



February 6<sup>th</sup> 2024

**{Niagara-on-the-Lake Conservancy Working to Protect Built and Natural Heritage since 1987}**

**Draft Character Area Study for Rand Estate and John Street East**

Gracia Janes 261 King Street

The Niagara-on-the-Lake Conservancy has worked to protect our Town's nationally, recognized heritage attributes since 1987. Our interest in this proposed Official Plan Amendment is tied directly to an early success. This was our work in partnership with the Friends of Fort George and the Town to create a Vox Populi (voice of the people) document to convince the Federal government to recognize a substantial portion of the Old Town as the first National Heritage District in Ontario. It was this achievement, that grounded our support of Town staff in their unsuccessful efforts to expand the Town's Queen- Picton Heritage District.

More recently, in 2018/2019, we supported the Bray Heritage Report "Cultural Heritage Landscape" approach, for the Dock Area, the John Street East Summer homes, the Downtown Character area (which includes the National Heritage District, and the Queen Street Summer Homes Area. And of course we supported Sore and the Town in their successful efforts to have 144, 176 John Street East, 200 John and 588 Charlotte Street. Designated as heritage properties..

To this end, the Conservancy appreciates this study's recommendations to protect the very valuable built, natural and farmland heritage in the Rand Study area and to point a way forward.

However, the report's protective recommendations are hindered by the pressure of a multi-home subdivision currently, being processed by the Ontario Land Tribunal, and very importantly, the report's apparent acceptance that this special heritage area and possible formal Character Area Heritage Landscape, must have significant intensification. As we have said many times over the past few years re development in Niagara-on-the-Lake,

- Regional Niagara counts on Glendale for housing of 18,000 people to the year 2052.
- Provincial and Regional Niagara intensification concerns are for affordable housing close to transit.

- Amendment #43 NOTL 2017 OP intensification designated intensification areas are south of Mary St. and west of Charlotte, and in Virgil

The result of this study's intensification view, will in the future mean acceptance of a heritage landscape quite different from our current National Heritage District ( and often beyond) with its Estate lots, varied frontages, heights, setbacks from the road, magnificent tree canopies, almost complete lack of curbs and gutters, and with few exceptions sidewalks on one side of the street, or non existent, on many streets.

In this regard, the following quote from the Niagara on the Lake museum staff comments on the last draft proposed 2019 Official Plan ring true.

*"We think the OP should highlight the need to preserve the character of all neighbourhoods in NOTL, with any new development reflecting the height of buildings, massing, lot coverage, etc., of the neighbourhood.*

*Each neighbourhood has a distinct character and many reflect a specific time period. In particular, the Museum's own neighbourhood on Castlereagh Street has a special character which fits its history. It consists of wartime housing which was built for vets following WWII, with Memorial Park created for them to use as well. On top of this, it all sits on land that was part of the Commons. The Official Plan should change the zoning of this neighbourhood from Residential to Established Residential in order to protect the historic character of this neighbourhood."*

To conclude, whatever is accepted by Council will in effect set a precedent, on this particular issue of Cultural Heritage Landscapes and that of Environmental Heritage Resources elsewhere in Niagara-on-the-Lake, so it's important to consider its true purpose, that is to protect our built and natural heritage in the best possible way. We urge Council to use the many strong policies noted in this study to protect Cultural and Environmental Heritage Resources for the future.

Post Script Questions: As I asked at Last Monday's meeting:

1. Why are recommendations made to rezone and allow more housing on a portion of 210 John Street East heritage registry property which in the study's mapping ( page 34 diagram) and "described as " being "outside the urban boundary, is zoned as agricultural"?
2. Since this mapping has been consistently used in all but one Official Plan over several years , and in its current Zoning by Law, and it mirrors the 1981 OMB decision to take this property out of the urban boundary , why would it be formalized through this amendment as running through the 210 John Street east Brunswick Place (formerly the Romance) property.



February 1, 2024

Lord Mayor and Members of Council  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, ON, L0S 1T0

*Email: clerks@notl.com*

Dear Lord Mayor and Members of Council:

**RE: RAND ESTATE CHARACTER STUDY: JOHN STREET EAST (File OPA-01-2024)  
OUR FILE 18208**

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We are writing on behalf of Save Our Rand Estate ("SORE") regarding the Town commissioned Character Study for Rand Estate and John Street East prepared by Urban Strategies Inc. and GBCA Architects and the associated Draft Official Plan Amendment.

As you know, SORE has participated throughout the consultation process and has appreciated the opportunity to do so. SORE commends the Town and its consultants for its commitment to completing this important study and for the high calibre and quality of the study.

SORE's team of experts has reviewed the Character Study and the Draft Official Plan Amendment and have some minor technical comments which are set out at Attachment "A" to this letter.

We look forward to a response to SORE's submission.

Yours truly,

**MHBC**

Dana Anderson, MA, FCIP, RPP  
Partner

cc. *Tim Smith, Urban Strategies Inc.*  
*Kirsten McCauley, Town of Niagara-on-the-Lake*

## ATTACHMENT A

### Comments on Draft OPA

#### 1. Principle 5: Duplicated Language

Bullets 2 and 3 under Principle 5(iv) are duplicated in Bullets 4 and 5.

#### 2. Principle 6: Section References

Principle 6(iv) references "Policy 6(b)". Can you clarify where this policy can be found?

#### 3. The amendment is proposed to the NOTL 2019 OP which is not yet approved by the Region

Would a prudent course of action be to amend the in force Official Plan and request that the Region modify the adopted but not yet approved OPA?

### Comments on the Draft Character Study Report

1. Page 12 of the draft report indicates that "There are multiple ways the axial walkway and circular mound can be reflected in a future street and pathway network". SORE's team of experts agrees. The report further suggests that the walkway "should be located adjacent to a street." While it is acknowledged that this is one of the "multiple ways" the walkway can be reflected, SORE's team recommends that this be clarified as one option to consider by rewording this section as follows:

"There are multiple ways the axial walkway and circular mound can be reflected in a future street and pathway network. ~~As a path, the walkway should be located adjacent to a street to~~ The design should reinforce it the walkway as a public space through approaches such as locating the walkway should be located adjacent to a street and it should be bordered on both sides with low perennial plantings and trees at varying distances from one another. The circular mound should be conserved and could be interpreted as a small open space, potentially with a circular planting bed at its centre framed by curved benches."

It is acknowledged that the study does not form part of the OPA; however, it is intended that the study will be attached to the OPA and will be used to interpret the OPA. Accordingly, we ask that this minor clarification be included in the text of the final study.

February 6, 2024

By E-Mail

Lord Mayor and Members of Council  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, ON, L0S 1T0  
[clerks@notl.com](mailto:clerks@notl.com)

Dear Lord Mayor and Members of Council:

**Re: Committee of the Whole - Planning Meeting, February 6, 2024  
Agenda Item 4.1 - Character Study for Rand Estate and John Street East (File  
OPA-01-2024)**

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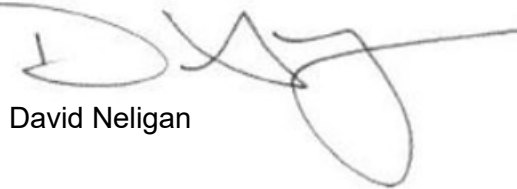
Aird & Berlis LLP acts on behalf of Blair and Brenda McArthur, owners of the property municipally known as 210 John Street in the Town of Niagara-on-the-Lake. Our clients' property, historically referred to as Brunswick Place, is located adjacent to the former Rand Estate and is included within the study area for the Former Rand Estate and John Street East Character Study (the "**Character Study**").

We have reviewed the Character Study and accompanying Official Plan Amendment ("**OPA**") along with our clients. We appreciate the Town's continued efforts to recognize, respect and protect the important cultural and natural heritage features that the Town and its residents value dearly.

Our clients are generally supportive of the draft Character Study and the proposed OPA, and will be closely monitoring its progress and review by this Committee and Council. We kindly ask to be notified of any decision with respect to this matter.

Yours truly,

AIRD & BERLIS LLP



David Neligan

DN:DPN

c. Client  
T. Halinski, Aird & Berlis LLP

55931518.1

**Growth Strategy and Economic Development**

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7  
905-980-6000 Toll-free:1-800-263-7215

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**Via Email Only**

February 14, 2024

File Number: D.10.05.OPA-24-0003

Kirsten McCauley  
Director of Planning and Community Services  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. McCauley:

**Re: Preliminary Regional and Provincial Comments  
Town-Initiated Official Plan Amendment  
Town File Number: OPA-01-2024  
Former Rand Estate and John Street Character Study  
Town of Niagara-on-the-Lake**

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Staff from the Region's Growth Strategy and Economic Development Department have reviewed the materials circulated with the proposed Town-initiated Official Plan Amendment, which is intended to incorporate policy direction in the Town's Official Plan to guide the character and design of future development on lands located south of John Street, east of Charlotte Street, north of the Heritage Trail, in the Town of Niagara-on-the-Lake (referred to as the 'Former Rand Estate and John Street Character Area' in the proposed Official Plan Amendment).

