

Myler Ecological Consulting

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Department of Community & Development Services
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
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cc: Rick Wilson (NOTL), Susan Smyth (Quartek), Gunther Bluesz (Vrancor)

RE: EIS Addendum for the York-Glendale Hotel Complex Revised Phase 1 Development for Completion of the Driveway Connection and Parking Lot.

Introduction

Pre-Consultation was held on 19 November 2020 to discuss measures to bring recently constructed elements of the York-Glendale Hotel Complex into compliance through Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) that would include those elements within amended Phase 1 limits.

The Pre-Consultation identified the *“Need to confirm conformity to Provincial and Regional Policy through EIS Addendum.”* The Pre-Consultation comments further described the requirement as *“an EIS Addendum (in the form of a brief letter)...to address the impacts that occurred on the subject lands...(i.e., address the parking lot encroachment and road extension)”* and that the *“EIS Addendum should include an updated mitigation strategy to address any potential impacts to wildlife associated with the road extension between Glendale Ave and Counsell Street.”*

Myler Ecological Consulting was retained to prepare the EIS Addendum.

Updated Impact Assessment

Myler visited the site first for a general reconnaissance on 21 December 2020 and followed up with a second visit on 16 March 2021 for a closer look at the areas adjacent to the driveway connection and parking lot. In addition to review of relevant portions of the Niagara-on-the-Lake Official Plan (the OP), Niagara Region Official Plan (the ROP), and Niagara Peninsula Conservation Authority (NPCA) online regulation mapping, Myler reviewed the following project-specific documents and drawings to inform preparation of this EIS Addendum:

- Glendale Property Environmental Impact Study (Natural Resource Solutions Inc., May 2009).
- Glendale Hotel Complex Environmental Impact Study Update (Natural Resource Solutions Inc., October 2014).
- Intercontinental Combo Hotel Environmental Impact Statement (Quartek Group Inc., October 2015).
- International Combo Hotel Peer Review (GM BluePlan Engineering Ltd., October 2016).
- Intercontinental Combo Hotel (Phase 1) Environmental Impact Study (Natural Resource Solutions Inc., November 2016).

- Intercontinental Combo Hotel (Phase II) Environmental Impact Study – Bat Species at Risk Acoustic Monitoring Results (Natural Resource Solutions Inc., 2017).
- Map 1 Glendale Avenue EIS Proposed Phase 2 Limits (Natural Resource Solutions Inc., September 13, 2017).
- Niagara Peninsula Conservation Authority Comments (S. Mastroianni, 15 April 2016).
- Niagara Region Comments (R. Wilson, 27 May 2016).
- Intercontinental Combo Hotel – Site Plan With ECA Mapping And Top Of Bank Overlay – Drawing Number: Figure 2 (Quartek Group Inc., 28 October 2015).
- Intercontinental Combo Hotel – Proposed Grading – Drawing Number 13254-G (Quartek Group Inc., 09/09/2016 5:32:02 PM Preliminary Draft).
- Intercontinental Combo Hotel – Tree Preservation Plan – Drawing Number 13254-TP (Quartek Group Inc., 19 October 2017).
- Intercontinental Combo Hotel – Proposed Grading Phase 2 – Drawing Number 13254-G-2 (Quartek Group Inc., 23 October 2017 Preliminary Draft).
- Intercontinental Combo Hotel – Proposed Grading Phase 1 – Drawing Number 13254-G-1 (Quartek Group Inc., 30 October 2017).
- Master Site Plan – Issued For Phase 2 Pre-Consultation – Drawing Number MSP-100 (Quartek Group Inc., 05 April 2018).
- Intercontinental Combo Hotel – Partial Landscape Plan Southwest Corner – Drawing Number 13254-LP4 (Quartek Group Inc., January 2021 SPA Resubmission Revision).

Review of that information revealed that the driveway connection and the western edge of the parking lot were initially proposed to be completed as part of Phase 1. However, the limit between the Phase 1 and Phase 2 areas was subsequently adjusted to exclude Phase 1 works within the designated Environmental Conservation Area (ECA) significant woodland due to speculation in the 2009 EIS and 2014 EIS Update regarding the possible presence within the ECA lands of:

- Snake Species at Risk (SAR).
- Significant Wildlife Habitat (SWH) as Deer Winter Congregation Area and Reptile Hibernaculum (i.e., snake overwintering habitat).

