

**I Matter
At DSBN**

DISTRICT SCHOOL BOARD OF NIAGARA

191 Carlton St. ■ St. Catharines, ON ■ L2R 7P4 ■ 905-641-1550 ■ dsbn.org

Appendix VI

November 15, 2023

Aimee Alderman, MSc, MCIP, RPP
Senior Planner
Community & Development Services
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100
Virgil, ON L0S 1T0

Dear Ms. Alderman,

**Re: Applications for Official Plan Amendment and Zoning By-law Amendment
File Nos. OPA-07-2023 and ZBA-16-2023 253 Taylor Road, Niagara-on-the-Lake, ON**

Thank you for circulating the District School Board of Niagara (DSBN) the above noted applications for an Official Plan Amendment and Zoning By-law Amendment for the property at 253 Taylor Road. The property is the location of White Oaks Resort & Spa. The Owners propose to develop the southern portion of the property with high density mixed residential and commercial uses; specifically, two high-rise apartment buildings containing 390 residential units and two high-rise, mixed-use buildings containing 420 residential units and ground floor commercial/retail space. The existing hotel and related uses are to remain. The applications for an Official Plan Amendment and Zoning By-law Amendment would redesignate and rezone the property accordingly to facilitate the proposed development.

DSBN Planning staff has completed its review and we are satisfied that future students from this proposed development can be accommodated at the schools serving this area. Therefore, we have no objections to the Official Plan Amendment or Zoning By-law Amendment application. Future students would attend St. Davids PS (Gr. JK-8) and A. N. Myer Secondary School (Gr. 9-12).

If you have any questions, feel free to contact me at ext. 54225.

Yours truly,

Sue Mabee, MCIP, RPP
Supervisor of Planning Services

September 5, 2023

Aimee Alderman
Senior Planner
The Town of Niagara-on-the-Lake
Community & Development Services
1593 Four Mile Creek Road – PO Box 100
Virgil, ON L0S 1T0

Dear Aimee,

Re: Official Plan Amendment, Zoning By-law Amendment
White Oaks Resort
253 Taylor Road
Town of Niagara-on-the-Lake
File No.: OPA-07-2023, ZBA-16-2023

Enbridge Gas does not object to the proposed application(s) however, we reserve the right to amend or remove development conditions.

Sincerely,



Willie Cornelio CET
Sr Analyst Municipal Planning
Engineering

ENBRIDGE
TEL: 416-495-6411
500 Consumers Rd, North York, ON M2J1P8
enbridge.com
Safety. Integrity. Respect. Inclusion.

From: [Pasquini-Smith, Alexandria](#)
To: [Aimee Alderman](#)
Subject: RE: New Applications - OPA-07-2023, ZBA-16-2023 - 253 Taylor Road, NOTL
Date: Friday, November 3, 2023 4:34:17 PM
Attachments: [image001.png](#)

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Hello,

Thank you for reaching out on the proposed application. It is understood that the application proposed to develop the site with two new apartment buildings (17 storeys and 21 storeys) containing 390 residential units and two new mixed-use buildings (18 storeys and 25 storeys) containing 420 residential units and 1,515 square metres of ground floor commercial/retail space.

Any students generated from this development application are currently within the St. Michael Catholic Elementary School and Holy Cross Secondary School catchments. The proposed units and expected student generation have been tracked in our database.

Niagara Catholic kindly requests that any revisions or subsequent development applications for Condo or SPC on the subject lands be circulated for further review.

Please reach out should you have any questions.

Sincerely,

Alexsandria Pasquini-Smith, MCIP, RPP

Administrator of Planning & Properties, Facilities Services

Tel: 905-735-0240 Ext. 131

Cell: 905-933-1734

From: [Daniel Pilon](#)
To: [Aimee Alderman](#)
Cc: [Andy Brooks](#); [Larry Coplen](#)
Subject: RE: New Applications - OPA-07-2023, ZBA-16-2023 - 253 Taylor Road, NOTL
Date: Friday, September 29, 2023 6:24:03 PM
Attachments: [image002.png](#)
[image003.png](#)

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Aimee,

Please see the following comments with respect to the information provided. Further review would necessitate greater than the two week period provided. Their proposal, as it currently stands, is in contravention of the Airport Zoning Regulations protecting airspace surrounding the airport for aeronautical safety.

I would highlight the following:

The beginning point of the process is for the proponent to contact Nav Canada and completing the required documents for a land use submission. I do not see in any space where the proponent has engaged Nav Canada. We will only engage in reviewing proposals that have received a letter of no objection from Nav Canada. Information on that process can be found below. Additionally, once that process has been completed, we would then need to have the aeronautical assessment provided by the proponent peer reviewed, at their cost.

Trust that this captures the necessary aspects at the moment, please reach out with any questions.

Dan

Nav Canada Land Use Submission form must be completed and submitted to the following email or address:

Send completed Land Use Proposal Submission forms by email to landuse@navcanada.ca

Land use and other documents can be found by visiting <http://www.navcanada.ca> and navigating to the products and services, then clicking land use program submission section (<http://www.navcanada.ca/EN/products-and-services/Pages/land-use-program-submission.aspx>).

For information about land use proposals, contact:

*AIS Data Collection Unit and Land Use Office
NAV CANADA*

*1601 Tom Roberts Road
P.O. Box 9824, Station T
Ottawa, ON K1G 6R2 Tel: (866) 577-0247*



Daniel Pilon
CEO, Niagara District Airport

☎ 905-684-7447 x103 | 📠 905-321-3978

🌐 www.niagaradistrictairport.ca

✉ dpilon@niagaradistrictairport.ca

📍 468 Niagara Stone Road, Virgil, ON L0S 1J0

From: [Daniel Pilon](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Subject: RE:
Date: Friday, April 12, 2024 5:04:24 PM
Attachments: [image001.png](#)

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Aimee,

Unsure if you are in need of an official letter here as well, but in light of timing, I want to get this off to you so that you have our position clearly identified. Please let me know if you need this information in a different format.

The land development applications that have been provided to the Niagara District Airport for comments have been reviewed by staff, and the Niagara District Airport Commission has provided a recommendation on all of the proposed developments.

Letters of “No Objection” will not be provided by the airport to any of the proponents. This includes the applications for the White Oaks Resort; York Road/Airport Road; and Niagara-on-the-Green (250 Taylor Road). All of the applications are in contravention of the Federal Airport Zoning Regulations (AZRs), as they include a number of buildings at heights that would penetrate the height limitations imposed on the land by the AZRs. That said, there is a path forward, which includes the creation of a Master Plan, and an official review of the AZRs, that would support any future decisions surrounding these developments. At this point, the airport simply does not have the requisite information and plans in place to provide the requested letter of no objection.

Those regulations were put in place in order to ensure the safety of aircraft, protect for current operations, and for the future use and configuration of the airfield. These developments, in their totality, currently include 33 buildings impacting the AZRs, 24 of which are guaranteed to exceed the limitations based on the information at hand, with an additional nine likely doing so upon further review. Adhering to our existing guidance in reviewing such applications is no longer consistent with the purpose and premise of our policy, as we are now faced with a number of requests well outside the limited resources and planning expertise of our staff.

Our engagement through the Technical Advisory Committee of the Glendale Secondary Plan have clearly identified these concerns, leading to the comments before you today. They include:

Given the number of applications, their complexity and the volume of the buildings that are proposed, the ability to review and comment on each of the applications is not feasible or timely.

- There are no pre-existing objects in the area that are ‘grandfathered’ from our AZRs – objects pre-dating the 1984 implementation of the regulations, such as the Skyway.
- We currently do not have a Master Plan in place, providing guidance and directions for future developments of the facility. Without that plan to guide those decisions for a 20 to 30 year period, maintaining the protections afforded by the AZRs would be a best practice until such time that the Master Plan can be completed. This would then inform the review and comment on the implications of these applications.
- Managing these requests in a fragmented approach is not a best practice for dealing with the AZRs – for either the airport, Transport Canada, our municipal partners/shareholders, or the developers requesting direction and guidance for their plans.
- Given the numerous development application requests, we believe that a formal review of our AZRs – rather than a case-by-case review – would be consistent and support the provision of direction for future development of the Glendale Secondary Area, and the additional lands surrounding the airport impacted by the existing AZRs.

Beneficially, Niagara District Airport is in the process in 2024 of engaging and completing a Master Plan, and are looking to initiate a process to review our existing AZRs to ensure that they remain relevant for the growth of the airport and surrounding communities. The provision of any support for these developments would be contingent on the direction and completion a new Master Plan, and the completion of a formal review of our AZRs and implementation of the results of such a review.

I would highlight, that while the AZRs are pertaining to the airport and its surrounding lands, the airport itself is only a commenting agency to these applications, as the regulations themselves are Federal regulations of Transport Canada.

Appreciate your time and patience in receiving this information, and please connect with me for clarification or further needs.

Dan Pilon



Daniel Pilon
CEO, Niagara District Airport

☎ 905-684-7447 x103 | 📠 905-321-3978

🌐 www.niagaradistrictairport.ca

✉ dpilon@niagaradistrictairport.ca

📍 468 Niagara Stone Road, Virgil, ON L0S 1J0

September 27, 2023

Aimee Alderman, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake

VIA EMAIL

Dear Aimee Alderman:

**Re: Request for Comments – OPA-07-2023 and ZBA-16-2023
253 Taylor Road
Town of Niagara-on-the-Lake**

Staff of the Niagara Escarpment Commission (NEC) received a request for comments under the *Planning Act* for the following applications:

- Official Plan Amendment OPA-07-2023 to redesignate the lands to site-specific Mixed Use – High Rise/Density to permit the proposed uses, maximum building height of 25 storeys, and associated residential net densities.
- Zoning By-Law Amendment ZBA-16-2023 to rezone the lands to Glendale Community Zoning District – Mixed Use – High Rise/Density (MXH) Zone with site-specific provisions for permitted uses, building height, building setbacks and parking requirements.

