

REVISED PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT

For

Hometown Properties

Re:

An Apartment Building

168 and 176 Elm Street

Roll Nos: 271101002121100 and 271101002106200

Port Colborne, Regional Municipality of Niagara



Prepared By:

South Coast Consulting

Land Use Planning and Development Project Management

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A Mixed Use Office and Apartment Building
168 & 176 Elm Street
Roll Nos: 271101002121100 and 271101002106200
Port Colborne, Regional Municipality of Niagara

PURPOSE, LOCATION & DESCRIPTION

The purpose of this Revised Preliminary Planning Policy Justification Report is to review a revised proposal to redevelop the Subject Properties with a total lot area of about 3,460 square metres and 70 metres of frontage on Elm Street and 60 metres of frontage on Charlotte Street in the City of Port Colborne for an Apartment Building with 22 residential units ranging size from 38 to 89 square metres, several with adjacent patios or balconies, as illustrated in *Annex 1, Conceptual Site Plan and Floor Plans*. The dimensions of the Subject Properties are illustrated on *Figure 1, Subject Properties*. The Phases of the residential units will have the gross floor area and number of bedrooms illustrated in *Figure 2, Unit Gross Floor Area, Number of Bedrooms & Phases*.

<p style="text-align: center;">Figure 1: SUBJECT PROPERTIES</p>			
	<i>Lot Frontage on Elm Street in Metres</i>	<i>Lot Frontage on Charlotte Street in Metres</i>	<i>Lot Area in Square Metres</i>
168 Elm Street	17.42m	-	425.94sqm
176 Elm Street	50.25m	60.43	3033.99sqm
Total	67.67m	60.43	3458.93.18sqm

In addition to the residential units the building will accommodate *Personal Service Business* (consultation or information service provided by a professional realtor) *Home Based Business accessory use* and private recreational space / party room and washrooms accessory use for the tenants.

The Subject Properties, illustrated in *Annex 3, Subject Properties*, have an existing institutional building which will be redeveloped for the proposed uses and a two storey single detached dwelling that will be demolished to provide parking for the third phase.

<i>Figure 2:</i> UNIT GROSS FLOOR AREA, NUMBER OF BEDROOMS & PHASES		
Unit	Floor Area (square metres)	Bedrooms
<i>Phase 1</i>		
1	41	1
2	41	1
3	38	1
4	40	1
<i>Phase 2</i>		
5	71	1
6	78	1
7	62	1
8	62	1
9	59	1
<i>Phase 3</i>		
10	51	1
11	51	1
12	51	1
13	45	1
14	50	1
15	41	1
16	48	1
17	72	1
18	56	1
19	89	2
20	72	2
21	49	1
22	58	1

The Subject Properties are proposed to be **rezoned from the Institutional (I) Zone and Fourth Density Residential Zone to a Fourth Density Residential (R4-X) Zone – Special**. Several zoning provision changes are required including:

- Reducing the minimum front yard requirement from 9 to 4.8 metres to recognize the existing setback;
- Reducing the minimum interior side yard requirement from 3 to 1.0 metres to recognize the existing setback;

- Reducing the minimum corner side yard from 7.5 to 1.5 metres to recognize the existing setback;
- Reducing the minimum rear yard from 6 to 1.5 metres to recognize the existing setback;
- Increasing the maximum lot coverage from 40 to 50 percent to recognize the existing coverage;
- Reducing the minimum floor area for residential units from 50 to 35 square metres;
- Reducing the total minimum number of required parking spaces from 30 to 23 (10 for Phases 1 and 2 and 13 for Phase 3);
- Reducing the landscape buffer provided between the edge of any parking area and an abutting road lot line from 3 to 0 metres;
- Reducing the landscape buffer provided between the edge of any parking area and an abutting residential lot line from 3m to 0.6 metres; and
- Reducing setback of a building for the purposes of human habitation from a functioning railway right-of-way from 15 to 1.7 metres.

The proposal is reviewed against the policies of the: Provincial Policy Statement (PPS); Growth Plan for the Greater Golden Horseshoe (Growth Plan); Region of Niagara Official Plan (ROP); City of Port Colborne Official Plan (PCOP); and the provisions of the City of Port Colborne Zoning By-Law (PCZB).

On 2018-11-22 the City of Port Colborne hosted a pre-application consultation meeting to discuss the proposed development. Staff of the City's Planning and Engineering departments attended. The meeting established an application for and Zoning B-law Amendment and Site Plan Control were required to proceed with the proposal. An Environmental Site Assessment (Phases 1 and 2) is also required to support the development applications.

The Subject Properties are located within the *Built-up Area* of the City and **designated Urban Residential** in the Port Colborne Official Plan as illustrated on *Figure A4.3, City Official Plan Schedule A, City Wide Land Use Excerpt*, in *Annex 4, Excerpts from Relevant Documents*.

The Port Colborne Zoning By-law zones the Subject Properties "Institutional" and "Residential Fourth Density R4". A Zoning By-law Amendment is proposed to rezone the Subject Properties to a "Residential Fourth Density (R4-X) Zone - Special" to permit the development concept illustrated in the *Conceptual Site Plan and Floor Plans* in *Annex 1*.

SURROUNDING LAND USES

The neighbourhood of the Subject Properties is an older established area and can be considered 100% developed. Neighbourhood land uses are commercial, residential, and institutional. Commercial uses are primarily located along major roadways. Residential uses are located in the interior, with a mix of older established low-density houses with some low-rise apartment buildings. The main feature of the neighbourhood is the Welland Canal, along the entire east boundary. The neighbourhood includes several parks, the Welland Canal Parkway Trail, the Port Promenade, the Roselawn Centre, the Port Colborne Historical and Marine Museum, the Port Colborne Library, and the typical mix of retail uses and dining establishments found in a vibrant downtown.

In terms of street improvements, Elm Street and Charlotte Street both have curbing, and sidewalks. A large shopping plaza is located at the northeast corner of this intersection, offering food, pharmacy, and healthcare. The area has oversized sidewalks for pedestrian traffic, with upgrades to streetscaping along Elm Street. The Subject Properties abut existing urban residential and commercial mixed uses and the City's railway as illustrated on the *Figure 2: Adjacent Land Use Schematic*.

The development of the Subject Properties as residential use is compatible with the institutional, commercial, and residential mix of land uses context of the surrounding area.

**Figure 2:
ADJACENT LAND USE SCHEMATIC**

Use – Rail Line & Residential
OP – Downtown Commercial
Zone – Unzoned & R2

Use – Institutional and Commercial
OP – Downtown Commercial
Zone – DC

Use - Commercial
OP - Downtown Commercial
Zone – DC

Use – Rail Line & Residential
OP - Urban Residential
Zone – Unzoned & R2

Subject Properties
OP – Urban Residential
Zone – I & R4

Use - Residential
OP - Downtown Commercial & Urban Residential
Zone – R4

Use – Rail Line & Residential
OP - Urban Residential
Zone – Unzoned & R2

Use - Residential
OP - Urban Residential
Zone – R4

Use - Residential
OP - Urban Residential
Zone – R4

RELEVANT POLICY SUMMARY

Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the PPS, Growth Plan, ROP, and PCOP reviewed here, are used to try to reach a goal. They are not to be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Port Colborne is about development. Protecting and preserving resources is important but, land use planning is primarily about promoting and encouraging appropriate development and complete communities. There are aspects of control to protect valuable and sensitive resources, such as significant cultural and natural heritage features from negative impacts from nearby uses, but the primary purpose is guiding development.

The guidance of development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning (the Guide) states *the Act*, among other things promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. The Guide further states, *the Act* provides the basis for preparing official plans and planning policies that will guide future development. The Guide states the PPS provides policy direction that will help build strong communities by protecting, among others, agricultural resources. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

Provincial Policy Statement

Settlement areas such as the Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted. Land use patterns within *settlement areas* are to be based on, among other things, densities and a mix of land uses which; efficiently use land and resources, and efficiently use the *infrastructure* and *public service facilities* planned or available.

The proposal addresses the PPS directions by developing a residential building within the *settlement area* at a density and mix of land uses which efficiently use land and resources and the *infrastructure* and *public service facilities* available.

Growth Plan

The Growth Plan requires population and employment growth to be accommodated by directing a significant portion of new growth to the *built-up areas* such as Port Colborne through *intensification*. The Growth Plan directs development in the *Built-up Area* through *intensification* at high density to support sustainability, therefore:

- Protecting and preserving prime agricultural land in prime agricultural areas;
- Reducing automobile dependence by transit supportive development; and
- Encouraging complete communities with a range of housing types.

The proposal addresses the Growth Plan directions by developing a residential building within the urban area and providing the City a range of housing types and affordability accessible to a range of household incomes.

Official Plans

Growth and development is to be focused within urban areas. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Similar to the PPS, the ROP promotes the efficient use of land and the minimization of conflict between incompatible uses as a Strategic Objective and building compact, mixed use, transit supportive, *active transportation friendly* communities in the *Built-up Area* such as Port Colborne. The objectives of the ROP Growth Management Policies include directing the majority of growth and development to existing *Urban Areas* and promoting the efficient use of existing municipal sewage and water services.

The proposal helps create a compact, mixed use, transit supportive, active transportation friendly community in the Port Colborne urban area making efficient and sustainable use of existing municipal sewage and water services.

The Vision for the City of Port Colborne is among other things continue to provide the opportunity for a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs and desires; ensuring new *development* is accessible by all members of the community, and developing the community in a way which optimizes existing Municipal and Regional infrastructure.

The Growth Management Strategy is to, among other things, support infill and *intensification*, subject to the applicable policies, in the Urban Residential designation, and support compact and transit supportive *development* within the *built boundary*.

Housing Strategic Planning Policies include that new housing development should:

- Be located in the urban area to make use of existing infrastructure and facilities;
- Be accessible to medical facilities, shopping, and any future public transportation system;
- Be close to or be developed with on-site parks and open space;
- Incorporate design features for an aging population;
- Use housing forms suitable for an aging population such as at-grade housing or medium density apartment buildings; and

- Be close to or be developed with social and recreational facilities. (Policy 2.4.2.1a)

The *intensification* of this proposal will count towards the municipality's 15% *intensification* target. An objective of the intensification policies is to revitalize and support the downtown by promoting intensification. Intensification sites should match the pre-established building character of adjacent buildings. Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks.

The PCOP designates the Subject Properties **Urban Residential** - land primarily used for residential purposes. High Density Residential uses are to be developed as apartment buildings ranging in density from 70 to 100 units per net hectare. While the proposal is less than 70 units per hectare at approximately 66 units per hectare, it is a medium density apartment building promoted in the Housing Strategic Planning policies. As directed by the PCOP policies, the proposal has frontage on an arterial roads, ground-oriented residential uses on the main floor, and is in proximity to public transit and active transportation routes.

The proposal is for a transit supportive, active transportation friendly use of an existing underutilized building in the Port Colborne urban area at a residential density of 66 units per hectare making it an efficient and sustainable use of existing municipal sewage and water services on the Elm and Charlotte Street arterial roads and the Port Colborne West Bus Route.

The urban design guidelines encourage:

- the maintenance of the established building line for the front yard setback;
- corner buildings side elevations to be given equal design treatment as the main street façade;
- the building identity at corner locations to be reinforced by taller building elements such as towers, entrance structures or roof elements;
- buffering including grassed areas and appropriate planting of trees and shrubs and / or the provision of other suitable screening materials;
- Service and loading areas to be oriented to the rear of the building; and
- All parking areas to be placed at the rear of buildings and accessed from side streets to maintain a continuous building edge and a pedestrian-friendly street environment. Given the coverage of the existing building and the narrow side and rear yards, not all parking can be located at the rear of the building. Much of the area at the rear of the existing building is taken up by the loading space.

All proposed development within 500 metres of a railway right-of-way may be required to undertake noise studies, to the satisfaction of the municipality and / or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified.

All proposed development within 75 metres of a railway right-of-way may be required to undertake vibration studies, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified.

All proposed development adjacent to railways shall ensure that appropriate safety measures such as setbacks, berms and security fencing are provided to the satisfaction of the municipality and the Region, in consultation with the appropriate railway.

The City may provide for exemptions to the required parkland dedication if special features are being preserved in which the City has an interest.

The City has expressed an interest in preserving the courtyard on the Subject Properties. An exemption to the required parkland dedication is appropriate given its location to the nearby King George Memorial Park, New Life in the City Park, and the Port Promenade.

An Official Plan Amendment is not required because the uses permitted in the proposed zoning by-law amendment are commonly found in the **Urban Residential** designation and in both the “Residential” and “Intuition Zones”.

Zoning By-Law

The Subject Properties are zoned “**Institutional - I**” which permits, among other uses, a public apartment building and “**Fourth Density Residential – R4**”, which permits, among other uses, apartment buildings.

The zoning provisions proposed for the “Residential Fourth Density (R4-X) Zone – Special” recommended will provide a high quality, well designed development incorporating good urban design principles. The provisions provide a comprehensive approach to the design and retain a defined character within the development. The site specific measures will not impact the ability to provide adequate open space or parking for the residential units.

A zoning By-law amendment is recommended to permit the residential use similar to others located in the **Urban Residential** designation in the City.

POLICY AND ISSUES REVIEW

The City of Port Colborne Council has the authority to approve zoning by-law amendments if they implement the policies of the Official Plan. *Settlement areas* such as the Port Colborne where the Subject Properties are located are to be the focus of growth and development, and their vitality and regeneration is to be promoted. The proposal

satisfies the ROP intend to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*, to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner. The PCOP encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposal is efficient development, *intensification*, and optimization of the use of land and public investment in *infrastructure*, a strong theme throughout the PPS, ROP, and PCOP. The proposal is in an area where redevelopment is encouraged in these planning documents. It is efficient *development* optimizing the use of land, resources, and public investment in existing infrastructure, and public service facilities. As a residential development in a mixed use area there are no conflicts with surrounding uses. It's location near the City Hall bus stop is transit supportive. The location provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.

There are a several positive policy supported aspects of the proposal:

- It is an intensified residential use of an existing underutilized building within an existing urban mixed use area, providing housing type and choice alternatives in downtown Port Colborne on the Elm and Charlotte Streets arterial road and transit corridors.
- It is compact redevelopment efficiently utilizing urban land, existing services, and municipal infrastructure.
- It provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.
- It is a high quality, compact, orderly, built form that will help the City meet intensification target.
- Its design places windows and balconies overlooking pedestrian routes and parking areas providing for "eyes on the street" and maintains pedestrian access to the nearby park maintaining connectivity;
- It has a strong relationship to both Charlotte and Elm Streets and upper floor units are emphasized through the use of pronounced building elements including dormers. The primary building entrances clearly address both streets.
- Handicapped parking is located near the main entrance.
- Through the addition of an apartment building in this location:
 - housing variety is achieved;
 - a range of housing types is provided promoting variety and diversity;
 - residential density is increased promoting transit use and municipal sustainability; and
 - residential uses are located near a park and trail system.

Planning Goals, Objectives, and Policies Satisfied

The City of Port Colborne Council has the authority to approve zoning by-law amendments if they implement the policies of the PCOP. *Settlement areas* such as the Port Colborne are to be the focus of growth and development, and their vitality and regeneration is to be promoted. The ROP intends to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*, to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner. The PCOP encourages *residential intensification* and *redevelopment* in areas that have sufficient existing or planned *infrastructure*.

The proposal:

- provides a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs, and desires;
- ensures new *development* is accessible by all members of the community;
- optimizes existing infrastructure use;
- is *intensification*;
- is transit supportive *development* within the *built boundary*;
- is accessible to medical facilities;
- is close to and designed with on-site open space;
- incorporates design features for an aging population;
- provides housing forms suitable for an aging population;
- is close to social and recreational facilities;
- counts towards the municipality's 15% *intensification* target;
- assists with the revitalization and supports the downtown;
- matches the pre-established building character of adjacent buildings; and
- provides linkages and connections to existing pedestrian and bicycle networks.

The proposal is for a transit supportive, active transportation friendly use of an existing underutilized building in the Port Colborne urban area at a residential density of 66 units per net hectare making it an efficient and sustainable use of existing municipal sewage and water services on the Elm and Charlotte Street collector roads and the Port Colborne West Bus Route.

The proposal complies with the Urban Residential designation because it:

- is *intensification*;
- maintains of the established building line for the front yard setback;
- is a corner building with side elevations given equal design treatment as the main street façade;
- identities and reinforces the corner location through taller building elements such as towers, entrance structures or roof elements; and
- orients service and loading areas to the rear of the building.

The City has expressed an interest in preserving the courtyard on the Subject Properties. An exemption to the required parkland dedication is appropriate given its location close to the nearby King George Memorial Park, New Life in the City Park, and the Port Promenade.

