



**Community Planning & Development Department
Planning Application Report**

July 10, 2024

Subject: Recommendation Report – Applications for Draft Plan of Subdivision & Zoning By-law Amendment – Canboro Estates

Recommendation:

THAT Council receive Report #2024-145 – Recommendation Report – Applications for Draft Plan of Subdivision & Zoning By-law Amendment – Canboro Estates, for information;

AND THAT Council direct Planning staff to prepare the by-law for approval of the Zoning By-law amendment for Council's consideration;

AND THAT Council approve the Draft Plan of Subdivision, attached as Appendix B, subject to the conditions in Appendix C.

Executive Summary:

The purpose of this report is to provide Council with a recommendation regarding applications for Draft Plan of Subdivision and Zoning By-law amendment for Canboro Estates.

Location:

The subject property is municipally known as 82-90 Canboro Road and legally described as Part of Lots 3, 4, 5, 6, 7, 8, 9, 11 & 13 Registered Plan 717 and Part of Lot 167, Geographic Township of Thorold, now in the Town of Pelham, Regional Municipality of Niagara. The property is located on the south side of Canboro Road and north side of Daleview Drive (Figure 1).

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Figure 1: Property Location



The property is made up of three existing lots containing: an existing single detached dwelling with detached garage at 82 Canboro Road, an existing fourplex dwelling at 86 Canboro Road (fronting on Daleview Drive) and an existing triplex dwelling at 90 Canboro Road. The applicant proposes to demolish the dwelling located at 86 Canboro Road and the single detached dwelling and detached garage at 82 Canboro Road. The triplex dwelling located at 90 Canboro Road will be retained.

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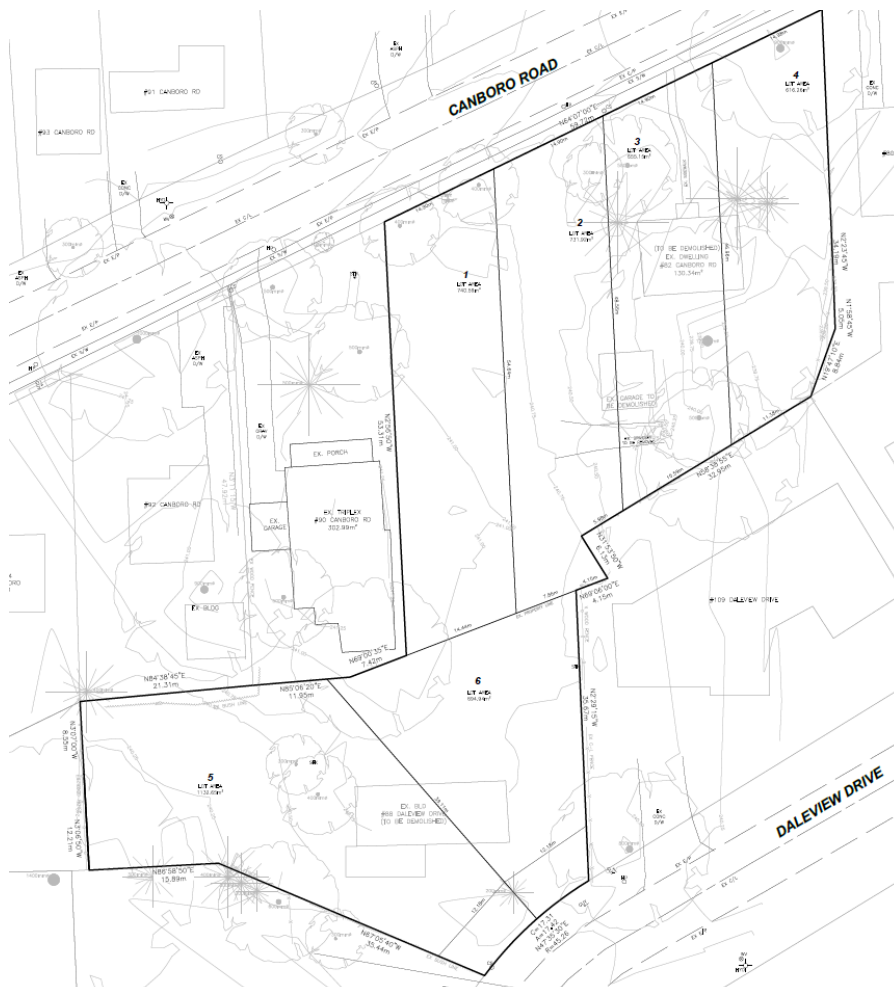
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The surrounding land use is primarily residential consisting of single detached dwellings on Canboro Road, Daleview Crescent and Daleview Drive.

Project Description and Purpose:

The original draft plan of subdivision (Figure 2) proposed 6 lots for single detached dwellings (4 fronting on Canboro Road and 2 fronting on Daleview Drive). The lots ranged in size from 616 m² to 1132 m² with frontage ranging from 12.2 to 14.9 metres.

