

## Corporate Report

Deferred by General  
Committee, April 22, 2013,  
Item 3.6 to be brought  
forward May 13, 2013

**Report from** Office of the Chief Administrative Officer, Administration

**Date of Report:** April 12, 2013

**Date of Meeting:** April 22, 2013

**Report Number:** CAO-110-2013

**File:** 35.23.26

**Subject:** Niagara Regional Police District 1 (St. Catharines) Detachment Location

### Recommendation

That Council endorse the 68 Church Street as its preferred location for the redevelopment of the Niagara Regional Police District 1 (St. Catharines) Detachment.  
FORTHWITH

### Background

The road to a new District 1 (St. Catharines) detachment is a long one, which is also intertwined with efforts to build a new Niagara Regional Police (NRP) headquarters. It begins with the NRP facilities needs assessment and accommodation plan completed in August 2007. Completed by Redbanks Pepper Littlewood Architects Inc. and accompanied by a cost-benefit analysis, the report set out four options to reorganize police facilities in Niagara.

In early 2008, following several public meetings across Niagara, former Police Chief Wendy Southall presented her preferred option, known as the B-2 model. This option would see the construction of a central headquarters, including a new District 2 (Niagara Falls) detachment, in Niagara Falls with new 7,000 sq. foot buildings for Districts 8 (Grimsby) and District 5 (Fort Erie), and a 10,000 sq. ft. for District 1 (St. Catharines.)

The B-2 model, at an estimated cost of \$94.7 million, was supported by the police services board in February 2008, which issued a request for proposals to landowners able to provide property for the development.

The City of St. Catharines responded to this request by submitting three options which would keep a central headquarters and a new District 1 detachment downtown. While two of these options were eventually deemed unsuitable for a variety of reasons, the City remained committed to the third option which was redeveloping the 68 Church Street site. City officials continued to advocate for this option until the Niagara Falls location was eventually selected in 2010

Despite the police board's approval, Regional Council objected to the plan's high price tag. In February 2008, Region Council conditionally approved \$34.1 million for the

accommodations plan, but questioned publicly whether it could afford the entire plan. The police board argued the Region had a responsibility to provide adequate and effective police service and that the full \$94.7 million was required.

The funding issue was referred to the Ontario Civilian Commission on Police Services (OCCOPS), a provincial body with responsibilities for adjudicating disagreements between police agencies and funding municipalities. A hearing before the commission was avoided in September 2009 when both sides agreed to a settlement.

The minutes of settlement committed both sides in the dispute to jointly develop a project master plan to control the scope, budget and schedule of the project, which was broken into three phases. Phase one included the construction of a central headquarters and a new District 1 (St. Catharines). Total budget for the first phase was set at \$83 million, which included the \$34.1 million previously approved by Regional Council. Of the \$83 million, \$10 million was later earmarked specifically for District 1 (St. Catharines.)

In June 2010 the draft master plan found both a new 235,000 sq. ft. central headquarters and 23,000 St. Catharines detachment could be built within the budget established in the minutes of settlement. This figure anticipated the rebuilding of District 1 (St. Catharines) on site at 68 Church Street.

The final version of the master plan was released in April 2011 and reduced the size of the District 1 (St. Catharines) to 22,000 sq. ft., but maintained the commitment to build the headquarters in Niagara Falls.

At its March 4, 2013 meeting, City Council approved the following motion:

That this Council support all sites in the downtown, including 155 Ontario Street, as potential site locations for the district police detachment and / or the provincial offences court house in the City of St. Catharines.

Representatives from the NRP appeared before City Council on March 18 to express their preference to build at 155 Ontario Street, a portion of the former Hotel Dieu hospital site.

## **Report**

While the process to replace the aging District 1 detachment began more than six years ago and has gone through several changes along the way, one thing has remained constant – 68 Church Street would remain the site of the District 1 detachment. Police Services Board Chairman Henry D'Angela acknowledged this as part of his presentation to City Council on March 18.

### **Master plan recommends building at 68 Church Street**

In the final master plan report dated April 2011, which was approved by Regional Council, authors McLaren, Wilson and Lawrie, in association with Redbanks, Pepper,

Littlewood Architects makes clear the intention is to keep District 1 detachment at 68 Church Street. The report states:

“The existing 68 Church building is proposed to be vacated. It is recommended that the building be demolished and the land retained by the Region. A portion of this land will be used for surface parking to serve the new 1 District station in St. Catharines. The new District 1 will be constructed on the block, while the new headquarters building is being constructed.”

It wasn't until summer 2012 that the NRP first indicated 68 Church Street would no longer meet their needs. This conclusion was reached following an exercise to review critical success factors by the design team, including Redbanks, Pepper, Littlewood Architects, engaged by Niagara Region in April 2012. This is the same firm involved in authoring the master plan which recommended retaining 68 Church Street just one year earlier.

