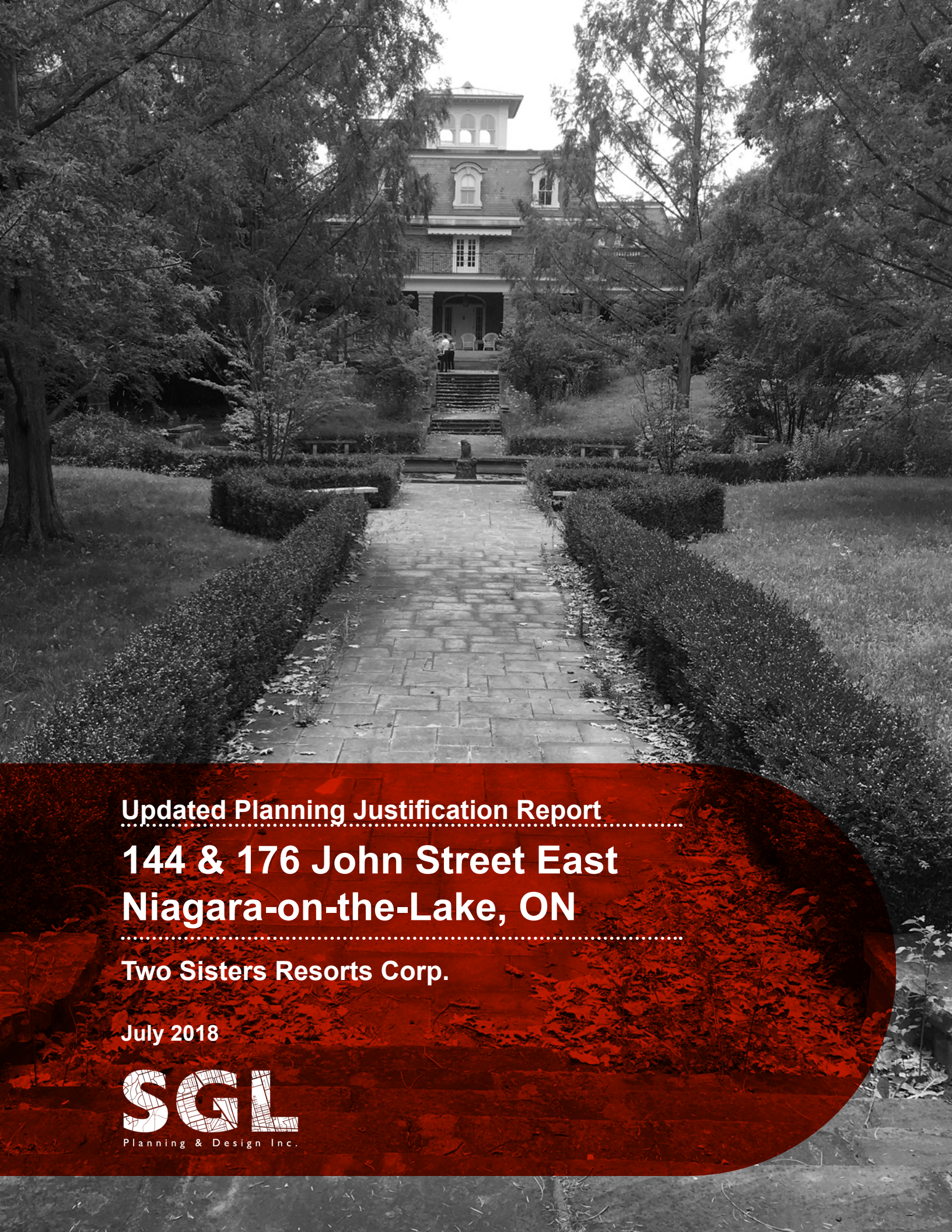




Updated Planning Justification Report

144 & 176 John Street East
Niagara-on-the-Lake, ON

Two Sisters Resorts Corp.

July 2018

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Planning & Design Inc.

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1 INTRODUCTION

1.1 PURPOSE

This Update Planning Justification Report examines a revised proposal by Two Sisters Resorts Corp. for an application for site plan control, as well as a proposed amendment to the Town of Niagara-on-the-Lake Zoning By-law to permit a hotel and conference centre development at 144 & 176 John Street (the subject lands) in the Old Town Community. The Town's Official Plan and Zoning By-law currently permit a hotel and conference centre development on the subject lands. As such, an amendment to the Town's Official Plan is not required. The intent of this proposal is to create a site and building design that fits more appropriately into the landscape open space character of the subject lands than the previous proposal and approved zoning on the lands.

This Update Planning Justification Report assesses a revised proposal by Two Sisters Resorts Corp., taking into consideration the comments received from Town staff, external agencies and the public since the first submission. Chapter 2 of this report provides a detailed description of the proposed development, as well as a summary of the proposed site plan and amendment to the approved Zoning By-law.

In addition to this Update Planning Justification Report, the applicant is also submitting the following in support of the revised applications, in accordance with the pre-consultation agreement dated July 6, 2017:

- Updated Draft zoning by-law amendment;
- Updated Shadow Study Report;
- Updated Site plan;
- Updated Architectural plans, including floor plans, underground parking plans, building elevations and cross sections;
- Landscape Plans;
- Urban Design Brief;
- Updated Tree Assessment Survey & Preservation Plan;
- Updated Servicing brief;
- Updated Stormwater management brief;
- Updated Grading plan;
- Updated Servicing plan;
- Noise Feasibility Assessment;
- Letter from LEA Consulting Ltd. commenting on revised site plan;
- Letter from Savanta in response to comments received from the NPCA; and
- Economic Benefits Analysis.

The following reports remain unchanged from the initial submission:

- Aquatic Feature Characterization and Assessment of Potential Impacts (previously filed);
- Archaeological Letter from the Ministry (previously filed);
- Heritage Impact Assessment (previously filed);
- Minimum distance separation calculation (previously filed and included within this Planning Justification Report); and
- Traffic Impact Study (previously filed).

A list summarizing public comments raised to date, as well as a response to those comments, is contained within **Appendix A**.

An assessment of the applicable policy framework against which the proposed development must be evaluated is contained in Section 3 of this report. The policy documents reviewed include the *Provincial Policy Statement (2014)*, the *Growth Plan for the Greater Golden Horseshoe (2017)*, the *Niagara Regional Official Plan*, as well as the *Town of Niagara-on-the-Lake Official Plan*. Consistency of the proposal with the provisions of the Town's Comprehensive Zoning By-law is also assessed in Section 3.

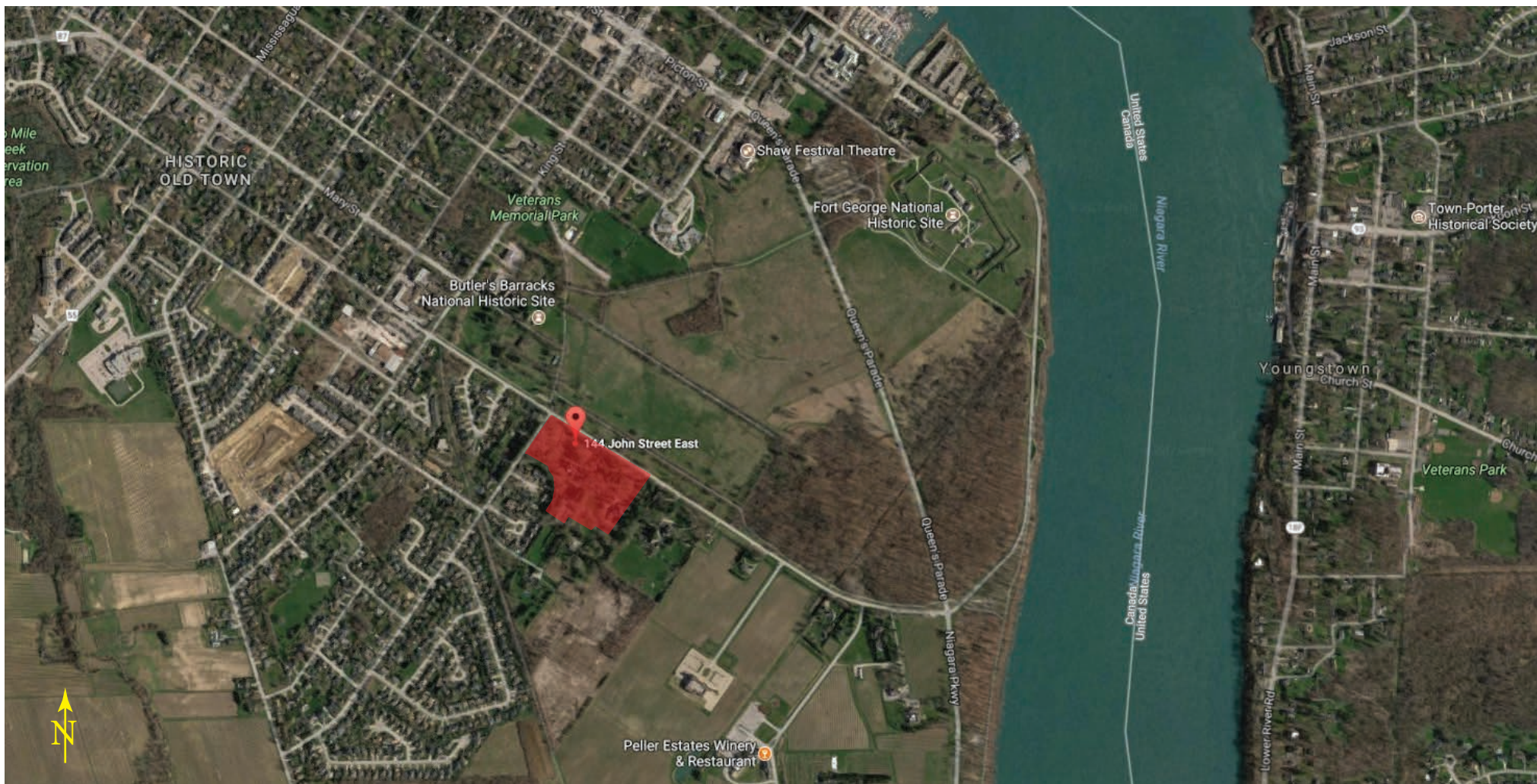
1.2 LOCATION & SURROUNDING AREA CONTEXT

The lands subject to the proposed development are located within the Niagara / Old Town urban area. **Figure 1** shows the location of the subject property. Specifically, the subject lands are located on the south side of John Street, east of Charlotte Street, and municipally addressed as 144 & 176 John Street.

This property is located within the former Rand Estate and is enclosed on the north and west sides by a high stone wall. The subject lands are currently occupied by three (3) buildings:

- Randwood House, a large brick manor located on the east side of the property, between the front and rear boundaries of the lot;
- The Sheets (Devonian) House, an existing guest house located nearer to the west side of the property which includes an existing landscaped courtyard at the south; and
- Coach House, an existing 2-storey building that is located near the southwest side of the property.

Figure 1: Location Map



Subject Property

Source: Google Maps, 2017



Randwood House



Sheets (Devonian) House

There are also two other structures on the property, including a brick pavilion and a wooden pergola.



Coach House



Brick Pavilion

The property has 2 entrance gates. The main entrance provides access from John Street to Randwood and the second one provides access to the Sheets (Devonian) House.

The subject lands were previously used for institutional and commercial uses, including the Niagara Institute, the Devonian Foundation and the School of Philosophy.

A portion of the subject property between John Street and the Randwood House has remnants of the formal Beaux-Arts landscape designed by the landscape architecture firm of Dunnington-Grubb. The major feature of the Dunnington-Grubb landscape on the subject property is the ornate cast iron entrance gate with pillars, the long walkway leading from John Street to the Randwood House, circular pool with sculpture and the stone pedestrian bridges on either side of the water feature. The vista seen through the John Street gates terminates at Randwood,

creating a sense of grandeur that is still discernible by passersby as they walk along John Street.

There are also other structures and features that were introduced into the landscape such as the pavilions and the wall that surrounds the property.

Two watercourses, both tributaries of the One Mile Creek, run through the property. One runs in an east-west direction across the subject property, linking with the second tributary running south-north along the west portion of the subject property.

A walkway connects the main entrance at John Street to Randwood House, which is partly a preserved stone carriage lane for one-way traffic. Two small parking lots are situated near the main entrance, and there are two paved parking areas adjacent to both the Sheets (Devonian) House and Randwood House.



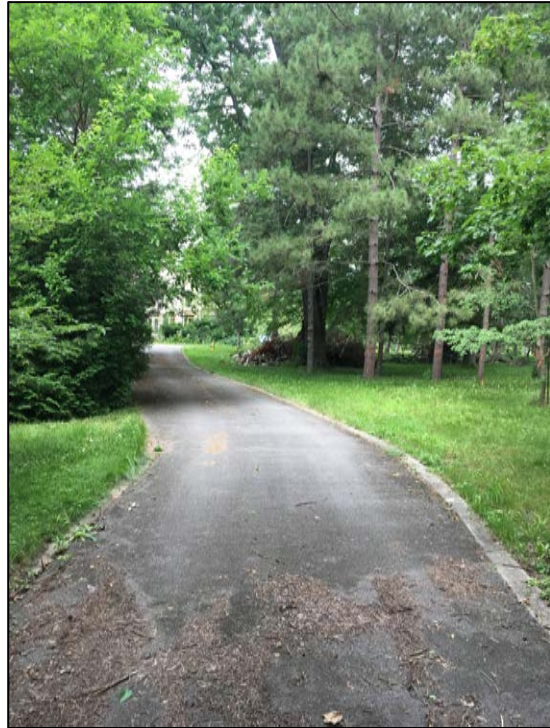
Landscaped Walkway



Entrance Gate (Central Access Point)



Landscape Feature



Driveway through Subject Property

John Street in this location is characterized by a sense of openness and natural beauty, almost rural-like in character. On the north side of the street is “The Commons”, part of the Butler’s Barracks National Historic Site. Visually, the Commons is an open field with native trees and a multi-use trail lining the street. The south side of the street is dominated by large private estate properties, including the subject property. These properties are separated from the public realm by fences, including a stone wall separating the subject property from John Street. The mature vegetation located on the private properties also dominates the landscape, towering over the fences and contributing to the sense of openness and natural beauty along John Street.



John Street Streetscape (and view of stone wall covered by vegetation)



The Commons at Butler's Barracks National Historic Site

Nearby uses include approximately 4 bed and breakfast establishments and the Pillar and Post Inn to the west, wineries and restaurants to the east, residential uses to the west and south, and The Commons at Butler's Barracks National Historic Site to the north. The following **Table 1** provides a list of uses surrounding the subject property, as shown on **Figure 2**:

Table 1 – Surrounding Uses

Direction of Surrounding Use	Description of Surrounding Use
North	• 440 King Street ○ The Commons at Butler's Barracks National Historic Site. ○ This property is commonly used as an event venue that has a capacity to hold approximately 30,000 people.
East	• 240 John Street E ○ Two Sisters Vineyard and Restaurant, over 76 acres' vineyard with a 2-storey building in the middle • Peller Estates Winery & Restaurant
South	• 200 John Street & 588 Charlotte Street ○ Private Estate lots
West	• 100 John Street E ○ Darlington House Bed & Breakfast, existing 2-storey B&B • 511 Charlotte Street ○ AquaBella Bed & Breakfast, existing 2-storey B&B • Charlotte Street and Christopher Street ○ Neighborhood, 9 existing detached dwellings fronting onto Christopher St.

Former Approved Plan

In 2011, Town of Niagara-on-the-Lake Planning staff recommended approval of a zoning by-law amendment to permit a hotel and conference centre development on the subject lands. Staff's review of the 2011 application is outlined in two staff reports, numbered CDS-11-099 and CDS-11-099A. Town Council subsequently approved the recommendation of staff, and the zoning by-law amendment was

Figure 2: Location Context and Surrounding Uses



Subject Property

Source: Google Maps, 2017

approved. That approval represents the existing zoning in place today on the subject lands.

The existing zoning for the subject property permits the development of a hotel and conference centre, however of a very different built form than what is proposed by the current proposal. As shown in **Figure 3**, the existing zoning permits a “sprawling” hotel complex. A previous proposed, but not approved, site plan shows the heights of 5 buildings ranging from one to three storeys, as shown on **Figure 4**. However, the approved zoning permits all the buildings to be up to 17.35 metres in height, or approximately 5 storeys. The approved zoning also results in a built form that has greater coverage (a maximum of 12%), locates buildings closer to the east, west and south property lines, and preserves less of the existing mature vegetation as shown in **Figure 4**.

As depicted in **Figure 3**, the previous proposed building footprints cover a much greater proportion of the subject property, particularly in locations where there is extensive mature landscaping and vegetation and into the Environmental Conservation Overlay. It is also relevant to note that the access to the underground garage in the previously proposed development was located within the Environmental Conservation Overlay, as shown on **Figure 4**, within approximately 6 metres of the property line, whereas the subject proposal moves the access to the underground parking approximately 40 metres away from adjacent properties to the west.

It is our understanding that the conceptual designs presented as part of the previous hotel proposal were used to determine the zoning by-law requirements that are in effect today for the subject lands. Specifically, the conceptual designs showed buildings ranging in height from two to four storeys. However, it is important to note that the existing approved zoning for the subject property permits a maximum building height of 17.35 metres. Assuming a ground floor height of 4 metres, and a floor height of 3 metres for each floor above, a maximum height of 17.35 metres could accommodate a building of 5 storeys in height. In addition, the previously approved zoning permits hotel buildings to be located as close as 18.3 metres from the west property line, 7.5 metres from the south property line, and 4.57 metres from the east property line. In contrast, the subject proposal locates the hotel building in the area of the property that contains the least amount of existing mature landscaping outside of the Environmental Conservation Overlay, provides for greater building setbacks to adjacent property lines (as described in the following section), and reduces the building footprint (8.67% lot coverage), which in turn minimizes disruption to the lands. Furthermore, the revised proposal provides for setbacks of 52 metres from the west property line, 32 metres from the south property line, and 60.5 metres from the east property line to the proposed hotel building. In view of the above characteristics of the previous application, we are advised by the owner’s heritage consultant that the former plan for this site would not protect the heritage attributes as well as the subject proposal does.

