



Planning Justification Report

Beachwalk Flats Mixed-Use Development

Zoning By-law Amendment Application

9 Albert Street and 185 Division Street, Town of Cobourg, County of Northumberland

Prepared for: Napa Valley Contracting

EcoVue Reference No.: 20-2081

Date: January 25, 2021

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Table of Contents

1.0	BACKGROUND	1
1.1	DESCRIPTION OF THE PROPOSAL AND REASONS FOR THE AMENDMENT.....	1
1.2	EXISTING SITE CONDITIONS.....	2
1.3	PRE-CONSULTATION.....	3
2.0	POLICY CONSIDERATIONS.....	6
2.1	PROVINCIAL POLICY STATEMENT (2020).....	6
2.1.1	<i>Settlement Areas</i>	6
2.1.2	<i>Employment</i>	7
2.1.3	<i>Housing</i>	8
2.1.4	<i>Sewage, Water and Stormwater</i>	8
2.1.5	<i>Natural Heritage and Water</i>	9
2.1.6	<i>Cultural Heritage and Archaeology</i>	9
2.1.7	<i>Natural Hazards</i>	9
2.1.8	<i>Human-Made Hazards</i>	10
2.2	A PLACE TO GROW: GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE....	10
2.2.1	<i>Policies for Where and How to Grow</i>	11
2.2.1.1	<i>Managing Growth</i>	11
2.2.1.2	<i>Employment</i>	11
2.2.1.3	<i>Housing</i>	11
2.2.2	<i>Natural Heritage System</i>	12
2.3	THE COUNTY OF NORTHUMBERLAND OFFICIAL PLAN	12



Table of Contents

2.3.1	<i>Urban Areas/Rural Settlement Areas</i>	12
2.4	OFFICIAL PLAN FOR THE TOWN OF COBOURG.....	13
2.4.1	<i>Proximity to Main Central Area</i>	15
2.4.2	<i>Harbour Area Secondary Plan</i>	15
2.4.3	<i>Community Design and Improvement</i>	20
2.4.4	<i>Parking</i>	20
2.5	TOWN OF COBOURG ZONING BY-LAW.....	20
2.5.1	<i>Parking and Loadings Provisions</i>	23
2.6	SUMMARY OF POLICY CONSIDERATIONS	25
3.0	SUMMARY	25



Table of Figures

Figure 1 – Site Location	4
Figure 2 – Site Plan.....	5
Figure 3 – Town of Cobourg Official Plan Schedule ‘F’	14
Figure 4 - Town of Cobourg Official Plan Schedule 'A'	18
Figure 5 - Town of Cobourg Zoning By-law Schedule 'A'	22
Table 1 - Town of Cobourg Official Plan Criteria (Section 11.4.4.2)	16
Table 2 - MC Zoning Provisions	21
Table 3 - Regulations for Mixed Use Development Which Incorporate Residential Uses	23

Appendices

Appendix A – Pre-consultation Check List	
Appendix B – Functional Servicing Study	
Appendix C – Stormwater Management Report	
Appendix D – Archeological Assessment	
Appendix E – Parking Justification Study	
Appendix F – Detailed Architectural Drawings	
Appendix G – Tree Inventory, Assessment and Preservation Report	



1.0 BACKGROUND

This Report is being submitted in support of an application for a Zoning By-law Amendment (ZBA) on the subject property, known as 9 Albert Street/185 Division Street, legally described as Part of Lots 6, 7, 8 & 9, Block "A" of Caddy Plan, Town of Cobourg, County of Northumberland (**Figure 1 – Site Location**).

The ZBA will facilitate the development of live/work units, residential units and commercial units on the subject lands. This report will provide a description of the proposal and examine the proposed ZBA in the context of the applicable land use planning policies.

1.1 Description of the Proposal and Reasons for the Amendment

The proposed development, known as “Beachwalk Flats”, will include the construction of three (3) live/work units, seven (7) commercial rental units, and 20 residential units within two (2) three-storey buildings (herein referred to as the East Building and West Building). The proposed buildings will front directly onto Albert and Division Streets, with 28 parking spaces available to the rear of the buildings (see: **Figure 2 – Site Plan**). The parking would be accessed by way of an entrance off Albert Street. There will be a pedestrian walkway between the buildings that will connect the parking area to Albert Street.

The three (3) live/work units will be located in the ground floor of the West Building and will provide between 88 square metres and 93 square metres (950 and 1,000 square feet) of barrier free live/work space in each unit. The live work space will include space within residential units that will be available for the establishment of small-scale businesses. Live-work spaces are designed for home-based businesses like art sales, professional services, and retail sale of home-made items. The scale and type of business will be limited through the zoning allowances for the property.

The seven (7) commercial units will be located on the ground floor of the East Building and will provide between 81 square metres and 86 square metres (875 and 930 square feet) of commercial space in each unit. A total of 20 residential units will be located on the second (10 units) and third floor (10 units) of both the East and West Buildings. The residential units will be comprised of two-bedroom units between 67 square metres and 82 square metres (720 to 880 square feet) of floor space within the East Building and



approximately 74 square metres and 81 square metres (800 to 870 square feet) of floor space within the West Building.

The subject lands are designated Urban Area on Schedule 'A – Land Use' to the County of Northumberland Official Plan. The subject lands are designated as Special Policy Area and Commercial on Schedule 'F' to the Land Use Plan Harbour Area Secondary Plan of the Town of Cobourg Official Plan. The property is currently zoned Development (D) Zone in the Town of Cobourg Comprehensive Zoning By-law. The proposed mixed-use development is not permitted under the current zoning. As such, a ZBA is required to amend the zoning on the property to a Main Central Commercial Exception * (MC-*) Zone in order to permit the live/work units, commercial units and residential units, with an associated reduction in minimum parking requirements and minimum amenity requirements.

1.2 Existing Site Conditions

The subject lands are located at the corner of Albert Street and Division Street in the Town of Cobourg. The area of the property is approximately 2,485 square metres (0.614 ac), with 47 metres of frontage Division Street and approximately 48 metres of frontage on Albert Street. The property currently contains two dwelling units and a parking lot. The subject lands are located within the "Harbour Area" of the Town of Cobourg. A number of properties in this area have been redeveloped as residential and commercial uses due to the close proximity to Cobourg Beach and the main central area of the Town of Cobourg.

The site is located in close proximity (an approximate two-minute walk) to Cobourg Beach and the Cobourg Marina. The area between the proposed development and the Cobourg Beach includes a number of residential and/or mixed-use developments that are of a similar size and scale to the proposal on the subject property. Division Street includes a number of small businesses and restaurants. King Street East, which is located to the north of the subject property (also within an approximate two-minute walk), features a number of small businesses and restaurants and is considered the central business district of the Town of Cobourg. Overall, the surrounding neighbourhood is well-served by a large number and variety of commercial and intuitional services that are conducive to residents using alternative modes of transportation (i.e. walking, biking).

