



COUNCIL MEETING AGENDA

Tuesday, July 18, 2023

7:00 P.M.

COUNCIL CHAMBERS – CIVIC SQUARE

All Meetings can be viewed at:

City of Welland website: <https://www.welland.ca/Council/LiveStream.asp>

YourTV: The meeting will be aired live on Channel 700

- 1. COMMITTEE-OF-THE-WHOLE (IN-CAMERA) - (6:00 P.M.)**
 - 1.1 SECURITY OF THE PROPERTY OF THE MUNICIPALITY OR LOCAL BOARD;**
 1. Security of Corporate Data.
 - 1.2 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES; AND LITIGATION OR POTENTIAL LITIGATION, INCLUDING MATTERS BEFORE ADMINISTRATIVE TRIBUNALS, AFFECTING THE MUNICIPALITY OR LOCAL BOARD;**
 1. Museum Board Update.
 - 1.3 PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES:**
 1. Citizens appointment to the Property Standards Committee/Dog Control Appeal Committee.
 - 1.4 PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF LAND BY THE MUNICIPALITY OR LOCAL BOARD:**
 1. Offers to Purchase Downtown Lands.
- 2. ARISE FROM COMMITTEE-OF-THE-WHOLE (IN-CAMERA)**
- 3. OPEN COUNCIL MEETING - 7:00 P.M.**
 - 3.1 NATIONAL ANTHEM**
 - 3.2 OPENING REMARKS**
 - 3.3 ADDITION/DELETIONS TO AGENDA**
 - 3.4 ADOPTION OF MINUTES**
 1. Regular Council Meeting of June 20, 2023 and Special Council Meeting of June 27, 2023.

3.5 CALL UPON THE CITY CLERK TO REVIEW COMMITTEE-OF-THE-WHOLE (IN-CAMERA) ITEMS TO BE ADDED TO THE AGENDA BLOCK

3.6 DISCLOSURES OF INTEREST

3.7 COUNCILLORS TO DETERMINE AGENDA ITEMS AND BY-LAWS TO BE REMOVED FROM THE BLOCK FOR DISCUSSION IN COMMITTEE-OF-THE-WHOLE (OPEN)

4. ORAL REPORTS AND DELEGATIONS

4.1 LEGISLATED PUBLIC HEARINGS PURSUANT TO THE PLANNING ACT

1. A Complete Application has been made by VENTAWOOD MANAGEMENT INC. on behalf of HAMOUNT INVESTMENTS LTD. to rezone lands Plan 655 Lots 204 to 206, municipally known as 18 Rose Avenue from the existing Institutional - INS1 to COMMUNITY COMMERCIAL NODE – CC1 in Zoning By-law 2017-117. The purpose of the Amendment is a multi-tenant commercial development. The Official Plan designation is INSTITUTIONAL. Application for Official Plan Amendment (File No. OPA No. 45) has been submitted in conjunction with application for Zoning By-law Amendment.

(Staff report to be considered following the conclusion of the Public Hearing).

1. P&B-2023-34 - Application for Official Plan Amendment (OPA No. 45) and Zoning By-law Amendment (2023-04) submitted by Ventawood Management on behalf of Hamount Investments Ltd. for lands located on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue, and north of Thorold Road, municipally known as 18 Rose Avenue. Ref. No. 23-31 (See By-laws 7.1 and 7.2) **Remove From Block**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 45 to designate the lands on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue and north of Thorold Road, more specifically described as Plan 655 Lots 204, 205, & 206, Welland, municipally known as 18 Rose Avenue from Institutional to Community Commercial Node; and further

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue and north of Thorold Road, more specifically described as Plan 655 Lots 204, 205, & 206, Welland, municipally known as 18 Rose Avenue from Institutional – INS1 to Site Specific Community Commercial Node – CC1-112.

4.2 PRESENTATIONS

1. Mathew Forezli and Stephen Armstrong, Empire Developments re: Update on Dain East/West Development. Ref. No. 21-51

(Background information included in Council members packages)

4.3 DELEGATIONS - NIL

4.4 AGENCIES, BOARDS, COMMISSIONS AND COMMITTEE REPORTS - NIL

5. COMMITTEE-OF-THE-WHOLE (OPEN)/AGENDA BLOCK

- 5.1 EDO-2023-04 - Sale of City Owned Land Policy and the Stopping Up and Closing of Highways. Ref. No. 22-105
- 5.2 CS-2023-21 - Playground Renewal Advancement. Ref. No. 23-19
- 5.3 TRAF-2023-31 - 4- Way Stop Signs on First Avenue. Ref. No. 23-22 (See By-law 7.3)
- 5.4 TRAF-2023-33 - Update to Short Term Rental Licensing By-law. Ref. No. 23-22 (See By-laws 7.4 & 7.5)
- 5.5 ENG-2023-23 - Public Works Fleet Addition and Replacement. Ref. No. 23-100
- 5.6 P&B-2023-15 - Cash In Lieu of Parking Policy. Ref. No. 23-22
- 5.7 P&B-2023-32 - Affordable Rental Housing Community Improvement Plan. Ref. No. 13-117 (See By-law 7.6)
- 5.8 P&B-2023-36 - Program Adjustments to the Downtown and Health and Wellness Cluster CIP. Ref. No. 10-76
- 5.9 P&B-2023-37 - Heritage Alteration Request - 204 East Main Street. Ref. No. 05-50
- 5.10 P&B-2023-38 - Brown 2022-02: 115 Lincoln Street - Request for Exemption of Property Taxes. Ref. No. 22-78
- 5.11 P&B-2023-39 - Application for Official Plan Amendment (OPA No. 42), Zoning By-law Amendment (File No. 2023-01) and Draft Plan of Subdivision (26T-14-23001) submitted by Quartek Group Inc. on behalf of Doral Holdings Limited/Idrakoth Ltd. for lands legally described as Part Township Lots 229 & 230 Thorold being Part 5, 59R1742 except Part 6, 59R-4976; S/T RO357511, RO743059 Welland, municipally known as 16 Seaway Drive. Ref. No. 23-70 (See By-laws 7.7 & 7.8)

6. NEW BUSINESS

- 6.1 Julie Kwiecinski, Director of Provincial Affairs (Ontario), Canadian Federation of Independent Business re: Helping local small businesses affected by major construction. Ref. No. 23-96
RECOMMENDATION:
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the correspondence from the Canadian Federation of Independent Business dated June 6, 2023 regarding helping local small businesses affected by major construction.
- 6.2 Ashlea Carter, Deputy Clerk, Town of Fort Erie re: Impact on Woodbine's Race and Stay Program on the Fort Erie Race Track. Ref. No. 17-95
RECOMMENDATION:
THAT THE COUNCIL OF THE CITY OF WELLAND receives for information and supports the resolution from the Town of Fort Erie dated June 26, 2023 regarding the impact on Woodbine's Race and Stay Program on the Fort Erie Race Track.

7. BY-LAWS

- 7.1 A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2023-04) 18 Rose Avenue. Ref. No. 23-31
(See Report P&B-2023-34)
- 7.2 A By-law to authorize the adoption of Official Plan Amendment No. 45. Ref. No. 23-31
(See Report P&B-2023-34)

- 7.3 A By-law to amend By-law 89-2000, being a By-law Regulating Traffic and Parking with the City of Welland (Schedule "XXXIX").
(See Report TRAF-2023-31)
- 7.4 A By-law to amend By-law 2021-179 being a By-law to provide regulations for the Licensing and Inspecting of Short Term Rentals. Ref. No. 23-22
(See Report TRAF-2023-33)
- 7.5 A By-law to amend By-law 2019-134 being a By-law to establish an Administrative Penalty System for Non-Parking Related offences. Ref. No. 23-22
(See Report TRAF-2023-33)
- 7.6 A By-law to adopt an Affordable Rental Housing Community Improvement Plan. Ref. No. 13-117
(See Report P&B-2023-32)
- 7.7 A By-law to authorize the adoption of Official Plan Amendment No. 42. Ref. No. 23-70
(See Report P&B-2023-39)
- 7.8 A By-law to amend City of Welland Zoning By-law 2017-117 (File No. 2023-01) 16 Seaway Drive. Ref. No. 23-70
(See Report P&B-2023-39)
- 7.9 A By-law to exempt certain lands from Part-Lot Control - Block 242, Plan 59M-504, Parts 1-8 (inclusive) 59R-17697, (142, 148, 152, 156, 160, 164, 168, 176 Keelson Street), City of Welland. Ref. No. 23-97
(Approved by By-law 2020-143)
- 7.10 A By-law to exempt certain lands from Part-Lot Control - Block 239, Plan 59M-504, Parts 1-6 (inclusive) 59R-17723, (42, 46, 50, 54, 60 Rowlock Street), City of Welland. Ref. No. 23-98
(Approved by By-law 2020-143)

8. NOTICES OF MOTION

8.1 COUNCILLOR MATTERS DISCUSSED WITH STAFF FOR REPORTING PURPOSES

- 1. (For the purpose of informing the public on a matter that has been discussed with staff)

8.2 NOTICES OF MOTION (PREVIOUSLY SUBMITTED FOR DISCUSSION)

- 1. (Councillor McLeod)
WHEREAS, students, parents and others users of Ross Public School have expressed concerns regarding speeding on Niagara Street.
NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND requests that the Region of Niagara install a pedestrian lighted crosswalk (PXO) on Niagara Street in front of Ross Public School. Ref. No. 23-22

8.3 CALL FOR NOTICES OF MOTION (TO BE INTRODUCED AT THE NEXT SCHEDULED COUNCIL MEETING)

9. CORPORATION REPORTS


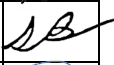

9.1 MAYOR'S REPORT

9.2 CHIEF ADMINISTRATIVE OFFICER'S REPORT

10. CONFIRMATORY BY-LAW

- 10.1 A By-law to adopt, ratify and confirm proceedings of the Council of the Corporation of the City of Welland at its meeting held on the 18th day of July, 2023. Ref. No. 23-1

11. ADJOURNMENT

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

23-31

REPORT P&B-2023-34
JULY 18, 2023

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 45) AND ZONING BY-LAW AMENDMENT (2023-04) SUBMITTED BY VENTAWOOD MANAGEMENT ON BEHALF OF HAMOUNT INVESTMENTS LTD. FOR LANDS LOCATED ON THE EAST SIDE OF ROSE AVENUE, WEST OF RICE ROAD, SOUTH OF DONALD AVENUE, AND NORTH OF THOROLD ROAD, MUNICIPALLY KNOWN AS 18 ROSE AVENUE

**AUTHOR: CAITLIN KOVACS, BURPI
DEVELOPMENT PLANNER**

**APPROVING SUPERVISOR: TAYLOR MEADOWS, BURPI
PLANNING SUPERVISOR - DEVELOPMENT**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT
SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves application for Official Plan Amendment No. 45 to designate the lands on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue and north of Thorold Road, more specifically described as Plan 655 Lots 204, 205, & 206, Welland, municipally known as 18 Rose Avenue from Institutional to Community Commercial Node; and further

THAT Welland City Council approves Zoning By-law Amendment to Zoning By-law 2017-117 for the lands on the east side of Rose Avenue, west of Rice Road, south of Donald Avenue and north of Thorold Road, more specifically described as Plan 655 Lots 204, 205, & 206, Welland, municipally known as 18 Rose Avenue from Institutional – INS1 to Site Specific Community Commercial Node – CC1-112.

ORIGIN AND BACKGROUND:

Applications for Official Plan Amendment and Zoning By-law Amendment were submitted by Ventawood Management Inc. on behalf of Hamount Investments Ltd. On May 16, 2023. The applications were deemed complete on May 22, 2023.

COMMENTS AND ANALYSIS:**The Purpose**

The purpose of the Official Plan Amendment is to redesignate the subject lands from Institutional to Community Commercial Node. The intent of the redesignation is to permit the development of a commercial plaza.

The purpose of the Zoning By-law Amendment is to rezone the lands from Institutional – INS1 to Site Specific Community Commercial Node – CC1-112. The intent of the rezoning is to permit the development of a commercial plaza. The requested zone (CC1-112) was approved in application ZBA 2021-05 for the adjacent commercial development and is being sought to allow for the new proposed commercial development to be evaluated consistently across the subject lands.

The CC1-112 Zone permits the following site-specific provisions:

- Permit a minimum interior side yard setback of 1.0 metres adjacent to an institutional zone whereas 4.5 metres is required; and,
- Permit a maximum exterior side yard setback of 22.5 metres whereas a maximum of 17.5 metres is permitted; and,
- Permit a minimum interior side yard setback of 1.5 metres adjacent to a residential zone whereas 4.5 metres is required; and,
- Permit a minimum number of loading spaces to be 1 space whereas 3 spaces are required; and,
- Permit a minimum setback of a loading space from a public street to be 2.8 metres whereas 3 metres is required.

All other requirements of the Community Commercial Node 1 - CC1 Zone are to be addressed.

The proposed redesignation and rezoning will facilitate the development of the subject lands for a commercial plaza. Adjacent to the subject lands OPA No. 35 and ZBA 2021-05 were approved by Council to permit a mercantile development which is currently under construction. The intention of the Official Plan Amendment and Zoning By-law Amendment applications is to expand the commercial plaza to include 18 Rose Avenue. The commercial plaza initially contained three (3) commercial buildings with a combined total of five (5) leasable units including one (1) drive through facility, and twenty-nine (29) parking spaces. The revised proposal, that incorporates 18 Rose Avenue, contains three (3) commercial buildings with a combined total of six (6) leasable units including one (1) drive through facility, and thirty-seven (37) parking spaces.

The Site

The subject site is municipally known as 18 Rose Avenue. The site is rectangular in shape and is 840 square metres with 27.5 metres of frontage onto Rose Avenue. The subject lands are located on the east side of Rose Avenue, north of Thorold Road, west of Rice Road and south of Donald Avenue. The subject lands are anticipated to be incorporated into the adjacent properties under the same ownership. The total area of the subject lands is anticipated to be 4,518.00 square metres.

Surrounding Land Uses

The surrounding land uses are as follows. To the north are low density residential uses. To the east are commercial uses. To the south are mixed-use commercial uses. To the west are low density residential uses, mixed-use commercial/residential uses.

Developments and Agency Comments Received

City of Welland
Infrastructure Services,
Engineering Division
(June 8, 2023)

- Any identified deficiencies will continue to be addressed through the development application process (site plan control), given that, the Engineering Division has the following comments:
 - The developer will need to confirm that the hydrants have enough capacity within them to meet the updated fire flow demands for the site.
 - Some items on the submitted reports will need to be revised, detailed comments are included in the appendices for review.
 - The sidewalk should extend along Rice Road and terminate at the north property line.

City of Welland
Planning and
Development Services,
Traffic Division
(May 18, 2023)

- The Traffic Division requests that the applicant ensures that the proposed entrance from Rose Avenue is properly illuminated.

City of Welland
Planning and
Development Services,
Building Division
(May 18, 2023)

- The Building Department will require revised documents to be submitted if the applications are approved and building 3 is relocated.
- The Building Department will require confirmation of whether the units will be “firewalled” or “fire separated” as the Ontario Building Code qualifies these differently.

- | | |
|--|---|
| <p>Enbridge Gas
(June 30, 2023)</p> | <ul style="list-style-type: none"> • Enbridge Gas does not object to the proposed application. |
| <p>Region of Niagara
Planning and
Development Services
(June 12, 2023)</p> | <ul style="list-style-type: none"> • Staff of the Regional Growth Strategy and Economic Development Department are generally supportive of the proposed development in principle and provides the following comments: <ul style="list-style-type: none"> ○ The inclusion of the subject lands to the previous site plan has not modified any entrances along Rice Road, the previous Regional Road conditions have not been modified. ○ The proposed development is eligible for Regional Waste Collection; however, it should be noted that the proposed methods of waste collection are not currently supported by Regional Collection and the developer will need to arrange for private waste collection. ○ In accordance with NOP policy 7.4.1.6 and 7.4.1.6 the Local Official Plan Amendment is exempt from Regional Council approval given the site specific nature of the proposal. ○ The comprehensive Niagara Region comments are included in the appendices for further review. |

Public Comments Received

A Virtual/In-Person Public Information Meeting was held on Wednesday, June 21, 2023, to gain public input regarding the proposed applications. Two members of the public participated in person at the Public Information Meeting. The following comments and concerns were made:

- The proposed traffic mitigation measures will not be sufficient to prevent unsafe traffic practices by those entering or leaving the plaza;
- The proposed parking will be insufficient to support the plaza users and employees which may cause patrons to park on nearby side-streets; and,
- The smells and sounds of the restaurants and other shops will seep into the surrounding neighbourhoods.

One written submission has been received and is included as an appendix to this report. The written submission includes the following concerns:

- Insufficient parking being provided;
- Unsafe traffic practices by patrons; and,
- Increased traffic levels and patrons parking on the neighbouring streets.

The Statutory Public Meeting under the Planning Act is being held on Tuesday,

July 18, 2023. The Statutory Public Meeting is to provide an opportunity for the Applicant to make a presentation regarding the Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications.

The proposed Official Plan Amendment and Zoning By-law Amendment are considered minor in nature as the intention of them is to provide a minor expansion to an existing development (approved via site plan control) and the approved applications of OPA No. 35 and ZBA 2021-05. As such, City Staff are bringing the recommendation to approve the requested applications.

Planning Analysis

Provincial Policy

The subject lands are within the Settlement Area Boundary of Welland as defined by the Provincial Policy Statement (PPS) and within the City's Built-Up Area as defined by the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). Both policy documents encourage the focus of growth and development to be within the urban area of a municipality, particularly in the form of efficient land-use patterns, being supportive of active transportation and transit use, and using existing municipal services efficiently. The application of these provisions in the evaluation of proposed developments will support healthy, livable, and safe communities. The proposed development is within the built-up area and can access existing municipal infrastructure. The proposed development is in proximity to a cycling off road trail via the Stop 19 trail and other active transportation infrastructure.

The proposal meets the intent of Provincial Policy. The subject lands are within the urban serviced area and make efficient use of underutilized land. The provincial and regional policies promote a mix of uses and the redevelopment of underutilized lands.

Niagara Region Official Plan

The lands are identified as being within the Built-Up area of the City of Welland. The policies in the Region's Official Plan are consistent with the policies found in the PPS and Growth Plan. The Region's policies promote growth and development within urban areas that can access municipal services.

The Region's Official Plan (ROP) promotes employment opportunities and encourages municipalities to plan for commercial uses. The proposed development will create short and long term employment opportunities for the City. The ROP promotes active transportation and transit supportive development. The proposal includes bike racks, crosswalks, depressed curbs, and pedestrian connections which also includes a transit stop. These features will be constructed through the Site Plan Approval process.

The proposed development meets the intent of the Region's Official Plan and is consistent with the policies associated with the document.

City of Welland Official Plan

The subject lands are designated Institutional in the City of Welland Official Plan. The proposed Official Plan Amendment seeks to redesignate the subject lands from Institutional to Community Commercial Node. The intention of the redesignation is to permit a commercial plaza development.

The Community Commercial Node designation permits a range of local retail, offices, and services. The intention of the Community Commercial Node designation is to provide local services that will serve the needs of local residents within relative proximity to the designated lands. The surrounding commercial developments and residential developments are predominantly low-rise structures. The proposal is not anticipated to conflict with the surrounding built form.

The City of Welland Official Plan encourages infilling and intensification within the urban serviced area by redeveloping existing underutilized lots (Policy 4.4.1.5). The Official Plan Amendment will accommodate the redevelopment of the subject lands to allow a new use, thus allowing the expansion of the commercial plaza currently under construction. The City of Welland Official Plan encourages the development of attractive, accessible, and pedestrian friendly spaces (Policy 4.4.1.7). The proposed commercial plaza incorporates an attractive façade and streetscape design. It also provides pedestrian access, zoning compliant vehicle parking (including barrier-free parking spaces), and is accessible by public transit. Policy 4.4.3.8 identifies criteria that should be used when considering proposals to amend the Official Plan to create additional commercial areas. Given that the subject lands are anticipated to be used to expand the approved commercial development, the planning analysis of the City's commercial area criteria remains much the same as the initial analysis. The criteria includes the following:

How the proposed amendment implements the Objectives set forth in this Plan;

- The proposed development aligns with the objectives of the commercial designation. The proposal allows for a commercial use. Any compatibility concerns will continue to be addressed through the development approval process and Site Plan Agreement process.

The need for the proposed use;

- The local area currently has a mix of residential and commercial uses. The proposal is also anticipated to provide a greater number of long and/or short-term employment opportunities than the original proposal.

Location, size, and scale of the proposed development;

- The revised proposal, compared to the initial proposal, maintains the same number of buildings, provides an additional eight (8) parking spaces, encourages an active streetscape by moving the third building closer to the

sidewalk along Rose Avenue, and the buildings will retain their anticipated 1-storey height. Collectively, these attributes are not expected to have negative impacts on the surrounding neighbourhood in terms of location, size, and scale.

Potential for compatibility issues;

- Members of the public have raised concerns regarding the compatibility of the proposal. Review and analysis of the anticipated development will continue to be reviewed via site plan control application.

Potential market impacts and the potential for adverse affects on the City's planned commercial structure;

- The proposal is anticipated to contribute a diverse commercial stock to the City. No negative impacts on the City's planned commercial structure is expected.

The potential for negative impacts on the natural environment; and,

- The subject lands are not impacted by any natural environment features.

The adequacy of the existing transportation infrastructure, including pedestrian and cycling infrastructure, serving the proposed use.

- The subject lands are located in proximity to transit line 502. The subject lands can be access by pedestrians and cyclists, and the proposal includes pedestrian access to and within the site.

City of Welland Zoning By-law 2017-117

The subject lands are currently zoned Institutional – INS1. The proposed Zoning By-law Amendment is to rezone the subject lands from Institutional – INS1 to Site Specific Community Commercial Node – CC1-112.

The CC1-112 Zone permits the following site-specific provisions:

- Permit a minimum interior side yard setback of 1.0 metres adjacent to an institutional zone whereas 4.5 metres is required; and,
- Permit a maximum exterior side yard setback of 22.5 metres whereas a maximum of 17.5 metres is permitted; and,
- Permit a minimum interior side yard setback of 1.5 metres adjacent to a residential zone whereas 4.5 metres is required; and,
- Permit a minimum number of loading spaces to be 1 space whereas 3 spaces are required; and,
- Permit a minimum setback of a loading space from a public street to be 2.8 metres whereas 3 metres is required.

The requested zone is a site-specific zone that was approved in application ZBA 2021-05 for the adjacent properties. The new proposal is anticipated to address all the provisions of the site-specific zone and the applicable provisions of Zoning By-law 2017-117. No new site-specific provisions are being requested.

The proposed Zoning By-law Amendment is supported by Staff as it is intended to promote and encourage the desired growth and development that the City. The location of the property is within walking distance of transportation corridors, transit lines, and active transportation routes. Staff are of the opinion that the proposed amendments to the Zoning By-law are appropriate and can be supported.

FINANCIAL CONSIDERATION:

All costs associated with the development of the property will be the responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

Other departments and agencies were circulated the applications for review and comment. Where comments were provided, they have been included in this report.

SUMMARY AND CONCLUSION:

The proposed application for Official Plan Amendment and Zoning By-law Amendment to permit the development of a commercial plaza represents good planning because:

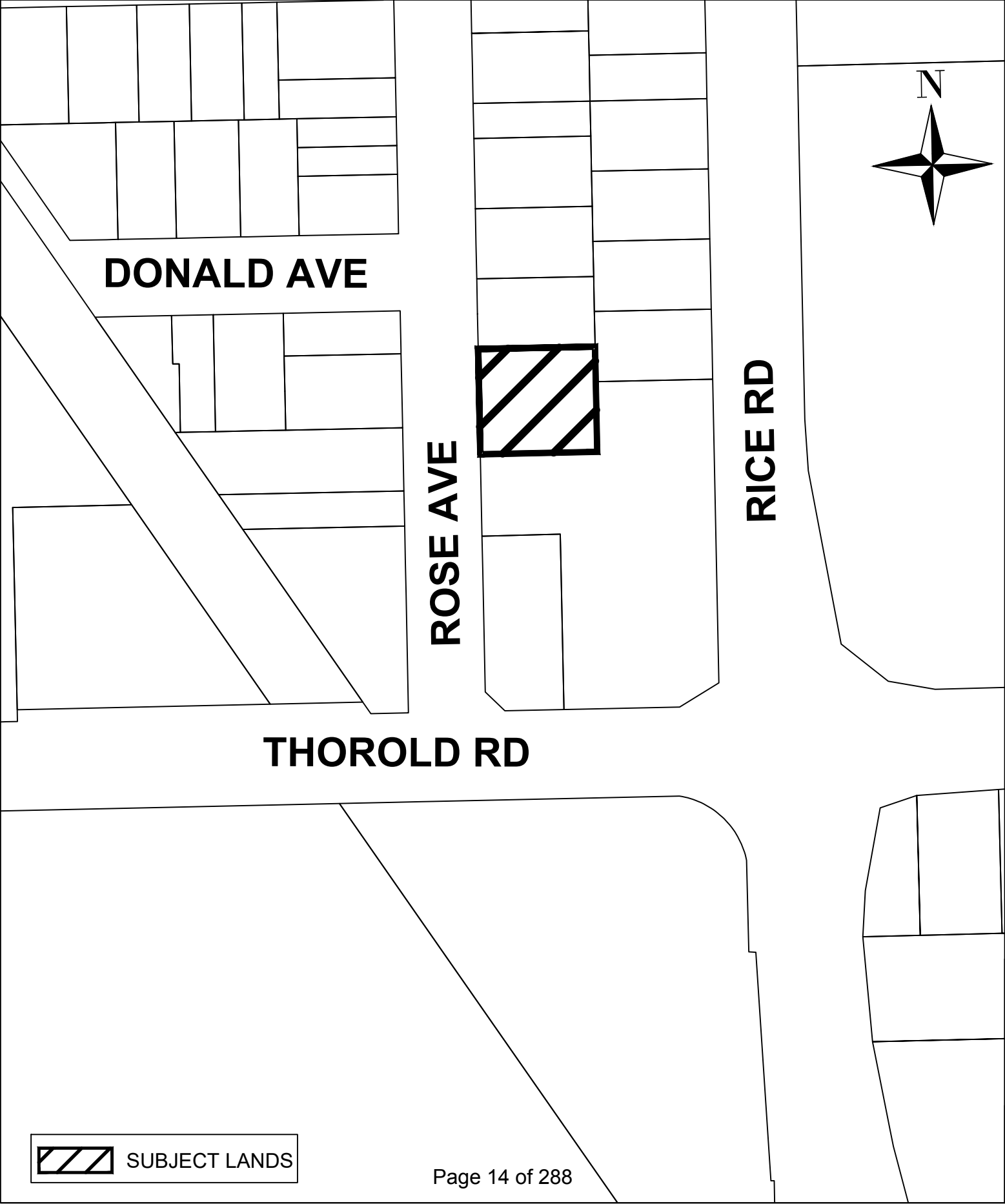
1. It is consistent with Provincial, Regional and City policies which encourage infill and intensification within the identified Built-Up Area;
2. Uses existing municipal infrastructure and services;
3. Encourages the creation of a complete community;
4. Is transit and active transportation supportive; and,
5. Provides viable employment opportunities for the City of Welland.

Therefore, Staff recommend the redesignation of the subject lands as Community Commercial Node and the rezoning of the subject lands as Site Specific Community Commercial Node – CC1-112, in order to permit the proposal.

ATTACHMENTS:

- | | | |
|--------------|---|---|
| Appendix I | - | Key Map |
| Appendix II | - | Conceptual Site Plan |
| Appendix III | - | Relevant Correspondence |
| Appendix IV | - | Draft Official Plan Amendment (Text only) |
| Appendix V | - | Draft Zoning By-law Amendment |

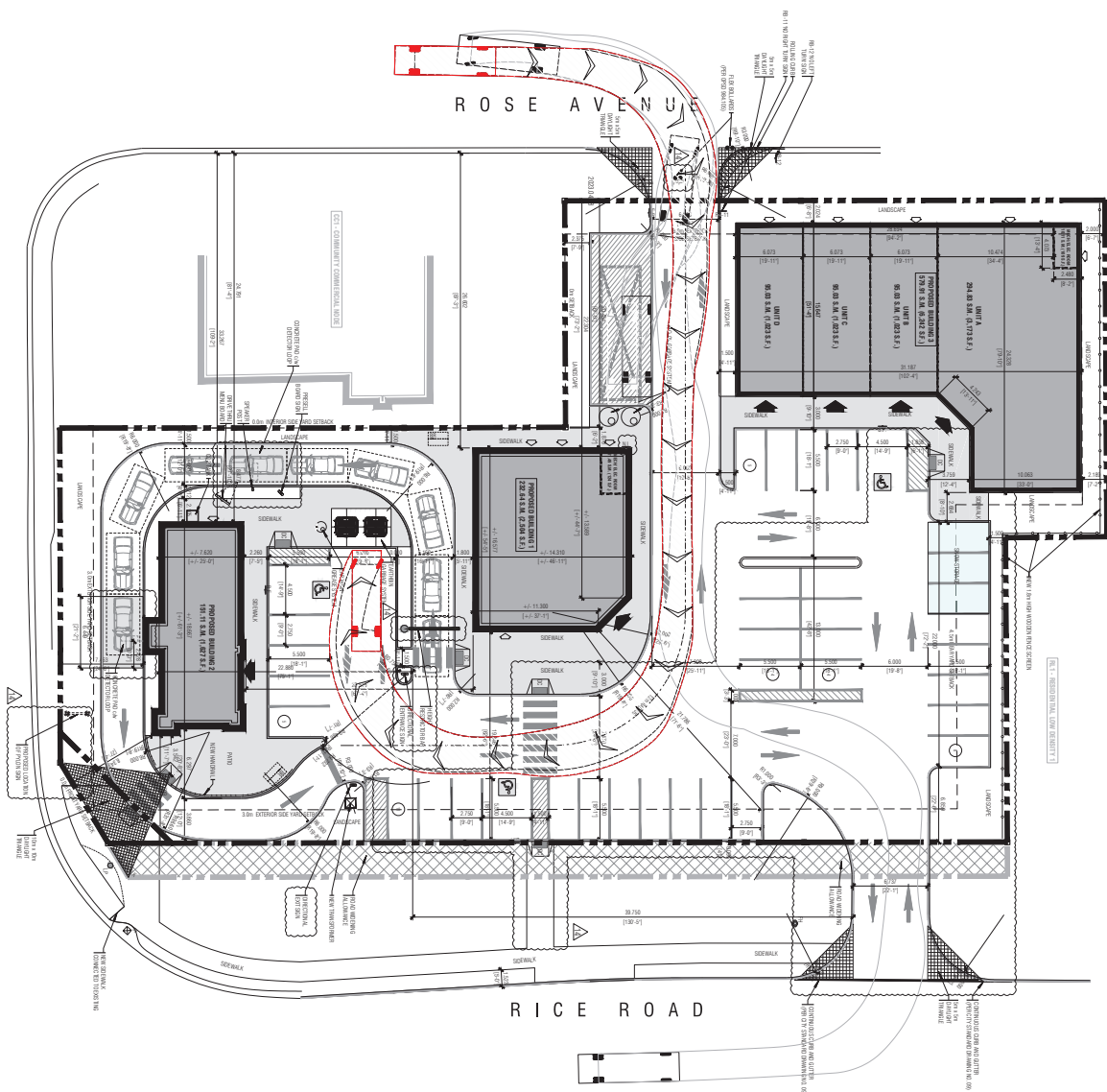
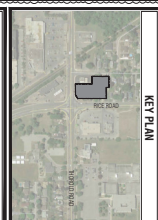
OPA No. 45 & ZBA 2023-04



Appendix II

THOROLD ROAD

WELL AND CITY RESIDENT
STANDARDS SHALL APPLY

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Dear Members of Council

I would like to address my concerns about the rezoning of the fire Hall on Rose Ave in Welland. I was told at the meeting that a strip mall was being considered in the same area as the new KFC and other fast food vendor (not sure what that is). One of my concerns is parking which I was told would be within the city by-law as far as the amount of parking available. This I am sure would be filled with just the staff of these facilities let alone customers. People would probably have to park in the area of Rose Ave. My second concern is the traffic although I was told that the exit from this area would be a left turn only with speed bumps down Rose Ave I find it hard to believe that traffic would go that way. I work at Rexall on Thorold Rd and there is a no left turn sign into the first exit of this mall which gets ignored even with the new pilons being installed making it more difficult. The volume of traffic is much greater in Welland. This mall is at a high accident intersection. You just have to look at the mall adjacent to this construction which includes a Tim Hortons and we all no how much traffic is going through there not to mention the other several stores in the strip mall. I am sure they fall within the City by-law for parking also but try finding a parking spot when you need to access any of those stores. We live in what used to be a quiet neighborhood. I don't approve of an addition of another strip mall.

Finally I would like to stress my disappointment of no council members present at the information meeting. Several calls were made to our ward representatives by my mother and after a period of time only one responded with very little knowledge of what was being considered.

Heather Simpson

MEMORANDUM

Infrastructure Services Engineering Division

TO: Caitlin Kovacs,
Development Planner

FROM: Matteo Ramundo, C.Tech
Development Technician

CC: Livia McEachern, P.Eng.
Manager of Engineering

Jim Harnum
Project Manager - Development

DATE: June 8, 2023

SUBJECT: 18 Rose Avenue – Official Plan and Zoning By-Law Amendment

A complete application for Official Plan and Zoning By-Law Amendment was submitted by Hamount Investments Ltd. and circulated for review. Engineering have reviewed this application for any anticipated concerns related to proposed servicing and stormwater management.

The following documents were reviewed:

- Phase 2 Civil Engineering Drawings, dated May 05, 2023, prepared by Vallee Consulting Engineers;
- Stormwater Manager Report, dated May 04, 2023, prepared by Valle Consulting Engineers;
- Municipal Servicing Brief, dated May 05, 2023, prepared by Valle Consulting Engineers;
- Landscape Plan, dated May 03, 2023, prepared by IBI Group; and
- Site Plan, dated April 28, 2023, prepared by Greystone.

After review, Engineering has the following comments for information:

1. Confirm that the hydrants have enough capacity within them to meet the updated fire flow demands for this site.
2. The pre development coefficient for the fire hall is to be a minimum of 0.9 as per our City standards.

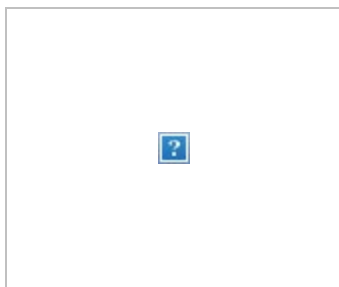
3. The Pre development area on plan is stating the area is 0.08 ha whereas in the report it states the pre development area is 0.089. Please review and revise accordingly.
4. The introduction currently states that the site needs to meet a 65% TSS removal. The City is aware that the proposal is to have 81% TSS removal on the site but would ask that the intro be revised. It should note that the site is to be treated to an enhanced level of protection (80% TSS removal) as per the ETV Canada standards. Please revise the introduction within the stormwater management report to reflect this.
5. Although the design in principal will not change, the fire underwriters survey is not meant to be rounded down to the nearest 1000L/min but should be rounded up.
6. Please confirm that the grassed area west of the new building is subtracted from allowable outflow in the stormwater management calculations.
7. Sidewalk should extend along Rice Road and terminate at the north property line, it currently is proposed to end just south of the east entrance.
8. Please indicate the corrosion protection that is to be used for the watermain.

From: [Ali Khan](#)
To: [Caitlin Kovacs](#)
Subject: RE: 18 Rose Avenue - OPA/ZBA Application
Date: May 18, 2023 11:57:55 AM

Caitlin,

Proposed entrance at Rose Ave be properly illuminated.

regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
Manager, Traffic/Parking/ Bylaws
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



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From: Leo Grellette <leo.grellette@welland.ca>
Sent: Thursday, May 18, 2023 10:49 AM
To: Caitlin Kovacs <caitlin.kovacs@welland.ca>; Adam Eckhart <adam.eckhart@welland.ca>; Ali Khan <ali.khan@welland.ca>; Brad Taylor <brad.taylor@welland.ca>; Dave Steven <dave.steven@welland.ca>; Jack Tosta <jack.tosta@welland.ca>; James Sticca <james.sticca@welland.ca>; Jim Harnum <jim.harnum@welland.ca>; Livia McEachern <livia.mceachern@welland.ca>; Matteo Ramundo <matteo.ramundo@welland.ca>; Taylor Meadows <taylor.meadows@welland.ca>
Subject: RE: 18 Rose Avenue - OPA/ZBA Application

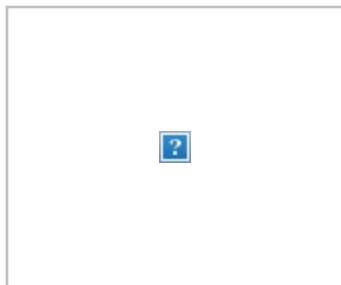
Caitlin, some preliminary comments:

- In reviewing the original submission and comparing to the current application it appears that the lot frontage will now be on Thorold and not Rose. This may impact zoning setbacks which I have not checked.
- Building will require revised site servicing drawings and a new permit application for the extended works resulting from the relocation of building 3.
- The updated servicing report under the subheading Fire Underwriters Survey Update under the Title "Water" states that the internal units of building 3 will be firewalled. Please clarify if the consultant means "firewalled" or "fire separated" as the construction requirements under

the Ontario Building Code are significantly different.

These are preliminary comments and more may result from a review of the revised site plan application.

Leo



Leo Grellette

Deputy Chief Building Official
Building

Planning and Development Services
Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2310

www.welland.ca



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From: Caitlin Kovacs <caitlin.kovacs@welland.ca>

Sent: Thursday, May 18, 2023 9:15 AM

To: Adam Eckhart <adam.eckhart@welland.ca>; Ali Khan <ali.khan@welland.ca>; Brad Taylor <brad.taylor@welland.ca>; Dave Steven <dave.steven@welland.ca>; Jack Tosta <jack.tosta@welland.ca>; James Sticca <james.sticca@welland.ca>; Jim Harnum <jim.harnum@welland.ca>; Leo Grellette <leo.grellette@welland.ca>; Livia McEachern <livia.mceachern@welland.ca>; Matteo Ramundo <matteo.ramundo@welland.ca>; Taylor Meadows <taylor.meadows@welland.ca>

Subject: 18 Rose Avenue - OPA/ZBA Application

Good morning,

An Official Plan Amendment application and Zoning By-law Amendment application for 18 Rose Avenue has been made. Details have been linked below. Please return comments, if any, no later than June 19, 2023.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:21aaa1bc-f5ed-47c6-8ea5-d44d70304285>

Best regards,

Caitlin Kovacs
Development Planner



Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2131
www.welland.ca



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From: [Leo Grellette](#)
To: [Caitlin Kovacs](#); [Adam Eckhart](#); [Ali Khan](#); [Brad Taylor](#); [Dave Steven](#); [Jack Tosta](#); [James Sticca](#); [Jim Harnum](#); [Livia McEachern](#); [Matteo Ramundo](#); [Taylor Meadows](#)
Subject: RE: 18 Rose Avenue - OPA/ZBA Application
Date: May 18, 2023 10:48:40 AM

Caitlin, some preliminary comments:

- In reviewing the original submission and comparing to the current application it appears that the lot frontage will now be on Thorold and not Rose. This may impact zoning setbacks which I have not checked.
- Building will require revised site servicing drawings and a new permit application for the extended works resulting from the relocation of building 3.
- The updated servicing report under the subheading Fire Underwriters Survey Update under the Title "Water" states that the internal units of building 3 will be firewalled. Please clarify if the consultant means "firewalled" or "fire separated" as the construction requirements under the Ontario Building Code are significantly different.

These are preliminary comments and more may result from a review of the revised site plan application.

Leo



Leo Grellette
Deputy Chief Building Official
Building
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
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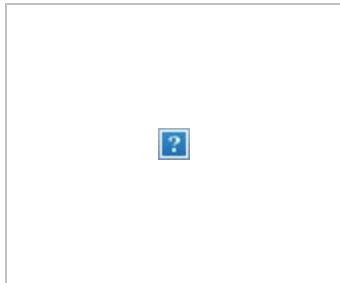
From: Caitlin Kovacs <caitlin.kovacs@welland.ca>
Sent: Thursday, May 18, 2023 9:15 AM
To: Adam Eckhart <adam.eckhart@welland.ca>; Ali Khan <ali.khan@welland.ca>; Brad Taylor <brad.taylor@welland.ca>; Dave Steven <dave.steven@welland.ca>; Jack Tosta <jack.tosta@welland.ca>; James Sticca <james.sticca@welland.ca>; Jim Harnum <jim.harnum@welland.ca>; Leo Grellette <leo.grellette@welland.ca>; Livia McEachern <livia.mceachern@welland.ca>; Matteo Ramundo <matteo.ramundo@welland.ca>; Taylor Meadows <taylor.meadows@welland.ca>
Subject: 18 Rose Avenue - OPA/ZBA Application

Good morning,

An Official Plan Amendment application and Zoning By-law Amendment application for 18 Rose Avenue has been made. Details have been linked below. Please return comments, if any, no later than June 19, 2023.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:21aaa1bc-f5ed-47c6-8ea5-d44d70304285>

Best regards,



Caitlin Kovacs

Development Planner

Planning and Development Services

Corporation of the City of Welland

60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2131

www.welland.ca



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From: [Municipal Planning](#)
To: [Caitlin Kovacs](#)
Subject: RE: 18 Rose Avenue - Notice of Complete Application and Statutory Public Hearing - Files 2023-04 and OPA No. 45
Date: June 30, 2023 1:03:04 PM

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Thank you for your circulation.

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Jasleen Kaur

Municipal Planning Coordinator
Engineering

ENBRIDGE
TEL: 437-929-8083
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Caitlin Kovacs <caitlin.kovacs@welland.ca>
Sent: Monday, June 19, 2023 4:09 PM
Subject: [External] 18 Rose Avenue - Notice of Complete Application and Statutory Public Hearing - Files 2023-04 and OPA No. 45

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good afternoon,

Complete applications for Zoning By-law Amendment and Official Plan Amendment have been submitted for 18 Rose Avenue, file numbers 2023-04 and OPA No. 45. Please see the attached Notices and site plan.

Best regards,

Caitlin Kovacs

Development Planner
Planning and Development Services
60 East Main Street, Welland, Ontario
L3B 3X4

☐ Phone: 905-735-1700 x2131

☐ welland.ca

☐ engagewelland.ca

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Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

June 12, 2023

Region File: D.10.11.OPA-23-0027

D.18.11.ZA-23-0054

D.19.11.SP-23-0045

Caitlin Kovacs
Development Planner
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Ms. Kovacs:

**Re: Regional and Provincial Comments
Proposed Official Plan Amendment, Zoning By-law Amendment and Site
Plan Applications
City Files: OPA 45, 2023-04
Owners: 231561 Holdings Limited and Hamount Investments Ltd.
Agent: Ventawood Management Inc. (c/o Julia Redfearn, BES, MCIP, RPP)
18 Rose Avenue
City of Welland**

Staff of the Regional Growth Strategy and Economic Development Department has reviewed the proposed Official Plan Amendment (“OPA”) and Zoning By-law Amendment (“ZBA”) applications for the property municipally known as 18 Rose Avenue in the City of Welland. The property was previously used as a Fire Hall Station and deemed surplus by the City of Welland in 2022. The applicant proposes to demolish the existing building and redevelop the property for commercial purposes, expanding their approved commercial development located at 5-15 Rice Road with 18 Rose Avenue and to increase the size of one building (Building 3 from 225m² to 580m²).

The subject land is designated ‘Institutional’ within the City of Welland Official Plan and is zoned ‘Community Institutional (INS1)’ in the City of Welland Zoning By-law No. 2017-117. The OPA and ZBA applications are required as restaurant, service, and retail commercial are not permitted within the Institutional designation or within the Community Institutional zone. Therefore, the OPA and ZBA applications seek to extend the designation and site-specific zoning that have been previously approved for 5-15 Rice Road onto 18 Rose Avenue, which includes ‘Commercial’ in the City Official Plan

and 'Community Commercial Node Modified (CC1-112)' in the City Zoning By-law. In addition to these applications, an amendment to the existing Site Plan Agreement for 5-15 Rice Road is required.

A pre-consultation meeting to discuss the proposal was held virtually on February 23, 2023, for which Regional staff were in attendance for. The following comments are provided from a Provincial and Regional perspective to assist Council in their consideration of the applications.

Provincial and Regional Policies

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

Provincial and Regional policies together direct development to take place in urban areas 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 commercial uses are permitted generally within the Built-Up Area designation, subject to the availability of adequate municipal services and infrastructure and other policies relative to land use compatibility, archaeology, and environmental conservation.

Staff has reviewed the '*Planning Justification Report*', prepared by Ventawood Management Inc. (dated May 4, 2023) and are satisfied with its analysis and conclusions. The proposed development appears to be compatible with the surrounding context, as noted further below and encourages employment within the City of Welland. The property is located within the urban area, where existing infrastructure is available to service the development and there are no environmental concerns with the proposal. As such, subject to the below comments, staff are satisfied that the redevelopment of the subject land is consistent with Provincial and Regional policies.

Land Use Compatibility

As the subject land is to be redeveloped for commercial purposes, the noise generated on-site may have the potential to impact existing sensitive land uses located on adjacent properties. As the proposal on the subject lands is expanding the commercial uses already permitted at 5-15 Rice Road, staff requested an addendum to the Noise Study previously completed to determine whether any recommendations within the study may have changed.

Staff has reviewed the '*Noise Study*', prepared by RWDI (dated May 1, 2023). The Study notes that it has used the Ministry of the Environment, Conservation and Parks ("MECP") Publication NPC-300 Environmental Noise Guidelines.

