

**From:** [CARRIGAN, Andrew](#)  
**To:** [Mark Iamarino](#)  
**Subject:** RE: New Applications - OPA-01-2032, ZBA-01-2023 - 325 King Street, NOTL  
**Date:** April 19, 2023 9:50:39 AM  
**Attachments:** [image002.png](#)  
[image003.png](#)

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Hi Mark,

No comments for this one, but mail delivery would be via a P.O box at the local post office.

Thanks

**Andrew Carrigan** | Delivery Services Officer | Canada Post | Delivery Planning | 955 Highbury Ave, London, ON N5Y 1A3 | 226-268-5914

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**Planning and Development Services**

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**

April 5, 2023

File Number: D.10.05.OPA-23-0015

Mark Iamarino, MCIP, RPP  
Senior Planner  
Town of Niagara-on-the-Lake  
1593 Four Mile Creek Road, P.O. Box 100  
Virgil, ON L0S 1T0

Dear Mr. Iamarino:

**Re: Regional and Provincial Comments  
Official Plan Amendment  
Town File Number: OPA-01-2032  
Applicant: Two Sisters Resorts Corporation (Rino Mostacci)  
Agent: SGL Planning and Design Inc. (David Riley)  
Address: 325 King Street  
Town of Niagara-on-the-Lake**

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Regional Planning and Development Services staff have reviewed the information circulated with the application for Official Plan Amendment for lands municipally known as 325 King Street in the Town of Niagara-on-the-Lake. The application has been submitted to facilitate the redevelopment of the property to include a four-storey hotel building, with 129 guest rooms, conference and banquet facilities, restaurants, and a spa. The remainder of the subject property is proposed to be utilized as landscaped open space.

The subject property is currently designated 'Open Space and Community Facilities' in the Town's Official Plan. The Official Plan Amendment proposes to re-designate the subject property to 'General Commercial', with site-specific policies permitting the proposed uses, as well as specifying the required orientation of the building, location of access driveways and loading areas, screening and landscaping, and a requirement that a cultural heritage impact assessment be completed prior to site plan approval in order to permit the proposed development.

The Official Plan Amendment application was also circulated with an associated Zoning By-law Amendment application, which proposes to rezone the subject property from an 'Institutional (I) Zone' to a 'General Commercial (GC-X) – Site Specific Zone', with site

specific provisions permitting the proposed uses, as well as modified performance standards for patio area, lot frontage, lot area, lot coverage, landscaped open space, setbacks, building height, parking and loading spaces, and permitted encroachments. As relayed at the pre-consultation meeting held on January 3, 2023, all Regional and Provincial interests associated with the proposed Zoning By-law Amendment application can be addressed through the associated Official Plan Amendment application.

Regional staff provided comments on previous Official Plan Amendment and Zoning By-law Amendment applications (Town File Numbers: OPA-04-2021 and ZBA-08-2021) for the subject property in letters dated July 9, 2021 and January 21, 2022. It is Regional staff's understanding that these applications, which were proposed to facilitate the re-development of the subject property to include an apartment building, semi-detached and single-detached dwelling units, as well as parkettes, have since been appealed to the Ontario Land Tribunal, with decisions on both applications still forthcoming.

The following Provincial and Regional comments are provided to assist the Town in considering the current Official Plan Amendment application.

### **Provincial and Regional Policies**

The subject property is located within a Settlement Area under the Provincial Policy Statement (PPS), designated Delineated Built-Up Area under A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), and located within the Settlement Area Boundary for the Town of Niagara-on-the-Lake and designated Built-Up Area in 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. The proposed development, which is entirely commercial, will not result in the creation of any new dwelling units, and therefore will not contribute to the Town of Niagara-on-the-Lake's minimum residential intensification target of 25% allocated in the NOP. The proposed development will result in employment growth, however, and will contribute to achieving a greater mix of land uses within the area, in alignment with Provincial and Regional growth management policies. The proposed development will also result in the redevelopment of an existing vacant greyfield site, which is encouraged under the NOP to responsibly manage forecasted growth. To support the development of a complete community, Town staff should confirm that the proposal will conform to policies in the

Town's Official Plan guiding the re-designation of lands within the Built-Up Area for commercial uses.

Regional staff note that 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 proposed development to Town Planning staff.

## **Archaeological Resources**

The PPS and NOP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Section 6.4.2.1 of the NOP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. Based on archaeological potential mapping in Schedule K of the NOP, the lands exhibit high potential for the discovery of archaeological resources.

A Stage 1 and 2 Archaeological Assessment, prepared by This Land Archaeology Inc. (dated May 27, 2020), was submitted with the previous development applications on the subject property. The Stage 1 and 2 Assessment unearthed a large number of artifacts; however, the majority of artifacts recovered were not attributable to the historic period. The assessment concluded that the historic record for the property (which indicates that 19th century artifacts were displaced from their original context), in conjunction with the results of the test pit survey and test unit excavations, confirmed that the study area held no further Cultural Heritage Value and Interest. As such, the Licensed Archaeologist recommended no further archaeological work for the subject property.

An acknowledgement letter from the (then) Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) (dated June 18, 2020) was submitted with the previous development applications. The letter notes that the Ministry is satisfied the fieldwork and reporting for the Stage 1 and 2 assessment is consistent with Ministry's Standards and Guidelines for Consultant Archaeologists and the terms and conditions for archaeological licenses, and that the report has been entered into the Ontario Public Register of Archaeological Reports. Recognizing that no archaeological survey, regardless of its intensity, can entirely negate the possibility of deeply buried archaeological materials, Regional staff note that the inclusion of a standard warning clause will be requested at the time of future *Planning Act* applications (i.e. site plan), relating to deeply buried archaeological materials that may be encountered during grading and construction activities.