Figure 3: Existing approved zoning for the subject lands

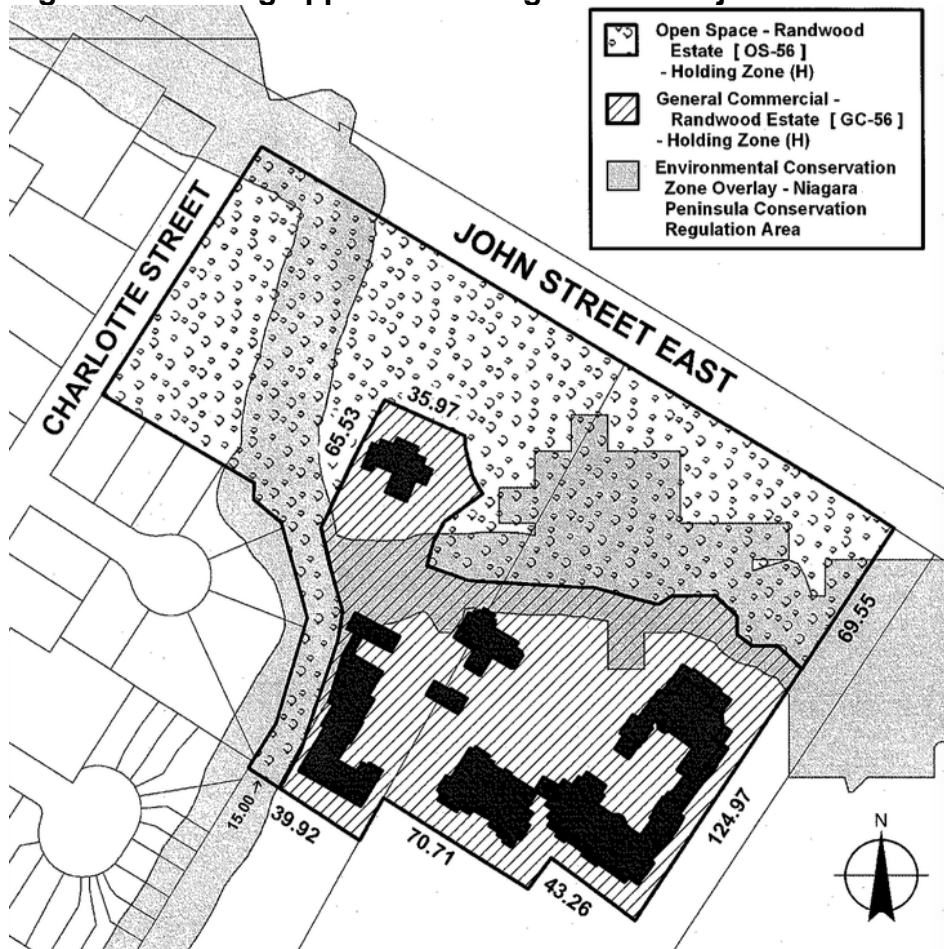
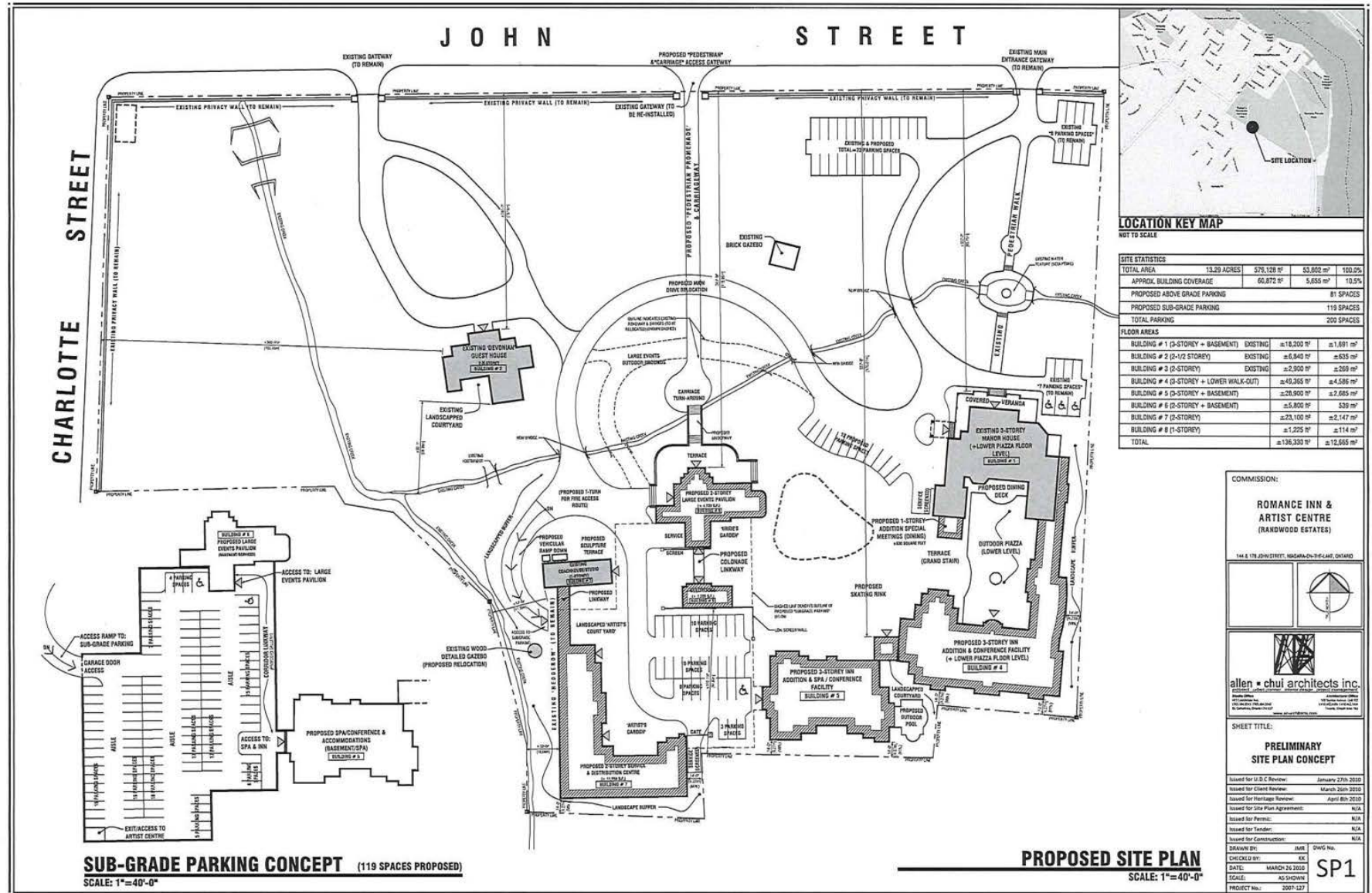


Figure 4 – Former Proposed Site Plan for the Subject Lands



2 REVISED PROPOSAL

2.1 PROPOSED DEVELOPMENT

The proposed development, as revised from the first submission, is shown on **Figure 5**. For the purposes of this report, the revised proposal is referred to as “the proposal”.

The proposal consists of the development of a hotel and the adaptive reuse of the existing buildings on the subject property to accommodate associated hotel uses. These existing buildings include Randwood House, the Sheets (Devonian) House, the brick pavilion, the wooden pergola, and the Coach House. A new 6-storey hotel building with a one-storey function hall is proposed to be introduced on the property. A one-storey maintenance building is also proposed to the rear of the site. The main hotel will be located in the new building, while associated hotel uses are proposed for the existing buildings on the property. Elevations of the proposed hotel are shown in **Figure 6**.

It is also important to note that the proposal for the subject lands allows for the remaining estate lot to be maintained in its entirety. Historic buildings are maintained in situ and the cultural heritage landscape is preserved.

Changes from First Submission in Revised Proposal

The layout of the site remains generally the same in the revised proposal in terms of the location of the proposed hotel, site circulation, location of parking and access. In response to comments received from the Town, agencies and the public, the following changes have been made in the revised proposal:

- The overall height of the hotel building remains the same at six storeys, but the floor plate of the 6th storey has been substantially reduced. The 6th storey now steps back from the edge of the 5th storey, around all sides except for the centre of the front façade of the building, as well a portion of the rear wall of the building, as shown in **Figure 7**;
- The massing of the hotel building has also been significantly revised to soften the presence of the hotel building. The building façades have been articulated, which has the effect of creating visual breaks in the massing of the building as shown in the elevation renderings shown in **Figure 8**;
- The maintenance building has been moved eastward by approximately 4 metres, providing for a greater setback from adjacent properties to the west, as well as falling outside of the Open Space (OS-56) zone; and
- The rear access to the maintenance building has been eliminated.

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RM	RM

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16332	RS

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Figure 6 – Proposed Elevations



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Figure 7 – Proposed Step-back from 5th to 6th Floor

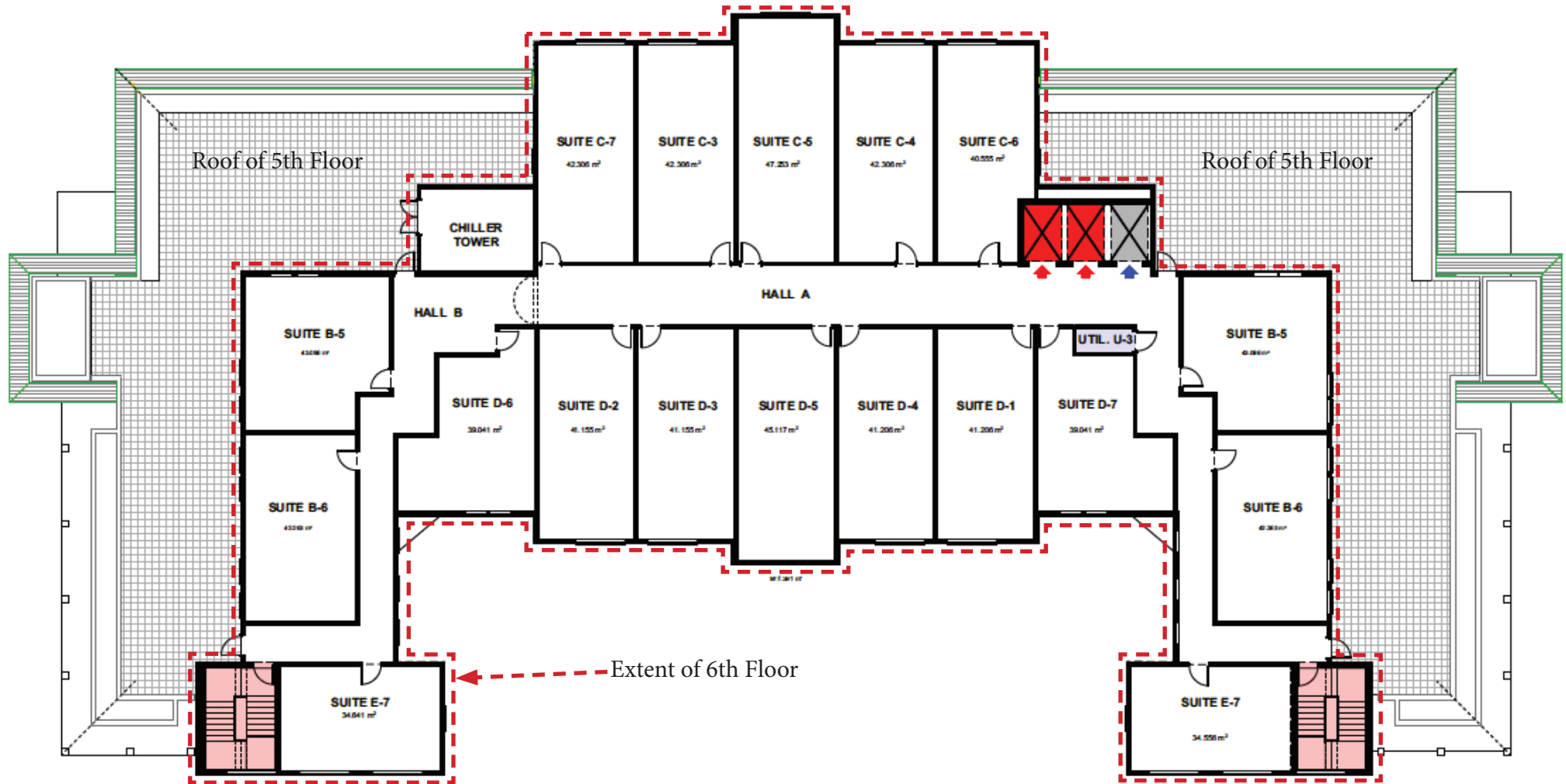


Figure 8 – Renderings of Elevations



Front Elevation



Rear Elevation



East Elevation



West Elevation

The following provides a detailed review of the proposal with respect to access, parking, as well as site layout and circulation.

Access

Vehicular access to the site is proposed at three separate access points along John Street, all of which exist today. The east and west access points will accommodate two-way traffic to and from John Street. The central access point will only accommodate one-way traffic entering the site. The first two-way access point is located near the northwest corner of the property, closest to the Sheets (Devonian) House. Visitors to the hotel will be able to enter and exit the site in this location, travelling along a driveway to access the hotel and associated uses, as well as the underground parking lot below the new hotel building.



The second one-way access is located closer to the eastern property line in front of the Randwood House. It will allow visitors to enter from John Street and travel along driveways through the site to access the hotel and underground parking lot. A small existing parking area located along the north property line can also be accessed from this access point. This entrance is proposed to be the main guest access to the site, but will function as a one-way entrance only. Vehicles will not be permitted to exit onto John Street in this location.

The third access point is located to the east of the subject lands, on other lands owned by the applicant. This access point will function as a two-way access point and will be shared with access to the property to the south of the subject site.

The proposed access points and driveways on the subject property have been designed to allow for appropriate access for fire and emergency services vehicles, as per the Town's requirements.

Parking

The required parking spaces for the proposed hotel will be accommodated in an underground parking lot under the proposed new hotel building. Parking will be accommodated on two levels of underground parking. Access to the parking garage will be provided via a parking ramp located on the west side of the new hotel building. In addition, 30 at-grade parking spaces are proposed, primarily located off the main entrance adjacent to John Street where the existing surface parking spaces are today. A total of 336 underground parking spaces are proposed in addition to the 30 surface parking spaces.

The proposed amount of parking spaces exceeds the minimum parking requirements for the subject property, assuming the following parking rates:

- Hotel: 1 parking space per guest room (145 spaces);
- Conference Centre (400 seats): 1 parking space per 8 seats (50 spaces);
- Restaurant (approximately 440 square metres in 2 restaurants): 1 parking space per 9 square metres (49 spaces); and
- Spa (max. 1,691 square metres): 1 parking space per 15 square metres (113 spaces).

The above amounts to a total of 357 spaces required. This number assumes a conservative estimate that the entire Randwood House will be used as a spa. However, it is unlikely that all of the Randwood House will be used for the spa and some of it will likely be used for offices associated with the hotel. It is also recognized that many of the spaces will reasonably function as shared spaces. For example, it is likely that many of the spa patrons will also be patrons of the hotel. However, individually, each use can be adequately accommodated with respect to meeting minimum parking requirements. Other uses accessory to the hotel use, including offices, reception areas, and others, are included within the minimum required parking rates above. However, there is also a surplus of 9 parking spaces to accommodate any additional parking demand, based on a conservative parking estimate.

Site Layout and Circulation

The layout of the proposed development pays respect to the existing layout and site circulation characteristics of the site. The existing Sheets (Devonian) and Randwood houses will maintain their prominence on the property as being the first buildings seen when entering the site. The Randwood House and Devonian House are maintained as prominent focal points, with the hotel complementing the aesthetic of the existing buildings and respecting the mature landscaping of the subject property. The existing layout and organization of driveways and walkways on the property will also be maintained, while the driveways will provide direct access to the new hotel building. Visitors to the hotel will travel along these driveways and pedestrian walkways, winding through a mature landscaped park-like setting. The overall sense of open space on the property will be maintained and enhanced through this proposal.

The new hotel building is situated in the centre of the site, at a setback of approximately 110 metres from the northern property line along John Street (setback to porte cochere). The hotel is proposed to function as the central built form feature on the property, housing the hotel and conference centre. However, the building is situated such that it is screened by existing vegetation on the property, and primary site lines from the access points to the site are preserved for the Sheets (Devonian) and Randwood Houses. The relationship of the proposed

structure to adjacent properties is discussed in greater detail in the Planning Impact Analysis sub-section of section 3.5 of this report.

Proposed Uses with Existing Buildings

The existing buildings on the subject property will be used and incorporated as fully functioning components of the overall hotel and conference centre use.

The Randwood House will be used as a reception centre for the hotel, and will contain other services accessory to the hotel use including offices, a spa, and a kitchen to serve food and beverages primarily to spa patrons. The spa will be located primarily on the basement level of the Randwood House. The reception area and kitchen are proposed to be located on the main floor of the Randwood House, with offices and associated uses above. A small restaurant is also proposed to be located on the main floor of the Randwood House.

The Devonian House is envisioned to accommodate a reception area, offices for the hotel, as well as a small coffee shop serving coffee, tea, alcohol and food.

The Coach House is proposed to be used as a small event space, including a chapel and prayer area for patrons of the hotel.

2.2 OFFICIAL PLAN

2.2.1 Existing Official Plan Designation

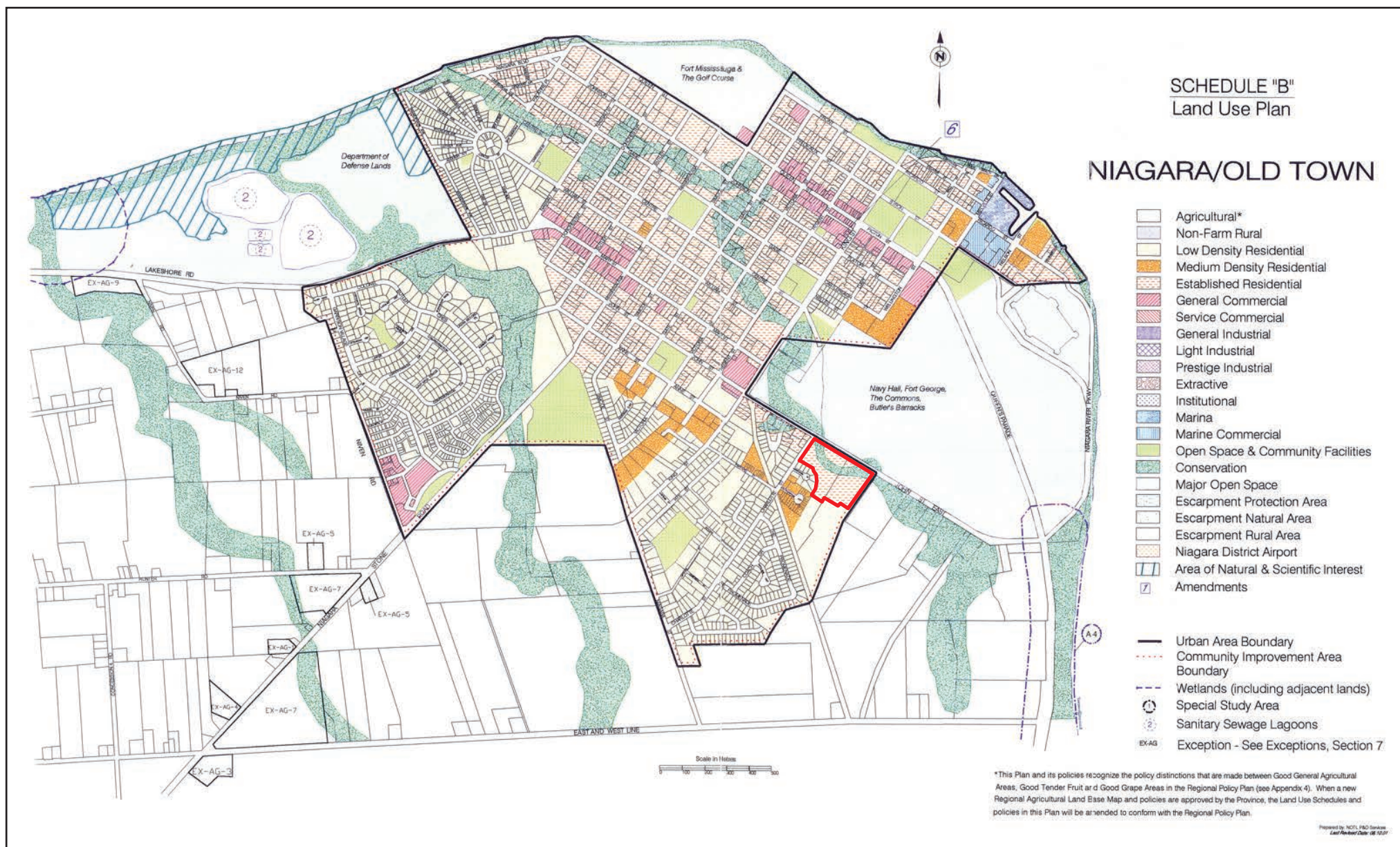
Schedule “B” of the *Niagara-on-the-Lake Official Plan* designates the subject lands as subject to Official Plan Amendment no. 51, as shown on **Figure 9**.

