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Report: CDS-22-004 **Committee Date:** February 07, 2022

Due in Council: February 28, 2022

Report To: Community & Development Advisory Committee
Subject: File Nos. OPA-01-2021 and ZBA-04-2021 - 61 Princess Street
Applications for Official Plan Amendment and Zoning By-law Amendment

1. RECOMMENDATION

It is respectfully recommended that:

- 1.1 The application for Official Plan Amendment (File No. OPA-01-2021) for lands known municipally as 61 Princess Street be approved;
- 1.2 The draft Official Plan Amendment, attached as **Appendix III** to this Report, be forwarded to Council for adoption;
- 1.3 The application for Zoning By-law Amendment (File No. ZBA-04-2021) for lands known municipally as 61 Princess Street be approved; and
- 1.4 The draft Zoning By-law Amendment, attached as **Appendix IV** to this Report, be forwarded to Council for adoption.

2. PURPOSE / PROPOSAL

This report provides recommendations to Council with respect to applications under the *Planning Act* seeking approval of an Official Plan Amendment and Zoning By-law Amendment (the "Applications") to facilitate the creation of one new lot for a single-detached dwelling. A lot with an existing single-detached dwelling (61 Princess Street) would be retained.

The Official Plan Amendment proposes exemptions to lot depth, side yard setback and front yard setback provided in the Queenston Secondary Plan section of the Town's Official Plan.

The Zoning By-law Amendment proposes that the subject lands be rezoned from "Established Residential (ER2) to "Established Residential (ER1)" with site-specific provisions to the front yard, rear yard and interior side yard setbacks.

Approval of a future Consent application is required to create the proposed lot.

A conceptual site plan showing lot configuration is attached as **Appendix I** to this report.

3. BACKGROUND

The subject lands are located on the west side of Princess Street, north of Walnut Street in the Queenston urban area. The location of the subject lands is shown on **Map 1** of **Appendix II** to this report.

The subject lands are irregularly shaped and have an area of approximately 1,420 square metres with 61.1 metres (200 feet) of frontage along Princess Street. There is an existing two-storey single-detached dwelling with an attached garage and an in-ground pool on the southerly portion of the subject lands. The subject lands are serviced by municipal water and sanitary connections.

Surrounding lands include predominantly residential land uses. Located to the immediate north of the subject lands is a slope towards River Frontage Road, a private road owned by Niagara Parks Commission. The slope is regulated by the Niagara Peninsula Conservation Authority (the "NPCA"). South of Walnut Street is Willowbank School for Restoration Arts (formerly Laura Secord Memorial School), a heritage resource designated under the *Ontario Heritage Act*.

4. DISCUSSION / ANALYSIS

4.1 Policy and Legislative Framework

The Applications have been evaluated for consistency and conformity with the relevant Provincial, Regional, and local planning policies and legislation, as discussed in the following report sections.

4.1.1 Planning Act

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard to in carrying out its responsibilities under the *Planning Act*. Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Section 22 of the *Planning Act* permits persons to request amendments to an approved official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect. Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

Subject to the analysis provided in the following sections of this report, Staff consider the Applications to comply with the provisions of the *Planning Act*.

4.1.2 Provincial Policy Statement (PPS), 2020

The subject lands are identified as being within a "Settlement Area" in respect of the policies of the PPS.

Section 1.1 of the PPS provides policies for managing and directing land use to achieve efficient and resilient development and land use patterns, and states that:

1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; ...*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns; ...*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs; and*
- h) promoting development and land use patterns that conserve biodiversity;*

1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years...

Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.

Section 1.1.3.1 of the PPS directs that "settlement areas will be the focus of growth and development."

Section 1.1.3.2 of the PPS provides that land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*

- f) *are transit-supportive, where transit is planned, exists or may be developed*

Section 1.4.3 of the PPS provides that:

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

- c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

Section 1.6.6.2 of the PPS directs that, "...Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services."

Section 2.1 of the PPS states that natural features and areas shall be protected for the long-term.

Section 2.6 of the PPS provides the following policies with respect to the conservation of cultural heritage and archaeological resources:

- 2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*
- 2.6.2 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.*

The Applications would result in a more efficient use of land, municipal infrastructure and public facilities. The subject lands are located in Queenston, an urban area containing and surrounded by a number of recreational and cultural amenities. The Applications would permit an additional single-detached dwelling consistent with the surrounding neighbourhood to contribute positively to the housing supply.

There are a range of lot sizes within the Queenston community. Although the proposed lot is smaller than some lots in the immediate surrounding area, it is large enough to accommodate the existing and proposed single-detached dwellings. The proposal is not anticipated to negatively change the historical character of Queenston or Princess Street.

A Tree Protection Plan, dated December 2, 2020 and an associated addendum report, dated August 3, 2021, both prepared by Jackson Arboriculture Inc., were submitted with the Applications and identify 24 trees on the subject lands or abutting lands. The Reports proposed the removal of 3 of the 24 identified trees.

A Slope Stability Assessment, dated December 18, 2020, and an associated addendum report, dated June 3, 2021, prepared by Soil-Mat Engineers and Consultants Ltd., were submitted with the Applications and concludes that the existing slope is considered to be stable in both the short and long-term and that the proposed construction of a new single detached dwelling and any associated structures or landscaping, uphill of the top of stable slope location, would have no negative impact on the stability of the subject slope, from a geotechnical point of view. The NPCA and Niagara Parks Commission have reviewed the Slope Stability Assessment and have accepted its conclusions. The NPCA requires a 2 metre setback from the stable top of slope.

A Stage 1-2 Archaeological Assessment Report, prepared by Detritus Consulting Ltd., September 17, 2020, was completed for the subject lands and concluded that no archaeological resources were identified on the subject lands and no further archaeological assessment is recommended. A letter from the Ministry of Heritage, Sport, Tourism and Culture Industries has been received confirming that the Archaeological Assessment Report has been entered into the public register.

Staff consider the Applications to be consistent with the relevant policies of the PPS.

4.1.3 Greenbelt Plan, 2017

The subject lands are identified as being within the "Niagara Escarpment Plan Area" on Schedule 1 to the Greenbelt Plan, 2017. Section 2.2 of the Greenbelt Plan directs that the policies of the Niagara Escarpment Plan apply to the subject lands.

4.1.4 Niagara Escarpment Plan, 2017

Queenston is identified as a "Minor Urban Centre" on Map 1 of the Niagara Escarpment Plan (NEP). The underlying designation of the subject lands with the Minor Urban Centre is "Escarpment Rural Area."

Section 1.6.1 of the NEP provides the following Objectives for Minor Urban Centres:

1. *To recognize, maintain and enhance existing rural settlements or provide concentration points for development and growth in rural areas...*
2. *To ensure that cumulatively the existing Minor Urban Centres and any associated development and growth can be accommodated and serviced in a manner that would be environmentally sustainable over the long term.*
5. *To ensure that new development is compatible with the identity and traditional character of Minor Urban Centres.*

7. *To ensure that any growth will be in accordance with a municipal official plan and/or secondary plan that is not in conflict with the Niagara Escarpment Plan.*

Section 1.6.7 of the NEP provides the following direction with regard to land use control within Minor Urban Centres:

By-laws or by-law amendments must not conflict with the Objectives and Development and Growth Objectives of this designation, and the Development Criteria in Part 2 of the Niagara Escarpment Plan.

Section 1.6.8 of the NEP provides that following relevant development and Development and Growth Objectives for Minor Urban Centres:

2. *Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.*
4. *Development and growth should be limited to minimize land use conflicts... and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.*
6. *Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.*
7. *Development and growth should take place as a logical extension of existing development in the form of planned groups, rather than linear or scattered development. Expansion in depth, rather than extension along existing roads, is favoured.*
9. *Growth and development in Minor Urban Centres shall be compatible with and provide for:*
 - a) *the protection of natural heritage features and functions;*
 - b) *the protection of hydrologic features and functions;*
 - c) *the protection of agricultural lands, including prime agricultural areas;*
 - d) *the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;*
 - e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
 - f) *sustainable use of water resources for ecological and servicing needs; and*
 - g) *compliance with the targets, criteria and recommendations of*

applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.

10. *Municipal sewage and water services will be the preferred form of servicing...*

Section 2.2 outlines the General Development Criteria for all lands within the Niagara Escarpment Plan Area, and provides the following relevant policies:

2. *The site shall not be prone to natural hazards, and the development will not impact the control of these natural hazards including flooding hazards, erosion hazards, or other water-related hazards and hazard events associated with unstable soil or unstable bedrock.*

Section 1.5.1 of the NEP provides the following Objectives for the Escarpment Rural Area:

1. *To maintain the scenic resources of lands in the vicinity of the Escarpment and the open landscape character of the Escarpment.*
2. *To conserve cultural heritage resources, including features of interest to First Nation and Métis communities.*
4. *To provide for compatible rural land uses.*
5. *To encourage agriculture, and protect agricultural lands and prime agricultural areas.*
6. *To provide a buffer for ecologically sensitive areas of the Escarpment.*

The Niagara Escarpment Commission (NEC) had no objections to the Applications, subject to the satisfaction of the Town that the proposal is consistent with the community character and the NPCA that slope stability setbacks are met. The addition of one single-detached dwelling represents limited growth and that is compatible with surrounding development. The proposed lot is smaller than some lots in the more immediate area, but is consistent with many lots within Queenston that are designated Established Residential. The proposed additional lot is not anticipated to negatively impact the historical, small-town identity and traditional character of Queenston or the scenic resources of the Niagara Escarpment. There is existing service capacity to accommodate the proposal, and no road extension is proposed.

The proposed Official Plan Amendment is not anticipated to conflict with the objective or development criteria identified in the NEP. There is no agricultural land proposed for removal. A large majority of the trees on the subject lands and abutting lands will be preserved. There are no designated cultural heritage resources identified on the subject lands or abutting lands. With the requirement for a setback from the stable top of slope, Town Staff and external agencies are satisfied that the stability of the slope located along the northerly lot line.

Staff consider the Applications to conform to the relevant policies of the NEP.

4.1.5 A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), 2020

The subject lands are within a “Settlement Area” and a “Built-up Area” with regard to the policies of the Growth Plan.

Section 2.2.1 of the Growth Plan provides policies with respect to managing growth, including direction for the achievement of complete communities, as follows:

2.2.1(4) Applying the policies of this Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options... to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
 - i. a range of transportation options, including... active transportation;*
 - ii. public service facilities...*
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities;*
 - iv. healthy, local, and affordable food options...;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces; and*
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; ...*

Section 2.2.2(1)(a) of the Growth Plan directs a minimum of 50% of all residential development occurring annually within the Niagara Region will be within the delineated built-up area.

Section 2.2.2(3) of the Growth Plan provides policies with respect to new development within Delineated Built-up Areas, and states:

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- c) encourage intensification generally throughout the delineated built-up area...*
- d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*

- f) *be implemented through... updated zoning and other supporting documents.*

Section 2.2.6 of the Growth Plan includes the following relevant policies with respect to housing:

- 2.2.6(2) *...municipalities will support the achievement of complete communities by:*
 - a) *planning to accommodate forecasted growth...;*
 - b) *planning to achieve the minimum intensification and density targets...;*
 - c) *considering the range and mix of housing options and densities of the existing housing stock; and*
 - d) *planning to diversify their overall housing stock across the municipality.*

Section 5.2.5(6) of the Growth Plan provides that for lands within delineated built-up areas, "in planning to achieve the minimum intensification and density targets in this Plan, municipalities will develop and implement urban design and site design official plan policies and other supporting documents that direct the development of a high quality... compact built form."

The Applications contribute to the achievement of a complete community by contributing to a more diverse range and mix of housing options in Queenston. Although Queenston does not currently have many local shops and food options, it provides convenient access to a variety of parks, recreational uses and public facilities. Queenston is located close to St. Davids, where there are more shops and restaurants.

The proposal would contribute to a more compact built form, as encouraged in the Growth Plan, but the lot frontage and area of the proposed lots is still generous enough that the parcel fabric and built form character of Princess Street and Queenston will not be significantly impacted. There are no designated cultural heritage resources identified on the subject lands or abutting lands.

The Applications would contribute to the Provincially prescribed intensification target and permit modest residential intensification within a delineated built-up area.

Staff consider the Applications to conform to the relevant policies of the Growth Plan.

4.1.6 Niagara Region Official Plan (ROP), 2014 Consolidation, as amended

The subject lands are identified as being within the "Built-Up Area" and "Urban Area" in the ROP. Section 4.A.1 of the ROP provides the following relevant Growth Management Objectives:

- 4.A.1.1 *Direct the majority of growth and development to Niagara's existing*

Urban Areas.

