



**The Corporation of the City of St. Catharines  
CITY COUNCIL AGENDA  
Regular, Monday, September 9, 2019  
Council Chambers, City Hall, 6:30 PM**

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

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- 1. Mayor's Report**
- 2. Adoption of the Agendas**
- 3. Declarations of Interest**
- 4. Adoption of the Minutes (Council and General Committee)**
  - 4.1 Regular Meeting of Council, Minutes of [August 12, 2019](#)
  - 4.2 General Committee, Minutes of [August 12, 2019](#)
- 5. Resolve into General Committee**

*Council will proceed to General Committee Agenda Item 1 - Motion to Move Reports on Consent*
- 6. Public Meetings Pursuant to Planning Act**
  - 6.1 Planning and Building Services, Planning Services  
*Planning Act Public Meeting – Recommendation Report*  
Application to Amend Official Plan and Zoning By-law 2013-283 Subject  
Lands: 170 Church Street, 26, 28 and 30 Niagara Street Owner:  
2544406 Ontario Inc.
- 7. Special Presentations**

There are none
- 8. Resolve into General Committee**

*Council will proceed to General Committee Agenda Item 3 - Discussion Reports*
- 9. Motion Arising from In-Camera Session**
- 10. Motion to Ratify Forthwith Recommendations**

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## **11. Motions**

### **11.1 Additional Council Meeting - October, 16, 2019**

*Councillor Harris will present the following motion:*

That Council approve an additional meeting for the 2019 Council meeting schedule; and

That the meeting be held for the purpose of heritage training; and

That the meeting be held on Wednesday, October 16, 2019 in the Mills Room at the St. Catharines Public Library Central Branch commencing at 6:00 p.m.; and

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

That Council suspend the rules in accordance with Procedural By-law 2015-170 (as amended by by-law 2016-207), article A4 Suspension of the Rules, to allow Council to engage in open and informal discussion regarding heritage training.

## **12. Call for Notices of Motion**

## **13. Report Requests**

### **13.1 Basement Flooding**

*Councillor Phillips gave notice at the August 12, 2019 Council Meeting that he will request the following report:*

That staff be directed to investigate and report back on the flooding from the August 6, 2019 rainstorm, including the system's flow capacity and what can be done to enhance that capacity, what actions residents can do to safeguard their properties, outline the City's backflow program and to follow up with the Niagara Region as to what happens when its system backs up

### **13.2 SCCIP funding from FirstOntario Performing Arts Centre Ticket Sales** *Councillor Phillips gave notice at the August 12, 2019 Council Meeting that he will request the following report:*

That staff be directed to review the funding model pertaining to the allocation of \$1 per ticket and report to the BSC for review before reporting to Council

### **13.3 Street Naming Process**

*Councillor Littleton gave notice at the August 12, 2019 Council Meeting that she will request the following report:*

That staff be directed to report back on the existing street naming process with ways to include more public engagement, perhaps similar to the park naming process

13.4 Pedestrian Crossing

*Councillor Littleton gave notice at the August 12, 2019 Council Meeting that she will request the following report:*

That staff be directed to prepare a report to investigate the installation of a full traffic signal or all-way stop with pedestrian crossing at the corner of Wilfred Laurier Crescent and Welland Canals Parkway

13.5 Report Request on Rental of Vacant City-Owned Properties to Volunteer Organizations

*Councillor Garcia advised the Office of the City Clerk that he will request the following report:*

That staff be directed to prepare a report evaluating the creation of a new rental category to be added to our policy with regards to the use of vacant and unused City properties. The new category, for which rental fees could be waived in total, would be Community-based Volunteer Groups that, despite being incorporated as not-for-profits, do not have paid staff and have only minor assets. These groups, which contribute greatly to our city, would still have to carry proper insurance, be prepared to help with maintenance and not use the property for any commercial purpose

13.6 Electric Scooter Ride Share Pilot Project

*Councillor Townsend advised the Office of the City Clerk that he will request the following report:*

That staff be directed to prepare a report, to be returned by the fourth quarter of 2019, on the viability of having an electric scooter ride sharing pilot program, similar to the program in Waterloo

13.7 Naloxone Training

*Councillor Townsend advised the Office of the City Clerk that he will request the following report:*

That staff be directed to prepare a report on Naloxone training for City staff and City Councillors, including the availability of Naloxone kits in the trunks of City vehicles and Councillors' vehicles

13.8 Flooding Pilot Project

*Councillor Townsend advised the Office of the City Clerk that he will request the following report:*

That staff be directed to prepare a report, to be returned by the fourth quarter of 2019, regarding solutions, similar to the City of Collingwood's Smart Stormwater Project, to help prevent home flooding during storms, and that the report includes funding options

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**14. By-laws**

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14.1 Reading of By-Laws

**15. Agencies, Boards, Committee Reports**

15.1 Minutes to Receive:

- Arts and Culture Advisory Committee, [July 16, 2019](#)
- Cultural Sustainability Committee, [July 16, 2019](#) (Draft)
- Downtown Development and Revitalization Advisory Committee, [June 19, 2019](#)
- Green Advisory Committee, [June 12, 2019](#) and [July 31, 2019](#)
- Public Art Advisory Committee, [June 11, 2019](#)
- Social Sustainability Committee, [July 23, 2019](#) (Draft)
- St. Catharines Heritage Permit Advisory Committee, [July 25, 2019](#)
- Town and Gown Advisory Committee, [June 4, 2019](#)

**16. Adjournment**



## Corporate Report City Council

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

**Report Date:** August 30, 2019

**Meeting Date:** September 9, 2019

**Report Number:** PBS-174-2019

**File Nos:** 19 103183 OP 19  
103052 ZA

**Subject:** *Planning Act Public Meeting – Recommendation Report*  
Application to Amend Official Plan and Zoning By-law 2013-283  
Subject Lands: 170 Church Street, 26, 28 and 30 Niagara Street  
Owner: 2544406 Ontario Inc.

**Strategic Pillars:**



## Recommendation

That Council approve an amendment to the City of St. Catharines Official Plan (the Garden City Plan) for the lands described as Lots 3688 to 3693, Corporation Plan No. 2, City of St. Catharines, municipally known as 170 Church Street and 26, 28 and 30 Niagara Street, as follows:

That Schedule E10 of the Garden City Plan, Downtown Planning District, be amended by changing the land use designation of the lands from Mixed Medium High Density Residential / Commercial to Mixed High Density Residential / Commercial as identified in Appendix 6 of this report; and

That Council approve an amendment to the City of St. Catharines Zoning By-law 2013-283, for the lands described as described as Lots 3688 to 3693, Corporation Plan No. 2, City of St. Catharines, municipally known as 170 Church Street and 26, 28 and 30 Niagara Street, as outlined in Appendix 9; and

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

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

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

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

## Summary

Staff are recommending approval of the subject applications, which will permit, subject to conditions, a 6-storey mixed use building with 64 residential units and 5 commercial units directly fronting Niagara Street. The applications are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with the Region of Niagara's Official Plan and the City of St. Catharines Official Plan.

## Report

### Proposed Development

The applicant proposes to construct a six-storey mixed-use building comprising 5 ground-floor commercial units facing Niagara Street, and 64 residential apartment units, 4 units on the ground floor and 60 units in the upper 5 storeys. The development includes 24 at grade parking spaces and 32 underground parking spaces (56 spaces total). The lands are located on the corner of Church Street and Niagara Street at 170 Church Street and 26, 28 and 30 Niagara Street. A conceptual Site Plan is attached as Appendix 2.

### Location and Site Description

The lands are 4 lots known municipally as 170 Church Street and 26, 28, and 30 Niagara Street. They are located on the southeast corner of Church Street and Niagara Street. The lands combined will have a total lot area of 0.26 hectares. The properties together have approximately 22 metres of frontage on Church Street and approximately 67 metres of frontage along Niagara Street. A location map is attached as Appendix 1.

Surrounding land uses include:

North: Mixed use commercial / residential

East: Detached Dwellings, Salvation Army, St. Barnabus Anglican Church

South: Commercial and mixed use commercial / residential properties

West: Green space, commercial uses

### Planning Policy Context

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

For Council's reference, the land use planning framework in Ontario, as it relates to this application, is outlined in Appendix 3.

## **Provincial Policy Statement (2014)**

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.

## **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.

## **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 Amendment and Zoning By-law Amendment are consistent with the policies of the Provincial Policy Statement in that policies related to intensification, growth, and housing are upheld.

At a density of approximately 248 units per hectare, this transit-supportive proposal will efficiently use existing infrastructure and public service facilities, and will contribute to the range of housing options in the city. The subject lands are located along both an existing transit route and in close proximity to the Region’s “Greenbelt” cycling route.