Figure 2: Original Proposed Draft Plan of Subdivision

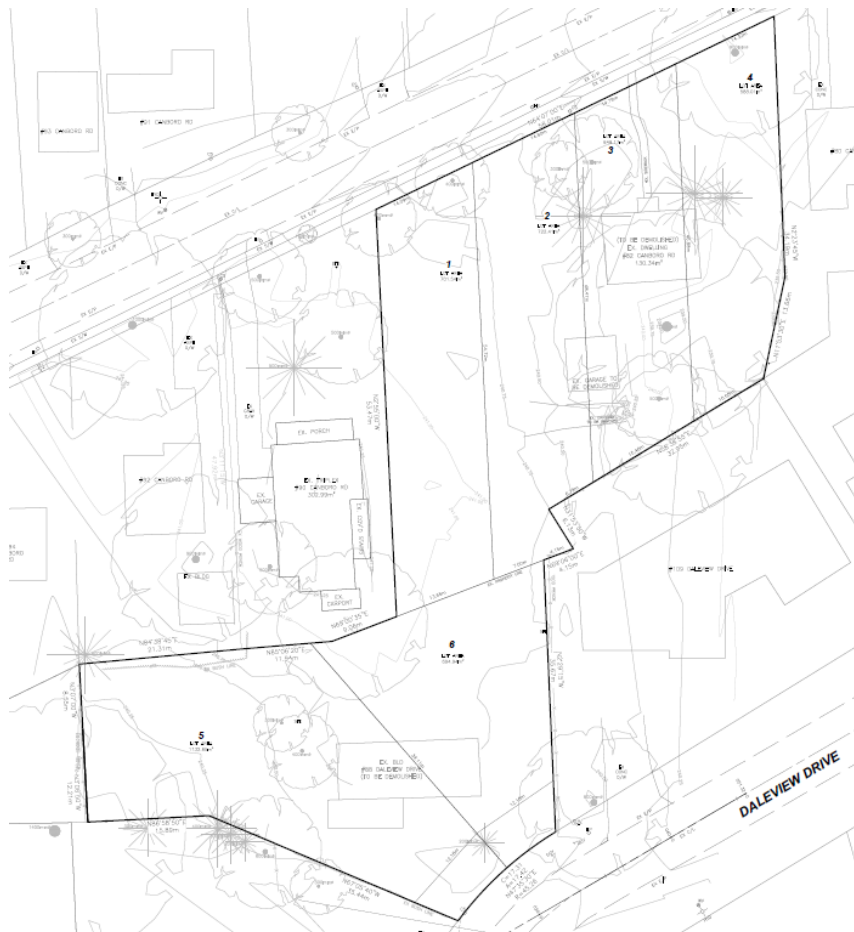


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In an effort to address the concerns raised by Town staff, Council and members of the public with respect to visual and functional impacts on the historic home located at 90 Canboro Road, the applicant has provided a revised draft plan of subdivision (Figure 3) with smaller lots and frontages on Canboro Road. The revised draft plan of subdivision will allow for a 3 metre setback on the east side of the existing dwelling (Figure 4). This will ensure that the covered entry on the east side of the dwelling will be retained and access to the apartment unit continued.

Figure 3: Revised Draft Plan of Subdivision



The revised draft plan of subdivision proposes lot frontages ranging from 14.09 metres to 14.80 metres and lot areas ranging from 588.01 m² to 722.41 m² for lots 1-4 on Canboro Road.

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Figure 4: Revised Site Plan



Policy Review:

Planning Act, 1990

Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities, i.e., decisions of Council, "shall be consistent with the policy statements" issued under the Act and "shall conform with the



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provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.

Section 51 of the *Planning Act* allows for consideration of a plan of subdivision.

Section 51 (24) of the *Act* states that in considering a draft plan of subdivision regard shall be had, among other matters, to 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;
- Whether the proposed subdivision is premature or in the public interest;
- Whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- The suitability of the land for the purposes for which it is to be subdivided;
- 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 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 adjoining land;
- Conservation of natural resources and flood control;
- The adequacy of utilities and municipal services;
- The adequacy of school sites;
- The area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;



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- The extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy;
- The interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act.

Analysis of Section 51 (24) of the Planning Act will be provided under the Town of Pelham Official Plan analysis below.

Section 34 of the Act allows for consideration of amendments to the zoning by-law.

Greenbelt Plan, 2017

The subject parcel is in an identified settlement area that is outside of the Greenbelt Plan Area; therefore, the policies of the Greenbelt Plan do not apply.

Niagara Escarpment Plan, 2017

The subject parcel is not located in the Niagara Escarpment Plan Area; therefore, the Niagara Escarpment Plan policies do not apply.

Provincial Policy Statement, 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land. The PPS provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment.

Section 3 of the *Planning Act* requires that decisions affecting planning matters "shall be consistent with" policy statements issued under the *Act*. The PPS recognizes the diversity of Ontario and that local context is important. Policies are outcome-oriented, and some policies provide flexibility provided that provincial interests are upheld. PPS policies represent minimum standards.

The subject land is in a 'Settlement Area' according to the PPS. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and their vitality and regeneration shall be promoted.