- 4.A.1.2 *Direct a significant portion of Niagara's future growth to the Built-up Area through intensification.*
- 4.A.1.4 Prevent urban development in inappropriate areas, thus contributing to the conservation of resources such as the Niagara Escarpment, the Greenbelt, aggregate areas, Core Natural Areas, and prime agricultural land.
- 4.A.1.6 *Build compact, mixed use, transit supportive, active transportation friendly communities in Built-Up Areas...*
- 4.A.1.7 *Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.*
- 4.A.1.10 *Provide a framework for developing complete communities all across Niagara, including a diverse mix of land uses, a range of local employment opportunities and housing types, high quality public open spaces, and easy access to local stores and services via automobile, transit and active transportation.*
- 4.A.1.12 *Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.*

Policy 4.C.4 of the ROP provides policy direction for the Town to meet a minimum residential intensification target of 15% annually.

The Applications would contribute to the Regional intensification target. The Regional policies are similar to the provincial policies discussed above. Staff consider the Applications to conform to the relevant policies of the ROP.

4.1.7 Town of Niagara-on-the-Lake Official Plan, 2017 Consolidation, as amended

The subject lands are designated "Established Residential" and "Built-Up Area" in the Town of Niagara-on-the-Lake Official Plan (Town OP). The Town's Official Plan designation of the subject lands is shown on **Map 2** of **Appendix II** to this report.

The application for Official Plan Amendment does not request amendments to the principal Official Plan designations or policies, but rather to the policies of the Queenston Secondary Plan, which is discussed in the subsection below.

Section 6.33 of the Town OP directs that existing trees must not be unnecessarily removed and that wherever possible existing trees should be preserved and protected, and in urban areas where it is unavoidable that trees be removed, the proponent shall plant trees of a similar or comparable species.

Section 6A(4.4) of the Town OP provides for the following relevant intensification objectives and policies for the Built-up Area:

4.4 Intensification Objectives

Objectives

The objectives of the intensification policies of this Plan are to: ...

- e) Direct intensification to the Built-up Areas where development will not impact designated heritage areas, adjacent heritage resources and/or heritage resources on the property, estate lots and the residential character of the property or the surrounding area...*

Built-Up Area Intensification Policies

The Town will support appropriate infilling and intensification within the limits of the Built-Up Area. The following policies apply:

- a) The Town plans to accommodate 15% of its forecasted intensification development within the Built-up Area between 2015 and 2031.*
- b) The predominant built form for intensification and redevelopment within the residential areas of the Built-up Area will be single detached, semi-detached and townhomes and low rise apartment buildings...*
- e) The Town will update zoning standards to ensure that the zoning requirements provide sufficient opportunities to support and encourage growth and intensification through redevelopment...*
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area...*
- k) The Town will utilize maximum and minimum densities to ensure that intensification areas/sites are not underdeveloped. Minimum net density shall be 14 units per hectare (6 units per acre) and maximum density of 30 units per hectare (12 units per acre).*

Section 6A(4.6) of the Town OP provides the following Land Use Compatibility Criteria:

4.6 Land Use Compatibility Policies

Intensification and/or redevelopment should be consistent with:

- a) The existing and/or planned built form and heritage of the property and surrounding neighbourhood;*
- b) The existing and/or planned natural heritage areas of the site and within the surrounding neighbourhood;*
- c) The existing and/or planned densities of the surrounding neighbourhood; and,*
- d) The existing and/or planned height and massing of buildings within the surrounding neighbourhood.*
- e) Development proposals will demonstrate compatibility and integration with surrounding land uses by ensuring that an effective*

transition in built form is provided between areas of different development densities and scale. Transition in built form will act as a buffer between the proposed development and existing uses and should be provided through appropriate height, massing, architectural design, siting, setbacks, parking, public and private open space and amenity space.

- f) *Intensification and/or redevelopment shall be compatible and integrate with the established character and heritage of the area and shall have regard to: ...*
- Lot frontages lot area, depth*
 - Building Setbacks*
 - Privacy and over view*
 - Lot grading and drainage*
 - Parking*
 - Servicing*

Section 9.2 of the Town OP provides the following relevant goals and objectives for residential designated lands:

- (3) *To ensure that new development or redevelopment is appropriately located, is compatible with surrounding land uses, incorporates energy efficient aspects in its design, retains to the greatest extent feasible desirable natural features and uses land in an efficient manner...*
- (7) *To encourage infill residential development of vacant or underutilized parcels of land in residential areas where such development will be compatible with existing uses and where it will contribute to the more efficient use of sewer and water services and community facilities.*
- (8) *To minimize the potential for land use compatibility problems which may result from the mix of residential densities...*
- (11) *To encourage the development of well-designed and visually distinctive forms.*

Section 9.3.3 of the Town OP identifies a single-detached dwelling as a permitted use on lands designated Established Residential, and also states that the wide variety of lot sizes, frontages, setbacks, and depths in the Established Residential designation result in a varied and attractive streetscape.

Section 9.4(4) provides a basis for determining appropriate residential densities as follows:

The maximum number of dwelling units per acre is a function of the capacity to provide municipal services and the typography of the site. The visual impression of density is expressed in the mass and arrangement of the buildings on the site. In Niagara-on-the-Lake the visual impression is that of a low rise, low density small-town community. While that impression should be maintained it is possible to consider a variety of housing forms that will complement this image. Generally, low density residential developments will not exceed 6 units per acre

(14 units per hectare)...

Section 16.3.1 of the Town OP states that within the Conservation designation, activities and facilities of the Niagara Parkway Commission are a main permitted use, and that yard space for any use permitted in an abutting designation is permitted independent of a main use.

Section 16.4(10) of the Town OP provides the following relevant policies with respect to the Conservation designation:

In interpreting the boundary of any conservation designation the following principles shall apply:

- b) Where lands abut any other watercourse or valley area designated conservation the boundary of the conservation designation shall be the floodline as established by the Niagara Peninsula Conservation Authority. In the absence of any floodline mapping the boundary of the conservation designation shall be the top of the bank adjacent to the watercourse or valley area...*
- c) Where lands designated conservation are within an Urban Boundary as shown in this Plan and does not form part of any shoreline, watercourse or valley area, development may be permitted but restricted to preserve existing trees or other natural feature.*

A Streetscape Design Analysis was submitted in support of the Application and indicates that the surrounding neighbourhood has variation in lot configuration and built form. The Official Plan recognizes that "The area is... already fragmented in terms of parcel sizes and land uses." The lot sizes and setbacks along Princess Street vary greatly. While many dwellings have large setbacks on large lots, there are also examples of dwellings with shallow setbacks on smaller lots. The proposal would result in a proposed and retained lot that are more consistent with the existing lots that share the same block face. Additional analysis is provided in the subsection below.

The subject lands have a total area of 1,418.7 square metres (0.35 acres). The proposal would result in two dwellings on the subject lands (retained lot and dwelling, and the proposed new lot and dwelling). Therefore, the proposed density residential net density is 5.71 units per acre (14.29 units per hectare), which meets the Official Plan policies stating that density in low density residential areas should generally not exceed 6 units per acre (14 units per hectare). Staff note that the 6 units per acre more accurately converts to 14.8 units per hectare.

Although the specific dwelling design is not known and could change in the future, the proposed zoning would result in a dwelling that has a massing, scale and height generally consistent with the surrounding area. The proposed zoning also requires the size of the garage to be limited to 50% of the front facing facade, and the garage

will be required to be setback behind the front facade.

The proposed infill development is in an appropriate location where the proposed lot, dwelling and use are compatible and generally consistent with the surrounding neighbourhood.

4.1.7.1 Queenston Secondary Plan

The Queenston Secondary Plan is included within the Town's Official Plan under Section 6.32.1 as Special Policy area A-1 (Queenston). The subject lands are designed in the Queenston Secondary Plan as "Established Residential."

The proposed Official Plan exemptions for the new lot (Part 1) are as follows:

Minimum lot depth	27.0 metres
Minimum front yard setback	4.4 metres
Minimum (southerly) interior side yard setback	1.2 metres

The applicant requested an exemption from the Queenston Secondary Plan to permit a proposed lot with a reduced lot depth. Amendments to the required interior and front yard setbacks identified in the General Site Development Guidelines of the Queenston Secondary Plan are required to allow the requested Zoning setbacks. Staff recommend that the proposed new lot be redesignated to "EX-QRES-2" and that site-specific amendments be included to permit reduced front and interior side yard setbacks and reduced lot depth. The reduced setbacks were been requested by the applicant in the proposed Zoning By-law Amendment (discussed below).

A draft Official Plan Amendment is attached as **Appendix III** to this report.

Section 2.0 of the Queenston Secondary Plan provides the following relevant Community Development Principles:

2.1 Promote Design Excellence

- a) Design and construct buildings that respect, complement and enhance the best attributes of the Village;*

2.2 Strengthen Existing Neighbourhoods

- a) Ensure new infill development respects and enhances the character of the neighbourhoods and Village as a whole;*
- b) Encourage compatible development on vacant and under-utilized land;*
- d) Ensure existing residential neighbourhoods and infill development are adequately served by community amenities such as public parks, libraries, emergency services and recreational facilities;*

2.6 Preserve Natural and Cultural Heritage

- c) *Conserve and protect natural heritage areas in a natural state;*
- e) *Ensure that new development will not adversely impact the conservation of natural and cultural heritage features;*

Section 3.2 of the Queenston Secondary Plan directs that the Town will ensure development and redevelopment in the Queenston Secondary Plan area respects the type, scale and character identified in the Plan.

Section 4.0 of the Queenston Secondary Plan provides policies for Residential Uses, including the following relevant policies:

4.1 Policies Pertaining to All Residential Designations

- 4.1.3 *New buildings shall generally reflect and complement existing adjacent development in terms of scale, height, building location and architectural character.*
- 4.1.6 *Structures shall have front, side and rear yard setbacks that are generally consistent with the character of the neighbouring properties. Specific setback dimensions are outlined in the Urban Design Policy provisions of this Plan.*
- 4.1.7 *Garages shall be located behind the principal building façade, and in general towards the rear of the lot. However front car garages are permitted subject to the provisions of this Plan.*

4.3 Established Residential

- 4.3.1 *Permitted Main Uses: residential uses including single detached dwellings, semidetached dwellings and duplexes.*
- 4.3.3 *The density of development shall not exceed 9 units per acre (30 units per hectare) residential net density.*
- 4.3.4 *Newly created single detached lots shall have minimum dimensions of 18m in width by 36m in depth, and should be similar in overall size, width and depth to adjacent and neighbouring residential lots.*
- 4.3.7 *Building footprints of the combined principal and secondary structures shall be no greater than 33% of the lot area.*

Section 9.4 of the Queenston Secondary Plan states that development on lands adjacent to a conservation designation shall not negatively impact that land, and that new development adjacent to Conservation Lands shall be required to demonstrate that any adverse impacts are minimized.

Setback requirements are provided in the General Site Development Guidelines provided under Section 12 of the Queenston Secondary Plan, as follows:

12.6.2 Established Residential mandatory setbacks of a principal structure for Single Family Dwellings, Duplex and Semi-Detached Dwellings are as follows:

- 12.6.2.1 *Front Yard: 5m to the front of the principal building.*
- 12.6.2.2 *Side Yard: 1.5m from side lot line, and 3m from built structures*

on adjacent properties.

12.6.2.3 Rear Yard: The principal structure will be located a minimum of 7.5m from the rear property line.

Relevant Built Form Guidelines for Residential Uses under Section 13.3 of the Queenston Secondary Plan, are as follows:

13.3.3 The development of residential front yard garages is not encouraged, but is permitted for single family units provided that the front car garage is setback 1.5m behind the principal building, does not exceed 50% of the width of the principal building, and the garage is a maximum of 6.0m in width.

13.3.7 Front yard porches and entry features are not subject to the building setbacks outlined above and may project beyond the principal structure by a maximum of 1.5m.

Section 14.2 of the Queenston Secondary Plan includes a number of recommended public realm improvements, including an opportunity to establish a terraced walkway to make a physical link and pedestrian connection to the Rail trail (River Frontage Road) from Princess Street.