## **Provincial Growth Plan for the Greater Golden Horseshoe (2019)**

Like the PPS, guiding principles within the Growth Plan stress compact and well-designed development that prioritizes intensification. The Plan supports the achievement of complete communities that “ensure the development of high quality compact built form, an attractive and vibrant public realm, including public open spaces, through site design and urban design standards.” Policies ensure that a range and mix of housing options are available including affordable housing. The Growth Plan provides a policy framework that is intended to be achieved within the context of each individual community, while being sensitive to adjacent areas. The City’s Official Plan and Zoning By-law currently implement this existing framework for St. Catharines.

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

- Promote compact built form and transit supportive development, a diversity and mix of uses and opportunities, and the efficient use of land, infrastructure and service capacities to support development, redevelopment and growth;
- Foster safe, interactive, active transportation and connected communities;
- Ensure viability for long term development and community investment;
- Maintain, enhance vitality of main streets, and conservation of neighbourhoods;
- Encourage sense of place by promoting well designed built form and cultural planning to conserve features that help define the character, built heritage resources and cultural heritage landscapes of the area;
- Adapt to climate change through compact and nodal development;
- Conserve, promote cultural heritage to support social, economic and cultural well-being;
- Promote high quality built form, attractive / vibrant public realm through site design and urban design standards;
- Support complete communities; and
- Support multi modal transportation, including active transportation and transit.

## **Growth Plan Summary Opinion**

The subject lands are located within a Provincially designated Urban Growth Centre. The area is ideal for a more intensified and compact built form. The development is located along several transit routes and contributes to the diverse mix of uses in the surrounding neighbourhood. The proposed increase in density is an efficient use of a currently underutilized parcel. By intensifying in close proximity to the city’s downtown transit hub, the development is in good position to consider a parking reduction and will support local transit. The proposed commercial units and residential density will contribute to a diverse mixed use neighbourhood and bring further vitality to the downtown area. The policies of the Growth Plan are upheld.

## **Regional Official Plan**

According to the Regional Official Plan (ROP), the subject lands are located within the Urban Area for the City of St. Catharines and within a Built-up Area under Amendment



2-2009 (Niagara 2031 / Conformity Amendment), which is the focus of both residential and employment intensification and redevelopment within the Region over the long term. Municipalities are encouraged to provide a full range of housing types to serve a variety of people through every stage of life.

The ROP reiterates the land use pattern policies and objectives of the Provincial Policy Statement for residential intensification and sustainable communities outlined above. The Region's Sustainable Community Policies establish a residential intensification target of 95 per cent for the St. Catharines Built-up Area. The subject lands propose to provide 64 new apartment units and 5 new commercial units. The apartment units will count towards the City's annual residential intensification target of 95%, as set by the Regional Official Plan.

The subject lands are located within close proximity to local transit along Church Street, Niagara Street, Queenston Street and Geneva Street. It is also noted that 170 Church Street was previously used for commercial purposes. The Regional Official Plan is supportive of the intensification of lands within downtowns and underutilized lands to achieve Regional intensification goals and limit the need for urban expansion.

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

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

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

The subject lands are designated as Downtown (Appendix 4) by the City's Official Plan, The Garden City Plan (GCP). The Downtown Planning District further identifies the lands as Mixed Medium High Density Residential / Commercial (Appendix 5).

The Official Plan Amendment application seeks to change the land use designation from Mixed Medium High Density Residential / Commercial to Mixed High Density Residential / Commercial (Appendix 6). This amendment is requested to allow high density development in order to facilitate the proposed development which has a density of 248 units per hectare.

The Mixed Medium High Density Residential / Commercial designation of the GCP permits detached, semi-detached, duplex, triplex, fourplex, quadruplex, townhouse and apartment dwellings at a density range generally between 60 and 198 units per hectare of land. Additional permitted uses include institutional, small scale commercial, office, indoor recreation, and creative and cultural uses. The Mixed High Density Residential / Commercial designation of the GCP permits triplex, fourplex, townhouse and apartment dwellings at a density generally 85 units per hectare of land or greater. Additional permitted uses do not change.

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

<b>Garden City Plan Policy (16.1)</b>	<b>Planning Comment</b>
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	<p>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 248 units / ha, this mixed use development makes efficient use of a vacant site within the built-up area, and includes a mix of uses to contribute to the base of amenities and uses that allow people to live and work in downtown. Existing public infrastructure and services, including nearby transit, are available. Community uses as well as parks and trails are in close proximity.</p> <p>A sustainable community is one that has a vibrant downtown. One of the primary objectives in support of this principle is the creation of residential uses in or in close proximity to downtown. The subject lands are within the downtown designation of the Official Plan. High density mixed use development of the site supports these objectives.</p>
ii) Consistency with Provincial and upper tier government plans, policies and legislation	As is required of the municipality, Provincial and Regional policies are entrenched in the Garden City Plan, as outlined above and throughout this report. The proposal complies with Provincial and Regional land use policies.
iii) The availability and suitability of land already designated for the proposed use, and the need for, and the feasibility of the proposed use	The property is located within the Downtown where emphasis on housing intensification is primary. The City's policies encourage the redevelopment of vacant and underutilized sites within the urban area to avoid the need to consider urban boundary expansions to meet housing needs. The applications propose to

	utilize lands located in an Urban Growth Centre to provide residential intensification and add to the mix of uses in a mixed use neighbourhood. There is limited available High Density Mixed Use land in the area and this location is ideal for an increase in density.
iv) The compatibility of the proposal, or the adequacy of proposed mechanisms for achieving compatibility, with adjacent and planned uses	The proposed High Density Mixed Use designation is consistent with the designation of the properties located northeast of the site, across Church Street. The proposed density and building mass have not been developed yet in this area, and will be unique in the immediate neighbourhood. Although surrounding buildings are low profile (2-3 storeys) the area is intended to shift to higher densities as properties redevelop in the future. The proposed use is compatible with surrounding properties which contain similar uses. The required Site Plan Control process will ensure further compatibility through site and building design, landscaping and fencing around the property.
v) The potential of the proposal to cause instability within an area intended to remain stable	The area in which the development is proposed is zoned for higher densities and larger building mass than currently exists. Given its close proximity to downtown, the area is intended for a concentration of growth and development rather than remaining stable as is. The proposal will bring more residents to the area, and is situated near a variety of amenities, transit options and services that are already established. The additional population and commercial units will positively contribute to the housing mix and available services in and around the downtown neighbourhood and contribute to the intended growth and intensification of the area which is expected to change substantially into the future.
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	Development staff are satisfied that the existing capacity of services is sufficient for the proposed number of units. A Functional Servicing Report has been submitted and accepted by Development staff.

vii) The financial implications, both cost and revenues, 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 64 residential dwelling units and 5 commercial units will provide an increase in property tax revenues.
viii) The degree to which approval of the amendment would establish an undesirable precedent	The lands immediately to the south and east are designated Mixed Medium High Density Residential / Commercial. Designating the subject lands at a higher density may potentially result in a gradation of density to the adjacent medium density mixed use to the south and west. The site is appropriately located for residential intensification in close proximity to existing transit, parks and trails and community services.

Based on the matters outlined above, staff are satisfied that the proposed Official Plan Amendment meets the intent of the Plan and all other policies contained in the Official Plan and recommend approval.

### **Zoning By-law**

Zoning By-law 2013-283 zones the lands as Medium Density Mixed Use (M1 - 107) (see Appendix 7). The M1 Zone permits a range of residential uses that may be standalone or mixed with commercial, recreational or office uses. Special Provision 107 prohibits certain automobile related uses. The maximum residential density in the M1 zone is 100 units per hectare. The proposal has a density of 248 units per hectare. As such, the proposal is to change the zoning to mixed High Density Mixed Use (M3) with a new Special Provision (M3-107-157) to address a number of site specific zoning provisions including setbacks, landscape buffers and parking.

The application to amend the Official Plan seeks an increase in permitted density. The current Official Plan designation permits up to 198 units per hectare. The current Zoning designation further restricts the permitted density to 100 units per hectare. Staff consider the increase in density from Medium to High appropriate for the subject lands, as per the Official Plan policies discussed in this report.

### **Proposed Zoning By-law Amendment**

The applicant proposes that the property be rezoned from Medium Density Mixed Use (M1 -107) to High Density Mixed Use (M3-107-157), as shown in Appendix 8, to permit the construction of the proposed mixed use building containing 5 ground floor commercial units and 64 apartment dwelling units.

