

Growth Strategy and Economic Development

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Via Email Only

February 5, 2024

Region File: D.10.07.OPA-24-0002

Chris Roome, MCIP, RPP
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8

Dear Mr. Roome:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment
City Files: D09-05-23 & D14-10-23
Owner: 2866403 Ontario Inc. (c/o Ajay Kahlon)
Agent: Land Pro Planning Solutions Inc. (c/o Adam Moote)
174 Mitchell Street and Lot 26 Plan 19 Nickel Street
City of Port Colborne**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed Official Plan Amendment (OPA) application for lands municipally known as 174 Mitchell Street and Lot 26 on Plan 19 Nickel Street in the City of Port Colborne.

The subject lands at 174 Mitchell Street are designated 'Medium Density Residential' in the City of Port Colborne Official Plan and Lot 26 Plan 19 Nickel Street is designated 'Fourth Density Residential'. The applicant proposes to redesignate the 174 Mitchell Street property to a 'Medium Density Residential Special Policy Area' designation. The proposed site-specific policies seek to permit a maximum density of 192 units per hectare and to reflect an apartment building as a permitted use to allow the conversion of the existing building to a 12-unit apartment building. The applicant proposes to redesignate the Lot 26 Plan 19 Nickel Street to a site-specific 'Fourth Density Residential' zone to permit additional parking spaces for the proposed apartment building. An associated Zoning By-law Amendment is also required to facilitate the development, for reduced minimum lot frontage, lot area, minimum front yard setback, interior side yard setback, landscaped areas, and the minimum floor area.

A pre-consultation meeting was held to discuss a variation of the proposal on April 13, 2023 with City and Regional staff in attendance. The following comments are provided from a Provincial and Regional perspective to assist the City with their consideration of the application.

Provincial and Regional Policies

The property is within the 'Settlement Area' under the *Provincial Policy Statement, 2020* (PPS), designated 'Delineated Built-up Area' under *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (Growth Plan) and designated 'Built-Up Area' in the *Niagara Official Plan, 2022* (NOP).

The PPS directs growth to Settlement Areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan contains policies that encourage accommodating forecasted growth in complete communities that are well designed to meet people's needs for daily living by providing convenient access to an appropriate mix of jobs, local services, public service facilities, and a full range of housing to accommodate a range of incomes and household sizes. To support the concept of complete communities, the Growth Plan sets minimum intensification targets within the Delineated Built-Up Area. The NOP builds on the direction of both the PPS and Growth Plan, setting the minimum intensification target for the Built-Up Area of Port Colborne to 30 percent as set out within Table 2-2 of the NOP. The NOP encourages opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods.

The proposed conversion will provide additional residential units to a building that has been underutilized and has existing servicing and infrastructure. The proposed units will assist the City with meeting their minimum intensification target of 30 percent and will provide apartment units in an area that is predominately filled with single-detached dwellings.

As the interface with surrounding land uses is primarily a local planning responsibility, the City should be satisfied that the proposed development is compatible with the surrounding local context.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, the PPS and NOP state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Lot 26 Plan 19 Nickel Street is mapped within Schedule K of the NOP as an area of archaeological potential, as this area of the City is part of the historical settlement of Humberstone. Staff note that the subject property does not appear to have been subject to past ground disturbance, there is development is proposed (parking spaces), and the property is mapped for archaeological potential. In accordance with NOP Policy 6.4.2.6, Regional staff request the submission of a Stage 1 Archaeological Assessment (at minimum) by a licensed archaeologist, as well as acknowledgement from the Ministry of Citizenship and Multiculturalism of the submitted assessment(s).

Staff note that this requirement was not relayed at the pre-consultation meeting as the discussions were solely regarding 174 Mitchell Street, which is not mapped as an area of archaeological potential. Staff understand that a future Site Plan application will be required to facilitate this development. Accordingly, to address Provincial and Regional archaeology policies, staff will require the archaeological assessment through the future Site Plan application.

Site Condition

The PPS and NOP state that sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects. The subject lands are currently used as a mixed-use building, that is proposed to be converted to residential use only. In accordance with the *Environmental Protection Act* and O. Reg. 153/04, as amended, a change in and use from commercial to residential requires filling a Record of Site Condition (RSC) be filed on the Ministry of Environment, Conservation and Park's (MECP) Environmental Site Registry.

Staff note that Section 15(1) of O.Reg 153/04 sets out exemption criteria for instances where a RSC does not need to be obtained for changes to an existing building, including where the building has been used for both residential/institutional use and another part of the building has been used for commercial/community use, and after the change in use, the existing building envelope is to remain unchanged and there will be no addition to the exterior portions of the building.

Regional staff note that the exemption criteria may be applicable to the proposed building, subject to confirmation that there is a legally existing residential unit within the current building. The City's Chief Building Official should be satisfied that site condition standards are met for the subject property.

Waste Collection

Niagara Region provides curbside waste and organics collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and organics collection provided that the owner bring the waste and organics to the curbside on the designated pick up day, and that the following curbside limits are met:

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- Organics: No limit green bins collected weekly; and,
- Garbage: 2 Garbage bags/cans per unit to a maximum of 24 containers per building
- Curbside Collection Only.

The applicant is advised that if the subject property is not able to meet the Regional curbside waste collection limits, garbage collection for the property will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Smart Growth Regional Development Charges Reduction Program

This program provides a grant rebate of 50 percent of the regional development charges (RDC) paid for properties within [Designated Exemption Areas](#) or on brownfield sites within urban areas that are able to meet the requisite number of Smart Growth Design Criteria or achieve any level of LEED certification.

The program is ending **October 1, 2024**. In order to remain eligible under the program, the following must be completed before October 1, 2024:

- the Owner and Niagara Region must enter into the transition agreement;
- a preliminary assessment must be completed with Regional staff;
- all applicable RDCs must be paid;
- a building permit must have been obtained; and
- construction must have been initiated on at least one phase of the project.

If the above are completed by October 1, 2024, a formal application process follows where there is a final assessment of the approved development. Note that the formal application must be submitted within one (1) month of the completion of the project or within five (5) years of the executed transition agreement, whichever is earlier. Please contact sgrdc.incentives@niagararegion.ca to apply for the program.

Conclusion

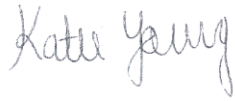
Regional Growth Strategy and Economic Development staff do not object to the proposed Official Plan Amendment in principle. Staff note that the future Site Plan application will need to address the requirement for an archaeological assessment on Lot 26 Plan 19 Nickel Street. Provided this requirement is addressed at the site plan stage, staff are satisfied that Provincial and Regional policies are met.

Accordingly, the Local Official Plan Amendment as reviewed is exempt from Regional Council Approval in accordance NOP Policies 7.4.1.6 and 7.4.1.7.

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If you have any questions, please contact the undersigned at Katie.Young@niagararegion.ca. Please send the staff report and Council's decision on the application.

Kind regards,

A handwritten signature in cursive script that reads "Katie Young".

Katie Young, MCIP, RPP
Senior Development Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning
Stephen Bureau, Development Approvals Technician