dwelling sizes in a built form that is compatible with the surrounding neighbourhood. Approval of the policy amendments will contribute towards intensification targets and a diversity of uses and housing opportunities in the City.

The GCP recognizes the mix and interaction of uses, emphasizing the use of urban design in the evaluation of development, redevelopment, and intensification opportunities. 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. The subject application seeks to incorporate a mixed use development at the edge of a commercial node and adjacent to lower rise residential uses by siting the building away from neighbouring homes, as close to Lakeport Road as possible; by adhering to permitted scale and minimum setbacks from adjacent residential properties; by minimizing building massing through the use of terracing; among other matters.

In addition to the commercial uses and lower density residential uses nearby, there are other residential forms and densities in close proximity to the lands. They include the On the Henley condominium townhouse development at 88 Lakeport Road, immediately west of Avalon Place, and the Royal Henley Retirement Community at 582 Ontario Street, south of Lakeport Road and Lakeshore Road. The Royal Henley is constructed at six storeys.

Urban Design and Built Form

The Urban Design policies contained in the GCP inform and guide 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". Policies of Section 4 go on to emphasize the importance of built form in defining the character of the area.

The GCP provides that new development in St. Catharines will primarily be by way of intensification and redevelopment and that urban design will have a significant impact on how the new development will fit within established areas. Compatibility of development does not mean the same as or similar to existing buildings in the vicinity, rather compatible development is new development that respects and enhances the existing character and context of an area. As a basis for evaluating compatibility and achieving design excellence the following matters set out in Section 4.3.1 have been considered:

- Building scale, height, graduation of height and massing

- With the exception of 5 Avalon Place, the proposed six storey building is currently permitted on the subject lands. The bulk of the massing of the building is oriented away from the low rise residential uses to the south and west, with terracing provided beyond the fourth storey. The proposed scale, height and massing are appropriate for this location on a major arterial road, in close proximity to the intersection of Lakeshore and Lakeport Roads and the commercial uses characterized along those roads.
- Spacing of buildings
 - The proposed building is situated on the site to present directly to Lakeport Road and maximize space between the apartment building and low density dwelling types to the west and south. The proposed configuration will result in more of a separation between the proposed building and existing residential uses than what would result if 5 Avalon Place were not included in the development lands.
- The level and visibility of the ground floor relative to exterior grade
 - The proposed ground floor of apartment units and commercial uses are aligned with the existing grade and relate to the street (Lakeport Road and Avalon Place).
- Roof form and pitch, together with any other structures on the roof
 - A flat roof with limited accentuation is proposed to minimize height.
- The placement, number, type and proportion of doors and windows
 - The conceptual plans submitted in support of the application show doors and windows that will relate to the street and be provided in a coordinated fashion.
- Use of materials, textures, and colours
 - A variety of colours and cladding are proposed for the proposed building.
- Continuity in the provision, location, and linkage of amenity, open space, and green corridors
 - Amenity space for the individual apartment dwelling units is to be provided primarily with balconies. The applicant will be required to pay cash in lieu of parkland dedication in the amount of 5% of the appraised value of the lands.
- Preservation and enhancement of significant views and vistas
 - There are no significant views or vistas that are compromised by the development contemplated.
- Retention of natural vegetation and other distinctive landscape or streetscape features
 - A tree survey submitted in support of the application indicates that there are no significant trees located on the lands. A stand of trees along the Avalon Place frontage in proximity to Lakeport Road will be considered for retention, if practical.
 - Tree planting on the subject lands and adjacent municipal boulevards will be a condition of site plan approval.
- The overall scale of the development as it relates to the surrounding area (i.e. avoid long unbroken expanses of walls; create relief in walls; use a variety of

colours, textures, types, qualities and patterns of finish materials; provide roofline articulation)

- The building design includes horizontal and vertical articulation, including terracing, as well as variety in the colour and finish of materials.
- Mitigating light trespass and glare and to minimize the effects of sky glow.
 - Lighting and photometric plans are a requirement of site plan approval.
- Mitigating wind, sun shadow impacts.
 - A sun shadow study was submitted in support of these applications. The study showed only marginal impacts from the proposed building to amenity areas of neighbouring properties during seasons of enjoyment.

Section 4.3.2 of the GCP provides that parking impacts on the property, surrounding area, and the environment should be minimized. The proposal achieves this by providing the majority of the required parking underground, and by landscaping around and within the surface parking areas.

Official Plan Amendment Evaluation

The Garden City Plan provides opportunities to further refine the Plan by way of an amendment, subject to certain criteria being met (Section 16, Implementation). In some instances, changes in land use can be appropriate. This application for official plan amendment has been evaluated on the basis of the prescribed general considerations outlined below. Based on our evaluation it is staff's opinion that the proposed change in land use designation for 5 Avalon Place is appropriate.

Garden City Plan Policy (16.1)	Planning Comment
i) The degree of conformity of the proposed amendment to the general intent, purpose and philosophy of this Plan, particularly the vision, planning principles and general policies of the Plan	Part B, 'Vision and Guiding Principles', describes the general intent of the Plan and the basis for which the land use policies of the Plan have been prepared. It establishes priorities including the accommodation of growth and change, housing, and achieving a sustainable community. Part D of the Plan, 'Land Use Policies', emphasizes more compact, innovative and alternative design to manage development. At a density of 149 units/hectare the proposed mixed use development makes efficient use of the primarily vacant, underutilized site within the built-up area. Intensification will support the nearby commercial uses in the vicinity. Public infrastructure, services, and transit are available. Green spaces, including parks and trails are nearby. Community and commercial uses are located nearby. The proposed

	development implements the mixed use corridor study vision established by the Garden City Plan for lands located generally on Lakeshore Road between Ontario Street (including these lands) and Geneva Street. The proposed amendment to the Plan is limited to one property currently used for residential purposes in a manner that is compatible with the neighbourhood.
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal complies with Provincial and Regional land use policies. The proposed development is intended to intensify underdeveloped land within the city's Urban Area boundary with adequate servicing and infrastructure available in support.
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 subject lands are located within an Intensification Area, which are the primary emphasis for housing intensification in the city. The City's policies encourage the redevelopment of vacant and underutilized sites within the urban area to avoid the need to consider urban boundary expansions to meet housing needs. The City has a longstanding position of not supporting expansion of the Urban Area Boundary onto important agricultural lands. The re-designation of the lands at 5 Avalon Place and addition of those lands to the lands currently designated for the proposed use allows for an improved site layout with greater connectivity to the surrounding area in a manner that respects adjacent and nearby residential uses.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	The proposed development has been configured and located to respect the adjacent residential uses to the south and west. Issues including overlook, privacy, shadowing have been addressed by,

	among other matters, introducing terracing. Sufficient space for landscape buffering has been accommodated. Underground parking is proposed. The massing of the proposed building is sited closest to Lakeport Road and the commercial use immediately to the east, away from adjoining residential uses. To ensure compatibility with the established neighbourhood, the development will be subject to site plan control. As part of this process, staff will review detailed designs for various site elements, including building elevations, landscape buffers and fencing, grading and drainage, storm water management, lighting, etc.
v) The potential of the proposal to cause instability within an area intended to remain stable	The proposed change in land use designation is limited to 5 Avalon Place. Adjacent lands will retain their respective designations and the remainder of the subject lands (102 and 104 Lakeport Road and 3 Avalon Place) will retain their longstanding commercial designation. There is a mix of residential and commercial uses to the north and east of the lands that will not be impacted by this proposal.
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 applicant has submitted a Functional Servicing Report that has been reviewed by both City and Regional engineering staff; no concerns have been identified with respect to servicing allocation or capacity in the area. Road allowance widenings are required by the City (Avalon Place) and Region of Niagara (Lakeport Road). The widenings will be taken at the site plan approval stage of the development process.
vii) The financial implications, both cost and revenues, to the City	The proposed development presents no cost implications to the City. Any improvements to municipal infrastructure which may be necessary to

	accommodate the development will be at the sole cost of the applicant. The addition of residential dwelling units and commercial space will provide an increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	The site is appropriately located for mixed use intensification as identified in the Garden City Plan, on an arterial road with transit and adequate services and amenities. It does not set an undesirable precedent. The proposed amendment is considered minor insofar as it allows for the inclusion of additional lands (5 Avalon Place) to implement a development proposal that is considered compatible with the surrounding area. Any future proposals to similarly re-designate residential lands would be evaluated on their own merits.

Zoning By-law

The application for zoning by-law amendment requests two outcomes: firstly, the re-zoning of 5 Avalon Place from residential to commercial, consistent with the zoning applicable to the remainder of the subject lands; and secondly, the application of a Special Provision to the entirety of the subject lands to reflect the proposed site design.

Zoning By-law 2013-283 zones the lands at 5 Avalon Place Low Density Residential – Traditional Neighbourhood (R2), which permits a broad range of residential uses, but does not permit apartment dwellings. The lands at 102 and 104 Lakeport Road and 3 Avalon Place are zoned Community Commercial (C2), which permits a broad range of commercial uses and apartment dwelling units in association with a commercial use. The existing zoning applicable to the subject lands is attached as Appendix 17.

The proposal is to change the zoning for 5 Avalon Place to Community Commercial (C2) to enable these lands to be developed as proposed (Appendix 19). The applicant is also requesting that a Special Provision be applied to the entirety of the subject lands to address the following site specific variances:

Zoning Provision	Requirement	Proposal
Minimum exterior side yard setback of the building to Lakeport Road	3.0 metres	1.4 metres
Minimum exterior side yard setback of balconies to Lakeport Road	3.0 metres	0.4 metres

Minimum rear yard setback of balconies to commercial uses to the east	4.5 metres	4.1 metres
Minimum landscape buffer width abutting Avalon Place	3.0 metres	2.1 metres

The proposed variances are supported by staff given they will not result in impacts on adjacent and nearby residences. The requirements of the zoning by-law are being met in all other regards, including parking and setbacks. A planning analysis of each of the site specific zoning requests is provided below.

Context: Frontage and Yard Definitions

The subject lands are located at the corner of Lakeport Road and Avalon Place. Zoning By-law 2018-2013 considers the shortest lot line along a public road to be the frontage; in this case lot frontage is along Avalon Place. The rear yard is the easterly yard abutting the commercial use to the east. The exterior (flanking) yard is the yard along Lakeport Road, and the interior side yard is the yard adjacent to the southerly lot line.

Yard Requirements

The proposed reduction of the minimum exterior side yard between the building and Lakeport Road from 3.0 metres to 1.4 metres results from the Region of Niagara's request for a road widening along Lakeport Road. Placement of the building further south to achieve a 3.0 metre setback is limited by the objective of maintaining the building's prominence along Lakeport Road as well as respecting the single detached dwellings to the south in terms of separation. Staff are satisfied that the proposed building setback will result in an appropriate interface between the public and private realms, including the provision of sufficient space for landscaping on private property.

Platform Structures

Zoning By-law 2013-283 sets out certain setback requirements for platform structures, such as porches, decks and balconies. The applicant has requested a reduction in the minimum exterior side yard and rear yard setbacks for balconies from 3.0 metres to 0.4 metres and 4.5 metres to 4.1 metres respectively; the former being the result of the Region of Niagara's request for a road widening along Lakeport road. The exterior side yard and rear yard for the subject lands do not directly abut sensitive uses. Staff are satisfied that the proposed balcony setbacks will not result in any adverse impacts to existing residential uses to the south. Balconies will provide desired amenity space for future residents.

Landscape Buffer Strips for Parking Areas

The applicant proposes a 3.0 metre landscape buffer strip along Avalon Place, however the buffer reduces in width to 2.1 metres at a pinch point between the angled parking spaces and the property line. This reduction is a result of the City's request for a road widening along Avalon Place. Staff is satisfied that the proposed landscape buffer width

will allow adequate landscaping to be provided at this location. Adjacent residences are not impacted.

Draft Plan of Condominium

The applicant has requested draft plan of condominium approval so that each of the units may be sold individually. Staff are recommending that approval of the draft plan of condominium be held in abeyance pending the receipt and review of an application for site plan approval. The detailed designs for site elements such as parking, loading, landscape buffering, fencing, site servicing, stormwater management, tree preservation and lighting will be further refined through the site plan approval process. This refinement will address necessary changes to the site layout, as described above, and provide a clearer picture of the extent of common element and exclusive use areas, defined by the draft plan of condominium.