1.3 Pre-consultation

A pre-consultation meeting took place on July 16, 2020, and was attended by the applicant, members of the consulting team, and the Town's Development Review Team. The pre-consultation checklist provided by the Town included a summary of the reports that would be required in support of the proposed ZBA application, as well as a future Site Plan application (a copy of the notes from the pre-consultation meeting are included as Appendix A of this report). Based on our understanding of the pre-consultation summary, the following reports have been provided in support of the ZBA application:

- **Planning Justification Report**
- **Urban, Landscape and Sustainable Design Report** – included as part of this submission
- **Conceptual Functional Servicing & Stormwater Management Report** – included in Appendix B and C respectively of this report.
- **Detailed Functional Servicing and Stormwater Management Report** – to be submitted with the site plan approval
- **Traffic Impact Brief (TIB)** – included in Appendix E of this report
- **Conceptual Development Site Plan** – included in Figure 2 of this report
- **Conceptual Architectural Elevation/Perspective Drawings** – included as part of this submission
- **Tree Inventory, Assessment and Preservation Report** – included in Appendix G of this report
- **Cultural Heritage Impact Assessment (CHIA)** – discussed in Section 2.1.6 of this report and reflected in architectural designs.
- **Environmental Site Assessment and Record of Site Condition (RSC)** – to be submitted as part of the Site Plan Approval
- **Archaeological Resource Assessment (Stage 1)** – included in Appendix D of this report