Efficient Development

This development is focused within the urban area. It is appropriate development helping the City meet the full range of current and future needs, while achieving efficient development and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The proposal is a higher density redevelopment and *intensification* of an under-utilized existing building optimizing the use of land, resources, and public investment in infrastructure and public service facilities. It minimizes the undesirable effects of development, including impacts on air, water, and other resources. The apartment building:

- provides a diversified residential opportunity meeting the identified needs in Niagara and balancing both urban development and the conservation of natural resources by redeveloping in a rejuvenating a built-up urbanized location;
- makes efficient use of land; and
- has no significant land use conflicts.

The proposal increases the efficiency of the use of existing municipal infrastructure and increases the municipality's sustainability by building a compact, mixed use, transit supportive, *active transportation friendly* development in the *Built-up Area*.

This proposal is a short walk from City Hall transit stop in an area where intensification is encouraged.

As a primarily residential development in a mixed use area there are no conflicts with surrounding uses and no impact on natural resources.

The apartment building facilitates the efficient use of community and engineering services, does not create an undue financial hardship on the municipality, and increases the City's robustness and ability to accommodate infrastructure and services maintenance.

The proposal is primarily an intensified residential use on the periphery of the downtown mixed use area. It provides for a range of housing alternatives in downtown on the Charlotte and Elm Streets arterial roads. It is compact development efficiently utilizing urban land, existing services, and municipal infrastructure. The location provides safe and

easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.

Efficient development, intensification, and optimizing the use of land and public investment in infrastructure that result from this proposal is a strong theme throughout the PPS, ROP, and PCOP. The proposal is in an area where redevelopment is encouraged in these planning documents. As a residential redevelopment in an existing mixed use area there are no conflicts with surrounding uses. The location near the City Hall bus stop is transit supportive.

High Quality Urban Design

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street” and maintains pedestrian access to the nearby park maintaining connectivity.

The building has a strong relationship to both Charlotte and Elm Streets as encouraged by the Region of Niagara Model Urban Design Guidelines. Upper floor units are emphasized through the use of pronounced building elements including dormers. The primary building entrances clearly address the streets.

The required handicapped parking space is located near a main entrance.

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows and balconies to overlook pedestrian routes and parking areas to encourage “eyes on the street” and maintains pedestrian access to the nearby park maintaining connectivity.

The building has a strong relationship to Charlotte and Elm Streets and upper floor units are emphasized through the use of pronounced building elements including dormers. The primary building entrances clearly address the streets. The required handicapped parking space is located near a main entrance. Through the addition of an apartment building in this location:

- Housing variety is achieved;
- A range of housing types is provided promoting variety and diversity;
- Residential density is increased promoting transit; and
- Residential uses are located near the park and trail system.

The building maintains the favourable streetscape and community character. The proposal maintains a sense of identity through rational and sensitive treatment of architectural features, forms, massing, and layout, compatible and homogeneous with the existing architecture in downtown Port Colborne.

Streetscape and Established Community Character

Since there are only limited exterior changes (the addition of dormers) to the building, the streetscape and community character are maintained. At grade access to the ground floor units is provided as recommended by the Niagara Region Model Urban Design Guidelines and the PCOP Urban Residential policy for High Density Residential Housing.

The unchanged facades and structure of the building maintains the favourable streetscape and community character. The proposal maintains a sense of identity through rational and sensitive treatment of architectural features, form, massing, and layout, compatible and homogeneous with the existing architecture facades in downtown Port Colborne. At grade access to the ground floor units is provided as recommended by the Niagara Region Model Urban Design Guidelines and the PCOP Urban Residential policy for High Density Residential Housing.

Affordable Housing

The PPS requires planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by:

- establishing and implementing minimum targets for the provision of housing *affordable to low and moderate income households*. The Region of Niagara in consultation with the local municipalities may identify a higher target(s) for these lower-tier municipalities;
- permitting and facilitating:
 - all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
 - all forms of *residential intensification*, including second units, and *redevelopment*.

Niagara Region staff advise that in the current market conditions where housing costs (rental and ownership) are increasing rapidly the least expensive calculation of affordability will be calculated as: Housing for which the purchase price results in annual accommodation costs (mortgage payments, property taxes, condominium fees, along with the costs of electricity, heat, water and other municipal services) which do not exceed 30% of gross annual household income for low and moderate income households. Using this calculation the maximum affordable housing cost for low-income households is \$995/month (calculated as 30% of the maximum annual household income for all households in the first to third income deciles). Using the same calculation the maximum affordable housing cost for moderate income households is \$2,107/month (calculated as 30% of the maximum annual household income for all households in the forth to sixth income deciles).

It is important to note that the Niagara Region set's a more strict calculation for affordable housing by requiring that housing be affordable for households in core housing need. This calculation is in alignment with Niagara's 10-Year Housing and Homelessness Action Plan. Since the maximum household income for households in core housing need in Port Colborne is \$52,700, the maximum affordable housing cost for moderate income households is \$1,317 (calculated as 30% of \$52,700, the maximum income for the fourth income decile, as there are no households in Port Colborne in core housing need in the fifth or sixth income deciles). At this cost level, Port Colborne needs 49 units for people living on their own, 13 units for single parents, 2 units for couples, and 3 units for couples with children. Units provided at higher costs would not be affordable for any households in Port Colborne in core housing need. (Source: Statistics Canada; Niagara Region; CANCEA)

The threshold rent for moderate income affordable rental housing in Niagara is \$2,110.00 monthly.

The threshold rent for low income affordable rental housing in Niagara is \$995.00 monthly.

Municipal Servicing

A municipal servicing study is not required and a stormwater management plan was not required for quantity control given the existing development and small size of the Subject Properties.

Reduced Parking Standard

A review of Parking Standards Contained Within The City Of Vaughan's Comprehensive Zoning Bylaw stated seniors-oriented housing typically generates a lower parking demand per unit due to the smaller family sizes and a lower vehicle ownership rate. Studies from have shown that the average auto ownership for such dwellings is about 30% of the average for typical condominiums. A detailed study of parking rates for seniors housing facilities also found substantially lower parking allocation by dwelling unit, with decreasing parking demand based on the level of care provided. The Review recommended the proposed senior citizens dwelling parking standards presented in the [*Table A5.1: Proposed Senior Citizens Dwelling Parking Standards*](#) in [*Annex 5*](#). The Table compares zoning provisions reviewed as part of Review and includes the City of Port Colborne.

A review of relevant literature indicates a parking standard of between 0.4 to 0.7 spaces per unit for a senior's assisted living housing is adequate. Parking is adequate for the tenants some of whom may not have private vehicles. The proposed development is on a bus route providing mobility for those without private vehicles. Planning Staff noted for a commercial to residential intensification project compromises are sometimes required

to support adaptive reuse proposals for rental housing. It is not uncommon for municipalities to allow reduce parking requirements for smaller-scale rental housing redevelopments. It is important to note reasonable rental prices can be achieved by offering a number of options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. As the Owner has acquired a nearby property for additional parking spaces, parking concerns have been addressed adequately. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.

Need

A total of 6,016 households (10,641 individuals) are on the affordable housing waitlist in Niagara as of 2013-12-31 (seniors - 2,240; households with no dependents - 1,765; families - 2,011). Within the past three years, the waitlist has grown by nine per cent with the biggest increase coming from seniors and families. Wait times range from 1.25 years to almost ten years, and vary according to the location of the units and the number of selections made by the household. The current stock of over 7500 affordable housing units is not keeping pace with the growth of the wait list. Furthermore, just under half of the current affordable housing stock is between 30- and 60 years old. This means a growing amount of resources will need to be invested in maintaining the current stock and cannot be used to create new affordable housing.

In 2013, 626 households were housed. Despite this the number of households currently on the waiting list for affordable housing continues to be a challenge. Since 2002 the waiting list in Niagara has increased by 42 per cent. The greatest increase started during the 2009 recession and has left a lasting impact on the affordable housing system.

(Sourced 2019-04-25 <https://www.niagararegion.ca/social-services/technical-report/current-need-report.aspx>)

As of 2017-09, there were 4,923 households on the Centralized Waiting List in Niagara. This represents 10, 2017 people waiting for Rent-Geared-to-Income housing across Niagara. In Port Colborne the Wait Time for seniors (55 and older) was Six years.

(Sourced 2019-04-25 <http://www.livinginniagarareport.com/housing-shelter-2017/affordable-housing-and-homelessness-prevention-2/>)

At its meeting of 2019-02-11 City Council passed the following:

Whereas access to adequate housing is a fundamental human right (paragraph 25(1) of the United Nations Universal Declaration of Human Rights, and Ontario Human Rights Commission – Human Rights Perspective on Housing Supply, January 2019); and

Whereas Port Colborne is fast approaching a housing crisis with alarming occupancy rates, soaring housing costs and stagnating incomes (Ontario Association of Food Banks, Quarterly Report, September 2018, Port Colborne Primary Rental Market Statistics, 2016, Key Housing Indicators for Port Colborne, July 5, 2017 and Where Will We Live - Ontario's Rental Housing Crisis, May 2018); and

Whereas the Senior Citizens Advisory Committee and the Social Determinants of Health Committee, both being committees of this council have each placed housing as a priority to their mandate; and

Whereas designing and implementing a poverty reduction strategy has been included in the Port Colborne Strategic Plan (CAO Report No.:2015-47); and

Whereas adequate and affordable housing has been directly linked to poverty reduction (Wellesley Institute, Poverty Is a Health Issue: It's time to address housing and homelessness, Oct 10, 2013)

Therefore be it resolved that The Corporation of the City of Port Colborne does acknowledge that housing is a human right and that municipal government has a role to play in the gradual realization of this right for all residents of Port Colborne; and

That the Director of Planning and Development be directed to engage with stakeholders to create a coordinated municipal affordable housing strategy for the city of Port Colborne with the goal to establish a definition for the term "affordable housing" and to create affordable housing options across the housing continuum, with a report due back to this council to include a high-level view of timelines and targets on or before May 27, 2019.

(Source 2019-09-09 <http://portcolborne.ca/fileBin/library/02-11-19-03%20regular.pdf>)

Train Noise and Vibration

Exterior Insulation and Finish System (EIFS) insulation wall construction and triple pane windows on the west side will mitigate the sound that may be produced by the rail line. These features will be considered during the Site Plan Control Approval process.

Reduced Unit Size

The minimum floor area reduction is a minor change from what is currently permitted and permits lower rental price units, sensitive infilling and efficient use of existing infrastructure. No negative impact is anticipated. Planning Staff noted for a commercial to residential intensification project, eliminating the minimum unit size is something municipalities have begun to do to proactively support diverse styles of housing and to provide choice in the size and price to the rental market. The Ontario Building Code sets out requirements for minimum living area and room sizes the building will still have to comply with. If the requirements cannot be met, a reduction in the number of units may be necessary.

Environmental Site Assessment

A Designated Substance Survey, dated 2019-06-28, by CERTI Environmental Consultants, Environmental Assessments & Audits Division, states:

The following are significant recommendations:

- Removal of asbestos containing Floor tiles and Mastic Adhesive in the building must be removed following Type 1 Asbestos Removal Procedures (Ontario Regulation 278/05).
- Removal of the asbestos containing Pipe Elbows in the boiler room must be removed following Type 2 Glove Bag Removal Procedures (Ontario Regulation 278/05).
- Removal of the asbestos containing stipple ceiling finishes in the second level stairwell, second level ceiling, and North Wing Rooms must be removed following Type 3 Asbestos Removal Procedures (Ontario Regulation 278/05).
- Removal of the asbestos containing transite ceiling in the second level hallway must be removed following Type 1 Asbestos Removal Procedures (Ontario Regulation 278/05).
- Paint samples from the Second Floor Wall (green paint), Second Floor Ceiling (beige paint), and MacGillivray Hall Wall (Beige paint). are considered lead containing. Removal of lead paint must follow Type 2B Lead Removal Procedures.
- Test any items not surveyed or concealed items uncovered by remediation or demolition activities.

A Phase I Environmental Site Assessment (ESA), dated 2020-09-26, by CERTI Environmental Consultants, Environmental Assessments & Audits Division, states, based on the results of the groundwater-sampling program, there are no environmental concerns with Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's) at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10).

Groundwater concentrations of Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's), at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10) are within MOE Criteria Levels (Table 6, Residential/Institutional, Ontario Regulation 153/04 and 511/09).

A Phase II Environmental Site Assessment (ESA), dated 2020-09-30, by CERTI Environmental Consultants, Environmental Assessments & Audits Division, states, based on the results of the groundwater-sampling program, there are no environmental concerns with Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's) at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10).

Groundwater concentrations of Petroleum Hydrocarbons – Gasoline (F1), Diesel (F2), Weathered Diesel (F3), Heavy Oils (F4), Metals, and Volatile Organic Compounds (VOC's), at monitoring wells MW-2 (BH2), MW-6 (BH6), and MW-10 (BH10) are within MOE Criteria Levels (Table 6, Residential/Institutional, Ontario Regulation 153/04 and 511/09).

ZONING RELIEF REQUIRED

Zoning relief is required to

- the minimum front yard requirement from 9 to 4.8 metres to recognize the existing setback;
- Reduce the minimum interior side yard requirement from 3 to 1.5 metres to recognize the existing setback;
- Reduce the minimum corner side yard from 7.5 to 1.5 metres to recognize the existing setback;
- Reduce the minimum rear yard from 6 to 1.8 metres to recognize the existing setback;
- Increase the maximum lot coverage from 40 to 50 percent to recognize the existing coverage;
- Reducing the minimum floor area for residential units from 50 to 35 square metres;
- Reduce the minimum number of required parking spaces from 33 to 23;
- Reducing the landscape buffer provided between the edge of any parking area and an abutting road lot line from 3 to 0 metres;
- Reduce the landscape buffer provided between the edge of any parking area and an abutting residential lot line from 3m to 0.6 metres along the south lot line; and
- Reduce setback of a building for the purposes of human habitation from a functioning railway right-of-way from 15 to 1.7 metres.

SITE PLAN CONTROL

The City requires all residential developments with five or more dwelling units to enter into a Site Plan Agreement with the City. The agreement ensures the development is built and maintained as approved, ensures safe and efficient access, ensures proper drainage and landscaping is in place, and protects adjacent properties from incompatible development. Construction cannot occur until this agreement is in place.

This Agreement should include a warning clauses to advise future residents of potential noise, emissions and odour impacts from the nearby railway line owned by the City. Drainage requirements will be reviewed and addressed through the Site Plan application process.

OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the *Planning Act*, PPS; Growth Plan; ROP; and PCOP;
- Permits the proposed residential use; and
- Is good planning.

Council can be confident that the proposed Zoning By-law Amendment changing the property from Institutional and Fourth Density Residential to Fourth Density Residential with special provisions to permit a 22-unit apartment building is consistent with the City's Official Plan as well as Provincial and Regional policies. Special provisions are in place to recognize existing conditions while also supporting an adaptive reuse proposal that aims to add much-needed rental units into the market. The applicant is required to enter into a Site Plan Agreement ensuring the development is built and maintained as approved by the City

CLOSING

This report is intended solely for Hometown Properties (the "Client") in providing the City of Port Colborne this Planning Justification Report to obtain necessary *Planning Act* approvals for the proposed office and residential redevelopment at 176 Elm Street. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as Steven P Rivers Land Use, Planning & Development (Steven Rivers. This report is considered Steven Rivers' professional work product and shall remain the sole property of Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to Steven Rivers. The Client shall defend, indemnify and hold Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with my present understanding of the proposed project, the current site use, surface and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. Steven Rivers has assumed that the information provided was factual and accurate. Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report as a result of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other

representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

I trust this information will meet your current requirements. Please do not hesitate to contact me should you have any questions or require additional information.

