

Prepared for Council-in-Committee	Report No. CDS-08-01-10
Agenda Date March 1, 2010	File No. 350309-0328

Subject
SUPPLEMENTAL REPORT PROPOSED ZONING BY-LAW AMENDMENT CRYSTAL BEACH GATEWAY PROJECT 4155 ERIE ROAD, SOUTH SIDE OF ERIE ROAD, WEST OF SCHOOLEY ROAD

Summary of Recommendation
<u>THAT</u> the information contained in this report be received as part of the consideration of Report CDS-08-10.

Relation to Council's 2007-2010 Corporate Strategic Plan
Priority: Development and Land Use and Economic and Business Development Goal: A1 Increase waterfront accessibility and parkland Initiatives: Develop a site plan for the Bay Beach lands Goal A4 Ensure environmentally sound development Initiatives: Implement the Official Plan policies Priority: Economic and Business Development Goal: B2 Revitalize core business areas across the Town

List of Stakeholders
THE MOLINARO GROUP TOWN OF FORT ERIE RESIDENTS AND RATEPAYERS OF FORT ERIE

Submitted by:	Approved by:
Original signed	Original signed
Rino Mostacci, MCIP, RPP Director of Community and Development Services	Harry Schlange, MBA Chief Administrative Officer

Purpose of the Report

This report is provided to Council as a supplement to Report CDS-08-10 respecting an application for a site specific zoning amendment for lands located at 4155 Erie Road. Report CDS-08-10 was provided to Council under separate cover on Friday, February 19, 2010.

Report CDS-08-10 recommends that Council approve a site-specific zoning amendment for part of municipal property known as 4155 Erie Road, in order to permit the development of a 12-storey, 87-unit residential building with ground floor commercial and public assembly space, with a lower-level parking garage. The report recommends that the approval be subject to a Holding Zone that will not be removed until a number of conditions are fulfilled, including:

- Approval of a Section 41 Site Plan Agreement;
- Approval of Section 37 Development Agreement;
- Approval of an Overall Benefit Permit from the Minister of Natural Resources;
- Meeting the conditions of the Niagara Peninsula Conservation Authority;
- Satisfactory screening measures for abutting properties

This supplemental report provides information on four matters arising since the issuance of Report CDS-08-10, that are pertinent to Council's deliberations.

1. Draft Economic Impact Assessment by RCI Consulting

The firm of RCI Consulting has been retained to provide an Economic Impact Analysis of the proposal and its financial implications. The draft report is attached as **Appendix 1**. It is noted that the allocation split of the various development components are for modeling purposes only and do not reflect the final allocations.

The Economic Impact Analysis of the proposed Crystal Beach Gateway Project demonstrates the significant stimulatory potential of this project. In summary, it concludes that the construction project, having an estimated value of approximately \$33 million will generate the following impacts in the local regional economy:

- **\$85.8 million** in total economic output, including \$13.5 million direct output, \$47.2 million in indirect output, and \$25.0 million in induced output;
- **\$19.9 million** in labour income; and,
- **387 full-time equivalent jobs** during the construction phase.

The report indicates that the indirect and induced effects also result in a positive impact on virtually all sectors of the local economy, thereby illustrating the potential of a project of this scale to spark broad-spectrum output in the Town and Region. These economic benefits are in addition to the benefits previously identified in Report CDS-08-10.

2. Overall Benefit Permit vs. Environmental Impact Study

Overall Benefit Permit

AECOM Consulting Services has been retained to undertake the Overall Benefit Permit to address the requirements of the MNR relative to impacts on Fowlers Toad. The MNR must approve the permit prior to any development and site alteration.

The Permit is requested under Section 17 (c) of the Endangered Species Act to demonstrate that an overall benefit to the species can be achieved and reasonable steps to minimize adverse effects will taken.

The consultant is assisting in providing a rationale of overall benefit to the species and its habitat. This will likely involve contributing to site plan design aspects in protecting and enhancing existing habitat and/or creating new habitat. There will also be recommendations regarding construction timing and mitigation, monitoring and an awareness program.

Environmental Impact Studies

As indicated at the Council meeting of February 22, 2010, an Environmental Impact Study (EIS) is not warranted to support this project. An EIS is typically required when it is necessary to address broad natural heritage impacts and to ensure local, regional and provincial natural heritage policies are addressed.

When the natural heritage impacts of a development are known to be limited, both the Town's new Official Plan and Regional Policy Plan allow the scope of an EIS to be reduced in consultation with appropriate agencies. The Official Plan also allows more applicable studies/approval processes (for instance the Overall Benefit Permit) to be utilized to fulfill the requirements an EIS.

With respect to the Bay Beach site, many of the important Natural Areas Inventory criteria for the shoreline do not apply, as the site was previously developed and extensively disturbed. The proposed development follows the previously developed/existing disturbed areas.

The determination that an EIS is not necessary conforms to the intent of the Official Plan.

3. Discussions with Abutting Property Owners at 4183 Erie Road

There have been ongoing discussions between staff and the owners of the abutting property to the west, 4183 Erie Road. On Monday February 22, 2010, Staff and a representative of the Molinaro Group met with the property owner, their lawyer and their planner to discuss mitigation measures. As a result, modifications were made to the draft implementing by-law to more clearly establish the westerly landscaping and yard setback requirements. The revised implementing site-specific by-law is attached as **Appendix 2**.

As well, it was agreed that the “wrap around terrace balcony” on the west side would be removed and that the site plan would have enhanced landscaping on the west side including screening on the podium deck as necessary.

In addition, Paragraphs 2.c) and 2.e) of the Draft By-law were modified to more clearly specify the required setbacks from the 1-in-100 year flood line as well as the rear lot line, with respect to both the building face and the nearest columns. The proposed location of the building has not changed. Finally it is noted that Zoning By-law 129-90 permits the proposed construction of beach level public washrooms in the area of the foundation of the former dance hall.

4. Revetment/Shore Works

The Flood and Dynamic Beach Study identifies the option of incorporating “revetment” measures as part of the Seawall. Revetment is typically a stacking of stone of varying sizes away from the seawall.

The seawall will more or less follow existing sea wall. While the actual need or extent of the revetment has not been determined, these images represent an artistic rendering of what the shore protection may look like.



It is noted that the area will be useful in creating a protected habitat zone for the Fowler's Toad.



Policies Affecting Proposal

Notification of the January 25, 2010 Public Meeting was provided in accordance with the requirements of the *Planning Act* by placing a Notice in the January 2, 2010 edition of The Times newspaper. In addition, property owners within 120 metres were mailed a Notice of Meeting on December 31, 2009.

Land use policies for the subject lands are contained in the Official Plan as well as the applicable Regional and Provincial Regulations.

Alternatives

NA

Conclusion

This application implements Council efforts to seek out a public/private partnership to develop the Bay Beach Properties in a synergistic fashion. It represents a successful leveraging of public assets with private sector investment to produce an overall better result than each could achieve individually.

Attachments

Appendix 1 - Draft Economic Impact Analysis Report by RCI Consulting Inc
Appendix 2 – Revised Draft Zoning Amendment By-law