

PREPARED FOR:  
Solmar (Niagara 2) Inc. and Two Sisters Resorts Corp.

APRIL  
2026



# Planning Justification Report

144, 176 and 200 John Street  
East & 588 Charlotte Street

**SCL**  
Planning & Design Inc.

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# 1 INTRODUCTION

## 1.1 PURPOSE

This Planning Justification Report examines a proposal by Solmar (Niagara 2) Inc. and Two Sisters Resorts Corp. to amend the Town of Niagara-on-the-Lake Official Plan and Comprehensive Zoning By-law to permit the comprehensive redevelopment of the properties municipally addressed as 144, 176 and 200 John Street East and 588 Charlotte Street in the Old Town Community of Niagara-on-the-Lake (the “subject estate”) for the purposes of a hotel and associated commercial uses and facilities as well as medium density residential development associated with the hotel.

**Section 2** of this report provides a detailed description of the proposed development, a summary of the proposed amendments to the Official Plan and Zoning By-law and a summary of studies and plans prepared in support of the proposed development.

In addition to this Planning Justification Report, the applicant is submitting a number of reports and supporting materials, summarized in **Section 2.4**, in order to assess the appropriateness of the proposed development, including the following:

- Urban Design Brief;
- Heritage Impact Assessment (HIA);
- Environmental Impact Statement (EIS);
- Servicing Study;
- Transportation Impact Study;
- Conceptual Landscape Plan;
- Hydrogeology Terms of Reference;
- Archaeological Studies;
- Arborist Report and Tree Inventory; and
- Agricultural and Urban Interface Assessment.

As per discussions with Town Staff, a Tree Preservation Plan will be completed for the subject estate this spring once leaves are out.

**Section 3** of this report provides a summary of key takeaways from the decision and order of the Ontario Land Tribunal (OLT) in relation to previous development applications for a portion of the subject estate (200 John Street East and 588 Charlotte Street) concerning the development of a residential plan of subdivision

and associated Official Plan and Zoning By-law Amendments, and how those key takeaways have informed and shaped the proposed development.

A detailed overview and assessment of the applicable policy planning framework against which the proposed development must be evaluated is contained in **Section 4** of this report. The policy documents reviewed include the *Provincial Planning Statement (2024)*, the *Greenbelt Plan (2017)*, the *Niagara Region Official Plan*, and the *Town of Niagara-on-the-Lake Official Plan* including the existing Official Plan and the adopted but unapproved Official Plan.

Concluding remarks regarding all of the information contained in this report are found in **Section 5**.

## 1.2 LOCATION & SURROUNDING AREA CONTEXT

The majority of the subject estate is situated within the Niagara/Old Town urban area, as shown on **Figure 1**. A portion of the subject estate is located within the Greenbelt Plan Area; however, development is not proposed on this portion of the subject estate, and it will remain used for agricultural purposes.

The subject estate is located on the south side of John Street, east of Charlotte Street and north of the Upper Canada Heritage Trail, as shown on **Figure 2**. Also identified on **Figure 2** are the land uses adjacent to the subject estate.

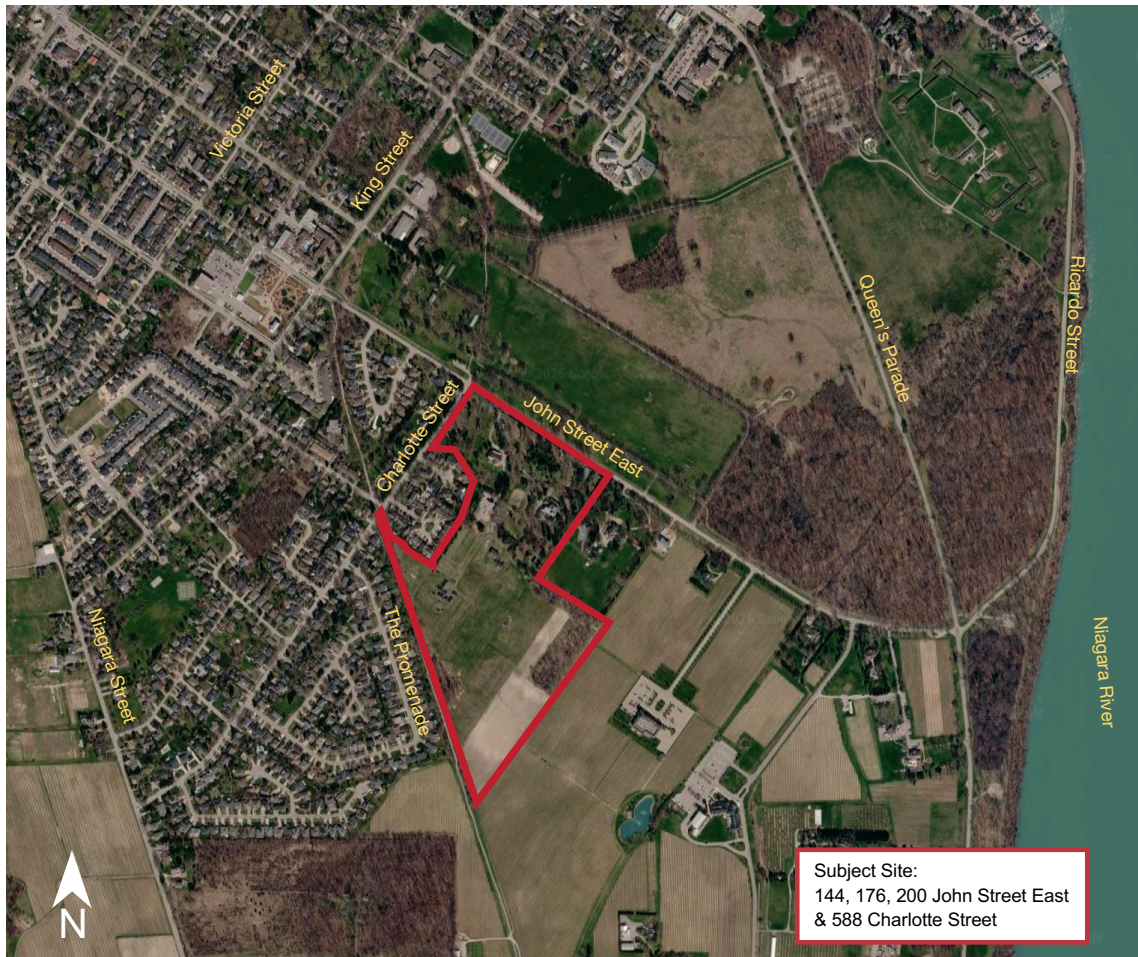
John Street in the vicinity of the site is characterized by detached dwellings on large lots as well as large agricultural lots and the Butler’s Barracks National Historic Site and related Commons public open space on the north side of John Street East. Other defining characteristics of the area are: the residential area to the west along Charlotte Street, including the residential homes on Weatherstone Court and Christopher Street, which were formerly part of the Rand Estate, and the residential area southwest of the subject estate along The Promenade; the Upper Canada Heritage Trail along the south boundary of the site; and the Two Sisters Winery to the east.

The following **Table 1** provides a more fulsome and detailed list of surrounding uses.

**Table 1 – Surrounding Uses**

Direction of Surrounding Use	Description of Surrounding Use
North	<p><i>440 King Street</i></p> <ul style="list-style-type: none"> <li>The Commons at Butler’s Barracks National Historic Site.</li> <li>This property is commonly used as an event venue that has a capacity to hold approximately 30,000 people.</li> </ul>
East	<p><i>210 John Street:</i></p> <ul style="list-style-type: none"> <li><i>Estate residential property</i></li> </ul> <p><i>240 John Street:</i></p>

	<ul style="list-style-type: none"> <li>Two Sisters Vineyard and Restaurant, over 76 acres' vineyard with a 2-storey building in the middle</li> </ul> <p><i>290 John Street:</i></p> <ul style="list-style-type: none"> <li>Peller Estates Winery &amp; Restaurant</li> </ul>
South	<p><i>The Promenade</i></p> <ul style="list-style-type: none"> <li>Existing residential subdivision</li> </ul> <p><i>Upper Canada Heritage Trail</i></p> <ul style="list-style-type: none"> <li>Existing pedestrian trail on former rail right-of-way</li> </ul>
West	<p><i>Charlotte Street and Weatherstone Court</i></p> <ul style="list-style-type: none"> <li>Existing residential dwellings that were former part of the Rand Estate</li> </ul>



**Figure 1 – Aerial Context Map**

The properties at 144, 176, 200 John Street East and 588 Charlotte Street are designated heritage properties under Part IV of the Ontario Heritage Act, with buildings and elements of the landscape specifically identified within the designation by-laws applying to the properties and dating back to the use of the property as a former Estate.



Figure 2 – Site Context Map

Together, the four separate properties that comprise the subject estate formed part of a former estate property known as the Rand Estate, which also included the entirety of Weatherstone Court and Christopher Street, as well as the property municipally addressed as 580 Charlotte Street. The Rand Estate dates back to the year 1798, and draws its name from George Rand I, who purchased the Estate in the year 1919. The majority of the historical elements that are present today on the Rand Estate were added by the Rand family, including additions to the main dwelling (known as Rand Main Residence), the construction of an additional dwelling in 1922 (the Sheets or Devonian House), the stables, the summer house, and the majority of the stone wall surrounding the Estate. In the late 1920's, Mr. Rand engaged the landscape architecture firm of Dunington-Grubb to develop a landscape plan for portions of the property. Remnants of the Dunington-Grubb landscape that are still present on the subject estate include the tea house, a sunken garden, a landscaped pool area, concrete bases of a former pergola, as well as some original plantings.

Commencing in the 1940's and extending into the 1980's, portions of the Rand Estate were severed to create what is now known and developed as Weatherstone Court, Christopher Street and 580 Charlotte Street. 588 Charlotte Street and 200 John Street East were further severed from the estate property, with access to 588 Charlotte provided via the entrance gate on Charlotte Street and access to 200 John Street East provided via the eastern most entrance gate on John Street.

Overall, the subject estate is recognized as a cultural heritage landscape (CHL) that contains multiple residences, outbuildings, and landscape elements such as the extensive boundary wall, mature vegetation, bridges, gazebos, gardens, and a pool area. The details with respect to the heritage designations are described further in the Heritage Impact Assessment report prepared and submitted in support of the proposed development.

The subject estate is characterized by two distinct sections:

- The front portion of the subject estate, fronting onto John Street East and municipally addressed as 144 and 176 John Street East, is known as the Randwood property, characterized by three historic buildings (the Rand Main Residence, the Devonian House and an accessory structure known as the Coach House), mature vegetation and landscape features, and is traversed by the One Mile Creek. There are currently two vehicular points of access to the front portion of the subject estate, both from John Street East. The lands are currently designated and zoned to permit a hotel and associated uses.
- The rear section of the subject estate, municipally addressed as 200 John Street East and 588 Charlotte Street, is characterized by vacant land with some mature vegetation, a wetland, two vacant dwellings (currently subject to demolition applications), and a number of accessory structures (including the Carriage House, Tea Pavillion, Bath House, whistle stop gazebo and

associated landscape features). There are currently two points of access to the rear portion of the subject estate, one from John Street East, and one from Charlotte Street. The lands are currently designated to permit low and medium density residential uses.

## 2 PROPOSAL

### 2.1 PROPOSED DEVELOPMENT

The proposed development is illustrated on **Figure 3** of this report. **Figure 3** shows the proposed Site Plan. Conceptual building elevations of the hotel and residential buildings are shown in **Figure 4a, 4b, 4c, 4d and 4e**.

#### ***Proposed Development Concept***

The proposed development consists of a comprehensive redevelopment of the entirety of the subject estate to accommodate a new Ritz-Carlton Hotel and associated commercial uses and facilities and medium density residential development associated with the hotel use. While the subject estate is proposed to serve two distinct functions and purposes (commercial/hotel uses and residential uses), the proposed development has been comprehensively planned and designed to respect and reinforce the heritage and landscape character of the lands. It is also designed to provide for vehicle, service and pedestrian access to the proposed hotel and residences in a safe manner while accommodating connections between the two functions.

The proposed development concept has been designed to strike a balance between respecting the existing neighbourhood character within the surroundings and the Provincial and Regional requirements to accommodate infill and intensification within existing settlement area boundaries.

#### Ritz-Carlton Hotel:

The Ritz-Carlton Hotel component of the proposed development consists of a new hotel building and the adaptive reuse of the existing buildings on 144 and 176 John Street East to accommodate associated hotel uses. These existing buildings to be incorporated into the hotel use include the Rand Main Residence, the Devonian House, a wooden pergola and the Coach House. A new 5-storey hotel building with a one-storey function hall is proposed to be introduced on the property. 111 hotel rooms will be located in the new hotel building along with restaurants and conference/banquet facilities. The 111 rooms is less than the current by-law which permits 106 rooms in a hotel and 8 rooms in the Devonian House. The Devonian House is proposed to be repurposed as a restaurant with no hotel rooms. The Coach House is proposed to be repurposed as a bridal shop. The Rand Main Residence is proposed to be used as a spa, with additional spa facilities proposed to be located immediately to the rear of the house and east of the proposed hotel building. The proposed development concept for spa facilities to the rear of the Rand Main Residence and next to the hotel consists of a series of outdoor pools

surrounded by a series of small single-storey pavilions that form part of the services provided as part of the spa. The location of the spa facilities to the rear of the Rand Main Residence and immediately next to the proposed hotel building provides a relationship between the overnight accommodation and spa uses that is uninterrupted by any roads/driveways and associated vehicular traffic. The detailed design of the spa facilities will occur as part of a future site plan approval process.

The new Ritz-Carlton Hotel building is situated in the centre of the site, at a setback of approximately 135 metres from the northern property line along John Street East and approximately 50 metres from the rear property line of homes on Christopher Street. The hotel is also set back approximately 40 metres from the front wall of the Rand Main Residence. The hotel is proposed to function as the central built form feature on the property, housing the hotel rooms and banquet/conference centre. However, the proposed setback of the hotel building, well behind the existing Rand Main Residence and Devonian House, is intended to ensure that both existing houses maintain their visual prominence from John Street East, with primary site lines from John Street East being preserved for both houses.

#### Residential:

The residential component of the proposed development consists of five 3-storey multiple-residential buildings, located to the south of the proposed hotel and spa uses. Approximately 230 to 270 residential units are proposed within the five residential buildings, resulting in a net residential density of approximately 30-35 units per net hectare. The range of potential units depends on the unit sizes and the market demand for the various unit sizes. The residences will be affiliated with the Ritz-Carlton Hotel, where owners will be part of a program where their units may be rented out for accommodation purposes associated with the hotel.

Outdoor amenities will be provided in association with the residential buildings, including tennis courts, a children's play area and other potential recreational amenities, which will be detailed at a future site plan approval stage of development. An outdoor pool and clubhouse for the residences is proposed adjacent to the outdoor spa facilities associated with the hotel. The two-storey residence clubhouse is proposed to be constructed in the likeness of the Carriage House and framing the southern edge of the outdoor pool area. The Tea Pavilion is proposed to be shifted approximately 15 metres to anchor the eastern end of the outdoor pool area, creating an outdoor pool amenity area dedicated to the exclusive use of the occupants of the residences, reminiscent of the private pool garden that existed as part of the former Rand Estate.