Since the principle of the land use is established by the proposed official plan and zoning by-law amendments, and the draft plan of condominium addresses tenure only, staff are recommending the public meeting be closed for all three applications, but that Council defer its approval of the draft plan of condominium until a site plan application is submitted and reviewed. This approach is consistent with other applications seeking condominium approval prior to the submission and review of a site plan application.

Site Plan Approval

In accordance with the City's Site Plan Control By-law, the development will be subject to site plan approval. Site plan control addresses issues related to access and parking, lighting, buffering, servicing, storm water management, façade finishes and treatments, among other matters; it is the City's primary tool in ensuring compatible development. Ultimately, the applicant will be required to enter into a site plan agreement with the City that will be binding on future property owners. Securities are required to ensure the terms of the agreement are carried out.

An additional public open house relating to the detailed design of the site will be hosted by staff as part of the site plan approval process. It is not a forum for the public to oppose the development altogether, rather it is an opportunity to provide input on the site and building design.

As is detailed in the staff recommendation, Council should direct staff to pay particular attention to the following matters:

- a) the provision of building step-backs beyond the fourth storey, generally consistent with the model views attached to this report as Appendices 3 thru 7;
- b) the location, extent and screening of rooftop mechanical equipment, including elevator overruns and stairs, so that impacts on height and views are minimized;
- c) the provision of enhanced landscape buffering along the southerly lot line to adequately screen the development from adjacent low rise residential homes;
- d) the exclusion of balconies along the southerly façade of the eastern leg of the building, being that portion of the building closest to the southerly lot line.

Affordable Housing

While Council considers affordable housing a priority concern for the City, and the City's official plan recognizes the need to provide for affordable housing, actual mechanisms to require and sustain an affordable housing supply in the City, as defined by the Provincial Policy Statement (2014), are not currently in place. As such, at this time, applicants are *encouraged* to provide affordable housing, however it is not required.

Council should be aware that although condominium tenure is envisioned for this project, this does not suggest that the units, once constructed, will be owner occupied; it is not unusual for condominium units to become investment properties for rental purposes. Additional availability of residential ownership units and/or rental units in the ownership / rental market serves to increase the inventory of residential accommodation.

The applicant has not indicated that any of the proposed units will meet the Provincial Policy Statement's definition of affordable housing, apartment dwelling units are often considered a more affordable housing option than detached dwellings. Further, an increase in inventory will result in pressure being exerted in the market place for pricing to be more competitive.

Circulation of Application

This application was circulated to all relevant departments and agencies in accordance with the requirements of the Planning Act; there were no objections received. The previous Information Report summarized comments received on the most recent submissions available at the time of the Public Meeting. No additional comments were received following circulation of the revised proposal.

Public Consultation

In accordance with the requirements of the Planning Act, and subsequent to the open house held by Planning Services staff on October 3, 2018, a statutory public meeting was held by Council on January 28, 2019. Staff presented the previous Information Report. The applicant's consulting planner was in attendance, as well as several members of the public who spoke to the proposal. Afterward the public meeting was adjourned.

Written comments received prior to the public meeting are attached to the previous Information Report. Written comments received since the public meeting are attached to this report as Appendix 20. The following is a summary of, and response to those additional comments as well as comments not specifically addressed by staff at the time of the public meeting.

Comment: The building is too high; it will overwhelm the adjacent homes and streetscape.

Response: The building is sited toward and directly addresses Lakeport Road, resulting in adequate separation from adjacent homes. Various approaches have been used to reduce the massing of the building: the 5th and 6th storeys have been stepped back;

vertical and horizontal articulation is provided on all facades; window and door openings are numerous; and a variety of colours and materials are proposed.

Comment: The building will cause shadow and privacy impacts.

Response: The applicant has submitted a shadow study, which shows that shadow impacts on adjacent properties will be marginal (i.e. two hours or less per day during early morning hours in spring and fall; one hour or less per day during early morning hours in summer). Balconies have been excluded from the south elevation of the eastern leg of the building (i.e. that portion of the building closest to neighbouring homes to the south). There is ample room along the southerly lot line to provide a substantial landscape buffer.

Comment: The building is too big and will not fit in within the context of the lower-rise neighbourhood.

Response: The proposed building is to be located on lands that are already zoned and designated for the proposed use and height (102 and 104 Lakeport Road and 3 Avalon Place). The proposal meets the requirements of the zoning by-law in terms of setbacks from more sensitive uses (i.e. from Avalon Place and the southerly lot line). The proposed height and scale of the building are appropriate within the context of a Community Commercial Centre and Intensification Area. The design of the site and building are such that an appropriate and compatible transition to lower-rise uses to the south and west is achieved. Ample setbacks and terracing result in the building substantially fitting within the 1:1 (45 degree) angular plane – an industry standard used to evaluate the compatibility of new development with adjacent existing buildings. The lands at 5 Avalon will be reserved for parking and landscaping, ensuring the provision of a substantial buffer between this development and adjacent homes, including 3.0 metre landscape strips and privacy fencing.

Comment: The proposed building will result in loss of views through the subject lands and to existing trees currently enjoyed by neighbouring residents. Existing trees on the site may be removed, destroying this view.

Response: The proposed building is permitted as of right by the official plan designation and zoning of 102 and 104 Lakeport Road and 3 Avalon Place. The applicant proposes to retain the stand of trees along Avalon Place, if feasible. Further, as part of the site plan approval process the applicant will be required to submit a landscape plan. Through its review of the plan, staff will ensure that landscaping will be enhanced on site, specifically with respect to the provision of perimeter trees and plantings. The City is in the early public consultation stages of a proposed private tree by-law; however, the by-law is not yet in place.

Comment: The development constitutes an overdevelopment of the site. This is evident by the requests for variances in setbacks and landscape buffer widths.

Response: The proposed building substantially meets the requirements of the zoning by-law. Three of the four site specific variances requested are a result of requests for road allowance widenings by the City (Avalon Place) and Region (Lakeport Road). In the absence of the requested road allowance widenings the proposed building would comply with all but one of the yard and setback provisions of the zoning by-law (i.e. the easterly yard adjacent to the Rib Crib, which presents no impact).

Comment: The Region of Niagara appears to be undertaking road work along Lakeport Road. Is Lakeport Road going to be widened?

Response: The Region of Niagara is currently undertaking an Environmental Assessment (EA) that includes this section of Lakeport Road. The scope of the EA includes a portion of Main Street (Verdun Avenue to Lock Street), Lock Street, and a portion of Lakeport Road (Lock Street to a point just west of the intersection of Lakeport Road and Ontario Street). The purpose of the EA is to consider alternatives for if and how roads should be improved in the future; it is a public process. The Region has not yet presented its design alternatives for the EA in question. Notwithstanding, Regional staff advise that there are no planned improvements for this section of Lakeport Road at this time.

It should also be noted that a road allowance widening does not necessarily result in a widening of the paved portion of the road. Road allowance widenings may also be required to provide for or improve sidewalks, boulevard trees, services, and/or utilities. In this case, there are no plans to widen the paved portion of either Lakeport Road or Avalon Place; the roads will not “creep” closer to the proposed building. Staff note the proposed building would be located approximately 6.7 metres (22 feet) south of the existing municipal sidewalk along Lakeport Road and 8.5 metres (28 feet) east of the edge of the pavement on Avalon Place.

Comment: Traffic in the area will increase substantially; more vehicles will travel through the neighbourhood via Avalon Place and Bernhardt Street. This is a safety concern given there are no sidewalks on either street.

Response: The proposal has been revised to reduce the number of apartment dwelling units from 63 to 53, thereby reducing the number of trips generated by the development. Lakeport Road (Regional Road 87) is a Regional arterial road. Avalon Place is a local road and is under the jurisdiction of the City of St. Catharines. Circulation of these applications did not generate traffic related concerns or requirements for a traffic impact study (generally a study is requested when a proposed development will generate more than 100 vehicular trips in peak hours). Increased traffic flows can be expected should the development be approved and constructed, however surrounding roads can accommodate these additional trips. In terms of safety, on-street parking exists on both Avalon Place and Bernhardt Street; this helps to slow down traffic. The City has requested a road allowance widening along Avalon Place. Road allowance widenings are taken, in part, to provide sufficient space for future sidewalks.

Comment: The proposed parking provision is insufficient and will result in overflow into the neighbourhood.

Response: The parking requirement for this development is 54 spaces (49 spaces for the residential component and 5 for the commercial). The revised proposal provides for 69 spaces - a surplus of 15 spaces. This is sufficient in terms of the provision of visitor parking.

Comment: Access to the site should be provided from Lakeport Road, not Avalon Place. The Region of Niagara does not support to the use of Avalon Place for access to the site. There are no other major residential developments in the North Planning District with access only to a local road.

Response: While the Region of Niagara does not object to the provision of an access to this site from Lakeport Road, both City and Regional staff agree that the proposed access from Avalon Place is desirable from an urban design perspective; it ensures that the building addresses and is well connected with Lakeport Road, and is sited away from neighbouring residences. If developed individually, one access to each of the four subject properties would result; two on Lakeport Road and two on Avalon Place. The official plan provides that multiple access points along arterial roads are to be minimized; the proposal to provide access to the development by way of Avalon Place is consistent with the official plan in this regard. There are other medium and high density developments that have been approved and/or developed with access only to a local road in the North Planning District and in the broader city (Mountbel Apartments at 5 Louis Avenue, 6-10 Dalhousie Avenue, all buildings within St. Lawrence Village, 1024 thru 1036 Vansickle Road North, among others).

Comment: The location of the exit driveway will result in headlights shining into the windows of homes on the opposite side of Avalon Place.

Response: Switching the inbound and outbound access will result in vehicular circulation that is not intuitive; this may result in driver confusion and, potential conflicts between vehicles. Through the site plan approval process, there may be an opportunity to further refine the design of the access.

Comment: Infrastructure in the City is aging; how will this development impact existing services?

Response: The applicant has submitted a functional servicing report that concludes there is sufficient capacity within the existing services to accommodate the proposed development. This study has been reviewed by City and Regional engineering staff; there are no concerns with respect to the capacity or integrity of existing systems.

Comment: How will stormwater management be addressed now that this site is being developed? There are existing drainage issues in the area, specifically at Avalon Place and Bernhardt street.

Response: The city has plans to reconstruct the stormwater and water services along Avalon Place, Bernhardt Street, and Embassy Avenue. While the costs associated with construction have not yet been budgeted for, the design component has. With respect to the proposed development, the applicant will be required to provide a stormwater management design as part of the site plan approval process. The City requires that all new development contain and direct stormwater flows away from the neighbouring properties and the public realm. Post-development flows must be controlled to pre-development flow rates by using methods such as stormwater retention on site.

Comment: There is no need for additional commercial space in the area.

Response: The proposed 100m² commercial space is minor in terms of its size and is permitted on 102 and 104 Lakeport Road and 3 Avalon Place.

Comment: The intent of the community commercial designation and zone is that residential uses are to be secondary to commercial uses. The proposed building is an apartment building and is therefore subject to the 15% lot coverage prescribed by the Community Commercial (C2) zone. Further, non-commercial uses are limited to 40% of the gross leasable floor area of a building within the C2 zone.

Response: The Community Commercial designation is primarily intended to provide concentrations of commercial facilities to support day to day and weekly shopping and service needs for the local and surrounding community population (GCP Section 9.2). Permitted uses include a broad range of commercial uses, in addition to residential apartment dwellings. The official plan provides that “the precise range and scale of uses permitted on properties designated Community Commercial may be stipulated in District Plans or the implementing zoning by-law” (Section 9.2.2.c.). The subject lands are located within an Intensification Area and a Special Study Area in the North Planning District. The official plan envisions a greater mix of uses for this special study area, including opportunities for transit-supportive medium and high density residential. The applicant’s proposal is consistent with this vision.

