

Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7
905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

December 11, 2020

File No.: D.18.07.ZA-20-0082

David Schulz
Planner
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Dear Mr. Schultz:

**Re: Provincial and Regional Comments
Zoning By-law Amendment Application
Owner: Hometown Properties Inc.
Agent: Steven Rivers
Address: 168 and 176 Elm Street, City of Port Colborne
City File No.: D14-02-20**

Regional Development Planning staff has reviewed the information circulated with the application for Zoning By-law Amendment, which proposes to change the zoning from – Institutional (I) to R4-56, a special provision of the Fourth Density Residential zone that will allow for a hall, apartment building and personal service business, while recognizing the existing location of the building and allowing for a reduction in lot area per unit, minimum floor area for a unit and parking. These changes are being sought to permit the conversion of an existing institutional building into a 22-unit apartment building with a hall and office space.

A pre-consultation meeting was held on November 22, 2018, at Port Colborne City Hall with City and Regional staff, as well as the agent. Regional staff received the application by email on November 24, 2020, and fees were received December 11, 2020. Regional staff provides the following comments to assist the City in their consideration of the application from a Provincial and Regional perspective.

Provincial and Regional Growth Management Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the Growth Plan for the

Greater Golden Horseshoe (Growth Plan). 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 the development of complete communities with a diverse mix of land uses and range of housing types, taking into account affordable housing and densities. Growth management policies state that until the Region completes the municipal comprehensive review, it is approved, and in effect, the annual minimum intensification target contained in the Regional Official Plan (ROP) for the Delineated Built-Up Area (40%) will continue to apply. The City's portion of this intensification target is 15%.

The subject lands are designated Urban Area (Built-Up Area) in the ROP. A full range of residential, commercial and industrial uses is permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure. The ROP promotes higher density development in Urban Areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara.

The proposal satisfies the intent of Provincial growth management policies by converting a vacant institutional building into additional apartment units, thereby increasing the availability of housing in this neighbourhood and contributing to the City's intensification target. The proposal will facilitate future development within the Urban Built-Up Area, making more efficient use of the land and existing services. The proposal aligns with Regional growth management policies by utilizing the existing building/infrastructure on the property and providing additional housing in the neighbourhood.

Record of Site Condition

At the preconsultation meeting, Regional staff noted that a Record of Site Condition (RSC) was required to change from a church to a residential use, in accordance with the *Environmental Protection Act (EPA)* and amendment in place at the time of the meeting. Since the meeting, the *EPA* has been amended to include additional exemptions from filing a Record of Site Condition. Specifically, O. Reg. 407/19 changed the definitions of community use and institutional use, which resulted in a change of use from a place of worship (formerly community use, now institutional use) to residential being exempt from filing an RSC; therefore, RSC is no longer required.

Noise and Vibration

The subject lands are adjacent to a Trillium rail line. The Provincial Policy Statement (PPS) calls for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, sensitive land uses and major facilities (including transportation corridors) are to be planned to "ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety..." (Policy 1.2.6.1). To implement this policy, To implement these policies, the Ministry of

Environment, Conservation and Park (MECP) Noise Guidelines (NPC-300) and the Federation of Canadian Municipalities/Railway Association of Canada's "Guidelines for New Development in Proximity to Railway Operations" (May 2013) are to be applied in the land use planning process to prevent or minimize future land use problems.

Trillium has provided current data for the rail line, and indicated that based on the low volume and speed of rail cars at this location a noise and vibration study is not necessary at this location. Based on this, Regional staff have no concerns relative to noise and vibration for this development.

Servicing

Regional staff note that there is an existing Regional Forcemain located along this section of Charlotte Street, which is not to be disturbed during any construction works related to the proposed development.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. Regional staff note that the proposed development is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick-up day, and that the following limits are not exceeded:

- 8 blue/grey carts collected weekly;
- 8 green carts collected weekly; and,
- 8 garbage bags/cans collected every-other-week.

Regional staff have reviewed the preliminary Site Plan and acknowledge that the development is proposing to install earth bins for the purpose of waste storage and collection. The applicant should be advised that the subject property is not eligible for enhanced Regional collection services beyond the standard Regional curbside collection, which is subject to the above noted limits. Please note that waste collection beyond the Regional curbside collection limits or from an on-site storage container would be the responsibility of the owner through a private contractor and not the Niagara Region.

Conclusion

In conclusion, the proposal is consistent with the PPS and conforms to Provincial and Regional plans from a Regional perspective. Regional staff has no objection to the proposed Zoning By-law Amendment from a Provincial and Regional prospective.

Should you have any questions related to the above comments, please feel free to contact me at 905-980-600 ext. 3432 or Britney.fricke@niagararegion.ca.

Please send a copy of the staff report from the City and notice of Council's decision on this application when available.

Kind regards,

A handwritten signature in dark ink, appearing to read "Britney Fricke". The signature is written in a cursive, flowing style.

Britney Fricke, MCIP, RPP
Senior Development Planner

cc: Rob Alguire, Development Approvals Technician, Niagara Region