

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

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

Summary of Recommendation
<p><u>THAT</u> the application by the Town of Fort Erie and the Molinaro Group, to amend the Zoning By-law to permit the development of a 12-storey, 87-unit residential building with ground floor commercial and public assembly space at 4155 Erie Road be approved and that the requisite amending Site Specific By-law be submitted to Council for adoption; and,</p> <p><u>THAT</u> the implementing Site-Specific Zoning By-law Amendment contain a Holding provision which shall not be removed until a Site Plan Agreement pursuant to Section 41 of the <i>Planning Act</i> and a Development Agreement pursuant to Section 37 of the <i>Planning Act</i> have been entered into to the satisfaction of the Town; and the requirements of the Niagara Peninsula Conservation Authority as outlined in their letter of February 17, 2010 and attached as Appendix 9 have been address to their satisfaction; and,</p> <p><u>THAT</u> the Site Plan Agreement contain appropriate provisions to address the requirements of the “Overall Benefit Permit” pursuant to Section 17.2(c) of the Endangered Species Act and appropriate screening measures for the abutting properties at 4183 and 4131 Erie Road and 432 Schooley Road; and,</p> <p><u>THAT</u> Council receives the planning opinion by Mr. Ron Palmer, attached as Appendix 3 to this report, and that it consider including supplemental Recommendations Nos. 3 to 5 in future work plans.</p>

Relation to Council's 2007-2010 Corporate Strategic Plan

<p>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</p>

List of Stakeholders

<p>THE MOLINARO GROUP TOWN OF FORT ERIE RESIDENTS AND RATEPAYERS OF FORT ERIE</p>
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Submitted by:	Approved by:
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Original signed	Original signed
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<p>Rino Mostacci, MCIP, RPP Director of Community and Development Services</p>	<p>Harry Schlange, MBA Chief Administrative Officer</p>
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Purpose of the Report

This report is provided to Council with a recommendation relative to an application for a site specific zoning amendment for lands located at 4155 Erie Road. The lands that are the subject of this application consist of a 0.6 ha (1.48 acre) portion of the 2.1 ha Town-owned lands known as “Bay Beach” and are shown on **Appendix 1**. The development of the Bay Beach lands is proposed as a public/private partnership.

By way of the adoption of Report CDS-043-09 on July 13, 2009, Council authorized the submission of a joint zoning application by The Town and The Molinaro Group. On November 26, 2009, the application was received. Essentially, it proposes to rezone a portion of the Bay Beach property to permit the development of a 12-storey, 87-unit residential building with ground floor commercial and public assembly space to facilitate a public/private partnership.

A Memorandum of Understanding (MOU) was executed between the Town and Molinaro Group Crystal Beach Waterfront Inc. on July 8, 2009. The MOU commits the parties to a process to proceed in good faith to jointly develop a development plan for the property, and to jointly submit that plan as required under the *Planning Act*. It does not commit Council to approve this application.

Report CDS-02-10 was provided as background information to Council in support of the statutory Public Meeting held on January 25, 2010. It is attached as **Appendix 2**. Given that the application represents a public/private partnership and Planning Staff have been involved in the application, Council has retained a consulting planner to provide an independent planning opinion. This opinion is attached as **Appendix 3**. Planning Staff have supported the planning process by providing background information to Council as well as the administrative duties to comply with *Planning Act* requirements. In that context, this report does contain professional opinions and insight from Planning Staff to assist Council in its deliberation. This Report also includes additional recommendations for Council to consider, in the event the application is approved.

Finally, it is noted that this application deals exclusively with matters pursuant to the *Planning Act*. The conveyance of land is subject to the provisions of the *Municipal Act*.

Purpose of the Application

The application is to permit the development of a 12-storey, 87-unit residential building with ground floor commercial and public indoor and outdoor assembly space. The proposed site plan is attached as **Appendix 4**, and visualization drawings are attached as **Appendix 12**. A total of 110 parking spaces will be provided, 107 spaces located in a lower-level parking garage and 3 spaces located above ground, to support the residential component of the development. Commercial and public assembly parking will be provided in municipal parking areas located across the street.

The current General Commercial (C2) zoning permits the proposed use of commercial/public space on the ground floor with residential use above. However, the

following site-specific zoning amendments are necessary to permit the development in the configuration proposed:

Table 1 – Zoning Amendments Required

BY-LAW SECTION	AMENDMENT REQUIRED
Sec. 6.20(A)	Permit parking for the ground-floor commercial and public assembly uses to be provided off-site in the municipal parking facilities on the north side of Erie Rd
Sec. 6.20(A)	Permit a parking ratio of 1.23 parking spaces per residential unit instead of 1.5 parking spaces per residential unit
Sec. 6.20(J)	Permit tandem parking in the underground parking structure
Sec. 6.21(b)	Permit a 2.1m westerly landscape strip instead of 3.0m
Sec. 6.47	Permit an 11m setback from the 1-in-100 year flood line instead of 30m
Sec. 18.2(f)	Exempt the requirement 18.5 sq. m. of exclusive open space per residential unit, in consideration of the availability of public open space adjacent to the site and the provision of private balcony and terrace space for each residential unit.
Sec. 20.3	Permit a building height of 12 storeys instead of 2.5 stories
Sec. 20.3	Permit a minimum rear yard of 8 metres instead of 10.5 metres
Secs. 20.3 and 6.47	Exempt the parking structure level from the lot coverage and yard setback requirements, as it is constructed mainly below grade and its “roof surface” will be used for open-air public space

Zoning amendments to Sec. 18.2(f) and Secs. 20.3 and 6.47 noted above were not included in the application, but have subsequently been identified as a result of a detailed review of the most recent site plan.

The property has been zoned commercially since at least 1976, with commercial use of the site pre-dating that by many decades. In 2003, the property was included in the General Commercial C2 Zone under By-law 123-03.

Site and Environs

The “Bay Beach” municipal property was acquired in 2001 and is comprised of 3 separate parcels, on both sides of Erie Road, having a total area of approximately 2.1 ha. The lands subject of the application, “the development site”, is a 0.6 ha portion of Bay Beach property on the south side of Erie Rd. It does not include any of the public beach/promenade, an open space area to the east of the development site, nor the municipal parking areas on the north side of Erie Road. The public beach area will remain in a “Hazard (H) Zone”. Both **Table 2** and **Appendix 5** describe the various land components of the Bay Beach site.