Special Provision 157 is requested to address elements of the site design that do not meet a number of zone standards, as follows:

Provision	Required	Requested	Variance	Comment
Minimum Front Yard Setback (Church Street)	5.0 metres	2.4 metres (pinch point only)	2.6 metres	Site specific zoning provisions are required to address proposed elements of the site design.
Minimum Rear Yard Setback	7.5 metres	5.4 metres	2.1 metres	
Minimum Exterior Side Yard Setback (Niagara Street)	5.0 metres	0 metres	5.0 metres	
Minimum Number of Parking Spaces	76 spaces (16 commercial, 60 residential)	56 spaces (16 commercial, 40 residential)	20 spaces (from 1 to 0.6 spaces per residential unit)	
Minimum width of Landscaped Buffer along a Parking Lot	3.0 metres	1.1 metres	1.9 metres	

In addition to the above, it is considered appropriate to include a height limit within the special provision to ensure that the proposed setbacks apply to the proposed building height at maximum. Proposed Special Provision 157 is detailed below and attached (Appendix 9):

Special Provision	Zone	Schedule A	Location	By-law
157	M3	13	170 Church Street, 26, 28 and 30 Niagara Street	
A residential / commercial building is permitted with the following site-specific provisions:				
1.	Maximum Building Height		6 storeys up to a maximum of 20 metres	
2.	Minimum Front Yard Setback		2.4 metres	
3.	Minimum Rear Yard Setback		5.4 metres	
4.	Minimum Exterior Side Yard Setback		0 metres	
5.	Minimum Number of Required Parking Spaces per Residential Unit		0.6 parking spaces	
6.	Minimum Width of Landscape Buffer adjacent to a Parking Area		1.1 metres	
7.	Minimum Landscaped Open Space		25%	

## Setback Reductions

The requested reductions in setbacks to the front, rear and exterior side yard are considered appropriate in this context. The reduced front yard is requested to recognize a pinch point on the irregularly shaped lot, and will not negatively impact the Church Street streetscape. The reduced exterior side yard setback of 0 metres provides flexibility to the developer in working with an exterior side yard that is also irregular.

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Only a portion of the building will be set at 0 metres from the property line. This area has sufficient space between the sidewalk and property line to avoid negatively impacting the public realm with a reduced set back. The Site Plan process will further ensure that harmony between the building and streetscape are achieved through building design. The rear yard setback reduction from 7.5 to 5.4 metres is not expected to have any negative impacts on the surrounding area. Together, the reduced setbacks allow a building appropriate in its context on a highly visible corner within the downtown, allowing a stronger street presence and achieving an appropriate level of intensification.

## **Parking Reduction**

The applicant has requested a reduction in parking from 76 required spaces to 56 spaces. The conceptual site plan (Appendix 2) provides 24 spaces at-grade and 32 spaces underground. The applicant proposes to provide the full commercial parking requirement of 16 spaces (1 space per 20 square metres of gross leasable floor area), and a reduced parking for residential units at 40 spaces (0.6 spaces per unit).

Section 5.4.2 of the Official Plan states that the reduction or elimination of parking requirements may be considered where transit is readily available, and where shared parking is possible. The subject lands are located in close proximity to several local transit routes including bus routes 304/404, 307, 311, and 318/418. The development is within a 10-minute walk of the Downtown Terminal which provides local, regional, and intercity transit options. Commercial parking spaces may be available to residents beyond commercial business hours and presents a shared parking arrangement.

The proposed parking reduction is not expected to cause unacceptable levels of spillover parking in adjacent areas. The location of the development in the Downtown district has the benefit of being within reasonable walking and cycling distance of a significant number of amenities including various medical clinics, a variety of shops, recreational activities, parks and trails, places of worship, community facilities and a higher concentration of jobs. The proximity to amenities allows future residents the ability to live without vehicles. Additionally, there is on-street parking available in the vicinity along Niagara Street, Church Street, and Queenston Street, as shown in Appendix 10, which will assist in accommodating temporary parking needs such as visitor parking subject to the posted parking regulations. The parking reduction is considered appropriate for this location and is not expected to result in significant impacts on the surrounding neighbourhood.

## **Landscape Buffer**

The proposed reduction in the landscape buffer along the parking area from 3.0 to 1.1 metres is considered acceptable. In order to compensate for the lost landscaped area around the perimeter, staff recommend that the Special Provision include a provision requiring a minimum area of landscaped open space of 25% of the lot area. Through the Site Plan process staff will require the landscape buffers to be planted in a way that provides a sufficient buffer between the proposed development and surrounding uses. Additionally, a board-on-board fence will be a requirement of Site Plan to further buffer the parking lot from neighbouring properties.

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## Site Plan Control

An Application for Site Plan Approval will be required should the requested amendments to the Official Plan and Zoning By-law be approved. Site Plan Control is the City's primary tool for implementing City standards and urban design guidelines; it regulates the placement of buildings, architectural elevations, access, parking, site servicing, grading, drainage, lighting, landscaping, fencing, storage of waste and other details of site design. Appendix 2 provides the proposed conceptual site design.

An additional public Open House relating to the detailed design of the site will be hosted by City staff as part of the site plan process. Through that forum, Planning Services staff and the Applicant will present the refined designs to the public for information purposes. Site plan approval includes the registration of a site plan agreement against the title of the lands that will be legally binding upon the existing and future property owners. The Applicant will be required to post securities to ensure the terms of the agreement are carried out.

## 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 per the definition in 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. The Applicant for this project has advised that it is being considered to include a percentage of units which meet the definition of affordable housing as defined by the Provincial Policy Statement (2014). They have reached out to local affordable housing groups to pursue partnership, which may result in some amount of affordable housing within the development. It is also noted that apartment dwelling units are often considered a more affordable housing option than other dwelling types including single and semi-detached dwellings and townhouses.

Should Council approve these applications, there is no guarantee at this time that any of the units will be "affordable" pursuant to the definition in the PPS.

Council should be aware that although condominium tenure may be considered in the future 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, thereby increasing the availability of dwelling units. In the event that the 64 units proposed by the Applicant do not ultimately meet the definition of affordable under the PPS, by increasing the inventory of available dwelling units, pressure is exerted in the market place for pricing to be more competitive.

## Circulation of Applications

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

to site plan approval, a further planning approval which must be obtained should this application be approved by Council.

### **Region of Niagara**

The Region has no objection to the Official Plan Amendment or Zoning By-law Amendment. The Region notes that as a condition of Site Plan Approval, an Environmental Site Assessment and applicable Record of Site Condition shall be completed, and filed as necessary for the subject lands. Additionally, a Noise Study must be submitted prior to final Site Plan Approval to ensure that appropriate noise mitigation measures are put in place for compatibility purposes. A 0.65 metre road widening along 26, 28 and 30 Niagara Street will be required to be conveyed to the Region prior to Site Plan registration.

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

No objection to the proposed Official Plan and Zoning By-law Amendment. Given that the submitted site plan does not meet minimum landscaping requirements established in the zoning by-law, the detailed landscaping plan should ensure planting is maximized adjacent to residential uses in order to provide appropriate buffering. Tree's along the property lines must be identified in the future application for Site Plan, and tree protection measures, fencing, landscaping (including boulevard re-instatements) and cash in lieu of parkland dedication will be required through the Site Plan Agreement.

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

Development staff have no objection to the application for Official Plan Amendment and Zoning By-law Amendment. The submitted Functional Servicing Report has adequately demonstrated that servicing capacity is currently sufficient to accommodate the proposed number of units. Detailed drainage design and servicing drawings will be required through the Site Plan process.

### **Traffic**

No objections since the proposed Official Plan and Zoning By-law Amendment. A traffic impact study is not required since surrounding road network has capacity to accommodate the proposed development.

### **Urban Design**

No objections to the proposed Official Plan and Zoning By-law Amendment. The requested setback reductions are considered to be appropriate given the context of the property as a downtown gateway location. It is recommended that height be limited to six stories, as proposed. Design details will need to be addressed through the site plan submission including the accommodation of waste management and bicycle parking, internal walkways and architectural details.

### **Public Consultation**

A public open house was hosted by Planning and Building Services on May 23, 2019. The purpose of the open house was to present the applicant's proposed Official Plan



Amendment, Zoning By-law Amendment and conceptual site plan and afford an opportunity for attendees to ask questions and provide comments before staff recommendations are presented to Council for consideration. The applicant and planning consultant were in attendance. Approximately 12 members of the public attended. Questions raised at the Open House are summarized below, with corresponding staff responses.

**Comment:** Will the requested parking reduction impact the surrounding area? There is concern that overflow parking will impact neighbouring commercial properties and parking lots. How will visitor parking be accommodated?

**Response:** The parking reduction is not expected to significantly impact the surrounding neighbourhood. As noted previously in this report, the development is situated amongst several City transit routes and is within a 10-minute walk of the Downtown Terminal which provides local, regional and intercity transit options. Car ownership by residents will be limited by the available parking in the lot. Depending on the time of day, visitors may utilize the unused commercial parking outside of business hours, or find street parking. If unavailable, there are parking garages and municipal parking lots within reasonable walking distance of the site. Should any area landowners become concerned that visitors are parking on surrounding properties, there are enforcement tools to ensure that this is prohibited which may be pursued by landowners.

**Comment:** Will the number of available on-street parking spaces increase or decrease with this development or future road reconstruction plans?

**Response:** There is on-street parking available in the vicinity along Niagara Street, Church Street, and Queenston Street, as shown in Appendix 10. There are no plans for changes to the roads in the immediate vicinity of this development in the near future. Current roadworks are to be completed this year. Whether or not the number of parking on-street is maintained, increased or decreased in the future is a matter that would be discussed at a later date. At this time, the number of on-street parking spaces in the vicinity of the site is expected to remain the same.