Section 15.3 of the Queenston Secondary Plan states that Queenston constitutes a cultural heritage landscape, as defined in the PPS. Strategies to protect Queenston's built heritage as recommended in the Queenston Secondary Plan, including the establishment of a heritage conservation district under Part V of the *Ontario Heritage Act*, the designation of individual properties under Part IV of the *Ontario Heritage Act*, the inclusion of a Cultural Heritage Impact Assessment for development proposals that may impact cultural heritage resources, and/or landscape impact assessments and landscape conservation plans to assess the potential impact of a proposal on the surrounding landscape and sets out a plan to ensure that it is appropriately preserved.

The Queenston Secondary Plan recognizes that there are opportunities for infill development while maintaining the fundamental character and quality of the Queenston.

The Queenston Secondary Plan does not have any explicit requirements with respect to minimum lot area. The policies for the Established Residential area require a minimum lot frontage of 18 metres and a minimum lot depth of 36 metres, which equals a minimum lot area of 648 square metres. The Queenston Secondary Plan also requires that new lots should generally be similar in overall size, width and depth to adjacent and neighbouring residential lots.

The requested amendment to reduce the minimum lot depth of the proposed lot to 27 metres recognizes and maintains the existing depth of the subject lands that does not currently meet the required 36 metre depth. The neighbouring lots that share the

block face have the same lot depth.

The proposed lot would have an area of 648 square metres, meeting the Queenston Secondary Plan requirement. The retained lot would have an area of 770.7 square metres, exceeding the Queenston Secondary Plan requirement. The proposed and retained lots would both have an area greater than the abutting lot at 57 Princess Street (approximately 610 square metres) and comparable to 53 Princess Street (approximately 890 square metres), the two other lots that share the same block face, and are similar to most other lots in the Established Residential designation across Queenston.

Both the proposed and retained lots exceed the minimum 18 metres frontage requirement, maintaining the visual impression of a large lot from the streetscape. While the abutting 84 Queenston Street to the west/rear has an area and depth that exceed the proposed and retained lots, the frontage of 84 Queenston Street is approximately 12 metres. There are not anticipated to be any significant impacts to the character of the area as a result of the proposal.

The proposed dwelling shown on the draft site plan has a lot coverage of approximately 29%, which meets the maximum lot coverage requirement of 33% in the Queenston Secondary Plan. The proposal has a net residential density of 5.71 units per acre, which is less than the maximum residential net density of 9 units per acre for development in the Established Residential area provided in the Queenston Secondary Plan.

Amendments to reduce the interior and front yard setbacks are a result of the constraining slope located along the northerly lot line of the subject lands. The proposed dwelling is sited to maintain a required 2 metre setback from the stable top of slope, as required by the NPCA. The minimum setback requirement of 3 metres between structures on adjacent properties would be maintained. The proposed setbacks would generally maintain the existing street wall on the block face established by the adjacent buildings. The proposed setback amendments are not anticipated to alter the character of the streetscape.

The proposed Applications are consistent with the PPS and conform to the other applicable policies of the Town OP, including Special Policy Area A-1 (Queenston).

4.1.7.2 Town of Niagara-on-the-Lake Proposed Official Plan (2019)

Council adopted a proposed new Official Plan in November 2019. The proposed Official Plan has not been approved by the Niagara Region and is therefore not in effect but represents Council intent. The subject lands are designated "Established Residential" in the proposed Official Plan.

Council also approved Official Plan Amendment #78 (OPA 78) to the existing 2017 Town OP Consolidation in November 2019. OPA 78 was appealed to the Ontario Land Tribunal (OLT). The appeal was recently dropped, but the Town has not yet

received formal notice from the OLT.

Section 4.5.3.10 (and Amendment 78 to the 2017 Town OP) provides a list of criteria to be considered for development on lands in the Established Residential and Residential designations to ensure infill and intensification development and redevelopment respects and reflects the existing pattern and character of adjacent development:

- a) the lot frontage(s) and lot area(s) of the proposed new lot(s) shall be consistent with the sizes of existing lots on both sides of the street on which the property is located;*
- b) the proposed new building(s) shall have heights, massing and scale appropriate for the site and generally consistent with that permitted by the zoning for adjacent properties and properties on the same street;*
- c) front and rear yard setbacks for the new building(s) shall be consistent with the front and rear yards that exist on the same side of the street;*
- d) the setback between new building(s) and the interior side lot line shall increase as the lot frontage increases;*
- e) the new building(s) shall have a complementary relationship with existing buildings, while accommodating a diversity of building styles, materials and colours;*
- f) existing trees and vegetation shall be retained and enhanced through new street tree planting and additional on-site landscaping;*
- g) the width of the garage(s) and driveway(s) at the front of new building(s) shall be limited to ensure that the streetscape is not dominated by garages and driveways;*
- h) new driveways and service connections shall be sited to minimize tree loss;*
- i) impacts on adjacent properties shall be minimized in relation to grading, drainage, access and circulation, privacy and microclimatic conditions such as shadowing;*
- j) the orientation and sizing of new lots shall not have a negative impact on significant public views and vistas that help define a residential neighbourhood;*
- k) proposals to extend the public street network should be designed to improve neighbourhood connectivity, improve local traffic circulation and enhance conditions for pedestrians and cyclists; and*
- l) road and/or municipal infrastructure shall be adequate to provide water and wastewater service, waste management services and fire protection.*

Zoning would limit a future dwelling that has a massing, scale and height consistent with surrounding dwellings. The proposed and retained lots are consistent with the lot frontage, depth and area of other lots in the surrounding area. The proposed front setback and interior side yard setback have been slightly reduced in favour of greater setbacks from the adjacent slope and to preserve trees, but remain generally consistent with other dwellings along Princess Street. The proposed dwelling is anticipated to have a complementary relationship with surrounding dwellings. The garage and driveway width and location have been restricted. Tree removal will need

to be undertaken in accordance with the Town's Tree By-law.

Staff has reviewed the Applications against the applicable 2019 Official Plan policies and consider the Applications to conform.

4.1.8 Niagara-on-the-Lake Zoning By-law

The subject lands are zoned "Queenston Community Zoning District - Established Residential (ER2) Zone" on Schedule A-25 of Zoning By-law 4316-09, 2016 Consolidation, as amended. The applicable zoning of the subject lands is shown on **Map 3** of **Appendix II** to this report.

The applicant is proposing to rezone the subject lands to "Established Residential (ER1) Zone" with site-specific provisions to the front yard setback and interior side yard side setback of the proposed lot and the rear yard setback of the retained lot.

The Zoning By-law is meant to implement the policies of the Official Plan and Secondary Plans. The Queenston Secondary Plan designates the subject lands "Established Residential" and provides prescriptive requirements pertaining to lot configuration, setbacks and lot coverage. The requirements of the ER2 Zone do not align with the "Established Residential" designation requirements, whereas the ER1 Zone requirements closely align to the requirements of the "Established Residential" designation. The requirements of the ER2 Zone more closely align with the requirements of the "Low Density Residential" designation.

Staff understand the desire to maintain larger lots and greater setbacks for lots that front the Niagara River on the east side of Princess Street to maintain views. However, the subject lands are located on the west side of Princess Street. There are a limited number of lots within the Established Residential designation that are zoned ER2, as a vast majority are zoned ER1. Most of the lots zoned ER2 within the Established Residential designation more closely align with the provisions of the ER1 Zone, including three of the other four lots that share the same block as the subject lands. Therefore, Staff are supportive of the change in the zoning category to ER1.

The permitted uses and zoning provisions for the ER1 Zone are provided under Section 8.1.1 of the Zoning By-law and include a single-detached dwelling. The proposed site specific provisions are as follows:

ER1-8 (Proposed Lot - Part 1)

Zoning Provision	Proposed	ER1 Requirement
Minimum front yard setback	4.4 metres	5 metres
Minimum (southerly) interior side yard setback	1.2 metres	1.5 metres
Minimum setback from stable top of slope	2.0 metres	Not provided.
Maximum lot coverage	33%	Not provided.

Staff also propose that the site-specific zoning amendments for the proposed lot include provisions to regulate the lot coverage in accordance with the Queenston Secondary Plan requirements, and the setback from the stable top of slope as requested by the NPCA.

Staff do not support the requested amendment to the rear yard setback of the retained lot (Part 2). The existing setback is legal non-conforming and would be able to continue. Any new buildings or additions would be required to meet the 7.5 metre setback requirement.

A draft Zoning By-law Amendment is attached as **Appendix IV** to this report.

The proposed zoning amendments conform with Official Plan policies, including the amended Queenston Secondary Plan, and facilitate development that is consistent with surrounding residential uses and built form.

4.2 Consultation

The Applications were circulated to appropriate Town departments and external agencies. Public notice of the Applications was provided as required by the *Planning Act*. An Open House for the Applications was held on March 23, 2021 and a statutory Public Meeting was held on April 12, 2021. Written comments submitted to the Town are included in **Appendix V** to this report, and summarized as follows:

4.2.1 Town Departments

Building – No objection.

Corporate Services – Taxes must be paid up to the current tax year.

Fire – No objection.

Urban Design – No objection.

Heritage – No Objection.

Operations – No objection. The proposed lot does not front a Town watermain. The existing watermain would need to be extended to provide frontage to the proposed lot, at the owner's cost.

4.2.2 External Agencies

Canada Post – No objection.

Enbridge – No objection.

Niagara Escarpment Commission – No objection.

Niagara Parks Commission – No objection.

NPCA – No objection.

Niagara Region – No objection.

4.2.3 Public

Five residents attended the Open House but only two participated. Two residents participated in the Public Meeting. Written comments were received from five residents. The comments from the public are summarized as follows:

- The purpose of the Queenston Secondary Plan should not be altered;
- The proposed lot is too small and the proposed dwelling is too large; and
- The proposed dwelling may impact the abutting slope.

Public comments have been addressed throughout this Report.

5. Strategic Plan

- ☐ **Protect Distinctive Community Assets**
- ☒ **Deliver Smart Balanced Growth**
 - ☐ Update and create master and secondary plans
 - ☐ Develop smart balanced growth criteria
 - ☐ Identify smart balanced growth priorities
 - ☒ Other
- ☐ **Create a Culture of Customer Service Excellence**
- ☐ **Excel in a Positive Workplace**
- ☐ **Strengthen 2-Way Communications**
- ☐ **Not Applicable**

6. OPTIONS

The Committee may approve, refuse or modify the proposed Official Plan Amendment and/or Zoning By-law Amendment.

7. FINANCIAL IMPLICATIONS

The Owner will be responsible for all costs associated with the proposed development. Cash-in-lieu of parkland dedication will be collected as per the requirements of the *Planning Act* at the Consent application stage. The required watermain extension would be a condition of the Consent Application and at the owner's cost. The Town will collect Development Charges at the time of issuance of building permits.

8. COMMUNICATIONS

Once Council has made a decision on the Applications, notice of the decision will be given as required in the *Planning Act*. The decision of Council is subject to a 20-day appeal period. If no appeals are received during the appeal period, the decision of Council is final.

9. CONCLUSION

Community & Development Services Staff recommend approval of Official Plan Amendment Application OPA-01-2021 and Zoning By-law Amendment Application ZBA-01-2021 as the Applications meet *Planning Act* requirements, are consistent with the Provincial Policy Statement and conform to the Growth Plan, Regional Official Plan and Town Official Plan (including the proposed amendments to the Queenston Secondary Plan).