The area that is the subject of the application and intended for development currently contains the “Lobster House” building, a paved parking area and a portion of an existing bermed/fenced-off area east of the parking lot. The lands to be retained for public open

space uses consist of the all the beach area, the majority of existing bermed/fenced-off area, lands along the existing shorewall and the former Dance Hall foundation area.

The site is located within the Crystal Beach Neighbourhood, which consists of a mix of seasonal and year-round dwellings with a main commercial core along Erie Road and Derby Road. The site is located on the south side of Erie Road, west of the Schooley Road allowance. The subject site was used for many decades as a private/commercial seasonal resort and beach. It was developed with approximately 48 dwelling units, a dance hall (converted to additional residential units in later years), and concession buildings. The site is now mainly vacant, the Town having removed most of the buildings in 2002, however two of the original buildings are still standing (Lobster House and concession building) as well as a new washroom/changeroom building. The foundation of the former Dance Hall also remains on the site so that its' footprint can be maintained for future development. The site is surrounded by the following uses:

North: Erie Road, existing 140-space parking area for Bay Beach, existing cottages and permanent dwellings

South: Lake Erie

East: Open space area remaining in Town ownership (0.2 ha), existing cottages and single-detached dwellings. The site is also contiguous to 0.9 ha of Town-owned public beach acquired in 1993.

West: Existing cottages and single-detached dwellings

Pre-Consultation

The Town formally initiated the public/private partnership process with the co-applicants on March 2, 2009, whereby Council authorized Staff to move forward with the project and invited the Molinaro Group to make a public presentation on their proposal on April 6, 2009. Since that time, and prior to the rezoning application authorization, the parties initiated a public consultation process to obtain input from the public and stakeholders relative to the opportunity. This process officially commenced on April 14, 2009 and included the following:

- Crystal Beach BIA meeting on May 7, 2009
- Mayor's Youth Advisory Committee meeting on May 11, 2009
- Town Wide Focus Group (The Randolph Group Random) meeting on May 14, 2009
- Neighbourhood Plan Community Focus Group meeting on May 28, 2009
- Mayor's Youth Advisory Committee follow-up meeting on June 1, 2009
- Crystal Beach BIA follow-up meeting June 22, 2009
- Town of Fort Erie Website including a commenting section for residents
- Several Newspaper information/awareness advertisements.
- Meetings with Public Agencies (Region, NPCA, MNR).

Council also considered the matter publicly on April 14, 2009 and July 13, 2009. Residents were in attendance at these meetings.

Two Open Houses were held after submission of the rezoning application, in order to present the development design to the Public and invite comment. These Open Houses were held on December 10, 2009 (19 persons attended) and January 14, 2010 (48 persons attended).

The statutory Public Meeting pursuant to the *Planning Act* was held on January 25, 2010 and was attended by approximately 292 persons. Forty (40) persons spoke on the matter, 13 in favour, 26 opposed and one undecided. The minutes of the January 25, 2010 Public Meeting are attached as **Appendix 6**.

Design Modifications resulting from Pre-Consultation

The site and building design changed significantly in response to the pre-consultation process, technical assessments and agency input. The scale of the project has been reduced in favour of more public open space, one of the 12-storey buildings was removed to provide for more open space and broader access; the proposed commercial courts on the north side of Erie Road have been eliminated in favour of retaining more public parking; the municipal pavilion has been integrated into the building and given a stronger civic presence visible from Erie Rd.; and, beach enhancement opportunities will be identified through the "Overall Benefit Permit" process to the satisfaction of the Ministry of Natural Resources to provide an overall benefit to the habitat for Fowler's Toad.

The current development proposal includes the following elements:

- One 12-storey building including a municipal all-season pavilion, food/drink facilities for beach users, public washrooms/changerooms, a waterview restaurant, and approximately 87 condominium residences;
- A publicly accessible open-air plaza next to the municipal public facility, available for year-round outdoor events such as concerts/festivals;
- Municipally owned public open space next to the open-air plaza and pavilion facility, providing additional recreation area, natural habitat, access to the public beach and open views to Lake Erie;
- The Town retains the public parking areas on the north side of Erie Road, with improvements resulting in a total of 148 spaces; SEE NOTE
- Improvements to Erie Road, including street landscaping, pedestrian crossings, drop-off area and a "gateway destination feature";
- Parking for the condominium to be located entirely underground, resulting in a more open/landscaped site design at ground level.
- A public waterfront promenade/boardwalk along the beach as well as allowing for beach level washrooms and first aid stations;
- Building will be designed under the energy efficiency standards of Canada Green Building Council's LEED program.

NOTE: Report CDS-02-2010 indicated that the proposed north side municipal parking lots provided a total of 126 parking spaces. A revised site plan for the property indicates that 148 parking spaces

will be provided in the north side parking lots, which is an increase of 8 spaces over the existing 140-space layout.

Proposed Ownership Scenario

While having no bearing on the application pursuant to the *Planning Act*, there are two alternatives presently being investigated in terms of the ultimate ownership scenario of the lands. The Town will retain ownership of the two municipal parking lots on the north side of Erie Rd, an easterly open space entrance/activity area, the public beach, and the indoor municipal pavilion.

With respect to the 0.2 ha **outdoor podium plaza**, this area can be either:

1. Owned by the condominium corporation with easements for public use and access in favour of the Town registered on title. This would ensure public access and use over that area in perpetuity (forever). This requires the initial conveyance the subject lands (the development site) to the developer and then to a future condominium corporation, or;
2. Owned by the Town **freehold**, separate and apart from the balance of the Condominium. In order to implement this, a strata/vertical severance will be required in order to separate the ownership of the above-ground area from the parking garage area. Since the complex will first have to be built in order for a strata reference plan to be prepared, it also requires the initial conveyance the subject lands (the development site) to the developer and once constructed the above-ground plaza area would then be conveyed back to the Town as a freehold parcel.