On December 12th, 2011, Official Plan Amendment no. 51 (OPA 51) was approved to re-designate the subject lands to a site specific General Commercial and site specific Open Space designation. These are the designations that are in force today. These land use designations are shown on **Figure 10**. The policies of OPA 51 have been incorporated into the Town’s consolidated Official Plan under Policy 10.3.6.

On the subject lands, the following uses are permitted within the General Commercial designation:

- Hotel;
- Spa;
- Arts and Learning Centre;
- Conference Centre; and
- Restaurant.

Figure 9 – Existing Official Plan Designation



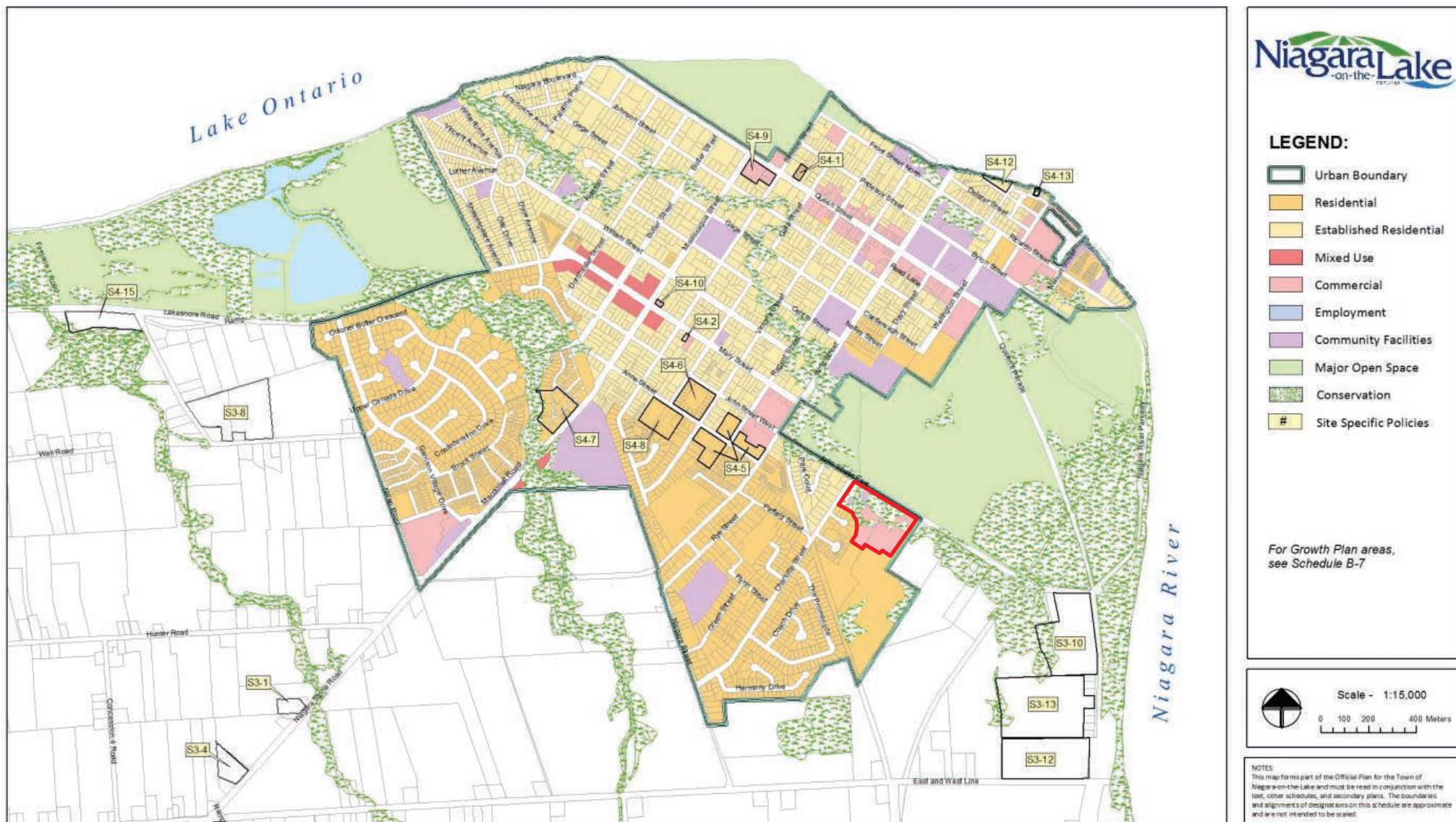
 Subject Property

Figure 10 – Official Plan Amendment no. 51

Town of Niagara-on-the-Lake Official Plan

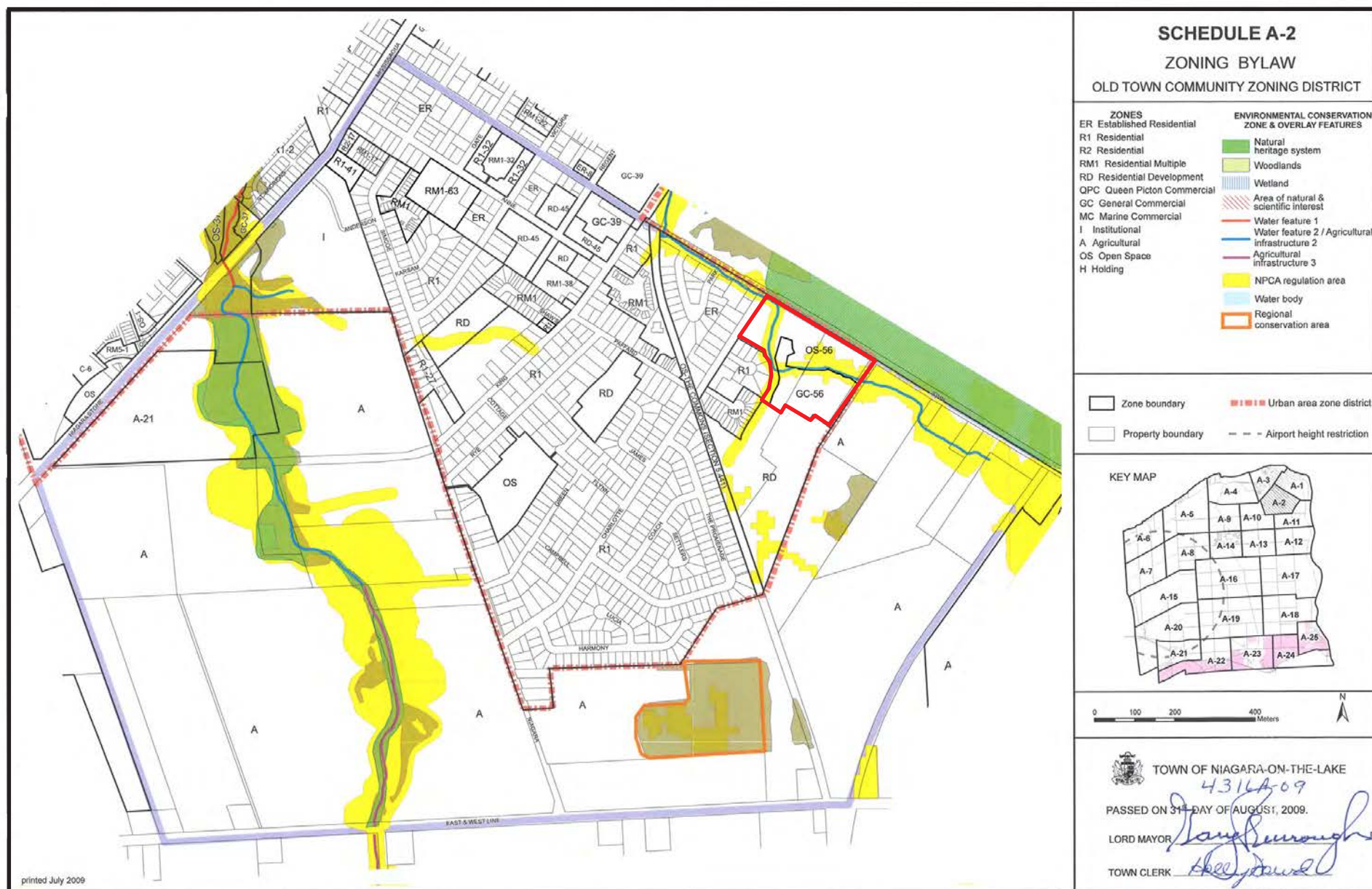
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LAND USE PLAN - OLD TOWN - SCHEDULE B2



 Subject Property

Figure 11 – Existing Zoning



 Subject Property

Office Consolidation March 1, 2014

In addition, accessory buildings and structures are permitted.

OPA 51 also included additional policies specific to the General Commercial and Open Space areas. Conformity with these policies is addressed in Section 3.5 of this report. An Official Plan Amendment is not required for the proposed use of the lands.

2.3 ZONING BY-LAW

2.3.1 Existing Zoning

Schedule A-2 of the *Zoning By-law 4316-09* zones the subject lands as General Commercial, Site Specific 56 Zone (GC-56) and Open Space, Site Specific 56 Zone (OS-56), as shown on **Figure 11**.

On the subject lands, the following uses are permitted within the GC-56 zone:

- A hotel with a maximum of one hundred and six (106) rooms;
- A conference centre;
- An artist studio(s) and learning centre;
- An art gallery;
- A restaurant;
- An outdoor patio; and
- Accessory buildings and structures.

The GC-56 zone also sets out specific regulations with respect to landscaping, vehicular access and building size, as follows:

Regulation	Requirement
Min. lot frontage	300 m
Min. lot depth	120 m
Min. landscaped open space	50%
Max. lot coverage	12%
Min. main building setbacks	In accordance with Schedule "2"
Min. vehicular access ramp setback	30.48m
Max. building height	17.35m
Max. seating capacity for restaurant	200 seats
Max. number of rooms for the hotel	106 rooms
Max. ground floor area of all buildings in the commercial zone	4,181 sq.m.
Max. floor area of spa	185.5 sq.m.

Max. ground floor area of Arts & Learning Centre	1,250 sq.m.
Devonian House:	No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the hotel use.

The following uses are permitted within the OS-56 zone:

- Pedestrian and carriage pathways;
- Existing structures;
- Stormwater management facilities;
- Parking spaces to a maximum of 50 spaces
- Walls along John and Charlotte Streets; and
- Accessory landscaping structures or uses.

The OS-56 zone also sets out a minimum setback for accessory structures from all property lines, at 7.5 metres. In addition, the site specific By-law that re-zoned the subject lands to GC-56 and OS-56 also implemented a new definition for a conference centre, as well as additional requirements:

- A minimum of 250 parking spaces shall be required; and
- No amplified music or public address system shall be utilized outdoors.

The applicable zoning for the subject lands is specific to a previous detailed concept plan for the lands. A Zoning By-law Amendment is required to update the zoning to reflect the new proposed layout and built form on the subject lands.

2.3.2 Proposed Zoning By-law Amendment

The proposed use of the subject lands remains the same as reflected in the existing site specific zoning for the subject lands. However, an amendment to the Town's Zoning By-law is required to implement the revised site plan for the hotel use. In this regard, amendments to specific regulations of the zoning by-law are required, specifically for the GC-56 zone. The following table provides a comparison of existing and proposed zone regulations for the GC-56 zone. Those requirements that are proposed to be updated are highlighted in grey:

Regulation – Permitted Uses	Existing Requirement	Proposed Requirement	Requirement met? (✓)
Permitted Uses	hotel	hotel	✓
	conference centre	conference centre	✓

	artist studio(s) and learning centre	none – no longer required (deleted from By-law)	✓
	art gallery	art gallery	✓
	restaurant	restaurant	✓
	outdoor patio	outdoor patio	✓
	Accessory buildings and structures.	Accessory buildings and structures.	✓

Regulation	Existing Requirement	Proposed Requirement	Requirement met? (✓)
Min. lot frontage	300 m	300 m	✓
Min. lot depth	120 m	120 m	✓
Min. landscaped open space	50%	50%	✓
Max. lot coverage	12%	9%	✓ (proposal less than existing max. lot coverage)
Min. main building setbacks	In accordance with Schedule “2”	In accordance with Schedule “2”	✓
Min. vehicular access ramp setback	30.48 m	30.48 m	✓ (proposal exceeds requirement, at approx. 45 m)
Max. building height	17.35 m	21.95 m	Additional height to accommodate one additional storey, stepped back from the face of the building.
Max. seating capacity for restaurant	200 seats	250 Seats (of indoor seating)	Includes indoor seating for Hotel restaurant and coffee shop in Devonian House
Max. number of rooms for the hotel	106 rooms (and 8 rooms in Devonian House)	145 rooms	All rooms to be located in new hotel building,

			with no rooms in Devonian House
Max. ground floor area of all buildings in the commercial zone	4,181 sq.m.	4,667 sq.m.	
Max. floor area of spa	185.5 sq.m.	Limited to the Randwood House	
Max. ground floor area of Arts & Learning Centre	1,250 sq.m.	None – no longer required (deleted from By-law)	
Devonian House:	No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the hotel use.	Uses accessory to the hotel use shall be permitted, including a reception area, offices and a coffee shop which may also serve alcoholic beverages.	
Min. parking	250 parking spaces	250 parking spaces	✓ (proposal exceeds requirement, with 336 underground spaces, and 7 surface spaces provided)
Max. parking (OS-56 Zone)	50 parking spaces	50 parking spaces	✓ (proposal meets requirement, with 23 surface spaces provided)
Amplified music	No amplified music or public address system shall be utilized outdoors.	No amplified music or public address system shall be utilized outdoors.	✓

Although the existing zoning permits a maximum ground floor area of 4,181 square metres within the commercial zone, it is important to note that the actual lot coverage of the previous proposal, as implemented by the approved zoning by-law is approximately 5,500 square metres according to our calculations. It is unclear how “ground floor area” was calculated as it relates to the previous proposal. However, a review of the Town’s Zoning By-law definition for “ground

floor area” indicates that it is calculated the same way that lot coverage is calculated. As such, the proposed maximum ground floor area of all buildings in the commercial zone for the new proposal is for 4,667 square metres, which is less than the lot coverage of the previous proposal, as implemented through the approved zoning.

As described in section 2.1 of this report, the subject proposal proposes greater building setbacks than what is currently permitted on the subject property. Currently, the existing zoning in force on the subject lands permits the following minimum setbacks on Schedule 2 of the Zoning By-law:

- 4.57 metres to the east
- 18.30 metres to the west
- 93.75 metres to the north
- 7.50 metres to the south (see **Figure 12**)

Comparatively, the subject proposal provides for greater setbacks in a revised Schedule 2, at:

- 60.5 metres to the east;
- 52.0 metres to the west;
- 109 metres to the north; and
- 32.0 metres to the south (see **Figure 13**)

It is also important to note that a new 1-storey maintenance building is proposed at a setback of 3 metres from the south property line, and 15 metres from the west property line (representing a 4-metre setback increase from the original submission).

No changes are required to the provisions of the OS-56 zone to implement the revised proposal.

Appendix ‘B’ to this report contains a proposed Draft Zoning By-law Amendment.

These requested zone provisions are appropriate for the proposed hotel use. Throughout this report, it is demonstrated that the proposed development will fit into the surrounding neighborhood context and will have no negative impacts on the existing heritage landscape and structures, as well as adjacent properties. When compared to the existing zoning for the subject property, the proposed zoning increases the minimum required setbacks of the hotel to adjacent properties.

Figure 12 – Existing Zoning – Setbacks

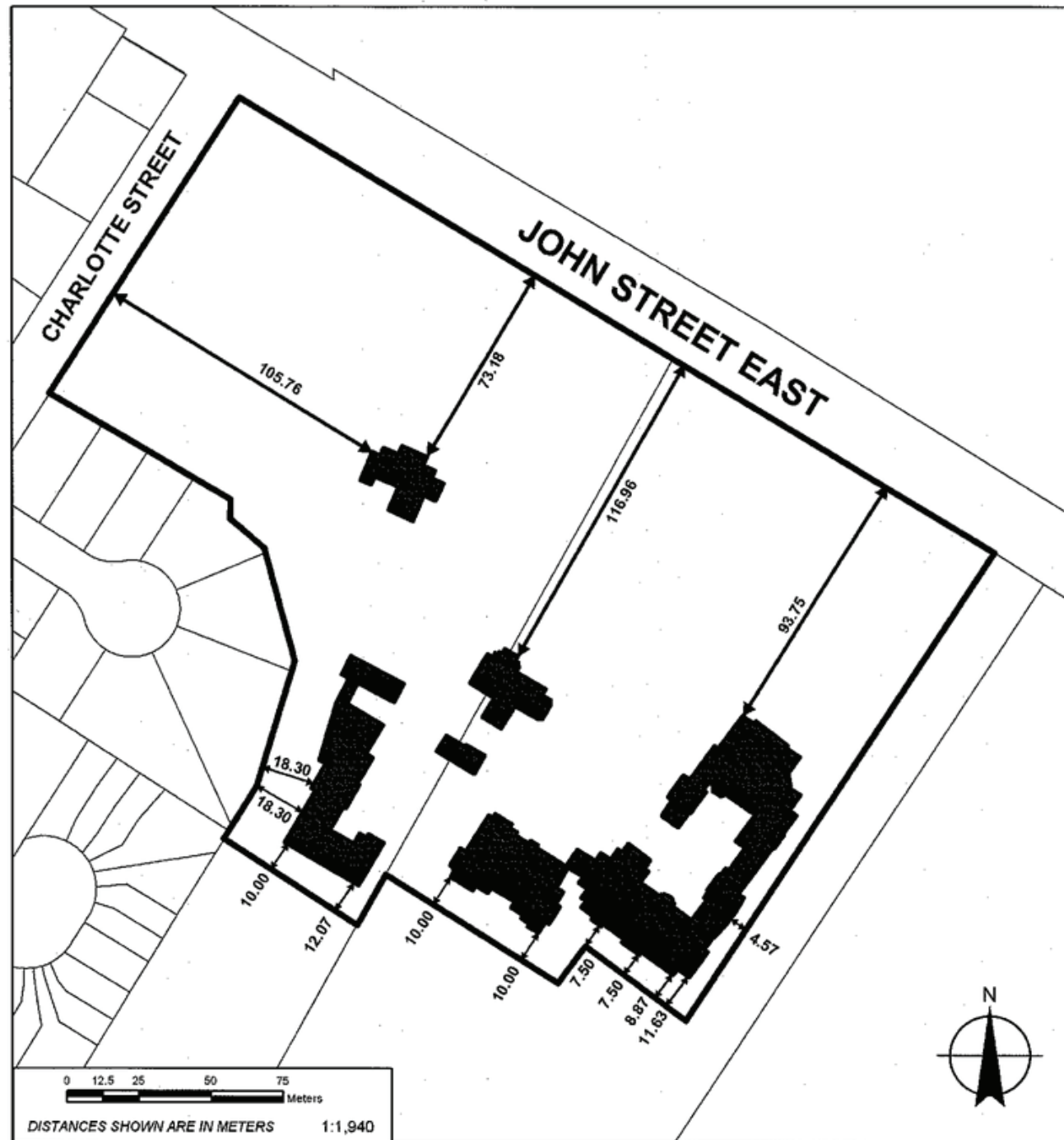


Figure 13 – Proposed Zoning – Setbacks and Separation Distances



2.4 SUPPORTING STUDIES

As part of this submission for Zoning By-law Amendment and Site Plan Control, a range of plans and studies have been prepared in support of the applications. This section provides an overview of this material:

2.4.1 Aquatic Feature Characterization and Assessment of Potential Impacts

Savanta has prepared a report titled “Aquatic Feature Characterization and Assessment of Potential Impacts” in support of the proposal. The report describes the existing aquatic environment, proposed development impact on existing landscaping and connections to the structures and potential effects and mitigation. The setting of the subject property is such that it is primarily a manicured landscaped site that is not naturalized. In addition, a small intermittent stream, One Mile Creek, runs through the property in an east-west direction, linking to an unnamed intermittent tributary running along the western side of the subject lands. Neither intermittent stream provides for fish habitat, and the One Mile Creek is altered with the central water feature located in front of the Randwood House.