Further, the proposed make-up of the building in terms of the number and ratio of uses is permitted by the zoning by-law. The applicant’s proposal is considered a mixed use building comprising a commercial unit and apartment dwelling units. It is not considered an apartment building and therefore the zoning provision related to 15% lot coverage does not apply. The development proposes apartment dwellings above and behind a commercial use; this is permitted by the zoning by-law. To clarify, reference to non-commercial uses in the C2 zone includes uses such as places of assembly, places of worship, office uses, among others, as set out in Section 6.2, Permitted Uses. The zoning by-law does not consider apartment dwelling units to be non-commercial uses for the purposes of applying the 40% maximum referenced above.

Comment: The official plan discourages the expansion of Community Commercial Centres.

Response: Expansions of Community Commercial Centres require an official plan amendment. While generally discouraged, expansions are not prohibited. The Community Commercial Centre in question is approximately 3.7 hectares in size. The lands at 5 Avalon Place are approximately 0.045 hectares in size, resulting in an increase in the size of the Centre to 3.75 hectares, well within the maximum 12 hectares prescribed by the official plan. The proposal constitutes a very minor expansion to the existing Centre.

Comment: The zoning by-law restricts apartment dwelling units to above, behind or below commercial uses. The proposed configuration of the units does not comply with the requirements of the zoning by-law in this regard.

Response: Avalon Place is the technical frontage of the lands, pursuant to the definition of frontage provided in the zoning by-law (i.e. the shortest lot line along a public road). In this context, the apartment dwelling units are being provided above and behind the commercial use. The proposal complies with the zoning by-law.

Comment: The proposed building is not a mixed use building; it is an apartment building with a nominal commercial component. The proponent has included the commercial unit to take advantage of the associated parking reduction of 4 spaces.

Response: Neither the official plan or zoning by-law define “mixed use” in terms of the type, scale, or proportion of uses to be provided. This is primarily intended to support the inherent flexibility of mixed use developments. Furthermore, the subject lands are located within a Special Study Area, as identified by the official plan. The purpose of the special study, although not yet complete, is to develop policies and guidelines to introduce a broader mix of uses to the area, including medium and high density residential uses. The proposal aligns with the vision set out for the special study area.

Comment: The proposal should consider housing affordability.

Response: While the applicant has not indicated whether the apartment dwelling units will meet the definition of “affordable” provided under the Provincial Policy Statement, apartment dwelling units are often a more affordable alternative to single family homes.

Public Notice

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

Second Planning Opinion Advisory

Should Council consider not endorsing the staff recommendation herein, 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 planning opinion should be retained for the purposes of a hearing.

Financial Implications

All costs associated with this development will be borne by the developer. No direct financial impacts to the City are triggered by these approvals. If approved and constructed, additional tax revenues would be generated by the development. Should its decision be appealed to the Local Planning Appeal Tribunal, Council should anticipate costs associated with preparing for submissions and/or attending hearings on this matter.

Relationship to Strategic Plan

Approval of the applications would support the following pillar(s) of the Strategic Plan:

Economic Sustainability: The proposed development supports private investment through new construction on currently underutilized lands. Future residents of the proposed development will support local business in the Lakeport Road / Lakeshore Road community commercial node.

Social Sustainability: The proposed development contributes to the connectivity of people, places and neighbourhoods by providing a mix of commercial and residential uses. Future residents will benefit from the local parks and trails systems, and proximity to the waterfront.

Conclusion

In summary, staff are recommending approval of the proposed official plan and zoning by-law amendments, subject to the recommendations herein. This Recommendation Report provides the planning analysis and justification for staff's recommendation to support the applications. The policy amendments would facilitate the efficient and appropriate use of vacant and underutilized lands within the urban area with access to existing infrastructure, services, transit, and community commercial facilities. The mix of uses and range of dwelling unit sizes within an existing commercial node will contribute to the City's intensification targets and the range of available housing in the community.

The proposal to amend the official plan and zoning by-law has regard for matters of provincial interest, is consistent with the Provincial Policy Statement, conforms to and does not conflict with the Growth Plan for the Greater Golden Horseshoe, and conforms to and does not conflict with both the Region of Niagara's official plan and the City of St. Catharines official plan, subject to the staff recommendations herein.

Notification

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

Prepared by:

Amanda Knutson
Planner II

Submitted by:

Judy Pihach, MCIP, RPP
Manager, Planning Services

Approved by:

Tami Kitay, MPA, MCIP, RPP
Director, Planning and Building Services

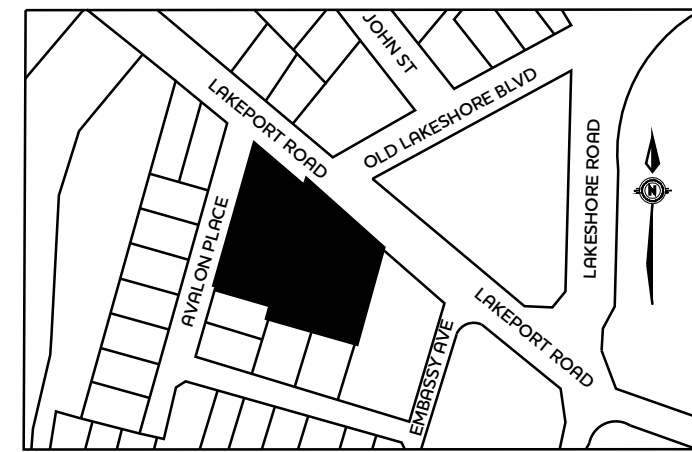
Location Map



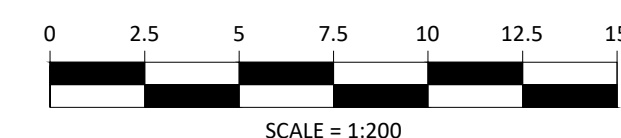
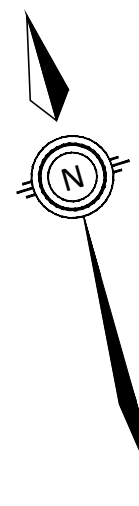
Subject Lands

102 & 104 Lakeport Road; 3 & 5 Avalon Place

File: 60.30.334, 60.35.1033, 60.46.445



PROPOSED DEVELOPMENT		
RESIDENTIAL UNIT	53	
COMMERCIAL SPACE	1 (100 m²)	
SITE AREA	3554 m²	
DENSITY	149 u/ha	
BUILDING COVERAGE	43%	
PAVEMENT COVERAGE	25%	
LANDSCAPE COVERAGE	32%	
PARKING		
	REQUIRED	PROVIDED
RESIDENTIAL	49	64
COMMERCIAL	5	5
TOTAL	54	69





better
neighbourhoods

DEVELOPMENT CONSULTANTS

190A Ontario Street, Ontario L2R 5K9
Office: 905.684.8585 betterneighbourhoods.ca

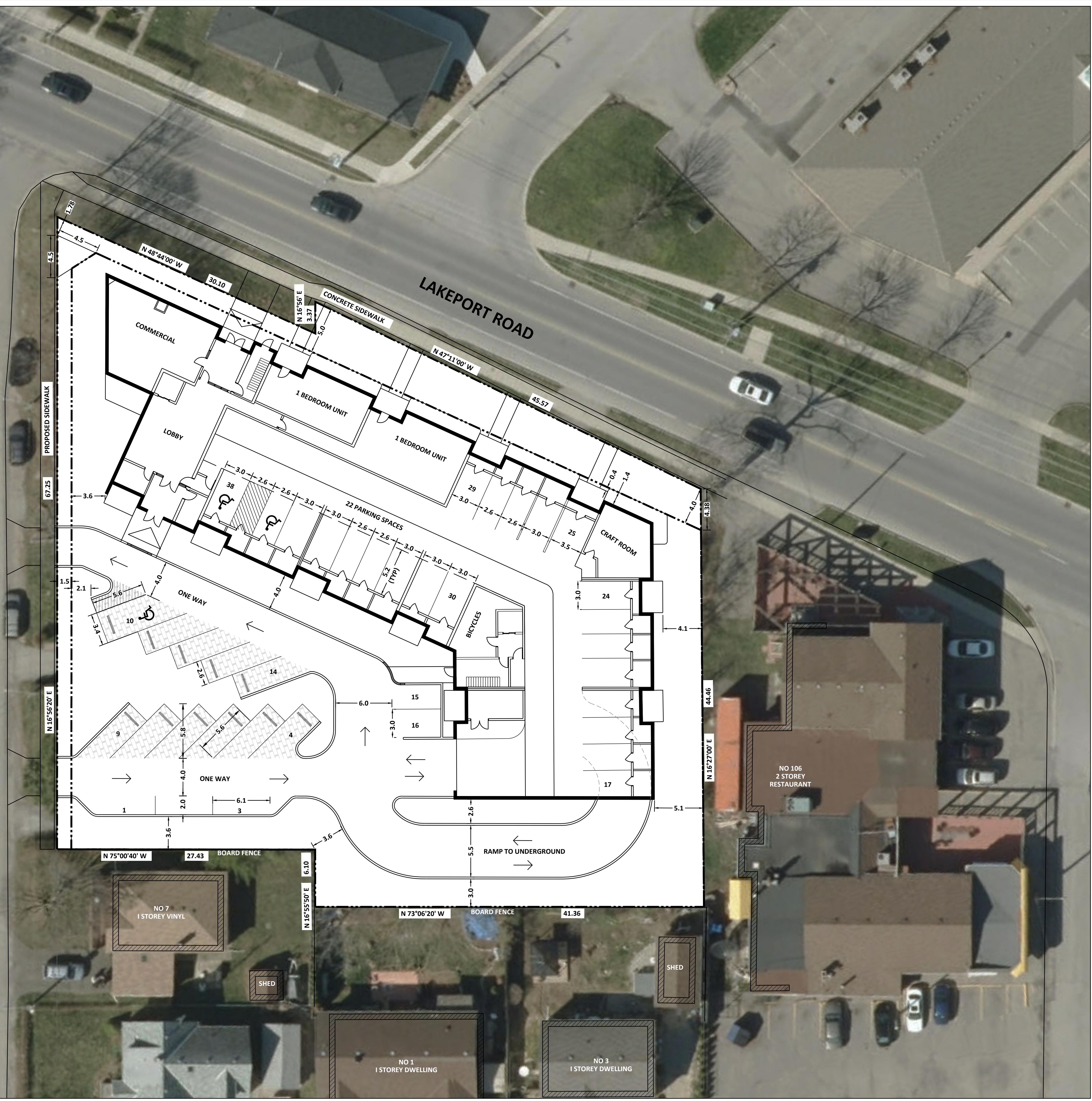
PROJECT TITLE:
**104 LAKEPORT ROAD
St. Catharines, Ontario**

DRAWING TITLE:
SITE PLAN

DATE OF ISSUE:
2019 03 06

DRAWING No:	0241 -SP1	REV. NO:	0
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AVALON PLACE



LAKEPORT CONDOMINIUMS



LAKEPORT FACADE

PARKER ARCHITECTS INC.

LAKEPORT CONDOMINIUMS



CORNER OF LAKEPORT & AVALON

PARKER ARCHITECTS INC.

LAKEPORT CONDOMINIUMS



AVALON FACADE

PARKER ARCHITECTS INC.

LAKEPORT CONDOMINIUMS



VIEW FROM SOUTH

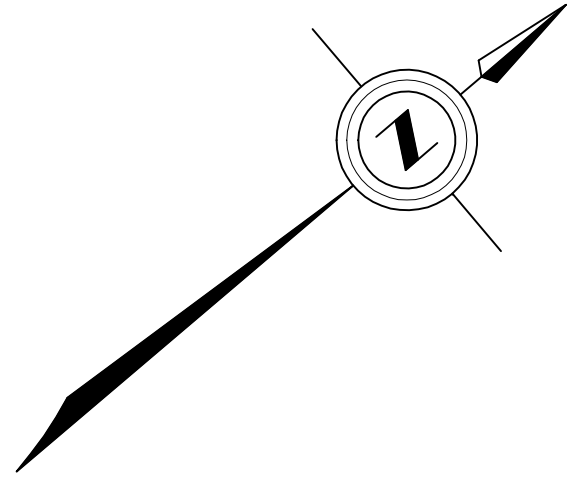
PARKER ARCHITECTS INC.

LAKEPORT CONDOMINIUMS




AERIAL VIEW FROM AVALON

PARKER **A**RCHITECTS INC.



