

THE REGIONAL MUNICIPALITY OF NIAGARA

COMMITTEE OF THE WHOLE

REPORT 7-2006

The Municipal Council of the Regional Municipality of Niagara met in Committee of the Whole in the Council Chamber, Regional Municipal Building, Thorold, Ontario, on Thursday, October 12, 2006, commencing at 1:05 p.m.

ATTENDANCE

Council: Regional Chair Partington; Councillors Almas; Angelone; Bailey; Baty; Bentley; Bodner; Burroughs; Casselman; Collins; Eke; Gabriel; Goulbourne; Harry; Heit; Hodgson; Hildreth; Katzman; Leavens; Marshall; Rigby; Salci; Saracino; Smeaton; Timms, Zimmerman.

Staff: Messrs. Trojan, Chief Administrative Officer; Bergsma, Commissioner, Corporate Services Department; Cambray, Commissioner, Planning and Development Department; Ms. Gilroy, Regional Clerk; Ms. Pilon, Deputy Clerk, Ms. Staines, Legislative Assistant,

Staff:
(Part-Time): Messrs. Kyne, Director, Legal Services; Farley, Director, Planning Services; Ms. Manzer, Council Support Assistant; Mr. Hilbing, Senior Client Computing Analyst

CALL TO ORDER

Regional Chair Partington called the meeting to order at 1:05 p.m. Chair Partington reviewed the purpose of the meeting to consider Amendment #31 to the City of St. Catharines Official Plan, as adopted by the City of St. Catharines, and make a recommendation to Regional Council regarding the Official Plan Amendment. The Chair reviewed Regional Council authority and gave a description of the proposed development. Chair Partington noted that Regional Council does not intend to receive further presentations with respect to this Official Plan Amendment after this Committee of the Whole meeting, and reviewed the protocols and process to be followed.

PRESENTATIONS - PROPONENT

46. Tom Smart and Michael Kirkland – Representing Architects for Proposal

Mr. Kirkland

- reviewed the role of Port Dalhousie in the Region
- Port Dalhousie waterfront's public core is its commercial district which is not, and has not been functioning well as public place
- Effectively operates for 4 months a year
- Shops and facilities narrow in scope and quality offering late night entertainment to a narrow part of population and poor array of shops to contiguous residential neighbourhoods
- Gradual decline in investments in and maintenance of the buildings currently in commercial area
- Expedient renovations, odd additions and generally poor maintenance of buildings
- Wonderful restored carousel housed in masonry bunker
- Development needs to have regard for existing buildings and urban patterns, build mixed use districts which are of interest to broad general public and capable of operating year-round, design at a standard which exceeds the quality of the host city
- Waterfront should be civic mantelpiece of the city
- Highlighted Distillery District in Toronto as example of revitalization
- Mixture of old and new elements
- Taller buildings held substantially back from structures along the street further than regional guidelines to mask higher buildings and retain essential scale of commercial streets where historical buildings are located
- Plan incorporates original block with features such as Lock and Lakeport Streets and the jail building – outlined details of changes to Lock and Lakeport Streets buildings
- Plan to replace enclosure of carousel with glass enclosure, pools and fountains delineate the original course of the canal, vegetation at the boundary of the space define the original space of the first canal
- Taller piece of development is a civic marker but is not adjacent to historic or heritage buildings
- Street fronts to be sympathetic contemporary buildings recognizing materiality, colour and intensity of detail characteristic of the best parts of the existing block
- Centre of block is new public space
- Shadow diagrams presented
- Benefits include: model of constructive intensification; facilitates heritage preservation and regeneration; engine of economic revitalization; high standard of architectural excellence

- Parking and traffic issues were studied by the City and covered in their report
- Change from original proposal took into account comments of City staff and those in opposition
- Off-site parking across the canal, including proposals for shuttle services, will be reviewed by others