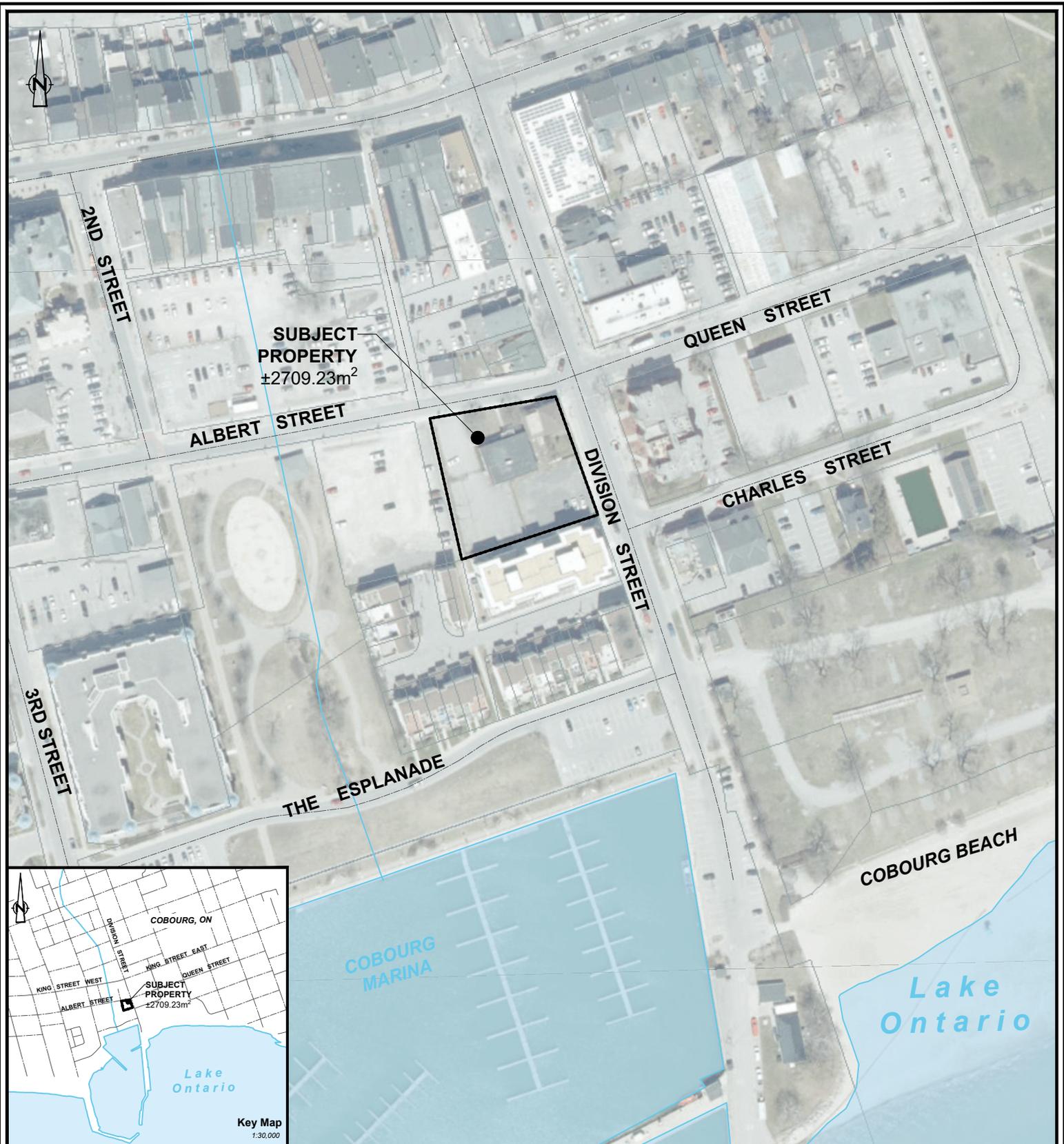


FIGURE 1 - SITE LOCATION

**BEACHWALK FLATS
NAPA VALLEY CONTRACTING**

185 DIVISION STREET
9 ALBERT STREET
COBOURG, ON

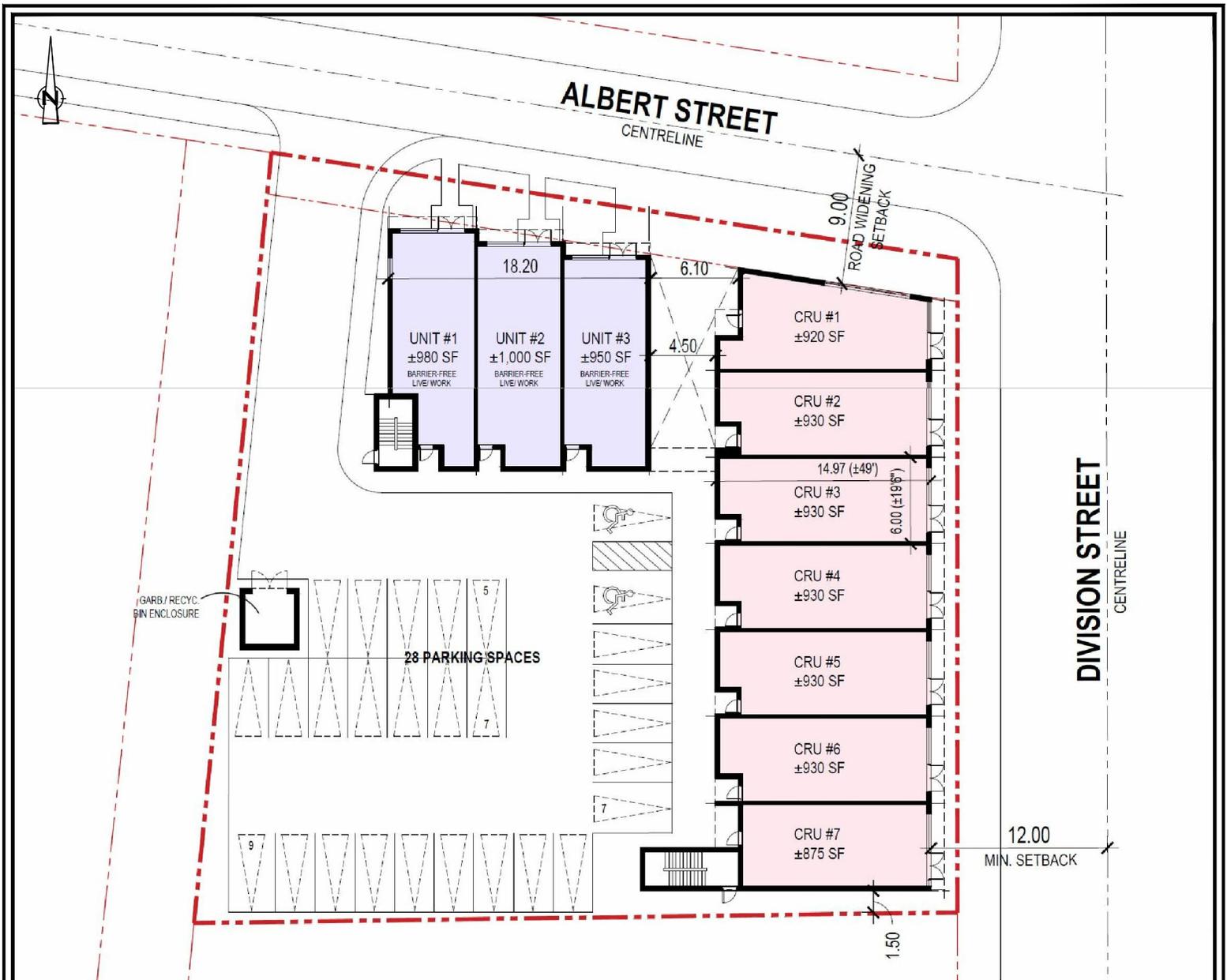


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PROJECT NO: 20-2081

DATE: JANUARY 22 2021

HORIZ. SCALE: 1:2,000



QUICK STATS

APPROX. SITE AREA ±2,490m²/ ±0.615 ACRES

OPTION "1" STATS SUMMARY

LIVE/WORK UNITS	3
RETAIL UNITS	7
RESIDENTIAL UNITS	20
TOTAL LIVE/WORK GFA	±272m ² / 2,930 SF
TOTAL RETAIL GFA	±600m ² / 6,445 SF
TOTAL RESIDENTIAL GFA	±1,575m ² / 15,970 SF
TOTAL (NET) GFA	±2,447m ² / 26,345 SF
PROPOSED LOT COVERAGE	±37%
PROPOSED HEIGHT	3-STOREYS

PARKING SUMMARY

RES. PARKING REQUIRED	20 UNITS x 1/ UNIT PARKING RATIO	20 SPACES
	- VISITOR PARKING 0.25 / UNIT	5 SPACES
TOTAL REQUIRED PER BY-LAW		25 SPACES
RES. PARKING PROVIDED	20 UNITS x 1/ UNIT PARKING RATIO	20 SPACES
	- VISITOR PARKING 0.25 / UNIT	5 SPACES
TOTAL PROPOSED		25 SPACES
RETAIL PARKING REQUIRED	1/ 18m ² PARKING RATIO	33 SPACES
RETAIL PARKING PROVIDED	1/ 200m ² PARKING RATIO	3 SPACES

LEGEND

- PROPERTY LINE
- SETBACK
- EXTG. U/G SERVICES
- FIRE TRUCK ROUTE
- ENTRANCE
- PROPOSED RETAIL
- PROPOSED RESIDENTIAL
- PROPOSED LIVE/WORK

PETROFF

PROJECT NO: 20-2081

DATE: JANUARY 22 2021

HORIZ. SCALE: 1:2,000

FIGURE 2 - CONCEPT PLAN

PREPARED BY PETROFF PARTNERSHIP ARCHITECTS

BEACHWALK FLATS
NAPA VALLEY CONTRACTING

185 DIVISION STREET
9 ALBERT STREET
COBOURG, ON

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2.0 POLICY CONSIDERATIONS

Land use policies and regulations affecting the subject lands include the 2020 Provincial Policy Statement (PPS) as well as the Places to Grow Act, 2005 and the associated A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) at the Provincial level. At the municipal level, the County of Northumberland Official Plan, the Town of Cobourg Official Plan and the Town of Cobourg Zoning By-law affect the subject lands. In this section of the report, the proposed Zoning By-law Amendment (ZBA) is reviewed in the context of the policies and provisions contained in these documents.

2.1 Provincial Policy Statement (2020)

The 2020 Provincial Policy Statement (PPS) provides a policy framework for land use within the Province of Ontario. It is the responsibility of the local planning authorities – in this case, the Town of Cobourg and the County of Northumberland – to uphold the policies of the PPS pertaining to land use planning and development. In particular, the planning authorities must ensure that their decisions are consistent with key provincial interests including policies related to settlement areas, the wise use and management of resources, and public health and safety.

2.1.1 Settlement Areas

The subject lands are located within the Town of Cobourg settlement area and are therefore subject to Section 1.1.3 of the PPS. Section 1.1.3.1 states that “[s]ettlement areas shall be the focus of growth and development”. Additionally, 1.1.3.2 of the PPS states that “[l]and use patterns within the settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities available and avoid the need for unjustified and/or uneconomical expansions...e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed,” Further Section 1.1.3.3 and 1.1.3.4 state respectively that:

“Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”



[and]

“Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

The proposed development, which will include a mixture of live/work units, commercial units and residential units, will provide a diverse mix of land uses within an area of the Town that is comprised of similar mixed-use development. The proposed development will also add to the range of housing options and commercial options in the area. The proposal is considered to be intensification, and represents an efficient use of land as it will be accommodated by existing infrastructure (full municipal sewer and water is available) that do not require expansion.

Regarding active transportation, the area is well-served by amenities that can be accessed by walking or biking. The development will also provide viable transit options, as the Town of Cobourg’s downtown bus terminal, which is the Town’s main transit hub, is within walking distance of the subject lands. Furthermore, three (3) bus routes pass directly in front of the subject property. The neighbourhood is well served with commercial businesses including many restaurants and small retail stores.

The proposed development will provide a greater range of uses within the central core of the Town of Cobourg; can be supported through existing infrastructure; and is compatible with the existing uses in immediate area. Therefore, it is our opinion that the proposed ZBA is consistent with Section 1.1.3 of the PPS.

2.1.2 Employment

Section 1.3 of the PPS speaks to employment and states that Planning Authorities shall promote economic development and competitiveness by “d) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4’.*” The proposed development provides for both live/work units as well as a number of commercial units as part of the development. The live/work units have been designed to allow people to live and work in an area that is well served by amenities, transit and active transportation options. This type of mixed-use development will contribute to a liveable and resilient downtown Cobourg community. Therefore, it is our opinion that the proposed ZBA is consistent with Section 1.3 of the PPS.