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Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and mix of land uses that efficiently use land and resources, are appropriate for and efficiently use infrastructure and public service facilities, minimize negative impacts to air quality and climate change and promote energy efficiency, prepare for the impacts of a changing climate, support active transportation and are transit and freight supportive.

The property is served by existed sidewalks and is located on a bicycle route.

Policy 1.1.3.3 provides for the promotion of intensification and redevelopment accommodating a significant supply and range of housing options where it can be accommodated considering the building stock, availability of existing and planned infrastructure and public service facilities required to accommodate the needs of the development.

The applications will result in the construction of 6 new single detached dwellings, the retention of the existing triplex located at 90 Canboro Road and the demolition of the existing fourplex and single detached dwelling with detached garage. The development will result in 1 additional dwelling unit with potential for up to 3 second dwelling units on each lot (total of 18 units). The development is served by existing infrastructure.

Policy 1.4.3 requires Planning authorities to provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

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2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;
- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;
- e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and
- f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The Provincial Policy Statement defines Affordable as:

- a) in the case of ownership housing, the least expensive of:
 1. housing for which the purchase price results in annual accommodation costs which do not exceed 30 percent of gross annual household income for low and moderate income households; or
 2. housing for which the purchase price is at least 10 percent below the average purchase price of a resale unit in the regional market area;
- b) in the case of rental housing, the least expensive of:
 1. a unit for which the rent does not exceed 30 percent of gross annual household income for low and moderate income households; or
 2. a unit for which the rent is at or below the average market rent of a unit in the regional market area.

Discussed further below, the Niagara Region Official Plan contains targets for affordable housing. The Town's Zoning By-law 4481(2022) permits many housing options and additional residential units. The Town's Official Plan directs intensification and redevelopment to the Settlement area where there is existing infrastructure and public service facilities to meet current and projected needs and promotes the efficient use of land, compact form and availability of active transportation.



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Policy 2.6.1 requires significant built heritage resources and significant cultural heritage landscapes to be conserved.

2.6.2 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.

The applicant has completed an archaeological assessment of the subject property. Should the draft plan of subdivision be approved, a clearance letter will be required from the Ministry of Tourism, Culture, Gaming and Sport as a condition of draft plan approval.

2.6.3 states that planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

Significant: means e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the *Ontario Heritage Act*.

Protected heritage property: means property designated under Parts IV, V or VI of the *Ontario Heritage Act*; property subject to a heritage conservation easement under Parts II or IV of the *Ontario Heritage Act*; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.

The historic home located at 90 Canboro Road is not designated under the *Ontario Heritage Act* and is not identified by the Province or Federal legislation and therefore, is not considered a protected heritage resource. The existing dwelling at 82 Canboro and the fourplex at 88 Canboro Road also are not protected. The dwelling at 90 Canboro Road may be considered significant, but it is planned to be protected through the applications. As a result, Policies 2.6.1 is satisfied and 2.6.3 is not applicable.



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Growth Plan for the Greater Golden Horseshoe, 2020

The subject parcel is identified as being within a Delineated Built-up Area according to the Growth Plan for the Greater Golden Horseshoe, 2020. The Growth Plan policies aim to build stronger, prosperous communities by directing growth to built-up areas, promoting transit-supportive densities and a healthy mix of residential and employment land uses, preserving employment areas, planning for community infrastructure, and supporting the conservation and protection of natural systems, prime agricultural areas, and cultural heritage.

Policy 2.2.6.1 indicates that upper tier municipalities in consultation with lower tier municipalities will a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

- i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and
- ii. establishing targets for affordable ownership housing and rental housing;

The proposed draft plan of subdivision and zoning by-law amendment will allow additional single detached units and potential for second dwelling units which could be rented for an affordable rate. The Town does not set rental rates and they are dictated by the market. While 4 rental apartments will be demolished, there is a net gain in number of units by one and potential for additional rental units through construction of second dwelling units on the proposed lots.

Policy 2.2.2.1(a) requires a minimum of 50 percent of all new residential development to occur within the delineated built-up area.

Policy 2.2.2.3(b) encourages intensification generally throughout the built-up area and investment in services that will support intensification.

The property is located in the built-up area where intensification is generally encouraged.

Policy 4.2.7.1 indicates that cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth



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areas. The Growth Plan considers cultural heritage resources to include built heritage resources which are generally located on property that has been designated under Part IV or V of the *Ontario Heritage Act*, or included on local, provincial or federal registers.

The historic home located at 90 Canboro Road is not designated under the *Ontario Heritage Act* nor is it included on local, provincial or federal registers. The dwelling would likely satisfy the criteria for designation in the *Ontario Heritage Act*. Town staff have consulted with the property owners to determine if they would be supportive of a designation under Part IV of the *Ontario Heritage Act*. The owners do not wish to pursue a designation at this time, though they acknowledge that it is their intention to preserve the dwelling. Though not required, it has been the Town's practice to proceed with designation of heritage properties with willing property owners.