PRESENTATIONS – SUPPORTERS

47. Al Simpson and Walter Sendzik – St. Catharines Chamber of Commerce

- Chamber of Commerce has over 900 members with 25,000 employees
- Speaking on behalf of business community
- Chamber in support of development
- Will create jobs directly and spin-off jobs with a two-year construction period generating additional jobs badly needed in this area
- Tax base revenue as well as visitor spending and retail sales
- Enhances tourism experience
- Maintains key historical elements
- Important private component
- Includes park enhancements
- Will play prime role in renaissance of City
- Negative message if voting against decision of City planners will discourage future investors
- City planners did excellent job taking into account economic impact and improvements to the site

Patrick Gedge and Mark Brickell – NEDC

Mr. Gedge:

- Expressed strongest support of Amendment based on analysis of project benefits to City and Region
- Economic benefits including job creation and dollars into local economy
- Bellweather project for future development investment - business community watching closely
- Due process needs to be followed, but following due process and making fair and reasonable adjustments during the process, business community wants to know that we are “open for business” and desire new investment in communities
- Reviewed through meetings held in St. Catharines for thirty-five hours over several days, over 100 verbal presentations and 200 written submissions were considered
- All factors taken into consideration including economic, heritage and land use
- Two major heritage consultants referenced in DPD 110-2006 agree that the best protection of heritage assets is a vibrant local economy, which has been

lacking in Port Dalhousie as it is not sustainable with seasonal operations, a large number of outdoor bars and patios and low-end tourist retail.

- Economic engine for long term protection of heritage core
- BIA representatives showed picture of struggling businesses – they support proposal
- Proponents committed to protection of vital heritage assets
- Land mass assembled is comprehensive project rather than band-aid approach which would not be sustainable

Mr. Brickell:

- Provincial Greenbelt legislation comes with price of ability of cities like St. Catharines to expand their urban boundaries to accommodate further growth
- Slow growth in assessment is not sustainable and will ultimately push property taxes to intolerable levels
- Smart growth speaks to need to reduce sprawl by building within existing urban areas and making the most of existing services and infrastructure
- Benefits of mixed-use developments
- Handout provided to explain how project aligns significantly with smart growth thinking in Niagara
- Development protects most of significant heritage assets
- Guidelines are guidelines and don't rise to the level of policy and regulation
- Strongly urge support of exemplary smart growth project

Paul Chapman – City of St. Catharines Director of Planning Services

- Commend Regional staff for timely and expeditious manner for dealing with controversial Amendment
- Disagree with conclusions of Regional planning report
- Proposed mixed use project supports the direction of Port Dalhousie Secondary Plan and the Community Initiatives Program to develop the Port Dalhousie commercial core as a tourist oriented core
- Project as proposed does not comply with some policies of the Official Plan and the Secondary Plan but does comply with many others
- City circulated application for comment, required peer reviews of applicant's studies related to heritage and design, traffic and parking. Peer reviews paid for and managed by City supported the approval of the application and conditions noted were incorporated into City staff recommendations and agreed to by the applicant
- Provincial Ministry of Culture recommended deferral for further discussion, but no statement in their letter or in letter from Ministry of Municipal Affairs and Housing that Amendment #31 was in contravention of the Provincial Policy Statement
- Region has policies on heritage but it is through local municipalities that heritage designations are implemented

- Letter from the Ministry of Culture recognizes the responsibility of the local municipality to implement the heritage conservation district, not the Region
- City's peer reviewer was satisfied from an urban design and heritage perspective that height of the residential component is not in itself enough to indicate non-compatibility with the heritage district.
- Residential component of the project will not be visible from large parts of the heritage district.
- The heritage district was recognized as a number of precincts and the height limit in the residential precincts were reduced to 9 m in 2004 by Council
- This applied only to residential precincts
- The Planners examined the appropriateness of the project, reviewed all City planning documents, input from agencies, public input and the input of the peer review consultants and concluded that the proposal represented good planning
- After receiving the technical input St. Catharines Council voted to approve the project
- Guidelines previously developed were fair but addressed one property being developed at a time; didn't envisage total improvements now being offered
- Supports intent of City's Official Plan and Secondary Plan with the amendments requested