Table 2 – Proposed Ownership Scenario

BAY BEACH AREA	APPROXIMATE SIZE and OWNERSHIP
Total Area – 3 Parcels	2.1 ha.
North Side of Erie Road	
Northside Parking Lot P1	0.3 ha (Town)
Northside Parking Lot P2	0.2 ha (Town)
Total Area on North Side of Erie Road	0.5 ha
South Side of Erie Road	
Open Space Entrance/Activity Area	0.2 ha (Town)
Outdoor Podium Plaza (see above alternatives for ownership/public easement)	0.2 ha (Town or Easement)
Lower Promenade	0.1 ha (Town)
Municipal Pavilion	0.02 ha (Town)
Public Beach	0.7 ha (Town)
Development Site	0.4 ha (Condo Corp)

Total Area on South Side of Erie Rd	Total of 1.6 ha
Total Area on the South Side of Erie Road Remaining in Town Ownership/Control	1.2 ha (75% of Lands on the South Side of Erie Road)
Total Area Remaining in Town Ownership/Control (including North Side of Erie Road)	1.7 ha (81% of Total Bay Beach lands)

As shown in the table above, approximately 75% of the total land area on the south side of Erie Road would remain in Town ownership/control based on the proposed ownership scenario. When including lands on the north side of Erie Road, the percentage of land remaining in Town ownership/control rises to 81%.

If the application is approved, recommendations related to land conveyance options would be presented to Council for future deliberation. In the interim, they have no effect on the consideration of this rezoning application. The proposed zoning by-law is in fact structured to allow for public ownership of a portion of the property.

Planning Policy Background

A Planning Justification Report and Addendum were prepared by Fothergill Planning and Development Inc. to discuss the relationship of the proposed development to relevant government planning policy. The report also examines public/private partnerships, urban intensification, housing types, use of existing infrastructure and local assets, land use compatibility, parking, core area and commercial corridor, environmental impacts and hazards. The Executive Summary of this report was provided to Council as an appendix to Report CDS-02-2010, and the report may be viewed in its entirety on the Town website at www.forterrie.ca. As well, Report CDS-02-10 (**Appendix 2**) discusses planning policy as it relates to the proposal.

Studies Undertaken in Support of the Application

Geotechnical Report (Molinaro)

The Geotechnical Report was prepared by McClymont and Rak Engineers Inc. to assess the short-term groundwater levels, design data for foundations, excavation, backfill slab on grade, utilities and pavement and the depth of the overburden and bedrock. The report concluded that:

- existing fill should be explored by further test pit excavation prior to/during excavation;
- the till and silty sand deposits may contain boulders and cobbles;
- the surface of the shale bedrock may vary across the site and should be confirmed during foundations installations;
- three foundation alternatives have been proposed: raft foundation, driven/auger cast pile/grade beam or drilled caisson/grade beam foundation system;
- A pre-construction survey of the adjacent structures/roads should be carried out prior to dewatering/shoring construction stage;

- Adverse effects due to dewatering must be assessed and suitable preventive/remedial measures implemented;
- A well designed and constructed sheet pile wall system should be designed by a professional engineer experience in shoring design;
- Pressure relief valves/cores in the slab is recommended.

Shadow Impact Study (Molinaro)

A Sun-Shadow Impact Study was prepared by Karp Namisniak Yamamoto Architects Inc. to address impact the proposed building would have on the subject property and adjacent properties. The study determined that:

- The shadows cast from this mixed-use development are largest in the winter as there is a large shadow cast over northwest and northeast neighbourhood for approximately 3 hours in the day;
- In the spring, only a small shadow is cast upon the immediately adjacent properties to the west and north. During the spring the shadows fall predominantly upon the subject property and Erie Road;
- In the summer, there is only a small shadow cast upon the one westerly property adjacent to the subject property and this is only for approximately 2 hours in the day;
- The Beach and Lake to the south are not affected by the development of a building;
- The proposed building's tapered shape reduces shadow affect upon neighbouring properties by reducing the duration of shadow impact.

Flood and Dynamic Beach Study (Molinaro)

The Flood and Dynamic Beach Hazard Assessment was prepared by W.F.Baird & Associates Coastal Engineers Ltd. to address the flood and dynamic beach hazard in accordance with Ontario Regulation 155/06, Interference with Wetlands and Alterations to shorelines and watercourses and the Provincial Policy Statement (2005). The report examines water levels, waves, ice, beach and shoreline processes, shoreline regulations and policies, *Federal Fisheries Act*, work permits required by the Ministry of Natural Resources and addresses the hazard through flood proofing, protection works access and dynamic beach standards. The Niagara Peninsula Conservation Authority is reviewing this study. The report identifies the limit of dynamic beach as the shoreline protection works.

The Report contains recommendation that will be addressed as part of the detailed design process. On a preliminary basis, it suggests a new seawall in more or less the location of the existing stacked wall. Sloping revetment works are optional in front of the seawall in front of the new wall and may be useful in creating protected natural habitat pursuant to the overall benefit permit.

Crystal Beach Parking Study (2007) and Addendum (2010) (Town)

Council received the Crystal Beach Neighborhood Parking Study, prepared by the consulting firm Paradigm Transportation Solutions Ltd., through Administrative Report CDS-089-07. An extension of that parking study, specifically focused on the impact of the proposed development was recently completed by Paradigm. This report, entitled Report on Crystal Beach Gateway Development Parking Review, dated February 12, 2010, has been attached as **Appendix 7**.

Comments on the Parking Report from the Director of Infrastructure Services

The appended report provides a summary of the report and analysis completed in 2007, describes the public parking supply being contemplated in conjunction with the proposed development, quantifies the incremental parking demand directly related to the Molinaro development and describes thoroughly the cumulative impact (affect) of all of the same on both the public beach property and the surrounding neighborhood. Although the majority of this report is very technical in its tone, the two sections of the report titled Development Parking Impact Assessment and Summary found on pages 6, 7 & 8 provide a concise description of this cumulative impact and how it relates to both a typical summer beach day and a very busy holiday weekend day. Based on the analysis completed in 2006/07 and historic weather trends:

- For days that enjoy excellent weather and coincide with a summer holiday weekend, estimated to occur 4-5 days per year, the parking for beach patrons can not be accommodated by the combination of Town-owned, off-street parking lots and permissible on-street parking spaces in the neighborhood directly adjacent to the public beach property. Beach use continues to be reliant on the private parking lot adjacent to the site for these days.
- For all other typical, good weather, summer beach days, the parking for beach patrons can be accommodated by the combination of Town owned, off-street parking lots and permissible on-street parking spaces in the neighborhood directly adjacent to the public beach property.