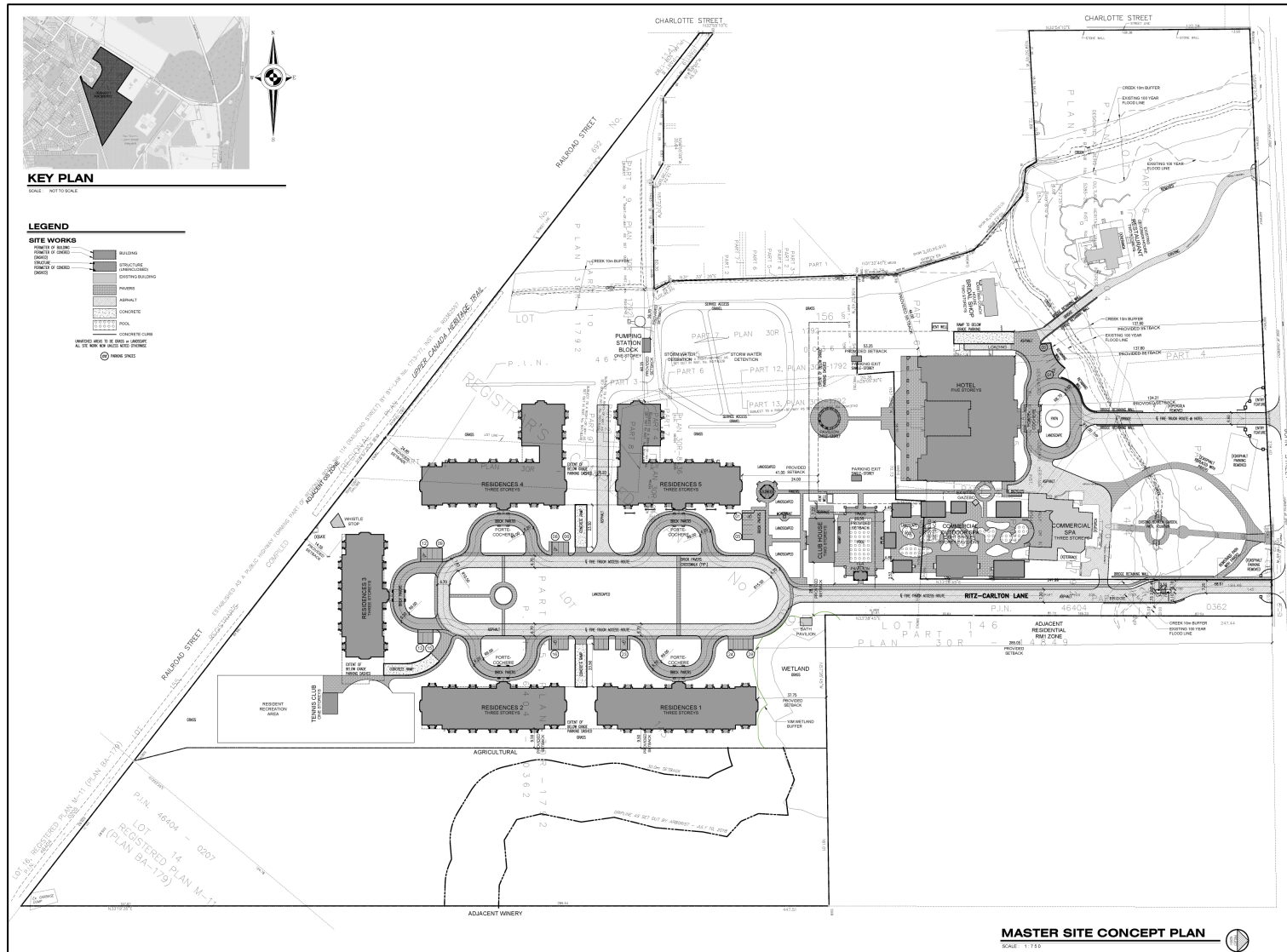


Figure 3 – Master Site Concept Plan

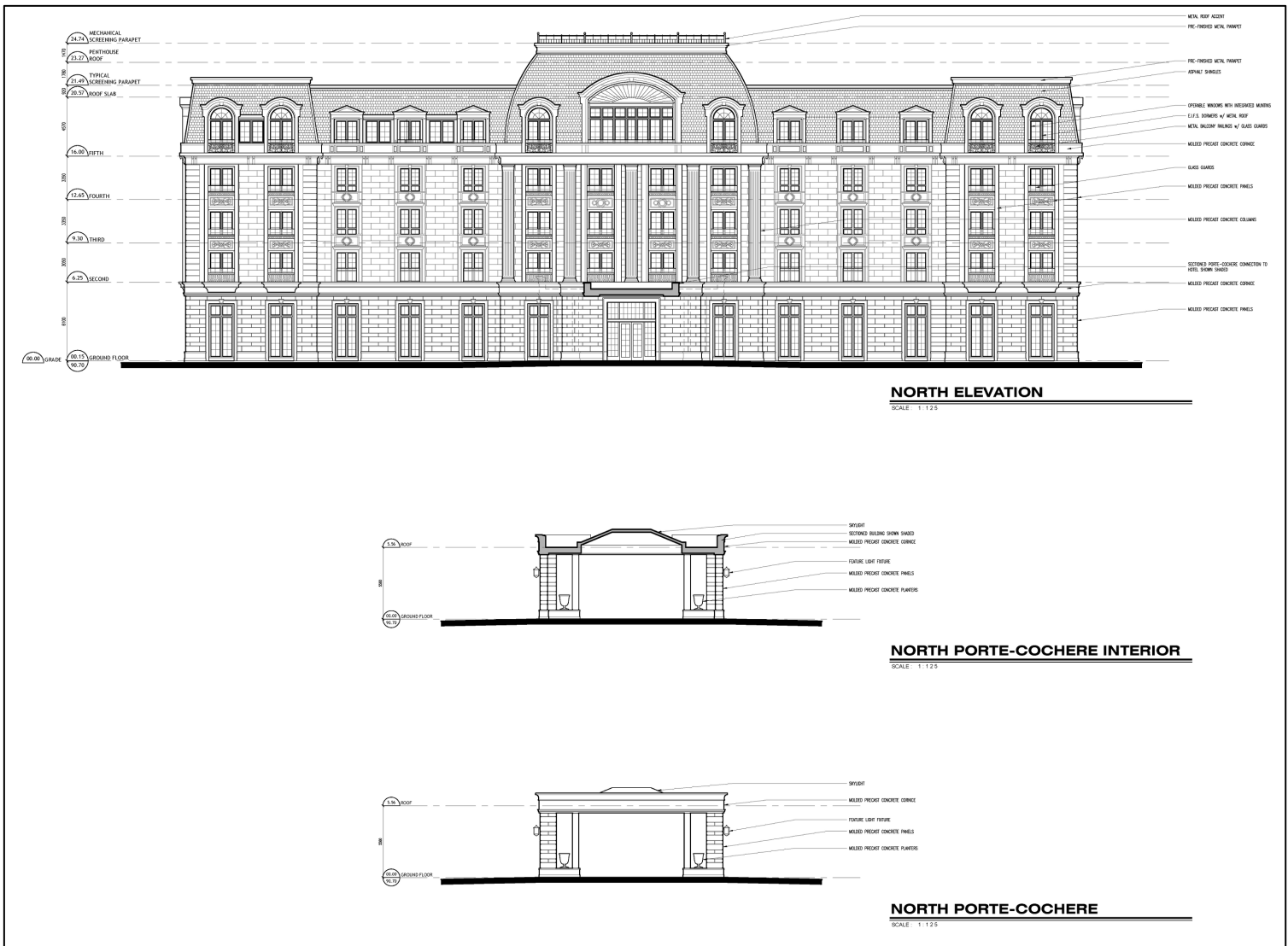


Figure 4a – Hotel – North Elevations



Figure 4b – Hotel – West Elevations

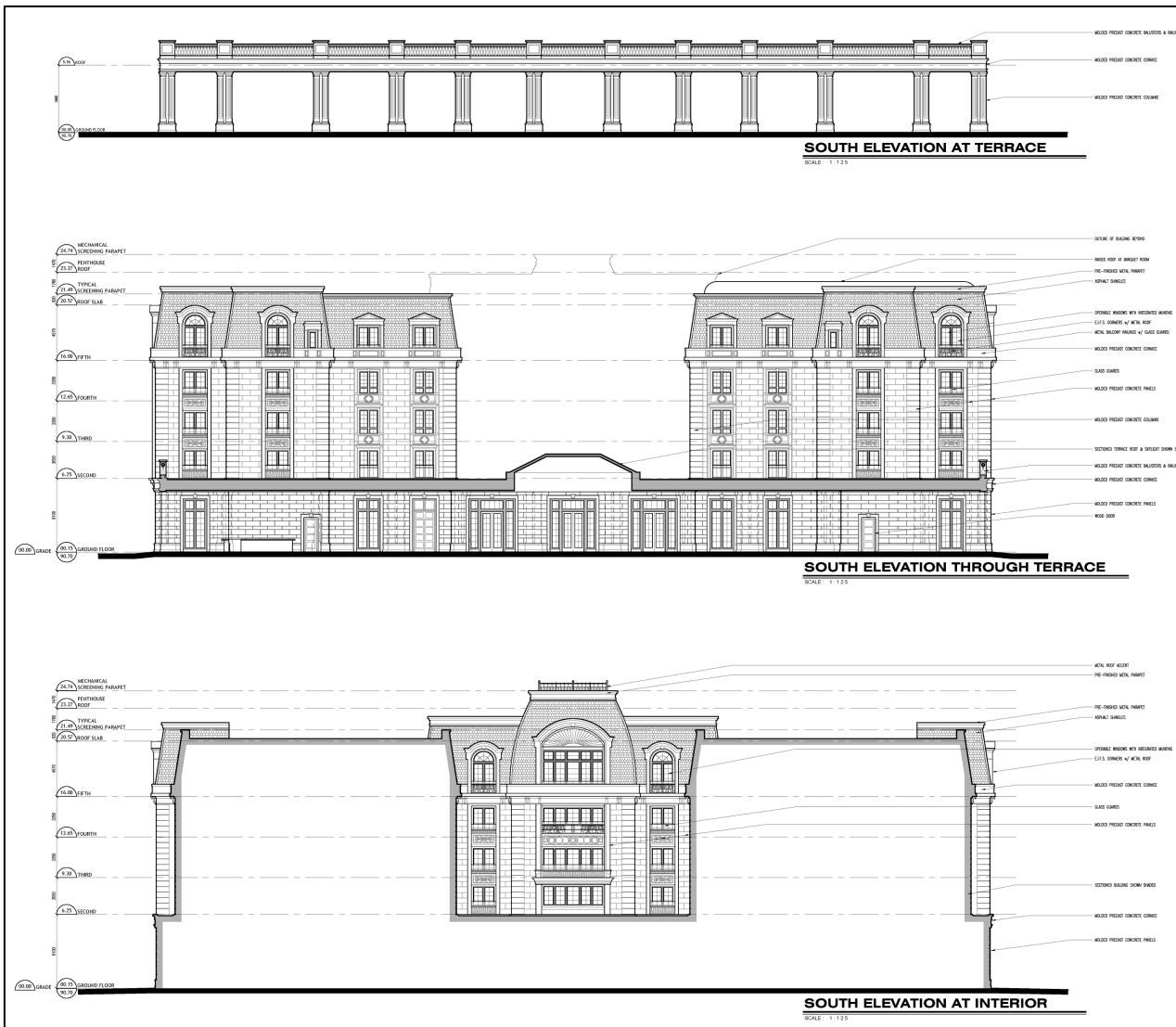


Figure 4c – Hotel – South Elevations

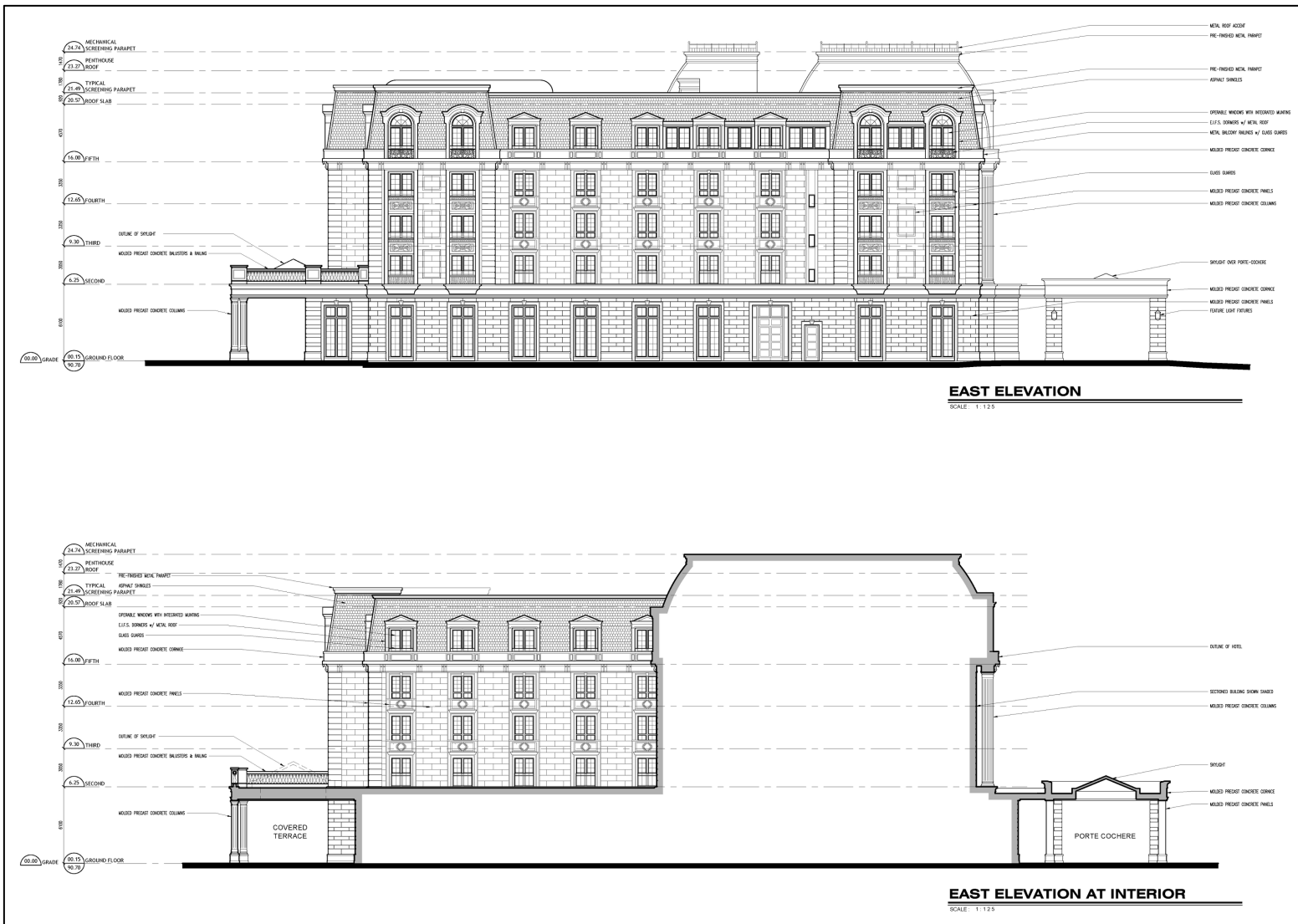


Figure 4d – Hotel – East Elevations

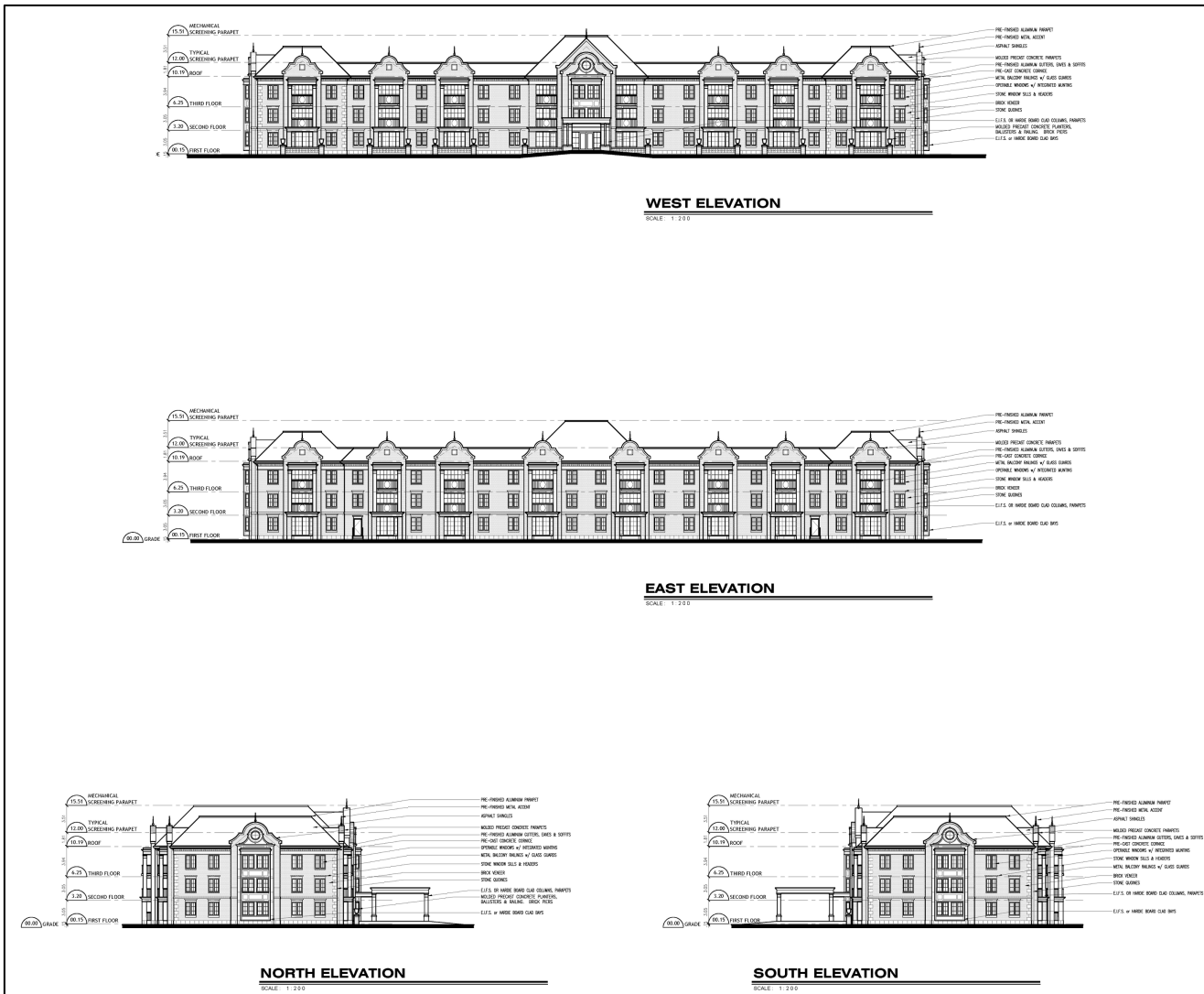


Figure 4e – Sample Residential Elevations

To the west of the residences, a stormwater management facility and sewage pumping station are proposed, serving both the residential and hotel uses. To the south of the residences, the Whistle Stop Gazebo will be restored and retained in-situ, providing a gateway from the subject estate to the adjacent Upper Canada Heritage Trail. To the north of the residences, the existing Bath Pavilion will be restored and retained in-situ and used as an amenity for the occupants of the residences.

The remaining existing buildings on the Subject Property, including the Calvin Rand Summer House, the Stables building and other outbuildings, are subject to an existing demolition permit.

### ***Site Layout, Vehicular Access and Circulation, and Parking***

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

The layout of the proposed development pays respect to the existing layout and site circulation characteristics of the subject estate. For the hotel function of the subject estate, the existing Devonian house, Rand Main Residence and Coach House will be retained and adaptively reused for commercial uses associated with the hotel. The hotel is proposed to be situated well set-back behind the façade and building mass of both existing buildings. The existing layout and organization of driveways and walkways on the property will be generally maintained, as shown on **Figure 3**, with a new driveway and central access to the hotel being proposed directly in front of the new hotel building, providing access to and from John Street East. Visitors to the hotel will travel primarily along the new proposed central access driveway. This new driveway is anticipated to be 7.1 metres wide. This driveway will cross One Mile Creek in the same location as a current bridge/culvert that extends between the Devonian Chouse and the Rand Main Residence. That driveway will be removed

Patrons to the proposed restaurant within the Devonian House will travel along an existing driveway on 144 John Street to the Devonian House where valet service will take their car to the underground parking lot beneath the hotel. The western leg of the driveway located directly in front of the Devonian House is proposed to be removed.

The circular driveway in front of the Rand Main Residence will be converted to a pedestrian walkway and the north portion of the eastern leg of the circular driveway will be re-installed as a pedestrian walkway.

The required parking spaces for the proposed hotel will be accommodated in an underground parking lot under the proposed new hotel building. Access to the parking garage will be provided via a parking ramp located on the west side of the new hotel building, adjacent to the service and loading area of the hotel. Only five

surface parking spaces are proposed at the front of the new hotel building, minimizing the extent of paved area required to service the hotel. In total, 222 parking spaces are proposed on the hotel portion of the subject estate, the majority of which will be underground. As mentioned previously parking for the restaurant in the Devonian House will be provided in the underground parking garage and offered through a valet service. The existing parking lot at the existing vehicular entrance from John Street East, directly in front of the Rand Main Residence, will be removed.

For the residential function of the subject estate, vehicular access will be provided along a dedicated and separate driveway from the hotel and spa facilities, along the eastern portion of the property. The proposed driveway will be setback from the eastern property line adjacent to 210 John Street East by approximately 7.2 metres in order to minimize impact to existing mature trees along the property boundary with a greater setback of 12.5 metres near the entrance at John Street. The existing pillars at John Street will be moved and rebuilt to create a wider entrance while maintaining the current appearance of the entrance and stone wall. Beyond the gate, moving towards the proposed development, the proposed driveway will function as a privately-controlled access with a gatehouse.

The driveway will lead to an internal circular driveway providing access to each of the proposed residential buildings. Parking for the residential units will primarily be provided underground, with 27 surface parking spaces proposed, directly off the main circular driveway, to serve visitors.

As confirmed by Town Staff, a separate emergency access is not required for the subject estate as it relates to the proposed development, as all buildings will be sprinklered for fire suppression purposes.

The overall sense of open space on the property will be maintained and enhanced through this proposal.

The proposed driveway layout and parking configuration across the subject estate allows for safe and well-designed pedestrian connections across the site, with links between the hotel and spa facilities uninterrupted by vehicular driveways, and sidewalk connections between the hotel and spa and residential uses. Details with respect to pedestrian trail and sidewalk connections will be established at a future site plan stage of development.

Three of the existing bridges/ culverts will be rebuilt to raise the driveways above the flood elevation. These include the bridge/culvert on the driveway between the Devonian house and the underground parking. The bridge/culvert in front of the new hotel and the bridge/culvert on 200 John Street. A 2.4 x1.2 metre box culvert will be used for each of these bridges. The culverts have been sized to pass the regulatory flood without resulting in an increase in upstream flood levels. To minimize grading low retaining walls will be used on each side of the box culverts.

These retaining walls will be slightly over 2 metres at the deepest point adjacent to the stream beds.

### ***Cultural Heritage***

As noted, the subject estate is made up of designated heritage properties which contain many cultural heritage attributes that are proposed to be preserved, re-located and/or modified. The Heritage Impact Assessment submitted in support of the proposed development provides an overview of all identified cultural heritage attributes on the subject estate, with a description of how each attribute is proposed to be addressed through the proposed development, and recommended mitigation measures where required.

To summarize, the designated cultural heritage attributes on the subject estate will be conserved. A number of cultural heritage attributes are to be restored and adaptively reused including the Rand Main Residence, the Devonian House, the Coach House, the gazebo, the bath house and the whistle stop gazebo. Certain cultural heritage attributes, including the Tea Pavilion, and entrance pillars at the existing 200 John Street East entrance, are proposed to be relocated and/or rebuilt in close proximity to their current location on the subject estate. Other cultural heritage attributes, including the Dunnington-Grubb landscape elements associated with the pool complex are proposed to be removed and commemorated to accommodate the proposed development. The Carriage House is recommended for relocation and re-use if possible. The Calvin Rand Summer House, Stables and outbuildings are already the subject of demolition permits.

### ***Environment***

There are many natural elements of the subject estate that are proposed to be maintained and enhanced, including:

- retention of the wetland on the south portion of the subject estate, adjacent to the rear property line of 210 John Street East, including a 10-metre buffer;
- retention to the One Mile Creek including a 10-metre buffer;
- retention of the tributary to the One Mile Creek included a 10-metre buffer;
- retention of the woodland in the Greenbelt Plan Area; and
- mitigation of flooding issues through the construction of new and improved culverts. .

A tree preservation plan will be prepared and submitted this spring after leaves are out to document the trees that will be preserved and removed as a result of the proposed development.

### ***Interface with Adjacent Properties***

The proposed development will be buffered from existing residential uses, primarily through generous setbacks and the use of natural vegetated buffers and open

space areas. The One Mile Creek and its associated natural vegetation and 10-metre buffer and stormwater management facility will provide a buffer to the existing dwellings on Weatherstone Court. The closest residential building will be approximately 60 metres from the rear yards on Weatherston Court and the Hotel building will be approximately 47.5 metres from the rear yards on Christopher Street. Open space is proposed in the southwest corner of the subject estate which provides further separation to the dwellings on Weatherstone Court and The Promenade.

The closest setback from the 3-storey residences to the rear yards on the Promenade is 35 metres.

The eastern portion of the subject estate falls within the Greenbelt Plan Area, and as such, no development is proposed on this portion of the lands. The interface between the proposed development and the lands within the Greenbelt Specialty Crop Area to the east will be such that there will be no adverse impacts on the Agricultural System, as addressed in the Agricultural Interface Report. The existing wetland at the east of the subject estate, adjacent to 210 John Street East, is proposed to be preserved, which will provide a natural vegetated buffer between that property with the closest proposed residential building being 37 metres from the rear property line of 210 John Street.

The one storey spa pavilions will be approximately 21 metres from the lot line with 210 John Street.

## **2.2 OFFICIAL PLAN**

### **2.2.1 Existing Official Plan Designation**

Schedule “B” of the *Niagara-on-the-Lake Official Plan* designates the subject property as follows:

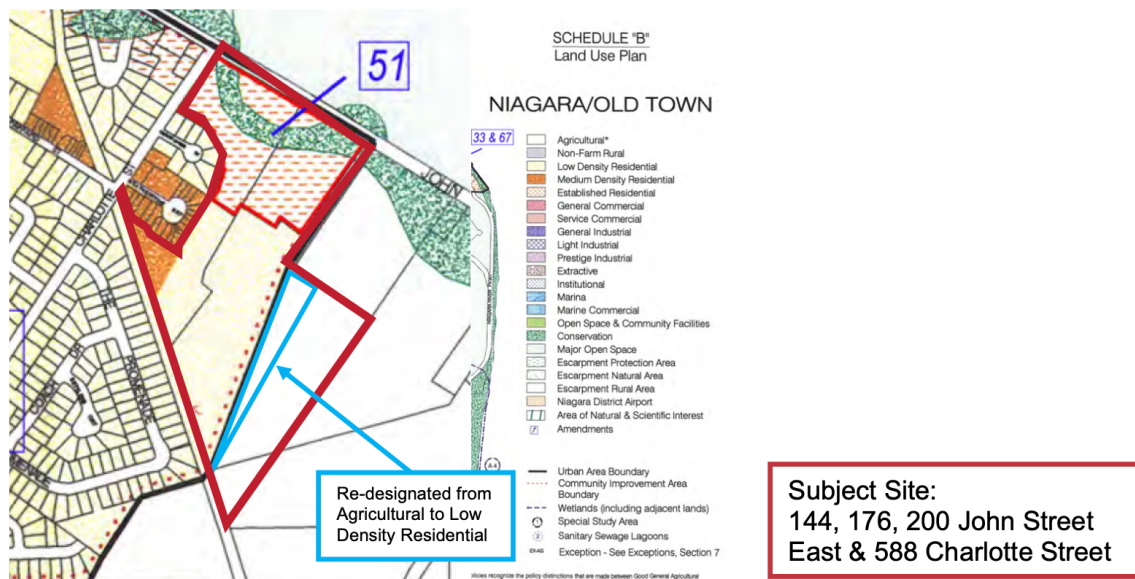
200 John Street East and 588 Charlotte Street:

- Land use designation: Low Density Residential and Medium Density Residential (portion within settlement area boundary), and Agricultural (portion outside of settlement area boundary).
- The Low Density Residential designation permits single detached, semi-detached and duplex dwellings as main uses. Uses permitted independent of a main use include minor open space and community facilities as well as medium density residential uses.
- The Medium Density Residential designation permits townhouses, apartments, nursing homes and mobile home parks.

- The lands within the Agricultural designation are not part of the proposed development. It is important to note that the Ontario Land Tribunal changed the designation of a portion of the subject property that is already included within the settlement area from Agricultural to Low Density Residential, as shown on **Figure 5**.

144/176 John Street East:

- Land use designation: Site-specific General Commercial and Site-specific Open Space.
- Permitted uses within the site-specific General Commercial designation include a hotel, spa, arts and learning centre, conference centre and restaurant.