**Comment:** Will the development be fenced? What type of fencing will be used?

**Response:** Fencing will be a requirement of the Site Plan process. Typical fencing requirements are 1.8 metre board-on-board privacy fencing which will mitigate light trespass on to surrounding properties and provide adequate separation.

**Comment:** What will the commercial uses be?

**Response:** At this time the commercial tenants have not been secured. The land use would allow a variety of small scale service and retail commercial, institutional, and office uses.

**Comment:** Will the development be rental apartments or condominium?

Report Page 13 of 16

**Response:** The applicant has indicated they will likely apply for approval of a condominium. This would allow the option of either rental or condominium tenure of individual units in the future.

**Comment:** There may be an existing right-of-way over the property to the east in favour of 28 Niagara Street. What will happen to this right of way?

**Response:** Prior to any development on the subject lands, the 4 subject properties will be merged to become one. At that time, any out-of-date easements or right-of-ways may be removed from the land. These lands are intended to operate in isolation and will not require access over any neighbouring properties.

**Comment:** Who will maintain the property?

**Response:** If the building is under one ownership, the owner is responsible to ensure the property is maintained to City standards. If the development is under condominium ownership, the condominium board takes on this responsibility.

**Comment:** Will the development include affordable housing?

**Response:** The applicant has discussed the possibility of incorporating affordable units into the development. There have been discussions regarding potential partnership with an affordable housing provider. There has not been any confirmation of affordable units, nor is there a mechanism to guarantee that any of the units meet the Provincial definition of affordability.

## **Public Notice**

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

## **Second Planning Opinion Advisory**

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

## **Financial Implications**

There are no direct costs to the City should these applications be approved. The developer is responsible for all costs related to the proposed development.

## **Relationship to Strategic Plan**

Approval of these applications for Official Plan and Zoning By-law Amendment would support the following pillars of the City's Strategic Plan.

Report Page 14 of 16

**Economic Sustainability:** The proposed development supports private investment through new construction on vacant and redevelopment lands. Future residents of the proposed development will support transit and local business in the Downtown.

**Social Sustainability:** The proposed development contributes to the connectivity of people, places and neighbourhoods by providing additional residential units and commercial units that will serve the local community and enhance the neighbourhood. Future residents will benefit from the local parks, trail systems, transit and mix of residential and commercial uses.

## **Conclusion**

In summary, staff are recommending approval of the proposed Official Plan Amendment and Zoning By-law Amendment, subject to the recommendations set out in this report. The Amendments would facilitate the efficient and appropriate use of vacant lands within the urban area and within downtown with access to existing infrastructure, services, transit, and community facilities. The proposed apartment and commercial units will contribute to the City's intensification targets and to the range of available housing in the community.

This Applications for Official Plan Amendment and Zoning By-law Amendment have regard for matters of provincial interest, are consistent with the Provincial Policy Statement, conform to and do not conflict with the Growth Plan for the Greater Golden Horseshoe, and conform to and do not conflict with 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 Daniel Romanko, Better Neighbourhoods Inc., 190A Ontario Street, St. Catharines, ON L2R 5K9, the owner's agent.

### **Prepared by:**

Charlotte McEwan  
Planner I

### **Submitted by:**

Judy Pihach, MCIP, RPP  
Manager, Planning Services

### **Approved by:**

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

## **Appendices:**

- Appendix 1 – Location Map
- Appendix 2 – Conceptual Site Plan
- Appendix 3 – Planning policy Framework
- Appendix 4 – Garden City Plan Schedule D1
- Appendix 5 – Garden City Plan Schedule E10
- Appendix 6 – Garden City Plan Proposed Designation
- Appendix 7 – Existing Zoning Designation
- Appendix 8 – Proposed Zoning Designation
- Appendix 9 – Special Provision 157
- Appendix 10 – On-Street Parking Locations

# Aerial Photo Surrounding Area



Niagara Regional Air Photo (April, 2015)



**Subject Lands**

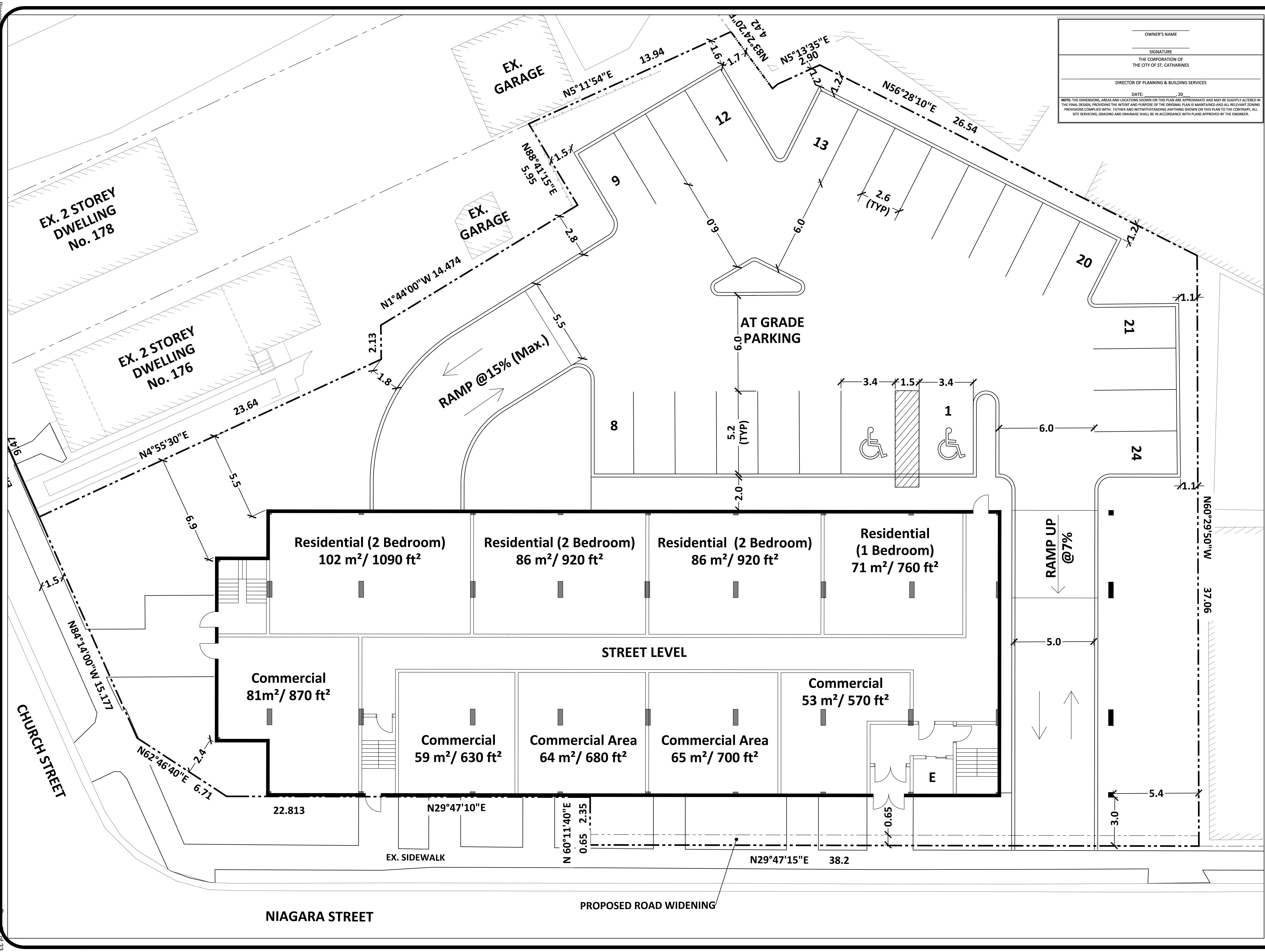
170 Church Street

26, 28, & 30 Niagara Street

File: 19 103183 OP & 19 103052 ZA



Planning & Building Services  
2019-08-12 09:33



OWNER'S NAME

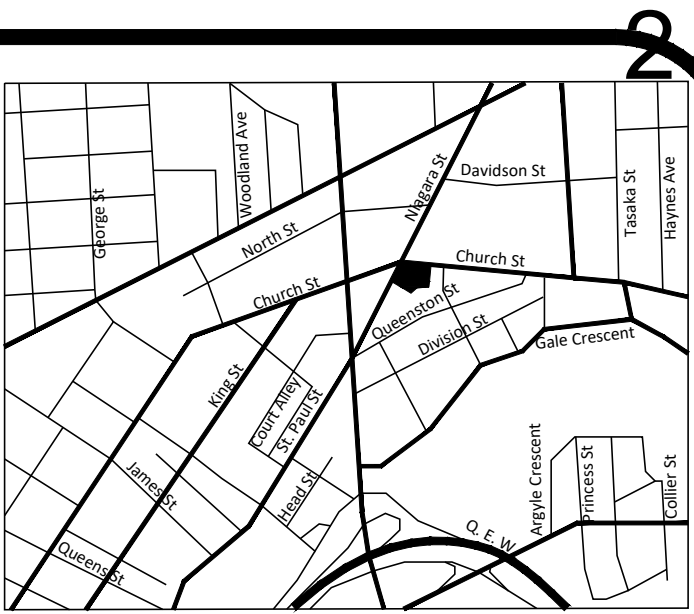
SIGNATURE

THE CORPORATION OF  
THE CITY OF ST. CATHARINES

DIRECTOR OF PLANNING & BUILDING SERVICES

DATE: , 20

NOTE: THE DIMENSIONS, AREAS AND LOCATIONS SHOWN ON THIS PLAN ARE APPROXIMATE AND MAY BE SLIGHTLY ALTERED IN THE FINAL DESIGN, PROVIDING THE INTENT AND PURPOSE OF THE ORIGINAL PLAN IS MAINTAINED AND ALL RELEVANT ZONING PROVISIONS COMPLIED WITH. FURTHER AND NOTWITHSTANDING ANYTHING SHOWN ON THIS PLAN TO THE CONTRARY, ALL SITE SERVING, GRADING AND DRAINAGE SHALL BE IN ACCORDANCE WITH PLANS APPROVED BY THE ENGINEER.