2% RAMP

The figure consists of 14 small diagrams arranged vertically, each showing a different stage of a curve being constructed from a set of lines. The process starts with a set of vertical lines and gradually adds more lines, eventually forming a smooth curve. The diagrams are labeled with numbers 1 through 14.

The logo of the Ontario Association of Architects is a circular emblem. It features the text "ONTARIO ASSOCIATION" at the top and "ARCHITECTS" at the bottom, separated by the word "OF" in the center. A curved line on the left side of the circle contains the text "DAVID T. PARKER", "LICENCE", and "46038" from top to bottom. The entire logo is rendered in a stylized, hand-drawn manner.

**Parker
Architects
Inc.**
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6861
email: info@parkerarchitects.ca

drawing BASEMENT PLAN	
drawn	DTP
checked .	
scale	1:100
NL 16-110	date JAN 12, 2011

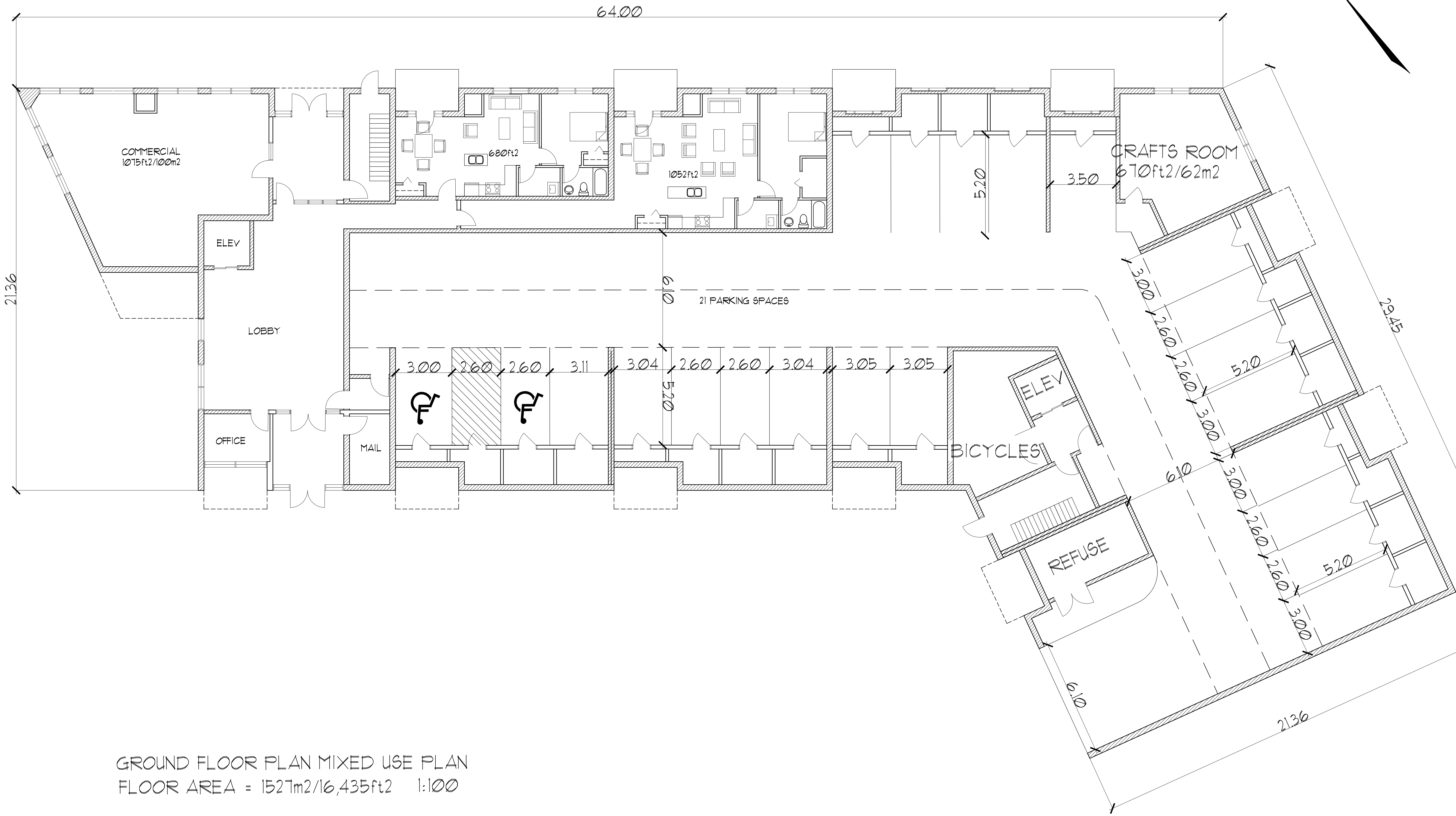


REVISIONS	
1	DIMENSIONS ADDED AUGUST 14/18
2	
3	PLAN REDESIGN FEBRUARY 02/19
4	
5	
6	
7	
8	
9	
10	

LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

Parker Architects Inc.
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6681
email: info@parkerarchitects.ca

A2.2	
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drawn	DTP
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scale	1:100
NL 16-110	date JUNE 12, 2017



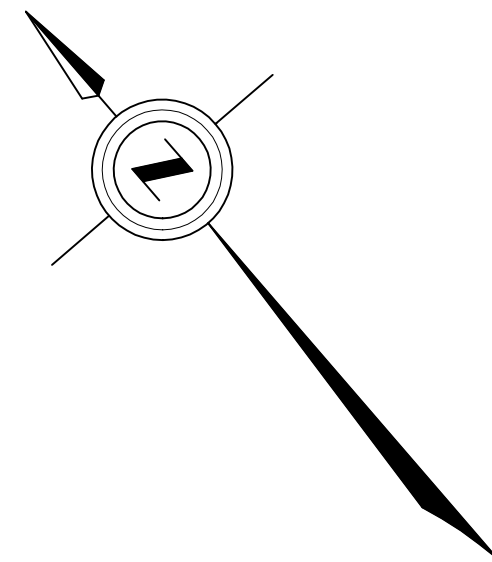
GROUND FLOOR PLAN MIXED USE PLAN
FLOOR AREA = 1527m²/16,435ft² 1:100

FEBRUARY 02 2019



FLOORS 2 - 4 FLOOR PLANS 1:100
FLOOR AREA = 1527m²/16,435ft²

FEBRUARY 02 2019



REVISIONS		
1	DIMENSIONS ADDED	AUGUST 14/18
2		
3	PLAN REDESIGN	FEBRUARY 02/19
4		
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LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

**Parker
Architects
Inc.**
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6681
email: info@parkerarchitects.ca

A2.3

drawing TYPICAL FLOOR PLAN

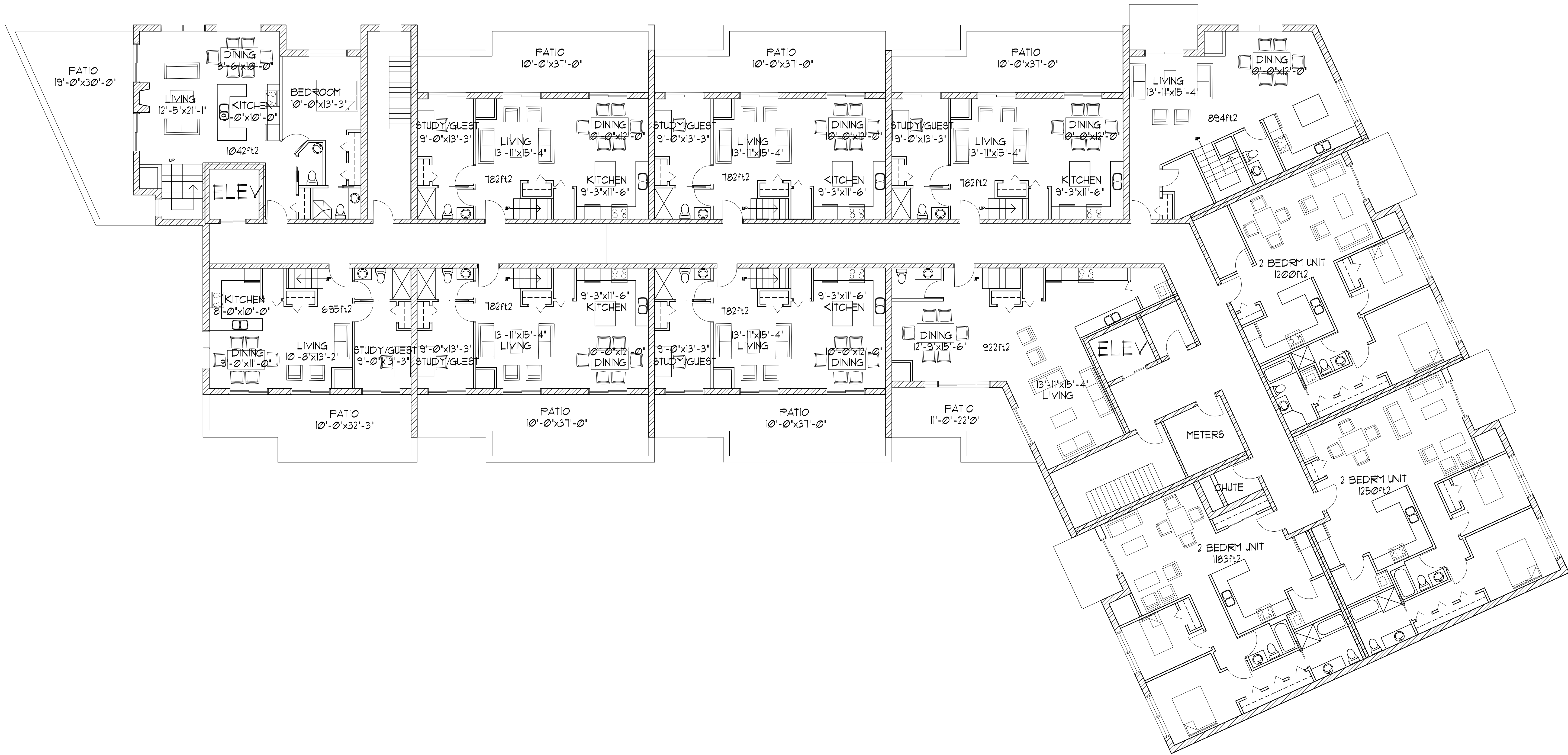
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checked .

scale 1:100

NL 16-110

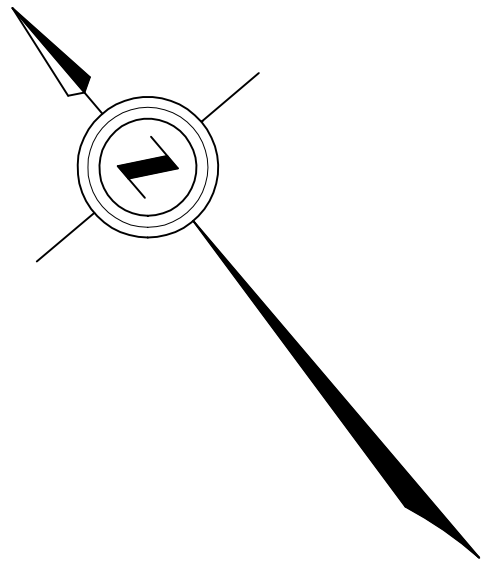
date JUNE 12, 2017



5TH FLOOR PLAN
FLOOR AREA = 1258m2/13,540ft2

1:100

FEBRUARY 02 2019

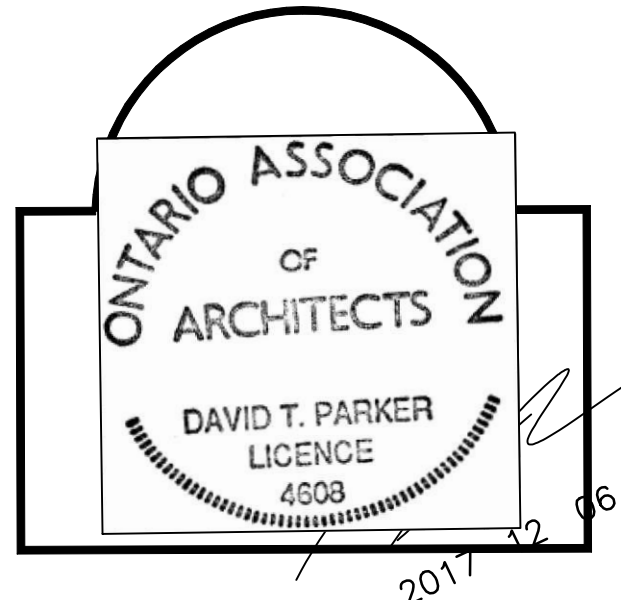
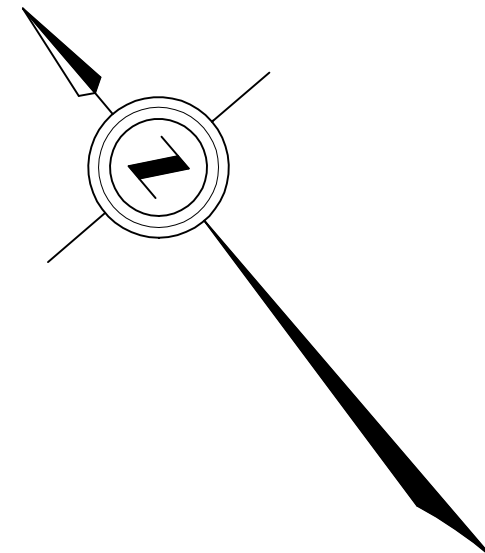