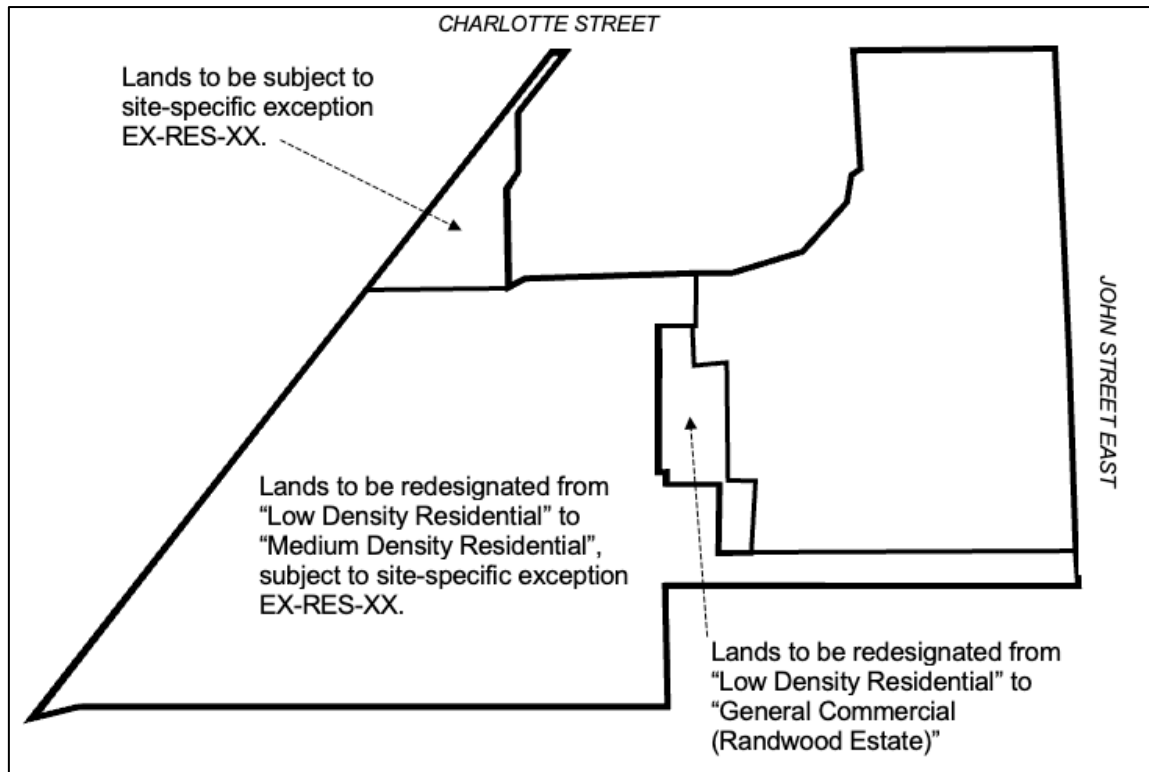
**Figure 5 – Land Use Plan**

**2.2.2 Proposed Official Plan Amendment**

An Official Plan Amendment is required on a portion of the subject estate municipally addressed as 200 John Street East and 588 Charlotte Street. No changes are required to the existing, in-force Official Plan designations pertaining to 144 and 176 John Street East. The proposed Official Plan Amendment has two main purposes:

- To redesignate a portion of 200 John Street East and 588 Charlotte Street from Low Density Residential to General Commercial (Randwood Estate) to recognize the extent of the lands required for the hotel and spa; and
- To redesignate a portion of 200 John Street East and 588 Charlotte Street from Low Density Residential to Medium Density Residential to permit the development of medium density residential uses, at a maximum density of 35 units per net hectare.

**Appendix ‘A’** to this report contains a proposed Draft Official Plan Amendment, and the proposed changes are shown on **Figure 6**.



**Figure 6 – Proposed Changes to the Official Plan**

## 2.3 ZONING BY-LAW

### 2.3.1 Existing Zoning

As shown on **Figure 7**, Schedule A-2 of Zoning By-law 4316A-09 zones the subject estate as Residential Development (RD), Agricultural (A), General Commercial Site-Specific #56 (GC-56) and Open Space Site-Specific #56 (OS-56). The subject estate also has NPCA regulation areas where development requires clearance from the Niagara Peninsula Conservation Authority.

200 John Street East and 588 Charlotte Street:

- Existing Zoning: Residential Development (RD) and Agricultural (A).
- The Residential Development (RD) zone states that no land shall be used and no building or structure shall be used, altered or erected except for existing uses. Section 7.6 of the Zoning By-law states that the RD Zone is a development zone that is intended to be developed for residential purposes, with the appropriate zone category to be established through a zoning by-law amendment.

- The Agricultural (A) zone applies to a portion of the subject estate that is located within the Old Town settlement area boundary (the triangular portion that was redesignated by the OLT to the Low Density Residential designation in the Official Plan), as well as the portion of the subject estate that is located outside of the settlement area boundary, within the Greenbelt Plan, where no development is proposed (existing vineyard use to be maintained). The Agricultural (A) zone permits agricultural uses.

144/176 John Street East:

- Existing Zoning: General Commercial Site-Specific #56 (GC-56) and Open Space Site-Specific #56 (OS-56).
- The General Commercial Site-Specific #56 (GC-56) zone permits the following uses, and establishes related zone regulations:
  - a hotel with a maximum of one hundred and six (106) rooms;
  - eight hotel rooms in the Devonian house;
  - a conference centre;
  - an artist studio(s) and learning centre;
  - an art gallery;
  - a restaurant;
  - an outdoor patio; and
  - accessory buildings and structures.
- The Open Space Site-Specific #56 (OS-56) zone permits the following uses and related zone regulations:
  - 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.

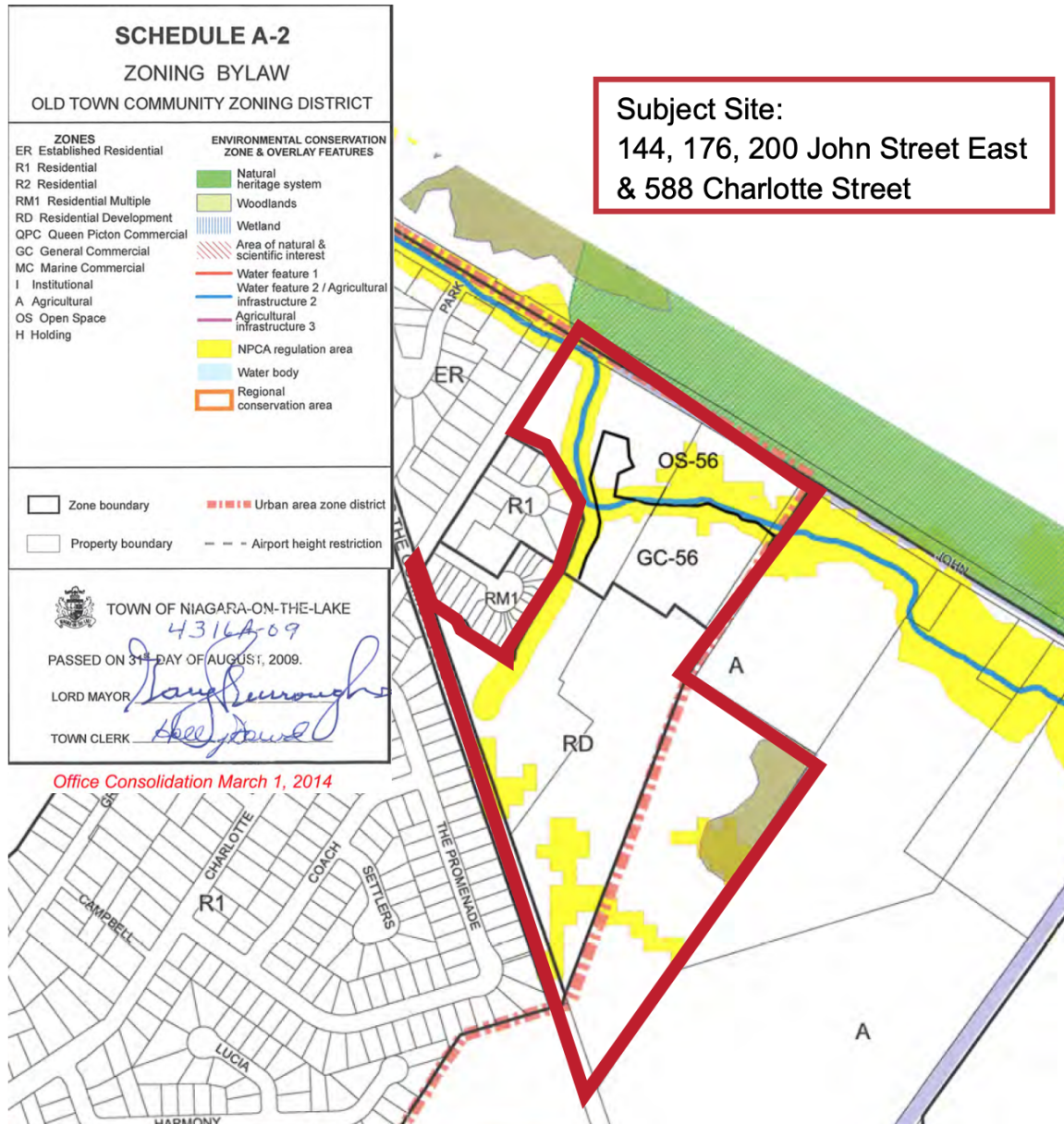


Figure 7 – Schedule A-2 of Zoning By-law 4316A-09

### 2.3.2 Proposed Zoning By-law Amendment

The subject estate is proposed to be re-zoned in accordance with Figure 7.14.56F(i) and as described in the paragraphs and tables below. Although the subject estate is made up of four distinct properties, the proposed development on the subject estate will occur comprehensively, and as such, for the purposes of the Zoning By-law, the subject estate should be considered as one lot.

The proposed zoning is intended to replace all zone provisions within Section 7.14.56 of Zoning By-law 4316-09, as amended, with the following:

Proposed Zoning	Description of Proposed Provisions
<p>Provisions applying to all of the Subject Estate:</p>	<ul style="list-style-type: none"> <li>• One Lot: <ul style="list-style-type: none"> <li>○ For the purposes of this By-law, the entirety of the lands subject to this Section shall be considered as one lot.</li> </ul> </li> <li>• Amplified Music: <ul style="list-style-type: none"> <li>○ No amplified music or public address system shall be utilized outdoors.</li> </ul> </li> <li>• Other applicable provisions: <ul style="list-style-type: none"> <li>○ All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.</li> </ul> </li> <li>• Holding: <ul style="list-style-type: none"> <li>○ The Holding (H) Zone shall not be lifted from the General Commercial Site-Specific 56 (GC-56), Open Space Site-Specific 56 (OS-56), and Residential Multiple (RM1) Zones until such time as applicant has received site plan approval and a heritage permit from the Town of Niagara-on-the-Lake.</li> </ul> </li> <li>• Street Frontage: <ul style="list-style-type: none"> <li>○ Notwithstanding Section 6.45 of this By-law, buildings and structures shall be permitted to front onto a private road or driveway.</li> </ul> </li> <li>• Minimum Lot Requirements for Subject Estate (as one lot): <ul style="list-style-type: none"> <li>○ Minimum lot frontage: 300 m</li> <li>○ Minimum lot depth: 120 m</li> <li>○ Minimum landscaped open space: 75%</li> <li>○ Maximum lot coverage: 13%</li> </ul> </li> </ul>
<p>Provisions applying to the General Commercial Site-Specific 56 (GC-56) Holding (H) Zone</p>	<ul style="list-style-type: none"> <li>• <u>Permitted Uses:</u> <ol style="list-style-type: none"> <li>a) accessory buildings and structures</li> <li>b) art gallery</li> <li>c) artist studio(s) and learning centre</li> <li>d) conference centre</li> <li>e) hotel with a maximum of one hundred and eleven (111) rooms</li> <li>f) outdoor patio</li> <li>g) restaurants</li> <li>h) spa</li> </ol> </li> <li>• <u>Zone Requirements:</u> <ol style="list-style-type: none"> <li>a) Minimum main building setbacks in accordance with Schedule 7.14.56Fii. Accessory buildings and underground structures may be permitted to encroach within the minimum setbacks identified on Figure 7.14.56Fii. A porte-cochere for the hotel may be permitted to encroach into the front yard setback.</li> </ol> </li> </ul>

	<ul style="list-style-type: none"> <li>b) Minimum vehicular access ramp setback: 30.48 m</li> <li>c) Maximum number of storeys: 5 storeys</li> <li>d) Maximum building height: 21.5 m (except architectural and mechanical features including cupolas and parapets may exceed the maximum building height).</li> <li>e) Maximum number of rooms for the hotel: 111</li> <li>f) Maximum ground floor area of all buildings in the commercial zone: 5,750 m<sup>2</sup></li> <li>g) Maximum floor area of spa: 1,750 m<sup>2</sup></li> <li>h) Devonian House: No other commercial use shall be permitted except for a restaurant.</li> </ul> <ul style="list-style-type: none"> <li>• Parking: <ul style="list-style-type: none"> <li>○ Notwithstanding Section 6.39 Parking Space Requirements of By-law No. 4316-09, as amended; a minimum of 222 parking spaces shall be required for all uses combined within the GC-56 (H) Zone.</li> </ul> </li> </ul>
<p>Provisions applying to the Open Space Site-Specific 56 (OS-56) Holding (H) Zone</p>	<ul style="list-style-type: none"> <li>• <u>Permitted Uses:</u> <ul style="list-style-type: none"> <li>a) Pedestrian and carriage pathways</li> <li>b) Existing structures</li> <li>c) Stormwater management facilities</li> <li>d) Parking spaces to a maximum of 50 spaces</li> <li>e) Walls along John and Charlotte Streets</li> <li>f) Accessory landscaping structures or uses</li> </ul> </li> <li>• <u>Zone Requirements:</u> <ul style="list-style-type: none"> <li>a) A minimum setback for accessory structures shall be 7.5 m from all property lines</li> </ul> </li> </ul>
<p>Provisions applying to the Residential Multiple Site-Specific 56 (RM1-56) Holding (H) Zone</p>	<ul style="list-style-type: none"> <li>• <u>The provisions of the RM1 Zone shall apply, with the following exceptions:</u> <ul style="list-style-type: none"> <li>a) Stormwater management facilities shall be permitted.</li> <li>b) A maximum of 270 residential units shall be permitted.</li> <li>c) Minimum main building setbacks in accordance with Schedule 7.14.56Fii.</li> <li>d) Notwithstanding 7.14.56.12 c) and any other provision of this By-law, accessory buildings and underground structures may be permitted to encroach within the minimum setbacks identified on Figure 7.14.56Fii.</li> </ul> </li> </ul>
<p>Natural Heritage System Conservation Zone Overlay</p>	<p>Apply the Natural Heritage System Conservation Zone Overlay to lands shown on 87.14.56F(i).</p>

These requested zone provisions are appropriate for the proposed development, as it is demonstrated in this report that the proposed development will fit into the surrounding neighbourhood context and will have no negative impacts on adjacent properties.

**Appendix 'B'** to this report contains a proposed Draft Zoning By-law Amendment.

## **2.4 SUPPORTING STUDIES**

As part of this submission of Official Plan and Zoning By-law Amendment applications, a number of supporting studies and plans have been prepared in support of the applications. A brief summary of these studies and plans is included within this section. As noted previously, a Tree Preservation Plan will be completed for the subject estate this spring once leaves are out.

### **2.4.1 Urban Design Brief**

SGL Planning & Design has prepared an Urban Design Brief for the proposed development to assess the design of the proposed subdivision in relation to its surroundings. The Brief describes how the proposed development will respect the character of neighbouring residential neighbourhoods

### **2.4.2 Heritage Impact Assessment (HIA)**

The HIA was prepared by Stantec Consulting Ltd. In accordance with municipal and provincial policy, an HIA is required to assess the proposed impacts of development on the designated Subject Estate and adjacent protected heritage properties. As part of the Zoning By-law Amendment application, the HIA reviews alternative approaches to development, consider associated impacts, and provide mitigation options to demonstrate how the identified cultural heritage value or interest (CHVI) will be conserved in the context of the proposed development.

This HIA has been prepared using the Town's Standard Terms of Reference: Heritage Impact Assessments & Cultural Heritage Evaluation Reports (TOR) (Town of NOTL 2021). Following the Town's TOR, this HIA also follows guidance from heritage best practices, and by the Ministry of Citizenship and Multiculturalism InfoSheet #5 in Heritage Resources in the Land Use Planning Process, Cultural Heritage and Archaeology Policies of the Ontario Provincial Policy Statement, 2005.

The Proponent intends to develop the Subject Estate in partnership with the Ritz-Carlton for residential and commercial purposes. The proposed development includes much of Randwood and provides a comprehensive approach to change that includes contemporary residential, leisure, and recreational uses. These uses harken back to the former residential and recreational use of the lands by the Rand family, albeit at a different scale.

Following assessment, it was determined that the Proposed Concept Plan results in adverse impacts to heritage attributes, built elements, and landscape elements of the Subject Estate. The potential for direct and indirect impacts to the Subject Estate has been identified because of the following activities:

- The construction of hotel surface parking, and underground parking garage at 144 John Street East that extends into 176 and 200 John Street East;
- The construction of the new hotel and hotel access road at 176 John Street East;
- The widening of the 200 John Street East entrance at 200 John Street East and construction of residential access road to the rear of the property; and
- The construction of an outdoor pool/spa area at 176 John Street East extending into 200 John Street East.

Following discussions with the Proponent and Town Staff, the proposed Concept Plan was revised to reduce impacts. This was done, in part, by setting the hotel back an additional 40 meters from the Main Residence at 176 John Street, retaining or restoring landscape elements in situ wherever feasible, and assessing the impacts associated with eight alternative access roads to the hotel and residential buildings.

All access roads assessed result in some adverse impacts to heritage attributes, built heritage elements, and landscape elements of the site. All alternatives considered result in impacts to existing trees on the property, with a range of between 5 and 12% of the total inventoried canopy required to be removed. In many cases, where impacts were reduced on one portion of the Subject Estate, impacts were identified elsewhere. For example, access alternatives that avoided impacts to the pool complex and trees at 200 John Street East would result in impacts to the coach house at 144 John Street East, or the entrance to the Main Residence and sunken garden at 176 John Street East. When technical feasibility was considered, challenges were identified in each alternative from a transportation, site safety, natural heritage, or operational perspective. Therefore, the proposed Concept Plan site access was carried forward as it was the most feasible alternative.

While there are impacts associated with the proposed development, the proposed approach is appropriate because it conserves the overall CHVI of the Subject Estate by:

- Incorporating the majority of the heritage attributes, built elements, and landscape elements in situ resulting in the continued retention of much of the property's estate-like character;
- Mitigating through relocation, compatible design, or other methods when retention in situ is not feasible;
- Incorporating existing elements of the Subject Estate into a new development in a functional and intentional way. Incorporated attributes and elements have a dedicated use and are visible to the patrons, residents, or guests of the site; and
- Maintaining similar relationships of heritage attributes, built and landscape elements to their surroundings, historical context, or historical uses that support the overall estate-like character.

While heritage attributes will be altered, and some existing built and landscape elements will be removed, the Subject Estate has evolved over many decades with various eras of use that have added, removed, and adapted buildings and CHL elements on the site. The proposed development introduces a new layer of change that re-establishes the historic use of the property as a luxury recreational property and gathering space, albeit on a larger scale than when it was a private estate. The proposed Concept Plan:

- Provides integration between the separate property parcels that once formed Randwood;
- Allows for a comprehensive use of the Subject Estate, while having some separate requirements for the hotel and residential buildings; and
- Provides an opportunity for new built and landscape elements that can be coordinated to provide a more unified design and complement the collective nature of the site as a CHL.

Some existing elements of the Subject Estate cannot be retained in-situ, including the pool and surrounding landscaped area, the tea house, mound, peony garden, rose of Sharon, oriental cedar hedge, concrete bridges, and carriage house. The preferred alternative to conserve the CHVI of the site includes a combination of relocation (for the tea house, and potentially Carriage House), and removal with mitigation measures to offset the adverse impacts of their removal or replacement.

Mitigation measures, as outlined in the report will be required where heritage attributes and cultural landscape elements are impacted through the proposed design. Through the implementation of these measures, the cultural heritage value of the Subject Estate can be conserved while adapting to a new use, and the story of the Randwood Estate will carry on through the site's continued evolution.

### **2.4.3 Environmental Impact Statement (EIS)**

The EIS was prepared by GEI Consultants Canada Ltd. The EIS Study Area includes the Proposed Development Area (i.e., the area within the Subject Estate which development and site alteration may be proposed, subject to constraints), areas within 120 m of the Proposed Development Area and the broader landscape surrounding the Subject Lands (including known natural features in the general vicinity but beyond 120 m from the Proposed Development Area).

The presence/absence of natural features, as identified in the PPS, Greenbelt Plan, NOP (2022), Town OP (2017) and NPCA regulations has been determined based on desktop information review and on-site field investigation.

An assessment of impacts on natural features and their associated functions has been conducted, and discussed in relation to the PPS, related guidance documents, the Greenbelt Plan and the local and regional official plans. Potential impacts that have been considered include direct, indirect and cumulative

impacts. Mitigative measures have been identified to avoid or minimize the potential for negative impacts on natural features.

Based upon the analyses carried out, the following conclusions were arrived at.

The wetland (SWD3-2) on 200 John Street is an Other Wetland (but not a candidate to be a PSW) and is regulated by the Niagara Peninsula Conservation Authority (NPCA). The portion in the Greenbelt Plan area is a Key Natural Heritage Feature (KNHF)/ Key Hydrologic Features (KHF). The wetland will be retained with a general 10-m buffer (with minor encroachment for a driveway and a storm sewer inlet), which will be naturalized. Wetland water balance will be maintained through conveyance of additional surface water drainage to the feature through a clean-water collector swale. Potential indirect impacts on the wetland will be prevented through various mitigative approaches. The currently managed (mowed) understory of the wetland will be allowed to passively naturalize, resulting in an expected net gain to the form and function of the feature.

SAR bats were documented on the Subject Lands. A total of 52 trees providing suitable habitat characteristics were present, predominantly within the 144/176 John Street East properties. Removal of 12 potential bat habitat trees is proposed to occur outside the maternity roosting period, but this is not expected to have a negative impact on overall bat populations in the general area. Screening of structures will be required prior to development.

One Mile Creek and the Tributary of One Mile Creek are Key Hydrologic Features and the watercourse and associated flooding and erosion hazards are regulated by NPCA. The watercourses provide Type 3 (marginal) indirect fish habitat functions. The three proposed driveway crossing upgrades will alter fish habitat, but this is not expected to have a negative impact on the indirect fish habitat functions that support downstream (off-site) direct fish habitat. No impacts on flooding or erosion hazards are expected. Local alterations in flow are expected in certain reaches due to stormwater management, but the proposed stormwater management system will provide required quantity, quality and erosion control criteria. Enhancements to riparian vegetation communities are expected to result in long-term benefits to the form and function of the watercourses.

The Woodland (CUW) in the Greenbelt Plan area is identified as an Other Woodland and provides habitat for SAR bats. No direct impacts on the woodland are expected and mitigative approaches recommended for implementation are expected to be effective to provide indirect impacts on the feature.

The Woodland (FOD7) does not meet the criteria to be protected under any relevant legislation, plans or guidelines. However, as a treed area it provides general wildlife habitat. A portion of the woodland will be removed for the

proposed development. Tree planting is expected to be required (to be confirmed in the Arborist Report). This EIS has recommended that any required compensation trees be planted adjacent to the residual part of the woodland.

No direct impacts on the Greenbelt Plan Natural Heritage System (NHS), which is located immediately adjacent to the proposed development area are expected. The Greenbelt Plan NHS has been identified as providing a potential ecological linkage to facilitate wildlife movements between the Paradise Grove Plain ANSI northeast of the Subject Lands and a woodland providing deer overwintering habitat southeast of the Subject Lands. No negative impact on the function of the potential linkage is expected to occur as a result of the proposed development. Further, no negative impacts on the form or wildlife habitat functions of the ANSI or deer overwintering woodland are expected.

Other Water Resources System components, including Mitigation Headwater Drainage Features (HDFs) on the Town-owned Heritage Trail, and general groundwater resources are present on or adjacent to the Subject Estate. No alterations to the form or function of the off-site Mitigation HDFs are expected. Localized alterations to groundwater infiltration, recharge and local water tables may occur due to increase in impervious surfaces and stormwater management on the Subject Estate. With appropriate mitigation, negative impacts on these features are not expected as a result of such changes. A monitoring plan, consisting of construction and post-construction monitoring measures, has been recommended in this EIS. A detailed monitoring plan will be prepared during the permitting stage.

