

Planning and Development Services

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Via Email Only

November 14, 2019

File No.: D.10.02.OPA-19-024
D.18.02.ZA-19-116

Mr. Walter Basic
Acting Director of Planning
Town of Grimsby
160 Livingston Avenue
Grimsby, ON L3M 4G3

Dear Mr. Basic:

**Re: Preliminary Regional and Provincial Comments
Official Plan and Zoning By-law Amendments
Town File No.: 26OP-16-1901 & 26Z-16-1904
Address: 133 & 137 Main Street East
Town of Grimsby**

Regional Planning and Development Services staff has reviewed the above noted applications and supporting materials submitted by IBI Group on behalf of Burgess Heritage Group Inc. for Official Plan and Zoning By-law Amendments on lands known municipally as 133 & 137 Main Street East in the Town of Grimsby. Staff notes that a pre-consultation meeting regarding the proposed development was held on March 7, 2019 at Town Hall with Town and Regional Staff as well as the agent for the subject property.

The proposed development consists of the restoration and relocation of the existing 2.5 storey brick dwelling on the subject property (which is designated under the Part IV Section 29 of the Ontario Heritage Act), for commercial use, and the construction of a new five storey mixed-use commercial and residential apartment building with 148 dwelling units and 305 sq. m of ground-floor commercial area. The purpose of the Official Plan Amendment is to modify the existing Neighbourhood Commercial Area designation on the subject lands to include site-specific exceptions pertaining to land use, building height, density, lot area and urban design.

The Zoning By-law Amendment application is to modify the existing Neighbourhood Commercial (NC) zoning on the subject lands to a site specific Neighbourhood Commercial (NC) zoning with modified performance standards for setbacks, landscape

strip requirements, gross floor area, building height and parking to facilitate the proposed development.

As outlined below, Regional staff is generally supportive of the proposed development in principle and provides the following preliminary comments to assist the Town in their consideration of these applications from a Provincial and Regional perspective.

Provincial and Regional Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS) and Delineated Built-Up Area under A Place to Grow, Growth Plan for the Greater Golden Horseshoe (Growth Plan). Further, the Regional Official Plan (ROP) designates the subject lands Urban Built-Up Area.

The PPS and Growth Plan direct growth and intensification to the settlement area and delineated built-up areas to build upon the existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses and range of housing options for the current and future population. Per the ROP, urban areas are to be the focus of residential and employment intensification over the long term, to ensure efficient use of serviced lands.

The subject land is located within the Provincially designated Built-Up Area within the Town of Grimsby. Accordingly, all residential development occurring on the subject lands will contribute to the Town's intensification target of 80%, as outlined in the ROP.

Staff notes that the proposed development is considered as infill and residential intensification within the built-up area, which will make more efficient use of designated urban land and existing services and contribute toward achieving the above noted residential intensification targets. The site is well connected to the surrounding neighbourhood and is situated close to nearby commercial uses, community uses and institutional facilities. The form of housing proposed will add to the housing types and densities in this area. A mixed-used building appears to be a compatible addition to the neighbourhood, given the surrounding land uses and therefore, conforms with and is consistent with Provincial and Regional growth management policy directions.

Archaeology

During pre-consultation, Regional staff noted that based on the Provincial Criteria for Assessing Archaeological Potential the subject property exhibited potential for the discovery of archaeological resources due to the presence of a dwelling that is designated under the Part IV Section 29 of the Ontario Heritage Act. As such, a "*Stage 1 & 2 Archaeological Assessment*" by Amick Consultants Ltd. (dated 2019) was submitted in support of the applications. As a result of the property assessment, one scatter of historic artifacts *the Nelles Site* (AhGv-53) was identified within the study area. This resulted in the collection of 123 artifacts from 32 positive test pits. As such,

the study recommended that the cultural heritage value or interest of the Nelles Site has not been adequately documented and that this site requires Stage 3 Site-specific Assessment to gather further data to determine if Stage 4 Mitigation of Development Impacts will be required. Regional staff notes that this requirement will be addressed through the incorporation of appropriate conditions of approval through subsequent planning applications (i.e. Site Plan Agreement).

Environmental Site Assessment

Regional staff previously noted in the pre-consultation meeting that based on historical aerial photography, this site appears to have been planted in fruit trees. Although currently idle, the site appears to have supported an orchard at a time when older generation pesticides containing lead and arsenic were in use. Information previously obtained from the Ministry of the Environment, Conservation and Parks (MECP) as well as from other sources indicated that the application of lead arsenate pesticides can raise the concentration of lead and arsenic in the soil.