**Proposed Official Plan Amendment**

The Official Plan Amendment circulated by Town staff proposes amendments to the Town's adopted Official Plan. Due to outstanding matters of conformity with Regional and Provincial land use policies, this plan has not yet been approved by Regional Council and is not currently in force and effect. As Regional staff work with the Town to address matters of conformity, any Official Plan Amendments submitted for Regional approval must be made to the Town's in-effect Official Plan.

**Accordingly, policy and schedule references within this amendment should be updated to reflect their corresponding position within the in-effect Official Plan. Regional staff will require circulation of an updated amendment which addresses this requirement before providing final comments on the Official Plan**

**Amendment and confirming it is exempt from Regional approval, as directed by Policy 7.4.1.6 and 7.4.1.7 of the Niagara Official Plan.**

Regional staff provide the following preliminary comments regarding the draft amendment's conformity with Provincial and Regional policies to assist Town staff in finalizing the draft amendment.

**Provincial and Regional Policies**

The lands subject to the draft amendment are largely located within a Settlement Area under the Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the A Place to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. To support the achievement of forecasted growth for Niagara Region as a whole required under the Growth Plan, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. For the Town of Niagara-on-the-Lake, the NOP specifies that this target is 25%.

The draft amendment consists largely of design direction intended to ensure that future development on the subject lands incorporates appropriate connections and sensitivity to surrounding cultural heritage and natural environment features, as well as adjacent existing development and the agricultural area. The NOP supports excellence and innovation in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional. In this regard, the integration of views of built and cultural heritage features, landmarks, and significant natural heritage features to enhance a sense of place are promoted, and municipalities are encouraged to plan for an enhanced public realm.

The NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the draft amendment to Town staff.

**Lands Outside a Settlement Area**

The amendment is also proposed to apply to a small portion of lands located outside of a Settlement Area, as demarcated in the NOP. These lands (identified as

'Agricultural/Rural' on the schedule attached to the draft amendment) are located within a Prime Agricultural Area under the PPS, within the Protected Countryside (Specialty Crop Area - Niagara Peninsula Tender Fruit and Grape Area) of the Greenbelt Plan and included within the Agricultural System and designated Specialty Crop Area in the NOP.

Permitted uses within these designations include agriculture, agriculture-related and on-farm diversified uses. Both the Greenbelt Plan and NOP state that, where agricultural uses and non-agricultural uses interface, land use compatibility shall be achieved by avoiding or, where avoidance is not possible, minimizing and mitigating adverse impacts on the agricultural system, by incorporating measures as part of new or expanding non-agricultural uses, as appropriate, within the area being developed.

The draft amendment does not propose any changes to permitted uses on this portion of the subject lands and instead primarily provides direction for an appropriate transition between these lands and future development on the lands within a Settlement Area, which is to be incorporated on the lands within a Settlement Area. Regional staff are therefore satisfied that the draft amendment generally conforms to Provincial and Regional agricultural policies, subject to the comments below.

## **Natural Environment System**

Regional staff note that, as part of earlier Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision applications for the portions of the subject lands municipally addressed as 200 John Street East and 588 Charlotte Street (Town File Numbers: OPA-02-2020, 26T-18-20-01, ZBA-11-2020), it was concluded that the only Core Natural Heritage System features which achieved Regional designation criteria under the previous Regional Official Plan (ROP) was One Mile Creek and an associated tributary which was confirmed to be providing indirect Fish Habitat.

All wooded areas and wetlands were evaluated as part of Regional staff's comments on these earlier applications. Specifically, the woodland was evaluated in consultation with Regional Forestry staff in a process that unfolded outside of the *Planning Act* approval process, which resulted in woodland removals that were consistent with the Regional Woodland Conservation By-law. Further, the Environmental Impact Study (EIS) and EIS Addendum, prepared by Savanta (dated July 2020 and March 8, 2022, respectively), prepared for the earlier development applications proposed to remove a 0.233 hectare wetland in its entirety and construct a compensation wetland on the adjacent property (200 John Street), in consultation with the Niagara Peninsula Conservation Authority (NPCA). Regional staff note that consistent with the ROP, the NPCA is the lead agency on the proposed wetland compensation strategy.

The draft amendment does not propose modifications to the schedules that were previously supported by Regional staff as part of the earlier development applications. Instead, the draft amendment proposes policies to define the character of the subject lands relative to these features. Regional staff, therefore, offer no objection to the draft amendment from a natural environment system perspective.



## **Cultural Heritage**

According to the PPS, Growth Plan and NOP, significant built heritage resources and significant cultural heritage landscapes shall be conserved. Heritage resources include buildings, structures, monuments, installations or any manufactured or constructed parts or remnants that contribute to a property's cultural heritage value or interest. Cultural heritage landscape refers to geographical areas that may have been modified by human activity and are identified as having cultural heritage value or interest. These landscape features may include buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Built heritage resources and cultural heritage landscape may be located on, or include, properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*.

The NOP requires that, where development and/or site alteration is proposed on or adjacent to a protected heritage property (defined as properties designated under Parts IV, V or VI of the *Ontario Heritage Act*), a heritage impact assessment is to be prepared. Further, the NOP encourages Local Area Municipalities to consider the use of heritage impact assessments in conserving cultural heritage resources on a community planning basis.

The draft amendment provides policy direction intended to address the conservation of cultural heritage features on the subject lands, including the requirement for a heritage impact assessment (and associated conservation, landscape management and design plans) for development applications on all listed and designated heritage properties subject to the draft amendment.

The Region shares an interest with the Town of Niagara-on-the-Lake in the protection and conservation of significant cultural heritage resources through the development of such policies intended to protect and conserve locally significant built heritage resources. The Region defers to the Town with respect to the cultural heritage considerations intended to be addressed through the draft amendment.

## **Indigenous and First Nations Consultation**

The NOP directs that planning authorities engage with First Nations and Indigenous communities and consider their interests when identifying, protecting, and managing cultural heritage resources and archaeological resources, planning for sustainability and climate change, and the natural environment system. The draft amendment includes policy direction for consultation with First Nation and Indigenous communities as part of future development on the subject lands, including the interpretation and promotion of the area's cultural heritage.

## Conclusion

Regional staff appreciate the opportunity to review the draft amendment. As outlined above, the draft amendment is generally consistent with, and conforms to, Provincial and Regional policies. **Policy and schedule references within the amendment will have to be updated to reflect their corresponding position within the Town's in-effect Official Plan prior to Regional staff providing confirmation that the Official Plan Amendment is exempt from Regional approval, as directed by Policy 7.4.1.6 and 7.4.1.7 of the Niagara Official Plan.**

If you have any questions related to the above comments, please contact me at [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Senior Development Planner

cc: Diana Morreale, Director of Growth Management and Planning, Niagara Region  
Pat Busnello, Manager of Development Planning, Niagara Region  
Alexandria Tikky, Senior Project Policy Manager, Niagara Region  
Adam Boudens, Senior Environmental Planner/Planning Ecologist, Niagara Region  
Cara Lampman, Manager of Environmental Planning, Niagara Region

**Growth Strategy and Economic Development**

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905-980-6000 Toll-free:1-800-263-7215

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**Via Email Only**

March 15, 2024

File Number: D.10.05.OPA-24-0003

Kirsten McCauley  
Director of Planning and Community Services  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
PO Box 100, Virgil, ON L0S 1T0

Dear Ms. McCauley:

**Re: Regional and Provincial Comments  
Town-Initiated Official Plan Amendment  
Town File Number: OPA-01-2024  
Former Rand Estate and John Street Character Study  
Town of Niagara-on-the-Lake**

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Staff from the Region's Growth Strategy and Economic Development Department have reviewed the materials circulated with the proposed Town-initiated Official Plan Amendment, which is intended to incorporate policy direction in the Town's Official Plan to guide the character and design of future development on lands located south of John Street, east of Charlotte Street, north of the Heritage Trail, in the Town of Niagara-on-the-Lake (referred to as the 'Former Rand Estate and John Street Character Area' in the proposed Official Plan Amendment).

Regional staff provide the following comments regarding the draft amendment's conformity with Provincial and Regional policies to assist Town staff in their review of the draft amendment.

**Provincial and Regional Policies**

The lands subject to the draft amendment are largely located within a Settlement Area under the Provincial Policy Statement (PPS) and within the Delineated Built-Up Area under the A Place to Grow - Growth Plan for the Greater Golden Horseshoe (Growth Plan) and the Niagara Official Plan (NOP).

The PPS, Growth Plan and NOP direct growth to Settlement Areas and the Delineated Built-Up Area to efficiently use existing servicing, infrastructure, and public service

facilities. An emphasis is placed on intensification and infill to foster the development of complete communities that have a mix of diverse land uses, and a range of housing options for the current and future population. To support the achievement of forecasted growth for Niagara Region as a whole required under the Growth Plan, the NOP directs municipalities to develop strategy and policies for managing population and employment growth, including those designed to achieve minimum residential intensification targets specified for each municipality. For the Town of Niagara-on-the-Lake, the NOP specifies that this target is 25%.