The potential for Bat SAR was subsequently raised by MNRF.

Focused studies and consultation to address SAR and SWH confirmed that neither SAR nor SWH exists within the ECA lands, as follows:

- Absence of Bat SAR was confirmed through NRSI field studies including identification of candidate roost trees and ultrasonic acoustic monitoring conducted and reported by NRSI in 2017.
- Absence of Snake SAR and Snake overwintering SWH was confirmed through NRSI field studies including a coverboard survey and emergence survey conducted in 2016 and reported in NRSI's 2016 EIS.
- Absence of Deer Winter Congregation Area SWH was confirmed by NRSI in consultation with MNRF's Anne Yagi.

As such, the ecological function of the ECA significant woodland is limited to local linkage (as broader linkage is cut off to the south by York Road, City chain-link fences on either side of York Road, and the QEW and to the north by intensive agricultural development) and local habitat for common species of plants and wildlife.

The driveway connection between Glendale Avenue and Counsell Street and the western edge of the Staybridge Suites parking lot were constructed in 2018, after studies confirmed that no SAR and no SWH occur in association with the ECA lands on and adjacent to the property.

The western offsite portion of the driveway was previously constructed by others and included a box culvert crossing of the previously realigned Six Mile Creek branch and a stub of paved road. Completion of the driveway therefore did not involve the watercourse, but only the final extension of the corridor through the remaining edge of ECA significant woodland.

The western edge of the parking lot required completion of grading and filling within the edge of the ECA significant woodland, that was characterized as young and successional, outside of the area occupied by mature trees. The affected area was dominated by White Ash saplings, Common Buckthorn shrubs, and scattered Red Oak saplings. Given the prevalence and impact of Emerald Ash Borer, the White Ash saplings would never have survived to establish that successional edge as part of the woodland. Although the area was presumed successional, the prevalence and overwhelmingly invasive impact of Common Buckthorn would have prevented additional germination and establishment of trees to short-circuit the succession at Common Buckthorn Shrub Thicket. In fact, the dominance of Common Buckthorn within the understory of the adjacent mature woodlot currently impacts the ecological quality and function of the woodland and by impairing the recruitment of native hardwood tree species threatens the long-term existence of the significant woodland.

The removal of ECA significant woodland at these edges did not involve SAR or SWH (per the confirmatory studies completed in 2016 and 2017). Additionally, the total area and extent/configuration of the ECA significant woodland were not substantially changed, such that it retains its form and its ecological function as local habitat and local linkage for common species of plants and wildlife.

The narrow driveway does not represent a barrier to local wildlife movements within the ECA woodland. Wildlife particularly susceptible to road mortality such as turtles do not occur at the site and only two Eastern Gartersnakes were observed during all the EIS field studies. As the driveway is not a public roadway and is a low-speed two-lane entrance to the York-Glendale Hotel Complex, with low anticipated traffic volume, the risk to mammalian wildlife is negligible. Speed limit signs (e.g., 25 kph) posted on the driveway would serve to remind motorists that the driveway is part of the Hotel Complex and not a public roadway suited to higher speeds and would further reduce the risk of wildlife road mortality.

Policy Conformity

NPCA's 19 November 2020 Pre-Consultation comments acknowledged that the driveway watercourse crossing had been previously constructed by others under permit and confirmed "no objections". NPCA comments indicated only future concerns that Phase 2 will address stable slope and watercourse hazard in the southwest corner of the property.

NOTL OP policy conformity is summarized for relevant policies, below:

- NOTL OP 16.3.1 describes permitted uses within the Conservation designation. Specifically, "*Uses permitted independent of a Main Use*" include "*accessory buildings or structures not used for human habitation permitted in an abutting designation subject to the approval of the authority having jurisdiction*". As such, the driveway and parking lot structures could be permitted as accessory structures

within the Conservation designation, however minor adjustment of the Conservation boundary is instead proposed to exclude those structures.