REVISIONS		
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3	PLAN REDESIGN	FEBRUARY 02/19
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LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

Parker
Architects
Inc.
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6881
email: info@parkerarchitects.ca

A2.4	
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scale	1:100
NL 16-110	date JUNE 12, 2011



REVISIONS		
1	DIMENSIONS ADDED	AUGUST 14/18
2		
3	PLAN REDESIGN	FEBRUARY 02/19
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6TH FLOOR PLAN
FLOOR AREA = 1258m2/13,540ft2 1:100

FEBRUARY 02 2019

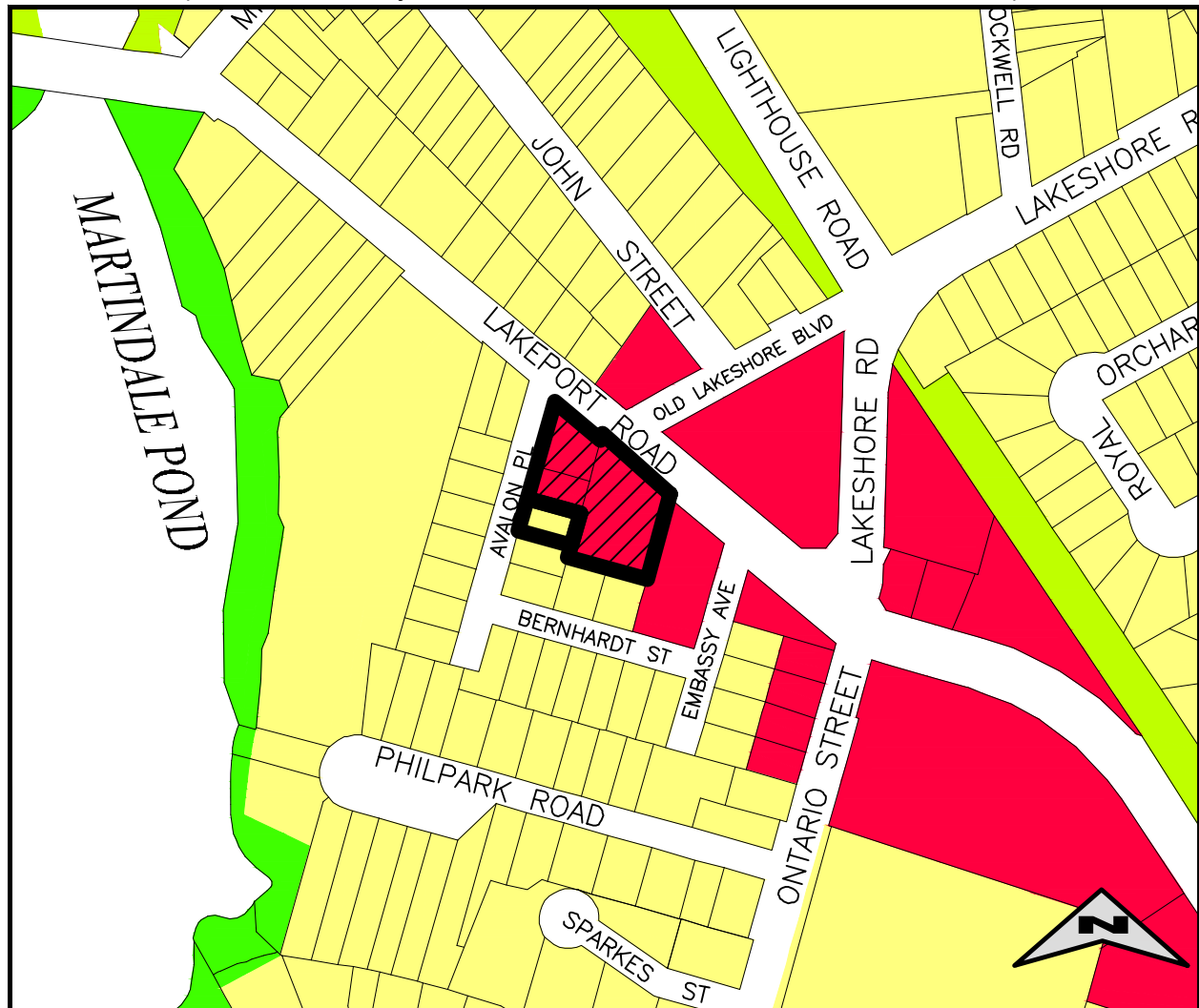
LAKEPORT CONDOMINIUM APARTMENTS
104 LAKEPORT RD.
ST. CATHARINES, ONTARIO

Parker
Architects
Inc.
156 St. Paul Street
St. Catharines, ON, L2R 3M2
tel: 905-687-6681
email: info@parkerarchitects.ca


A2.5	
drawing	TYPICAL FLOOR PLAN
drawn	DTP
checked	.
scale	1:100
NL 16-110	date JUNE 12, 2017

Existing Land Use Designation

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



 Area A (102 & 104 Lakeport Road; 3 Avalon Place)

 Area B (5 Avalon Place)

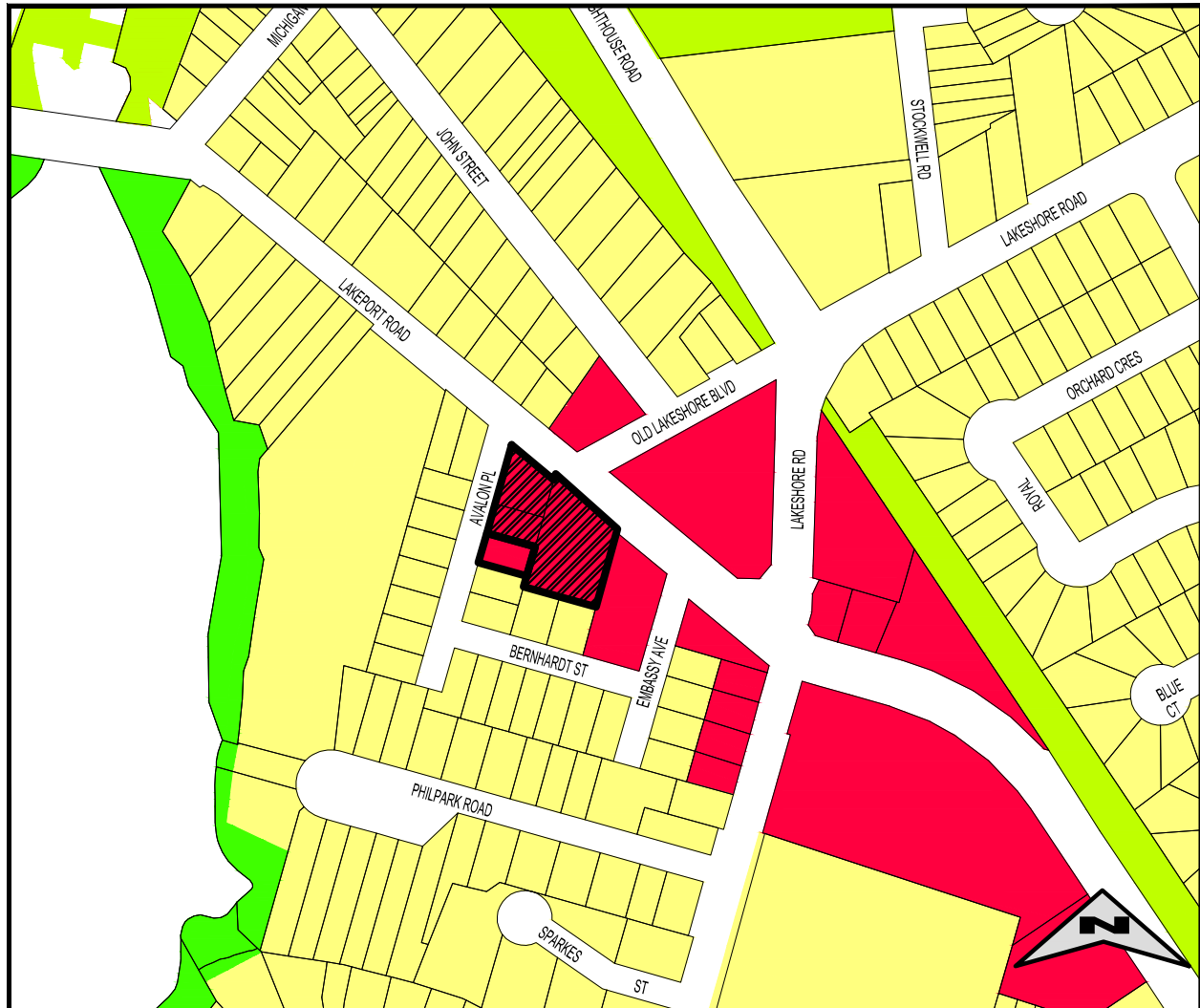
Land Use Designations

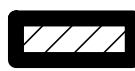

 Neighbourhood Residential
 Commercial

 Natural Areas
 Parkland & Open Space





Files: 60.30.334 & 60.35.1033, 60.46.445

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



-  Area A (102 & 104 Lakeport Road; 3 Avalon Place)
-  Area B (5 Avalon Place) - Lands to be re-designated from Neighbourhood Residential to Commercial

