

December 2, 2024

VIA E-MAIL

Committee of the Whole
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
P.O. Box 100
Virgil, ON L0S 1T0

Via E-mail: clerks@notl.com

Dear Chair and Members of the Committee of the Whole,

Re: *Glendale Secondary Plan Update*
Response to Final Draft Glendale Secondary Plan and associated material

As you are aware, we are the planning consultants for Niagara-on-the-Green Properties Inc., the registered owners of the Niagara-on-the-Green lands, as legally described in Appendix A – Registered Owner PINS (“**NOTG**”). NOTG owns a large assembly of land just south of the Outlet Collection at Niagara, and bounded by Homer Road to the west, Glendale Avenue to the south and Taylor Road to the east (“**subject site**” or the “**NOTG lands**”). The subject site within the existing Glendale Secondary Plan area.

On behalf of our client, we have been participating in the Glendale Secondary Plan Update process since 2022. We have previously submitted several letters to the Region’s attention as part of the Secondary Plan update process. We are writing to outline our concerns with the final Draft Secondary Plan (the “**Draft Secondary Plan**”), which is planned to be considered by the Committee of the Whole on December 3, 2024.

Lack of Notice and Review

The final draft of the Secondary Plan, Staff Report, and six supporting studies were released to the public on **Thursday November 28, 2024** at 4pm, which is only five calendar days and two business days before it is planned to be considered by the Committee of the Whole. The documents were updated again on November 29th. The Secondary Plan, Staff Report and most of the Studies are new or newly updated from prior

versions. There is insufficient time for my office, our client, or its consultants to review prior to the Committee meeting. In our opinion, this timeline is misaligned with the collaboration and stakeholder engagement that occurred earlier in the secondary plan process. It is unfair to expect landowners and the public to be able to review the package of information and provide an appropriate response. We are unsure why this cannot wait to be considered at a later Committee meeting.

Requirement for Ground Floor Commercial

The Draft Secondary Plan continues to prohibit stand-alone residential uses in the *Mixed Use – I* and *Mixed Use – II* designations. In this regard, the Draft Secondary Plan prohibits any ground floor residential uses and requires at least 75% for the *Mixed Use – I* and 60% for the *Mixed Use – II* designations to be occupied by non-residential uses.

We have raised this concern in our previous submission and the Staff Report CDS-24-182 (the “**Staff Report**”), which rationalizes the Draft Secondary Plan, responds to this concern on page 24 and states, “non-residential uses at ground level include much more than retail, restaurants and service commercial uses” and refers to the updated policies. In our opinion, this does not address the concern that requiring non-residential uses on all the mixed use designated lands would result in more commercial space that is needed. The Staff Report is correct, the mixed use designations permits other uses such as: wineries and breweries, artisan studios, entertainment uses, hotels, offices uses, education and recreation uses, places of worship, public service facilities, day care facilities, additional needs housing, and commercial parking facilities. However, there is a lack of analysis and information that demonstrates the need to require non-residential uses the ground floor of all lands designated *Mixed Use – I* and *Mixed Use – II* designations. These are large portions of the Secondary Plan area and would generate a significant amount of gross floor area.

The Staff Report outlines that the Population, Commercial & Employment Analysis prepared by Urban Metrics (the “**PCEA**”) supports the policies that requires non-residential uses on the ground floor for all buildings in the mixed use designations. In this regard, the PCEA analyzes this issues and states:

- “with more recent declines in residential prices and higher interest rates, **the addition of ground floor retail may jeopardize the feasibility of entire residential projects**” (page 42).

- “In many cases, there is a wide gap between the intentions of planners and the experience and interest by developers to create high quality commercial spaces within mixed-use projects. **Policies requiring minimum ground floor commercial components in residential projects often result in small ubiquitous retail units that have minimal utility to tenants other than a select group of offices and services.** Often projects sustain high ground floor vacancy rates with office/service tenants that do little to generate foot traffic or animate the street fronts” (Page 43).
- “Good quality retail space at the base of high-rise residential buildings **is far more expensive to construct than free standing commercial units or shopping centre space.** This is due to the expense of underground or structured parking, the need to modify the structural supports to allow for the retail space to be configured according to tenant needs, as well as other design changes” (Page 43).

