



July 2, 2025

UCC File No. 24035

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
Virgil, ON L0S 1T0

Attn: John Federici – Sent via email to john.federici@notl.com

**Re: Open House & Public Comment Response Letter
222 Gate Street & Unaddressed Parcel, NOTL
Town File Nos.: OPA-02-2025 and ZBA-02-2025**

On April 28, 2025, an Open House meeting was held virtually to provide residents an overview of the proposed development at the above noted properties, and receive residents feedback on the development proposal. Subsequently, a Public Meeting was held at the Committee of the Whole meeting on June 3, 2025. Several comments and questions regarding the development were brought forward at the meetings. The purpose of this letter is to provide a written response to address residents concerns and answer their questions.

Please see our response to the comments and questions raised at the Open House and Pubic Meeting in the subsequent pages below.

If you have any questions or require any further information, please contact me at your convenience.

Thank you,

Eric J. Beauregard, MA
Planning Coordinator
Upper Canada Consultants

cc: David Jones, Owner
William Heikoop, Upper Canada Consultants
Barbara Wiens, Upper Canada Consultants



COMMENTS:

Appeal Process

- The application from the town says that third party groups may not appeal this application as per Bill 185, Cutting Red Tape to Build More Homes Act, 2024. Why? This is not housing. It is a hotel. This in no way should apply.

The Planning Act is the legislation that governs the planning process. The Planning Act only permits appeals on Official plan and Zoning By-law Amendment applications by public bodies and specified persons. Residents/neighbours and neighbourhood groups do not fall within either category and therefore do not have appeal rights regardless if the applications are for a hotel or any other type of use.

Drainage

- Concerned with drainage. Already get run-off from existing hotel onto property.

A grading plan designed to control run-off onto neighbouring properties will be required at the Site Plan Approval stage and must be approved before construction can take place.

Gate House Restaurant

- We would be more supportive if we weren't already dealing with the less-than-appealing aspects of the Gate House Restaurant. Originally a tent was erected on the side facing our house to cover furniture used for events. The tent looked acceptable. The tent was subsequently removed and replaced with an intermodal container used for transporting goods by rail that you find in rail yards. We spoke to employees of the hotel who checked with the owner and assured us this would be temporary. The container was never removed and now there are two. In addition, the garbage area at the back of the hotel is very messy with overgrown weeds and a huge garbage bin on an angle. If there was consideration for the neighbours in this regard, we would have more confidence in the new proposal. We recommend as a mitigation measure that the Owner create an attractive wood structure to house furniture painted white to match the hotel with plantings around it. Straighten the garbage bin, clean up the weeds and install an attractive screen to hide the bin from view. Note - the Value Mart does a very good job of making their garbage bin area neat. None of these mitigation items are expensive.

The Gate House Restaurant property is not subject to the applications and is not owned by our client.

Heritage

- The introduction of commercial uses into a historically residential area would fundamentally alter the ambiance of our community. The Queen-Picton Heritage Conservation District is characterized by its tree line streets, historic homes, and a tranquil residential environment. The proposed development threatens to disrupt this harmony, introducing noise, massing, traffic, and activities that are incompatible with the residential nature of the area.



A Cultural Heritage Impact Study prepared by a Heritage Planner was submitted that concluded the development proposal was consistent with the Heritage Conservation District policies, and the proposed building will respect the integrity of the area and blend into the heritage context. The Queen-Picton Heritage Conservation District is characterized by both residential and commercial land uses and is a significant tourist destination along with being a place where people live. No vehicular access is proposed to the lands minimizing traffic impacts on Gate Street. Only over night/sleeping accommodation will be provided which is compatible with adjacent residential use.

- Both 222 Gate St. and the adjoining unaddressed lands are zoned residential and are situated within the Queen-Picton Heritage Conservation District, designated under Part V of the Ontario Heritage Act. This district recognizes the collective heritage value of our community, encompassing structures dating back to the early 19th century, many of which were constructed after the burning of the former Town of Niagara in 1813. The proposed development threatens to disrupt this historical continuity by introducing commercial uses incompatible with the District's residential character.