Steven Rivers

South Coast Consulting

Land Use Planning and Development Project Management

Steven Rivers, MCIP, RPP

189 Clare Avenue

Port Colborne, Ontario L3K 5Y1

Phone: 905-733-8843

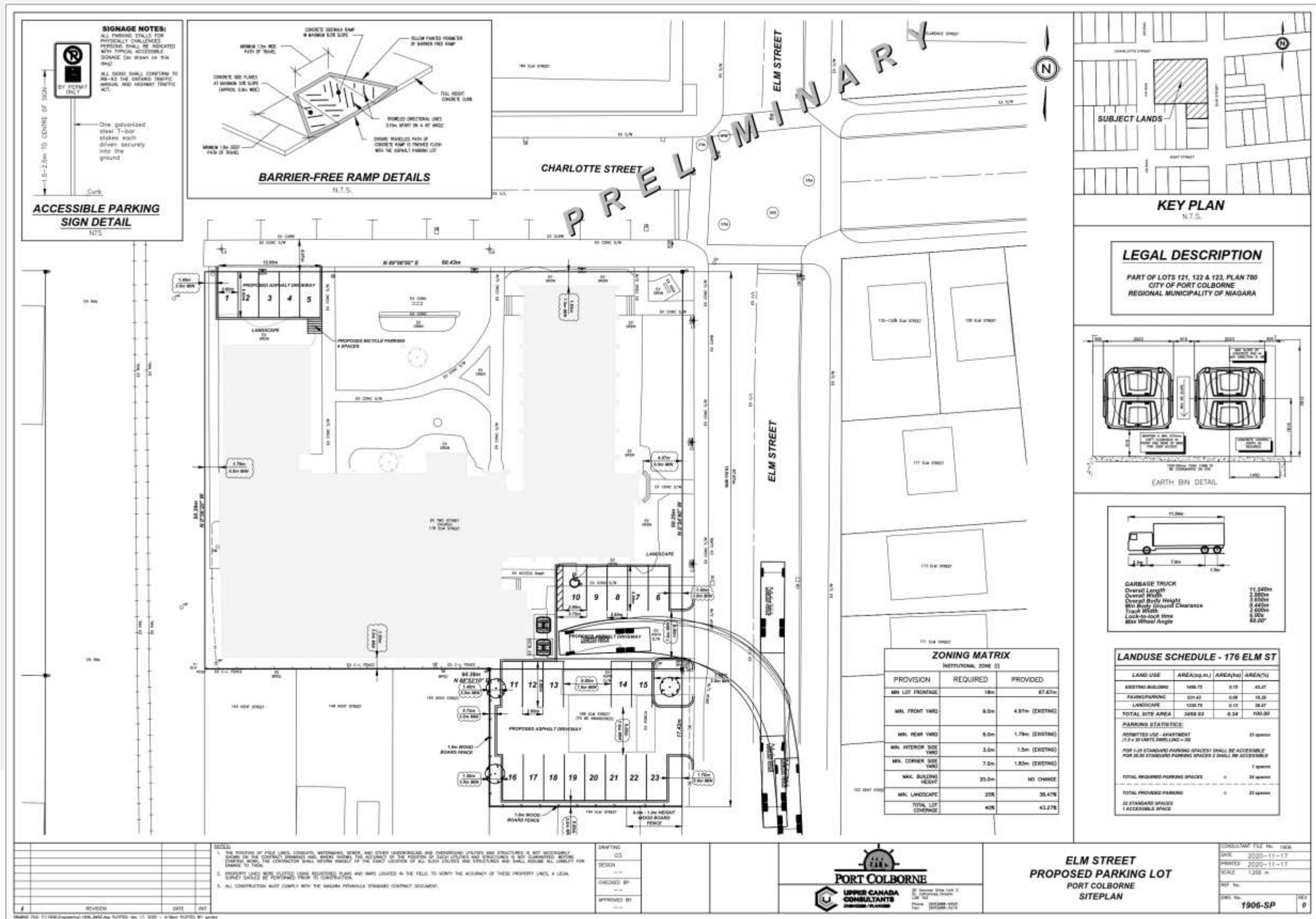
Email: info@southcoastconsulting.ca

2020-11-17

PROVISION / USE	I ZONE REQUIREMENT	R4 ZONE REQUIRMENT	PROPOSED	COMMENT
Apartment Building	-	Permitted	The residential and place of assembly uses are provide for in both the “Institutional Zone” and the “Residential Fourth Density Zone”. Satisfied – no change	
Public Apartment Building	Permitted	Permitted		
Place of Assembly / Banquet Hall	Permitted	Permitted-		
Min Lot Area	125sqm/unit (2500sqm)	125sqm/unit (2500sqm)	3033.99SQM	Satisfied – no change
Min Frontage	18m	18m	50M	Satisfied – no change
Min Front Yard	9m	9m	4.8M	Existing
Min Interior Side Yard	3m	n/a	1.5	Existing
Min Corner Side Yard	7.5m	7.5m	1.5	Existing
Min Rear Yard	6m	6m	1.8	Existing
Max Lot Coverage	40%	40%	50%	Existing
Max Height	20m	20m	Existing	Existing
Min Landscape Area	25%	25%	25%	Satisfied – no change
Min Floor Area / Unit	50sqm	50sqm	38sqm	The minimum floor area reduction is a minor change from what is currently permitted and permits lower rental price units, sensitive infilling and efficient use of existing infrastructure. No negative impact is anticipated. Planning Staff noted for a commercial to residential intensification project, eliminating the minimum unit size is something municipalities have begun to do to proactively support diverse styles of housing and to provide choice in the size and price to the rental market. The Ontario Building Code sets out requirements for minimum living area and room sizes the building will still have to comply with. If the requirements cannot be met, a reduction in the number of units may be necessary.
Parking				
Apartment Building, Public	1 space per 3 units (7 + 1 accessible required)	1 space per 3 units (7 + 1 accessible required)	23	Parking is adequate for the tenants some of whom may not have private vehicles. The proposed development is on a bus route providing mobility for those without private vehicles. Planning Staff noted for a commercial to residential intensification project compromises are sometimes required to support adaptive reuse proposals for rental housing. It is not uncommon for municipalities to allow reduce parking requirements for smaller-scale rental housing redevelopments. It is important to note reasonable rental prices can be achieved by offering a number of options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. As the Owner has acquired a nearby property for additional parking spaces, parking concerns have been addressed adequately. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.
Apartment Building	1.5 spaces/unit (33 required)	1.5 spaces/unit (33 required)		
Location	Required parking shall be provided on the same lot as the use requiring the parking; or On any lot that is not a road or lane and is presently zoned to permit parking and is located within 46 metres of the lot occupied by the building or structure or use for which the parking spaces are required.			
A landscape buffer shall be provided between the edge of any parking area and an abutting lot line(s) in accordance with the following . . .				
Abutting a Public Road	3m	3m	0	The reduced setback is required to accommodate as much residential parking as possible and still retain the courtyard the City has expressed interest in
Abutting a Residential Zone	3m	3m	1.2	The reduced setback is what has existed for some time with no apparent negative impacts and is required to accommodate as much residential parking as possible and still retain the courtyard the City has expressed interest in
Required Bicycle Parking				
Residential with 10 or more units	6 Spaces plus 1 for every additional 10 units > 20		7	Satisfied – no change
Place of Assembly / Banquet Hall	1 space per 1000sqm gross floor area			Satisfied – no change
Setback from rail right-of-way				
No building for the purpose of human habitation shall be constructed any closer than 15m to any functioning railway right-of-way			1.7	Existing – mitigation can be included at site plan control approval

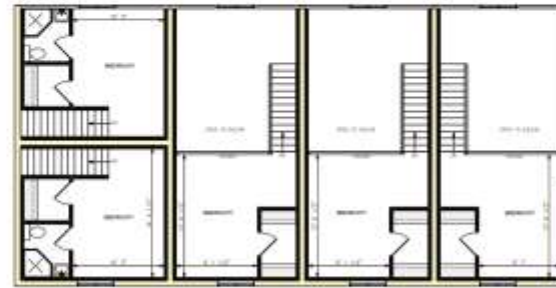
ANNEX 1A

CONCEPTUAL SITE PLAN & FLOOR PLANS





#176 ELM STREET PORT COLBORNE , ONT.		
g. curnock and associates		
481 SCOTT STREET 2ND FLOOR, SUITE 200 PORT COLBORNE, ONT. L2A 4A7	PHONE : (905) 535-8821 g.curnock.ca gca@gcurnock.ca	
MAIN FLOOR PLAN		
DRAWN BY:	GENA CURNICK	SHEET 1 OF 4
CHECKED BY:		DRAWN BY:
DATE:	NOV 20 / 2020	
SCALE:	1/8" = 1'-0"	5730



FIRST FLOOR PLAN



SECOND FLOOR PLAN

#176 ELM STREET
PORT COLBORNE , ONT.

g. curnock
and associates

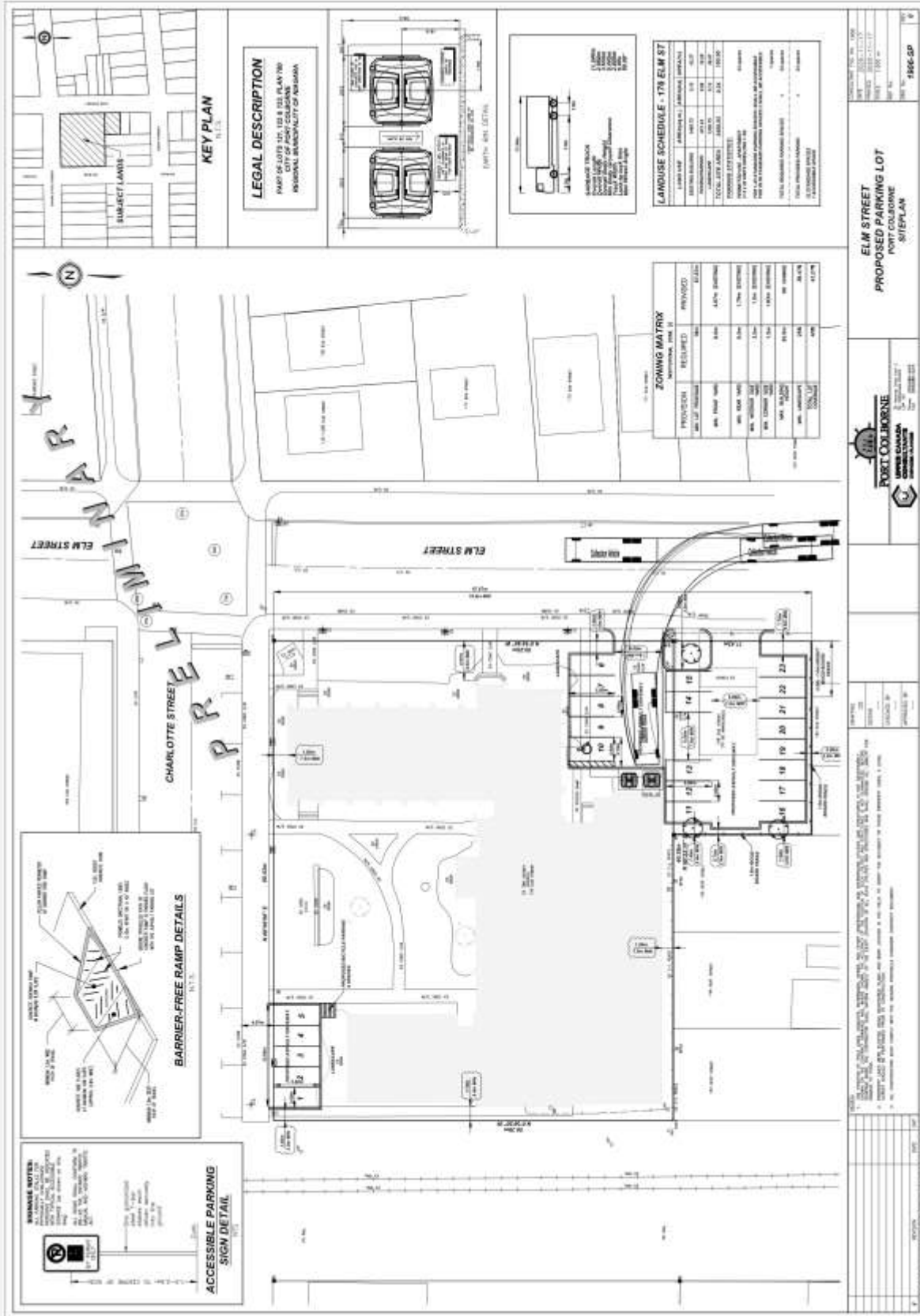
451 SCOTT STREET
22nd FLOOR, SUITE 200
TORONTO, ONT. M5T 1A7
PHONE: (416) 593-8800
g.curnock@gacon.ca

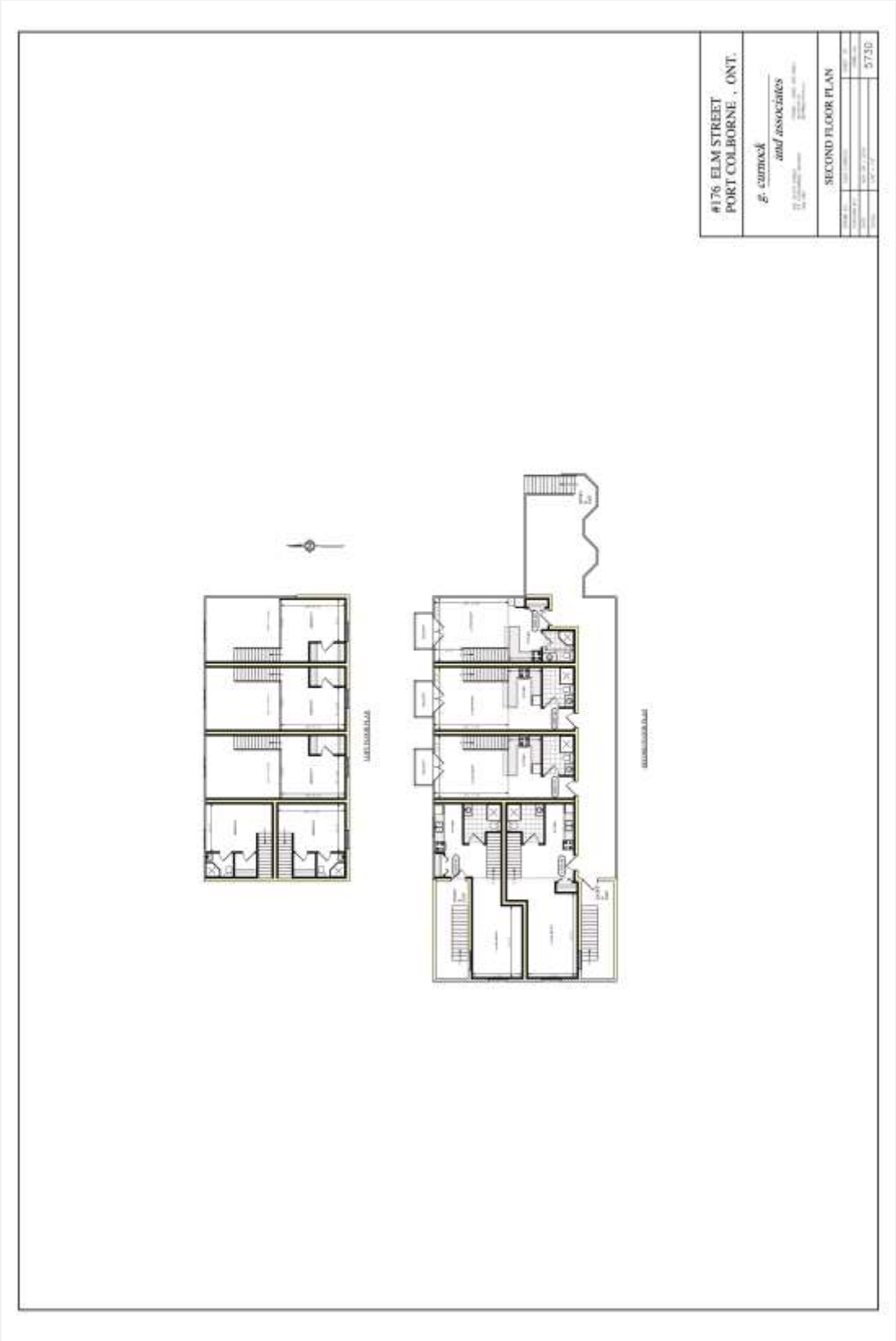
SECOND FLOOR PLAN

DRAWN BY:	GEN. CURNOCK	SHEET OF
CHECKED BY:		DRAW. No.
DATE:	NOV. 10 / 2019	5730
SCALE:	1/8" = 1'	