- NOTL OP 16.4.2 and 16.4.3 specify the need for NPCA approvals for buildings, structures, and fill placement within or adjacent to watercourses and within floodplains, respectively. NPCA’s 19 November 2020 comments indicated “no objections” to the completion of the driveway near the watercourse.
- NOTL OP 16.4.9 specifies that “*Conservation lands will be placed in appropriate zoning categories in the implementing Zoning By-laws.*” Following minor adjustment of the Conservation boundary to exclude the driveway and the parking lot, the resulting extent of Conservation lands may be placed in an appropriate zoning category.
- NOTL OP 16.4.10c specifies that “*Where lands designated conservation are within an Urban Boundary as shown in this Plan and does not form part of any shoreline, watercourse or valley area development may be permitted but restricted to preserve existing trees or other natural feature.*” The property is within the Urban Boundary, and completion of the driveway and parking lot required only minor intrusion within the Conservation designated lands that minimized tree removal and substantially preserved the significant woodland natural feature.
- The Glendale Secondary Plan 1.4.2 cites the Glendale Gateway Study recommendation that “*The mature woodlot near the intersection of York and Glendale should be mostly preserved to provide a natural backdrop to development in the area.*” Completion of the driveway and the parking lot involved only minor intrusion within the mature woodlot such that it has been “*mostly preserved*”.
- The Glendale Secondary Plan 3.2.5 “*Preserve and respect natural heritage features*” includes three relevant points as follows:
 - *The environmental integrity of existing creek and stream corridors shall be protected and enhanced.* The stream crossing was previously constructed. Completion of the driveway and the parking lot maintained the stream corridor. Restoration of disturbed areas per the Partial Landscape Plan will enhance the corridor.
 - *Existing woodlots should be preserved and be an amenity to the area.* Intrusion was minor, such that the woodlot has been preserved as an amenity.
 - *Existing watercourses and areas of natural vegetation shall be integrated into the site design and the overall character of Glendale.* The construction did not involve the watercourse. Removal of natural vegetation was minor in extent, and restoration per the Partial Landscape Plan integrates native vegetation into the site design.

Regional OP policy conformity is summarized for relevant policies, below:

- Niagara Region OP defines *Significant Negative Impact* as “*degradation that threatens the health and integrity of the natural features or ecological functions of the Core Natural Heritage System Component*”. The minor intrusion required to complete the driveway and the parking lot was insufficient to threaten the health and integrity of the woodland or its ecological functions as local habitat and local linkage for common species of plants and wildlife. Accordingly, the ECA significant woodland was not subject to *Significant Negative Impact*.
- Niagara Region OP 7.B.1.11 specifies that “*Development and site alteration may be permitted without an amendment to this Plan*” “*In Environmental Conservation Areas*” and “*On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those*

lands within vegetation protection zones associated with the Environmental Protection Areas in the Greenbelt Natural Heritage System “*If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands*”. The property is outside of the Greenbelt Natural Heritage System. Completion of the driveway and parking lot on and adjacent to portions of Environmental Conservation Area did not represent *Significant Negative Impact* as the significant woodland natural heritage component has been substantially maintained in both form and ecological function.

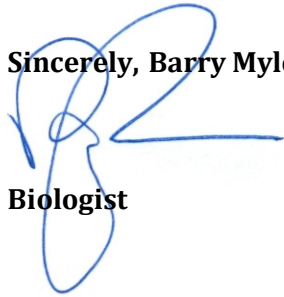
Recommendations and Conclusions

In consideration of the foregoing, it is recommended that the ECA boundary be adjusted as shown on the Master Site Plan that was submitted for the 19 November 2020 Pre-Consultation, such that it coincides with the northern and southern outer edges of the driveway connection and the western edge of the Staybridge Suites parking lot.

Additionally, to enhance and restore disturbed areas within the ECA boundary adjacent to the driveway and parking lot, implementation of the Partial Landscape Plan is recommended with the addition of a native species herbaceous seed mix to complement the proposed woody plantings.

A posted speed limit (e.g., 25 kph) is recommended for the driveway to remind motorists that it is not a public street suitable for street speeds and to further mitigate risk to local wildlife.

Sincerely, Barry Myler



Biologist