Town staff were previously working on a register of non-designated properties and the dwelling at 90 Canboro Road was planned for inclusion. However, recent changes to the *Ontario Heritage Act* allow Council to include listed properties on the register for only a two-year time frame. If the property is not designated within two years, it must be removed from the register and cannot be included again for a period of 5 years. As a result, the effectiveness of a register offering protection from demolition has diminished. The character statement that was completed for 90 Canboro Road is included in Appendix A for information. As noted, the dwelling is to be preserved through the applications.

Niagara Region Official Plan, 2022

The lands are designated as Built-Up Area in the new Niagara Region Official Plan.

Policy 2.2.2.5 requires that across the Region 60% of all residential units occurring annually are to be in the Built-Up Areas of the Region and in Pelham, this translates into an annual intensification rate of 25% of new residential units. The objective of intensification is to increase housing choice and housing affordability across the Region to meet future housing needs while at the same time making efficient use of infrastructure, community services and urban lands.

The applications contribute to the annual intensification rate of new residential units in the Built-Up Area.



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Policy 2.2.1.1 states that development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan (note: Pelham's intensification target is 25%);
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.

Policy 2.3.1 provides the direction with regards to a mix a housing options and specifically Policy 2.3.1.1 states that the development of a range and mix of densities, lot, and unit sizes, and housing types, including affordable and attainable housing, will be planned throughout settlement areas to meet housing needs at all stages of life.

Policy 2.3.1.4 also provides that new residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a) facilitating compact built form; and
- b) incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.

As noted, the applications will result in intensification through a net gain of one dwelling unit with potential for additional units from second dwelling units. The applications propose a compact built form, facilitate additional single detached dwellings (and potential second dwellings units) and retain the 3 existing rental units contained in the triplex at 90 Canboro Road. This results in a mix of housing types, unit sizes and various levels of affordability. All new construction will be required to meet the energy efficiency requirements under the *Ontario Building Code*.



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Policy 2.3.2.3 states that to encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:

- a. 20 per cent of all new rental housing is to be affordable; and
- b. 10 per cent of all new ownership housing is to be affordable.

Policy 2.3.2.6 indicates that Local Area Municipalities shall include policies in Local official plans that only permit the demolition or conversion of rental housing to ownership tenure, where:

- a. the average rental vacancy rate within the Local Area Municipality is at or above three percent over the preceding three year period;
- b. the conversion to ownership housing would result in the creation of affordable housing; or
- c. the demolition or conversion is needed to address existing health and safety issues through retrofits and renovations, which would result in an increase in rental levels above the threshold for affordability.

Guidance material for the implementation of policies 2.3.2.6. b) and c) will be developed in collaboration with Local Area Municipalities.

The Town is currently reviewing and updating its Official Plan for conformity with the Niagara Region Official Plan. At this time, policies are not contained in the Town Official Plan setting minimum targets for affordable rental and ownership housing or with respect to the demolition of rental housing. Town Official Plan policy B1.1.12 Rental Conversion only applies to conversion of rental accommodation to condominium ownership which the applications do not propose to do.

Policy 2.3.3.1 lists tools to be considered to support the development of affordable and attainable housing:

- a. flexibility in the scale, form, and types of residential uses permitted as-of right, including additional residential units and other alternative housing forms;
- b. streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing, with a priority for developments receiving time-sensitive government funding;



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- c. financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing;
- d. the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;
- e. site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards;
- f. inclusionary zoning provisions within protected major transit station areas and/or areas with an approved Community Planning Permit System, subject to the preparation of an assessment report as described in the Planning Act and Ontario Regulation 232/18; and
- g. demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without replacement of the same or higher number of rental units.

The Town's Zoning By-law 4481(2022) allows for additional residential units and housing form (ie. second dwelling units, semi-detached units in R1 zones). The draft plan of subdivision does not propose affordable housing and is not receiving grant funding or taking advantage of financial incentive programs. A multi-unit development is not proposed through the applications. Zoning By-law 4481(2022) also includes reduced setbacks, parking standards and lot sizes to facilitate additional residential units. The subject property is not within a protected major transit station areas and/or areas with a protected major transit area or and area with an approved Community Planning Permit System. Finally, the Town does not have a demolition control and residential replacement by-law at this time.

Policy 2.3.3.2 states that Local Area Municipalities shall permit up to two additional residential units as-of right within new or existing residential development, subject to Provincial legislation and appropriate land use, size, and locational criteria.

Zoning By-law 4481(2022) permits up to two second dwelling units in an existing dwelling subject to regulations. A detached second dwelling unit is also permitted subject to zoning requirements.



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Policy 2.3.3.3 indicates that Local Area Municipalities, in consultation with the Region, are encouraged to develop local housing strategies that:

- a. identify land use planning tools and other housing initiatives and programs, including those listed in Policy 2.3.3.1, that support housing need within the Local Area Municipality;
- b. establish affordable housing targets that contribute to achieving targets outlined in Policy 2.3.2.3; and
- c. identify performance indicators that monitor the achievement towards the strategy's targets and objectives.

As noted, the Town is in the process of updating its Official Plan to conform with the Niagara Region Official Plan which received approval in November 2022.