In summary, the introduction of the proposed Molinaro development on the Erie Road site and the public parking modifications contemplated as part of that development, result in a net incremental increase in parking demand and a inverse incremental decrease in parking supply. The parking demand for both the beach patrons and that introduced by new development can be accommodated on-site and within the commercial core for all but 4-5 days per year. The net affect of this development does not increase the frequency of this scenario, nor does it provide a resolution to the need for additional parking on these days.

Staff is of the opinion that the development of the Erie Road site, as proposed by the Molinaro Group, will not significantly alter the current relationship between parking supply and demand in the Crystal Beach Neighborhood. Notwithstanding the preceding opinion and recognizing that the development of this site is envisioned to be a catalyst for further development and intensification of the commercial core of Crystal Beach, priority should be given to the development of a holistic, neighborhood strategy for public parking. This strategy could include elements such as the enhancement of the Town's transit service, the advocacy of walkable/cycleable neighborhood, the creation of additional public parking lots and specific development controls with regard for public parking.

Overall Benefit Permit from the Minister of Natural Resources (Town)

AECOM Consulting Services has been retained to undertake the "Overall Benefit Permit" to address the requirements of the MNR relative to the Fowler's Toad habitat. The MNR must agree to a permit prior to any development and site alteration being permitted.

Comments Obtained from the Public

Letters and e-mails received from the public prior to January 25, 2010 have been previously provided to Council in Report CDS-02-10 and Addendums provided to Council by the Clerk's office. E-mails and letters received from January 25, 2010 to February 18, 2010 are attached as **Appendix 8**. Correspondence arriving after February 18, 2010 has been provided to Council under separate cover, as an addendum from the Clerk's Office. In addition to the individual comments received, it is noted that 358 proxies and a petition containing 222 signatures have been filed in the Clerk's Office in opposition to the proposed rezoning.

Issues raised by the public have been analyzed and grouped thematically and are addressed either by Staff, by Council's consulting planner Ron Palmer, or by the Molinaro Group's planner Ed Fothergill. The following represents a summary of the issues.

Access to Beach and Waterfront

"The development will impede access to the public beach, or that future residents of the condominium will put pressure on the Town to secure private rights to the beach area".

Staff Response: The Town Solicitor has indicated that the property transfer contemplated for this development will ensure public access to the waterfront in perpetuity (forever). These rights cannot be legally interfered with by any resident now or in the future.

Obstruction of View to the Lake

"Will change the character of the Bay Beach and will impede the view of the Lake".

Staff Response: Presently Bay Beach is an undeveloped site and the Lake is not visible from the street. Access is presently constrained by fencing to a narrow security checkpoint. The proposed development will create a broader and more visible interface to the public beach from the street. A gateway feature and drop-off zone will clearly demarcate the site. It will have an obvious identity as a public beach amenity and an authentic year-round civic presence. The high quality and range of amenities on site will assist in creating a memorable impression.

Neighbourhood Compatibility

"The proposed 12-storey height limit is not compatible with the character of the area, and is too much of a variance from the current height limit of 2.5 stories".

Staff Response: From an architectural perspective there is no current precedent for a multi-storey building in the surrounding area – this however does not mean it is not compatible or that it negatively impacts the traditional character of Crystal Beach.

The predominate building typology of Crystal Beach is a direct reflection of its history. Crystal Beach was established a century ago as a seasonal community due to the popularity of the beach. Most of the neighbourhood still consists of the original seasonal cottages, and cottages converted to full time residency. The urban fabric is comprised of small single lots fronting on a traditional street pattern in a quaint village atmosphere. The waterfront development along the south side of Erie Road however had, and continues to

have a distinct character apart from the neighbourhood north of Erie Road. It consists of large properties with private beach lands and large seasonal dwellings substantially different in character from the village area. In addition, the waterfront was home to more intensive development such as the Crystal Beach Amusement Park, which contained a mix of large buildings and structures, historical “Bay Beach”, the Crystal Beach Hill Cottages, the Buffalo Canoe Club and the Buffalo Yacht Club, none of which were viewed as detracting from the neighbourhood.

Planning Staff are of the opinion that the proposed building on Bay Beach will have its own distinct identity, and can be considered a positive addition to the community. To reflect the character of the area, the building and site amenities will have aesthetic features that consider the surrounding community and its history, including a waterfront theme in terms of style and color. The Planning Justification Report details architectural expression of the building.

Finally, by nature this building type represents a sustainable form of housing, which is being promoted by planning policy at the Provincial and Regional levels. An important attribute is that the building will be designed and built to LEED standards.

Consistency with Crystal Beach Neighbourhood Plan and Bay Beach Charette Exercise
“The proposal is not consistent with the Crystal Beach Neighbourhood Plan approved by Council in 2005 and the Bay Beach Charette exercise completed in 2002”.

Staff Response: The Neighbourhood Plan was initiated in 2004 and approved in 2005 subsequent to a community engagement process. While the Plan does not have status as Official Plan policy, it is intended to be a guide for future land use decisions. At the same time it is not intended to be a static plan. In fact it recognizes the unique history of Crystal Beach and that land use changes and development will occur.

The Neighbourhood Plan does contemplate the development of the Bay Beach Special Policy Area, and a variety of development scenarios are considered including higher density, multi-storey buildings (Sec 5.6, Option 2). For this reason the Plan identifies the necessity to broaden the variety of housing stock in the neighbourhood, primarily in the core area.

The proposed development and associated public amenities provide an opportunity to:

- Establish a needed form of housing type that does not presently exist in the municipality;
- Establish a year-round civic presence which compliments the neighbourhood in a variety of way;
- Allow the municipality to develop open space and visitation amenities with the assistance of private sector investment;
- Create synergy at Bay Beach which will have positive economic spin-off in the community;
- Establish a scale of development which will act as a catalyst for renewal of the core area and support existing business interests;
- Establish a land use prototype that facilitates the expansion of the Town’s waterfront land base as a condition of development.

Planning Staff recognize that few municipalities have the opportunity to transform an area in a manner that achieves as many public objectives. Considering the proposal holistically, it represents a positive development addition to the neighbourhood and the Town, and is considered to be in the overall public interest.

Entire Property Should Remain in Public Domain

“All Bay Beach properties should remain in public ownership. It should remain green space, as there is very little recreational space for young people in Crystal Beach. A park with recreational facilities should be built instead. There is needed is more parking, picnic tables, chair/umbrella rentals, expanded restrooms/change rooms and beach type recreation”.