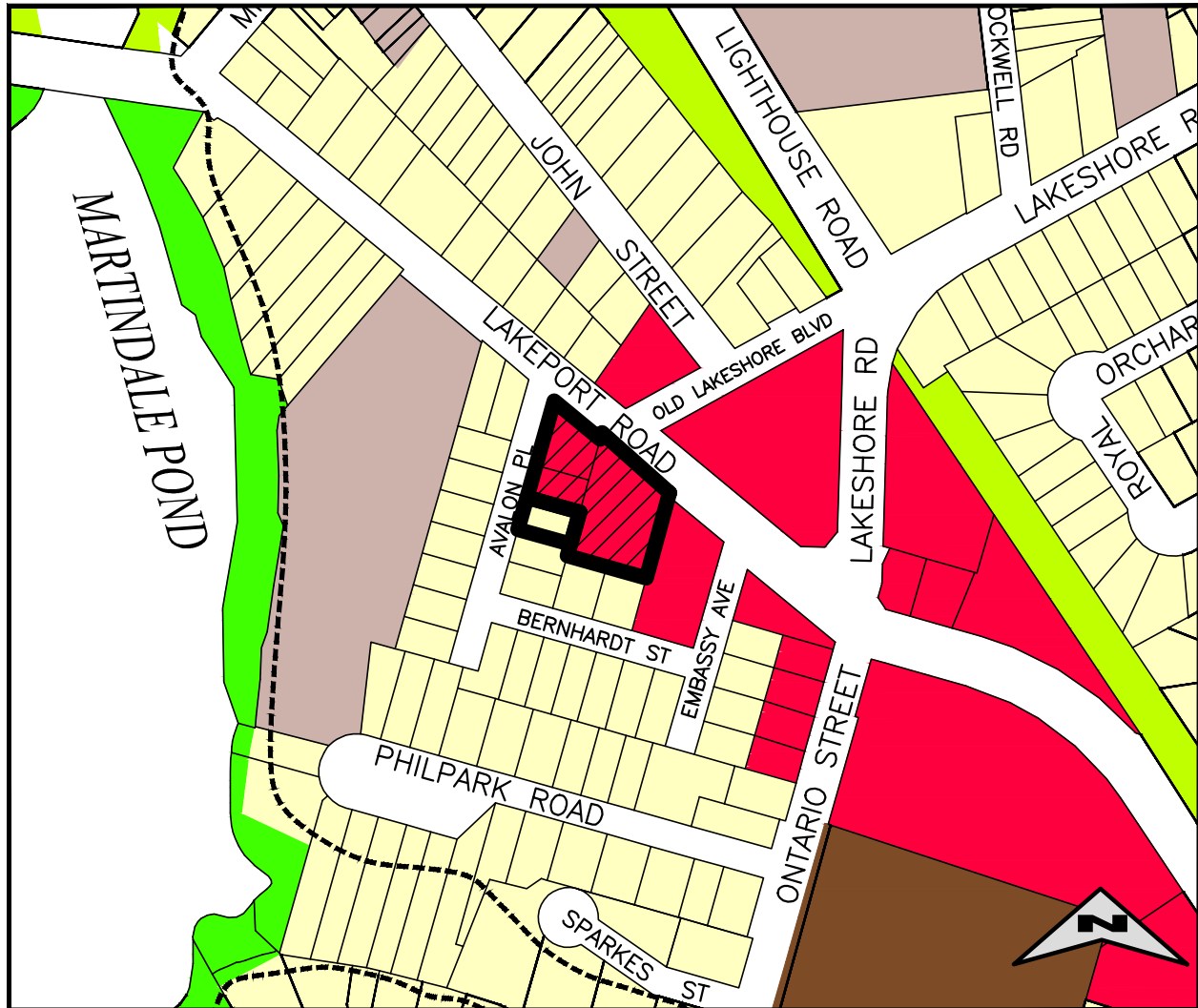
Land Use Designations


- | | |
|---|---|
|  Neighbourhood Residential |  Natural Areas |
|  Commercial |  Parkland & Open Space |

File:60.30.334, 60.35.1033, 60.46.445






Existing Land Use Designation

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



-  Area A (102 & 104 Lakeport Road; 3 Avalon Place)
-  Area B (5 Avalon Place)

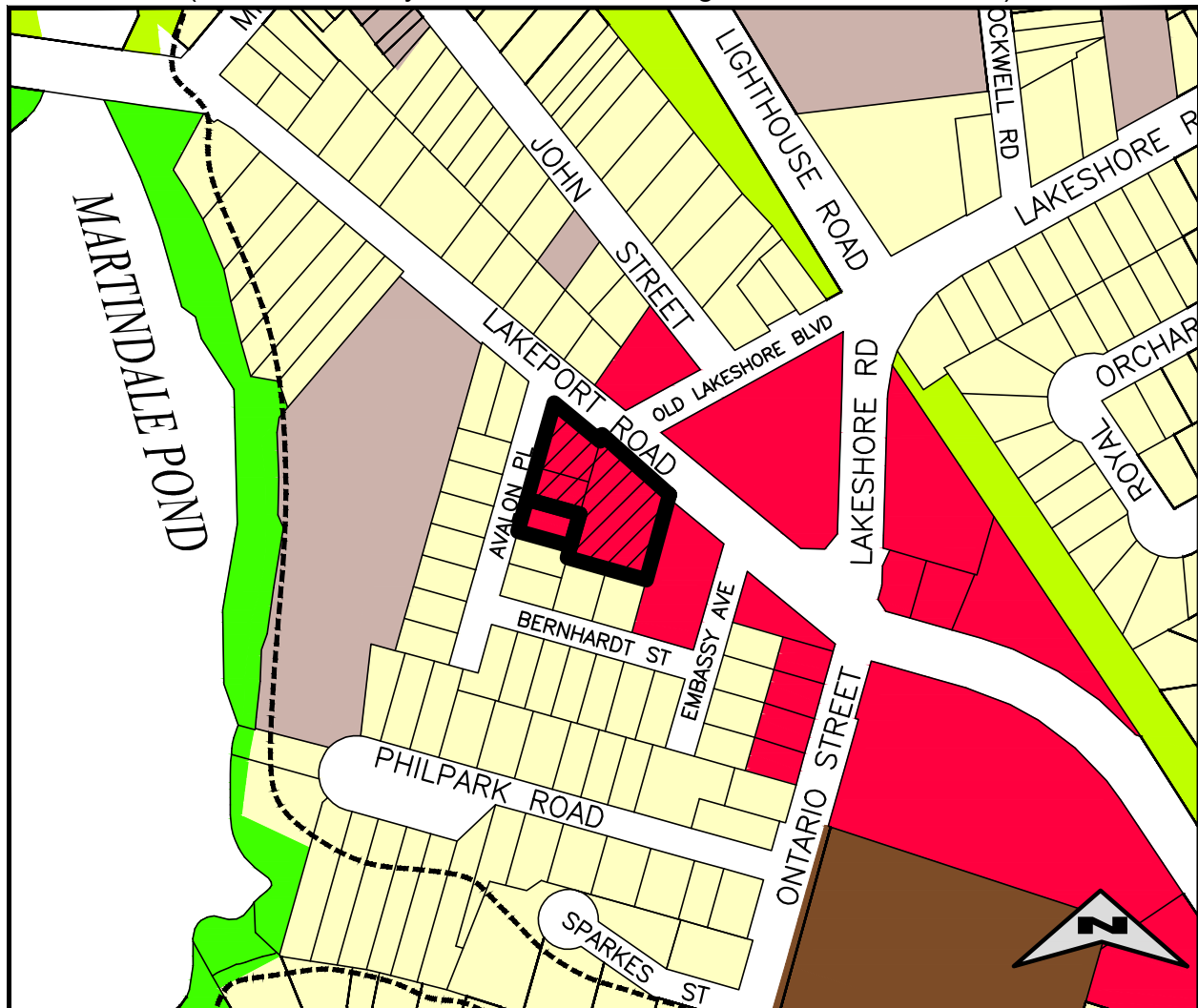
Land Use Designations



 Low Density Residential	 Parkland & Open Space
 Medium Density Residential	 Natural Areas
 High Density Residential	 Natural Area Extent Line
 Community Commercial	

Files: 60.30.334, 60.35.1033, 60.46.445




Proposed Official Plan Amendment

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



-  Area A (102 & 104 Lakeport Road; 3 Avalon Place)
-  Area B (5 Avalon Place) - Lands to be re-designated from Low Density Residential to Community Commercial

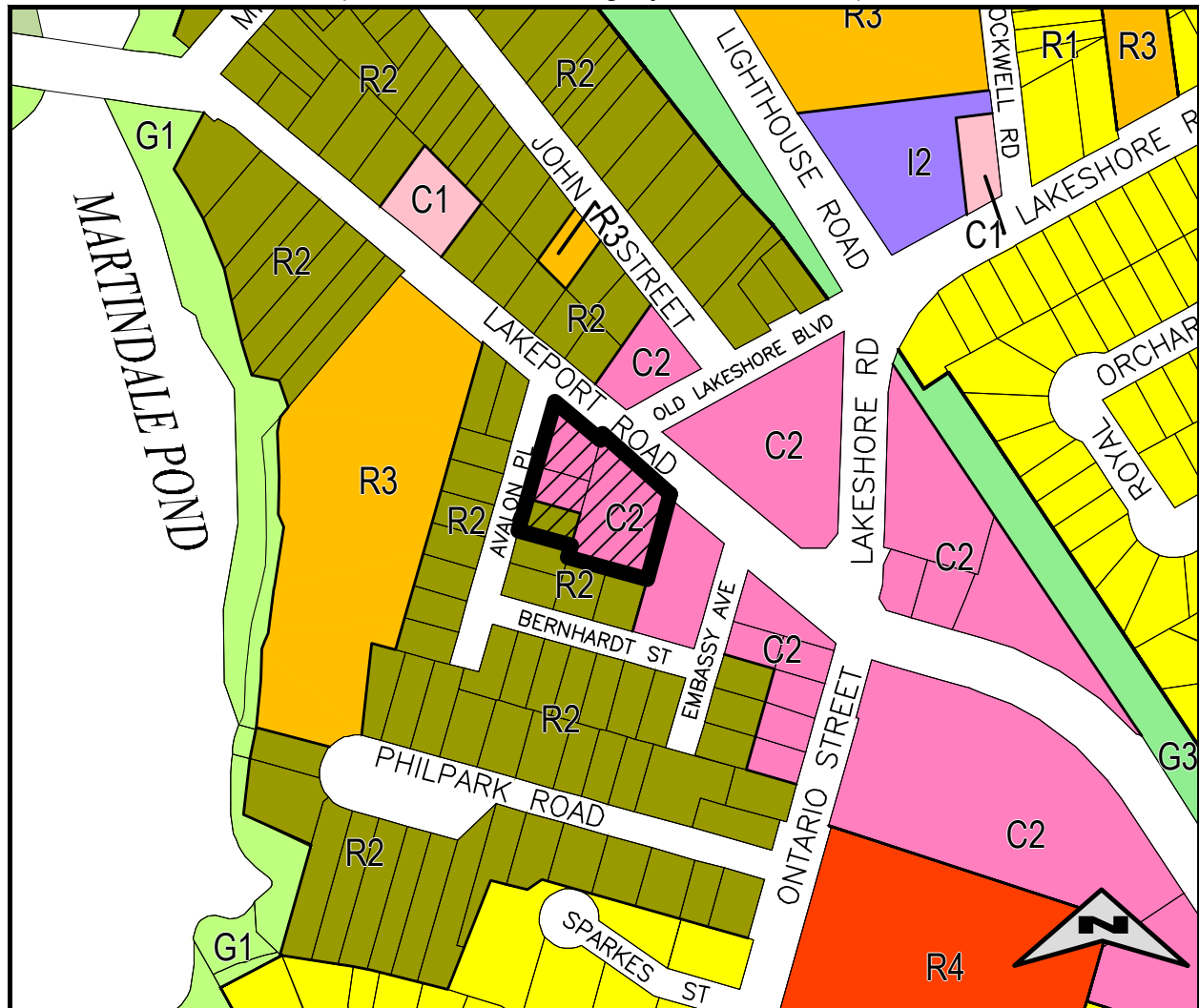
Land Use Designations

 Low Density Residential	 Parkland & Open Space
 Medium Density Residential	 Natural Areas
 High Density Residential	 Natural Area Extent Line
 Community Commercial	