The Study states that the sound levels from the drive-thru, idling vehicles and rooftop mechanical equipment is expected to meet applicable sound level limits for daytime, evening and nighttime periods and recommends the implementation of a no-idling policy for the site. When unloading/loading is to occur, vehicle engines must be switched off. In addition, the Study recommends that the HVACs (HVAC 1 located on Building 1 and HVAC 2-5 located on Building 3) be positioned in such a way to be as far away from noise sensitive receptors as shown on Figure 1 (pg. 4 of the Study). Previous versions of the assessment required a noise barrier; however, based on updated equipment spec sheets provided, showing lower sound levels for the HVAC units than previously assumed, the Study is no longer recommending that a sound barrier be constructed.

Regional staff are satisfied with the mitigation measures proposed and recommend that an appropriate clause be included in the Site Plan agreement to implement these recommendations. An appropriate clause has been included in the attached Appendix.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, PPS Policy 2.6.2 and NOP Policy 6.4.2.1 state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Staff note that the property is mapped as an area of archaeological potential in Schedule K of the NOP. NOP Policy 6.4.2.6 states that where a site is proposed for development and located in an area of archaeological potential, a Stage 1 Archaeological Assessment by a licensed archaeologist is to be submitted to the Region as part of a complete application. At the time of pre-consultation, staff did not offer any archaeological assessment requirements on the basis that the subject property appears to be fully disturbed. As such, in lieu of an assessment, staff recommend that standard archaeological warning clauses are included in the site plan agreement should any resources be uncovered through construction works. An appropriate condition has been included in the attached Appendix.

Regional Transportation

The inclusion of the subject land to the previous Site Plan has not modified any entrances along Rice Road. Previous Regional road conditions have been carried forward through this updated site plan and are included in the attached Appendix.

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Staff request that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development. An appropriate condition has been included in the attached Appendix.

Stormwater Management

The '*Stormwater Management Report*' and engineering plans, prepared by G. Douglas Vallee Limited (dated May 2023) depict that the development stormwater will outlet to Rose Avenue with water quality and quantity control. City staff should be satisfied that through the Stormwater Management plan local infrastructure requirements will be adequately addressed. Regional staff offer no further comments.

Waste Collection

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

- No limit blue/grey containers (collected weekly);
- No limit green containers (collected weekly); and,
- 8 Garbage containers max (collected bi-weekly)
- Collection will be at the curbside only.

Region staff has reviewed the submitted Site Plan (Dwg No. A1.0) and acknowledge that the development is proposing to utilize in-ground Molok waste containers (accessed from Rose Avenue) as well as Earthbin garbage system (accessed from both Rose Avenue and Rice Road). The applicant is advised that this method of waste storage is not eligible for Regional collection and waste collection for the subject property will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region.

Notwithstanding the above comments the site remains eligible for Regional curbside recycling and green bin collection, subject to meeting the collection limits as outlined above. If those limits cannot be met, waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.

Conclusion

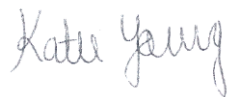
In conclusion, staff of the Regional Growth Strategy and Economic Development Department do not object to the proposed Official Plan Amendment and Zoning By-law Amendment applications as the proposal is consistent with the PPS and conforms to

Provincial and Regional policies. With respect to the Site Plan application, updates to previous conditions included for 5-15 Rice Road (original site plan application) have been included in the attached Appendix.

Regional staff note that in accordance with NOP Policies 7.4.1.6 and 7.4.1.7 and the Memorandum of Understanding, the Local Official Plan Amendment as reviewed is exempt from Regional Council Approval given the site-specific nature of the proposal.

Should you have any questions regarding the above comments, please contact the undersigned at Katie.Young@niagararegion.ca.

Kind regards,



Katie Young, MCIP, RPP
Development Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning, Niagara Region
Jake McGowan, Development Approvals Technician, Niagara Region
Taylor Meadows, Planning Supervisor – Development, City of Welland
Kevin Macdonald, Planning Technician II, City of Welland

Appendix
Regional Conditions to be included in the Site Plan Agreement
18 Rose Avenue, Welland

1. That the following clauses be included in the Site Plan Agreement:

- The Owner is advised that the development does not comply with Niagara Region's Corporate Policy for Waste Collection therefore garbage collection will be provided through a private contractor and not Niagara Region.
- That the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
- That prior to any construction taking place within the Regional road allowances, the owner shall obtain a Regional Construction Encroachment, Entrance, and Sign Permit from the Permits section of the Niagara Region Transportation Services Division.
- That the owner dedicate a road widening and daylight triangle to the Regional Municipality of Niagara along the frontage of Regional Road 54 (Rice Road) prior to the issuance of a building permit, to the satisfaction of the Niagara Region Planning & Development Services Department. All costs for providing the necessary survey plan and all related documents are the responsibility of the applicant.
- That the owner enter into a legal agreement with the Region or securities for the Rice Road work be retained by the City prior to building permit approval for the proposed works on Rice Road (RR 54).
- That the owner deposit the required \$3,500 for the cash-in-lieu for the removal of street trees along Rice Road (RR54) with the Region prior to the issuance of a building permit.
- That the owner agrees to implement the recommendations found on page 5 of the *Noise Study*, prepared by RWDI (dated May 1, 2023).
- Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage

Appendix IV

**AMENDMENT NO. 45
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND**

July, 18, 2023

THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2023-_____
A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 45

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. 45 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 53 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 45 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18th DAY OF JULY 2023.

MAYOR

CLERK

**Amendment No. 45
to the
Official Plan
of the
Corporation of the City of Welland**

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O.1990, Chapter P.13, as amended.

Date: July 18th, 2023

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
THE CORPORATION OF THE CITY OF WELLAND

PART "A" - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with Sections 17 and 21 of The Planning Act, 1990, shall be known as Amendment No. 45 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consisting of the following text and map (designated Schedule "A") constitutes Amendment No. 45 to the Official Plan of the Corporation of the City of Welland.

Part "C", the Appendices, which do not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THIS AMENDMENT

The purpose of Official Plan Amendment No. 45 is to redesignate the lands shown on the attached Schedule "A" from Institutional to Community Commercial Node.

LOCATION OF THIS AMENDMENT

The lands subject to this Amendment are located at 18 Rose Avenue, Welland, legally described as Plan 655 Lot 204, 205, & 206 in the City of Welland, Regional Municipality of Niagara.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated Institutional. A proposal has been put forth to redevelop the lands to permit the construction of a commercial plaza.

PART "B" - THE AMENDMENT

All of this part of the document entitled "Part "B" - "The Amendment" consisting of the following policies and attached maps designated as Schedule "A" - Land Use Plan and Policies constitute Amendment No. 45 to the Official Plan of the Corporation of the City of Welland. The Official Plan for the City of Welland is hereby amended as follows:

MAP CHANGES

Item 1 - The areas indicated on the attached Schedule A as Amendment No. 45 are hereby redesignated from "Institutional" to "Community Commercial Node" on Schedule B1 to the Official Plan.

Appendix V

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (FILE NO. 2023-04) 18 ROSE AVENUE

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117
on the 17th day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter
P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient
to amend said Zoning By-law 2017-117.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF
WELLAND ENACTS AS FOLLOWS:

That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

1. Plan 655 Lot 204, 205 & 206, in the City of Welland, Regional Municipality of Niagara, shown
on Schedule "A" attached hereto as "Change to CC1-112" is hereby rezoned to CC1-112.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 18th DAY
OF JULY, 2023.

_____ MAYOR

_____ CLERK

Empire Canals

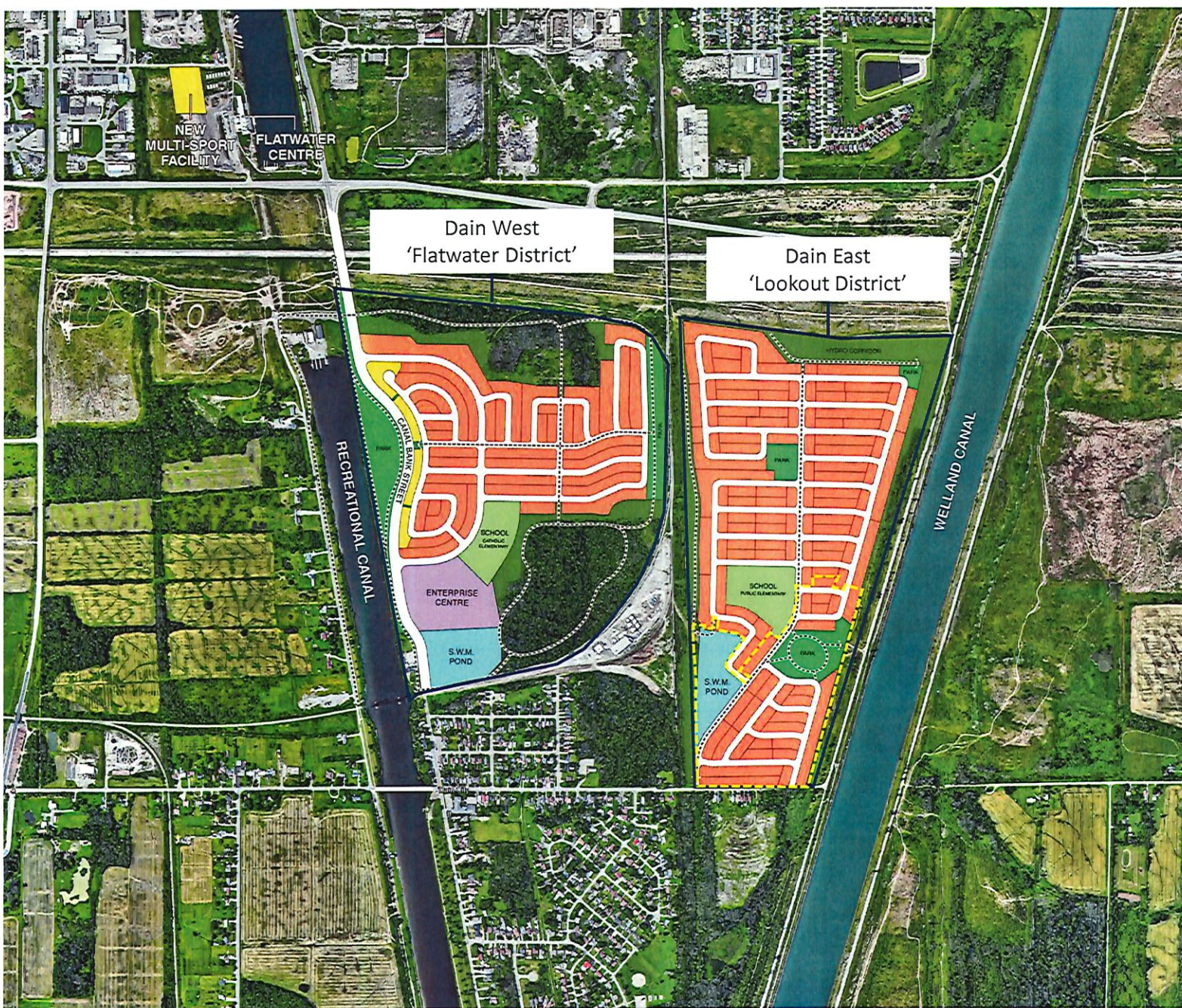
Project Update

For: 555 Canal Bank Developments GP Inc.
Agent: Armstrong Planning & Project Management
c/o Stephen Armstrong

Date: July 18, 2023



Context



Dain East 'The Lookout District'

- Urbanization of Forks Road between the shipping canal and the Kingsway is complete (sidewalks on both sides, new street lighting, new infrastructure).
- Phase 1 registered (288 units) on June 6, 2023. First closings occurred in May 2023.
- Phase 2/3 registration (958 units) is anticipated to occur this August.



Phase 1 – Looking South-West



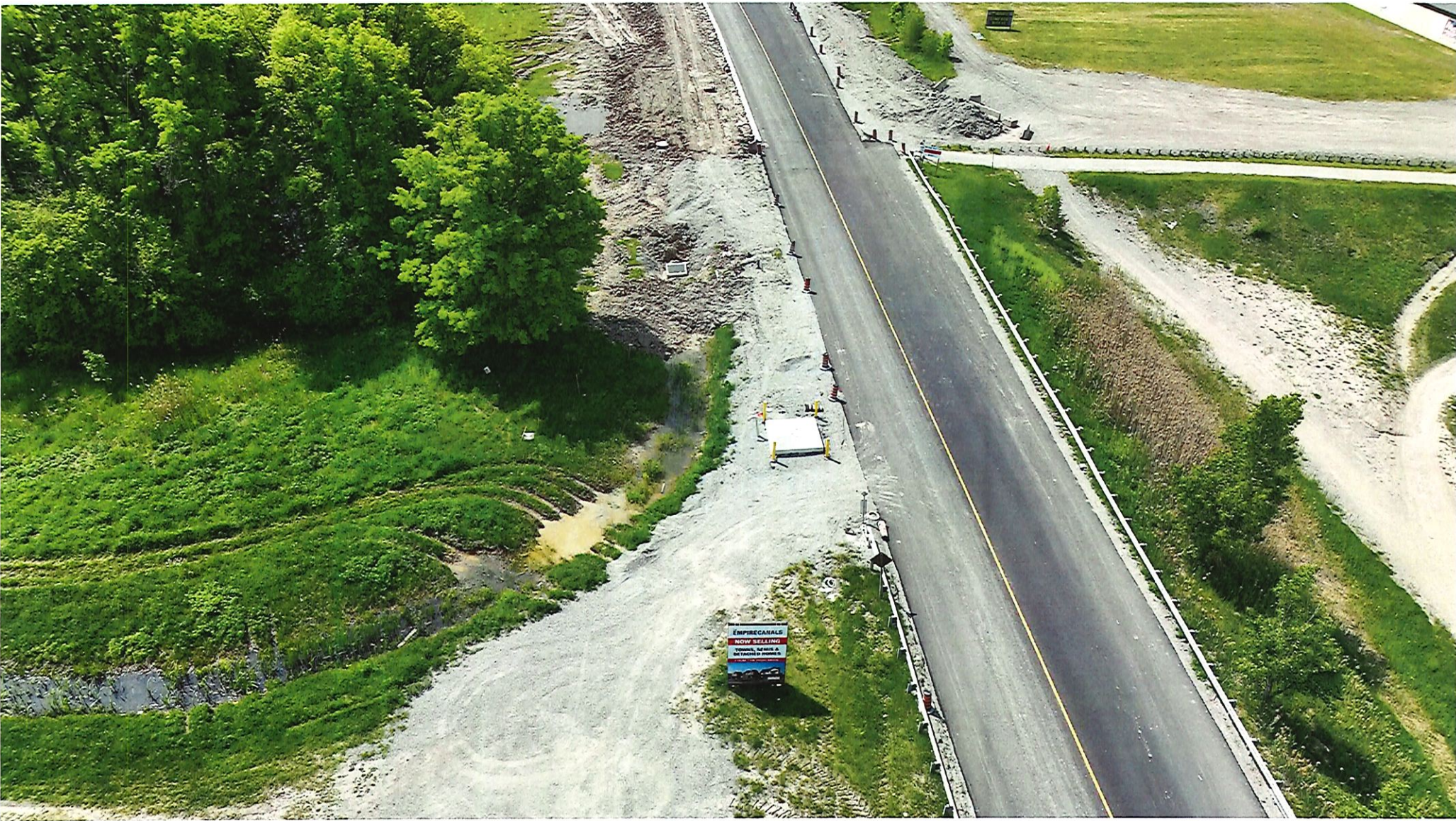
Dain West 'The Flatwater District'

- Remediation began in September 2022 and will be completed this summer.
- Realigned Canal Bank Street now open to traffic.
- Model homes and sales office opened in April 2023.
- Targeting fall 2024 for Phase 1 registration (199 units).



Dain West - Looking North-East

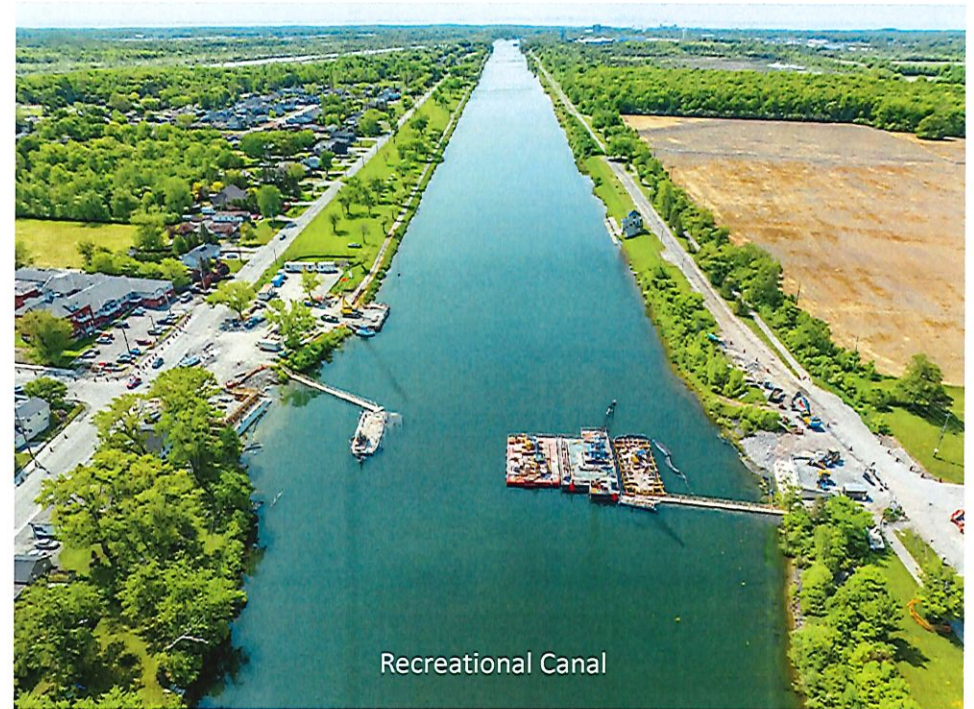




Community Benefits

Forks Road Bridge

- Forks Road Bridge construction is underway.
- Anticipated completion is August 2024.



Forks Road Bridge Construction - Looking South



Empire Sportsplex

- Opened July 2022
- Includes:
 - 6 pickleball courts
 - 3 tennis courts
 - 5 beach volleyball courts
 - 4 basketball courts (2 half-sized)
 - Activity lawn
 - Washrooms



Empire Sportsplex







Coming Soon



Dain West – Looking South-East



'The Cove' Park in Dain West – Looking West



Dain East - Aviron Crescent – Looking East






Example of detached housing



'The Anchor' Park in Dain East – Looking East

Questions?

COUNCIL
OFFICE OF THE CAO
ECONOMIC DEVELOPMENT OFFICE

APPROVALS	
DIRECTOR	
CFO	
CAO	

22-105

REPORT EDO-2023-04
July 18, 2023

SUBJECT: SALE OF CITY-OWNED LAND POLICY AND THE STOPPING UP AND CLOSING OF HIGHWAYS

AUTHOR: LINA DECHELLIS, MANAGER, ECONOMIC DEVELOPMENT

APPROVING G.M.: STEVE ZORBAS, CAO

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information report EDO-2023-04 Sale of City-Owned Land Policy and the Stopping up and Closing of Highways; and further,

THAT Welland City Council approves the revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways.

COMMENTS AND ANALYSIS:

At its meeting of November 1, 2022, Council directed staff to review the City's Sale of City-Owned Land and the Stopping Up and Closing of Highways Policy.

The current policy was reviewed by Economic Development staff and the Director of Planning and Development Services with additions and deletions being incorporated into the revised policy.

The policy was presented to the Corporate Leadership Team (CLT) and they have provided support for the implementation of the revised policy.

OTHER DEPARTMENT IMPLICATIONS:

Planning and Development Services are responsible for the Stopping up, Closing and Highways.

FINANCIAL CONSIDERATION:

N/A.

SUMMARY AND CONCLUSION:

At its meeting of November 1, 2022, Council directed staff to review the City's Sale of City-Owned Land and the Stopping Up and Closing of Highways Policy. The policy was reviewed by staff and changes have been made.

At the March 21, 2023, Council meeting staff presented a revised policy for council consideration. Council made comments and directed staff to come back with the revised policy which includes Council's comments.

Appendix III is the current policy dated December 15, 2015, which includes the staff recommended changes in red presented to Council on March 21, 2023. Appendix II is the draft redline policy which incorporates Council comments from March 21, 2023. Appendix I is the policy staff is recommending for approval which includes Council comments.

It is recommended that the revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways be approved as presented.

ATTACHMENT:

- | | |
|---------------|---|
| Appendix I - | Revised Sale of City-Owned Land Policy and the Stopping up and Closing of Highways |
| Appendix II - | Redline Draft Sale of City-Owned Land Policy and the Stopping up and Closing of Highways |
| Appendix III- | Redline Sale of City-Owned Land Policy and the Stopping up and Closing of Highways – December 15, 2015 (Current Policy) |

Appendix I

CITY OF WELLAND

POLICY

Policy Title: Sale of City-Owned Land and the Stopping Up and Closing of Highways	
Date of Approval: April 20, 2004	Policy Number: SER-013-0011
Lead Role: Manager, Economic Development/ Director, Planning and Development Services	Support Role: City Solicitor
Cross Reference: 2004-37	Next Review Date:
Council File Number: 03-110	Revision Date: July 18, 2023

Policy Statement:

That Council adopt the following Policy with respect to the sale of City-owned lands:

A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice shall also be posted on the City's web site and through social media and with a sign erected on the site.
6. Those surplus properties which may have some commercial or higher residential value shall be marketed through a tender process to be widely advertised using social media, real estate publications, City of Welland surplus land page and a sign erected on the site.
7. Any Offer of Purchase and Sale shall be submitted to the Manager, Economic Development, for review. The Offer shall be forwarded to the City Solicitor for review and approval.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer. The report shall include any known historical information related to the property.
9. Upon acceptance of an Offer and approval of the Staff Report by Council, a By-law shall be prepared and presented to Council to accept the Offer at the next meeting of council.
10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality except for the following:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Highways;
 - Land formerly used for railway lines.
11. Appraisals are not required for:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Land which does not have direct access to a highway if sold to the Owner of land abutting the land;
 - Land repurchased by an Owner in accordance with Section 42 of the Expropriation Act;
 - Easements granted to public utilities or to telephone companies;
 - Lands sold to a municipality;
 - Lands sold to a local Board including a School Board or a Conservation Authority;
 - Land sold to the Crown in right of Canada or Ontario and their Agencies.
12. The City may pay a commission not exceeding three percent (3%) to any licensed Real Estate Agent or representative who, on behalf of a Client, submits an Offer on a City- owned parcel which is accepted by Council, and which proceeds to a final sale.
13. The proceeds of the sale of City-owned lands shall be distributed as follows:
 - For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund;
 - For industrial land and other non – residential sales all net proceeds shall be:
 - credited to the Economic Development Reserve Fund or as otherwise recommended by staff;

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

- For residential land sales, all net proceeds shall be credited to the Economic Development Reserve Fund, unless otherwise directed.

B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e., Utilities, Region of Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
5. Staff shall obtain at least one (1) appraisal of the fair market value of the lands.
6. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
7. Upon approval of the By-law, the By-law shall be registered on Title.
8. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site, and through social media and with a sign erected on the site.
9. Should the closed highway offer an opportunity to create a developable lot, the lands shall be offered for sale as such, subject to necessary servicing and shall be aggressively marketed with a sign erected on the site.
10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, AB and A9.

Appendix II

CITY OF WELLAND
POLICY

Policy Title: Sale of City-Owned Land and the Stopping Up and Closing of Highways	
Date of Approval: April 20, 2004	Policy Number: SER-013-0011
Lead Role: Manager, Economic Development/ Director, Planning and Development Services	Support Role: City Solicitor
Cross Reference: 2004-37	Next Review Date:
Council File Number: 03-110	Revision Date: March 21 July 18, 2023

Policy Statement:

That Council adopt the following Policy with respect to the sale of City-owned lands:

A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice shall also be posted on the City's web site and through social media and with a sign erected on the site.
6. Those surplus properties which may have some commercial or higher residential value shall be ~~aggressively~~-marketed through a tender process to be widely advertised ~~with~~ using social media, real estate publications, City of Welland surplus land page and a sign erected on the ~~site~~ site.
7. Any Offer of Purchase and Sale shall be submitted to the Manager, Economic Development for review. The Offer shall be forwarded to the City Solicitor for review and approval.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer. The report shall include any known historical information related to the property.
9. Upon acceptance of an Offer and approval of the Staff Report by Council, a By-law shall be prepared and presented to Council to accept the Offer at the next meeting of council.
10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality ~~with the exception of~~ except for the following:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Highways;
 - Land formerly used for railway lines.
11. Appraisals are not required for:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Land which does not have direct access to a highway if sold to the Owner of land abutting the land;
 - Land repurchased by an Owner in accordance with Section 42 of the Expropriation Act;
 - Easements granted to public utilities or to telephone companies;
 - Lands sold to a municipality;
 - Lands sold to a local Board including a School Board or a Conservation Authority;
 - Land sold to the Crown in right of Canada or Ontario and their Agencies.
12. The City may pay a commission not exceeding three percent (3%) to any licensed Real Estate Agent or representative who, on behalf of a Client, submits an Offer on a City- owned parcel which is accepted by Council and which proceeds to a final sale.
13. The proceeds of the sale of City-owned lands shall be distributed as follows:
 - For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund;
 - For industrial land and other non – residential sales all net proceeds shall be credited to the Economic Development Reserve Fund or as otherwise

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

recommended by staff;

- For residential land sales, all net proceeds shall be credited to the Economic Development Reserve Fund, unless otherwise directed.

B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

14. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e. Utilities, Region of Niagara).
15. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
16. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
17. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.
18. Staff shall obtain at least one (1) appraisal of the fair market value of the lands.
19. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
20. Upon approval of the By-law, the By-law shall be registered on Title.
21. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site, and through social media and with a sign erected on the site.
22. Should the closed highway offer an opportunity to create a developable lot, the lands shall be offered for sale as such, subject to necessary servicing and shall be aggressively marketed with a sign erected on the site
23. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
24. All Offers of Purchase and sale shall be processed in accordance with Sections A7, AB and A9.

Appendix III

CITY OF WELLAND

POLICY

Policy Title: Sale of City-Owned Land and the Stopping Up and Closing of Highways	
Date of Approval: April 20, 2004	Policy Number: SER-013-0011
Lead Role: Manager, Economic Development/ General Manager, Infrastructure Services / City Engineer <u>Director, Planning and Development Services</u>	Support Role: City Solicitor
Cross Reference: 2004-37	Next Review Date:
Council File Number: 03-110 0	Revision Date: <u>March 21, 2023</u> December 15, 2015

Policy Statement:

That Council adopt the following Policy with respect to the sale of City-owned lands:

A. REAL PROPERTY

1. Staff shall prepare a Report for Council's consideration complete with analysis recommending that real property be declared surplus.
2. Council must pass a Resolution declaring the lands surplus.
3. Staff shall obtain at least one (1) appraisal of the fair market value of the land.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be sold.
5. All surplus lands shall be advertised at least once in the local newspaper. Notice ~~may shall~~ also be posted on the City's web site and through social media and with a sign erected on the site.
6. Those surplus properties which may have some commercial or higher residential value ~~may shall~~ be aggressively marketed through a tender process to be widely advertised with a sign erected on the site.
7. Any Offer of Purchase and Sale shall be submitted to the ~~General~~ Manager, ~~Infrastructure Services / City Engineer~~ Economic Development for review. The Offer shall be forwarded to the City Solicitor for review and approval.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

~~(a) For lands under the authority of the Welland Development Commission, all Offers of Purchase and Sale shall first be presented to the Manager of Economic Development for review, submitted to the Planning Manager for review and subsequently forwarded to the City Solicitor for review and approval. The Offer shall be presented to the Welland Development Commission for recommendation.~~

~~(b) For lands under the authority of the Welland Recreational Canal Corporation (W.R.C.C.) any Offer of Purchase and Sale shall be submitted to the Planning Manager for review and forwarded to the City Solicitor for review.~~

8. A Staff Report shall be prepared for Council's consideration, with a recommendation to accept or deny an Offer.
9. Upon acceptance of an Offer by Council, a By-law shall be prepared and presented to Council to accept the Offer.
10. The City shall establish and maintain a public register listing and describing the land owned or leased by the municipality with the exception of the following:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;

- Highways;

~~- Land formerly used for railway lines if sold to an Owner of land abutting the former rail line;~~

11. Appraisals are not required for:
 - Land 0.3 metres or less in width acquired in connection with an approval or decision under the Planning Act;
 - Land formerly used for railway lines
 - Land which does not have direct access to a highway if sold to the Owner of land abutting the land;
 - Land repurchased by an Owner in accordance with Section 42 of the Expropriation Act;
 - Easements granted to public utilities or to telephone companies;
 - Lands sold to a municipality;
 - Lands sold to a local Board including a School Board or a Conservation Authority;

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

- Land sold to the Crown in right of Canada or Ontario and their Agencies.

~~NOTE: Lands to be used for the establishment and carrying on of industries and industrial operations and incidental uses do not have to comply with Section A2, A3 and A5.~~

~~a. Those lands unserved by water, sewers and/or public access shall not be considered for sale until the City determines that the lands can be serviced and developed in accordance with City Policies. The only exception Council may consider is where unserved lands are being merged in Title with adjoining lands.~~

12. The City may pay a commission not exceeding three percent (3 %) to any licensed Real Estate Agent or representative who, on behalf of a Client, submits an Offer on a City- owned parcel which is accepted by Council and which proceeds to a final sale.

13. The proceeds of the sale of City-owned lands shall be distributed as follows:

~~- For the sale of any parklands or open space, net proceeds after sale expenses shall be credited to the Planning Act Reserve Fund;~~

~~- For the sale of lands developed and serviced using the Municipal Incentive Grant Reserve Fund (MIG);~~

- For industrial land and other non – residential sales ~~authorized by the Welland Development Commission,~~ all net proceeds shall be credited to the Economic Development Reserve Fund or as otherwise recommended by staff;

- For residential land sales, all net proceeds shall be directed to the Economic Development Reserve Fund or as otherwise directed.




B. STOPPING UP, CLOSING AND SALE OF HIGHWAYS

1. Upon request for the Stopping Up, Closing and Sale of a highway or part thereof, or upon the City's initiative, Staff shall request comments from appropriate Departments and Agencies (i.e. Utilities, ~~Regional~~ Region of Niagara).
2. Staff shall prepare a Report for Council's consideration complete with analysis recommending that the highway, or part thereof, be stopped up, closed and declared surplus.
3. Public Notice shall be given of Council's intention to pass a By-law to permanently close a highway in a newspaper having general circulation in the municipality at least seven (7) days prior to the date of passage of the By-law.
4. Staff shall have prepared the necessary Reference Plan to describe the lands to be closed.

Sale of City-Owned Land and the Stopping Up and Closing of Highways SER-013-0011

5. Staff shall obtain at least one (1) appraisal of the fair market value of the lands. ~~An appraisal is not required if the closed highway is sold to an Owner of land abutting the closed highway.~~
6. Staff shall prepare a By-law to Stop Up, Close and declare surplus for Council's consideration.
7. Upon approval of the By-law, the By-law shall be registered on Title.
8. The surplus lands shall be advertised at least once in the local newspaper. Notice may also be posted on the City's web site, and through social media with a sign erected on the site.
9. Should the closed highway offer an opportunity to create a developable lot, the lands shall be offered for sale as such, subject to necessary servicing and shall be aggressively marketed with a sign erected on the site.
10. Should the closed highway not be a viable lot, adjoining property Owners shall be afforded an opportunity to purchase a portion or the whole of the lands subject to the lands being merged in Title with the adjoining lands.
11. All Offers of Purchase and sale shall be processed in accordance with Sections A7, AB and A9.

COUNCIL
COMMUNITY SERVICES
PARKS & FORESTRY DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

REPORT CS-2023-21
JULY 18, 2023

23-19

SUBJECT: PLAYGROUND RENEWAL ADVANCEMENT

**AUTHOR: DAVE STEVEN, MANAGER OF PARKS, FORESTRY,
CEMETERIES, OPERATIONS & DEVELOPMENT**

**APPROVING
DIRECTOR: ROB AXIAK, DIRECTOR OF COMMUNITY SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND pre-approves three (3) 2024 park playground renewal projects for Maple Park, Bemus Park and Manchester Park and pre-approves two (2) 2025 playground renewal projects for River Road Park and John Deere Park as outlined in the Financial Consideration; and further

THAT Welland City Council pre-approves the capital project for Michael Drive parkette as outlined in the Financial Consideration; and further

THAT Welland City Council authorize the issuance of and RFP for Professional Services for these playground renewal projects.

ORIGIN AND BACKGROUND:

The City of Welland is responsible for inspecting the safety of our parks and playgrounds and ensuring that the City meets or exceeds all applicable municipal and provincial regulatory requirements including Ontario Regulations for these spaces and equipment.

In 2022, a full playground condition assessment was completed, and based on the results of the assessments staff ranked all equipment and inserted a replacement strategy into the 10-year budget forecast as part of a strategic plan to ensure they are replaced on a specific schedule.

Maple Park, Bemus Park, Manchester Park, River Road, and John Deere Park Playgrounds have all been deemed at end of life and need renewals due to aging equipment, damaged and decaying retaining walls, and the need to upgrade the protective surfacing at all three parks as the current surfacing is unable to accommodate mobility devices and are not compliant with the current Accessibility for Ontarians with Disabilities Act (AODA). By ensuring compliance with AODA standards, parks and

playgrounds can become inclusive spaces for individuals with disabilities, promoting equal participation and enjoyment for all.

Plus, as the city continues to grow, additional park space will be necessary to meet the needs of growing neighbourhoods and to ensure residential growth development areas are being serviced by a park within a 10-minute walking distance without crossing a major roadway (PRC Master Plan, Page 43).

In 1994, the lot known as 113 Michael Drive was conveyed to the City for a portion of the required 5% parkland dedication for the Michael Estate Subdivision as part of the development planning act requirements. It has never been developed and only ongoing maintenance such as grass cutting has been completed to date. Residents in the Michael Drive area have been reaching out over the years, and in 2020 this parcel of land was redesignated and rezoned as Open Space parkland as originally intended, and staff were to proceed with an RFP to have a park with playground equipment installed at this location. This parcel of land has been identified as not being serviced by a park within a 10-minute walking distance without crossing a major roadway. These projects are supported by recommendations within the Parks, Recreation & Culture Master Plan by ensuring that programs are reaching low-income populations and continuing development in sports parks and investment in outdoor infrastructure.

COMMENTS AND ANALYSIS:

Fundamentally, the main reasons for the recommendations on the advancement of these projects are:

- Renewal is needed on these playgrounds.
- Attract better pricing by going to the market sooner and leveraging economies of scale by including six like-projects into one procurement process.
- Funded by the Cash in Lieu of Parkland Reserve and not the general tax base.

Playgrounds play a crucial role in child development, providing opportunities for physical exercise, socialization, and imaginative play. However, safety concerns can arise as playground equipment ages and undergo regular use. These may include damaged or worn-out structures, inadequate surfacing, and outdated safety features. To maintain safe and enjoyable play spaces, playground renewals are necessary.

Subject to Council approval and the recommendations noted in this report, staff will move forward with the new park and playground renewal projects in 2023, beginning with issuing an RFP for professional services for survey, detailed design, public engagement, and contract administration; followed by tendering and the start of construction when the playgrounds are not used in the late fall and early spring months.

Professional services will be required to provide oversight and management for park projects. Effective oversight is crucial to ensure that park projects are completed successfully, adhering to established standards, timelines, and budgetary constraints.

The city can mitigate risks, maintain quality control, and enhance project outcomes by engaging professional oversight.

FINANCIAL CONSIDERATIONS:

Staff are seeking pre-approval for the capital projects outlined below utilizing the Cash in Lieu Parkland Reserve in the amount of \$2,300,000.

These six projects are valued at approximately \$2,300,000.00 of investment and enhancement to the City's Parks and Playground Spaces. Which will include funds for professional services for oversight of all projects.

Budget Breakdown	Amount
Maple Park Playground and Related Landscaping (10-410-24401)	\$400,000
Bemus Park Playground and Related Landscaping (10-410-24420)	\$400,000
Manchester Park Playground and Related Landscaping (10-410-24421)	\$400,000
River Road Park Playground and Related Landscaping (10-410-25420)	\$400,000
John Deere Park Playground and Related Landscaping (10-410-25421)	\$400,000
Proposed allowance budgeted for Michael Drive Parkette	\$300,000
<u>Total</u>	<u>\$2,300,000</u>

There is sufficient funding in the Cash in Lieu of Parkland Reserves to complete these park and playground renewal projects. The utilization of these funds will have no affect on any planned future parkland purchases.

OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks, and Legal Services departments.

SUMMARY AND CONCLUSION

As noted in the Parks, Recreation & Culture Master Plan, "Parks are dynamic places. They are hubs for community gatherings, physical activity and to simply get fresh air. Well-designed parks offer social, environmental, health, and economic benefits, and have the potential to bring people together". Parks and playgrounds are invaluable assets to our community, providing children with opportunities for physical activity, socialization,

and imagination. By investing in future park and playground renewals and addressing safety issues, we can create safer and more inclusive play spaces for our children by adhering to the Accessibility for Ontarians with Disabilities Act (AODA).

The estimated budget of \$2,300,000.00 fully funded by the Cash in Lieu of Parkland Reserve, will enable the city to build a new parkland space and undertake essential playground equipment replacements.

ATTACHMENTS:

Appendix A – Michael Drive Parkland Resolution 2020-386



FILE COPY

FROM THE OFFICE OF THE CITY CLERK

RESOLUTION NO: 2020-386

REFERENCE NO. 20-19

October 22, 2020

Dear Sir or Madam:

Welland City Council passed the following motion

on

October 20, 2020

"THAT THE COUNCIL OF THE CITY OF WELLAND refers to staff for report the notice of motion WHEREAS in 1994 the original developer had intended the property municipally known as 113 Michael Drive in the Michael Estate to be dedicated to the City of fulfill their provincially legislated parkland dedication requirements; and

WHEREAS, the land is still designated as Residential in the City's Official Plan and zoned Residential Low Density 1 in the City of Welland's Zoning By-law and

WHEREAS this land has never been redesignated and rezoned as parkland as originally intended; and further

WHEREAS this neighbourhood is underserved in parkland as identified in 2019 Parks and Recreation Master Plan commissioned by the City of Welland.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location."

TS:cap

T. Fitzpatrick, General Manager, Infrastructure & Development Services

From


City Clerk



RESOLUTION

RESOLUTION NO. 2020 - 285

MOVED BY: McLeod

SECONDED BY: Speck

THAT THE COUNCIL OF THE CITY OF WELLAND refers to staff for report the notice of motion WHEREAS in 1994 the original developer had intended the property municipally known as 113 Michael Drive in the Michael Estate to be dedicated to the City of fulfill their provincially legislated parkland dedication requirements; and

WHEREAS, the land is still designated as Residential in the City's Official Plan and zoned Residential Low Density 1 in the City of Welland's Zoning By-law and

WHEREAS this land has never been redesignated and rezoned as parkland as originally intended; and further

WHEREAS this neighbourhood is underserved in parkland as identified in 2019 Parks and Recreation Master Plan commissioned by the City of Welland.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

CARRIED

COUNCILLORS	YEAS	NAYS
LAROUCHE		
GREEN		
SPECK		
CHIOCCHIO		
MCLEOD		
DIMARCO		
RICHARD		
GRIMALDI		
SPINOSA		
FOKKENS		
MOOTE		
VAN VLIET		
MAYOR CAMPION		

PRESENTED TO
COUNCIL
OCT 20 2020
CITY OF WELLAND

CARRIED



LOST



NOT PUT





RESOLUTION

RESOLUTION NO. 2020 - 285

MOVED BY:

Moote

SECONDED BY:

Grimaldi

THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

COUNCILLORS	YEAS	NAYS
LAROUCHE		
GREEN		
SPECK		
CHIOCCHIO		
MCLEOD		
DIMARCO		
RICHARD		
GRIMALDI		
SPINOSA		
FOKKENS		
MOOTE		
VAN VLIET		
MAYOR CAMPION		

PRESENTED TO
COUNCIL

OCT 20 2020

CITY OF WELLAND

CARRIED



LOST



NOT PUT





MOOTE

RESOLUTION

RESOLUTION NO. 2020 -

MOVED BY:

MOOTE

SECONDED BY:

GRIMALDI

THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

113 Michael Drive

McLeod/Speck

refer to staff
for report.



* include
entire NOM
in correspondence.

COUNCILLORS	YEAS	NAYS
LAROCHE		
GREEN		
SPECK		
CHIOCCHIO		
MCLEOD		
DIMARCO		
RICHARD		
GRIMALDI		
SPINOSA		
FOKKENS		
MOOTE		
VAN VLIET		
MAYOR CAMPION		



CARRIED



LOST



NOT PUT





Ref. No. 20-19

NOTICE OF MOTION

PRESENTED BY COUNCILLOR MOOTE

This Notice of Motion is to be considered at the October 6, 2020 Regular Council Meeting.

WHEREAS in 1994 the original developer had intended the property municipally known as 113 Michael Drive in the Michael Estate to be dedicated to the City of Welland to fulfill their provincially legislated parkland dedication requirements; and

WHEREAS, the land is still designated as Residential in the City's Official Plan and zoned Residential Low Density 1 in the City of Welland's Zoning By-law and
WHEREAS this land has never been redesignated and rezoned as parkland as originally intended; and further

WHEREAS this neighbourhood is underserved in parkland as identified in 2019 Parks and Recreation Master Plan commissioned by the City of Welland.

NOW THEREFORE BE IT RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND redesignates this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.





PROCEDURAL NOTICE

DATE	September 21, 2020
COUNCILLOR	Adam Moote

Conflict of Interest ☐

Notice of Motion ☒

Whereas in 1994 the original developer had intended the property municipally known as 113 Michael Drive in the Michael Estate to be dedicated to the City to fulfill their provincially legislated parkland dedication requirements, and

Whereas, the land is still designated as Residential in the City's Official Plan and zoned Residential Low Density 1 in the City of Welland's Zoning By-law, and

Whereas, this land has never been redesignated and rezoned as parkland as originally intended, and

Whereas, this neighbourhood is increasing in density from residential development, and




Whereas, this neighbourhood is underserved in parkland as identified in 2019 Parks and Recreation Master Plan commissioned by the City of Welland, now

Therefore be it resolved that the City of Welland council redesignate this area as Open Space, and proceed with an RFP to have a park with playground equipment be installed at this location.

Councillor Signature

Adam Moote

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-22

REPORT TRAF-2023-31
JULY 18, 2023

SUBJECT: 4-WAY STOP SIGNS ON FIRST AVENUE

AUTHOR: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
MANAGER, TRAFFIC, PARKING & BY-LAWS

APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information **REPORT TRAF-2023-31** 4-way Stop signs on First Avenue; and further

THAT Welland City Council authorizes staff to amend Schedule XXXIX Community Safety Zones of the Traffic and Parking By-law 89-2000 as follows:

ADD THE FOLLOWING TO SCHEDULE XXXIX Community Safety Zones

COLUMN 1 HIGHWAY	COLUMN 2	COLUMN 3	COLUMN 4
	FROM	TO	TIMES OR DAYS
First Avenue	Fitch Street	Laughlin Ave	Anytime

ORIGIN AND BACKGROUND:

At the Council Meeting on March 21, 2023, the following motion was approved:

WHEREAS, there is a safety concern among residents in the area of First Avenue, Linrose Avenue and Thorold Road; and WHEREAS, an additional stop sign has been requested by residents in the area. NOW THEREFORE IT BE RESOLVED THAT THE COUNCIL OF THE CITY OF WELLAND directs staff to conduct a study in the area of First Avenue, Linrose Avenue and Thorold Road, and further THAT staff report back to Council on the results of the study in relation to a 4 way stop

sign being placed at either First Avenue and Laughlin Avenue or at First Avenue and Parkway.

Furthermore, in a letter submitted to City Council, resident of 141 First Avenue suggested creating a community safety zone and installing a four-way stop at the intersection of Laughlin Avenue and First Avenue. A copy of the letter is attached with this report as Appendix 1.

COMMENTS AND ANALYSIS:

To address concerns related to speeding and pedestrian crossing issues, staff conducted a speed study/stop signs/Pedestrian cross over warrant analysis. Results are as follows:

Speed Study

In May 2023, a speed study was conducted in the vicinity of 141 First Avenue. The study has indicated that vehicles traveling along First Avenue in the vicinity of Laughlin Ave are exceeding the posted maximum speed limit. The study confirmed that vehicle speeds are in excess of the 50 km/hr. speed limit. During the study, the 85th percentile speed for the northbound/southbound traffic was determined to be 59/66 km/hr. A speeding problem exists when the 85th percentile (the speed below which 85% of vehicles travel) speed exceeds the posted speed limit by 10 km/hr.

Community Safety Zone on First Avenue

The Highway Traffic Act (HTA) allows municipalities to designate road segments as Community Safety Zones (CSZs) where “public safety is of special concern”. The section of the road designated as a Community Safety Zone is subject to double the fines, under the Highway Traffic Act (HTA). Community Safety Zones may include roadways near schools, daycare centers, parks, senior citizen residences, and may also be used for collision prone areas within a community.

NRPS have been consulted on this issue, subject to Council approval, NRPS staff have shown their support in designating First Avenue in front of Chippewa park as a Community Safety Zone. This will help to contribute to drivers obeying the posted speed limit and a safer traffic environment.

4-way Stop Warrants

Staff have evaluated the 4-way stop control warrants that consist of traffic volume and collision analyses for the intersection of First Avenue and Laughlin Avenue and at First Avenue and Parkway.

The warrant analysis results based on May 2023; traffic data are as follows:

4-way Stop Warrant Results

Warrant Criteria	Criteria Met? (Y/N)
Volume exceeds 375 vehicles per hour for each of the highest 8 hours of the day	No
Volume exceeds 150 units per hour (vehicles + pedestrians) on the “minor” street for each of the same 8 hours	No

For a 4-way stop to be considered, warrant criteria must be met. Results of the study show that this requirement has not been satisfied for the intersections of First Avenue/Laughlin Avenue and at First Avenue/Parkway. However, Council can direct staff to install 4-way stop to provide a protected crossing opportunity for park users.