Construction of the proposed Randwood Resort will result in minor direct disturbance to One Mile Creek due to upgrades to four existing bridges. There will be no direct disturbance to the unnamed tributary of One Mile Creek with the installation of a maintenance building and underground parking lot at a distance of approximately 15 metres from the channel. Construction within close proximity to the watercourses could result in indirect effects (e.g. erosion and sedimentation and accidental spills).

The report concludes that upgrades to bridges and installation of the maintenance building, the latter of which will not be within 15 metres of the stream and outside the Open Space zone, will not have any long-term effects on the contributing habitat function that support downstream fish communities. The report recommends that mitigation measures be implemented during construction to prevent erosion and sedimentation as well as accidental spills.

2.4.2 Functional Servicing Study

Quartek Group Inc. has prepared an updated functional servicing report (FSR) for the revised proposal. The study demonstrates how water supply and distribution, sanitary sewage, drainage and storm water management, roadways and utility servicing of the subject development can be appropriately achieved.

Water Supply and Distribution

According to the study and revised site plan, the Town’s existing water main system has adequate capacity to accommodate the proposed development. There

will be no impediment to domestic and firefighting water supply for the development using currently existing municipal waterworks.

Sanitary System

The Randwood House currently has a sewage holding tank, and the Sheets (Devonian) House currently discharges directly to the Charlotte Street sanitary sewer. It is proposed that a new holding tank and pumping facility be located within the new hotel building to service the Randwood House, coach house and new hotel building. Calculation of proposed sewage flows indicates that the tank will discharge into the existing forcemain along John Street, without any required improvements to that forcemain. The Sheets (Devonian) House is proposed to continue to discharge directly to Charlotte Street. The report concludes that there will be no impediment to sanitary sewer servicing for the development using current existing municipal sewage works.

Stormwater System

Surface runoff from the subject site currently drains to two (2) branches of One Mile Creek, which traverse the site and convey drainage from approximately 55 hectares of upstream lands.

The study has examined what will happen to surface water runoff following the construction of the proposed development on the subject property and resulting increase in impervious coverage. It is proposed that an on-site stormwater storage tank be constructed on the subject property to temporarily hold water runoff during rain events. The proposed stormwater storage tank will be store surface water runoff prior to outletting to an oil/grit separator, where water will be treated and ultimately released to One Mile Creek at a controlled pace.

Preliminary storm runoff storage requirements have been calculated based on design storm and runoff coefficients. The calculations indicate that a tank with dimensions of approximately 20m x 7m x 1.83m deep will provide the required storage to accommodate the proposed development.

Major system design will ensure that all opportunities for directing surface flows to on site facilities are employed, without impacting adjacent private properties.

Overall, once the site plan is finalized and approved, the proposed stormwater management solution for the proposed development will effectively treat and control stormwater flows with no impact downstream or on adjacent properties.

2.4.3 Traffic Impact Study

LEA Consulting Ltd. has prepared a Traffic Impact Report for the subject lands. According to the study, under existing and future traffic conditions, most

unsignalized intersections within the study area were found to be operating at overall good levels of service, with the exception of the John Street East and Queen's Parade/Niagara Parkway intersection. In this location, it has been determined that a roundabout is warranted, even without the proposed development. The applicant is encouraged to discuss development charge requirements with the Town in order to implement the recommended roundabout as this will greatly improve the existing traffic conditions at the intersection.

The vehicular access points to the subject property are located off John Street, including the main access to the property. The capacity analysis for proposed accesses, under existing and future traffic conditions, indicates that all accesses are expected to operate with minimum delay and congestion, and that the number and location of these accesses are considered appropriate to distribute the impacts of the increase in traffic volumes on the surrounding street network.

LEA Consulting Ltd. has reviewed the revised site plan for the proposed development. Since there have been no substantial changes to the site statistics, and recognizing that the total number of hotel units has not changed, LEA has indicated that the conclusions of the traffic impact study have not changed, and the proposal can be adequately and appropriately accommodated.

2.4.4 Heritage Impact Assessment

Land Use & Heritage Planning Services has prepared a heritage impact assessment for the subject lands. This report has been previously filed as part of the initial submission of the proposal. An updated report is no longer being requested by the Heritage Committee or Town Council as Council has decided to proceed with Third Party Designation.

Despite this, it is important to consider and summarize the heritage attributes of the subject property. The heritage impact assessment report provides detail on the history and defining elements of heritage of the Rand Estate, including several significant buildings and landscape features.

The Rand Estate is identified as a significant cultural heritage landscape due to the property's size, the number of important buildings on the property, its setting and its association with important local citizens and the landscape firm who designed the manicured portions of the property (Dunnington-Grubb). The major feature of the Dunnington-Grubb landscape on the subject property is the ornate cast iron entrance gate with pillars, the long walkway leading from John Street to the Randwood House, circular pool with sculpture and the stone pedestrian bridges on either side of the water feature. These features will be conserved and restored.

The report addresses in detail the relationship of the proposed development to the existing historical elements on the property, as well as the surrounding properties

of historical value. According to the assessment, the proposed development has been designed in such a way that is sensitive to the significant heritage resources on the property and adjacent properties, and has been located in an area where it will have the least impact on those resources and on the cultural heritage landscape.

All heritage resources comprising the landscape and the built heritage resources will be maintained through the proposal. These heritage resources includes the larger built heritage resources on the property, including the Randwood House, the Devonian (Sheets) House, the coach house, and the stone wall surrounding the property. The Dunnington-Grubb landscape, as described above, which has been neglected in recent years, will be repaired, restored, and conserved.

2.4.5 Shadow Study

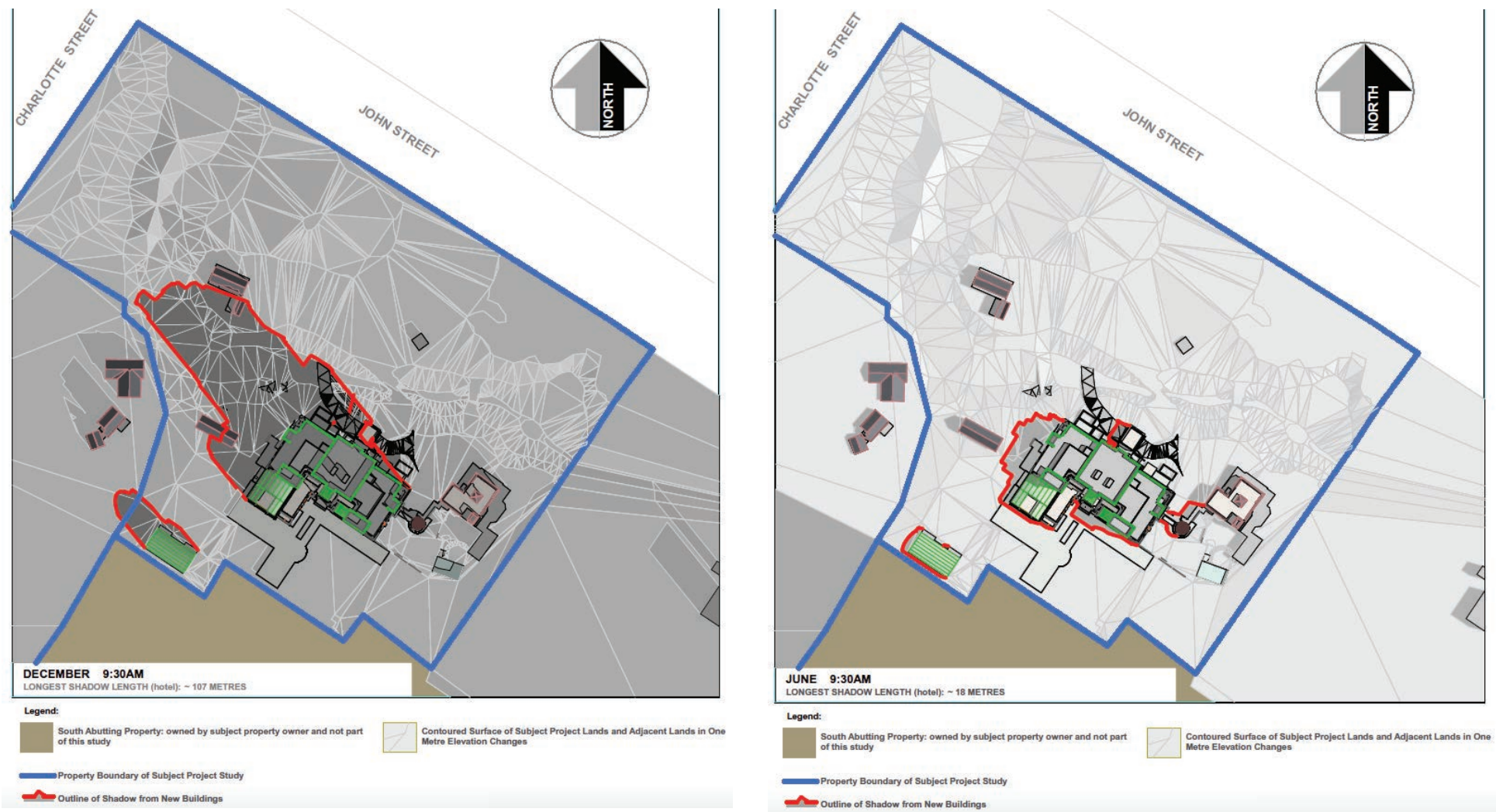
Quartek Group Inc. has prepared an updated Shadow Study report for the revised proposal. The purpose of this report is to demonstrate the effect of the shadow of the proposed six-storey hotel and conference building on the subject lands and adjacent properties.

The study examined the shadow impact at three separate dates in the year: in December, March and June. Due to the angle of the sun, shadows are greatest in December, and smallest in June. **Figure 14** shows a comparison of the extent of the shadows cast in the morning at 9:30 AM in December and June. According to the study, the proposed new six-storey (stepped) hotel building will not generate any shadows on any part of the adjacent properties, except for a short period of time in December. According to the report, a shadow could be cast onto the side yard of 5 Christopher Street for a period of approximately one hour between sunrise (7:45 AM) to approximately 8:45 AM. for approximately 10 days, each side of the December 21st solstice date.

The proposed accessory one-storey maintenance building located in the southwest corner of the subject property is anticipated to cast a shadow on 6 and 7 Christopher Street for a small period of time around between 7:45 AM and 10:00 AM, only for approximately two weeks in December, and will only impact a very small portion of the rear yards of both properties. At its greatest extent in December, the shadow will extend approximately 11 metres into the rear yards, but will be approximately 22 metres away from the rear of the nearest point of the dwelling during this time period.

The impact of shadowing has been decreased from the previous submission. The hotel is now articulated and the 6th storey steps back, and the maintenance building has been set back from the property line by an additional 4 metres. Moreover, the existing vegetation which is a mix of coniferous and deciduous trees already screen the shadow path of the proposed development, and as such, the net additional shadow is very minor.

Figure 14 – Comparison of Shadows Cast



It is important to note that the approved zoning for the subject property permits a much taller building, up to 17.35 metres in height (5 storeys), in the vicinity of the proposed maintenance building, and extending northward along the western property boundary. The approved zoning therefore permits a building which would generate a shadow with a greater impact on the adjacent properties than the proposed hotel or the maintenance building.

2.4.6 Tree Assessment Survey and Preservation Plan

Bill Buchanan of MBsc Forestry has prepared an updated Tree Assessment Survey and Preservation Plan. In this study, all trees on the property were botanically identified and an assessment of the health and condition of each tree was conducted. Each tree was assigned a number and a recommendation was made for the preservation or removal of each tree. A total of 418 trees were surveyed. Of these trees, there are 30 trees that need to be removed due to the construction of the proposed hotel building and associated underground parking structure (5 of which are already dead or dying). In addition, 9 trees need to be removed due to conflicts with roads. Across the site, there are other trees that may need to be removed because they are dead or dying.

Based on the survey, there are a few Species at Risk and Species of Concern on the subject property. The individual tree species at risk on the subject property have been identified by the arborist as planted nursery stock located in a residential area (i.e., manicured lawn within a park-like environment). According to Savanta, the owner's environmental consultant, given that these trees are planted nursery stock and not located in a woodland or similar type of natural or naturalized area, the subject property should not be considered "significant habitat" for these species. The owner will be working with the Ontario Ministry of Natural Resources and Forestry (MNRF) to ensure that any requirements under the Endangered Species Act, 2007, if applicable, are met.

As development of the site proceeds, it is important that an eclectic collection of native and exotic trees be planted in order to maintain and improve upon the current landscape identity of Randwood Estate.

2.4.7 Urban Design Brief

Quartek Group Inc. has prepared an Urban Design Brief in support of the revised development proposal. The brief provides a detailed review of the design rationale behind the proposed development. Overall, the brief concludes that the proposal has effect of fitting into the community and reducing disturbances to neighbouring properties.

With respect to the built form and massing of the proposed hotel building, the

Urban Design Brief discusses the placement and architectural features of the building. As described in the report, the design of the hotel has been inspired by a range of boutique-class and international hotels of similar scale or setting. The proposed building incorporates two classical forms, a cornice and a colonnade, as romantic form features that depart from contemporary style. The proposed hotel has been substantially articulated, and the extent of the sixth floor has been stepped back which results in a tapered mass as the building height reaches the top level. As a result, the revised proposal is responsive to comments received from the public and agencies and results in an improved design in terms of massing and built form.

2.4.8 Noise Feasibility Assessment

HGC Engineering has prepared a noise feasibility assessment. This study addresses potential noise from the proposed hotel's mechanical systems as well as noise from the outdoor amenity areas and associated impacts on surrounding residential uses.

With respect to noise from the hotel's mechanical systems, the anticipated sources of noise include the underground parking structure ventilation, the hood system of the restaurant kitchen and conference kitchen, the ventilation system for the hotel and conference facilities, the outdoor pool equipment, and the stand-by power generator and/or fire-booster pump. The study concludes that these mechanical systems will be able to operate at acceptable noise levels without disruption to neighbouring properties, provided that certain mitigation measures are used where required, such as screens and/or silencers.

With respect to noise from outdoor amenity areas, it is important to note that activities that cause noise are currently included within the scope of the existing permissions on the property. Moreover, the site-specific zoning by-law for the subject lands includes a provision that prohibits amplified music or a public address system from being utilized outdoors. This by-law provision is not being changed and will be maintained.

The outdoor covered patio area behind the proposed new hotel building is reasonably well separated from surrounding property lines, and is further screened from the nearest residences to the west by the 1-storey wing containing the function hall and ground floor guest areas. While weddings are generally expected to occur indoors within the Coach House, it is understood that some smaller events such as a small wedding service may also take place at the west side of the garden area, near the gazebo. Such events are likely to occur only during daytime hours, and for brief periods of time. Further, as noted above, the site-specific zoning by-law prohibits the amplification of music on the subject lands. In any case, the noise by-law of the Town of Niagara-on-the-Lake (by-law no. 4588-12) must be adhered to. This by-law prohibits the transmission of any

audible noise from the operation of sound equipment, from the playing of musical instruments outdoors, and from people yelling, shouting, hooting, whistling, or singing, between the hours of 11 pm and 7 am on a daily basis (9 am on Sundays or Statutory Holidays). Thus, there will be no outdoor events or parties occurring at the resort after 11 pm.

The report concludes that with typical mitigation measures there will be no adverse impacts of the proposed development.

2.4.9 Landscape Plan

Quartek Group Inc. has prepared a Landscape Planting Plan for the revised proposal. This plan illustrates existing and proposed landscaping around the proposed hotel, Randwood House, the coach house and the proposed maintenance building.

Proposed planting in the front yard of the hotel consists of tree and shrub species on both sides of the entrance. Much of the proposed new landscaping on site will be in the rear yard on the south side of the proposed hotel. A water feature is proposed as the focal point of the rear yard landscaping and is connected to the hotel building entrances through ornamental planting, trellis vines, and rows of trees. Architectural pavers are also proposed, as well as a large lawn area.

To the east of the hotel, and to the rear of Randwood House, a pool is proposed with associated fire pit, the existing gazebo, a sodded area, architectural pavers, as well as existing vegetation.

The existing Coach House is proposed to be bound by hydrangeas and sodded areas. It will be connected to the other landscaped areas through decorative concrete paving. A gazebo is also proposed within a landscaped area that will be connected to the proposed maintenance building through red crushed brick pavers and ornamental planting.

2.4.10 Economic Benefits Analysis

Altus Group has prepared a memorandum outlining the economic benefits that the proposed development would generate. According to the memorandum, the proposed development would generate development charge revenues, as well as a number of on-going benefits, including property tax revenues, permanent employment and tourism benefits for the local economy and the broader Niagara Region. Specifically, the proposed development could achieve the following economic benefits:

- \$593,300 in development charge revenues, including \$232,400 for the Town and \$360,900 for the Region;

- \$689,700 in additional annual property tax revenues, including \$108,400 for the Town, \$273,800 for the Region and \$307,500 for education;
- An estimated 218-290 permanent jobs in the operation of the hotel, restaurant and conference centre; and
- Increase the tourist visits to the Region by 7,900 visits per year, which will inject \$493,500 in annual spending within the local economy.

3 POLICY REVIEW & PLANNING ASSESSMENT

This section of the report assesses the merits of the proposal in the context of provincial, regional, and local policy applicable to the subject lands. The policy documents reviewed include the *Provincial Policy Statement (2014)*, the *Greenbelt Plan (2016)*, the *Growth Plan for the Greater Golden Horseshoe (2017)*, the *Niagara Regional Policy Plan and Policy Plan Amendment 2-2009*, the *Town of Niagara-on-the-Lake Official Plan*, as well as Amendment No. 43 to the *Town of Niagara-on-the-Lake Official Plan*.

3.1 PROVINCIAL POLICY STATEMENT (2014)

3.1.1 Policy Overview

The Provincial Policy Statement (PPS) provides direction to the land use planning process. Planning decisions by municipal councils and other decision-makers are required to be consistent with the PPS. The policy statements of particular applicability, reviewed below, largely relate to “Building Strong Healthy Communities” [Part V, Section 1.0 of the PPS].

Standards to promote compact form

The PPS requires that healthy, livable and safe communities are sustained by:

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- accommodating an appropriate range and mix of residential and other uses to meet long-term needs;
- avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- promoting cost-effective development standards to minimize land consumption and servicing costs; and,
- ensuring the necessary infrastructure and public service facilities are or will be available to meet current and projected needs [Policy 1.1.1, in part].

The PPS further directs that sufficient land shall be made available through “intensification” and “redevelopment” and, if necessary, “designated growth areas”, to accommodate an appropriate range and mix of housing and other land uses to meet projected needs for a time horizon of up to 20 years [Policy 1.1.2].

The PPS provides that settlement areas are to be the focus of growth, and their vitality and regeneration promoted. Land use patterns within settlement areas shall be based on densities and a mix of land uses that:

- efficiently use land and resources;
- are appropriate for and efficiently use infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; and,
- minimize negative impacts to air quality and climate change, and promote energy efficiency [Policies 1.1.3.1 & 1.1.3.2 a)].