Policy 6.5.1.1 states that significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities. Policy 6.5.1.2 states that the Region encourages Local Area Municipalities to designate properties of cultural heritage value or interest, either individually or as part of a larger area or Heritage Conservation District, under the Ontario Heritage Act. Local Area Municipalities shall advise the Region of properties of cultural heritage value or interest that have been designated or listed on the register under the Ontario Heritage Act (6.5.1.3). Local Area Municipalities are encouraged to develop and use cultural master plans to inform decision-making (6.5.1.4). Development and site alteration on protected heritage property or adjacent lands shall not be permitted, except where the proposed development and site alteration has been evaluated through a heritage impact assessment and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (6.5.1.5).

As noted above, 90 Canboro Road is not a protected heritage property at this time. As such, the policies relating to protected heritage properties do not apply.

Town of Pelham Official Plan, 2014

The lands are designated Urban Living Area/Built Boundary in the Town's Official Plan. The permitted uses in this designation are a full range of residential uses including single detached dwellings.



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Policy B1.1.3 requires the Town to accommodate at least 15% of projected housing growth within the existing built boundaries of Fonthill and Fenwick (note: this is now superseded by the approved intensification target in the Region of Niagara Official Plan of 25%).

Further, Policy B1.1.3 (a) permits and encourages intensification on sites abutting arterial and collector roads or located on a local road on a site that is no further than 100 metres from an intersection with an arterial or collector road;. Canboro Road is identified as an arterial road and Daleview Drive is identified as a local road on Schedule C to the Town of Pelham Official Plan.

The applications will result in intensification and redevelopment within the Built Boundary and on an arterial road/within 100 metres of an intersection with an arterial road.

Policy B1.1.3 (b) states that residential intensification and redevelopment proposals are encouraged to achieve a unit density and housing type in keeping with the character of the density of the neighbourhood where it is proposed; Policy B1.1.3(f) encourages affordable housing in intensification areas.

The applications propose single detached dwellings which is typical of the surrounding neighbourhood. The subject property is not located in an identified intensification area. While the policies encourage affordable housing, they do not mandate it.

The Town of Pelham Official Plan contains other policies relating to affordable housing but none are prescriptive and/or applicable to the subject property. The Official Plan objectives in A2.2.2 include providing housing that is affordable to the community. The objectives of the Official Plan are meant to guide the policies in the Plan and explain their intention.

Policy B1.1.11.4 which pertains to Lot 177 (not the subject property) states that development proposals shall provide for a mix of dwelling unit types to assist in ensuring an affordable housing supply can be accommodated.

B1.2.4.1 c) states that at least 50% of the dwellings to be constructed in the Downtowns should be affordable to low and moderate income households. The subject property is outside of the Downtown.



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B1.7.3.2 contains policies and methods for providing affordable housing in the East Fonthill Secondary Plan Area only. The subject property is not in the East Fonthill Secondary Plan Area.

E1.7.5.7 indicates that working with community groups may provide a variety of means of expanding and maintaining a range of public facilities, such as affordable housing or housing geared to seniors. This policy relates to Community Improvement Plans. The property is not located within a Community Improvement Plan area.

Based on this review, the Town of Pelham Official Plan does not contain policies that would mandate retaining or building rental or affordable housing.

D4.2 contains policies with respect to identified cultural heritage resources. E7 of the Town Official Plan indicates that the definitions are derived from the Provincial Policy Statement and other Provincial Guidelines and the Provincial definition shall apply. As a result, 90 Canboro Road is not considered an identified cultural heritage resource.

Official Plan Policy D5.3 requires that prior to the consideration of an application for Plan of Subdivision, Council shall be satisfied that:

a) The approval of the development is not premature and is in the public interest;

The approval of the development is not premature. The policies contained in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan and Town Official Plan are meant to bolster matters of public interest (housing, environmental, heritage, etc.). As noted in the analysis, the applications meet the policies contained in these documents.

b) The lands will be appropriately serviced with infrastructure, schools, parkland and open space, community facilities and other amenities, as required;

The property is serviced by appropriate infrastructure and will be served by existing schools, parkland and community facilities.

c) The density of the development is appropriate for the neighbourhood as articulated in the policies of these Plan that relate to density and intensification;

The proposed density is in keeping with that of the existing neighbourhood.



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d) The subdivision, when developed, will be easily integrated/connected with other development in the area through the use of roadways, natural corridor linkages and trails to accommodate active transportation;

The subdivision is served by existing sidewalks and is located on a bicycle route.

e) The subdivision conforms with the environmental protection and management policies of this Plan; and,

The lands do not contain identified environmental features and no uses are proposed that would be cause for environmental concern.

f) The proposal conforms to Section 51 (24) of the *Planning Act*, as amended.

This policy is similar to the requirements in Section 51(24) of the *Planning Act*, as amended.

Based on this analysis, Policy D5.3 is satisfied.

Town of Pelham Zoning By-law 4481 (2022)

The properties are zoned RM2 (Residential Multiple Two) which permits an apartment dwelling and uses, buildings and structures accessory thereto.