### **City officials maintain 68 Church Street is preferred site**

NRP representatives met with City officials, including Mayor Brian McMullan, following the review of critical success factors to discuss possible alternative locations including 155 Ontario Street (a portion of the former Hotel Dieu site, located, near the existing EMS building.)

At that time the City made it clear that its preferred location continued to be 68 Church Street and that police facilities were not a permitted use at 155 Ontario Street under the City's Official Plan or zoning by-law.

Three other sites were offered as possible alternatives, two of which were later dismissed due to challenging terrain. A third site at Welland Avenue and Geneva Street became the NRP's preferred choice. At a meeting in November 2012, City officials again expressed their preference for the 68 Church Street site.

### **NRP operational review vs. City planning policies**

NRP representatives indicated the preferred location as optimal in terms of police operations. This is not the same as being optimal for the City from a land use planning perspective. While a strong police presence in downtown is an important community component it is not the only item City Council has to consider. Unlike the police who are rightly concerned first and foremost with policing, City officials need to view the community as a whole, keeping in mind how the community will develop in the future.

To do this the City has a series of plans and policies written to ensure the community of tomorrow is as envisioned today. These include the Garden City Plan (the City's Official Plan), zoning by-law, and Community Improvement Plan, all of which are explained below.

**The Garden City Plan** (Official Plan) essentially outlines the long-term vision of the City as a sustainable community, which balances health and social well-

being, cultural identity and vitality, economic opportunities and environmental responsibility, and meets the needs of existing and future generations.

**The zoning by-law** implements the planning policies outlined in the Garden City Plan (Official Plan). It regulates how land can be used, covering a wide range of things from where buildings can be located on a property, to parking requirements and building height.

**The Community Improvement Plan** provides financial incentives for private sector property owners, designed to stimulate development/redevelopment in areas designated as community priorities.

The goal of these policies is to create compact, walkable neighbourhoods, which is especially important given St. Catharines' limited land inventory. These kinds of neighbourhoods encourage transit linkages, higher-density residential developments and discourage using developable land for surface parking.

The City's planning policies are in keeping with the Province's Places to Grow Policy, which sets out a Growth Plan for Ontario. The Growth Plan specifically identifies Downtown St. Catharines as an urban growth centre, which defines focal areas for investment in institutional and region-wide public services. The Growth Plan also sets targets of minimum gross density of 150 residents and jobs combined per hectare by 2031.

#### **Garden City Plan (Official Plan) does not permit NRP facility**

The NRP's preferred site at 155 Ontario Street is part of a large property which is the former Hotel Dieu hospital site. Prior to August 2010 the site was designated as major institutional in the City's former Official Plan to recognize the longstanding use of the property for a hospital. However the Garden City Plan, adopted by the City of St. Catharines in August 2010 after a lengthy public consultation and approved by Niagara Region in July 2012, designates it as Medium High Density Residential.

This designation allows between 60 and 198 units per hectare as well as some local-serving commercial uses, as long as they are built together with a residential building. There are no permissions for office or civic uses on the scale proposed by NRP or for a relocated provincial court facility.

The designation on the site is reflective of the City's desire to encourage more residential development downtown as part of plans to revitalize the city's core. It is also in keeping with the Niagara Health System (NHS) desire to see the property used for residential development, once it was vacated.

#### **Police detachment not a permitted use under current zoning**

The current zoning of the site permits a hospital together with accessory uses and various residential uses within the Residential RC and RB zones. The zoning dates

back to 1959 with amendments in 1973 (to address additional lands acquired by NHS) and 1985 (to permit a heliport).

The draft zoning by-law, which has been written to implement the Garden City Plan, zones the lands as R4, High Density Residential a high density designation which permits a variety of dwelling types and a very limited range of office and retail uses on the ground floor of a high density residential building. The new draft zoning by-law would not permit a major office use, such as that proposed by NRP for its District 1 detachment. The draft zoning by-law is currently in the public consultation phase and has not yet been approved by City Council.

### **Development expectations for Ontario Street site**

In 2006, the NHS issued a Request for Expression of Interest (RFEOI) to redevelop the Hotel Dieu site in anticipation of the hospital closing once the new west-St. Catharines facility opened. A number of submissions were reviewed by NHS, which specifically excluded commercial interests as being an acceptable reuse of the site, with an exception for a mixed use residential/ commercial development scenario where medical offices could be included as a service to the neighbourhood. Mountainview Homes in partnership with Walker Industries proposed a residential development and was selected as the successful candidate.