ANNEX 1B

CONCEPTUAL SITE PLAN & FLOOR PLANS

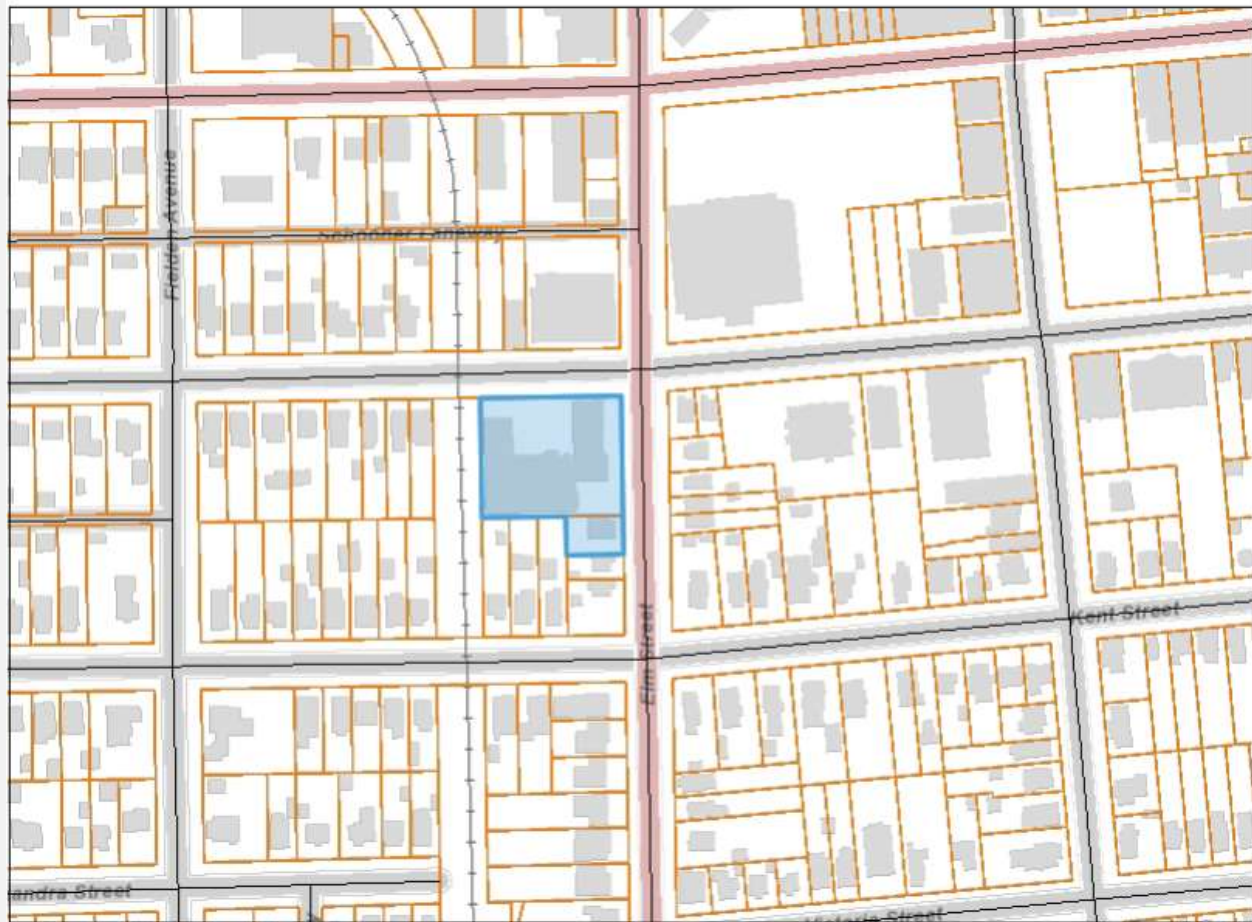




ANNEX 2

SURVEY

ANNEX 3
SUBJECT PROPERTIES



0.1 0 0.06 0.1 Kilometers

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ANNEX 4

EXCERPTS FROM RELEVANT DOCUMENTS

THE PLANNING ACT

A purpose of the *Act* is to promote sustainable economic development in a healthy natural environment (sect. 1.1(a)). Provincial interests include the orderly development of safe and healthy communities (sect. 2(h)); and location of growth and development (sect. 2(p)), among others.

Official Plan

Section 16 of the *Planning Act* states an official plan shall contain, goals, objectives and policies established primarily to manage and direct physical change and the effects on the social, economic and natural environment of the municipality or part of it. It may also contain a description of the measures and procedures to attain the plan's objectives and a description of the measures and procedures for informing and obtaining the views of the public on a proposed amendment to either an official plan or zoning by-law.

Section 21 of the *Act* states City Council may initiate an amendment to Official Plan. Section 24 states that where an official plan is in effect, no by-law shall be passed that does not conform the official plan. Section 2 of the *Planning Act* states Council shall have regard to matters of provincial interest such as the:

- Orderly development of safe and healthy communities;
- Adequate provision of employment opportunities; and
- Appropriate location of growth and development.

Sections 3(5) (a) and (b) state decisions of Council shall be consistent with the policy statements issued by the Minister and with the provincial plans that are in effect.

Zoning

Section 34 of the *Planning Act* states a zoning by-law may be passed by Council for a number of purposes including prohibiting **the use of land**, except for such purposes set out in the by-law and except if the land was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose. That section goes on to state that any by-law passed under this section or a predecessor of this section may be amended to permit the extension or enlargement of any land, building or structure used for any purpose prohibited by the by-law if such land, building or structure continues to be used in the same manner and for the same purpose as it was used on the day the by-law was passed. If a person applies for an amendment to a by-law passed under this section or a predecessor of this section he or she shall provide the prescribed information and material to Council.

THE PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement, 2014 (PPS) came into effect April 30, 2014 and applies to this application. It includes the following definitions:

Brownfield sites: means undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Development: means the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act,

Infrastructure: means physical structures (facilities and corridors) that form the foundation for development. Infrastructure includes: sewage and water systems, septage treatment systems, stormwater management systems, waste management systems, electricity generation facilities, electricity transmission and distribution systems, communications/telecommunications, transit and transportation corridors and facilities, oil and gas pipelines and associated facilities.

Intensification: means the development of a property, site or area at a higher density than currently exists through:

- a) *redevelopment*, including the reuse of *brownfield* sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.

Public service facilities: means land, buildings and structures for the provision of programs and services provided or subsidized by a government

Redevelopment: means the creation of new units, uses or lots on previously developed land in existing communities, including *brownfield* sites.

Settlement areas: means urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built up areas where development is concentrated and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2.

Preamble

The Preamble to the PPS says it “provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.”

A basic principle of policy led land use planning iterated in the PPS is that **when more than one policy is relevant, a decision-maker should consider all of the relevant policies to understand how they work together. The language of each policy, including the Implementation and Interpretation policies, will assist decision-makers in understanding how the policies are to be implemented.”**

An important aspect of policy led land use planning is the terms used in the policies. As succinctly outlined in the PPS, some policies set out **positive directives**, such as “settlement areas shall be the focus of growth and development.” Other policies set out **limitations and prohibitions**, such as “*development* and site alteration shall not be permitted.” Other policies use **enabling or supportive language**, such as “*should*,” “*promote*” and “*encourage*.”

The PPS says the policies represent minimum standards and planning authorities and decision-makers may go beyond these minimum standards to address matters of importance unless doing so would conflict with any policy of the Provincial Policy Statement.”

Vision

The Provincial Policy Statement focuses growth and development within settlement areas. It recognizes that the wise management of land use change may involve directing, promoting, or sustaining development. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

Efficient development patterns optimize the use of land and public investment in infrastructure and public service facilities and minimize the undesirable effects of development, including impacts on air, water and other resources.

Policies

The PPS policies for **Building Strong Healthy Communities** say Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and **promoting efficient land use and development patterns**. Efficient land use and development patterns **support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth**. **Healthy, liveable and safe communities are sustained by promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.** (Policy 1.1.1a)

Settlement Areas

The PPS says the vitality of settlement areas is critical to the long-term economic prosperity of our communities. It is in the interest of all communities to **use land and resources wisely, to promote efficient development patterns** (Section 1.1.3) and **Settlement areas shall be the focus of growth and development**, and their **vitality and regeneration shall be promoted**. (Policy 1.1.3.1)

GROWTH PLAN OF THE GREATER GOLDEN HORSESHOE

Brownfield Sites undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (PPS, 2020)

Intensification The development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of brownfield sites;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; and
- d) the expansion or conversion of existing buildings.(PPS,2020)

To facilitate implementation of A Place to Grow: Growth Plan for the Greater Golden Horseshoe O. Reg. 311/06 has been modified. Any matter commenced, but where a decision(s) remains to be made as of May 16, 2019 is subject to the policies of A Place to Grow. The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles, among others:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The policies of the Growth Plan take precedence over the policies of the PPS to the extent of any conflict, except where the relevant legislation provides otherwise.

Population and employment growth will be accommodated by directing vast majority of new growth to the *settlement areas* [such as Port Colborne] that have a *delineated built boundary* [such as the City of Port Colborne]. (Policy 2.2.1.2.a) defined as the limits of the developed urban area as defined by the Minister in consultation with affected municipalities for the purpose of measuring the minimum intensification target in this Plan.

Where and How to Grow

The Growth Plan is about accommodating forecasted growth in *complete communities*.

These are communities that are well designed to meet people's needs for daily living throughout an entire lifetime 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. *Complete communities* support quality of life and human health by encouraging the use of active transportation and providing high quality public open space, adequate parkland, opportunities for recreation, and access to local and healthy food. They provide for a balance of jobs and housing in communities across the GGH to reduce the need for long distance commuting. They also support climate change mitigation by increasing the modal share for transit and active transportation and by minimizing land consumption through compact built form.

To support the achievement of complete communities, this Plan establishes minimum intensification and density targets that recognize the diversity of communities across the GGH. Some larger urban centres, such as Toronto, have already met some of the minimum targets established in this Plan, while other communities are growing and intensifying at a different pace that reflects their local context.

As in many thriving metropolitan regions, many communities in the *GGH* are facing issues of housing affordability, which are being driven primarily by sustained population growth and factors such as a lack of housing supply with record low vacancy rates. This Plan helps to address this challenge by providing direction to plan for a range and mix of housing options, including second units and *affordable* housing and, in particular, higher density housing options that can accommodate a range of household sizes in locations that can provide access to transit and other amenities. There is also a need for stakeholders to work collaboratively to find opportunities to redevelop sites using more age-friendly community design.

Population and employment forecasts contained in Schedule 3 will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4. (Policy 2.2.1.1)

Applying the policies of this Plan will **support** the achievement of ***complete communities*** that:

- Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and *public service facilities*;
- Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;
- **Provide a diverse range and mix of housing options, including** second units and **affordable housing**, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;
- Expand **convenient access** to:
 - a range of **transportation options, including options for the safe, comfortable and convenient use of active transportation**;
 - *public service facilities*, co-located and integrated in community hubs;
 - **an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities**; and
 - healthy, local, and affordable food options, including through urban agriculture;
- provide for a more **compact built form** and a vibrant public realm, including public open spaces;
- mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and
- integrate green infrastructure and appropriate low impact development. (Section 2.2.1.4)

Until the next *municipal comprehensive review* is approved and in effect, the annual minimum *intensification* target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply. (Policy 2.2.2.2)

All municipalities will develop a strategy to achieve the minimum *intensification* target and *intensification* throughout *delineated built-up areas*, which will, among other things:

- identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- encourage intensification generally throughout the delineated built-up area;
- ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- be implemented through official plan policies and designations, updated zoning and other supporting documents. (Policy 2.2.3.3)

By the time the *next municipal comprehensive review* is approved and in effect, and for each year thereafter, the applicable minimum intensification target is a minimum of 50 per cent of all residential development occurring annually within Niagara will be within the delineated built-up area. (Policy 2.2.2.1a).

Until the next *municipal comprehensive review* is approved and in effect, the annual minimum intensification target contained in the ROP will continue to apply. (Policy 2.2.2.2)

All municipalities will develop a strategy to achieve the minimum *intensification* target and intensification throughout *delineated built-up areas*, which will:

- identify *strategic growth areas* to support achievement of the intensification target and recognize them as a key focus for development;
- identify the appropriate type and scale of development in *strategic growth areas* and transition of built form to adjacent areas;
- encourage *intensification* generally throughout the *delineated built-up area*;
- ensure lands are zoned and development is designed in a manner that supports the achievement of *complete communities*;
- prioritize planning and investment in *infrastructure* and *public service facilities* that will support *intensification*; and
- be implemented through official plan policies and designations, updated zoning and other supporting documents. (Policy 2.2.2.3)

Councils of upper- and single-tier municipalities may request an alternative to the target established in policy 2.2.2.1 where it is demonstrated that this target cannot be achieved and that the alternative target will be appropriate given the size, location and capacity of the *delineated built-up area*.

The Minister may permit an alternative to the target established in policy 2.2.2.1. If council does not make a request or the Minister does not permit an alternative target, the target established in policy 2.2.2.1 will apply.

Upper-tier municipalities, in consultation with lower-tier municipalities, will, through a *municipal comprehensive review*, provide policy direction to implement the Growth Plan, including:

- identifying minimum *intensification* targets for lower-tier municipalities based on the capacity of *delineated built-up areas*, including the applicable minimum density targets for *strategic growth areas* in the Growth Plan, to achieve the minimum *intensification* target in the Growth Plan;
- identifying minimum density targets for *strategic growth areas*, including any *urban growth centres* or *major transit station area* in accordance with this Plan;
- identifying minimum density targets for *employment areas*;
- **identifying minimum density targets for the *designated greenfield areas* of the lower-tier municipalities, to achieve the minimum density target for the upper- or single-tier municipality;**

- allocating forecasted growth to the horizon of the Growth Plan to the lower-tier municipalities in a manner that would support the achievement of the minimum *intensification* and density targets in this Plan; and
- addressing matters that cross municipal boundaries. (Policy 5.2.3.2)

The minimum *intensification* and density targets in this Plan, including any alternative targets that have been permitted by the Minister, are minimum standards and municipalities are encouraged to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of this Plan, the PPS or any other provincial plan. (Policy 5.2.5.1)

The minimum *intensification* and density targets in the Growth Plan or established pursuant to the Growth Plan will be identified in upper- and single-tier official plans. Any changes to the targets established pursuant to this Plan may only occur through a *municipal comprehensive review*. (Policy 5.2.5.2)

For the purposes of implementing the minimum *intensification* and density targets in the Growth Plan, upper- and single-tier municipalities will, through a *municipal comprehensive review*, delineate the following in their official plans, where applicable:

- *delineated built-up areas*;
- *urban growth centres*;
- *major transit station areas*;
- *employment areas*;
- other *strategic growth areas* for which a minimum density target will be established; and
- *excess lands*. (Policy 5.2.5.3)

The identification of *strategic growth areas*, *delineated built-up areas*, and *designated greenfield areas* are not land use designations and their delineation does not confer any new land use designations, nor alter existing land use designations. Any *development* on lands within the boundary of these identified areas is still subject to the relevant provincial and municipal land use planning policies and approval processes. (Policy 5.2.5.8)

The *delineated built boundary* has been issued for the purpose of measuring the minimum *intensification* target in the Growth Plan. The conceptual *delineated built-up area* shown on Schedules 2, 4, 5, and 6 is for information purposes. For the actual delineation, the *delineated built boundary* that has been issued by the Minister should be consulted. (Policy 5.2.7.3)

The *designated greenfield areas* shown on Schedules 2, 4, 5, and 6 are conceptual. Actual *designated greenfield areas* will be delineated in applicable official plans. (Policy 5.2.7.4)

REGIONAL OFFICIAL PLAN

In speaking to the contents of official plan the *Planning Act* says an official plan shall contain, (a) goals, objectives, and policies established primarily to manage and direct physical change and the effects on the social, economic, built, and natural environment of the municipality or part of it (Section 16.(1)(a)) and may contain, a description of the measures and procedures proposed to attain the objectives. (Section 16.2(a))

A Strategic Objective to the ROP is recognizing the diversified opportunities and needs in Niagara by balancing both urban development and the conservation of natural resources. a) *A choice of housing and employment locations*. b) *Development and efficient use of lands within the existing urban boundaries first*. c) Conservation of natural resources (e.g., fishery habitat, Areas of Natural and Scientific Interest, natural areas, wildlife habitat, waterways, Niagara Escarpment, wetlands, aggregate areas, and woodlots). d) *Minimization of conflicts between incompatible land uses*. (ROP Strategic Objective 2.1)

Another Strategic Objective is to facilitate and maintain a pattern of distinctive and identifiable urban communities. (SO 2.2) A third relevant Strategic Objective is to improve regional self-reliance through long-range economic development planning and economic diversification. a) Attraction of more employment through existing or new firms. . . . (ROP SO 2.2)

Similar to the PPS, the ROP recognizing efficient use of land and minimizing conflict between incompatible uses as Strategic Objectives.

The ROP has a number of defined terms including:

Brownfield Sites are undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant. (Provincial Policy Statement, 2005)

Built-up Area means all land within the built boundary.

Built Boundary means the limits of the developed Urban Areas as defined by the Minister of Infrastructure in accordance with Policy 2.2.3.5 in the Provincial Growth Plan for the Greater Golden Horseshoe.

Complete Communities meet people's needs for daily living throughout an entire lifetime by providing convenient access to an appropriate mix of jobs, local services, a full range of housing, and community infrastructure including affordable housing, schools, recreation and open space for their residents. Convenient access to public transportation and options for safe, non-motorized travel is also provided.

Density Targets The density target for the Urban Growth Centre is defined in Policy 4.G.10.2. The density target for Designated Greenfield Areas is defined in Policy 4.C.7.2.