## **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*.

Section 6.5.1.5 of the NOP requires that, where development and/or site alteration is proposed on or adjacent to a protected heritage property, a heritage impact assessment is required. The subject property is located adjacent to a property designated under Part IV of the *Ontario Heritage Act* (64 Centre Street), which is defined as a protected heritage property under the NOP.

A Heritage Impact Assessment (HIA), prepared by Stantec Consulting Ltd. (dated February 3, 2023), was submitted with the application. The HIA references a previous HIA, prepared by ERA Architects Inc. (dated December 3, 2021), submitted in support of the previous development applications on the subject property, noting that this previous report found that, while the existing 1948 school structure on the subject property possess some heritage attributes and design value through its two bas-relief stone panels and details, it is not considered a significant heritage resource that would merit individual designation under Part IV of the *Ontario Heritage Act*.

The current HIA recommends several mitigative measures be implemented into the design of the proposed development to minimize identified potential indirect visual impacts on the surrounding Downtown Heritage Character Area. The HIA recommends that these be implemented through the creation of design guidelines for the proposed development. The HIA also recommends that a documentation and salvage report, commemoration plan, and vibration monitoring be completed as part of the proposed development to ensure significant features associated with the subject property (including the stone panels on the school building, Parliament Oak Tree commemorative stone marker, and art installation commemorating the Underground Railroad) and the adjacent heritage properties are conserved.

The proposed Official Plan Amendment includes a policy requiring the completion of an additional cultural heritage impact assessment prior to final site plan approval. Although not directly addressed in the submitted Planning Justification Report, prepared by SGL Planning and Design Inc. (dated February 2023), it is Regional staff's understanding that this policy is intended to address the recommendations of the HIA by requiring a more detailed assessment be completed once final design and construction details are available for the proposed development. 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 policies to protect and conserve locally significant built heritage resources. The Region defers to the Town with respect to their

analysis of the HIA and the above-noted mitigation measures, including the policy in the proposed Official Plan Amendment requiring the completion of an additional HIA prior to final site plan approval. It is understood that the Town of Niagara-on-the-Lake Municipal Heritage Committee will be reviewing the HIA and, accordingly, Town Council should look to the Town's comments with respect to the assessment.

## **Waste Collection**

Niagara Region provides curbside waste and recycling collection for developments which meet the requirements of Niagara Region's Corporate Waste Collection Policy. The proposed development is eligible to receive Regional curbside waste and recycling collection provided that the owner brings the waste and recycling to the curbside on the designated pick-up day, and that the following curbside limits are met:

- Recycling: unlimited blue/grey boxes/carts collected weekly;
- Organics: unlimited green bins/carts collected weekly;
- Garbage: maximum 8 garbage bags/cans collected bi-weekly.

Regional staff note that waste collection enclosures have not been included on the submitted conceptual site plan, and it is assumed that waste collection for the development will be private. The applicant will have to provide more information regarding the intended method of waste and recycling collection as part of the future site plan application for the proposed development. Regional staff will provide further comments and confirm the proposed development's eligibility for Regional waste collection services as part of the review of this future application.

## **Regional Bicycle Network**

The subject property has frontage on King Street, which is designated as part of the Niagara Region Bicycling Network. If the bicycle route is currently not identified with signage, it is the Region's intent to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, the elimination of on-street parking, as well as other measures.

## **Conclusion**

Regional Planning and Development Services staff offer no objection to the proposed Official Plan Amendment application from a Provincial and Regional perspective, subject to the satisfaction of any local requirements.

The proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conform to Provincial Plans and the Niagara Official Plan from a Regional perspective.

April 5, 2023

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In accordance with Section 7.4.1.6 and 7.4.1.7 of the Niagara Official Plan and the Memorandum of Understanding, the proposed Official Plan Amendment is exempt from Regional Council approval.

Please send a copy of the notice of Town Council's decision on the application and a copy of the amendment as adopted.

The applicant should be advised that, at the time of future *Planning Act* applications (i.e. site plan), Regional staff will require updated plans/materials addressing any cultural heritage resource recommendations arising the Town's review of the submitted Heritage Impact Assessment, as well as information regarding the intended form of waste collection for the proposed development. Regional staff will also request the inclusion of standard archaeological warning clauses in the final site plan agreement.

Should you have any questions or wish to discuss these comments, please contact the undersigned at [amy.shanks@niagararegion.ca](mailto:amy.shanks@niagararegion.ca).

Kind regards,



Amy Shanks, MCIP, RPP  
Senior Planner

cc: Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region  
Diana Morreale, MCIP, RPP, Director, Development Approvals, Niagara Region  
Stephen Bureau, Development Approvals Technician, Niagara Region

**From:** [Municipal Planning](#)  
**To:** [Mark Iamarino](#)  
**Subject:** RE: New Applications - OPA-01-2032, ZBA-01-2023 - 325 King Street, NOTL  
**Date:** March 29, 2023 11:25:52 AM  
**Attachments:** [image002.png](#)  
[image003.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.

Thank you for your circulation.

Enbridge Gas does not object to the proposed application however, we reserve the right to amend our development conditions.

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**

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