2.1.3 Housing

Section 1.4 of the PPS describes policies related to housing. According to Section 1.4.1, planning authorities (in this case, the Town of Cobourg) are required to “*maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development*”. Furthermore, Section 1.4.3 states that planning authorities are required to provide an appropriate range and mix of housing types and densities by “*permitting and facilitating: (1). all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities*”. Planning authorities must also direct development of new housing to locations where there are appropriate levels of infrastructure. The proposed ZBA will allow for an additional 20 residential units in the Town of Cobourg, as well as three (3) live/work units, which will contribute to the availability to the housing supply within Cobourg. The development represents residential intensification, which further contributes to the Town meeting its intensification targets. As noted, the site is well serviced by transit and active transportation, and does not require additional expansions to infrastructure. Therefore, it is our opinion that the ZBA is consistent with the policies in Section 1.4 of the PPS.

2.1.4 Sewage, Water and Stormwater

Section 1.6.6 of the PPS speaks to requirements for the servicing of development. Any future development on the subject property will utilize existing municipal water and sewage services, which is the preferred form of servicing in settlement areas. A Functional Servicing Study was undertaken by Dobri Engineering Ltd. and is attached as **Appendix B** of this report and confirms that the site can be serviced through existing infrastructure.

Section 1.6.6.7 speaks to requirements regarding stormwater management and states that planning for stormwater should “*minimize, or where possible, prevent increases in contaminant loads.*” A Stormwater Management Plan has also been developed by Dobri Engineering Ltd. for the proposed development and is included in **Appendix C** of this report. The proposed development will improve the existing stormwater conditions by approximately 60% from existing conditions by incorporating a number of stormwater management controls as outlined in the plan.



As such, the proposed ZBA is consistent with Section 1.6.6 of the PPS.

2.1.5 Natural Heritage and Water

Sections 2.1 of the PPS states that *natural features and areas shall be protected for the long term, and that development and site alteration not be permitted within significant natural areas and significant habitat of endangered and threatened species.* According to the available Provincial mapping, there are no natural features or areas present on site. Therefore, the proposed ZBA is consistent with Section 2.1 of the PPS.

2.1.6 Cultural Heritage and Archaeology

Section 2.6.2 of the PPS states that “[d]evelopment and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.” As such, a Stage 1 Archeological Assessment was undertaken by Earthworks Archaeological Services Inc. (included in Appendix D of this report). The Stage 1 Archeological Assessment concluded that *“the study area does not contain any archaeological potential, and additional archaeological assessments are not required.”*

The proposed development incorporates architectural elements that ensure the buildings are integrated into the heritage aspects of the surrounding buildings. The Town of Cobourg has been consulted on the design of the proposed development. The proposed development has followed the Urban and Landscape Design Guidelines as established by the Town of Cobourg.

As such the proposed development is consistent with Section 2.6.2 of the PPS.

2.1.7 Natural Hazards

Section 3.1 of the PPS addresses development that occur within natural hazards. As the property is in a Special Policy Area in the Town of Cobourg Official Plan (TCOP), the property may be located within a floodplain. Section 3.2.4 of the PPS states that:

development and site alteration may be permitted in certain areas associated with the flooding hazard along river, stream and small inland lake systems:

in those exceptional situations where a Special Policy Area has been approved. The designation of a Special Policy Area, and any change or modification to the official plan policies, land use designations or boundaries applying to Special Policy Area lands, must be approved by the Ministers of Municipal Affairs and Housing and Natural Resources and Forestry prior to the approval authority approving such changes or modifications.

Development may occur within the Special Policy Area identified in the TCOP, provided the development criteria in the TCOP are met. As per the TCOP, the proposed development will require review by the Ganaraska Region Conservation Authority (GRCA) to ensure required flood damage reduction measures are included in the development, if required. The proposed development will be required to adhere to the policies outlined in the TCOP in relation to Special Policy Area, in which case the proposed development will be consistent with Section 3.1 of the PPS.

2.1.8 Human-Made Hazards

Section 3.2 of the PPS addresses developments that occur within human-made hazards. Given that the property has been historically used for residential purposes, there are no known human-made hazards located on this subject property. An Environmental Site Assessment has been initiated and will be submitted as part of the Site Plan Approval application. Therefore, proposed ZBA is consistent with the policies in Section 3.2 of the PPS.

2.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Town of Cobourg is also included within the area covered by A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan). The Growth Plan, administered by the Ministry of Municipal Affairs and the Ministry of Housing, is intended to guide decisions respecting transportation, infrastructure planning, land-use planning, housing, natural heritage and resource protection. Although the PPS provides overall policy direction on matters of provincial interests related to land use and development, the Growth Plan prevails where there is a conflict, with only two exceptions: natural environment and human health.



2.2.1 Policies for Where and How to Grow

2.2.1.1 Managing Growth

Section 2.2.1.2 a) echoes the PPS in that the “*vast majority of growth will be directed to settlement areas that: i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; iii. can support the achievement of complete communities;*”. The subject lands are located within the built boundary of the Town of Cobourg and municipal water and wastewater servicing is available at the site. The mixture of live/work, residential and commercial options allow for the development of a complete community in the downtown area of Cobourg. Therefore, the proposed amendment conforms with Section 2.2.1.2 of the Growth Plan.

Section 2.2.1.4 further details that complete communities should: “*a. feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities; ...d. expand convenient access to: i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*” The proposed development is an area that has access to local stores, service and public facilities and is close to active transportation options. Therefore, the proposed amendment conforms with Section 2.2.1.4 of the Growth Plan.

2.2.1.2 Employment

Section 2.2.5 of the Growth Plan speaks to employment. Specifically, Section 2.2.5.3 states “*(r)etail and office uses will be directed to locations that support active transportation and have existing or planned transit.*” As noted, the proposed development will provide opportunities for active transportation and is located in close proximity to the Town of Cobourg downtown bus terminal. Therefore, the proposed amendment conforms with Section 2.2.5 of the Growth Plan.

2.2.1.3 Housing

Section 2.2.6 provides policies that support a diverse range and mix of housing options. This includes increased densities. The proposed development on the subject lands will contribute to a more diverse housing mix for current and future residents of the Town of Cobourg. The units will also provide an increase of housing options.

2.2.2 Natural Heritage System

Section 4.2.2 of the Growth Plan sets out policies for protecting natural heritage features and biodiversity throughout the Golden Horseshoe. According to Section 4.2.2.1, “[t]he Natural Heritage System mapping will exclude lands within settlement area boundaries that were approved and in effect as of July 1, 2017”. Since the subject land is located within the Town of Cobourg settlement area, the policies relating to the Natural Heritage System do not apply.

Therefore, the proposed ZBA on the subject land conforms with the policies of the Growth Plan for the Greater Golden Horseshoe.

2.3 The County of Northumberland Official Plan

The County of Northumberland Official Plan (CNOP) is an upper-tier planning document that provides general land use policies for the entire County, including the lower-tier municipalities such as the Town of Cobourg. The relevant sections of the CNOP have been reviewed in terms of the proposed development and presented in the following section of this report.

2.3.1 Urban Areas/Rural Settlement Areas

Schedule ‘A’ to the CNOP designates the subject land as Urban Area. Therefore, Section C1 of the CNOP is applicable. Specifically, C1.1 a) states that the Urban Area shall provide “a strong live/work ratio, where the majority of residents are employed in the community in which they live”. As noted, the proposed development includes live/work units, as well as commercial and residential units, which will provide options for living and working within the same community, and in some cases, the same neighbourhood.