The requested zoning by-law amendment would rezone the portion of the property for the six new building lots to a site-specific R2 (Residential Two) zone that would allow the uses permitted in the R2 zone (Single Detached Dwelling; Duplex dwelling; Semi-detached Dwelling; Bed and Breakfast Establishment in a Single Detached Dwelling; Home Occupation; Second Dwelling Units; and Uses, Buildings and Structures Accessory to the Foregoing Uses) with a 17 metre maximum front yard setback requirement. This will ensure that the future dwellings can be sited further from the front lot line similar to the existing dwellings along Canboro Road in order to maintain consistency of the streetscape.

The zoning by-law amendment originally requested a site-specific RM2 (Residential Multiple Two) zone that would permit the existing triplex dwelling located at 90 Canboro Road in addition to an apartment dwelling. Planning staff requested that the developer change the request to rezone to a site-specific RM1 (Residential Multiple One) zone that permits a triplex to reflect the existing use of the property more



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accurately and to hopefully aid in its long-term preservation. The applicant has agreed to revise the request.

There are two site-specific regulations being requested for the triplex. These are the maximum front yard of 22.06 metres and the minimum rear yard of 1.2 metres which reflect the location of the existing building.

Submitted Reports:

Planning Justification Report prepared by Upper Canada Consultants Engineers/Planners dated February 2024

The report concludes that in the author's opinion, the proposed development is consistent with the Provincial Policy Statement, conforms with the Growth Plan, Niagara Region Official Plan and the Town of Pelham Official Plan, represents good planning and should be supported.

Functional Servicing Report prepared by Upper Canada Consultants Engineers/Planners dated January 2024 (Revised April 2024)

The report concludes that the existing 150mm diameter watermain on Canboro Road and Daleview Drive will have sufficient capacity to provide both domestic and fire protection water supply; that the existing sanitary sewer on Canboro Road and Daleview Drive will have adequate capacity for the proposed development; that the Stormwater quantity controls will be provided to allowable conditions up to and including the 5 year design storm by two Infiltration Trenches prior to discharge to the adjacent residential properties; and that the existing site extreme overland flow routes will be maintained as part of the proposed development. Based on this information and the provided calculations, the report concludes that there is adequate municipal servicing for the development.

Site Servicing & Grading Plan prepared by Upper Canada Consultants Engineers/Planners dated February 8, 2024 (reflects original draft plan)

Site Servicing & Grading Plan prepared by Upper Canada Consultants Engineers/Planners dated May 7, 2024 and printed May 15, 2024

The Plan demonstrates how the development will be serviced and how drainage can be accommodated to ensure no negative impact to adjacent property owners.



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*Tree Inventory & Preservation Plan Report prepared by Jackson Arboriculture Inc.
dated February 26, 2024 (Revised May 14, 2024)*

*Tree Preservation Plan prepared by Jackson Arboriculture Inc. dated February 26,
2024 (Revised May 14, 2024)*

The tree preservation analysis was completed on each tree included in the inventory considering the impacts from the proposed development and many other factors including, but not limited to, tree condition, species, DBH and the existing site conditions. The impacts from the proposed development will occur where tree roots and branches conflict with machinery during pre-grading and construction.

The report and plan identify 26 trees for preservation and include recommendations to reduce impacts to trees identified for preservation. The report identifies 20 trees for removal.

*Stage 1 & 2 Archaeological Assessment Report prepared by Irvin Heritage Inc.
dated May 1, 2023*

The report details the archaeological assessment undertaken on the subject property and indicates that it is the professional opinion of the archaeologist that the Study Area has been sufficiently assessed and is free of further archaeological concern.

The reports are available for viewing at: www.pelham.ca/CanboroEstates

Agency Comments:

The applications were circulated to commenting agencies and Town Departments. The following comments have been received at the time of writing of this report:

<i>Bell</i>	Provided conditions of approval
<i>Niagara Region</i>	No objection subject to requested conditions of draft plan approval
<i>Enbridge</i>	No objection subject to conditions
<i>Public Works</i>	Provided conditions of approval
<i>Fire</i>	No comments



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Hydro One No comments or concerns

Canada Post No requirements or conditions

Public Comments:

On March 19, 2024 a public meeting notice was circulated to all property owners within 120 metres of the property's boundaries. In addition, public notice signs were posted facing Canboro Road and the Daleview Drive. A public meeting was held on April 10, 2024. Approximately 20 members of the public attended the meeting virtually and in-person. A number written and verbal submissions were received and are summarized as follows:

Stephanie Dancer, Anne Holtby, Peter, Connie Croxley, Esther Hanlin & Jim

- Concerned about the loss of affordable housing for 13 residents (including 6 seniors) and the displacement of plants, animals and members of the community.
- Provided references to policies in the Town of Pelham Official Plan regarding affordable housing.
- Expressed concern that construction would uproot the community and disrupt the local habitat.

Frank Brunette & Ruihua Xu

- Echoed concerns of those above.