Collision History

In the last three years, there have been no reported collisions at the intersection of First Avenue and Laughlin Avenue and only two reported collisions at this intersection of First Avenue and Parkway.

Pedestrian Crossover (PXO)

Under the Highway Traffic Act, a PXO provides the right-of-way to pedestrians to cross the road and the legislation requires drivers to stop until all pedestrians have cleared the crosswalk. The new PXOs are limited to roads with a posted speed limit of 60 km/h or less and must be implemented in conjunction with a defined set of roadside signs and road pavement markings which form a new passive treatment to provide pedestrians the right-of-way when crossing the roadway.

For First Avenue /Laughlin Avenue, pedestrian volumes do not meet the warrants as only 19 pedestrians crossed during the 8-hour period. Minimum pedestrian requirement is 100 or more pedestrian in 8 hours. However, Council can direct staff to install a PXO to provide a protected crossing opportunity for park users.

FINANCIAL CONSIDERATION:

Cost to install community safety zone signs is estimated to be \$1,000. This cost can be covered under the Traffic Operations Budget. Cost to install 4-way stops and associated pavement markings would be approximately \$2,000. Whereas cost to install a PXO would be approximately \$88,000.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.

SUMMARY AND CONCLUSION:

Based on the warrant analysis 4-way stops signs and a PXO is not warranted. However, to address speeding issues, city staff are recommending implementing a community safety zone on First Avenue between Fitch Street and Laughlin Avenue (in front of Chippewa Park). NRPS and staff from the Parks department have been consulted on this issue and they agree with staff recommending First Avenue to be designated as a Community Safety Zone.

ATTACHMENTS:

- Appendix I - Copy of Letter from Resident
- Appendix II - Community Safety Zone (map)

Appendix I

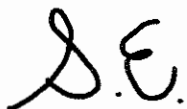
Stephanie Elia
141 First Avenue
Welland, Ontario
L3C1Y2

City of Welland
Attention: Mayor and Council
60 East Main Street
Welland, Ontario
L3B 3X4

Dear Mayor Campion and Council Members,

My name is Stephanie Elia and I live on First Avenue across from Chippawa Park Playground. I'd like to bring to your attention an accessibility and safety concern. It is difficult crossing the road to access the playground with my children, and to a greater degree with my 6-year-old son who has Down Syndrome. He cannot walk fast enough across First Avenue before cars are too close and need to break. Additionally, cars often speed along this stretch of the road. Also, there are many elderly people in the area, so this park should be accessible for people of all ages and abilities. I suggest creating a community safety zone and installing a four way stop at the intersection of Laughlin and First Avenue will solve the problem.

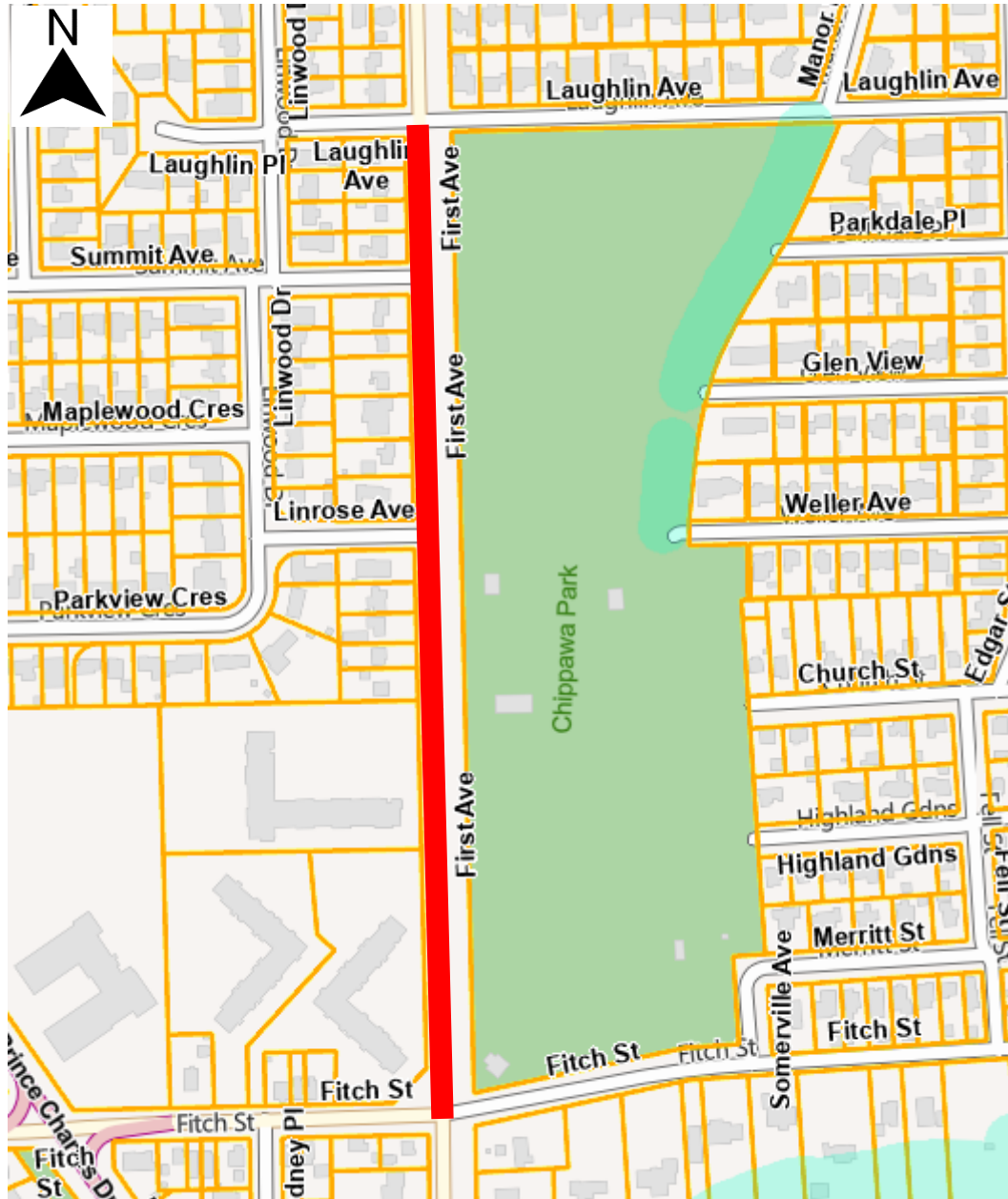
Thank you for your time and consideration,

A handwritten signature in black ink, appearing to read 'S.E.' with a stylized flourish.




Stephanie Elia

Community Safety Zone

■ - First Avenue from Fitch Street to Laughlin Avenue



COUNCIL
PLANNING AND DEVELOPMENT SERVICES
TRAFFIC DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-22
REPORT TRAF-2023-33
JULY 18, 2023

SUBJECT: UPDATE TO SHORT TERM RENTAL LICENSING BY-LAW

AUTHOR: JAMES CRONSHAW, MLEO (C), C.P.S.O
SENIOR BY-LAW ENFORCEMENT OFFICER

APPROVING MANAGER: MUHAMMAD ALI KHAN, M.A.Sc., P. ENG.
MANAGER, TRAFFIC, PARKING & BY-LAWS

APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

RECOMMENDATIONS:

THAT THE COUNCIL OF THE CITY OF WELLAND approves **REPORT TRAF-2023-33** Update to Short Term Rental Licensing By-law; and further

THAT Welland City Council directs the City Clerk to amend the Short Term Rental Licensing By-law 2021-179 as follows:

ADD the following to **SECTION 2 – DEFINITIONS:**

- 2.37 “Recreational Vehicles” has the same meaning as defined under the Zoning By-law and for greater clarity, means either a portable structure designed and built to be carried by a motor vehicle, or a unit designed and built to be transported on its own wheels, for purposes of providing temporary living accommodation or recreational enjoyment for travel, and shall include, for example, motor homes, recreational vehicle (RV), travel trailers, tent trailers, boats, boat trailers, motorized snow vehicles or other like or similar equipment, excluding bicycles.

All subsequent definitions shall be renumbered accordingly.

ADD the following:

SECTION 3A – RECREATIONAL VEHICLES

3A.1 No recreational vehicle shall be permitted to be used as a Short Term Rental or for any other similar purpose.

3A.2 No person shall advertise, promote, broker or offer for rent or lease any recreational vehicle as a Short Term Rental or for any other similar purpose.

ADD the following to Schedule “B” of the Short Term Rental Licensing By-law:

ITEM	COLUMN 1 Short Form Working	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Penalty
17.	Permit a recreational vehicle to be used as a Short Term Rental	3A.1	\$1000.00
18.	Advertise a recreational vehicle as a Short Term Rental	3A.2	\$1000.00

THAT Welland City Council directs the City Clerk to amend the By-law 2019-134, the Administrative Penalty By-law for Non-parking Related Offences, as follows:

ADD the following to the set fine schedule for Short Term Rentals in Schedule “C”

ITEM	COLUMN 1 Short Form Working	COLUMN 2 Provision Creating or Defining Offence	COLUMN 3 Penalty
17.	Permit a recreational vehicle to be used as a Short Term Rental	3A.1	\$1000.00
18.	Advertise a recreational vehicle as a Short Term Rental	3A.2	\$1000.00

ORIGIN AND BACKGROUND:

On November 2nd, 2021, the Council of the City of Welland approved the Short Term Rental Licensing By-law. Short term rentals continue to be a popular means of accommodation throughout the Region of Niagara.

COMMENTS AND ANALYSIS:

When the Short Term Rental Licensing By-law was passed it only focused on the use of dwelling units and did not consider the use of recreational vehicles as short term rentals.

The proposed amendments will prohibit the use of a recreational vehicle as a short term rental and will prohibit anyone from advertising a recreational vehicle as a short term rental. The proposed penalty for each offence is \$1000.00.

The amendments also align with the City of Welland Comprehensive Zoning By-law which prohibits the use of a boat, trailer or recreational type vehicle for human habitation.

FINANCIAL CONSIDERATION:

As by-laws are added to the Administrative Penalty System an increase in fine revenue can be expected.

OTHER DEPARTMENT IMPLICATIONS:

Legal Services and the Clerks Department would be required to update the By-laws with the changes noted in this report.




SUMMARY AND CONCLUSION:

Staff recommend approving the amendments noted within this report. The amendments will give City of Welland By-law Enforcement Officers the tools necessary to respond to these types of offences.

ATTACHMENTS:

None.

COUNCIL
INFRASTRUCTURE SERVICES
PUBLIC WORKS DIVISION

APPROVALS	
DIRECTOR	
CFO	
CAO	

23-100

REPORT ENG-2023-23
JULY 18, 2023

SUBJECT: PUBLIC WORKS FLEET ADDITION AND REPLACEMENT

AUTHOR: JAMES STICCA, C.E.T.

APPROVING DIRECTOR: SHERRI-MARIE MILLAR, P.ENG.
DIRECTOR OF INFRASTRUCTURE SERVICES / CITY ENGINEER

RECOMMENDATIONS:

1. THAT THE COUNCIL OF THE CITY OF WELLAND authorize the purchase of two (2) new single axle plow trucks; and
2. THAT Council authorize the replacement of an existing tandem truck (#459-0) with a triaxle dump truck; and
3. THAT Council authorize the replacement of an existing street sweeper (#175-0) with a suitable replacement; and
4. THAT Council pre-approve funding in the amount of \$1,557,000 from the 2024 Fleet Replacement Capital project for the truck purchases as described herein.

ORIGIN AND BACKGROUND:

The City of Welland is responsible to provide operation, maintenance and repair of core linear infrastructure ensuring that the City meets or exceeds all applicable municipal and provincial regulatory requirements including Ontario Regulation 293/02 *Minimum Maintenance Standards for Municipal Highways*.

Every effort is made to improve operational efficiencies to make the most of available resources. To that end, many fleet vehicles are employed year-round for a multitude of uses. For example, trucks used for snow plowing in the winter are also used for ditch cleaning works and stone shoulder improvements in the summer season. These same trucks haul soil, granular and excavate when undertaking watermain and sewer repairs.

As the the City continues to experience unprecedented growth additions to the City's fleet are expected and necessary; so to is the continued replacement of existing fleet vehicles that reach the end of service life.

COMMENTS AND ANALYSIS:

Growth within the City translates to an increase in the number of core municipal assets to be operated, maintained and repaired. Without additional resources, service levels will be negatively impacted.

For example, the last addition to the City fleet with respect to snowplow trucks was in the early 2000's when the number of lane kilometers was 566.19km. Today, the City is responsible for over 598 lane km of roadway with more coming. These additional 32 lane kilometers has already negatively impacted the City's ability to meet the requirements set out in Ontario Regulation 293/02 *Minimum Maintenance Standards for Municipal Highways*, specifically snow plowing at least one lane width of all roadways within 16 hours.

To address the fleet resources shortfall necessary for service delivery to residents and to ensure that Minimum Maintenance Standards are met during this period of unprecedented growth, staff are recommending the addition of two (2) new single axle plow type trucks. These trucks are proposed to be utilized year-round for both snow plowing and standard maintenance activities.

An existing tandem truck, Unit #459-0, has reached the end of its useful service life and requires replacement. This truck is primarily used to haul excavated material from water and wastewater excavation sites, haul stone and other re-instatement material back to the area of excavation. To increase productivity and optimize fuel savings by reducing the number haul trips per job, staff are recommending that Unit #459-0 be replaced with a triaxle truck having an additional carrying capacity of eight (8) tonnes over a tandem truck. This unit will also be outfitted to assist with winter control operations during emergency situations and would be well suited to address drifting snow along rural roadways given the large size and weight of the truck.

Additionally, the fleet street sweeping vehicle, Unit #175-0 has exceeded its useful service life and requires replacement. Replacement parts are no longer available and efforts to keep the vehicle road worthy and productive have become more challenging, time consuming and costly.

Staff are further recommending pre-approval of 2024 funding for the new and replacement trucks based on:

- An increase in the number of linear assets requires additional resources to ensure that Minimum Maintenance Standards are achieved and service delivery to the public is not compromised.
- Extended lead times for cab and chassis requirements continue to be an issue with construction vehicles.
- Committed fleet orders help to reduce the risk of price escalations related to extended lead times.

FINANCIAL CONSIDERATION:

A breakdown of costs and funding structures for the proposed fleet additions and replacements are summarized in the following table:

FLEET VEHICLE	COST	FUNDING
2 Tandem Trucks Fleet Addition	\$708,000	\$204,000 (<i>Development Charges</i>) \$934,000(<i>Capital Surplus</i>)
Street Sweeper Fleet Replacement (#175-0)	\$430,000	
Triaxle Truck Fleet Replacement (#459-0)	\$419,000	\$419,000.00 (<i>Water/Wastewater Reserve Fund</i>)
Total:	\$1,557,000	\$1,557,000




OTHER DEPARTMENT IMPLICATIONS:

Contract administration for tendering, agreement, and contract payments have been and will be kept in compliance with the agreed practices of the Finance, Clerks, and Legal Services departments.

SUMMARY AND CONCLUSION:

As the the City continues to experience unprecedented growth, additions to the City's fleet are expected and necessary; so to is the continued replacement of existing fleet vehicles that reach the end of service life. Operational efficiencies can be achieved by replacing an existing tandem truck (#459-0) at the end of its useful service life with a new triaxle truck.

Moreover, lead times continue to be very long on the delivery of construction vehicles post pandemic, therefore, staff recommend the pre-approval for funding of two (2) additional single axle plow trucks, replacement of the aging street sweeper and the replacement of an existing tandem truck with a triaxle dump truck from the 2024 Capital Budget.

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

23-22

REPORT P&B-2023-15
JULY 18, 2023

SUBJECT: CASH IN LIEU OF PARKING POLICY

AUTHOR: NICOLAS AIELLO, HBA
POLICY PLANNING SUPERVISOR

APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives Report P&B-2023-15 for information; and further,

THAT Welland City Council direct staff to consult with the development community and public with regards to the Proposed Cash-in-Lieu of Parking By-law and return to Council with a final By-law for consideration; and further,

THAT Welland City Council direct staff to concurrently commence the process of amending the City's Zoning By-law 2017-117 and Official Plan to further amend the provisions for Cash-in-Lieu of Parking.

BACKGROUND INFORMATION:

Welland's Downtown and parts of the Health and Wellness Cluster Area provide unique physical limitations with regards to development and redevelopment, specifically the lack of adequate land to provide for parking on existing sites. The City's current zoning provisions require a specific parking rate based on a use. The effect is that certain properties are limited in the range of commercial and residential uses that can locate on an existing property, notwithstanding that the property is permitted to have a wide range of uses.

The City of Welland's parking provisions are described in detail in the City's Comprehensive Zoning By-law 2017-117. In the Downtown and Health and Wellness Cluster Area, parking standards are generally provided as follows:

Downtown Zones

Commercial Uses	No parking and queuing spaces are required for all permitted uses
Residential Uses	No parking and queuing spaces are required for dwelling units in buildings containing not more than three dwelling units. For buildings containing four or more dwelling units, one parking space for each dwelling unit above three units shall be required except where a dwelling unit is 50.0 m ² in gross floor area or less, in which case, parking shall be provided at a rate of 0.3 spaces for each unit.

Commercial and Mixed Use Zones in Health and Wellness Cluster

Commercial Uses	Generally determined based on gross floor area (GFA) and in some instances based on occupancy generated by a particular use situated in a given building.
Residential Uses	1 space per dwelling unit

The intention of cash-in-lieu of parking is to provide compensation to the City for assuming the responsibility of providing parking when a landowner or developer cannot meet the minimum parking requirements established in the City's zoning by-law.

With respect to the above, staff are proposing a new Cash-in-Lieu of Parking By-law (Appendix I) with the aim of achieving the following objectives:

- Attracting new development to the Downtown and Health and Wellness Cluster
- Providing a new source of funding to develop and maintain public parking facilities
- Creating an effective policy to maximize value of Public Parking Lots while not promoting on street parking.
- Creating policy that is consistent with local planning policy and the permissions of the Planning Act.

Also recommended is to concurrently amend the City's Zoning and Official Plan provisions with respect to cash-in-lieu to greater align with the proposed Draft By-law.

COMMENTS AND ANALYSIS:

Cash-in-lieu of parking is a program which offers developers the option of paying a fee to the municipality to cover the cost of building public parking supplies that

are intended to offset a parking supply deficit within the developer's proposed development. City of Welland staff are proposing a by-law that would apply to the entire Downtown and Health and Wellness Cluster Area and be utilized when developers were in positions where they physically (or feasibly) could not fit any additional parking spaces into their site. The proposed by-law (Appendix I) applies to commercial, residential, and mixed-use developments. Cash-in-lieu of parking policies are popular among municipalities because they allow for better use of urban space by consolidating parking into off-site lots, partially or fully funding their construction, and supporting alternative modes of transportation. They also acknowledge that parking spaces have explicit costs that have been ignored in the past.

The Downtown and Health and Wellness Cluster Area is an excellent candidate for this form of policy as the subject area is intended for additional redevelopment, infill, and intensification. The Downtown area alone is characterized as a Regional Growth Centre and is intended to be a primary location for major public service facilities, major institutional uses, high density and mixed-use development, major office uses, major commercial uses and major recreational uses. Staff further note that the subject area is designed to be transit oriented, pedestrian-friendly, barrier-free and accessible in its entirety. Municipal transit is available throughout. This will provide residents with pedestrian access to transit and urban amenities/services, which will help reduce the need for a car; in turn not affecting parking capacities.

On May 16, 2023, Welland Council, referred report P&B 2023-15 back to staff for more information. City staff are bringing this report back to Council this evening to provide further information pertaining to the fee structure and also address other expressed concerns. It is important to note, that this report is for information purposes and staff are simply looking for Council's permission to commence a public process regarding this matter and then return at later date with a final recommendation for Council's consideration.

Provincial Policy

Section 40 of the Planning Act, R.S.O 1990, c. P. 13 ("the Act") provides that a municipality and an owner or occupant of a building may enter into an agreement exempting the owner or occupant from providing or maintaining parking facilities in accordance with the applicable Zoning By-law, provided that such an agreement includes the payment of money for the exemption, and sets out the terms for the payment calculation.

Further, section 5 of the Planning Act permits a municipal council to delegate authority, by By-law, other than the authority to approve Official Plans or the authority to exempt from approval plans as Official Plans or amendments to Official Plans, to an officer identified in the By-law. As such, City staff are proposing that through the Cash-in-lieu of Parking By-law that Council's authority with respect to entering into a agreement under Section 40 of Act be further delegated to the Director of Planning and Development Services.

Municipal Policy

The City's Zoning By-law 2017-117 already contains a cash-in-lieu of parking provision for non-residential uses:

6.1.5 Cash-in-Lieu of Parking

Parking spaces, barrier free spaces and bicycle parking spaces required by this By-law for non-Residential uses shall not be required for a lot in any Mixed Use Zone if the City enters into an Agreement with the landowner respecting the payment of cash-in-lieu for some or all of the parking spaces, barrier free parking spaces, bicycle parking spaces, aisles, or driveways required, in accordance with Section 40 of the Planning Act, as amended.

As such, section 6.1.5 only authorizes the usage of cash-in-lieu of parking for non-residential uses in a Mixed Use Zone. However, the intention of the draft by-law is to allow other types of uses, other than non-residential uses, to be eligible for cash-in-lieu of parking, therefore it is recommended that the City's Zoning By-law be amended to broaden the application of section 6.1.5. to be consistent with the proposed by-law.

The City's Official Plan contains a cash-in-lieu of parking policy for the Downtown area:

4.1.3.2 Cash-in-Lieu

Provision of cash-in-lieu for parking spaces required in the Zoning By-law may be permitted in the Downtown.

With respect to the above, the Official Plan policy clearly permits cash-in-lieu of parking in the Downtown area pursuant to policy 4.1.3.2 of the Official Plan. It is unclear, however, whether the Official Plan's intent is to preclude other areas, such as the Health and Wellness Cluster area, from the ability to provide cash-in-lieu of parking.

The *Planning Act* does not require that an Official Plan policy be passed to authorize a municipality to utilize the parking exemption provision contained in section 40 of the *Planning Act*. However, since the City's Official Plan expressly provides for cash-in-lieu of parking in the Downtown, the City has received a legal opinion recommending that the Plan be amended to include a cash-in-lieu of parking policy for the Health and Wellness Cluster area to be consistent with the proposed By-law.

City of Welland Parking Lots

Through an inventory analysis of Public parking lots within the City's Downtown and Health and Wellness Cluster, City staff have determined in their opinion that there is currently sufficient parking space available in City Lots to support the proposed cash-in-lieu of parking policy. **Many public lots currently allow for 24**

hour parking by way of a monthly permit. Should an individual require 24 parking in the subject area, they have the option purchasing a 24 hour monthly parking permit in one of the nearby parking lots. The subject lots identified are indicated on the map in Appendix II and are listed below; none of which meet nor near their daily parking capacities.

Downtown:

Market Square Parking Lot	24 Hour Parking (Monthly Permit)
Courthouse Parking Lot B (Lower Courthouse Lot)	12 Hour Parking (Monthly Permit) ** Increased to 24 Hour Parking upon Council approval**
Division Street Parking Lot	24 Hour Parking (Monthly Permit)

Health and Wellness Cluster:

Park Street Parking Lot	24 Hour Parking (Monthly Permit)
Fire Hall Parking Lot	24 Hour Parking (Monthly Permit)
Plymouth Road Parking Lot	24 Hour Parking (Monthly Permit)
Churchill Avenue Parking Lot	24 Hour Parking (Monthly Permit)

The 24 hour parking permit fees for the individual lots are currently \$40.00 a month. These fees are used to improve and provide parking enforcement to the lots.

Also featured on the map is a 400 metre buffer around the subject lots which can be equated to approximately a 5 minute walk. Staff's analysis has determined that within the subject lots, there are approximately 420 parking spaces in the Downtown and 250 in the Health and Wellness Cluster.

As future growth is experienced in the Downtown and Health and Wellness Cluster and City lots begin to near capacity, Staff propose to return to Council with solutions to address the City's parking needs. This could include but is not limited to the creation of new parking spaces through purchasing new land for parking and/or the construction of a parking structure or surface lot.

Parking Enforcement

As previously mentioned, the objective of the subject policy is not to encourage on-street parking but rather better utilize the City's Public Lots. A key tool to ensure this occurs is through municipal by-law enforcement. The main parking restrictions/penalties utilized within the Downtown and Health and Wellness Cluster for on-street parking are as follows:

Restriction	Streets	Fine
2 hour on street parking – free of charge	Bald St, Bugar St, Cross St, Division St, Dorothy St, East Main St, Fifth St, Frazer St, Hellems Ave, King St, Niagara St, River Rd, West Main St, Young St.	\$30.00

Residential Permit Parking	Dorothy St, Fifth St, Fourth St, Plymouth Rd, Second St, State St, Third St,	\$55.00
Park longer than 12 hours	City Wide	\$30.00
1 hour, 30 min, 15 min on street parking – free of charge	Select locations within Downtown Health and Wellness Cluster Area	\$30.00
Park where prohibited.	City Wide	\$35.00
Park within accessible space without valid permit displayed	City Wide	\$300.00
Stand where prohibited	City Wide	\$35.00
Stop where prohibited	City Wide	\$50.00
Stop in a loading zone	City Wide	\$50.00

Given that the Downtown and Health and Wellness Cluster is readily patrolled by By-law Enforcement Staff throughout the week including weekends, on-street parking as a result of cash-in-lieu of parking approvals is likely not to occur without penalty. It should also be highlighted that Welland possesses a city wide 12 hour on-street parking limit where other parking provisions are less stringent.

Proposed Fee

City staff recommend that the initial fee structure be a set value of **\$20,000** per deficient parking space. This covers the cost of constructing a surface parking space as well as purchasing land for the space. A breakdown of the proposed fee can be reviewed below:

\$7,000 - the approximate cost of constructing a surface parking space based on estimates from the Engineering Department as well as researching construction costs from contemporary sources and available construction cost indexes, such as the Canadian Cost Guide. **This portion of the fee has since been increased to take into consideration future maintenance to applicable parking areas.**

\$13,000 – the approximate land value of one (1) parking space plus half the required aisle width (23.4 square metres) which is based on the current appraised land value of land in the Downtown of \$550.00 per square metre.

To aid in appropriately reflecting the costs of constructing a parking space, it should be noted that the draft by-law provides for the fee to be automatically indexed yearly based on factors such as the non-residential construction price index and land values. The fee can be adjusted as the amount of interest from developers becomes clearer and as the demand for public parking facilities also becomes clearer. Further to this, the City may also wish to consider charging a fee that reflects the costs to construct a structured parking space in the future should the need for a public parking structure/garage arise.

Staff have done preliminary research and found that the strategies used by other

municipalities for cash-in-lieu of parking can vary greatly. Some use a full cost recovery model like the fee being proposed in this report while others may provide a discounted rate to incentivize the program. Rates ranged from as low as \$5,000/stall to \$66,000/stall. The large range can be due to many different factors, such as full cost recovery (land & construction), partial cost recovery, or whether the fee is a nominal amount to encourage development.

Staff feel it is important to note that purpose of the cash-in-lieu of parking fee is to aid in constructing new parking opportunities when needed. These funds can also be used support parking opportunities with a private mixed use component (i.e. a residential and/commercial component attached to the parking area) should the opportunity arise.

Application Approval

Should Council approve a cash-in-lieu parking policy, Planning Staff are recommending the delegation of approval of cash-in-lieu applications to Staff, more specifically the Director Planning and Development Services. The further delegation of authority will ensure Applications are processed efficiently and effectively as well as promote economic development in the Downtown and Health and Wellness Cluster as developers will retain a better sense of assurance regarding application decisions. **A preliminary flow chart illustrating the proposed Cash-in-Lieu of Parking application process can be reviewed in Appendix III.**

Staff will consider the following criteria when evaluating a cash-in-lieu of parking application:

1. the surrounding area could support the on-site parking deficiency;
2. site constraints legitimately limited the ability to provide parking;
3. the proposed development is not considered excessive for the site;
4. application is in line with other planning objectives.

Consultation

Staff recommend that a public process be implemented prior to Council receiving a final recommendation report for consideration. **The consultation process will regard the proposed By-law in its entirety as well as the supporting amendments to the Zoning By-law and Official Plan.** Notwithstanding that consultation is a requirement of the Planning Act given that a Zoning By-law Amendment and Official Plan Amendment are proposed, staff are proposing to host consultation with the public and the development community in the form of a Public Open House and Statutory Public Meeting. The Downtown Welland BIA will also be circulated for comment and invited to participate in this process.

FINANCIAL CONSIDERATION:

Funds collected as a result of Cash-in-Lieu of Parking will be placed in a respective Cash in Lieu of Parking reserve account for the purposes of acquiring, establishing,

laying out and improving land, buildings and structures where vehicles may be parked, and for erecting buildings or structures for or in connection with the parking of vehicles. The fee associated with this by-law is proposed to be automatically indexed yearly based on the construction and land value costs of constructing parking facilities within the lands that the by-law applies to.

OTHER DEPARTMENT IMPLICATIONS:

There are no other department implications associated with this report.

SUMMARY AND CONCLUSION:

City Staff are recommending for Welland Council to **receive this report for information** and permit **staff to commence the process of engaging with the public and development community to support staff's final recommendation regarding adopting** a Cash-in-Lieu of Parking By-law as well as a concurrent Zoning By-law Amendment and Official Plan Amendment that pertain to lands within the Downtown and Health and Wellness Cluster Area. **A final recommendation report outlining staff's findings will be brought to Council at later date.**

The overall aim of the proposed policy is to achieve the following objectives:

- Attracting new development to the Downtown and Health and Wellness Cluster;
- Providing a new source of funding to develop and maintain public parking facilities;
- Creating an effective policy to maximize value of Public Parking Lots while not promoting on street parking; and
- Creating policy that is consistent with local planning policy and the permissions of the Planning Act

ATTACHMENTS:

- | | | |
|--------------|---|---|
| Appendix I | - | Proposed Cash-in-Lieu of Parking By-law |
| Appendix II | - | 24 Hour Parking Lots to support Cash-in-Lieu of Parking |
| Appendix III | - | Proposed Cash-in-Lieu of Parking Process |

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

A BY-LAW TO PROVIDE FOR CASH-IN-LIEU OF OFF-STREET
PARKING SPACES

WHEREAS subsection 40(1) of the *Planning Act*, R.S.O. 1990, c. P.13 provides that, where an owner or occupant of a building is required under a by-law of a local municipality to provide and maintain parking facilities on land that is not part of a highway, the council of the municipality and such owner or occupant may enter into an agreement exempting the owner or occupant, to the extent specified in the agreement, from the requirement of providing or maintaining the parking facilities.

AND WHEREAS subsection 40(2) of the *Planning Act* provides that an agreement entered into under subsection 40(1) shall provide for the making of one or more payments of money to the municipality as consideration for the granting of the exemption and shall set forth the basis upon which such payment is calculated.

AND WHEREAS the City of Welland Official Plan contains policies authorizing cash-in-lieu of parking agreements entered into under the *Planning Act*;

AND WHEREAS the City of Welland new Comprehensive Zoning By-law 2017-117 contains requirements to provide and maintain parking facilities;

AND WHEREAS sections 23.1 and 23.2 of the *Municipal Act*, 2001, S.O. 2001, c. 25 provide that a municipality has authority to delegate its powers and duties to a person, subject to certain restrictions;

AND WHEREAS subsection 5(1) of the *Planning Act* permits a municipal council to delegate authority, by by-law, other than the authority to approve official plans or the authority to exempt from approval plans as official plans or amendments to official plans, to an appointed officer identified in the by-law either by name or position occupied, and such officer has all the powers and rights of the Minister of Municipal Affairs and Housing in respect of such delegated authority and shall be responsible for all matters pertaining thereto;

AND WHEREAS Council of the City of Welland desires to enact a cash-in-lieu of parking by-law;

NOW THEREFORE the Council of the City of Welland enacts as follows:

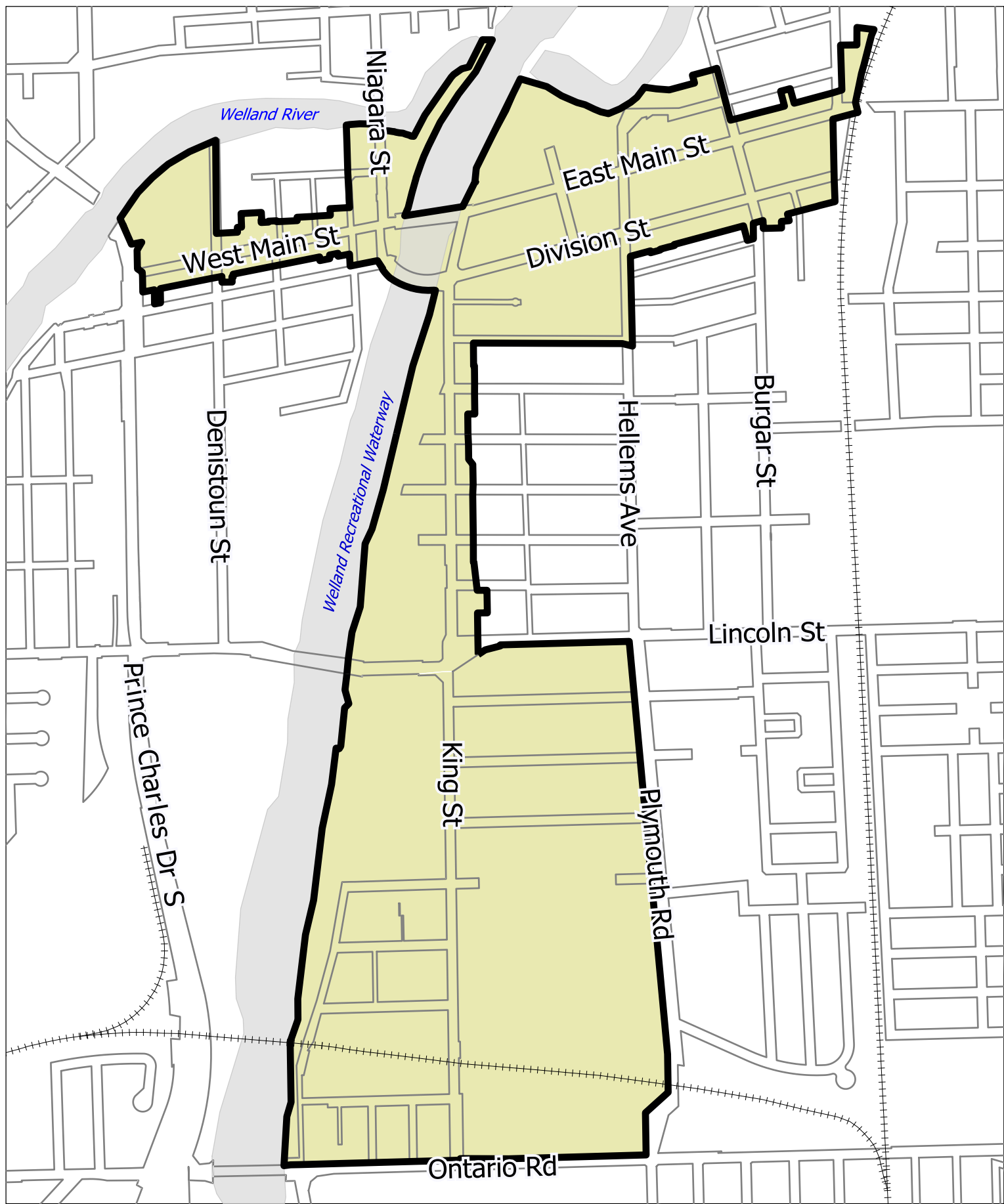
1. The title of this By-law shall be the "Cash-in-Lieu of Parking By-law".
2. This By-law shall apply to the lands outlined by heavy black lines on the sketch shown in Schedule "A".
3. Council's power and authority with respect to all matters provided for by section 40 of the *Planning Act* pertaining to agreement(s) exempting an owner or owners from the requirement to provide or maintain parking facilities, is hereby delegated to the Director of Planning and Development Services of the City.

4. Where, in respect of a development or redevelopment of land within the area outlined by heavy blacklines on the sketch shown in Schedule "A", an owner or occupant of a building who is unable to provide and maintain parking facilities required under a by-law enacted pursuant to the *Planning Act* on land that is not part of a highway, the City, at its discretion, may enter into an agreement with such owner or occupant exempting the owner or occupant from the requirements of providing or maintaining parking facilities to the extent that the owner or occupant is unable to do so.
5. The agreement entered into pursuant to Section 4 of this By-law shall provide that, as consideration for the granting of the exemption provided for in Section 4, the owner or occupant shall pay to the City before the issuance of a building permit for the development or redevelopment or, if more than one building permit is required for the development or redevelopment, before the issuance of the first building permit, an amount of money in lieu of the parking requirement stipulated in the by-law at the rate of **\$20,000.00** per parking **space**.
6. The rate referred to in Section 5 of this By-law shall be indexed yearly following the year this By-law is passed, unless an amendment to this By-law is made.
7. This By-law shall come into force on July XXth, 2023.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL
THIS XXTH DAY OF July, 2023.

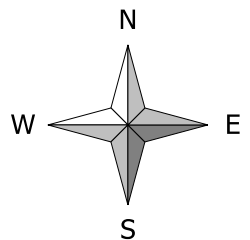
MAYOR

CLERK



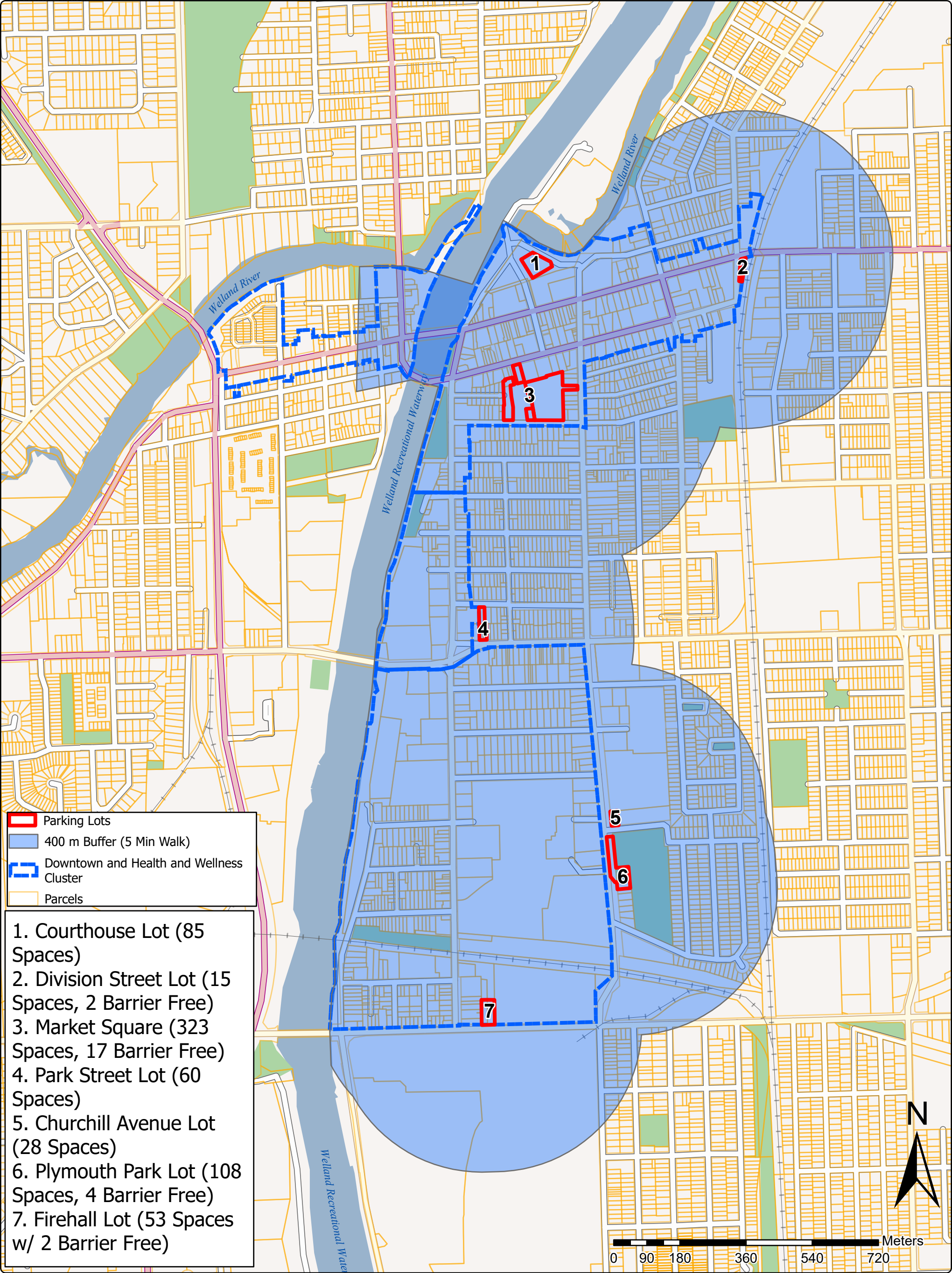
THIS IS SCHEDULE "A" TO BY-LAW 2023-_____
PASSED THE _____ DAY OF _____, 2023

SKETCH SHOWING
DOWNTOWN AND HEALTH AND WELLNESS
CLUSTER AREA CASH IN LIEU OF PARKING AREA



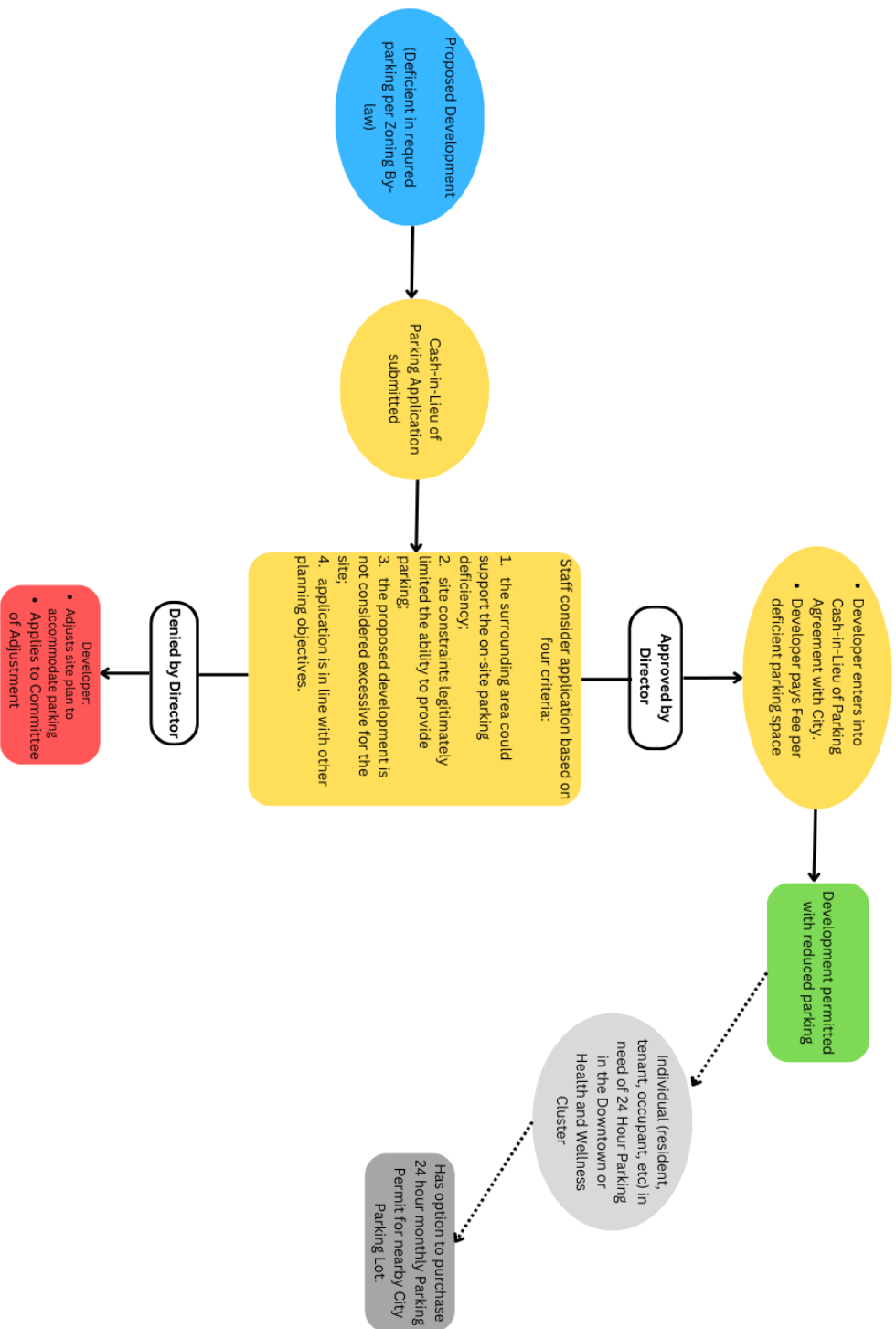
MAYOR _____


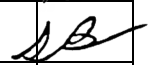

CLERK _____



24 Hour Parking Lots Within Downtown and Health and Wellness Cluster

City of Welland - Proposed Cash-in-Lieu of Parking Process



APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

13-117

REPORT P&B-2023-32
JULY 18, 2023

**SUBJECT: AFFORDABLE RENTAL HOUSING COMMUNITY
IMPROVEMENT PLAN**

**AUTHOR: NICOLAS AIELLO, HBA
PLANNING SUPERVISOR - POLICY**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT
SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND adopts the Affordable Rental Housing Community Improvement Plan (CIP) and By-law attached as Appendix I, and further,

That Welland City Council approves further amendments to By-law 2016-104, Being a By-law to Delegate Various Planning and Community Improvement Approvals to staff to account for the Affordable Rental Housing Community Improvement Plan (CIP) (Appendix II),

ORIGIN AND BACKGROUND:

City Council approved, as part of the 2022 Budget, the hiring of a consultant to create and Affordable Housing Community Improvement Plan (CIP). This was one of the main recommendations of the Welland Affordable Housing Task force as a means of addressing the issue of the need for more affordable housing in the City. As noted in P&B 2022-28, in May of 2022 Council awarded Tim Welch Consulting Inc. to create the Plan;

Section 28 of the Planning Act permits municipalities to undertake CIPs within Community Improvement Project Areas. For this to occur, the municipality's Official Plan must contain provisions that permit the implementation of CIPs. The City of Welland Official Plan Section 7.10 contains the required provisions.

