

October 30, 2023

Aimee Alderman  
Senior Planner  
Town of Niagara-on-the-Lake  
1579 Four Mile Creek Road  
Virgil, ON  
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Dear Aimee,

**ADDENDUM TO THE PLANNING JUSTIFICATION REPORT - OFFICIAL PLAN AMENDMENT  
AND ZONING BY-LAW AMENDMENT APPLICATION**

North Side of York Road, East of Airport Road, NOTL  
OPA-09-2023 and ZBA-20-2023

**Introduction**

We are pleased to submit this addendum (Addendum) to the Planning Justification Report (PJR) prepared by NPG Planning Solutions dated August 2023, regarding the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) application for North Side of York Road, East of Airport Road in the Town of Niagara-on-the-Lake. An Official Plan Amendment application was submitted to the Town of Niagara-on-the-Lake in August 2023, proposing redesignate the Subject Lands to a Site-Specific Hospitality Precinct Area - XX to permit residential units within and above commercial uses and to permit drive-thru establishments on the Subject Lands. A concurrent rezoning application was also submitted with this application, proposing to re-zone the lands from Regional Commercial 1 (RC1) to a Site Specific RC1 Zone.

Since our submission in August 2023, additional comments have been received from the Niagara Region requiring further justification to address Niagara Official Plan Policies. The relevant policies and analysis are provided below.

**Niagara Official Plan (NOP)**

The Niagara Official Plan (2022) is the Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

**Strategic Intensification and Higher Densities**

Section 2.2.2 of the Niagara Official Plan provides policies related to strategic intensification and higher density development. The following apply:

**POLICY**

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2.2.2.12 *Local Area Municipalities shall identify the applicable strategic growth area minimum density targets outlined in Table 2-3 in their official plans.*

**Table 2-3 Minimum Density Targets for Identified Strategic Growth Areas**

<b>Strategic Growth Area</b>	<b>Density Target</b>
<b>Brock and Glendale Niagara District Plans</b>	100 people and jobs per hectare by 2051

## **ANALYSIS**

With a net developable area of 2.1 hectares (excluding natural heritage features), the proposed development would facilitate a residential density of 144 residents per hectare using the Niagara Region's person per unit count of 1.4 for apartment dwellings. Jobs will also be provided on site via the 1,400 square metres of commercial space on the ground floor of the mixed-use building, in addition to a 185 square metre drive-thru restaurant. This will further raise the number of residents and jobs per hectare for the proposed development and will assist in achieving the Region's density targets for Glendale.

It is noted that this calculation is also relevant for determining the Greenfield density (people and jobs per hectare). The previous PJR did not net out natural heritage features from the Greenfield density calculation, as directed by the Growth Plan.

### **Airport and Aerodrome Lands**

Section 4.2.6 of the Niagara Official Plan provides policies related to Niagara's airports and aerodrome lands. The following apply:

## **POLICY**

*4.2.6.5 Land use permissions and zoning for lands within the airport's area of influence shall maintain the Federal Government's recommended Noise Exposure Forecast (NEF) contours where applicable and be compatible with the operations of the airport.*

*4.2.6.6 Federal, Provincial, and Municipal policies and guidelines apply where sensitive land uses are proposed near existing or planned airports and aerodromes.*

*4.2.6.7 Conflict between airport lands and surrounding land uses shall be minimized to ensure:*

- a. there will be no negative impact on airport operations and viability;*
- b. an expansion of airport operations will not be limited;*
- c. land uses in the airport's area of influence, as shown in Local official plans, in conformity with this Plan, will not cause a potential aviation hazard; and*

- d. land uses in the airport's area of influence, as shown in Local official plans, in conformity with this Plan, will not limit existing and/or the expansion of airport operations.*

## **ANALYSIS**

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A Noise and Vibration Impact Study (Noise Study) was included with the August 2023 submission which analyzed the federal Noise Exposure Forecast (NEF) ratings in relation to the Niagara District Airport. The Noise Study calculated an indoor sound level between NEF-15 and NEF-0 NEF for residential and commercial uses. Outdoor sound levels were calculated at NEF-30. Transport Canada states:

*A NEF level greater than 25 is likely to produce some level of annoyance. If the NEF level is above 35, complaints will probably be numerous. We recommend against proceeding with new residential development in areas where the NEF exceeds 30. If the development does proceed, a detailed noise analysis should be conducted and noise reduction practices should be implemented.*

All indoor areas will be below the threshold of minor annoyance. Further, the outdoor areas do not exceed NEF-30. The Noise Study has recommended the construction of noise barriers along outdoor amenity areas, if feasible, to mitigate noise impacts in these areas.

Our previously submitted PJR (August 2023) has included provisions permitting the use of a Holding provision related to the height of the proposed development. This provision would restrict the height of the proposed development to 140 metres above sea level (ASL) as required by the Federal Airport Zoning Regulations until an Airport Zoning Regulation (AZR) exemption request is considered and approved by Transport Canada. To secure an Airport Zoning Regulation Exemption it must be demonstrated that the exemption is:

1. In the public interest;
2. Not likely to affect aviation safety or security; and
3. Not likely to affect the current or future usability of the affected airport.

Approval of the proposed OPA/ZBA as proposed will not result in any negative impact to the Niagara District Airport due to the Holding provision preventing development that penetrates the airports outer surface. Future discussion will occur with the Niagara District Airport during the AZR exemption process to ensure there are no land use compatibility conflicts as they must provide a letter of no objection to Transport Canada for such a submission to be considered. Securing an AZR exemption from Transport Canada will ensure there are no land use conflicts between the airport and surrounding land uses satisfying Policy 4.2.6.7.

This application is being reviewed against the existing Glendale Secondary Plan contained within the Niagara-on-the-Lake Official Plan. Schedule F2 – Height Map of the

Glendale Secondary Plan envisions landmark buildings 12 and 16 storeys on lands within Glendale that are subject to AZR, close to the Subject Lands. The proposed development is 10 storeys in height, which is consistent the Town's vision of having landmark buildings within Glendale.

## **Conclusion**

We trust the above is satisfactory, and should you require anything further or have any questions, please do not hesitate to contact the undersigned.

### **Addendum Letter prepared by:**



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### **Addendum Letter reviewed by:**



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