The subject lands are outside of the Niagara Escarpment Area of Development Control and Niagara Escarpment Plan (NEP) Area. However, where lands are near the NEP area, NEC staff comment on proposals where there is potential to impact the Escarpment environment. NEP policies speak to the protection of the scenic resources of the Escarpment, and this is particularly important in the Glendale Area given the proximity and visual prominence of the Escarpment.

The proposed Glendale Secondary Plan is currently under review and NEC staff are involved in commenting on the secondary plan with an interest in proposed maximum heights. NEC staff understand that the proposed Glendale Secondary Plan will designate the lands as mixed use high-density. The building massing and height resulting from the designation as high-density has the potential to impact views to and from the Escarpment.

The Escarpment brow is located approximately 800 metres to the southeast of the proposed development. All four of the proposed towers exceed the height of the nearby Escarpment brow. The rooftop elevations (for buildings 1A, 1B, 2A and 2B) range from **181.78 to 209.38 masl (metres above sea level)**. For comparison, the top of the nearby Escarpment brow ranges from **150 to 170 masl**. The tops of the proposed towers are anticipated to be visible from lands within the NEP Area and may impact public views of the Escarpment's natural scenery and open landscape character. The objective of Part 2.13 (Scenic Resources and Landform Conservation) of the NEP is to ensure that development preserves the natural scenery and maintains Escarpment Related Landforms and the open landscape character of the Escarpment.

A Viewshed Analysis, prepared by Giannone Petricone Associates, dated July 2023, was submitted with the application. The viewshed analysis considers viewpoints on the lower lands looking towards the Escarpment. NEC staff note that in all of the views that were studied, the proposed height and massing of the towers results in reduced visual access to the Escarpment and all towers skyline above the brow in the background of each view. Of particular concern to the NEC, however, is the potential for the proposed towers to encroach on and alter the scenery within the NEP Area. There was no consideration of viewpoints along the brow or on the Escarpment, and, as such, NEC staff recommend further study be undertaken to fully understand the impact of the proposed tower heights.

Escarpment viewsheds in the NEP Area are characterized by rural landscape features, natural vegetation, and a continuous, treed skyline. A visibility analysis conducted by NEC staff demonstrates that the top of the tower(s) will be visible from a number of public vantage points found within the NEP Area. Areas with potential visibility of the towers are shown on the attached digital visibility map (in green) and include sections of public roadways, the Bruce Trail, and Woodend Conservation Area which is a Niagara Escarpment Parks and Open Space System (NEPOSS) park.

NEC staff recommend that the VIA scope of work be expanded to include the following viewsheds for the purposes of documenting the baseline visual conditions, determining the impact (e.g., how much of the proposed towers will project above the treed skyline), evaluating the impact, and recommending mitigation measures (which may include changes to the proposed building heights).

Photographs and line-of-sight cross sections are recommended methodologies for this assessment, though photo simulation may also be useful for some of the viewpoints to visualize the impact where it has been confirmed that the towers will be visible.

Viewsheds of concern include:

- Taylor Road Viewshed
- Mountain Road Viewshed
- Warner Road Viewshed
- Garner Road Viewshed
- Bruce Trail and Woodend Conservation Area viewshed

We trust the above comments are of assistance in ensuring that the proposed development is supported by the Niagara Escarpment Plan. We appreciate the opportunity to comment. If there are any questions, I can be reached at 905-703-5354 or cheryl.tansony@ontario.ca.

Sincerely,



Cheryl Tansony
Senior Planner
Niagara Escarpment Commission



Karen Bannister, OALA, CSLA
Landscape Architect
Niagara Escarpment Commission

Niagara Escarpment Plan Viewshed of Proposed Structure

253 TAYLOR RD.



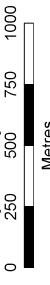
- Building Points
- Wooded Area
- Escarpment Brow
- Niagara Escarpment Plan Area
- ▨ Niagara Escarpment Parks and Open Space System
- Bruce Trail**
 - Main Trail
 - Side Trail
- Contours (10 metre intervals)
- Viewshed**
 - Not Visible
 - Visible

NOTE: The Niagara Escarpment Plan boundary shown on this map are approximate and subject to confirmation through Site Inspection and the application of the Boundary Section of the Niagara Escarpment Plan.

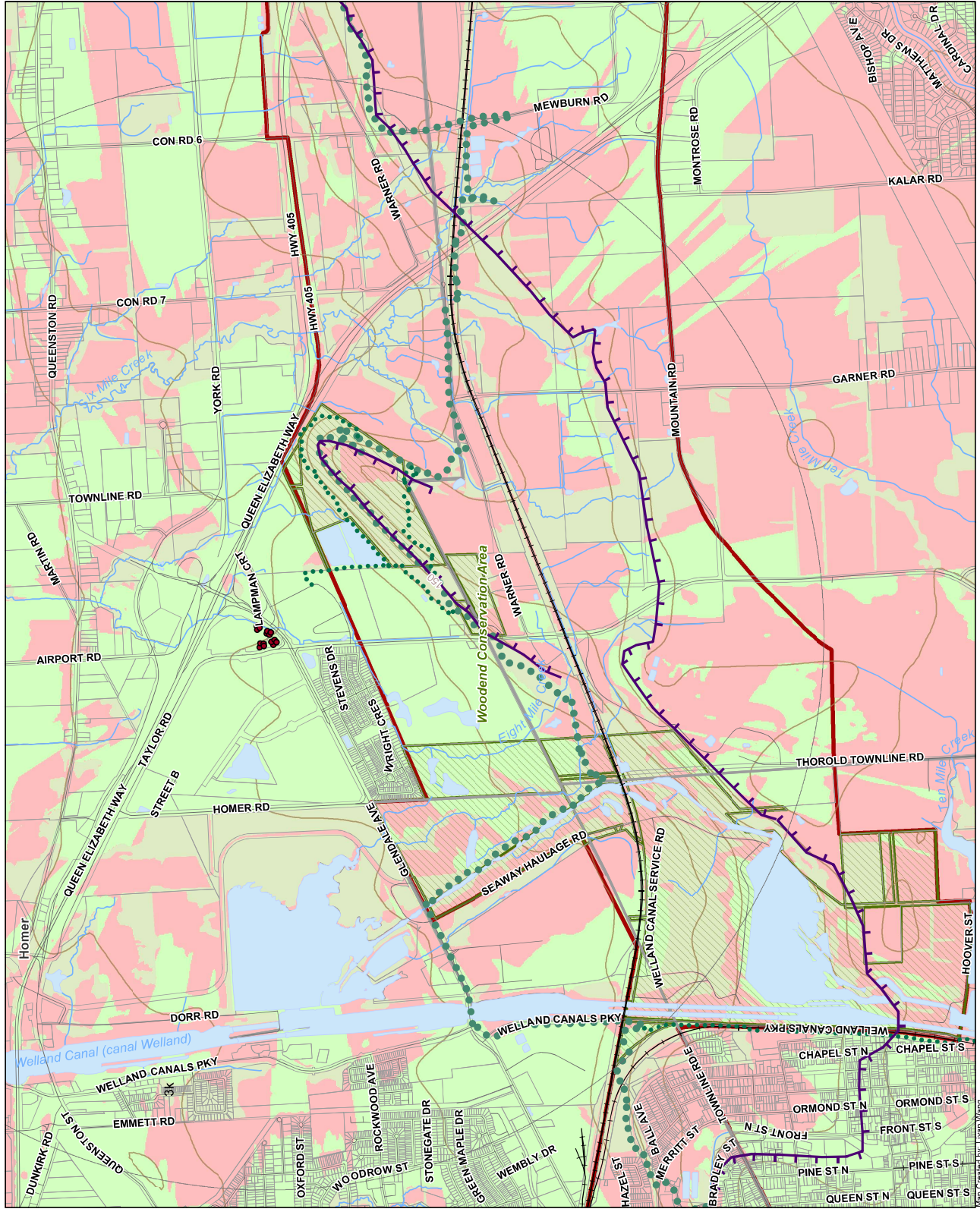
ASSUMPTIONS

Processed Building Height
 BLDG 1A - 203.38m, BLDG 1B - 187.38m,
 BLDG 2A - 194.78m, BLDG 2B - 181.78m
 Ground Elevation - 148.78 m
 Height of Trees and Hedgerows - 15 m (50 ft)
 Height of Shrubs - 7.5 m (25 ft)
 Viewer Height - 1.5 m (5 ft)
 Tree Height was added to the digital elevation model and is taken into account in the viewshed model

Source of Information
 30 m Digital Elevation Model (DEM) 2002 First Base Solutions and Ontario's Ministry of Natural Resources and Forestry
 The information displayed on this map has been compiled from various sources. While every effort has been made to accurately depict the information, this map should not be relied on as being a precise indicator of locations or features nor as a guide to navigation.