A Cultural Heritage Impact Study prepared by a Heritage Planner was submitted that concluded the development proposal was consistent with the Heritage Conservation District policies, and the proposed building will respect the integrity of the area and blend into the heritage context. The building design is reflective of a large manor home compatible with the residential character. Only over night/sleeping accommodation will be provided which is compatible with residential character.

- Does this proposal suggest that the same can be done for adjacent properties leaving us with a diminished Heritage District and an expanded commercial district very close to our home?

The development proposal and applications focus solely on the Subject Lands and do not apply to any other lands or future development proposals. There is no intention to expand the commercial district or commercial use onto other lands through these development applications.

- The subject property is within the Study Area of the current Heritage year long study. If the subject property is rezoned as requested, then the same right should be given to the owners of all properties to the South of 222 Gate Street?

The subject property is within the current Queen-Picton Heritage Conservation District. Council has initiated a Study to consider expansion of the Heritage Conservation District and review the existing Conservation District Plan. A pre-consultation meeting on this proposal occurred prior to the Town deciding to proceed with a review of the Queen-Picton Heritage Conservation District Plan or an expansion of the District Plan. Undertaking a Heritage Conservation District Plan review and expansion study process does not preclude the applicant or any other property owner in the District or the proposed expanded District area from applying for Official Plan or Zoning By-law amendment applications, all property owners have the same rights. The restrictions that are in place for properties in the Study area relate to not being able to alter a property through subdivision or part lot control and not being able to erect, demolish or remove a building or structure. There is no application to alter the property through subdivision or part lot control and there is no application to erect, demolish or remove a building. The applications are for an Official Plan and Zoning By-law Amendment for which



a pre-consultation had occurred in advance of the Town passing a by-law under the Ontario Heritage Act.

- Regarding 222 Gate Street, this property is within the 'Heritage District' of NOTL and should be protected as such.

222 Gate Street is subject to the requirements of the Queen-Picton Heritage Conservation District Plan policies, among other approved plans and policies of the Town and Province. The Queen-Picton Heritage Conservation District Plan does allow for change to occur to properties, including new buildings, within the District subject to the District Plan policies and guidelines. Currently there are no existing buildings on the land. A Cultural Heritage Impact Study prepared by a Heritage Planner was submitted that concluded the development proposal is consistent with the Heritage Conservation District policies and guidelines for new buildings, conforms with the District Plan redevelopment criteria and will respect the integrity of the area and is compatible with the surrounding historic building stock of the area.

- Both 135 Johnson Street and 240 Gate Street overlook and abut (240 Gate) this hotel property. Both are listed as type A buildings in their designation in the Queen Picton Heritage Conservation District, yet no consideration was given to 135 Johnson Street in your Heritage Impact Assessment. This is a glaring oversight. There is no stated adequate remediation to protect these properties in your proposal. What remediation are you proposing?

A pre-condition and post-condition survey of neighbouring parcels, as well as vibration monitoring during construction.

Hotel

- How will the hotel fit 18 rooms on the 222 Gate Street property?

The proposed new building on the property is able to accommodate 18 hotel suites by accommodating 9 hotel rooms per floor and by expanding the underground parking garage.

- Where will the driveway to the hotel go?

The driveway for the proposed hotel and underground parking will utilize the existing driveway access for 124 on Queen Hotel & Spa off of Victoria Street. There will be no driveway off of Gate Street.

- Concerned that the site cannot properly accommodate landscaping and lighting.

Landscape and lighting details to be completed at the Site Plan Application stage. An adequate area is provided to support landscaping and lighting will be provided on the building at entrances.

- We agree with other residents that have expressed concern about a commercial business encroaching upon the residential historic district beyond Queen Street. The proposed hotel, while attractive in design, will almost certainly come to the very edge of the property, making the area very dense. We request adequate set back and green space around the property to mitigate this concern.