Staff Response: The Parks and Open Space Master Plan was approved in 2007 and functions as Council’s primary policy document relative to the provisions of parks and open spaces. The Master Plan identifies Bay Beach as a specialized park facility. A Specialized Park is defined as one that offers unique, special purpose facilities and may take advantage of a variety of important resources such as natural features, historically significant sites, areas of unique character or significant recreational facilities. While a general facility guideline is provided for Specialized Parks, their size will vary depending on the land resource and facility requirements, and thus park amenities and facilities should be decided on individual basis.

The Master Plan identified two amenities that should be considered in the potential development of Bay Beach as a park, including a playground and a pavilion. The Master Plan further emphasized the importance of maintaining and/or enhancing public access to the waterfront and the protection of waterfront resources. The Master Plan does not specifically identify the scope of lands within the Bay Beach property that would serve as public parkland, nor does it speak to future development of the site – rather it identifies a minimal standard that should be achieved in park development on this site, similar to the Neighbourhood Plan. The preservation of the beach lands, and the provision of over 1 acre of public open space, in addition to a municipal pavilion and dedicated play area that may include a playground, exceeds the development criteria identified in the Master Plan. In addition, the proposed development offers parkland amenities not identified in the Master Plan, including outdoor patios and gathering spaces, floral displays, public washrooms, and a year-round public civic space opportunities.

In summary, the proposed development is consistent with the Parks and Open Space Master Plan recommendations for Bay Beach, as all of the specified features of a Specialized Park will either continue to be available or will be enhanced through this development.

It is noted that the Master Plan also identifies a deficiency in Crystal Beach in the category of “Neighbourhood Parks”. To this end, Council has already identified two new facilities in the neighbourhood for such parks, and budgeted for these acquisitions.

Seek Grants for Improvement of Public Spaces/Regional Niagara Waterfront Initiative

“The Town should seek government grants to build a park on the Bay Beach properties instead of a 12-storey condominium. There are Regional, Provincial and Federal grants/partnership to aid community groups to develop the site”.

Staff Response: The Town’s Chief Administrative Officer advises that the Town reviews all Regional, Provincial and Federal grant opportunities on a continuous basis. There are no government programs available for a grant to build a park at this time.

The concept of a partnership opportunity has also been discussed with the Peace Bridge Authority to develop Bay Beach. The General Manager has advised that such a program is not within the mandate of the PBA.

The Region of Niagara Waterfront Property Acquisition Initiative

“The Region of Niagara has earmarked \$1 million for potential land acquisitions within the Region and it has been suggested the Region may be a willing public partner for parkland development at Bay Beach”.

Staff Response: The Regional program, which has not yet formally been introduced, is geared toward the acquisition of private waterfront property for public benefit. The Region confirms that it has no intention of acquiring Bay Beach, which is already in public ownership. The Regional Chair has advised:

“During my tenure as Regional Chairman, I have long advocated that the Region should take a greater role in acquiring waterfront lands for public access and use. I have recently been advised however that there may be a misunderstanding regarding my strategy and the issue of Bay Beach, located within your municipality. I recognize that the issue of Bay Beach is a local municipal decision and does not fall under the jurisdiction of Niagara Region. I wish to confirm with you that Niagara Region does not have any intention now or in the future to secure the property known as Bay Beach, as this property is not for sale and due to the fact that jurisdiction resides at the local municipal level.”

Development Alternative on the North Side of Erie Road

“An informal, independent study conducted last summer that estimated an attractive, natural park on the south side lands can be created for less than \$1 million. The study also concluded that a suitable private development on the north side properties is feasible and the sale of part of the north side lands would fund 100% the costs of creating the park. This scenario would provide a park on the south side lands, a suitable return on investment for the Town, achieve other Council objectives for the Bay Beach lands and represent a development scenario that would have broad support of the community”.

“The Crystal Beach BIA supports multi-storey residential and commercial development but preferably on the north side of Erie Road and will entertain proposals which will adopt these guidelines”.

Staff Response: Both Staff and the Town’s private sector partner have reviewed this information and have determined that it is not economically viable. Factors affecting this position are primarily related to reduced marketability increasing development risk factors

and reducing the Towns return on investment. As well, the integration of public uses into the project would not be effective nor would the year round civic presence be possible.

Comparisons with Crystal Beach Tennis and Yacht Club Development

“The Crystal Beach Tennis and Yacht Club (CBTYC) development is gated and predominately owned by U.S. citizens. It is vacant from September to May but for a couple of full-time residents. This project has not revitalized Crystal Beach. Citizens lost approximately 1,000 ft. of beach to the development despite the fact the citizens wanted to keep the lands a passive park with beach access”.

Staff Response: The proposed development is fundamentally and physically different than the CBTYC. The CBTYC is a single detached condominium complex that primarily appeals to seasonal residents because it is “gated”. In addition, it has access to a privately owned beach and open space amenities and it has no civic presence. **The proposed Bay Beach development was conceived from the outset as a “public resort” which is intended to attract public integration.** This differentiates the proposed development from CBTYC, and is an important part of its market appeal.

Opposition to Public/Private Partnership (P3)

“P3’s allow private, for-profit corporations to obtain public tax funds or in this case publicly owned million dollar waterfront property to build condominiums. This is the wrong kind of development for Crystal Beach. Town was fortunate to acquire Bay Beach and to the people. Other communities such as Toronto and Mississauga are desperately trying to acquire waterfront land for public use. Fort Erie would be foolish to let this land go. Taxpayers’ money being given away in the form of land for so little in return”.

Staff Comment: Public/private partnerships are an acceptable and effective method for government to attract private sector resources and expertise to achieve public benefit. Without this partnership, Council would have to develop the site, primarily with public funds.

The Town’s Chief Administrative Officer indicates that the Town purchased all of the lands, including the beach for \$2.05M. In return for less than 20% of the lands, the private sector developer will pay for and construct public amenities valued at a minimum of \$2.2M. The Town also retains the beach for public use forever. The Town will also realize annual revenues in the way of increased assessment in perpetuity. If the Town did not enter into this partnership, the enhancements on the property would have to be paid for primarily by the local taxpayer.

