

TO: Committee of the Whole, Planning; Lord Mayor and Council; Town Clerk

FROM: Marilyn Bartlett, 12 Centre Street, Niagara on the Lake

DATE: June 10, 2024

RE: Delegation June 11, 2024, Committee of the Whole, Planning
Submissions on CDS-23-192 regarding 325 King Street

As required by the Delegation Protocol, the new specific information I wish to provide the Committee and Council relates to Planning Report CDS-23-192, provided to me by email on Thursday, June 6, 2024 at 4:54 pm. Specifically, there are notable inaccuracies and omissions in this Report that I wish to address.

1. The report concludes that the proposal is consistent with Town planning policies at p 1, yet there are several key Official Plan policies that the report fails to acknowledge and address in its discussion and analysis. These include:
 - The Report nowhere in its Discussion and Analysis addresses the fact that one of the Goals and Objectives of the Commercial Designation within the Town’s OP is to prevent the *intrusion* of commercial use into residential areas (s.10.2(8)). There is no planning justification for ignoring this provision.
 - The Discussion and Analysis disregards the fact that our OP specifically states that it is NOT intended that certain existing large commercial operations, such as the Pillar and Post Hotel and the Prince of Wales Hotel, form nodes for expanded commercial development (s.10.3.1(3)). Not only does the Discussion and Analysis fail to mention and ignore this clarifying policy, it does the opposite at p.12 where it relies on the existence of those two establishments as justifying further commercial development along King Street.
 - The Report has excluded from its discussion and analysis key OP and draft OP policies for Open Space and Community Facilities. In particular these policies anticipate that certain institutional uses, such as a school, may cease operation. Those policies state that in those circumstances, the ONLY permitted use is *low density residential*, subject to a site specific zoning by-law amendment (s.15 OP; s.4.14.4.1 Proposed OP). There is no planning justification for ignoring this provision.

At p. 5 in the Discussion and Analysis, the report states: “In general, policies in the Town OP aim to ensure that new non-residential uses, including commercial uses, are compatible with existing residential uses in the area. this may be achieved by increasing required setbacks, implementing planting strips, screening and fencing, deflecting lighting, and regulating parking and loading areas.” In light of the above-noted OP policies, this statement in the Report is a mischaracterization of those policies and a misstatement.

2. According to the Report, 37 members of the public attended the Open House on April 18, 2023; 16 residents provided comments in opposition to the proposal at the Public Meeting held on May 9, 2023 and Town Staff have received 34 items of correspondence on the proposal. A review of the 119 pages of comments appended to this report reveals that only one was in support of the proposal. The overwhelming majority of local residents and taxpayers affected by this proposal, oppose it. Yet the discussion and analysis in this report fail to elaborate on and address many of the objections and concerns raised by these many persons. In particular:

- The report glosses over the height and mass of the building which is 19 metres high. At 19 metres or 62 feet, the proposed hotel would be almost double the permitted height and be the tallest building in the town. The Parliament Oak school is essentially one story. Notwithstanding all of the comments and concerns expressed by residents and experts about height, this report expresses the opinion that it will not result in impacts to surrounding low density residential home due to the setbacks from all yards, and landscaping. The opinion of staff pays lip service to the OP policies that state that the Town consists of low-rise structures, generally with a building height that has not exceeded 10 - 11 metres - for the most part, this low-rise character is to be maintained and zoning should be used to limit the building height. OP s.4.6 provides that “redevelopment should be consistent with the existing height and massing of buildings in the neighbourhood. There is no consistency here. Staff’s opinion that this hotel fits in with the character of the town, blends in and is compatible with surrounding established residential neighbourhoods simply on account of setbacks and landscaping defies common sense and logic.
- The report fails to adequately address the extent, scale and intrusiveness of this large commercial enterprise. With 129 rooms, 700 dining/banquet and event spaces, 3 terraces on the 2nd floor and 100 employees, this hotel is large. The report states at p.12 “ It is not anticipated that such delivery trucks will be driving throughout the surrounding residential area, but rather accessing the site via the loading space area from King Street”. Also at p. 6, “based on the information provided with the Applications, ingress and egress through the Gate Street and Centre entrances will be limited to *occasional* vehicles, and deliveries will be *intermittent* to minimize impact on neighbouring properties”. And at p. 10, “the information submitted with the Applications indicates that the use of such loading spaces will be *infrequent* and planned to minimize impact to surrounding areas”. With the greatest of respect, these responses to residents’ concerns are naïve. Where is the accountability or enforceability with respect to these statements of the applicant? The shortest route to the loading and delivery docks which are located in the centre of the block on both Centre and Gage streets, is across Mary, down Regent and across Centre or Gage. Furthermore, a commercial enterprise of this size and scale is not going to be serviced by “occasional”, “intermittent” or “infrequent” deliveries.

3. This report puts tourism and employment above the needs of people who live here and who have relied on planning policies years in the making. The report also puts tourism and employment above the preservation of the character and history of the Old Town, and in that process will significantly and permanently damage it. This report approves extending Commercial uses into an area designated in the Proposed OP as part of the Downtown Heritage Character area. The planning justification for approval of the proposal is thin and virtually non-existent, relying solely on setbacks and landscaping and ignoring many significant protections in our Official Plan.