Development means the creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure,

Intensification means the development of a property, site or area at a higher density than currently exists through:

- a) redevelopment, including the reuse of *brownfield sites*;
- b) the development of vacant and/or underutilized lots within previously developed areas;
- c) infill development; or
- d) The expansion or conversion of existing buildings.

Redevelopment means the creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites.

Urban Areas means those areas shown as being within the Urban Areas Boundaries as defined by this Official Plan.

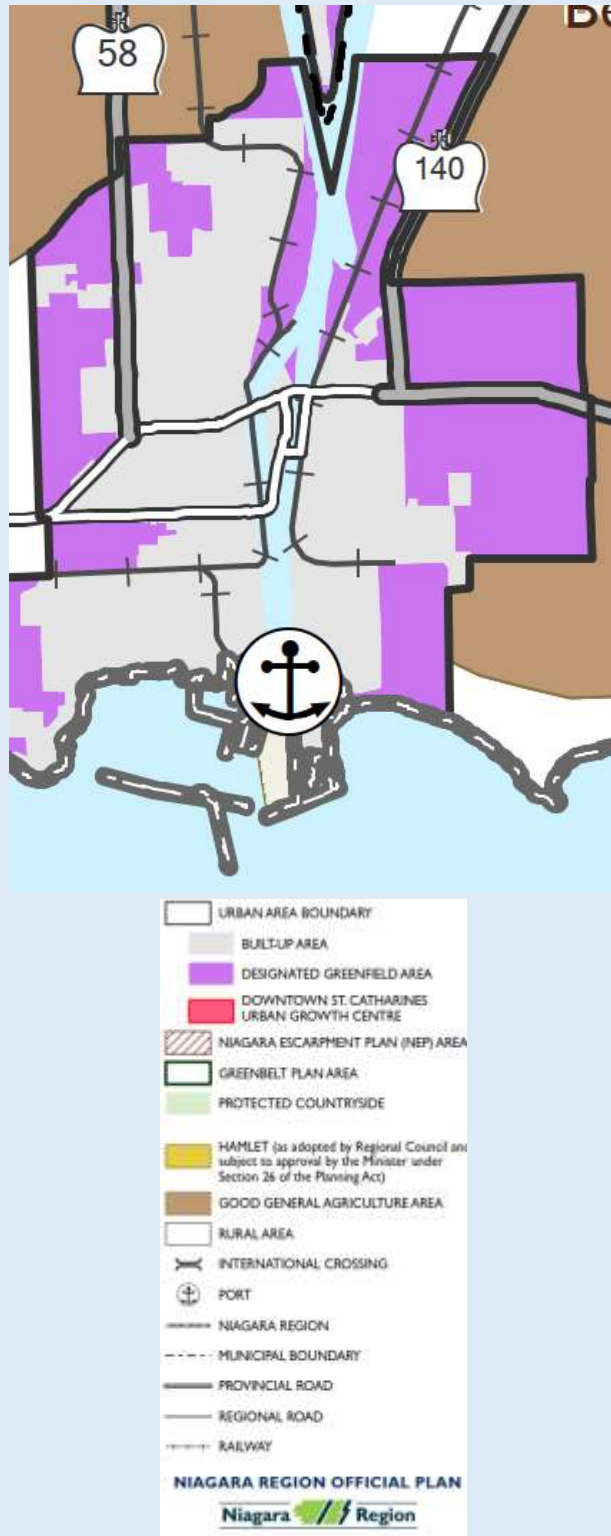
As illustrated on *Figure A4.1, Regional Plan Schedule A, Regional Structure Excerpt*, the ROP designates the Subject Properties **Built-up Area** within the **Urban Area Boundary**. The Objectives of the ROP for Managing Growth include (4.A.1.2) *directing a significant portion of Niagara's future growth to the Built-up Area through intensification*; (4.A.1.3) *directing intensification to local municipally designated intensification areas*; and (4.A.1.6) *building compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas*.

Managing Growth

The objectives of the Growth Management Policies of the ROP are to: *Direct the majority of growth and development to Niagara's existing Urban Areas*. (Objective 4.A.1.1) . . . Ensure the availability of sufficient employment land to accommodate long term growth in Niagara to the year 2031, (Objective 4.A.1.9) and direct growth in a manner that *promotes the efficient use of existing municipal sewage and water services*. (Objective 4.A.1.12) Again as with the PPS

The ROP directs the majority of growth to *urban areas* but seeks to ensure the availability of sufficient employment land and promotes the efficient use of existing municipal sewage and water services.

Figure A4.1
Regional Plan Schedule A
REGIONAL STRUCTURE EXCERPT



***Intensification* includes all forms of development that occur within the Built-up Area** as identified on Schedule A of the ROP. The Region will **promote intensification** by:

- a) Providing a Regional framework for measuring *intensification*.
- b) Supporting *infrastructure* development and improvements in Local Municipally Designated Intensification Areas where upgrades or improvements to Regional *infrastructure* works are required.
- c) Working with local municipalities to develop *intensification* strategies including but not limited to coordination between growth management and the maintenance and expansion of utility *infrastructure*, both in terms of technological advancement and service provision
- d) Monitoring *intensification* rates across the Region on an annual basis. (Policy 4.C.1.1)

By the year 2015 and for each year thereafter, **a minimum of 40% of all residential development occurring annually within Niagara will occur within the Built-up Area** of Niagara's communities. (Policy 4.C.3.1)

The rate of *intensification* occurring in Niagara will be measured by calculating the total number of residential units created on an annual basis within the *Built-up Areas* of Niagara in relation to the total number of units created within Niagara Region. (Policy 4.C.3.2)

Beginning in 2009, the Region will track residential *intensification* rates on an annual basis and prepare an annual report. The Region will work closely with local municipalities to determine the preferred method for tracking residential *intensification* rates. (Policy 4.C.3.3)

The [Port Colborne] residential *intensification* target is considered to be [the] minimum standard. (Policy 4.C.4.1)

[Port Colborne] will develop its own residential *intensification* target and strategy, which may equal or exceed the minimum standard, and incorporate the target into its official plan. - Residential Intensification Target (percent of total annual development) – City of Port Colborne - 15% (Policy 4.C.4.2)

The preamble to Section 4G, Urban Growth, states Niagara aspires to build sustainable, *complete communities*. Such communities serve the needs of the present local population, without compromising the potential needs of future generations. Niagara's approach to building such communities addresses social, environmental, economic and cultural aspects of land use planning. **Niagara will build more sustainable, complete communities by, among other things making efficient use of land, resources and infrastructure.**

Objective 4G.1, in Our Common Objectives, is to build compact, vibrant, sustainable, integrated and *complete communities* and Objective 4G.4 is to *maximize the use of existing and planned infrastructure to support growth in a compact and efficient manner.*”

Policy 4.G.8.1 states *Built-up Areas* are lands located within Urban Areas which have been identified by the provincial government that *will be the focus of residential and employment intensification and redevelopment* within the *Region* over the long term.

THE CITY OFFICIAL PLAN

Affordable In the case of ownership housing, the least expensive of:

- a) Housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
- b) Housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;

In the case of rental housing, the least expensive of:

- a) A unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
- b) A unit for which the rent is at or below the average market rent of a unit in the regional market area.

Brownfield sites Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant.

Development The creation of a new lot, a change in land use, or the construction of a building or structure, requiring approval under the Planning Act. It includes the construction of new, or significant expansion of existing, public utilities or infrastructure but does not include:

- a) Activities that create or maintain infrastructure authorized under an environmental assessment process; or
- b) Works subject to the Drainage Act.
- c) The carrying out of agricultural practices on land that was being used for agricultural uses on the date the Plan came into effect.

Intensification The *development* of a property, site or area at a higher density than currently exists through:

- a) *Redevelopment*, including the reuse of *brownfield* sites;
- b) The development of vacant and/or underutilized lots within previously developed areas;
- c) Infill development; and
- d) The expansion or conversion of existing buildings.

Redevelopment The creation of new units, uses or lots on previously developed land in existing communities, including brownfield sites

The Vision for the City of Port Colborne is among other things continue to provide the opportunity for a mix of residential accommodations accommodating households with diverse social and economic characteristics, needs and desires; ensure new *development* is accessible by all members of the community, and develop the community in a way which optimizes existing Municipal and Regional infrastructure.

The Growth Management Strategy is to, among other things, direct urban growth to lands that fall within the designated Urban Area Boundary, which is serviced by municipal water and sanitary services, support infill and *intensification*, subject to the applicable policies, in the Urban Residential designation, and support compact and transit supportive *development* within the *built boundary*.

To support the Strategic Direction of Enhancing Quality of Life the City promotes a compact urban form, a balanced mix of housing types and land uses, efficient and cost effective infrastructure and transportation, and good urban design for neighbourhoods and business areas by, among other things, promoting *residential intensification* in the urban area with a flexible approach encouraging a mix of housing types and densities appropriate to location and incorporating active living considerations for both recreation and utilitarian purposes through support for such items as cycling and walking facilities and other means that promote healthy, active lifestyles.

A Housing Strategic Planning Policy is that new housing development should:

- i. Be located *in the urban area to make use of existing infrastructure and facilities*;
- ii. Be *accessible to medical facilities, shopping and any future public transportation system*;
- iii. Be *close to* or be developed with on-site parks and *open space*;
- iv. *Incorporate design features for an aging population*;
- v. Use *housing forms suitable for an aging population such as at-grade housing* or medium density apartment buildings;
- vi. Provide for a range of smaller lots and homes suitable to smaller households; and
- vii. Be *close to or be developed with social and recreational facilities*. (Policy 2.4.2.1a)

The City will work with other levels of government, the private sector, community and non-profit groups to ensure that sufficient affordable rental and ownership housing is provided (Policy 2.4.2.2a) and opportunities shall be made available for the provision of affordable housing within new intensified or infill developments. (Policy 2.4.2.2e)

Intensification and Infill

The identification and *intensification* of residential and employment areas and corridors within the *built boundary* of the City is directed by the Provincial Growth Plan. *Intensification* supportive policies will offer opportunities to promote economic development, reduce the consumption of greenfield land, meet the municipality's intensification target of 15% and maximize the efficiency of existing *infrastructure*. Intensified *development* is compact, mixed-use and transit-supportive in nature, which reflects the vision of this plan.

As identified on Schedule A1, *intensification* will be encouraged specifically within local intensification areas which include the Downtown and Main Street West Development throughout the entire *Built-up area*, which will count towards the municipality's 15% *intensification* target, shall occur in accordance with the applicable policies of this Plan. (Policy 2.4.3)

The majority of the Municipality's *intensification* will be accommodated within the Urban Area where the development is compatible with the surrounding uses. (Policy 2.4.3a)

The Municipality supports the intensification through accessory dwellings and garden suites, provided that development is consistent with the applicable policies of this Plan. (Policy 2.4.3b)

The objectives of the intensification policies of this Plan are to:

- Revitalize and support the Downtown by promoting intensification in the Downtown areas;
- Encourage mixed use development in the Downtown areas which is in proximity to public transit and active transportation routes;
- Provide land use policy directions for the accommodating additional growth on lands designated Urban Residential and Downtown Commercial;
- Provide a policy framework that supports a limited amount of infilling throughout the Hamlet and Rural areas; and
- Provide policies that allow for accessory dwelling units and garden suites. (Policy 2.4.3c)

Intensification Target

The Municipality will plan to achieve an intensification target of 15%. (Policies 2.4.3.1a)

Intensification will be measured on an annual basis and will include all new housing units created within the Built-up area. (Policies 2.4.3.1b)

Design Guidelines

Infill and intensification sites should match the pre-established building character of adjacent buildings. (Policy 2.4.3.2a)

Where no existing or consistent character is established, infill and intensification development should be consistent with the applicable Design Guideline Policies of this Plan. (Policy 2.4.3.2b)

Where appropriate, the design of the development should provide linkages and connections to existing and proposed pedestrian and bicycle networks. (Policy 2.4.3.2c)

The design of infill and intensification development should be consistent with all other applicable policies of this Plan. (Policy 2.4.3.2d)

Urban Residential

As illustrated on *Figure A4.2, Official Plan Schedule A, Port City Wide Land Use Excerpt*, the property is **designated Urban Residential**. The areas identified on Schedule A as Urban Residential are those lands that are **primarily used for residential purposes** and represent the existing and planned *built-up areas* within the *Urban Area Boundary*. **The predominant uses for lands designated Urban Residential shall include**, but not be limited to; **residential uses**; neighbourhood commercial uses such as a convenience store, beauty salon, post office, and doctor's office all of limited size; cemeteries, parks, schools, community facilities and institutional uses normally located in residential areas. (Policy 3.2)

As illustrated on *Figure A4.3, Official Plan Schedule D, Transportation Excerpt*, the property **abuts the Elm and Charlotte Streets Arterial Roads**.

Medium Density Residential will:

- **Be developed at a density ranging from 35 to 70 units per hectare as Townhouses; Stacked townhouses; triplexes; and/or Fourplexes;**
- **Be encouraged adjacent to arterial or collector roads; and**
- **Be subject to Site Plan Control. (Policy 3.2.1a)**

Figure A4.2
Official Plan Schedule A
CITY WIDE LAND USE EXCERPT

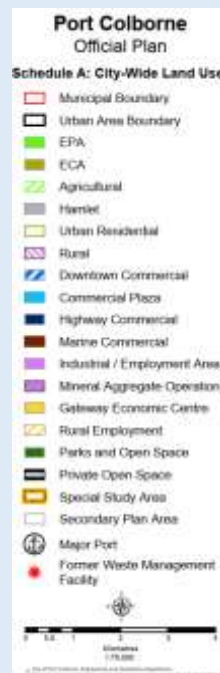
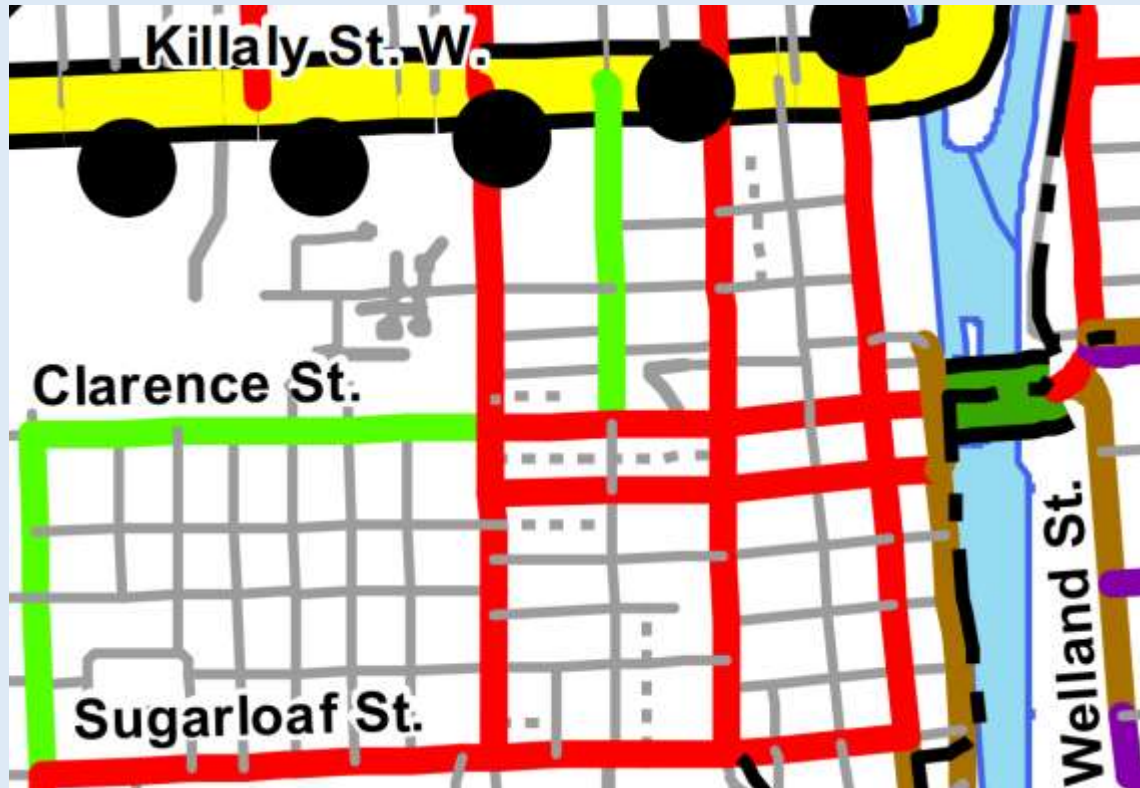


Figure A4.3
Official Plan Schedule D
TRANSPORTATION



High Density Residential will:

- Be developed as apartment buildings ranging in density from 70 to 100 units per net hectare;
- Have frontage on an arterial or collector road;
- Have commercial or ground-oriented residential uses on the main floor;
- Be oriented on the site to minimize shadows on adjacent low and medium density residential *development*;
- Be encouraged to be developed in proximity to public transit and active transportation routes; and
- Be subject to Site Plan Control. (Policy 3.2.1c)

As illustrated on *Figure A4.4, Official Plan Schedule A1, Greenfields*, the Subject Properties is **located in a designated Intensification Area**. *Intensification will be encouraged* in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan, and *intensification* that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted. (Policy 3.2.2)

Intensification and Infill

Intensification will be encouraged in the Urban Area in accordance with the provisions of Section 2.4.3 of this plan, as well as Intensification that will require modifications to the building that detract from the overall character of the neighbourhood will not be permitted. (Policy 3.2.2a)

Housing Design Guidelines

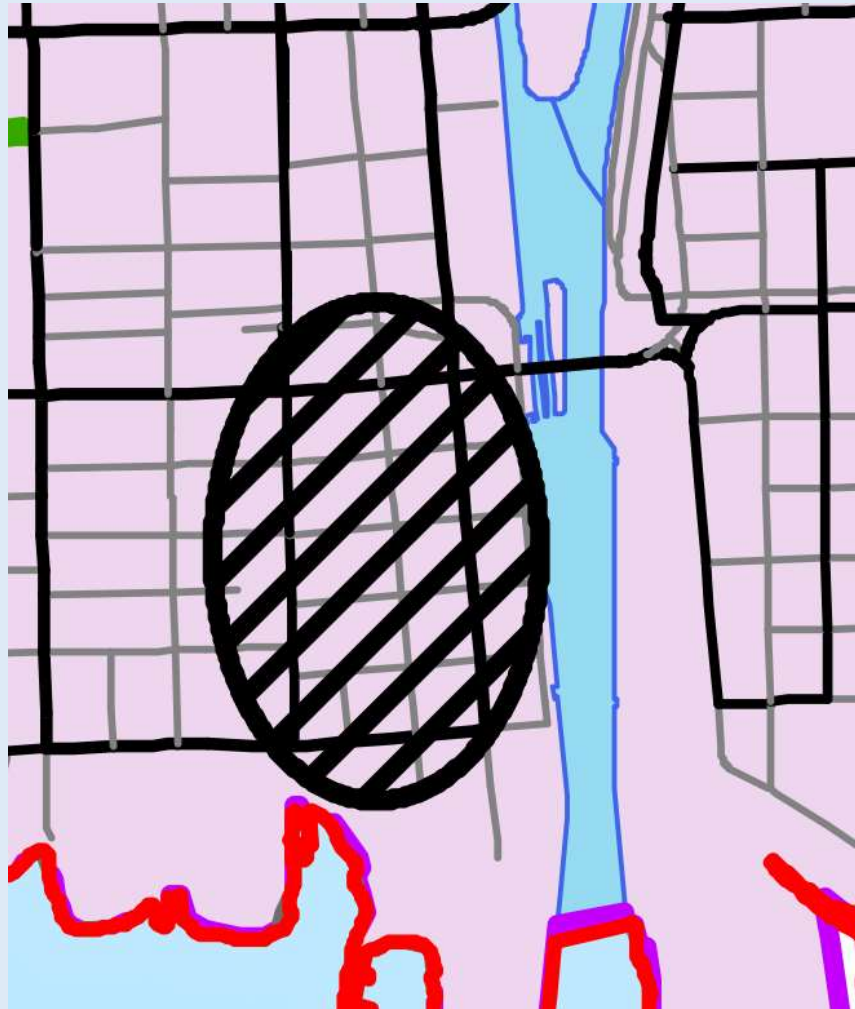
Townhouses and multiple-unit housing should:

- Be aligned parallel to the street from which the principal entrance should be visible and accessible;
- Consider overall form, massing and proportions and the rhythm of major repetitive building elements and roof designs to create a street facade that is composed of a consistent and attractive variety of building elements; and
- Be consistent with the placement and character of the surrounding built form where an infill development. (Policy 3.2.3.3a)

Development Adjacent to Railways

All proposed development within 500 metres of a railway right-of-way **may be required to undertake noise studies**, to the satisfaction of the municipality and /or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from noise that were identified. (Policy 3.16.8a)

Figure A4.4
Official Plan Schedule A1
GREENFIELDS



Port Colborne

Official Plan

Schedule A1: Greenfields

-  Municipal Boundary
-  Urban Area Boundary
-  Built Boundary
-  Designated Greenfield Area
-  Intensification Area

All proposed development within 75 metres of a railway right-of-way **may be required to undertake vibration studies**, to the satisfaction of the municipality and/or Region in consultation with the appropriate railway, and shall undertake appropriate measures to mitigate any adverse effects from vibration that were identified. (Policy 3.16.8b)

All proposed development adjacent to railways **shall ensure that appropriate safety measures such as setbacks, berms and security fencing** are provided to the satisfaction of the municipality and the Region, in consultation with the appropriate railway. (Policy 3.16.8c)

Height and/or Density Incentives

The Zoning By-law may authorize **increases in the height and density of residential development** above that permitted in the Zoning By-law in return for the provision of rental housing. (Policy 11.1.3a)iii)

No residential development will be granted for a bonus density greater than 20 percent above the maximum density provided in the parent Zoning By-law; or for a bonus height greater than three (3) storeys above the maximum density provided in the parent Zoning By-law. (Policy 11.1.3a)iii)

Exemptions from Parkland Dedication

The City may provide for **exemptions to the required parkland dedication** if:

- Privately-owned open space is made available through a co-operative use agreement and which would fill a leisure need identified by and to the satisfaction of the City;
- The developer is a not-for-profit corporation or charitable organization as defined by Revenue Canada; or
- Special features are being preserved in which the City has an interest. (Policy 11.5.2a to c)

THE ZONING BY-LAW

The Subject Properties is **zoned “Institutional - I” and “Residential Fourth Density R4” START HERE** which permits, among other uses, a Public Apartment Building; a Place of Assembly / Banquet Hall; and accessory uses, structures and buildings. The R4 Zone permits, among other residential uses, Apartment Buildings; Apartment Buildings, Public; and uses, structures and buildings accessory thereto and the CD Zone permits, among other uses, Apartment Buildings; Apartment Buildings, Public; Offices; and uses, structures and buildings accessory thereto.

The Zoning By-law provides the following definitions:

Apartment Building: means a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway.

Apartment Building, Public: means a building divided vertically and horizontally, or horizontally into five or more dwelling units each with its own entrance either separately or from a common vestibule, stairway or hallway, that has been erected, owned and / or is maintained by a public agency or non-profit charitable organization.

Table A4.1: ZONING CHART

Table A4.1: ZONING CHART			
PROVISION / USE	I ZONE REQUIREMENT	R4 ZONE REQUIRMENT	PROVIDED/PROVIDED
Uses			
Apartment Building	-	Permitted	Apartment Building and Place of Assembly / Banquet Hall
Public Apartment Building	Permitted	Permitted	
Place of Assembly / Banquet Hall	Permitted	-	
Zone Requirements			
Min Lot Frontage	18m	18m	50m
Min Front Yard	9m	9m	4.9m existing
Min Interior Side Yard	3m	n/a	1.5m existing
Min Corner Side Yard	7.5m	7.5m	1.5m existing
Min Rear Yard	6m	6m	1.8m existing
Max Lot Coverage	40%	40%	50% existing
Maximum Height	20m	20m	existing
Min Landscape Area	25%	25%	25%
Min Floor Area / Unit	50sqm	50sqm	38sqm

Parking Standards			
Apartment Building	1.5 spaces/unit 30	1.5 spaces/unit 30	24
Place of Assembly / Banquet Hall*	Min 1 space/20sqm gfa 14 spaces	Min 1 space/20sqm gfa 14 spaces	
Abutting a Public Road	3m	3m	0m
Abutting a Residential Zone	3m	3m	1.2m existing
Required Bicycle Parking			
Residential Buildings with 10 or more dwelling units	6 Spaces plus 1 for every additional 10 dwelling units above 20 8	6 Spaces plus 1 for every additional 10 dwelling units above 20 8	7
Place of Assembly / Banquet Hall	1 space per 1000 square metres gross floor area 1	1 space per 1000 square metres gross floor area 1	

- No building for the purpose of human habitation shall be constructed any closer than 15m to any functioning railway right-of-way. (1.7m requested – existing setback)
- No open storage of refuse shall be permitted anywhere within the zoned area except:
 - Where refuse is to be collected within an 18 hour period after such refuse has been placed in an outdoor location;
 - Where the area used for the open storage of refuse or a refuse container is enclosed by a wall or an opaque fence not less than 1.8m in height; or
 - In any Residential Zone, where such refuse is contained completely within a structure or in a receptacle specifically intended for such purpose and having walls or sides and door or lid.
- A parking space, bicycle parking space, or parking area is permitted within any yard but is not permitted within a required landscape buffer, a landscape open space area or a sight triangle.
- Required parking spaces shall have adequate access to permit ingress and egress by means of driveways, aisles, maneuvering areas, or similar area . . . no part of this access is to be used for the temporary parking or storage of any motor vehicle.
- Driveways shall have a minimum unobstructed width of 7.5m where two-way traffic is permitted and 3m where only one-way direction of traffic flow is permitted.

- In the case of expansion of a building or structure that legally does not meet the parking requirements, the parking standards related to the expansion must be adhered to, but the parking deficiency of the original building or structure does not have to be corrected and can remain legally.

ANNEX 5

DETAILED RELEVANT POLICY & DESIGN REVIEW

Good planning practice directs:

- That the plan and its policies are not written in stone.
Policies such as those of the PPS, ROP, and PCOP reviewed here, are to be used to try to reach a goal. They are not a set of threshold measures where the inability to meet every policy results in a proposal's failure. All of the policies of a plan may not be and, based on good planning practice, don't have to be satisfied as though they are zoning by-law regulations. If, on the balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.
- Consideration of all of the relevant policies.
As an example, only reviewing and evaluating the implications of the PPS's Agriculture policies does not provide a full planning analysis of a proposal. The PPS policies on: Settlement Areas, Rural Areas, Employment, and Long Term Economic Prosperity must also be considered. While the Agriculture policies may be most relevant, the others cannot be ignored. All of the policies together must be considered in any recommendation.

POLICY AND DESIGN REVIEW

Municipal Servicing

A municipal servicing study was not required and a stormwater management plan was not required for quantity control given the existing development and small size of the Subject Properties.

Reduced Parking

Senior Housing Trip Generation And Parking Demand Characteristics, by Stephen B. Corcoran, P.E. (M) a, presented at the Institute of Transportation Engineers 66th Annual Meeting, concluded the peak parking demand at most senior facilities occurs midday with an average peak demand of 0.40 vehicles per dwelling unit for residents, employees, and visitors. Mother's Day is the highest parking day of the year with many facilities short of spaces for that one day.

Review of Parking Standards Contained Within The City Of Vaughan's Comprehensive Zoning Bylaw, by IBI Group, March, 2010, stated seniors-oriented housing typically generates a lower parking demand per unit due to the smaller family sizes and a lower vehicle ownership rate. Studies from Toronto and California have shown that the average auto ownership for such dwellings is about 30% of the average for typical condominiums. A detailed study of parking rates for seniors housing facilities in a Lower Mainland Community (British Columbia) also found substantially lower parking allocation by dwelling unit, with decreasing parking demand based on the level of care provided.

The Review recommended proposed senior citizens dwelling parking standards are presented in Exhibit 4-4 [reproduced below as *Table A5.1: Proposed Senior Citizens Dwelling Parking Standards*. Key elements of the proposed standards include:

- Three categories are proposed for senior citizens dwellings including independent, supportive, and nursing home. This allows the lower parking demand at supportive residences to be incorporated into the parking standards.
- As for multi-unit residential developments, proposed standards for independent senior citizens dwellings are specified by the size of the unit (i.e., the number of bedrooms) to make minimum requirements more reflective of actual demand.
- The proposed minimum parking requirements for independent senior citizens dwellings are reduced from existing requirements to reflect current planning goals and building practices in Vaughan. Minimum requirements are set approximately 30 percent below proposed multi-unit requirements reflecting the commonly observed differences in auto ownership. Similarly, the proposed visitor parking requirement is reduced to 0.2 spaces per unit. For high-order transit hubs the recommended visitor parking requirement is 0.15 spaces per unit, reflecting the high level of transit service in these areas. Further reductions are allowed based on good transit access, shuttle service, and unbundling of tenant parking from the price of a unit.
- Reflecting existing and/or proposed mix of residential and commercial/service uses and improved transit service in High-Order Transit Hubs, Local Centres, and Primary Centres/Primary Intensification Areas, minimum requirements are reduced in these areas.
- No maximum parking limits are proposed. This reflects that some seniors may have difficulty using transit, walking, or cycling due to physical mobility constraints.

This review of relevant literature indicates that a parking standard of between 0.4 to 0.7 spaces per unit for a seniors assisted living house use is adequate.

Planning Staff noted for a commercial to residential intensification project compromises are sometimes required as a result of adaptive reuse proposals for rental housing. It is not uncommon for municipalities to allow a reduction in parking requirements for smaller-scale rental housing developments. It is important to note that reasonable rental prices can be achieved by offering a number of options for renters. For example, some renters may not require a parking space which could be reflective on the overall unit price. As the Owner has acquired a nearby property for additional parking spaces, parking concerns have been addressed adequately. Greater importance should be placed upon the number of rental units entering the market than the number of parking spaces provided on site, some of which may not even be used.

Reduced Unit Size

Planning Staff noted for a commercial to residential intensification project that eliminating the minimum unit size from the Zoning By-law is something municipalities across Ontario have begun to do in order to proactively support diverse styles of housing, providing

choice in size and price to the rental market. The Ontario Building Code sets out requirements for minimum living area and room sizes that the building will still have to comply with. In the event that the requirements cannot be met, a reduction in the number of units may be necessary.

Train Noise & Vibration

The Guidelines for New Development in Proximity to Railway Operations prepared for The Railway Association of Canada and the Federation of Canadian Municipalities, dated May 2013 states areas in proximity to railway operations are challenging settings for new development, and in particular, for residential development. It is often difficult to reconcile the expectation and concerns of residents with railway operations. For this reason, developments must be carefully planned so as not to unduly expose residents to railway activities as well as not to interfere with the continued operation of the corridor itself, or the potential for future expansion, as railways play an important economic role in society that must be safeguarded.

This report strongly recommends that municipalities should take a proactive approach to identifying and planning for potential conflicts between rail operations and new developments in proximity to railway corridors. Prior to the receipt of an application for a specific project, the municipality should have already have identified key sites for potential redevelopment, conversion, or future rail crossings, and will have generated site-specific policies to manage such future change. To further assist municipalities and other stakeholders, this report provides a comprehensive set of guidelines for use when developing on lands in proximity to railway operations. The intent of the guidelines is to:

- promote awareness around the issues (noise, vibration, safety) and mitigation measures associated with development near railway operations, particularly those associated with residential development;
- promote greater consistency in the application of relevant standards across the country;
- establish an effective approvals process for new residential development, infill, and conversions from industrial/commercial uses that allows municipal planners to effectively evaluate such proposals with an eye to ensuring that appropriate sound, vibration, and safety mitigation is secured; and
- enhance the quality of living environments in close proximity to railway operations.

Table A5.1
PROPOSED SENIOR CITIZENS DWELLING PARKING STANDARDS

Land Use	Description	Existing Standard	Proposed Standards						
			Base	High-order Transit Hubs		Local Centres		Primary Centres and Primary Intensification Corridors	
				Min	Max	Min	Max	Min	Max
Senior Citizens Dwelling - Independent	Bachelor/1 bedroom	1 per unit	0.6	0.45	-	0.5	-	0.5	-
	2 Bedrooms		0.8	0.6	-	0.7	-	0.7	-
	3+ Bedrooms		0.95	0.4	-	0.45	-	0.45	-
Senior Citizens Dwelling - Supportive		1 per unit	0.5	0.4	-	0.45	-	0.45	-
Senior Citizens Nursing Home		0.5/bed	0.25/bed	0.25/bed	-	0.25/bed	-	0.25/bed	-
Visitor*	Applies to all SC dwelling types		0.2	0.15	-	0.2	-	0.2	-

*Applied per bed in the case of nursing homes.

The report builds on the 2004 FCM/RAC Proximity Guidelines and is intended for use by municipalities and provincial governments, municipal staff, railways, developers, and property owners when new developments in proximity to railway operations are proposed. Information has been assembled through a comprehensive literature/best practices review from national and international sources as well as a consultation process involving planners, architects, developers, and other professionals from across Canada, the USA, and Australia, as well as members of RAC and FCM.