The close proximity of buildings to the front lot line is a characteristic of the Heritage Conservation District that the development proposal incorporates. The front terrace provides an appropriate separation of the building from the property line and there is articulation in the front façade of the building that provides for a varied front yard setback ranging from 3.8m – 6.3m minimizing the impact of the building on the streetscape. There is also the opportunity to provide landscaping in the front yard in front of the terrace that will soften the building and provide separation from the property line.

- What does the elevation '94.85' refer to? There is no reference chart to this figure in your provided materials

The figure is the height elevation in metres above sea level.

- What is the square footage of the proposed structure?

The square footage is approximately 10,830 square feet.

- What will be the % of the built lot coverage of the proposed 222 Gate Street building?

The proposed lot coverage is 63.92%. The lot coverage will decrease significantly when the two properties merge.

- What interior features are the mid building balcony and terrace windows accessing (facing 240 Gate Street)? Are they hotel rooms? If so, they will be directly overlooking the residential properties of 240 Gate Street and 135 Johnson Street. How are you proposing to shield the residential abutting properties from this commercial property? Can they (if hotel rooms) be relocated to the other side so that they overlook the commercial Queen Street property?

The units with balconies are proposed hotel rooms. The owner is proposing to plant coniferous trees along the southerly property line to address privacy concerns.

- Please provide a landscape plan including mature trees. Prior to the removal of the single family dwelling at 222 Gate Street, several mature trees existed on the property. They should be replaced. Mature trees will also be necessary to shield the residential properties from the commercial building. How will you accommodate the necessary depth for the rootball in relation to your planned underground garage?

A landscape plan will be provided at the site plan stage. Trees are proposed to be planted along the southerly lot line of 222 Gate Street. The underground parking garage is within the building footprint resulting in a 3.06 metre buffer that can accommodate large trees with sufficient depth for root system without affecting the underground garage.

- What is the purpose of the terrace fronting Gate Street? Although you stated that there are no plans for food/beverage and bar services, it appears to be a (?future) event or restaurant space. Can the front terrace be removed to increase the garden space and reduce your hardscape footprint?



The proposed terraces provide guests private amenity space. Each ground floor room has direct access to a private section of the terrace, reserved exclusively for that room.

- Where will the mechanicals for the proposed building and garage be located? How will their presence be mitigated in terms of sight lines and noise pollution to the neighbouring properties?

The mechanicals are located inside the building along the northerly wall face and westerly wall face. An electrical transformer is proposed at the southwesterly corner of the parcel.

- Where will the emergency exit staircase for the underground garage be located? Where will the garage air exchange handlers be located? What is the plan for emergency lighting? How will these features be shielded from the adjacent residential properties?

The existing stairs that lead directly outside to the northerly lot line will remain. Further lighting details to be completed at the Site Plan stage through a lighting and photometrics plan.

- The proposed mansard roof adds significant vertical massing to the structure. It is inconsistent with the built architecture of the surrounding residences. Can the vertical massing be lowered and a more appropriate hip roof be accommodated in the design?

There are a range of architectural styles found within the area, including gable, hip, and mansard roof styles. The proposed development includes a mansard roof as well as a front gable. This type of roof is representative of the historic second empire style, and are present at 6 Picton Street (Mansard), 115 Prideaux Street (Mansard), and 129 Johnson Street (Gable). This building type does exist within the Heritage Conservation District and the proposed development draws on this historic roof pattern.

Noise

- Concerned about the noise from wedding ceremonies. It's already loud.

It is anticipated that restrictions (i.e. no amplification devices, limit on guests, and number of events) will be in place that will limit excess noise caused by the wedding ceremonies. The existing fountains provide white noise that assist in muting out noise from guests.

- Guests have been partying past 11pm in the parkette and has caused noise issues. I'm concerned that there will be more noise with the increase in guests.

Guests are not permitted to be making noise past 11pm under existing noise by-law.

