

ZONING BY-LAW AMMENDMENT COMMENTS

Date: June 3, 2019

Re: AM-05-19

The building department offers the following comment,

- A building permit will be required.

Respectfully,
Belinda Menard, Dipl.T.
Building Intake/Plans Examiner

From the Department of
 **Community Planning
& Development**



Enbridge Gas Inc.
500 Consumers Road
North York, Ontario M2J 1P8
Canada

May 23, 2019

Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
PO Box 400
Fonthill, ON L0S 1E0

Dear Shannon,

Re: Zoning By-law Amendment
1440 Pelham Street
Town of Pelham
File No.: AM-05-19

Enbridge Gas Inc. does not object to the proposed application(s).

Enbridge Gas Inc. reserves the right to amend or remove development conditions.

Sincerely,

A handwritten signature in black ink that reads 'Alice Coleman'.

Alice Coleman
Municipal Planning Coordinator
Long Range Distribution Planning

—
ENBRIDGE GAS INC.
TEL: 416-495-5386
MunicipalPlanning@enbridge.com
500 Consumers Rd, North York, ON, M2J 1P8

enbridgegas.com
Safety. Integrity. Respect.

VIA EMAIL ONLY

June 3, 2019

File: D.18.06.ZA-19-075

Ms. Shannon Larocque, MCIP, RPP
Senior Planner
Town of Pelham
20 Pelham Town Square
P.O. Box 400
Fonthill, ON L0S 1E0

Dear Ms. Larocque:

**Re: Regional and Provincial Comments
Proposed Zoning By-law Amendment
Town File No.: AM-05-19
Owner: Colonnade 1440 Inc.
Agent: Daniel Romanko (Better Neighbourhoods Inc.)
Address: 1440 Pelham Street
Town of Pelham**

Regional Planning and Development Services staff has reviewed the above noted application and supporting materials for a Zoning By-law Amendment for lands municipally known as 1440 Pelham Street. The application was received by Regional staff on May 15, 2019 and a pre-consultation meeting was held for the proposal in 2016, with the applicant and staff from the Region and Town.

The proposal requests a site-specific amendment to the Town of Pelham Consolidated Zoning By-law No. 1136 to accommodate an increase in building height to 4 storeys and a maximum gross floor area of 123% of the total lot area, whereas the Zoning By-law requires a maximum building height of 3 storeys and a maximum gross floor area of 50% of the lot area. The purpose of the application is to facilitate the construction of a 2 storey residential addition above the existing commercial building, for a total building height of 4 storeys. The proposed development will provide 12 residential units, two floors of commercial use, and 51 at-grade parking spaces

As outlined below, Regional staff is generally supportive of the proposed development and provides the following comments from a Provincial and Regional perspective to assist the Town in considering the application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject lands as within a Settlement Area. The PPS directs growth to settlement areas, and encourages the efficient use of land, resources, infrastructure, and public service facilities that are planned or available. The Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the subject property as being located within the Delineated Built Boundary, which is intended to be the focus area for intensification, investment, employment, and population growth. The subject property is located within the Urban Built-up Area for the Town of Pelham (Fonthill) in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are generally permitted within Urban Areas, subject to the availability of adequate municipal services and infrastructure.

Together, the PPS, Growth Plan, and ROP direct development to take place in urban areas and support intensification where appropriate servicing and infrastructure exists. These planning documents promote the development of complete communities with a diverse mix of land uses to accommodate an appropriate range of employment and housing types. As described in the Planning Justification Report (prepared by Better Neighbourhoods Inc., dated May 6, 2019), the proposed development addresses Provincial and Regional growth management policies as it is located in an urban area and optimizes the use of urban serviced land and existing infrastructure.

The subject property is located within a central area of the downtown, situated near the intersection of Pelham Street and Highway 20. As such, the proposed development will be located in close proximity to a concentration of recreational and commercial amenities. In addition, the proposed development will contribute to the variety of housing types in the urban area, aiding the Town in achieving its 15% residential intensification target for new development in the Built-up Area. Regional staff are generally supportive of the proposed Zoning By-law Amendment as the application will facilitate intensification in an existing urban area, represents an efficient use of urban land, utilizes existing urban services, and contributes to the mix of housing types.

Change of Use

During the pre-consultation meeting in 2016, the applicant was informed that a mandatory Record of Site Condition (RSC) filing with the Ministry of the Environment, Conservation and Parks (MECP) was required to support the proposed development. The RSC is required due to the change in land use on the subject property from the existing commercial building to a more sensitive land use (mixed residential/commercial). In accordance with Ontario Regulations 153/04 and 511/09, a RSC must be filed on the MECP Brownfields Environmental Site Registry prior to any change in land use to a more sensitive use. Regional staff notes that as of the date of this letter, a RSC has not been filed with the MECP Registry.

Environmental Site Assessment

In order to obtain a RSC, a Phase One Environmental Site Assessment (ESA; dated February 26, 2016) was conducted for the subject property by Pinchin Ltd. The ESA identified the presence of hazardous materials, lead, mould, and the potential for polychlorinated biphenyls (PCBs) and asbestos containing materials (ACMs). A Hazardous Building Materials Assessment (prepared by Pinchin Ltd.; dated March 20, 2019) was also conducted on February 7, 2019, which identified the presence of asbestos, lead, silica, mercury, mould, and the potential for PCBs in light ballast.