Files: 60.30.334 & 60.35.1033 , 60.46.445

Existing Zoning

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



Subject Lands

102 & 104 Lakeport Road; 3 & 5 Avalon Place

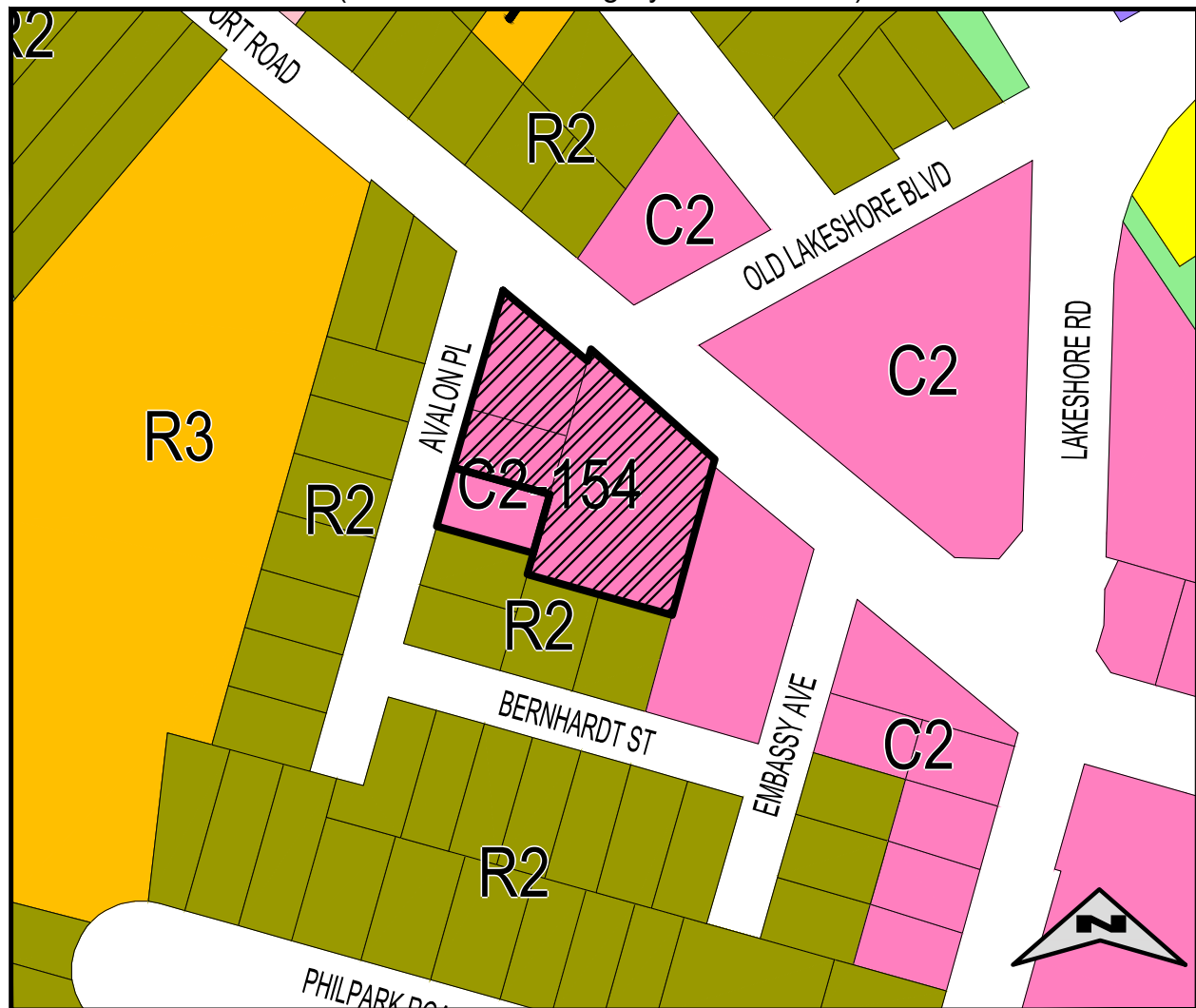
Zones

- R1** Low Density Residential
- Suburban Neighbourhood
- R2** Low Density Residential
- Traditional Neighbourhood
- R3** Medium Density Residential
- R4** High Density Residential

- C1** Local Convenience Commercial
- C2** Community Commercial
- G1** Conservation / Natural Area
- G2** Minor Green Space
- G3** Major Green Space
- I2** Community Institutional


Files: 60.30.334, 60.35.1033, 60.46.445

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






 **Area A (102 & 104 Lakeport Road; 3 Avalon Place)**

Lands to be rezoned from Community Commercial (C2) to
Community Commercial with Special Provision No. 154 (C2-154)

 **Area B (5 Avalon Place)**

Lands to be rezoned from Low Density Residential - Traditional Neighbourhood (R2) to
Community Commercial with Special Provision No. 154 (C2-154)

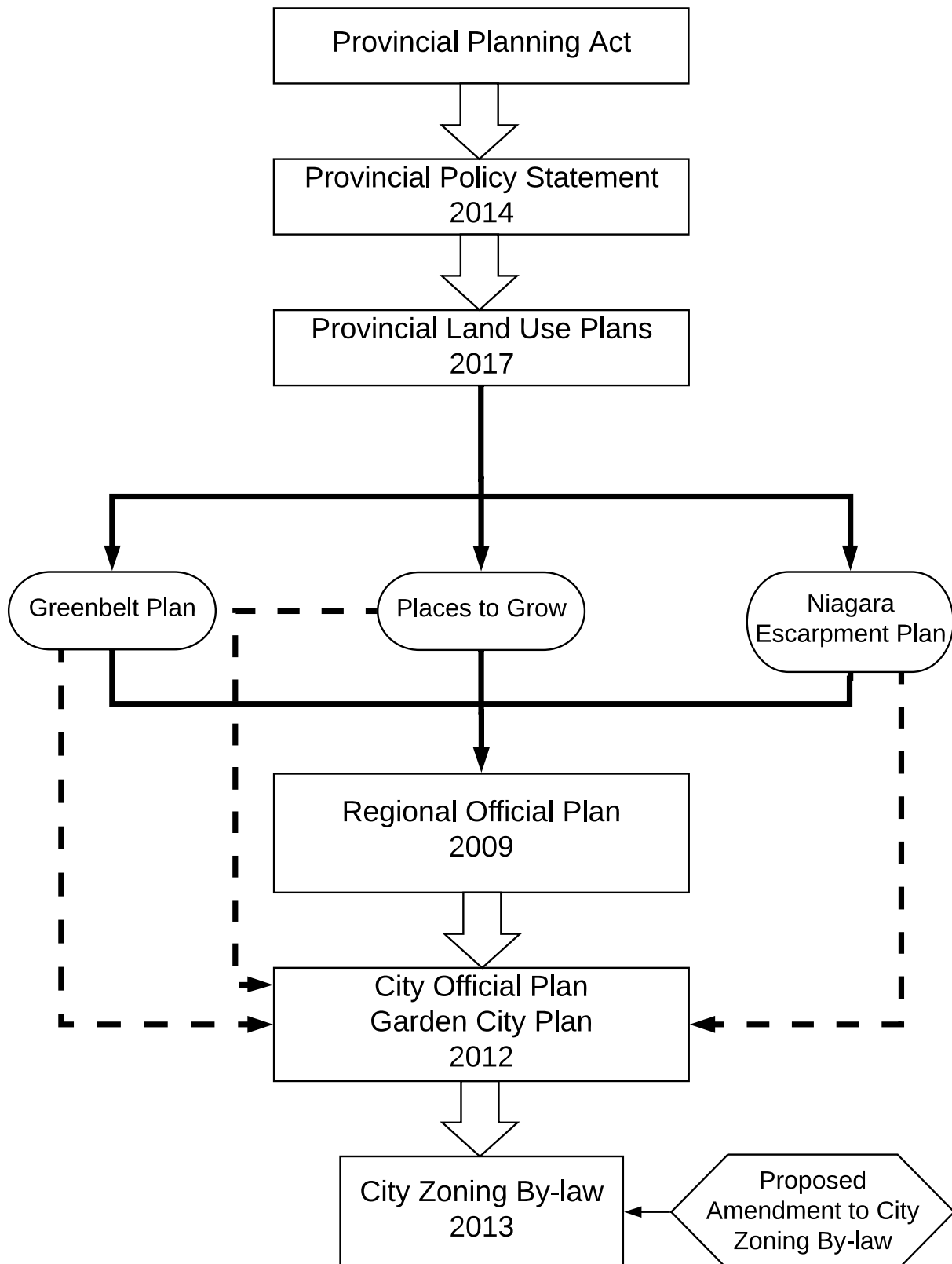
Zones

-  **R1** Low Density Residential
- Suburban Neighbourhood
-  **R2** Low Density Residential
- Traditional Neighbourhood
-  **R3** Medium Density Residential

-  **C1** Local Convenience Commercial
-  **C2** Community Commercial
-  **G3** Major Green Space
-  **I2** Community Institutional

File:60.30.334, 60.35.1033, 60.46.445

Ontario Land Use Planning Framework



From: gary.versluis gary.versluis <[REDACTED]>
Sent: Tuesday, January 29, 2019 3:54 PM
To: Knutson, Amanda
Subject: 102 & 104 Lakeport Road and Avalon Place. File 60.30.334 & 60.35.1033

Dear Ms. Knutson

As a resident at [REDACTED] we have deep concerns about the development going in on Lakeport Road. The sheer size of the building alone does not fit in with the neighborhood. We have concerns with the infrastructure and drainage of our corner. Both Avalon and Bernhardt already have drainage problems and the culvert has flooded on the corner several times. The parking is definitely going to be a problem, there is not enough parking for this building which means our streets are going to be full. We have concerns for emergency vehicles and snowplows it will be tight if not impossible for them.

The volume of traffic is going to be crazy with all these new buildings going in. Lakeport Road is already busy and with all these new buildings going in Port. If the QEW is closed they divert traffic through Port, a very thorough traffic study should be done before another building goes in. There is no access to cross the street from Lock Street to Ontario making it unsafe as people will be crossing the road unsafely. This will hinder access to the Waterfront Trail and Michigan side pier. Thank You for listening to our concerns

Gary and Linda Versluis

[REDACTED]
St Catharines, Ont

February 5, 2019

Ms. Tami Kitay, Director of Planning and Building Services.
Planning and Building Services
City of St. Catharines

Dear Ms. Kitay:

102 and 104 Lakeport Road & 3 and 5 Avalon Place

As a follow up to the Public Meeting regarding the above-noted property on January 28th 2019, please accept this correspondence as a request for clarification on a number of items.

To avoid duplication I will generally not repeat my written comments of October 8, 2018 or the questions from councilors at the above-noted meeting.

Additional Required Zoning Amendment

Section 6.2 of the Zoning By-law states that apartment buildings are permitted in the C2 Zone. However, Subsection 6.2.1 (footnotes) clarifies that the apartment building must be located on the same lot as commercial uses, to a maximum 15% lot coverage.

It appears that the apartment building far exceeds 15% lot coverage. Could you please confirm? It is my understanding that an additional site specific amendment to the zoning by-law would be required if coverage exceeds 15%.

Access

Are there other examples of major residential developments such as the proposed development with ingress/access only via a side street (Avalon Place)? Incidentally Avalon is a substandard street with no curb or gutter.

Parking

Many residents are unclear about the provision of parking. It appears as though parking spaces are available for sale only, and that it is possible that multiple residents may have no access to a parking. This arrangement essentially guarantees the use of on-street parking by residents of the building.

As I have noted earlier, there are already two commercial uses that do not meet their parking requirements on site due to special exceptions approved by previous Councils. Accordingly the side streets do not have the capacity to accommodate off street parking from a major development

Lot Coverage

Has the landscaped coverage of this proposal been verified by the Planning Department? And what is permitted? Also, what is the parking coverage?

Furthermore, much has been said about “most of the property being zoned for this use”. Could the Planning Department identify specifically what percentage of the total property is made up of 5 Avalon Place?

Regard for Official Plan Policies regarding development and redevelopment within the Urban Area (Subsection 7.1)

The Official Plan provides a number of criteria for the evaluation of this proposal:

With respect to 7.1 c) the Plan requires the review of the building, site, streetscape and neighbourhood context sensitive design to ensure:

i) Integration of compatible building form, scale, massing, height, setbacks, spacing, siting, orientation, facades and architectural materials with adjacent buildings, properties and the surrounding neighbourhood;

ii) Adverse impacts on adjacent properties are minimized in regard to grading, drainage, location and design of service utilities and areas, access and circulation, parking, transition in height, privacy, views, vistas, microclimatic conditions, and protection of the natural features, functions and hazards.

On behalf of the neighbours we are respectfully requesting details on this assessment by the Planning Department.

Regard for Commercial Policies of the Official Plan (Section 9)

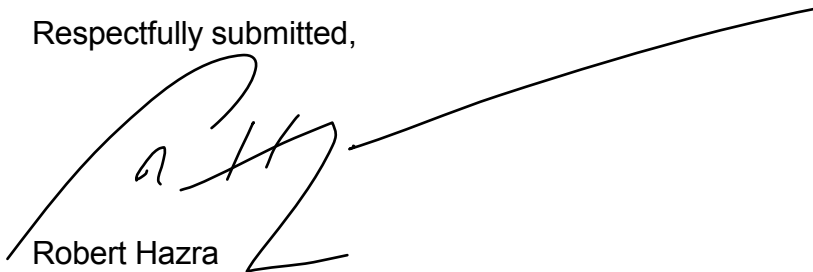
Subsection 9.1 of the Official Plan states in part: “The expansion of commercial designations is discouraged”

Please advise us of why the expansion is appropriate in this case, if this is the position of the Planning Department. Also, why was no consideration given to restricting the permitted commercial uses on this site? The C2 zone permits restaurants and other uses that could generate significant traffic and parking issues in the area.