Spencer Higgins – Heritage Consultant

- Reviewed credentials and experience in architectural practice dealing with heritage
- Prepared heritage assessment for development
- Heritage elements are to be preserved and protected
- Commercial core, residential and harbour area are three precincts in heritage district and different guidelines are necessary for each of the precincts
- Guidelines do not address how buildings and districts are used and evolved
- There is heritage value in vibrant commercial core
- Will trigger revitalization of adjacent heritage properties

David Bedwell – Resident – Niagara Citizens for Smart Development (NCSD)

- Moved to Port Dalhousie for lakeside ambience
- Commercial core is not so lovely – summer bar town encroaching on neighbouring residential Heritage District
- Commercial core's heritage assets seriously deteriorating or buried or unused such as Lockkeepers Shanty, original entrance to first Welland Canal and Dalhousie House
- Lakeside Hotel and Jailhouse are inappropriately used as bars
- Support Port Place development

- Sustainable year-round economic benefits, mixed use development ideal to integrate revitalized commercial core with residential community
- Thought put into project is extensive
- Sustainability is key to preserving heritage assets
- As to question of how the buildings integrate into the landscape, City planners and heritage peer review agree that buildings fit in and allow proper protection and completion of heritage streetscape
- OMB decisions in other districts confirm high-rise buildings are appropriate in heritage areas
- Regional planners used heritage guidelines for residential district and applied them to commercial core inappropriately and failed to listen to comments of local business community, the Chamber and City staff
- Asked for support of St. Catharines residents and Council to support this project
- Without this development our heritage assets will continue to decay and our community will remain a beach town during the day and a bar brawling community at night
- Economy dormant for 8 months of the year not achieving level of sustainability necessary to bring year round employment and increased tax base to the City

David Serafino – Resident, Niagara Citizens for Smart Development (NCSD)

- Involved in Port Dalhousie community and committees
- NCSD believes that creating a sustainable environment is the best way to preserve our heritage buildings and that the application proposes to do just that
- Proposal brings sophisticated maturity to St. Catharines' waterfront without forfeiting heritage buildings or heritage values
- Two ways to destroy heritage, tear down heritage buildings or ignore them
- Port Place project revitalizes commercial core with injection of over \$60 million, restoring a significant portion of the streetscape and bringing existing historical buildings up to code
- Unrealistic three story height restriction in heritage guidelines is flawed and not only economically unviable but dysfunctional and unattractive
- Low rise development leaves no room for public space, has limited visual appeal and is not better than what is before you
- Vision of working in conjunction with magnificent heritage buildings now being restored in Merritton as a catalyst for development and restoration of city's downtown core

John Petrowski - Student

- Emphasized importance of jobs in community for youth – keep them in this area during and after college and university
- Investment in the area lowers property taxes – better for young people looking for housing
- Support the development over keeping the bar scene in Port Dalhousie
- This is the future for St. Catharines

Dianne Wright – Resident

- Expressed support for Port Place
- Has lived in various cities around the world
- Keen interest in history and preservation and vested interest in business in Port Dalhousie
- Business restricted to seasonal and the bar scene
- Private sector investment will improve the core
- Lived in Distillery district in Toronto where heritage sites protected and now vibrant and aesthetically pleasing area, including high rise developments
- Investment will assist to provide economic return to maintain heritage buildings
- High rises can exist with heritage buildings
- This development includes mid-rise, not high rise or tower
- City of St. Catharines did more than due diligence before approving the Amendment
- Asked Councillors to support local merchants and young families who enjoy the park
- Asked Councillors to support Port Place

Allan Visser – Chair of Port Dalhousie Business Association

- Association formed by City Council to represent and promote the interests of businesses in the core area of Port Dalhousie
- 41 business are full members and 7 associate members who will likely be impacted more than anyone else by proposed project
- Port Dalhousie not a thriving economic area – ¼ of businesses are seasonal, failure rate is high
- Cannot attract tourists - require appropriate accommodations coupled with popular past times such as shopping and theatre
- Lacks sustainable mass of businesses to be economically viable and attractive
- Poll of members received no replies opposed to project
- Presence of residential units in core area will provide a sense of pride and improve security