With reference to Appendix 1, the CIP, prepared by Tim Welch Consulting includes seven (7) incentive programs that are supported by the Housing Needs Assessment & Environmental Scan. This can be viewed on the City Engagement

Site, Engage Welland at <https://www.engagewelland.ca/affordable-housing-community-improvement-plan>. At the June 20, 2023 Council Meeting, a Statutory Public Meeting was held as part of the Planning Act process to adopt the CIP. All who participated in the meeting were in support and provided favourable remarks.

This exercise is now complete and the Final Affordable Rental Housing CIP, which can be found in Appendix I attached to the Adopting By-law is now ready for Council consideration.

COMMENTS AND ANALYSIS:

This CIP establishes the City's commitment to supporting the creation of new affordable housing in partnership with a variety of housing providers. This CIP and the programs created from the Plan are a series of financial incentive programs to private property owners and non-profit housing providers interested in developing affordable housing. The financial incentive programs outlined in this Plan will largely be used by the developers/owners of new affordable housing, including those in the private and non-profit sectors.

The Affordable Rental Housing CIP offers 7 incentive programs, a summary of each of these programs can be viewed below. For a more in depth review of each of the programs, please refer to the Final CIP in Appendix I.

	Summary
Tax Increment Grant (TIG)	<p>This program offers a percentage rebate on the annual municipal property taxes (City portion only) derived from the increased assessment value generated by an eligible affordable rental housing project.</p> <p>An eligible project must create at least 5 new affordable rental units and a minimum 30% of the total residential units built must be affordable units.</p> <p>The annual grant will range from 60% to 80% of the increase in annual property taxes dependant on the net percentage of affordable units developed for a duration of 10 years.</p>
Affordable Housing Study Grant (AHG)	<p>A grant equal to 50% of the cost of studies or plans up to a maximum of \$7,500 undertaken to establish one or more of the following:</p> <ul style="list-style-type: none"> - the feasibility of including at least 30% affordable rental housing units within a new development on a vacant or under-utilized property, or rehabilitation/retrofit of an existing building; or,

	<ul style="list-style-type: none"> - the feasibility of incorporating building materials or systems that reduce life cycle costs.
Affordable Residential Forgivable Loan (ARFL)	<p>The forgivable loan may cover up to 70% of eligible project costs incurred up to a maximum:</p> <ul style="list-style-type: none"> a) loan of \$20,000 per affordable dwelling unit; b) of two (2) affordable dwelling units per property; and, c) total loan of \$35,000.00 per property. <p>A forgivable loan acts the same as an upfront one time grant. The applicant will apply receive their eligible amount. The applicant is required to enter into an agreement with the City at the time of approval which will includes program criteria which must be satisfied. No repayment of the loan is required for the duration of the agreement and upon successful satisfactory completion of the program criteria the loan shall be forgiven.</p>
Extended Benefits Grant (EBG)	<p>To encourage the creation of deeply affordable rental housing, eligible projects may receive the Extended Benefit Grant. The EBG program aims to support the provision of rents as deeply as 20% of AMR through to 60% of AMR unless otherwise defined in the program guide.</p> <p>The grant will provide:</p> <ul style="list-style-type: none"> a) A maximum \$6,000.00 per affordable rental unit per year; b) for up to 10 units per property; c) for a period of five (5) years.
Municipal Fees Grant (MFG)	<p>A grant of up to 100% of fees paid for required planning and building applications may be provided. The grant may apply to most fees related to eligible development, including, but not limited to:</p> <ul style="list-style-type: none"> • Official Plan Amendments; • Zoning By-law Amendments; • Consents; • Minor Variances; • Site Plan Control; • Building and Demolition Permits.
Affordable Housing Reserve Fund (AHRF)	<p>The City will maintain an annual reserve fund to assist affordable housing projects that require funding which is beyond the funding made available under the</p>

	City's Community Improvement Plans. City Council will have the authority to allocate funding from the Affordable Housing Reserve Fund, unless otherwise determined.
Special Land Program (SLP)	The City will maintain a list of surplus City owned lands available for purchase for affordable development. Non-profit developers looking to produce affordable housing on a surplus City owned land may be eligible to receive a low cost long term lease on that land subject to Council approval.

Throughout the CIP's development, extensive consultation was undertaken which included meetings with the Affordable Housing Advisory Committee and other key stakeholders, two Public Open Houses, and the Statutory Public Meeting. Any suggestions were considered in discussion with the project consultant, and revisions were made to the final version of the CIP where appropriate. As of the writing of this Report, no other comments had been received regarding the CIP.

A more in depth review of the engagement carried out and the comments provided during the development of this CIP can be found in Report P&B 2023-26 which provided to Council on June 20, 2023 and is attached as Appendix III of this Report.

Further to the adoption of this CIP, City Staff are also recommending further amendments to By-law 2016-104, which is a By-law to delegate various planning and community improvement approvals to staff. City staff already have delegated authority to approve all CIP Applications for the Brownfield CIP, Downtown and Health and Wellness Cluster CIP, and Gateway CIP. This was approved by Council on October 13, 2022 as part of the recommendation in Staff Report P&B 2020-54. The proposed amendments to By-law 2016-104 would be to further confirm this as well as expand staff delegated authority to all programs under the Affordable Rental Housing Community Improvement Plan (CIP) with the exception of the Special Lands Program and the Affordable Housing Reserve Fund (AHRF).

FINANCIAL CONSIDERATION:

Over the years, the City has budgeted in anticipation of up-take of various CIP programs. Budgeting for these programs takes place on an annual basis based upon the number of applications received and approved.

OTHER DEPARTMENT IMPLICATIONS:

The completion of the Affordable Rental Housing CIP required input from the Finance Division. Should the CIP be adopted, the Finance Division will be involved with all financial aspects associated with the issuance of the grants.

SUMMARY AND CONCLUSION:

This report is being submitted for Council to consider the Affordable Rental Housing CIP for adoption. Should council approve staff's recommendation as is,

staff will have delegated authority to approve applications under this CIP with the exception of the Special Lands Program and the Affordable Housing Reserve Fund (AHRF). This CIP is one which can be described as leading edge and will certainly advance the municipalities priority of developing affordable housing in the City.

- Appendix I - Adopting By-law and Final CIP
- Appendix II - Amendment to By-law 2016-104 – Staff Delegation By-law
- Appendix III - Report P&B 2023-26

THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER _____

**BEING A BY-LAW TO ADOPT AN AFFORDABLE RENTAL
HOUSING COMMUNITY IMPROVEMENT PLAN**

WHEREAS Section 28 and 17 of the Planning Act, R.S.O. 1990, c. P.13, as amended provide for the designation of a Community Improvement Project Area and for the adoption of a Community Improvement Plan;

AND WHEREAS the Council of The Corporation of the City of Welland deems it expedient and desirable to designate the lands hereinafter described in Schedule 'A' as a Community Improvement Plan Project Area;

AND WHEREAS the Community Improvement Plan attached hereto as Schedule 'B' has been prepared for that Community Improvement Project Area;

AND WHEREAS the said Community Improvement Plan conforms with the Official Plan of the City of Welland;

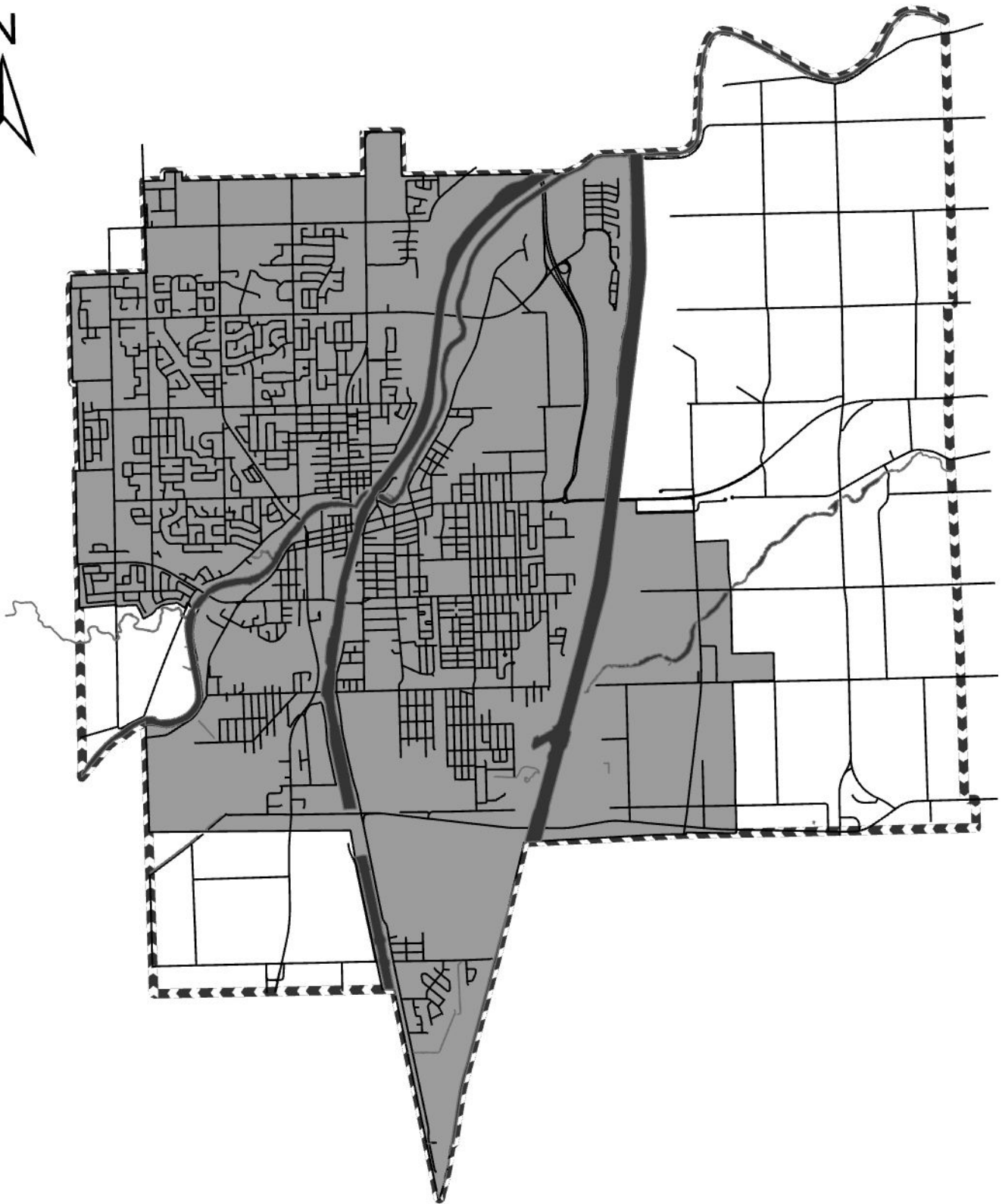
NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the City of Welland Affordable Rental Housing Community Improvement Plan attached hereto as Schedule 'B' and forming part of this By-law is hereby adopted as a Community Improvement Plan for the Community Improvement Plan Project Area described in By-law 2023 - _____
2. That this By-law shall come into force and take effect on the day of final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 27TH DAY OF JUNE, 2023.

_____ MAYOR

_____ CLERK



THIS IS SCHEDULE "A" TO BY-LAW 2023-____ PASSED THE ____ DAY OF _____, 2023.

SKETCH SHOWING
COMMUNITY IMPROVEMENT PLAN PROJECT AREA

MAYOR _____

CLERK _____

- Municipal Boundary — Roads
■ Subject Lands ■ Water



City of Welland

Affordable Rental Housing Community Improvement Plan

JUNE 2023

Prepared by



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1. Introduction

1.1. Background

The City of Welland, in 2022, is a growing community that is experiencing increased demand and costs for housing of all types. A key need is to address affordable housing. The City is looking at opportunities and new tools to improve social and economic outcomes through the provision of affordable rental housing. One such opportunity is an Affordable Housing Community Improvement Plan (“CIP”) with a focus on providing financial assistance for affordable housing developments at a variety of scales.

Welland is a growing community. The City saw population growth of 6.6% between 2016 and 2021 to a current population of 55,750. Supplementing the Niagara Region Official Plan forecasts is work the City has done for its Development Charges Study. The City’s 2022 Development Charges Background Study & By-law forecasts that the City will grow even more rapidly. The study estimates that 11,805 new dwelling units will be constructed in Welland to accommodate a population increase of approximately 25,000 people between 2022 and 2031. For the 10-year period between 2032 and 2041, approximately 10,600 new units are estimated while the population is projected to increase by approximately 23,500 people. The growth forecast is based on the City’s records of current residential development activity.

In 2021, 4,002 Welland households (approximately 17%) faced core housing need according to Niagara Region’s analysis. This means they are paying more than 30% of their income for shelter or are living in overcrowded or unsuitable conditions. According to the Region’s 2019 Growth Scenario Analysis report, the Region anticipates that by 2041, 4,999 households (or 18%) in Welland will be in core housing need.

Welland is seeing an increase in both younger and older residents, with notable increases in residents between the ages of 25 and 39 and 60 to 79. Households in Welland are roughly equally divided one-person households (28%), couples without children (25%), and couples with children (21%).

Welland has a percentage share of lower-income households than Niagara Region, with over 45% of households earning less than \$60,000 per year after tax. Average and median household incomes are also lower in Welland compared to Niagara Region. Of Welland households, 69.5% own their homes with the remaining 30.5% renting.

The analysis prepared of the housing market need in Welland demonstrates the need for more affordable rental housing in Welland. The focus of this CIP is on affordable rental housing to address the rental market which is a priority for new housing. The analysis includes the Housing Need and Environmental Scan prepared as background analysis for this CIP as well as the analysis completed by Niagara Region in preparation of the new Official Plan. The definitions of affordable rental are intended to support the creation of rental units affordable to the 30th decile of incomes as these households can afford

rents of \$1,155 per month or less. It is this defined need that the CIP is to address using tools and opportunities to support additional affordable rental housing in Welland.

1.2. What is a Community Improvement Plan?

A Community Improvement Plan (“CIP”) is a tool provided in the *Planning Act* to enable municipalities to direct funds and take actions to support community improvements within the entire municipality or designated areas within it.

Through a CIP, municipalities can implement policy initiatives and/or stimulate development and redevelopment. The intent can be to target areas for revitalization initiatives that renew public spaces and encourage the repair, rehabilitation, and/or redevelopment of private properties.

CIPs can assist in facilitating community change by coordinating planning activities and public sector investments. They can also encourage and incentivize private and non-profit sector investment through tax incentive and grant programs.

1.3. Relationship to Other Community Improvement Plans

Incentive programs administered through this Plan are specifically targeted to the development of affordable housing. It is recognized, however, that other CIPs have been approved by the City of Welland and that a development could be eligible for incentives under multiple CIPs. Applicants are strongly encouraged to consult with City of Welland staff to understand the relationship between the Affordable Rental Housing CIP and other CIP’s. For full details please consult the City’s website. As of the preparation of this CIP, the City also has the following CIP’s:

Downtown Health and Wellness Cluster CIP

The Welland Downtown and Health and Wellness Cluster CIP was created to develop a toolbox of incentive programs that can be offered by the City to stimulate private sector investment in the redevelopment of the Welland Downtown and Health Cluster Area. There are a range of financial grants available for properties within the defined CIP area. Tax Increment Grants are available as well as housing grants. These are available for a maximum of 4 units per property. Reduction of fees and charges are also available.

Brownfield CIP

The purpose of the Brownfield CIP is to outline a framework of incentive programs, a municipal leadership strategy, and a marketing strategy designed to promote the

assessment, remediation, risk management, adaptive reuse, development and redevelopment of brownfields by the private sector in Welland.

The financial incentives available focus on addressing environmental contamination and remediation of contaminated sites. This includes programs for environmental site assessments, remediation, and tax freezes and tax increment grants to support redevelopment of brownfield sites.

Niagara Economic Gateway Zone and Centre CIP

This CIP focuses on employment lands and is generally not applicable to affordable rental housing.

1.4. Niagara Region as Partner

There is a long successful history in Niagara Region of partnerships between the Region and each local municipality through CIP's and financial incentives. This started with the "Smarter Niagara Incentives Program" which was a series of programs and funding incentives to support downtown redevelopment and brownfield redevelopment. Through experience and the continuing partnership, the funding programs from Niagara Region are used to support local priorities. Although Niagara Region does not have its own Affordable Housing CIP, there are potential funding programs available such as reduction in development charges for new affordable housing. Niagara Region does update its programs regularly. Applicants are encouraged to review opportunities through Niagara Region.

1.5. Outline of this Plan

This Plan is comprised of nine parts. The parts are described below:

Part 1: Introduction provides some background information on the nature of affordable rental housing need in Welland, a background on Community Improvement Plans, and general details to assist the reader.

Part 2: Legislative Authority and Policy Framework provides background information regarding the legislative authority for Community Improvement Plans, the policies that support these Plans, details on the City's policies, and relationships to other Plans in the City.

Parts 3 and 4: Community Improvement Area, Purpose, and Objectives describes the area in the City of Welland to which the Plan applies. Part 3 is an operative component of the Plan as it describes the CIP program area.

Part 5: Incentive Programs provides general eligibility requirements applicable to all proposed financial incentive programs, and eligibility requirements that are applicable to specific financial incentive programs. Part 5 is an operative component of this Plan.

Part 6: Implementation establishes policies to address how the Plan will be implemented. The administration policies are important for those interested in applying for incentives and should be read thoroughly. Monitoring of the CIP programs and their effectiveness, including the experience of Applicants, is important to ensuring that the programs achieve their intended goals. Monitoring will be used to update the Plan on a regular basis.

Part 7: Glossary provides definitions to various terms that are used throughout this Plan. The definitions are provided to assist in the interpretation of the Plan.

Part 8: Bibliography provides a list of reference documents.

Part 9: Appendices provides background information and documents to assist with understanding and interpreting the Plan.

1.6. How to Use this Plan

This CIP establishes the City's commitment to supporting the creation of new affordable housing in partnership with a variety of housing providers. This CIP increases opportunities to leverage federal and provincial affordable housing funds for the City of Welland. The focus is on affordable housing to serve and support those with the greatest housing need. This CIP and the programs created from the Plan are a series of financial incentive programs to private property owners and non-profit housing providers interested in developing affordable housing. The financial incentive programs outlined in this Plan will largely be used by the developers/owners of new affordable housing, including those in the private and non-profit sectors.

Readers and those interested in this CIP and its programs are to read the plan in its entirety. Every effort has been made to ensure consistency and alignment of policies, programs, and requirements. The authority to interpret and implement this Plan will be with the Director of Planning and Development Services.

This CIP identifies funding programs to support the creation of affordable housing in Welland. Funding is to be provided through the City's annual budget. Funding will be reviewed on an annual basis so that the priorities for Council and the community can be reflected in the City's budget.

The long-term development of affordable housing will take many different forms and will require the participation of the City, Niagara Region, the public, individual homeowners, non-profit housing providers, developers, potentially the federal and provincial governments and various stakeholders. The Plan recognizes that housing achieved through the various CIP initiatives will contribute to addressing the City's forecasted need for affordable housing.

Interested proponents of affordable housing are encouraged to review this Plan and contact the City to confirm their eligibility, discuss their project, and to identify the types

of financial incentives that could be applicable. Please refer to the specific sections on application requirements for more details. Early engagement with the City is highly recommended so that interested property owners and developers of affordable housing can understand the opportunities for funding and the requirements of the City. Guidance through the process will be available from the City as well.

2. Legislative Authority and Policy Framework

2.1. Legislative Authority

The legislative authority to prepare an Affordable Rental Housing CIP are established under Section 28 of the *Planning Act*. The authority to provide financial incentives is provided by Section 106 or Section 365.1 of the *Municipal Act* and Sections 28(6) and 28(7) of the *Planning Act*.

The process for developing and establishing a CIP is provided for in Section 28 of the *Planning Act*, with “community improvement” defined in Section 28(1) as,

... the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment, construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary.

For greater certainty, Section 28(1.1) of the *Planning Act* states that “community improvement” includes the provision of affordable housing.

Of note, there have been a number of changes to legislation affecting affordable housing with Bill 23, More Homes Built Faster Act, 2022 receiving Royal Assent on November 28, 2022. These changes have been taken into account in drafting this Community Improvement Plan, however, further guidance from the Province may impact incentives and programs.

2.2. Policy Framework

In preparing this CIP, a review of all applicable policies was completed. This policy review can be found in the “Housing Needs Assessment and Environmental Scan” completed for the CIP. There are numerous policies supporting the provision of affordable housing in Ontario, Niagara Region, and the City of Welland. A full list of the applicable documents is found in the Bibliography of this CIP.

Critical to the preparation of this CIP is the enabling policies in the City of Welland Official Plan. Section 7.10.3.2 of the Official Plan provides criteria for identifying new CIPs, as follows:

New Community Improvement Plans shall contain a statement of purpose, goals, objectives, a description of the Community Improvement Project area, a description of all programs and/or projects, an implementation plan, and a technical appendix justifying the delineation of the area and the need for the programs. The preparation and adoption of new Community Improvement Plans shall meet the minimum requirements of the Planning Act for public consultation.

As Section 7.10.3.2 of the Official Plan contains provisions related to Community Improvement, the provisions Section 28(2) of the *Planning Act* requiring Official Plan policies prior to designating a Community Improvement Project Area or preparing a CIP are met.

3. Community Improvement Project Area

Section 28(1) of the *Planning Act* defines a Community Improvement Project Area (“CIPA”) as follows:

... a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

Section 28(2) of the *Planning Act* stipulates:

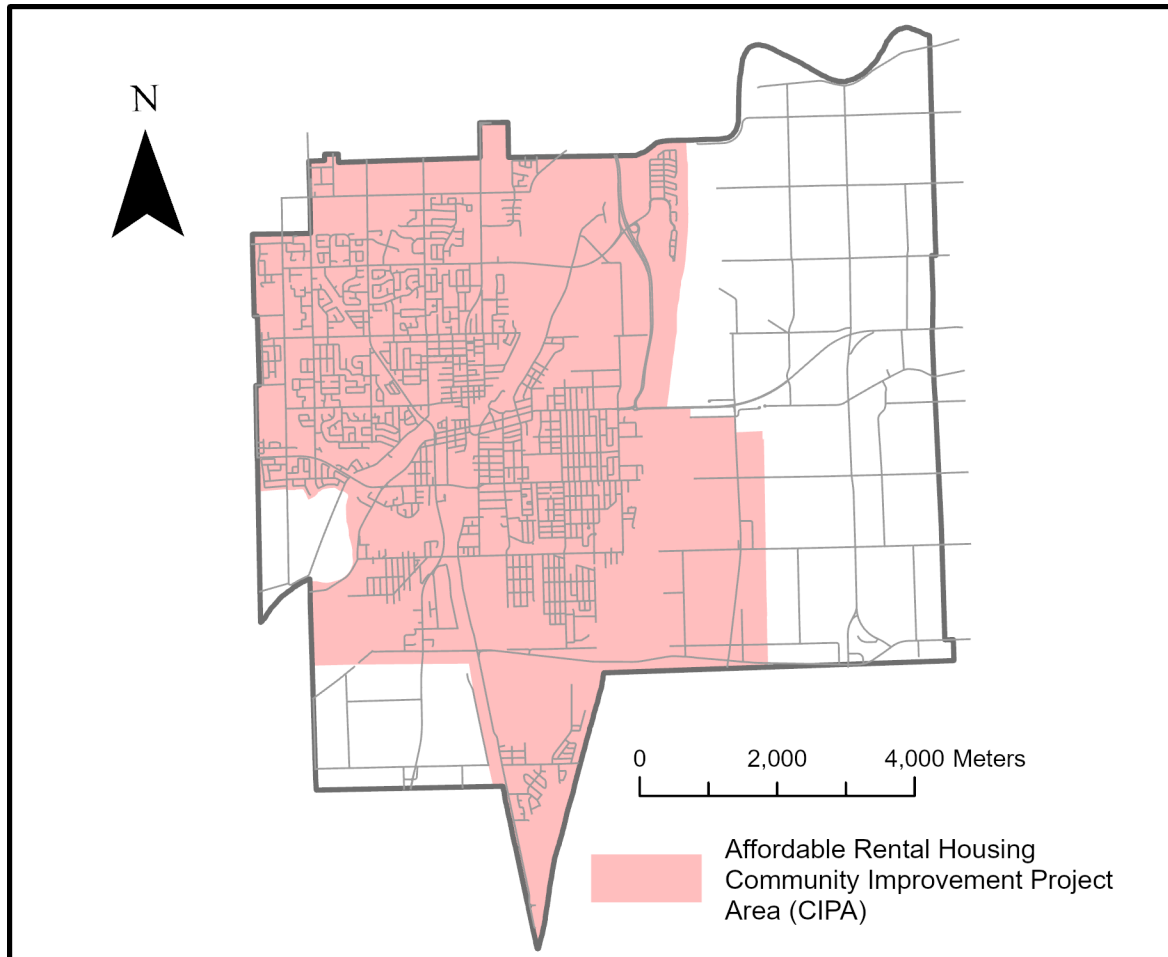
Where there is an official plan in effect in a local municipality or in a prescribed upper-tier municipality that contains provisions relating to community improvement in the municipality, the council may, by by-law, designate the whole or any part of an area covered by such an official plan as a community improvement area.

The following map (Figure 1) shows the Affordable Rental Housing CIPA. Properties within the Urban Area Boundary identified in the City of Welland Official Plan which are eligible for program incentives under the CIP subject to any general eligibility requirements and incentive program specific eligibility requirements that apply.

While intensification is encouraged throughout the Built-up Area, strategic intensification areas are identified on Schedule A of the City of Welland’s Official Plan (“OP”). The City’s OP states the most appropriate locations for intensification are within the Downtown, on brownfield sites, along the Welland Recreational Waterway, and along key transit corridors within the City. This is important information for applicants to understand where

affordable rental housing projects could be located. Generally, the intensification areas in the City are accessible to transit.

Figure 1 – CIP Project Area



4. Purpose and Objectives

The purpose of this Community Improvement Plan (“CIP”) is to assist in the development of affordable housing in the City of Welland. One of the challenges to increasing the supply of affordable housing, especially affordable purpose-built rental housing, is financial viability. Strategically targeted incentives can reduce costs incurred and increase the likelihood of affordable rental housing units being constructed.

This CIP has been prepared with the provision of affordable rental housing as a priority and supports the benefits of urban intensification. Though affordable rental housing is prioritized, the role of additional dwelling units in supporting homeowners is acknowledged. Additional dwelling units create rental housing within existing neighbourhoods utilizing existing infrastructure.

The objectives of this CIP are as follows:

- To increase the supply of affordable rental housing throughout the Urban Area;
- To support the building of complete communities and cost-efficient development patterns;
- To encourage a continuum of affordable rental housing options, including a diversity of housing units by size and number of bedrooms, be provided; and,
- To promote the construction of affordable additional dwelling units.

To ensure the objectives of this CIP are achieved, a monitoring and evaluation program is recommended as part of this CIP including quarterly report to City Council and the community. Applicant feedback on the programs and their administration is always welcomed.

5. Incentive Programs

5.1. Overview

The Affordable Rental Housing CIP offers one (1) tax incentive programs and six (6) grant programs. Eligibility of projects is outlined in the following table.

Tax Incentive Programs

- Tax Increment Grant Program (TIG)

Grant Programs

- Affordable Housing Study Grant (AHG)
- Affordable Residential Forgivable Loan (ARFL)
- Extended Benefit Grant (EBG)
- Municipal Fees Grant (MFG)
- Special Lands Program (SLP)
- Affordable Housing Reserve Fund

Eligibility

Type of Program	Multi-Unit Residential Affordable Rental Housing	Additional Dwelling Units
Tax Increment Grant Program	Yes	No
Affordable Housing Study Program	Yes	No
Affordable Residential Forgivable Loan Program	Yes	Yes
Extended Benefit Grant Program	Yes	Yes
Municipal Fee Program	Yes	Yes
Special Lands Program	N/A	N/A
Affordable Housing Reserve Fund	N/A	N/A

5.2. General Program Eligibility and Requirements

Applicants/property owners providing new, eligible affordable rental housing accommodation within the Affordable Rental Housing CIPA can apply to any of the incentive programs offered subject to funding availability, meeting specific criteria, and satisfying the following:

1. Applicants may be required to enter into an agreement with the City of Welland that is registered on title and binding on heirs, successors and assigns that includes:
 - i. The number of units required to meet the definition of affordable and be maintained as affordable and will not be used for short-term rental accommodation or for student housing;
 - ii. The term of agreement which shall not be less than the minimum specified for incentive program(s) for which funds are granted;
 - iii. The applicant/property owner will provide a statement to the City of Welland annually confirming the affordable dwelling units remain affordable for the term of the agreement. As well as a statement or other evidence as identified to show that the units are in good repair. The City may also require an annual audit from a certified third party at the expense of the applicant confirming the affordable dwelling units were rented to a tenant and at an affordable rate for the term of the agreement. No grant payment will be made until confirmation is approved by the City. As part of the implementation of this CIP, the City

will prepare a document that must be completed to the City's satisfaction;

- iv. Benefits conveyed under the agreement are to be repaid to the City of Welland, together with any applicable costs and interest, if obligations under the agreement are not carried out by the applicant/property owner;
 - v. Improvements made to buildings or lands shall be made pursuant to a building permit and constructed in accordance with the Ontario *Building Code* and all applicable Zoning By-law requirements, Council approved design guidelines, and any other necessary approvals; and,
 - vi. Such other contractual provisions which are required based on the fundamental contractual drafting principles satisfactory to the City of Welland.
2. Application for the incentive programs contained in this Plan cannot be made on a retroactive basis. This has two meanings. First, the City will accept applications for the financial incentive programs contained in this CIP only after this CIP has been formally adopted by City Council and approved. Second, this also means that an application for any financial incentive program contained in this CIP must be submitted to, and fully approved by the City, prior to the commencement of the eligible studies or eligible works that are the subject of the application;
3. The programs which currently require the applicant to enter into an agreement are:
- i. Tax Increment Grant
 - ii. Affordable Residential Forgivable Loan
 - iii. Extended Benefits Grant
 - iv. Special Lands Program
 - v. Affordable Rental Housing Reserve Fund
4. The total cost of an incentive provided shall not exceed eligible project costs less any grants or subsidies up to specified program maximums
5. Where incentives are combined within this or another CIP, including incentives not provided by the City of Welland, the total value shall not be greater than the total eligible project costs.
6. Individual condominium units are not eligible for these programs. Affordable housing projects being built on leased land may be eligible for the Affordable

Rental Housing CIP. Minimum terms at which the land may be leased to be eligible for the CIP will be specified in the Agreement.

7. Prior to any grant being paid:

- i. Any outstanding building code, fire code or property standards orders or any other order applicable to the property(s) or the project by any governmental authority shall be rectified; and,
- ii. Any tax arrears on the subject property(s) as well as tax arrears on other properties owned by the Applicant within the City of Welland shall be paid.

8. Applicants/property owners are required to provide a statement to the City of Welland annually in accordance with Clause 1, iii) above for the term of any agreement. The statement shall provide the following:

- i. Confirmation that the unit(s) remain as rental units; and,
- ii. Confirmation that the rental price meets the City of Welland definition of affordable.
- iii. The City may require documentation to support the above two items.
- iv. Photographic proof that the units are in place prior to occupancy
- v. All units must be maintained to the satisfaction of Part XIV of the Residential Tenancies Act (2006)

9. Applicants/property owners who do not complete the annual statement, do not provide any other documentation as required by the City, or who do not maintain the units as affordable for the duration of the agreement will be found in default of the agreement and all grants will cease subject to possible repayment.

10. Properties that contain existing rental housing units shall:

- i. Provide existing tenants with the right to return to the unit at the existing rent level in accordance with the *Residential Tenancies Act* of Ontario (or successor legislation); and,
- ii. Confirm that there is a net increase in the number of affordable rental units in the project in accordance with the Eligibility Requirements of the incentive program.

Properties within the Affordable Housing CIPA may be eligible for one or more of the incentive programs in this CIP. The City of Welland and Niagara Region have additional CIPs and incentive programs. Each CIP and incentive program has its own eligibility and

program requirements. For programs administered by the Niagara Region all information should be sought directly from the Niagara Region. Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP or another of the City's CIPs , but no two programs may be used to pay for the same eligible costs.

Where other sources of government and/or non-profit organization funding (Federal, Provincial, Municipal, CMHC, Federation of Canadian Municipalities, etc...) that can be applied against the eligible costs are anticipated or have been secured, these must be declared as part of the application, and accordingly, the grant from the City may be reduced on a pro-rated basis.

In order to avoid any confusion or double dipping between the Affordable Housing Tax Increment Grant (TIG) Program available under this CIP and other TIG programs available under the City's other CIPs, application can be made for only one of these TIG programs.

Applicants should review specific program guidelines and confirm eligibility requirements with the City of Welland. Applications will be submitted for review by City of Welland staff. Decisions shall be made in accordance with the decision-making process in Section 6 of this CIP.

5.3. Incentive Programs

5.3.1. Tax Increment Grant Program (TIG)

To encourage rehabilitation or renovation of existing buildings or redevelopment of vacant or under-utilized sites for affordable rental housing, this program offers a percentage rebate on the annual municipal property taxes (City portion only) derived from the increased assessment value generated by an eligible project.

An eligible project must result in an increase in the assessed value and taxes on the property involved. An eligible project must create at least 5 new affordable rental units and a minimum 30% of the total residential units built must be affordable units. The Tax Increment Grant Program does not apply to Additional Dwelling Units. Any non-profits or other tax exempt bodies may not be eligible for the Tax Increment Grant. This TIG will only apply to the residential portion of any development, with the exception of a project located within the Downtown and Health and Wellness Cluster CIP Area which will be eligible to receive the TIG on the whole development.

The increase in property taxes generated by an eligible project shall be determined by the difference between pre- and post-project completion municipal property taxes levied as a result of the revaluation of the property by Municipal Property Assessment Corporation (MPAC).

Percentage of Affordable Units ¹	Tax Increment Percentage	Duration
30% - 54%	60%	10 Years
55% - 79%	70%	10 Years
80% - 100%	80%	10 Years

¹For assessment, percentages will be rounded down to the next whole number. E.g. 54.6% will become 54%

Eligible costs will be equal to the proportion of the number of proposed affordable housing units to the total number of units after development multiplied by the total costs for eligible works for the project, with the exception of a project located within the Downtown and Health and Wellness Cluster CIP Area in which 100% of all eligible works may be considered as eligible costs.

The grant provided cannot exceed eligible costs, which may include:

- Demolition of buildings and structures, removal and disposal of materials and debris/abandoned infrastructure;
- General improvements for structural safety to satisfy property standards and minimum requirements of the Ontario Building Code;
- Lot preparation, construction or improvement or relocation of services;
- Capital expenditures for new building construction, and renovation, reuse, rehabilitation, alteration and expansion of existing buildings to be retained on the property;
- Streetscaping, landscaping improvements, public realm improvements, and sustainability initiatives;
- Upgrades to provide accessibility features are eligible costs;
- MPAC Assessment Estimate and Supplementary Assessment; and,
- Legal Fees, consulting fees and financing costs as they relate to preparation of a complete application and to eligible costs identified above for this incentive program.

The grant will be paid annually once:

- The eligible project is complete;
- Final building inspections have taken place;
- An occupancy permit has been issued (as applicable);
- All deficiencies have been addressed;
- The property has been reassessed by the MPAC; and,
- The new property taxes have been paid in full for the year.
- The confirmation documentation for each year has been submitted to and approved by the City

This grant may be combined with other CIPs in the City (not including other Tax Increment Grants) however the grant shall in no instance exceed the eligible costs.

5.3.2. Affordable Housing Study Grant (AHG)

To encourage the creation and maintenance of affordable rental housing, subject to availability of funding, a grant equal to 50% of the cost of studies or plans up to a maximum of \$7,500 undertaken to establish one or more of the following:

- the feasibility of including at least 30% affordable rental housing units within a new development on a vacant or under-utilized property, or rehabilitation/retrofit of an existing building; or,
- the feasibility of incorporating building materials or systems that reduce life cycle costs.

Funding must be approved prior to the preparation of any study or plans. An application for the Affordable Rental Housing Study Program must include a study plan and a cost estimate, as well as identify who will carry out the study. The grant will be paid only after a study or plan is completed and copies are provided to the City of Welland.

5.3.3. Affordable Residential Forgivable Loan (ARFL)

To encourage the creation of new affordable rental housing, eligible properties may receive a one-time forgivable loan to offset costs incurred to construct affordable rental dwelling units where permitted by the City's Zoning provisions within the CIP Area. For greater certainty, affordable Additional Dwelling Units are one of the types of dwellings eligible for this program.

A forgivable loan acts the same as an upfront one time grant. The applicant will apply with their eligible costs and receive their eligible amount, as defined below. The applicant is required to enter into an agreement with the City at the time of approval which will include program criteria which must be satisfied. No interest or repayment of the loan is required for the duration of the agreement and upon successful satisfactory completion of the program criteria the loan shall be forgiven at the end of the agreement term, requiring no repayment by the applicant. If at any time the applicant is found to be in breach of the agreement or fails to meet the program criteria, the applicant is required to repay the loan back to the City.

The forgivable loan may cover up to 70% of eligible project costs incurred up to a maximum:

- a) loan of \$20,000 per affordable dwelling unit;
- b) of two (2) affordable dwelling units per property; and,
- c) total loan of \$35,000.00 per property.

The grant provided cannot exceed eligible costs, which may include:

- Building materials and labour required to construct the unit(s);
- New or upgraded HVAC systems;
- Plumbing where required under the Building; and,
- Upgrades to provide accessibility features.

An application for the Affordable Residential Forgivable Loan must include any required documentation as prescribed in the program guide.

The grant will be paid once:

- A final inspection has been made, and occupancy permit has been issued by the municipality for the affordable rental unit;
- Picture documentation of the affordable rental unit taken at the time of completion has been provided to and reviewed by the City of Welland;
- Proof through a lease or other documentation as required by the City that the dwelling unit is occupied by an arm's length tenant at an affordable rent;
- Itemized list detailing all project costs incurred by the property owner with supporting materials including but not limited to invoices, contracts, receipts, and purchase orders are provided to and reviewed by the City of Welland; and,
- Confirmation the property has no outstanding work orders, taxes arrears, local improvement charges, or any other charges of the City or other agencies.

5.3.4. Extended Benefit Grant (EBG)

To encourage the creation of deeply affordable rental housing, eligible projects may receive the Extended Benefit Grant. The goal of this grant is to bridge the gap between the rent levels which are the prescribed definition of affordable and the deep level of affordability that some individuals require. There are many different situations which could lead someone to needing a deeper level of affordability. The EBG program aims to support the provision of rents as deeply as 20% of AMR through to 60% of AMR unless otherwise defined in the program guide. The program guide will be available online and is subject to a yearly review and update by City Staff to include the most up to date CMHC data or other similar data. Only one (1) application per property and/or project can be made for this program.

The grant will provide:

- a) A maximum \$6,000.00 per affordable rental unit per year;
- b) for up to 10 units per property;
- c) for a period of five (5) years.

Funding for this program is subject to availability and applications are taken on a first come basis. The property owner of the eligible unit will receive the difference between the 80% CMHC AMR and the rent level of the unit in a lump payment equivalent to a 12 month rental period. The grant will be paid annually once the required documentation confirming the affordable dwelling units were rented to a tenant at the specified affordable rent is submitted to City Staff. The submission of required documentation is the responsibility of the property owner. Upon approval the applicant will enter into an agreement with the City.

Project eligibility requirements:

- Only projects which have been approved for and met all requirements of the Tax Increment Grant (TIG) Program and/or Affordable Residential Forgivable Loan (ARFL) Program, including completion of the approved eligible works, construction of the proposed building project, and substantial building occupancy, may apply for this program.
- Must be a purpose built rental unit;
- This program does not apply to additional dwelling units;
- The rent must be 60% of AMR or below to a limit of 20% AMR, or at a level identified in the program guide;
- At the start of the tenancy agreement the tenant household must have a household income which is not greater than the Household Income Limits for low and moderate income households who are eligible to apply for financially assisted housing through Niagara Regional Housing;
- The unit may be a new or existing unit that meets the rent level requirements (grants will not be paid retroactively);
- The unit must be physically maintained as agreed to within a signed agreement between the City and the program applicant;

The grant will be paid once:

- A final inspection has been made, and occupancy permit has been issued by the municipality for the unit in the event of new or redevelopment;
- Proof through a lease or other documentation as required by the City that the dwelling unit is occupied by an arm's length tenant at an affordable rent is submitted by the property owner;
- The required proof of rental level is submitted to the City and City Staff give approval
- Confirmation the property has no outstanding work orders, taxes arrears, local improvement charges, or any other charges of the City or other agencies.

5.3.5. Municipal Fees Grant (MFG)

For eligible affordable rental housing projects, a grant of up to 100% of fees paid for required planning and building applications may be provided. The grant may apply to most fees related to eligible development, including, but not limited to:

- Official Plan Amendments;
- Zoning By-law Amendments;
- Consents;
- Minor Variances;
- Site Plan Control;
- Building and Demolition Permits.

The total Grant will be equal to the proportion of the number of proposed affordable housing units to the total number of residential units after development multiplied by the total eligible fees for the project. Only projects which have been approved for and met all requirements of either the Tax Increment Grant (TIG) Program, Affordable Residential Forgivable Loan (ARFL) Program, and/or Extended Benefits Grant (EBG) Program, including completion of the approved eligible works, construction of the proposed building project, and substantial building occupancy, may apply for this program.

5.3.6. Special Lands Program (SLP)

The City will maintain a list of surplus City owned lands available for purchase for affordable development. Certain properties may be identified as being in a beneficial location for affordable housing projects due to proximity of services, transportation and/or employment opportunities.

Non-profit developers looking to produce affordable housing on a surplus City owned land may be eligible to receive a low cost long term lease on that land subject to Council approval. Any applications for a lease from non-profit developers will be required to make a presentation to the Affordable Housing Committee.

The City will take appropriate measures to ensure that any sale or lease of City owned lands will be contingent on the development of affordable housing on the subject property.

5.3.7. Affordable Housing Reserve Fund

The City will maintain an annual reserve fund to assist affordable housing projects that require funding which is beyond the funding made available under the City's Community Improvement Plans. Projects that wish to receive funding from the Affordable Housing Reserve Fund must submit their request to the Director of Planning and Development Services. Any project that is deemed eligible and is to be considered for the Affordable Housing Reserve Fund may be asked to make a presentation to the Affordable Housing

Advisory Committee and/or to City Council. City Council, or its designate will have the authority to allocate funding from the Affordable Housing Reserve Fund, unless otherwise determined.

6. Implementation

6.1. Decision Making

The following will be the decision-making authority on applications for incentive program funding:

Type of Program	Welland City Council	Director of Planning and Development Services
Affordable Housing Study Program		Yes
Tax Increment Grant Program		Yes
Additional Dwelling Unit Program		Yes
Extended Benefit Program		Yes
Municipal Fee Program		Yes
Special Lands Program	Yes	
Affordable Housing Reserve Fund	Yes	

6.2. Administration

Program guides will be made available for each of the Affordable Housing CIP Programs. The guides may be reviewed and updated by staff each year to reflect changes in the market. The program guides will be an operational part of this CIP and reflect the most accurate and up to date requirements, eligibility and administrative protocols. In the event of conflict between this CIP document and a program guide, the discrepancy shall be reviewed by City Staff who will determine the resolution to the conflict.

The Affordable Housing CIP will require the allocation of resources and staff time to implement. Dedicated staff time will be allocated to respond to inquiries about the CIP and handle applications. Staff duties including but not limited to:

- respond to inquiries about the CIP;
- receive applications;
- collect and maintain data about applications;

- review applications, prepare recommendations, and provide reports and presentations to staff and Council;
- draft any necessary by-laws and agreements;
- liaise with and submit required documentation to Niagara Region;
- administer grant payments for approved projects;
- track the progress of approved projects and financial health of the CIP;
- create and maintain performance indicators for the CIP; and,
- market the City's annual budget for the Affordable Rental Housing CIP Incentive Programs.

6.3. Program Adjustments

The individual incentive programs contained in this CIP can be activated, deactivated, reduced or discontinued without amendment to this Plan. Increases in funding provided by the financial incentives contained in this CIP, or the addition of any new incentive programs to this CIP, will require a formal amendment to this Plan in accordance with Section 28 of the Planning Act. The City may periodically review and adjust the terms and conditions of any of the programs contained in this Plan, without amendment to the Plan. Such minor changes will be provided to the Minister of Municipal Affairs and Housing for information purposes only.

6.4. Monitoring and Evaluation

Monitoring and evaluation of the programs offered under the Affordable Rental Housing CIP should include data collection and indicator development to track applications received, projects funded, and outcomes, as well as to measure the effectiveness of programs and the CIP.

Monitoring shall be an ongoing, continuous aspect of implementing the CIP and provide support for annual or semi-annual reporting on the CIP to Council and the public.

Records of all applications received, and incentives provided shall be maintained.

The following data or information shall be recorded:

- applications received for each program, approval or denial, reasons for approval or denial, and the location of properties involved;
- value of funds granted and the programs under which funds were granted;
- construction value of each project awarded fundings through the CIP;

- timing of project completion;
- number of new housing units, including affordable dwelling units, and their tenure;
- Property tax assessment before and after completion of funded projects (this shall not apply to Additional Dwelling Units); and,
- Site photos, plans and other materials related to projects awarded funding.

The above data shall be used to assess the impact of Affordable Rental Housing CIP funding. Indicators should be derived from the data to track the effectiveness of the Affordable Rental Housing CIP and assess its programs relative to the goals and objectives.