The PCEA includes a retail and services demand analysis, which concludes:

- “we estimate that there will be market support to introduce 33,000 to 45,000 square feet of FSR space by 2043” (Page 54);
- “we estimate that by 2043, the Glendale SPA will warrant an additional 47,000 to 65,000 square feet of NFSR space – with particular emphasis on local-serving NFSR not currently accommodated within existing facilities” (Page 54); and,
- “Based on our per capita space analysis, the Glendale SPA will support approximately 118,000 square feet of Services space by 2043” (Page 55).

In our opinion, neither the PCEA nor the Staff Report rationalize the prohibition on stand-alone residential uses and ground floor residential uses on all mixed use designated lands. Given that the PCEA clearly outlines constraints related to requiring ground floor non-residential uses, which includes the ability to jeopardize the construction of housing, trends of vacant ground floor space, and the added cost to construct, the Draft Secondary Plan is creating a constraint to developing the mixed use lands in the Secondary plan. Finally, the PCEA concludes (on page 77):

“Additional opportunities **should be provided** for retail and services space in the area in appropriate locations. This **could** include:

- Ground floor retail space in mixed-use buildings at appropriate locations;
- Limited small scale ancillary retail and services space in the Momentum District to serve local employees and businesses; and,
- Other retail space may be considered to support specific land uses, such as in proximity to hotels, the College, and the future transit terminal.”

In our opinion, the analysis and information provided in the PCEA has not been properly translated to the Secondary Plan, which is much more restrictive and will create barriers to developing the mixed use lands.

For all these reasons and those outlined in our previous correspondence, we respectfully request that the Draft Secondary Plan be revised to encourage rather than require non-residential uses on ground floor of buildings throughout the mixed use designated lands. As an alternative, the Draft Secondary Plan could identify strategic locations (with limited areas) at key intersections where ground floor non-residential uses are required. This should be done in collaboration with the landowners.

Previous Comments and Concerns

We do acknowledge that the Draft Secondary Plan has addressed many of our previous concerns, however, for the reasons outlined in our previous correspondence we continue to have concerns related to and request that the Town consider the following:

- Not requiring an official plan amendment for the additional height outlined in Schedule 2B, instead provide a policy framework for the additional height, including the requirement to obtain an AZR exemption.
- Remove restrictive policies related to density and instead rely on built form and technical policies and guidelines to ensure compatibility and address technical requirements.
- Provide a more equal distribution of public service facilities throughout the Secondary Plan area.
- Update the urban design guidelines to provide a framework for tall buildings, which are considered under Schedule 2B.

Our Request

Given our serious concerns, we respectfully request that the Committee of the Whole adopt the alternative recommendation in Section 7.2 of the Staff Report and refer the Secondary Plan to staff to address the comments provided in this letter.

Should you have any questions or wish to discuss any of these matters in greater detail, please do not hesitate to contact the undersigned.

Yours truly,
Bousfields Inc.