- Many buildings in state of poor repair and functionally obsolete – some will be replaced under this proposal providing impetus for other buildings in the area to be updated
- Proposed project respectful to historical significance and heritage
- Suggested infrastructure improvements will benefit all businesses and residents
- History of entrepreneurial spirit servicing travelers with provisions, accommodations, food and drink – proposed project represents the spirit of enterprise that is the basis of the heritage in Port Dalhousie's core
- Assembly of properties to allow project of this magnitude; if it doesn't proceed this opportunity may be lost and core will continue to deteriorate
- Request Councillors to approve Amendment

Dwight Alquire – Rotary Skating Path Project and Friends of the Carousel

- Quality of life for all Niagara residents will be enhanced by new theatre, new courtyard surrounded by vibrant shops, cafes and restaurants, and when Port's heritage buildings are brought back to their former glory
- As taxpayer, Mr. Alquire looks forward to broadening of tax base, reduction in cost of policing when the current hooliganism becomes a thing of the past
- Proposed improvements to Lakeside Park including Skating Path and rejuvenated building for carousel making it visible year round
- Visualize Port Dalhousie and Lakeside Park as appealing and accessible destination for all citizens of all ages though all seasons

Phil Kirwin – Resident and Business Owner

- Immigrated from Liverpool
- Liverpool was in same situation with people moving away for employment, particularly young people, leaving older population
- Public and private funding to improve waterfront and restore heritage buildings with towers built around old restored warehouses converted to apartments and businesses
- Created more balanced demographics
- Encouraged further regeneration of brownfield sites
- On much larger scale than Port Dalhousie but will have the same effect
- Support year-round usage
- Will encourage students to stay and return to an area with a bright future and proud past
- Don't listen to very vocal minority – please support the development

Len Pennachetti – Landowner in Port Dalhousie

- Operated business in Port Dalhousie for a couple of years
- Proprietor of Inn on the Twenty and hotel properties in Jordan
- Contrast between two places is surprising – operated restaurant in Port Dalhousie three years ago which appeared to be a great business opportunity but this was not the case
- The Secondary Plan notes Port as a Regional tourism destination, but it is not
- Very disappointed with traffic and seasonality of market – our experience was three months
- Something has to change to save the area – several elements in development proposal will contribute to tourism viability
- Conserving historical component, from experience in Jordan, is important as well as overnight accommodations – none in Port now except for bed and breakfast operations
- Theatre component will fill a void – private sector operator building the theatre with no public money – should not be deliberating viability of theatre
- Having residents moving into community adds vitality to retail and restaurants
- Greenbelt necessitates Smart Growth – intensification along lines of this proposal makes sense

Andy Petrowski - Resident

- Presentation about future promise vs. protest, thinking ahead vs. backwards and building a legacy for our children
- Port Place will enhance experience in Port Dalhousie
- Building not taking place in St. Catharines at the present
- Heritage: Conserve, Preserve **and Enhance** message on slide
- Smart Development press release disagrees with recommendations of Region's Planning Report
- Planning report flawed as it emphasizes their concept of heritage at the expense of other important aspects of Port Place such as economics and quality of life, misinterprets heritage aspects of commercial core and fails to acknowledge that without viable development heritage will be lost
- Port Place fits into the heritage district and offers an opportunity to enhance the historical elements of the community and creates a sustainable environment for these elements to be retained for future generations

Dave Roberts – Chair of Citizens for Smart Development

- Happy consequences should project be approved and built, particularly the aspect of condominiums in the area will revitalize Port Dalhousie
- 70 units – will not be starter homes but upscale development attracting “boomers” – active, affluent, well-educated, law-abiding group spending money locally
- Will attract visitors – family and friends of residents
- Will be paying full education tax but likely not using education system which supports younger families
- Development offers more balanced family oriented centre for the full year
- Beacon for other development in the City
- Last poll showed 63% of people in the City supported the development
- Citizens for Smart Development has approximately 600 members