Visualizations Used to Depict the Proposal

“The perspective drawings of the project are misleading with significant unoccupied green space, neighbourhood structures weren’t indicated and trees seemed to be out of scale”.

Staff Response: The perspective visualizations were prepared by the Centre For Advanced Visualization at Niagara College. The Centre has responded to this comment as follows:

“The depiction of the Bay Beach proposed site and building development is accurate and entirely based on planning and architect mapping and design drawings, and CAD. The visualization work was undertaken using data provided by the Town of Fort Erie and the

developer. Specifically, the site visualization was taken from the Town of Fort Erie planning maps for the property dimensions and building locations – both existing and proposed. The property and the proposed building was GIS photographed and therefore is specifically referenced and can be placed on Google Earth mapping - again accurate. The scale and height of the building was determined through the architects scale design drawings.

The only visual perceptual variation that can occur, and is the same for all photography, is when different photographic angles are employed. An example is the shot taken from the beach looking back at the volleyball pitches, outdoor theatre and the building itself. However the property lines, activity areas and the building itself are placed precisely and to scale and we have employed several shot angles that depict the site and building positions clearly.”

Impact on Core Commercial Area

“How will it benefit businesses and average citizens in Crystal Beach? Commercial entities in the complex will compete with local businesses. Will the development stimulate other business or take away from existing businesses”?

Staff Response: The commercial uses forming part of the project are limited to a 250 sq m restaurant, a 50 sq m snack bar, a 50 sq m convenience outlet, a 50 sq m beach athletic/goods outlet and a 150 sq m public fitness centre. In addition there will be a 240 sq m public assembly area. It is noted that the property has had commercial zoning for many years and the commercial component of the project is already permitted as of right. As well, commercial operations have existed on the site previously and have always been contemplated. For example, prior to initiating this public/private partnership opportunity, Council was considering the conversion of the on-site “Lobster House” building into a year-round restaurant. The scale and nature of the commercial uses on the site are not expected to have a negative impact on the existing commercial uses in Crystal Beach. In fact, the potential year-round visitation may assist in promoting the area and its viability.

Construction of Public Amenities and Surrounding Roads/Sidewalks/Parking Areas

“Who will be responsible for reconstruction of roads, where will staging be located for major construction and will there be a timeframe for completion. The development will be under construction for a long time and will have an adverse impact on business, tourism and quality of life for residents”.

Staff Response: Detailed construction management issues and impacts to local infrastructure will be addressed, as is normally the case, as part of the Site Plan Agreement. It is expected that the scale of this development will have some impacts, but reasonable efforts will be made to minimize neighbourhood disruption.

Seasonal vs. Permanent Residents

“What guarantee is there the residents of this proposed development would be full time residents and shop locally”?

Staff Response: It is not possible to restrict occupancy to full time residents only. However the facility as a whole will be designed to be utilized year-round. The pavilion will be

designed as a multi-purpose programmable civic space to attract use and visitors in all seasons.

Environmental Issues

“Concern with respect to the dunes between the Lake and Erie Road. Development may be in violation of the Aggregates Act or Dunes Act. Construction of the building, underground parking and leveling of the dunes to road level will dramatically alter the dunes, effect water run-off and change wind patterns which will alter sand movement on the beach”.

Staff Response: The noted *Aggregate Act* is not applicable to this site. The extraction of sand from a public beach in an urban area adjacent to the lake would not be practical or supportable.

Staff can find no reference in Federal or Provincial law entitled “*Dunes Act*”. Although the site may alter the wind patterns and thus dune formations on the site, the Director of Infrastructure Services has advised that blowing sand will be mitigated with plant material and in the off season with temporary measures. If necessary, additional street sweeping can also be deployed.

The NPCA regulates floodplains and dynamic beaches. The NPCA concurs with the delineation of the dynamic beach as the limit of the shore protection works.

“Concern related to infrastructure in the area - the beach has been closed to swimming a number of times due to high bacteria counts”.

Staff Response: The Regional Niagara Public Health Department monitors water quality at all of Fort Erie’s beaches. The proposed development will be connected to the municipal sanitary system and should not have an effect on the quality of lake water or beach conditions. Storm water will be treated to the satisfaction of relevant agencies.

“Concern for the wildlife in the area - the Fowler Toad is on the species risk list and designated a threatened species. This toad has been found in the area. The proposed construction site is in a winter hibernation area that could potentially be used by the Fowler Toad. Study needed to determine how the proposed construction might harm the Fowler Toad and other animals and plants in the area”.

Staff Response: The Town has initiated the process to obtain an “Overall Benefit Permit” from the Minister of Natural Resources, to ensure that natural habitat areas are created, enhanced and protected as part of the development project. Staff and its consulting biologist are confident that this is achievable. One method available is to create a protected zone along the shorewall consisting of rocks and boulders mixed with native beach plantings. The Overall Benefit Permit is likely to also provide recommended conditions for various construction phases, educational aspects and monitoring.

“Concern with respect to the proposed setbacks from the 100-year flood line”.

Staff Response: Zoning By-law 129-90 contains a generic regulation of 30m setback from the 1-in-100-year flood elevation where no protection works are installed. Where shore

protection works are proposed, the NPCA is the approval authority, and it determines the appropriate setback given the nature of the proposed shore protection works. In other words, the required setback is derivative of the shore protection. Typically in this area, development is permitted within proximity of the Lake Erie shore consistent with the setback proposed in this development.

Value of Land and Amenities

"We need to ensure the amenities provided are equal or greater than the appraised value of the property. The Town continues to use \$3 million to depict what the cost of amenities however, no list or cost estimates per amenity has been provided".

Staff Response: This issue is addressed in the Financial Section of this report.

Affect on Property Values in the Area

"There will be a negative impact on property values".

Staff Response: There has been no evidence or data submitted that supports this belief.

"Assessment to local residents will increase taxes".

Staff Response: Property assessment is based on market value as determined by MPAC. Taxes are a function of assessed value combined with the municipal (Town and Region) tax levy rate.

Future Development Along the Lakeshore

"Concern with the statement on the Town's web site: "Town intends to grow the public beach from Crystal Beach to someday encompass the entire sandy shoreline from Crystal Beach to the western end of Abino Bay. The current low-density development along the south side of Erie Road in this area may not be economically sustainable in the long-term. These lands should be planned for higher density residential uses. This is however, entirely at the discretion of the property owner" and "The Town's long-term policy is to acquire beach property from willing property owners and as a condition of development, in order to expand the public beach. The Town has no intention to expropriate property."