Joanne Lynne

- Concerned about gentrification in the neighbourhood by forcing current residents out and replacing housing with more expensive housing.
- Indicates that the covered porches on the east side of 90 Canboro Road have not been shown on the site plan. Request a larger setback and lot for 90 Canboro Road.

Margaret Johnson

- Concerned about the integrity of the heritage home at 90 Canboro Road. Feels the proposed east side yard setback is too close and that the parking area in



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front and loss of mature trees will detract from the appearance. Also concerned that the narrow lot will make the dwelling less usable as a triplex.

- Requests that one fewer lot be created along Canboro Road to leave a larger lot for the dwelling at 90 Canboro Road.

Ann Tiidus

- Concerned about the placement of the parking area in front of 90 Canboro Road and the loss of mature trees on the property.
- Feels the development is out of character with the neighbourhood. Also, concerns about the loss of affordable housing.
- Believes the developer should scale down the development for fewer lots.

Carolyn Doyle

- Concerned about the loss of trees and green space and impacts on heritage buildings and sites. Wants the development to honour the character of the Town and address affordability.

Deb, Mike, Max and Chas Csikos

- Concerned about the small setbacks from the 90 Canboro Road triplex. The setbacks make access to the apartments on the east side difficult which could be challenging for emergency services.
- They indicate that the side covered porch is not included on the site plan at this time. Request consideration for a larger setback due to the historic house.

Graham Pett – Pelham PATH

- Request 3:1 replacement of trees. Coordination with Town to determine alternative planting locations if not possible on site.
- Recommends the preservation of the silver maple tree and emphasized the importance of avoiding unnecessary tree removal.
- Recommends that an arborist provide a report on pruning activities to ensure they are carried out properly.
- Would like tree planting initiatives in the Town of Pelham Official Plan and a dedicated tree preservation by-law.
- Concerned about the loss of rental units through the applications and requested Council reject the applications.



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Mike Maukrey

- Concerned about the removal of a 200-year old tree, as well as the displacement faced by himself and others.
- Conveyed his desire to continue residing in Pelham, along with sustaining his business, but expressed concern about the feasibility of doing so.

Ron Macdonald

- Concerned about increased traffic, emphasizing the proposed development would exacerbate the issue. He stated that no further development should occur without first improving road conditions.

Lois Lees

- Concern about future rezoning and severance activities on the property.

Jim Gilmore

- Concerned about the timeline for eviction.

Gary Tracy

- Expressed concern, noting that while his property was among the most affected, he was appalled by the human impact on the properties adjacent to his.

Alice Cassidy

- Asked about measures taken to support tenants affected by the eviction.

Maggie Johnson

- Expressed concern for infrastructure, noting existing issues with water pressure and stormwater management.

Staff Comments:

The primary concern raised at the public meeting was with respect to the demolition of the existing fourplex rental building at 88 Canboro Road and the resulting displacement of residents. Town Planning staff share this concern and sympathize



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with the residents and neighbourhood. There is a need for affordable housing options including rentals in the Town. Planning staff undertook a review of the applicable policies above and unfortunately determined that the policies firstly encourage and support the provision for increased supply, efficient use of land to bring costs down and different housing types that are available to different income levels. Secondly, they mandate the upper tier (Niagara Region) to set targets which are then to be adopted by the lower tier (Town) municipality or for the Town to include policy in its Official Plan. At this time, Planning staff are reviewing the Official Plan and working on updating it for conformity with the Niagara Region Official Plan. Planning staff did review the policies pertaining to affordable housing in the Town Official Plan and determined that many were not applicable to the subject property or that they were not prescriptive. Unfortunately, this leaves little policy basis for Town staff to fail to lend support to the applications due to the loss of the rental units.

Should the applications be approved, there will be as of right permissions for second dwelling units on the future lots. The policies regarding second dwelling units are aimed and intended to provide an option for additional rental units.

Further, should staff not support and/or Council not approve the creation of Lots 5 and 6, containing the fourplex, there is nothing to prevent the property owners from applying for a demolition permit, removing the building and then applying for a consent to sever the lot.

As requested at the public meeting, Town staff are providing a summary of the process that the landlord must undertake to end a tenant's lease due to demolition of the building at 88 Canboro Road. The process is determined by the [*Residential Tenancies Act*](#) in Ontario. Planning staff obtained the following information from the Landlord and Tenant Board website and it is not intended to be taken as legal advice.

Where the landlord intends to demolish a rental unit, the landlord must serve a Form N13 – Notice to Terminate the Tenancy at the End of the Term for Conversion, Demolition or Repairs 120 days before the termination date (the last day of the rental period or lease term). If the property has less than 5 units, and demolition was not ordered under another Act, the landlord must offer the tenant another rental unit that is acceptable to them or pay the tenant an amount equal to 1 months' rent by the termination day on the notice.



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If the tenant does not move out of the rental unit within the time specified on the Notice, the landlord can then file a Form L2 – Application to End a Tenancy and Evict a Tenant or Collect Money with the Landlord and Tenant Board (LTB) to evict a tenant. The tenant can dispute the application at the hearing or move out of the unit on an earlier date, provided that they give 10 days' written notice to the landlord.