Norman Rockwell – Resident

- Fine project
- Will restore heritage in Port Dalhousie
- Urge Councillors to support project

PRESENTATIONS – OPPOSITION

48. George Darte – Resident

- Does not oppose development generally but would like appropriate development
- Member of Chamber of Commerce and there are members who do not agree with Chamber’s position
- It took five years to receive the Heritage Village designation
- Developers were aware of designation when they bought properties
- All the good work done will go up in smoke
- Deteriorating property in the area owned by the developers, allowing property to deteriorate to look like white knights saving the area
- There was no economic viability study done, including the theatre
- Shaw Theatre survives with government grants
- Look at Corbloc building in St. Catharines – white elephant
- Where will visitors to condos park? There is insufficient parking for all areas of the development including other businesses
- Where will the people who enjoy Lakeside Park park their cars?
- St. Catharines Council made a mistake in the past not requiring that the bars have adequate parking and we are still paying for that

Nancy Cameron – Resident – Historian

- Port Dalhousie is a heritage district of canals – no other area of Niagara like it
- We have three locks, harbour, piers, lighthouses, customs house, lockkeepers house, streetscaping buildings, etc.
- Other districts thrive without a tower changing the core
- Many initiatives could be taken by the City to improve heritage area
- The process to achieve national designation is underway
- This is a heritage treasure of the Niagara Region and we need to preserve it

Deborah Kehler – PROUD Member, Port Dalhousie Heritage Dist. Advisory Ctte.

- Committee has read mountain of material and heard presentations and have the benefit of your own Planners' report that clearly finds that the Port Dalhousie Mixed Use Development is an inappropriate fit not consistent with legislation that determines land use planning
- As upper tier municipality you have obligation, in place of the Minister of Municipal Affairs and Housing, to approve local official plans and official plan amendments
- Unlike local municipality, you have broader concerns including what impact the OP Amendment may have on other municipalities in the Region, and your obligations under the *Planning Act*.
- Planning report states "all heritage studies have acknowledged that the proposal is at variance with the public policy framework".
- Amendment is in direct contravention of sections 2.6.1 and 2.6.3 of the Provincial Policy Statement, The Planning Act (1. (d), The Official Plan (7.10.7 (a)), The Port Dalhousie Secondary Plan, The City's 1999 comprehensive Development Strategy (Executive Summary page 23), the existing Zoning By-Law respecting maximum height of three storeys, and the Port Dalhousie Heritage Guidelines
- Make your decision respectful of provincial direction, cognizant of public input and two-and-a-half years of debate, based on your own Planning Report

Carlos Garcia – PROUD

- Gave chronology of the Heritage Designation process with the Designating By-Law passed by Council in June of 2002
- OMB upholds Designating By-law in December, 2003
- Official Heritage Designation Ceremony & Celebration, June 4, 2004
- All-volunteer community heritage organization (over 600 members)
- Fully supportive of development consistent with applicable Planning regulations
- Committee's ability is hampered since formed by City and now opposing City's decision – puts heritage in all of Port Dalhousie in jeopardy

Herb Stovel – Heritage Canada Foundation Board of Governors

- Heritage Canada Foundation is charitable foundation established in 1973 to promote heritage conservation
- Project has impact on Port Dalhousie, but is also precedent setting
- Strongly oppose this proposal's destruction of heritage
- Proposal will fall short of economic development goals of community
- Appropriate development would build on assets
- Approval ignores wishes of community and effort to create the Heritage District
- Proposal not on firm ground in economic terms and heritage aspects
- Studies do not conform to accepted methodologies
- Economic development options should be investigated

Janis Barlow – Author of Report on Port Place Theatre

- Theatre portion of development proposal has no business plan and no needs assessment, market study, program plan
- Need to study all aspects of proposal – polarized on heritage
- My report on Port Place Theatre outlines gaps and inconsistencies in PDVC proposal
- Proposes to present programs such as presented at Shaw – not possible
- No market study to substantiate claims
- Seating capacity too small for touring companies
- Unaffordable for local theatre groups
- No program and no target market
- Building this theatre may deter others from building multi-use facility