7. Glossary

Affordable means

A residential unit intended for use as a rented residential premises shall be considered an affordable residential unit if it meets the following criteria:

1. The rent is no greater than the lesser of 80 per cent of the average market rent based on CMHC data or the Provincial definition of affordable, as determined in the *More Homes, Built Faster Act, 2022*.
2. The tenant is dealing at arm's length with the landlord.

Additional Dwelling Unit means a second or third dwelling unit in a single-detached house, semi-detached house or rowhouse, or the creation of a residential unit in an accessory building to the single-detached house, semi-detached house or rowhouse.

Applicant unless otherwise indicated, means a registered owner, assessed owner or tenant of lands and buildings within the community improvement project area who has a right to apply for one or more financial incentive(s) in accordance with the policies of this Plan.

Arm's Length the two parties, unit owner and renter, are unrelated and unaffiliated and are acting in self-interest.

Base Year means the municipal property tax assessment of a lot at time of complete application submission.

City means the City of Welland.

Commencement Year means the municipal property tax assessment of a lot after project completion and based on the date of the Municipal Property Assessment Corporation (MPAC) Supplementary Property Tax Assessment.

Community Improvement unless otherwise specified, is as defined in accordance with its definition under Section 28 of the *Planning Act*.

Community Improvement Plan unless otherwise specified, is defined in accordance with its meaning under Section 28 of the *Planning Act*.

Community Improvement Project Area unless otherwise specified, is as defined in accordance with its meaning under Section 28 of the *Planning Act*.

Deeply Affordable means any unit rented at a minimum 60% below the average market rent or any unit rented at the CMHC Social and Affordable Housing Survey rates.

Low- and Moderate-Income Households means

a) in the case of ownership housing, households with incomes in the lowest 60 percent of the income distribution for the regional market area; or

b) in the case of rental housing, households with incomes in the lowest 60 percent of the income distribution for renter households for the regional market area.

(PPS, 2020)

Regional Market Area means the City of Welland.

Tax Increment means the difference between property tax assessment at the *Base Year* and *Commencement Year*.

8. Bibliography

City of Welland, Official Plan

City of Welland, Zoning By-Law

Niagara Region, Official Plan

Niagara Region, Smarter Niagara Incentives Program

Province of Ontario, A Place to Grow – Growth Plan for the Greater Golden Horseshoe

Province of Ontario, Provincial Policy Statement

Tim Welch Consulting and NPG Planning Solutions, Housing Needs Assessment and Environmental Scan, Affordable Rental Housing CIP Background Report, City of Welland.

9. Appendices

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2023 - _____**

**BEING A BY-LAW TO FURTHER AMEND BY-LAW 2016-104,
BEING A BY-LAW TO DELEGATE VARIOUS PLANNING AND
COMMUNITY IMPROVEMENT INCENTIVE APPROVALS TO STAFF
AND TO ADOPT CERTAIN PROCEDURES FOR THE PROCESSING
OF PLANNING APPLICATIONS SUBJECT TO DELEGATED
AUTHORITY**

WHEREAS Council deems it necessary and advisable to amend By-law 2016-104 being a by-law to delegate various planning and community improvement incentive approvals to staff and to adopt certain procedures for the processing of planning applications subject to delegated authority, enacted by Council on July 19, 2016.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That By-law 2016-104 shall be and the same is hereby amended by amending Paragraph 5 therefrom to the following:

“Application for Downtown and Health and Wellness Cluster Incentive Programs, Brownfield Incentive Programs, Gateway Incentive Programs, and Affordable Rental Housing Incentive Programs”

2. That By-law 2016-104 shall be and the same is hereby amended by deleting Paragraph 5.1.a) therefrom and substituting with the following:

“Council's power and authority with respect to all matters provided for by Section 28 (7) of the Planning Act, RSO 1990, Chapter P.13, as amended (Community Improvement - grants or loans re: eligible costs), with the exception of the Special Lands Program (SLP) and the Affordable Housing Reserve Fund (AHRF), is hereby delegated to the Director of Planning and Development Services;”

3. That By-law 2016-104 shall be and the same is hereby amended by amending Paragraph 5.2 a) therefrom to the following:

“Prior to exercising the delegated authority for Downtown and Health and Wellness Cluster Incentive Programs, Brownfield Incentive Programs, Gateway Incentive Programs, and the Affordable Rental Housing Incentive Programs the following procedures shall be followed:”

4. That By-law 2016-104 shall be and the same is hereby amended by amending Paragraph 5.2 a) v.) therefrom to the following:


“The Mayor or designate and the City Clerk, or designate, have signed and sealed all grant agreements and any other documentation required which have been approved by staff in accordance with Council's delegation for Downtown and Health and Wellness Cluster Incentive Programs, Brownfield Incentive Programs, Gateway Incentive Programs, and the Affordable Rental Housing Incentive Programs to staff.

5. That this By-law shall come into force and take effect on the day of final passing thereof.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 27TH DAY OF JUNE, 2023.

_____MAYOR

_____CLERK

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL**PLANNING AND DEVELOPMENT SERVICES**

**REPORT P&B-2023-26
JUNE 20, 2023**

**SUBJECT: STATUTORY PUBLIC MEETING FOR THE AFFORDABLE
RENTAL HOUSING COMMUNITY IMPROVEMENT PLAN**

**AUTHOR: NICOLAS AIELLO, HBA
PLANNING SUPERVISOR - POLICY**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT
SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report P&B 2023-26 regarding the Affordable Rental Housing Community Improvement Plan (CIP).

ORIGIN AND BACKGROUND:

City Council approved, as part of the 2022 Budget, the hiring of a consultant to create and Affordable Housing Community Improvement Plan (CIP). This was one of the main recommendations of the Welland Affordable Housing Task force as a means of addressing the issue of the need for more affordable housing in the City. As noted in P&B 2022-28, in May of 2022 Council awarded Tim Welch Consulting Inc. to create the Plan;

Section 28 of the Planning Act permits municipalities to undertake CIPs within Community Improvement Project Areas. For this to occur, the municipality's Official Plan must contain provisions that permit the implementation of CIPs. The City of Welland Official Plan Section 7.10 contains the required provisions.

Through Section 28 of the Act and Section 7.10 of the Official Plan the Affordable Rental Housing CIP is being prepared. The draft CIP (Appendix I), prepared by Tim Welch Consulting includes seven (7) proposed incentive programs that are supported by the Housing Needs Assessment & Environmental Scan which can be reviewed on the City Engagement Site, Engage Welland under the Affordable Housing CIP Project.

The purpose of the report is to provide for information a detailed summary of the draft CIP and the process leading up to its development. This report is being submitted concurrently with the presentation used as part of the statutory public meeting (Appendix III). Staff will take into consideration the comments heard at this meeting and return to Council at a later date with a report recommending adoption of the CIP.

COMMENTS AND ANALYSIS:

Purpose

This CIP establishes the City's commitment to supporting the creation of new affordable housing in partnership with a variety of housing providers. The focus is on affordable housing to serve and support those with the greatest housing need. This CIP and the programs created from the Plan are a series of financial incentive programs to private property owners and non-profit housing providers interested in developing affordable housing. The financial incentive programs outlined in this Plan will largely be used by the developers/owners of new affordable housing, including those in the private and non-profit sectors.

Consultation

Prior to the drafting of the CIP, engagement was carried out in July and August 2022 to understand the priorities and experiences of key stakeholders in the for- and not-for-profit development and housing sectors. Eight interviews were conducted, and five stakeholders responded to surveys.

The following themes were shared by respondents:

- Affordability is a growing concern in Welland
- City of Welland has a strong reputation and efficient processes
- Development of affordable housing faces numerous challenges at the local and broader levels
- Affordability can be defined in many ways, and requires a consistent definition
- High-density, 1-2 bedroom unit types, in amenity-rich areas across the City are preferred for future affordable housing
- Numerous financial and non-financial incentives suggested
- Some interest to support, develop, or operate affordable housing on municipal lands

The City's Affordable Housing Advisory Committee has been a key partner in developing a final product. Consultation between staff and its consultant has been ongoing with the Committee. This has taken the form of attending several committee meetings to discuss and receive comment through the various project phases of the CIP's development.

Further, two Public Open Houses were also hosted on Wednesday September 28, 2022 and Wednesday April 26, 2023, in order to provide members of the public opportunity to ask questions and submit comments about the CIP. Comments submitted through the Public Open House and in relation to this statutory hearing can be reviewed in Appendix II.

Of the consultation conducted, several main themes were heard and recorded by Staff with regards to previous versions of the draft CIP. These themes and staff's responses can be reviewed in the below matrix.

Comment/Concern	Staff's Response
<i>Concern regarding the CIP pertaining only to rental housing and not ownership;</i>	<p>One of the main goals of this CIP is to support the creation of “affordable purpose-built rental housing” as there is a strong need exhibited for this. A program that supports the creation of affordable home ownership housing would not be practical as the City has limited resources to ensure property remains affordable for a specified time frame (i.e., the Buyer purchasing the residence at an affordable rate and selling for a higher value shortly after).</p> <p>Further, though affordable rental housing is prioritized, the role of additional dwelling units (ADU) in supporting homeowners is acknowledged by this CIP as the creation of ADUs may be incentivised.</p> <p>Should a significant affordable ownership project arise, the City may be able to provide funding through the Affordable Housing Reserve Fund upon Council approval.</p>
<i>Concern pertaining to the CIP's definition of affordable housing and program eligibility;</i>	<p>This CIP has adopted the following definition for an affordable rental unit: <i>The rent of the unit is no greater than the lesser of 80 per cent of the average market rent (AMR) based on CMHC data or the Provincial definition of affordable, as determined in the More Homes, Built Faster Act, 2022.</i></p> <p>This definition is consistent with the Ontario Governments definition of Affordable Rental Housing in the Planning Act and Development Charge Act through the introduction Bill 23. This is also the definition that the City is obligated to use for the provision of the development charge and parkland dedication relief to Affordable Housing projects.</p>

	<p>While there has been a recommendation to use another common definition of affordability pertaining to 30 per cent of gross annual household income, City staff and its consultant do not support this. Using such a definition would be inconsistent with the province's mandates and lead to confusion between the provision of CIP Incentives and DC Exemptions. Further, Staff do not have the jurisdiction or resources to request and monitor the household income of individual tenants that would fall under this program.</p>
<i>The need for a program that promotes Deeper Affordability</i>	<p>It should be noted that the current definition of an affordable rental unit (80% of AMR) is a minimum, should a CIP applicant want to provide housing at a more affordable rate, they can.</p> <p>Further, to incentivise the creation of more affordable units Welland Staff and its consultant have developed the Extended Benefits Grant (EBG). The objective of the EBG is to bridge the gap between the rent levels which are the prescribed definition of affordable and the deep level of affordability that some individuals require.</p>
<i>Recommendation for the programs to only be eligible to developers who provide housing to Welland residents only;</i>	<p>City Staff are not in support of this recommendation for various reasons:</p> <ul style="list-style-type: none"> - The City does not have the resources to monitor where each of the applicable tenants are from nor have the authority to request such information. - A major goal of this CIP is for the application process to be as simple and straightforward as possible to promote uptake of the programs. This matter would substantially complicate the process. - The legality of the City and developers limiting residents from housing due to where they are from will come into question. - Further, the ethicality of restricting individuals from a home due to where they are from must be considered as homelessness and the need for

	affordable housing is not limited to just the City of Welland.
<i>Confusion regarding CMHC's Rental Market Survey: Average Market Rents (AMRs)</i>	At the Public Open House there seemed to be some confusion regarding the 2022 Average Market Rents (AMRs) recorded by CMHC for the St. Catharines-Niagara Census Metropolitan Area (CMA) vs the current market rents. The concern was that the AMRs were too low and did not portray the heightened current market rents. It should be noted that the AMRs reflect the average of <u>all</u> rents (past and recent) therefore providing a lower figure; where the current market rent is based on the real time rental market. Maintaining the definition of an affordable unit at the AMR will ultimately require applicants to provide housing at a more affordable rate.
<p><i>Concern about the duration of the Extended Benefits Grant and landlords raising the rent considerably once the program ceases; and,</i></p> <p><i>Concern about legislative rent increase limits and landlords being unable to provide affordable rent after the five (5) year time frame.</i></p>	<p>It is important to note that when maxed out, the EBG will sum up to the largest financial incentive amount of all the City's CIP programs outside of the Tax Incentives. To ensure landlords do not substantially increase the rent of tenants after the five (5) year period, they must also be approved for either the TIG or ARFL programs which will ensure that the required rent remains affordable for a period of ten (10) years.</p> <p>With regards to the second concern, staff will provide applicants with as much information as possible to ensure they can make informative decisions. Landlords/applicants will have to ensure that they are selecting rental rates that they can justify within their means once the EBG grant period is over.</p>
<i>Recommendation to record metrics which speak to key indicators in terms of affordable housing: type of units built, both affordable and attainable; number of bedrooms per unit; other incentives accessed for the project; etc.</i>	City staff are in agreeance with this recommendation and will aim to record these key metrics where possible when processing CIP applications. When considering these metrics, staff must consider the sensitivity of these matters and whether such information is permitted to be divulged.

The Statutory Public Meeting under the Planning Act is being held on June 20, 2023. Notice was provided via email, local newspapers (Niagara this Week and Welland Tribune), Engage Welland, City of Welland Website, and social media.

Housing Needs Assessment & Environmental Scan

This Housing Needs Assessment & Environmental Scan is a background study undertaken by Tim Welch Consulting to assess the current state of Welland's housing, and Welland's core housing needs. The study found that Welland currently has a high percentage of lower-income households – approximately 45% of all households earning less than \$60,000 per year after tax.

An analysis of the current household types in Welland demonstrates a need for smaller ownership houses, bachelor apartments, one-bedroom apartments, and two-bedroom apartments. Within these unit type needs there is also a growing need for senior and accessible units with accessibility design taken into direct consideration.

The CIP programs listed below are a result of the conclusions of this study. The CIP programs address the need for a variety of unit types by supporting a range of project types and affordability levels. The CIP acknowledges the need for there to be both private investment solutions and non or not-for-profit solutions to the issue of housing affordability. The Affordable Housing Reserve Fund program and the Special Land Program are offered as additional opportunities for support for exceptional affordable housing proposals.

The Housing Needs Assessment & Environmental Scan can be reviewed on the City Engagement Site, Engage Welland under the Affordable Housing CIP Project.

Program Highlights

The Affordable Rental Housing CIP offers 7 incentive programs, a summary of each of these programs can be viewed below. For a more in depth review of each of the programs, please refer to the draft CIP in Appendix I.

	Summary
Tax Increment Grant (TIG)	<p>This program offers a percentage rebate on the annual municipal property taxes (City portion only) derived from the increased assessment value generated by an eligible affordable rental housing project.</p> <p>An eligible project must create at least 5 new affordable rental units and a minimum 30% of the total residential units built must be affordable units.</p> <p>The annual grant will range from 60% to 80% of the increase in annual property taxes dependant on the net percentage of affordable units developed for a duration of 10 years.</p>

Affordable Housing Study Grant (AHG)	<p>A grant equal to 50% of the cost of studies or plans up to a maximum of \$7,500 undertaken to establish one or more of the following:</p> <ul style="list-style-type: none"> - the feasibility of including at least 30% affordable rental housing units within a new development on a vacant or under-utilized property, or rehabilitation/retrofit of an existing building; or, - the feasibility of incorporating building materials or systems that reduce life cycle costs.
Affordable Residential Forgivable Loan (ARFL)	<p>The forgivable loan may cover up to 70% of eligible project costs incurred up to a maximum:</p> <ul style="list-style-type: none"> a) loan of \$20,000 per affordable dwelling unit; b) of two (2) affordable dwelling units per property; and, c) total loan of \$35,000.00 per property. <p>A forgivable loan acts the same as an upfront one time grant. The applicant will apply receive their eligible amount. The applicant is required to enter into an agreement with the City at the time of approval which will includes program criteria which must be satisfied. No repayment of the loan is required for the duration of the agreement and upon successful satisfactory completion of the program criteria the loan shall be forgiven.</p>
Extended Benefits Grant (EBG)	<p>To encourage the creation of deeply affordable rental housing, eligible projects may receive the Extended Benefit Grant. The EBG program aims to support the provision of rents as deeply as 20% of AMR through to 60% of AMR unless otherwise defined in the program guide.</p> <p>The grant will provide:</p> <ul style="list-style-type: none"> a) A maximum \$6,000.00 per affordable rental unit per year; b) for up to 10 units per property; c) for a period of five (5) years.
Municipal Fees Grant (MFG)	<p>A grant of up to 100% of fees paid for required planning and building applications may be provided. The grant may apply to most fees related to eligible development, including, but not limited to:</p> <ul style="list-style-type: none"> • Official Plan Amendments;

	<ul style="list-style-type: none"> • Zoning By-law Amendments; • Consents; • Minor Variances; • Site Plan Control; • Building and Demolition Permits.
Affordable Housing Reserve Fund (AHRF)	The City will maintain an annual reserve fund to assist affordable housing projects that require funding which is beyond the funding made available under the City's Community Improvement Plans. City Council will have the authority to allocate funding from the Affordable Housing Reserve Fund, unless otherwise determined.
Special Land Program (SLP)	The City will maintain a list of surplus City owned lands available for purchase for affordable development. Non-profit developers looking to produce affordable housing on a surplus City owned land may be eligible to receive a low cost long term lease on that land subject to Council approval.

FINANCIAL CONSIDERATION:

Over the years, the City has budgeted in anticipation of up-take of various CIP programs. Budgeting for these programs takes place on an annual basis based upon the number of applications received and approved.

OTHER DEPARTMENT IMPLICATIONS:

The completion of the Affordable Rental Housing CIP required input from the Finance Division. Should the CIP be adopted at a later date, the Finance Division will be involved with all financial aspects associated with the issuance of the grants.

SUMMARY AND CONCLUSION:

This report is being submitted for information purposes concurrently as part of the Statutory Public Meeting required for the Affordable Rental Housing CIP. The soon to be final CIP is one which can be described as leading edge and will certainly advance the municipalities priority of developing affordable housing in the City.

~~Appendix I~~ - ~~Draft CIP~~ **REMOVED**
 Appendix II - Written Comments
 Appendix III - Statutory Meeting Presentation

Welcome to the Welland Affordable Housing Community Improvement Plan Open House!

We look forward to hearing your feedback. Please provide your comments below:

Thank you for hosting me

Programs - housing new development
for anti-trafficking survivors

→ Mixed building - commercial first floor
↳ senior building w first floor as
two level homes

Incentives

- all incentives should be considered

- development changes as grants is
a great idea

↳ new development w secondary units

↳ consider incentives for more
senior shared housing options

↳

Welcome to the Welland Affordable Housing Community Improvement Plan Open House!

We look forward to hearing your feedback. Please provide your comments below:

Regarding Niagara Health —

I believe transitional housing would be effective in assisting those with mental health / Drug Addiction / those coming out of Hospital / those ~~are~~ needing to rely on long term stay for families (similar to RMH).

Housing here could also be used ~~as~~ as treatment group homes.

Looking forward to hearing how this area will be developed to HELP the community.

Bobbing

Welcome to the Welland Affordable Housing Community Improvement Plan Open House!

We look forward to hearing your feedback. Please provide your comments below:

GREAT INITIATIVE!!
Looking fwd to a C.I.P.



City of Welland
Planning and Development Services
Planning and Building Division
60 East Main Street, Welland, ON L3B 3X4
Phone: 905-735-1700 Ext. 2251 | Fax: 905-735-8772
Email: devserv@welland.ca | www.welland.ca

Affordable Housing CIP
COMMENTS
(Please Print)

Name Jeffrey Sinclair
Address 66 Hooker Street
City Welland Postal Code L3C 5H1
Telephone No. — Email Jeffrey

Would you like to be notified by? ☒ Phone ☒ Email ☐ Regular Mail

Love the ~~Extend~~ benefit grant program. If Province reinstates maximum rent increases for new units then landlords will have trouble after 5 years when the grant is no longer available. Also, if there are no rent increase limits for the units, how will it be ensured that tenants paying 60% or less of AMR can afford the new cost of rent after it increases at the end of 5 years? Will there be a plan to support household income increases in the 5yr period?

I live on Hooker Street near Dennistown. Please develop the Dennistown site for affordable housing ASAP!

From: [Pat Gibson](#)
To: [Nicolas Aiello](#)
Subject: Affordable rental housing
Date: June 8, 2023 11:16:26 AM

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

I live on clare ave and own a detached house in welland. I am currently renting the downstairs out which has a bathroom and plenty of room to be divided into kitchen living room and bedroom. A grant would allow me to do so and add appliances and a sink and floating walls with access door in the entrance. I currently have a senior living with me whom shares my upstairs living room, dining room and kitchen with me and I charge 550 per month. A grant would allow me to upgrade the basement into a self contained unit and increase my and my tenants life.

Thank you
Pat

gibson

This email has been scanned for spam and viruses by Proofpoint Essentials. Click [here](#) to report this email as spam.

From: [Bannerman, Marian](#)
To: [Nicolas Aiello](#)
Subject: Welland Affordable Rental Housing CIP
Date: June 13, 2023 9:44:02 AM
Attachments: [image001.png](#)

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Greetings Nicolas,

Thank you for the opportunity to comment on the City's proposed Affordable Rental Housing Community Improvement Plan (CIP). The City is to be commended on promoting affordable housing in Niagara.

The Region is supportive of the City's proposed CIP, and offers only the few comments below for consideration. Please feel free to reach out if you would like to discuss further.

The Region looks forward to continuing to work with the City on the vital goal of increasing affordable housing, particularly affordable rental.

Best,
Marian

- **P 6 -- Section 1.4** We would suggest slight change in wording to reflect the current state of Regional incentives, perhaps as below:

1.4. Niagara Region as Partner

There is a long successful history in Niagara Region of partnerships between the Region and each local municipality through CIPs and financial incentives. This started with the Smarter Niagara Incentive Program (SNIP), a series of matching funding programs to support downtown redevelopment and brownfield redevelopment. SNIP was recently replaced by the Niagara Region Incentives Policy which targets incentives in four priority areas: Affordable Housing, Brownfield Remediation, Employment, and Public Realm. The Affordable Housing priority area features 12 different incentives. Regional incentive programs are reviewed regularly, taking into consideration a variety of factors affecting incentives, such as provincial and federal legislation, funding needs, partnership opportunities, etc. Applicants are encouraged to contact Niagara Region to learn more about its Affordable Housing incentives.

- **P 22 – Section 6.4** We suggest considering adding some of the following metrics, which speak directly to key indicators in terms of affordable housing: type of units built, both affordable and attainable; number of bedrooms per unit; other incentives accessed for the project; CANCEA decile/ general household income bracket of renters; and per CMHC's list below, vulnerable populations served.

HOUSING FOR THOSE IN GREATEST NEED

Many Canadians have difficulty finding and affording housing that meets their needs. The National Housing Strategy will address the housing needs of vulnerable Canadians, including:

- | | |
|--|---|
| <ul style="list-style-type: none">• Women and children fleeing domestic violence• Seniors• Young adults• Indigenous peoples• People with disabilities• People dealing with mental health and addiction issues | <ul style="list-style-type: none">• Veterans• 2SLGBTQIA+• Racialized groups• Recent immigrants, especially refugees• People experiencing homelessness |
|--|---|

- **P 22-23 – Section 7** It would be helpful to have a definition of attainable housing in the Glossary.

Marian Bannerman
Program Manager, Grants and Incentives
Planning and Development Services
Niagara Region
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Welland Affordable Housing Community Improvement Plan

City Council

June 20, 2023



THE TEAM



- Affordable housing policy & development consultancy
- Offices in Cambridge & Toronto



- Land use planning & development
- Located in Niagara Falls & Hamilton

Goal and Process

Goal:

Assist in creation of needed affordable housing through creation of a Welland Community Improvement Plan under authority of the Ontario Planning Act.

Process:

Undertook housing needs assessment

Interviewed key stakeholders

Examined other municipal approaches to incenting creation of new affordable housing

Consulted regularly with City's housing committee

Held Two public Open Houses Oct/22 and April/23

Statutory meeting/Council consideration June 20

Housing Demand due to Population Growth

- 2021 population of 55,750
- Estimated population to reach 104,000 by 2041
- Estimates of 22,000 new housing units will be required to accommodate this increased population.
 - Household size continues to decrease
 - Population continues to age

Increase in population will have a range of incomes

Existing Housing Need: Ownership

- Home ownership prices doubled from 2019 to 2022
- Further increase “costs” of home ownership in 2023 due to increased interest rates
- Ownership out of reach for many means more demand on rental market

Existing Housing Need: Rental

- 38% of renters in core housing need (minimum wage, seniors pension, social assistance)
- NRH waiting list
 - one bedroom 6 years for seniors /16 years non-senior
 - Two bedroom 7 years
- CMHC ave. rent in Welland
 - \$975 for 1 bdrm and \$1,175 for 2 bedroom
- **However**, if looking to rent now:
 - 1 brdms \$1,450 - \$1695
 - 2 bdrms \$ 1,665- \$1,875 +

City Role

- Financial incentives through CIP
- Availability of City land for affordable housing

Definition of Affordable

- Consistent with Provincial Planning Act under “More Homes” legislation – 80% of Average Market Rent
- Fall 2022 CMHC average rents
 - Bachelor AMR 80% AMR
 - 1 bdrm \$750 \$600
 - 2 bdrm \$975 \$780
 - 3 bdrm \$1,187 \$950
 - 3 bdrm \$1,138 \$910

CIP: 7 Incentives Covering Urban Area

- 1. Tax Increment Grant
 - offset 60 - 80% of increase in city portion of property taxes
 - Must have at least 30% affordable units
 - Minimum 5 units
 - 10 year duration
- 2. Affordable Housing Study Grant
 - Up to 50% of cost, or \$7,500 per project
 - Covers costs of studies in early phase of affordable housing development

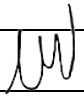
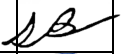

CIP Incentives (cont.)

- 3. Affordable Residential Forgivable Loan
 - Focus on accessory units to be affordable
 - \$20,000 per unit, \$35,000 for 2 units
 - Long term agreement for affordability
- 4. Extended Benefits Grant
 - For deeper levels of affordability, annual grant of up to \$6,000 per unit
 - Up to 5 years
 - Up to 10 units per property

CIP Incentives (cont.)

- 5. Municipal Fees Grant
 - Up to 100% forgiveness of planning and permit fees
- 6. Affordable Housing Reserve Fund
 - Additional grants for affordable housing developments
 - Creation of City Housing Reserve Fund
 - Allocation through Council approval
- 7. Special Land Program
 - Surplus City owned land for purchase for affordable housing, or long-term land lease for non-profits at nominal cost, with Council approval.

Thank you! - Questions?

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

10-76

REPORT P&B-2023-36
JULY 18, 2023

SUBJECT: PROGRAM ADJUSTMENTS TO THE DOWNTOWN AND HEALTH AND WELLNESS CLUSTER CIP

**AUTHOR: CAITLIN KOVACS, BURPI
DEVELOPMENT PLANNER**

**APPROVING SUPERVISOR: NICOLAS AIELLO
PLANNING SUPERVISOR – POLICY**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A, MCIP, RPP
DIRECTOR, PLANNING AND DEVELOPMENT SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the requested program adjustments for the Downtown and Health and Wellness Cluster Community Improvement Plan, as described:

- To expand the types of buildings eligible for funding under the Façade Improvement Grant to Residential buildings that are Designated under the Ontario Heritage Act

ORGIN AND BACKGROUND

On August 11th, 2014, the City of Welland City Council Approved a motion to adopt the Downtown and Health and Wellness Cluster Community Improvement Plan (DHWC CIP). The intentions and goals of the DHWC CIP are to promote development/redevelopment within the City's Downtown by encouraging local property owners through financial incentives with a focus on urban design.

The DHWC includes provisions for minor program adjustments without the requirement of undergoing a formal amendment to the CIP Plan. Found in subsection 12.3 of the DHWC CIP document the provision states that "The City may periodically review and adjust the terms and requirements of any of the programs contained in this plan, without amendment to the Plan."

City Staff are making a request to Council to adjust the terms of the Façade Improvement Grant (FIG). The purpose of the FIG program is to assist property owners with the rehabilitation of their building facades by providing a financial

incentive in the form of a 50/50 matching grant for eligible works. Currently the program can only be applied to mixed use, commercial, or institutional uses. The FIG program does include a provision for mixed use, commercial, or institutional properties designated under the Ontario Heritage Act (OHA) to receive an additional \$7,500 in funding. City Staff are requesting that the programs receive the following program adjustment:

- To expand the types of buildings eligible for funding under the Façade Improvement Grant to Residential buildings that are Designated under the Ontario Heritage Act

The intention of this request is that the majority of Welland's Built Heritage Resources within the Downtown CIP area have a solely residential use and still contribute to the overall Downtown character and sense of place. The sense of place created by these built heritage resources benefit the Downtown economy and aid in creating a proud and attractive Downtown.

COMMENTS AND ANALYSIS:

Preserving Welland's built and cultural heritage resources and promoting City pride and attractiveness has been identified as an important strategic direction in the City of Welland Official Plan. As tangible connections to Welland's history our heritage resources act as links to the past that provide a sense of identity, contribute to the character of Welland and can provide economic opportunities for tourism. The principles that fostered the DHWC, as stated in the report P&B 2014-34 from July 15, 2014, include the following:

- Enhancing highly visible spaces;
- Creation of a strong sense of place;
- Promotion of pedestrian movement and active transportation;
- Provision of a safe and interesting environment; and
- Provision of links/connections to the waterway and other important civic destinations.

The requested program adjustment would be anticipated to contribute to three of the five fostering principles; enhancing highly visible spaces, creation of a strong sense of place, and provision of a safe and interesting environment. The fostering principles of the DHWC are a reflection of the goals and intentions of the City of Welland Official Plan. An assessment of the relevant Official Plan Policies is included in the table below:

<p>2.7.1 Proud and attractive cities value their built heritage; preserve their cultural resources and work to develop new cultural initiatives and programs. The key to unlocking Welland's past is through its built and cultural heritage – and the key to its future is by celebrating this heritage and</p>	<p>The requested program adjustment will provide an opportunity for the City to support and improve its existing built heritage resources. The requested program adjustments are anticipated to align with this Official Plan objective.</p>
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providing avenues for cultural expression.	
<p>2.7.2.ii</p> <p>Welland will protect elements of its built and cultural heritage through the means provided by the Ontario Heritage Act and by involving Heritage Welland in the land use planning process, whenever necessary</p>	Property owners will still be required to obtain alteration permission from Council for any works related to designated features or buildings. Through this process the City of Welland Heritage Advisory Committee is consulted with and circulated on applications in accordance with Ontario Heritage Act, as amended.
<p>6.6.1.1</p> <p>The City will encourage the conservation, protection, and enhancement of the City's cultural heritage resources, including landscapes, archaeological sites, important views and vistas, buildings and structures of historic, cultural, and architectural value</p>	The requested program adjustment is anticipated to support the City's intention of encouraging the protection and enhancement of buildings and structures of historic, cultural and architectural value. This support is financial from the existing approved City incentive budget, and education and resources provided through the City of Welland Heritage Advisory Committee during the consultation process.
<p>6.6.1.2</p> <p>The City will encourage growth and development which promotes the protection and sympathetic treatment and use of heritage resources.</p>	The requested adjustment will provide support for the growth and rehabilitation of the heritage resources within the Downtown and may provide an improved public realm and support economic investment into the Downtown.
<p>6.6.2.1</p> <p>Conservation of landscapes, important views and vistas, sites, buildings or structures of cultural heritage, historical, architectural, or archaeological merit shall be encouraged throughout the City, wherever possible.</p>	The requested program adjustment is anticipated to support the City's intention of encouraging the conservation of buildings or structures with cultural, historical, or architectural merit.
<p>6.6.2.9</p> <p>Council shall endeavour to obtain funds for the conservation and restoration of buildings through all available sources with the assistance</p>	The DHWC programs benefit from partnership with the Niagara Region.

of applicable agencies such as the Ontario Heritage Foundation.	
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City Staff find the requested program adjustment to be justifiable as it supports the fostering principles of the Downtown and Heath and Wellness Cluster Plan as well as the intentions and goals of the City's Official Plan. The requested change does not preclude property owners from requiring alteration consent from Council for properties designated under the Ontario Heritage Act. The City of Welland Heritage Advisory Committee will continue to be engaged with where appropriate and as required by the Ontario Heritage Act.

FINANCIAL CONSIDERATION:

All costs associated with the grants will come from the currently approved budget for the Community Improvement Plans.

OTHER DEPARTMENT IMPLICATIONS:




There are no implications for other departments.

SUMMARY AND CONCLUSION:

City Staff support the adjustment of the Façade Improvement Grant as described, because the requested change supports the City's strategic directions and other policies as set out in the City of Welland Official Plan. By providing support to Welland's Built Heritage Resources the City will be emphasizing the preservation and stewardship of existing resources and heritage assets and acknowledging their value within the larger context of growth within Welland.

ATTACHMENTS:

None.

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

REPORT P&B-2023-37
JULY 18, 2023

SUBJECT: HERITAGE ALTERATION REQUEST – 204 EAST MAIN STREET

**AUTHOR: CAITLIN KOVACS, BURPI
DEVELOPMENT PLANNER**

**APPROVING SUPERVISOR: NICOLAS AIELLO
PLANNING SUPERVISOR - POLICY**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A, MCIP, RPP
DIRECTOR, PLANNING AND DEVELOPMENT SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the alteration request at 204 East Main Street in Welland to retrofit new windowpanes into the existing window frames, as described in this Report.

ORGIN AND BACKGROUND

204 East Main Street, also known as the Lawrence-Singer House or the Gingerbread House (appendix I) is a protected heritage property designated under Part IV of the Ontario Heritage Act (OHA). Protected heritage properties under Part IV of the OHA are afforded certain protections when it comes to the alteration of any designated features, including the repair or replacement of any designated features. The designation by-law, By-law 1990-9424 (appendix II) includes the reason for designation and protected features. Under subsection 33 of the OHA a property owner can make a request to the Council of the local municipality to receive approval for alterations to the designated features of the property.

On February 7, 2023, City Planning Staff and representatives from the City of Welland Heritage Advisory Committee (COWHAC) met with the homeowner of 204 East Main Street to discuss the heritage status and potential alterations to the property in order to improve the façade quality of the building and protect the health and safety of their family in a heritage home with aging components. To initiate this meeting the homeowner submitted a letter to the City outlining their concerns (appendix III). The meeting resulted in the homeowner understanding that they

may make alteration requests to Council for the desired works and the creation of a work plan to undertake the desired work in phases. The alteration application was submitted on May 15, 2023, and deemed complete on June 22, 2023.

The intention of the homeowner is to undergo phased façade improvements to the cultural heritage asset. The focus of this alteration request is to replace the original windowpanes with modern windowpanes. The benefit of modern windowpanes includes more efficient heating and cooling of the home, an improved street level visual of the house, and will provide a long-term improvement that will protect the Cultural Heritage Asset from requiring another windowpane alteration in the future. The work plan for the windowpane alteration includes keeping the existing window frames, which are protected in the designating by-law, and retrofitting new windowpanes into the historical window frames. The contractor quotes (appendix IV) include the work plan and items required for the job. Due to the nature of historical work and finding contractors who are knowledgeable and willing to work within the OHA, only one work estimate was asked to be provided.

COMMENTS AND ANALYSIS:

The City of Welland Official Plan provides direction for the management of the City's Cultural Heritage Assets. Policy 6.6.2.8 of the City of Welland Official Plan provides that "Alteration of Heritage Properties Alterations may be made to properties designated by By-law as having historical significance provided that the alterations do not affect the reasons for the designation, are in keeping with the Policies of this Plan, and meet the requirements of the Zoning By-law, other City By-laws and applicable municipal and provincial policies and codes." However, the OHA Subsection 33 provides that alterations may be made if the owner applies to the Council of the Municipality and receives consent for the alteration.

The City of Welland Official Plan contains several policies related to the protection and enhancement of the City's Cultural Heritage Assets. A review of these policies is included below.

<p>4.1.3.6 Façade Improvement: The City encourages the upgrading, rehabilitation, and redevelopment of buildings and/or facades in the Downtown as set out in the City's guidelines, manuals or plans which may be in place from time-to-time.</p>	<p>The proposed alteration would support the overall rehabilitation of a City Cultural Heritage Asset within the Downtown and would require little maintenance in the long-term which protects the longevity of investments made to the property and by extension the Downtown.</p>
<p>4.1.3.7 Heritage Preservation: Buildings and structures of historic or architectural interest shall be conserved and incorporated, where</p>	<p>The proposed alteration would support the City's Heritage Conservation goals and support the long term preservation of existing</p>

appropriate, into any development or redevelopment project. The preservation of areas of historic significance shall also be encouraged.	Cultural Heritage Assets within the Downtown.
4.2.3.1 Design Policies for Existing Neighbourhoods: ...shall reinforce and improve upon the character defined by the existing built form and landscaping. The City will maintain and improve existing neighbourhoods through tools such as By-laws (e.g., property standards, tree cutting), civic beautification, heritage conservation initiatives, and urban design guidelines.	The proposed alterations will contribute to the overall improvement of the façade of the Cultural Heritage Asset. The overall improvement of the Asset aligns with the City's intention of maintaining and improving existing neighbourhoods through tools such as heritage conservation initiatives.

The City of Welland Heritage Advisory Committee (COWHAC) was consulted with during the discussion process with the homeowner and their plans for the property. The COWHAC discussed suitable methods, timelines, and shared extent photos of the house in its prime. The COWHAC are supportive of the requested alterations and the intentions of the homeowner to improve the façade of the Cultural Heritage Asset. A letter of support from the COWHAC can be found as appendix V.

City Staff are supportive of the requested alterations because the project is supported by Official Plan Policies, it is supported by the City of Welland Heritage Advisory Committee, and it does not require any additional planning approvals to occur.

FINANCIAL CONSIDERATION:

Costs associated with the alteration will be the responsibility of the Owner.

OTHER DEPARTMENT IMPLICATIONS:

There are no implications for other departments.

SUMMARY AND CONCLUSION:

City Staff are supportive of this application under subsection 33 of the Ontario Heritage Act as it meets the general intent and goals of the City of Welland Official Plan to support, protect, and enhance the City's Cultural Heritage assets and policies relating to the Downtown. , the request meets the general intent and goals of the City of Welland Official Plan Policy relating to the Downtown. There are no other Planning Act Applications will be required for this alteration.

ATTACHMENTS:

- Appendix I - Image of Building
- Appendix II - By-law 1990-9424
- Appendix III - Letters from the Homeowner
- Appendix IV - Retrofitting Work Estimates and Work Plan
- Appendix V - Letter of support from the City of Welland Heritage Advisory Committee



THE CORPORATION OF CITY OF WELLAND

BY-LAW NUMBER 9424

A BY-LAW TO DESIGNATE 204 EAST MAIN STREET
IN THE CITY OF WELLAND, KNOWN AS
LAWRENCE/SINGER HOUSE (GINGERBREAD
HOUSE), OF HISTORIC OR ARCHITECTURAL
VALUE OR INTEREST

WHEREAS the Ontario Heritage Act, R.S.O. 1980,
chapter 337, authorizes the council of a municipality to enact
by-laws to designate real property, including all the
buildings and structures thereon, to be of historic or
architectural value or interest;

AND WHEREAS the Council of The Corporation of the
City of Welland has caused to be served upon the owner of the
lands and premises municipally known as 204 East Main Street,
commonly known as Lawrence/Singer House (Gingerbread House),
and upon the Ontario Heritage Foundation, Notice of Intention
to so designate the aforesaid real property and has caused
such Notice of Intention to be published in a newspaper,
having general circulation in the municipality, once a week
for each of three consecutive weeks;

AND WHEREAS no Notice of Objection to the proposed
designation was served upon the Clerk of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the real property, more particularly described in
Schedule "A" attached hereto and forming part of this By-law,
known as Lawrence/Singer House (Gingerbread House) in the City
of Welland, be designated as being of historic or
architectural value or interest.
2. The City Solicitor is hereby authorized to cause a copy
of this By-law to be registered against the property described
in said Schedule "A" attached hereto in the proper Land
Registry Office.
3. The City Clerk is hereby authorized to cause a copy of
this By-law to be served upon the owner of the aforesaid
property and upon The Ontario Heritage Foundation and to cause

- - 2 - -

notice of this By-law to be published in a newspaper having
general circulation in the City of Welland.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY
COUNCIL THIS 5th DAY OF JUNE 1990.

 MAYOR

 CLERK

4
SCHEDULE "A"

TO

CITY OF WELLAND BY-LAW 9424

PASSED THE 5th DAY OF JUNE 1990.

 MAYOR

 CLERK

In the City of Welland in the Regional Municipality of Niagara
and more particularly described as follows:

ALL AND SINGULAR that certain parcel or tract of land and
premises situate lying and being composed of part of lot 3, ^{PLAN 553}
~~Plan 1649, formerly in the Township of Crowland, now known as~~
~~Plan 564,~~ in the City of Welland and part of lot 3, on the
Thomas Burgar Plan, now known as Plan 553 in the City of
Welland.

SCHEDULE FOR DESCRIPTION

THOSE certain parcel or tract of land situate, lying and being in the City of Welland, in the Regional Municipality of Niagara, formerly in the County of Welland, and being composed of

FIRSTLY:- The most westerly 52 feet of Lot No. 3, on the north side of East Main Street, on the Thomas Bugar Plan, now known as Plan 553

SECONDLY:- Part of Lot No. 3 on the south side of Dorothy Street as shown on the Thomas Bugar Plan, now known as Plan 553, described as follows:

COMMENCING at the south-west corner of said Lot No. 3 on Dorothy Street;

THENCE easterly along the south boundary thereof 52 feet to a point;

THENCE Northerly parallel with the western limit of said Lot, 9 feet to a point;

THENCE westerly parallel with the south limit of said Lot, 52 feet to a point in the west limit thereof;

THENCE southerly along said west limit 9 feet to the place of beginning, said piece of land lying immediately north of the first above described lot.

6

REASONS FOR DESIGNATION
OF LAWRENCE/SINGER HOUSE (GINGERBREAD HOUSE)
204 EAST MAIN STREET, WELLAND
PURSUANT TO THE
ONTARIO HERITAGE ACT, R.S.O. 1980, CHAPTER 337
SECTION 29 (6)(A)(i)

The "Lawrence/Singer House" was built circa 1890 by Alfred E. Lawrence. Mr. Lawrence arrived in Welland in 1899 to take possession of one of Welland's earliest establishments, a furniture and undertaking business founded by F.X. Sauter in 1857. Lawrence remained in business in downtown Welland for the next 17 years. As a furniture maker, Lawrence constructed his house in the latest architectural style, with an abundance of ornament and variety of woodworking techniques which would showcase his skill as a cabinet maker and which would also befit his position within the community. In 1914, the house was sold to Mary L. Singer and remained in the Singer family until 1978.

The "Gingerbread House" is an excellent example of the eclectic and highly ornamented late Victorian style. Elements of Ontario "Cottage Gothic" can be seen in the irregular "L" shaped plan, steeply pitched gables and small front porch tucked into the curve of the "L". Bay windows on the south, east and west facades, an Italianate "Tuscan" tower set within the porch at the "L" and the abundance of "Gingerbread" on the porch and gables add to the variety and irregularity of the exterior in accordance with the Victorian "picturesque" ideal. The Italianate tower is topped with an Mansard roof, often called the "Second Empire".

The front bay window, with its stained glass, the front door, with its elaborate carved relief patterns and diaper work, stained glass and "quarter wheel" glazing, both show the influence of yet another late Victorian style, the Queen Anne Revival. The wheel motif of the front door is repeated in the "sawn" Gingerbread located in the Gable peaks, while a scalloped verge fascia of dripping loops and curving lines flows along the eaves.

FOR OFFICE USE ONLY

586845

CERTIFICATE OF REGISTRATION
CERTIFICAT D'ENREGISTREMENT
NIAGARA SOUTH/SUD(59)WELLAND

'90 06 20 15 22

LAND REGISTRAR/REGISTRATEUR

New Property Identifiers

Additional:
See
Schedule

Executions

Additional:
See
Schedule

(1) Registry ☒ Land Titles ☐

(2) Page 1 of 4 pages

(3) Property Identifier(s) Block Property Additional:
See
Schedule ☐

(4) Nature of Document
By-law 9424

(5) Consideration
Dollars \$

(6) Description
In the City of Welland in the Regional Municipality of Niagara and more particularly described as follows:
ALL AND SINGULAR that certain parcel or tract of land and premises situate lying and being composed of part of lot 3, Plan 1649, formerly in the Township of Crowland, now known as Plan 564, in the City of Welland and part of lot 3, on the Thomas Bugar Plan, now known as Plan 553 in the City of Welland.

(7) This Document Contains: (a) Redescription New Easement Plan/Sketch ☐ (b) Schedule for: Description ☒ Additional Parties ☐ Other ☒

(8) This Document provides as follows:

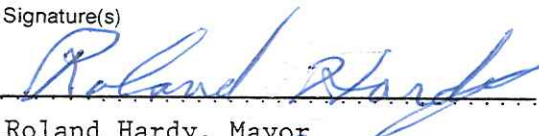
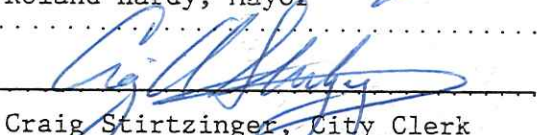
Copy of By-law 9424 is attached.