Respectfully submitted,



**Mark Iamarino, MCIP, RPP
Senior Planner**



**Rick Wilson, MCIP, RPP
Acting Director, Community and
Development Services**



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



SITE PLAN

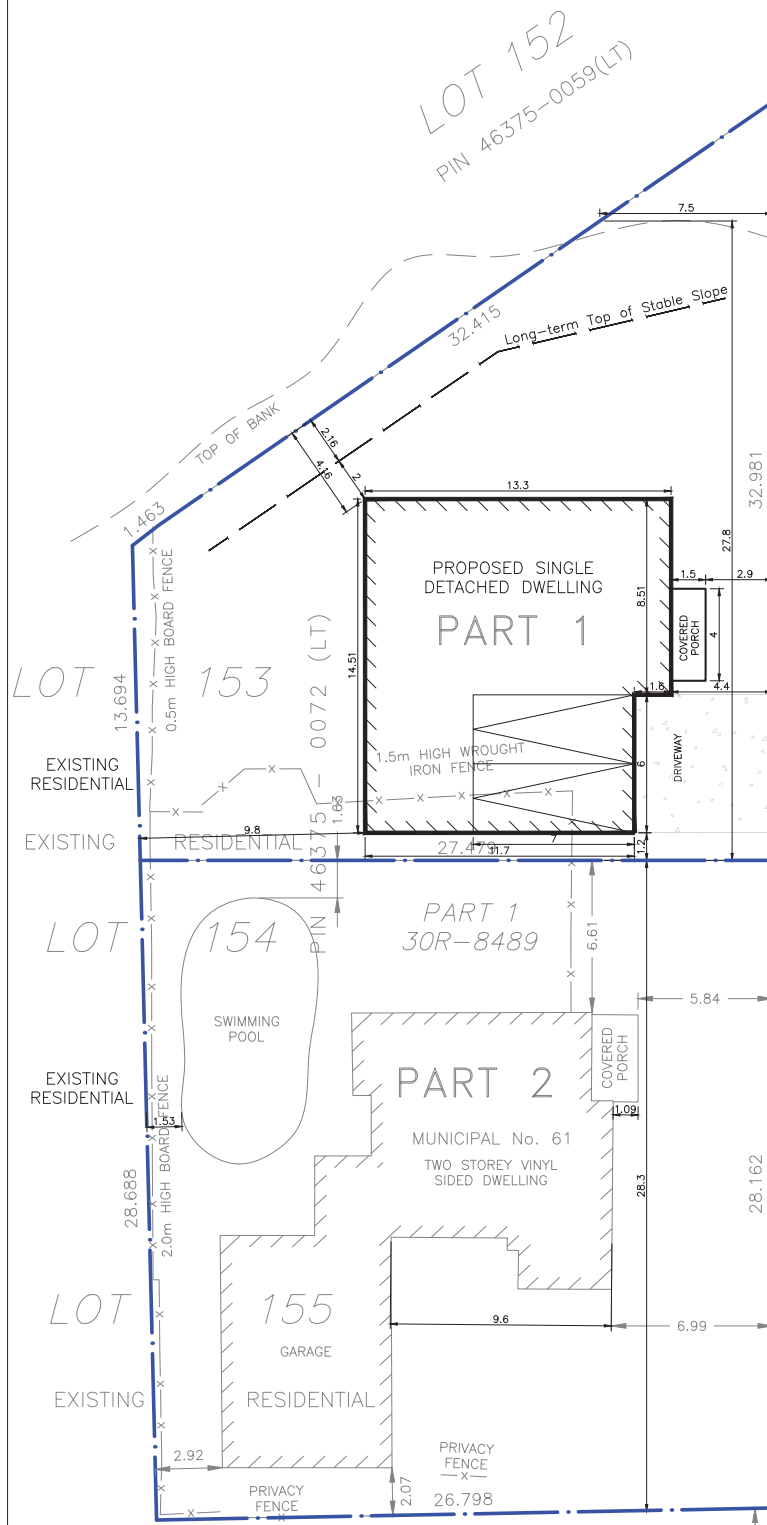
PROPOSED ZONING BY-LAW AMENDMENT

61 PRINCESS STREET
TOWN OF NIAGARA-ON-THE-LAKE

For: Mr. Brian Kerr
Revision: 5

Scale: 1:100
Date: Jan 28, 2021

NPG PLANNING SOLUTIONS



PRINCESS STREET

(BY CORPORATION PLAN No. 1)
(PUBLIC TRAVELLED ROAD, 15.240 WIDE)

PIN 46375-0272(LT)



ZONING MATRIX

REGULATION	ER1 ZONE	COMPLIANCE	PART 1	PART 2
Min. Lot Frontage	18 m	Yes	27.8 m	28.3 m
Min. Lot Area	648 sm	Part 1 - No Part 2 - Yes	648 sm	770.7 sm
Min. Landscaped Area	45%	Yes	$421.2 / 647.8 = 65\%$	$510.5 / 770.7 = 66.2\%$
Min. Front Yard Setback	5 m	Part 1 - No Part 2 - Yes	4.4 m to Dwelling 2.9 m to Covered Porch	6.99 m to Dwelling 5.84 m to Covered Porch (As existing)
Min. Interior Side Yard Setback	1.5 m	Part 1 - No Part 2 - Yes	1.2 m	North - 6.61 m South - 2.07 m
Min. Exterior Side Yard Setback	4.5 m	Part 1 - NA Part 2 - NA	NA	NA
Min. Rear Yard Setback	7.5 m	Yes	9.74 m	2.92 m (As existing)
Max. Building Height	10 m	Yes	10 m	As Existing
Min. Garage Setback Behind Dwelling's Building Face	1 m	Yes	1.6 m	9.6 m
Max. Attached Garage of Building Face Width	50%	Yes	41.4%	As Existing
Max. Projection of Covered Porches	1.5 m	Yes	1.5 m	1.09 m
Min. Accessory Building Yards Setback	1.5 m	NA	NA	NA

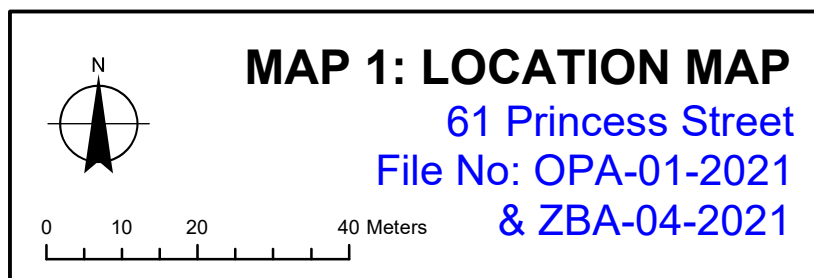
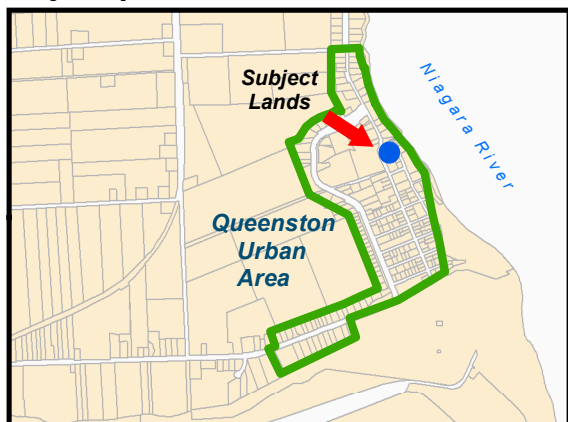
CORPORATION PLAN No. 1

PIN 46375-0070(LT)

LOT 156

57.394 TO WALNUT STREET

Key Map

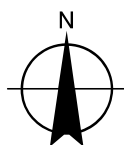


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0 30 60 120 Meters

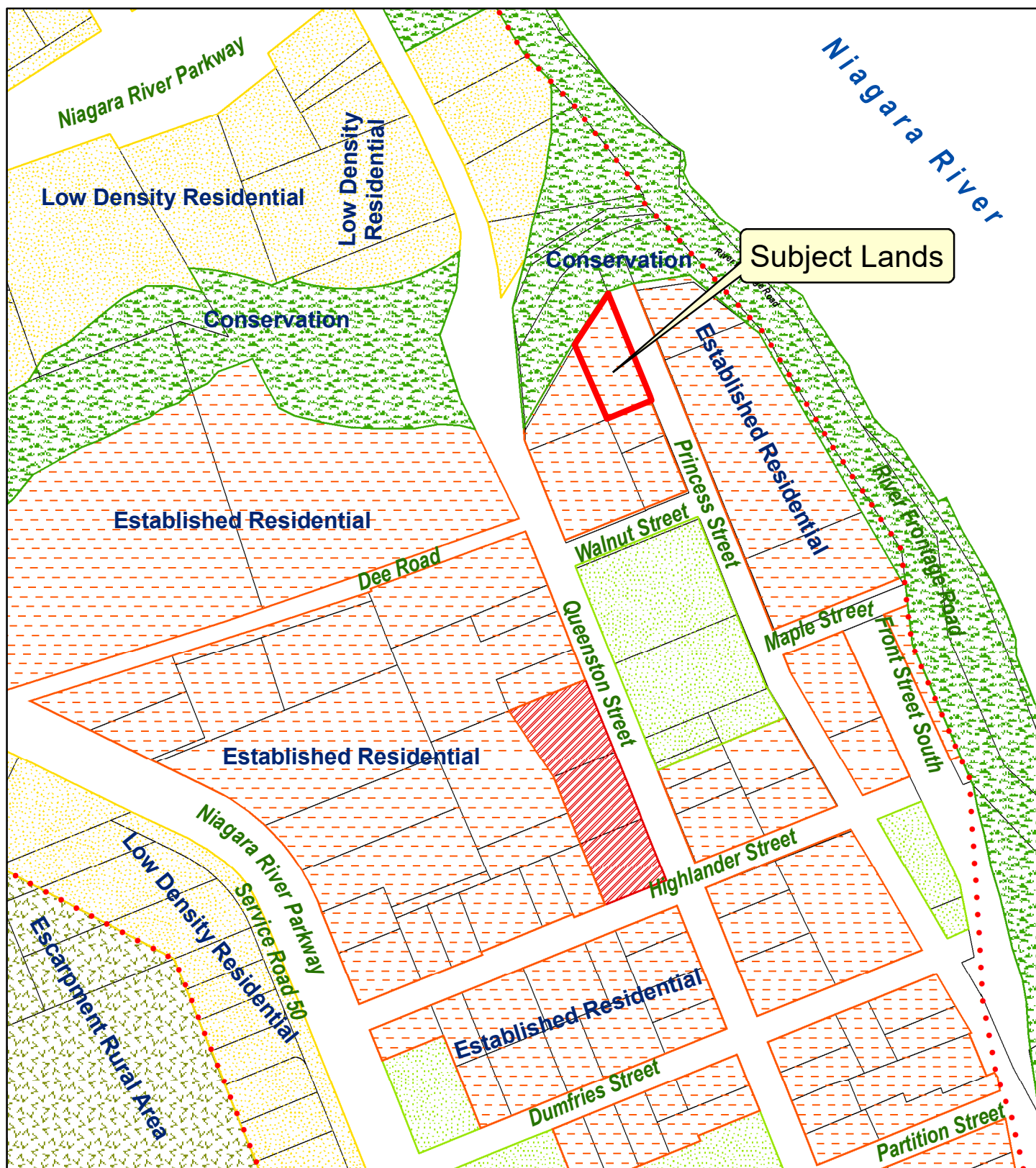


1:3,000

MAP 2: OFFICIAL PLAN

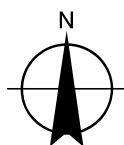
Land Use Designations

61 Princess Street
File No: OPA-01-2021
& ZBA-04-2021





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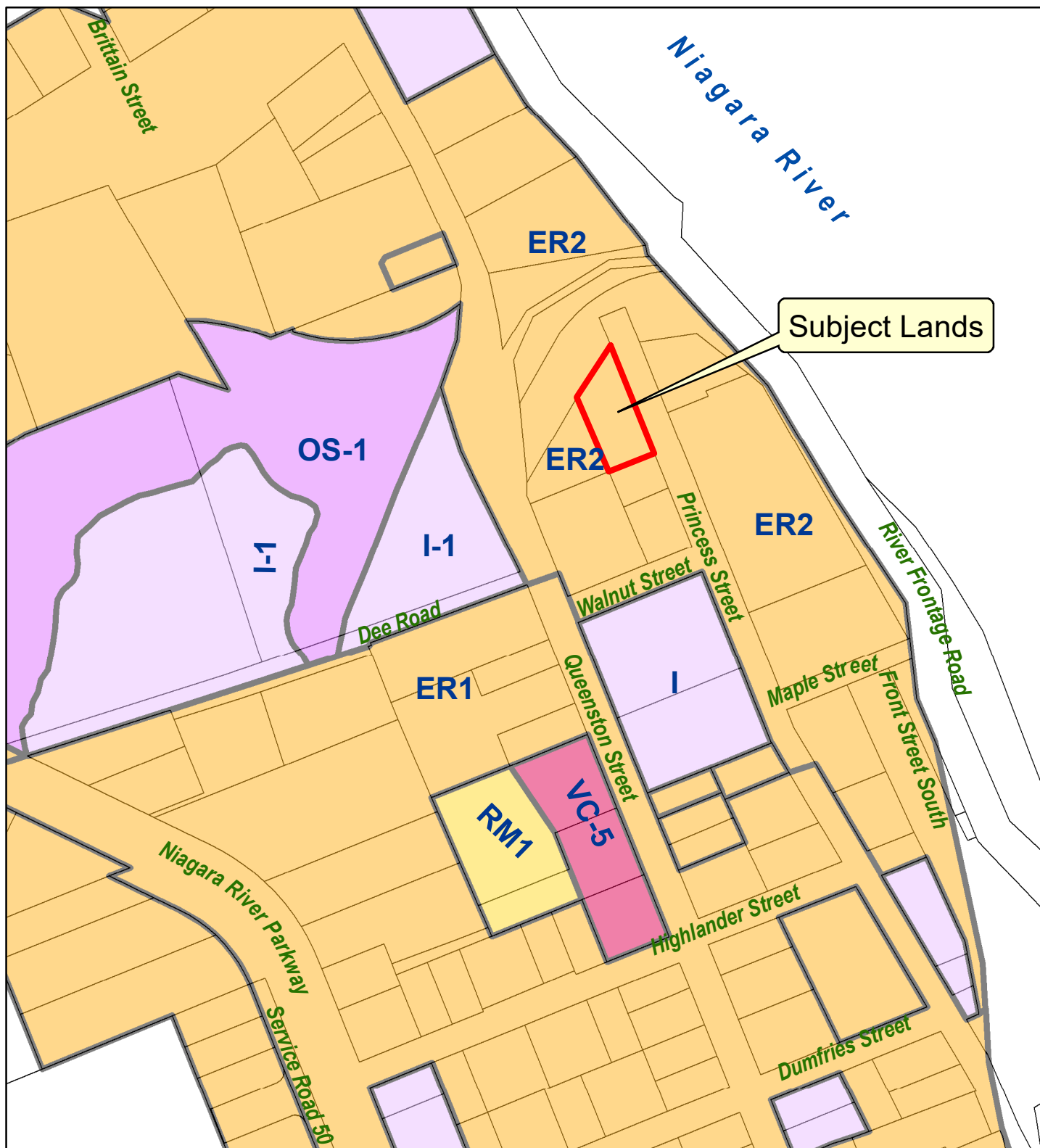