In addition to the detailed guidelines, the report offers a set of implementation tools and recommendations that are meant to establish a clear framework for the dissemination, promotion, and adoption of the guidelines; as well as suggested improvements to the development approval process. A key recommendation is for a new development assessment tool, called a Development Viability Assessment, which will allow municipal planners to better evaluate proposals for residential development in areas where standard mitigation cannot be accommodated due to site constraints.

In a communication from Aaron White, General Manager of Railway Administration / GIO RMS for Trillium Railway, dated 2019-09-14 advised Trillium, as a CN short line licensee, requires what CN would require for the particular classification of track.

This Subject Properties is located adjacent to Trillium's Government Spur. All track within Port Colborne city limits is actually owned by the City and Trillium operate it on behalf of CN.

Trillium classifies this section of track as a "Spur Line" per the CN definition - Spur Line means unscheduled traffic on a demand basis, low speeds, limited to 24kph (15 mph), and trains generally of light to moderate weight with 1 locomotive per train.

"Spur Line" requirements for development include:

- Safety setback of dwellings from the railway rights-of-way to be a minimum of 15 metres.
- The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the

design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.”

- Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- The Owner may be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the Subject Properties in favour of CN.

Normal operation on this line has two train movements a day, one southward and one northward at less than 10 miles per hour. It is somewhat busier in the winter months due to ADM switching to rail from vessels while the Canal is closed. That’s not to say that traffic will not increase, but even if it does, the track will still remain classified as a “Spur Line”.

Trillium advises, the Region and City have more stringent requirements for vibration and noise, which don’t take into consideration the volume of rail traffic operating on the line. At this classification, Trillium doesn’t require it, but know from experience that new residents next to rail operations will complain to the municipalities about noise coming from the railway, even when warned ahead of time. There are residences along both sides of this rail corridor, and Trillium is not aware of ever receiving a formal noise complaint. There is an anti-whistling policy in place in Port Colborne, and sounding the horn in a residential area is typically what generates the most complaints to Trillium.

A previous impact assessment under the same conditions (OZA Inspections Ltd., letter report to MacDonald Zuberec Ensslen Architects Inc., re Proposed Bank Site, 184 Clarence Street, Port Colborne, dated 2002-11-12 in [Annex 7](#), states the slow speed of the trains is favourable to low ground vibration levels in the vertical plane, even at close proximity. Trillium’s main concern is negative vibration impact on the proposed structure. The limits established to minimize disturbance to humans should be considered ultra conservative relative to structural integrity. No specific building component specification is required to mitigate vibration levels. OZA concluded train vibration levels are within the criteria specified.

The OZA letter requirements were based on CN North America Principal Main Line Requirements compared to the CN Spur Line Requirements provided by Trillium in [Annex 8, CN SPUR LINE REQUIREMENTS](#).

Exterior Insulation and Finish System (EIFS) insulation wall construction and triple pane windows on the west side will mitigate the sound that may be produced by the rail line.

EVALUATION SUMMARY & COMMENTS

There are a many positive aspects of the proposal. It is an intensified residential use within the existing mixed use area providing a range of housing alternatives in downtown Port Colborne on the Elm and Charlotte Streets primary transportation corridors. It is compact development efficiently utilizing urban land, existing services, and municipal infrastructure. The location provides safe and easy walking and cycling to commercial and community facilities and is close to safe, publicly-accessible open spaces, parks, trails, and other recreational facilities.

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows to overlook pedestrian routes and parking areas encouraging “eyes on the street” and maintains pedestrian access to the nearby park maintaining connectivity. The building has a strong relationship to both Elm and Charlotte Streets. The primary building entrances clearly address the streets. Handicapped parking spaces are located near the main entrance. Through the development of an apartment building in this location:

- Housing variety is achieved on the street and block;
- A range of housing types is provided to promoting variety and diversity;
- Residential density is increased promoting transit; and
- Residential uses are located near a park and trail system.

A review of relevant literature indicates that a parking standard of between 0.95 parking spaces per unit for a seniors use is adequate.

ANNEX 6

PRE-CONSULTATION AGREEMENT



Pre-Consultation Agreement

City of Port Colborne Department of Planning and Development
Niagara Region Development Services
Niagara Peninsula Conservation Authority

Persons intending to make an application for a proposed development are required to consult with planning City staff and Agency staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-Consultation Meeting Date: November 22nd

Local Municipal Contact: Evan Acs

Phone: 905-835-2901 ext 202

Email: planner@portcolborne.ca

Site Address: 176 Elm Street

Roll Number: 27 11 010 021 062 00

Land Area 33, 106 sq ft

Owner Contact Information:

Owner Name: _____

Phone Number: _____ **Email:** _____

Agent Contact Information:

Agent Name: Michael Smith

Phone Number: 905-650-4741 **Email:** michaels@royalpage.ca

Principal Contact: ☐ Owner ☒ Agent

Application Type:

- | | |
|---|---|
| <input type="checkbox"/> Regional Official Plan Amendment | <input type="checkbox"/> Consent (Land Severance) |
| <input type="checkbox"/> Local Official Plan Amendment | <input checked="" type="checkbox"/> Zoning By-law Amendment |
| <input type="checkbox"/> Draft Plan of Subdivision | <input checked="" type="checkbox"/> Site Plan Control |
| <input type="checkbox"/> Draft Plan of Condominium | <input type="checkbox"/> Other |
| <input type="radio"/> Vacant Land & Common Element | |
| <input type="radio"/> Conversion | |
| <input type="radio"/> Other | |

1. Brief description of proposed development:
Convert old church building into ?? unit apartment building.
2. Existing Regional Official Plan Designation: Built-up area
Conformity with Regional Official Plan land use designations and policies?
☐ Yes ☐ No ☐ Unknown
If 'No', what is the nature of the amendment needed?

3. Check All Applicable:
☐ Brownfield ☐ Greenfield ☐ Built-up ☐ Local CIP Area
4. Development Charges:
☐ Regional By-law 62-2012 ☐ Local By-law 6131/97/14
5. Existing Local Official Plan Designation: Urban Residential
Conformity with Official Plan land use designations and policies?
☒ Yes ☐ No ☐ Unknown
If 'No', what is the nature of the amendment needed?

6. Existing Zoning: Institutional
Conformity with existing zoning?
☐ Yes ☒ No ☐ Unknown
If 'No', what is the proposed zoning:
Rezoning to R4, special provisions may be required.
7. Is property located in Intake Protection Zone?
☐ No ☐ IPZ 1 ☒ IPZ 2
8. Is Property recognized under Ontario Heritage Act?
☒ No ☐ Registry ☐ Designated

9. Is Site Plan approval required?

☒ Yes ☐ No

10. Fees Required at time of Submission of the Application

Application	City of Port Colborne	Niagara Region	Niagara Peninsula Conservation Authority	Other Fees
Regional Official Plan Amendment				
Local Official Plan Amendment				
Zoning By-law Amendment				
Plan of Subdivision				
Plan of Condominium				
Consent				
Site Plan Agreement				
Zoning by-law and Site Plan Control	\$5,500	\$1,250		
TOTAL				

Notes on Fees:

- Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received.
- Further fees may be required at a later date as per the fee schedule by-law.
- Separate cheques shall be made payable to the appropriate agency.

11. Additional Agencies to be contacted:

☐ Hydro

☐ Enbridge/Pipelines

☐ Ministry of Environment

☐ CN/Trillium Rail

☐ Seaway

☐ Ministry of Transportation

☐ Niagara Peninsula Conservation Authority

☐ Other

12. Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	No. of Copies		Notes
				Electronic Digital	Paper	
			Planning Justification Report			
			Conceptual Site Plan, Subdivision Plan			
			Draft Regional Official Plan Amendment			
			Draft Local Official Plan Amendment			
			Land Use/Market Needs*			
			Urban Design/Landscape Plans			
			Archaeology Assessment			
			Cultural Heritage Impact Assessment*			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
			Tree Inventory Preservation Plan			
			Floodplain and Hazard Lands Boundary Plan			
			Geotechnical			
X	X		Environmental Site Assessment – Phase I and II			
			Air Quality/Noise & Vibration Study*			
			Agricultural Impact Assessment			
			Farm Operation and Ownership			
			Minimum Distance Separation I & II			
			Mineral Aggregate Resources			
			Municipal Servicing Study			
			Phasing Plan			
			Sensitive Land Use Report			
			Slope Stability Report			
			Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Hydrogeological Study and Private Servicing Plans*			
			Soil report			
			Financial Impact Assessment*			
			Shadow Analysis			
			Shoreline Study/Dynamic Beach			
			Risk Management Study			
			Gas Well Study/Gas Migration Study			
			Wind Study*			
			Other*			

13. Additional Comments:

Zoning by-law amendment required for private multi-unit residential. Staff will work with applicant to identify any required special provisions to recognize conversion of existing building into residential use.

Site plan control required. Please refer to site plan control handbook for requirements.

Preferred parking solution is for lot in court yard. Parking must meet parking requirements from zoning by-law in terms of sizing. Zoning by-law amendment can reduce the number of required parking spots from 1.5 per apartment unit.

14. Site Visit:

15. Incentive Programs:

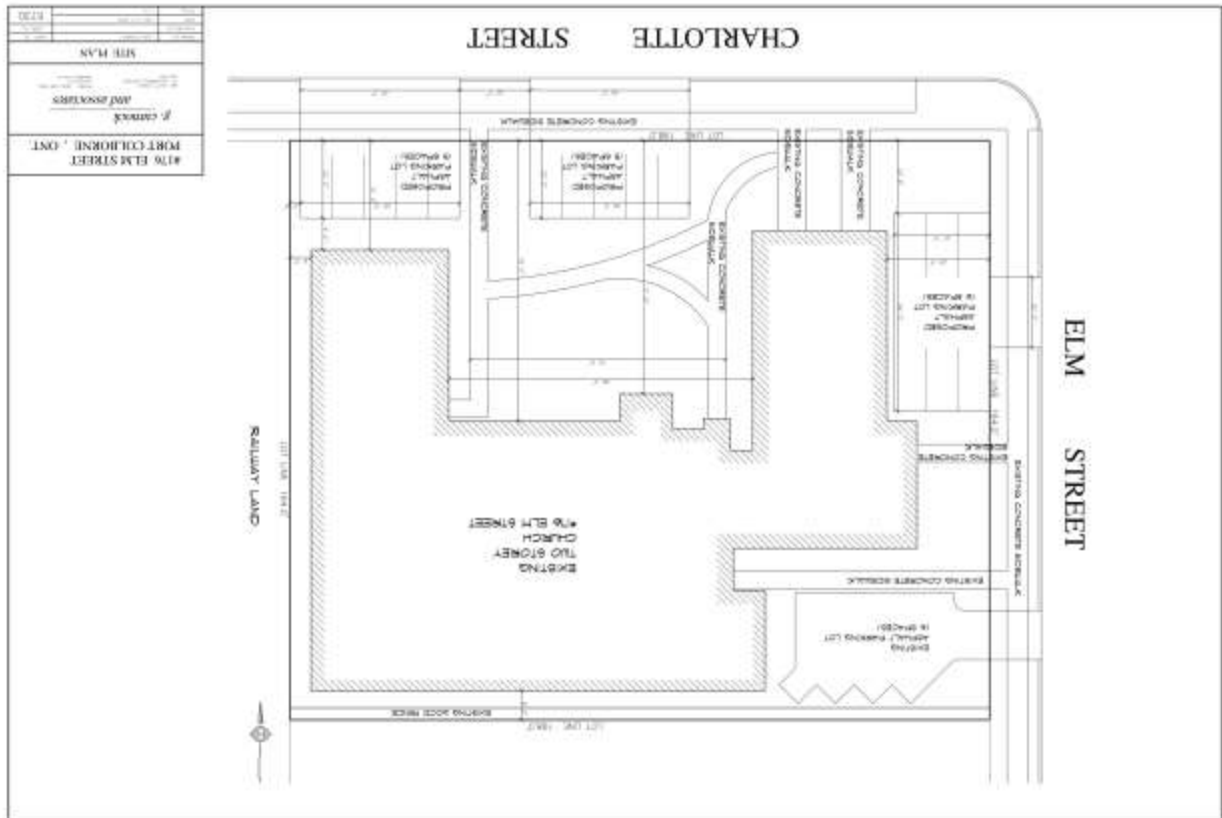
Notes:

1. The purpose of this document is to identify the information required to commence processing and evaluating an application as set out in the Planning Act. This pre-consultation process is designed to proceed based on the mutual agreement of the parties as shown by the signatures below.
2. Pre-consultation does not imply or suggest any decision whatsoever on behalf of staff or the municipality to either support or refuse the application.
3. The applicant should be aware that the information provided is accurate as of the date of the preconsultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, Municipality, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application. If an application is not submitted within 1 year, it is advisable that the applicant confirm with the municipality the directives of the original preconsultation meeting.
4. Any application submitted without the information identified in this Pre-consultation Document will be deemed incomplete and not processed. Alternately, staff may recommend refusal of the application based upon insufficient information to properly evaluate the application.
5. The applicant acknowledges that the Municipality and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the Municipality and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.

6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the Municipality or Region does not have sufficient expertise to review and determine that a study is acceptable, the Municipality may require a peer review. The cost of the peer review shall be paid for by the applicant. The Terms of Reference for a peer review is determined by the Municipality or Region.
8. Some studies may require NPCA review and clearance/approval. In this instance, the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.

Signatures:

<u>EVAN ACS</u> Planning Staff	<u>Evan ACS</u> (signature)	<u>November 22/2018</u> Date
<u>HEATHER MAHON</u> Planning Staff	<u>H. Mahon</u> (signature)	<u>Nov 22/18</u> Date
_____ Building Staff	_____ (signature)	_____ Date
<u>Alana VanderVeen</u> Engineering Staff	<u>Alana VanderVeen</u> (signature)	<u>Nov 22, 2018</u> Date
<u>Brian Kostuk</u> Engineering Staff	<u>B. Kostuk</u> (signature)	<u>Nov. 22, 2018</u> Date
_____ Regional Staff	_____ (signature)	_____ Date
_____ NPCA Staff	_____ (signature)	_____ Date
_____ Fire Staff	_____ (signature)	_____ Date
_____ Canadian Niagara Power	_____ (signature)	_____ Date
<u>Glen Curnock</u> Agent	<u>G. Curnock</u> (signature)	<u>Nov. 22/2018</u> Date
<u>MICHAEL SMITH</u> Owner	<u>M. Smith</u> (signature)	<u>Nov 22/18</u> Date
_____ Owner	_____ (signature)	_____ Date





Re: Port Colborne PreCon Agenda (Nov 22) 
Brian Kostuk to: Evan Acs

11/22/2018 11:26 AM

Hi Evan,

I spoke with Darlene about 46-52-60 Adelaide Street. She said according to the bylaw the three separate water services can remain as-is.

Also, she informed me that 176 Elm Street currently has a 1-1/2 inch water line with a 1 inch meter.

Thanks,

Brian Kostuk, C.Tech.
Design Technologist

City of Port Colborne
1 Killaly Street West
Port Colborne, Ontario L3K 6H1
Telephone: 905-835-2901, Ext. 222
Mobile: 905-380-8403
Fax: 905-835-6800
Email: briankostuk@portcolborne.ca

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Evan Acs

Greetings, Find attached the agenda for the No...

11/16/2018 04:22:19 PM

From: Evan Acs/Port_Notes
To: adele.labbe@niagararegion.ca, Aimee.Alderman@niagararegion.ca, Alana Vander Veen/Port_Notes@Port_Notes, Amy Dayboll/Port_Notes@Port_Notes, Brian Kostuk/Port_Notes@Port_Notes, craig.stratychuk@bell.ca, clampman@npca.ca, developmentreview@Port_Notes, Dan Aquilina/Port_Notes@Port_Notes, ddeluce@npca.ca, EDO, Evan Acs/Port_Notes@Port_Notes, Heather Mahon/Port_Notes@Port_Notes, jeff.hoover@cnpower.com, Robert.Alguire@niagararegion.ca, steven.miller@niagararegion.ca, Scott Lawson/Port_Notes@Port_Notes, Sherry Hanson/Port_Notes@Port_Notes, Steven.Chappell@bell.ca, Steve Shypowskyj/Port_Notes@Port_Notes, susan.dunsmore@niagararegion.ca, Todd Rogers/Port_Notes@Port_Notes
Date: 11/16/18 04:22 PM
Subject: Port Colborne PreCon Agenda (Nov 22)

Greetings,

Find attached the agenda for the November 22nd preconsultation meeting in Port Colborne.

Evan Acs, MA, MSc
Planner
Planning & Development Department

City of Port Colborne
66 Charlotte Street

ANNEX 7

OZA INSPECTIONS LTD., LETTER REPORT TO MACDONALD ZUBEREC
ENSSLEN ARCHITECTS INC., RE PROPOSED BANK SITE, 184 CLARENCE
STREET, PORT COLBORNE, DATED 2002-11-12

OZA Inspections Ltd.