Laura Dodson – Niagara-on-the-Lake Conservancy President

- Commend Planning Department report for clarity of thinking and expression
- Report shows in detail how proposed development does and does not satisfy existing policies.
- Development inappropriate to Port Dalhousie
- Approval of Official Plan Amendment would be precedent-setting and deal a serious if not mortal blow to heritage protection in Ontario
- Board of Niagara-on-the-Lake Conservancy voted to support members of PROUD at OMB hearing
- Chamber of Commerce could promote year-round activities in Port
- Condos are second home to most residents and they will not be there year-round

Ted Gould – Resident

- St. Andrews Church in Port Dalhousie is celebrating its 154th anniversary this month.
- Conserving heritage districts is Regional issue and what happens here will affect other areas
- Wall of buildings not accessible to public
- Great waterfronts don't happen by chance – need strategic planning
- Parks, public spaces and waterfront are Port's greatest attractions
- Lovely neighbourhoods to live and work with history and quaintness drawing tourists
- Strategically we should be looking at next 50 years, not ten years
- Lack of oil supply will affect area – less energy
- Vertical development is tool to fight against sprawl

Phil Baranoski – Resident

- Volunteer on a number of local committees including Property Standards and Chamber of Commerce
- Not a member of PROUD
- Member of Friendship Force Niagara which brings international visitors to the Region and Port Dalhousie, recently from Germany and Japan
- Concerned about secret meetings and reports
- Amendment approved by very small majority at City Council
- Parking shortage concerns as well as traffic concerns
- Property standards infractions - used to be in great shape, but for past three years properties have been deteriorating
- Why are City officials allowing these properties to deteriorate?
- Numerous towers being built close to lakefront with no study of long term effects on environment
- Other towers will follow this one – money, power and greed are motivations

Murray Gayder – Resident

- Grew up in Port – has family history in area
- Feels that rights of citizens with millennium of property ownership and raising families and paying taxes are put behind the greed of big business
- Heritage designation protects Port for all – builds a trust for future generations
- Presentations by developers are smoke and mirrors to hide inadequacies and unknowns in their plan
- CIP grant to improve existing park has no \$ value on that
- Shuttle – who buys property on the other side of canal and maintains service?
- We don't need a tower

Bruce Williamson – City of St. Catharines Councillor

- Ward representative on St. Catharines Council – vote only 7-5 in favour of development
- Neighbourhood is waterfront recreational district for all people of St. Catharines
- Any transition in character of Port should be gradual
- Area of value to others in St. Catharines – everybody entitled to go there
- Investments of public tax dollars have improved Lakeside Park – a jewel in our parks system – and the carousel
- Citizen’s committee being developed to determine where funds would go, how they would be used and how park would be designed or re-designed.
- Nothing identified as to which part of the project to be done right away, but will be done by public process
- Heritage documents set out the height all buildings can be built
- Don’t need tallest building in the city to define our primary waterfront park and dwarf the village core
- It was noted that Sue Erskine, the other Councilor from this ward, voted in favour if the project – vote of 7-5 means majority voted for the development
- It was noted that Councillor Williamson voted against the advice of City staff, but wants Regional Councillors to follow advice of their staff

Dave Webb – Member of Heritage District Committee

- Spencer Higgins used the Parks Canada Standards and Guidelines for the Conservation of Historic Places in Canada as the principle evaluation tool and basis for his arguments supporting this development from heritage perspective – I disagree
- I worked 25 years for Parks Canada in the National Historic sites program, and drew different conclusion reviewing the proposal against the test of Parks Standards
- Conclusion is that this project represents a fundamental violation of heritage values of the Port Dalhousie Heritage Conservation District, and also fails to meet the Parks Canada Standards and Guidelines
- Disagree that development is physically and visually compatible with heritage conservation district characterized by low development and a “village character” and pedestrian scale.
- Development is in no way “subordinate to” the heritage structures in the commercial area or in the conservation district – tower will become dominant piece of development and the first impression for those approaching the old canal village