KEY MAP - NOT TO SCALE

LAND USE SCHEDULE

SITE AREA	2863 m <sup>2</sup>
BUILDING COVERAGE	40%
PAVEMENT COVERAGE	32%
LANDSCAPE COVERAGE	28%

PROPOSED DEVELOPMENT

# STORIES	6
COMMERCIAL UNITS	
AREA 322 m <sup>2</sup>	5
RESIDENTIAL UNITS	
1 BEDROOM	51
2 BEDROOM	13
TOTAL	64
DENSITY	248 u/ha
PARKING PROVIDED	
UNDERGROUND	32
OUTDOOR	24
TOTAL	56

LEGAL DESCRIPTION:

LOTS 3688, 3689,3690,3691,3692 AND 3693,  
CORPORATION PLAN No. 2, CITY OF ST. CATHARINES,  
REGIONAL MUNICIPALITY OF NIAGARA.

SURVEYOR'S INFO:

THIS SITE PLAN IS BASED ON A TOPOGRAPHIC SKETCH  
PREPARED BY:  
KIRKUP MASCOE URE SURVEYING LTD.  
49 EASTCHESTER AVE, ST. CATHARINES, ON. L2P 2V6  
DATE: JUNE/25/2019  
JOB No. 2017-0214-1  
DWG FILE: 17-0214-1 topo

SCALE = 1:100

190A Ontario Street, Ontario L2R 5K3  
Office: 905.684.8585 betterneighbourhoods.ca

PROJECT TITLE:

170 CHURCH STREET  
St. Catharines, Ontario

DRAWING TITLE:

SITE PLAN

DATE OF ISSUE:

2019 08 12

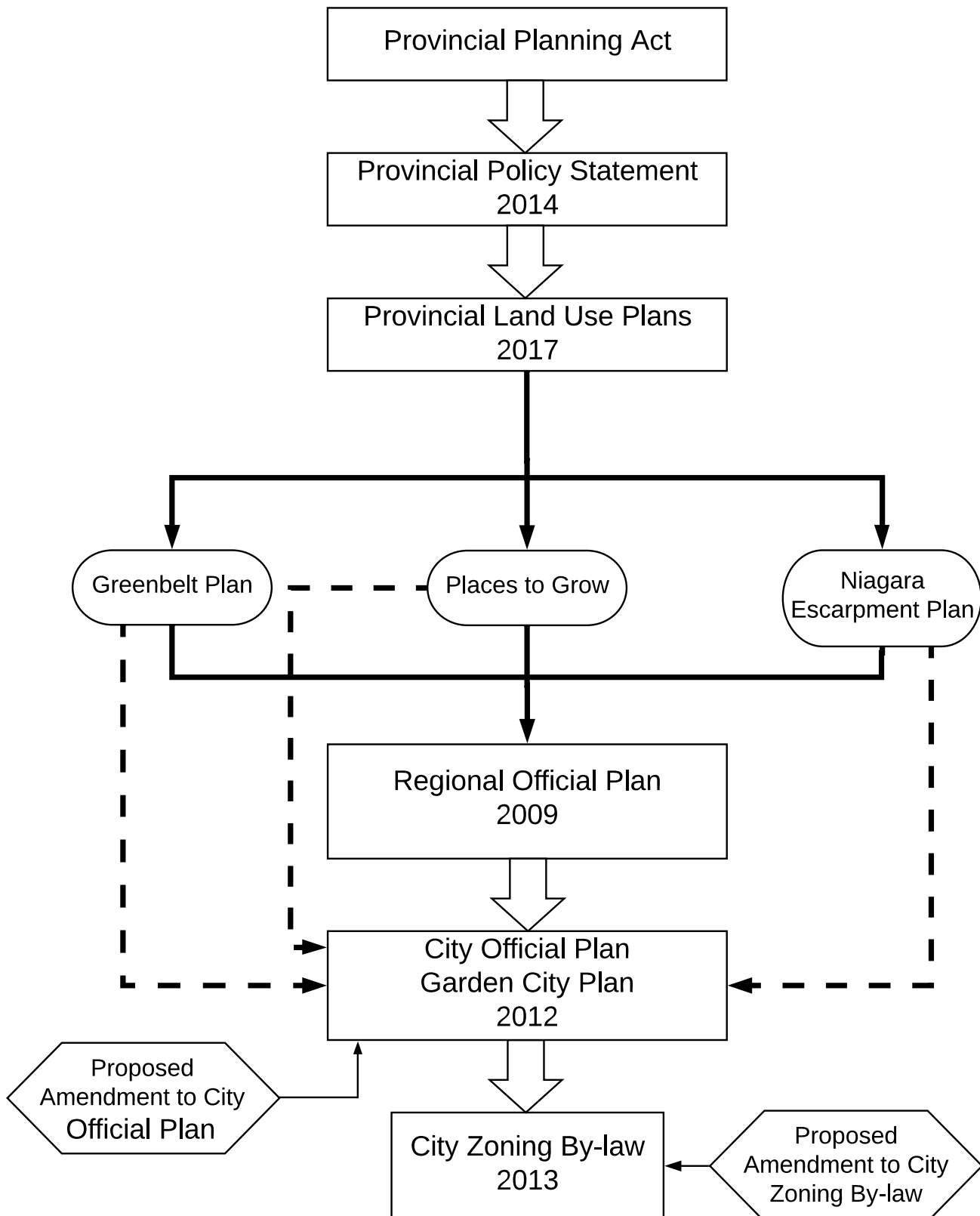
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0275-SP-1

REV. NO:

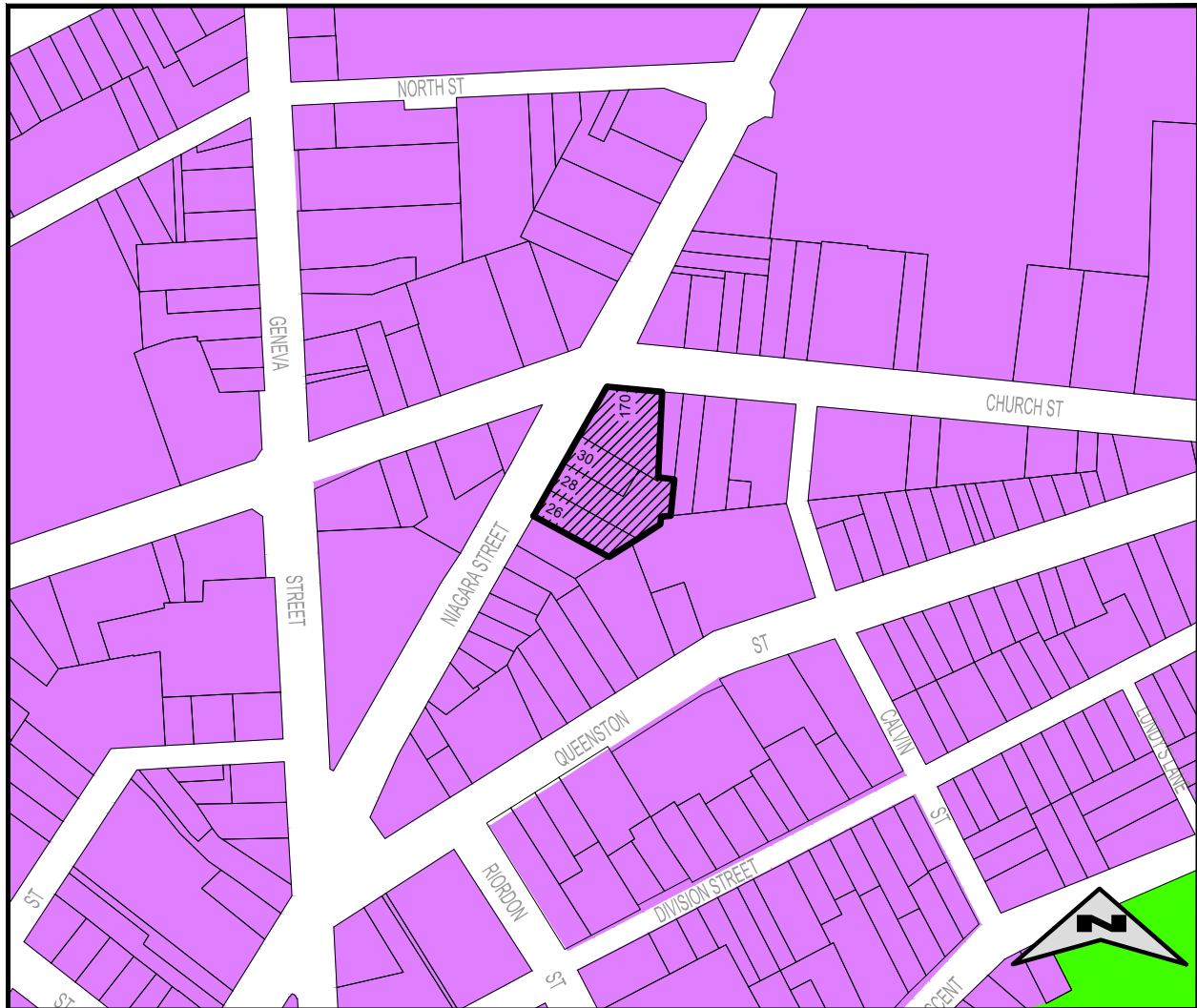
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# Ontario Land Use Planning Framework