Potential natural heritage-related permits and/or agency discussions that may be required include:

- NPCA development permit for alterations to watercourse and development within 30 m of the SWD3-2 wetland;
- Submission of a Request for Review to DFO to confirm if an Authorization under the Fisheries Act is required for any of the proposed alterations to One Mile Creek and its tributary;
- Potential discussions with MECP and/or permitting/registration under relevant provincial SAR legislation may be required to address potential alterations in SAR bat habitat.

Considering the analysis completed in this EIS, the development of the Subject Estate can be completed without negative impact on the natural features and associated functions.

#### **2.4.4 Servicing Study**

The details of water, wastewater and stormwater management are provided in the Functional Servicing Report (FSR) submitted in support of the proposed development. With respect to wastewater servicing, the subject estate is

anticipated to be readily serviceable via the existing sanitary infrastructure along Charlotte Street for the residential component and hotel use. Similarly, water servicing will also be provided by existing servicing along Charlotte Street for the residential component and from John Street for the hotel, which is expected to have sufficient capacity for the proposed development.

With respect to stormwater management, the FSR demonstrates that sufficient water quality and erosion control is provided by the proposed Stormwater Management Pond.

#### **2.4.5 Transportation Impact Study**

The Transportation Impact Assessment prepared by Paradigm Transportation Solutions Limited evaluates the potential transportation and parking implications of the proposed development. The study concludes that the development can be appropriately accommodated within the existing and planned transportation network. The development is anticipated to generate additional trips beyond current conditions; however, these increases are considered moderate and are not expected to significantly affect overall network operations. Most study area intersections are forecast to continue operating at acceptable levels of service (LOS A to C) under 2031 total traffic conditions, with minimal delay increases. While the Niagara River Parkway/Queen's Parade and John Street East/Ricardo Street intersection is expected to experience ongoing operational constraints, these are largely reflective of existing conditions, with the development contributing only marginal additional impact. The proposed access configuration, including Ritz Carlton Lane and the Hotel Driveway, satisfies applicable municipal and Transportation Association of Canada design standards, with adequate sight distances, internal circulation, and emergency access provisions.

From a parking perspective, related specifically for the Hotel component of the proposed development, the report identifies that while the Zoning By-law would theoretically require 488 parking spaces based on standalone rates, the subject lands are governed by an existing site-specific zoning framework requiring a minimum of 250 spaces for the hotel. A shared parking analysis, reflecting the mixed-use nature of the development and accounting for internal trip capture and complementary peak demand periods, demonstrates that the actual peak parking demand is approximately 220 spaces. This demand can be fully accommodated within the proposed supply of 222 spaces and is further supported by industry benchmarks and comparable case studies. Overall, the proposed parking supply is considered appropriate and consistent with accepted planning and transportation engineering practices

#### **2.4.6 Conceptual Landscape Plan**

A Conceptual Landscape Plan has been prepared by Strybos Barron King Landscape Architecture to conceptually demonstrate the landscaping associated

with the proposed development. Details with respect to landscaping will be determined and refined at a future site plan approval stage of development.

#### **2.4.7 Hydrogeology Terms of Reference**

A Hydrogeological terms of reference report was prepared by Thurber Engineering Ltd. The Hydrogeological terms of reference report was based on a desktop review of background information available from public records and a review of the Ministry of Environment, Conservation and Parks (MECP). The Hydrogeological terms of reference proposed to undertake the following as part a future Hydrogeological Report to be submitted at Site Plan:

- A summary of the field investigation program, including methodologies, dates, and key findings;
- A review of MECP water well records within a 500 m radius of the Site, including interpretation of regional groundwater conditions;
- A detailed description of the hydrogeological setting, including site stratigraphy, hydrostratigraphic units, and groundwater conditions;
- Borehole logs, monitoring well installation records, and construction details;
- SWRT methodology, analysis, and results, including assumptions and limitations;
- A summary and interpretation of groundwater quality data in relation to applicable regulatory criteria and guidelines;
- An evaluation of groundwater levels and seasonal fluctuations, including assessment of design groundwater elevations;
- An assessment of groundwater conditions at the proposed SWM pond, including recommendations for additional analyses (e.g., infiltration testing), if required by the Project Engineer;
- A detailed evaluation of whether there is a need for waterproofing (“bathtubing”) of underground structures (e.g., parking garage and basement levels), considering groundwater levels, soil permeability, and long-term performance risks;
- Assessment of alternative groundwater control measures (e.g., drainage systems) and justification for the recommended approach;
- Estimation of dewatering requirements, including anticipated pumping rates and zone of influence, for both short-term (construction) and long-term (permanent drainage, if applicable) scenarios;
- Assessment of construction-phase discharge options and post-construction groundwater discharge to the storm sewer or other receiving systems, including required treatment considerations;
- Identification of permitting requirements under MECP, including the need for EASR registration;
- An assessment of potential impacts of dewatering and/or permanent groundwater control, including effects on groundwater quantity and quality, nearby structures (e.g., settlement), and the natural environment;
- Recommendations for mitigation measures to address identified impacts;

- A preliminary Water Taking and Discharge Plan, prepared by a Qualified Person (QP), to support EASR registration (if applicable); and
- Recommendations for groundwater control during construction, including monitoring requirements, contingency measures, and decommissioning of monitoring wells in accordance with applicable guidelines.

#### **2.4.8 Archaeological Studies**

Archeoworks Inc. prepared a Stage 1-2 Archaeological Assessment for the subject site and proposed development which was prepared and completed in February 2019. The purpose of Stage 1 is to provide information on the property's history and geography including its archaeological potential. The purpose of Stage 2 is to document the resources found, determine further assessment and recommend strategies for a Stage 3 study.

Based on detailed research, the Stage 1 Archaeological Assessment concluded that the site has archaeological potential. During Stage 2, six historic Euro-Canadian artifact collections were identified: H1 (AhGs-68), H2 (AhGs-410), H4 (AhGs-411), H5 (AhDs-412), H6 and H7. Only H1, H2 and H4 identified numerous artifacts pre-dating 1900 that were of cultural significance. These artifact collections will require further examination, including a Stage 3 archaeological assessment before proceeding with development. The remaining sites H5, H6 and H7 are of low cultural heritage value and therefore no further assessment is required.

The Ministry of Heritage, Sport, Tourism, and Culture Industries has provided a clearance letter advising that the Stage 3 Assessment should be undertaken prior to intrusive activity on the site. As such, this work can be appropriately addressed as a condition of site plan approval.

#### **2.4.9 Arborist Report and Tree Inventory**

Two Tree Inventories were prepared by Stantec Consulting Ltd. in Association with Buchanan Expert Tree Care Inc. in March 2024 for the subject estate. The reports inventoried 407 trees on 144 and 176 John Street East, four of which are dead, and 51 trees inventoried on 200 John Street East and 588 Charlotte Street. The two reports will be updated in the Spring of 2026 when the leaves are out.

#### **2.4.10 Agricultural and Urban Interface Assessment**

The Agricultural and Urban Interface Assessment prepared by Colville Consulting Inc. evaluates the compatibility of the proposed development with adjacent prime agricultural lands. The property comprises a portion located within the settlement area designated for urban development and the remainder within a Specialty Crop Area intended to remain in agricultural use. The report confirms that no

development is proposed within the agricultural portion, which is currently under active vineyard production, and focuses on assessing potential land use conflicts at the agricultural-urban interface. Through background review, site visits, and comparative analysis of similar interfaces across Niagara-on-the-Lake, the study identifies common edge conditions and mitigation approaches such as setbacks, fencing, and vegetative buffers.

The assessment concludes that the proposed development will not result in negative impacts to the agricultural system, as there is no loss of agricultural land, infrastructure, or operations, and the vineyard use will be maintained and supported. Potential interface impacts, such as noise, odour, spray drift, and trespass, are anticipated to be minimal and can be effectively mitigated through established best management practices implemented by Two Sisters Vineyards, including setback controls, operational timing, integrated pest management, and proactive communication with adjacent residents. The report emphasizes that compatibility will be achieved through appropriate edge planting and fencing within the urban area portion of the property and that the presence of existing agricultural operations prior to development will further reduce potential conflicts. Overall, the study supports the conclusion that the proposed development represents an appropriate and compatible form of development within the existing urban boundary, with negligible impact on adjacent agricultural uses.

## 3 KEY TAKEAWAYS FROM PREVIOUS APPLICATION DECISION

### 3.1 PREVIOUS DEVELOPMENT PROPOSAL

This section of the report summarizes a previous development proposal for a portion of the subject estate (200 John Street East and 588 Charlotte Street), that did not involve the portion of the subject estate that is proposed to accommodate the hotel (144 and 176 John Street East).

The previous development proposal for 200 John Street East and 588 Charlotte Street consisted of a Draft Plan of Subdivision incorporating a mix of single detached, semi-detached, and townhouse dwellings. In total, a maximum of 196 residential units were proposed for the lands.

The subdivision was organized around a network of private roads and laneways, designed to support efficient circulation and an integrated system of open spaces and a stormwater management pond, and integrating various cultural heritage elements of the lands. The open spaces served both recreational and buffering functions, while also commemorating the site's cultural heritage landscape.

The previously proposed development involved Official Plan and Zoning By-law Amendments to permit the previously proposed subdivision. All applications were considered by the Ontario Land Tribunal, and a Decision and Interim Order were issued in October 2024. While the proposed Official Plan Amendment to redesignate the portion of the Subject Estate within the settlement boundary from Agricultural to Low Density Residential was approved, the Zoning By-law Amendment and Draft Plan of Subdivision applications were refused.

### 3.2 KEY TAKEAWAYS FROM OLT DECISION

The Tribunal identified three key matters that formed the basis of their decision, as summarized in this section.

#### **Comprehensive Development**

The Tribunal identified the absence of a comprehensive and coordinated planning approach as a central issue with the previously proposed development. The Tribunal indicated that the 200 John Street East and 588 Charlotte Street properties are functionally linked to adjacent parcels, at 144 and 176 John Street East, through shared ownership interests, servicing strategies, and potential access arrangements. The Tribunal took issue with the fact that, despite these

interrelationships, the previous proposal was advanced on a standalone basis, particularly with respect to access planning.

The Tribunal found that this approach limited the ability to achieve appropriate outcomes related to access, infrastructure, and heritage conservation, and suggested a more integrated approach to address:

- Safe and efficient access;
- Coordinated servicing and stormwater management solutions; and
- Comprehensive conservation of the cultural heritage landscape.

While not formally required, the Tribunal strongly encouraged the owner to pursue a coordinated development approach across the broader landholding.

### **Takeaway:**

In direct response to the Tribunal's decision, the proposed development for the subject estate incorporates all four properties as part of a comprehensive site development (144, 176 and 200 John Street East, and 588 Charlotte Street). The proposed development is for separate commercial and residential uses, as contemplated in the Official Plan and Zoning By-law, which are fundamentally distinct from one another in purpose and function. However, the residential uses proposed will be affiliated with the Ritz-Carlton Hotel, where owners will be part of a program where their units may be rented out for accommodation purposes associated with the hotel.

The development has been comprehensively designed to ensure the proper and independent functioning of both uses, while cohesively planning all the lands as one estate to share in the delivery of a vision to preserve and commemorate the cultural heritage landscape, infrastructure solutions and pedestrian and vehicular circulation solutions for all properties combined.

### **Access**

The primary access to the previously proposed subdivision was via the 20-metre wide portion of 200 John Street East connecting to John Street East. The Tribunal determined that:

- The proposed intersection did not meet accepted engineering standards for a connection to a Collector Road;
- The geometry and turning radii were insufficient to safely accommodate traffic volumes, including service and emergency vehicles; and
- The proximity to the adjacent driveway to the east at 210 John Street East created operational and safety conflicts.

In addition to transportation concerns, the Tribunal found that the proposed access would result in impacts on cultural heritage features and mature vegetation.

The Tribunal directed the owner to identify alternative access solutions, with particular consideration given to a shared access arrangement through adjacent lands (144/176 John Street East). With respect to the Emergency access that had been previously proposed from Charlotte Street the Tribunal identified technical concerns that needed to be addressed.

### **Takeaway:**

In direct response to the Tribunal's decision, alternative access solutions have been identified and evaluated within the Heritage Impact Assessment. The review of the alternative access solutions has resulted in the conclusion that the most feasible location for a driveway to access the rear portion of the subject estate is the location that is being proposed in the proposed development.

The proposed development for the subject estate has incorporated the following key design elements to inform the location of the access driveway depicted in the proposed development concept:

- A minimum 9-metre curb radius for the curbs on both sides of the private road where it meets John Street East; and
- The eastern edge of the pavement is located no closer than 14.5 metres from the western edge of the existing driveway at 210 John Street.

The measures above have been incorporated into the proposed design to respond directly to the concerns raised by the Ontario Land Tribunal in its October 2024 decision. While trees will be required to be removed to accommodate the proposed driveway, the driveway will be situated slightly further west of the location proposed in the previous development proposal to minimize the impact to boundary trees along the property line between the Subject Estate and 210 John Street East.

### **Cultural Heritage**

The Tribunal confirmed that the subject lands form part of a **Significant Cultural Heritage Landscape ("CHL")** associated with the Rand Estate. The Decision emphasizes that heritage conservation extends beyond individual attributes to include the broader landscape context, including spatial organization, vegetation, views, and functional relationships between features, including those on 144/176 John Street East, which were not part of the previous development proposal.

The Tribunal determined that the previously proposed development did not adequately conserve the CHL in accordance with the Provincial Policy Statement

(2020), particularly as it relates to the requirement to conserve significant cultural heritage landscapes and determined that:

- The cultural heritage value of the site is derived from the integrated relationship of features, including designed landscape elements and their connections;
- Conservation is to prioritize in situ retention, with demolition and commemoration considered only as a last resort; and
- The proposed subdivision layout was not sufficiently informed by heritage constraints, resulting in avoidable impacts to key features.

In the context of the previous development proposal, the Tribunal identified several heritage attributes to be retained and integrated into a revised subdivision design, however they acknowledged that removal of certain structures (e.g., Summer House and Stables) may be appropriate, subject to commemoration.

The Tribunal also identified deficiencies in the supporting Heritage Impact Assessment, including the absence of a comprehensive evaluation of alternatives and insufficient assessment of impacts on adjacent designated properties and infrastructure-related works.

**Takeaway:**

The HIA identifies a key change in that the development brings together 4 separate properties that formerly comprised the Rand Estate into one comprehensive estate development and through compact development maintains over 75% of the subject estate as open space helping to protect the significant cultural heritage landscape. The HIA also explores assessment of alternatives to the road access. Although some heritage attributes will be moved or removed, the HIA demonstrates how the cultural heritage attributes will be conserved through adaptive re-use, restoration and commemoration.

## 4 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 estate. The policy documents reviewed include the Provincial Planning Statement (2024), the Greenbelt Plan (2017), the Niagara Regional Official Plan (2022) and the Town of Niagara-on-the-Lake Official Plan (2017). This section also includes a review of the adopted Niagara-on-the-Lake Official Plan (2019), as well as the adopted Official Plan Amendment 78, as they relate to the proposed development, although neither of which are in effect.

### 4.1 PROVINCIAL PLANNING STATEMENT (2024)

The Provincial Planning Statement, 2024 (PPS) provides direction for regulating development and land use across the province, to achieve provincial goals such as meeting the projected growth and creating complete communities. Planning decisions by municipal councils and other decision-makers are required to be consistent with the PPS. The policy sections that apply to the proposed development include: 2.1 Planning for People and Homes, 2.2 Housing, 2.3 Settlement Areas and Settlement Area Boundary Expansions, 2.9 Energy Conservation, Air Quality and Climate Change, 3.1 General Policies for Infrastructure and Public Service Facilities, 3.6 Sewage, Water and Stormwater, 3.9 Public Spaces, Recreation, Parks, Trails and Open Space, 4.1 Natural Heritage, and 4.6 Cultural Heritage and Archaeology.

#### 2.1 Planning for People and Homes

Policy 2.1.4 states: *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) *maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development; and*
- b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned, including units in draft approved or registered plans.*

#### **Consistency:**

Although this is a policy directive for the Municipality, 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 subject estate. The proposal will introduce a new hotel at the front of the subject estate as well as 230 to 270 residential units at the rear, spread across five 3-storey apartment buildings. The residential units within a compact built form, contributing to the overall housing mix available in the Town and Region. As such, the proposed development will contribute to the Town maintaining a 15-year supply of housing through intensification on lands that can be serviced.

Policy 2.1.4 outlines that: *Planning authorities should support the achievement of complete communities by:*

- a) *accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, longterm care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) *improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c) *improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

**Consistency:**

Although this is a policy directive for the municipality, the proposed development is consistent with the policies of the PPS. It contributes to a broader mix of housing options within an existing settlement area and provides additional employment opportunities.

## 2.2 Housing

Policy 2.2.1 of the PPS states, "*Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

- a) *establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- b) *permitting and facilitating:*
  1. *all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
  2. *all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites*

*(e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*

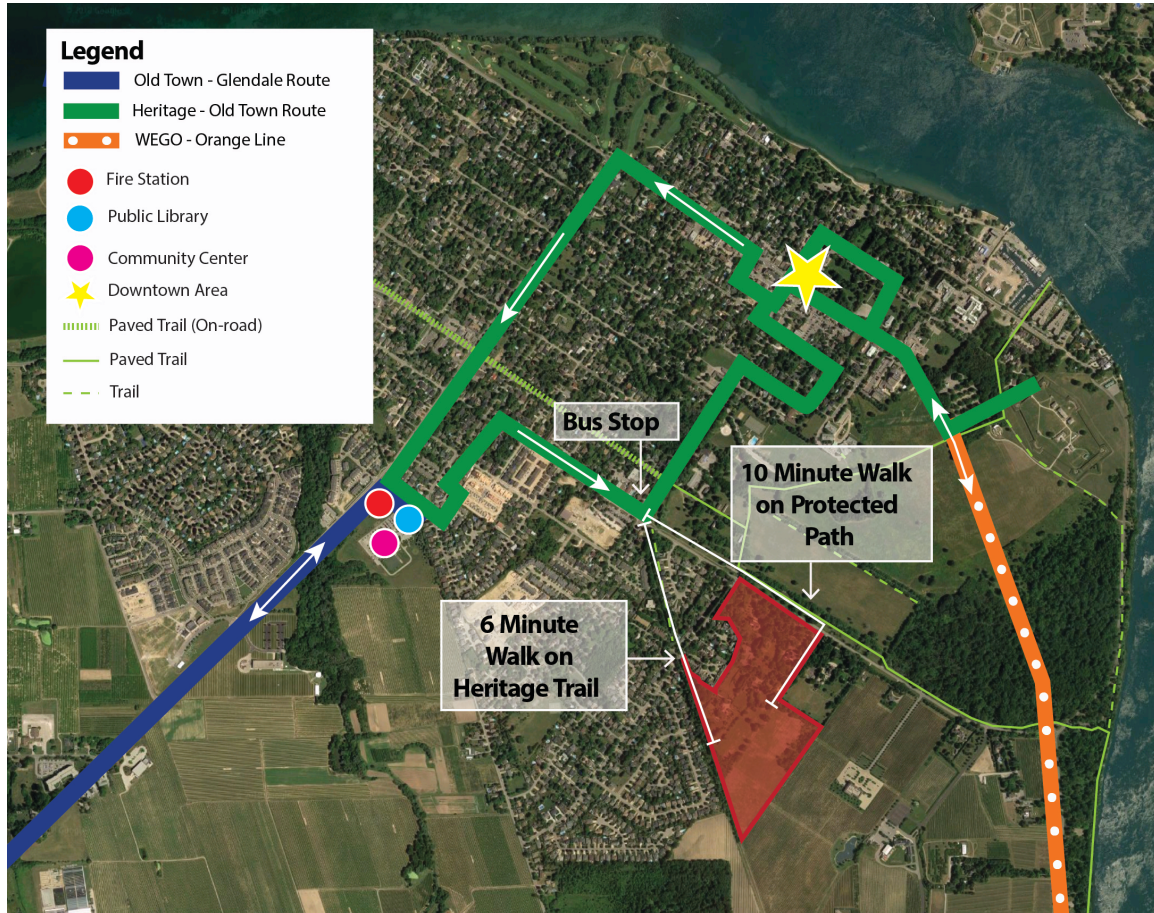
- c) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*

**Consistency:**

This is a policy directive for the municipality, however, the proposed development is consistent with the policies of the PPS.

The proposed development occurs on lands that have been designated for a hotel and residential development, but have not been developed. The subject estate is located adjacent to the existing built-up area to the west and south and will have a compact form that will contribute to the mix of housing options in the Town. Although the development will not contribute to affordable housing, it does provide for increased options of multi-unit housing in a low-rise form within the Town. The proposed development will also allow for an efficient use of this underutilized land and the use of existing infrastructure that can be extended.

The subject estate is also well situated within the Old Town community, located within walking distance to an existing transit route (between the Court House, Fort George and Community Centre bus stops along John Street) and within walking distance to many of the Town's amenities, as shown on **Figure 8**.



**Figure 8 – Active Transportation Network**

### 2.3 Settlement Areas

Applicable general policies for Settlement Areas state:

*2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

*2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate;*

*2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

*2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

**Consistency:**

The proposed development is also consistent with these policies as it provides for intensification and a mix of housing types, at an appropriate level of intensification within the Town, based on its context and services. The subject estate is located within a fully serviced urban settlement area where infrastructure and community facilities are located and available, which ensures efficient use of those *infrastructure* and *public service facilities*.

The proposed development supports the achievement of complete communities by creating a unique residential community linked to the Ritz-Carlton hotel, which allows residents to rent their unit through the hotel when not occupied, which contributes to housing, tourism and employment.

In supporting a complete community and active transportation, the subject estate is well situated within the Old Town community, located within walking distance to an existing transit route and within walking distance to many of the Town's amenities. In addition, access to the Upper Canada Heritage Trail that runs along the southwestern edge of the property will be provided.

Overall, the proposed development is appropriate in accommodating intensification on a site within the Built-up Area of the Town. The proposed development promotes compact development, while also being sensitive to the low-rise character of the surrounding neighbourhood through a 3-storey height, and the provision of substantive setbacks to adjacent development.

## 2.8 Employment

Section 2.8.1 Supporting a Modern Economy of the PPS includes general employment policies that can be considered with respect to the proposed development.

*Policy 2.8.1.1 states: Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*

- b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- c) *identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;*
- d) *encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*
- e) *addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.*

**Consistency:**

The proposal contributes to the Town's mix of employment uses by intensifying a site within the Built-up area of the Old Town settlement area, which is already designated and zoned to permit a hotel and supporting uses. The proposed hotel use will further diversify the Town's economic base, creating additional employment opportunities, further contributing to a complete community.