Wayne Morgan – Consultant for PROUD

- Proposal does not conform to the HCD plan
- Proposal does not conform to the PPS
- The comparisons with Toronto are not relevant
- Area designated by municipal council under the Ontario Heritage Act
- Manage change through a district plan so as to conserve, protect and enhance the area's special character
- The special character is all properties in the District
- Reviewed Heritage Character of the Commercial Core and Guidelines for change in the Commercial Core
- Proposed development does not comply with the heritage character of the area nor with the guidelines for managing change
- Development is out of scale in terms of height and massing with the existing structures in commercial core
- Reviewed the Provincial Policy Statement related to "significant built heritage resources and significant cultural heritage landscapes shall be conserved"
- Proposal does not conform to Provincial Policy Statement
- Toronto comparisons are not relevant

Phil Goldsmith – Consultant for PROUD

- Reviewed credentials
- Each Heritage Conservation District is unique
- Port District Plan and Designation describes the Heritage attributes of this unique district and identifies guidelines for any new work or alterations, based on the character of the Port Dalhousie District
- Described the heritage character of the commercial core
- The height of the tower is the biggest single problem aspect of the plan
- Proposed development does not comply with the heritage character of the area nor with the guidelines for managing change
- Development is out of scale in terms of height and massing with the existing structures in commercial core
- Mr. Goldsmith quoted a University of Waterloo report and was requested to send the Clerk a copy of the report for review by Councillors

Colin Johnson – Resident

- Supports the Planning Staff report
- Not an appropriate development for this area
- Believes that citizens are divided 80-20 against the proposal
- Developments in Niagara-on-the-Lake are viable business decisions not against Heritage Guidelines

- Planning Department vision and leadership protects against development that is not appropriate
- Recommend staff recommendation not to support the development
- Precedent setting for the rest of the Region if you go ahead and allow the tower in this area

John Bacher – Brock University

- Lands are part of Heritage District with guidelines to protect vistas
- Neither the Greenbelt Plan nor the Places to Grow Plan should be used to abandon the heritage policies of the City of St. Catharines
- Against Provincial Policy Statement that significant cultural landscapes be protected
- The Provincial Policy set forth by Ministry of Culture points out that the Port Dalhousie Heritage District Guidelines are intended to ensure that future changes are respectful and contribute to the established character of the district.
- Guidelines are based on accepted international standards and a minimal intervention approach. In contrast the tower seeks to draw attention to itself rather than contribute to the established character of the district
- There are very few heritage districts in Niagara – only other areas are Niagara-on-the-Lake and the Yates/Queen Street area of St. Catharines
- St. Catharines Heritage Committee points out that should the PDVC proposal be approved an insurmountable obstacle would be set to the maintenance and preservation of heritage values in future proposals in all areas; there has never been such a violation before

Jeff Loucks – S-T-A-N-D

- Business leader and community volunteer
- STAND wrote letters to Minister of Culture, Minister of Municipal Affairs and Minister of Tourism but no time for responses prior to this meeting
- Writing these letters should have been the City's Planning staff's job but it was overlooked
- Regional Planning did not overlook this important guidance and the province has spoken against this project
- The use of the 3 "notwithstanding" clauses is a violation of the Official Plan and proof that the proposal cannot fit with the official plan in any manner
- If you approve this Amendment you will do both the business community and the heritage of our region and province a great disservice
- Other developers will seek notwithstanding clauses for their special projects
- Minister of Culture wrote that as the Port Dalhousie Heritage District is so new the City has an opportunity to set a good precedent for the protection of existing heritage resources and sensitive new development in the district.