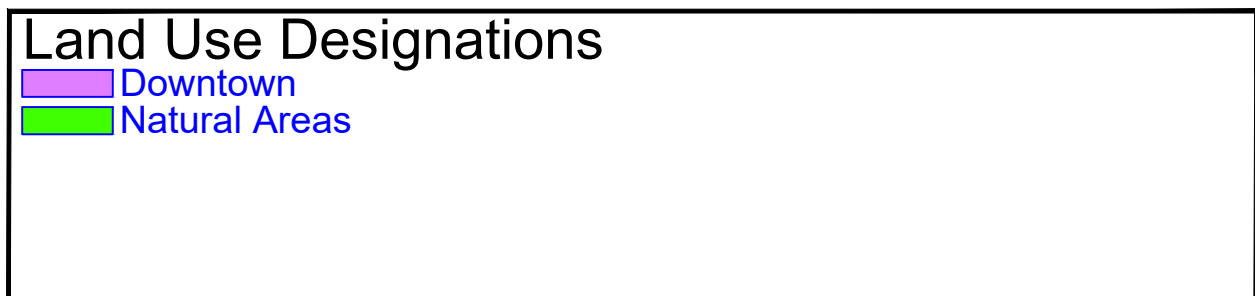


## Existing Land Use Designation

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



 **Subject Lands**  
170 Church Street  
26, 28, & 30 Niagara Street

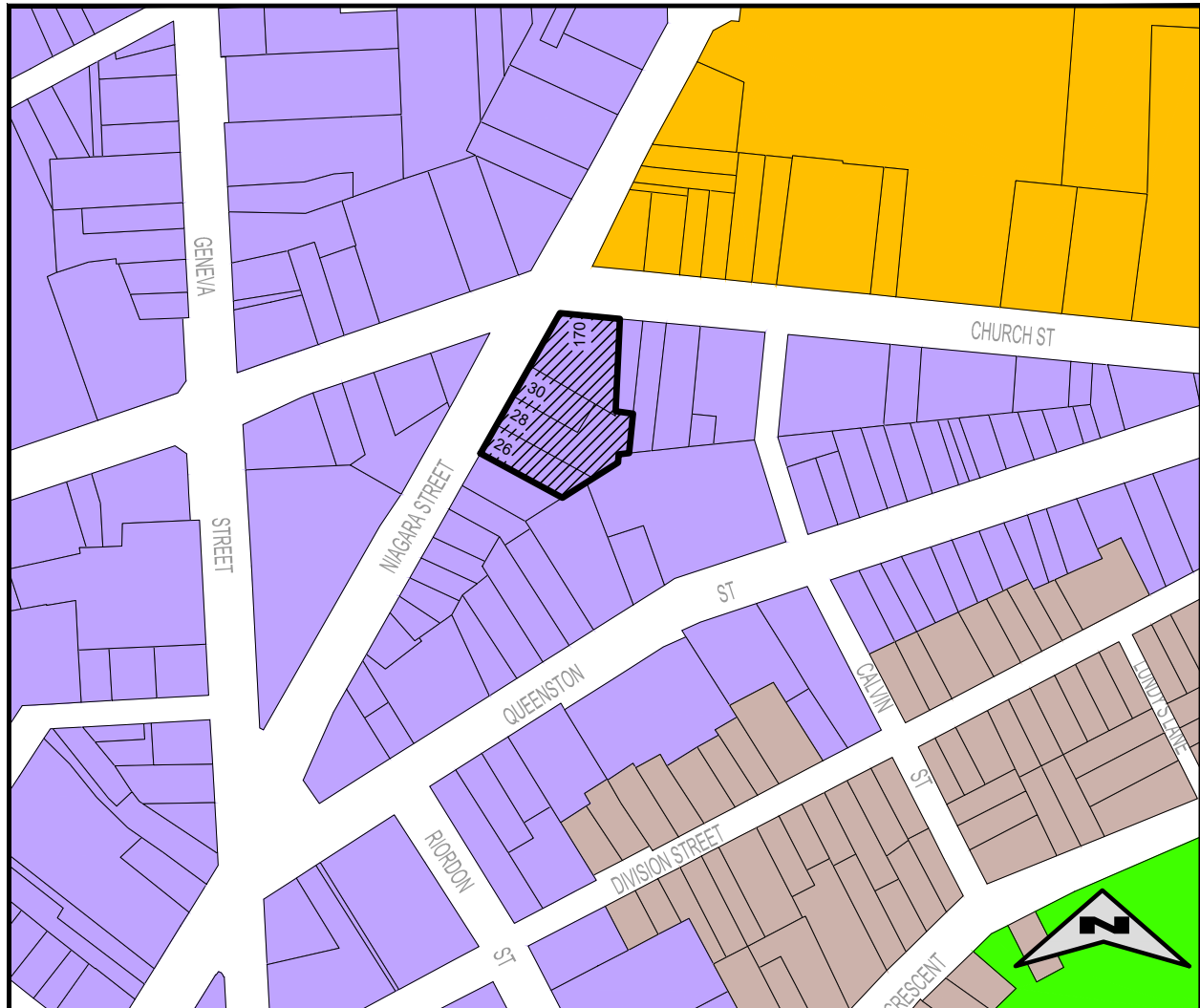


File:19 103183 OP & 19 103052 ZA



# Existing Land Use Designation

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








**Subject Lands**

170 Church Street

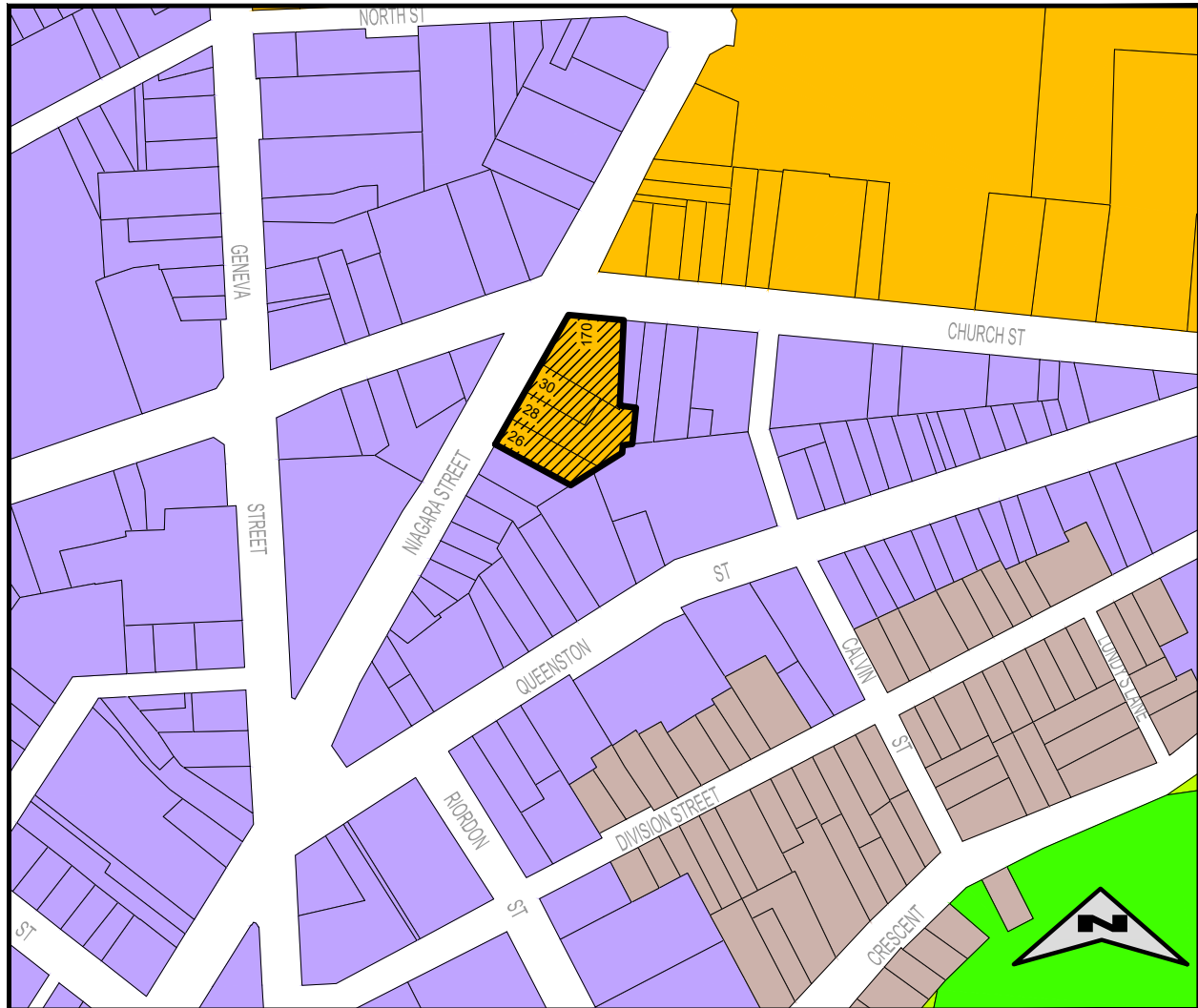
26, 28, & 30 Niagara Street

## Land Use Designations

-  Medium Density Residential
-  Medium High Density Residential
-  Mixed Medium High Density Residential / Commercial