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The NOP states that municipalities may establish standards for appropriate infill development within established residential neighbourhoods. Local compatibility considerations and interface with neighbouring land uses are local planning matters and therefore Regional staff defer consideration of these aspects of the draft amendment to Town staff.

### **Lands Outside a Settlement Area**

The amendment is also proposed to apply to a small portion of lands located outside of a Settlement Area, as demarcated in the NOP. These lands (identified as 'Agricultural/Rural' on the schedule attached to the draft amendment) are located within a Prime Agricultural Area under the PPS, within the Protected Countryside (Specialty Crop Area - Niagara Peninsula Tender Fruit and Grape Area) of the Greenbelt Plan and included within the Agricultural System and designated Specialty Crop Area in the NOP.

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The draft amendment does not propose any changes to permitted uses on this portion of the subject lands and instead primarily provides direction for an appropriate transition between these lands and future development on the lands within a Settlement Area, which is to be incorporated on the lands within a Settlement Area. Regional staff are

therefore satisfied that the draft amendment generally conforms to Provincial and Regional agricultural policies, subject to the comments below.

## **Natural Environment System**

Regional staff do not object to the draft amendment from a natural environment system perspective.

## **Cultural Heritage**

According to the PPS, Growth Plan and NOP, significant built heritage resources and significant cultural heritage landscapes shall be conserved. Heritage resources include buildings, structures, monuments, installations or any manufactured or constructed parts or remnants that contribute to a property's cultural heritage value or interest. Cultural heritage landscape refers to geographical areas that may have been modified by human activity and are identified as having cultural heritage value or interest. These landscape features may include buildings, structures, spaces, views, archaeological sites or natural elements that are valued together for their interrelationship, meaning or association. Built heritage resources and cultural heritage landscape may be located on, or include, properties that have been determined to have cultural heritage value or interest under the *Ontario Heritage Act*.

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The draft amendment provides policy direction intended to address the conservation of cultural heritage features on the subject lands, including the requirement for a heritage impact assessment (and associated conservation, landscape management and design plans) for development applications on all listed and designated heritage properties subject to the draft amendment.

The Region shares an interest with the Town of Niagara-on-the-Lake in the protection and conservation of significant cultural heritage resources through the development of such policies intended to protect and conserve locally significant built heritage resources. The Region defers to the Town with respect to the cultural heritage considerations intended to be addressed through the draft amendment.

## **Indigenous and First Nations Consultation**

The NOP directs that planning authorities engage with First Nations and Indigenous communities and consider their interests when identifying, protecting, and managing

cultural heritage resources and archaeological resources, planning for sustainability and climate change, and the natural environment system. The draft amendment includes policy direction for consultation with First Nation and Indigenous communities as part of future development on the subject lands, including the interpretation and promotion of the area's cultural heritage.

## Conclusion

Regional staff appreciate the opportunity to review the draft amendment. As outlined above, the draft amendment is generally consistent with, and conforms to, Provincial and Regional policies. Accordingly, the official plan amendment is exempt from Regional Council approval, in accordance with Section 7.4.1.6 and 7.4.1.7 of the NOP and the Memorandum of Understanding.

If you have any questions related to the above comments, please contact me at [Amy.Shanks@niagararegion.ca](mailto:Amy.Shanks@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Senior Development Planner

cc: Diana Morreale, Director of Growth Management and Planning, Niagara Region  
Pat Busnello, Manager of Development Planning, Niagara Region  
Alexandria Tikky, Senior Project Policy Manager, Niagara Region  
Adam Boudens, Senior Environmental Planner/Planning Ecologist, Niagara Region  
Cara Lampman, Manager of Environmental Planning, Niagara Region



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✉ info@sglplanning.ca

March 15, 2024

*Our File: JS.NL*

Kirsten McCauley  
Director of Community and Development Services  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, ON. L0S 1T0

Dear Ms. McCauley:

**Re: Former Rand Estate and John Street East Character Study, Draft Report**

This submission is in response to the Town's Former Rand Estate and John Street East Character Study (the "Study") and is made on behalf of Two Sisters Resorts Corp., the owner of 144 and 176 John Street East, as well as Solmar (Niagara 2) Inc., the owner of 200 John Street East and 588 Charlotte Street. For the purposes of this correspondence, we have identified these lands collectively as the "subject lands".

As you are aware, we have previously provided comment to the Town with respect to this study, including the following:

- Letter dated October 25, 2022, from SGL Planning & Design Inc.; and
- Letter dated February 17, 2023, from Sullivan Mahoney LLP (attaching the above noted letter); and
- Letter dated April 25, 2023, from Sullivan Mahoney LLP (attaching both of the above noted letters).

We also made submissions at the recent public meeting held on February 6, 2024.

We wish to re-iterate our comments and concerns with respect to the Study, as previously provided to the Town:

- Most of the subject lands are already designated and zoned for development purposes:
  - The subject lands are located within the Built-up Area and Urban Area of Old Town, and an urban land use designation is appropriate for the lands, in line with Regional and Provincial policy.
  - The developable portions of 144 and 176 John Street East are currently designated as General Commercial in the in-force Official Plan, permitting a hotel, spa, arts and learning centre, conference centre and restaurant. These same lands are currently zoned as General Commercial, Site Specific 56 Zone (GC-56),

which further sets out permitted uses and performance standards for those permitted uses.

- The portion of 200 John Street East within the settlement area boundary of Old Town, and 588 Charlotte Street are for the most part designated Low Density Residential and Medium Density Residential in the in-force Official Plan, permitting a range of residential building types, including single detached, semi-detached and duplex dwellings. Townhouses are also permitted within the Medium Density Residential designation as-of-right, as well as the Low Density Residential designation where certain policy criteria are met, and a site-specific Zoning By-law Amendment is submitted. In our opinion, the policy criteria are met to permit townhouses within the Low Density Residential designation, and a site-specific Zoning By-law Amendment has been submitted.
- In this regard, it is our opinion that the completion of a Character Study for the subject lands is not required, as the intent of the studies is being met through the review and processing of existing (200 John Street East and 588 Charlotte Street), and the fact there is approved zoning for a hotel development on 144 and 176 John Street East development, which would only necessitate site plan approval to be developed (unless a larger hotel is proposed).

There is an ongoing appeal with respect to the proposed subdivision at 200 John Street East and 588 Charlotte Street, making up a significant portion of the Study area, with an OLT hearing commencing in the near future. The outcome of that OLT hearing may directly affect the draft policies in this proposed OPA, as written.

With respect to 144 and 176 John Street East, the proposed OPA continues to permit a hotel, spa, arts and learning centre, conference centre, restaurant and accessory buildings/structures on the lands, and we are supportive of the continuation of those permitted uses.

We have reviewed the Former Rand Estate and John Street East Character Study Draft Report, dated November 21, 2023, and associated Draft Official Plan Amendment. We offer the following comments:

- We do not agree with the encouragement of public active transportation connections through 144 and 176 John Street East and onto 200 John Street East and 588 Charlotte Street, as stated in proposed policy i) of Principle 4. 144 and 176 John Street East are lands that have existing permissions for a hotel/conference centre, and will be subject to future planning applications to implement the planned function of these lands. The lands are privately owned and will not be functionally linked to the 200 John Street East and 588 Charlotte Street property.
- We do not agree with the necessity for a 3-metre landscape transition between the rear yards of residential dwellings and the agricultural area to the east, as stated in proposed policy v) of Principle 5. The direct interface between future residential lots and the agricultural lands (vineyards) is desirable. The interface/transition between agricultural and residential uses can be in the form of a fence to prevent access from the urban lands to the agricultural lands, similar to what exists at other locations along the settlement area boundaries in the Town of Niagara-on-the-Lake. The expanse of specialty crops grown in



Niagara-on-the-Lake adjacent to settlement area boundaries provides visual attractiveness, and the establishment of a vegetative buffer and setback is not needed.

- Proposed policy i) under Principle 7 states that blocks of attached townhouses shall not contain more than 5 primary dwelling units. We do not support this, and propose that up to 8 dwelling units should be permitted within a townhouse block, typical of townhouse developments.
- Proposed policy vii) under Principle 7 requires a minimum front yard setback of 4 metres. We do not support this, and propose that the minimum front yard setback should be 3 metres, except to a garage, where the minimum front yard setback should be 6 metres.
- Proposed policy viii) under Principle 7 requires a minimum 50% of the front yards to be soft landscaping. We do not support this, as in some cases a lesser amount of soft landscaping in the front yard may be required to accommodate hard landscaping and/or driveways.

In addition to the substantive concerns raised above, we request that the Town defer any decision on the OPA until after the tribunal renders a final decision on the current applications/appeals in relation to the properties at 200 John Street East and 588 Charlotte Street.

We thank the Town for the opportunity to provide comments on this matter.