Overall objectives for residential areas in this designation are outlined in Section C.1.2.1. Section 1.2.1c) specifically states that residential areas should: “(p)romote the efficient use of existing and planned infrastructure and public service facilities by supporting opportunities for various forms of residential intensification, where appropriate.” The proposed development includes both residential and live/work units in an area that is well served by existing infrastructure and existing public service facilities.

Furthermore, Section C1.2.2 b) outlines objectives for commercial areas within this designation that: “(e)ncourage and promote development that combines commercial, residential and other land uses to facilitate the more efficient use of urban land and the establishment of a pedestrian environment.” The

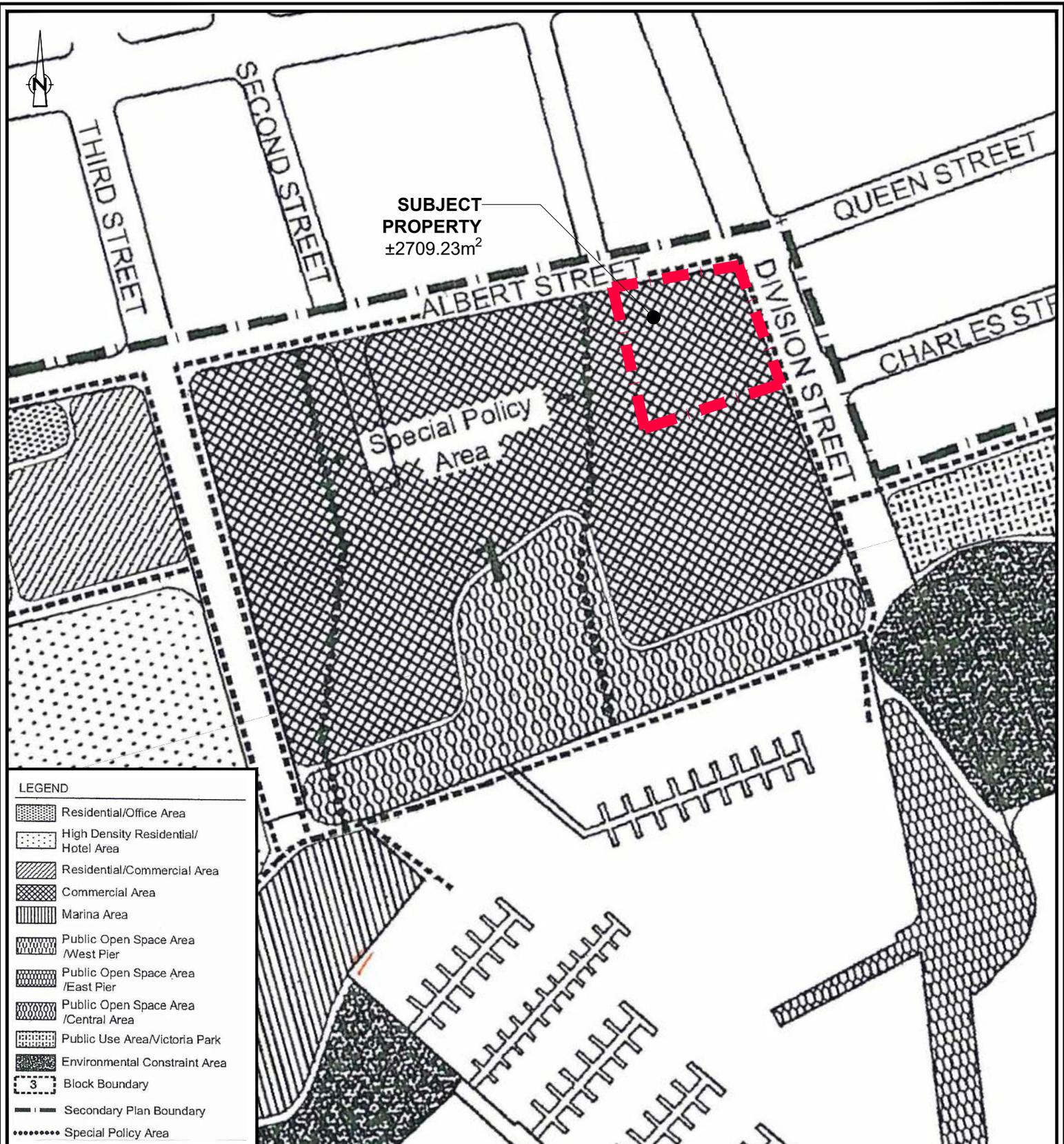
proposed development combines both residential and commercial units and is located in the downtown area of the Town of Cobourg. This location encourages an efficient use of land by providing for mixed use in an area where higher density is encouraged. The location of the proposed development encourages pedestrian movement by combining commercial development and residential development within the same location.

Section C1.4 of the CNOP further details the permitted uses in the Urban Area designation. The goals for housing policy in this designation include, as sated in C1.5.1b), *“(e)nsuring the provision of an appropriate range of housing types and densities to meet the needs of current and future residents”* and C1.5.1c) *“Assisting in the achievement of residential intensification and affordable housing by encouraging opportunities for mixed-use development in appropriate locations.”* The proposed development represents intensification and will contribute to the range of available housing types within the downtown area of the Town of Cobourg. As noted throughout this report, the subject property is situated in an ideal location for mixed-use development.

Overall, the proposed development will provide additional housing and commercial options in an area of the Town of Cobourg where there are appropriate levels of infrastructure and public service facilities. The proposed mixed-use development encourages an active transportation lifestyle as a number of amenities are within walking distance of the proposed development. The proposed development will increase the density in an area of the Town that is in keeping with the current compact form. Therefore, it is our opinion, that the proposed ZBA conforms with the County of Northumberland Official Plan.

2.4 Official Plan for the Town of Cobourg

The Official Plan for the Town of Cobourg (TCOP) establishes a framework for the future planning of the Town to the year 2031. As previously noted, the subject land is designated Special Policy Area and Commercial, as outlined on Schedule ‘F’ Harbour Area Land Use and shown on **Figure 3**. The following sections detail the policies of the TCOP relevant to the subject land.



LEGEND

	Residential/Office Area
	High Density Residential/Hotel Area
	Residential/Commercial Area
	Commercial Area
	Marina Area
	Public Open Space Area /West Pier
	Public Open Space Area /East Pier
	Public Open Space Area /Central Area
	Public Use Area/Victoria Park
	Environmental Constraint Area
	Block Boundary
	Secondary Plan Boundary
	Special Policy Area

**FIGURE 3 - THE CORPORATION OF THE TOWN OF COBOURG
OFFICIAL PLAN - SCHEDULE 'F'
HARBOUR AREA
LAND USE PLAN
BEACHWALK FLATS
NAPA VALLEY CONTRACTING**



2.4.1 Proximity to Main Central Area

The subject land located within the “Harbour Area”, which is adjacent to the Main Central Area (MCA) as identified on Schedule ‘A’ Land Use Plan. Section 3.7.6 outlines the relationship between the Harbour Area and the MCA, where it is state that: “(t)he function of the Main Central Area as a major focal point for the community is enhanced by its proximity to the Harbour Area and Victoria Park. The connections between these areas must be strengthened.” Section 3.7.6 also states that: “in reviewing development applications for lands which abut Albert Street, the Town will seek to ensure that new development enhances the connections between the Harbour Area and the Main Central Area.”