Printed on Sept 6th, 2023
THIS IS NOT A PLAN OF SURVEY
 This map is illustrative only. Do not rely on it as being a precise indicator of routes, locations or features. It is not intended to be used as a legal document.
 Map compiled and produced by the Geographic Information Systems (GIS) Department of the Niagara Escarpment Commission, Ministry of Natural Resources and Forestry



From: [Tansony, Cheryl \(MNRF\)](#)
To: [Aimee Alderman, MSc, MCIP, RPP](#)
Cc: [Bannister, Karen \(She/Her\) \(MNRF\)](#); [Khan, Shazia \(MNRF\)](#)
Subject: NEC Comments Additional Materials - OPA-07-2023, ZBA-16-2023 - 253 Taylor Road, NOTL
Date: Thursday, March 14, 2024 4:06:08 PM
Attachments: [image001.png](#)
[NEC Comments - White Oaks Visual Impact Assessment Addendum.msg](#)

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Good afternoon Aimee,

Thank you for circulating Niagara Escarpment Commission staff on the above noted application. The attached comments on the Visual Impact Assessment Addendum sent on January 23, 24 are still applicable.

Further to the VIA addendum comments, NEC staff have reviewed the proposed Official Plan Amendment and Zoning By-law Amendment. We note that the maximum height is proposed to be measured by storeys, with a maximum height of up to 25 storeys. Given the variability associated with storeys and concerns with views from the Escarpment, NEC staff recommend that the text of the zoning by-law amendment incorporates maximum heights measured in storeys, building height in metres, and maximum height in metres above sea level. We also recommend that the zoning by-law incorporates setbacks to the property lines and distances between the towers. By specifying these dimensions, the zoning by-law would create a building envelope that ensures that views to and from the Escarpment are maintained.

Kind regards,

Cheryl Tansony

Senior Planner | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1
905-703-5354 | www.escarpment.org



Niagara Escarpment Commission
An agency of the Government of Ontario

Accessibility: As part of the NEC's commitment to providing accessible service, please let me know if you have any accommodation needs or require the contents of this email in an alternative format.

Availability: NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at escarpment.org/appointments.

From: [Tansony, Cheryl \(MNRF\)](#)
To: [Aimee Alderman, MSc, RPP, MCIP](#)
Cc: [Bannister, Karen \(She/Her\) \(MNRF\)](#); [stephen bedford](#)
Subject: NEC Comments - White Oaks Visual Impact Assessment Addendum
Date: Tuesday, January 23, 2024 1:07:53 PM
Attachments: [image001.png](#)

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Good afternoon,

Thank you for providing NEC staff with the opportunity to comment on the above noted application. The following comments are in response to the VIA addendum received on January 8, 2024. As noted in previous NEC comments (September 27/23), NEC staff had concerns about the 235 Taylor Road application with respect to the potential for proposed tall buildings to encroach on scenery in the NEP Area and requested that the VIA scope be expanded to include views from the NEP Area.

The VIA addendum has assessed key viewsheds of concern identified by NEC staff. Photo simulations and line-of-sight cross sections demonstrate that, at the proposed height, the buildings will be largely hidden from view behind existing landform and vegetation except in views 3 and 4 (Mountain Road). In these views, the tops of proposed towers are visible rising above the vegetated skyline in the background.

The intrusion of urban built form above the skyline is not harmonious with the surrounding open landscape character and natural scenery. NEC staff recommend that measures be taken to mitigate this impact, where possible. This may involve reducing the height of Blocks 1 and 2 and utilizing building finishes and colours that allow the buildings to fade into the background when viewed from elevated locations on the Escarpment, such as Mountain Road.

The subject lands are outside of the Niagara Escarpment Area of Development Control and Niagara Escarpment Plan (NEP) Area, however, we offer these comments to assist the municipality in their planning process and to advise municipal staff on how to protect scenic resources given the proximity and visual prominence of the Escarpment in the Glendale Area.

Please feel free to contact us with any questions.

Kind regards,

Cheryl Tansony
Senior Planner | Niagara Escarpment Commission
232 Guelph Street, Georgetown, Ontario, L7G 4B1

905-703-5354 | www.escarpment.org



Niagara Escarpment Commission
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Availability: NEC staff provide services in person, via telephone, or via email. To better serve you, **we ask that you make an appointment if you prefer to meet in person.** You may request an appointment with staff at escarpment.org/appointments.

Growth Strategy & Economic Development

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

Via Email

September 27, 2023

Region Files: D.10.05.OPA-23-0046, D.18.05.ZA-23-0092

Aimee Alderman, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
Virgil, ON L0S 1T0

Dear Ms. Alderman

**Re: Regional and Provincial Review Comments
Official Plan Amendment and Zoning By-law Amendment
File Nos. OPA-07-2023 and ZBA-16- 2023
Owner: White Oaks Tennis World Inc.
Agent: LANDx Developments Ltd. (c/o Tim Collins)
253 Taylor Road
Town of Niagara-on-the-Lake**

Regional Growth Strategy and Economic Development staff has reviewed the information that was circulated with the Official Plan Amendment and Zoning By-law Amendment applications for the lands located at 253 Taylor Road in Niagara-on-the-Lake (“subject lands”).

The applicant is proposing to redesignate the property of Schedule F and F1 to “Mixed Use – High Rise/Density (XX)” and re-zone the property on Schedule A-1 from “Village Commercial (VC-10)” to “Mixed Use – High Rise/Density (Site Specific – XX)” to facilitate the construction of four high-rise residential and mixed-use towers set on a five-storey podium, as follows:

- Block 1:** Tower 1A – 25 storey mixed use building
Tower 1B – 18 storey mixed use building
- Block 2:** Tower 2A – 21 storey residential apartment building
Tower 2B – 17 storey residential apartment building

The proposal also includes 1,016 parking spaces in a parking garage on the northern portion of the property.

A pre-consultation meeting for the proposed applications was held on June 3, 2021.

The following comments are provided to the Town in its consideration of the applications. **As noted below, additional information is required to determine whether the applications as proposed are consistent with and conform to Provincial and Regional policies and, as such, cannot be supported at this time.**

Provincial and Regional Policies

The subject lands are located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and identified as a 'Greenfield Area' under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* ("Growth Plan") and *Niagara Official Plan, 2022* ("NOP"). Under the *Greenbelt Plan, 2020* ("Greenbelt Plan"), the subject lands are identified as 'Towns/Villages' within the 'Protected Countryside'. Additionally, staff note that the subject lands are included in the *Glendale District Plan* approved by Niagara Regional Council on September 17, 2020, through Regional Official Plan Amendment No. 17 ("ROPA 17").

Provincial Policy Statement

The PPS directs growth to settlement areas and encourages the efficient use of land, resources, infrastructure and public service facilities that are planned or available. Section 1.1.1 of the PPS encourages urban development which supports opportunities for gentle density, a mix of diverse land uses and housing options which consider the character of established residential neighborhoods, improve social equity and quality of life, expand access to multiple forms of transportation, and provide spaces that are vibrant and resilient in their design.

One of the housing objectives of the PPS is, "*To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

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

In addition, the PPS supports the protection of the long-term operation and economic role of airports. According to Section 1.6.9.2, "*Airports shall be protected from incompatible land uses and development by:*

- a) *prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;*

September 27, 2023

- b) considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and*
- c) discouraging land uses which may cause a potential aviation safety hazard.”*

Comments with regard to the protection of the long-term operation of the Glendale District Airport are provided under the ‘Land Use Compatibility’ section.

Growth Plan

Greenfield areas are areas that have been designated for development and are to be planned in a manner that ensures development is sequential, orderly and continuous with existing built-up areas, uses proactive planning tools such as District Plans and Secondary Plans, as appropriate, ensuring infrastructure capacity is available and its location is supporting active transportation and encouraging integration to public transit service.

The Growth Plan promotes higher density development in urban areas and supports growth that contributes to the overall goal of providing a sufficient supply of housing that is affordable, accessible, and suited to the needs of a variety of households and income groups in Niagara. According to Section 2.2.7(2)(a), designated greenfield areas within the Niagara Region shall achieve a minimum density target of 50 residents and jobs per combined hectare; however, staff note that the Glendale District Plan seeks a higher density for the Glendale District (including the subject lands). Refer to the ‘Niagara Official Plan’ section of this letter for further information on Glendale District Plan policies.

Staff note that the Growth Plan states that the Province and municipalities are to work with agencies and transportation service providers to co-ordinate, optimize, and ensure the long-term viability of major goods movement facilities and corridors, including airports.

Niagara Official Plan

According to Schedule ‘B’ of the NOP, the subject lands are included in the Glendale District Plan area, which is identified in the NOP as a *strategic growth area*. Strategic growth areas are intended to accommodate intensification and higher density mixed uses in a more compact built form. They are also intended to be primary location for major public service facilities, major institutional uses, high density and mixed-use development, office, commercial and recreational uses.

Section 6.1.3 of the NOP addresses policies relating to the Glendale District Plan. According to Section 6.1.3.2, the Glendale District shall:

- a) promote a range and mix of housing in terms of built form and affordability;*
- b) incorporate a centrally located, accessible transit hub/station area;*
- c) promote sustainability and resiliency through development and redevelopment;*

- d) *support all modes of mobility through a safe, comfortable and connected transportation network;*
- e) *protect and enhance natural features and agricultural areas;*
- f) *leverage the proximity of the Niagara District Airport to support social and economic links, including passenger connections, tourism and movement of goods; and*
- g) *encourage a high-quality public and private realm through strong urban design direction.*

According to Table 2-3 in the NOP, the minimum density target for the Glendale District Plan area is 100 people and jobs per hectare by 2051.