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ZONING

As per Zoning By-law 4316-09, as amended

61 Princess Street
File No: OPA-01-2021
& ZBA-04-2021



THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. XXXX-22

Official Plan Amendment No. 81
Part of Lots 153-154 and 155 on Corporate Plan 1, Niagara;
being Part 1 on Registered Plan 30R-8489, 61 Princess Street

A BY-LAW PURSUANT TO SECTION 17 OF THE ONTARIO PLANNING
ACT TO AMEND THE TOWN OF NIAGARA-ON-THE-LAKE OFFICIAL
PLAN

WHEREAS the Town of Niagara-on-the-Lake Council is empowered to enact
this By-law by virtue of the provisions of Section 17 of the *Planning Act*, R.S.O.
1990, c.P.13, as amended;

The Council of The Corporation of the Town of Niagara-on-the-Lake, in
accordance with the provisions of Section 17 of the *Planning Act* hereby enacts
as follows:

1. Amendment No. 81 to the Official Plan for the Town of Niagara-on-the-Lake
consisting of the attached explanatory text and schedule is hereby adopted.
2. Amendment No. 81 to the Official Plan for the Town of Niagara-on-the-Lake
is exempt from the approval of the Regional Municipality of Niagara and will
come into force and take effect on the day of the final passing thereof.

Enacted and passed this XXth day of XXX, 2022.

_____ LORD MAYOR BETTY DISERO	_____ ACTING TOWN CLERK COLLEEN HUTT
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**Amendment No. 81 to the Official Plan
for the Town of Niagara-on-the-Lake**

PART A – THE PREAMBLE	Part A does not constitute part of this amendment. Part A describes the purpose and basis for this amendment.
PART B – THE AMENDMENT	Part B constitutes Amendment No. 81 to the Official Plan for the Town of Niagara-on-the-Lake.
PART C – ADDITIONAL INFORMATION	Part C does not constitute part of this amendment, but outlines additional information available upon request.

PART A - THE PREAMBLE

The preamble does not constitute part of this amendment.

PURPOSE

The purpose of this amendment is to provide site-specific exemption from the Special Policy Area A-1 (Queenston). This amendment is required to facilitate the creation of one new lot and construction of a proposed new single-detached dwelling. The amendment would permit a lot depth of 27 metres on the proposed new lot, a front yard setback of 4.4 metres and southerly interior side yard setback of 1.2 metres.

BASIS

The basis of the amendment is as follows:

1. The subject lands are located in the Urban Area of Queenston and are municipally known as 61 Princess Street.
2. The proposed new lot and dwelling are compatible with existing and planned development in Queenston while maintaining the general character of Queenston and represent an appropriate and compatible form of intensification by making efficient use of land and existing services.
3. The amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan (2020), the Niagara Escarpment Plan (2017), the Niagara Regional Official Plan (2014 Consolidation, as amended) and the general intent of the Town's Official Plan (2017 Consolidation, as amended).
4. An application for consent would be required to create the proposed new lot.

PART B - THE AMENDMENT

Part B – The Amendment, consisting of the following text and Schedule, constitutes Amendment No. 81 to the Official Plan for the Town of Niagara-on-the-Lake.

DETAILS OF THE AMENDMENT

- 1. Schedule E to the Official Plan and Figure 4 under Section 6.32.1(3.0) be amended by redesignating the lands on ‘Schedule 1’ attached hereto from “Established Residential” to “Established Residential - EX-QRES-2”.
- 2. Section 6.32.1(16) be further amended by adding the following:

EX-QRES-2 The lands shown as “EX-QRES-2” on Figure 4 under Section 6.32.1(3.0) are subject to all requirements of the “Established Residential” designation and other general requirements under Section 6.32.1, except that the following shall apply:

Minimum lot depth	27.0 metres
Minimum front yard setback	4.4 metres
Minimum (southerly) interior side yard setback	1.2 metres

PART C – ADDITIONAL INFORMATION

The following additional information is available upon request:

1. Community and Development Services Report CDS-22-XXX
2. Committee of the Whole Meeting Minutes dated February 7, 2022
3. Council Meeting Minutes dated February 28, 2022

Explanation of the Purpose and Effect of
By-law 4316ED-22

The subject lands are a parcel of land described as 61 Princess Street, Niagara-on-the-Lake, more particularly described as Part of Lots 153-154 and 155 on Corporate Plan 1, Niagara; being Part 1 on Registered Plan 30R-8489, Town of Niagara-on-the-Lake.

Purpose

The purpose of this By-law is to rezone the property to permit the development of one (1) new residential lot for one (1) new single-detached dwelling, plus one (1) retained lot with an existing single-detached dwelling.

Effect

The effect of this By-law is to rezone the property from “Established Residential (ER2) Zone” to “Established Residential (ER1)” and “Established Residential (ER1-8) – Site Specific Zone” with site-specific provisions pertaining to the following:

- Front yard setback;
- Interior side yard setback;
- Lot coverage
- Setback from stable top of slope

<i>Owner:</i>	Brian Kerr, Robert Kerr, and Joan Kerr
<i>File Number:</i>	ZBA-04-2021
<i>Report Number:</i>	CDS-22-XXX
<i>Assessment Roll Number:</i>	262702002204200

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4316^{ED} - 22**

61 Princess Street Roll 262702002204200

A BY-LAW TO AMEND BY-LAW NO. 4316-09, AS AMENDED, ENTITLED
A BY-LAW TO REGULATE THE USE OF LANDS AND THE ERECTION,
USE, BULK, HEIGHT, LOCATION, AND SPACING OF BUILDINGS AND
STRUCTURES WITHIN THE TOWN OF NIAGARA-ON-THE-LAKE.

WHEREAS this By-law conforms to the Town of Niagara-on-the-Lake Official Plan.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE enacts as follows:

1. Schedule A-25 of By-law 4316-09, as amended, is further amended by changing the zoning of the subject lands identified on Map A attached to and forming part of this By-law, from “Queenston Community Zoning District – Established Residential (ER2)” to “Queenston Community Zoning District – Established Residential (ER1) Zone” and “Queenston Community Zoning District – Established Residential (ER1-⁸) – Site Specific Zone”
2. That Subsection 8.9 Site Specific Exceptions, as amended, is hereby further amended by adding the following section:

8.9.⁸ 61 Princess Street – See Schedule A-25 (ER1-⁸)

8.9.⁸.1 ER1-⁸ Zone Requirements

In lieu of the corresponding provisions of Subsection 8.1.2, the following provisions shall apply to the subject lands identified ER1-⁸ on Schedule A-25:

(c)	Minimum front yard setback	4.4 metres
(e)	Minimum interior (southerly) side yard setback	1.2 metres
(n)	Maximum lot coverage	33%

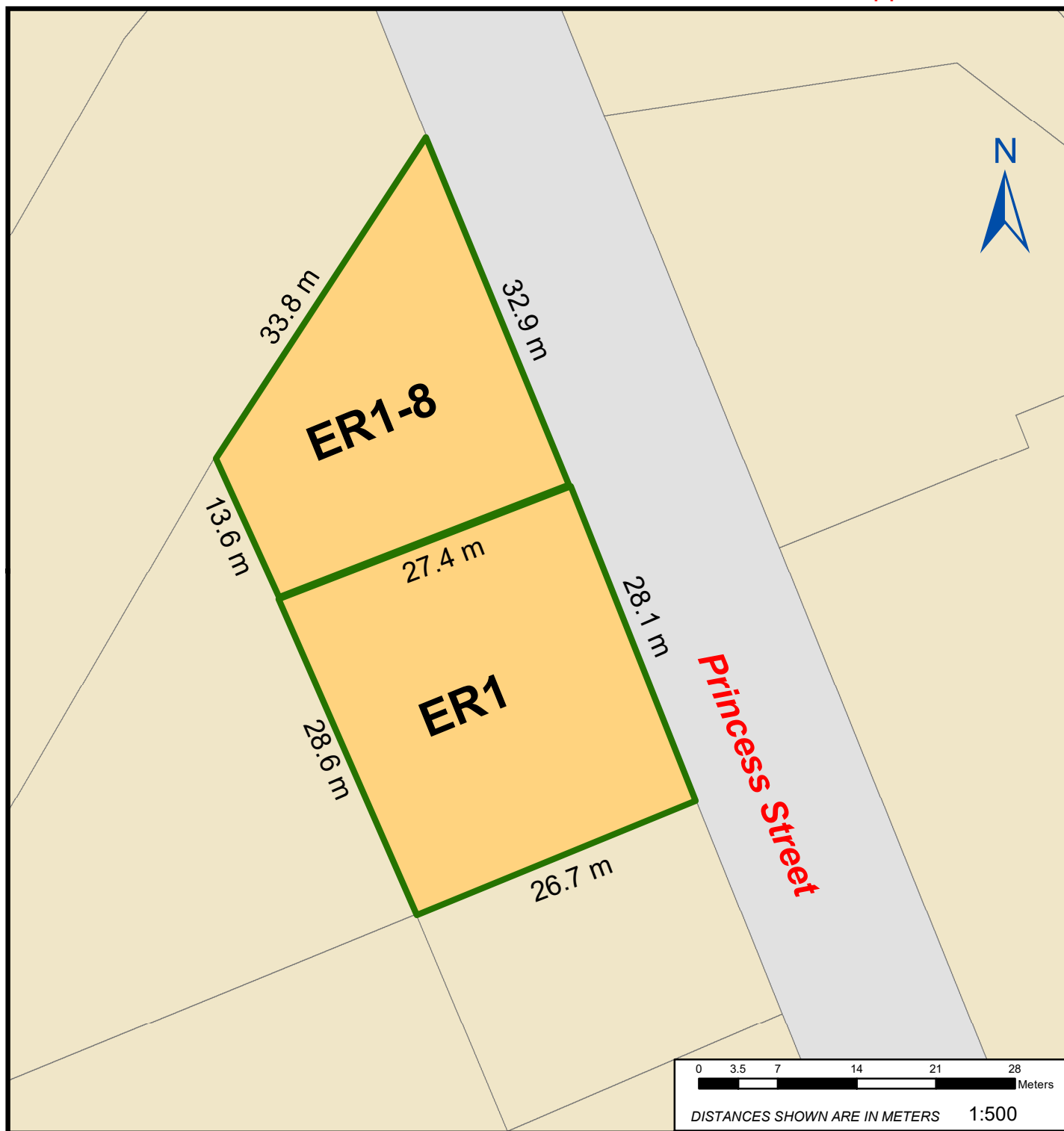
(o)	Minimum setback from stable top of slope	2.0 metres
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3. That the effective date of this By-law shall be the date of final passage thereof and of the related Amendment to the Niagara-on-the-Lake Official Plan.