Regional staff notes that the Phase One ESA was completed in general accordance with the Canadian Standards Association (CSA) document entitled "*Phase I Environmental Site Assessment, CSA Standard Z768-01*" dated November 2001 (reaffirmed 2012). In accordance with O. Reg 153/04 (as amended by O.Reg 511/09), a Phase One ESA must be conducted following the requirements of Part VII and Schedule D (Phase One Environmental Site Assessments, O.Reg 153/04). Further, Section 28 of O. Reg 153/04 states that the works for the Phase One ESA must be completed no later than 18 months before the submission of the RSC or the commencement of a Phase Two ESA. To date, Regional staff is not in receipt of a Phase Two ESA or RSC. Accordingly, the Phase One ESA, which was completed in February 2016 does not meet Section 28 of O.Reg. 153/04. Based on a review of the submitted ESA, Regional staff notes that the assessment was not prepared in accordance with the above noted Provincial requirements.

Record of Site Condition

As previously discussed, the mandatory filing of an RSC is required prior to the issuance of building permit(s) to facilitate the subject development. Regional staff is of the understanding that a concurrent site plan application has been circulated for review and commenting to various agencies. Regional staff confirmed with the Town that the Region was not and will not be circulated on the site plan application. As such, in order to address the ESA and RSC requirements for the change in land use, staff requires that the Phase One ESA (prepared by Pinchin Ltd., dated February 26, 2016) be revised/updated in accordance with O.Reg. 153/04 and a RSC be obtained from the MECP. These requirements can be fulfilled through one of the following methods:

1. Prior to approval of the Zoning By-law Amendment application; or
2. Through the inclusion of a Holding (H) provision in the amending By-law. A MECP acknowledged RSC, certified by a Qualified Person, is required before the Holding (H) provision can be removed.

Archaeological Resources

The PPS states that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential, unless

significant archaeological resources have been conserved. During the pre-consultation stage, Staff noted that the subject property is located within close proximity to a seasonal creek and a historic road. Given that the subject property exhibits potential for the discovery of archaeological resources, a Stage One and Two Archaeological Assessment (dated January 2017) was conducted by Detritus Consulting Ltd. No archaeological resources were identified and no further archaeological assessment of the property was recommended. The Stage One and Two Archaeological Assessment was submitted to the Ministry of Tourism, Culture and Sport (MTCS) for review as required under the archaeological license for this study.

In a letter dated May 19, 2017, MTCS indicated that the submitted Stage One and Two Archaeological Assessment for the subject property recommends no further archaeological assessment work. Based on the information contained in the report, MTCS is satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the 2011 Standards and Guidelines for Consultant Archaeologists. As such, there are no outstanding archaeological concerns. Regional staff notes, however, that should deeply buried archaeological remains/resources be found on the property during construction activities, the Heritage Operations Unit of MTSC and [owner's archaeological consultant] shall be notified immediately. In the event that human remains are encountered during construction, the owner shall immediately notify the police or coroner, the Registrar of Cemeteries of the Ministry of Small Business and Consumer Services, and the MTCS and [owner's archaeological consultant].

Regional Development Charges Reduction Program

The subject project is located within the Designated Exemption Area for the Town of Pelham as set out in the Regional Development Charge By-law 2017-68. The proposed development may be eligible for a reduction of Regional Development Charges up to a maximum of 50%, subject to achieving the Smart Growth Design Criteria. The applicant is encouraged to review the Regional Development Charge By-law 2017-68, as amended.

The Development Charge By-law can be found at:

<https://www.niagararegion.ca/government/bylaws/pdf/2017/by-law-2017-68-regional-development-charges.pdf>

Information on the Development Charges Reduction Program can be found at:

<https://www.niagararegion.ca/business/property/reductions.aspx>

Please note, however, that the Smart Growth Design Criteria may be amended or eliminated at the discretion of Regional Council in which case, the development charge reductions may also be amended or eliminated without amendment to the Development Charge By-law.

Waste Collection

Regional staff has reviewed Site Plan (A1.1) prepared by 2M Architects (dated 2019-04-23) and note the provision of Envirowirx bins on site. Regional Waste Collection vehicles and staff are unable to collect Envirowirx waste containers and as such, waste collection shall be the responsibility of the owner through a private contractor. Notwithstanding this, the site remains eligible for unlimited curbside recycling and organic waste collection. Given this, staff recommend that the applicant advise the Region as to the intention of waste collection for the proposed development prior to site plan approval.

Conclusion

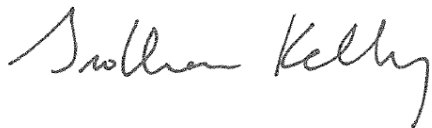
Based on the analysis provided above, Regional Planning and Development Services is not opposed to the Zoning By-law Amendment, subject to any local requirements and the submission of an updated Phase One ESA, to be completed in accordance with Ontario Regulation 153/04 (as amended by O.Reg.511/09), and the submission of a RSC from the MECP. The Phase One ESA and RSC requirements can be addressed through one of the following methods:

1. Prior to the approval of the Zoning By-law Amendment application; or
2. Through the inclusion of a Holding (H) provision in the amending By-law. A MECP acknowledged RSC, certified by a Qualified Person, is required before the Holding (H) provision can be removed.

Should you have any questions related to the above comments or would like a hard copy of the comments, please feel free to contact me at 905-980-6000 ext. 3396 or Lindsay Earl, Senior Development Planner at 905-980-6000 ext. 3387.

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

Best regards,



Siobhan Kelly
Planning and Development Student

cc: Ms. A. Alderman, Development Planner, Niagara Region
Mr. P. Busnello, MCIP, RPP, Manager Development Planner, Niagara Region
Mr. T. Boyle, Development Approvals Technician, Niagara Region