The approved in-force *Secondary Plan for the Glendale Community* (“Secondary Plan”), (dated August 26, 2010) provides guidance for development within Glendale. Within the Secondary Plan, the subject lands are designated as ‘Village Centre’, which was planned to be gradually intensified with additional hotel space in buildings up to sixteen storeys and mixed-use buildings along Taylor Road. According to the Secondary Plan, the following uses shall be permitted in the Village Centre:

- hotel
- convention centre
- recreation facilities
- restaurants
- retail stores
- medical or other professional office
- corporate or other business office
- apartment and live/work dwellings
- educational facility
- day care centre
- place of worship

Staff notes that the Glendale Secondary Plan Update is currently being undertaken to ensure alignment with the Council-endorsed Glendale Niagara District Plan and the policies for the Glendale District outlined in the NOP. The study has identified Glendale as having strong residential growth potential, including higher density housing formats.

According to Schedule ‘G’ of the NOP, the subject lands are within the Airport Area of Influence for the Niagara District Airport, mapped in accordance with Federally approved Airport Zoning Regulation (SOR/84-901) (“AZR”), as amended. The NOP recognizes the Niagara District Airport as an economic contributor to the regional market area and a valued component of Niagara’s transportation system. Provincial and Regional policies protect airport lands short-term and long-term operational needs. According to Section 4.2.6.7, “*Conflict between airport lands and surrounding land uses shall be minimized to ensure:*

- a) *there will be no negative impact on airport operations and viability;*
- b) *an expansion of airport operations will not be limited;*

September 27, 2023

- c) *land uses in the airport's area of influence, as shown in Local official plans, in conformity with this Plan, will not cause a potential aviation hazard; and*
- d) *land uses in the airport's area of influence, as shown in Local official plans, in conformity with this Plan, will not limit existing and/or the expansion of airport operations."*

In this context, staff notes that federal regulations supersede municipal planning policies and regulations and any requests for relief from the federal regulations will require approval from Transport Canada.

Planning Justification Report

Staff has reviewed the Planning Justification Report ("PJR") prepared by LANDx Developments Ltd. (dated July 2023). The PJR includes an overview of the subject property and surrounding context; review and analyses of applicable Provincial, Regional and Municipal planning policy and regulatory framework; a description of the property development; and justification to support the proposed Official Plan and Zoning By-law amendments.

The subject property is located at the entrance to Glendale and has been the subject of various land use planning studies undertaken to direct the future growth of the White Oaks site. The PJR notes that development of the White Oaks property will support the achieving of complete communities, as per Section 2.2.7.1 of the Growth Plan and Section 6.1.3.1 and 6.1.3.2 of the NOP, by providing high density housing unit types in a strategic location to allow people and families to integrate into the community. Further, the PJR notes that the development will support provisions for attainable housing, with apartments ranging from 605 to 1,200 square feet.

The PJR calculates that the proposed development will contribute 693.27 people and jobs per hectare. Based on Regional staff's calculation, the proposed development is expected to achieve a density of approximately 669 residents and jobs per hectare, exceeding the intensification target set out in the Glendale District Plan (100 residents and jobs per hectare).

Staff note that the subject property is identified in the Town's Official Plan and Zoning By-law as "Mixed Use Medium Density". The land use plan for Glendale is currently being revised in the Secondary Plan Update.

Staff note that the PJR does not include an analysis of Provincial and Regional policies relating to airport lands, in particular Section 1.6.9 of the PPS and Section 4.2.6 of the NOP. As such, staff request an updated PJR or PJR addendum which addresses these policies and provides an analysis of the potential impacts associated with the proximity of the Niagara District Airport, land use compatibility considerations, and the proposals impact on the viability of current operations and future expansion of the airport.

From a policy perspective, staff acknowledge that the proposed development exceeds the intensification goals for Glendale District Plan and will support the creation of

complete communities. However, staff require additional information to determine whether the proposal is consistent with and conforms to Provincial and Regional policy as outlined above with respect to the consideration and protection of the short- and long-term operational needs of the Niagara District Airport.

Archaeological Resources

The subject lands are located within the Region's mapped Area of Archaeological Potential, as identified on Schedule 'K' in the NOP. Provincial and Regional policies state that development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

Staff acknowledge that the Town's Archaeological Master Plan indicates that the property is not identified as having high potential for archaeological resources with the exception of the area along the QEW, which would be reflective of the intensive and extensive disturbance on-site. As such, staff requested that the following standard archaeological advisory clause be included in the future site plan agreement in the event that archaeological resources and remains are encountered during construction activities:

“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Tourism, Culture and Sport (MTCS) (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.

In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Public and Business Services Delivery (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the MTCS should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”

Land Use Compatibility

Niagara District Airport

As previously noted, the subject lands are within the Airport Area of Influence for the Niagara District Airport. According to Section 4.2.6.5 of the NOP, land use permissions and zoning for lands within the airport's area of influence shall maintain the Federal Government's recommended Noise Exposure Forecast (“NEF”) and Noise Exposure Projection (“NEP”) contours where applicable and be compatible with the operations of

the airport. Further, the PPS states that airports shall be protected from incompatible land uses by:

- a) *prohibiting new residential development and other sensitive land uses in areas near airports above 30 NEF/NEP;*
- b) *considering redevelopment of existing residential uses and other sensitive land uses or infilling of residential and other sensitive land uses in areas above 30 NEF/NEP only if it has been demonstrated that there will be no negative impacts on the long-term function of the airport; and*
- c) *discouraging land uses which may cause a potential aviation safety hazard.*

According to Section C3.4.1 of the NPC-300 guidelines, noise impacts on proposed sensitive land uses are determined based on the location of the noise sensitive land use with respect to the official NEF/NEP contours. However, staff acknowledge that the Niagara District Airport does not have NEF/NEP contours available and that there are currently no plans to develop them based on the limited commercial operations. As such, land use compatibility considerations will need to be addressed through policy analysis and/or through the use of general data for airport noise sources.

According to the AZR, the developable envelope of the subject lands is limited to 19 metres Above Ground Level (“AGL”), which is approximately five to six storeys. Given that the proposal includes buildings exceeding 19 metres AGL, the applicant is proposing an exemption to the AZR under Section 5.9(2) of the *Aeronautics Act*, as permitted by the Ministry of Transportation and Transport Canada. Staff note that Transport Canada’s *Processing Exemptions from Airport Zoning Regulations* (Document No. SI REG-010), dated February 18, 2011, requires that exemption applications be accompanied by a “letter of no objection” from the land use authority and a letter from the airport operator to the Regional Aerodromes and Air Navigation Office stating that the proposal will either have no operational impact, or that the impact will be mitigated by compensating safety procedures. Further, Section 5.3 states the requirement for a letter or permit specifying the approved use and maximum height authority by the land use authority.

Regional staff note that Transport Canada is the regulatory body for aviation in Canada. Staff defer to the Town and Niagara District Airport to determine the sequence and events for processing the applications and the exemption process.

Noise Impacts

The subject property is subject to traffic related noise impacts associated with the Queen Elizabeth Highway, Glendale Avenue and Taylor Road, as well as stationary noise sources from nearby commercial and industrial uses and the development onto itself. According to Section 4.2.4.2 of the NOP, sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants in accordance with Provincial guidelines, standards and procedures.

Staff has reviewed the *Noise Impact Study* prepared by GHD Limited, dated July 5, 2023. The study assesses potential impacts at the development due to future road traffic, stationary noise impacts from off-site industrial and commercial facilities, and stationary noise impacts from on-site HVAC equipment.

The following Outdoor Living Areas (“OLAs”) showed that the daytime noise levels from road traffic are anticipated to exceed the MECP limit of 55 dBA, including:

- **OLA-02:** Shared outdoor amenity gardens located at the south end of Block 2 at Ground floor level.
- **OLA-04:** Shared elevated outdoor amenity space on 2nd floor level at furthest north reaches of the west podium.
- **OLA-05:** Shared elevated outdoor amenity space on the 2nd floor level north of Tower 1B.
- **OLA-06:** Shared elevated outdoor amenity space on 4th floor level between Tower 2B and Tower 2A.
- **OLA-07:** Shared elevated outdoor amenity space on 4th floor level between Tower 1B and Tower 1A.

Mitigation is required to address ambient noise levels associated with road traffic, including acoustic barriers, ventilation requirements, upgraded building façade components, and warning clauses. Seven acoustic noise barriers are recommended based on the predicted future traffic noise levels for the above noted OLAs. Staff request that noise barriers are shown on future site plans.

Stationary noise sources identified in the study included HVAC equipment from nearby fast food restaurants and the existing buildings on the site which utilized roof-mounted heating, ventilation, and HVAC equipment. In addition, the study uses the publicly-available information from the EASR registration for the Niagara College campus, calculated the total sound power level from all sources at the campus, included in the model as a single point source on the roof. Predicted stationary noise levels at the worse-case PORs of the development were found to be within the site-specific sound level limits of NPC-300. As such, mitigation measures are not required for stationary sources.

In addition, the following Warning Clauses are recommended to be included in agreements of Offers of Purchase and Sale, lease/rental agreements, and condominium declaration for all residential dwellings:

- **Warning Clause Type B:** “Purchasers/tenants are advised that despite the inclusion of noise control features in the development, sound levels due to increasing road traffic may on occasions interfere with some activities of the

dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

- **Warning Clause Type D:** “This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks.”

Staff note that noise impacts associated with the Niagara District Airport were not included in the *Noise Impact Study*. According to the NPC-300 guidelines, detailed noise studies may be required for new noise sensitive land use proposals located at or above NEF/NEP contours. However, as previously noted, the Niagara District Airport does not have NEF/NEP contours available. As such, staff offer no further study requirement at this time but advise that future studies and/or mitigation may be required should the Niagara District Airport expand or increase operations.