A Division of the OZA Group

P.O. Box 271
Grimsby, ON L3M 4G5
Toll Free 1-800-667-8263
Tel (905) 945-5471
Fax (905) 945-3942
email oza@ozagroup.com
www.ozagroup.com

November 12, 2002

MacDonald Zuberec Ensslen Architects Inc.
39 Queen Street
St. Catharines, ON
L2R 5G6

ATTN: Michael Zuberec
RE: Train Vibration Impact Study
Proposed Bank Site
148 Clarence Street, Port Colborne, ON
Our File No.: 10373

1.0 INTRODUCTION

At the request of MacDonald Zuberec Ensslen Architects Inc, OZA Inspections Ltd. has completed an impact assessment of ground borne vibration from rail traffic relative to the above captioned project. Evaluation of train vibration levels is a condition implied by the City of Port Colborne, necessary for building permit approval. This requirement is imposed to satisfy Trillium Railway Company Limited (hereafter referred to as Trillium) standards for developments in close proximity to their facilities.

This study will determine and assess vibration impact from the Trillium line and, if necessary, recommend mitigation measures for compliance with standards.

2.0 SITE DESCRIPTION

The proposed development is located on the south side of Clarence Street in the downtown area of the City of Port Colborne. Trillium right of way borders the

Page 1 of 4

Nov. 14. 2002 1:16PM

MACDONALD ZUBEREC ENSSLEN ARCH

No. 9859 P. 2/8

proposed site to the west, and consists of one track, classified as a government spur for access to the ADM grain elevators in the Port Colborne harbor. Site plan is attached as Figure 1. Commercial use borders Trillium to the west of the line, with a combination of commercial and residential use north and south. The track elevation is consistent with the surrounding area.

A one storey, 4,300 square foot bank structure is planned for the property. See the attached site plan, Figure 1, for reference. The structure proposed measures 10 metres to the center-line of the Trillium track at the closest point. The proposed site use is not considered a sensitive land use, as defined by the Ministry of the Environment(MOE).

3.0 RAIL VIBRATION ASSESSMENT

3.1 CRITERIA

The MOE proposes train vibration limits within the threshold of human perception for residential or other "sensitive" land uses. The Canadian National Railway and Canadian Pacific Railway specify the same criteria, with a limit set at 0.14 mm/s RMS velocity, at frequencies between 4 hz and 200 hz. A copy of the CN specification is attached in Appendix A. CN considers an RMS velocity of 0.2 mm/s to be a significant problem. Trillium has accepted these guidelines in previous assessment.

3.2 PROCEDURE

There is no accepted prediction method for rail vibration, therefore on site testing is required to determine actual ground borne vibration levels. Measurements were carried out utilizing OZA model GPS-3 seismograph instrumentation (s/n 6111), capable of measuring and recording velocity in the specified frequency range. The seismograph was calibrated December 24, 2002, and in accordance with manufacturer specification. Measurement of a minimum of 5 train pass-by's, including all types of train traffic, is recommended. The measurement location was set along the line of the closest proposed section of the building relative to the rail line. The sensors were secured to the ground via spiking, with the sod removed.

3.3 TRAIN TRAFFIC

Rail traffic data was provided by Trillium verbally, summarized as follows: Maximum activity consists of one train travelling northerly into the ADM grain elevator, and returning southward on a daily basis. Train size ranges between 12 and 15 cars with 1 locomotive, moving slowly at an approximate speed of 5 mph. This data was consistent with observation made during the study period.

3.4 MEASUREMENT RESULTS

Vibration levels from six freight trains, travelling in both the north and south directions, with hoppers empty and under load, were measured. The RMS velocities of the vertical axis have been calculated in accordance with CN standards. The measurement results are summarized in Table 1. The RMS velocity was calculated using an averaging time constant of 1 second. An actual vibration time history report for a passenger train pass-by is attached in Appendix B.

TABLE 1 - VIBRATION SUMMARY:

Date	Time	No. Engines	No. Cars	Dir.	RMS Velocity (mm/s)
November 6, 2002	13:33	1	16	North	0.025
	13:54	1	15	South	0.060
November 7, 2002	13:30	1	15	North	0.023
	13:51	1	9	South	0.030
November 11, 2002	14:42	1	16	North	0.026
November 12, 2002	07:53	1	9	South	0.049

3.5 ASSESSMENT OF COMPLIANCE

The maximum RMS value for the study period, measured in the vertical direction was 0.06 mm/s. This level is well within the specified criteria of 0.14 mm/s for residential development, and therefore is more than acceptable for the planned land use.

3.6 DISCUSSION OF RESULTS

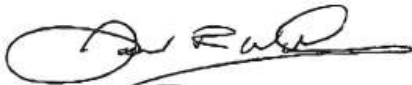
The slow speed of the trains is favorable to low ground vibration levels in the vertical plane, even at close proximity. Trillium's main concern is negative vibration impact on the proposed structure. The limits established to minimize disturbance to humans should be considered ultra conservative relative to structural integrity. No specific building component specification is required to mitigate vibration levels.

4.0 CONCLUSION

OZA Inspections Ltd. has conducted a detailed train vibration impact assessment for the proposed new bank building at 148 Clarence Street in the town of Port Colborne, Ontario. Based on measurements recorded throughout the study period, train vibration levels are within the criteria specified.

Respectfully submitted,

OZA Inspections Ltd.



David Williams
Senior Technician

Reviewed by,



David W. Seberras, P.Eng

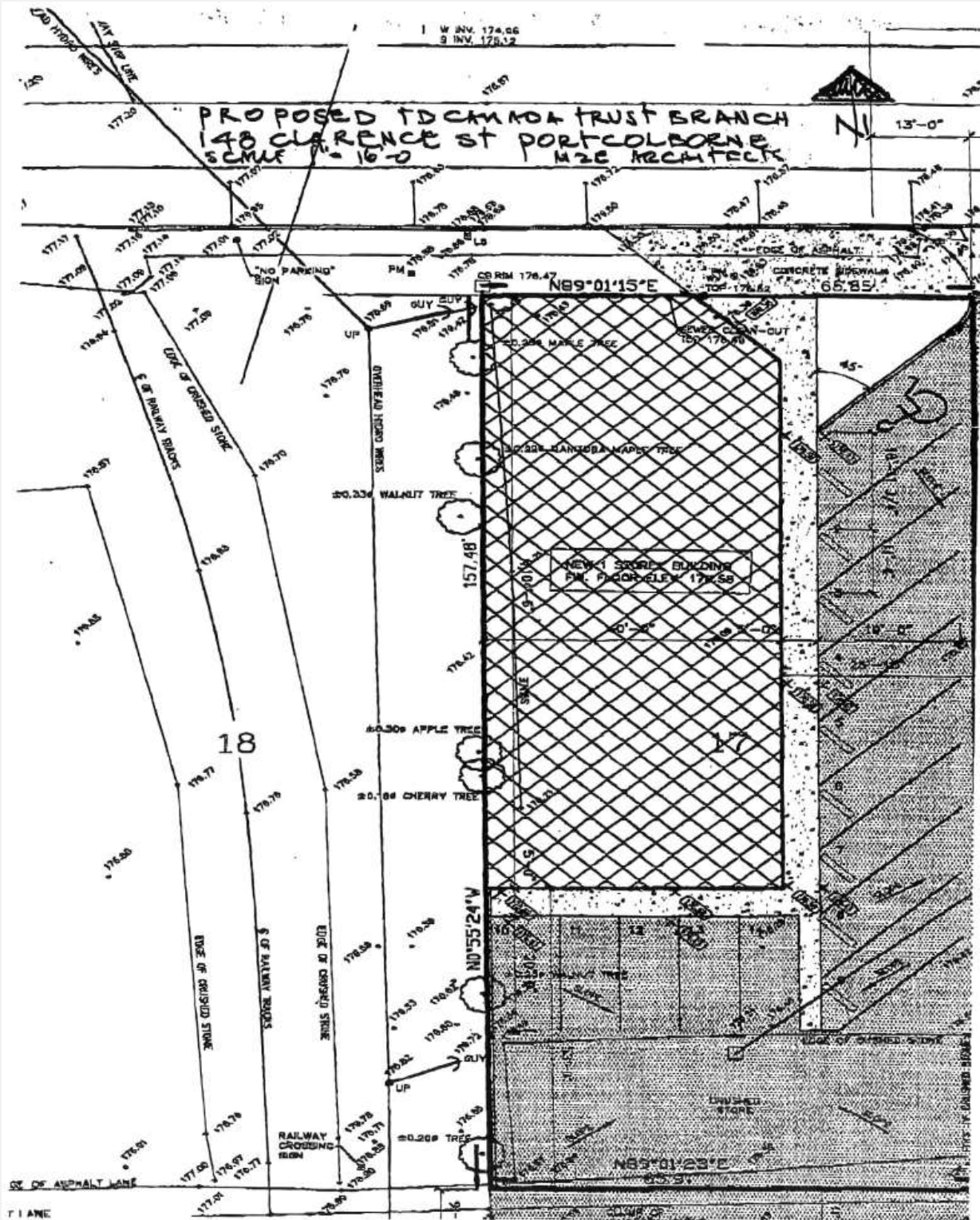


FIGURE 1

No. 9859 P. 6/8

MACDONALD ZUBEREC ENSSLEN ARCH

Nov. 14, 2002 1:17PM

APPENDIX A



PRINCIPAL MAIN LINE REQUIREMENTS

- A. Safety setback of dwellings from the railway rights-of-way to be a minimum of 30 metres in conjunction with a safety berm. The safety berm shall be adjoining and parallel to the railway rights-of-way with returns at the ends, 2.5 metres above grade at the property line, with side slopes not steeper than 2.5 to 1.
- B. Noise attenuation barrier shall be adjoining and parallel to the railway rights-of-way, having returns at the ends, and a minimum total height of 5.5 metres above top-of-rail. Acoustic fence to be constructed without openings and of a durable material weighing not less than 20 kg. per square metre of surface area. The Railway may consider other measures recommended by an approved Noise Consultant satisfactory to the Railway.
- * C. Ground-borne vibration transmission to be estimated through site testing and evaluation to determine if dwellings within 75 metres of the railway rights-of-way will be impacted by vibration conditions in excess of 0.14 mm/sec RMS between 4 Hz and 200 Hz. The monitoring system should be capable of measuring frequencies between 4 Hz and 200 Hz, ± 3 dB with an RMS averaging time constant of 1 second. If in excess, isolation measures will be required to ensure living areas do not exceed 0.14 mm/sec RMS on and above the first floor of the dwelling.
- D. The Owner shall install and maintain at his own expense a chain link fence of minimum 1.83 metre height along the mutual property line.
- E. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- F. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- G. The Owner shall through restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that the Owner shall have sole responsibility for and shall maintain these measures to the satisfaction of CN North America.
- H. The Owner enter into an Agreement stipulating how CN North America's concerns will be resolved and will pay CN North America's reasonable costs in preparing and negotiating the agreement.

8/7 P. 9859 No.

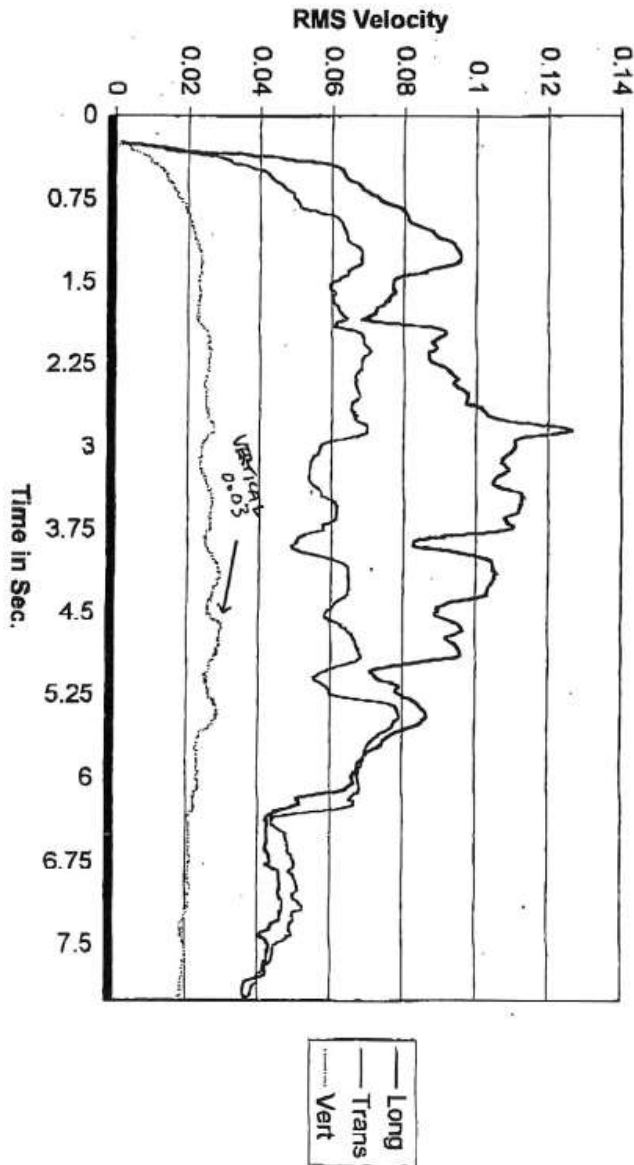
MACDONALD ZUBEREC ENSSLEN ARCH

Nov. 14. 2002 1:18PM

APPENDIX B

Data Summary

Unit SN. 6111 Event Time Nov 07/2002 1:51:33 PM RMS Period 1.00 Seconds RMS Max 0.1263 Units of Measure MM/PS



ANNEX 8

CN SPUR LINE REQUIREMENTS



Railway Properties
1 Administration Rd
Concord, ON L4K 1B9

Telephone: 905-760-5007
Fax: 905-760-5010

SPUR LINE REQUIREMENTS

- A. Safety setback of dwellings from the railway rights-of-way to be a minimum of 15 metres.
- B. The Owner shall install and maintain a chain link fence of minimum 1.83 metre height along the mutual property line.
- C. The following clause should be inserted in all development agreements, offers to purchase, and agreements of Purchase and Sale or Lease of each dwelling unit within 300m of the railway right-of-way: "Warning: Canadian National Railway Company or its assigns or successors in interest has or have a rights-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CNR will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way."
- D. Any proposed alterations to the existing drainage pattern affecting railway property must receive prior concurrence from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- E. The Owner may be required to grant CN an environmental easement for operational noise and vibration emissions, registered against the subject property in favour of CN.

March 2002

ANNEX 9

DESIGNATED SUBSTANCE SURVEY, PHASE I ENVIRONMENTAL SITE
ASSESSMENT, AND PHASE II ENVIRONMENTAL SITE ASSESSMENT

PROVIDED UNDER A SEPARATE COVER

ANNEX 10

DRAFT ZONING BY-LAW AMENDMENT

THE CORPORATION OF THE CITY OF PORT COLBORNE

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND THE CITY OF PORT COLBORNE ZONING BY-LAW

WHEREAS the Council of the Corporation of the City of Port Colborne adopted By-law

AND WHEREAS the Council of the Corporation of the City of Port Colborne deems it expedient to amend said Zoning By-law.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

1. That the City of Port Colborne Zoning By-law is hereby amended.
2. That Schedule 'B' to the City of Port Colborne Zoning By-law, as amended, is hereby further amended as shown on Schedule 'A' attached hereto and forming part of this By-law.
3. Notwithstanding the provisions of the Fourth Density Residential (R4) Zone, the following regulation shall apply:
 - a) Minimum Front Yard 4.5 metres
 - b) Minimum Interior Side Yard 1.5 metres
 - c) Minimum Corner Yard 1.5 metres
 - d) Minimum Rear Yard 1.5 metres
 - e) Maximum Lot Coverage 25 %
 - f) Maximum Height As existing
 - g) Max Gross Floor Area 1450 square metres
 - h) Minimum Landscape Area 25 %
 - i) Minimum Floor Area / Unit 35 square metres
 - j) Minimum Number of Parking Spaces 23 spaces
 - k) Landscape Buffer Between the Edge of any Parking Area Abutting a Public Road 0 metres
 - a. Landscape Buffer Between the Edge of any Parking Area Abutting a Residential Zone 1.5 metres

- b. Minimum Setback of a Building for the Purpose of Human Habitation to a Functioning Railway Right-of-way 1.5 metres

READ A FIRST, SECOND AND THIRD TIME AND PASSED \ BY COUNCIL THIS
_____ DAY OF _____, 2020.

_____ MAYOR

_____ CLERK