

Planning and Development Services

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

Via Email

August 4, 2022

Region File: D.18.07.ZA-22-0042

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

Dear Mr. Schulz:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
City File: D14-01-22
Owner: 2466602 Ontario Inc.
Agent/Applicant: Joseph M. Tomaino
360 Killaly Street East
Port Colborne**

Regional Planning and Development Services staff has reviewed the above-mentioned Zoning By-Law Amendment Application, which proposes to change the zoning from “Institutional (“I”)” to a special provision of the Fourth Density Residential Zone “R4-##” in order to construct a 3 ½ storey, 16-unit apartment building at 360 Killaly Street East in the City of Port Colborne. The Zoning By-law Amendment proposes to permit a reduction in the parking area landscape buffers, reduction in aisle width, and a reduction in parking requirements.

A pre-consultation meeting for this proposal was held on July 22, 2021 with the Agent, City staff, and Regional staff in attendance. The following comments from a Provincial and Regional perspective are provided to assist the City in their consideration of the application.

Provincial and Regional Policies

The subject lands are located within a “Settlement Area” under the *Provincial Policy Statement, 2020* (“PPS”), designated the “Delineated ‘Built-Up’ Area” under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* (“Growth Plan”), and designated “Urban (Built-Up) Area” in the *Regional Official Plan* (“ROP”). The ROP, PPS, and Growth Plan together direct development to urban areas

in order to support intensified development where appropriate servicing and infrastructure exists. Both Regional and Provincial policy place an emphasis on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and housing choices, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design. A full range of residential uses are permitted generally within the Urban Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility and environmental conservation.

Until the Region's municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the Growth Management section of the ROP for the Delineated 'Built-Up' Area will continue to apply. For the City of Port Colborne, the residential intensification target is 15%. This proposed development will contribute to the City's intensification target.

With respect to land use compatibility, the surrounding properties are predominately low-density residential uses. Regional staff also observe an elementary school (north) and commercial uses across Killaly Street East to the south (Shea's Service Centre and Walker Fencing and Landscaping). Given that the proposed apartment building will be set back from the road with parking at the front of the property, Regional staff offer no land use compatibility requirements. Staff further notes there are no environmental concerns for the subject lands.

Regional staff acknowledge that compatibility and interface considerations with respect to neighbouring properties is a local planning matter. City staff should be satisfied that the proposed Zoning By-law Amendment application will permit development that compliments the existing and envisioned urban fabric of the surrounding local context.

Site Condition

The PPS requires that contaminated sites are remediated as necessary to ensure there will be no adverse effects to the proposed use. The *Environmental Protection Act, 1990*, and Ontario Regulations ("O.Reg.") 153/04, 511/09 and 407/19, require that a Record of Site Condition ("RSC") be filed on the Ministry of Environment, Conservation and Park's ("MECP") Environmental Site Registry ("ESR") prior to any change in land use to a more sensitive use (i.e. community to residential).

The majority of the subject lands were recently used by the Sea Cadets (2004-2015), which is considered a community use as defined by the *Environmental Protection Act*. O.Reg. 153/04 provides that, for unused properties, the property is deemed to have the type of property use to which the property was most recently utilized for. Therefore, a change from a community use to a residential use requires the mandatory filing of a RSC on the MECP ESR.

A *‘Phase One Environmental Site Assessment’* (“ESA”), prepared by Oakhill Environmental Inc. (dated October 2020) was submitted with the Zoning By-law Amendment application in order to determine if any past and/or present uses of the property and adjacent land uses have caused any “Areas of Potential Environmental Concern” (“APEC”). The assessment identified six locations with Potentially Contaminating Activities (“PCAs”) within the study area. Of the six locations, two PCA locations were determined to be on-site APECs. The first APEC identified is the INCO nickel refinery that operated approximately 1.7km south of the property until 1984. The second APEC is Shea’s service station, located south of the site, and had operated as a gasoline service station until 2010. Presently, the property includes automotive repair and maintenance, with the pump island removed from the property.

The Phase One ESA has determined that a Phase Two ESA is required in order to assess the condition of the site in order for a RSC to be filed. A *‘Phase II- Environmental Site Assessment’*, prepared by Fortis Environmental (dated July 25, 2022) has been provided, which utilized the Table 7: Generic Site Condition Standards for Shallow Soils in a Non-Potable Ground Water Condition for Residential Property Use with Medium / Fine textured soils. Based on the analysis conducted, none of the measured concentrations in the soil and groundwater samples exceeded the applicable Table 7 MECP Site Condition Standards, therefore no further groundwater or soil investigation was recommended.

Regional staff request that a Letter of Reliance from the Qualified Professional be provided for all submitted ESA work. The Letter must indicate that despite any limitations or qualifications included in the completed ESAs, that the Region is authorized to rely on all information and opinions provided there within.

Staff note that the requirement for a Letter of Reliance and a RSC can be addressed through a condition of the future Planning Act Application (i.e., Site Plan Agreement).

Regional Infrastructure

The applicant is advised that this section of Killaly Street East contains an existing Regional sanitary forcemain which is not to be disturbed during any future construction or site servicing works. Any new municipal servicing connections proposed to cross the Regional infrastructure will require the submission of detailed servicing cross-sections which show the proposed connections in relation to the existing Regional infrastructure.

Waste Collection

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

August 4, 2022

- Recycling: blue/grey carts – no limit (weekly collection).
- Organics: green carts – no limit (weekly collection).
- Garbage: 2 bags or cans per unit to a maximum of 24 (bi-weekly collection).
- Curbside collection only.

Region staff note that the proposed development may have difficulty complying with the Regional curbside waste collection limits based on the proposed number of residential units. If the property is unable to comply with the Regional requirements, waste collection services for the proposed apartment building will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

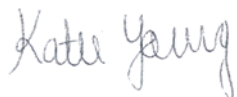
Conclusion

In conclusion, Regional Planning and Development Services staff does not object to the proposal, as it is consistent with the PPS and conforms to Provincial and Regional plans. Staff note that the requested Letter of Reliance and mandatory filing of a Record of Site Condition can be managed through the future Site Plan application.

If you have any questions related to the above comments, please contact the undersigned at Katie.Young@niagararegion.ca, or Alexander Morrison, Senior Development Planner at Alexander.Morrison@niagararegion.ca.

Please send a copy of the staff report and notice of Council's decision on these applications.

Kind regards,



Katie Young
Development Planner

cc: Alexander Morrison, MCIP, RPP, Senior Development Planner, Niagara Region
Robert Alguire, C.E.T., Development Approvals Technician, Niagara Region