-  Mixed High Density Residential / Commercial
-  Natural Areas

File:19 103183 OP & 19 103052 ZA





# Proposed Official Plan Amendment (The Garden City Plan - Downtown Planning District, Schedule E10)



 Subject Lands

170 Church Street, 26, 28, & 30 Niagara Street - Lands to be re-designated from Mixed Medium High Density Residential/Commercial to Mixed High Density Residential/Commercial

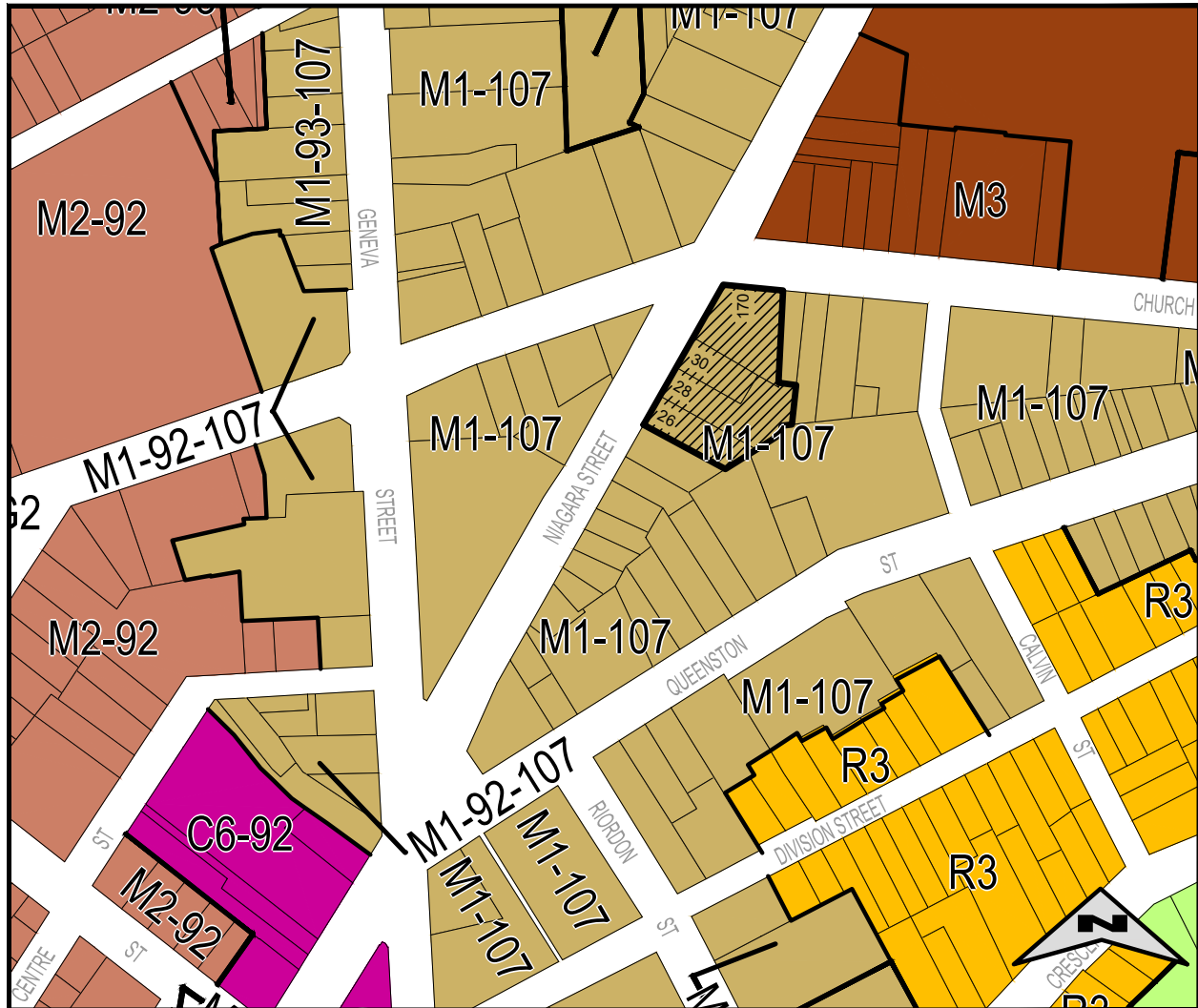
## Land Use Designations

-  Mixed High Density Residential / Commercial
-  Mixed Medium High Density Residential / Commercial
-  Medium Density Residential
-  Natural Areas