Urban Design

Regional staff has reviewed the *Streetscape Study* prepared by Giannone Petricone Associates, dated July 2023. Staff note that the streetscape and the interface between the development and Regional Roads will be addressed at the Site Plan stage in collaboration with the Applicant and the Town.

Staff has reviewed the *Pedestrian Level Wind Study* prepared by The Boundary Layer Wind Tunnel Laboratory, dated June 29, 2023. The study recommends a number of mitigation features that may fall within the Region’s right-of-way (“ROW”). Staff advise that no wind mitigation features required for the development should be located with the Region’s ROW. The urban design brief submitted at the Site Plan stage should consider the proposed wind mitigation features and demonstrate what features can be integrated and where these are to be located within the lands of the development. In addition, staff note that the *Noise Impact Study* provides recommendations for residential units facing public streets. The urban design brief should also demonstrate the design approach of noise mitigation strategies intended for proposed at-grade residential Units.

Past Site Use

The subject property is occupied by a commercial use (White Oaks, originally constructed in 1973). In accordance with the *Environmental Protection Act, 1990* and Ontario Regulation 153/04 (“O. Reg. 153/04”), a change in use of this nature requires that a Record of Site Condition (“RSC”) be filed to demonstrate that the site is suitable for this type of sensitive use.

Staff has reviewed the *Updated Phase 1 Environmental Site Assessment* prepared by Oakhill Environmental Inc., dated October 2018. Previous Phase 1 ESAs completed for the subject property were conducted in 2005 and 2013. Two (2) Potentially Contamination Activities were identified on the subject property, including a 910-litre

diesel generator on the 9th floor of the taller hotel tower and a hydraulic tank located within the base to operate the elevator as well as fill materials from various landscaped areas on the south side of the property. The southern half of the property was identified as an Area of Potential Environmental Concern in accordance with O. Reg. 153/04, as amended. Potential traces of BTEX, PHCs, VOCs, Metals and Inorganics were identified in the soil. Based on the location, condition and secondary containment of the diesel tank for back-up generator and hydraulic oil tank, no further investigation is recommended.

Compliance recommended provided in the study included continued replacement of R22 coolants with non-ODS alternatives as required and conducting regulatory lead in drinking water sampling and weekly flushes as prescribed in regulation.

The report was not prepared to support the submission of an RSC. As such, Regional staff require an updated Phase I ESA, and Phase 2 ESA, if required, and the filing of an RSC be obtained as a condition of approval. Additionally, staff request a letter of reliance from a Qualified Person to indicate that, despite any limitations or qualifications included in the above submitted reports/documents, the Region is authorized to rely on all information and opinions provided in the reports submitted, in order to clear this condition. The letter of reliance can be satisfied as a condition of site plan approval.

Transportation

Traffic Impact Study

Regional staff has reviewed the Traffic Impact Study (“TIS”) completed by Paradigm (dated July 2023) and provide the following comments:

- Capacity deficiencies are forecasted for 2025 and forward at Glendale Avenue and Taylor Road intersection (does not account for the development). However, it is expected that this scale of development would worsen traffic conditions at the intersection.
- The TIS recommends the use of the adjacent intersection of Glendale Avenue and Niagara-on-the-Green Boulevard for accessing the shopping centre (Outlet Collection at Niagara) to relieve and divert a portion of traffic from the Glendale Avenue and Taylor Road intersection. Please note that overhead signage is already constructed as part of the Glendale Diverging Diamond Interchange (DDI) to direct the visitors to use Glendale Avenue and Niagara-on-the-Green Boulevard intersection to access the shopping centre, which should relieve delays and queues on westbound right movement. However, this will not solve the forecasted issues on the southbound left movement unless visitors are directed to exit the shopping centre from Glendale Avenue and Niagara-on-the-Green Boulevard.
- As such, staff requests a revised TIS with updated traffic counts at Glendale Avenue and Niagara on-the-Green Boulevard and Taylor Road intersections to confirm the current traffic pattern with the newly constructed interchange/signage and to ensure that visitors have changed their entry and exit points.

- Any new traffic counts should be adjusted/factored to consider summer season.
- The revised TIS could propose directional signage within the shopping centre area to direct visitors to exit the mall from Glendale Avenue and Niagara-on-the-Green Boulevard intersection. Staff note that the applicant is responsible for negotiating with the owners of the Outlet Collection at Niagara if improvements are required within the shopping centre site.
- With the Region's updated EMME Model, a lower growth rate of 1% could be applied in the study area.

Minor Comments

- Section 2.1 of the TIS identified that the posted speed for Glendale Avenue is 50 kph, while the actual posted speed is 70 kph.
- Section 3.4 states that the pass-by trip code for the Land Use Code ("LUC") 820 has been considered for the proposed commercial area categorized under LUC 822 in the ITE Trip Generation Manual, since there is no pass-by trip code for LUC 822.
- The LUC 820 is specified for commercial areas with more than 150,000 ft of Gross Leasable Area, while LUC 822 is for strip retail plaza that is lower than 40,000 ft GLA. Considering the same pass-by trips for the same land uses is not appropriate and it is suggested to use a proportion (approx. 27%) of the 820 pass-by trips.
- Staff noted the estimated trip distribution based on 2016 Traffic Technology Services and the existing traffic pattern, as summarized in Tale 3.2. Staff ask that the TIS confirm that the trip distribution is similar/identical on Saturdays.

Regional Road Allowance

The current width of Taylor Road meets the NOP recommended policy width. As such, no road widening is required.

Staff note that there are various easements along Taylor Road. A plan has been attached in Appendix I for information and reference.

The north end of the site on the submitted drawings shows some of the existing parking area on Regional land being removed. This area is to be reinstated to Regional boulevard standards. Clarification that the parking area is being removed is required in future submissions. If this area is not being removed, an encroachment/lease agreement will be required to be entered into by the Owner and Region.

The entrance to the parking on the south side of the northern entrance is to be confirmed in future site plans and is to be modified so that the entrance is from the internal parking lot and not the driveway. In the event that maintenance is required for at the area encroaching over the existing watermain, the parking area may be disturbed, and alternative parking will be the responsibility of the owner not the Region.

September 27, 2023

Regional staff has reviewed the submitted engineering drawings prepared by Walter Fedy (dated July 18, 2023) and provide the following comments:

- Staff request that the drawings show proposed reinstatements for works within the Regional right-of-way. Reinstatements shall be as per Niagara Regions Construction Encroachment Specifications (<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>).
- CB and CBMH protection noted on the drawing shall be by means of Siltsack® or Layfield's Catch Basin Sediment Traps as per Niagara Peninsula Standard Contract Document Section 7.3 (<https://www.niagararegion.ca/business/tenders/npscd/default.aspx>). Standard detail on C700 shall reflect this. The contractor is responsible for the removals of any silt deposits in the catch basin, either due to faulty installation of the silt control device or during removal.
- C700 shows a standard drawing of a "Stabilized Construction Entrance/Exit". Staff ask that the drawings show the location of this entrance.

Regional Permit Requirements

Prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Applications can be made through the Region's website using the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Sign Permit

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of a Regional Road will require a Regional Sign permit. Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Servicing

Water service connections are being proposed on this section of the Regional trunk watermain pipe. Regional staff would alternatively recommend utilizing the existing services to the property (150mm and 200mm) as no new connections will be permitted to the Regional trunk watermain.

Please note that Regional staff will be reviewing the calculated sanitary flows and watermain demand with the Town and will provide an updated and comprehensive comments once the full analysis has been completed. If there is a change in the required flows or demand, we ask that the applicant provide the update for Town and Regional staff.

Stormwater Management

The Niagara Region will require the stormwater management (“SWM”) plan and associated servicing/grading plans be circulated to this office for review and approval at the stage of Draft Plan/Site Plan. The development shall not negatively affect Taylor Road (Regional Road 70), Glendale Road (Regional Road 89), and the downstream receiving creek. In addition to the necessary water quality and quantity control, the following items need to be considered in detail design:

- New parking structure will replace the existing tennis courts. How stormwater from the structure will be accommodated needs to be clarified.
- The new buildings including underground parking structure shall not negatively affect the operation of existing Glendale Avenue culvert at the site southeast boundary.
- At the discretion of Town staff, the plan may need to confirm the future subsurface parking structure will not affect Town storm sewers within the site.
- Implementation of Low Impact Development SWM measures shall be considered to mitigate the development runoff volume impact to the receiving creek.

Waste Collection (Residential and Mixed-Use)

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region’s Waste Collection Policy. Based on the size of the proposed development it is unlikely the site will meet the curbside limits for the proposed buildings; therefore, waste collection will be the responsibility of the owner through a private contractor and not the Niagara Region.

Protection of Survey Evidence

Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any agreements entered into for this development should include a clause that requires the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Regional Bicycling Network

The subject property has frontage on Regional Road 70 (Taylor Road) which is designated as part of the Regional Niagara Bicycling Network. If the bicycle routes are currently not established and identified with signage, it is the intent of the Region to make provisions for doing so when an appropriate opportunity arises. This may involve additional pavement width, elimination of on-street parking, etc.

Conclusion

Regional Growth Strategy and Economic Development staff has identified potential constraints relating to land use compatibility, transportation and servicing and, therefore,

September 27, 2023

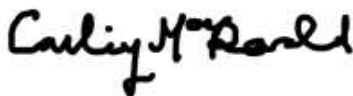
is not in a position to provide support to the applications as proposed at this time. The following information is requested to complete the review of the applications:

- Updated Planning Justification Report or Addendum addressing the policies in Section 1.6.9 of the PPS and Section 4.2.6 of the NOP. The applicant should identify potential constraints associated with the proximity of the Niagara District Airport, any land use compatibility considerations, and the effects of the development on the operations and future expansion of the airport.
- Phase 1-2 Environmental Site Assessment reports and Record of Site Condition
 - Letter of Reliance from a Qualified Person can be satisfied as a condition of site plan approval.
- Revised Traffic Impact Study with updated traffic counts at Glendale Ave & Niagara on-the-Green Blvd and Taylor Rd intersections to confirm the current traffic pattern with the newly constructed interchange/signage and to ensure that visitors have changed their entry and exit points.
- Updated engineering drawings.
- Calculated sanitary flows and watermain demand.