A BY LAW TO DESIGNATE 204 EAST MAIN STREET
INT HE CITY OF WELLAND, KNOWN AS LAWRENCE?
SINGER HOUSE (GINGERBREAD HOUSE), OF HISTORIC
OR ARCHITECTURAL VALUE OR INTEREST

Continued on Schedule ☐

(9) This Document relates to instrument number(s)

(10) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D
THE CORPORATION OF THE CITY OF WELLAND	 Roland Hardy, Mayor	1990 06 13
	 Craig Stirtzinger, City Clerk	1990 06 12

(11) Address for Service 411 East Main Street, Welland, Ontario L3B 3X4

(12) Party(ies) (Set out Status or Interest)

Name(s)	Signature(s)	Date of Signature Y M D

(13) Address for Service

(14) Municipal Address of Property
204 East Main Street
Welland, Ontario

(15) Document Prepared by:
GEORGE C. M. BANKS,
City Solicitor
411 East Main Street
Welland, Ontario
L3B 3X4

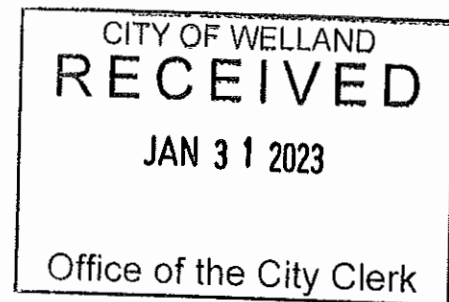
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Fees and Tax	
Registration Fee	
Total	

Page 181 of 288

Office of the Chief Administrative Officer
Clerks Division,
Corporation of the City of Welland,
60 East Main Street, Welland,
Ontario, L3B 3X4 Welland.

30th January 2023,



Re 204 East Main Street-Heritage Designated Property.
Lawrence-Singer-The Gingerbread House:

Good morning!

In response to your email dated 30th January 2023, my reasons for asking for a declassification as a designated Heritage as follows:

- Last year I went to the City and met Mr. Nicholas and had a discussion with him about the possibility of building a residential extension at the back of my property. The reason being that my family and I reside here and there was an urgent need to do some repairs and renovation to this building to this property.
 - All windows of this building do not open, and they leak a lot of cold and hot air and water. The timber frame is rotten and can fall off anytime. We cannot get fresh air in the rooms. See attached photos
 - The front door has expanded and has a big gap that leaks, the frame has also become rotten, this is urgent as we had to use the back in fear that the front breakopen. See attached photos
 - The pillars supporting the front balcony are all rotten at any time this can fall and in urgent need of repair.
 - The Dormer which forms part of the elegance and original design of this building is completely rotten and at anytime can fall apart. As I write this a section has already fallen. See attached photos.
 - ALL BASEMENT WINDOWS CANNOT OPEN. These windows have expanded and cannot open so no air circulation in the basement. Around basement wall all the stones and bricks have chipped away and allowing stormwater to enter to the basement, including the load bearing columns.
 - The surround fascia board is rotten and falling apart.
- I have looked for quotations from window manufactures and no one can replace the design as the original. Other repairs require specialized firms and good structural design to anchor and keep the original designs. My average monthly heating bill, during winter is about \$450. I also incur high, above average heating and cooling bills.
- This building is an unhealthy place to live. It has affected my wife and my children, who are constantly wheezing and coughing.

I cannot be able to incur these humongous, specialized repair bills.

I bought this property hoping for a place where my family and I can live and enjoy a place which we can call our own. This is not what I had hoped for.

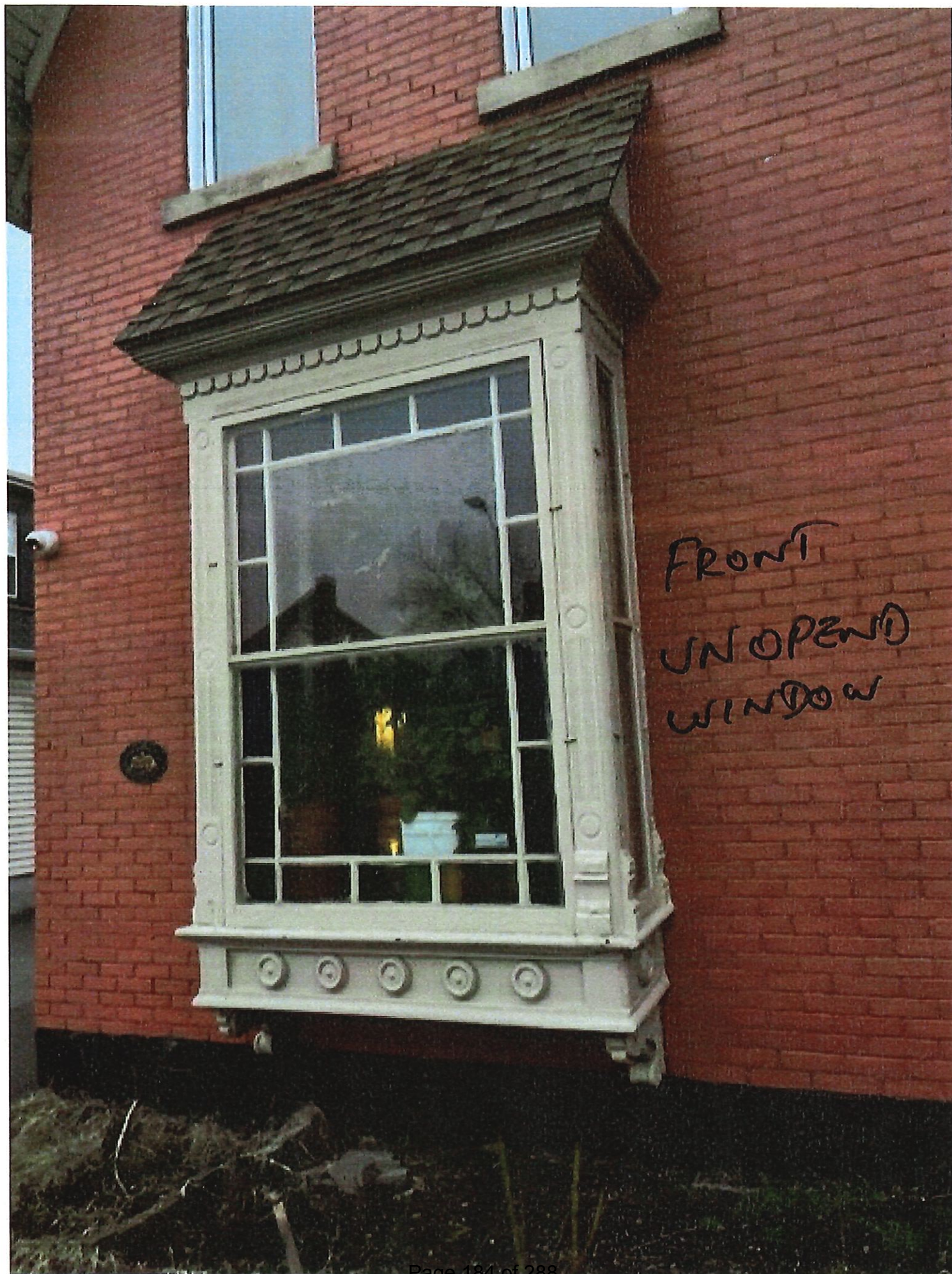
My alternatives at these moments are as follows:

- The Heritage Council undertakes to do comprehensive repairs to this property so that it may remain the historical place as per designation and be livable. During this period the councils avails a place for me and my family to stay.
- The Heritage council does a site survey on this property, so that we may be able to understand the perimeters of this property and if I can build a residential dwelling place for me and my family to stay at excess areas on the back. We can then use the heritage site as a museum where citizens can come and see our history.
- The Heritage Council buys back or exchanges with a permanent place where my family and I can live.
- The Heritage Council can declassify this building and I can build back better with an emphasis on the original design. Architectural costs should be approved and bourn by the Council, for new building.

I await your urgent response to this letter, taking into kind consideration of my current dilema.

Regards

Vijayarangan Kanagaratnam
Current owner of this property.







VIJAYARANGAN KANAGARATNAM
204 EAST MAIN ST
WELLAND ON L3B 3W8

Service Address
204 EAST MAIN ST WELLAND ON L3B 3W8

Account Number
91 00 37 88146 1

Bill Date
Jan 19, 2023



WHAT DO I OWE?

Billing Period Dec 15, 2022 - Jan 16, 2023

Total Amount
\$442.35

(Taxes Included)

Due Date
Feb 08, 2023

- Charges for Natural Gas
- Other Enbridge Charges

• See page 2 for details •



HOW MUCH GAS DID I USE?

Meter Reading

Meter Number: 3583964
Actual: 27898
Previous: 27327

You used

569m³

approx. 17.24m³ per day

This cost you

\$426.70

approx. \$12.93 per day

Did you know?

Your average daily use is less this year than last year. Choose eBill to access your last 24 bills: enbridgegas.com/ebill

631m³

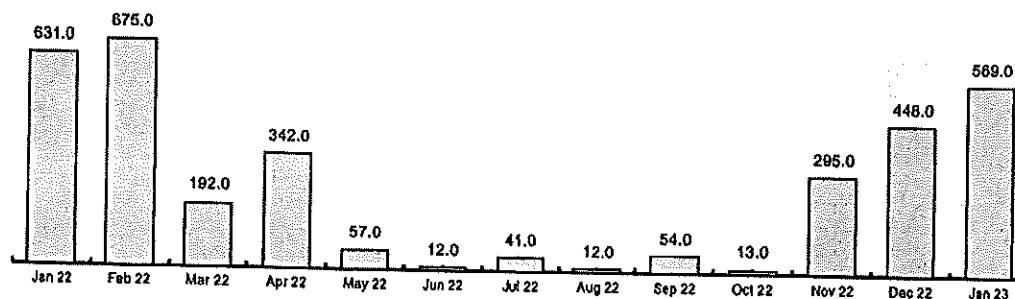
2022

569m³

2023



MY LAST 13 MONTHS GAS USE (in m³)



* HST Registration Number: 105205140 RT0001

• Enbridge Gas charges are to be paid by the Due Date, which is considered to be twenty days after the Bill Date, or within such other time period as set out in the Service Contract. A late payment charge will be applied on any amount not received by the Due Date, which is the twentieth (20th) day following the Bill Date. Interest will be charged at the rate of 1.00% per month (effective annual rate 10.00% per annum or 0.04489% compounded daily rate) until receipt of all of the unpaid Enbridge Gas charges, including all applicable federal and provincial taxes.

• E & O.E.

• PEF Value: 0.99720

Caitlin Kovacs
Policy Planner
Planning and Development Services
Corporation of the City of Welland
60 Main Street, Welland

Good Morning Caitlin,

Letter to Repeal Request of Consent to Alteration of Status as Previous Letter

Thank you very much for meeting with at such short notice and also for the successful meeting.

By this letter I wish rescind my request for repeal with an intention of seeking consent for alterations from the council for the requested and eligible works in relation to the management and restoration of the cultural heritage of 204 East Main Street (Ginger Bread House)

I have read and understood the proposal offered to me and I am willing and happy to go along with it.

I reiterated as stated in our meeting I believe in posterity, that tomorrow's citizens can appreciate remarkable history.

It is my hope that we will be able to restore to as much of the original design as possible.

I look forward for more meetings to make this place a proper Heritage Site.

Vijay



TOTAL HOME

Head Office & Showroom
7250 Keele street, Unit 167,
Vaughan, ON. L4K 1Z8
Phone: 416-661-6666
Toll Free: 1-855-550-0610

info@thwindowsdoors.com.

Eugene S.+16478701988

Customer: Vijay 416 748-7485

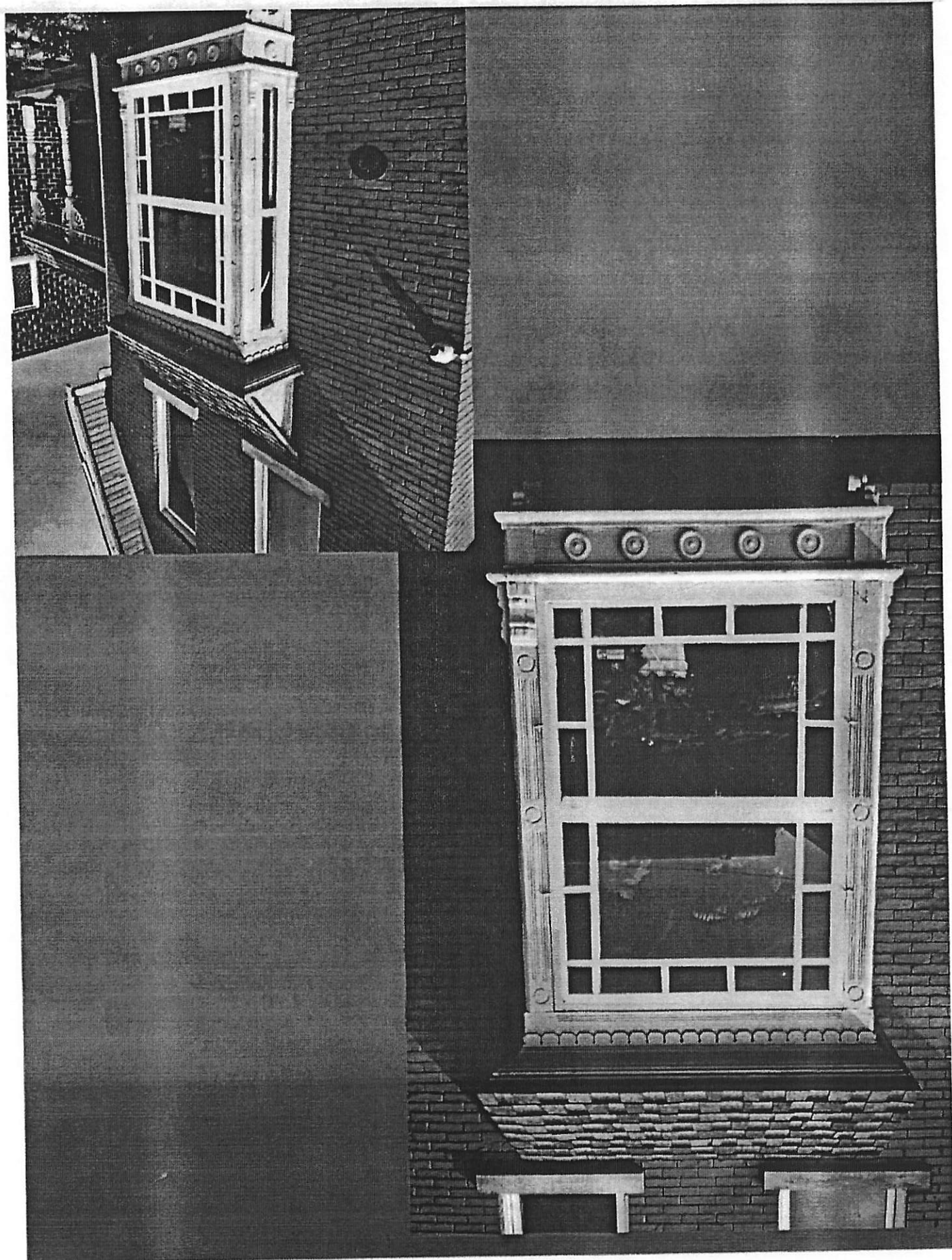
Address: 204 E Main St. Welland, ON L3B 3W8, Canada Project Description:

Windows replacement

P.O. Number: 10389

Date: May 10, 2023

Description	Quantity	Unit Price	Cost
Front window. Retrofit installation (into existing window frame) Two sides- fix, middle window-combination of fix & awning. Glass: LOWe 180+Argon gas Energy rating: 34-38 Colour: White in / Wicker cafe out SDL decorative grills in & out Lifetime warranty	1	\$6,765.00	\$6,765.00
Side window Retrofit installation (into existing window frame) Two sides- fix, middle window-combination of fix & awning. Glass: LOWe 180+Argon gas Energy rating: 34-38 Colour: White in / Wicker cafe out Lifetime warranty	1	\$5,535.00	\$5,535.00



Lifetime Manufacturer Warranty

for UPVC OPTIMA SERIES Vinyl Window
No Limitations, fully transferable warranty

To: _____ From: _____
Name of Present Property Owners Date of Installation

Installed at: _____ City: _____
Address

Against defects in material, as specified under this Warranty, occurring as a direct result of the manufacturing process, for the following product parts and components, under normal use and service.

WARRANTY INCLUDES: Frames, Glass, Operators, Handles, Locks. **PARTS AND LABOUR** are included.

TRANSFERRABLE WARRANTY: Fully Transferrable warranty to the next property owner under the same original terms.

WARRANTY DOES NOT INCLUDE:

Any damage caused by settlement of building, failure of structure (including foundation or walls), fire, wind, lightning and other acts of God, intentional acts, or unreasonable use, accidental damage and negligence, improper care, normal weathering or exposure to harmful chemicals or vapors, may overtime, result in minor discolouration.

REPLACEMENT PARTS OR REPAIR:

Vinyl-Pro reserves the right to discontinue or change any window as currently manufactured. If Vinyl-Pro determines to make a replacement under the terms of this warranty and an exact replacement part as unavailable, Vinyl-Pro reserves the right to substitute a part of equal at it's sole option.

MAINTENANCE & CLEANING

The surfaces of the Vinyl-Pro OPTIMA SERIES window will over time collect a layer of surface dust. Normal dusting with a damp cloth will remove this accumulation of surface dust. If you wish to do a more thorough cleaning of the windows, the following procedure should be followed.

Vinyl - A mild solution of household liquid cleaner such as dishwashing detergent may be used. For stubborn stains, cleaner such as Fantastic or VIM may be used. Caution: Do not use harsh abrasive on Vinyl.

CONDENSATION

The condensation inside the glass unit is considered seal break and is covered under lifetime warranty. Condensation as a result of excess humidity being trapped in the house is not the result of a defective window or faulty installation and is not covered under the warranty. No window can prevent condensation if there is a high humidity level in the house.

No. **48969**





City of Welland Heritage Advisory Committee
Le Comité Consultatif du Patrimoine de la Ville de Welland

60 East Main Street
Welland, Ontario L3B 3X4
www.wellandheritage.ca
info@wellandheritage.ca

Dear Welland City Council,

This letter is on behalf of the City of Welland Heritage Advisory Committee to express our support for the requested alterations to 204 East Main Street, also known as the Lawrence-Singer House or the Gingerbread House. Heritage buildings serve as significant markers of our collective history and identity. They provide a connection to the past. We recognize the evolving needs of the heritage buildings within the City in order to maintain the properties we value so highly.




The requested alterations, the retrofitting of new windowpanes into the existing historical window frames, will contribute to maintaining the historic integrity of the building as well as providing long-term improvements to the building ensuring it remains a safe and viable structure in the future. We, the City of Welland Heritage Advisory Committee find the proposed alterations as set out by the contractor to retrofit new windowpanes into the existing historic window frames, in a manner which maintains the continuity of the historic façade to be supportable.

Thank you for Council's attention on this matter.

Sincerely,



Chair - Connie McCutcheon

APPROVALS	
DIRECTOR	
CFO	
CAO	

22-78

COUNCIL
PLANNING AND DEVELOPMENT SERVICES
PLANNING DIVISION

REPORT P&B-2023-38
JULY 18, 2023

SUBJECT: BROWN 2022-02: 115 LINCOLN STREET – REQUEST FOR EXEMPTION OF PROPERTY TAXES

**AUTHOR: GREGORY LIPINSKI, BURPI
POLICY PLANNER**

**APPROVING SUPERVISOR: NICOLAS AIELLO, HBA
PLANNING SUPERVISOR – POLICY**

**APPROVING DIRECTOR: GRANT MUNDAY, B.A.A, MCIP, RPP
DIRECTOR, PLANNING AND DEVELOPMENT SERVICES**

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND approves the requested upfront tax exemption under the Brownfield Tax Assistance Program (BTAP), part of the Brownfield Community Improvement Plan (BCIP) for the mixed-use, multi-residential development, municipally addressed as 115 Lincoln Street (file no. BROWN 2022-02), legally described as PT LT 27 CON 6 CROWNLAND, BEING PART 4, 59R16965; WELLAND, as described:

- The Registered Owner of the property applied to and has been approved for Tax Assistance in accordance with the BCIP Brownfield Tax Assistance Program Agreement.
- The City shall grant the registered Owner a tax cancellation for up to the maximum duration as set in the BTA Program of three (3) years.

ORGIN AND BACKGROUND

The owner, Charitable Cultural Holdings of Niagara, has submitted an application for the development of a 10-storey, mixed use building at 115 Lincoln Street. The site is located east of the Lincoln Street – Prince Charles Drive intersection, along the south side.

Lincoln Street is identified as an Arterial Road under **Schedule E: Road Hierarchy**, from the City of Welland Official Plan. The vacant site has a frontage of approximately 90 metres and is 0.763 hectares in size.

Commercial office space would occupy approximately 11,000 square feet of space within the ground floor level, while nine (9) storeys of residential use would occupy the remaining space. A total of 99 residential units are proposed, containing a mix of:

- 20 bachelor units;
- 34 1-bedroom units;
- 43 2-bedroom units; and
- 2 3-bedroom units.

As part of the development, the owner is proposing 30% of units dedicated for affordable housing.

The current assessed value of the property is \$470,000.00. The construction value of the proposed development is estimated to be \$26,907,260.15, with the primary construction lending to be done by the CMHC. Upon completion, the estimated assessment value of the mixed-use development is \$10,258,000.00.

In late December 2021, the applicant has applied for three programs under the Brownfield Community Improvement Plan:

- 1) **Brownfields Tax Assistance (BTA) Program**, which allows the cancellation of municipal, regional and education property taxes for up to three years.
- 2) **Brownfields Tax Increment Grant (BTIG) Program**, which provides eligible projects with an annual property tax reimbursement of up to 100% for up to fifteen years to eligible property owners.
- 3) **Brownfields Fees Grant (BFG) Program**, which provides a grant equal to 100% of all planning and building permit fees.

The BTAP was approved and the Agreement was executed on May 12th, 2022 between the City and Registered Owner, authorized by By-law 2022-56 – being a by-law to cancel city taxes and to cancel regional taxes for 115 Lincoln Street.

COMMENTS AND ANALYSIS:

The purpose of the BCIP is to outline a framework of incentive programs to promote in the remediation, adaptive reuse, development and redevelopment of brownfield sites by the private sector in Welland. Brownfields are also impacting the City's ability to meet

intensification and growth targets as specified in Provincial, Regional and Municipal planning policies. This development is helping achieve intensification targets set out in the Official Plan (Section 3.4.4 – Intensification and Brownfield Redevelopment).

Section 1.2.3 *Social Benefits*, of the *Brownfield Community Improvement Plan, 2018*, outlines that **Section 3.2** of the BCIP provides policy context from the **Growth Plan for the Greater Golden Horseshoe**, which states:

“The Growth Plan seeks to build vibrant and complete communities that...provide a diverse range and mix of housing options, including affordable housing to serve all sizes, incomes, and ages of households”.

The purpose of the BTAP is to allow a cancellation of municipal property taxes for up to three years. City staff find the exemption to be justifiable as the Owner is proposing to provide affordable housing to 30% of the residential unit inventory. This supports the fostering principles of the BCIP as well as the intentions and goals of the City's Official Plan. City Staff will work alongside the Region to confirm if regional taxes will be exempt.

The current process under the BTAP is for the applicant to first pay the taxes, then receive the grant, once all applicable conditions have been met. In this case, the applicant is looking for the City to exempt all taxes, upfront. The amount of City taxes estimated to be cancelled up-front is \$23,764.01. The applicant will need to demonstrate that the site has been remediated and that a Record of Site Condition has been filed in order to keep the grant.

Please refer to Section 4 of the attached By-Law 2022-56.

FINANCIAL CONSIDERATION:.

Should Council approve staff's recommendation, taxes will be cancelled upfront for the subject property:

- For a period of up to three years; or
- When the total Tax Assistance provided equals total Eligible Costs that have been approved by the City; or
- Sale or conveyance of all or part of the Eligible Property;

OTHER DEPARTMENT IMPLICATIONS:

City Staff will work alongside the Finance Department to ensure that the taxes are cancelled.

SUMMARY AND CONCLUSION:

City Staff support the upfront tax exemption under the Brownfield Tax Assistance Program for file no. BROWN 2022-02 (115 Lincoln Street) for the maximum duration of up to three (3) years from the date of the signed Agreement for the BTA (2022). The Registered Owner is contributing to the intent of the BCIP through intensifying a site in an area suitable for high density residential development, and by proposing to provide affordable housing to 30% of the total unit count, helping the City add to its affordable housing inventory.

ATTACHMENTS:

Appendix I - By-law 2022-56.

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER 2022 - 56

**BEING A BY-LAW TO CANCEL CITY TAXES AND
TO CANCEL REGIONAL TAXES FOR 115 LINCOLN
STREET (FILE: BROWN 2022-02)**

WHEREAS the City of Welland has by By-law 2018-72 adopted a Brownfield Community Improvement Plan (CIP), which includes the property municipally known as 115 Lincoln Street and which includes in Section 6.4 a Program referred to as the Brownfields Tax Assistance Program that incorporates provisions of Section 365.1 of the Municipal Act, S.O. 2001, c. 25, as amended, hereinafter (the "Municipal Act")

AND WHEREAS Cultural Charitable Holdings of Niagara. (the "Owner") is the registered Owner of property municipally known as 115 Lincoln Street and has applied to the City for Tax Assistance in accordance with the Brownfield Community Improvement Plan and Section 365.1 of the Municipal Act, and that said property being an Eligible Property, the Owner having had conducted a Phase 2 Environmental Site Assessment which identifies that the Eligible Property does not presently meet the criteria outlined in Section 168.4 of the Environmental Protection Act, R.S.O. 1990, c. E. 19, as amended, (hereinafter the "Environmental Protection Act") required to obtain a Record of Site Condition.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND, pursuant to Section 28 of the Planning Act, R.S.O. 1990, c. P. 13, as amended and Section 365.1 of the Municipal Act enacts as follows:

1. For the purposes of this By-law, words and expressions shall be deemed to be defined in accordance with those definitions provided in Section 365.1 of the Municipal Act, the applicable regulations thereto and the CIP.
2. The City shall provide Tax Assistance for the Eligible Property municipally known as 115 Lincoln Street, more particularly described in Schedule "A" attached hereto, subject to the provisions of this By-law, confirmation that the Owner has paid all property taxes owing with respect to the Eligible Property for all years prior to the commencement of the Tax Assistance and confirmation that the Owner has complied with the provisions of the Brownfields Tax Assistance Program Agreement.
3. The Tax Assistance shall commence as of the date this By-law is passed and shall be effective only for the duration of the Rehabilitation Period and/or Development Period to a maximum of 3 years and shall be subject at all times to compliance with the Brownfields Tax Assistance Program Agreement.

22-78

4. In order to obtain the Tax Assistance, the Owner shall be required to enter into the Brownfields Tax Assistance Program Agreement on terms and conditions satisfactory to the City and its Solicitors and the City is hereby authorized to enter into said Agreement which shall provide generally:
 - (a) that the Tax Assistance will be calculated in accordance with the Brownfields Tax Assistance Program requirements implemented through the CIP referenced in this By-law and is the cancellation of the City and Regional property taxes on the Eligible Property during the Rehabilitation Period and/or Development Period for a maximum of 3 years. The Tax Assistance shall be based on the Municipal Tax roll as returned in any given year and any revision shall not require an amendment to this By-law;
 - (b) where Tax Assistance is provided for a portion of any year, or where Tax Assistance represents only a portion of the taxes levied on the Eligible Property, the Owner shall be responsible for all property taxes levied during the portion of the year when Tax Assistance is not provided, and for all taxes not subject to Tax Assistance;
 - (c) the Treasurer shall be authorized to alter the Municipal Tax roll in accordance with the Tax Assistance to be provided for the Eligible Property;
 - (d) the Owner shall file a Record of Site Condition with respect to the Eligible Property in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act.
5. The Owner acknowledges the following:
 - (a) all Tax Assistance for the Eligible Property will not be provided if the Owner has not paid all of the taxes on the Eligible Property for previous years (subject to any specific exceptions provided for in this By-law or an Agreement under this By-law) or if the Owner has not complied with the terms and conditions of the Brownfields Tax Assistance Program Agreement;
 - (b) in cases where the Owner defaults on this By-law or the Brownfields Tax Assistance Program Agreement, the Owner shall be required to pay to the City an amount equal to the total amount of the Tax Assistance provided to date plus interest.
6. Tax Assistance shall cease for the Eligible Property on the earlier of:

- (a) when the total Tax Assistance provided equals total Eligible Costs that have been approved by the City;
 - (b) sale or conveyance of all or part of the Eligible Property; or
 - (c) 3 years from the date this Tax Assistance By-law is passed.
7. The Owner shall be required to give notice to the City of the filing of a Record of Site Condition. The Owner shall be required to report and provide additional information pursuant to the provisions of the Brownfields Tax Assistance Program Agreement.
 8. In the event that the Tax Assistance provided pursuant to this By-law exceeds the actual Eligible Costs for the Eligible Property, the amount of the Tax Assistance which exceeds the Eligible Costs shall be paid by the Owner as property taxes.
 9. This By-law shall come into force and take effect on its passing.
 10. That the Mayor and Clerk be hereby authorized to sign the Brownfields Tax Assistance Program Agreement and the Clerk is further authorized to affix the corporate seal thereto.

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 5th DAY OF APRIL, 2022.

 MAYOR




 **DEPUTY**
 CLERK

SCHEDULE "A"

Legal Description: Part Lot 27, Concession 6, Crowland; Being Part 4, 59R-16965;
WELLAND

Address: 115 Lincoln Street, Welland

Roll Number: 2719 030 016 12800

APPROVALS	
DIRECTOR	
CFO	
CAO	

COUNCIL
PLANNING AND DEVELOPMENT SERVICES

REPORT P&B-2023-39
JULY 18, 2023

SUBJECT: APPLICATION FOR OFFICIAL PLAN AMENDMENT (OPA NO. 42), ZONING BY-LAW AMENDMENT (FILE NO. 2023-01) AND DRAFT PLAN OF SUBDIVISION (26T-14-23001) SUBMITTED BY QUARTEK GROUP INC. ON BEHALF OF DORAL HOLDINGS LIMITED/IDRAKOTH LTD. FOR LANDS LEGALLY DESCRIBED AS PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, MUNICIPALLY KNOWN AS 16 SEAWAY DRIVE

AUTHOR: CAITLIN KOVACS, BURPI
DEVELOPMENT PLANNER

APPROVING SUPERVISOR: TAYLOR MEADOWS, BURPI
PLANNING SUPERVISOR - DEVELOPMENT

APPROVING DIRECTOR: GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND adopts Official Plan Amendment No. 42 to redesignate the lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive, and west of the Welland Recreational Waterway, more specifically described as PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, Municipally Known As 16 Seaway Drive from High Density Residential to Medium Density Residential.

THAT THE COUNCIL OF THE CITY OF WELLAND approves Zoning By-law Amendment RM-122 to Zoning By-law 2017-117 for the lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive, and west of the Welland Recreational Waterway, more specifically described as PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, Municipally Known As

16 Seaway Drive from Residential High Density – RH to Site-Specific Residential Medium Density – RM and Hazard Overlay – HA

THAT THE COUNCIL OF THE CITY OF WELLAND approves Draft Plan of Subdivision for lands on the north side of Woodlawn Road, east of Niagara Street, south of Lancaster Drive, and west of the Welland Recreational Waterway, more specifically described as PART TOWNSHIP LOTS 229 & 230 THOROLD BEING PART 5, 59R1742 EXCEPT PART 6, 59R-4976; S/T RO357511, RO743059 WELLAND, Municipally Known As 16 Seaway Drive, for the creation of three (3) blocks for the construction of residential dwellings, one (1) block for a regional road widening, two (2) blocks for environmental hazard protection, one (1) block for a 0.3 metre reserve and one (1) block for a proposed street, subject to the following conditions:

1. That the Owner enter into a Subdivision Agreement with the City of Welland.
2. That no grading or on-site works commence prior to the registration of a subdivision agreement on the property unless the Owner obtains a Site Alteration Permit from the City of Welland.
3. That all necessary easements required for utility purposes be granted to the appropriate Authority free and clear of all encumbrances.
4. That the Owner dedicates to the City, Block 4 and 5 free and clear of all encumbrances for a future road connection to 18 Woodlawn Road and the lands known municipally as the “Northern Reach”, open space and environmental protection purposes.
5. That the Owner pay a tree planning fee of \$300.00 for each developable Block (1, 2 and 3) at the time of subdivision agreement.
6. That the Developer shall submit full engineering design drawings to the City of Welland’s Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Plan and Profile, Sediment Erosion and Control Plan, Storm Drainage Area, Sanitary Drainage Area, Photometric, and Landscaping Plans.
7. That a Servicing Study Report indicating that the receiving storm sewers and sanitary sewers can accommodate the additional flows, and that adequate fire flows can be provided to the development be submitted to the City of Welland for review to the satisfaction of the Director of Infrastructure Services/City Engineer and Fire Chief.

8. That the Developer submit to the City of Welland for review and approval by the Director of Infrastructure Services/City Engineer, a detailed stormwater management plan for the subdivision
9. That prior to any site alteration, approval from the Director of Infrastructure Services/City Engineer is required. The Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies, and plans.
10. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment 'Form 1' Record of Watermain.
11. The Owner shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawing set, and any other standards that may apply.
12. That the Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding in accordance with the approved engineering design drawings.
13. That the Developer agrees to install sidewalk, and grade and sod boulevards in accordance with the requirements of the Subdivision Agreement and Schedule 'B1'.
14. That at the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in conformity with the approved plans. Copies of the certification shall be circulated to the City of Welland and the Regional Municipality of Niagara.
15. That all foundation drainage be directed to a sump pump in each house and discharge to grade. Foundation drains will not be connected to storm or sanitary sewer systems.

16. That roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance of 1.2 metres away from the structure and must direct the flow away from the building, not onto sidewalks or driveways, and not toward adjacent properties.
17. That all necessary easements required for servicing purposes be granted to the appropriate Authority free and clear of encumbrances.
18. That the Developer obtains the required approval from the owner of the adjacent lands to connect to the private services. This includes entering to any agreements necessary for the connections.
19. That the Owner convey, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated costs related to a 10 meter x 10 meter daylighting triangle at the corner of Regional Road 41 (Woodlawn Road) and Seaway Drive to the Regional Municipality of Niagara. The daylighting triangle is to be described by Reference Plan, and the triangle portion of the Plan will be the responsibility of the Owner/Applicant to order. The cost of providing this Plan will be the full responsibility of the applicant. The applicant will arrange for the land surveyor of 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. Once the plan is deposited and the transfer registered, the Region will clear this condition.
20. That the owner convey, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to a 4.0 metre road widening to the Regional Municipality of Niagara along the entire frontage of the property abutting Woodlawn Road. The widening is to be described by Reference Plan, and the cost of providing this plan will be the full responsibility of the Owner/Applicant to order. The applicant will arrange for the land surveyor for the property to submit the preliminary undeposited survey plan along with all other related documents to Regional Surveys staff for approval. Regional Surveys staff will advise the land surveyor of any required revisions to the plan. Once the plan is deposited and the transfer registered, the Region will clear this condition.
21. That the Owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region and City of Welland.

22. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the Owner agrees to implement the recommendations of the approved Transportation Impact Study (TIS) if required.
23. Prior to any construction taking place within the Regional road allowance the Owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).
24. That the Owner provides written acknowledgement to the Niagara Region Development Approvals Division stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the Owner.
25. That the Owner provides a written undertaking to the Niagara Region Development Approvals Division stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the Owner and the City of Welland.
26. That prior to final approval for registration of this plan of subdivision, the Owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm capacity in the Regional system prior to approval through the Consolidated Linear ECA program.
27. That prior to approval of the final plan or any on-site grading, the owner shall submit a stormwater management report for the subdivision, and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Development Approvals Division for review and approval:

- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
 - Detailed erosion and sedimentation control plans.
28. That the subdivision agreement between the Owner and the City of Welland contain provisions whereby the Owner agrees to implement the approved plans required in accordance with Condition 27.
29. That the Owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development. Where a through street is not maintained, the Owner shall provide a revised Draft Plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.
30. That the subdivision agreement between the Owner and the City of Welland contain a provision whereby the Owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
31. That the Owner provides a written acknowledgement to the Niagara Region Development Approvals Division from the Ministry of Environment, Conservation, and Parks' stating that a Record of Site Condition has been filed for the subject lands.
32. That the Owner provides a written acknowledgement to the Niagara Region Development Approvals Division from the Ministry of Northern Development, Mines, Natural Resources, and Forestry which certifies that the historic gas well identified on the subject lands has been decommissioned.
33. That the following clause be included in the subdivision agreement:
- "Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists."*

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

34. That the subdivision agreement contain wording wherein the Owner agrees to implement the mitigation measures and recommendations found throughout the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc. (dated December 18, 2022), including but not limited to:

- That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
- That construction activity occurring during the active bat season (i.e., between May 1 and September 31) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance to rare bat species.
- That Bird-Friendly Guidelines be incorporated into the design of the residences, such as those published in City of Toronto's 'Best Practices for Bird-Friendly Glass' and 'Best Practices for Effective Lighting'.
- That all street tree and other landscape plantings be reviewed by a qualified Ecologist at detailed design.

35. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.

36. That a Grading Plan be provided to the satisfaction of Niagara Region, which demonstrates that no grading within the watercourse or its buffer will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
37. That a Buffer Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in Section 5.3.3 of the Environmental Impact Study prepared by Terrastory Environmental Consulting Inc. dated December 18, 2022. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation communities. The removal of invasive species should also be incorporated, as appropriate.
38. That permanent rear-lot fencing be provided adjacent to the watercourse buffers, to the satisfaction of the Niagara Region. A no-gate by-law is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
39. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to the Niagara Region Development Approvals Division, with attention to Environmental Planning, developmentplanningapplications@niagararegion.ca by September 1st, for a period of 2 years. The Report should also include photographs and advise actions necessary to address any deficiencies.
- Note, the monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 2 years from full build out.
40. That a Photometric Plan be provided to the satisfaction of the Niagara Region that incorporated the recommendations found in Section 5.3.4 of the EIS prepared by Terrastory Environmental Consulting Inc. (Dated December 18, 2022). Recommendations include ensuring that fixtures will be positioned such that they focus light downward.
41. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer Enhancement Plan, Ecological Monitoring Plan and Photometric Plan.

42. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
43. That the applicant submit a Buffer Planting Plan as completed by a qualified professional.
44. That the Developer obtain Work Permits from the NPCA prior to any works associated with the buffer plantings of the watercourse.
45. That Conditions 42 to 44 be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the Draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval
46. That included on all offers of purchase and sale, is a statement that advises the prospective purchaser:
 - a. That the home/business mail delivery will be from a designated Centralized Mailbox.
 - b. That the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mailbox locations prior to the closing of any home sales.
47. That the owner further agrees to:
 - a. Work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.
 - b. Install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - c. Identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - d. Determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations

48. That Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

49. That the Owner dedicate Block 8 free and clear of all encumbrances for the purpose of a 0.3 reserve.

50. That prior to granting Approval for the Final Plan, the City of Welland will require written notice from the following upon their respective conditions having been met satisfactorily:

Region of Niagara: 19-41

Niagara Peninsula Conservation Authority: 42-45

Canada Post: 46-48

51. That the Owner agrees that there will be a future public road connection to the east end of Street A and this street will provide access to 18 Woodlawn Road and the lands known municipally as the Northern Reach if no alternative arrangement can be made to facilitate road access from Seaway Drive and easterly across lands known municipally as 800 Niagara Street.

52. That if Final Approval is not given to this Plan within three (3) years of the approval date and no extensions have been given, Draft Plan Approval shall lapse. If the Owner wishes to request extension to Draft Plan Approval, a written request with reasons why the extension is required, must be received by the City prior to the lapsing date.

53. That parts 4, 5, 6, and 7 on Plan 59R-10141 are conveyed to the City of Welland; and further,

THAT THE COUNCIL OF THE CITY OF WELLAND authorizes the Mayor and Clerk to sign the Draft Approval and Final Approval Plans and agreements once all conditions have been satisfied.

ORIGIN AND BACKGROUND:

Application for Official Plan Amendment and Zoning By-law Amendment was submitted on January 10, 2023. The application(s) was deemed complete on January 13, 2023. Application for Draft Plan of Subdivision was submitted on April 5, 2023. The application was deemed complete on April 17, 2023.

COMMENTS AND ANALYSIS:**The Proposal**

An application for Draft Plan of Subdivision has been made for the creation of three (3) blocks for residential use, one (1) block for a regional road widening, two (2) blocks for environmental hazard protection, one (1) block for a 0.3 metre reserve and one (1) block for a proposed street. A road connection is proposed to be created onto Seaway Drive. The proposed development will focus on medium density built forms and is anticipated to accommodate 92 residential dwelling units. The proposed development is projected to be comprised of 64 townhouse dwelling units, 11 townhouse units with a garage facing the front lot line, 15 townhouse dwelling units with a garage access via a lane, 2 semi-detached dwelling units, 92 required parking spaces and 12 visitor parking spaces. The proposed development requires an Official Plan Amendment and Zoning By-law Amendment.

The purpose of the Official Plan Amendment is to re-designate the subject property from High Density Residential to Medium Density Residential. The Official Plan Amendment seeks to reduce the density targets on the subject land. The purpose of the Zoning By-law Amendment is to rezone the subject property from Residential High Density – RH to Site-Specific Residential Medium Density – RM and Hazard Overlay – HA. The Site-Specific Residential Medium Density is requested to recognize a Medium Density Residential built form and to provide the required provisions to facilitate the proposed development. The Hazard Overlay is proposed in relation to the watercourse. The Site-Specific zoning provisions include the following:

- Notwithstanding the provisions of Section 5 General Provisions, Section 6 Parking and Loading Regulations, Section 7.3 Regulations for Residential Zones contained in Zoning By-law 2017-117, the following site-specific provisions shall apply to the lands shown on Schedule “A” attached hereto:

Residential Medium Density – RM Site-Specific Provisions

	<u>Required</u>	<u>Requested</u>
Permitted Uses	Semi-detached not permitted	Semi-detached be permitted

Provisions for Semi-detached uses

Lot Area	400m ² for each dwelling and 200m ² for each unit	400m ² for each dwelling and 200m ² for each unit
Lot Frontage	12 metres for each dwelling and 6 metres for each unit	12 metres for each dwelling and 6 metres for each unit
Front Yard Setback	4.5 metres to dwelling and 6 metres to garage	4.5 metres to dwelling and 6 metres to garage
Side Yard Setback (interior)	1 metre	1 metre
Side Yard Setback (exterior)	1 metre	1 metre
Rear Yard Setback	6 metres	4.5 metres
Building Height	11 metres	11 metres
Lot Coverage	50%	50%
Landscaped Area	20%	20%

Street Townhouse with Garage Facing Front Lot Line

Rear Yard Setback	6 metres	5 metres
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Street Townhouse with Garage Access from Lane

Lot Frontage	5 metres per dwelling unit	4 metres per dwelling unit
Rear Yard Setback	6 metres	3 metres
Building Height	11 metres	12 metres

Multiple Dwelling

Lot Frontage	15 metres	4 metres per dwelling unit
Front Yard with Garage Access	4.5 metres	6 metres
Side Yard Setback (interior)	3 metres unless the lot line is between two attached units	1 metre
Side Yard Setback (exterior)	4 metres	1 metre
Rear Yard Setback	7.5 metres	3 metres

- That Hazard Overlay (HA) Zone as shown on a Schedule “A”, includes hazards associated with the watercourse and the top of bank for erosion hazards.
 - o Notwithstanding the permitted uses in Section 10.2, any physical operation or preparatory site work such as excavating, grading, filling, or draining land for a building or structure shall be permitted.
 - o No use, building or structure or any expansion to an existing building or structure shall be permitted unless a permit for development or site alteration is issued by the Niagara Peninsula Conservation Authority.

The Site

The subject site is an irregular shape and is currently vacant with miscellaneous vegetation and wooded areas. The site is approximately 2.37 hectares in size. A Regional Road Widening allowance is requested as a condition of development which will result in the final size of the site being approximately 2.32 hectares. The subject land is located on the north side of Woodland Road, east of the Welland Recreational Canal, west of Seaway Drive, south of Lancaster Drive and adjacent to the Seaway Mall.

Surrounding Land Uses

The surrounding land uses to the north and northwest are a regional shopping node use (Seaway Mall), to the north are high density and medium density residential uses, to the east is open space (designated Welland Recreational Waterway), to the direct south are institutional uses (Woodlawn Cemetery) and further to the south are low density residential uses.

Development and Agency Comments Received

City of Welland Infrastructure
Services Department,
Engineering Division
(February 27, 2023)
(May 27, 2023)

- The sanitary sewer and watermain that the new infrastructure is connecting to is privately owned. A servicing agreement with the owner of this infrastructure will be required and to be submitted to the City as a condition of Draft Plan Approval.
- The hydrants identified in the FSR that were used for the flow tests are not within the vicinity of the site, and staff have concerns regarding the relevancy of the data relating to the location of the site. Staff recommend the applicant engage the owner of the private hydrant

located directly west of the site to obtain permission to conduct a flow test at this location.

- Stormwater modelling of this site will be required as a condition of Draft Plan Approval. This modelling will assess the capacity of the channels surrounding the site and determine the impact the development will have on them. This work will be completed by the City's stormwater modelling consultant and the Owner shall be responsible for all fees associated with this work.
- Part 4, 5, 6, and 7 of Plan 59R-10141 do not appear to be part of the municipally owned Seaway Drive Right of Way. The developer would need to sort out the legal ownership of these pieces of land and convey them to the City to become part of Seaway Drive in order for the proposed design to be acceptable.
- These parts include both drainage and hydro easements across the lands. The easements will not be permitted for road allowance.
- That the developer consider connections to the future anticipated trails and trail connections as identified in the Community Trails Strategy
- The trees on the property should be inventoried prior to removal and the developer is encouraged to replace the trees at a 1:1 ratio or greater.
- Provide signage for fire access routes.
- Ensure an adequate supply of water for firefighting purposes is provided within this development in accordance with OBC (Ontario Building Code).

City of Welland Community
Services Department, Parks,
Forestry, and Canal Lands
Division
(May 18, 2023)

City of Welland Fire and
Emergency Services
(May 5, 2022)

City of Welland Planning and
Development Services – Traffic,
Parking, and By-laws Division
(May 2, 2023)

- There are no comments regarding the Official Plan Amendment or Zoning By-law Amendment
- The developer should conduct a lighting analysis of Seaway Drive. Any upgrades to the lighting or requirement of additional lighting will be at the cost of the developer.