READ A FIRST, SECOND AND THIRD TIME THIS XXth DAY OF XXX, 2022.

LORD MAYOR BETTY DISERO

ACTING TOWN CLERK COLLEEN HUTT



MAP 'A' ATTACHED TO BY-LAW 4316-19, BEING AN AMENDMENT TO SCHEDULE "A-" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE AS PASSED ON THIS xx DAY OF MONTH, 2022.

LORD MAYOR
BETTY DISERO

ACTING TOWN CLERK
COLLEEN HUTT



**SCHEDULE 1 ATTACHED TO OFFICIAL PLAN AMENDMENT #81
BEING AN AMENDMENT TO SCHEDULE "E" OF THE OFFICIAL
PLAN OF THE TOWN OF NIAGARA-ON-THE-LAKE.**

LORD MAYOR
BETTY DISERO

ACTING TOWN CLERK
COLLEEN HUTT

From: CARRIGAN, Andrew
To: Anthony Cicchi
Subject: RE: Request for Comments - 61 Princess Street - OPA-01-2021 & ZBA-04-2021
Date: March 8, 2021 8:13:27 AM
Attachments: image001.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 Morning Anthony,

CPC has no comments regarding this zoning by-law amendment.

Thank you

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

 Please consider the environment before printing this email.

From: Anthony Cicchi [mailto:Anthony.Cicchi@notl.com]

Sent: March-05-21 4:45 PM

To: ann-marie.norio@niagararegion.ca; Emberson, Lola <Lola.Emberson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; ksidey@notlhydro.com; municipalplanning@enbridge.com; CARRIGAN, Andrew <andrew.carrigan@canadapost.postescanada.ca>; rowcentre@bell.ca; landuseplanning@hydroone.com; lynne.cunningham@mpac.ca; ddeluce@npca.ca; Nicholas Godfrey <ngodfrey@npca.ca>; sue.mabee@dsbn.org; Darka Jensen <Darka.Jensen@notl.com>; bert.poort@dsbn.org; scott.whitwell@ncdsb.com; elizabeth.davies@ncdsb.com; cheryl.tansony@ontario.ca; Walter Klassen <walter.klassen@notl.com>; Kiefer Paton <Kiefer.Paton@notl.com>; Rolf Wiens <Rolf.Wiens@notl.com>; Jay Plato <Jay.Plato@notl.com>; Nicholas Ruller <nick.ruller@notl.com>; Donna Lake <Donna.Lake@notl.com>; Kevin Turcotte <kevin.turcotte@notl.com>; J.B. Hopkins <JB.Hopkins@notl.com>; Denise Horne <Denise.Horne@notl.com>; Brett Ruck <Brett.Ruck@notl.com>; Rene Landry <Rene.Landry@notl.com>; Mike Komljenovic <Mike.Komljenovic@notl.com>

Subject: Request for Comments - 61 Princess Street - OPA-01-2021 & ZBA-04-2021

This email is from an EXTERNAL sender. Please be CAUTIOUS, particularly with links and attachments. | Ce courriel est d'un expéditeur EXTERNE. Soyez PRUDENT, en particulier avec des liens et des pièces jointes.

Good afternoon,

The Town of Niagara-on-the-Lake has received new applications for and Official Plan amendment and Zoning By-law Amendment for lands know municipally as 61 Princess Street to permit the development of one lot for a new single detached dwelling.

Please see the attached circulation letter and the application materials included in the links below.

External link to Submission Materials:

https://clicktime.symantec.com/32L6FAKtq9Dz8S66MhziEbs7Vc?u=https%3A%2F%2Fniagaraonthelake-my.sharepoint.com%2F%3A%3A%2F%2Fpersonal%2Fanthony_cicchi_notl_com%2F%2F%2FtmP0IPhlgI9ncpcbHegBBQZ3IJ8g60sRQA8RTd-mTA%3Fe%3DzKx0IE

Internal link for Town Staff:

Z:\0-Planning\1 - OPA\2021\OPA-01-2021 - 61 Princess Street\2.0 Application Docs

Comments are requested by **March 26, 2021** by reply to this email.

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

Kind regards,

Anthony Cicchi

Planner I

Phone: 905-468-3266 ext. 294

1593 Four Mile Creek Road

PO Box 100, Virgil ON L0S 1T0



The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit notl.com/covid-19.

Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

From: [Municipal Planning](#)
To: [Anthony Cicchi](#)
Subject: RE: Request for Comments - 61 Princess Street - OPA-01-2021 & ZBA-04-2021
Date: March 8, 2021 9:22:19 AM
Attachments: [image001.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.

Thank you for your circulation.

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

Please continue to forward all municipal circulations and clearance letter requests electronically to MunicipalPlanning@Enbridge.com.

Regards,

Alice Coleman
 Municipal Planning Analyst
Long Range Distribution Planning

ENBRIDGE

TEL: 416-495-5386 | MunicipalPlanning@Enbridge.com
 500 Consumers Road, North York, Ontario M2J 1P8

enbridge.com

Safety. Integrity. Respect.

From: Anthony Cicchi <Anthony.Cicchi@notl.com>

Sent: Friday, March 5, 2021 4:45 PM

To: ann-marie.norio@niagararegion.ca; Emberson, Lola <Lola.Emberson@niagararegion.ca>; Development Planning Applications <devtplanningapplications@niagararegion.ca>; ksidey@notlhydro.com; Municipal Planning <MunicipalPlanning@enbridge.com>; Andrew.Carrigan@Canadapost.ca; rowcentre@bell.ca; landuseplanning@hydroone.com; lynne.cunningham@mpac.ca; ddeluce@npca.ca; Nicholas Godfrey <ngodfrey@npca.ca>; sue.mabee@dsbn.org; Darka Jensen <Darka.Jensen@notl.com>; bert.poort@dsbn.org; scott.whitwell@ncdsb.com; elizabeth.davies@ncdsb.com; cheryl.tansony@ontario.ca; Walter Klassen <walter.klassen@notl.com>; Kiefer Paton <Kiefer.Paton@notl.com>; Rolf Wiens <Rolf.Wiens@notl.com>; Jay Plato <Jay.Plato@notl.com>; Nicholas Ruller <nick.ruller@notl.com>; Donna Lake <Donna.Lake@notl.com>; Kevin Turcotte <kevin.turcotte@notl.com>; J.B. Hopkins <JB.Hopkins@notl.com>; Denise Horne <Denise.Horne@notl.com>; Brett Ruck <Brett.Ruck@notl.com>; Rene Landry <Rene.Landry@notl.com>; Mike Komljenovic <Mike.Komljenovic@notl.com>

Subject: [External] Request for Comments - 61 Princess Street - OPA-01-2021 & ZBA-04-2021

EXTERNAL: PLEASE PROCEED WITH CAUTION.

This e-mail has originated from outside of the organization. Do not respond, click on links or open attachments unless you recognize the sender or know the content is safe.

Good afternoon,

The Town of Niagara-on-the-Lake has received new applications for and Official Plan amendment and Zoning By-law Amendment for lands know municipally as 61 Princess Street to permit the development of one lot for a new single detached dwelling.

Please see the attached circulation letter and the application materials included in the links below.

External link to Submission Materials:

https://niagaraonthelake-my.sharepoint.com/:f/g/personal/anthony_cicchi_notl_com/Erp4tmP0lPhlgi9ncpcbHegBBQZ3IJ8g60sRQA8RTd-mTA?e=zKx0lE

Internal link for Town Staff:

Z:\0-Planning\1 - OPA\2021\OPA-01-2021 - 61 Princess Street\2.0 Application Docs

Comments are requested by **March 26, 2021** by reply to this email.

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

Kind regards,

Anthony Cicchi

Planner I

Phone: 905-468-3266 ext. 294

1593 Four Mile Creek Road

PO Box 100, Virgil ON L0S 1T0



The Town of Niagara-on-the-Lake remains under a state of emergency. For more information about what this means, as well as additional updates and resources, please visit notl.com/covid-19.

Given the high volume of communications coming in, your patience and understanding are greatly appreciated during this time.

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Georgetown, ON L7G 4B1
Tel: 905-877-5191
Fax: 905-873-7452
www.escarpment.org

232, rue Guelph
Georgetown ON L7G 4B1
No de tel. 905-877-5191
Télécopieur 905-873-7452
www.escarpment.org



March 30, 2021

Anthony Cicchi
Planner I
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
Virgil, ON L0S 1T0

Dear Mr. Cicchi:

**RE: Proposed Official Plan Amendment and Zoning By-law Amendment
61 Princess Street
CP 1 PT LOTS 153 154 & 155; RP 30R8489 PT 1
Town of Niagara-on-the-Lake, Region of Niagara**

This is in response to the Request for Comments for a proposed Official Plan Amendment and Zoning By-law Amendment at the above-captioned lands.

The subject lands are within the Niagara Escarpment Plan (NEP) area, however are not subject to Development Control as established by *O.Reg. 826/90 – 'Designation of Area of Development Control'*. Development on the lands does not require a Niagara Escarpment Development Permit.

NEC staff have received the application and understand the applicant is proposing to amend the following provisions under the Official Plan and Zoning Bylaw:

- To accommodate two separate residential lots to accommodate two single detached dwellings;
- To accommodate a minimum lot depth of 27 metres;
- Reduction in minimum front yard setback to 4 metres;
- Reduction in minimum rear yard setback to 2 metres; and
- Reduction in minimum interior side yard setback to 1.2 metres.

The property is located within the Queenston Minor Urban Centre, with an underlying designation of Escarpment Rural Area. Part 1.6 of the NEP provides the policies applied to areas within the MUC designation.

Part 1.6.5 of the NEP refers permitted uses and the creation of lots to those that are in an approved *official plan* and/or *secondary plan* not in conflict with the Niagara Escarpment Plan. NEC staff notes that the Town of NOTL Official Plan and Queenston Secondary Plan are considered to be in compliance with the Niagara Escarpment Plan.

As per Part 1.6.6 of the NEP, an amendment to designations and/or land use policies within the boundaries of an approved official plan and/or secondary plan may be made without an amendment to the NEP provided such an amendment does not conflict with the Objectives and Development and Growth Objectives of this designation. Part 1.6.7 of the NEP provides that by-laws or by-law amendments must not conflict with the objectives and development and growth objectives of the MUC designation nor the Development Criteria within Part 2 of the NEP.

The following Development and Growth Objectives apply:

Part 1.6.8.2: Development and growth should avoid Escarpment Protection Areas and be directed to Escarpment Rural Areas in a manner consistent with Escarpment Rural Area Objectives and Part 2, the Development Criteria of this Plan.

The proposed lot creation and construction of a dwelling are within the underlying Escarpment Rural Area designation.

Part 1.6.8.4 Development and growth should be limited to minimize land use conflicts (e.g., with agriculture) and all development should be of a design compatible with the scenic resources of the Escarpment. Where appropriate, provision for adequate setbacks, and maximum heights for buildings, structures and screening shall be required to minimize the visual impact of development, consistent with any applicable provincial guidance.

NEC staff do not have concerns with the proposed reduced setbacks to the lot lines and note that the proposal complies with the maximum height requirements within the Zoning By-law. Additionally, existing trees will screen the development from the public right-of-way.

Part 1.6.8.6: Development and growth should be minor only, relative to the size and capacity of the settlement to absorb new growth, so that the community character is maintained.

The application proposes one additional lot with one additional single dwelling and is generally consistent with the density provisions of the Official Plan. The additional development will be connected to existing services. NEC staff recommend the Town is satisfied that the proposed is minor and maintains the character of the community.

Part 1.6.8.7: Development and growth should take place as a logical extension of existing development in the form of planned groups, rather than linear or scattered development. Expansion in depth, rather than extension along existing roads, is favoured.

The proposed lot contains the resources required to support a dwelling and is consistent with the original Plan of Subdivision.

Part 1.6.8.9: Growth and development in Minor Urban Centres shall be compatible with and provide for:

- a) the protection of natural heritage features and functions;*
- b) the protection of hydrologic features and functions;*
- c) the protection of agricultural lands, including prime agricultural areas;*
- d) the conservation of cultural heritage resources, including features of interest to First Nation and Métis communities;*

- e) *considerations for reductions in greenhouse gas emissions and improved resilience to the impacts of a changing climate;*
- f) *sustainable use of water resources for ecological and servicing needs; and*
- g) *compliance with the targets, criteria and recommendations of applicable water, wastewater and stormwater master plans, approved watershed planning and/or subwatershed plan in land use planning.*

As part of the application, a Tree Inventory and Protection Plan (TIPP), slope stability assessment, grading and servicing plan, and archaeological assessment were provided. NEC staff have no concerns with the TIPP, subject to the implementation of the proposed mitigation measures. NEC staff note that a grading and servicing plan has been provided and that an archaeological assessment has been completed and no archaeological resources were found.