Yours very truly,  
**SGL PLANNING & DESIGN INC.**



David Riley, MCIP, RPP  
Principal

cc: *Giuseppe Paolicelli, Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc. (via e-mail)*

**SULLIVAN | MAHONEY** LLP  
LAWYERS

April 25, 2023

Via Email: [Clerks@notl.com](mailto:Clerks@notl.com)

Please reply to St. Catharines Office  
**SARA J. PREMI**  
(905) 688-8039 (Direct Line)  
sjpremi@sullivanmahoney.com

Ms. Shaunna Arenburg, Clerk  
Town of Niagara-on-the-Lake  
1593 Creek Road, P.O. Box 100  
Virgil, ON L0S 1T0

Dear Ms. Arenburg:

**Re: John Street Character Study – Randwood Lands**

Further to the municipality's open house relating to the proposed character study, we are enclosing previous communication we have provided to the Town which sets out our position.

We would ask that these materials be presented to Committee and that they form part of the record of the open house proceeding.

Yours very truly

**Sullivan Mahoney LLP**

Per:

Sara J. Premi

SJP:bj  
Encl.

cc—Ms. Kirsten McCauley - [kirsten.mccauley@notl.com](mailto:kirsten.mccauley@notl.com)  
cc—client  
cc—Mr. David Riley, SGL Planning

**Client Committed. Community Minded.**

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

[sullivanmahoney.com](http://sullivanmahoney.com)

**SULLIVAN MAHONEY**<sup>LLP</sup>  
LAWYERS

**SARA J. PREMI**  
905-688-8039 - Direct Line  
sjpremi@sullivanmahoney.com  
Please reply to St. Catharines Office

February 17, 2023

**SENT VIA EMAIL**

Lord Mayor Gary Zalepa and Members of Council  
c/o Victoria Steele, Acting Clerk  
Town of Niagara-on-the-Lake, ON L0S 1J0

**Re: John Street Character Study – Randwood Lands**

As you are aware, we act as solicitors to Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc., who are collectively the owners of 144, 176, and 200 John Street and 588 Charlotte Street in the Town of Niagara-on-the-Lake.

It has come to our attention that a report relating to the above noted Character Study will be before Committee of the Whole next Tuesday, February 21, 2023.

Attached please find comments relating to the proposed study dated October 25, 2022 from our clients' planning team, SGL Planning & Design. These comments detail concerns with the proposed Character Study and advance a very clear opinion that the completion of this study for these lands is not warranted.

I won't repeat the SGL comments but would like to remind Council that the impetus for this study, as well as proposed terms of reference, came from SORE. I have attached CDS-21-029 dated December 6, 2021 which includes the suggested TOR prepared by SORE's planner. Unfortunately, the previous Council capitulated to pressure from SORE and embarked on this costly and unnecessary exercise.

In our respectful submission the basis for this study is grounded in a desire to interfere with our clients' land use applications. It is redundant and represents a completely unnecessary cost to the taxpayer.

Client Committed. Community Minded.

40 Queen Street, P.O. Box 1360, St. Catharines, ON L2R 6Z2 t: 905.688.6655 f: 905.688.5814

4781 Portage Road, Niagara Falls, ON L2E 6B1 t: 905.357-3334 f: 905.357.3336

sullivanmahoney.com

Respectfully, it should be discontinued.

Yours very truly,

**Sullivan Mahoney LLP**

Per:

A handwritten signature in black ink, appearing to be 'Sara J. Premi', written over a horizontal line.

Sara J. Premi

SP:pd

Encls.



1547 Bloor Street West  
Toronto, Ontario M6P 1A5  
☎ (416) 923-6630  
✉ info@sglplanning.ca

October 25, 2022

*Our File: JS.NL*

Kirsten McCauley  
Director of Community and Development Services  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, ON. L0S 1T0

Dear Ms. McCauley:

**Re: Comments on Character Study for Randwood and John Street East**

We are writing this letter on behalf of Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc., who collectively own the lands municipally addressed as 144, 176, 200 John Street East and 588 Charlotte Street (the "subject lands"), in response to the Town's initiation of a Character Study for Randwood and John Street East.

We have reviewed Town Staff Report No. CDS-21-029 addressing the Terms of Reference for the Character Study. We understand the Town has retained Urban Strategies Inc. and GBCA Architects to undertake the Character Study.

We wish to lay out our concerns with the Study for the record:

- Most of the subject lands are already designated and zoned for development purposes:
  - The subject lands are located within the Built-up Area and Urban Area of Old Town, and an urban land use designation is appropriate for the lands, in line with Regional and Provincial policy.
  - The developable portions of 144 and 176 John Street East are currently designated as General Commercial in the in-force Official Plan, permitting a hotel, spa, arts and learning centre, conference centre and restaurant. These same lands are currently zoned as General Commercial, Site Specific 56 Zone (GC-56), which further sets out permitted uses and performance standards for those permitted uses.
  - The portion of 200 John Street East within the settlement area boundary of Old Town, and 588 Charlotte Street are for the most part designated Low Density Residential and Medium Density Residential in the in-force Official Plan, permitting a range of residential building types, including single detached, semi-detached and duplex dwellings, as well as townhouse dwellings where certain policy criteria are met and a site-specific Zoning By-law Amendment is submitted.

In our opinion, the policy criteria are met to permit townhouses, and a site-specific Zoning By-law Amendment has been submitted.

- The Adopted (but not Approved) Official Plan contains many of the policies of the existing Official Plan with respect to compatibility of development. In addition, the Adopted Official Plan contains policies related to the Town's Intensification Strategy, including policies addressing 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. As such, any development that comes forward on the subject lands would be subject to a public review process and assessed on its merits in relation to applicable, determinative policy and considered in relation to proposed policy. As outlined in the Planning Assessment Report submitted in support of the proposed development at 200 John Street East and 588 Charlotte Street, the proposed development addresses and satisfies the criteria listed of applicable and proposed policies.
- In this regard, it is our opinion that the completion of a Character Study for the subject lands is not required, as the intent of the studies is being met through the review and processing of existing (200 John Street East and 588 Charlotte Street) and potential future (144 and 176 John Street East) development applications for the subject lands in relation to applicable and proposed policies.

We thank the Town for the opportunity to provide comments on this matter.

Yours very truly,  
**SGL PLANNING & DESIGN INC.**



David Riley, MCIP, RPP  
Principal

cc: *Giuseppe Paolicelli, Two Sisters Resorts Corp. and Solmar (Niagara 2) Inc. (via e-mail)*



Department of Community  
& Development Services  
Telephone (905) 468-3266  
Facsimile (905) 468-0301

# The Town of Niagara-On-The-Lake

1593 Four Mile Creek Road  
P.O. Box 100  
Virgil, Ontario  
L0S 1T0

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<b>Report:</b>	<b>CDS-21-029</b>	<b>Committee Date:</b>	<b>December 06, 2021</b>
		<b>Due in Council:</b>	December 20, 2021
<b>Report To:</b>	<b>Community &amp; Development Advisory Committee</b>		
<b>Subject:</b>	<b>Character Study - Randwood and John Street East</b>		

---

## 1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 Council amend their November 22, 2021 approved Planning work plan to include the completion of a Character Study for Randwood and John Street East;
- 1.2 Council approve a funding source in the amount of \$70,000.00 (refer to the options detailed in the financial implications section of this Report);
- 1.3 The Study Area be extended to include all lands bound by the Heritage Trail, Charlotte Street, John Street East and the Urban Area Boundary; and
- 1.4 Council direct Staff to issue a Request for Proposal to complete the Character Study.

## 2. PURPOSE / PROPOSAL

The purpose of this report is to provide Council the opportunity to pursue the preparation of a Character Study for Randwood Estate and John Street East.

## 3. BACKGROUND

On September 27, 2021, SORE provided correspondence to Council requesting consideration of the preparation of a Character Study for Randwood Estate and John Street East. In support of the request, SORE submitted Terms of Reference, prepared by Dana Anderson, MCIP, RPP (MHBC Planning Urban Design and Landscape Architecture). A copy of the Terms of Reference (ToR) is included in Appendix I of this report.

SORE identified the genesis of this request as being borne from comments from SOLMAR's heritage consultant indicating that the Town should have conducted a character area study with respect to the John Street East estate lot area, including Randwood. SORE's legal counsel and planner requested that the Town conduct such a study.

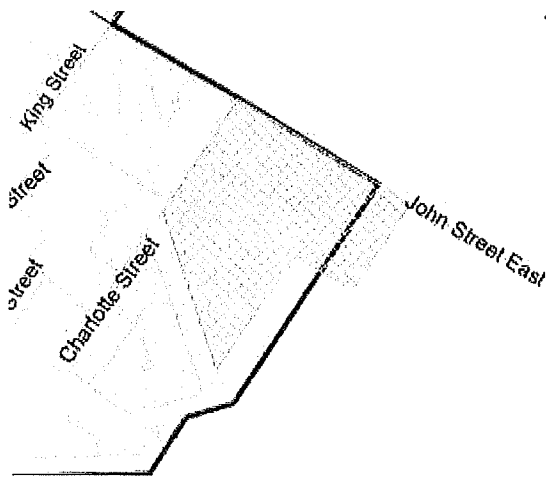
SORE informed that the basis of their request lies in the "John Street East Summer Homes Character Area" and "Special Study Area – Randwood" policies of the adopted Official Plan.