Accordingly, the PPS directs that appropriate development standards should be promoted to facilitate compact form, while maintaining appropriate levels of public health and safety [Policy 1.1.3.4, in part].

Consistency:

The proposed development is consistent with these policies as it provides for the development of a site within the Town's built-up area that is largely in accordance with the existing development permissions for the lands. The proposal makes efficient use of existing infrastructure and provides for additional employment opportunities within an established settlement area. The subject lands are well situated within the Old Town community, within walking distance to many of the area's amenities, the Shaw Festival and to Fort George.

Coordinating efficient and cost-effective infrastructure

Among other PPS directions for infrastructure and service facilities [in Policy Section 1.6], the policies require co-ordination, efficiency and cost-effectiveness, and that infrastructure and public service facilities be "strategically located to support the effective and efficient delivery of emergency management services" [Policy 1.6.3].

Consistency:

The subject lands are located within a fully serviced settlement area and within close proximity to available infrastructure and public service facilities. The proposal therefore makes efficient use of available facilities within Old Town.

Section 1.8 of the PPS requires that planning authorities support energy efficiency and improved air quality through land use and development patterns that are compact, promote the use of public transit and alternate forms of transportation and improve the mix of employment and housing to shorten commute times.

Consistency:

The proposed hotel use of the lands will provide for employment opportunities within an established settlement area of Town. The property is located within walking distance to many amenities and is expected to be a draw for both residents and tourists of Old Town. The location of the property contributes to the walkability of the site in the context of surrounding uses and nearby residential areas and amenities. The hotel will also provide for additional employment opportunities in Old Town, contributing to the potential reduction of automobile trips to and from work. According to the Economic Benefits Analysis prepared by Altus Group, the proposed development would generate a number of on-going benefits, including employment opportunities.

Natural Features

Section 2 of the PPS contains policies on the wise use and management of resources. Accordingly, the PPS sets out policies for the long-term protection of natural features and areas (Section 2.1.1). It also requires that the diversity and connectivity of natural features and the long-term ecological function of natural heritage systems be maintained or, where possible, improved. It does not permit development and site alteration in significant wetlands nor does it permit it in significant woodlands and valleylands, unless it has been shown there will be no impact to the features or their ecological functions (Sections 2.1.4 and 2.1.5). It also restricts development and site alteration in fish habitat unless it is in accordance with federal and provincial requirements (Section 2.1.6). Development and site alteration adjacent to these same features also requires an evaluation that shows that there will be no negative impact on the natural features or their functions (Sections 2.1.8).

Consistency:

As noted earlier in this report, Savanta has prepared a report titled “Aquatic Feature Characterization and Assessment of Potential Impacts” in support of the proposal. The report describes the existing aquatic environment of the subject property and evaluates the potential impacts of the proposed development on existing landscaping and vegetation. The setting of the subject property is such that it is primarily a manicured landscaped site that is not naturalized. In addition, a small intermittent stream runs through the property in an east-west direction, linking to an unnamed intermittent tributary running along the western side of the subject lands. Neither intermittent stream provides for fish habitat, and moreover, the One Mile Creek is altered with the central water feature located in front of the Randwood House.

According to Savanta’s assessment, there will be no direct disturbance to the unnamed tributary of One Mile Creek, nor to the One Mile Creek itself, with the construction of the new hotel building, bridge upgrades, and the

installation of a maintenance building and underground parking lot. As such, the proposal is consistent with the natural heritage policies of the PPS.

Water Resources

Section 2.2 of the PPS includes policies to protect water resources in Ontario. The policies address requirements for planning authorities with respect to the protection, improvement and restoration of water quality and quantity (Section 2.2.1). The PPS also requires the restriction of development and site alteration in or near sensitive surface and groundwater features and states that mitigative measures may be required with respect to development in or near these features (Section 2.2.2).

Consistency:

The proposal is consistent with the water policies of the PPS, as any impacts to surface water features as a result of the proposal can be mitigated, as stated in the Aquatic Feature Characterization and Assessment of Potential Impacts report prepared by Savanta. While construction of the proposed hotel will result in minor direct disturbance to One Mile Creek due to upgrades to four existing bridges, there are no anticipated direct disturbances to water resources on site. The report concluded that upgrades to bridges and installation of the maintenance building will not have any long-term effects on the contributing habitat function that support downstream fish communities, and the report recommends that mitigation measures be implemented during construction to protect these features.

Cultural Heritage

Section 2.6 of the PPS contains policies on Cultural Heritage and Archaeology, requiring the conservation of built heritage resources and significant cultural heritage landscapes (Section 2.6.1). As well, the PPS permits development and site alteration on lands adjacent to protected heritage properties only where it has been demonstrated that the heritage attributes of the protected heritage property will be conserved (Section 2.6.3). Further, the PPS restricts development on lands containing archaeological resources unless those resources have been conserved (Section 2.6.2).

Consistency:

PPS directions for archaeology have been appropriately addressed as demonstrated in the Ministry's clearance letter. A Stage 3 Archaeological Assessment is required, however the Ministry has advised that this assessment can be a condition of site plan approval.

A Heritage Impact Assessment was prepared by Land Use & Heritage Planning Services submitted in support of these applications. According to

the assessment, the proposed development is sensitive to the significant heritage resources on the property and adjacent properties. The assessment describes the proposal in the context of the cultural heritage landscape and buildings on the property and neighbouring properties. With respect to the cultural heritage buildings, the assessment concludes that the hotel building has been situated and designed in such a way to fit in with and complement the existing building styles. The assessment also concludes that the cultural heritage landscape will be maintained, since all remnants of the original landscape plan for the property will be conserved, as well as the entrances and the wall surrounding the property. In addition, the assessment concludes that a good adaptive reuse, such as that proposed for the property, results in minimal impact and will ensure the survival and conservation of the cultural landscape and built heritage resources. The assessment includes mitigation and conservation recommendations to ensure the appropriate development and conservation of the Estate.

Protection of public health and safety

Finally, the PPS directs measures to protect public health and safety with respect to both natural hazards such as flooding and erosion, and man-made hazards such as contaminated sites [Policies 3.1 & 3.2].

Consistency:

The subject lands do not contain any natural or man-made hazards.

3.2 GREENBELT PLAN (2016)

3.2.1 Policy Overview

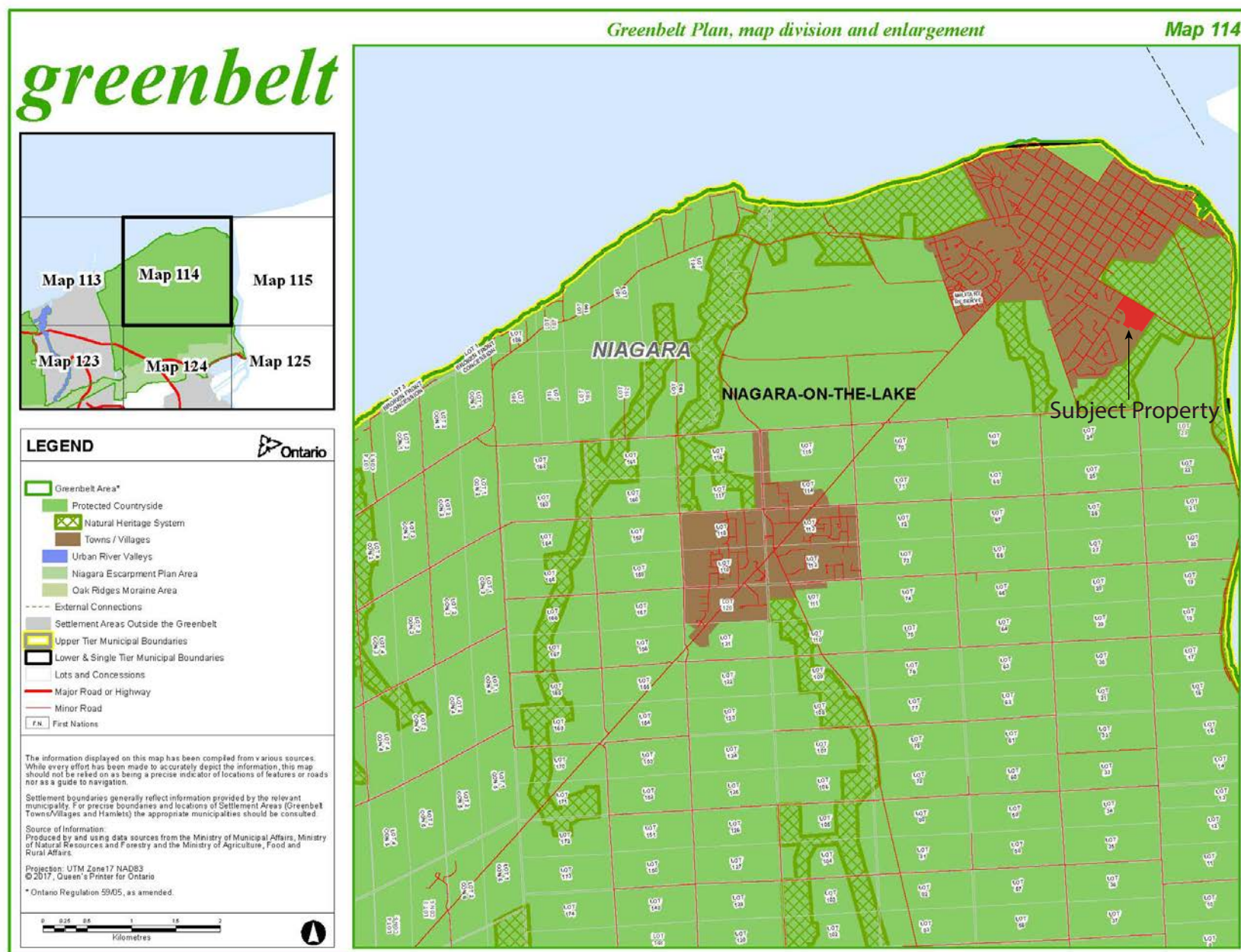
The Greenbelt Plan identifies areas where urbanization should not occur in order to provide permanent protection to the agricultural land base and ecological features and functions. All lands within the Town of Niagara-on-the-Lake are within the Greenbelt Plan Area, as shown on **Figure 15**. The majority of the lands within the Town are designated “Protected Countryside – Tender Fruit and Grape Lands”, with the exception of the lands within the Town’s settlement and lands subject to the Niagara Escarpment Plan. The settlement areas, including Old Town, are designated as “Towns and Villages”.

Towns and Villages are not subject to the policies of the Greenbelt Plan, and are governed by municipal plans and related programs and initiatives. Municipalities are encouraged to, “maintain, intensify and/or revitalize” these areas.

Conformity:

The subject property is entirely located within the Old Town settlement area boundary, as shown on **Figure 15**. As such, according to the policies of the

Figure 15 – Greenbelt Plan



Subject Property

Greenbelt Plan, the subject property falls within the category of Towns/Villages, and is not within the Protected Countryside. Section 3.4.3 of the Greenbelt Plan applies to Towns/Villages, and not within the Protected Countryside. The policies of this section state that Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans, and as such, are not subject to the Protected Countryside policies of the Greenbelt Plan.

3.3 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (2017)

3.3.1 Policy Overview

With the adoption of Places to Grow, Growth Plan for the Greater Golden Horseshoe in 2006, the Province reinforced the importance of the PPS policies requiring that, as a first priority wherever possible, growth be directed to locations within built-up areas where intensification and redevelopment can be transit-supportive and make efficient use of land, infrastructure and public service facilities. The policies of the Growth Plan have been further reinforced with the adoption of the new Growth Plan (2017). The subject lands fall within the built-up area of the Old Town settlement area in Niagara-on-the-Lake.

Managing Growth

It is important to optimize the use of the existing land supply to avoid over designating new land for future urban development. Policies for managing growth, as set out in Section 2.2.1 of the Growth Plan, state that the vast majority of new growth must be directed to settlement areas with a delineated built boundary, where there is existing or planned municipal water and wastewater systems and where the achievement of complete communities can be realized. Municipalities must plan for the achievement of complete communities by:

- featuring a diverse mix of land uses (including residential and employment uses);
- providing convenient access to transit, trails and parks;
- ensuring the development of a high quality compact built form; and
- mitigating and adapting to climate change impacts by reducing greenhouse gas emissions.

Conformity:

The proposed development is in conformity with the Growth Plan. The policies of Section 2.2.1 speak to the efficient and effective management of growth. The proposed development conforms with these policies, as the subject lands are located within the built-up area of Old Town and represent employment intensification within the built-up area. The proposal optimizes

the use of the existing land supply while maintaining the heritage characteristics of the property. The subject lands are located in close proximity to the Town's transit services and are located in close proximity to parks, shopping and community services, thereby reducing dependence on the automobile. Further, the proposal will result in additional jobs within the Old Town community for local residents, again reducing dependence on the automobile in support of the Growth Plan's climate change policies.

Employment

Section 2.2.5 of the Growth Plan contains policies related to Employment. While many of the policies relate specifically to employment areas (industrial and business parks), there are policies that speak to promoting the use of land in appropriate locations for a variety of employment, making efficient use of land, and minimizing surface parking.

Conformity:

The proposal makes efficient use of land within the built-up area of the Old Town settlement area that is already designated and zoned to permit the proposed use. As noted above, and as stated in the Economic Benefits Analysis prepared by Altus Group, the proposed development would generate employment opportunities for the Town and Region. Further, the proposal minimizes surface parking area by providing all additional parking spaces on the subject lands in an underground parking garage.

Natural and Cultural Heritage

Section 4.2 of the Growth Plan contains policies for "protecting what is valuable", including policies for the protection of features in natural heritage systems, protecting cultural heritage resources and mitigating the impacts of climate change.

Conformity:

Cultural heritage and archaeology have been appropriately addressed as demonstrated in the Ministry's clearance letter, and the Heritage Impact Assessment prepared in support of the proposal. As noted above, with respect to archaeology, a Stage 3 Archaeological Assessment is required, however the Ministry has advised that this assessment can be a condition of site plan approval. In addition, the proposed development is not anticipated to generate any negative environmental effects, as described in the Aquatic Feature Characterization and Assessment of Potential Impacts report also submitted in support of the proposal. Further, as noted earlier, the proposal is located in close proximity to community services and is within walking distance of nearby residential, commercial and tourist areas, thereby reducing dependence on the automobile and minimizing climate change impacts.

3.4 NIAGARA REGIONAL OFFICIAL PLAN

3.4.1 Policy Overview

Niagara Regional Policy Plan

The Niagara *Regional Official Plan* contains policies, goals and objectives to guide the physical, economic and social development of Niagara Region. Section Three of the Niagara Region Policy Plan identifies the Region's Strategy for development and conservation through strategic principles, which recognize that Niagara Region is a community of different communities. The policies encourage the preservation of the area's character while at the same time recognize the importance of economic development and housing to meet the needs of those living and moving to the Region. The objectives taken together provide the basis for a Regional Strategy to guide development and change in the Region. The map accompanying this section titled, "Regional Niagara Strategy for Development and Conservation" (as shown on **Figure 16**), illustrates the Region's strategy and conceptually identifies Urban Areas in the Region, including Old Town in Niagara-on-the-Lake.

Commercial Areas

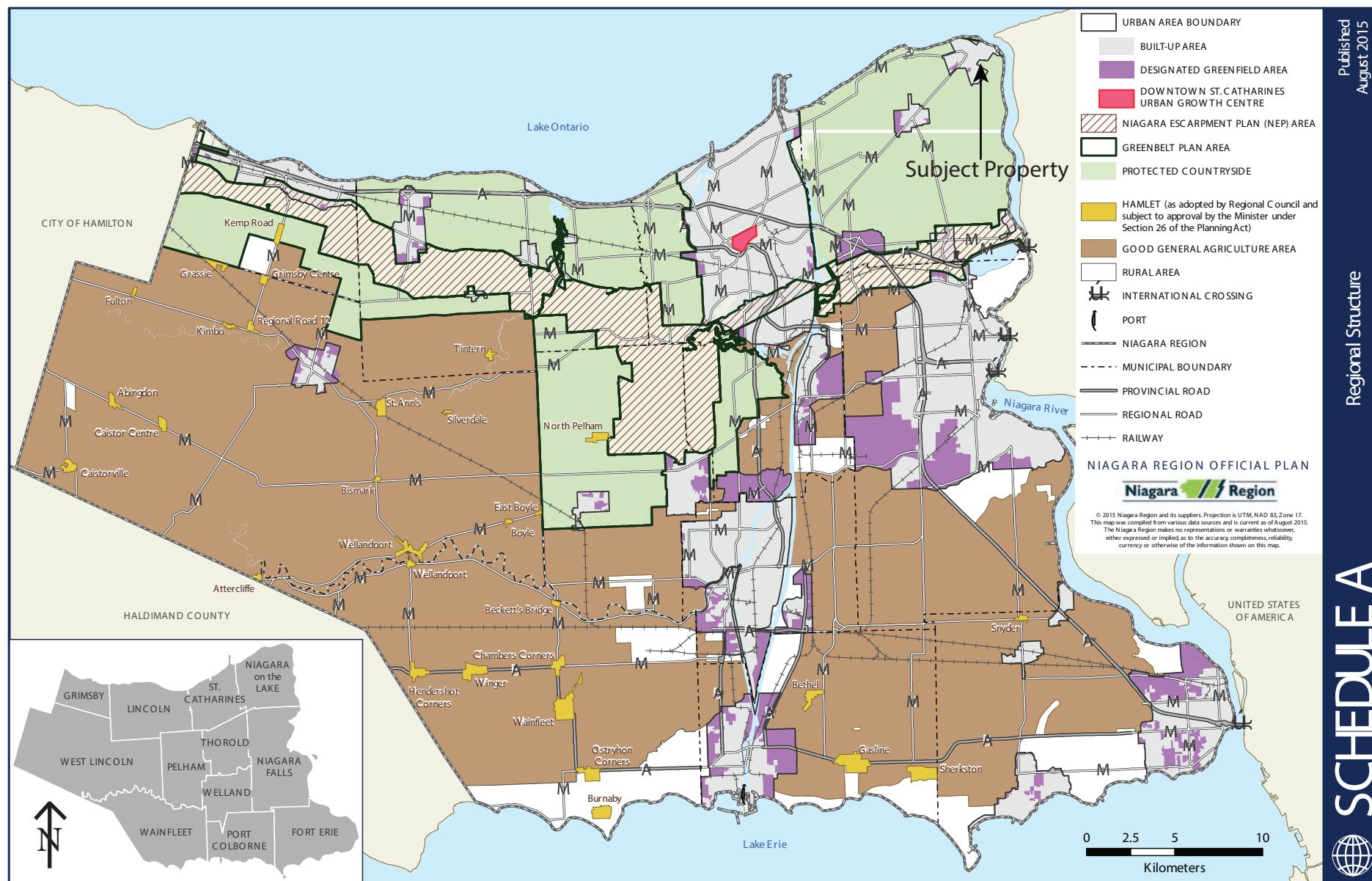
Section 3.D of the Regional Official Plan applies to commercial areas. Policy 3.D.10 states that new commercial development should be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood's existing fabric.

Conformity:

The proposed use of the land and scale of the proposed development relate well to community character and the existing fabric of neighbouring properties, which includes open space and private residences. The hotel, being located within the Old Town settlement is situated in a location that is conveniently accessible for visitors and in close vicinity to Old Town's theatre, downtown and historic sites. The proposal facilitates a use that is already permitted on the lands. The character of the east area of Old Town is one of residential and open space, with interspersed bed and breakfast establishments and hotels, such as the Pillar and Post at the corner of John and King Streets. The proposal fits into that character. The proposal intensifies the use while maintaining the open space and heritage character of the existing estate properties, with generous setbacks proposed and landscaped open space maximized.