The setback to the long-term top of stable slope is only 2 metres, however it is not expected there would be any slope stability concerns according to the slope stability assessment. NEC staff defer to NPCA staff to ensure that the development is sufficiently setback from any slope hazards. NEC staff also note that the proposed tree removal must not negatively impact slope stability.

Part 1.6.8.10: Municipal sewage and water services will be the preferred form of servicing. Where municipal sewage services and municipal water services are not provided, the use of private communal sewage services and private communal water services may be permitted. Individual on-site sewage services and individual on-site water services may only be permitted where municipal or private communal services are not available. The proposed development will use the existing water and sanitary lines along Princess Street.

As per the above discussion, the proposal is consistent the Development Criteria regarding slopes (subject to the satisfaction of NPCA), natural heritage, cultural heritage, and scenic resources.

NEC staff have no objection to applications OPA-01-2021 and ZBA-04-2021, subject to the satisfaction of the Town that the proposal is consistent with the community character and the NPCA that slope stability setbacks are met.

I trust the above will be of assistance. Should you have any questions or concerns please do not hesitate to contact the undersigned at your earliest convenience.

Please provide a copy of the decision once made.

Regards,



Cheryl Tansony
Senior Planner
Niagara Escarpment Commission

March 31, 2021

Town of Niagara-on-the-Lake
Department of Community and Development Services
1593 Four Mile Creek Road
P.O. Box 100
Virgil ON L0S 1T0
Attention: Anthony Cicchi

Dear Mr. Cicchi

Re: 61 Princess Street

OPA -01-2021 & ZBA-04-2021

The Niagara Parks Commission has reviewed applications for an Official Plan Amendment and Zoning By-law Amendment to facilitate the creation of a new lot for a single detached dwelling and would advise as follows:

The Niagara Parks Commission owns the abutting lands to the north of the subject property. Niagara Parks mandate is the preservation and promotion of the natural and cultural heritage of the Niagara River corridor. Niagara Parks lands abut the subject lands are natural area including a vegetated slope, and trail/access road. Erosion and slumping have been previously noted at this location. In 2017, the owners of the subject lands at that time and adjacent property owners contacted Niagara Parks with concerns the extent of erosion and slumping.

Official Plan Amendment

The subject lands are designated Established Residential and Conservation. The proposal would amend the designation of the northern portion of the parcel from Conservation to Established Residential Site Specific. The abutting Niagara Parks lands are also designated Conservation. The applicant has submitted a Slope Stability Assessment to support the proposed land use designation. As noted above there is a history of erosion and slumping of the slope in this area. The Slope Stability Assessment prepared by Soil-Mat Engineers and Consultants does not note any slumping or erosion issues in this location, nor does the report assess any potential slope stability impacts from removal of a mature tree from the slope. Prior to



consideration of the applications by Council, is requesting that a peer review of the slope stability assessment be undertaken at the sole cost of the applicant to confirm the conclusions are appropriate to ensure the proposed land use designation will have no adverse impact to the natural area and slope stability.

Zoning By-Law Amendment

The Tree Inventory and Preservation Plan Report prepared by Jackson Aboriculture was submitted by the applicant. The report uses the dripline distance to assess the potential impacts to each tree and to establish the construction tree protection zone. Niagara Parks uses the Critical Root Zone to establish the minimum tree protection zone of Niagara Parks trees. The Critical Root Zone is based upon the diameter at breast height (DBH) has noted in the table below.

Table 1 – Minimum Tree Protection Zones Trunk Diameter (DBH) 2	Minimum Tree Protection Zone (MTPZ) Distances Required 3	Critical Root Zone (CRZ) Distances Required past MTPZ
< 10 cm	1.8 m or drip line	1.8 m
11 - 40 cm	2.4 m or drip line	4.0 m
41 - 50 cm	3.0 m or drip line	5.0 m
51 - 60 cm	3.6 m or drip line	6.0 m
61 - 70 cm	4.2 m or drip line	7.0 m
71 - 80 cm	4.8 m or drip line	8.0 m
81 - 90 cm	5.4 m or drip line	9.0 m
91 - 100+ cm	6.0 m or drip line	10.0 m

For example a tree with a 51- 60 com DBH will have a minimum tree protection zone of drip line plus 6 metres. The proposed minimum set back from the north lot line should be established to ensure no development occurs in Niagara Parks' minimum tree protection zone (critical root zone plus the drip line). The proposed 4.16 metre set back appears permit development within the minimum tree protection zone and would therefore be insufficient to ensure protection of all of the trees. For example an approximate 10 metre from set back from the north lot line will be required to maintain appropriate distance from the Siberian elm.

The proposed set back would require the removal of a tree on Niagara Parks property to facilitate the development. There are concerns with its removal as it assists in supporting a healthy wooded ecosystem and natural area. The tree is not dangerous. It has some disease but not sufficient to cause its removal. As noted the slope stability assessment did not assess any potential impacts to the stability from the removal of a mature tree.



The Slope Stability Assessment report also recommends that access maybe be provided from Niagara Park's lands, River Frontage Road, further supporting the proposed set back from the stable top of bank and building set back from the north lot line. Niagara Parks policy does not permit direct access to NPC roads when a parcel fronts on a local street. No access to Niagara Parks lands will be granted.

Should Council approve the proposed zoning by-law amendment that permits the removal of trees on Niagara Parks lands should be noted that Niagara Parks has a policy to require three trees for every one tree removed.

Please let me know if there are any questions with regard to the above comments. Please keep Niagara Parks informed in regard with these applications.

Yours truly,

A handwritten signature in black ink that reads "ESavoia".

Ellen Savoia, MCIP, RPP.

Senior Manager, Environmental Planning

September 7, 2021

sent via email only to: dramos@npgsolutions.ca

NPG Planning Solutions Inc
4999 Victoria Avenue
Niagara Falls ON L2E 4C9
Attention: Dianne Ramos

Dear Ms. Ramos:

Re: 61 Princess Street
OPA -01-2021 & ZBA-04-2021

The Niagara Parks Commission (Niagara Parks) has received the letter dated August 3, 2021 from Jackson Arboriculture Inc. regarding tree protection for tree 11. Jackson Arboriculture proposes a tree protection zone of 6.8 metres whereas Niagara Parks requires 8 metres for tree 11 which equals the Minimum Tree Protection Zone plus the Critical Root Zone. The Niagara Parks' tree protection standards of the minimum tree protection zone plus the critical root zone has been established to ensure the best protection of trees within a parks system unlike municipal tree protection requirements which apply minimum standards to private trees within developments. Niagara Parks mandate is the preservation of the natural heritage of the Niagara River corridor and as such tree protection standards above minimum municipal development standards are in place. The proposal has been reviewed with the objective of ensuring the best protection for tree 11.

The proposed 6.8 metre tree protection for tree 11 is greater than the minimum tree protection zone and in conjunction with a root pruning of 2 cm roots undertaken by a certified arborist will provide acceptable protection during construction. To ensure no adverse impacts to Tree 11 Niagara Parks will require a water and fertilization program be undertaken for one year after the construction has been completed. Niagara Parks will require the developer obtain a Niagara Parks permit into prior to the issuance of any building permit that will include the terms and conditions for protection of Niagara Parks trees, certification from the Arborist during construction that the tree protection has been installed as per the permit



and NPC inspections during construction. The permit will include a security deposit returnable upon determination that there are no adverse impacts to Tree 11 by the proposed development two years post development.

Please let me know if there are any questions or concerns with the above.

Yours truly,

Ellen

Savoia

Ellen Savoia MCIP, RPP

Senior Manager, Planning and Environmental Sustainability

Digitally signed by
Ellen Savoia
Date: 2021.09.07
17:00:40 -04'00'

copies. (via email only): Rick Wilson,
Mark Iamarino
Jeremy Jackson



Please let me know if there are any questions regarding the above comments. Please keep Niagara Parks informed in regard with these applications.

Yours truly,

Ellen Savoia, MCIP, RPP.
Senior Manager, Environmental Planning

cc. Nicholas Godfrey NPCA

From: [Ellen Savoia](#)
To: [Dianne Ramos](#)
Cc: [Rachel Adamsky](#); [Rick Wilson](#); [Jeremy Jackson](#); [Mark Iamarino](#); [Mary Lou Tanner](#)
Subject: RE: 61 Princess Street Proposed alternative tree protection Tree 11.
Date: September 22, 2021 4:47:51 PM
Attachments: [image001.png](#)
[image002.png](#)

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Hello Dianne

We have reviewed the updated Arborist Report and to ensure optimal conditions for preservation of Niagara Parks tree, we request two revisions:

1. The watering program should begin as soon as any root pruning is undertaken and continue into through out the growing season;
2. Bladder bags be used for watering to ensure sufficient watering.

Upon receipt of the updated report including the above we will be able to confirm acceptance of the tree inventory and preservation plan report.



Ellen Savoia, MCIP, RPP (she/her)
 SENIOR MANAGER, PLANNING & ENVIRONMENTAL
 SUSTAINABILITY



P 905-295-4396 x3258 **M** 289-241-8375 **F** 905-356-7262
 7805 Niagara River Parkway, P.O. Box 150
 Niagara Falls, Ontario, Canada L2E 6T2
esavoia@niagaraparks.com
niagaraparks.com

From: Dianne Ramos <dramos@npgsolutions.ca>
Sent: Tuesday, September 14, 2021 9:39 AM
To: Ellen Savoia <esavoia@niagaraparks.com>
Cc: Rachel Adamsky <radamsky@niagaraparks.com>; Rick Wilson <Rick.Wilson@notl.com>; Jeremy Jackson <jeremy@jacksonarbor.ca>; Mark Iamarino <Mark.Iamarino@notl.com>; Mary Lou Tanner <mtanner@npgsolutions.ca>
Subject: Re: 61 Princess Street Proposed alternative tree protection Tree 11.

Good morning Ellen,

Please find attached the updated Arborist Report with the water and fertilization program addition prepared by Jackson Arboriculture. Please confirm all NPC comments have been satisfied at this point. Thanks very much.

Dianne Ramos

Intermediate Planner

M 289 929 6870 E dramos@npgsolutions.ca



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From: Ellen Savoia <esavoia@niagaraparks.com>

Date: Wednesday, September 8, 2021 at 4:43 PM

To: Dianne Ramos <dramos@npgsolutions.ca>

Cc: Rachel Adamsky <radamsky@niagaraparks.com>, Rick Wilson <Rick.Wilson@notl.com>, Jeremy Jackson <jeremy@jacksonarbor.ca>, Mark Iamarino <Mark.Iamarino@notl.com>, Mary Lou Tanner <mtanner@npgsolutions.ca>

Subject: RE: 61 Princess Street Proposed alternative tree protection Tree 11.

Dianne

During the Niagara Parks permit process we will require Mr. Jackson to provide a water and fertilization program, these will be included in the permit conditions/terms.

Ellen

From: Dianne Ramos <dramos@npgsolutions.ca>

Sent: Wednesday, September 8, 2021 4:41 PM

To: Ellen Savoia <esavoia@niagaraparks.com>

Cc: Rachel Adamsky <radamsky@niagaraparks.com>; Rick Wilson <Rick.Wilson@notl.com>; Jeremy Jackson <jeremy@jacksonarbor.ca>; Mark Iamarino <Mark.Iamarino@notl.com>; Mary Lou Tanner <mtanner@npgsolutions.ca>

Subject: Re: 61 Princess Street Proposed alternative tree protection Tree 11.

Thank you Ellen.

Do you require Mr. Jackson to outline a water and fertilization program in an additional letter or will the NPC outline this in the terms and conditions of the building permit?

Dianne Ramos

Intermediate Planner

M 289 929 6870 E dramos@npgsolutions.ca



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From: Ellen Savoia <esavoia@niagaraparks.com>

Date: Tuesday, September 7, 2021 at 5:04 PM

To: Dianne Ramos <dramos@npgsolutions.ca>

Cc: Rachel Adamsky <radamsky@niagaraparks.com>, Rick Wilson <Rick.Wilson@notl.com>, Jeremy Jackson <jeremy@jacksonarbor.ca>, Mark Iamarino <Mark.Iamarino@notl.com>

Subject: 61 Princess Street Proposed alternative tree protection Tree 11.