### Chapter 3: Infrastructure and Facilities

Chapter 3 sets out general policies such as ensuring infrastructure and public service facilities are provided in an efficient manner while accommodating projected needs. Of particular attention is Section 3.6 Sewage, Water and Stormwater, which states:

**3.6.1 Planning for sewage and water services shall:**

- a) *accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
- b) *ensure that these services are provided in a manner that:*
- c) *promote water and energy conservation and efficiency;....*

**Consistency:**

The subject estate is located within a fully serviced settlement area and is proposed to be serviced by existing infrastructure facilities. Based on the Functional Servicing Report prepared by Schaeffers Consulting Engineers 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 consistent with the PPS infrastructure policies.

With respect to public service facilities, the subject estate is located within close proximity to the Upper Canada Heritage Trail, which

provides recreational opportunities, as well as nearby to the Town's fire station, public library and community centre. As such, the proposal makes efficient use of existing public service facilities within Old Town.

#### Chapter 4: Wise Use and Management of Resources

Section 4.1 of the PPS states that Natural features shall be protected for the long term (Section 4.1.1). It also requires that the diversity and connectivity of natural features and the long-term ecological function of natural heritage systems be maintained, restored, or, where possible, improved (Section 4.1.2). 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 (Section 4.1.5). It also restricts development and site alteration in fish habitats unless it is in accordance with federal and provincial requirements (Section 4.1.6). 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 4.1.8).

**Consistency:**

GEI prepared an Environmental Impact Study (EIS) assessing the proposed development. The report identifies natural features on the site, including a Woodland within the Greenbelt Plan area, a small locally significant wetland, and a portion of the tributary of the One Mile Creek.

The EIS confirmed that the Woodland within the Greenbelt Plan area will be maintained with no impacts, whereas the other Woodland on the subject estate does not meet the criteria to be protected, and tree planting compensation is appropriate for the portion to be removed. The EIS also confirmed the wetland is not connected to any surface watercourse and, as such does not contribute to the hydrological function of the watershed. Although, the wetland is not considered to be a significant woodland, it is being maintained with a 10 metre buffer.

With respect to the One Mile Creek, there is a tributary to the One Mile Creek along the west property line while the main branch traverses the front yard of the subject estate. As described by the EIS, the tributary along the west property line and in the main branch will be maintained in place and protected with a 10-metre buffer. Three driveway crossings of the One Mile Creek will be upgraded to remove the driveways above the flood limit and improve flood flows, which the EIS confirmed is not expected to result in negative impacts. As well the crossings are designed to limit grading changes outside the driveways. According to the EIS, there will be no indirect impacts on fish habitat in the watercourse as a result of the proposed development.

As such, the proposal is consistent with the natural heritage policies of the PPS.

## Section 4.2 Water

Section 4.2 of the PPS states that Planning Authorities shall protect, improve or restore the quality and quantity of water (4.2.1). It further goes on to state that:

*Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored, which may require mitigative measures and/or alternative development approaches (4.2.2).*

### **Consistency:**

The proposal is consistent with the water policies of the PPS. As noted within the EIS, the proposed development is not anticipated to generate any negative impacts on surface water resources on the subject estate, including the One Mile Creek or its tributary which will both be protected with a 10-metre buffer. With respect to water quality, the FSR submitted in support of the proposed development describes that the water quality, downstream flooding, and erosion will be managed through the use of a stormwater management pond.

## Section 4.6 Cultural Heritage and Archaeology

Section 4.6 of the PPS contains policies on Cultural Heritage and Archaeology, requiring the conservation of built heritage resources or cultural heritage landscapes (Section 4.6.1). It goes on to state:

*4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

*4.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property unless the heritage attributes of the protected heritage property will be conserved.*

### **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 should be undertaken prior to intrusive activity on the site. As such, this requirement can be appropriately addressed as a condition of site plan approval for the subject estate.

With respect to heritage, the subject estates include the former estate of the Rand Family, which is recognized as a cultural heritage landscape (CHL) that contains multiple dwellings, outbuildings, and landscape elements such as the stone wall, and mature vegetation that have been designated under Part IV of the Ontario Heritage Act. This designation also includes surviving elements of the Dunington-Grubb landscape, which include a formal stone path, sunken lily pond with a sculpture, arched stone bridges and the pool area.

As set out in the Heritage Impact Assessment (see section 2.4.2 of this report), the proposed development will implement a variety of conservation treatments, including adaptive reuse, restoration and commemoration of various heritage attributes throughout the subject estate. For example, the Rand Main Residence will be adaptively reused as a spa, the Devonian House will be reused as a restaurant, and the coach house will be used as a bridal shop. Further, the proposed development retains many of the heritage attributes in situ, except for the tea pavilion, which will be moved to be part of the pool area for the residents, and the carriage house is recommended for relocation if possible. A conservation plan will be prepared for these features. However, the Rand Summerhouse and stables already have applications for demolition and are not proposed to be retained. The pool area and whistle stop walk and some landscape elements will also be commemorated. The conservation and reuse of these heritage attributes is consistent with the PPS.

## 4.2 GREENBELT PLAN 2017

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 9**. 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 areas 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 easterly portion of the subject estate, measuring 3.63 hectares in size, is contained within the Greenbelt Plan Protected Countryside. No development is proposed for this portion of the subject estate, which is

intended to remain as a vineyard, while preserving the existing wetland and woodlot.

The portion of the subject estate that is proposed to be developed is entirely located within the Old Town settlement area boundary, as shown on **Figure 9** and is designated Towns and Villages in the Greenbelt Plan. Section 3.4.3 of the Greenbelt Plan states 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.

Policy 3.1.2.5 of the Greenbelt Plan speaks to the interface between agricultural and non-agricultural uses. The policy states that land use compatibility shall be achieved by avoiding, where possible, or minimizing and mitigating adverse impacts on the Agricultural System, based on provincial guidance. Related to this, the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) has developed Minimum Distance Separation (MDS) Formulae to address land use compatibility issues between agricultural uses such as livestock facilities, manure storage or anaerobic digesters and sensitive land uses.

***Conformity:***

The interface between the proposed development and the lands within the Greenbelt Specialty Crop Area to the east will be such that there will be no adverse impacts on the Agricultural System. With respect to MDS, there is one barn located south of the subject estate, as shown on **Figure 10**. Although located on the adjacent property. According to the MDS calculator on the OMAFRA website, the minimum required distance of the proposed development from the livestock barn is 86 metres (281 feet), as shown on **11**, which is substantially less than the distance between the subject estate and the barn. As such, the proposed development complies with OMAFRA's MDS regulations.

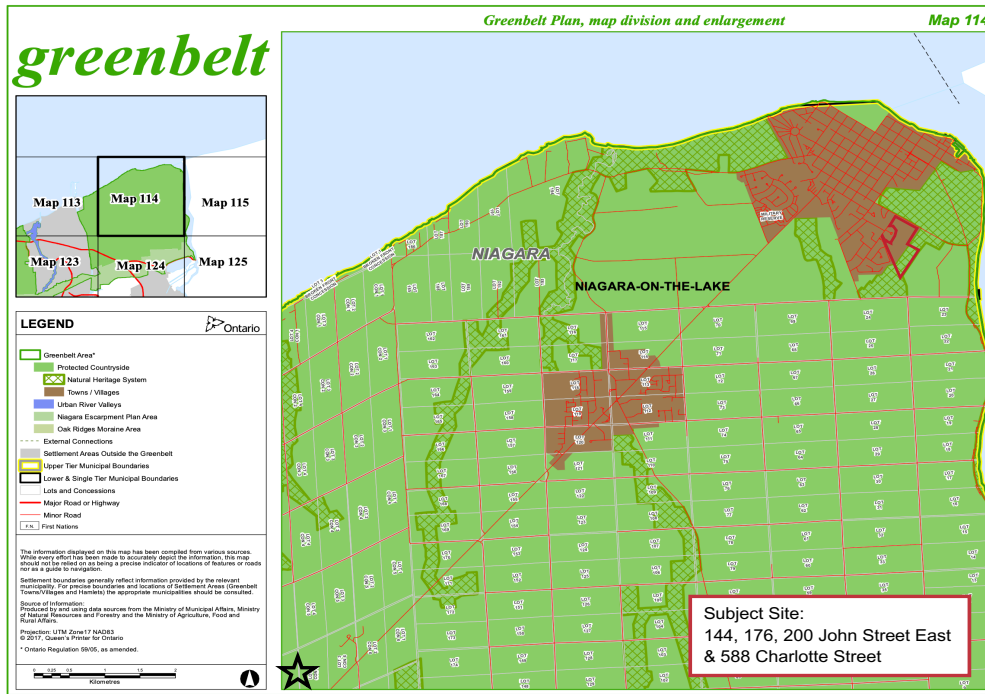


Figure 9 – Greenbelt Plan, 2017



Figure 10 – Minimum Distance Separation

### 4.3 NIAGARA REGION OFFICIAL PLAN, 2022

The Niagara Region Official Plan (“ROP”) is a long-term, strategic planning policy framework for managing growth in Niagara. The ROP will provide policies, goals and objectives to guide economic, environmental, and planning decisions to 2051 and beyond. The ROP plans to accommodate a minimum population of 694,000

and 272,000 jobs by 2051. The Region lost its planning approval authority on March 31, 2025, and the ROP became part of the Town of Niagara on the Lake’s Official Plan. It should be noted that ROP predated the PPS, 2024, which came into effect on October 20, 2024, and in some instances, policies may not be consistent with the PPS, 2024.

The ROP Regional Structure – Schedule B, identifies the subject estate within the Delineated Built-Up Area. Schedule C Natural Environment System of the ROP also identifies the subject estate within the Urban Areas and identifies Woodlands on the subject estate.

Chapter 2 Growing Region of the ROP sets out policies related to the growth forecasts with land use, transportation, infrastructure and financing planning. Table 2-1 2051 Population and Employment Forecasts by Local Area Municipality sets out a minimum population of 28,900, and 17,610 jobs for Niagara-on-the-Lake, refer to **Figure 11**. As set out in Section 2.1.1 of the ROP, the population and employment forecasts are minimums

**Figure 11: Extract of Table 2-1 2051 Population and Employment Forecasts by Local Area Municipality**

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
<b>Niagara Region</b>	<b>694,000</b>	<b>272,000</b>

Section 2.2.1 Managing Urban Growth of the ROP identifies the key objectives for growth in Niagara Region, including the designation of Urban Areas to meet anticipated residential needs, by integrating land use planning and infrastructure. Section 2.2.1 sets out the minimum intensification target of 25% for Niagara-on-the-Lake, which equates to a minimum of 1,150 new units by 2051 (Table 2-2). In

managing the growth and meeting the minimum intensification target, the ROP outlines specific policy direction in Policy 2.2.1.1. Applicable policies include:

- b. a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c. a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;*
- d. social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to
  - i. a range of transportation options, including public transit and active transportation;*
  - ii. affordable, locally grown food and other sources of urban agriculture;*
  - iii. co-located public service facilities; and*
  - iv. the public realm, including open spaces, parks, trails, and other recreational facilities;**
- e. built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g. opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- j. conservation or reuse of cultural heritage resources pursuant to Section 6.5;*

**Conformity:**

In our opinion, the proposal conforms with the policy intent of Section 2.2.1 of the ROP as it contributes to the intensification target and provides for unique medium density housing, which is compatible with the built forms of the surrounding neighborhood. It also diversifies the housing stock in the Town by introducing apartment units that are linked to the hotel, as well as employment opportunities through the hotel use. The low-rise apartment units will contribute to an underrepresented form of housing within the Town.

In contributing to the Town's complete community and the overall quality of life of residents of all ages, the subject estate is situated within the Old Town community, within walking distance to an existing transit route and to many of the Town's amenities, as shown on **Figure 8**.

The proposed development on the subject estate provides for the development of lands that are already designated for residential development purposes and for the proposed hotel use, while balancing and providing for the conservation of cultural heritage and natural heritage resources.

With respect to servicing, the subject estate is within the built-up area of Old Town, and the proposed development will utilize existing municipal services available from Charlotte Street.

With respect to the conservation and reuse of cultural heritage resources, as discussed in Section 2.4.4 of this report and the Provincial Planning Statement section of this report, the heritage attributes of the site will be restored, reused and/or commemorated. This includes the adaptive reuse of the Rand Main Residence as a spa, the Devonian House as a restaurant, the tea house as part of the residential pool area, the gazebo as part of the spa grounds, and the coach house will be used as a bridal shop. Efforts will be made to reduce the loss of mature trees but a number of trees will need to be removed to accommodate the adaptive reuse of the estate for hotel and residential purposes. The bathhouse and whistle stop gazebo will be restored as well as part of the western walkway in the sunken garden. The pool area, whistle stop walk and other buildings will be commemorated. The conservation and reuse of these heritage attributes conforms to the ROP's policy direction.

Section 2.3 Housing of the ROP provides policies for ensuring an adequate supply and diverse range of housing is provided throughout the Region. In supporting this directive, the ROP provides the following policies that relate to the proposed development:

*2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*

*2.3.1.3 The forecasts in Table 2-1 will be used to maintain, at all times:*

*a. the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development; and*

*b. where new development is to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential intensification, and lands in draft approved or registered plans*

**Conformity:**

These policies echo the policy direction of the 2.1.4 from the PPS, which was discussed within the PPS conformity section in this report.

Chapter 3 of the ROP sets out policy direction to maintain, restore, and enhance the Regional natural heritage system and water resource system. Applicable policies of Chapter 3 that relate to the proposed development include:

*3.1.4.8 Where development or site alteration is proposed within or adjacent to the natural environment system, new lots shall not be created which would fragment a natural heritage feature or area, key natural heritage feature, or key hydrologic feature. The lands to be retained in the natural environment system shall remain in a natural state. The natural feature and any required buffer or vegetation protection zone shall be maintained in a single block and zoned to protect the natural features and its ecological functions....*

*3.1.9.7.1 A proposal for new development or site alteration outside of a Provincial natural heritage system which is adjacent to a natural heritage feature or area shall require an environmental impact study and/or hydrological evaluation to determine that there will be no negative impacts on the feature, ecological function, or hydrologic function....*

**Conformity:**

The proposed development appropriately minimizes impacts to features of the natural heritage system and water resource system, as previously discussed in Chapter 2 of this report and in the response to the Natural Heritage System policies of PPS. As noted previously, the EIS confirmed that the woodland feature within the Greenbelt Plan area will be maintained with no impacts, as will the locally significant wetland on site and the One Mile Creek and its tributary. The EIS also concluded that the woodland feature within the urban boundary portion of the estate does not meet the criteria to be protected, but tree planting compensation is proposed for the portion removed.

Overall, the proposed development can be accommodated such that there are no negative impacts to natural features through appropriate setbacks and mitigation measures.

Chapter 4 Competitive Region of the ROP sets out policies for the Employment Lands and Employment Areas to accommodate the province's forecasted employment growth in the Region. Although the proposed development and subject estate do not meet the definition of the Employment Lands, the proposed hotel use is an employment generator and will introduce additional jobs within the Town and Region, further diversifying the Region's economy and meeting the objectives of Chapter 4.

Chapter 5 Connected Region includes transportation system planning direction and policies for ensuring a coordinated approach to the investment in infrastructure. The Regional transportation policies do not apply to the proposed development; however, the applicable infrastructure planning policies are listed below:

*5.2.1.3 Infrastructure planning shall be aligned with land use planning, Infrastructure investment and watershed planning.*

*5.2.1.4 Infrastructure investment shall be leveraged to direct and support growth and development within strategic growth areas as well as to achieve the minimum intensification and density targets identified in this Plan.*

*5.2.5.1 All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

**Conformity:**

This matter has been addressed in Section 2.4.4 of this report, where it is stated that the Functional Servicing Report (FSR) submitted in support of the proposed development addresses how the proposed development can be adequately serviced with respect to water, wastewater and stormwater management services, in a manner that optimizes the use of existing infrastructure.

The proposed development will leverage existing municipal services to support a mixed-use development of medium-density residential and the hotel use, supporting the Town in meeting its minimum density target.

Chapter 6 Vibrant Region includes district plans and secondary plans for defined areas within the Region, as well as policies for supporting the achievement of complete communities. There are no district plans or secondary plans within the ROP that apply to the subject estate. In facilitating the creation of complete communities, the ROP states:

*6.3.1.1 The Region shall support healthy communities by:*

- a. creating built form that provides healthy living;*
- b. planning for all ages, incomes, abilities and populations;*
- c. supporting walkable and bikeable neighbourhoods through active transportation;*
- d. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;*
- e. encouraging urban agriculture and community gardens;*
- f. strategically co-locating public service facilities for convenient access; and*

*g. encouraging the use of health impact assessment tools through planning processes.*

**Conformity:**

The subject proposal offers a unique low-rise housing choice within the Town, which is particularly important in an area where there is a growing trend of an aging population moving into more compact housing. The proposed development will provide a mix of unit sizes linked to the Ritz hotel, which will enable them to be used as rental apartments when residents are away from their units.

As mentioned earlier, the subject estate is well situated near the Town's transit corridor and in proximity to community facilities in Old Town, such as the public library and community centre, fire station, parks, schools and shopping areas.

With respect to conservation, the ROP states the following regarding archaeology and cultural heritage resources:

*6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

*6.5.1.1 Significant cultural heritage resources shall be conserved in order to foster a sense of place and benefit communities, including First Nations and Métis communities.*

**Conformity:**

As set out in section 2.4.4 of this report and within the response to the PPS' cultural heritage policies of this report, the Heritage Impact Assessment determined that the heritage attributes of the subject estate will be appropriately conserved. The reuse of many of the heritage attributes will create a unique sense of place for the hotel and for the adjacent residents living on the estate. Further, as outlined in the Stage 1 and 2 Archaeology Assessment sets out direction for a Stage 3 assessment on a portion of the subject estate.

## **4.4 TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN, 2017**

### **Part 1: Introduction**

As discussed in Section 2.2 of this report, Schedule "B" of the *Niagara-on-the-Lake Official Plan* designates the portion of the subject estate that is located within the

Urban Area as Low Density Residential, Medium Density Residential, Agricultural, and General Commercial subject to site specific amendment 51.

**Conformity:**

The existing land use permissions of the subject estate, already permit a residential development on 588 Charlotte Street and 200 John Street, which is located within the urban settlement area. Similarly, a hotel use is also permitted on 144 and 176 John Street East.

An Official Plan Amendment is proposed primarily to adjust the boundary between the commercial and residential designations and to redesignate the Low Density Residential designation to Medium Density Residential.

With respect to the adjustment of the land use designations, the proposed Official Plan Amendment expands the existing General Commercial boundary further south. This expansion is to accommodate the proposed hotel setting behind the Rand Main Residence which ensures it does not overpower the heritage dwelling. In addition, the hotel's underground parking extends further south of the hotel and the spa extends further south behind the Rand Main Residence.

The portion of the subject estate, which is designated Low Density Residential, is proposed to be designated Medium Density Residential, consistent with the west portion of the subject estate. The Medium Density Residential designation is proposed to recognize the primary apartment built form on the site even though medium-density residential uses such as low-rise apartments are permitted in the Low Density Residential designation. With the large site area of the subject estate, the 3-storey apartment buildings can be sited in a manner that is compatible with the surrounding neighbourhood without adverse impacts.

The remaining portion of the subject estate that is within the Greenbelt and designated Agricultural which is unchanged.

It should be noted that through the previous Ontario Land Tribunal (OLT) decision, the boundary of the Town's urban area was updated to reflect the urban boundary in Niagara Region Official Plan and that area designated Low Density Residential. However, the Town's Land Use schedule (**Figure 5**) has not been updated to reflect the OLT decision and continues to show the sliver of land as Agriculture.

**Part 2: General Policies**

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. Policy

6.4 sets out a general building height of 11 metres, and states the “low-rise character should be maintained” for the most part.

**Conformity:**

The general building height of 11 metre is intended to permit 3-storeys, which the proposed apartment buildings conforms to. Further, the existing Residential Development Zone of the subject estate permits a maximum height of 12 metres, which the 3-storey apartment buildings conform to.

The in-effect zoning for the hotel use permits a maximum height of 17.56 metres. The proposed hotel use requires additional height up to 21 metres to accommodate the higher floor-to-ceiling heights required for a high end Ritz-Carleton hotel.

The subject estate is located at the periphery of the Town’s urban area boundary and can be sited with substantial setbacks and buffering from nearby low-rise residential neighbourhoods, mitigating any adverse impacts. The proposed Zoning By-law Amendment includes the following setbacks:

- Low-rise Apartments:
  - East: 9.5 metres
  - South: 15 metres
  - West: 60 metres
- Hotel:
  - North: 137 metres
  - East (spa): 21 metres
  - West: 46 metres

The hotel provides for slightly fewer hotel rooms than is currently permitted on the site 111 verses 106 in the hotel and 8 in the Devonian House in the currently zoning by-law. As well, a four storey hotel would have less height but would have less setback to the residential neighbourhood to the west and to the south.

With the overall focus of supporting intensification within the urban area and accommodating a hotel on the site, while providing substantive setbacks and open space on the site, the proposed building heights are appropriate.

Section 6.7 Development of Non-Residential Uses set out the following criteria the municipality may require when the site adjoins a residential use, which include:

- a) *Yards greater than the minimum normally required;*
- b) *Planting strips, screening, fencing and/or berms;*
- c) *Deflected lighting; and*
- d) *Prohibitions on parking, loading and/or open storage.*

- e) *Where a non-residential use is an industrial use an adequate separation distance shall be required by the Town in consultation with the authority having jurisdiction.*

**Conformity:**

As shown on the Site Concept Plan and reflected in the Draft Zoning By-law Amendment, the proposed hotel use will utilize existing heritage buildings where they will remain in-situ, and the proposed new hotel building will have a minimum setback 137 metres from John Street, and 46 metres from the residential lots on Charlotte Street, which exceeds minimum setbacks normally required.

The interface with 210 John Street East is mitigated by the 21 metre setback between the 1-storey spa and the shared property line, and approximately a 7.2 metre setback between the driveway (Ritz Carlton Lane) and the shared property line, which minimizes impacts to all boundary trees.

With respect to prohibiting parking, loading and open storage, surface parking is minimized with five spaces, with the remaining parking proposed within an underground parking garage under the hotel. Loading is located to the west of the hotel and is screened by the Coach House. There is no open storage. In addition, the existing brick and stone wall along John Street East, Charlotte Street and the Upper Canada Heritage Trail will be maintained, which further screens the uses. Further, the proposed photometric plan shows the locations of proposed lighting along the driveways, which minimizes lighting along the eastern driveway. In addition, the proposed development will be subject to a future site plan approval application, where lighting will be addressed.

Policy 6.23 of the Town's Official Plan requires a Planning Impact Analysis to be prepared as part of any application for an Official Plan and/or Zoning change. The policy lists a number of criteria to be evaluated as part of the Planning Impact Analysis. The Planning Impact Analysis criteria and conformity analysis is included below:

- a) *Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed;*

**Conformity:**

The proposed hotel and spa uses are permitted as-of-right within the current Zoning By-law. The proposed 111 hotel rooms are fewer than the 114 rooms permitted in the current Zoning By-law. As such, the proposed use is already a permitted use and thus is compatible. Building height is discussed below.