A Phase One Environmental Site Assessment prepared by Soil-Mat Engineers & Consultants Ltd. (September 28, 2011), was prepared to identify actual or potential site contamination as a result of past and present land uses of the subject property and properties in the surrounding area. Given the previous residential uses of the subject lands, the report indicates that the potential of Site Contamination to be considered Low and therefore recommend that additional investigations are not warranted at this time. Based on these study results, the submission of a Record of Site Condition will not be required.

Urban Design

Regional Urban Design staff have reviewed the application and supporting urban design studies which seeks to redevelop the site to accommodate a mixed use building and reuse of the existing heritage building. In principle staff has no objection to the intent of the proposal but notes that the overall design of the proposal, in its entirety, could be refined and improved. Since the application has not included a plan or method for moving the existing building, the proposal should also consider redevelopment of the site with the potential of retaining the existing building in place if the appropriate means to relocate the building are not provided or considered not viable.

Urban Design Brief:

Urban design staff reviewed the supporting Urban Design Brief prepared by IBI Group. The proposal seeks to amend specific zoning provisions. The urban design brief should indicate what these specific provisions are, why they are necessary, how the design is able to support the amended provisions and how these provide an enhancement to the development and its surroundings.

The supporting Brief does not present an urban design analysis that demonstrates how the development improves the surrounding condition. Staff request a more in-depth approach to understanding the proposal with supporting rationale. For instance, *Section 1.3 Design Goals and Objectives*, the first bullet point, “*Visually strengthens and improves the streetscape/ urban form on Main Street E.*” should be followed by an analysis within the document as to how this goal or objective is achieved.

With respect to the heritage structure, the urban design brief states on page 8, “*To create a connection between the site’s historical and modern structure, the new development uses similar material and forms, complimenting the existing Queen Anne Style architecture of the heritage building*”. However, it does not provide any further detail. The urban design brief should demonstrate in both text and with graphics how the proposed building is designed to respond to the architecture of the existing heritage house through echoing of the architectural composition, rhythms, use of like materials, proportions, and heights.

The urban design brief should explain the design relationship between the heritage building and the proposed apartment building and demonstrate how the intended design provisions from the Heritage Impact Assessment are addressed.

The Brief should explain how the proposed buildings are sited to promote a positive relationship with the Regional Road. The urban design brief should describe the prevailing character of the streetscape and demonstrate how the proposal fits within and enhances the character of the streetscape.

The urban design brief should examine landscape design opportunities for the corner of the site at Nelles Road and Main Street East. This corner can feature a small seating area and complementary landscaping to foster opportunities for social interaction along the Regional Road. This landscape feature can also relate to the heritage building and help to anchor the building to its new site and its relationship to the corner.

The urban design brief should explain the landscape design treatment along the Regional Road. Staff recommend additional trees assuming burial of or no impact to overhead utilities. The urban design brief should explain the design approach with respect to the overhead utilities.

The Conclusion section of the brief (page 9) state that, “*The proposed mixed-use development is consistent with ... contextual precedents...*” However, no precedents are provided in the document.

Site Plan:

Regional staff will require that the temporary location of the heritage building be shown on the site plan drawing following the first relocation of the structure so that staff may assess potential impacts to the Regional Road. The supporting studies should indicate the approximate length of time of this temporary location.

At the Site Plan Stage, the applicant is encouraged to examine other locations for the transformer pad away from the intersection and to a less visually prominent location.

The sidewalk along Regional Road 81 should be 1.8m as this is considered curbside.

As noted at the pre-consultation stage, the layout of the surface parking with two dead-end conditions does not represent a best practice in parking lot design. Today, developments are increasing receiving deliveries of on-line purchases which are delivered in a variety of vehicle types. It is suggested that these services are considered in the design by designating spaces for delivery vehicles. Typically, developments of this type often accommodate passenger drop-off or pick-up space.

The proposed 1.5m sidewalk internal to the site should be increase to a minimum of 1.8m to accommodate car bumper overhang.

It is also recommended that an appropriately sized landscape area is created between the parking lot, abutting sidewalk and ground-floor residential units.

The placement of the underground ramp in the middle of the site and so close to the re-located heritage structure creates additional circulation problems. The design and location of the underground ramp could be refined so that this is not a visual and functional impact to the relocated heritage building. As a best practice the space immediately around the building should be visually accessible and complemented by landscaping. The underground parking wall should be architecturally treated to either visually blend in with the development to diminish negative visually impact.

Landscape Design:

The urban design brief states that the surface parking is screened from view by plant material. However, no landscaping (other than sod) is proposed where surface parking is visible from Nelles Road. It is suggested that additional planting is included at the Site Plan stage.