The proposed development will help to strengthen and enhance the connection between the MCA and Harbour Area by providing additional residential and commercial options in close proximity to the MCA. It is anticipated that the residents and commercial tenants in the proposed development would frequent the MCA for its public amenities and private business, including restaurants and shopping. The proposed development encourages living and working in the greater MCA by providing additional residential and live/work options. Therefore, the proposed ZBA is consistent with the policies outlined in Section 3.7.6 of the TCOP.

2.4.2 Harbour Area Secondary Plan

As mentioned above, the subject land is located within the Harbour Area Secondary Plan of the TCOP. Therefore, the policies in Section 11 of the TCOP are applicable. The subject lands are located within part of Block 1 – Central Area, and are further located within the Special Policy Area and Commercial designation, as outlined on Schedule ‘F - Harbour Area Land Use’. As such, Section 11.4.1 specifically applies to the subject land.

Section 11.4.1 describes the area in which the subject lands are located as the “*prime area for private development in the Harbour Areas.*” The objective of development in this area is described in Section 11.4.2, which states that the goals of the TCOP are “(t)o ensure that the private lands are developed in scale with existing development in the Main Central Area, particularly Victoria Hall, through maintenance of the view of the Hall’s Clock Tower, and, in a manner, which enhances the public open space component of the block.” As noted previously, the proposed development is keeping with the scale and character of the surrounding area. The architectural elements of the proposed development have been

completed in consultation with staff from the Town of Cobourg and do not impede views of the Hall's Clock Tower.

Furthermore, Section 11.4.4, which speaks to the Commercial designation, also applies to the subject land. Permitted uses are outlined in Section 11.4.4.1 and include: *“the full range of retail, office, financial, service, institutional, cultural, recreational and open space uses. Mixed use buildings shall be encouraged, as well as tourist-related commercial uses, in particular, development of a hotel/convention complex. Residential uses shall be permitted as part of a mixed use development.”* As such, the proposed mixed-use development is permitted within this designation.

Requirements for Development Applications are outlined in Section 11.4.4.2, which states that an amendment to the Zoning By-law is required for any development application within this area. Additional requirements for development applications were provided during the pre-consultation meeting and outlined in Section 1.3 of this report. The proposed development has been evaluated based on the criteria identified in Section 11.4.4.2 c) as detailed in Table 1.

Table 1 - Town of Cobourg Official Plan Criteria (Section 11.4.4.2)

Criteria	Site Conformity
<i>Building height as defined in the applicable zoning by-law regulations shall not exceed 89.9 metres (295 feet) c.g.d. including any bonus for height granted in accordance with the provisions of Section 11.12.2 of this Plan;</i>	The building height will be 11 metres, as per the drawings provided as part of this submission. This height will not exceed 89.9 metres above sea level, in accordance with this policy.
<i>Maximum gross floor area is 2.0 times lot area;</i>	Total (net) gross floor area is 2,447m ² which includes live/work units, retail units and residential units over three stories. This is equal to 0.98 times the lot area.
<i>Siting of buildings clearly defines the street line</i>	The buildings design has taken street lines into consideration as both buildings will front directly on Albert and Division Streets. Parking will be provided behind the buildings to further enhance the street line.



<i>Parking areas are primarily located at the rear or side of the buildings</i>	Parking will be provided at the rear of the buildings.
<i>Siting of buildings along the promenade in a manner which does not create a "wall" effect, through such mechanisms as the creation of openings between the buildings and a building design with a staggered profile;</i>	Not applicable as the buildings are not located along the promenade.
<i>Orientation of the buildings along the promenade towards the promenade, and, where applicable to the central plaza, as well;</i>	Not applicable as the buildings are not located along the promenade.
<i>Maintenance of pedestrian walkways along the First Street and Second Street corridors and the Midtown Creek;</i>	Not applicable as the buildings are not located on First or Second Street.
<i>Careful integration of on-site pedestrian and vehicular circulation facilities to minimize conflicts;</i>	Vehicular and pedestrian circulation have been considered carefully in the design. This is exemplified in direct pedestrian access to units from the sidewalk, as well as direct pedestrian access between buildings to the parking lot.
<i>Site design, where applicable, which does not restrict the potential for redevelopment of the existing buildings along Albert Street, and,</i>	The development will not restrict future redevelopment on adjacent lands on Albert Street.
<i>Regard where applicable for the policies of Section 11.4.4.2 b.iii. with respect to site contamination.</i>	A soil condition investigation has been undertaken and is included in this submission. As noted, there is no history of human-made hazards on the site as the property has been occupied by residential uses.

The subject land is also identified within the Special Policy Area of Block 1 and is, therefore, subject to Section 11.4.5 and Section 3.12 of the TCOP. As stated in 11.4.5.1, a “*building would be permitted subject to certain flood proofing measures.*” Permitted uses in this designation include the erection of new structures in accordance with Section 3.12 of the TCOP which are further detailed below.



**SUBJECT
PROPERTY**
±2709.23m²

LEGEND

- | | |
|--|--|
|  ENVIRONMENTAL CONSTRAINT AREA |  BUILT BOUNDARY |
|  EMPLOYMENT AREA |  URBAN SETTLEMENT AREA BOUNDARY |
|  HIGH DENSITY RESIDENTIAL AREA |  SPECIAL PROVISION |
|  MAIN CENTRAL AREA |  STABLE RESIDENTIAL AREA |
|  MAJOR INSTITUTIONAL |  MAJOR TRANSIT STATION |
|  MIXED USE CORRIDOR AREA |  MAJOR TRANSIT STATION AREA |
|  PARK AREA |  WASTE DISPOSAL ASSESSMENT AREA |
|  RESIDENTIAL AREA |  WATERCOURSE |
|  SHOPPING NODE AREA |  FLOODPLAIN |
|  SECONDARY PLAN AREA |  SPECIAL POLICY AREA |
| |  KING STREET CORRIDOR |

**FIGURE 4 - THE CORPORATION OF THE TOWN OF COBOURG
OFFICIAL PLAN - SCHEDULE 'A'
LAND USE PLAN**



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PROJECT NO: 20-2081

DATE: JANUARY 22 2021

HORIZ. SCALE: 1:2,000

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9 ALBERT STREET
COBOURG, ON



Section 3.12 detailed policies applicable to Special Policy Area and are therefore relevant to this proposed development. Section 3.12.3.2 states that: *“(p)rior to the issuance of a building permit, the Town of Cobourg shall consult with the Ganaraska Region Conservation Authority regarding the administration of the Authority's fill and construction regulations and to assess any proposed or necessary flood damage reduction measures.”* Further Section 3.12.3.4 ii) states: *“Where new development occurs within a Special Policy Area by means of a registered plan of subdivision or consent the Municipality, in conjunction with the Ganaraska Region Conservation Authority, may require as a condition of approval that provisions for warning prospective purchasers that the lands in question are located within an area which is susceptible to flooding be placed on the title of any lots or blocks.”*