The proposed medium-density residential in the form of three-storey buildings is compatible with the adjacent low-density designation to the south and the medium-density designation to the west. The proposed apartment buildings, density, and built form will have no impact on the stability of the surrounding neighbourhoods due to the limited height, separation from the surrounding neighbourhoods and other medium density uses in the surrounding neighbourhood.

- b) *The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses;*

**Conformity:**

The proposed low-rise apartment and hotel buildings will be substantially setback from the surrounding land uses to the west and south with the intervening heritage trail contributing to the separation as set out in previous sections of the report. The spacing between buildings is also substantial with only 13% building coverage on the subject estate and approximately 81% landscape open space. That separation and open space mitigates the massing and height impacts on the adjacent land uses. As well, shadow drawings indicate that the shadows created by the proposed development are contained within the subject estate, except in the late afternoon in December, when some new shadows are created on John Street, and onto 210 John Street. Although a new shadow is created on 210 John Street's rear yard, it begins at 4 pm, just before sunset.

- c) *The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area;*

**Conformity:**

As set out in the Environmental Impact Statement, the proposed development appropriately maintains the significant natural heritage features on the subject estate and incorporates buffers including a 10 metre buffer along the One Mile Creek and its tributary and a 10 metre buffer to the wetland in the southeast corner. In addition, all boundary trees are maintained. The only trees proposed to be removed are for the required for the hotel building and spa, the southernmost residential building, the access to the hotel and the access to low-rise apartments. A tree preservation plan will be submitted after leaf out this spring.

- 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;*

**Conformity:**

The proposed development comprises five low-rise apartment buildings, which are considered to be a medium-density development. The low-rise apartments are situated within a large estate with substantial open space. As well, the Commons is located to the immediate north of the estate, providing additional open space, and the Upper Canada Trail is located immediately to the south, providing access to a recreational trail. On-site recreational facilities such as a residential clubhouse, a pool, tennis courts, children's play areas and other recreational amenities, will be detailed at site plan approval. Transit service in Old Town is provided on an on-demand basis and is therefore available.

- e) *The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to;*
- i. *the existing environmental and/or physical hazards.*

**Conformity:**

The subject estate is physically suitable for the proposed development. The lands are relatively flat, as shown within the Functional Servicing & Stormwater Management Report's drawings, and there are no anticipated negative impacts on natural heritage features or their functions as a result of the proposed development.

The floodplain of the One Mile Creek currently crosses the frontage of the subject estate. As a result, the existing four driveways currently cross the floodplain of the One Mile Creek, but three of the bridges will be rebuilt to be above the flood elevation. As such, there are no anticipated negative environmental or floodplain impacts.

- ii. *the potential impacts of these hazards.*

**Conformity:**

There are no anticipated impacts associated with the development on the identified flood hazard lands, as the driveways and culverts will be above the flood elevation.

- iii. *the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.*

**Conformity:**

The driveways and culverts will be built at an elevation above the flood line.

- iv. *the costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard.*

**Conformity:**

The new culverts are privately owned and will be at the cost of the applicant.

- 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.*

**Conformity:**

The subject estate has an approximate area of 17.67 hectares, which allows both the low-rise apartment and the hotel uses to have a site coverage of less than 13% coverage. The shape of the subject estate is irregular, but the Site Concept Plan is designed to provide for an efficient layout for the proposed residential development in a compact built form, while introducing a hotel use.

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

**Conformity:**

A fiscal impact study has not been undertaken, nor was it requested in the pre-submission consultation meeting. However, the proposal will make use of existing infrastructure and public service facilities, which will not increase the financial burden of the municipality and will contribute development charges to fund various capital facilities and works. Further, the property taxes and development charges generated from the additional units on the property will generate additional income to the Town's property tax base and, notably, from a development that will have private infrastructure and therefore minimize additional costs to the municipality.

- h) *The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties.*

**Conformity:**

The Transportation Impact Statement confirmed that the proposed development can be accommodated without triggering the need for any off-site road improvements. The Transportation Impact Statement confirmed that the traffic conditions will generally be operating at acceptable levels of service, with minimal increases in delay, and therefore conforms.

- 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.*

**Conformity:**

Based on the Environmental Impact Statement, there will be no negative impacts on natural heritage features or their functions.

- 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.*

**Conformity:**

Based on the supporting Functional Servicing Report the subject estate can be adequately serviced by water and wastewater. With respect to stormwater management, the proposed development will incorporate a stormwater management facility, and a stormwater management plan has been prepared as part of the Functional Servicing Report.

- k) *The location and adequacy of lighting, screening, and parking areas.*

**Conformity:**

The photometric plan shows the locations of the proposed lighting along the driveways, which are buffered by landscaping. In addition, lighting along the east driveway is minimized to mitigate impacts on the adjacent property. The exact location of lighting will be established through the detailed engineering submission that is expected to be required as part of the site plan approval process. The proposed residential development's parking is primarily underground with surface parking limited to residential visitor parking and five surface parking spots for the hotel.

- l) *Provisions for landscaping and fencing.*

**Conformity:**

The subject estate will be appropriately and attractively landscaped and fenced where required. The existing stone wall will be maintained and

restored as appropriate. Along the western boundary of the subject estate, the interface between the stormwater management facility and the surrounding lands within the subject estate will be designed through detailed engineering as part of a future site plan Approval application to ensure a safe and attractive interface (including fencing if required). Fencing along the east property line adjacent to the Greenbelt Plan Natural Heritage System will be provided and addressed through the site plan Approval process. Replacement fencing, as required, will be provided at the interface with 210 John Street in consultation with that landowner. Extensive landscaping is proposed throughout the subject estate, as shown on the preliminary landscape plans prepared by Strybos Barron King; a detailed Landscape Plan will be prepared as part of a future site plan application.

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

**Conformity:**

The loading dock for the proposed hotel use is located on the west side of the building and is screened by the Coach House. Garbage facilities for the residential buildings will be detailed at site plan approval stage.

*n) The need and desirability of the use.*

**Conformity:**

The subject estate is within the urban boundary, and within a built-up area. The lands in the urban boundary are already designated low and medium density residential and commercial with permission for a hotel use. As such, the principal of residential and commercial development is already established. The proposed use is desirable in that it represents infill development within an urban settlement area, on lands that are already designated to permit residential uses, and the proposed hotel is desirable as it facilitates the Town's designated intention for a hotel on this site with a Ritz-Carleton hotel continuing the exclusive nature of the estate.

*o) The effect on the agricultural land base.*

**Conformity:**

As the majority of the lands are within the Urban Area boundary of Old Town, the proposed development does not affect the Town's agricultural land base. The portion of the property outside the Urban Area boundary will be maintained for agricultural purposes as a vineyard. Fencing along the interface with the agricultural area, which will be detailed at site plan, will minimize intrusion into the agricultural lands.

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

**Conformity:**

As detailed within the Environmental Impact Statement, the proposed development will not have any adverse impacts on the Town's resources. A Stage 3 Archaeological Study is to be completed on a portion of the subject estate. The identified relocation of the cultural heritage resources and the conservation of them are addressed in the Cultural Heritage Impact Assessment Report.

- 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.*

**Conformity:**

The proposed change from Low Density Residential to Medium Density Residential is technical in nature, as the proposed low-rise apartment buildings are permitted in the Low Density Residential designation.

- 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.*

**Conformity:**

As part of the heritage permit, a commemoration plan will be prepared for the site, and a conservation plan for the attributes that are to remain. The draft Zoning By-law Amendment sets out substantial setbacks and landscape open space requirements to maintain the open space characteristics of the estate and to minimize impacts on surrounding lands. A tree preservation plan will be prepared in Spring 2026. It will assist in the preparation of a detailed landscape plan as part of a future site plan application which will further address landscape screening to 210 John Street and other neighbouring properties.

**Part 2: General Policies – Section 6A: Growth Management**

Section 6A: Growth Management Policies of the Official Plan provides population projections and allocations, identifies growth areas, Built-up Areas, intensification areas, Designated Greenfield Areas and provides a full range of related growth management policies. As described earlier in this report, Schedule I-1 of the Official Plan identifies the subject estate as being within the Built-up Area of the Town.

**Conformity:**

As described earlier in this report, Schedule I-1 of the Official Plan identifies the subject estate as being within the Built-up Area of the Town.

Subsection 2.4 of 6A: Growth Management Policies indicates that all growth within the Built-up Area will be considered intensification and count towards the Town's intensification target. Subsection 2.5 refers to Intensification areas delineated on Schedule I-2.

**Conformity:**

The subject estate is not a delineated intensification area, however the proposed residential and hotel uses on the site do constitute intensification, which is permitted throughout the built-up area.

Subsection 3.2 of Section 6A contains the Town's growth management objectives. Applicable objectives to the proposed development include:

- c) Provide a framework for revitalizing the Town's commercial areas and directing growth to appropriate locations in the Town's urban communities.*
- g) Optimize existing infrastructure to provide for efficient use of infrastructure.*
- h) Coordinate land use planning with infrastructure planning; and,*
- i) Protect, conserve and manage our natural resources and prime agricultural lands for current and future generations.*
- k) Contribute to the conservation of resources such as the Core Natural Areas and prime agricultural land.*
- l) Develop compact, complete communities that include a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile and active transportation and provide active transportation-friendly structures and amenities.*

**Conformity:**

The proposed application conforms to these objectives by planning for both residential and commercial intensification within the Built-up Area while coordinating with planning for infrastructure on the subject estate. The applications optimize the use of existing infrastructure by providing for medium density housing types and a hotel use within the existing urban area.

As described in Section 2.4.3 of this report and the EIS, the proposed development protects the natural heritage resources by retaining the wetland and the One Mile Creek, along with the Woodland in the Greenbelt Plan area, with appropriate buffers. The Agricultural and Urban Interface Assessment confirmed there will be no impacts to the existing agricultural uses.

The proposed development supports a compact, complete community by providing for both medium-density residential uses, as well as commercial uses in the form of a hotel with associated uses including restaurants, a spa and banquet / conference facilities, all with easy access to on-site and off-site open space (the commons), trails (Upper Canada Heritage Trail), a community library, and the Town's downtown.

Subsection 3.4 of Section 6A states that medium density development is also a permitted form of housing within the low density residential designation, subject to specific design and location criteria outlined in the residential policies of the Official Plan. The section further states that, "a number of parcels in the municipality are designated for medium density development which includes multi-unit residential housing such as townhouses, apartments, seniors' homes etc."

**Conformity:**

The south-western portion of the subject estate is designated Medium Density Residential on Schedule B of the Official Plan. The south-eastern portion of subject estate is predominately designated Low Density Residential, which permits both low density housing, as well as medium density housing. The proposed development reflects the character of neighbourhoods within Old Town, which range from single detached dwellings, townhouses and low rise apartments including townhouses located directly adjacent to the subject estate on Weatherstone Court and the apartment complex at 580 Charlotte Street.

Although, the proposed Official Plan Amendment seeks to redesignate the Low Density Residential portion of the subject estate to Medium Density Residential, an evaluation of the residential policies for permitting Medium Density Residential is provided in the evaluation of Section 9 Residential policies. Therefore, the proposed development's residential low-rise apartment buildings conform to both the existing Low Density Residential designation permission, and the medium density policies of the Official Plan.

Section 4 Intensification of 6A sets out the minimum intensification target of 15% of new dwellings to occur annually within the Built-up Area. Subsection 4.3 of the Official Plan states that "*the majority of the Town's intensification will be encouraged in specific Intensification Areas, and with infilling in other locations in the Built-Up Area where the development is consistent with the land use compatibility, Urban Design and other applicable policies of this Plan and where development will not negatively impact designated heritage areas, heritage resources and estates lots*".

**Conformity:**

The subject estate is an appropriate infill site, and the residential component of the proposed development will assist the Town in meeting the intensification target. The proposed development provides a compatible

building type through substantial separation to adjacent residential areas, a low-rise built form and extensive on-site open space. Further, the proposed development will not negatively impact the heritage resources on the property as discussed in Section 2.4.2 of this report.

The proposed development respects the estate lot by providing a comprehensive development that creates a new private residential enclave on the estate linked to the permitted hotel use. By concentrating the residential development in five low-rise apartment at the rear, the development maintains the open space character of the estate lot. As such, the proposed development conforms with this policy objective.

Subsection 4.4 outlines the Town's intensification objectives and policies. The objectives are to direct the majority of intensification to intensification areas, but also provide policy direction to support intensification throughout the Town's Built-up Areas. Subsection 4.4 Built-Up Area Intensification Policies state predominant built form for intensification to be single detached, semi-detached, townhomes and low-rise apartments, subject to the compatibility policies of the plan. It also calls for the Town to update the zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage intensification.

**Conformity:**

The proposed residential intensification is in the form of low-rise apartment buildings conforming to the intensification built form typologies.

Sub policy k) in Section 4.4 Built-Up Area Intensification Policies states that the Town will utilize maximum and minimum density to ensure that intensification areas/sites are not underdeveloped and sets out a minimum density of 14 units per hectare and a maximum density of 30 units per hectare.

**Conformity:**

This policy applies to intensification areas as well as infill sites such as the subject estate. Based on the area of the of the proposed Medium Density Residential designation area, less the stream corridor and wetland and associated buffers (net area of 7.81 hectares), the maximum number of permitted units on the subject estate is 234 units. The proposed development is anticipated to be approximately 230 to 270 units at a density of 30 to 35 units per hectare, which is in the range of densities of other infill developments in Old Town with approval up to 35 units per hectare. The number of units will depend on the unit sizes in the final development, which will be reflective of the market demand for various unit sizes.

Section 6A, Subsection 4.6 sets out Land Use Compatibility Policies. Recognizing that neighbourhoods are stable but not static, subsection 4.6 sets out policies that provide that this change be appropriate and compatible with the Town's

neighbourhoods and throughout the Built-up Area. The policies require that intensification should be consistent with:

- a) *The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) *The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) *The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) *The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) *Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.*

**Conformity:**

The proposed built form of the development, consisting of 3-storey apartment buildings, is consistent with that of the existing and planned heights in the surrounding neighbourhood. Although, the density is higher than the adjacent neighbourhood, it is consistent with densities of other recent infill developments in Old Town and is within the density maximum for intensification sites as set out in Section 4.4 of the Town's Official Plan.

The proposed height of the hotel is greater than what exists in the immediate surrounding area, however, five-storeys is similar with existing and approved hotels in the Town, such as the Parliament Oak located at 325 King Street, which has a permitted height of 19 metres. Furthermore, non-residential uses such as hotels typically have higher floor-to-ceiling requirements.

As confirmed in the Heritage Impact Assessment, proposed intensification for the proposed hotel and residential uses are consistent with the cultural heritage attributes of the property through the preservation, restoration, and/or commemoration, as well as the adaptive reuse of many of the various heritage elements as described in Section 2.4.2 of this report.

With respect to the natural heritage, the proposed intensification is consistent through the establishment of buffers to the One Mile Creek and its tributary and the wetland, which ensures no negative impacts to the natural features or their ecological functions.

Further, this subject estate is unique in being able to provide a transition to adjacent residential areas through substantial open space and private amenity space setbacks to the Upper Canada Heritage Trail and the heritage stone wall. As well, the tributary to the One Mile Creek and the stormwater management pond contribute to providing a substantive separation to the west.

The interface with 210 John Street East is mitigated by the extensive setback of the existing Rand Main Residence, maintaining the existing wetland to the rear of 210 John Street with an associated 10 metre buffer, a proposed setback of 21 metres to the 1-storey spa, as well as the retention and protection of boundary trees straddling the property lines between both properties. Therefore, there are no adverse compatibility impacts anticipated with respect to density, height, and massing on adjacent residential neighbourhoods.

### **Section 9: Residential**

Section 9 of the Town's Official Plan contains the Town's Residential land use policies. Section 9.2 lists the goals and objectives for the Town's residential areas, which address compatibility matters, including the following:

*“9.2 (3) To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner”;*

*9.2 (7) To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities;*

*9.2 (8) To minimize the potential for land use compatibility problems which may result from the mix of residential densities or the mix of residential and non-residential uses”.*

#### **Conformity:**

Overall, the proposed development is compatible with surrounding uses, as set out and analyzed in the conformity analyses regarding policies 6.23 and 6A, Subsection 4.6.

Section 9.3.2 of the Town's Official Plan lists the permitted uses for the Medium Density Residential designation, which include multi-unit residential housing, such as townhouses, apartments, nursing homes and mobile home parks.

**Conformity:**

The proposed development includes five low-rise apartment buildings, which are permitted within the proposed Medium Density Residential designation.

Section 9.3.2 (3) of the Town's Official Plan set out considerations for the design and location of Medium Density Residential development, including the considerations listed below:

- a) *The height, bulk and arrangement of buildings and structures will achieve a harmonious design and integrate with the surrounding area and not negatively impact on lower density residential uses.*

**Conformity:**

The height of the proposed apartment dwellings meets the 12 metre permission of the Zoning By-law.

As a result of the low-rise built form, substantive setbacks, and open space, there will be no negative impact on lower-density residential uses in the vicinity.

- b) *Appropriate open space, including landscaping and buffering, will be provided to maximize privacy and minimize the impact on adjacent lower density uses.*

**Conformity:**

The apartment buildings are buffered to lower density uses by substantive on-site open space, approximately 79% of the residential portion of the site will be landscape open space, substantive yard setbacks, as well as the intervening the Upper Canada Heritage Trail and the SWM pond.

- c) *Parking areas shall be required on the site of each residential development that are of sufficient size to satisfy the need of the particular development and that are well designed and properly related to buildings and landscaped areas.*

**Conformity:**

The proposed development includes underground parking for the low-rise apartment buildings, and limited surface parking is provided for visitors.

- d) *Service areas shall be required on the site of each development (eg. garbage storage, recycling containers).*

**Conformity:**

Garbage and recycling storage will be addressed at the site plan approval stage.

- e) *The design of the vehicular, pedestrian and amenity areas of residential development will be subject to regulation by the Town.*

**Conformity:**

The proposed development will conform to the Town's regulations for vehicle access, pedestrian access, and amenity area, as set out in the Draft Zoning By-law and further detailed during site plan approval.

- f) *Adequate municipal services can be provided to accommodate the needs of the development.*

**Conformity:**

This proposed development will utilize existing municipal services as confirmed by the Functional Servicing Report.

- g) *Traffic to and from the location will not be directed towards local streets and the site should be within easy convenient access of a collector or arterial roadway.*

**Conformity:**

The proposed development will be accessed from John Street East, a collector road in the Town. Based on the Transportation Impact Study, the proposed development can be adequately accommodated, with no recommended immediate external improvements to the surrounding transportation network.

- h) *Medium Density Residential sites will be placed in separate zoning categories in the Zoning By-law. Regulations will control height, density, coverage, unit size and parking.*

**Conformity:**

The proposed Zoning By-law Amendment includes five low-rise apartment buildings within an RM1 Zone, and the development will rely on those zone provisions, except that greater landscape and yard provisions are provided for in the site-specific amendment.

Section 9.4 of the Official Plan contains a number of General Residential policies applicable to all residential designated lands in the Town. Policy 4 under this section addresses residential density. Since the proposed development is located within Old Town and consists of more than two units, a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development, subject to a public review process, is required.

The Official Plan does not provide any specific parameters for conducting a “detailed site and area analysis”. As such, this analysis discusses the relationship of the proposed development to abutting properties in terms of potential impacts from setbacks, height and shadowing, summarizing many of the points made throughout this report.

**Conformity:**

The Official Plan does not provide any specific parameters for conducting a “detailed site and area analysis”. As such, this analysis discusses the relationship of the proposed development to abutting properties in terms of potential impacts from setbacks, height and shadowing, summarizing many of the points made throughout this report.

The established character of the neighbourhood is quite diverse, with a mix of single detached and townhouse dwellings. The proposed development for the subject estates will increase housing options, while maintaining the low-rise character of Old Town.

The built-form and layout of the proposed development is unique in that it concentrates the residential units into 5 buildings which creates a compact built form while also respecting the open space characteristics of the estate with approximately 15% coverage in the residential component of the estate and a landscape open space of approximately 79% in the residential component of the estate. The apartment building setbacks to adjacent neighbourhoods are also substantial with a minimum of 35 metres from the rear yards on the Promenade to the closest residential building on the estate and 60 metres from the rear yards on Weatherstone Court.

The combination of the extensive open space, substantial setbacks and the proposed height of 12 metres for the low-rise apartments, mitigates any adverse impacts on surrounding land uses related to height, massing and shadowing.

Policy 9.4(4) set out the residential density permissions. It states:

*“The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the topography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally low density residential developments will not exceed 6 units per acre (14 units per hectare) residential net density and medium density residential developments will not exceed 12 units per acre (30 units per hectare) residential net density unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding*

*neighbourhoods and development and which will be subject to a public review process. The Council reserves the right to establish in an implementing zoning by-law the maximum number of units to be permitted on any property subject to the relevant policies of this Plan and applicable Provincial Policy”.*

**Conformity:**

With respect to density being a function of the capacity of municipal services and topography, the supporting Functional Servicing Report confirmed there is water and sewer capacity to accommodate the proposed development. In addition, the topography of the subject estate is relatively flat, and the significant natural heritage features are being maintained, and cultural heritage attribute are being appropriately conserved.

“*Residential Net Density*” is defined in the Official Plan as “The total number of residential dwelling units and jobs per hectare of land intended for development excluding public and private roads or lands dedicated or acquired by the municipality for parkland purposes and excluding undevelopable lands identified in the “Residential Gross Density” above”.

No parks or public or private roads are proposed; only driveways. Based on the definition, the following areas on the site would be excluded in the land area calculations for the purposes of measuring “residential net density”: the wetland, stream corridors, and associated buffers. At a density of 30 units per hectare, and a developable area 7.71 hectares, the maximum number of units is 231.

The density of the proposed development is anticipated to be approximately 30 to 35 units per net hectare, which is in the range of densities of other infill developments in Old Town.

Policy 4 also provides a caveat in terms of the maximum density when it states that, “*unless accompanied by a detailed site and area analysis demonstrating that there will be minimal impact on surrounding neighbourhoods and development and which will be subject to a public review process*”. The Official Plan does not provide any specific parameters for conducting a “*detailed site and area analysis*”.

**Conformity:**

The proposed low-rise apartment buildings are a permitted built form in both the existing Low Density Residential designation and the proposed Medium Density Residential designation of the Official Plan. The policy directs whether additional density above what is permitted will have minimal impact on surrounding neighbourhoods and development as demonstrated through a detailed site and area analysis. In this case, the

detailed site and area analysis should consider the design and locational criteria for medium density development in policy 9.3.2 (3) of the Town's Official Plan, which is addressed earlier in this report.

The determination of minimal impact on surrounding neighbourhoods should also consider the established character of the broader neighbourhood which is quite diverse with a mix of single detached and townhouse dwellings, with the later common on infill sites. Recent infill projects, which would also fall under this policy requirement, with approvals over 30 units per hectare, so a density of 30 to 35 units per hectare is not out of keeping with the density and character of other infill developments in Old Town.