How the hotel building fits into the landscape and character of the area is further demonstrated in the photo perspectives submitted prepared by Klokwerks in support of the revised proposal, as shown in the following

Figure 16 – Niagara Regional Policy Plan



images within **Figures 17 and 18**. **Figure 17** shows a key map of photo locations for the corresponding photo renderings in **Figure 18**. In these photos, the proposed hotel has been superimposed onto photographs taken from various points on the subject property, as well as from lands abutting the subject property.

Figures 18A and 18B show views of the subject property from notable points off site along John Street. Figure 18A shows a view from John Street, at the entrance leading to the front of the Randwood House. Figure 18B shows a view from the corner of John Street and the Niagara River Parkway, looking west towards the subject property. In both instances, the proposed hotel building has been inserted into the photo, but it is virtually unseen due to the existing mature vegetation that screens the proposed new hotel building.

Figures 18C and 18D show views of the proposed hotel from the west. Figure 18C shows a view from Charlotte Street, looking east towards the proposed hotel. Figure 18D shows a view from Weatherstone Crescent, also looking east towards the proposed hotel. In both instances, the proposed hotel building has been inserted into the photo, but it is screened by the existing mature vegetation in combination with the large setbacks of the new hotel building from the property lines. These photos demonstrate that there will be no visual impact of the hotel on these locations.

Figures 18E, 18F and 18G show views of the proposed hotel from different points on the subject property. Figure 18E shows a view from in front of the Randwood House, Figure 18F shows a view from in front of the Devonian House and Figure 18G shows a view from beside the Devonian House. In all three instances, the proposed hotel building has been inserted into the photos. As demonstrated, the revised design of the hotel incorporates articulated façades and a stepped back 6th storey to mitigate any potential impacts of massing on adjacent buildings and properties. The proposed hotel does not dominate the viewscape from within the property.

Figures 18H and 18I show a view from both the southern and northern footpaths in the Commons towards the subject property. The hotel cannot be seen from either footpath in these photographs. However, to demonstrate where the hotel would be located if there were no trees, the hotel has been superimposed over (ahead of) the trees to show the location and height of the proposed building in relation to the existing mature vegetation on the subject property. As such, these photos demonstrate that the existing mature vegetation will screen the proposed new hotel building, and that there will be no visual impact of the hotel on the Commons.

All of the photo perspectives clearly demonstrate that the proposed hotel fits into the character of the historic buildings on the subject property and

fits into and does not dominate the views from various perspectives on and off the subject property.

Figure 17 – Photo Perspectives – Key Map



Figure 18 – Photo Perspectives

18A – View from John Street



18B – View from Niagara River Parkway



18C – View from Charlotte Street



18D – View from Weatherstone Crescent



18E – View from Randwood House



18F – View from Front of Devonian House



18G – View from East Side of Devonian House



18H – View from the Commons (southern footpath)



18I – View from the Commons (northern footpath)



Growth Management

Section 4 of the *Regional Official Plan* identifies the key objectives for growth in Niagara Region, including building compact, mixed use and transit supportive communities as well as directing growth in a manner that promotes the efficient use of existing municipal sewage and water services.

The subject lands fall within the built-up area of the Old Town Urban Area. Policy 4.G.7.2 states that Urban Areas are to be the focus of the Region's long term growth and development, and policy 4.G.8.1 states that built-up areas will be the focus of residential and employment intensification and redevelopment over the long term.

Conformity:

The subject lands are within the built-up area of Old Town, and therefore the proposal is in conformity with policies 4.G.7.2 and 4.G.8.1 of the Regional Official Plan by providing for employment intensification on the site.

Natural Environment

Natural Environment policies are contained in Section 7 of the Regional Official Plan. Policy 7.A emphasizes the promotion of healthy landscapes. This section

states that development should maintain, enhance or restore ecosystem health and integrity. Natural vegetation, wildlife and water resources should be improved and enhanced. The policies state that where natural features are affected by a proposed development, mitigation measures are required.

Conformity:

The placement and orientation of the proposed hotel and conference building minimizes the impact on natural heritage features. The new structures are located on a mostly flat part of the property where there is minimal existing vegetation. Furthermore, by intensifying the development from what is currently permitted on the property (a low-rise, sprawling development) to a more compact, 6-storey hotel with articulated and stepped massing, there will be more open space and in turn less impact on the environment. There are water crossings on the subject land, which require wider crossing structures. However, based on the Aquatic Feature Characterization and Assessment of Potential Impacts report, no permanent impacts on the channel bed or banks are anticipated. Also, with appropriate mitigation, no negative impacts on downstream fish and fish habitat from erosion and sedimentation are anticipated to occur.

Infrastructure

Section 8 of the Regional Official Plan contains regional infrastructure policies. These policies require municipalities to optimize the use of existing infrastructure and provide necessary public utilities in accordance with the servicing needs of existing and future development.

Conformity:

Based on the Functional Servicing Report prepared by Quartek in support of the proposed development, the proposed development can utilize the existing infrastructure servicing the property. As such, the proposed development optimizes the use of existing infrastructure and is conformity to the Region's infrastructure policies.

3.5 TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN

3.5.1 Policy Overview

As discussed in Section 2.2 of this report, the subject lands are designated as General Commercial and Open Space, subject to site specific policies implemented through OPA 51, and included within the Town's consolidated Official Plan in Section 10.3.6. However, the Official Plan also contains many other relevant policies that are addressed in this section of the report.

Character

The OP contains a number of policies to guide the location, type and form of development within the Town. Section 6 of the OP contains general development policies applicable to various types of development on a town-wide basis. According to Section 6.4, the “low-rise character should be maintained”. This policy applies across the Town and not just in the Old Town.

Conformity:

In our opinion, the Town’s “low-rise character” will be maintained through this proposal. The hotel is proposed to be 6-storeys in height in the centre of the building, stepping down to 5 storeys, 3 storeys and one storey. Although a portion of the hotel will be representative of the tallest structure in Old Town, when compared to the in-force Zoning By-law, which permits an overall maximum height of 17.35 metres across the subject property, the revised building design mitigates the impact of height through large setbacks from the property lines, articulated façades and staggered building height.

As noted, the size of the property and the setbacks of the hotel from the property lines, mitigate the proposed height. The hotel is proposed to be situated in the centre of the subject property, with setbacks of approximately 52 metres and 60 metres from the west and east property lines respectively. The building is proposed to be located on a portion of the property with minimal mature vegetation, surrounded by mature vegetation that will act as a visual buffer to neighbouring properties. This point is discussed in greater detail in the Planning Impact Analysis sub-section within this section of the report.

As indicated in the Shadow Study prepared by Quartek Group, described earlier in this report, the proposed hotel building will not generate any adverse impacts on the surrounding residential properties. While the proposed building may be taller than other buildings in the immediate area, the context in which the building will be situated (generous setbacks and vegetated buffers) will mitigate the impacts of the additional height.

As described previously, the effect of setbacks and mature landscaping on the site is demonstrated in the photo perspectives submitted in support of the revised proposal, as shown in **Figures 17 and 18**. The photo perspectives clearly demonstrate that the proposed hotel is compatible in terms of massing and height in relation to other buildings on the subject property, as well as neighbouring buildings on adjacent lands. The photos show that in many cases, in full foliage, the proposed hotel will be screened by the existing mature vegetation on the property and will not dominate the skyline or even be visible from surrounding public spaces.

Parking and Loading

Section 6.21 contains policies pertaining to parking and loading facilities stating that access points to parking areas and loading areas shall be limited in number and designed in a manner which will minimize the danger to pedestrian and vehicular traffic and be compatible with abutting properties.

Conformity:

With the exception of the existing parking area located adjacent to John Street, and the existing paved parking area beside the Randwood House, access to underground parking and at-grade loading areas is located along the west side of the proposed new hotel building. The eastern side of the ramp to the underground parking (prior to sloping down into the garage) is a dedicated “receiving lay-by area” where loading and unloading will take place. This location represents the only access point to the underground parking area and loading area, minimizing conflict between pedestrians and vehicles and is well screened from adjacent residential areas, located at a distance of approximately 45 metres from the western property line at its closest point and also screened by the coach house.

Commercial Policies

Section 10 of the OP contains the commercial policies of the OP, including the policies specific to the General Commercial designation. Policy 10.3.1(3) addresses large tourist-serving commercial establishments and notes that these sites have been designated General Commercial even though they do not form part of a contiguous commercial area. According to the policy, these tourist-serving commercial sites within the General Commercial designation can be zoned to allow hotels, restaurants and a small component of retail sales associated with a hotel. The policy also states that it is not intended that these uses form “nodes” for expanded activity within the General Commercial designation.

Conformity:

The proposed uses for the property are permitted in accordance with the General Commercial designation and the current zoning.

Section 10.3.6 includes additional site-specific policies under the General Commercial designation that apply specifically to the Randwood Estate. It specifies specific permitted uses on the property including hotel, spa, arts and learning centre, conference centre and restaurant as well as accessory buildings and structures.

Conformity:

The uses in the proposed zoning by-law amendment for the property are in direct conformity with the list of permitted uses in Section 10.3.6.

Section 10.3.6 also lists specific criteria that are to be addressed at the site plan stage, and the following provides an assessment of how each criterion is being addressed:

Conformity:

- the property must be designated under Part IV of the Ontario Heritage Act at the site plan approval stage;

The owner of the subject property will take the required steps necessary and work with the Town to designate the property under Part IV of the Ontario Heritage Act prior to final site plan approval.

- The final design and plans of any additions or new buildings shall be subject to approval by the Municipal Heritage Committee;

The owner of the subject property is committed to working with the Town and Municipal Heritage Committee on the finalization of plans.

- Sufficient landscaping, buffers and setbacks must be provided to minimize impact on abutting residential uses;

As noted throughout this report, appropriate setbacks, landscaping and buffers have been incorporated into the design to minimize impact on abutting residential uses. The proposed setbacks are considerably greater than the minimum setbacks permitted in the previously approved zoning. The extensive landscaping on the site will be maintained except for dead or dying trees and augmented with further landscaping as demonstrated in the landscaping plan. The hotel has been located on the site to minimize the loss of existing trees with only 30 trees required to be removed to accommodate the hotel and underground parking, including 5 trees that have to be removed in any event, because they are dead or dying. In addition, 9 trees need to be removed due to conflicts with roads.

- Any terraces or balconies above the second storey cannot be oriented towards abutting properties;

There are no terraces or balconies above the second storey that are oriented towards adjacent residential uses.

- Access to parking areas must be designed in a such a way to avoid any impact of vehicular lights on abutting residential properties;

Access to the proposed underground parking area is situated in the centre of the property approximately 34 metres further away from the abutting residential properties and is oriented north-south, which avoids vehicular lights impacting abutting residential properties.

- Lighting of parking lots, driveways, walkways or other outdoor areas must not create adverse impacts on abutting properties;

The proposal does not add any additional surface parking areas to the property. All additional parking is proposed to be accommodated underground. Further, the proposal largely maintains the existing network of driveways and walkways on the property. These surface areas are proposed to be lit to promote vehicular and pedestrian safety. However, the existing tree canopy on the property will provide for buffering of any potential impacts on adjacent properties.

- Adequate building separation from adjacent residential uses must be maintained;

As noted throughout this report, substantial building separation has been incorporated into the design to minimize impact on abutting residential uses. The proposal significantly increases the building separation to adjacent residential uses from what is currently permitted in the zoning by-law.

- A tree preservation plan must be submitted; and

A tree presentation plan prepared by Bill Buchanan of HBSc Forestry has been submitted in support of the proposal.

- The boxwood hedge within the buffer area adjacent to the western property line must be maintained and protected.

The proposed development has been designed in a manner that the boxwood hedge along the western property line is maintained and protected. New development is focused in the centre of the property, in an area that currently has less mature vegetation than other portions of the property. As stated in the Heritage Impact Assessment, the boxwood hedge will be retained and, if necessary, will be carefully moved a short distance to ensure its survival when the underground parking garage is constructed.

Site-Specific Open Space Policies

Within the Open Space designation, Section 15.3.2, as implemented through OPA 51, contains site specific policies applying to the subject property, including a list of permitted uses.

Conformity:

The proposal conforms to the permitted use policies of 15.3.2 which applies to the Open Space designation on the subject property. The existing and proposed uses within the Open Space designation including pedestrian and carriage pathways, existing accessory buildings and structures, stormwater management facilities, parking lots and walls along John and Charlotte Streets are all permitted uses.

Section 15.3.2 of the Official Plan also includes additional policies specific to the Open Space designation. This section lists specific criteria that are to be addressed at the site plan stage and provides an assessment of how each criteria is being addressed:

Conformity:

- Access to parking areas must be designed in such a way to avoid any impact of vehicular lights on abutting residential properties;

As noted above, access to the proposed underground parking area is situated in the centre of the property and oriented north-south thereby avoiding any potential conflict between vehicular lights and neighbouring residential properties.

- Lighting of parking lots, driveways, walkways or other outdoor areas must not create adverse impacts on abutting properties; and

Also noted above, driveways and walkways on the subject lands are proposed to be lit appropriately without impact on neighbouring properties, and are buffered by existing vegetation creating a buffer to adjacent residential properties.

- A tree preservation plan must be submitted.

A tree presentation plan prepared by John A. Morley and Associates has been submitted in support of the proposal. The only trees to be removed in the Open Space designation are those that are in poor health or are required for a widened driveway.

Heritage Conservation

Section 18 of the Official Plan contains policies on heritage conservation. These policies are addressed in detail in the Heritage Impact Assessment report prepared in support of the initial proposal. These policies generally address and encourage the preservation of buildings and sites having historical and/or architectural values and require the preparation of heritage and archaeological studies when applications for development are submitted and reviewed.

Conformity:

The required Heritage Impact Assessment and archaeological clearance letter from the Ministry have been prepared and submitted in support of the proposal. As noted above, a Stage 3 Archaeological Assessment is required, however the Ministry has advised that this assessment can be a condition of site plan approval. According to the Heritage Impact Assessment, the proposed development is sensitive to the significant heritage resources on the property and adjacent properties. The assessment describes the proposal in the context of the cultural heritage landscape and buildings on the property and neighbouring properties. The assessment concludes that the hotel building has been situated and designed in such a way to fit in with and complement the existing building styles and the surrounding context of adjacent properties. The Heritage Impact Statement recommends mitigation and conservation measures to be carried out through the planning and construction process. As such, the proposal conforms to the policies of Section 18 of the Town's Official Plan.

Growth Management Policies

Amendment No. 43 to the Town of Niagara-on-the-Lake Official Plan, adopted by Town Council in July 2010 and later approved by the Region, adds a new section to the Town's consolidated Official Plan: Section 6A – Growth Management Policies. This Amendment is in effect. Section 6A of the OP provides population projections and allocations, identifies growth areas, built-up areas, intensification areas, designated greenfield areas and provides a full range of other growth management policies to bring the OP into conformity with the *Growth Plan (2013)* and *Regional Policy Plan Amendment 2-2009*. Schedule I-1 of the OP shows the subject lands within the built-up area of Old Town.

Section 3.2 of Section 6A contains the Town's growth management objectives. Some of the more notable objectives pertaining to the subject proposal include the following:

- to accommodate all future urban growth within the urban boundary;
- direct a minimum of 15% of the Town's future residential development to built-up areas in Virgil and Old Town;
- direct appropriate intensification to "Designated Intensification Areas"; and

- develop compact, complete communities that include a diverse mix of land uses and range of housing types.

Recognizing that the built-up area is stable but not static, sub-section 4.6 of Section 6A contains policies on land use compatibility applying to new development within the built-up areas of the Town. The policies relating to the subject proposal state that intensification should fulfill specific criteria addressed below.

Conformity

The following provides an assessment of each of these criteria:

- be consistent with existing and planned built form and heritage of the property and surrounding area;

The proposal maintains and preserves the built and cultural heritage attributes of the property, as demonstrated in the Planning Impact Analysis section of this report.

- be consistent with existing and planned height and massing of neighbouring buildings, and ensure an effective transition in built form to act as a buffer between existing uses and the proposed use;

As stated throughout this report, although the proposed hotel building is taller than surrounding buildings, it is situated in the middle of the site with substantial setbacks to adjacent housing. The setbacks, in combination with the existing mature landscaping, provides a transition in height from surrounding lower-scale buildings. In terms of massing, the proposed hotel is concentrated centrally on the property. From a floor area perspective, the new proposal contains approximately the same gross floor area that was previously proposed without sprawling across the site. The previous proposal, as currently reflected in the approved zoning by-law, would result in less open space area, reduced tree canopy and smaller setbacks to adjacent residences.

Further, the revised design of the hotel incorporates articulated façades and a stepped back 6th storey to further mitigate any potential impacts of massing on adjacent buildings and properties, as well as complementing the architectural styles of the surroundings.

- be consistent with the existing natural heritage areas of the site and surroundings

The proposal preserves and protects the existing landscape on the property, as well as intermittent streams on the property. No changes

to the applicable zoning for the Open Space portion of the property are proposed. As well, the proposed development is located outside of the “Environmental Conservation Zone Overlay”.

- be compatible with the established character of the area, including lot frontages, setbacks, parking and privacy, among others.

The proposed development will be accommodated on the subject lands with no change to the configuration of the existing lot pattern and frontages. The setbacks to the proposed hotel are considerably greater than permitted under the existing zoning or as found in the surrounding residential neighbourhood. There is no change to surface parking and all additional parking will be located underground. Due to the size of the site and the large setbacks to property lines, privacy will be maintained.

Sub-section 4.6 of Section 6A also states that a Minimum Distance Separation (MDS) study may be required where applicable as it relates to an application for development within the built-up area. The Town has requested that a review of the existing small barn on the adjacent property be completed and that an MDS calculation be applied.