Section 3.12.3.5 outlines Zoning Regulations as they relate to Special Policy Area and states:

- i) Where lands designated as a Special Policy Area are vacant and/or undeveloped as of September 30, 1985, such lands shall be zoned within a holding zone in the implementing by-law in accordance with the provisions of the Planning Act. The Town of Cobourg shall not remove the 'H' prefix until such time as it has consulted with the Ganaraska Region Conservation Authority to determine the feasibility and nature of those flood damage reduction measures as may be necessary. Prior to removal of the 'H' prefix, the Town shall give reasonable notice to the Ganaraska Region Conservation Authority of the intent to remove the holding provision.*
- ii) The implementing zoning by-law shall contain provisions, where appropriate, relating to building setbacks, maximum lot coverage, minimum exterior opening elevation or such other matters as may be determined by the Town of Cobourg in consultation with the Ganaraska Region Conservation Authority.*

The Ganaraska Region Conservation Authority (GRCA) will be consulted as part of the Site Plan Approval process for the proposed development, following the ZBA process. Further details related to the design of the site will be provided during the Site Plan Approval process in order to inform GRCA's review. As such, the proposal will be in conformity with Section 3.12 of the TCOP.

2.4.3 Community Design and Improvement

Section 5 of the TCOP outlines the Community Design and Improvement policies, which provide a framework for the review of development in the Town of Cobourg. The Town has also adopted Urban and Landscape Design Guidelines. Development in the Town of Cobourg will be evaluated based on the guidelines and the policies in the TCOP.

As noted herein, detailed architectural drawings have been provided as part of this submission (**Appendix F**). The proposed development has been designed with the Urban and Landscape Design Guidelines in mind, as well as the design policies detailed in Section 5 of the TCOP.

2.4.4 Parking

Section 6.6 of TCOP outlines parking requirements in the Town of Cobourg and states in Section 6.6.1 iii that: *“Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use or high density residential development in accordance with a parking analysis as set out in Section 3.7.7 iv).”* Further Section 3.7.7 iv) states: *“Council may by by-law reduce the parking requirements in the Zoning By-law for a mixed use development in accordance with a parking analysis demonstrating that the parking to be provided will adequately respond to the needs of the uses proposed either by the sharing of private parking areas or the provision of public parking areas. Council may require the owner or applicant to enter into one or more agreements with regard to the facilities or services to be provided or matters to be addressed.”*

A Parking Justification Study was undertaken by NexTrans Consulting Engineers (**Appendix E**) in support of this application. The study can be found in **Appendix E** of this report and is further discussed in Section 2.5.1 of this report as it relates to the Town of Cobourg Zoning By-law requirements. The study concluded that *“ample parking is available within the vicinity of the subject site to accommodate the 29-space deficiency of the proposed development.”* As such, it is our opinion that the ZBA will be in conformity with Section 6.6 of the TCOP.

2.5 Town of Cobourg Zoning By-law

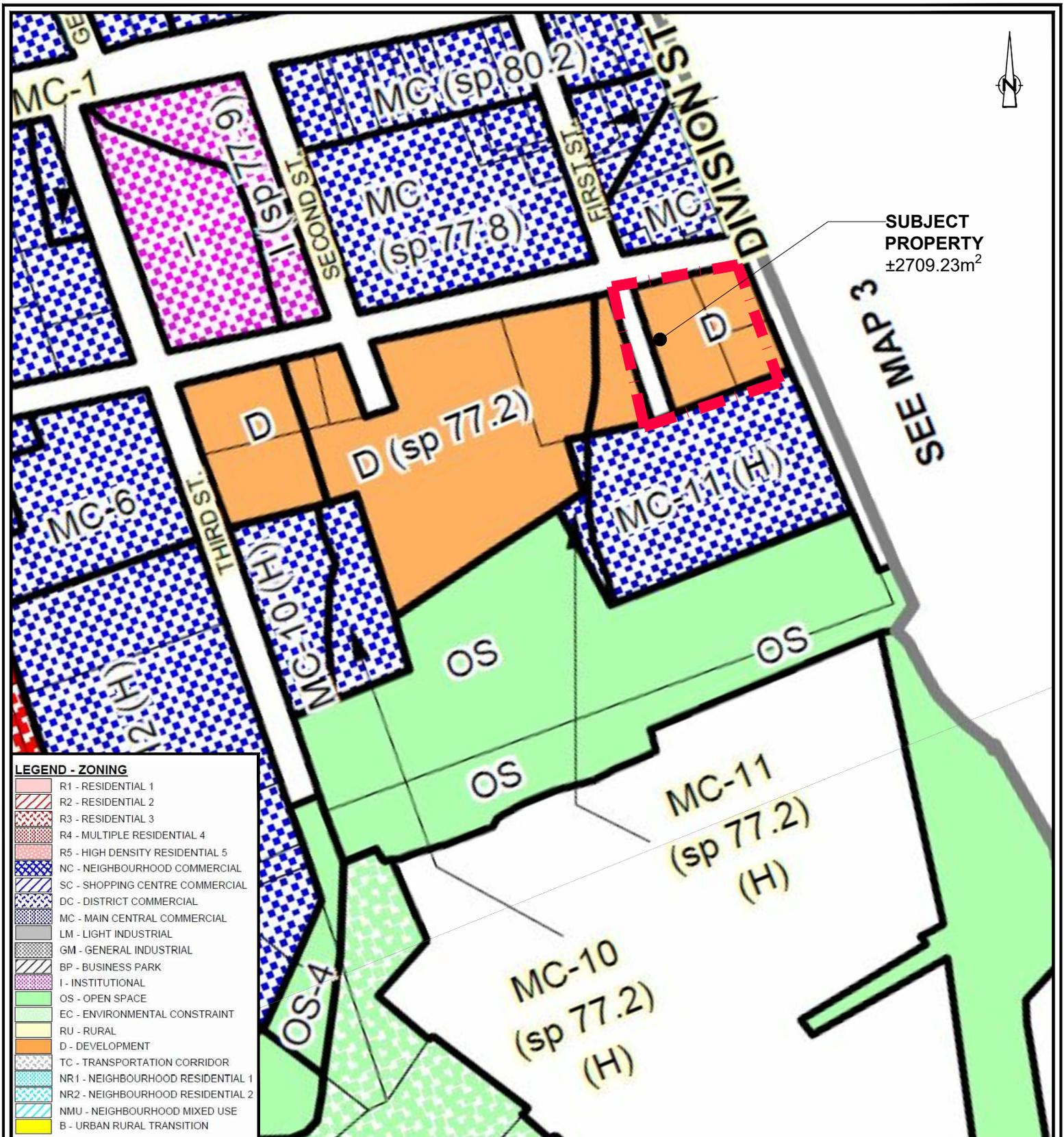
The subject lands are zoned Development (D) Zone according to Schedule A, Map 2 to the Town of Cobourg Zoning By-law (TCZBL) (**Figure 5**). The D Zone is intended to permit only existing uses, and

therefore, does not permit the proposed mixed-use development. Therefore, the subject land must be rezoned in order to permit the proposed use. Given the nature of the proposed uses, it is proposed that the subject lands be rezoned to a Main Central Commercial Exception * (MC-*) Zone.