The consideration of minimal impacts on surrounding neighbourhoods should also include the relationship of the proposed lots to adjacent development. In comparison to other infill projects, the proposed development's residential component is unique in that it will be buffered from development to the west and south, through a stream, stormwater management pond, a stone wall and the Upper Canada Heritage Trail, as well as substantive building setbacks on the estate property, providing for privacy and separation distance from the surrounding neighbourhoods. At the closest point, the nearest residential buildings will be 37 metres from the rear lot of 210 John Street, and 60 metres from the nearest house on Weatherstone Court. It will be an enclave separated from adjacent neighbourhoods but linked through pedestrian connections to the Upper Canada Heritage Trail to the south Charlotte Street to the west and John Street to the north.

In addition, the proposed low-rise apartment buildings, will not be taller than the permitted height of 12 metres of the RM1 Zone. The RM1 Zone requires side yard and rear yard setback of 7.5 metres, whereas the proposed development setback of 9.5 metres to the east, 15 metres to the south, 60 to the west and 37 metres to 210 John Street to the north. As such, the proposed density of 30 to 35 units per hectare would have minimal impact on surrounding neighbourhoods and is appropriate for the subject estate.

## Section 10 Commercial

Section 10 of the Official Plan sets out policies for the commercial structure of the Town of Niagara-on-the-Lake. The front portion of the subject estate is designated General Commercial subject to amendment 51. The permitted main uses include a hotel, spa, arts and learning centre, a conference centre, and restaurant. The permitted secondary uses include accessory buildings and structure.

**Conformity:**

The proposed hotel use, spa, conference centre, and restaurants conform to the permitted uses.

Section 10 provides general commercial policies including:

*ii. At site plan approval stage, the property shall be designated under Part IV of the Ontario Heritage Act.*

**Conformity:**

The subject estate is already designated under Part IV of the Ontario Heritage Act.

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

**Conformity:**

A heritage permit application will be subject to review by the Municipal Heritage Committee.

*iv. Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses.*

**Conformity:**

As shown on the Site Concept Plan, substantive landscaping and setbacks are provided. The main hotel use is generally located in the center of the subject estate with a setback of 73 metres to the east, 46 metres to the west, and 137 metres from John Street.

*v. No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.*

**Conformity:**

No terraces or balconies are proposed.

*vi. All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.*

**Conformity:**

As shown on the Site Concept Plan, all hotel parking is provided within an underground parking with the exception of five surface parking spaces by the front entrance. The hotel driveway is centrally located within the subject estate and points directly at the hotel minimizing any impacts of vehicular lights on abutting residential properties. Further, the hotel's

underground parking garage is accessed via a north/south driveway to avoid vehicular lights on abutting residential properties and is buffered by the coach house.

*vii. There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces.*

**Conformity:**

As described above, all hotel parking is contained within an underground except for five surface parking spaces by the front entrance, including one (1) accessible parking space. Lighting along the driveway and walkways and open space will be designed to mitigate any impacts during the site plan Approval process. As well the surface parking lot at the entrance to 176 John Street will be removed and the driveway access to 176 John Street will be converted to a pedestrian access.

*viii. There shall be adequate building separation from adjacent residential uses.*

**Conformity:**

The proposed hotel use is setback 46 metres to the west and 137 metres to John street providing adequate building separation from adjacent residential uses. The 1-storey spa is also located 21 metres from the east property line.

*ix. A tree preservation plan prepared by a qualified professional shall be submitted with a site plan application.*

**Conformity:**

A Tree Preservation Plan will be prepared in the spring of 2026 after leaf out.

*x. The boxwood hedge within the buffer area adjacent to the western property line shall remain and be properly protected and preserved to ensure its continued growth. At site plan stage, measures to mitigate construction impacts to protect the boxwood hedge will be required.*

**Conformity:**

As shown on the site plan and landscape plan, the boxwood hedge within the buffer area along the western property line is preserved.

## 4.5 APPROVED OFFICIAL PLAN AMENDMENT NO. 92 (NOT IN EFFECT)

The Town of Niagara on the Lake Council approved Official Plan Amendment No. 92 (OPA 92) in early 2024, with new policies for the subject estates, based on the Former Rand Estate and John Street East Character study that was initiated in the fall of 2022. The new policies are intended to ensure that a future commercial and residential development of the subject estate protects the natural features and cultural heritage attributes.

OPA 92 was subsequently appealed, and has not been resolved, as such, the policies are not in effect at this time. Although the policies are not in effect, this subsection provides a brief overview of OPA 92 policies, which are broken up into principles, and how the proposal conforms.

*Principle 1: Conserve, intergrade and maintain significant cultural heritage features*

- i. *Development applications for all listed and designated heritage properties, including 144, 176, 200 and 210 John Street East and 588 Charlotte Street, excluding minor variance applications, shall include a conservation plan and a landscape management and design plan. The conservation plan, which will supplement a heritage impact assessment, shall identify measures required to repair, stabilize and conserve heritage features as well as long-term conservation, monitoring and maintenance measures. Landscape management and design plans shall identify work proposed to conserve and enhance landscape features and systems over time, including natural and cultural features; they shall also include detailed drawings of proposed new landscape features. Conservation plans and landscape management and design plans may also supplement and shall not replace submission materials required for a heritage permit application.*

**Conformity:**

The supporting Heritage Impact Assessment sets out a strategy for conserving heritage attributes across the subject estate. In addition, the Heritage Impact Assessment notes that a Conservation Plan will be required at the site plan stage.

- ii. *The Town shall ensure local Indigenous communities are consulted.*

**Conformity:**

Indigenous communities will be consulted through the development approval process in accordance with the Planning Act.

- iii. *Conservation plans, and heritage conservation measures generally, shall be consistent with the Standards and Guidelines for the Conservation of Historic Places in Canada.*

**Conformity:**

A Conservation Plan will be prepared as a part of a future site plan application, in accordance with the applicable standards and guidelines.

- iv. *The adaptive re-use of heritage buildings and other structures with uses that complement existing and planned uses in the area shall be strongly encouraged.*

**Conformity:**

As discussed previously in this report, a number of heritage buildings and structures are planned to be adaptively re-used.

- v. *The restoration or interpretation of significant but lost heritage landscape features shall be strongly encouraged.*

**Conformity:**

As shown on the Site Concept Plan, the whistle stop gazebo, tea pavilion and pool house will be restored, the pool area and whistle stop walk and mound will be interpreted and commemorated.

*Principle 2: Protect, enhance and maintain significant natural features and functions.*

- i. *Environmental impact studies (EISs) submitted with development applications shall include detailed studies of environmental features, including but not limited to the Conservation areas generally identified in Schedule B, and shall identify the limits of all such features. EISs shall be supplemented by landscape management and design plans, as generally described in Policy 6.32.8 (Principle 1.i).*

**Conformity:**

As shown on the Site Concept Plan and detailed in the Environmental Impact Study, the proposed development maintains and provides buffers for the existing wetland and One Mile Creek. The wetland was staked as part of a previous application, and the Environmental Impact Study confirmed that a 10 metre buffer for both features is sufficient to protect them.

- ii. *All relevant environmental policies of the Town's Official Plan shall apply to the area, including but not limited to Highly Vulnerable Aquifer and Natural Environment System policies. In addition, Niagara*

*Peninsula Conservation Authority regulations shall apply to all Environmental Protection Areas (EPAs).*

**Conformity:**

As set out in this report and the Environmental Impact Study, the proposed development conforms to all applicable natural heritage system policies. There bridges/culverts across One Mile Creek will be rebuilt to lift the driveways out of the floodplain with retaining walls to limit grading in the floodplain.

- iii. *New streets and other infrastructure shall minimize adverse impacts on existing natural features and functions. Streets and pathways shall be aligned and designed to integrate existing natural features wherever possible. The consolidation of vehicular entrances and sharing of streets among neighbouring uses shall be strongly encouraged.*

**Conformity:**

There are no adverse impacts on the existing features and functions from the driveways or infrastructure. No new driveways cross the One Mile Creek; rather three existing bridges/culverts will be enlarged to improve flood flows and raise the driveways out of the floodplain. A minor encroachment of a driveway in the buffer of the wetland is proposed of approximately 3.3 metres, but the EIS found no adverse impacts. Although an additional driveway access to John Street is proposed, the existing driveway access to 176 John Street is proposed to be converted to a pedestrian access. The driveway to 588 Charlotte Street is also proposed to be converted to a pedestrian access.

- iv. *Further to Policy 6.32.8 (Principle 1.i), landscape management and design plans shall include:
  - a. *A tree preservation and planting plan that has regard for the area's historic estate lot landscapes; and,*
  - b. *Measures to enhance riparian zones with plantings in keeping with the cultural heritage landscape.**

**Conformity:**

The two Arborist Reports have been submitted with the application. A tree preservation plan will be submitted in the spring following leaf out.

- v. *Landscape management and design plans shall support a minimum tree canopy goal of 30% for the character area as a whole and for each property where new development is proposed. A qualified landscape architect or arborist shall provide an opinion on how the tree preservation and planting plan for a site can achieve the goal over time.*

**Conformity:**

Approximately 81% of the subject estate will be landscaped open space. The tree preservation plan will identify how the tree canopy goal can be achieved.

- vi. *Stormwater management facilities shall be located outside Conservation areas, integrated with the larger network of open spaces, and designed as a naturalized landscape.*

**Conformity:**

As shown on the Site Concept Plan, the proposed stormwater management pond is outside the conservation areas and beside the Tributary of the One Mile Creek, creating a larger network of open space.

*Principle 3: Ensure cultural and natural heritage features are visible to the public.*

- i. *Public views to 144, 176 and 210 John Street East, 580 Charlotte Street and 9 Weatherstone Court from adjacent public roads shall be maintained. Conservation plans and landscape management and design plans for 200 John Street East and 588 Charlotte Street shall show how existing views of the former Rand Estate over the historic stone wall from the Heritage Trail and through the gate at the whistle stop will be maintained or enhanced.*

**Conformity:**

A Commemoration Plan will be submitted as part of a future site plan application.

- ii. *New streets, driveways and pathways in the area should be aligned to conserve and provide public exposure to cultural heritage features where feasible.*

**Conformity:**

No public or private streets are proposed. New driveways are proposed for the new hotel and residences. The driveway to the hotel would provide guests with exposure to the mature trees and the Dunnington-Grubb landscape. The driveway to the residence will provide residents with exposure to the Dunnington-Grubb landscape, Rand Main residence, tea pavilion and the bathhouse. The pool area will be disturbed by the driveway but will be conserved through commemoration.

- iii. *The common open spaces identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework shall be designed to provide public views and access to natural and cultural heritage features. The designs of these spaces*

*shall include elements that interpret the history of the Rand Estate. Modifications to the size and shape of each common open space shall not require an amendment to the Official Plan.*

**Conformity:**

The common open spaces shown on Figure 1 will generally be used for open space and creational purposes but for the patrons of the hotel and spa and the residents and guests of the residential condominium.

The area west of the tributary of the One Mile Creek to Charlotte Street will remain in private open space. The area in the vicinity of the existing pool area will be used for open space/ recreational purposes for the residents of the condominium. The area around the whistle stop will generally be used for private open space.

- iv. *The axial walkway and circular mound between the whistle stop and the main house shall be reflected and interpreted in the design of a future street and pathway network.*

**Conformity:**

The whistle stop gazebo will be restored in-situ. The pedestrian network linking the whistle stop and the Rand Main Residence will be set out in the site plan and Commemoration Plan, which will interpret and commemorate the axial walkway and the circular mound.

- v. *Site plans and landscape design plans shall include pedestrian connections and wayfinding measures between cultural heritage features.*

**Conformity:**

Wayfinding measures will be considered during the site plan approval process.

- vi. *New streets, pathways and common open spaces shall have appropriate lighting for comfort and safety.*

**Conformity:**

Lighting will be considered during the site plan approval process.

- vii. *Designated heritage structures shall stand apart from new development, generally by at least 5.0 metres, to reinforce their cultural significance. Landscaping that recalls their historic setting shall be encouraged.*

**Conformity:**

As shown on the Site Concept Plan, all maintained designated heritage structures are separated by more than 5 metres, except for the small spa pavilions, which are approximately 2.5 metres from the Rand Main Residence.

- viii. *The Town, in consultation with property owners, shall develop a plan to interpret and promote the area's cultural heritage, including values attributed to the area by Indigenous communities.*

**Conformity:**

This is to be a Town led initiative.

*Principle 4: Accommodate active transportation connections through and to the area as part of a system of connected natural and cultural heritage features.*

- i. *A future street and pathway network in the area shall include a continuous public connection for pedestrians and cyclists from the Heritage Trail to John Street East, via the whistle stop, to be built by the developer. Additional public active transportation connections through 144 and 176 John Street East shall be encouraged.*

**Conformity:**

The property is a private estate which will remain private for patrons of the Ritz-Carleton Hotel and residents and guest of the residential condominium. There will be no publicly accessible streets or trails through the subject estate.

- ii. *Future access to development on 588 Charlotte Street shall include public access for pedestrians and cyclists.*

**Conformity:**

Access from Charlotte Street will be a pedestrian access for residents and guest of the residential condominium only.

- iii. *Subject to heritage and structural impact assessments to the Town's satisfaction, an additional gate or other opening in the stone wall along the Heritage Trail may be permitted to facilitate access for pedestrians and cyclists*

**Conformity:**

No additional gate or pedestrian access to the Heritage Trail is contemplated.

- iv. *The Town shall develop and implement a plan to widen the sidewalk on the south side of John Street East or replace it with a multi-use path. In addition, the Town shall work with Parks Canada to develop a*

*multi-use path connection between a public access to future development at 144, 176 or 200 John Street East and the path network on The Commons.*

**Conformity:**

Not applicable, this is a Town directive.

- v. *The intersection of John Street East and Charlotte Street shall be improved with stop signs, crosswalks and wayfinding signage for the comfort, safety and convenience of pedestrians and cyclists.*

**Conformity:**

Not applicable, this is a Town directive.

*Principle 5: Maintain compatibility and cohesion between distinct places.*

- i. *Future development and landscaping shall maintain, reinforce and extend the area's natural features to establish over time the network of green spaces identified in Figure 1: Former Rand Estate and John Street East Character Area Land Use Plan and Development Framework, including Conservation areas, common open spaces, pathways and landscape buffers.*

**Conformity:**

As shown on the Site Concept Plan, the proposed development maintains and reinforces the existing natural features on the subject estate. The buffers to the One Mile Creek and its tributary and the wetland mimic what is generally shown on Figure 1. The remainder of the estate has extensive open space areas to link these natural features.

- ii. *Existing mature trees and hedges at the edges of existing residential properties shall be maintained and enhanced.*

**Conformity:**

All living boundary trees that are not impacted by the integrity of the heritage stone wall will be maintained. The tree preservation plan will identify which trees will be preserved.

- iii. *On 144 and 176 John Street East, sufficient landscaping, buffers and setbacks shall be provided to minimize the impact of commercial uses on abutting residential uses. In addition, landscape buffers in keeping with the area's historic natural heritage and containing hedges and trees shall be provided between commercial uses and new residential development on 200 John Street East and 588 Charlotte Street.*

**Conformity:**

Setbacks of 21 metres to the east and 46 metres west are proposed to provide sufficient separation between the hotel use and spa to the adjacent residential uses. A detailed landscape plan will be provided at site plan.

- iv. *The following policies shall also apply to future commercial development on 144 and 176 John Street East to minimize adverse impacts on neighbouring properties:*
  - a. *No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.*
  - b. *All parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.*
  - c. *There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreational and amenity spaces or accessory buildings or structures.*

**Conformity**

Refer to responses to Section 10 of the Official Plan.

- v. *Private rear yards adjacent to agricultural lands outside the urban boundary, in the Greenbelt, shall be planted with trees and other vegetation to provide an appropriate landscape transition.*

**Conformity**

As shown on the Landscape Plan, a landscape buffer is proposed to the east / rear of proposed low-rise apartment buildings L and K. A detailed landscape plan will be provided at site plan including fencing details.

- vi. *Parking lots, where required and appropriate, shall be minimized and located at the rear of buildings, screened from public view.*

**Conformity**

As shown on the Site Concept Plan, surface parking is minimized by the use of underground parking lots, and is limited to visitor parking for the residents and five spaces for the hotel. The existing parking lot at the entrance to 176 John Street will be removed.

*Principle 6: Accommodate a mix of housing types and sizes and compatible commercial uses.*

- i. *Section 9.3.3 shall apply to the properties on Christopher Street and Weatherstone Court, except townhouses shall also be permitted.*

**Conformity:**

Not applicable.

- ii. *Detached and semi-detached houses, townhouses, duplexes and triplexes shall be permitted in the Residential area.*

**Conformity:**

The current Official Plan permits apartment buildings, and the proposed development proposes low-rise apartment buildings.

- iii. *Notwithstanding Policy 6.32.8 (Principle 6.ii), multiple unit residential uses shall be permitted within conserved heritage buildings in the Residential area, subject to heritage impact assessments submitted with a rezoning and heritage permit applications, to the satisfaction of the Town.*

**Conformity:**

The proposed development does not contemplate residential uses within the conserved heritage buildings.

- iv. *The following land uses shall be permitted on the properties at 144 and 176 John Street East: hotel; spa; arts and learning centre; conference centre; restaurant. Accessory buildings and structures shall be permitted as secondary uses.*

**Conformity:**

The proposed uses on 144 and 176 John Street include a hotel, spa, conference centre and restaurants.

- v. *Detached dwellings and multiple unit residential buildings also shall be permitted at the rear of properties in the Commercial area and within the Established Residential area at the rear of 210 John Street East, notwithstanding Policy 9.3.3(1) of the Official Plan, provided they conserve cultural heritage features and are in keeping with the scale, massing and character of the existing historic houses. Secondary and other uses, as identified in Policy 9.3.3(1) shall also be permitted.*

**Conformity:**

The proposed development does not include any residential uses within the commercial area.

- vi. *Secondary residential units within a detached or semi-detached house or townhouse, or as an accessory building, such as carriage house, shall be permitted in the Established Residential and Residential areas.*

**Conformity:**

*Not applicable.*

- vii. *All new housing shall minimize adverse impacts on cultural heritage features.*

**Conformity:**

As set out in the Heritage Impact Assessment, many of the cultural heritage attributes are maintained with adaptive reuse. Others will be conserved through a commemoration plan.

*Principle 7: Respect the scale and character of existing development in the area and in adjacent neighbourhoods*

- i. *The massing of new development shall be in keeping with the scale and height of existing development within the area and in adjacent neighbourhoods. Residential buildings shall not exceed three storeys and blocks of attached townhouses should generally not contain more than 6 primary dwelling units, but may contain up to 8 primary units with sufficient justification and design considerations, subject to Town requirements.*

**Conformity:**

The proposed residential low-rise apartment buildings do not exceed 3-storeys in height.

- ii. *A variety of architectural styles shall be encouraged that reflect the varied character of homes in the adjacent neighbourhoods and Old Town generally, including Colonial Revival, Neo-Classical, Georgian, Italianate and Craftsman. The incorporation of architectural elements found on heritage buildings in the area and the homes of Christopher Street and Weatherstone Court shall be encouraged.*

**Conformity:**

The proposed development is for an Official Plan and Zoning By-law Amendment application and will be subject to a detailed design at the site plan approval stage. However, site plan can no longer regulate the exterior appearance of buildings.

- iii. *The use of traditional building materials commonly used in Old Town's historic buildings shall be strongly encouraged. Building materials and finishes should reflect a consistently high level of quality and craftsmanship.*

**Conformity:**

The proposed development is for an Official Plan and Zoning By-law Amendment application and will be subject to a detailed design at the site plan approval stage. However, site plan can no longer regulate the exterior appearance of buildings.

- iv. *Future development on Christopher Street and Weatherstone Court shall maintain the existing general character in terms of building massing, setbacks and landscaping.*

**Conformity:**

*Not applicable.*

- v. *The visual impact of front garages and driveways shall be minimized. Garages at the rear of houses, accessed by a laneway or a driveway at the side of the house, shall be encouraged. Where garages are located at the front of dwelling units, they shall be located behind the front wall of the house and have a maximum width no greater than half the width of the house.*

**Conformity:**

Not applicable, no surface garages provided.

- vi. *Accessory buildings containing secondary residential units shall have a maximum height of 7.0 metres or the height of the main dwelling, whichever is less.*

**Conformity:**

No accessory buildings containing residential units proposed.

- vii. *Front yard setbacks for new development shall be a minimum of 3.0 metres from the sidewalk and consistent along each street.*

**Conformity:**

This will be a private condominium development on driveways, with no public or private streets. The residential buildings will be more than 3 metres from the driveways, except for the pick-up/drop-off driveways, which comes to the front entrances of the apartment buildings. All other land in the front yard of the buildings will be landscaped.

- viii. *At least 50% of the front yards of new development shall be comprised of soft landscaping, including trees.*

**Conformity:**

This will be a private condominium development on driveways, with no public or private streets. The residential buildings will be more than 3

metres from the driveways, except for the pick-up/drop-off driveways, which comes to the front entrances of the apartment buildings. All other land in the front yard of the buildings will be landscaped.

#### **4.6 ADOPTED TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL PLAN, 2019**

A new Official Plan for the Town of Niagara-on-the-Lake was adopted by Town Council on October 22, 2019. At the time of the writing of this report, the adopted Official Plan has not yet been approved by Niagara Region, and as such, is not in effect.

Applicable policies and mapping of the Adopted Official Plan have been reviewed in relation to the proposed development on the subject estate.

Schedule B2 of the Adopted Official Plan split designates the subject estate as Residential, Commercial, and Conservation. A few areas on the site are also identified as being within the Conservation designation. In addition, the subject estate is identified as Site Specific Policies # S4-4 and S4-24.

The Residential land use designation permits single detached, semi-detached dwellings, medium rise or multiple unit residential uses, as such, the proposed low-rise apartment buildings are permitted. The Commercial land use designation permits a range of uses from business offices, service shops, community facilities, hotels, wineries, breweries and restaurants. The proposed hotel use conforms to the permitted commercial uses.

The Environmental Impact Study (EIS) submitted in support of the proposed development has examined the areas within the Conservation designation as shown on Schedule B2 of the Adopted Official Plan. As noted in Section 2.4.3 of this report, the EIS identifies all natural heritage features that will be protected. Schedule B2 of the Adopted Official Plan also shows an additional area designated as Conservation abutting the whistle stop. The EIS reviewed this feature and determined that it does not meet the criteria for a significant woodland but makes recommendations for compensation of trees that are removed. Overall, the EIS concludes that there will be no negative impacts to natural features or their functions.

Site-Specific Policy # S4-4, applies to 144 & 176 John Street East and provides polices for the permission for a hotel, spa, arts and learning centre, Conference centre, and restaurant. The policies of S4-4 reflect amendment 51 in the current Official Plan, which are already described in section 4.4 of this report.

Site-Specific Policy # S4-24 identifies the subject estate as a “Special Study Area”, stating that the lands shall not be developed until such a time that the

Town completes a study to determine appropriate land use designations for the lands. It is important to note that the version of the Official Plan that was made public prior to the Adoption did not include Site-Specific Policy #S4-24, and in fact, there was no site-specific policy that applied to the subject estate.