Please contact the undersigned at Carling.Macdonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca, should you have any questions related to the above comments.

Regional staff are happy set up a meeting to discuss the comments contained herein at your convenience.

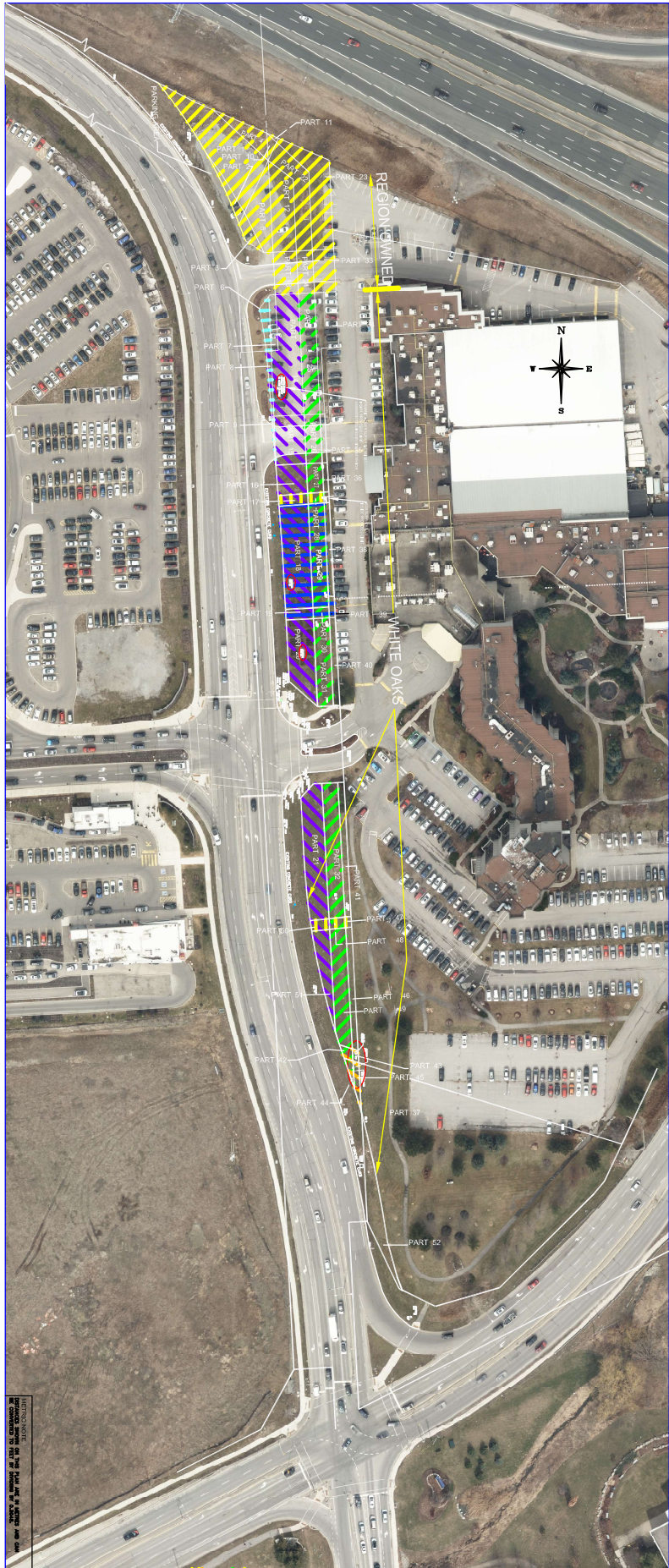
Best Regards,



Carling MacDonald
Development Planner

Cc. Diana Morreale, MCIP, RPP, Director, Development Planning, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng, Manager, Development Engineering, Niagara Region
Khaldoon Ahmad, MRAIC, MCIP, RPP, Manager, Urban Design & Landscape Architecture, Niagara Region

Appendix I:
Compiled Sketch Illustrating Utility Easements



CONSULT TO DESIGNER FOR ALL INFORMATION.
 THIS PLAN IS FOR THE PROPOSED DEVELOPMENT OF THE SITE SHOWN HEREON.
 THE DESIGN SHALL BE THE RESPONSIBILITY OF THE DESIGNER.
 DATE: 10/20/2010

NO.	REVISION	DATE
1	ISSUED FOR PERMITS	10/20/2010
2	REVISED PER COMMENTS	10/20/2010
3	REVISED PER COMMENTS	10/20/2010
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ALL DIMENSIONS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED.
 THE DESIGNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS.
 DATE: 10/20/2010

Growth Management and Planning Division

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

Via Email

March 26, 2024

Region Files: D.10.05.OPA-23-0046, D.18.05.ZA-23-0092

Aimee Alderman, MCIP, RPP
Senior Planner
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
Virgil, ON L0S 1T0

Dear Ms. Alderman

**Re: Regional and Provincial Review Comments
Official Plan Amendment and Zoning By-law Amendment
File Nos. OPA-07-2023 and ZBA-16- 2023
Owner: White Oaks Tennis World Inc.
Agent: LANDx Developments Ltd. (c/o Tim Collins)
253 Taylor Road (White Oaks Site)
Town of Niagara-on-the-Lake**

Regional Growth Management and Planning Division staff has reviewed the additional materials circulated with the second submission of the Official Plan Amendment and Zoning By-law Amendment applications for the lands located at 253 Taylor Road in Niagara-on-the-Lake (“subject lands”).

The applicant is proposing to redesignate the property on Schedule F and F1 to “Mixed Use – High Rise/Density (XX)” and re-zone the property on Schedule A-1 from “Village Commercial (VC-10)” to “Mixed Use – High Rise/Density (Site Specific – XX)” to facilitate the construction of four high-rise residential and mixed-use towers set on a five-storey podium, as follows:

- Block 1:** Tower 1A – 25 storey mixed use building
- Tower 1B – 18 storey mixed use building
- Block 2:** Tower 2A – 21 storey residential apartment building
- Tower 2B – 17 storey residential apartment building

The development proposes a total of 810 residential dwelling units and also includes 1,016 parking spaces in a parking garage on the northern portion of the property.

March 26, 2024

A pre-consultation meeting for the proposed applications was held on June 3, 2021. The Region provided comments on the initial submission of the applications in a comment letter dated September 27, 2023. At that time, staff were unable to support the applications and requested additional information to determine whether the applications are consistent with and conform to Provincial and Regional policies.

The following comments are provided to the Town in its consideration of the applications. **As noted below, the Region requires confirmation from external agencies (i.e., NAV CANADA, Niagara District Airport and Transport Canada) that the proposed building heights will not impact nor interfere with the short- and long-term operational needs of the Niagara District Airport, as required by Provincial and Regional policy and outlined in the Region's previous comment letter (dated September 27, 2023).**

With regard to the applicant's proposal for a Holding Provision in the Zoning Schedule to address building heights, Town staff should be satisfied that height restrictions can be addressed based on the outcome of the Airport Zoning Regulations Exemption application.

Provincial and Regional Policies

The subject lands are located within the 'Settlement Area' under the *Provincial Policy Statement, 2020* ("PPS") and identified as a 'Greenfield Area' under the *A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2020* ("Growth Plan") and *Niagara Official Plan, 2022* ("NOP"). Under the *Greenbelt Plan, 2020* ("Greenbelt Plan"), the subject lands are identified as 'Towns/Villages' within the 'Protected Countryside'. Additionally, staff note that the subject lands are included in the *Glendale District Plan* approved by Niagara Regional Council on September 17, 2020, through Regional Official Plan Amendment No. 17 ("ROPA 17").

Provincial Policy Statement

Comments provided in the Regional Comment Letter dated September 27, 2023 remain applicable.

Growth Plan

Comments provided in the Regional Comment Letter dated September 27, 2023 remain applicable.

Niagara Official Plan

Comments provided in the Regional Comment Letter dated September 27, 2023 remain applicable.

Planning Justification Report

In the previous letter (dated September 27, 2023), staff reviewed the *Planning Justification Report* (“PJR”) prepared by LANDx Developments Ltd. (dated July 2023). With this submission the applicant provided an *Addendum Planning Justification Report* (“PJR Addendum”) prepared by LANDx Developments Ltd. (dated February 2024) to address Provincial and Regional airport lands policies and other planning and development considerations.

With respect to the airport compatibility policies in Section 1.6.9 of the PPS and Section 4.2.6 of the NOP, the PJR Addendum references the *Airport Compatibility Review* prepared by HM Aero (dated October 20, 2021) that was provided with the first submission of the applications, which determined that a site-wide exemption to allow permanent development up to 150 metres above ground-level across the entirety of the subject lands would not conflict with airport operations or aviation safety. The PJR Addendum notes that the installation of lighting and/or markings (to be confirmed by Transport Canada through the Aeronautical Assessment Form process) will further improve the visibility of future structures as part of mitigating any potential impact on airport operations. Further refinements are to be made as identified through the Transport Canada Airport Zoning Regulations (“AZR”) Exemption process.