Niagara Peninsula Conservation
Authority
(May 25, 2023)

- At this time, NPCA staff have no objections to the applications of OPA and ZBA, as these applications are to address building height, density, as well as site specific provisions to address setbacks, lot area and parking. The NPCA is supportive of the approval of these two files.
- The applicant should be aware that permits may be required from the NPCA prior to the commencement of works on site. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.
- At this time the NPCA has no objections to the proposed Draft Plan of Subdivision.

Region of Niagara Planning and
Development Services
(June 1, 2023)

- Overall, Regional staff have no objection to the proposed Draft Plan of Subdivision application from a Provincial and Regional perspective, subject to the conditions provided and provide the following comments:
- The subject lands are located within the 'Settlement Area' under the Provincial Policy Statement, 2020 ("PPS"), the 'Designated Built-Up Area' within A

Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation (“Growth Plan”), and designated ‘Built-Up Area’ in the Niagara Official Plan, 2022 (“NOP”).

- At the Site Plan stage, Urban Design staff request circulation of the Site Plan, Landscape Plan/Streetscape Plan, Floor plans and coloured building elevations for any facades that will be visible from the Regional Road (Woodlawn Road).
- Natural heritage comments include that Regional Environmental Planning staff confirmed through review of the OPA and ZBA applications that the watercourse that traverses the northern boundary of the subject property contains Fish Habitat, which is a Regionally designated Core Natural Heritage System (CNHS) feature. As such, to ensure that impacts to the watercourse are adequately mitigated, staff require that the mitigation measures recommended in the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc., (dated December 18, 2022) are implemented.
- A final revised Noise Study/Addendum pertaining to the transportation and stationary noise sources will need to ensure that the approved noise mitigation measures and warning clauses correspond to the appropriate Blocks and Units in the future Draft Plan of Condominium and/or Site Plan applications. Detailed requirements can be found in the appendices.
- A road widening of 4m will be required across the front of the property along Woodlawn Road.

- A 10 metre daylight triangle at the intersection of Seaway Drive and Woodlawn Road will be required.
 - A Regional Encroachment Permit, Regional Construction Encroachment, and Entrance Permit will be required prior to any construction or work taking place within the Regional road allowance.
 - A Regional Sign Permit will be required for the placement of any signs, notices, or advertising devices within 20m of the Centreline of Woodlawn Road.
 - Prior to construction, the Region will require the servicing/grading, and construction sediment and erosion control plans be circulated to the Region for review and approval.
 - The subject lands are eligible to receive Regional curbside waste collection. Future engineering plans are to show road design to ensure trucks are able to maneuver on site and some units will require pads and warning clauses for the agreements.
- Enbridge
(March 6, 2023)
- Enbridge does not object to the proposed application, however, they reserve their right to amend their development conditions.
- Mississaugas of the Credit First Nations
(February 22, 2023)
- No objections to the proposed application, would request to be circulated on any Environmental Assessments done on the site and be engaged on any Archeological Assessments on the site.
- Canada Post
(May 11, 2023)
- The development will receive mail service to a centralized mail facilities to be provided through Canada Post's Community Mailbox Program

District School Board of Niagara
(April 25, 2023)

- The School Board has no objections to the proposed development. Students in the area would attend Quaker Road Public School or Welland Centennial Secondary School

Public Comments Received

A Virtual Public Information Meeting was held on Wednesday March 15, 2023, to gain public input regarding the proposed applications. No members of the public participated in the Public Information Meeting.

The Statutory Public Meeting under the Planning Act was held on April 4, 2023. The Public Meeting provided an opportunity for the Applicant to make a presentation regarding the Official Plan Amendment and Zoning By-law Amendment Applications and proposal, for interested parties to make comment and/or raise concerns, and for Council Members to inquire about the Applications. Public comments are attached in appendix VII.

Planning Analysis

Provincial Policy

Section 51(24) of the Planning Act requires that all proposals for Plans of Subdivision shall have regard for the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to:

The effect of development of the proposed subdivision on matters of provincial interest as referred to in Section 2;

- The proposed Draft Plan of Subdivision provides appropriate accommodation for the protection of ecological systems and natural areas.
- There are no identified agricultural resources on the subject lands, and the lands are not designated or zoned for agricultural use.
- There are no identified natural or mineral resources on the subject lands.
- There are no identified features of architectural, cultural, historical,

scientific, or archaeological interest on the subject lands.

- The proposal does not include any information regarding energy and water conservation methods that will be implemented at the time of construction. The construction of the homes will be required to meet the Ontario Building Code which contains energy efficiency requirements.
- The property is within the City's Urban Area and can be supplied with municipal infrastructure. There are no capacity issues that will be created as a result of this development. The development is located along public transit lines, is in proximity to transit hubs, is nearby to active transportation corridors, and is in proximity to other vehicular transportation networks.
- The proposed development can be serviced by regional waste collection should regional standards be achieved.
- The subject lands are within the Urban Boundary and will not require an Urban Area expansion.
- The proposed development will include paved sidewalks, all other accessibility measures related to the dwellings will be the responsibility of individual homeowners.
- District School Board of Niagara planning staff offer no objections to the application. Future students can be accommodated at existing educational facilities.

- The proposed development does not include any affordable housing units; however, the proposal does include a variety of types of units.
- The proposed development is entirely residential and as such does not directly offer any employment opportunities. However, indirectly the development may support local construction companies and contractors, it is located near to retail and other areas that offer employment, the City permits home-occupations which can operate out of the dwellings this development provides, and the opportunity to provide dwellings for employees who work-from-home.
- Development of the lands will lead to an increase in tax revenues to the City, which will contribute to the overall financial benefit of the City.
- All relevant agencies have been circulated the application and their comments have been included, where appropriate.
- The public has been provided all required opportunities for comments and questions to be submitted. At this time one written comment has been received from the public.
- There are no identified risks to public health for the proposed development.
- The proposed development is located in proximity to transit and active transportation corridors and infrastructure. The proposed

development considers the local neighbourhood characteristics, transportation networks and connectivity, as well as is actively giving deference to other future developments to create a holistic and accessible neighbourhood.

- The proposed development has been drafted using high quality design tenets and is not anticipated to disrupt the surrounding neighbourhood built form.

Whether the proposed subdivision is premature or in the public interest;

- The subject lands are within the Urban Boundary and are located within an area that can provide a high level of service provision. The proposed development can connect to existing municipal services and infrastructure.
- The subject lands have been considered vacant while the surrounding lands and neighbourhoods have experienced growth and investment. The surrounding areas and infrastructure are anticipated to be able to support this development.

Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

- The proposed development does not currently conform to the City's Official Plan. It is the intention of the requested Official Plan Amendment to bring the proposed development into conformity with the City's Official Plan by providing the appropriate designation to the lands.

The suitability of the land for the purposes for which it is to be subdivided;

If any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

The number, width, location and proposed grades and elevations of highways, and the adequacy of them and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The dimensions and shapes of the proposed lots;

- The proposed development is anticipated to align with the proposed plans of adjacent Draft Plans of Subdivision to enhance local connectivity and maintain a sense of place. Conditions have been imposed to coordinate future public road connections between Seaway Drive and lands to the east including 18 Woodlawn Road and the lands known as the Northern Reach.
- The subject lands are within the Urban Boundary.
- The proposed development does not include any affordable housing.
- The proposed development will access Seaway Drive which connects to Woodlawn Road. Woodlawn Road has a direct connection to Highway 406. Woodlawn Road is a Regional Road and has the capacity to support the proposed development.
- The proposed development is consistent with other plans of subdivision within the City. The lots are of a consistent size and shape, with lot frontage ranging from 6.5 metres to 8 metres. The proposed site-specific provisions of the requested Zoning By-law Amendment are found to align with the intent of the existing zoning provisions.

The restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on the adjoining land;

- No restrictions are proposed the buildings proposed to be erected on the lands.

Conservation of natural resources and flood control;

- A Functional Servicing Report and a Stormwater Management Plan have been prepared and will be further reviewed by the Engineering Division for approval prior to registration of a Subdivision Agreement.

The adequacy of utilities and municipal resources;

- There is capacity in the existing municipal infrastructure to accommodate this development.

The adequacy of school sites;

- The school sites within the City can accommodate the additional students.

The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

- The development will be subject to cash-in-lieu of parkland that will be in accordance with the Planning Act.

The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and,

- The Ontario Building Code includes requirements for energy conservation, which will be incorporated at the time of Building Permit.

The interrelationship between the design of the proposed plan of subdivision and the site plan control matters related to any development on the land, if the land is also located within a site plan control area designated under section 41(2) of the Planning Act.

- As the property is being developed through a Plan of Subdivision which will create several developable blocks, future Planning Act application(s) (Site Plan Control) will be coordinated with the City.

The Provincial Policy Statement (PPS) provides policy direction for all land use within the Ontario. All land use decisions within Ontario must be consistent with

the policies in the PPS. The PPS encourages development to include a range of housing types that can provide housing options to accommodate a range of residents; to promote active transportation; to have access to employment and recreation; and to occur in an orderly and efficient manner. The proposed development is consistent with the PPS as it is anticipated to provide different housing types, each which may be able to provide various types of tenure to future residents or tenants; it is located near to active transportation corridors and provides pedestrian infrastructure; it is located within walking distance to local amenities, retail, commercial, recreational facilities, and institutional uses; and there is existing capacity of the nearby municipal infrastructure to support the proposed development.

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) is a Provincial Plan that provides framework for implementing Ontario's vision for stronger, prosperous communities. All planning decisions within Ontario must be consistent with the Growth Plan. The Growth Plan identifies the subject lands as part of the Delineated Built-Up Area. Policy 2.2.2.4 of the Growth Plan identifies that the Council's of an upper-tier municipality may identify an intensification target for a Delineated Built-Up Area. The Regional Municipality of Niagara has identified Welland's intensification target to be that 75% of all residential development must occur within the Delineated Built-Up Area. In addition to the intensification target the Growth Plan encourages development based on the following principles of supporting the achievement of complete communities; prioritizing intensification; supporting a range and mix of housing options; and protecting natural heritage. The proposed development is consistent with the Growth Plan as it is located within the Delineated Built-Up Area; it contributes to a range of different housing types within the City and has the potential for different tenure types; it contributes to the development of a complete community; and provides the appropriate buffers and protections for the natural features on the subject lands.

The requested Official Plan Amendment and Zoning By-law Amendment are consistent with the Provincial Policies and conform to the Provincial Plans because they are intended to facilitate the efficient use of the subject lands.. The purpose of the Official Plan Amendment is to permit and encourage new compact residential growth that will contribute to the City's intensification targets. Compact residential growth which uses available public services, makes efficient use of existing infrastructure, that promotes active transportation, and which encourages transit use is generally found to be encouraged and desirable. The purpose of the Zoning By-law Amendment is to provide relief where required to the existing zoning provisions so as to permit the proposed development. Holistically the proposed Draft Plan of Subdivision, the requested Official Plan Amendment, and requested

Zoning By-law Amendment meet the intent, policies, and principles of the Provincial Plans.

Niagara Regional Official Plan

The Niagara Official Plan (NOP) is intended to be used by Local Area Municipalities when making planning decisions. The NOP identifies the subject lands as part of the Urban Area. A variety of land uses, including commercial; industrial; and residential, are permitted within Urban Areas. Proposed development within the Urban Area should access existing municipal infrastructure and contribute to the overarching goal of providing housing that is affordable and accessible to a range of households in the Niagara Region. The proposed development aligns with the intent and direction of the ROP.

City of Welland Official Plan

The subject lands are currently designated as High Density Residential in the City of Welland Official Plan. The proposed Official Plan Amendment seeks to redesignate the subject lands as Medium Density Residential. The intention of the redesignation to Medium Density Residential is to permit the built form that is being proposed, which is the development of 90 townhouse dwellings and one semi-detached dwelling.

The Medium Density Residential designation permits low-rise residential development such as triplex, four-plex, townhouse, stacked townhouse, and low-rise apartment buildings. The proposed development is considered to be consistent with the intent of the Medium Density Residential designation as it is comprised of a variety of townhouse types, and a semi-detached dwelling that is not expected to inconsistent with the surrounding built forms. The surrounding area built form is predominantly low-rise buildings commercial buildings, open space, and low rise residential buildings.

When reviewing applications for infilling and intensification, the City of Welland's Official Plan identifies that the following criteria (Section 4.2.3.6) should be reviewed:

Land use and neighbourhood character compatibility

- The subject land is located near the major intersection of Niagara Street and Woodlawn Road. The surrounding areas provide a vast range of amenities and resources within walking distance of the proposed development. The land uses surrounding the site include

	commercial uses to the north, open space with planned development to the east, a cemetery and low-rise residential to the south, and commercial uses to the west.
Lot pattern and configuration;	<ul style="list-style-type: none"> • Staff find that the proposed development is compatible with the surrounding neighbourhood. • The proposal is anticipated to be consistent with similar residential lots and configuration in the adjacent area.
Accessibility	<ul style="list-style-type: none"> • The proposed development is expected to provide paved sidewalks throughout the development which connect to Seaway Drive and Woodlawn Road. • Any other accessibility features incorporated into the individual dwellings will be at the discretion of the individual property owners.
Parking requirements;	<ul style="list-style-type: none"> • The proposed development intends to provide 92 parking spaces for residents (provided in tandem to garage use), and 12 parking spaces for visitors. • Parking requirements are considered to be satisfied to the City's requirements.
The potential for additional traffic and traffic manoeuvrability;	<ul style="list-style-type: none"> • The Transportation Impact Study undertaken for the site concludes that under existing and future conditions, during both peak hours, all study intersections are currently and are forecasted to operate with excess capacity with a level of service E or better and queue lengths within their respective storage lengths and link distances.

- The potential for transit ridership;

 - Further information and review will be required as part of Draft Plan approval conditions.
 - The subject lands are located along transit line 508 Woodlawn. Line 508 connects across the City to several major shopping and employment areas, and connections to regional transit. The proposal may aid in increasing transit ridership.
 - The subject lands are located in proximity to transit line 509 Niagara. Line 509 connects the west side of Welland from Niagara College down to Church Street with several bus stops being in proximity to connect to transit line 503 First Ave.
- Natural (including natural hazards) and built heritage conservations/ protection;

 - To the west of the subject land is the Welland Recreational Waterway.
 - The inclusion of the Hazard Overlay will provide appropriate buffers between the proposed development and natural features.
- The available capacity of municipal infrastructure; and

 - The proposed development is anticipated to connect to a sanitary sewer and watermain that is privately owned. The developer will be required to enter into a servicing agreement with the infrastructure owner.
- Residential intensification identified in this Plan.

 - The proposed development will assist the City in achieving the target of 75% of all new residential development being within the Built-Up Area.

The City of Welland Official Plan includes a provision related to the conversion of high density residential sites, Section 4.2.3.8. The City will maintain an inventory of high density residential sites to support its long-term intensification goals. These high density residential sites may only be redesignated as medium density residential if either of the following occur, (a) if the municipality has achieved its 20

year target for intensification or (b) if other suitable lands yielding the same or greater development potential and the down-designated site are up-designated to high density. The City is expected to meet its intensification target. It is noted that adjacent lands in the applicant's ownership (Seaway Mall – Warbler Place) have recently gained approval for greater density. Staff are satisfied that this anticipated development adequately offsets the proposed development of the Subject Lands.

The proposed Official Plan Amendment is consistent with the City's Official Plan policies for residential development. The proposal meets the density requirements of the requested designation and supports the City's intensification targets. The Official Plan Amendment is also expected to support transit ridership, active transportation, and contribute to the development of complete communities. The proposed Zoning By-law Amendment will permit the proposed development and as such supports the same goals and targets as the Official Plan Amendment.

City of Welland Zoning By-law 2017-117

The subject land is currently zoned Residential High Density – RH. The proposed development will require the site be rezoned from Residential High Density – RH to Residential Medium Density – RM. The reduced zoning of the site will permit the development of 92 residential dwelling units. The Residential Medium Density – RM Zone permits street townhouses, block townhouses, apartments, multiple dwellings, and other mid-rise built form types.

The proposed development will require Site-Specific provisions to facilitate the efficient use of the site. The Site-Specific provisions are not expected to have a negative impact on the development or the surrounding neighbourhood and lands. The proposed amendments can be supported by Staff as they are intended to promote and encourage the desired growth and development that the local, regional and provincial policies and plans desire. The location of the property is within walking distance of transportation corridors, transit lines, and active transportation routes. Staff are of the opinion that the proposed amendments to the Zoning By-law are appropriate and can be supported.

Public Street Connectivity

With a number of significant developments occurring in this area (Warbler Estates, Locke and Quay, 18 Woodlawn Road, 16 Seaway Drive, Seaway Mall improvements) public street connectivity through these sites will be critical to the overall function of the area. In particular a public street connection will be required between Seaway Drive, 16 Seaway Drive, 18 Woodlawn Road and the lands known municipally as the Norther Reach. Staff have included conditions of approval to help facilitate this connection in the future. The Developers of the sites and City Staff have been working a solution for this.

FINANCIAL CONSIDERATION:

All costs associated with the development of the property will be the responsibility of the developer.

OTHER DEPARTMENT IMPLICATIONS:

All comments from City Departments and other agencies have been provided.

SUMMARY AND CONCLUSION:

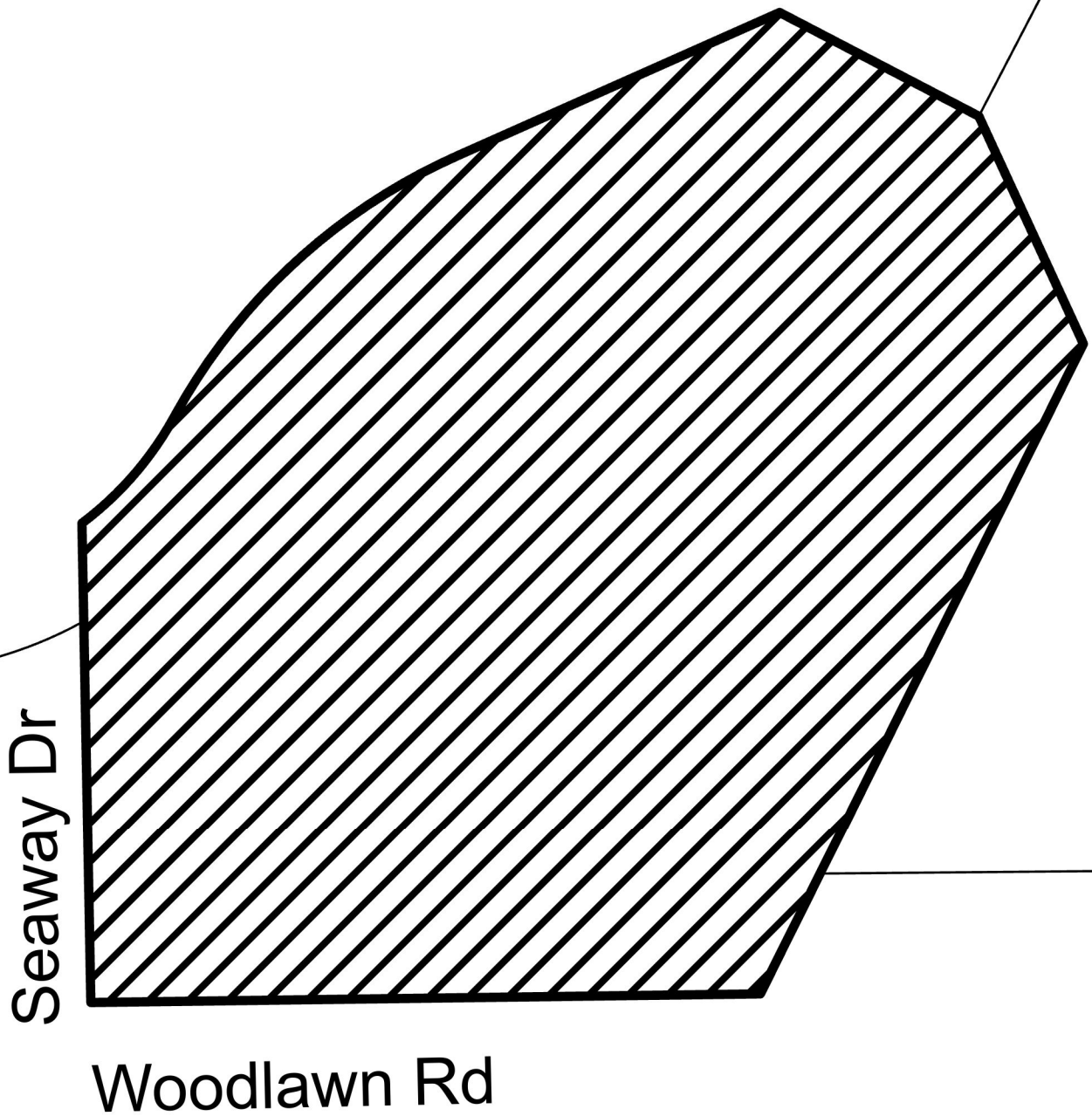
The proposed application for Official Plan Amendment and Zoning By-law Amendment to permit the development of 92 residential dwelling units represents good planning because:

1. It is consistent with Provincial, Regional, and City policies that encourage intensification within the identified built-up area;
2. It can be supported with existing municipal infrastructure;
3. It contributes to the creation of complete communities;
4. It supports active transportation and transit usage; and,
5. It will directly contribute to the City's intensification targets.

ATTACHMENTS:

Appendix I	-	Key Map
Appendix II	-	Aerial Photo of Subject Lands
Appendix III	-	Draft Official Plan Amendment
Appendix IV	-	Draft Zoning By-law Amendment
Appendix V	-	Conceptual Site Plan
Appendix VI	-	Draft Plan of Subdivision
Appendix VII	-	Relevant Correspondence

OPA No. 42 & ZBLA No. 2023-01



Key Map



 **SUBJECT LANDS**

OPA No. 42



Aerial Map of Subject Lands



 Subject Lands

AMENDMENT NO. 42
to the
OFFICIAL PLAN
of the
CORPORATION OF THE CITY OF WELLAND

JUNE 20, 2023

**THE CORPORATION OF THE CITY OF WELLAND
BY-LAW NUMBER 2023-XX**

**A BY-LAW TO AUTHORIZE THE ADOPTION
OF OFFICIAL PLAN AMENDMENT NO. 42**

WHEREAS the Official Plan of the Corporation of the City of Welland was adopted by the City of Welland on May 4, 2010.

AND WHEREAS the Regional Municipality of Niagara gave partial approval to the Official Plan on October 21, 2011.

AND WHEREAS the Ontario Municipal Board gave partial approval to the Official Plan on June 24, 2014.

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend the Official Plan.

AND WHEREAS the Regional Municipality of Niagara is the approval authority for Amendments to the Official Plan of the Corporation of the City of Welland.

AND WHEREAS the Regional Municipality of Niagara has exempted Official Plan Amendment No. 42 to the Official Plan of the Corporation of the City of Welland from approval in accordance with the Memorandum of Understanding between the Regional Municipality of Niagara and the Corporation of the City of Welland.

NOW THEREFORE THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

1. That the Corporation of the City of Welland hereby adopts and approves Official Plan Amendment No. 42 for the Corporation of the City of Welland.
2. That Staff is hereby authorized and directed to give Notice of Council's adoption of Amendment No. 42 to the Official Plan of the Corporation of the City of Welland in accordance with Section 17(23) of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS
20TH OF JUNE, 2023.**

_____ MAYOR

_____ CLERK

**AMENDMENT NO. 42 TO THE OFFICIAL PLAN OF THE
CORPORATION OF THE CITY OF WELLAND**

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**Amendment No. 42
to the
Official Plan
of the
Corporation of the City of Welland**

This Amendment to the Official Plan for the City of Welland, which was adopted by the Council of the Corporation of the City of Welland on and to which no appeal was filed, came into effect on pursuant to Section 17 and 21 of the Planning Act, R.S.O.1990, Chapter P.13, as amended.

Date: June 20, 2023

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR PLANNING AND DEVELOPMENT
SERVICES
THE CORPORATION OF THE CITY OF WELLAND

PART A - THE PREAMBLE (This does not constitute part of the Amendment)

TITLE AND COMPONENTS

This document, when approved in accordance with the Planning Act, shall be known as Amendment No. 42 to the Official Plan of the Corporation of the City of Welland.

Part "A", the Preamble, does not constitute part of this Amendment.

Part "B", the Amendment, consists of the map and text changes.

Part "C", the Appendices, which does not constitute part of this Amendment, contains the background data, planning considerations and public involvement associated with this Amendment.

PURPOSE OF THE AMENDMENT

The purpose of Official Plan Amendment No. 42 is to re-designate the lands shown on the attached schedule "A" from Residential High Density to Residential Medium Density. The purpose of the Amendment is to allow the proposed development of 92 dwelling units that are several different types of medium density built forms, including semi-detached, street townhouses, block townhouses, stacked townhouses, and townhouse dwelling with attached garages.

LOCATION

The subject lands are located on the north side of Woodlawn Road (Regional Road 41), east of Seaway Drive and south of the Seaway Mall (south entrance). The legal description of the site is Part Township Lots 229 & 230 Thorold being Part 5, 59R-1742 Except Part 6, 59R-4976; S/T RO357511, RO743059 WELLAND, and municipally referred to as 16 Seaway Drive. The site is approximately 23,702.30 square metres (2.37 hectares/5.85 acres) in size with 83.73 metres of lot frontage on Seaway Drive and 123.55 metres of lot frontage on Woodlawn Road.

BASIS

The subject lands are within the urban area boundary for the City of Welland and currently designated High Density Residential. This amendment is for a land use change from High Density Residential to Medium Density Residential. The lands are currently. A proposal has been put forth to redevelop the land to permit the construction of 92 dwelling units of various medium density built forms. The site has development restrictions due to geotechnical concerns and as such cannot support high density built forms.

PART B - THE AMENDMENT

All of the Amendment entitled PART B - THE AMENDMENT, consisting of the following Policies and the map referred to as Schedule "A" - Land Use Plan and Policies, constitutes Amendment No. 42 to the Official Plan of the Corporation of the City of Welland.

MAP CHANGES

1. The areas indicated on the attached Schedule "A" as Amendment No. 42 are hereby redesignated from "High Density Residential" to "Medium Density Residential" on Schedule B1 to the Official Plan.

SCHEDULE "A" LAND USE PLAN

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 42 to the Official Plan of the Corporation of the City of Welland, but are included only as information supporting the amendment.

APPENDIX I	-	Affidavit
APPENDIX II	-	Notice of Adoption
APPENDIX III	-	Minutes of Public Meeting
APPENDIX IV	-	Staff Report
APPENDIX V	-	Council Resolution (Certified)

APPENDIX I - AFFIDAVIT

IN THE MATTER OF SECTION 7, ONTARIO
REGULATION 543/06

AND

IN THE MATTER OF THE ADOPTION OF
OFFICIAL PLAN AMENDMENT NO. 42 BY BY-
LAW 2023-XX PASSED BY COUNCIL OF THE
CORPORATION OF THE CITY OF WELLAND
ON APRIL 18, 2023

I, Grant Munday of the City of Welland in the Regional Municipality of Niagara, make oath and say as follows:

1. I am the Director, Planning and Development Services of the Corporation of the City of Welland.
2. That in accordance with Section 17(15) of The Planning Act, as amended and Section 3 of Ontario Regulation 543/06, Notice of the Public Meeting was published in the Niagara This Week Newspaper on February 16, 2023. I hereby certify that the required Public Meeting was held virtually on April 4, 2023 by the Council of the Corporation of the City of Welland.
3. A list of all persons or public bodies which made oral submissions at the Public Meeting is attached as Schedule "A" to this Affidavit.
4. That in accordance with Section 17(23) of The Planning Act, as amended, and Ontario Regulation 543/06, the requirements for the giving of Notice of Adoption of the Amendment have been complied with.
5. That in accordance with Section 7(7) of Ontario Regulation 543/06, the decision of Council is consistent with the Policy Statements issued under sub-Section 3(1) of the Act and conforms to any applicable Provincial Plan or Plans.

Sworn before me at the City of Welland
in the Regional Municipality of Niagara,
this 20TH day of JUNE, 2023.

SCHEDULE “A” TO APPENDIX 1 - AFFIDAVIT

List of individuals who made oral submission at the Statutory Public Meeting conducted April 4, 2023 concerning Amendment No. 42 to the Official Plan of the Corporation of the City of Welland .

Opposed

In Favour

APPENDIX II - NOTICE OF ADOPTION



CITY OF WELLAND NOTICE OF ADOPTION OF AMENDMENT NO. 42 TO THE OFFICIAL PLAN OF THE CORPORATION OF THE CITY OF WELLAND

Take notice that the Council of the Corporation of the City of Welland passed By-law 2023-XX, being a By-law to adopt Amendment No. 42 to the Official Plan on June 20, 2023 under Section 17(23) of The Planning Act, as amended.

The Purpose of Amendment No. 42 is to redesignate the property from High Density Residential to Medium Density Residential to allow for a medium density built form.

The Effect of the redesignation is to allow for the development of the property with a townhouse and semi-detached dwelling development.

Pursuant to Section 17(23.1)(a) of the Planning Act, as amended, City Council took into consideration all written and oral presentations made to it before rendering a decision.

Any person or agency may appeal, to the Ontario Land Tribunal, in respect to the Amendment to the Official Plan by filing with the Clerk of the City of Welland, no later than May 8, 2023, a notice of appeal setting out the specific part of the proposed Amendment to the Official Plan to which the appeal applies, set out the reasons for the appeal and be accompanied by the fee prescribed under the Ontario Land Tribunal Act in the amount of \$1,100.00 payable by certified cheque to the Minister of Finance, Province of Ontario.

The proposed Amendment to the Official Plan is exempt from approval by the Regional Municipality of Niagara and the Decision of Council is final if a notice of appeal is not received on or before the last day for filing a notice of appeal.

Only individuals, Corporations or public bodies may appeal a Decision of the municipality to the Ontario Land Tribunal. A notice of appeal may not be filed by an unincorporated Association or Group. However, a notice of appeal may be filed in the name of an individual who is a member of the Association or the Group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal unless, before the Plan was adopted, the person or public body made oral submissions at

a Public Meeting or written submissions to the Council or, in the opinion of the Ontario Land Tribunal, there are reasonable grounds to add the person or public body as a party.

A copy of the Amendment and Staff Report are available for inspection by the public as of June 20, 2023 at by contacting the Planning Department at devserv@welland.ca.

Dated at the City of Welland this 20th day of June, 2023.

GRANT MUNDAY, B.A.A., MCIP, RPP
DIRECTOR
PLANNING AND DEVELOPMENT SERVICES
OF THE CORPORATION OF THE CITY OF WELLAND

APPENDIX III

- MINUTES OF PUBLIC MEETING -

APPENDIX IV - STAFF REPORT

APPENDIX V - COUNCIL RESOLUTION

THE CORPORATION OF THE CITY OF WELLAND

BY-LAW NUMBER _____

BEING A BY-LAW TO AMEND CITY OF WELLAND ZONING BY-LAW
2017-117 (FILE NO. 2023-01) 16 SEAWAY DRIVE

WHEREAS the Council of the Corporation of the City of Welland adopted By-law 2017-117 on the 17th day of October, 2017;

AND WHEREAS Subsection 1 of Section 34 of The Planning Act R.S.O. 1990, Chapter P.13 provides that local Councils may pass Zoning By-laws;

AND WHEREAS the Council of the Corporation of the City of Welland deems it expedient to amend said Zoning By-law 2017-117.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE CITY OF WELLAND ENACTS AS FOLLOWS:

That Schedule "A" to By-law 2017-117 be and the same is hereby amended as follows:

1. Part Township Lots 229 & 230 Thorold being Part 5, 59R-1742 Except Part 6, 59R-4976; S/T RO357511, RO743059 Welland, Regional Municipality of Niagara, shown on Schedule "A" attached hereto as "Change to RM-HA" is hereby rezoned to RM-HA.
2. -Notwithstanding the provisions of Section 5 General Provisions, Section 6 Parking and Loading Regulations, Section 7.3 Regulations for Residential Zones contained in Zoning By-law 2017-117, the following site-specific provisions shall apply to the lands shown on Schedule "A" attached hereto:

a.

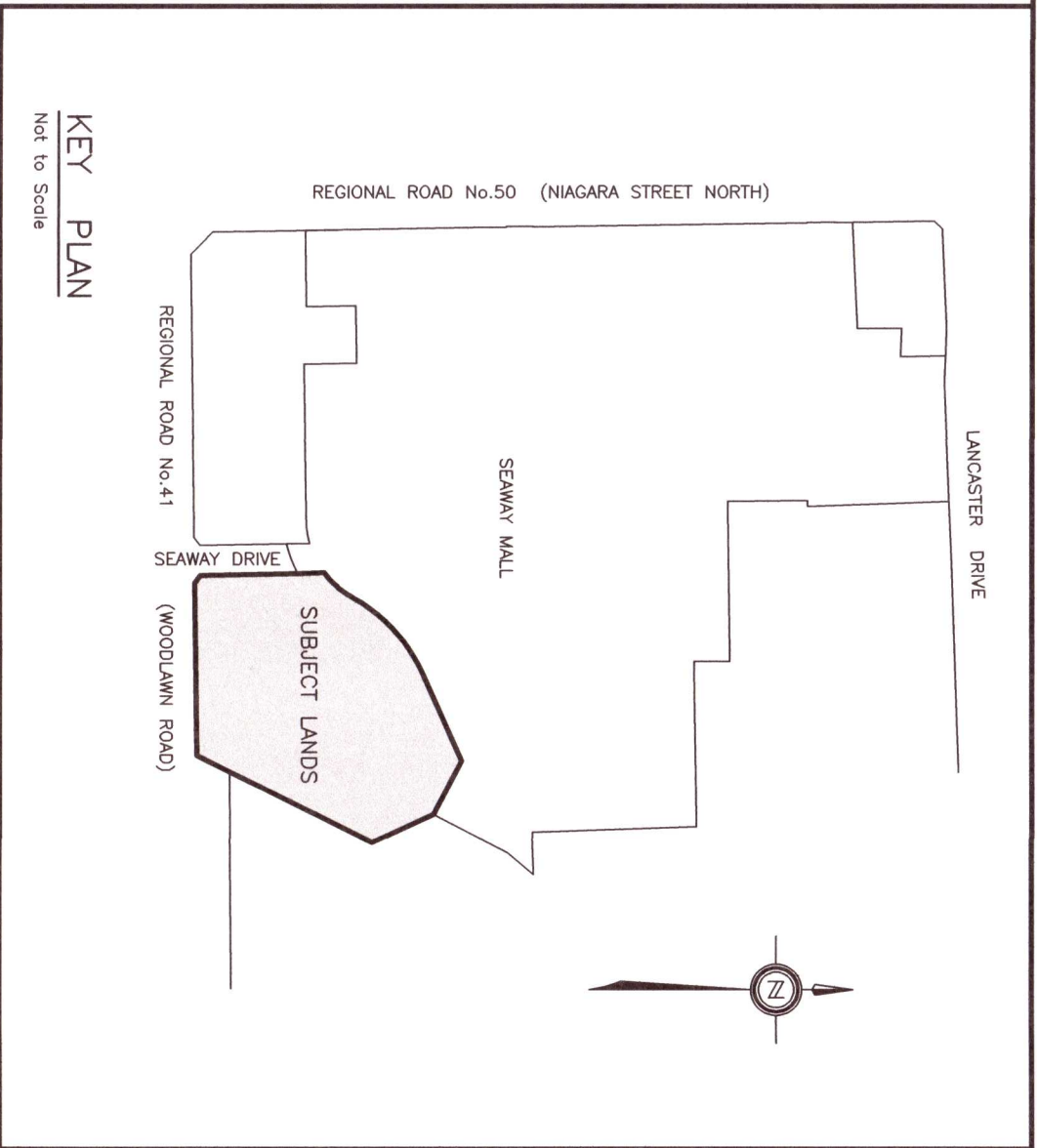
Residential Medium Density – RM Site-Specific Provisions	
	<u>Requested</u>
Permitted Uses	Semi-detached be permitted
Lot Area	400m2 for each dwelling and 200m2 for each unit
Lot Frontage	12 metres for each dwelling and 6 metres for each unit
Front Yard Setback	4.5 metres to dwelling and 6 metres to garage
Side Yard Setback (interior)	1 metre
Side Yard Setback (exterior)	1 metre
Rear Yard Setback	4.5 metres
Building Height	11 metres
Lot Coverage	50%
Landscaped Area	20%
Rear Yard Setback	5 metres
Lot Frontage	4 metres per dwelling unit
Rear Yard Setback	3 metres
Building Height	12 metres
Lot Frontage	4 metres per dwelling unit
Front Yard with Garage Access	6 metres
Side Yard Setback (interior)	1 metre
Side Yard Setback (exterior)	1 metre
Rear Yard Setback	3 metres

- b. That Hazard Overlay (HA) Zone as shown on a Schedule “A”, includes hazards associated with the watercourse and the top of bank for erosion hazards.
 - c. Notwithstanding the permitted uses in Section 10.2, any physical operation or preparatory site work such as excavating, grading, filling, or draining land for a building or structure shall be permitted.
 - d. No use, building or structure or any expansion to an existing building or structure shall be permitted unless a permit for development or site alteration is issued by the Niagara Peninsula Conservation Authority.
3. All other general provisions of By-law 2017-117, as amended, shall apply, save and except as follows:

READ A FIRST, SECOND AND THIRD TIME AND PASSED BY COUNCIL THIS 20th DAY OF JUNE, 2023.

_____MAYOR

_____CLERK



THE REPRODUCTION, ALTERATION OR USE OF THIS REPORT, IN WHOLE OR IN PART WITHOUT THE PERMISSION OF KIRKUP MASCOE URE SURVEYING IS PROHIBITED.

DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

OWNER'S CERTIFICATE

WE AUTHORIZE KIRKUP MASCOE URE SURVEYING, Ontario Land Surveyors TO PREPARE AND SUBMIT THIS DRAFT PLAN OF SUBDIVISION TO THE PLANNING DEPARTMENT OF THE CITY OF WELLAND

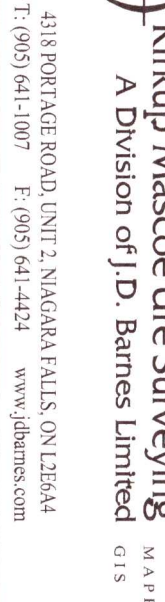
DATE Aug 15 2023

Mike Belcastro  President

DATE MARCH 22, 2023

ROY S. KIRKP
ONTARIO LAND SURVEYOR

THIS SKETCH IS NOT VALID UNLESS EMBOSSED WITH THE ORIGINAL SURVEYORS SEAL



GP	RSK	22-49-126-01_1 Draft Plan
PLOTTED: MARCH 22, 2023 DATED: MARCH 22, 2023		

MEMORANDUM

Infrastructure Services Engineering Division

TO: Taylor Meadows, BURPI
Development Planning Supervisor

FROM: Tolga Aydin, C.E.T.
Development Technologist

CC: Livia McEachern, P.Eng.
Manager of Engineering

DATE: February 27, 2023

SUBJECT: 16 Seaway Drive – Official Plan and Zoning By-Law Amendment

A complete application for Official Plan and Zoning By-Law Amendment was submitted by Quartek Group and circulated for review. Engineering have reviewed this application for any anticipated concerns related to proposed servicing and stormwater management.

The following documents were reviewed:

- Conceptual Servicing Plan, Revision 1, dated August 24, 2022, by Quartek Group
- Functional Servicing Report, Revision 0, dated December, 2022, by Quartek Group
- Conceptual Site Plan, Revision 4, dated September 19, 2022, by Quartek Group

After review, Engineering has the following comments:

1. The sanitary sewer and watermain that the new infrastructure is connecting to is privately owned. A servicing agreement with the owner of this infrastructure will be required and to be submitted to the City as a condition of Draft Plan Approval.
2. The hydrants identified in the FSR that were used for the flow tests are not within the vicinity of the site, and staff have concerns regarding the relevancy of the data relating to the location of the site. Staff recommend the applicant engage the owner of the private hydrant located directly west of the site to obtain permission to conduct a flow test at this location.
3. Stormwater modelling of this site will be required as a condition of Draft Plan Approval. This modelling will assess the capacity of the channels

surrounding the site and determine the impact the development will have on them. This work will be completed by the City's stormwater modelling consultant and the Owner shall be responsible for all fees associated with this work.

Engineering has the following comments for information purposes:

1. The minimum allowable fire flow as per City of Welland standards for townhouse developments is 133 L/s. Please revise the FSR demonstrate that the proposed servicing can provide adequate fire flows to all areas of the site.
2. The north and south condominium blocks are permitted one (1) sanitary and water service per block. The proposed servicing will need to be revised to reflect this. This also includes the proposed hydrant lead for the south block, that will need to be connected to the private water servicing.
3. Please provide a hydrant coverage map demonstrating the proposed hydrants can adequately service all areas of the development.
4. Storm and sanitary manholes are required just inside property line for the north and south blocks.
5. Relocate the proposed water meter chamber for the south block to be closer to property line if possible.
6. Maximum allowable slope is 3:1. A number of backyard slopes at the east portion of the site exceed this requirement.
7. A guard rail may be required at the southeast portion of the property between the sidewalk and the top of bank.

MEMORANDUM

Infrastructure Services Engineering Division

TO: Taylor Meadows, BURPI
Supervisor of Planning - Development

FROM: Matteo Ramundo, C.Tech
Development Technician

CC: Livia McEachern
Manager of Engineering

Jim Harnum
Project Manager - Development

DATE: May 17, 2023

SUBJECT: Draft Plan of Subdivision Conditions – Engineering
16 Seaway Drive

1. That the Developer shall submit full engineering design drawings to the City of Welland's Engineering Division for review and approval, including Site Servicing, Site Grading, General Notes and Details, Plan and Profile, Sediment Erosion and Control Plan, Storm Drainage Area, Sanitary Drainage Area, Photometric, and Landscaping Plans.
2. That a Servicing Study Report indicating that the receiving storm sewers and sanitary sewers can accommodate the additional flows, and that adequate fire flows can be provided to the development be submitted to the City of Welland for review to the satisfaction of the Director of Infrastructure Services/City Engineer and Fire Chief.
3. That the Developer submit to the City of Welland for review and approval by the Director of Infrastructure Services/City Engineer, a detailed stormwater management plan for the subdivision
4. That prior to any site alteration, approval from the Director of Infrastructure Services/City Engineer is required. The Developer shall submit all supporting materials and engineering design, prepared by a qualified professional, as required by the City or any applicable authority, and shall agree to implement the recommendations of the reports, studies, and plans.

5. That prior to registration of this plan, the Developer must obtain Environmental Compliance Approval from the Ministry of Environment, Conservation and Parks for sewer and storm water management works needed to service the proposed development. Prior to installing the watermain to service the proposed development, the Developer must submit Ministry of Environment 'Form 1' Record of Watermain.
6. The Owner shall construct all municipal infrastructure in accordance with the City of Welland Municipal Standards, Ontario Provincial Standards, the Issued for Construction Engineering drawing set, and any other standards that may apply.
7. That the Developer shall be responsible for the construction of all primary and secondary services, including sidewalks, boulevard plantings and sodding/hydroseeding in accordance with the approved engineering design drawings.
8. That the Developer agrees to install sidewalk, and grade and sod boulevards in accordance with the requirements of the Subdivision Agreement and Schedule 'B1'.
9. That at the end of the project, the design engineer shall certify that all grading, storm sewers, and stormwater management controls have been constructed in conformity with the approved plans. Copies of the certification shall be circulated to the City of Welland and the Regional Municipality of Niagara.
10. That all foundation drainage be directed to a sump pump in each house and discharge to grade. Foundation drains will not be connected to storm or sanitary sewer systems.
11. That roof water drainage from any structure or building shall be directed via downspouts discharging via splash pads (concrete or other suitable material) to grass surfaces. These splash pads shall extend a distance of 1.2 metres away from the structure and must direct the flow away from the building, not onto sidewalks or driveways, and not toward adjacent properties.
12. That all necessary easements required for utility and services purposes be granted to the appropriate Authority free and clear of encumbrances.
13. That the Developer obtains the required approval from the owner of the adjacent lands to connect to the private services. This includes entering to any agreements necessary for the connections.

14. That the required land conveyance be transferred to the City of Welland to allow for full legal access off Seaway Drive. (The lands are currently owned by the seaway mall which consists of multiple easements in favour of the City of Welland and Welland Hydro).

From: [Rob Axiak](#)
To: [Dave Steven](#); [Caitlin Kovacs](#)
Cc: [Taylor Meadows](#)
Subject: RE: Draft Plan of Subdivision Complete Application - 16 Seaway Drive (File No. 26T-14-23001)
Date: May 18, 2023 9:43:10 AM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image006.png](#)
[image007.png](#)
[image008.png](#)

To add. To inventory the trees and the amount planned to be removed. Add the expectation that at minimum we are encouraging a 1:1 ratio but more would be preferred.

From: Dave Steven <dave.steven@welland.ca>
Sent: Thursday, May 18, 2023 9:41 AM
To: Caitlin Kovacs <caitlin.kovacs@welland.ca>
Cc: Taylor Meadows <taylor.meadows@welland.ca>; Rob Axiak <rob.axiak@welland.ca>
Subject: RE: Draft Plan of Subdivision Complete Application - 16 Seaway Drive (File No. 26T-14-23001)

Hi Caitlin,

Here are my comments on the proposed development for – 16 Seaway Drive.