If the tenant chooses to dispute the application, they can attend the hearing and provide evidence. If the landlord's application is successful, the LTB issues an order for eviction and the tenant must be prepared to move out by the date specified in the order. If the tenant still does not leave the property after the eviction order, the landlord must apply to the Sheriff's Office to enforce the order. The Sheriff will physically remove the tenant if necessary.

If the tenant disagrees with the order, they can request a review or file an appeal within 30 days.

Concerns were also heard about the adequacy of infrastructure and exacerbating traffic issues. The developer will be required to provide a Functional Servicing Report, plans and other information to the Town for review by Public Works staff as conditions of draft plan approval (should the applications be approved). Further, Canboro Road is slated for reconstruction and urbanization in the near future. The creation of 6 building lots is not anticipated to result in a significant increase in traffic. Town Public Works staff have not noted any concerns in this respect.

Many concerns were also raised about the impact of the development on the historic home at 90 Canboro Road. Suggestions were made that one fewer lot be created along Canboro Road to allow a larger setback, better access, the retention of more trees and additional space for parking on the 90 Canboro Road property. The Developer was unwilling to make that change and instead opted to reduce the dimensions of the lots in an effort to achieve the same results. The revised plan does allow for the retention of the porch on the east side of the historic home and continued access with a 3 metre setback from the proposed lot line. Unfortunately, it does not allow for the retention of additional trees on the 90 Canboro Road property.

Planning staff, Council and residents have expressed concern about the proposed parking area in the front of the historic home to the developer. It is best practice to locate parking areas beside or behind buildings and in this case, the new parking area

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will result in the removal of an additional tree (#23). At this time, the Town's Official Plan only contains policies respecting parking area locations in the Downtowns, Commercial Areas and in East Fonthill. Planning staff have noted the presence of a carriage step and hitching post in front of the dwelling (Figure 5) and the developer has indicated that this will not be impacted by the applications or the relocation of the parking area. Planning staff further suggested that the carport on the west side of the dwelling be removed to allow additional parking alongside the dwelling. However, the developer noted that this would not increase parking availability as it was not felt to be wide enough next to the dwelling, would potentially take away from private amenity space in the rear and that it is their preference to not make any alterations to the building.

Figure 5: Carriage Step and Hitching Post



Concerns were also raised with respect to the loss of mature trees. The Tree Inventory and Preservation Plan demonstrated that the existing trees are all privately owned. Should the applications be approved, Town staff have included a condition that the developer prepare a Streetscape Plan to provide Street Trees on the road



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allowances in front of the subject property where none currently exist. These trees would be Town-owned and managed in accordance with the Town's policy.

3 Silver Maples have been identified for removal (26, 37 and 46) and one Silver Maple (14) for preservation on the Tree Preservation Plan. The large Silver Maple identified for preservation is located on adjacent property at 1 Daleview Crescent due to the roots and crown being partially located on lot 5. The large Silver Maple identified for removal that was brought up by PATH is Tree 37 which is located on Lot 4. This tree is crown and roots of the tree are very extensive and will be impacted by road, service and sidewalk installation, in addition to the driveway. The tree is located on private property. There are no applicable by-laws or policies that apply to tree removal on private property outside of natural heritage features or species at risk trees at this time. The Silver Maple is not identified as a species at risk or part of a natural heritage feature.

Planning staff are aware of the request from PATH to include policies in the Official Plan to require replacement of trees on private property as part of the review that is being undertaken and will provide consideration through that process.

The Developer has been agreeable to requesting the zoning change for 90 Canboro Road to an RM1 zone which allows the existing triplex use and recognizes its location. Should Council support the applications, the by-law that will be considered by Council will reflect this.

Town staff note that many meetings were held with the developers and their representatives to explore various development options for the properties in advance of receiving the current applications. Planning staff encouraged the construction of a small apartment building that would be respectful of the streetscape and character of the area. Staff also noted the importance of retaining mature trees, limiting the number of driveways (shared driveways, rear access, etc.) to achieve this and preserving the historic home at 90 Canboro Road. Given site constraints and developer preference and views on the market, the applications were submitted in their current form. The Developers did provide the Tree Inventory and Preservation Plan and are agreeable to implementing the recommendations and to siting future dwellings in line with the existing dwellings on Canboro Road. They also agreed to make changes to the lot dimensions to allow a greater setback to the historic home.



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Town staff are required to process applications by the *Planning Act* and review and provide recommendations based on the policies that are in place.

Based on the review and discussion in this report, Planning staff recommend approval of the revised draft plan of subdivision and zoning by-law amendment as the applications conform to Provincial, Regional and local policies and plans subject to the conditions of approval included in Appendix C.

Alternatives:

Council could choose not to approve the applications for draft plan of subdivision and amendment to the Zoning By-law.

Council could choose to approve the applications as submitted originally.

Council could choose to approve the applications subject to modifications.

Attachments:

Appendix A	Character Statement 90 Canboro Road
Appendix B	Revised Draft Plan of Subdivision
Appendix C	Recommended Conditions of Draft Plan Approval

Prepared and Recommended by:

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