As noted in the previous comment letter, from a policy perspective, staff acknowledges that the proposal meets the intensification goals for Glendale District Plan; however, **the Region requires confirmation from external agencies (i.e., NAV CANADA, Niagara District Airport and Transport Canada) that the proposed building heights will not impact nor interfere with the short- and long-term operational needs of the Niagara District Airport, as required by Provincial and Regional policy (i.e., NOP Policy 4.2.6.7).**

Archaeological Resources

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

Land Use Compatibility

Niagara District Airport

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

Staff acknowledge that the applicant has included a Holding Provision in the proposed Zoning Schedule, conditional upon receiving an AZR Exemption form Transport Canada. **Town staff should be satisfied that height restrictions can be addressed based on the outcome of the Airport Zoning Regulations Exemption application.**

Noise Impacts

In the previous comment letter (dated September 27, 2023) staff reviewed the *Noise Impact Study* prepared by GHD Limited (dated July 5, 2023). At this time, staff noted that noise impacts associated with the Niagara District Airport were not included in the noise study; however, given the absence of data for this airport, no further studies were required to support the OPA/ZBA applications.

The PJR Addendum notes that future evaluation of noise impacts identified through the Transport Canada AZR process will be taken to implement any recommended noise mitigation measures.

Staff offer no further comments with respect to noise impacts. Any applicable noise mitigation and/or barrier features are to be clearly denoted at the Site Plan stage.

Urban Design

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

Past Site Use

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

The PJR Addendum notes that the applicant is currently in the process of undertaking the required environmental site assessment (“ESA”) works to support the filing of a Record of Site Condition (“RSC”) and that these materials will be submitted at Site Plan; however, as noted in the previous Regional comment letter (dated September 27, 2023), the Region requires all applicable ESA reports and remediation reports, if required, be submitted to the Region for review at the OPA/ZBA stage to ensure that the lands are safe for residential use before rezoning the property. That said, the filing of the RSC may be implemented through a Holding (H) provision or as a condition of Site Plan Approval, at the discretion of the Town.

Transportation

Traffic Impact Study

Regional Transportation Planning staff reviewed the *Traffic Impact Study* prepared by Paradigm (dated February 2024) and offer the following comment with respect to **Section 2.5 Traffic Volume (Figure 2.5A, Figure 2.5B, and Figure 2.5C)**:

- It is noted that a higher summer factor was used on the southbound approach at the regional intersection of Glendale Avenue and Taylor Road. The traffic volumes shown do not reflect the summer factor of 1.42 for the AM and PM peak hours and 1.43 for the Saturday peak hour. While there were no capacity issues at this movement in the base year scenario, growing these overestimated volumes into

the background traffic conditions will overestimate the future traffic assessments results as shown later in section 4.2 Background Traffic Operations.

- Staff request that the applied summer factor be revised, as well as the revisions for the subsequent scenarios.

Regional Road Allowance

The current width of Taylor Road meets the recommended width in the NOP; therefore, no road widening is required.

There are various easements along Taylor Road; a plan has been provided with these comments for information and reference.

The north end of the site on the submitted drawings shows some of the existing parking area on Regional land being removed. This area is to be reinstated to Regional boulevard standards. Staff require clarification that the parking area is being removed in future submissions. If this area is not being removed, an encroachment/lease agreement will be required to be entered into by the Owner and Region.

The entrance to the parking on the south side of the northern entrance is to be confirmed in future site plans and modified so that the entrance is from the internal parking lot and not the driveway. Staff note that this area is encroaching over the existing watermain. In the event that maintenance is required on the watermain, this area may be disturbed, and alternative parking will be the responsibility of the owner and not the Region.

Transportation Planning staff reviewed the submitted engineering drawings prepared by Walter Fedy (dated July 18, 2023) and offer the following comments:

- Please show proposed reinstatements for works within the Regional right-of-way as per Niagara Region's Construction Encroachment Specifications.
- CB and CBMH protection noted on the drawing shall be by means of Siltsack® or Layfield's Catch Basin Sediment Traps (CBST's) as per Niagara Peninsula Standard Contract Document (Section 7.3). Standard detail on C700 shall reflect this. The contractor is responsible for the removals of any silt deposits in the catch basin, either due to faulty installation of the silt control device or during removal.
- C700 shows a standard drawing of a "Stabilized Construction Entrance/Exit". Please show the location of this entrance on the plan.

Regional Permit Requirements

Prior to any construction or entrance construction taking place within the Regional Road Allowance, a Regional Construction Encroachment and/or Entrance Permit must be obtained from the Transportation Services Division, Public Works Department. Applications can be made through the Region's website using the following link: <http://niagararegion.ca/living/roads/permits/default.aspx>

Regional Sign Permit

Please note that the placement of any sign, notice or advertising device within 20m of the centerline of a Regional Road will require a Regional Sign permit. Permit applications can be made through the following link:

<http://niagararegion.ca/living/roads/permits/default.aspx>

Servicing

The submitted drawing is inconsistent with the Region's information on the available watermains in Taylor Road's road allowance. The submittal proposes to connect to a 300mm local main. Therefore, the applicant or Town will need to provide the engineering drawings for the Town main for confirmation, and future submissions are to show the plan and profiles for the crossings of the Regional watermain.

Alternatively, Regional staff recommend utilizing the existing services to the property (150mm and 200mm) as no new connections will be permitted to the Regional trunk watermain that is a concrete pressure pipe.

Stormwater Management

The comments provided in the Region comment letter dated September 27, 2023 remain applicable. The Stormwater Management Plan details are required at the Site Plan stage.

Waste Collection (Residential and Mixed-Use)

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

Protection of Survey Evidence

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

Regional Bicycling Network

The comments provided in the Region comment letter dated September 27, 2023 remain applicable.

Conclusion

Regional Growth Management and Planning Division staff acknowledges that the proposal is generally consistent with the intent of the *Provincial Policy Statement* with respect to policy direction for designated Greenfield lands and contributes to the density target set out in the *Niagara Official Plan* for the Glendale District Plan Area. However, staff require confirmation from external agencies (i.e., NAV CANADA, Niagara District Airport and Transport Canada) to verify that the proposal conforms to Provincial and

March 26, 2024

Regional policy with respect to the protection of the short- and long-term operational needs of the Niagara District Airport.

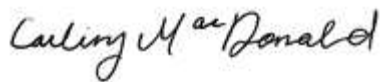
Regional staff request that all environmental site assessment and remediation reports, as required, be submitted to the Niagara Region prior to final approval of the applications to confirm that the lands are safe for residential use. Additionally, staff request the above noted revisions to the Traffic Impact Study and engineering drawings with future submissions.

With regard to the applicant's proposal for a Holding Provision to address building heights, Town staff should be satisfied that height restrictions can be addressed based on the outcome of the Airport Zoning Regulations Exemption application.

Please contact the undersigned at Carling.Macdonald@niagararegion.ca, or Pat Busnello, Manager of Development Planning at Pat.Busnello@niagararegion.ca, should you have any questions related to the above comments.

Regional staff are happy set up a meeting to discuss the comments contained herein at your convenience.

Best Regards,



Carling MacDonald
Development Planner, Niagara Region

Cc. Diana Morreale, MCIP, RPP, Director, Development Planning, Niagara Region
Pat Busnello, MCIP, RPP, Manager, Development Planning, Niagara Region
Susan Dunsmore, P. Eng, Manager, Development Engineering, Niagara Region
Khaldoon Ahmad, MRAIC, MCIP, RPP, Manager, Urban Design & Landscape Architecture, Niagara Region

From: [Meghan Birbeck](#)
To: [Aimee Alderman](#)
Subject: RE: New Applications - OPA-07-2023, ZBA-16-2023 - 253 Taylor Road, NOTL
Date: Tuesday, September 12, 2023 1:06:44 PM
Attachments: [image002.png](#)
[image003.png](#)

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.

Good afternoon Aimee,

The NPCA has had a chance to review the material provided for the proposed OPA and ZBA for 253 Taylor Road, NOTL regarding the proposed two new apartment buildings and two new mixed-use buildings.

A pre-con in 2021 was held for the proposed application. At the time, the NPCA indicated that a site visit took place and that the NPCA did not consider the channelized watercourse that abuts 235 Taylor to be an NPCA regulated watercourse.

However, as a part of the Glendale Secondary Plan the watercourses in the area have been further reviewed and as such the NPCA now considered the watercourse to be a regulated watercourse.

The NPCA has no object to the OPA and ZBA **but** requests to be circulated at the time of Site Plan and possible fee at the time of application.

Please note that any proposed realignment or work within the watercourse will require and NPCA permit.

If you have any questions regarding these comments, please let me know.