- How do you propose to limit the commercial noise from the hotel and event space from the neighbouring properties? Will the hotel windows be fixed closed? Will they have light blocking capabilities so as not to pollute the night sky and gardens of the residential properties? If not, how will the presence of night light pollution and room noise be mitigated?



The hotel is required to comply with the Town's Noise By-law. There is no event space proposed within the hotel addition. Guest will be there to sleep and enjoy their private amenity area, that can only accommodate a small number of people each.

Previous Commitments of Owner

- The developer made explicit commitments to the Town Council and to the residents of the Queen-Picton Heritage Conservation District as part of the previous development, and are as follows:
 1. **Demolition of 222 Gate Street:** The developer requested permission to demolish the existing single family residential home at 222 Gate Street, Niagara on the Lake to facilitate construction of the underground parking garage with assurances that it would be replaced with another single-family residential home built and designed to the satisfaction of the Municipal Heritage Committee.
 2. **Creation of a Green Buffer:** The land above the parking garage was not to be developed. It was to be maintained as a permanent green garden space serving as a buffer between the commercial hotel and the residential historic abutting properties. It was explicitly agreed that no commercial activities, including bars, restaurants, events, lighting, or music would take place within the green space.

The developer attempted to sell the lot for residential purposes to no success. Due to the noise caused by the garbage and refrigeration trucks for the Gate House and the grocery store, a commercial use is better suited for the property than a residential use.

The existing landscape space (parkette) continues to act as a green space buffer from the hotel use. The owner is proposing to permit wedding ceremonies, an activity that is often permitted in parks. For example, the Niagara Peninsula Conservation Authority actively advertises wedding ceremonies at its parks.

The parkette will continue its existing open space use.

- The developer committed to no food and drink to be served on the parkette/patio in response to questions by the Council for the development approvals in 2018 for the hotel and parkette/patio. Neighbours supported the hotel and parkette based on these commitments.

The request is to permit the area for performing wedding ceremonies only and does not include food and drink.

- It is my understanding that a condition for the demolition of the previous home on that property that a replacement home would be built on that lot as soon as construction behind the property was completed.

There was no condition regarding what would be developed in the future on 222 Gate Street. The Town does not have the authority to require that a specific structure be built in place of a demolished building as a condition of a demolition permit.



- Regarding the 'Open Space', my understanding is that an agreement was reached with the property owners on the north side of Johnson Street, abutting the subject property, that the 'Open Space' (OS 88) would not be used for commercial purposes, particularly for wedding events.

The performing of a wedding ceremony is not a commercial activity. No commercial use is proposed in Open Space zoned area. Wedding receptions in the Open Space Zone are not proposed.

- The Owner had previously agreed to plant trees along the property lines, but never did. I would like him to put up the trees.

The open space garden area has been developed in accordance with the approved landscape plan.

- The Owner had promised to install a gate to the garden that local residents were permitted to access, but it was never provided.

The open space garden area has been developed in accordance with the approved landscape plan.

Provincial Policies

- The Ontario Provincial Policy Statement, (PPS) emphasizes the importance of conserving cultural heritage resources and maintaining the character of established communities. The proposed development, by introducing commercial uses and massing into a residentially zoned area within an established heritage district, contravenes these policies. It threatens to erode the unique character of our community, which is recognized as a National Historic District, the first in Ontario, designated in 2003.

A Cultural Heritage Impact Assessment was prepared by a Heritage Planner that concluded the proposed development is compatible with the Heritage Conservation District and conforms to the Heritage Conservation District Plan redevelopment criteria and policies and guidelines for new buildings in the District.

- At a time when the Province under Bill 185, Cutting Red Tape to Build More Homes Act 2024, the Town is supporting taking a residential lot on which a home should be built and converting it to a non-residential lot on which a hotel would be built. Is this not counterproductive? Bill 185 is about homes, not hotels.

Bill 185, along with other legislated changes that have been recently approved by the Province have been focussed on building more homes and economic resiliency. However, those legislative changes have not imposed restrictions on being able to amend planning documents to redesignate or rezone residential lands to provide for other uses.