David Falletta MCIP, RPP
Partner

Cc. *Clients*
Kristen McCauley, Niagara-on-the-Lake
Isaiah Banach, Dentons

Appendix A – Registered Owner PINS

Niagara-on-the-Green Properties Inc. and 1120048 Ontario Limited

- PIN 46356-0002 (LT) - PART LOT 4, CON 9 GRANTHAM PART 8, 30R15156; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46415-0953 (LT) - PART LOTS 5 & 6 CONCESSION 9 GRANTHAM, PART 5, 30R15156; TOWN OF NIAGARA-ON-THE-LAKE
- 46415-0954 (LT) - PART LOTS 5 & 6 CONCESSION 9 GRANTHAM, PART 7, 30R15156; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46356-0051 (LT) - PART LOTS 3 & 4, CON 9 GRANTHAM, BEING PARTS 1, 2, 5, 6, 7 & 9 ON 30R14202; TOGETHER WITH AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM BEING PART 1 ON 30R8858 EXCEPT PARTS 3 & 14 ON 30R9998; EXCEPT PARTS 1 TO 5 ON 30R14073 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM BEING PART 4 ON 30R11062, PT RDAL BTN CON 8 & CON 9 GRANTHAM BEING PART 3 ON 30R11062 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM, PT RDAL BTN CON 8 & 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PT LTS 3 & 4 CON 9 GRANTHAM BEING PART 1 ON 30R8858 EXCEPT PARTS 3 & 14 ON 30R9998; EXCEPT PARTS 1 TO 5 ON 30R14073 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PART OF LOT 4 CON 8 GRANTHAM, BEING PART 4 ON 30R11062, PT RDAL BTN CON 8 & 9 BEING PT 3 ON 30R11062 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PT LT 4 CON 8 GRANTHAM, PT RDAL BTN CON 8 & 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER BLK 1 PL 30M415 AS IN NR402466; SUBJECT TO AN EASEMENT OVER PT 2 ON 30R14202 IN FAVOUR OF BLK 1 PL 30M415 AS IN NR402466; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46356-0052 (LT) - PT LT 4 CON 9 GRANTHAM, BEING PART 8 ON 30R14202; TOGETHER WITH AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM BEING PART 1 ON 30R8858 EXCEPT PARTS 3 & 14 ON 30R9998; EXCEPT PARTS 1 TO 5 ON 30R14073 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM BEING PART 4 ON 30R11062, PT RDAL BTN CON 8 & CON 9 GRANTHAM BEING PART 3 ON 30R11062 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM, PT RDAL BTN CON 8 & 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PT LTS 3 & 4 CON 9 GRANTHAM BEING PART 1 ON 30R8858 EXCEPT PARTS 3 & 14 ON 30R9998; EXCEPT PARTS 1 TO 5 ON 30R14073 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PART OF LOT 4 CON 8 GRANTHAM, BEING PART 4 ON 30R11062, PT RDAL BTN CON 8 & 9 BEING PT 3 ON 30R11062 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PT LT 4 CON 8 GRANTHAM, PT RDAL BTN CON 8 & 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 AS IN NR320411; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46356-0053 (LT) - PT LTS 3 & 4 CON 9 GRANTHAM, BEING PTS 3 & 10 ONN 30R14202; TOGETHER WITH AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM BEING PART 1 ON 30R8858 EXCEPT PARTS 3 & 14 ON 30R9998; EXCEPT PARTS 1 TO 5 ON 30R14073 AS IN

NR320411, TOGETHER WITH AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM BEING PART 4 ON 30R11062, PT RDAL BTN CON 8 & CON 9 GRANTHAM BEING PART 3 ON 30R11062 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM, PT RDAL BTN CON 8 & 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PT LTS 3 & 4 CON 9 GRANTHAM BEING PART 1 ON 30R8858 EXCEPT PARTS 3 & 14 ON 30R9998; EXCEPT PARTS 1 TO 5 ON 30R14073 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PART OF LOT 4 CON 8 GRANTHAM, BEING PART 4 ON 30R11062, PT RDAL BTN CON 8 & 9 BEING PT 3 ON 30R11062 AS IN NR320411; SUBJECT TO AN EASEMENT OVER PT LTS 3 & 4 CON 9 GRANTHAM, BEING PART 1 ON 30R14073 IN FAVOUR OF PT LT 4 CON 8 GRANTHAM, PT RDAL BTN CON 8 & 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 AS IN NR320411; TOWN OF NIAGARA-ON-THE-LAKE

- PIN 46356-0054 (LT) - PT LT 4 CON 8 GRANTHAM; PT RDAL BTN CON 8 & CON 9 GRANTHAM CLOSED BY R0757127, BEING PT 7 30R14073; SUBJECT TO AN EASEMENT OVER PT LT 4 CON 8 GRANTHAM; PT RDAL BTN CON 8 & CON 9 GRANTHAM BEING PARTS 7 & 8 ON 30R14073 IN FAVOUR OF PART LOTS 3 & 4 CON 9 BEING PART 1 ON 30R14073 AS IN NR320411; TOGETHER WITH AN EASEMENT OVER PART LOTS 3 & 4 CON 9 BEING PART 1 ON 30R14073 AS IN NR320411; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46356-0056 (LT) - PART OF LOT 3, CONCESSION 9 GRANTHAM DESIGNATED AS PARTS 1 & 2 ON PLAN 30R-14184; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46356-0059 - PT LT 3 CON 9 GRANTHAM PT 5, 30R14073; TOWN OF NIAGARA-ON-THE-LAKE
- PIN 46416-0608 (LT) - LOT 21, PLAN 30M267; NIAGARA ON THE LAKE
- PIN 46416-0609 (LT) - LOT 22, PLAN 30M267; NIAGARA ON THE LAKE
- PIN 46416-0610 (LT) - LOT 23, PLAN 30M267, S/T LT175510; NIAGARA ON THE LAKE