It is suggested that the landscape design should take into consideration the recommendations of the Heritage Impact Assessment. Any plant material within the vicinity of the heritage building and mature trees should be sympathetic to these forms and spaces.

At the Site Plan stage, staff encourage the applicant to provide a landscaped plaza with seating and complementary landscaping at the corner of Nelles Road and Main Street, in order to provide a pedestrian amenity space that celebrates the conservation of the large existing tree, visually mitigates the transformer pad, and anchors the relocated heritage building to the site.

Regional Road

The subject property has frontage along Regional Road 81 (Main Street East). This section of road has a substandard road allowance of approximately 22.60 metres. The designated road allowance is 26.2 meters as identified in the Regional Official Plan.

Therefore, the applicant is required to gratuitously grant the following widening to the Region:

- A 3.30 meter widening across the frontage of the subject property. This is in order to achieve 13.1 meters from the original centerline of this road section.
- A 4.5m x 4.5m daylight triangle at the intersection of Main Street East and Nelles Road North.

The actual width of the required widening must be confirmed by an Ontario Land Surveyor. This is only an approximation of the requirement.

The requested widening is to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The widening portion of the Plan will be the responsibility of the owner to order. The cost of providing this plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan.

Regional Transportation Staff have confirmed that the proposed on-street "lay-by" parking will not be permitted along the Regional road and shall be removed from the site plan.

Regional Bicycle Network

The subject property has frontage on a roadway (Main Street East) designated in the Regional Official Plan as being within the Regional Niagara Bicycling Network Plan. If the bicycle route is currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Transportation

Upon Regional Staff review of TIS Prepared by C.F Crozier & Associates INC. (Dated August, 2019) the Region has no objections to the access onto Nelles Road, and offer no further comments.

Waste Collection

As per the information provided, it appears that the proposed development does not meet the provisions of the current Regional Waste Collection Policy as this development exceeds the waste collection limits. Therefore, waste collection will be the responsibility of the owner/developer through a private contractor. Notwithstanding the above comments, this site remains eligible for Regional recycling and organics collection.

Stormwater

Regional staff have reviewed the 'Functional Servicing & Preliminary Stormwater Management Report 133 & 137 Main Street East "Burgess Estates", Town of Grimsby' (dated June, 2019) by C.F. Crozier & Associates Inc.. Based on our review, staff offers the following comments:

1. The Niagara Region will require that all stormwater runoff from the at-grade parking stalls and driveways be captured and treated to a Normal standard prior to discharge from the site.
 - The Region has no objections in principal to the installation of an oil-grit separator to meet the criterion.
 - The Region requires that the Servicing Plan drawing clearly show the location and the specific OGS unit proposed for this site.
 - The Region requires that the sizing brief be included in the finalized report, as well as a section of inspection and maintenance prepared for the future owner.
2. The Niagara Region will require that Main Street East (Regional Road 81) is not negatively impacted as a result of the proposed development.
 - The proposed development is not to discharge onto Main Street East, as such the Region has no requirements to the proposed plan of flow control and does not require review.
3. The Niagara Region will require that detailed grading, storm servicing, stormwater management, and construction sediment control drawings be circulated to this office for review and approval.
 - The Region has no objections to the proposed construction erosion/sediment control plan.

Conclusion

Based on the discussion above, Regional staff supports, in principle, the redevelopment of 133 & 137 Main Street East through the concurrent Official Plan and Zoning By-law Amendment Applications. Regional staff notes that it is important to ensure that the design of the proposed development reflects the recommendations outlined in the

supporting studies and that these applications may be considered premature until such a time that the Urban Design brief is deemed acceptable and the proposed zoning standards reflect the potential changes to the site design.

Through these preliminary comments, the Region has indicated that addendums to the technical studies and/or designs relating to the urban design and road widening/daylighting triangle requirements that will need to be submitted in support of the applications and that the design layout of the development may warrant additional changes.

Regional staff remains committed to working with the applicant to move this development forward. As such, the Region respectfully requests that all notices, any revised designs and any additional technical studies be circulated to our office for Regional review and comment.

If you have any questions or wish to discuss these comments, please contact me at extension 3387. For questions regarding the Urban Design comments, please contact Mr. Khaldoon Ahmad, Manager, Urban Design at extension 3324. Please send notice of Council's decision on these applications.

Yours truly,



Lindsay Earl, MES, MCIP, RPP
Senior Development Planner

cc: Mr. Pat Busnello, Manager, Development Planning, Niagara Region
Mr. Khaldoon Ahmad, Manager, Urban Design, Niagara Region