#### 4. DISCUSSION / ANALYSIS

##### 4.1 John Street East Summer Homes Heritage Character Area

The adopted Official Plan provides policy recognizing the Estate Lots Study (Bray Heritage) approved by Council in September 2018.

Section 7.2.3 of the Plan identifies four (4) areas, including the John Street East Summer Homes Heritage Character Area. Schedule D4 to the Plan, identifying the boundaries of the areas, is included as Appendix II to this report. An excerpt of the Schedule, illustrating the extent of the John Street East Summer Homes Heritage Character Area, is provided below.



Policies specific to this Area are provided below:

##### 7.2.3.8 John Street East Summer Homes Character Area

- (a) *Statement of Cultural Heritage Value or Interest:*  
*Design/physical significance comes from the remaining portions of the two main summer home properties – "Randwood" and "Brunswick Place". These two properties are some of the best examples of the large lot developments that arose in Old Town in the late 19th and early 20th centuries and have historical/associative significance as a result. The enclosed nature of Randwood, with its high wall and tall trees, gives it a secluded character unlike the other summer home properties but makes it a*



landmark within a larger landscape adjacent to the Commons and One Mile Creek. The house itself has been altered with additions that are sympathetic to the original design. Note: heritage attributes for this character area will need to be confirmed through further assessment and the following are preliminary.

(b) *Heritage Attributes*

(i) *Design/Physical*

- *Large houses on large lots*
- *Brick wall and stone/iron entrance gates*
- *Mature vegetation on large lots*
- *One Mile Creek watercourse*
- *Deep front yard setbacks and large front yards with ornamental gardens*
- *Outbuildings to the rear and side*
- *Open gutters and grassed boulevards*
- *Evidence of former uses (railway right-of-way)*

(ii) *Historical/Associative*

- *Associations with former uses and events (military camps, War of 1812)*
- *Associations with prominent residents (Rand family, William Dickson)*

(iii) *Contextual*

- *Panoramic views across the Common to Fort George and the Niagara River*
- *Landmarks (Randwood complex)*

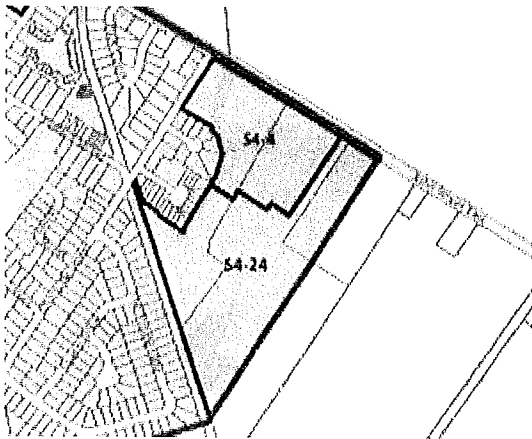
(c) *In addition to other policies of the Official Plan, the following policies will also apply to the John Street East Summer Homes Heritage Character Area.*

- (i) *The Town may request, as part of any site alteration or development, a commemoration plan;*
- (ii) *Any proposed site alteration or development must demonstrate how it will conserve the specific heritage values and attributes of the area as a Cultural Heritage Landscape;*
- (iii) *The Town will require the maintenance and conservation of mature vegetation and the existing stone walls within this area. Any site alteration or development proposed must include a vegetation plan;*
- (iv) *The Town will cooperate with the Federal Government to ensure conservation of the broader area (including the Commons); and*
- (v) *The Town will continue to designate individual properties under Section 29, Part IV of the Ontario Heritage Act in this area.*

The policies do not set out or direct for a more specific study to be completed.

#### **4.2 Special Study Area – Randwood**

Section 4.18 of the adopted Official Plan provides site-specific policies for existing or proposed land uses. Schedule B2 identifies two (2) site-specific policy areas within the Heritage Character Area, as illustrated below. A copy of the full schedule is included in Appendix III to this report.



Policy S4-4 reflects the 2011 approval of the “Romance” proposal for hotel, spa, arts and learning centre, conference centre and restaurant.

Policy S4-24 identifies “Special Study Area – Randwood” as subject to the following policies:

*That the lands designated “Special Study Area” shall not be developed until such time as a study has been completed by the Town and released for public review and comment which determines the appropriate land use designation for this Special Study Area. Following completion of the study, the Official Plan shall be amended to apply the appropriate designation and the subject lands may develop in accordance with the applicable land use policies of that designation.*

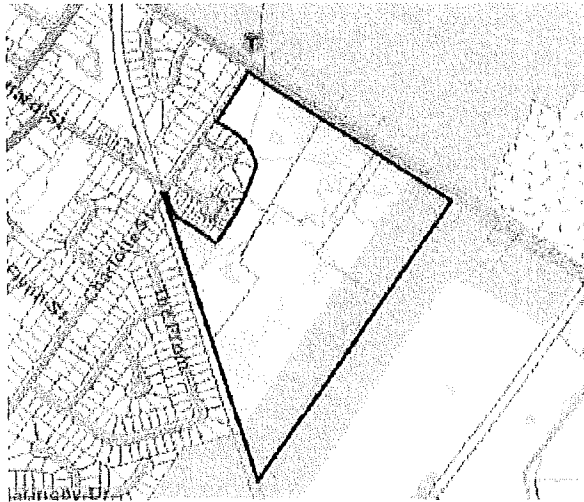
#### **4.3 Staff Comment**

SORE’s draft Terms of Reference (ToR) for the preparation of the Character Study identifies the following main objectives:

1. *Establish a planning framework that protects the existing character and heritage features, agricultural and natural heritage lands;*
2. *Establish land use and cultural heritage policies and other design guidance for potential development within the study area; and,*

3. *Define and recommend any additional implementation mechanism(s) or tools to address the area character.*

The ToR identifies the area outlined in black below, including the whole of 144, 176, 200 and 210 John Street East as well as 588 Charlotte Street. The proposed study area extends beyond the extent of both the lands identified as the "John Street East Summer Homes Character Area" and those identified as the "Special Study Area – Randwood." As illustrated, the proposed Study Area is at variance with the Character Area by excluding existing development on Weatherstone and Christopher Courts.



While Policy S4-24 expresses Council's desire to complete a special study for this area, the policy is not particularly clear in providing a specific direction or a basis to determine if SORE's Terms of Reference achieves Council's goals.

Staff are of the opinion that the ToR document is sufficient for directing a study to achieve the identified objectives. Should Council choose to pursue the preparation of the proposed Character Study, Staff recommend that the following matters be addressed:

**1. Priority**

After considering Art Zuidema's "Planning Workshop Presentation" on November 22, 2021, Council approved six (6) priorities and a number of other actions to be implemented in 2022. The completion of a Character Study was not identified in the presentation nor included in the Council-approved priorities.

In order to identify the timing of the Character Study, Council will need to amend the approved plan to prioritize this item. The delay of Priority Actions Items #1 (Rezone the Old Town) and #3 (Heritage Conservation District Expansion) are projects that are similar in scale and provide an opportunity for funding.

## 2. Funding

The cost for the preparation of the proposed Character Study would be in the range of \$60,000 to \$70,000, depending on the number of workshops/open houses and the degree of public consultation.

If Council does not find the concept of delaying a Priority Action to be palatable, funding for the project would need to be supported by the General Levy.

## 3. Delineation of the Study Area

The Study Area of the ToR should be expanded to include all fronting Weatherstone and Christopher Courts to align with the "John Street East Summer Homes Character Area" as illustrated in Schedule D4 (Appendix II).

## 5. Strategic Plan

- Protect Distinctive Community Assets**
  - Preserve unique community elements
  - Close gap on capital investments
  - Recognize the importance of tourism in Niagara-on-the-Lake
  - Other
- Deliver Smart Balanced Growth**
- Create a Culture of Customer Service Excellence**
- Excel in a Positive Workplace**
- Strengthen 2-Way Communications**
- Not Applicable**

## 6. OPTIONS

- 6.1 **Option 1:** Council approve the completion of a Character Study for Randwood and John Street East and the accompanying recommendations of this report. *(As Recommended)*
- 6.2 **Option 2:** Council approve a reduced scope for the Study -  
If Council's desire is to protect the cultural heritage value of the identified character area, the individual properties within the study area should be considered for designation under the *Ontario Heritage Act*. SOLMAR has recently withdrawn their objection from the Notices of Intention to Designate 200 John Street East and 588 Charlotte Street. By-laws designating the property under the *Ontario Heritage Act* will soon be presented to Council. At that point in time, the whole of the lands owned by SOLMAR and Two Sisters Resorts will be designated.
- 6.3 **Option 3:** Council not approve the completion of a Character Study for Randwood and John Street East.

**Funding Options Note:** Funding options are detailed in the financial implications section of this report.

## 7. FINANCIAL IMPLICATIONS

The estimated cost for preparing the proposed Character Study is between \$60,000 and \$70,000, depending on the number of workshops/open houses and the degree of public consultation.