File:19 103183 OP & 19 103052 ZA

## Existing Zoning

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



Subject Lands

170 Church Street

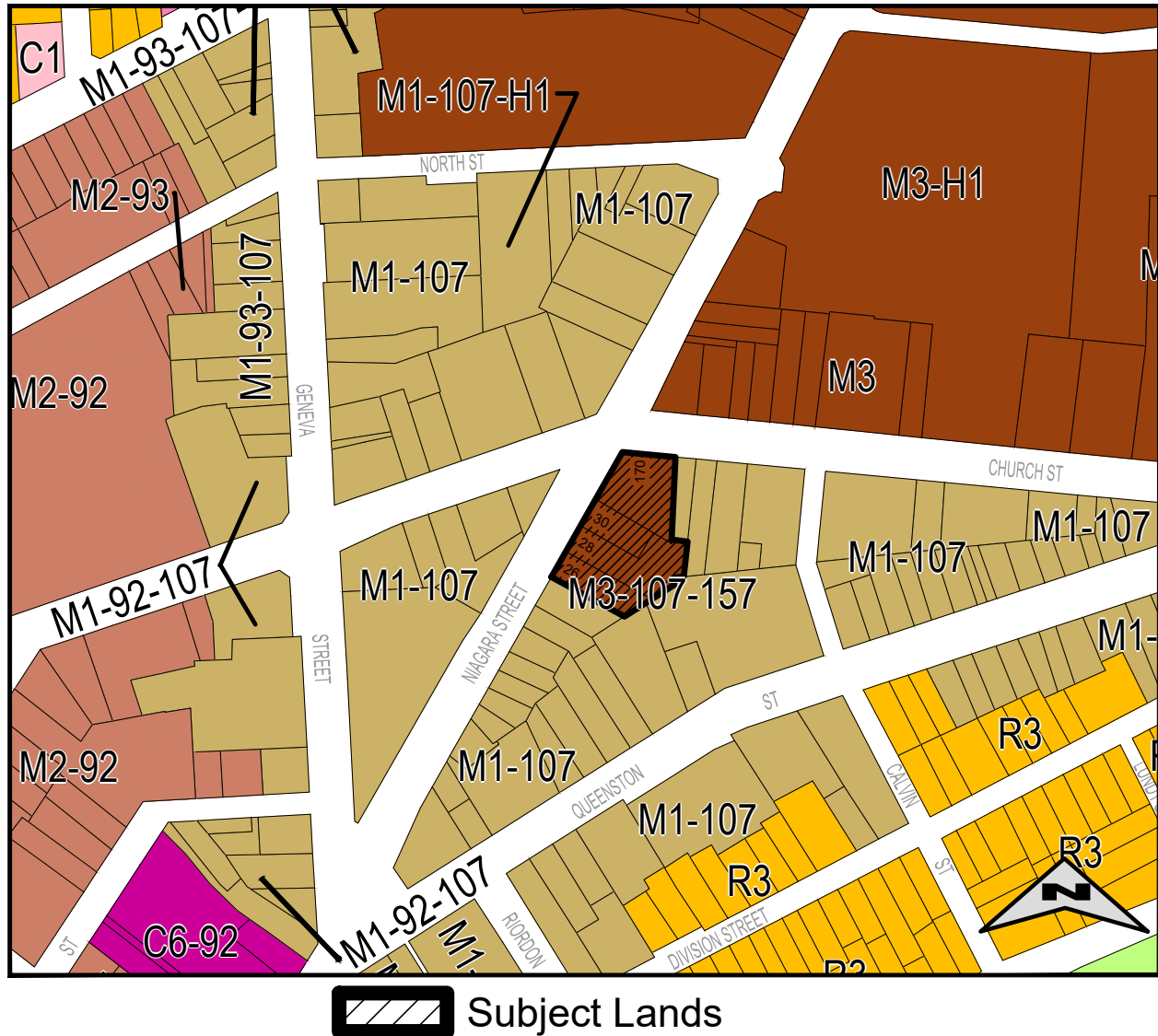
26, 28, & 30 Niagara Street

## Zones

- |  |  |
|--|--|
| <span style="background-color: yellow; border: 1px solid black;">R3</span> Medium Density Residential        | <span style="background-color: lightgreen; border: 1px solid black;">G2</span> Minor Green Space |
| <span style="background-color: magenta; border: 1px solid black;">C6</span> Downtown Traditional Main Street |  |
| <span style="background-color: tan; border: 1px solid black;">M1</span> Medium Density Mixed Use             |  |
| <span style="background-color: red; border: 1px solid black;">M2</span> Medium / High Density Mixed Use      |  |
| <span style="background-color: brown; border: 1px solid black;">M3</span> High Density Mixed Use             |  |

File:19 103183 OP & 19 103052 ZA

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



170 Church Street, 26, 28, & 30 Niagara Street - Lands to be re-zoned from Medium Density Residential with Special Provision No. 107 (M1-107) to High Density Mixed Use with Special Provision No. 107-157 (M3-107-157)

## Zones

- R3 Medium Density Residential
- M1 Medium Density Mixed Use
- M2 Medium / High Density Mixed Use
- M3 High Density Mixed Use
- C6 Downtown Traditional Main Street
- G2 Minor Green Space

File:19 103183 OP & 19 103052 ZA

### Amendment to Zoning By-law 2013-283

That Section 15.1, Schedule A (A14), Zoning Maps, be amended by changing the zoning of the subject lands from Medium Density Mixed Use (M1-107) to High Density Mixed Use (M3-107-157); and

That Section 13.1, 'List of Special Provisions', be amended by adding Special Provision 157, as follows:

Special Provision	Zone	Schedule A	Location	By-law
157	M3	14	170 Church Street, 26, 28 and 30 Niagara Street	
A residential/commercial building is permitted with the following site-specific provisions:				
1.	Maximum Building Height		6 storeys up to a maximum of 20 metres	
2.	Minimum Front Yard Setback		2.4 metres	
3.	Minimum Rear Yard Setback		5.4 metres	
4.	Minimum Exterior Side Yard Setback		0 metres	
5.	Minimum Number of Required Parking Spaces per Residential Unit		0.6 parking spaces	
6.	Minimum Width of Landscape Buffer adjacent to a Parking Area		1.1 metres	
7.	Minimum Landscaped Open Space		25%	



# On Street Parking Surrounding Area



Niagara Regional Air Photo (April, 2015)



Subject Lands



On Street Parking

170 Church Street

26, 28, & 30 Niagara Street

File: 19 103183 OP & 19 103052 ZA



## By-laws to be considered Monday, September 9, 2019

- (a) A By-law to authorize the execution of resolutions passed at the annual shareholder meeting of St. Catharines Hydro Inc. (One reading – with respect to the annual shareholder meeting of St. Catharines Hydro Inc. of September 9, 2019.)
- (b) A By-law to authorize a tender award to 2281610 Ontario Inc. o/a Downtown Automotive Group (DAG). (One reading – with respect to the purchase of three (3) three-ton stake dump trucks, under RFT 19-33. Delegation By-law No. 2004-277, as amended.)
- (c) A By-law to authorize a tender award to Winegard Motors Limited. (One reading – with respect to purchase of five (5) three-quarter ton, 4x4, pickup trucks, under RFT 19-33. Delegation By-law No. 2004-277, as amended.)
- (d) A By-law to authorize a contract with Ultimate Construction Inc. (One reading – with respect to Heritage Brass Door & Window Restoration at City Hall, under Project No. P15-141-1. Delegation By-law No. 2004-277, as amended.)
- (e) A By-law to authorize a contract with D&R Landscape Group Inc. (One reading – with respect to Barley Drive Park Basketball Court, under Project No. P19-176-2. Delegation By-law No. 2004-277, as amended.)
- (f) A By-law to authorize an Encroachment Agreement with Paula Jeanne Iannello and Salvatore Iannello. (One reading – with respect to lands adjacent 326 Merritt Street. Delegation By-law No. 2004-277, as amended.)
- (g) A By-law to authorize a Contribution Agreement with Her Majesty the Queen in right of Canada as represented by the Minister responsible for Federal Economic Development Agency for Southern Ontario. (One reading - with respect to funding under Canadian Experiences Fund. Delegation By-law No. 2004-277, as amended.)
- (h) 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 Stopping Prohibitions and Stop Sign Locations at David S Howes Way. Delegation By-law No. 2004-277, as amended.)
- (i) 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 at various locations. Delegation By-law No. 2004-277, as amended.)
- (j) 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 at Ziraldo Rd (S). Delegation By-law No. 2004-277, as amended.)





- (k) A By-law to amend By-law No. 2014-169 entitled "A By-law to appoint a Chief Building Official and Inspectors under the Ontario Building Code Act, 1992." (One reading – with respect to appointment. Delegation By-law No. 2004-277, as amended.)
- (l) A By-law to deem part of a certain registered plan of subdivision not to be a registered plan of subdivision for the purposes of Section 50, subsection 3 of the Planning Act, R.S.O. 1990. (One reading – with respect to 63 & 65 Newport Street. Delegation By-law No. 2004-277, as amended.)
- (m) A By-law to authorize a Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing. (One reading - with respect to the Audit and Accountability Fund. Delegation By-law No. 2004-277, as amended.)
- (n) A By-law to authorize the release of an agreement over certain lands municipally known as 85 Dorothy Street. (One reading – with respect to release of a Development Agreement from title. Delegation By-law No. 2004-277, as amended.)
- (o) A By-law to authorize a contract with MacDonald Zuberec Ensslen Architects Inc. (One reading – with respect to the award of design and contract administration services for Corporate Accommodations at the Carlisle Street Parking Garage, under Project No. P19-187. Delegation By-law No. 2004-277, as amended.)
- (p) A By-law to amend By-law No. 2018-174, as amended, entitled "A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters." (One reading – with respect to 2019 simplified rates and fees model for St. Catharines Farmers Market. Council, August 12, 2019, Item No. 6.2.)
- (q) A By-law to amend By-law No. 2019-194 entitled "A By-law to impose certain rates and fees charged by The Corporation of the City of St. Catharines with respect to certain administrative matters." (One reading – with respect to 2020 simplified rates and fees model for St. Catharines Farmers Market. Council, August 12, 2019, Item No. 6.2.)
- (r) A By-law to provide for the adoption of an amendment to the Official Plan of St. Catharines. (One reading - with respect to 170 Church Street, 26, 28 and 30 Niagara Street. To be considered by Council, September 9, 2019.)
- (s) 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 170 Church Street, 26, 28 and 30 Niagara Street. To be considered by Council, September 9, 2019.)





- (t) A By-law to amend By-law No. 2004-277 entitled "A By-law to authorize delegation of certain matters to staff." (One reading – with respect to waiving of legal agreement fees for Bee Hives on City property. To be considered by General Committee, September 9, 2019.)
- (u) A By-law to authorize a Memorandum of Understanding with The Regional Municipality of Niagara and local municipalities. (One reading – with respect to improvements to Planning Function and Services in Niagara. To be considered by General Committee, September 9, 2019.)
- (v) A By-law to authorize a Request for Proposal award to Ernst & Young LLP. (One reading – with respect to the Audit & Accountability Fund. To be considered by General Committee, September 9, 2019.)
- (w) A By-law to confirm the proceedings of council at its meeting held on the 9<sup>th</sup> day of September, 2019. (One reading - with respect to confirming the proceedings of the meeting held on September 9, 2019.)