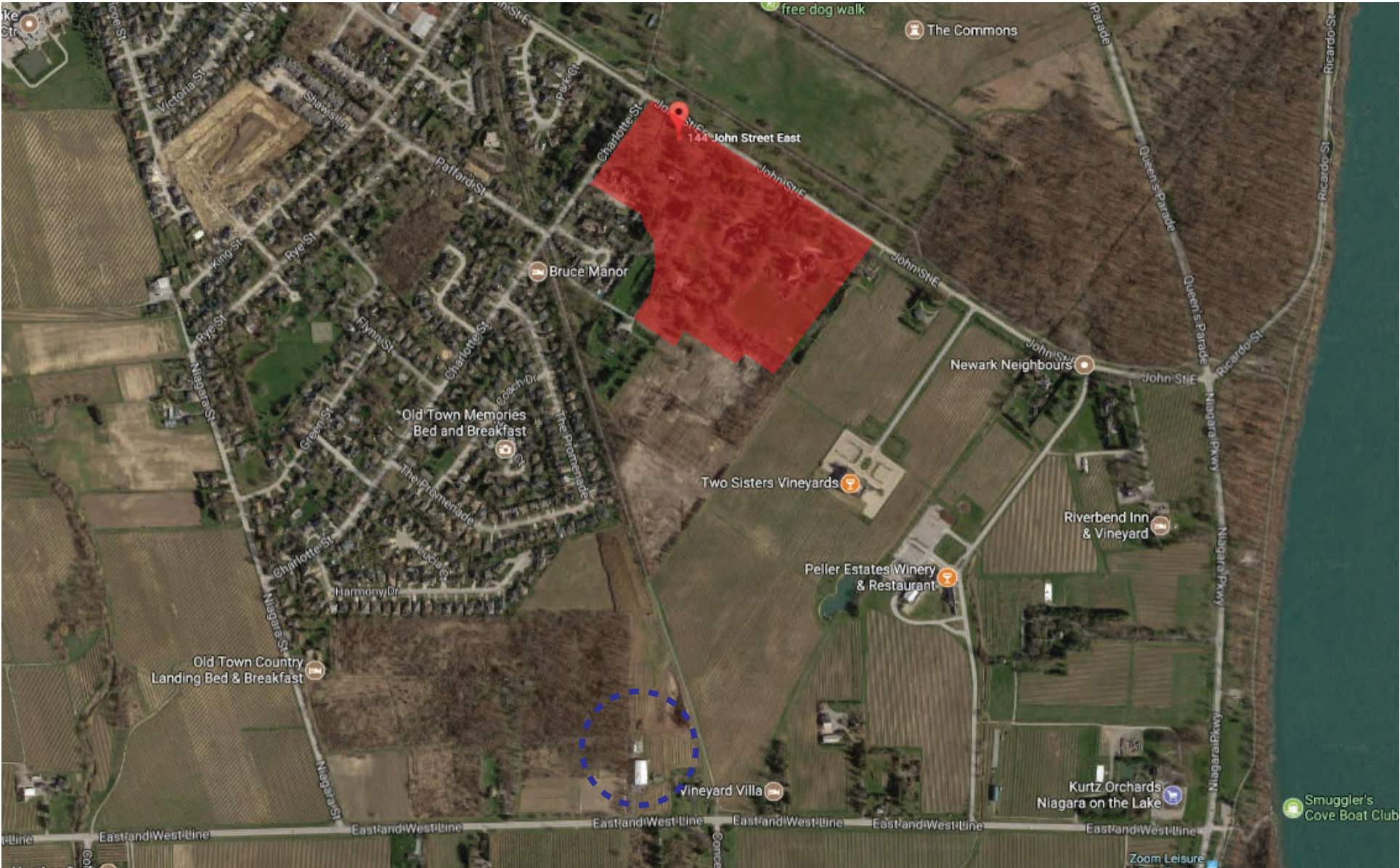
Conformity:

The location of the barn in question is shown on **Figure 19**. Although located on a neighbouring property, the same owner who owns the subject lands owns the barn. According to information obtained from the owner, the barn contains 60 chickens, 50 rabbits, 7 goats and 6 sheep. According to the MDS calculator on the website of the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA), the minimum required distance of the proposed development from the livestock barn is 86 metres (281 feet), as shown on **Figure 19**, which is substantially less than the distance between the hotel and the barn. As such, the proposed development complies with OMAFRA’s MDS regulations.

Planning Impact Analysis

There is a requirement in the Official Plan for a “Planning Impact Analysis” to be completed for all applications for Official Plan and/or Zoning By-law Amendments. The Official Plan sets out specific criteria for the Planning Impact Analysis, and the following provides an assessment of each of these criteria:

Figure 19 – Minimum Distance Separation Map



Subject Property



Minimum Distance Separation

Conformity:

a) Compatibility of the proposed use with surrounding land uses:

The Town's Official Plan and Zoning By-law currently permit the proposed use. The use is compatible with surrounding residential uses, as well as nearby hotel and bed and breakfast establishments. The use, in its proposed built form, provides a better transition to surrounding uses than if it were constructed in the form as is currently contemplated in the Zoning By-law. Currently, the zoning by-law allows for a sprawling, hotel building up to 17.35 metres in height that brings structures much closer to the bounding property lines. The proposed design concentrates new development in the middle of the site, and minimizes disturbance to existing mature vegetation around the property. In turn, this design better maintains the open space character that exists today on the property, and is prevalent in the immediate surroundings. A comparison of the approved zoning for the site to the proposed development is shown on **Figure 20** of this report. The new proposal proposes a total lot coverage of 8.67% of the lot area, whereas the approved zoning for the subject lands permits a maximum lot coverage of 12%.

b) The impact of height, location and spacing of the building on surrounding land uses:

As noted throughout this report, the proposed hotel building is located in the middle of the subject lands with substantial separation distances to buildings on neighbouring properties and screened by mature vegetation. Even during the winter months, the proposed hotel will be screened by vegetation, and the increased setbacks to the property lines will mitigate the impact of reduced foliage on trees. The impact of the proposed building height is therefore mitigated by these locational and landscape attributes of the proposal.

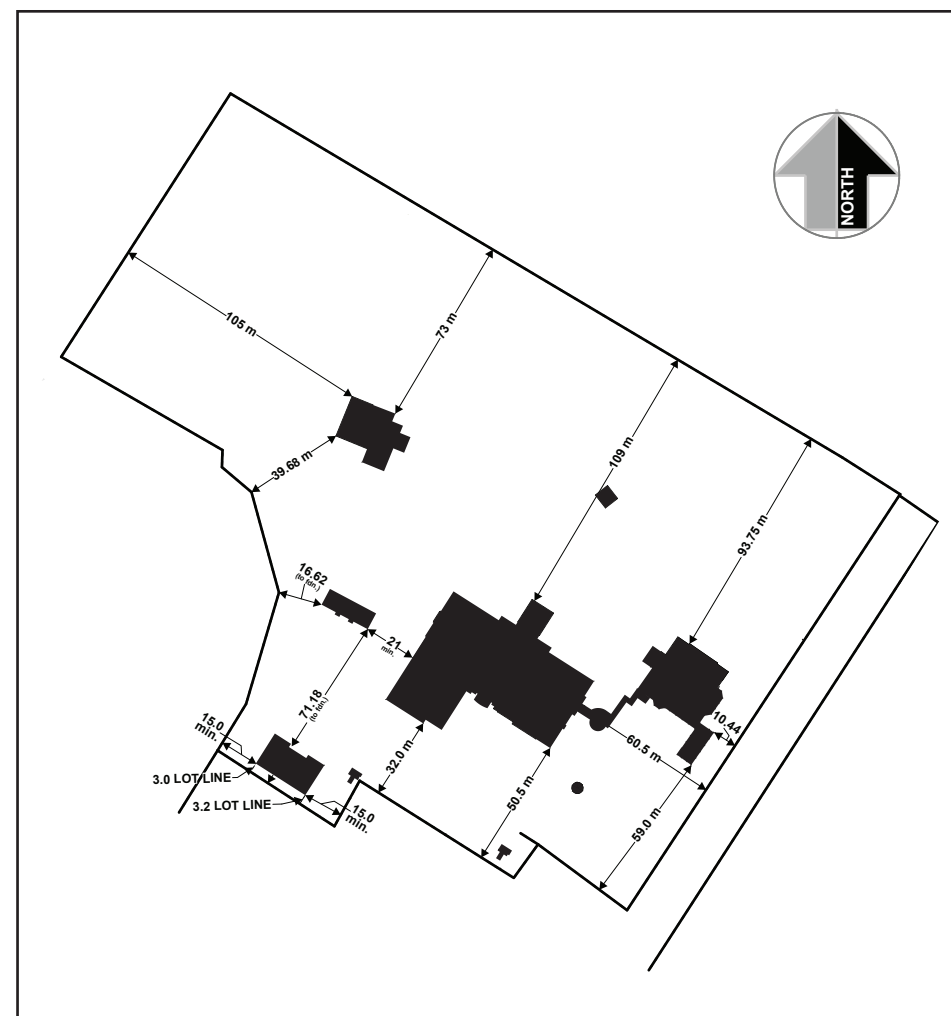
As described previously in this report, the impact of the building on neighbouring properties including the Commons is demonstrated in the photo perspectives submitted in support of the revised proposal, as shown in **Figure 18**. The photo perspectives clearly demonstrate that the proposed hotel is compatible in terms of massing and height in relation to other buildings on the subject property, as well as neighbouring buildings on adjacent lands. The photos show that, the proposed hotel will be screened by the existing mature vegetation on the property when in full foliage.

According to the Shadow Study submitted in support of the proposal, there are very minimal shadows falling upon neighbouring properties

Figure 20 – Comparison of Approved vs. Proposed Hotel Development



Old Site Plan



New Site Plan

and only for a few days around the winter solstice. This is discussed in greater detail in section 2.4.5 of this report.

c) Preserving existing vegetation:

A Tree Assessment Survey & Preservation Plan was submitted in support of the proposal, as described in greater detail in section 2.4.6 of this report. The assessment reviewed a total of 418 trees located in the vicinity of the proposed hotel building, and recommended the preservation or removal of the trees based on the location and health of the tree. The report concludes that only those trees that are undesirable, unsafe and absolutely necessary to facilitate the construction of the hotel building will be removed, and mitigation measures are proposed to protect all other vegetation on the property during the eventual construction of the building. In fact, only 30 trees are proposed to be removed due to the construction of proposed hotel building and associated underground parking structure (including 5 trees that are proposed for removal because they are dead or dying). In addition, 9 trees need to be removed due to conflicts with roads. While additional trees are proposed to be removed in the vicinity of the proposed hotel building and associated underground parking structure, these trees are proposed for removal due to their poor health condition. The proposed site plan is an improvement on the previously proposed site plan as contemplated by the approved zoning on the property. The new proposal concentrates new development to one area of the site, rather than in multiple new buildings closer to the perimeter of the subject lands. This results in a reduction in disturbance to existing vegetation, and in turn, results in greater vegetation on the property. While a tree preservation plan for the previously proposed site plan was not available, the building footprints, as per the approved zoning for the subject lands, were overlaid onto the tree assessment survey. In our review of the overlay, the previously proposed site plan would have resulted in the loss of at least approximately 70 trees in the vicinity of the new buildings previously proposed, and therefore affecting many more trees than the subject proposal.

d) Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services:

This criterion is not applicable.

- e) *The physical suitability of the land for such proposed use and any anticipated environmental effects:*

The lands are suitable for the proposed development and are already designated and zoned to permit the use. The proposed hotel building will be located on a portion of the property that contains minimal mature vegetation, reducing to the greatest extent possible disturbance to existing vegetation. It is also important to note that there are no buildings or encroachments proposed on the Open Space designated portion of the subject property. The proposed development is also not anticipated to generate any negative environmental effects, as described in the Aquatic Feature Characterization and Assessment of Potential Impacts report submitted in support of the proposed development.

- f) *The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use:*

The size and shape of the subject lands is well suited to accommodate the proposed hotel building. The property, at approximately 5.4 hectares, is quite large and can accommodate the proposed hotel building while maintaining generous setbacks to adjacent properties, as illustrated on **Figure 12** of this report. The proposed built form maintains the sense of open space on an historic estate lot. In comparison to the previous approval, it reduces the building coverage, maximizes the amount of existing vegetation acting as a buffer to existing uses, and maximizes setbacks to neighbouring properties.

- g) *The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would impact in this regard:*

A fiscal impact study has not been undertaken, nor was it requested in the pre-submission consultation meeting. However, the proposal is anticipated to positively impact the financial position of the municipality as the proposal will make use of existing infrastructure and services. As noted in section 2.4.10 of this report, Altus Group has prepared a memorandum outlining the economic benefits that the proposed development would generate. According to the memorandum, the proposed development would generate development charge revenues, as well as a number of on-going benefits, including property tax revenues, permanent employment and tourism benefits for the local economy and the broader Niagara Region. It is anticipated that this development will contribute positively to the Town's and Region's economy with little pressure on infrastructure or community facilities.

h) The adequacy of the existing roadway system to accommodate the proposed use:

As demonstrated in the Traffic Impact Study submitted in support of the proposal, the proposed development will result in most unsignalized intersections within the study area operating at good overall levels of service. No improvements are required to the existing roadway system to accommodate the proposed development, with the exception of improvements to the John Street East and Queen's Parade/Niagara Parkway intersection where a roundabout is warranted even without the proposed development.

i) The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency:

Section 3 of this report discusses the proposal's conformity to all relevant policy documents applying to the subject lands and proposal. The subject lands are not subject to the jurisdiction of the Niagara Escarpment Commission or the Niagara Parks Commission. Although they are within the jurisdiction of the Niagara Peninsula Conservation Authority, the proposed development is not located within a regulated area. The Niagara Parks Commission provided comments that the proposed development is not anticipated to negatively impact Niagara Parks Commission lands, including the Commons located on the north side of John Street.

j) The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan:

As addressed previously in this report, Quartek Group Inc. has prepared a functional servicing report (FSR) for the subject lands. The study demonstrates that the existing water supply system, sanitary sewage system, and utility servicing systems can appropriately service the proposed development. Stormwater is proposed to be managed through an on-site facility to mitigate potential impacts on downstream water quantity and quality.

k) The location and adequacy of lighting, screening, and parking areas:

As noted earlier in this report, access to the proposed underground parking area is situated in the centre of the property, avoiding any potential conflict between vehicular lights and neighbouring residential

properties. It is important to note that the driveways depicted on the proposed site plan are predominantly existing driveways. Proposed improvements are not significantly different than those contemplated by the previously approved zoning. Driveways and walkways on the subject lands are proposed to be lit appropriately without impact on neighbouring properties, and are buffered by existing vegetation creating a buffer to adjacent residential properties.

l) Provisions for landscaping and fencing:

The site is already extensively landscaped. The proposed landscaping will improve upon the existing landscape features present on the subject lands, and will respect the intent of the original landscape plan for the estate. The existing stone wall fence along the north and west property lines will be maintained as a prominent character-defining feature of the property.

m) The location of outside storage, garbage and loading facilities:

There are no outside storage or garbage facilities proposed. A loading area, as previously addressed in the report, is proposed for the west side of the hotel building, adjacent to the parking ramp leading to the underground parking garage.

n) The need and desirability of the use:

The use is already permitted in the Town's Official Plan and zoning by-law.

o) The effect on the agricultural land base:

As the lands are within the Urban Area boundary of Old Town, the subject proposal does not affect the Town's agricultural land base.

p) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources:

Cultural heritage and archaeology have been appropriately addressed as demonstrated in the Ministry's clearance letter, as well as the Heritage Impact Assessment prepared in support of the proposal. With respect to archaeology, a Stage 3 Archaeological Assessment is required, however the Ministry has advised that this assessment can be a condition of site plan approval. With respect to heritage resources, it is important to note that the current proposal for the subject lands allows the estate lot to be maintained in its entirety. Historic buildings are

maintained in situ and the cultural heritage landscape is being preserved. The alternative proposed development of this site, reflected in the approved zoning for the lands, would not have maintained the cultural heritage landscape elements as well as this proposal does.

In addition, the proposed development is not anticipated to generate any negative environmental effects, as described in the Aquatic Feature Characterization and Assessment of Potential Impacts report also submitted in support of the proposal.

- q) *The availability of alternative sites where the application proposes an amendment to the Official Plan to change a land use designation or expand an urban boundary:*

This criterion is not applicable.

- r) *Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.*

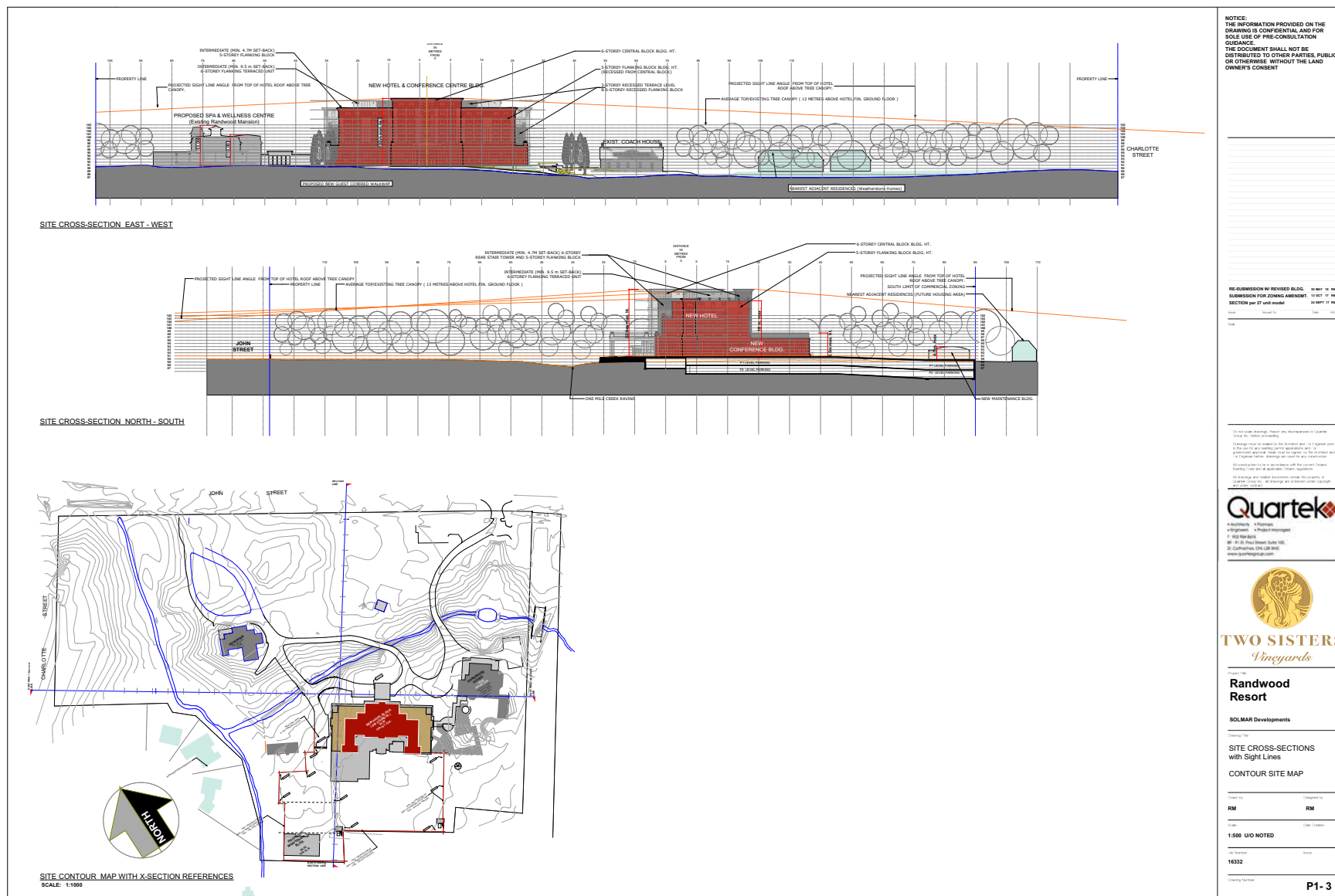
As described throughout this section, the subject proposal will have minimal impact on surrounding uses.

Significant setbacks are proposed from the proposed hotel building to adjacent property lines, at 60 metres to the east, 52 metres to the west, 109 metres to the north and 32 metres to the south. The impact of the height of a structure is greatly reduced when sufficient setbacks exist to mitigate the impact of that height on adjacent properties and uses.

In support of the proposal, Quartek has prepared a plan titled “Site Cross Sections with Sight Lines” to demonstrate the impact of the proposed view of the hotel building on the John Street streetscape and on adjacent properties. **Figure 21** shows the proposed hotel building in relation to existing adjacent buildings and properties:

- The east-west cross section shows the projected sight line angle from the top of the hotel roof, extending above the tree canopy both east and west of the building. This cross section shows that the existing tree canopy on the subject property as well as on neighbouring adjacent properties to the east and west functions as a visual barrier from those adjacent properties looking towards the hotel.
- Similarly, the north-south cross section shows the projected sight line angle from the top of the hotel roof to the adjacent properties to the north and south. This cross section shows that the sight

Figure 21 – Site Cross Sections with Sight Lines



line to the top of the hotel will be largely entirely blocked by existing mature vegetation, both from the view from John Street as well as the adjacent property to the south.

- This is illustrated further in the photo perspectives shown in **Figure 18**, where the proposed hotel has been superimposed onto photographs. The renderings clearly demonstrate that the proposed hotel will barely be visible from locations off site.