The project may be funded through General Levy or by re-prioritizing the Council-approved Planning work plan presented by Art Zuidema at the Planning workshop held on November 22, 2021. Reprioritization would require deferring Item #1 (Rezone the Old Town) or #3 (Heritage Conservation District Expansion) of the Planning work plan as those projects are similar in scale and magnitude of funding.

Staff recommend that it be funded through General Levy to support the completion of both the Character Study and the Planning workshop priorities already approved at the November 22, 2021 Council meeting.

If Council directs Staff to fund this from General Levy, a business plan will be developed for consideration by the Audit and Finance Committee as part of the 2022 budget.

## 8. COMMUNICATIONS

Council's decision will be conveyed to SORE as the proponent of the Character Study Terms of Reference. If Council approves the issuance of a Request for Proposal (RFP) for the creation of a Character Study, the project will be advertised in compliance with the Town's Procurement Policy.

## 9. CONCLUSION

Staff are of the opinion that the ToR document is sufficient for directing a study to achieve the identified objectives subject to the expansion of the Study Area to capture all lands within the "John Street East Summer Homes Character Area." Staff recommend that Council give priority to the project and identify a suitable funding source to ensure the successful completion of the project.

Respectfully submitted,



**Craig Larmour, MCIP, RPP  
Director, Community and  
Development Services**



**Marnie Cluckie, MS.LOD, B.ARCH, B.ES  
Chief Administrative Officer**



# MEMO

KITCHENER  
WOODBRIDGE  
LONDON  
KINGSTON  
BARRIE  
BURLINGTON

<b>To:</b>	SORE Association
<b>From:</b>	Dana Anderson
<b>Date:</b>	September 26, 2021
<b>File:</b>	18208
<b>Subject:</b>	Draft Terms of Reference: Character Study – Randwood Estate and John Street East, Niagara-on-the-Lake

The following outlines a basic Draft Terms of Reference that could be used to study the area as requested. It can be modified/adjusted based on what the Town is seeking. Some of what is included here may in fact be information and context that comes through the study and can be removed. Additional standard requirements and scoring/evaluation should be adjusted to reflect the standard procurement requirements from the Town uses. We have provided what we believe would be appropriate in this section.

## Character Study: Randwood Estate / John Street East

### **Study Purpose**

This Request for Proposals is an invitation by the Town of Niagara-on-the-Lake to qualified consultants to submit proposals for consultant services to complete a Character Study of the Randwood Estate/John Street East Area. More detailed information regarding the project and its purpose is provided herein.

### **Study Area**

The Town of Niagara-on-the-Lake is seeking the services of a qualified consultant(s) to prepare a Character Study for the lands with frontage along John Street East that are located southeast of the intersection of Charlotte Street and John Street East, Niagara-on-the-Lake. These lands are generally shown in the map below.

## Proposed Study Area



As previously noted in the Estate Lots Study (Bray Heritage, August 2018), the study area is centered on the former Randwood Estate and includes several surrounding properties including 210 John Street. This area is a portion of one of the original Loyalist properties owned by William Dickson. The area is generally bounded by John Street and the Common to the north, Charlotte Street to the west, the former rail right-of-way to the south, and the property boundary of "Brunswick Place" to the east.

The property at 144 & 176 John Street East contains Randwood, an 1825 residential home, the 1921 Sheets House (Devonian House) and a coach house. One Mile Creek traverses the Randwood Estate lands near John Street East. The lands with civic address 588 Charlotte street, directly south of the 144 and 176 John Street East, contain former barn and stables of the Randwood Estate, which were converted to a dwelling together with a number of sheds. 200 John Street East, is east of 588 Charlotte Street and south of the 176 John Street East. This property contains a stone perimeter wall, a former train stop (gazebo-like structure), a guest house, garage, tea house, pool house and garden, and axial walkway. The enclosed nature of Randwood, with its high wall and tall trees, gives it a secluded character unlike other summer home properties but makes it a landmark within a larger landscape adjacent to the Commons and One Mile Creek. For further details, please see the Notices of Intention to Designate and the Designating By-laws pursuant to the *Ontario Heritage Act*.

The current, in effect Town's Official Plan, Schedule B: Land Use Plan – Niagara/Old Town identifies the general area, and the subject lands, as containing several land use designations and includes: Established Residential (Randwood Estate), Low Density Residential, Medium Density Residential (Weatherstone Court), Conservation and Major Open Space.

In the Town Council's adopted Official Plan, August 15, 2019, Section 4.18, Site Specific Policies and Schedule B-2, Land Use Plan – Old Town, identifies the subject lands as Special Study Areas S4-4 Commercial and Residential (Randwood - 144 & 176 John Street East) and S4-24 (Special Study Area - Randwood), which form part of the southern Settlement Boundary of the Town. Special Study Area S4-24 contains a policy stating that no development shall occur until a study is undertaken to determine the appropriate designation for the lands. The adopted Official Plan does not identify these lands as an *intensification area*. However, the scale and type of intensification should reflect the local character and context. The areas within the study area that are outside the urban boundary and in the Greenbelt are not within an area where intensification is to be considered.

The subject lands are also within an area identified as the "John Street East Summer Homes Character Area" in the Estate Lots Study, prepared for the Town of Niagara-on-the-Lake by Bray Heritage in August, 2018.

While the study area boundary is defined, the surrounding areas must also be assessed in terms of their history and land use as part of the broader context applicable and informative to the study. The adjacency to the surrounding agricultural areas is a key consideration for the study.

## **Background Context**

### **Historical Context**

In 1796, the Crown granted Peter Russell, Receiver General at the time, one hundred and sixty acres of land. The land subsequently passed to a member of parliament, Honourable William Dickson. Dickson subdivided and developed the land. In the early 1900's an American banker, George F. Rand, purchased the properties, which are now known as the Randwood Estate. The properties have civic addresses of 144 and 176 and 200 John Street East and 588 Charlotte Street. Brunswick Place has a civic address of 210 John Street East and is adjacent to the Randwood Estate.

To the north of these estates is a large area of land known as the Commons adjacent to the Butler's Barracks National Historic site. These lands are owned and operated by Parks Canada. The Fort George National Historic site is found in the north-east of the Commons. In the south-east, are lands outside of the settlement area boundary which are designated as agricultural and natural heritage lands a portion of which are operating as vineyards. On the east side of Charlotte Street are low density residential neighbourhoods with single detached dwellings on relatively large lots. Also in the southwest area are Weatherstone Court and Christopher Street which were also historically part of the original Randwood estate. Over 30 years ago, the estate's milkhouse, now located on Weatherstone Court, was designated under Part IV of the *Ontario Heritage Act*.

Given the historical context in this area of Niagara-on-the-Lake, in 2018 the Town of Niagara-on-the-Lake Council issued Notices of Intention to Designate for several properties within the subject area as having cultural heritage value or interest. Council determined this based on the design and physical/historical values and contextual values of these select properties. The Randwood Estate was included in these Notices. Due to appeals before the Conservation Review Board, some of these lands have not yet received heritage designations through the enactment of a designating by-law under the *Ontario Heritage Act*, however, the cultural heritage attributes of the area as defined by the Town must be taken into consideration in the study.



## **Provincial Policies**

Currently, there is direction under the Provincial Policy Statement 2020 ("PPS") and Growth Plan, to develop lands within existing municipal boundaries. This places pressure on municipalities that also seek to protect cultural heritage assets and the local character and context of an area. The PPS recognizes, under Part IV, section 1.7.1 Long-Term Economic Prosperity, that, "Long-term economic prosperity should be supported by: e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including *built heritage resources* and *cultural heritage landscapes*." Similarly, the Growth Plan, s. 1.2.1, has a guiding principle to, Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities." Under 4.2.7.1 Cultural Heritage Resources, the policy states that, "Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas."

The Growth Plan also recognizes the importance of local context in local planning and the importance of Official Plans to implement plans that are reflective of that local context.

The natural heritage features located on the south east area of the lands and the lands located adjacent to the south east are designated in the Greenbelt Plan as Greenbelt Natural Heritage and Specialty Crop Area. The PPS and the Growth Plan include policies which require protection of these agricultural lands and Natural Heritage features and functions.

## **Regional Policies**

Niagara Region's Official Plan provides some direction on addressing intensification in the context of the local area. Policy 4.C.2.1d. speaks to growth in intensification areas that is designed relative to the shape and character of the community. Regional Policies also provide policy direction with respect to the natural heritage features located south and east of the study area as well as the areas outside the urban boundary that are designated for agriculture uses.

Niagara Region developed a document, "Model Urban Design Guidelines" in April 2005. In section 4a.1.2 regarding residential private realms, the guidance is that the mass, scale and architectural elements of residential buildings should be sensitive to adjoining areas. Specifically, that the height, building mass, and architectural features should complement the overall neighbourhood character through context sensitive design. Such design should create a "unique sense of place that respects local cultural and natural environmental features."

In addition, Section 3e.3 Agricultural and Rural Lands Setbacks of the "Model Urban Design Guidelines" provide guidance that apply to the natural heritage features located south and east of the study area as well as the areas outside the urban boundary that are designated for agriculture uses. These guidelines should be taken into consideration and assessed as part of the study.