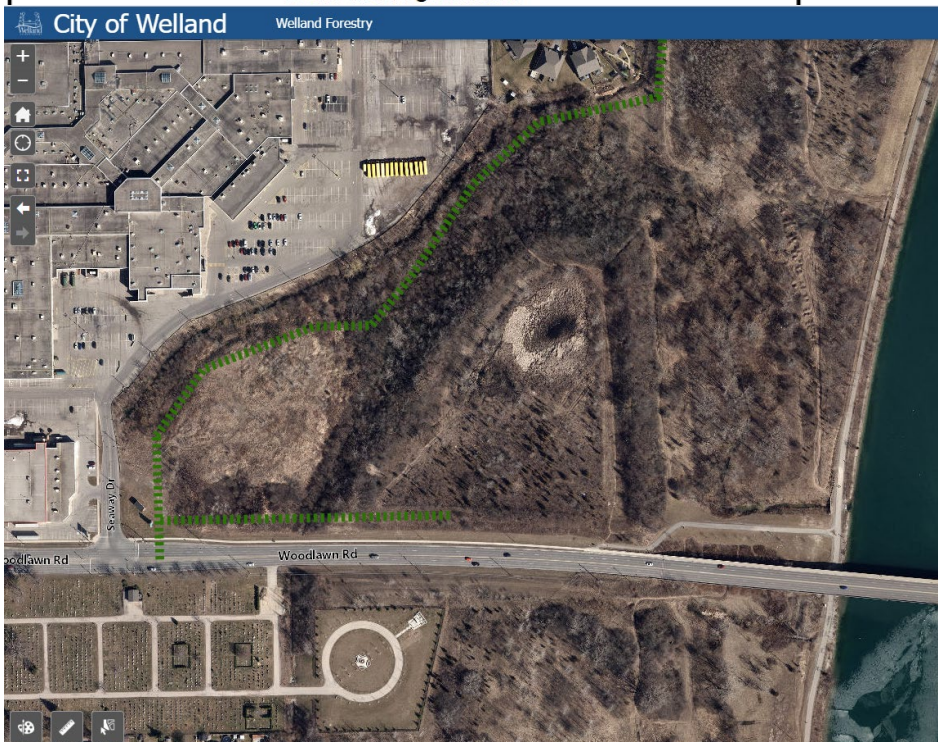
1. I was looking at our future trail strategy and see we are hoping to have a connecting trail through this development. Are we asking the developer to consider this as part of the project?
2. I see many trees will be removed for the development. Park and Forestry would like to encourage the developer to consider re-planting as many trees as possible in their landscape plan to account for some to the loss of Tree Canopy to the City of Welland.

Thanks!

16 SEAWAY DR. & 18 WOODLAWN RD. WELLAND



Prepared For:
Doral Holdings Limited



Dave Steven

Acting Manager of Parks & Open Spaces
Community Services
Parks, Forestry & Canal Lands
Corporation of the City of Welland
99 Federal Road, Welland, Ontario L3B 6C2
Hours: Monday - Friday 7am to 3pm

Taylor Meadows

From: Ali Khan
Sent: February 7, 2023 10:23 AM
To: Taylor Meadows
Subject: RE: 16 Seaway Drive - OPA (File No. OPA 42) & ZBA (File No. 2023-01) Comments

Hi Taylor,

I have no comments on this application.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.

Manager, Traffic/Parking/ Bylaws
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4

Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184

www.welland.ca



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From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: February 7, 2023 9:56 AM
Subject: 16 Seaway Drive - OPA (File No. OPA 42) & ZBA (File No. 2023-01) Comments

Morning,

The City has received application for Zoning By-law Amendment and Official Plan Amendment. I've included the submission items via the following hyperlink for your reference:

I'm using Adobe Acrobat.

You can view "Circulation.zip" at: <https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:0671315d-397a-4165-97b9-69f94cd5cd5b>

Please provide any comments by **March 15, 2023**. Feel free to reach out with any questions or if additional information is required. Regional fees have been sent and should arrive shortly.

Regards,

From: [Ali Khan](#)
To: [Caitlin Kovacs](#)
Subject: RE: Draft Plan of Subdivision Complete Application - 16 Seaway Drive (File No. 26T-14-23001)
Date: May 2, 2023 12:47:00 PM

Hi Caitlin

Applicant should conduct lighting analysis for seaway drive . Any upgrades or requirement for additional lighting will be at the cost of the applicant.

Regards,



Muhammad Ali Khan, M.A.Sc; P.Eng.
Manager, Traffic/Parking/ Bylaws
Planning and Development Services
Corporation of the City of Welland
60 East Main Street, Welland, Ontario L3B 3X4
Phone: (905)735-1700 Ext. 2202 **Fax:** (905)735-7184
www.welland.ca



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From: Caitlin Kovacs <caitlin.kovacs@welland.ca>
Sent: Wednesday, April 19, 2023 3:42 PM
To: Adam Eckhart <adam.eckhart@welland.ca>; Ali Khan <ali.khan@welland.ca>; Brad Taylor <brad.taylor@welland.ca>; Dave Steven <dave.steven@welland.ca>; Grant Munday <grant.munday@welland.ca>; Jack Tosta <jack.tosta@welland.ca>; James Sticca <james.sticca@welland.ca>; Jim Harnum <jim.harnum@welland.ca>; Leo Grellette <leo.grellette@welland.ca>; Livia McEachern <livia.mceachern@welland.ca>; Taylor Meadows <taylor.meadows@welland.ca>
Subject: Draft Plan of Subdivision Complete Application - 16 Seaway Drive (File No. 26T-14-23001)

Hello All,

A complete application has been submitted for Draft Plan of Subdivision approval for 16 Seaway Drive. Please see the linked files below to review. Please provide comments back no later than May 19th, 2023.

<https://acrobat.adobe.com/link/track?uri=urn:aaid:scds:US:3a2d1f48-d813-47ce-b87f-0cb234df468f>

Thank you,

May 25, 2023

Via Email Only

Caitlin Kovacs
Development Planner
City of Welland
60 East Main Street
Welland ON, L3B 3X4

NPCA File No.: PLSUB202300473

Dear Ms. Kovacs,

**Re: Niagara Peninsula Conservation Authority (NPCA) Comments
Conditions of Draft Plan Approval
City of Welland: 16 Seaway Drive
City File No.: 26T-14-23001**

The NPCA has received a request to review the complete application in relation to a proposed development consisting of semi-detached dwellings, multiple dwellings, and block townhouse units. The NPCA has previously reviewed applications for an Official Plan Amendment, and Zoning Bylaw Amendment on the subject property. This application is in reference to a Draft Plan of Subdivision for these lands.

NPCA Policy

NPCA Policies, Procedures and Guidelines for the Administration of Ontario Regulation 155/06 and Land Use Planning Policy Document.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies for Planning and Development in the Watersheds of the Niagara Peninsula Conservation Authority* (NPCA policies) provides direction for managing NPCA regulated features.

On January 1, 2023, a new Minister's regulation (Ontario Regulation 596/22: Prescribed Acts – Subsections 21.1.1 (1.1) and 21.1.2 (1.1) of the *Conservation Authorities Act*) came into effect which provides that conservation authorities (CAs) may not provide a municipal (Category 2) or other (Category 3) program or service related to reviewing and commenting on proposals, applications, or other matters under a prescribed Act, including the Planning Act. Ontario Regulation 596/22 does not affect CAs provision of mandatory or Category 1 programs or services (i.e., natural hazards and wetlands) related to reviewing and commenting on a proposal, application, or other matter made under those Acts. Municipalities are still required to circulate planning applications and technical reports to CAs so that we may review and comment on natural hazard and wetland matters per Ontario Regulation 686/21.

Draft Plan of Subdivision

Through previous circulations of this application (Official Plan Amendment and Zoning Bylaw Amendment), the NPCA had reviewed the 'Environmental Impact Statement' (dated Dec. 18, 2022 as prepared by Terrastory Consulting Inc), Hydrologic Evaluation (as prepared by Terra-Dynamics Consulting), as well as the 'Geotechnical Comments – Proposed Residential Development, 16 Seaway Drive, Welland (dated Dec. 20, 2022 as prepared by Niagara Testing and Inspection Limited). Staff did not offer objections to the conclusions of those Reports, nor offered objections to the approval of the Official Plan and Zoning Bylaw Amendments. Furthermore, the NPCA received a technical memo from TerraStory Consulting Inc., (dated May 23, 2023) confirming the watercourse block is sized appropriately for this development. The NPCA does not offer objections to this letter.

As such, upon our review of this application, the NPCA requests the following conditions be incorporated into the Conditions of Draft Approval for the Subdivision application.

1. That the Developer provide detailed grading, construction sediment and erosion control drawings to the Niagara Peninsula Conservation Authority for review and approval. The Owner agrees that all Sediment and Erosion Control Measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized.
2. That the applicant submit a Buffer Planting Plan as completed by a qualified professional.
3. That the Developer obtain Work Permits from the NPCA prior to any works associated with the buffer plantings of the watercourse.
4. That Conditions 1 to 3 be incorporated into the Subdivision Agreement between the Developer and the City of Welland, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Welland shall circulate the Draft Subdivision Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

Conclusion

At this time, NPCA staff have no objections to the approval for the application of Draft Plan of Subdivision provided the above noted Conditions are included.

I trust the above will be of assistance to you. Should you have any further questions or require further information in this matter, please do not hesitate to call. For administrative purposes, please forward any decisions and resolutions of your Committee. In the event of an appeal to the Ontario Land Tribunal (OLT) please send notice of any Case Management Conference.

Thank you,



Taran Lennard
Watershed Planner II
(905) 788-3135 ext. 277
tlennard@npca.ca

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Via Email Only

June 1, 2023

Region File: D.11.11.SD-23-0022

Taylor Meadows
Planning Supervisor - Development
City of Welland
60 East Main Street
Welland, ON, L3B 3X4

Dear Mr. Meadows:

**Re: Regional and Provincial Comments
Proposed Draft Plan of Subdivision
City File: 26T-14-23001
Applicant: Drew Toth (Idrakoth Ltd.)
Owner: Michael Belcastro (Doral Holdings Limited)
Agent: Quartek Group Inc.
16 Seaway Drive
City of Welland**

Regional staff has reviewed the above noted proposed Draft Plan of Subdivision application for the address known municipally as 16 Seaway Drive in the City of Welland ("subject lands").

The application proposes eight (8) Blocks, with Blocks dedicated to future condominium units (Blocks 1, 2, 3), Blocks dedicated to hazard overlays (Blocks 4,5), Blocks reserved for a Regional Road widening (Block 6) and the creation of Street A (Block 7). Related applications for a local Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBA") were formerly submitted to permit the construction of a total of 92 units, comprising 64 stacked townhouse units, 26 townhouse units, 2 semi-detached dwelling units, Public Road (Street A), Private Road, 92 parking spaces, and 12 visitor parking spaces. At the time of writing these related applications have not been approved. This proposal is subject to further future approvals, including Site Plan Control and Draft Plan of Condominium approval.

The pre-consultation meeting for the proposal was held on May 5, 2022 with the applicant, agent, and staff from the City and Region in attendance. The following

comments are provided from a Provincial and Regional perspective to assist City Council with the consideration of the proposed Draft Plan of Subdivision.

Provincial and Regional Policies

The subject lands are located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS"), the 'Designated Built-Up Area' within *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020 Consolidation* ("Growth Plan"), and designated 'Built-Up Area' in the *Niagara Official Plan, 2022* ("NOP").

The PPS, Growth Plan, and NOP direct development to take place in urban areas to support intensified development where appropriate servicing and infrastructure exists. Both Provincial and Regional 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. Within urban areas, forecasted population growth is to be accommodated primarily through intensification in Built-Up Areas. The intensification target identified within Table 2-2 of the NOP for the City of Welland is 75%.

As stated in Regional staff's previous letter dated March 15, 2023, staff reviewed the Planning Justification and Impact Analysis Report ("PJR") prepared by Quartek Group Inc. (dated December 2022) and find it to be acceptable, subject to the integration of recommendations provided under the Urban Design comments included in the letter. Staff acknowledge that this proposal will support the City in achieving its 75% intensification target as set out within the NOP and will provide a range of housing types to this area, which is supported by Provincial and Regional policies. With respect to local land use compatibility considerations, Section 2.2.1.1 of the NOP encourages a mix and range of housing options that considers the character of established residential neighbourhoods. City staff should be satisfied that the interface of the established residential uses has been addressed in the site design. Please see below comments with respect to natural heritage.

Site Condition

As stated in Regional staff's previous letter dated March 15, 2023, Staff has reviewed the Phase I Environmental Site Assessment ("Phase I ESA"), prepared by Egmond Associates Ltd. (dated June 14, 2019) and the Addendum 1 to Phase I Environmental Site Assessment, prepared by Egmond Associates Ltd. (dated July 10, 2019). The Phase I ESA identifies that the source of historical fill is clear and test holes with chemical testing of select samples should be taken. The Phase I ESA indicates that the subject land fill appears to be from nearby residential construction and repaving of the

Seaway Mall. Staff note that the Addendum to the Phase I ESA clarified that the Phase I ESA includes both 16 Seaway Drive and the adjacent property at 18 Woodlawn Road.

Further, the same letter dated March 15, 2023 identified that Staff has reviewed the Phase Two Conceptual Site Model ("Phase II ESA"), prepared by Niagara Soils Solution Ltd. (dated November 22, 2022). The Phase II ESA completed soil and groundwater samples collected from the Areas of Potential Environmental Concern ("APEC") for the study area and found that such samples meet the Table 3 Residential Site Condition Standards, fine texture criteria. As such, the Phase II ESA concludes that no Potential Contaminants of Concern were identified within the groundwater mediums across the study area. Record of Site Condition ("RSC") number B-403-8201173330 was filed to the environmental site registry on January 18, 2023 and submitted to the Region as part of the proposal for the change in land use from mixed use commercial and agricultural, or other, to residential. The Region requires that written acknowledgement from the Ministry of Environment, Conservation and Parks ("MECP") that the RSC has been filed.

The ESA work completed for the proposal identified a historic natural gas well on the subject lands for which the exact location is unknown. The Phase II ESA states that the operator (E.S. Fox) was unable to locate any documents pertaining to the installation of the well, its location, nor whether it has since been decommissioned. In Regional staff's previous letter dated March 15, 2023, staff required that the applicant connect with the Ministry of Northern Development, Mines, Natural Resources, and Forestry whom oversee the decommissioning of existing wells, to confirm that the well has been decommissioned in accordance with NOP Policy 4.4.1.3. No written confirmation of the well being decommissioned has been provided as part of this Draft Plan of Subdivision proposal.

Two (2) conditions of draft plan of subdivision approval are provided in Appendix 1 to:

- Require written acknowledgement from the Ministry of Northern Development, Mines, Natural Resources, and Forestry identifying that the gas well on the subject lands has been decommissioned;
- Require written acknowledgement from the Ministry of Environment, Conservation and Parks that an RSC has been filed for the subject lands.

Core Natural Heritage System

As stated in Regional staff's previous letter dated March 15, 2023, Regional Environmental Planning staff confirmed through review of the OPA and ZBA applications that the watercourse that traverses the northern boundary of the subject property contains Fish Habitat, which is a Regionally designated Core Natural Heritage System (CNHS) feature. As such, to ensure that impacts to the watercourse are adequately mitigated, staff require that the mitigation measures recommended in the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc., (dated December 18, 2022) are implemented.

Eight (8) conditions of draft plan of subdivision approval are provided in Appendix 1 to address the requirements related to the core natural heritage system.

Land Use Compatibility

The PPS states that sensitive land uses (including residential) shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. At the pre-consultation meeting, staff requested a Noise Impact Study, due to the high average annual daily traffic count of Regional Road 41 (Woodlawn Road).

As stated in Regional staff's previous letter dated March 15, 2023, Staff has reviewed the *Road Traffic and Stationary Noise Impact Study* ("the Noise Study"), prepared by JJ Acoustic Engineering Ltd. (dated October 31, 2022). The Study utilizes the MECP Environmental Noise Guideline for Stationary and Transportation Noise Sources (NPC-300) and identifies the transportation noise sources from Woodlawn Road to be significant.

Regional staff notes for information that the recommendations contained within the Noise Study are based on the Block numbering identified within the Preliminary Concept Plan (dated October 19, 2022) and not on the Blocks identified in the proposed Draft Plan of Subdivision. Nevertheless, the final revised Noise Study/Addendum as noted below will need to ensure that the approved noise mitigation measures and warning clauses correspond to the appropriate Blocks and Units in the future Draft Plan of Condominium and/or Site Plan applications.

Transportation Noise Sources

Road traffic volume was provided by Regional staff to JJ Acoustic Engineering Ltd. The Study identifies a growth rate of 2.5% per year until 2032 for road traffic data. The Study assessed both the indoor living areas and the outdoor living areas, in alignment with MECP NPC-300. The Study recommends specific noise mitigation measures for each Block of development. The most significant is for Block 1 and 2, which are adjacent to Woodlawn Road, and includes warning clauses, air conditioning for all units, and specific exterior glazing for façades.

Staff note that the Region's Public Works policy for Regional Road Traffic Noise Control (PW5.N01.0) requires that sound level predictions for future road traffic shall be based on a 20-year forecast, whereas the Study has utilized a 10-year forecast. Staff will require that an Addendum/revision to the Assessment be provided to determine whether any further noise control measures are warranted. As stated above, this requirement for an addendum/revised study applying the 20-year forecast will be managed through the future Draft Plan of Condominium and/or Site Plan applications.

In addition, staff note that the revised Noise Study should include recommendations for confirming that the approved mitigation measures have been incorporated into the design/building plans and for certifying that they have been properly installed prior to occupancy of the dwelling units.

Stationary Noise Sources

The Study also assessed stationary noise impacts from neighbouring buildings to the site. The Study determined that the mechanical equipment for these buildings is similar to that of a single-family home and is, therefore, considered to be environmentally insignificant.

Staff note that should there be any changes to the design of the site from the Preliminary Concept Plan (dated October 19, 2022), a revised detailed Noise Impact Study should be completed at the time of Draft Plan of Condominium and/or Site Plan. As stated above, the noise mitigation measures identified through the Study can be managed as conditions through the future Draft Plan of Condominium and/or Site Plan.

Archaeological Potential

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

At the time of pre-consultation, staff utilized the Province's Criteria for Evaluating Archaeological Potential, which indicated there was low potential for the discovery of archaeological resources as the site is not located within 300 m of a natural watercourse and other registered sites. With the approval of the new NOP on November 4, 2022, the subject land is mapped within Schedule K of the NOP as an area of archaeological potential. NOP Policy 6.4.2.6 requires the submission of a Stage 1 Archaeological Assessment (at minimum), completed by a licensed archaeologist for any development and/or site alteration within an area of archaeological potential.

As stated in Regional staff's previous letter dated March 15, 2023, however, and in alignment with the pre-consultation agreement, staff recommend in this instance the inclusion of standard archaeological warning clauses be included in the Site Plan agreement should any resources be uncovered through construction works. In addition to the Site Plan agreement, one (1) condition for the archaeological warning clause is included in Appendix 1 to be included in the subdivision agreement.

Urban Design

As stated in Regional staff's previous letter dated March 15, 2023, Regional Urban Design staff reviewed the conceptual Site Plan provided with the OPA and ZBA submission for the subject lands. Comments were provided within that letter that will apply during the Site Plan stage.

At the Site Plan stage, Urban Design staff request circulation of the Site Plan, Landscape Plan/Streetscape Plan, Floor plans and coloured building elevations for any facades that will be visible from the Regional Road (Woodlawn Road).

Regional Transportation

Regional Road Allowance

The subject property has frontage along Regional Road 41 (Woodlawn Road). This section of road has a substandard road allowance. The designated road allowance is 35.0 meters as identified in the Niagara Official Plan and, therefore, a road widening will be required.

A daylight triangle of 10.0 metres x 10.0 metres will also be required at the corner of Seaway Drive and Woodlawn Road. Regional staff acknowledge that the widening and daylight triangle are shown on the development plans. Therefore, the applicant is required to gratuitously grant the following to the Region:

- A 4.0 meter widening across the frontage of the property; and
- A 10 meter by 10 meter daylight triangle at the intersection of Seaway Drive and Regional Road 41 (Woodlawn Road).

The requested widening and triangle are to be conveyed free and clear of any mortgages, liens or other encumbrances, and is to be described by Reference Plan. The triangle 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. Once the plan is deposited and the transfer registered, the Region will clear the applicable condition.

Should the applicant have any questions, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk, 905-980-6000 extension 3271. E-mail

norma.price@niagararegion.ca

(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000
extension 3325, E-mail: normans.taurins@niagararegion.ca

Regional Road

This section off Woodlawn Road is scheduled to be resurfaced with the 2023 Hotmix program.

Traffic Impact Study

Transportation Planning staff have reviewed the Transportation Study prepared by JD Burnside, dated December, 2022, through the previous planning applications. The following comments are to be addressed through a future revised Transportation Impact Study submission:

Page 7:

Figure 5: Existing 2022 Traffic Volumes has the SBL and SBR movements reversed from the counts shown in Appendix A for both of the analysis intersections. Please revise and adjust accordingly as this error will affect the following analysis scenarios.

Page 14:

The vehicle trip distribution shown in Table 3 could not be verified since TTS information has not been included in the submission. Please include this information in the next submission.

Appendix B-D: Capacity Analysis

Please revise the capacity analysis based on the Region's required ideal saturation flow and peak hour factor.

Minor Comments

- Section 2.2: Woodlawn Rd has a 4-lane urban cross section not a 5-lane urban cross section as mentioned in the report.
- Section 2.3 should have addressed the consolidation of Welland Transit under Niagara Region Transit, which took effect January 2023.
- Section 3.3 has referred that there are no planned future active transportation infrastructure improvements within the study horizon year 2028. Please note that an environmental assessment is currently underway for Merritt Road/Rice Road, north and west of the subject development, with a proposed separated cycling facility, which may be utilized by the development's future residents. The construction of these facilities is planned by year 2027. For further information, please visit the Regional website for this assessment:
<https://www.niagararegion.ca/projects/regional-road-37/default.aspx>

- Page 17 and 18 -Table 4 and 5, please revise the existing storage lengths for the WBR and SBR movements for Niagara Street/ Woodlawn Road Intersection and Woodlawn Road/Seaway Drive Intersection, respectively. Lengths shown in the tables are not consistent with the values shown in the synchro analysis.

Regional Construction Encroachment Permit

Prior to any construction/work taking place within the Regional road allowance, a Regional Construction Encroachment, and entrance Permit must be obtained from the Transportation Services Division, Public Works Department.

Regional Sign Permit

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of Woodlawn Road will require a Regional Sign permit.

Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Servicing

Regional staff note that site servicing will be under the jurisdiction of the City of Welland and will require the construction of new water, sanitary and storm services for the proposed development. As a condition of draft plan approval, Ministry of Environment, Conservation and Parks Environmental Compliance Approvals (“ECA”) are required for any new/extended municipal sanitary and storm sewer services. The Region can review and approve the ECA’s under the Ministry of Environment, Conservation and Parks Transfer of Review Program or will require approval through the City’s Consolidated Linear ECA process. Detailed engineering design drawings with calculations for the services must be submitted to this department for review and approval.

Stormwater Management

The conceptual stormwater management (“SWM”) plan included in the ‘Functional Servicing Report (December 2022)’ proposes an Enhanced standard quality treatment and no water quantity control prior to outlet to the watercourse west of the property boundary. The information that is required to support the quantity control plan is missing from the submitted materials. Regional staff is not able to offer comment at this time due to the information provided being limited for a thorough review. SWM requirements are to be satisfied through conditions of Draft Plan approval provided in Appendix 1.

Waste Collection

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

- Garbage: 2 bags/cans per unit collected every-other-week;
- Recycling: weekly blue/grey boxes or carts (unlimited);
- Organics: weekly green bins or carts (unlimited);
- **Curbside Collection Only; and**
- **Future engineering plans are to show road design to ensure trucks are able to maneuver on site and some units will require pads and warning clauses for the agreements.**

Protection of Survey Evidence

Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would request that any agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Conclusion

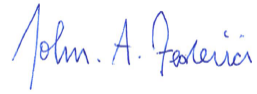
Overall, Regional staff has no objection to the proposed Draft Plan of Subdivision application from a Provincial and Regional perspective, subject to the conditions outlined in Appendix 1 and comments noted above.

Subject to the satisfaction of the conditions in Appendix 1, and the environmental features being placed into an appropriately restrictive environmental designation and zone through the related Official Plan and Zoning By-law Amendment applications, the proposal is consistent with the PPS, and conforms to Provincial and Regional Plans.

Should you have any questions related to the above comments of conditions in Appendix 1, please contact the undersigned at john.federici@niagararegion.ca or Pat Busnello, Manager of Development Planning at pat.busnello@niagararegion.ca.

June 1, 2023

Kind regards,



John Federici, M.PL
Senior Planner

cc: Pat Busnello, MCIP, RPP, Manager of Development Planning
Adam Boudens, Senior Environmental Planner
Susan Dunsmore, Manager of Development Engineering

Appendix 1

Regional Conditions of Draft Plan of Subdivision Approval

16 Seaway Drive, City of Welland

1. That the owner convey, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated costs related to a 10 meter x 10 meter daylighting triangle at the corner of Regional Road 41 (Woodlawn Road) and Seaway Drive to the Regional Municipality of Niagara. The daylighting triangle is to be described by Reference Plan, and the triangle portion of the Plan will be the responsibility of the owner/applicant 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. Once the plan is deposited and the transfer registered, the Region will clear this condition.
2. That the owner convey, free and clear of mortgages, liens and other encumbrances, and agree to pay for all associated cost related to a 4.0-metre road widening to the Regional Municipality of Niagara along the entire frontage of the property abutting Woodlawn Road. The widening is to be described by Reference Plan, and the cost of providing this plan will be the full responsibility of the owner/applicant to order. 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. Once the plan is deposited and the transfer registered, the Region will clear this condition.

Should the applicant have any questions regarding Condition 1 or Condition 2, please direct them to contact the individuals listed below:

Jordan Hadler, Law Clerk, 905-980-6000 extension 3271. E-mail
norma.price@niagararegion.ca
(Inquiries -specific to the transfer of property to the Region)

Normans Taurins, Manager, Surveys & Property Information, 905-980-6000 extension 3325, E-mail: normans.taurins@niagararegion.ca"

3. That the owner submit a revised Transportation Impact Study (TIS) to the satisfaction of the Niagara Region.
4. That the subdivision agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the recommendations of the approved Transportation Impact Study (TIS) if required.

5. Prior to any construction taking place within the Regional road allowance the owner shall obtain a Regional Construction Encroachment and/or Entrance Permit. Applications must be made through the Permits Section of the Niagara Region Public Works Department (Transportation Services Division).

The online link to the applications are below:

- Application for Construction Encroachment:
<https://www.niagararegion.ca/living/roads/permits/application-construction-encroachment.aspx>
 - Application for Entrance Permit:
<https://www.niagararegion.ca/living/roads/permits/application-entrance-permit.aspx>
6. That the owner provides written acknowledgement to the Niagara Region Development Approvals Division stating that draft approval of this subdivision does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
 7. That the owner provides a written undertaking to the Niagara Region Development Approvals Division stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this subdivision shall contain a clause indicating that servicing allocation for the condominium will not be assigned until the plan is registered, and a similar clause be inserted in the subdivision agreement between the owner and the City of Welland.
 8. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings [with calculations] for the sanitary and storm drainage systems required to service this development to confirm capacity in the Regional system prior to approval through the Consolidated Linear ECA program.
 9. That prior to approval of the final plan or any on-site grading, the owner shall submit a stormwater management report for the subdivision, and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to the Niagara Region Development Approvals Division for review and approval:

- Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
 - Detailed erosion and sedimentation control plans;
10. That the Subdivision Agreement between the owner and the City of Welland contain provisions whereby the owner agrees to implement the approved plans required in accordance with the condition noted above (Condition 9).
 11. That the owner ensure that all streets and development blocks can provide an access in accordance with the Regional Municipality of Niagara Corporate Policy and By-laws relating to the curbside collection of waste and recycling throughout all phases of development. Where a through street is not maintained, the owner shall provide a revised draft plan to reflect a proposed temporary turnaround/cul-de-sac with a minimum curb radius of 12.8 metres.
 12. That the subdivision agreement between the owner and the City of Welland contain a provision whereby the owner agrees to obtain a certificate from an Ontario Land Surveyor stating that all existing and new survey evidence is in place at the completion of the development.
 13. That the owner provides a written acknowledgment to the Niagara Region Development Approvals Division from the Ministry of Environment, Conservation and Parks' stating that a Record of Site Condition has been filed for the subject lands.
 14. That the owner provides a written acknowledgment to the Niagara Region Development Approvals Division from the Ministry of Northern Development, Mines, Natural Resources, and Forestry which certifies that the historic gas well identified on the subject lands has been decommissioned.
 15. That the following clause be included in the subdivision agreement:

"Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are

associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

16. That the subdivision agreement contain wording wherein the owner agrees to implement the mitigation measures and recommendations found throughout the Environmental Impact Study (EIS) prepared by Terrastory Environmental Consulting Inc. (dated December 18, 2022), including but not limited to:
 - a) That vegetation removals be undertaken between October 1st and March 14th, outside of both the breeding bird nesting period and active bat season. A survey for active bird nests should be conducted prior to any vegetation removal or site alteration planned to occur during this window. Further, should tree removal be required between May 1 and September 31, a qualified Ecologist shall complete an exit survey of suitable maternal roosting sites identified for removal a maximum of 24 hours before removal. The exit survey must make use of a bat detector and shall occur for no less than the time period between sunset and 60 minutes after sunset.
 - b) That construction activity occurring during the active bat season (i.e., between May 1 and September 31) be restricted to daylight hours only and that the use of artificial lighting be avoided in order to reduce disturbance to rare bat species.
 - c) That Bird-Friendly Guidelines be incorporated into the design of the residences, such as those published in City of Toronto’s “Best Practices for Bird-Friendly Glass” and “Best Practices for Effective Lighting”.
 - d) That all street tree and other landscape plantings be reviewed by a qualified Ecologist at detailed design.
17. That an Erosion and Sediment Control (ESC) Plan be prepared for review and approval by the Niagara Region. All ESC measures shall be maintained in good condition for the duration of construction until all disturbed surfaces have been stabilized. Muddy water shall not be allowed to leave the site.
18. That a Grading Plan be provided to the satisfaction of Niagara Region, which demonstrates that no grading within the watercourse or its buffer will occur. The Grading Plan shall designate specific locations for stockpiling of soils and other materials which will at a minimum be outside of the natural heritage features and their buffers.
19. That a Buffer Enhancement Plan be prepared to the satisfaction of the Niagara Region. The plan should incorporate the recommendations found in Sections 5.3.3 of the Environmental Impact Study prepared by Terrastory Environmental Consulting Inc. dated December 18, 2022. The Plan should incorporate dense plantings of native trees and shrubs that complement the adjacent vegetation

communities. The removal of invasive species should also be incorporated, as appropriate.

20. That permanent rear-lot fencing be provided adjacent to the watercourse buffers, to the satisfaction of the Niagara Region. A no-gate bylaw is recommended to reduce human encroachment and limit the movement of pets into the adjacent natural areas.
21. That an Ecological Monitoring Plan be prepared to the satisfaction of Niagara Region. At a minimum the plan should monitor the success of the restorative plantings and invasive species removals. The Report should be submitted to the Niagara Region Development Approvals Division, with attention to Environmental Planning, developmentplanningapplications@niagararegion.ca by September 1st, for a period of 2 years. The Report should also include photographs and advise actions necessary to address any deficiencies.

Note. The monitoring should take place upon the initiation of any development and/or site alteration and continue up to and including 2 years from full build out.

22. That a Photometric Plan be provided to the satisfaction of the Niagara Region that incorporated the recommendations found in Section 5.3.4 of the EIS prepared by Terrastory Environmental Consulting Inc. (dated December 18, 2022). Recommendations include ensuring that fixtures will be “full cutoff” and International Dark Sky Association (IDA) compliant and that fixtures will be positioned such that they focus light downward.
23. That the subdivision agreement contain wording wherein the Owner agrees to implement the approved Erosion and Sediment Control Plan, Grading Plan, Buffer Enhancement Plan, Ecological Monitoring Plan and Photometric Plan.

Clearance of Conditions

Prior to granting final approval, the City of Welland must be in receipt of written confirmation that the requirements of each condition have been met satisfactorily and that all fees have been paid to the satisfaction of Niagara Region.

Subdivision Agreement

Prior to final approval for registration, a copy of the executed Subdivision Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that a copy of the draft agreement be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Note: Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that requests for formal clearance of conditions are to be received and circulated to the Region by the local municipality. The local municipality is also responsible for circulating a copy of the draft agreement, and the Region is unable to provide a final clearance letter until the draft agreement is received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the local municipality.

Taylor Meadows

From: Municipal Planning <MunicipalPlanning@enbridge.com>
Sent: March 6, 2023 3:41 PM
To: Taylor Meadows
Subject: RE: Notice of Public Meeting - 16 Seaway Drive Application for Official Plan Amendment (File No. OPA 42) and Zoning By-law Amendment (File No. 2023-01)

WARNING: This email originated from an external sender. eMail from City of Welland email accounts will not begin with this warning! Please do not click links or open attachments unless you are sure they are safe!

Thank you for your circulation.

Enbridge Gas Inc. does not object to the proposed application however, we reserve the right to amend our development conditions.

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-5180
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: Taylor Meadows <taylor.meadows@welland.ca>
Sent: Friday, February 17, 2023 5:51 PM
Subject: [External] Notice of Public Meeting - 16 Seaway Drive Application for Official Plan Amendment (File No. OPA 42) and Zoning By-law Amendment (File No. 2023-01)

CAUTION! EXTERNAL SENDER

Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Afternoon,

Please find attached, the Notice of Public Meeting regarding application(s) for Official Plan Amendment (File No. OPA No. 42) and Zoning By-law Amendment (File No. 2023-01) for lands municipally known as 16 Seaway Drive.

Regards,



April 25, 2023

Caitlin Kovacs
Development Planner
Planning & Development Services
Corporation of the City of Welland
60 East Main Street
Welland ON, L3B 3X4

Re: Draft Plan of Subdivision Complete Application - 16 Seaway Drive
File No. 26T-14-23001

Dear Ms. Kovacs:

Thank you for circulating the District School Board of Niagara (DSBN) the above noted Draft Plan of Subdivision for lands located at 16 Seaway Drive. The application proposes to construct two (2) semi-detached dwellings, sixty-four (64) stacked townhouse (multiple) dwellings, ten (10) standard townhouse dwellings with garage facing the front lot line, and fifteen (15) townhouse dwellings with garages facing the rear lane, for a total of ninety-two (92) dwellings, under plan of condominium.

DSBN planning staff has no objections to the application. At this time, future students from this area would attend Quaker Rd PS (Gr. JK-8), and Welland Centennial SS (Gr. 9-12).

If you have any questions, feel free to contact me at ext. 54225.

Yours truly,

Sue Mabee, MCIP, RPP
Supervisor of Planning Services

May 11, 2023

Caitlin Kovacs
CITY OF WELLAND
60 EAST MAIN STREET
WELLAND, ON L3B 3X4

Re: **16 Seaway Drive (File No. 26T-14-23001)**

Dear Caitlin,

This development will receive mail service to centralized mail facilities provided through our Community Mailbox program.

I will specify the conditions which I request to be added for Canada Post Corporation's purposes.

The owner shall complete to the satisfaction of the Director of Engineering of the City of Welland and Canada Post:

- a) Include on all offers of purchase and sale, a statement that advises the prospective purchaser:
 - i) that the home/business mail delivery will be from a designated Centralized Mail Box.
 - ii) that the developers/owners be responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.
- b) The owner further agrees to:
 - i) work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision.

- ii) install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes
 - iii) identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision.
 - iv) determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.
- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me.

I appreciate the opportunity to comment on this project.

Regards,

A. Carrigan

Andrew Carrigan
Delivery Services Officer
Andrew.Carrigan@canadapost.ca

June 14, 2023

clerk@welland.ca

City Council
c/o City Clerks
60 East Main Street
Welland, Ontario, L3B 3X4

Dear Clerk,

**RE: Notice of Public Meeting for 26T-14-23001, OPA No. 42, ZBA 2023-01
16 Seaway Drive, City of Welland**

T. Johns Consulting Group Ltd. ("T. Johns Consulting") has been retained on behalf of LIV Communities who are the purchasers of the lands at 1 Quaker Road, formerly known as "Northern Reach" and recently re-branded as "Lock & Quay".

On behalf of our clients, we believe that decisions for applications 26T-14-23001, OPA No. 42, ZBA 2023-01 may be premature. It is in the best interest of all developments to facilitate coordination and ensure comprehensive planning, specifically that stormwater management, servicing and road networks are fully integrated between developments to ensure logical and desirable land use planning.

Applications 26T-14-23001, OPA No. 42, ZBA 2023-01 have a direct impact on the future development of 1 Quaker Road and it would be premature to define land use approvals at present.

Please notify us of any decisions that Council may make with respect to these files.

Respectfully submitted,
T. JOHNS CONSULTING GROUP LTD.



Terri Johns, MCIP, RPP
Principal and Founder



Katelyn Gillis, BA
Intermediate Planner

Cc: Andrew Mulder, LIV Communities
Sam Badawi, LIV Communities
Ben Jones, LIV Communities

June 6, 2023

His Worship Frank Campion, Mayor of Welland
& City Council Members
60 E Main St.
Welland, Ontario
L3B 3X4

Subject: Helping local small businesses affected by major construction

Dear Sir:

The Canadian Federation of Independent Business (CFIB) is Canada's largest association of small- and medium-sized businesses with 97,000 members in all sectors and parts of the country, including 38,000 in Ontario.

On behalf of small businesses, we are calling on all municipalities to implement a construction mitigation program for lengthy projects that cause major disruptions. This initiative should include direct funding to small businesses for income losses.

Lengthy construction projects have wreaked havoc on many of our members. Reduced accessibility has resulted in decreased foot traffic, leading to lower sales and forcing some businesses to close.

Small businesses are willing to put up with some frustration to reap the rewards of improved transportation. The problem is that they must somehow manage to survive until the project reaches the finish line. The glossy project images never show the mess businesses are forced to go through to get there.

According to a report we published in 2018,¹ 41% of Canadian small- and medium-sized businesses were disrupted by local construction projects between 2012 and 2017. In that time, nearly 65,000 businesses were significantly affected by construction, forcing business owners to take out loans, relocate, or even close their doors. Over two-thirds (69%) of survey respondents indicated that their local government

¹CFIB, Paving a Smoother Road: Helping Small Businesses Survive Infrastructure Work, May 2018: <https://20336445.fs1.hubspotusercontent-na1.net/hubfs/20336445/research/report-paving-a-smoother-road-construction-mitigation-policy.pdf>

should adopt a comprehensive construction mitigation program, including compensation for business losses.

In 2018, Montréal became the first municipality in Canada to launch such a program permanently, offering up to \$40,000 in financial assistance to eligible businesses. Montréal recently announced that in addition to the up to \$40,000 per year based on income losses already provided, the city will also offer a \$5,000 grant to businesses with construction disruptions lasting six months or longer. The money will be available from the start of a project without any lost income strings attached.

We encourage you to visit the [City of Montréal's website](#) for further information and to contact us through Riley Locke (riley.locke@cfib.ca) to discuss a similar program for your municipality. In addition, we would be happy to connect you to bilingual contacts at the City of Montréal who can answer questions and help guide you through the implementation of a successful construction mitigation program.

Thank you for your attention to this important matter.

Sincerely,

Original signed by

Julie Kwiecinski
Director of Provincial Affairs (Ontario)

Original signed by

Riley Locke
Policy Analyst (Ontario)

Cc: City Clerk



Legislative Services

June 29, 2023

Sent via email: premier@ontario.ca

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Honourable and Dear Sir:

Re: Impact on Woodbine's Race and Stay Program on the Fort Erie Race Track

Please be advised the Municipal Council of the Town of Fort Erie passed the following resolution at its meeting of June 26, 2023:

Whereas the Fort Erie Race Track is one of only two thoroughbred horse racing facilities in the Province of Ontario, having been established in 1897 and operating continuously since then; and

Whereas in recent years, the Fort Erie Race Track has been the primary host facility for the "B" circuit of thoroughbred racing, while the Woodbine track in Toronto has been the primary facility for "A" circuit thoroughbred racing; and

Whereas both race tracks host "jewel" races in Ontario Triple Crown of Horse Racing; and

Whereas the Ontario Racing Commission, an agency created by the Government of Ontario, regulates horse racing; and

Whereas the provincial government has strategies and policies in place to develop and encourage the horse racing industry in Ontario, including funding and incentive programs to grow and expand the industry in the province; and

Whereas the Fort Erie and Woodbine Race Tracks are both beneficiaries of these programs; and

Whereas Woodbine Entertainment, the owners of the Woodbine track, adopted a stall policy in May 2017, referred to as "Race and Stay," that prevents horses from stabling at Woodbine if they leave to race at another track more than once, except for races with a purse of more than \$20,000; and

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Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

Whereas The Municipal Council of the Town of Fort Erie passed a resolution on May 15, 2017, requesting that the Ontario Racing Commission immediately prohibit Woodbine Entertainment from implementing the Race and Stay program and limitations on the movement of horses between Woodbine and the Fort Erie Race Track; and

Whereas the Mayor and members of Fort Erie Council met with the Minister of Economic Development and Growth at the 2017 Association of Municipalities of Ontario conference to discuss the negative impacts of the Woodbine Race and Stay stall program on the Fort Erie Race Track; and

Whereas the Mayor and members of Fort Erie Council met virtually with officials with the Minister of Finance during the 2020 Association of Municipalities of Ontario conference to again discuss the Woodbine Race and Stay stall policy and the negative impacts it has on the Fort Erie Race track; and

Whereas the Mayor and members of Fort Erie Council met with the Parliamentary Assistant to the Minister of Finance at the 2022 Association of Municipalities of Ontario conference to again discuss Woodbine's Race and Stay program and the negative impacts it continues to have on the Fort Erie Race Track; and

Whereas representatives of the Fort Erie Live Racing Consortium have launched a challenge with the Competition Bureau to determine whether Woodbine Entertainment's actions constitute an attempt to create an illegal monopoly; and

Whereas Woodbine's Race and Stay policy continues to remain in effect through the 2023 racing season; and

Whereas Woodbine's Race and Stay policy continues to have a devastating impact on the ability of the Fort Erie Race Track to operate successfully and grow Ontario horse racing under provincial objectives; and

Whereas the Fort Erie Race Track is a job creator in Fort Erie and the surrounding region, both directly and indirectly, and has contributed to the local economy as well as the history and culture of the area since 1897;

Now therefore be it resolved,

That: The Municipal Council of the Town of Fort Erie again requests that the Alcohol and Gaming Commission of Ontario immediately prohibit Woodbine Entertainment from continuing the Race and Stay stall policy; and further

That: The Provincial Government put in place a long-term policy to encourage competition and diversification of horse racing in Ontario that would prevent any single race track from using their market position to create an unfair monopoly on horse racing in Ontario, including but not necessarily limited to implementing policies that would prohibit monopolistic policies like Woodbine's Race and Stay; and further

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That: The Alcohol and Gaming Commission of Ontario, Ontario Racing Commission and the Provincial Government recognize the contributions of the Fort Erie Race Track to the growth, history and culture of horse racing in the province of Ontario; and further

That: Staff circulate this resolution to the race tracks that host standard bred races and the municipalities that those race tracks reside in, including: Clinton Raceway and the Municipality of Central Huron, Dresden Raceway and the Municipality of Chatham-Kent, Flamboro Downs and the Municipality of Hamilton, Georgian Downs and the Municipality of Barrie, Grand River Raceway and the Municipality of Centre Wellington, Hanover Raceway and the Municipality of Hanover, Hiawatha Horse Park and the Municipality of Sarnia, Kawartha Downs and the Municipality of Cavan Monaghan, Leamington Raceway and the Municipality of Leamington, The Raceway at Western Fair and the Municipality of London, and Rideau Carleton Raceway and the Municipality of Ottawa, and;

That: Staff circulate this resolution to the Regional Council of Niagara and all local area municipalities within the Regional Municipality of Niagara for their endorsement and support.

Thank you for your attention to this matter.

Kind regards,



Ashlea Carter, AMP
Deputy Clerk

acarter@forterie.ca

AC:dlk

cc: The Honourable Peter Bethlenfalvy, Ontario Minister of Finance, Peter.Bethlenfalvy@pc.ola.org
The Honourable Lisa Thompson, Minister of Agriculture, Food and Rural Affairs, Lisa.Thompson@pc.ola.org
Marit Styles, Leader of His Majesty's Loyal Opposition in Ontario, MStiles-QP@ndp.on.ca
John Fraser, Interim Leader of the Ontario Liberal Party, jfraser.mpp.co@liberal.ola.org
Mike Schreiner, Leader of the Green Party of Ontario, mschreiner@ola.org
Wayne Gates, MPP for Niagara Falls, WGates-QP@ndp.on.ca
Jeff Burch, MPP Niagara Centre, JBurch-QP@ndp.on.ca
Alcohol and Gaming Commission of Ontario customer.service@agco.ca / inquiry@ontarioracingcommission.ca
The Fort Erie Live Racing Consortium jthibert@forterieracetrack.ca
Clinton Raceway jessicacarnochan@gmail.com
Municipality of Central Huron cao@centralhuron.com
Dresden Raceway jflemming@clintonraceway.com
Municipality of Chatham-Kent JUDYS@chatham-kent.ca
Flamboro Downs judy.floss@flamborodowns.com
City of Hamilton clerk@hamilton.ca
Georgina Downs cgate@gcgaming.com
City of Barrie wendy.cooke@barrie.ca
Grand River Raceway crozema@grandriverraceway.com
Township of Centre Wellington jennifera@wellington.ca
Hanover Raceway hanoverraceway@wightman.ca
Town of Hanover btocheri@hanover.ca
Hiawatha Horse Park info@hiawathahorsepark.com
City of Sarnia clerks@sarnia.ca
Kawartha Downs daniel@kawarthadowns.com
Township of Cavan Monaghan cpage@cavanmonaghan.net
Leamington Raceway Wmartinuk@arlentool.com
Municipality of Leamington clerks@leamington.ca
The Raceway at Western Fair telliott@westernfairdistrict.com
City of London csaunders@london.ca
Rideau Carleton Raceway - sent via mail
City of Ottawa Rick.Oconnor@ottawa.ca
Niagara Region and Local Area Municipalities