Staff Response: In response to the fact that the majority of the Town's prime beach areas are privately owned by foreign interests, one of Council's longest-standing strategic objectives has been to increase access and accessibility to the Town's waterfront, including acquisition. Since waterfront land is costly to acquire and few property owners are willing sellers, the Town has struggled to implement this objective for years. As a result, it has developed more assertive go-forward financial programs, planning policies and legal instruments that require the dedication of waterfront hazard lands (aka beach lands) gratuitously as a condition of development. These include:

- Waterfront Road Allowance Encroachment Policy
- Parkland Dedication By-law
- Trail Development
- Waterfront Road Allowance Development Strategy

Since Council has approved the policy and legal instruments, the next step is to create an economic model that promotes the redevelopment of the waterfront from a relatively underutilized land use to a land use model that promotes greater long-term sustainability and better utilization of municipal services.

For example, the 1.7 km stretch along the south side of Erie Rd between Bay Beach and the Buffalo Canoe Club encompasses approx 25 ha of developable land and 7.5 ha of privately owned beach, yet is only developed with approximately 90 seasonal dwellings. This represents a density of less than 3.6 units/ha (1.6 units/acre), which is significantly below desirable targets for serviced urban residential lands. Given the location, this represents a significant land base resource that is underutilized. It is in the overall public interest to promote the redevelopment of this area to achieve a better use of public infrastructure investment while at the same time transferring beach lands to public ownership. It is recognized that this is a very long-term vision and while Council has yet to define the vision precisely, this public private partnership, in the manner proposed has the potential to be a catalyst.

Council can appropriately consider this application on its own merits at this time on the following basis:

- The application is for a zoning amendment only and the precedent for development is established in the Official Plan and the historic use of the site; and,
- Municipal infrastructure is in place to support the development – no new extensions or roads, sewer or water are needed; and,
- The proposed development is in an appropriate location for multi-storey residential development; and,
- Natural heritage matters are isolated and can be addressed to the satisfaction of agencies; and,
- Approval of the application does not commit Council to approve similar development in the area (each application is judged on its own merits); and,
- The development is unique due to the presence of open space and parking on three sides, which allows for the consideration of higher density development and maintenance of open space amenities, as well as continued access to the public beach.

Parking Concerns

“Concern that major parking and traffic problems will occur since parking will be significantly reduced. The development will add to the lack of adequate parking for the beach”.

Staff Response: Paradigm Transportation Solutions Ltd. has provided an opinion on the effect that the subject proposal would have on the overall parking supply and demand in the surrounding neighbourhood. Their report is attached as **Appendix 7**. The Director of Infrastructure Services has provided comment previously in this report.

Development Within the 1-in-100-Year Flood Elevation Area

“The site plan shows the beach-level public washrooms, change rooms and first-aid station to be built below the 100-year flood line very close to the Lake. This presents an environmental hazard”.

Staff Response: The NPCA has advised that since the beach level washrooms do not contain any habitation elements, the use and construction are permitted.

Social Impact

“Housing is inexpensive but with the breakdown of family and single parent households, many families lack stability, continuity and finances. The development is not going to solve these problems and will not promote community building.”

Staff Response: The development proposal includes a community pavilion to be owned and operated by the Town. This community space provides a venue for a variety of civic functions, and can act as a much-needed community focal point for Crystal Beach. The space would be designed to be multi-functional and useable year-round. In addition to being utilized for Town and community group functions, the space has the potential to be utilized by other public service agencies such as the Regional Niagara Health Department and Regional Niagara Social Services Department, especially considering the existing socio-economic condition of the neighbourhood.

Site Design

“A centre should be established for a collection of Crystal Beach memorabilia. The collection would be a focal point to bring people to the beach”.

Staff Response: The Town Pavilion provides an ideal year-round venue to showcase the unique history of Crystal Beach and could prove to be a visitation draw on its own merits.

“Will the new development have a fence or gated entrance to the beach and if not, how will the Town or developer prevent alcohol on beach. When the Town initially cleared the Rebstock buildings and had an uncontrolled entrance to the beach it led to out of control drunkenness, which led to, fights, lewd behavior and ultimately led to families withdrawing from the beach. It became a big problem for police and ultimately the Town. That is why there is a fence with a controlled entrance in two places and security on duty”.

Staff Response: The proposed site design is intended to be “barrier-free” to create an inviting public experience. Security and a checkpoint may still be necessary during the summer season, however this can be assessed on an ongoing basis. In addition, Mr. Palmer has made recommendations in his report concerning this matter.

“Leveling the existing berm so the Lake can be seen from Erie Road is a concern. The berm was installed to reduce the blowing sand onto Erie Road”.

Staff Response: The Director of Infrastructure Services has advised that the berm was not installed to manage the drifting of sand, but rather to control the vehicular access to the site and provide opportunities for beautification. The management of windblown sand, specifically the drifting onto Erie Road, will be achieved through measures as the shorewall structure, in a similar fashion to the measures currently implemented on top of the berm.

Financial/Staffing Implications

General

Through the proposed development scenario, the Town will recoup its original investment in the property through site improvements and public facilities. Site improvements will include a year-round civic presence in the form of a municipal pavilion, public washrooms/changerooms, Erie Road streetscape improvements, gateway feature, boardwalk/promenade, parking area improvements, beach enhancements. This private sector supported improvement and the enhancement of Bay Beach will be accomplished in a way that does not burden the taxpayers. As well, the Town will benefit through an increase in tax assessment on the property.

Economic Impact

From the outset, it has been Council's objective to achieve an appropriate return on investment (ROI) with respect to its initial investment in the property. In municipal terms, ROI can be measured a number of ways, both economic and social. Ultimately the ROI must be a balance of both, and be in the long-term public interest. The previous sections of this report have focused on land use planning and social benefit aspects. Below is a description of the economic benefits. In addition, Council must consider the "opportunity cost", that is the public investment that would otherwise be necessary to development the site as well as the forgone annualized tax revenue.

MPAC Tax Assessment Review

The Director of Financial Services has provided a review of the impact that the proposed project would have on the tax revenue of the municipality based on assessment analysis, as developed by the Municipal Property Assessment Corporation (MPAC).