With the development expectations for the Hotel Dieu site clear, the City proceeded to designate it as residential in the Garden City Plan (Official Plan.) During the extensive public consultation and subsequent review and approval by Niagara Region, there were no objections to this site being designated for residential development.

### **CIP extended for Ontario Street site**

Following the purchase of the former Hotel Dieu property, representatives of Mountainview/Walker Industries met with City staff in January 2006 to outline their plan for redevelopment of the site. As part of these meetings, the property owner expressed concern the Community Improvement Plan (CIP) for the area would expire at the end of 2009 before redevelopment could take place.

This would mean the project would not be eligible for the financial incentives offered as part of the program. To address this, City Council agreed in May 2006 to extend the CIP for the Hotel Dieu for an additional five years, expiring at the end of 2014.

An application for CIP funding for this site has not yet been received. However recently representatives of Mountainview and Walker Industries met with City staff and requested consideration for CIP funding for potential commercial/office uses instead of residential purposes. They were advised that staff could not support CIP funding for uses other than those permitted in the Garden City Plan (Official Plan) and zoning bylaw. In the case of the Hotel Dieu site, this would be residential only.

### **155 Ontario Street requires Official Plan, zoning by-law amendment**

With the Medium High Density Residential property designation in place, any plan to develop the District 1 detachment at 155 Ontario Street would require an amendment to the Garden City Plan (Official Plan), and the City's current zoning by-law.

The Garden City Plan, approved by Niagara Region in July 2012, is in conformity with the Region's Official Plan and the Province's Places to Grow Plan. As such staff would require sound planning rationale to consider an amendment.

In addition to the information and materials required under the Planning Act and any other legislation or regulation, additional information in the form of studies or assessments would be required. This list includes, but may not be limited to:

- A full planning justification and analysis to justify the amendments to the Official Plan and Zoning By-law
- Soil, environmental audit, record of site condition
- Servicing/infrastructure study to substantiate servicing availability and suitability
- Storm water management study
- Parking and traffic impact study
- Active transportation circulation plan
- Cultural heritage and impact study since the site is adjacent to the Queen Street Heritage District and near the Yates Street Heritage District.
- Any environmental or geotechnical studies that may be required by the NPCA related to the Adjacent Twelve Mile Creek.

Even if the amendment were approved the process can be lengthy and would likely delay the development of the new detachment building.

The Planning Act states a municipality can take up to 180 days to process an Official Plan amendment from the time a completed application is submitted. Complete, in this instance, refers to an application that has all the completed documentation and studies, as required by planning staff.

Any decision on an Official Plan amendment is subject to appeal to the Ontario Municipal Board (OMB). While it is difficult to predict if such an appeal would take place in this situation, past experience has shown the appeal process could take a year or longer to resolve.

With a City Council decision and OMB appeal out of the way, site plan approval would take an additional three to four months before a building permit could be issued to begin construction on the site.

### **Existing NRP site meets planning requirements**

The existing NRP location at 68 Church Street is currently designated in the Garden City Plan (Official Plan) as a Mixed High Density Residential / Commercial, which permits institutional uses, such as a police detachment.

The current zoning by-law designates 68 Church Street as Business Commercial, which permits a variety of commercial uses including offices. This zoning allows for a police detachment.

The draft zoning by-law designates the site as M2 – Medium/High Density Mixed Use. This zoning permits a variety of uses including Emergency Services Facility, which is defined as “a premises for the provision of fire, ambulance and/or police services.

In addition, 68 Church Street is also part of the provincially-designated Urban Growth Centre.

With the site compliant with both the Garden City Plan and current zoning bylaw and provincial policy, the development at 68 Church Street could move forward without delay. Site plan approval takes approximately three to four months based on a complete application. Under the Ontario Building Code, the City has to issue a building permit within 30 working days of receiving a completed application. Site plan review and building permit review may overlap in processing time which could mean faster approval.

### **Financial Implications**

There are no financial implications to the Corporation as a result of the recommendations contained in this report.

### **Conclusion**

From the earliest stages of the police long-term accommodations plan, 68 Church Street has been the planned site for the new District 1 (St. Catharines) detachment. This was confirmed by the master plan document and publicly by police board representatives. City officials have remained consistent in their position that 68 Church Street is the preferred location.

While the NRP have indicated their preference to build at 155 Ontario Street, the fact remains that this site is not designated for this type of development in the Garden City Plan (Official Plan) or the City's current and draft zoning by-laws, nor is it part of the provincially-designated Urban Growth Centre.

Given that the designations on 68 Church Street in the Garden City Plan (Official Plan) and the current and draft zoning by-law permit police facilities, City staff recommend City Council confirm its position that the new detachment be constructed at this location.

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### **Submitted and Approved by:**

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