As such, the visual impact of the height of the proposed hotel is mitigated by the significant building setbacks of the hotel, as well as the existing mature tree canopy screening the building. Further, as discussed previously in this report, the proposed building is not anticipated to generate any adverse impacts caused by shadowing on adjacent properties. Therefore, the proposed stepped six-storey hotel building will fit in to the surrounding context, and not generated any adverse impacts on surrounding land uses or to adjacent streetscapes.

4 CONCLUSION

The proposed development and associated Zoning By-law Amendment and application for Site Plan Control present an opportunity for the Randwood Estate to be brought back to life. The proposal introduces a hotel and conference centre development within Old Town in a way that pays homage to the unique historical and environmental elements of the property, all the while respecting and reinforcing the open space character that defines this part of Old Town.

The proposed zoning by-law amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Greenbelt Plan (2016), Growth Plan for the Greater Golden Horseshoe (2017) and Niagara Regional Official Plan. The zoning by-law amendment also conforms to and implements the in-force and effect policies of the Town's Official Plan that apply to the subject lands.

The layout of the proposed site plan has been designed with particular attention to the relationship of the proposed hotel use with the existing cultural and built heritage features on the property, the extensive mature vegetation, and the compatibility of the proposed hotel with neighbouring properties. The proposed six-storey hotel building has been situated and massed to maximize separation distance from nearby residential properties and compatibility with the existing buildings on the property and on neighbouring properties. The site location of the hotel also allows for buffering of the proposed building from neighbouring properties with the existing mature vegetation on the property.

The studies submitted in support of this proposal further substantiate the appropriateness of the proposed development. Matters relating to infrastructure, transportation, heritage, archaeology, tree preservation, the environment and economics have been appropriately addressed and incorporated into the proposed design.

APPENDIX “A”

List Summarizing Public Comments and Responses

Responses to Public Questions/Concerns

The following represents a summary of questions and concerns raised by the public with respect to the first submission of the Randwood development proposal. Questions and comments raised by the public have been categorized and represented as underlined text, with a response to each question/comment provided below.

Opposed to the project

It is important to recognize that the zoning by-law currently permits a hotel development on the subject property. In our opinion, the proposed development represents an improvement of the existing approved development. The proposal will better fit in with the neighbourhood with greater setbacks and reduced shadowing, a smaller number of trees to be removed and recognizes and maintains the important elements of historical value on the property, and reduces the impact on the environment.

The developer should stick with the previous approvals

In our opinion, the proposal represents an improvement from the previously approved development, and better maintains the character of the property and surrounding neighbourhood. Compared to the previous proposal for the lands (as approved by the Town), the current proposal reduces the amount of the property covered by above ground structures, the overall massing of proposed buildings is reduced, and the proposal preserves a greater amount of existing mature vegetation on the property.

The revised submission reduces the overall massing of the proposed hotel building. While still 6 storeys in height, the 6th storey has been stepped back from the edges of the building. The mass of the building has also been articulated, which has the effect of minimizing the visual impacts on surrounding properties.

Project will not fit in with the neighbourhood

In our opinion, the proposal fits in with the character of the neighbourhood, and respects the historical value of the property. The proposed new hotel building has been situated in the centre of the property and provides for large setbacks to adjacent properties. A sun/shadow study has been prepared and demonstrates that the massing of the proposed structure will have no adverse impacts on neighbouring properties. Further, as confirmed by the Niagara Parks Commission, the proposal is not anticipated to have any adverse impacts on the Butler's Barracks property on the north side of John Street in terms of views towards the development.

Parks Canada has also commented that the size and location of the proposed development will pose little threat to the heritage integrity of the Butler's Barracks or Fort George National Historic Sites, with a note that architectural features higher than the forested horizon are not desirable.

A series of renderings have been prepared that show photos of the subject lands, with the proposed hotel superimposed onto them. These renderings show that the proposed

development will be substantially screened by existing vegetation on the subject property. And with respect to the view from the Commons, the hotel will be screened by the mature vegetation, and will not extend above the forested horizon.

The building design does not fit in with other buildings in NOTL

In terms of massing, the proposal concentrates the new development primarily within one building, and in this regard, the open space character of the property is maintained. The Town of NOTL contains an eclectic mix of architectural designs and materials, and there are no architectural control guidelines applying to the subject lands to regulate or control the architectural materials used.

In response to comments raised after the initial submission of the Two Sisters proposal, the design of the proposed hotel building has been modified:

- The 6th storey has been stepped back from the edge of the building, reducing the effect of the overall height of the building on the other buildings on the subject lands, as well as on neighbouring properties;
- The hotel has been redesigned and articulated to moderate the mass of the building;
- Additional detail has been provided with respect to the proposed landscaping on the property, particularly around the hotel building.

The approval of this project would set a bad precedent

Every development application must be evaluated and assessed on its own merits. The property and setting of the building area unique. With respect to the subject proposal, it is our opinion that the design is appropriate and represents good planning.

The new development will affect home values

We are unable to comment on how the subject proposal could affect home values.

The building is too high

In our opinion, the proposed height is appropriate and will not cause any adverse impacts on surrounding properties. The modified proposal reduces the overall massing of the building. While still 6 storeys in height, the 6th storey has been stepped back from the edges of the building. The mass of the building has also been articulated, which has the effect of minimizing the visual impacts on surrounding properties. Renderings prepared of the subject proposal show the proposed hotel building superimposed on photographs of the subject property. These renderings show that the height of the hotel can be accommodated such that there are no visual impacts on the surrounding community.

Concern about extent of underground parking

The underground parking garage will largely be accommodated in an area of the property that contains little mature vegetation, so as to minimize the impact to mature trees. Once constructed, the area above the parking garage that is not covered by the proposed hotel building is proposed to be landscaped, with a combination of hard and soft landscape features.

Concern about the use, size and location of the maintenance building

The maintenance building will hold equipment and tools necessary to maintain the property. The revised proposal has shifted the maintenance building further to the east, and away from adjacent properties to the west. The building will be buffered by vegetation so as to mitigate any adverse impacts on neighbouring properties.

The building will be seen from the street

The majority of the building will be buffered by the existing mature landscaping on the property, as the hotel is situated behind the Randwood and Devonian houses. While at certain times of the year (i.e. winter) the hotel building will be more visible from the street due to reduced vegetation cover, it is not anticipated that the proposed building will generate any adverse impacts, as confirmed by the renderings prepared showing the proposed development superimposed over photos of the subject lands.

Concern about traffic

The traffic assessment has been completed by experts in the field of traffic and transportation, and the assessment has concluded that the proposed development can be accommodated without any impact to the existing transportation network, provided that a roundabout be constructed at intersection of John Street and the Niagara River Parkway.

Concern about noise

A noise study has been prepared by HGC Engineering and has assessed potential noise from the proposed hotel's mechanical systems as well as noise from the outdoor amenity areas and associated impacts on surrounding residential uses. The report concludes that the proposed site plan is reasonable with respect to the potential transmission of noise from the proposed development to neighbouring properties. It should also be noted that the existing zoning by-law prohibits any outdoor amplified music or public address system on the property.

Concern about shadows

A sun/shadow study has been prepared and demonstrates that the massing of the proposed structure will have no adverse impacts on neighbouring properties.

Concern about the environment and environmental degradation

An Aquatic Feature Characterization and Assessment of Potential Impacts report, as well as a Tree Management Plan and Preservation report have been prepared for the subject lands in relation to the proposal. According to these reports, the proposal will not harm the environment.

What provisions have been made to ensure tree preservation?

Bill Buchanan of MBsc Forestry has prepared an updated Tree Assessment Survey and Preservation Plan. In this study, a number of trees in the vicinity of the proposed new development were botanically identified and an assessment of the health and condition of each tree was conducted. Each tree was assigned a number and a recommendation was made for the preservation or removal of each tree. A total of 418 trees were surveyed. Of these trees,

there are 30 trees that need to be removed due to the construction of the proposed hotel building and associated underground parking structure (5 of which are already dead or dying). In addition, 9 trees need to be removed due to conflicts with roads. Across the site, there are other trees that need to be removed because they are dead or dying.

Based on the survey, there are a few Species at Risk and Species of Concern on the subject property. The individual tree species at risk on the subject property have been identified by the arborist as planted nursery stock located in a residential area (i.e., manicured lawn within a park-like environment). According to Savanta, the owner's environmental consultant, given that these trees are planted nursery stock and not located in a woodland or similar type of natural or naturalized area, the subject property should not be considered "significant habitat" for these species. The owner will be working with the Ontario Ministry of Natural Resources and Forestry (MNRF) to ensure that any requirements under the Endangered Species Act, 2007, if applicable, are met. As development of the site proceeds, it is important that an eclectic collection of native and exotic trees be planted in order to maintain and improve upon the current landscape identity of Randwood Estate.

Concern about water management on site

Quartek Group has prepared a functional servicing report for the subject proposal, which addresses stormwater management. The study has examined what will happen to surface water runoff following the construction of the proposed development on the subject property and resulting increase in impervious coverage. Through the analysis conducted it has been determined that an on-site stormwater management facility will be constructed on the subject property to temporarily hold water runoff during rain events. A stormwater storage tank will be constructed to store surface water runoff prior to outletting to an oil/grit separator, where water will be treated and ultimately released to One Mile Creek at a controlled pace.

The provision of bicycle infrastructure might relieve some traffic concerns

Bicycle parking has not been identified on the site plan, however, it is the intention of the applicant to provide for outdoor bicycle parking on the subject property. The applicant is open to having further discussions with Town staff with respect to this.

Conference centre is too large

The proposed conference centre has been sized to accommodate adequately sized events on the property, as required by the applicant. The proposal accounts for an appropriate amount of parking required to accommodate the conference centre, and the building itself has been designed and massed to minimize adverse impacts to neighbouring properties, and to fit in to the context of the property and surrounding neighbourhood.

The proposal is not in keeping with historical value of the property

According to the Heritage Impact Assessment, the entire proposal, including the conference centre is appropriate and maintains the historical value of the subject property.

Concern about the existing wall surrounding the property

The proposal maintains the existing stone wall, with minor changes to the opening at one entrance to ensure appropriate access to the property.

The residents should be more involved in developing a vision for this site

Consultation is occurring with the community and the proposal has been revised to address comments heard.

Was the Urban Design Committee asked for comments?

Yes, the Urban Design Committee has reviewed the proposal and has provided comments to Town staff as well as the applicant, as is customary for planning applications.

Various concerns related to 200 Charlotte Street

There is only one proposal that has been submitted to the Town, and that is for the hotel development. There is no proposed residential development at this time on 200 Charlotte Street. Any comments with respect to the 200 Charlotte Street property are not relevant with respect to the subject proposal.

APPENDIX “B”
DRAFT ZONING BY-LAW AMENDMENT

DRAFT
THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW No. 4316-____-18

A BY-LAW TO AMEND B-LAW NO. 4316-09, AS AMENDED,
ENTITLED A BY-LAW TO REGULATE THE USE OF LANDS AND
THE ERECTION, USE, BULK, HEIGHT, LOCATION AND
SPACING OF BUILDINGS AND STRUCTURES WITHIN THE
TOWN OF NIAGARA-ON-THE-LAKE

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN
OF NIAGARA-ON-THE-LAKE ENEACTS AS FOLLOWS:**

Site Specific Exceptions

Site Specific Exception Zone 7.14.56 is hereby amended as follows:

1. The provision of Section 7.14.56.1 (a) is replaced with the following relevant provision:
 - (a) a hotel with a maximum of one hundred and forty-five (145) rooms, and uses accessory to the hotel;
2. Provision 7.14.56.1 (c) is deleted.
3. The provisions of Section 7.14.56.2 are replaced with the following relevant provisions:
 - (d) Maximum lot coverage 9%
 - (g) Maximum building height 21.95m (72ft)
 - (h) Maximum indoor seating capacity for each restaurant 250 seats
 - (i) Maximum number of rooms for the hotel 145 rooms
 - (j) Maximum ground floor area of all buildings 4,667 m²(50,237 ft²)
in the commercial zone
 - (k) Maximum floor area of the spa Limited to the Randwood House
 - (m) Devonian House: Uses accessory to the hotel use shall be permitted, including a reception area, offices and a coffee shop which may also serve alcoholic beverages.

4. Provision 7.14.56.2 (L) is deleted.
5. Section 7.14.56.4 (a) is replaced with the following provision:
 - (a) Minimum setbacks for a maintenance accessory structure shall be in accordance with Figure 17.14.56F(ii). Where additional accessory structures are proposed, the minimum setback shall be 7.5 m (24.6 ft) from all property lines.
6. Section 7.14.56.8 is deleted.
7. Figure 7.14.56F(i) is replaced with Schedule '1' of this By-law.
8. Figure 7.14.56F(ii) is replaced with Schedule '2' of this By-law.

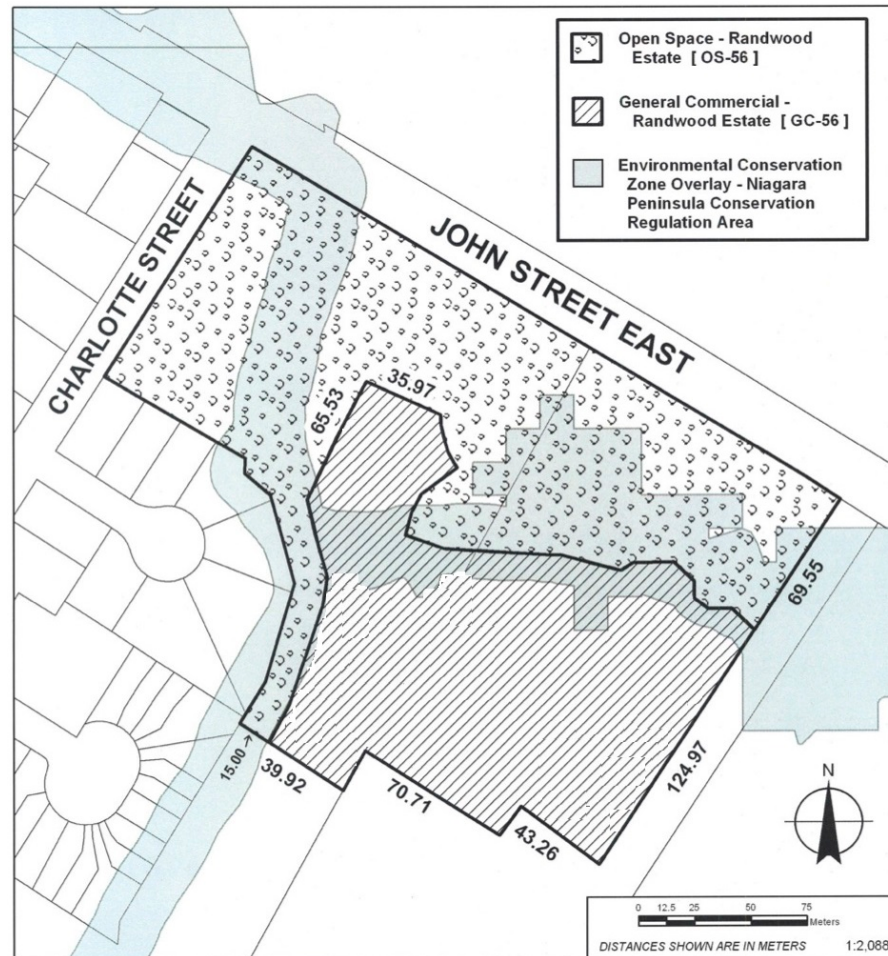
If no notice of objection is filed with the Clerk within the time provided, this By-law shall come into force and take effect on the date of passing by the Council of the Corporation of the Town of Niagara-on-the-Lake in accordance with Section 34 of the Planning Act, R.S.O. 1990.

If a notice of objection is filed with the Clerk, this By-law shall become effective on the date of passing hereof subject to receiving the approval of the Ontario Municipal Board.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF _____, 2018.

**LORD MAYOR
PAT DARTE**

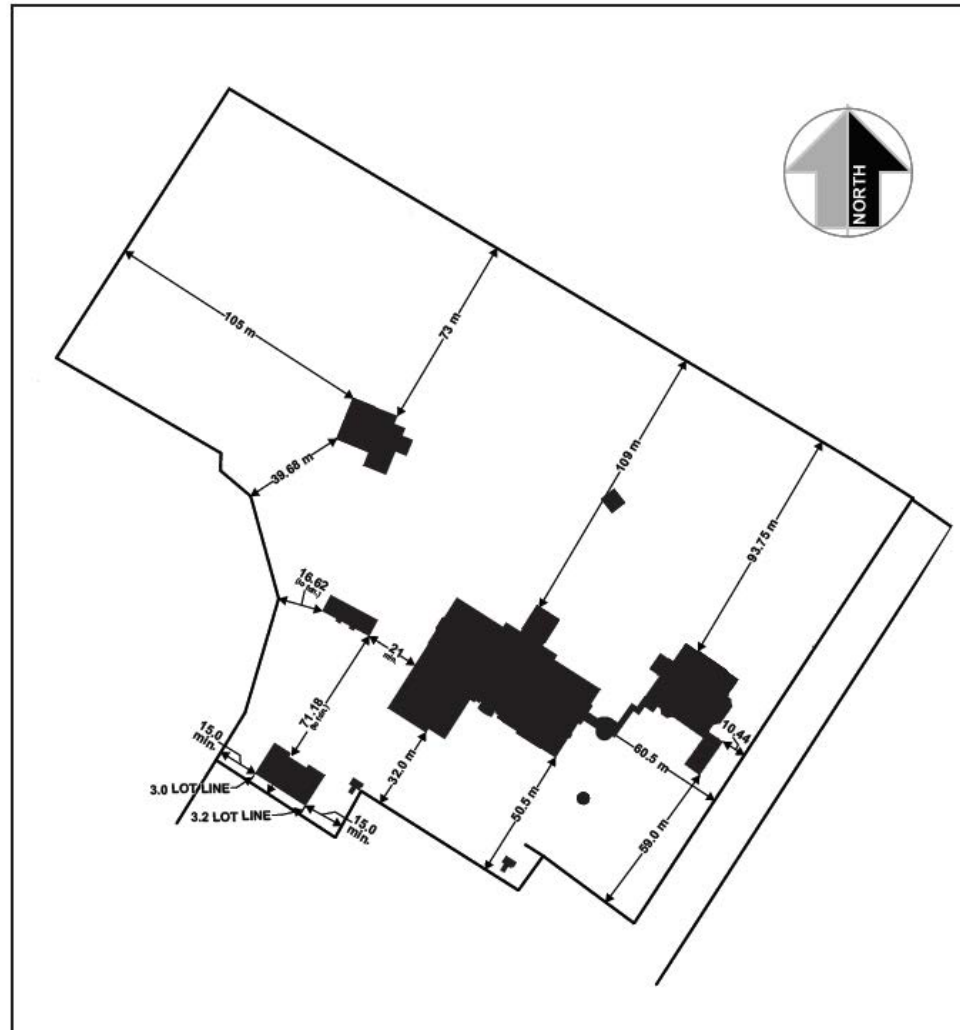
**TOWN CLERK
HOLLY DOWD**



SCHEDULE 1 ATTACHED TO BY-LAW 4316-___-18, BEING AN AMENDMENT TO FIGURE "7.14.56F(i)" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE, AS PASSED ON THIS ___ DAY OF ___, 2018.

**LORD MAYOR
PAT DARTE**

**TOWN CLERK
HOLLY DOWD**



SCHEDULE 2 ATTACHED TO BY-LAW 4316-__-18, BEING AN AMENDMENT TO FIGURE "7.14.56F(ii)" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE, AS PASSED ON THIS __ DAY OF ____, 2018.

**LORD MAYOR
PAT DARTE**

**TOWN CLERK
HOLLY DOWD**



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