## **Niagara-on-the-Lake Official Plan**

The current, in effect Official Plan, Schedule B: Land Use Plan – Niagara/Old Town identifies the area as containing several land use designations and includes: Established Residential (Randwood Estate), Low Density Residential, Medium Density Residential (Weatherstone Court), Conservation and Major Open Space. Additional policies that apply to the natural heritage areas to the south and east, as well as the agricultural policies that apply to the south are applicable to the study area.

## **Niagara-on-the-Lake Adopted Official Plan 2019**

In the Town Council's adopted Official Plan, August 15, 2019, Section 4.18 Site Specific Policies and Schedule B-2, Land Use Plan – Old Town, identify the lands as Special Study Areas S4-4 Commercial and Residential (Randwood - 144 & 176 John Street East) and S4-24 (Special Study Area - Randwood), which form part of the southern Settlement Boundary of the Town. Policy 4.18.1.x.a, Special Study Area S4-24 states that the lands, "shall not be developed until such time as a study has been completed by the Town and released for public review and comment which determines the appropriate land use designation for this Special Study Area. Following completion of the study, the Official Plan shall be amended to apply the appropriate designation and the subject lands may develop in accordance with the applicable land use policies of that designation."

The Official Plan also notes that other Heritage Character Areas may potentially be identified and added as cultural heritage landscapes (policy 7.2.3.3). The Plan does not identify the subject lands as an intensification area.

The adopted Official Plan also includes policies relative to the protection of natural heritage features and the adjacent agricultural land uses that should be assessed as part of the study.

### **Purpose and Scope**

#### **Purpose**

The purpose of the Character Study is, in the context of abutting established neighbourhoods, natural features, agricultural lands and existing cultural heritage landscapes and attributes, to define the character of the area and identify appropriate policies, regulations and design criteria for the subject lands.

The main objectives of the study should:

1. Establish a planning framework that protects the existing character and heritage features, agricultural and natural heritage lands;
2. Establish land use and cultural heritage policies and other design guidance for potential development within the study area; and,
3. Define and recommend any additional implementation mechanism(s) or tools to address the area character.

These objectives should take into account the background information and additional research and findings in the study. The defined character of the area may include specific character areas within the study area that exhibit collective characteristics that distinguish one area from another. These should be established and defined within the study.

The study should include undertaking the following tasks, at a minimum:

- Review of the existing planning policy and regulatory framework including a review of the existing Provincial policies, Regional and local Official Plans (inclusive of the recently adopted local Official Plan and the Official Plan review work being undertaken by the Region, as well as the current Zoning By-law and heritage and design guidelines;
- Review of past studies and reports applicable to the area as well as applicable development applications;

- Identify and evaluate the unique qualities and characteristics of the existing area and neighbouring areas inclusive of all physical, natural and built form features at the neighbourhood, street and lot level, and identify key issues regarding new development and specifically the interface of new development and agricultural areas; review best practices for protecting character and addressing development in character areas and adjacent to agricultural areas;
- develop a public engagement and consultation program to engage stakeholders and solicit input through the study; and,
- develop and propose recommended amendments to the Town's Official Plan and Zoning By-law, and additional mechanisms and tools (heritage and design guidelines) as may be deemed necessary, that define character and manage potential for change and new development for the area.

The work program shall include consultation with the Technical and Stakeholder Committees throughout the study.

### **Project Phases**

It is recommended that the Character Study be undertaken in three phases as follows:

#### **Phase 1: Background Review**

- a. Review of Provincial and Regional policies, the Town's Official Plans and Comprehensive Zoning By-law;
- Review of Review of past studies and reports applicable to the area as well as applicable development applications;
- b. Assess cultural heritage and built forms attributes of the study area and surrounding area;
- c. Undertake an issue identification and analysis of recent and past development applications;
- d. Prepare an initial assessment of key physical characteristics (topography and natural features), constraints, existing servicing and transportation infrastructure;
- e. Review the common practices of Ontario municipalities in addressing infill redevelopment in established neighbourhoods and in, or near, culture heritage landscapes and/or adjacent to agricultural lands and evaluate these respective implementation mechanisms;
- f. Define key terms to be utilized in Study and in future implementation (as required); and,
- g. Engage with technical and public stakeholders to provide them with the opportunity to identify key characteristics of the subject lands and the area that they value; identify the key issues, comments and concerns.

#### **Phase 1 Deliverables:**

1. Walking Tour and public workshop: and,
2. Background Review Report: scoped review of planning framework: land use policies and regulations; issues identification and analysis; results of municipal best practices; public engagement results summary; preliminary implementation mechanism approaches and options.

**Phase 2: Draft Official Plan/Zoning By-law Amendments; Draft Design Guidelines**

- a. Develop character area(s) descriptions;
- b. Draft directions and possible amendments to applicable land use plans and regulations;
- c. Identify additional tools to implement recommended changes to policies and regulations (e.g. outline for heritage and design guidelines); and,
- d. Engage the public to present and collect feedback on recommended directions and amendments.

**Phase 2 Deliverables:**

1. Develop Draft Recommendations Report based on direction for amendments to applicable plans and zoning by-law and other implementation tools; and,
2. Facilitate public open house and provide presentation on proposed amendments and tools.

**Phase 3: Final Official Plan/Zoning By-law Amendments or Design Guidelines**

- a. Analyze public feedback regarding draft directions and proposed amendments;
- b. Revise directions and amendments; and,
- c. Recommend amendments and implementation tools.

**Phase 3: Deliverables**

1. Final Recommendation Report, inclusive of final directions and amendments to Town's Official Plan(s) and Zoning By-law and a detailed implementation plan; and,
2. Public Open House and Statutory Public Meeting.

It is expected that the successful consultant will undertake each task and deliver the above-noted outputs for all three phases. This Terms of Reference serves as an overarching framework that should be used by the consultant in preparing a detailed work plan.

The Town will review the consultant's work plan, engage in a discussion to revise if necessary, and approve final work plan.

**Study Administration**

The study will be managed by the Town's Planning Director with assistance from Town planning staff. The study will include a Technical Advisory Committee made up of Town Department staff (planning, heritage, public works, parks), Regional staff, and other agency staff (Conservation Authority). The makeup of the TAC is to be established prior to the commencement of the study. The TAC shall be primarily responsible for technical input related to their areas of expertise, issue identification and resolution, and the provision of comments during the study process.

The study will also include a Stakeholder Advisory Committee (SAC) to be made up of Council member(s) and local stakeholder representatives. The role of the SAC will be to review and provide feedback at various stages of the process on work completed, assist with issue identification and resolution, and liaise with their respective groups/organizations or community of interest, both to ensure broad community awareness of the study, and to obtain broader community input.

### **Study Timing**

A Gant chart setting out the key phases and tasks and timing shall be provided. The study should be completed within 6 months.

### **Study Fees and Costs**

A budget sheet shall be provided that identifies the names, hourly rates and roles of the consultant's project team members and shall include the number of hours allocated to each task. An estimate of disbursements shall also be provided.

### **Requirements for Proposal**

The written proposal from the project team shall contain the following information:

- *RFP Covering Letter* – A one-page letter summarizing the submission content.
- *Statement of Understanding* - A statement of understanding demonstrating knowledge of the planning framework in the context of the issues and the key issues to be addressed in the scope of work. To ensure the study is completed in the manner intended by the Town, it is necessary for each submission to clearly demonstrate an understanding of the assignment. The submission should depict a reasonable and attainable approach to the study, and demonstrate full understanding of the scope and possible deliverables. Proponents are to articulate their creative solutions, intentions and expectations, indicating how they will fulfill the study's objectives and purpose.
- *Methodology* - A methodology of how the project team will undertake the study, including how the issues listed under the scope of work will be addressed within a study program.
- *Work Program* - A proposed work plan, including relevant timelines, milestones, and public engagement sessions, as well project management activities and submission of deliverables must be submitted.
- *Fee Proposal* - Budget summary itemized by project task.
- *Consultant Profile and Expertise* - A description of the team including identification of a primary contact person, team member CV's and a description of the team's expertise. A list of all individuals within the proposed Consultant team, anticipated percentage of time dedicated to the project, curriculum vitae complete with qualifications, experience and applicable skills. Also outline the proposed Consultant team's experience with studies of similar scope, size and complexity, including experience with character studies, heritage planning (including CHLs), and urban design. Provide examples of similar work that the proposed Consultant team has been involved with.

## Evaluation of the Proposals

The Town will undertake an evaluation of the submitted proposals based on the following criteria:

Evaluation Criteria		Score
a. Consultant profile and expertise	Demonstrated experience of the firms; (10) Experience of consultants assigned to tasks in the project; (10) Experience with similar work/projects; (10)	Total out of 30
b. Methodology, Work Plan and Schedule	Demonstrated understanding of requirements; (20) Methodology and approach; (15) Work plan components and completeness; (10)	Total out of 45
c. Fee Proposal	Cost effectiveness (20)	Total out of 20
		Total out of 100

**From:** Municipal Planning <MunicipalPlanning@enbridge.com>  
**Sent:** January 22, 2024 2:49 PM  
**To:** Kirsten McCauley MCIP, RPP  
**Subject:** RE: Town-Initiated Official Plan Amendment - OPA-01-2024 - Former Rand Estate and John Street Character Study, NOTL

Thank you for your circulation.