I would also note the preliminary site plan for the proposal suggests that the provision of on-site amenities and requirements such as garbage pickup, emergency access, children's play area, storm water drainage, etc. will be difficult, and at the expense of the limited green space on this site. **Prior to this matter going before council, residents would appreciate more details on these site plan issues.**

Thank you for taking the time to consider these comments. Several of the neighbours including myself would appreciate an opportunity to meet with you and your staff at a time that is convenient to you. I will follow up, thanks again.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R Hazra', with a long horizontal line extending from the end of the signature to the right.

CC: Councillor Carlos Garcia
Councillor Bruce Williamson

Colleen Beard

St. Catharines, ON

February 8, 2019

**Ms. Tami Kitay,
Director of Planning and Building Services
City of St. Catharines**

RE: 104 Lakeport Rd/ Avalon Place Development Proposal

In partnership with my neighbours, I am kindly requesting your response to some issues and comments that transpired from the public Council meeting of January 28th, 2019.

Re: Special provisions

Significant provisions in setbacks on Lakeport Rd are being requested with this application due to the road widening requirement by the Region - specifically from 3 metres to .4 for balcony set back; and 3 m to 1.4 for side yard.

Regardless of whether or not a road widening to Lakeport Road will actually take place in the future cannot be predicted.

If a setback from 3 metres to .4 is not setting a precedent for development, what would be - .3m, .2 or lower?

Re: Mixed use building

Many neighbours remain miffed with the issue that a high density residential building can transform into a “mixed use building” by designating only 1% of the total floor area to Commercial, to benefit the reduced parking requirements.

The Official Plan and Zoning By-Laws lack a definition for a “mixed use building” nor indicates ratios of use. As well, references to such are associated with Mixed Use (M) zoning, not C2.

Re: Traffic

City Council has approved four residential developments in Port Dalhousie (Port Tower complex, Harbour Club, 57 Lakeport, The Beaches), all in proximity to one another, where none have reached completion so as to evaluate their impact on traffic. But yet, *“Traffic staff has no objections or comments concerning these applications”*. (Corporate Report, Oct.20, 2018)

After hearing repeated concerns from the neighbouring community about traffic and safety at the Open House meeting of Oct. 3rd and Council meeting of January 28th, we strongly suggest City staff to reconsider a traffic impact study in this area, especially for Lakeport Road, before endorsing any further development.

Re: Stormwater Management

During the Council meeting we heard of experiences with flooding on properties that has become more frequent over the last few years. Our concern is with the size of this development being planted on such a small footprint, compounded with a clay-type soil in the area, will result in greater runoff to adjacent properties.

Citing the OP (9.2.2), *"Any application to ... expand an established centre beyond existing property limits ...may be subject to studies as set out in Part F, Section 16.16 of this Plan..."*, neighbours are requesting that a stormwater management study be completed to determine impact.

Re: Official Plan Section 16.16 Pre-consultation process

According to some of the dates on the documents, this application has been in process since the fall 2017. The first public meeting was held October 3, 2018. It is assumed that the developers have been consulting with City staff for some time prior to the application reaching the stage for council consideration.

Due to the strong opposition this application has generated perhaps requires some understanding of the role of City staff with the developers to ensure urban design principles are adhered to. For example, the OP dictates, *"Height will be restricted to ensure street animated development, and to recognize the character of surrounding neighbourhoods."* (9.2.2)

AND:

"Recognizing the preferred mix of uses contemplated, the City's urban design guidelines should be emphasized in the evaluation of all development, redevelopment and intensification opportunities." (12.1)

As concerned neighbours, and taxpayers, we rely on our planning staff to use their experience, skills, and professional expertise to make an appropriate recommendation. They are governed by guiding principles written in the Official Plan, and not just the prescriptive rules of the Zoning By-laws, to make wise decisions about urban design and the future growth of our city. We trust that City staff will ensure these principles are practiced when determining the suitability of this proposal.

Thank you for considering these issues.

Respectfully,



Colleen Beard

Cc: Councillor Bruce Williamson
Councillor Carlos Garcia

February 19, 2019

Ms. Tami Kitay
Director of Planning and Building Services
City of St. Catharines

Re: 104 Lakeport Rd/Avalon Place Development Proposal

Dear Ms. Kitay:

I am a resident of [REDACTED] which is around the corner of the proposed development on 104 Lakeport Road.

I have lived in the north end of St. Catharines for over sixty years and am very proud of the quiet and beautiful community I have enjoyed and wish to continue to enjoy.

I walk my dog every day along Lakeport Road, past the proposed site and down to Lakeside Park. I have many friends in the neighbourhood surrounding the site. They, along with myself, are deeply concerned about a development of this size, height and magnitude towering over our homes.

I attended the Open House on October 3, 2018 as well as the Council meeting on January 28, 2019. Prior to that I signed a petition, with 775 others, opposing this development.

I am outraged that our City Staff and Council is even contemplating this proposal with the amendments put forth by the developer. I question the percentages of residential verses commercial area for a "mixed use building" that seems to be allowed.

I am also concerned about the density of this development causing issues of overflow onto the properties of my neighbours. The substantial influx of traffic on Lakeport Road and Avalon Place would be crippling. With the four approved condos being built in Port Dalhousie, this will only add to the increase in traffic along Lakeport Road.

I believe that this building is not compatible with the neighbouring low height residential properties. My fear is that a precedent will be set for quiet residential areas in St. Catharines at the expense of those who love and enjoy them.

Therefore, I strongly advise City Staff and Council to consider the definition of "compatibility" as outlined in our Official Plan.

Thank you for considering,

Marjie McCullough

Cc: Mayor Sendzik and City Councillors

March 8, 2019

Ms. Tami Kitay, Director of Planning and Building Services.
Planning and Building Services
City of St. Catharines

Dear Ms. Kitay:

102 and 104 Lakeport Road & 3 and 5 Avalon Place

As a follow up to our meeting on February 22nd, it was my understanding that those who attended would be provided with an update when the developer revised their plans.

Revised plans have been posted on the St. Catharines website illustrating only cosmetic changes to the proposal, and the reduction of 10 units. The massing of the building remains essentially the same and the compatibility issues have not been addressed.

The “mixed use” aspect of this proposal remains problematic and inconsistent with the intent and purpose of a mixed use proposal in a commercial zone. The criteria for a mixed use building is based on a full reading of the provisions for non-commercial uses in commercial zones in both the official plan and zoning by-law:

Clearly the intent is that residential uses are “secondary” to commercial uses in the Community Commercial Zone; for example:

- For the C2 Zone the maximum percentage of total GLFA for non-commercial use in C2 zone is 40% (page 45 of the ZB).
- Similarly, subsection 6.2.1 of the zoning by-law states in part that “should a C2 complex include residential occupancy, these units “, should be permitted to a maximum of 15% lot coverage.
- Residential uses are restricted to the rear or above commercial uses

I would again point out the zoning by-law does not define a “mixed use” building. The proposed development is an apartment building with a nominal commercial component.

Another significant issue is the re-designation and zoning of 5 Avalon Place. The Official Plan (Subsection 9.1) specifically discourages the expansion of Commercial Designations. The re-designation of 5 Avalon is a significant amendment request, as it is a commercial designation expansion. We have yet to see a justification for this expansion.

As I mentioned in previous correspondence, many residents are unclear about the provision of parking. It appears as though parking spaces are available for sale only, and that it is possible that multiple residents may have no access to a parking. This arrangement essentially guarantees the use of on street parking by residents of the building. As noted earlier, this is not feasible for this neighbourhood.

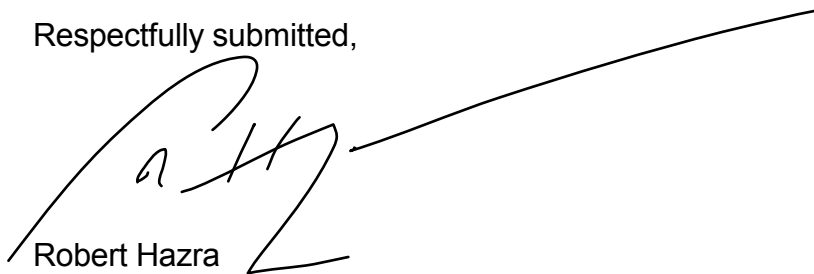
The proponent has made minimal changes in response to your request for changes in response to the comments from the public. It remains a large 6 storey structure with (as I understand it) the same dimensions as previously proposed. This proposal requires significant variances from the zoning by-law along with zoning and official plan amendments to enable the expansion of the commercial node to 5 Avalon Place.

I fully understand that the Planning Department has not made a recommendation on this matter, and that you will do so based on the policies and standards of the Official Plan and Zoning By-law.

To conclude, the proponent has ignored the concerns of residents and has essentially resubmitted a proposal that is not compatible with the neighborhood. Finally, the "mixed use" characterization of this development is not consistent with the zoning by-law.

Thank you for taking the time to consider these comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'R. Hazra', with a long horizontal line extending from the end of the signature to the right.

Robert Hazra



By-laws to be considered Monday, April 29, 2019

- (a) A By-law to authorize a contract with Brock Ford Sales Inc. (One reading – with respect to the purchase of One (1) Sport Utility Vehicle, Full Size and Two (2) Pick Up Trucks, Half-Ton 4x4, under RFT No. 19-10. Delegation By-law No. 2004-277, as amended.)
- (b) A By-law to authorize a contract with Springside Paving Ltd. (One reading – with respect to the 2019 Asphalt Patching Project, under Project No. P19-091. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to amend By-law No. 89-2000 entitled “A By-law regulating traffic and parking on City Roads. (One reading – with respect to parking prohibitions on Lonsdale Avenue. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to amend By-law No. 2002-81 entitled “A By-law to appoint certain employees of the Canadian Corps of Commissionaires (Hamilton) as municipal law enforcement officers.” (One reading – with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to amend By-law No. 2016-127 entitled “A By-law to appoint Municipal Law Enforcement Officers (Animal Control Officers). (One reading – with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to amend By-law No. 2014-253 entitled “A By-law to appoint Deputy Clerks for the purpose of the Commissioners for Taking Affidavits Act.” (One reading - with respect to change in personnel. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to authorize a Demolition Agreement with Steven Bloom and Marilyn Bloom. (One reading – with respect to 2384 Seventh Street. Delegation By-law No. 2004-277, as amended.)
- (h) A By-law to authorize an Agreement with Rankin Construction Inc. (One reading – with respect to Brownfield Tax Increment Based Incentive Grant Program for 57 Lakeport Road. General Committee, March 18, 2019, Item No. 3.1.)
- (i) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading - with respect to 5 Avalon Place. To be considered by Council, April 29, 2019.)
- (j) A By-law to amend By-law No. 2013-283 entitled “A By-law to regulate the use of land, the bulk, height, location, erection and use of buildings and structures, the provision of parking spaces and other associated matters in the City of St. Catharines.” (One reading – with respect to 102 & 104 Lakeport Road and 3 & 5 Avalon Place. To be considered by Council, April 29, 2019.)



- (k) A By-law to authorize an amendment to the Licence and Operating Agreement with District School Board of Niagara. (One reading – with respect to portables at lands adjacent to Harriet Tubman Public School. To be considered by General Committee, April 29, 2019.)
- (l) A By-law to authorize a Relationship Agreement with the FirstOntario Performing Arts Centre Board. (One reading – with respect to transition of the FOPAC business to the Board. To be considered by General Committee, April 29, 2019.)
- (m) A By-law to provide for the setting and levying of rates of taxation for City purposes for the year 2019, and to provide for the payment of taxes after interim taxes. (One reading - with respect to the 2019 Tax Rates. To be considered by General Committee, April 29, 2019.)
- (n) A By-law to confirm the proceedings of council at its meeting held on the 29th day of April, 2019. (One reading - with respect to confirming the proceedings of the meeting held on April 29th, 2019.)