Since the subject estate is located within the Built-up Area and Urban Area of Old Town, an urban land use designation is appropriate for the lands, in line with Regional and Provincial policy. Since both the existing and Adopted Official Plan already designate the subject estate as Residential, the development of the subject estate for residential purposes is appropriate. Further, the proposed development of the subject estate, being the subject of detailed applications for Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision is subject to a public process. As such, the intent of the site-specific policy for the lands is achieved by way of the subject development applications.

In other respects, the Adopted Official Plan contains many of the policies of the existing Official Plan that are addressed within Section 3.5 of this Report. In addition, the Adopted Official Plan contains policies related to the Town's Intensification Strategy. Policy 4.5.3.10 of the Adopted OP addresses development on lands in the Established Residential and Residential designations, stating that infill and intensification will respect and reflect the existing pattern and character of adjacent development by adhering to list of specific criteria. The following represents how each of the criteria are achieved:

- ***Ensuring that lot frontages, lot areas, areas and building setbacks are consistent with that of existing lots on both sides of the street on which the property is located;***

***Conformity:***

Since the proposed development is on new private driveways and not infill on existing roads, this criterion does not apply. The setbacks to the adjacent properties exceed the Town's Zoning By-law regulations and those in the surrounding neighbourhoods.

- ***Ensuring that the height, massing and scale of buildings are appropriate in relation to zoning for adjacent properties on the same street;***

***Conformity:***

The proposed residential buildings are limited 12 metres in height as permitted by the RM1 Zone. In an effort to maintain the open space character of the estate, the residential units are clustered into 5 low-rise apartment buildings. The massing and scale of these buildings is mitigated by the low lot coverage of less than 15% on the residential portion of the subject estate, the significant amount of landscape open space of

approximately 79% on the residential portion of the subject estate and the substantial setbacks to the property lines of adjacent properties.

- ***Ensuring that existing trees and vegetation is retained and enhanced, including new street trees;***

***Conformity:***

A tree preservation plan will be prepared to document the trees that are required to be removed and preserved. A conceptual landscape plan has been submitted, and a detailed landscape plan will be submitted at site plan.

- ***Ensuring that the width of garages and driveways are limited so as not to dominate the streetscape;***

***Conformity:***

At grade dwellings and garages are not proposed.

- ***Minimizing impact of grading, drainage, access and circulation on adjacent properties;***

***Conformity:***

The preliminary grading plans prepared as part of the Functional Servicing Report (FSR) have determined that there are no impacts on adjacent properties. A more detailed grading and drainage plan will be prepared as a condition of draft plan approval for the proposed development. Further, with respect to stormwater management, as outlined in Section 2.4.4 of this report, the Functional Servicing Report submitted in support of the proposed development demonstrates that the proposed development will be adequately serviced with respect to stormwater management services. The FSR concludes that all stormwater on the site will be released at an appropriate rate with no offsite impacts. With respect to access and circulation, as noted in Section 2.4.7 of this report, the Transportation Impact Study submitted in support of the proposed development demonstrates that the proposed development will not generate any adverse impacts on the transportation network in the area, and the proposed access to and from John Street is sufficient in accommodating anticipated traffic volumes with no impact on access to other properties. Overall, it is anticipated that the proposed development will not generate any adverse impacts on adjacent properties. As such, this criterion is satisfied.

- ***Ensuring that the orientation and sizing of new lots does not impact significant public views and vistas;***

***Conformity:***

No new lots are being created.

- ***Ensuring that neighbourhood connectivity and traffic conditions are improved when the public street network is extended; and***

***Conformity:***

The proposed development does not involve the extension of the public street network, and as such, this criterion does not apply.

- ***Ensuring that roads and municipal infrastructure is adequate.***

***Conformity:***

As noted previously, and as described in Sections 2.4.4 and 2.4.5 of this report, the Functional Servicing Report and Transportation Impact Study submitted in support of the proposed development demonstrate that the proposed development can be adequately serviced by municipal infrastructure and the capacity of the current road network can accommodate the proposed development. As such, this criterion is satisfied.

It has been demonstrated throughout this report that the proposed development on the subject estate generally achieves all of these criteria. While the Adopted Official Plan is not in effect, the intent of the policies can be achieved through the proposed development of the subject estate.

## 5 CONCLUSION

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The proposed development represents a comprehensive redevelopment of the subject estate that appropriately balances growth and heritage conservation, while protecting natural heritage features. As demonstrated throughout this Planning Justification Report, the proposal is consistent with the Provincial Planning Statement (2024), as it supports intensification within a designated settlement area, contributes to a range and mix of housing options, promotes economic development through tourism and employment uses, and optimizes the use of existing infrastructure and public service facilities. The proposed development will further advance the creation of a complete community by integrating residential and commercial uses in an area within walking distance to various community services and transit.

At the municipal level, the Official Plan and Zoning By-law amendments conform to the Niagara Region Official Plan and the Zoning By-law Amendment conforms to the Town of Niagara-on-the-Lake Official Plan. The proposed development directs growth within the built-up area, contributes to the Town's intensification targets, and provides a compatible built form that respects the surrounding neighbourhood character through low-rise building heights, substantial setbacks, and extensive landscaped open space. The proposed development also conserves heritage features through the adaptive reuse of buildings, as well as the commemoration of the subject estate.

Therefore, the proposed Official Plan and Zoning By-law Amendments represent good land use planning and are appropriate for the subject lands. The development is compatible with the surrounding area, can be adequately serviced, and will not result in adverse impacts on adjacent properties or natural heritage features. As such, it is our opinion that the proposed development is consistent with provincial policy, conforms to regional and municipal planning frameworks, and is in the public interest.

**APPENDIX 'A'**

**DRAFT OFFICIAL PLAN AMENDMENT**

**DRAFT**  
**THE CORPORATION**  
**OF THE**  
**TOWN OF NIAGARA-ON-THE-LAKE**  
**NO. XX-26**  
**OFFICIAL PLAN AMENDMENT**  
**200 JOHN STREET EAST & 588 CHARLOTTE STREET**

The Council of the Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Planning Act, hereby enacts as follows:

- 1. Amendment **No. XX** of the Town of Niagara-on-the-Lake Official Plan, consisting of the attached explanatory text is hereby adopted.
- 2. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this \_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
**LORD MAYOR**

\_\_\_\_\_  
**TOWN CLERK**

Certified that the above is a true copy of By-law **No. XX** as enacted and passed by the Council of the Town of Niagara-on-the-Lake.

\_\_\_\_\_  
**TOWN OF NIAGARA-ON-THE-LAKE**

PART A – THE PREAMBLE –

This part does not constitute part of this Amendment.

PART B – THE AMENDMENT –

This part consists of text and schedule, which constitutes Official Plan Amendment No. XX to the Town of Niagara-on-the-Lake Official Plan, approved on \_\_\_\_\_, 2026.

## PART A – THE PREAMBLE

The preamble does not constitute part of this Amendment.

### Purpose

The purpose of this Amendment is to re-designate a portion of land at 200 John Street East and 588 Charlotte Street, from Low Density Residential to General Commercial (Randwood Estate) and Medium Density Residential.

### Basis

The basis of this Amendment is as follows:

1. The Provincial Planning Statement sets the policy foundation for the development and use of land while protecting resources of provincial interest, public health and safety, as well as the natural and built environment.

The subject properties are located within the Built-up Area of the Old Town settlement area within Niagara-on-the-Lake, an area already serviced. The properties are affiliated with two other properties with frontage on John Street East (144 and 176 John Street East), where site-specific permissions exist for a hotel, spa, restaurant, conference centre and related uses. The proposed Official Plan Amendment has two main purposes:

- To redesignate a portion of 200 John Street East and 588 Charlotte Street from Low Density Residential to General Commercial (Randwood Estate) to recognize the extent of the lands required for the hotel, spa, restaurant, conference centre and related uses; and,
- To redesignate a portion of 200 John Street East and 588 Charlotte Street from Low Density Residential to Medium Density Residential to permit the development of medium density residential uses.

The subject property is located within a settlement area with numerous amenities, retail and community services and will introduce new employment opportunities in the Town that will further strengthen the Town's tourism economy.

2. The Niagara Region Official Plan, 2022, sets out high-level land uses, as well as direction with respect to agriculture and rural areas, climate change, growth management, housing, the Greenbelt, transportation, water resources, and other policies. The Niagara Region Official Plan, 2022, provides a planning horizon to the year 2051, with updated population and employment forecasts for the Town, as well as a new

intensification target. The Niagara Region Official Plan, 2022, identifies the subject site as being within the Delineated Built-Up Area.

The proposed development consists of the following:

- the development of a hotel and associated uses, which are already permitted on a portion of the subject lands (the proposed hotel will introduce new employment opportunities within Town, assisting the Town in meeting the employment forecast); and
- the development of medium density residential uses, which represent a compact form of development within a serviced settlement area.

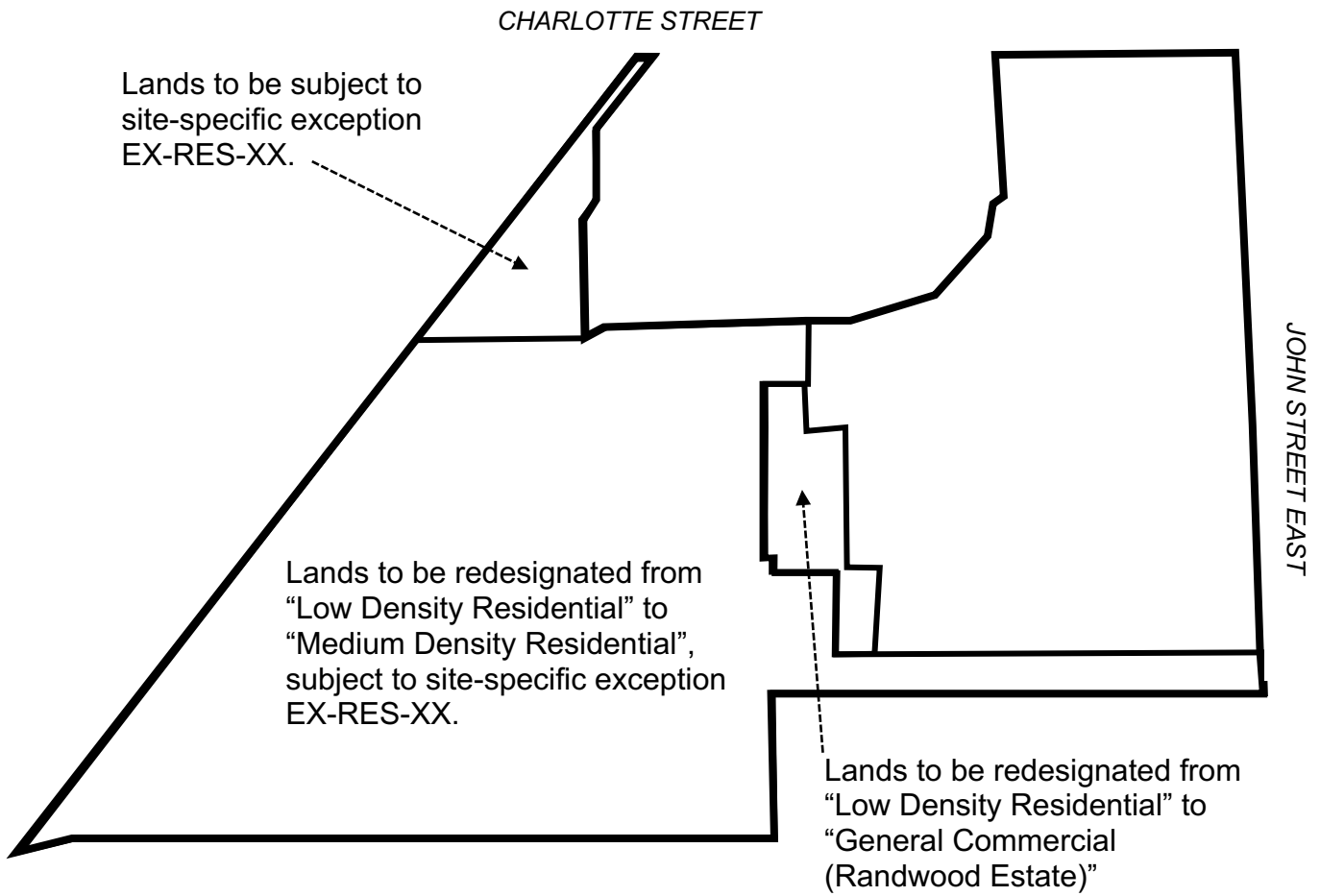
## **PART B – THE AMENDMENT**

All of this part of the document entitled 'Part B – The Amendment' consisting of the following text and map changes constitutes Amendment No. XX to the Official Plan of the Town of Niagara-on-the-Lake.

### Details of the Amendment

1. That Schedule "B" Land Use Plan – Niagara / Old Town is amended by Schedule "1" attached hereto and forming part of this amendment, identifying:
  - a. The location of the lands to be redesignated from "Low Density Residential" to "General Commercial (Randwood Estate)" and from "Low Density Residential" to "Medium Density Residential"; and
  - b. The lands to be subject to site-specific Exception EX-RES-XX.
  
2. That Section 9.5 of the Official Plan is amended by adding the following site-specific exception:

"EX-RES-XX Notwithstanding any other policy of this Plan, medium density residential development will not exceed a net residential density of 35 units per hectare."



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT  
NO. XX BEING AN AMENDMENT TO SCHEDULE "B" OF THE  
OFFICIAL PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE**

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
TOWN CLERK

**APPENDIX 'B'**

**DRAFT ZONING BY-LAW AMENDMENT**

**THE CORPORATION  
OF THE  
TOWN OF NIAGARA-ON-THE-LAKE  
BY-LAW NO. XX - 26**

144, 176 and 200 John Street East &  
588 Charlotte Street

A BY-LAW TO AMEND BY-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.

**WHEREAS** the Town of Niagara-on-the-Lake Council is empowered to enact this By-law by virtue of the provisions of Section 34 of the Planning Act, R.S.O. 1990, c.P.13, as amended;

**AND WHEREAS** this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE** enacts as follows:

1. Schedule "A-2" of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Figure 7.14.56F(i) (attached to and forming part of this By-law) as follows:
  - FROM: "General Commercial – Site Specific #56 (GC-56)" Zone, "Open Space – Site Specific #56 (OS-56)" Zone, "Residential Development (RD)" Zone, and "Agricultural (A)" Zone";
  - TO: "General Commercial – Site Specific #56 (GC-56)" Zone, "Open Space – Site Specific #56 (OS-56)" Holding (H) Zone, "Residential Multiple – Site Specific #56 (RM1-56)" Holding (H) Zone, and "Natural Heritage System Environmental Conservation Zone Overlay".

2. That Subsection 7.14, Site Specific Exceptions is hereby further amended by deleting all provisions within Section 7.14.56 and replacing them with the following provisions:

**“7.14.56 144, 176, 200 John Street East & 588 Charlotte Street (Randwood Estate):**

Notwithstanding the provisions of the “General Commercial (GC)” Zone”, the “Residential Multiple (RM1) Zone” and Open Space (OS) Zone of the Old Town Community Zoning District, the following provisions shall apply to the lands shown on Figure 7.14.56F(i) and Figure 7.14.56F(ii) below and identified as “General Commercial – Site Specific #56 (GC-56)” Zone, “Open Space – Site Specific #56 (OS-56)” Zone, “Residential Multiple – Site Specific #56 (RM1-56)” Zone, and "Natural Heritage System Environmental Conservation Zone Overlay" on Schedule 'A-2'.

**Provisions Applying to the Entire Lot:**

7.14.56.1 For the purposes of this By-law, the entirety of the lands subject to this Section shall be considered as one lot.

7.14.56.2 Notwithstanding Section 6.39 Parking Space Requirements of By-law No 431609 as amended; a minimum of 222 parking spaces shall be required for all uses combined within the GC-56 (H) Zone.

7.14.56.3 No amplified music or public address system shall be utilized outdoors.

7.14.56.4 All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands as described.

7.14.56.5 The Holding (H) Zone shall not be lifted from the General Commercial Site-Specific 56 (GC-56), Open Space Site-Specific 56 (OS-56) and Residential Multiple – Site Specific #56 (RM1-56) Zones until such time as the applicant has received site plan approval from the Town of Niagara-on-the-Lake.

7.14.56.6 Notwithstanding Section 6.45 of this By-law, buildings and structures shall be permitted to front onto a private road or driveway.

7.14.56.7 Notwithstanding any other provision of this By-law, the following lot requirements shall apply to the lot:

- (a) Minimum lot frontage: 300 m
- (b) Minimum lot depth: 120 m
- (c) Minimum landscaped open space: 75%
- (d) Maximum lot coverage: 13%

**General Commercial Site-Specific 56 (GC-56) Holding (H) Zone**

7.14.56.8 Permitted Uses:

- (a) accessory buildings and structures
- (b) art gallery
- (c) artist studio(s) and learning centre
- (d) conference centre
- (e) hotel with a maximum of one hundred and eleven (111) rooms
- (f) outdoor patio
- (g) restaurant
- (h) spa

7.14.56.9 Zone Requirements:

a)	Minimum main building setbacks shall be in accordance with Figure 7.14.56Fii. Accessory buildings and underground structures may be permitted to encroach within the minimum setbacks identified on Figure 7.14.56Fii. A porte-cochere for the hotel may be permitted to encroach into the front yard setback.	
b)	Minimum vehicular access ramp setback	30.48 m (100 ft.)

c)	Maximum number of storeys	5 storeys
d)	Maximum building height	21 m
e)	Maximum number of rooms for the hotel	111
f)	Maximum ground floor area of all buildings in the commercial zone	5,750 m <sup>2</sup>
g)	Maximum floor area of the spa	1,750 m <sup>2</sup>
h)	Devonian House: No other commercial use shall be permitted except for a restaurant.	

### **Open Space Site-Specific 56 (OS-56) Holding (H) Zone**

7.14.56.10 Open Space Site-Specific 56 (OS-56) Holding (H) Zone Permitted Uses:

- (a) Pedestrian and carriage pathways
- (b) Existing structures
- (c) Stormwater management facilities
- (d) Parking spaces to a maximum of 50 spaces
- (e) Walls along John and Charlotte Streets
- (f) Accessory landscaping structures or uses

7.14.56.11 Zone Requirements (OS-56 (H) Zone):

- (a) A minimum setback for accessory structures shall be 7.5 m (24.6 ft) from all property lines.

### **Residential Multiple Site-Specific 56 (RM1-56) Holding (H) Zone**

7.14.56.12 Residential Multiple Site-Specific 56 (RM1-56) Holding (H) Zone  
The provisions of the RM1 Zone shall apply, with the following exceptions:

- a) Stormwater management facilities shall be permitted.
- b) A maximum of 270 residential units shall be permitted
- c) Minimum main building setbacks shall be in accordance with Figure 7.14.56Fii.

d) Notwithstanding 7.14.56.12 c) and any other provision of this By-law, accessory buildings and underground structures may be permitted to encroach within the minimum setbacks identified on Figure 7.14.56Fii.

3. That the effective date of this By-law shall be the date of final passage thereof.

READ A FIRST, SECOND AND THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
LORD MAYOR

\_\_\_\_\_  
TOWN CLERK

Figure 7.14.56F(i)

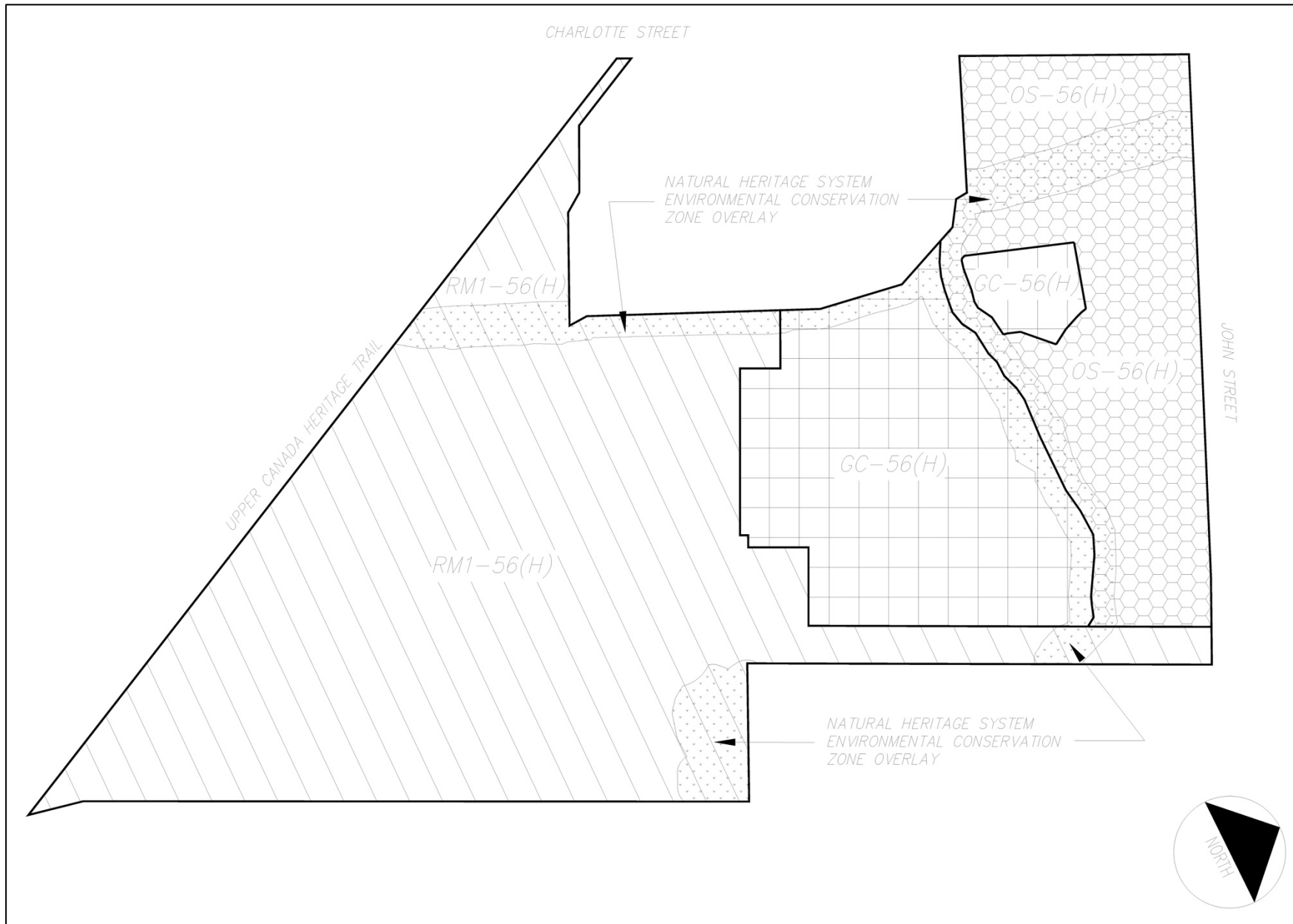


Figure 7.14.56F(ii)