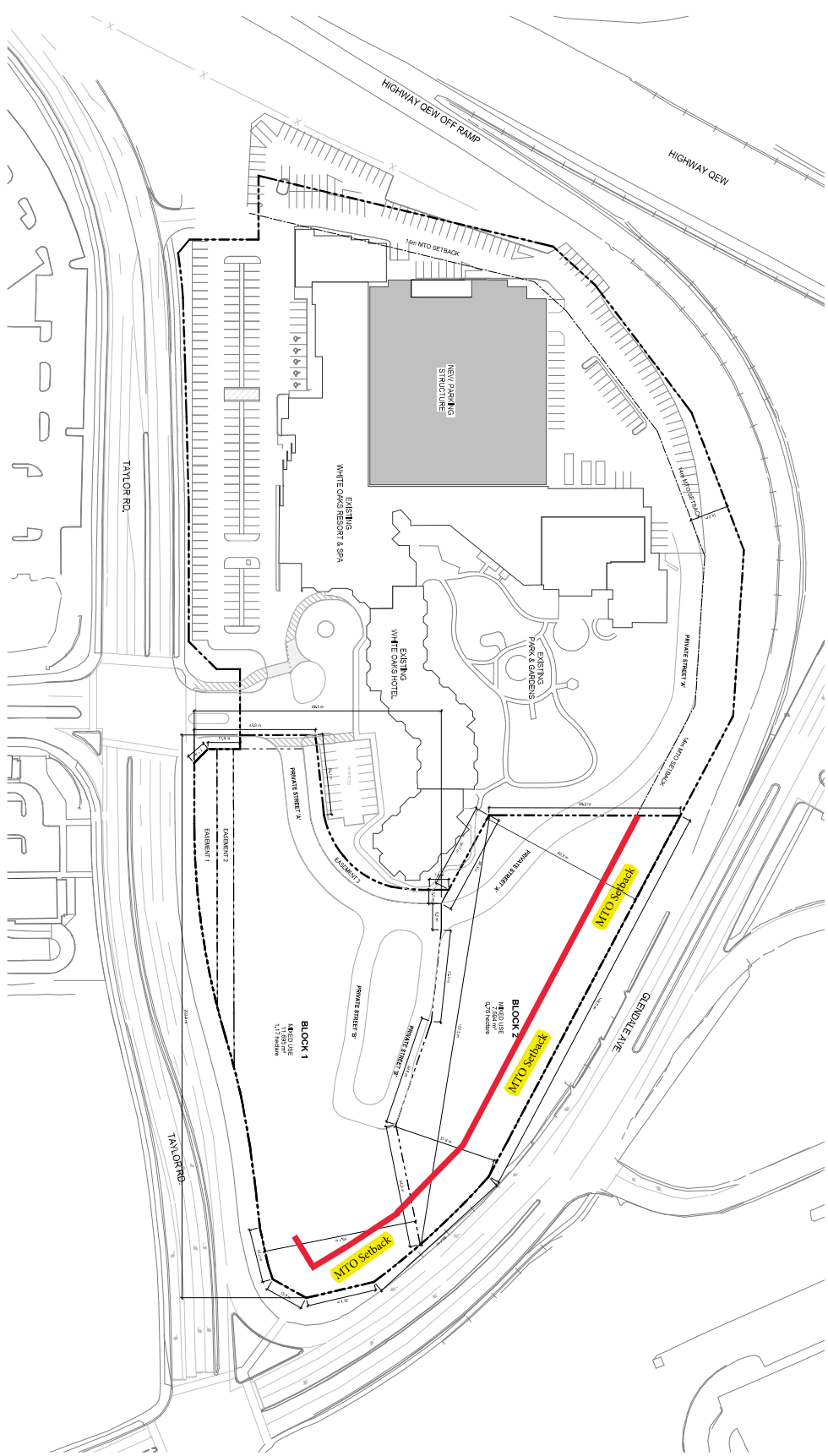
Best,
Meghan



Meghan Birbeck (MS)
Watershed Planner

Niagara Peninsula Conservation Authority (NPCA)
250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext 278
www.npca.ca
mbirbeck@npca.ca



GROSS SITE AREA	
ROCKY	11,800 sq. ft. (1.1% of total)
ROCKY	7,840 sq. ft. (0.8% of total)
EQUIPMENT	1,120 sq. ft. (0.1% of total)
ROADS	1,120 sq. ft. (0.1% of total)
LANDSCAPE	1,120 sq. ft. (0.1% of total)
OTHER	1,120 sq. ft. (0.1% of total)
TOTAL	24,960 sq. ft. (0.3% of total)

WHITE OAKS
 BLOCK PLAN

gplanome
 PERKINS+WILL
 ARCHITECTS

From: [Constantine, Neave \(MTO\)](#)
To: [Aimee Alderman](#)
Subject: RE: New Applications - OPA-07-2023, ZBA-16-2023 - 253 Taylor Road, NOTL
Date: Wednesday, October 18, 2023 1:33:14 PM
Attachments: [image003.png](#)
[image004.png](#)

You don't often get email from neave.constantine@ontario.ca. [Learn why this is important](#)

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Hi Aimee,

Re: New Applications - OPA-07-2023, ZBA-16-2023
253 Taylor Road
Niagara-on-the-Lake

After review of the submitted package, MTO has the following points that need to addressed:

Drainage

1. All proposed permanent buildings and structures both above and below ground, utilities, frontage roads/fire routes, essential parking spaces, storm water management facilities, including ponds and associated berms, storages, and noise walls must be set back 14.0 metres (45 feet) from the Highway Right-of-way limit. Indicate 14.0 metres setback on all drawings for MTO's review.
2. Please clarify why 25, 50 and 100 year storm events are reduced in proposed condition as noted in Table iv?
3. MTO requires post to pre development control for 5 to 100 year storm events. A table should be provided in report to confirm that 5, 10, 25, 50 and 100 year storm events are controlled to pre development level.
4. Unconventional underground and rooftop storages are not considered in calculations as per MTO's policy. MTO does not consider underground storage provided by chamber system to be permanent in nature. Underground storages provided in manholes, storm sewer, super pipe or storage tank are permitted as such storages are accessible through a manhole and can be easily inspected for their continued functionality. If the consultant insists on using a chamber type of system, then they must undertake an evaluation of SWM system assuming that underground storage system is lost and the site still meets the quantity control criteria and confirm that there is no impact on MTO's drainage system. It should be ensured that under this scenario, ponding for all storm events is contained within the subject property.

Traffic

1. Upon review of the TIS report, MTO has identified inconsistencies in site description and the concept plan.
 - Section 3.1 of the TIS report identifies the site development comprises of two mixed-use high-rise buildings, a 21-storey high (387 dwelling units) and a 25-storey high (429 dwelling units), respectively. However, the concept plan in Figure 3.1 shows four (4) tower buildings instead of two (2). Please clarify.
2. Block 2 is proposed within the 14m setback indicated by a red line; refer to Figure 3.1. The setback should be clearly labeled in the final site plan for our review to ensure no development is proposed with the 14m setback limits.
3. We have noted discrepancies in the trip generation estimates in Table 3.1A and Table 3.1B. According to our calculations, based on the ITE Trip Generation Manual LUC 222, and using the fitted curve equations, the total trips from the 816 residential units would be as given in the Table below:

Land Use	AM	PM	SAT
387 residential units	121	140	144
429 residential units	133	154	157
Retail 16,317 ft ²	40	110	107
TOTAL	294	404	408

4. Site-generated traffic volumes are adjusted to reflect a reduction due to pass-by and internal capture trip-making. The factors are applied to the total trips, including both commercial and residential trips. Please note these factors apply only to commercial trips.

Please update the TIS report and the analysis incorporating the above comments and resubmit it for review.

Electrical

1. Lighting calculations need to extend to the MTO right-of-way. The lighting plans must reflect this.
2. For developments adjacent to a provincial highway that includes area or architectural lighting, the developer must provide the following:
 - To-scale site plan showing the site location and the highway
 - Lighting layout showing pole/luminaire locations and orientation
 - Luminaire installation info such as mounting height, orientation angle, shielding info, etc.
 - Luminaire material info including catalog info and photometric data file
 - Lighting calculation plan showing horizontal illuminance levels at and

beyond the MTO right-of-way in metric units of lux to 1 decimal place minimum

Regarding light trespass onto MTO right-of-way:

It is Central Region practice to have zero light trespass onto MTO right-of-way. In some cases, this may not be achievable, however every effort should be explored in attempt to achieve this. Concessions may be granted on a case-by-case basis up to the MTO highway lighting trespass restriction practice, which is 1 lux in residential areas and 3 lux in other areas (ie. Crown land, commercial areas, parks, etc.). Head Office has a draft policy for light trespass onto the MTO right-of-way that requires the calculation of Threshold Increment (TI) to be limited to 15%. TI describes the % that the contrast between an object and its background has to be increased for the object to have the same visibility with glare as without glare. The TI method is not yet a widely adopted practice in North America, however we do currently permit the application of this draft policy.

Project Delivery

No features which are essential to the overall viability of the site are permitted within the MTO 14 m setback area, **and the MTO setback shall be from the south limits of the QEW right-of-way (Property Line) and the west limits of Glendale Road right-of-way (Property Line)**. Essential features include, but are not limited to, buildings/structures (above or below grade) including shoring/tie backs, required parking spaces (required per the municipal zoning by-law), retaining walls, utilities, stormwater management features, snow storage, loading spaces, fire routes, essential landscaping, etc. Please note that non-essential parking may be located within the MTO 14 m setback area, but must be set back a minimum of 3 m from the property line.

As a result of the recent upgrades to the QEW/Glendale Avenue interchange, the final Right-Of-Way designations are yet to be completed. There are implications for this submitted proposal as a result of those yet-to-be-completed designations.

1. Using the current designations, the limits of MTO property extends south of the QEW, along Glendale Avenue as shown in the attached GeoWarehouse report.
2. The 14m setback will also extend along the full extent of the MTO property.
3. In the proposal, as submitted, Block 2 and Block 1 are both partially located within the MTO 14m setback using existing designations (as approximately shown in drawing titled "253 Taylor Road - 14m setback") and will not be permitted.

Please do not hesitate to contact me if you have any questions.

Thanks,

Neave Constantine | Corridor Management Planner (Hamilton/ Niagara)

Highway Corridor Management Section | Central Operations | Ministry of Transportation

159 Sir William Hearst Avenue, 7th Floor | Toronto, ON M3M 0B7

Telephone: 437 688-2943 | Email: Neave.Constantine@ontario.ca