Permitted uses for the Main Central Commercial (MC) zone regulations are outlined in Section 15.1.1 of the TCZBL. **Table 2** below outlines regulations of the MC Zone in the context of the proposed development (deficiencies show in ***bold and italics***).

Table 2 - MC Zoning Provisions

Section of TCZB	Requirement	Proposed Development
15.1.5 Lot Area	300 m ² (3,300 sq.ft.) minimum	2,490 m ²
15.1.6 Lot Frontage	9 metres (30 ft.) minimum	Approximately 47 metres of frontage along Division Street and approximately 48 metres of frontage on Albert Street.
15.1.7 Floor Space Index	The maximum floor space index for any lot in the (MC) zone shall be 2.0.	Approximate site area is ±2,490m ² . The total net GFA ±2,447m ² .
15.1.8 Front Yard	The established building line, or where not applicable, 0 m minimum setback.	12.00 setback from centre line on Division Street. 9.00 setback from centre line on Albert Street.
15.1.9 Rear Yard	6 metres (20 ft.) minimum.	Not applicable.
15.1.10 Side Yard	No minimum requirement.	In compliance.
15.1.11 Landscaped Open Space	Any portion of the lot not used for buildings, structures or parking and loading facilities shall be used for landscaped open space	No space is unused on the site.
15.1.12 Height	3 storeys maximum.	3 storeys
15.1.13 Parking and Loading	In accordance with the provisions of Section 6.	See Section 2.5.1 of this report.



**FIGURE 5 - THE CORPORATION OF THE TOWN OF COBOURG
ZONING BY-LAW No. 85-2003 - SCHEDULE 'A'
MAP 2**

PROJECT NO: 20-2081
 DATE: JANUARY 22 2021
 HORIZ. SCALE: 1:2,000

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Section 15.1.14 further outlines Regulations for Mixed Use Development which Incorporate Residential Uses, which are outlined in **Table 3** below in the context of the proposed development (deficiencies show in ***bold and italics***).

Table 3 - Regulations for Mixed Use Development Which Incorporate Residential Uses

Section of TCZB	Requirement	Proposed Development
15.1.14 ii) Two bedroom Unit	56 m ²	Between 66 and 80 m ²
15.1.14 iii) Amenity Space per Dwelling Unit	5 m ²	<i>None</i>
15.1.19 – Refuse and recycling enclosures	<p>Open Storage of goods and materials are not permitted in the (MC) zone. Refuse and recycling enclosures are permitted under the following regulations:</p> <p>i) any refuse and recycling enclosures shall only be located only in the side or rear yards; and</p> <p>ii) the refuse and recycling enclosure shall be constructed of an architectural concrete block, masonry, stone, stucco, and/or brick (ie: consistent with the construction of the primary building) with a minimum 1.8 m (6 ft.) in height.</p>	<p>Refuse and recycling is provided in an enclosed area in the rear yard of the proposed development.</p> <p>The enclosure will be constructed of compliant materials and will not be taller than 1.8 metres.</p>

2.5.1 Parking and Loadings Provisions

Table 4 below outlines the parking requirements as presented in Section 6 of the TCZBL for residential and commercial properties (deficiencies show in ***bold and italics***).

Section of TCZB	Requirement	Proposed Development
Dwelling unit in a mixed use development	23 spaces (1 space per dwelling unit, in addition to the	25 spaces for residents

Section of TCZB	Requirement	Proposed Development
	requirements for the other uses in the development.)	
Retail Commercial Use	34 spaces (1 space per 18 m ²) 34 units for the proposed 600m ² commercial development	3 spaces for retail

As noted in the tables above, the proposed development is in compliance with all of the provisions of the MC Zone and TCZBL, with the exception of the parking and amenity space requirements.

Parking Requirements

As per Section 6 of the TCZBL, the proposed development would require 23 spaces for residential uses and 34 spaces for commercial uses, for a total of 57 spaces. As proposed, the development will provide 27 spaces for residential uses and an additional three (3) spaces for commercial uses. As a result, the proposed development will have a deficiency of 29 parking spaces. Therefore, it is proposed the MC-** exception Zone include a provision that recognizes this proposed deficiency

As noted in the aforementioned a Parking Justification Study (**Appendix E**), there are 309 total parking spaces within municipal lots and on-street parking in the vicinity of the proposed development. The total peak observed demand for parking in the area, observed through detailed parking utilization surveys, was 153 spaces. As such, the study concluded that “*ample parking is available within the vicinity of the subject site to accommodate the 29-space deficiency of the proposed development.*” As discussed throughout this report, the proposed development is located in a transit supportive neighbourhood. The area is also well served with dedicated walkways and shared roadways for cyclists. Furthermore, to accommodate and encourage active transportation, the proposed development includes an area dedicated to bicycle parking. Given the conclusions of this study, it is our opinion that a reduction in the number of parking spaces is appropriate, and sufficiently meets the intent of the Zoning By-law.

Amenity Space Requirements

As noted in Table 3, Section 15.1.4 iii) of the TCZBL requires 5 square metres of amenity space per dwelling unit. The proposed development will not include any dedicated amenity space on site. However,

it is our opinion that there is sufficient off-site public amenity space, including Victoria Park, Cobourg Beach and Cobourg Marina Waterfront Park. Therefore, a provision in the site-specific zoning to recognize the deficiency in private amenity space is appropriate.

2.6 Summary of Policy Considerations

The proposed ZBA application is consistent and conforms with the provisions set out in the policy and regulations affecting the subject lands, including the *Planning Act, R.S.O 1990, as amended*, the Provincial Policy Statement, A Place to Grow, the County of Northumberland Official Plan, the Town of Cobourg Official Plan and the Town of Cobourg Zoning By-law.

3.0 SUMMARY

This planning report describes the proposed Zoning By-law Amendment and provides an analysis of the application in the context of the 2020 Provincial Policy Statement, the 2019 A Place to Grow: Growth Plan for the Greater Golden Horseshoe, the County of Northumberland Official Plan, the Town of Cobourg Official Plan and the Town of Cobourg Zoning By-law.

It is the opinion of the authors that:

- The proposed Zoning By-law Amendment is consistent with the applicable provisions of the 2020 Provincial Policy Statement.
- The proposed Zoning By-law Amendment conforms with the applicable provisions of A Place to Grow: Growth Plan for the Greater Golden Horseshoe.
- The proposed Zoning By-law Amendment conforms with the County of Northumberland Official Plan.
- The proposed Zoning By-law Amendment conforms with the Town of Cobourg Official Plan.
- An amendment to the Town's Zoning By-law will be required to permit the proposed development. This Planning Report sets out the details of the proposed Zoning By-law Amendment.



- Furthermore, approval of the Zoning By-law Amendment will ensure that the Town will meet the goals and objectives of the TCOP. The Amendment will also ensure that the Zoning By-law is consistent and conforms with the PPS and A Place to Grow.
- The application for the Zoning By-law Amendment should be approved.

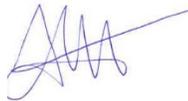
Respectfully Submitted,

ECOVUE CONSULTING SERVICES INC.



J. Kent Randall B.E.S. MCIP RPP
Principal Planner





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Planner