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions. This response does not signify an approval for the site/development.

Please always call before you dig, see web link for additional details: <https://www.enbridgegas.com/safety/digging-safety-for-contractors>

Please continue to forward all municipal circulations and clearance letter requests electronically to [MunicipalPlanning@Enbridge.com](mailto:MunicipalPlanning@Enbridge.com).

Regards,

**Jasleen Kaur**  
Municipal Planning Coordinator  
**Engineering**

**ENBRIDGE**  
TEL: 437-929-8083  
500 Consumers Rd, North York, ON M2J1P8  
enbridge.com  
**Safety. Integrity. Respect. Inclusion.**

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**From:** Kirsten McCauley MCIP, RPP <kirsten.mccauley@notl.com>  
**Sent:** Wednesday, January 17, 2024 2:53 PM  
**To:** ann-marie.norio@niagararegion.ca; pat.busnello@niagararegion.ca; Diana.Morreale@niagararegion.ca; amy.shanks@niagararegion.ca; ksidey@notlhydro.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Andrew.Carrigan@Canadapost.ca; circulations@wsp.com; rowcentre@bell.ca; Newdevelopment@rci.rogers.com; landuseplanning@hydroone.com; TCEnergy@mhbcplan.com; executivevp.lawanddevelopment@opg.com; lynne.cunningham@mpac.ca; mbirbeck@npca.ca; Taran Lennard <tlennard@npca.ca>; smastroianni@npca.ca; ddeluce@npca.ca; sue.mabee@dsbn.org; bert.poort@dsbn.org; alexsandria.pasquinismith@ncdsb.com; clark.euale@ncdsb.com; mary.gallardi@ncdsb.com; planification@cscmonavenir.ca; donna@theherringtongroup.ca; radamsky@niagaraparks.com; Cheryl.Tansony@ontario.ca; caroline.samuel@ontario.ca; barbara.slattery@ontario.ca; Linda.Gabriele@ontario.ca; Neave.Constantine@ontario.ca; michael.durst@ontario.ca; lisa.curtis@pc.gc.ca; Shaunna Arenburg <shaunna.arenburg@notl.com>; Grant Bivol <grant.bivol@notl.com>; Clerks <clerks@notl.com>; Donna Lake

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**Subject:** [External] Town-Initiated Official Plan Amendment - OPA-01-2024 - Former Rand Estate and John Street Character Study, NOTL

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Were you expecting this email? TAKE A CLOSER LOOK. Is the sender legitimate?  
DO NOT click links or open attachments unless you are 100% sure that the email is safe.

Good afternoon,

The Town of Niagara-on-the-Lake has initiated an Official Plan Amendment for the Former Rand Estate and John Street Character Study, impacting lands to the northeast of the Heritage Trail, and on the southwest side of Charlotte Street and southeast side of John Street East, largely within the urban area of Old Town in Niagara-on-the-Lake.

The Official Plan Amendment seeks to incorporate policy direction into the Town's Official Plan to define the character of the area and provide policy to guide future changes to the Rand Estate and John Street East. Further details are provided in the attached circulation letter.

The Character Study report, draft Official Plan Amendment and other details of the study process can be found on the Town's project webpage at the following link:

[Character Study - Randwood Estate and John Street East | Town of Niagara-on-the-Lake \(notl.com\)](#)

**Comments are requested by February 9, 2024 by reply to this email.**

I have attached a copy of a word document for track changes comments.

If you have any questions, please do not hesitate to contact me.

Thank you,  
Kirsten

**Kirsten McCauley, MCIP, RPP**  
**Director of Community and Development Services**  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Rd.  
P.O. Box 100, Virgil ON L0S 1T0

Tel: 905-468-3266 ext. 243  
Email: [Kirsten.mccauley@notl.com](mailto:Kirsten.mccauley@notl.com)



**From:** Lingard, Norman <norman.lingard@bell.ca>  
**Sent:** February 6, 2024 10:18 AM  
**To:** Kirsten McCauley MCIP, RPP  
**Subject:** Official Plan Amendment - OPA-01-2024 - Former Rand Estate and John Street Character Study

Good morning Kirsten,

Thank you for circulating Bell Canada with respect to the Niagara-on-the-Lake's above noted Character Study. Bell appreciates the opportunity to engage in infrastructure and policy initiatives across Ontario.

While we do not have any specific comments or concerns at this time, we would ask that Bell continue to be circulated on any future materials and/or decisions related to this matter.

Please forward all future documents to [circulations@wsp.com](mailto:circulations@wsp.com) and should you have any questions, please contact the undersigned.

Yours truly,

Norm Lingard  
Senior Consultant – Municipal Liaison  
Network Provisioning  
[norman.lingard@bell.ca](mailto:norman.lingard@bell.ca) | 📞 365.440.7617



*Please note that WSP operates Bell Canada's development, infrastructure and policy tracking systems, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.*

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**From:** Robert Bader  
**Sent:** February 8, 2024 10:57 AM  
**To:** Gary Zalepa  
**Cc:** Gary Burroughs; Erwin Wiens; Tim Balasiuk; Maria Mavridis; Nick Ruller; Adriana Vizzari; Sandra O'Connor; Wendy Cheropita; Clerks; Kirsten McCauley MCIP, RPP; Bruce Zvaniga  
**Subject:** Character Study and Planning

Lord Mayor and Council,

I watched with interest the Public Meeting on Feb 6 which I thought was to be the culmination of the Character Study for the Rand Estate and John Street East which was initiated as part of the New Official Plan passed by Town Council October 22, 2019. This study began in October, 2022 with a broad series of consultations with community groups, property owners and experts from a range of disciplines over the past 16 months and finally with the Open House in January, 2024 and culminating in last night's Public Meeting with a fulsome report and with a proposed By-Law to amend the Official Plan for implementation attached.

Given the many, many opportunities for input and consultation over the past sixteen months it was most surprising to hear Mr. Riley's requested delay in the adoption of the By-Law amending the Official Plan on behalf of Mr Marotta's companies. Certainly it couldn't be due to lack of opportunity for input? There were ample consultation opportunities in the past year and the study report has been available since the end of November.

Yes, I recognize that Mr. Marotta's subdivision must conform only to the planning regime in place at the time of his original subdivision application; even though both his revised subdivision plan and heritage demolition applications came after the stated intent to complete the character study. However, as Councilor Burroughs so aptly stated the Tribunal should (and will) see the Character Area report as it fleshes out the Town's position on development in the study area. As Solmar's representative properly conceded at the public meeting, the OLT is able to (and will) consider the study as part of the evidence. Council should make every effort to also pass the accompanying OPA before the Tribunal convenes in April. The Town has spent a lot of money on this study. Please finish the job and pass the amending By-Law.

Above and beyond this single pressing issue, given the historic nature of Niagara on the Lake as a whole and the crucial importance of said history to continue and enhance the tourism industry and its importance to the agriculture and cultural institutions which form the basis of our local economy, I would like to recommend that the Town undertake a much broader Character Study of the entirety of Niagara on the Lake to determine the best practices to ensure the viability of the four historic villages and their relationship to the proposed Glendale plan.

My second recommendation is that council immediately begin the process of implementing OPA-01-2020 to establish a Community Planning Permit System to once and for all replace the piecemeal zoning and site plan by by-laws and minor variance planning processes with a coherent system driven by Town priorities instead of Developer wishes and manipulation. The broader Character Study combined with citizen and community input would inform the policies for such a Community Planning Permit System and in the long run be much more cost effective for the town and developers.

Regards,

Bob Bader

9 Shaw's Lane,

NOTL

Bob Bader

**From:** [Rachel Adamsky](#)  
**To:** [Kirsten McCauley MCIP, RPP](#)  
**Subject:** RE: Town-Initiated Official Plan Amendment - OPA-01-2024 - Former Rand Estate and John Street Character Study, NOTL  
**Date:** Thursday, February 1, 2024 3:36:39 PM  
**Attachments:** [image001.png](#)

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**CAUTION:** This email originated from outside the Town of Niagara-on-the-Lake. Use caution when clicking on a link or opening an attachment unless you know that the content is safe. If unsure, forward the email to IT to validate.

Kristen,

Thank you for circulating Niagara Parks on the OPA.

Please be advised that Niagara Parks does not have any comments or concerns with the OPA for the former Rand Estate and John Street property.

Please continue to keep Niagara Parks informed.

Thank you,



**Rachel Adamsky, R/W-AMC, CPT**  
MANAGER, REALTY AND LEGAL SERVICES



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[radamsky@niagaraparks.com](mailto:radamsky@niagaraparks.com)  
[niagaraparks.com](http://niagaraparks.com)

---

**From:** Kirsten McCauley MCIP, RPP <kirsten.mccauley@notl.com>

**Sent:** Wednesday, January 17, 2024 2:53 PM

**To:** ann-marie.norio@niagararegion.ca; pat.busnello@niagararegion.ca;  
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