- Province also said that the proposed development does not provide appropriate conservation of the cultural heritage resources and landscapes
- Look at different approaches in two sides of Niagara Falls – Niagara Parks Commission was founded on the basis that preservation of natural beauty and heritage would be a key to driving long term economic viability of the region
- Foundation of booming tourist industry and clear differentiator between Niagara Falls Canada and Niagara Falls New York who allowed free enterprise to build with unsuccessful results

Susan Basset – Resident

- Lives within walking distance of Lakeside Park
- Brother travels the world, but makes a point of stopping in Port Dalhousie to appreciate the area
- Height of tower will ruin charm
- Asked councilors to help put an end to cronyism in local politics and vote from their heart

Peter Douet, Resident

- Concerned about increase in traffic pollution and disrupting the tranquility of Port
- Massive project and encroachment on small town
- Proponents have little understanding of unique environment
- Damage for the sake of a few business interests
- Town has always been limited shopping area because of other visual delights
- Port must remain non-high-rise community
- If heritage tie is broken nothing will stop the high rise builders

REBUTTAL – PROPONENTS

49. Mark Noskiewicz

- Lawyer for proponent for Distillery district project
- No legal framework in heritage principles that restricts tall buildings
- Neither Provincial Policy Statement nor Heritage Act requires strict adherence to guidelines
- Conservation priorities are being respected
- City's assessment and peer review decision to depart from guidelines to permit high-rise – nothing to prevent them from doing this
- Primary responsibility lies with the local municipality
- Ministry's concerns were given without site visit
- No declaration of provincial interest in the project

- Regional comments were carefully considered by City in their assessment
- City of St. Catharines made their decision based on carefully considered heritage advice
- Every district is different and St. Catharines based their decision on their own area
- It is not the practice of municipalities or the OMB to consider economic considerations or use market studies as a basis for their decision
- St. Catharines Official Plan calls for fostering revitalization of the commercial core and attraction of tourists
- There is no onus on developer to provide market studies

Tom Richardson

- More than two years spent on this process by St. Catharines staff and Council
- Studied provisions in St. Catharines Official Plan for revitalization and heritage conservation
- Local decision deciding local issues – development provides heritage conservation and follows policies of local official plan as well as your own
- Requested Committee not accept recommendation in DPD 110-2006 but approve amendment passed by Council of City of St. Catharines

REPORT OVERVIEW

50. Corwin Cambray, Commissioner of Planning and Development

- Need to support heritage conservation and preservation of Welland Canals.
- Don't believe intensification of this scale in heritage area is smart growth
- Difficult challenge of continuing influx of information and the amount of information
- Respects St. Catharines' decision but the scale of development in a Heritage District which affects Official Plans and Policy Statement is not appropriate
- There are possible intensification corridors to be considered and Places to Grow looking to establish needs and intensification corridors along transportation corridors
- Further study required before approval of development
- City recommended they look at their guidelines for review after this development was approved, and it would be more appropriate to look at them ahead of approval
- This proposal changes vision for the area and puts in a 17 storey building and step-up buildings
- Change would be better through community consultation process
- St. Catharines did good job in developing the heritage plan
- If planning documents to be changed, should be done through community consultation

- Viability of theater not a main issue for planning report
- Residents concerned about height issue
- In December 2004 Peter Colosimo wrote a report noting the mass of building proposal was too much, and this still stands
- Comments heard today do not change opinions or comments in report

51. Moved by Councillor Rigby
Seconded by Councillor Timms

That Amendment No. 31 to the St. Catharines Official Plan be approved; and

That all parties be notified of Regional Council's decision on this application in accordance with Provincial regulations.

Upon a recorded vote being requested, Council voted as follows:

Voting for the Motion:

Angelone
Goulbourne
Eke
Bentley
Smeaton
Harry
Rigby
Gabriel

Bailey
Hodgson
Bodner
Leavens
Saracino
Katzman
Timms
Baty

(16)

Voting Against the Motion:

Casselman
Heit

Hildreth
Collins

(4)

Upon the recorded vote being taken, the Regional Chair declared that the motion carried.

ADJOURNMENT

The Committee of the Whole adjourned at 7:40 p.m.

Peter Partington
Regional Chairman

Betty Staines
Legislative Assistant

Pam Gilroy
Regional Clerk

PLEASE NOTE:

***HARD COPIES OF SOME DETAILED SUBMISSIONS AVAILABLE UPON
REQUEST FROM THE CLERK'S OFFICE***