Smithy

- The "Smithy" is being used for hotel uses and not long-term rental uses as promised.

No changes are proposed to the use of the "Smithy" with the submitted applications.



- Will the “Smithy” be relocated?

No, the proposed development can be facilitated without relocating the Smithy building.

Underground Parking Garage/Construction

- Underground parking garage construction caused damage to neighbouring property, and the cost to fix it was significant.

Noted. The Cultural Heritage Impact Assessment recommends that a Vibration Monitoring Plan be completed to ensure that excavation activities do not impact adjacent heritage properties. The Vibration Monitoring Plan can be required as a condition of Site Plan approval. Existing buildings will be inspected prior to construction and after construction.

- Concerned with the year long noise and potential damage from the construction of the underground parking garage.

It is noted that there will be noise disturbances from construction, however these disturbances are temporary. Construction activities will occur in the daytime and will not take place during the evening hours. The Cultural Heritage Impact Assessment recommends that a Vibration Monitoring Plan be completed to ensure that excavation activities do not impact adjacent heritage properties. The Vibration Monitoring Plan can be required as a condition for Site Plan approval.

- What are the setbacks to the parking garage from Gate Street?

The parking garage will be setback 1.5m (5 feet) from the north property line and 3.06m (10 feet) from the south property line.

- What is the setback from the common lot line with 240 Gate Street for the underground parking garage?

The underground parking garage is contained within the building footprint. The setback of the underground parking garage from the common lot line of 240 Gate Street is 3.06m.

- The Town has a huge amount of underground rivers/water running below. The building will disrupt this water and make it flow and flood someone else.

A geotechnical and hydrogeological considerations report for the proposed development was prepared by Soil-Mat Engineers & Consultants Ltd. and was submitted to the Town with the applications. The report concludes that the encountered soils are of such low permeability that groundwater infiltration would be expected to be relatively low, and would likely minor to non-existent for the majority of the excavation in the drier months of the year.

- The underground parking structure has a high probability of shocking the foundation of the neighbouring buildings. You have suggested vibration monitoring as preventative. 240 Gate Street is



a very fragile structure. Depending upon the setbacks of the proposed parking garage, the foundation of the Gate Street house could be as close as 3 feet from the proposed parking garage wall. Vibration studies will explain a shock to the foundation but will not prevent it. What tangible construction elements are you proposing to utilize during construction to absorb the vibrations such that no foundation shock will be possible to either 240 Gate Street nor 135 Johnson Street. Having suffered this loss at 135 Johnson Street, absolute mitigation is mandatory.

The underground parking garage is setback approximately 10 m (32 ft) from the dwelling at 240 Gate Street. As stated in the Heritage Impact Assessment prepared by MHBC, it is recommended that "A Vibration Monitoring Plan be completed to ensure that excavation activities do not impact the adjacent heritage properties...". A Vibration Monitoring Plan will establish a vibration threshold for which vibration monitoring will ensure appropriate vibration levels are maintained.

Wedding Ceremony

- What does a wedding ceremony entail? I do not want food or alcohol to be served on the property.

A wedding ceremony is the ceremony led by an officiant where the exchange of wedding vows and rings take place and the signing of the marriage licence. It is proposed that the wedding ceremony be restricted in size to 75 people, no amplification would be permitted, they be restricted an hour in length and only one is permitted/day.

Is there a limit on the number of people that can attend the wedding ceremony and how many ceremonies can take place within a day?

It is proposed that there be a restriction of 75 people attending a wedding ceremony and that it be restricted to one/day.

- My understanding is as well that the 'Open Space' under ZBA-20-2025 would be kept as a buffer between the Q124 hotel and the adjacent residential properties on the north side of Johnson Street. I recall many discussions with the Town and the developer and an agreement being made that that space would not be used for commercial activities, particularly for 'wedding ceremonies'.

The parkette still remains as a landscape buffer space between the hotel and neighbouring properties. The hosting of wedding ceremonies only involves the exchange of vows and rings and is not the reception.