MPAC estimates the total Current Value Assessment of the residential portion of the project to be **\$33.4 million**. Based on this figure, the total taxes payable would be **\$519,000** per year, with **\$184,000** being allocated to the Town. With respect to the commercial portion of the assessment, it is anticipated that an additional \$6,000 to \$12,000 per year would be allocated to the Town. The total assessment growth has a benefit to the general levy budget of approximately 1.2%.

Economic Impact Analysis – RCI Consulting Inc.

The firm of RCI Consulting has been retained to provide an Economic Impact Analysis of the proposal and its financial implications vis-à-vis the Municipality and the community at large. The report will be provided as an addendum to this Report, to be issued as soon as it becomes available.

Land Value

The Town has obtained a real estate appraisal for the Bay Beach Property and the development site in particular. This will be factored into real estate valuation and negotiations relative to land transfer and will be the subject of a future report to Council.

Value of Development Charges

Development Charge By-law No. 98-09, adopted on July 13, 2009 and its predecessors provide exemption for development in the Crystal Beach Core Area and the Bay Beach lands, as described in "Schedule J" to By-law 98-09. The value of the Development Charges, if applicable would be in the range of \$700,000. This will be factored into the real

estate valuation and negotiations relative to land transfer and will be the subject of a future report to Council.

Value of Section 37 Community Benefits

Section 37 of the *Planning Act* allows the Town to enter into an agreement with the developer for the provision of community benefits in exchange for increases in height and density. The terms of the Section 37 development will be the subject of a future report to Council.

Public Improvements and Amenities

Staff has estimated the value of public improvements in terms of infrastructure and amenities resulting from the development. The development principle has been that the project is cost neutral to the Town, in which the value of the property, plus development charges and Section 37 benefits would be provided in terms of on-site public improvements and amenities.

Should the zoning application be approved, Staff and the developer will initiate negotiations to determine the final value of the property and Section 37 benefits in conjunction with which features will be constructed by the developer. This will be the subject of a future report to Council.

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.

Comments from Relevant Departments/Community and Corporate Partners

The application for Zoning By-law Amendment was circulated to relevant Departments/Community and Corporate Partners on December 12, 2009. Notice of the Public Meeting regarding this rezoning application was provided in accordance with the requirements of the *Planning Act*.

Public comments received from January 25, 2010 to February 18, 2010 are attached as **Appendix 8**. Comments received after February 18, 2010 are attached under separate cover as an Addendum issued by the Clerk's Office. All public comments received prior to January 25, 2010 were attached to Report CDS-02-10 or to Addenda issued by the Clerk's Office.

Agency comments received up to January 25, 2010 were included in Report CDS-02-10. Agency comments received after January 25, 2010 are detailed below, and are attached in their entirety as **Appendix 9**.

Niagara Peninsula Conservation Authority

The NPCA has indicated that they have no objection to the approval of the application subject to a “Holding Provision” being added to the zoning designation, which would restrict development of the site until such time as the recommendations outlined in their report (attached as **Appendix 9**) have been addressed to their satisfaction. These include:

- The NPCA has no objection to the recommendation that all building foundations facing lake-ward be designed to resist hydrostatic and hydrodynamic loads of Lake Erie surging to the elevation of 178.0m.
- The NPCA notes that the proposed revetment shore protection works are anticipated to be situated around the 175.5m contour, well above the 174.6m elevation (the 80th percentile) which is used by the federal Department of Fisheries and Oceans as the upper boundary elevation when assessing potential impacts to fish habitat.
- The NPCA notes that the proposed shore protection has not been evaluated as part of the scope of the Baird report. Prior to construction, the NPCA will require that the final design of the building and shore wall, as well as the proposed grades of the site be reviewed by a Coastal Engineer in order to ensure that they meet the recommendations of the Baird report and are sufficient to mitigate the Great Lakes hazards.

Alternatives

Council could deny the application – this is not recommended by staff. Doing so would result in the current proposal and public private partnership investment opportunity not moving forward. If the proposal does not move forward, there is still an expectation that improvements be made to the Bay Beach properties. As previously reported, the cost associated with developing the Bay Beach property as a public park was estimated in the 2005 Bay Beach Economic Impact Analysis to be in the range of \$3 million.

If certain amenity elements such as the year-round pavilion were eliminated, basic park-like and streetscape improvements could still require an investment of up to \$2 million. In addition, the significant positive economic and transformative opportunities related to this project would not be achieved. Council’s objective to obtain more public waterfront would also be frustrated by rejecting an economic land use model that may be a catalyst for redevelopment of the waterfront and the future dedication of more private beach into public ownership.

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.

The development proposed will transform Bay Beach from a seasonal visitation destination into a year-round entity with a strong civic presence. Equally important, the proposed development represents an inflection point for the community of Crystal Beach. It is a

unique opportunity to advance renewal and to provide a significant investment in the community, as well as an influx of new residents.

The proposal sets the stage for an economic land use model that will allow Council to achieve its long standing Strategic Goal of obtaining more public beach.

Considering that there are no similar facilities in Fort Erie or the Niagara Region that combine waterfront living with first-class public open space/amenity areas, the proposed development has the real potential to be successful, and act as a catalyst for future investment in the community.

Staff supports the approval of application as detailed in this report.

Appendix 3 contains the opinion of Mr. Palmer. Recommendations Nos. 1 and 2 are consistent with the recommendation of this report. Mr. Palmer also provides supplemental recommendation for Council's consideration on a go-forward basis. Staff recommends that those recommendations be taken under advisement and considered as part of the Town's future work plans.

Attachments

Appendix 1 - Location Plan

Appendix 2 - Information Report CDS-02-10 dated January 25, 2010

Appendix 3 - Report from Ron Palmer, Council's independent planner

Appendix 4 - Proposed Site Plan

Appendix 5 - Proposed Ownership Scenario

Appendix 6 - Minutes of the *Planning Act* Public Meeting of January 25, 2010

Appendix 7 - Parking Report from Paradigm Transportation Solutions Inc.

Appendix 8 - Public Comments Received January 25, 2010 to February 18, 2010

Appendix 9 - Agency Comments Received after January 25, 2010

Appendix 10 -Letter from Fothergill Planning and Development Inc. February 11, 2010

Appendix 11 -Draft Zoning Amendment By-law

Appendix 12 – Visualization Drawings of Crystal Beach Gateway