Hello Dianne

Please find attached Niagara Parks response to the Jackson Arboriculture's August 3 2021 letter, which was received August 11th. Please let know if there are any questions.

Niagara Parks



Ellen Savoia, MCIP, RPP (she/her)

SENIOR MANAGER, PLANNING & ENVIRONMENTAL
SUSTAINABILITY



P 905-295-4396 x3258 **M** 289-241-8375 **F** 905-356-7262

7805 Niagara River Parkway, P.O. Box 150
Niagara Falls, Ontario, Canada L2E 6T2

esavoia@niagaraparks.com

niagaraparks.com

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From: [Ellen Savoia](#)
To: [Dianne Ramos](#)
Cc: [Rachel Adamsky](#); [Rick Wilson](#); [Jeremy Jackson](#); [Mark Iamarino](#); [Mary Lou Tanner](#)
Subject: RE: 61 Princess Street Proposed alternative tree protection Tree 11.
Date: September 24, 2021 1:55:15 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)

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Hi Dianne

Niagara Parks has reviewed the Tree Inventory and Preservation Plan Report prepared by Jackson Arboriculture Inc. dated October 12, 2020, revised September 13, 2021 and would advise that NPC's concerns with tree preservation have been addressed. NPC accepts the recommendations of the revised report and will incorporate the requirements into Niagara Parks permit which will be required prior to construction.



Ellen Savoia, MCIP, RPP (she/her)
 SENIOR MANAGER, PLANNING & ENVIRONMENTAL
 SUSTAINABILITY



P 905-295-4396 x3258 **M** 289-241-8375 **F** 905-356-7262

7805 Niagara River Parkway, P.O. Box 150
 Niagara Falls, Ontario, Canada L2E 6T2

esavoia@niagaraparks.com

niagaraparks.com

From: Dianne Ramos <dramos@npgsolutions.ca>
Sent: Friday, September 24, 2021 12:50 PM
To: Ellen Savoia <esavoia@niagaraparks.com>
Cc: Rachel Adamsky <radamsky@niagaraparks.com>; Rick Wilson <Rick.Wilson@notl.com>; Jeremy Jackson <jeremy@jacksonarbor.ca>; Mark Iamarino <Mark.Iamarino@notl.com>; Mary Lou Tanner <mtanner@npgsolutions.ca>
Subject: Re: 61 Princess Street Proposed alternative tree protection Tree 11.

Hello Ellen,

Please find attached the additional report requirements. Please let us know if the NPC is satisfied and if all comments have been fulfilled. Thank you.

Dianne Ramos

Intermediate Planner

M 289 929 6870 E dramos@npgsolutions.ca



ABOUT OUR FIRM

As a response to our ongoing growth across Southern Ontario, earlier in 2021 we became **NPG Planning Solutions Inc.** Please visit our website www.npgsolutions.ca. We look forward to continuing our commitment to all of our clients through 2021 and beyond.

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From: Ellen Savoia <esavoia@niagaraparks.com>

Date: Wednesday, September 22, 2021 at 4:47 PM

To: Dianne Ramos <dramos@npgsolutions.ca>

Cc: Rachel Adamsky <radamsky@niagaraparks.com>, Rick Wilson <Rick.Wilson@notl.com>, Jeremy Jackson <jeremy@jacksonarbor.ca>, Mark Iamarino <Mark.Iamarino@notl.com>, Mary Lou Tanner <mtanner@npgsolutions.ca>

Subject: RE: 61 Princess Street Proposed alternative tree protection Tree 11.

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Niagara Parks



Ellen Savoia, MCIP, RPP (she/her)

SENIOR MANAGER, PLANNING & ENVIRONMENTAL
SUSTAINABILITY



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Subject: Re: 61 Princess Street Proposed alternative tree protection Tree 11.

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Dianne Ramos
Intermediate Planner
M 289 929 6870 E dramos@npgsolutions.ca



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From: Ellen Savoia <esavoia@niagaraparks.com>
Date: Wednesday, September 8, 2021 at 4:43 PM
To: Dianne Ramos <dramos@npgsolutions.ca>
Cc: Rachel Adamsky <radamsky@niagaraparks.com>, Rick Wilson <Rick.Wilson@notl.com>, Jeremy Jackson <jeremy@jacksonarbor.ca>, Mark Iamarino <Mark.Iamarino@notl.com>, Mary Lou Tanner <mtanner@npgsolutions.ca>

Subject: RE: 61 Princess Street Proposed alternative tree protection Tree 11.

Dianne

During the Niagara Parks permit process we will require Mr. Jackson to provide a water and fertilization program, these will be included in the permit conditions/terms.

Ellen

From: Dianne Ramos <dramos@npgsolutions.ca>

Sent: Wednesday, September 8, 2021 4:41 PM

To: Ellen Savoia <esavoia@niagaraparks.com>

Cc: Rachel Adamsky <radamsky@niagaraparks.com>; Rick Wilson <Rick.Wilson@notl.com>; Jeremy Jackson <jeremy@jacksonarbor.ca>; Mark Iamarino <Mark.Iamarino@notl.com>; Mary Lou Tanner <mtanner@npgsolutions.ca>

Subject: Re: 61 Princess Street Proposed alternative tree protection Tree 11.

Thank you Ellen.

Do you require Mr. Jackson to outline a water and fertilization program in an additional letter or will the NPC outline this in the terms and conditions of the building permit?

Dianne Ramos

Intermediate Planner

M 289 929 6870 E dramos@npgsolutions.ca



ABOUT OUR FIRM

As a response to our ongoing growth across Southern Ontario, earlier in 2021 we became

NPG Planning Solutions Inc. Please visit our website www.npgsolutions.ca. We look forward to continuing our commitment to all of our clients through 2021 and beyond.

COVID Message:

To our valued clients and industry partners: We continue to work remotely through the pandemic in full capacity and are available via our landline (905) 321-6743 or via our individual cell phones. If you are having any difficulty reaching any of us please email Dianne Rintjema, drintjema@npgsolutions.ca. We hope you and those you care for are safe and well. Thank you for working with NPG.

From: Ellen Savoia <esavoia@niagaraparks.com>

Date: Tuesday, September 7, 2021 at 5:04 PM

To: Dianne Ramos <dramos@npgsolutions.ca>

Cc: Rachel Adamsky <radamsky@niagaraparks.com>, Rick Wilson <Rick.Wilson@notl.com>, Jeremy Jackson <jeremy@jacksonarbor.ca>, Mark Iamarino <Mark.Iamarino@notl.com>

Subject: 61 Princess Street Proposed alternative tree protection Tree 11.

Hello Dianne

Please find attached Niagara Parks response to the Jackson Arboriculture's August 3 2021 letter, which was received August 11th. Please let know if there are any questions.



Ellen Savoia, MCIP, RPP (she/her)
 SENIOR MANAGER, PLANNING & ENVIRONMENTAL
 SUSTAINABILITY



P 905-295-4396 x3258 **M** 289-241-8375 **F** 905-356-7262

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 Niagara Falls, Ontario, Canada L2E 6T2

esavoia@niagaraparks.com

niagaraparks.com

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Planning and Development Services

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

Via Email Only

March 29, 2021

File No.: D.10.05.OPA-21-0011

Mr. Anthony Cicchi,
Planner I
Town of Niagara-on-the-Lake
1593 Four Mile Creek Road, PO Box 100
Virgil, ON L0S 1T0

Dear Mr. Cicchi:

**Re: Regional and Provincial Comments
Official Plan Amendment
Town File: OPA-01-2021
Agent: Mary Lou Tanner, NPG Planning Solutions
Owner: Brian Kerr, Joan Kerr, Robert Kerr
61 Princess Street
Town of Niagara-on-the-Lake**

Regional Development Planning staff has reviewed the information circulated with the application for Official Plan amendment at the above noted address. The Official Plan amendment proposes to add site-specific provisions to the Established Residential designation in order to create one new residential lot.

A pre-consultation meeting regarding this proposal was held on May 7, 2020. The application was received on March 5, 2021 and the associated review fees were received on March 25, 2021. The following comments are provided from a Regional and Provincial perspective to assist the Town in considering the application.

Provincial and Regional Policies

The Provincial Policy Statement (PPS) designates the subject land as within a settlement area, where development is generally concentrated and an appropriate range and mix of land uses is to be provided. A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) identifies the land as within the Delineated Built-up Area. The Regional Official Plan (ROP) designates the property as within the Urban Area Boundary for Queenston in the Town of Niagara-on-the-Lake, and

specifically within the Built Boundary. The Niagara Escarpment Plan identifies the property as located within a Minor Urban Centre.

These planning documents include policies that support intensification of land uses in urban areas where appropriate servicing and infrastructure exist, provide for a diverse mix and range of compatible land uses, and support the achievement of complete communities. Accordingly, Regional staff is satisfied that the proposed amendment aligns with the intent of Provincial and Regional policies for intensification within the settlement area.

Archaeology

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development and site alteration are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved. The subject land is identified as having high archaeological potential based on the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI) Criteria for Evaluating Archaeological Potential and the Town of Niagara-on-the-Lake's Archaeological Master Plan.

A Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd., dated September 17, 2020, was submitted with the application. The Stage 2 field assessment was conducted on August 10, 2020. Based on the results of the Stage 2 Assessment and the identification of no archaeological resources, the licensed archaeologist recommends no further archaeological assessment of the Study Area.

Staff will require a copy of the acknowledgment letter from the Ministry confirming that all archaeological concerns have been addressed to the satisfaction of the Ministry of Heritage, Sport, Tourism and Culture Industries, which may be included as a condition of the future consent.

Core Natural Heritage

The subject property contains and is adjacent to portions of the Region's Core Natural Heritage System (CNHS), specifically Significant Woodland. At the pre-consultation meeting, Environmental Planning staff requested the completion of a Tree Saving Plan (TSP) to ensure an adequate building envelope could be provided and that adjacent trees are sufficiently protected from construction impacts.

Regional Environmental Planning staff have reviewed the Tree Inventory and Preservation Plan (TIPP), prepared by Jackson Arboriculture Inc. dated December 2, 2020, and are satisfied the Plan adequately addresses our concerns. Provided tree protection fencing is installed in accordance with the TIPP prepared by Jackson Arboriculture Inc., and is maintained for the duration of construction, Regional staff have no further environmental requirements. Staff note that the TIPP also recommends that a

50 mm caliper Sugar Maple (*Acer saccharum*) be planted on the adjacent Niagara Parks property to offset the removal of Tree #12, which should be reviewed and approved by Niagara Parks.

Waste Collection

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

- No limit blue/grey containers collected weekly;
- No limit green containers collected weekly; and,
- 2 garbage bags/cans collected every-other-week.

Conclusion

Regional Development Services staff offer no objection to the proposed Official Plan amendment to facilitate a future consent application to create a new residential lot. The amendment is consistent with the PPS and conforms with Provincial Plans and ROP.

The proposed Official Plan Amendment is exempt from Regional Council approval, in accordance with policies 14.E.6 and 14.E.7 of the ROP and the Memorandum of Understanding.

Should you have any questions concerning the above noted comments please do not hesitate to contact me at 905-980-6000 extension 3518. Please also send notice of Council's decision on this application.

Respectfully,



Lola Emberson, MCIP, RPP
Senior Planner, Development Services

cc: Mr. Robert Alguire, Development Technician, Niagara Region
Mr. Adam Boudens, Senior Environmental Planner/Ecologist, Niagara Region



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

April 09, 2021

Our File No.: PLOPA202100336

BY E-MAIL ONLY

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil ON
L0S 1T0

Attention: Anthony Cicchi, Planner I

Subject: Application for Official Plan Amendment, (OPA-01-2021 & ZBA-04-2021.)
61 PRINCESS ST
NIAGARA-ON-THE-LAKE, ON

Further to your request for comments for the Official Plan Amendment and Zoning By-Law Amendment to the above noted property the following is offered.

The Official Plan Amendment requests a site-specific "Established Residential" designation to permit a reduced minimum lot depth for the new lot. The Zoning By-law Amendment proposes to rezone the subject lands to "Established Residential (ER1) - Site Specific" with special provisions for front yard setback and interior side yard setback on the new lot and to recognize the rear yard setback for the existing dwelling.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation 155/06 and The Planning Act* (NPCA policies) provide direction for managing NPCA regulated features.

The Niagara Peninsula Conservation Authority staff have reviewed the regulated mapping for the subject property and note the property is impacted by an NPCA regulated valley. The NPCA's objectives in regulating valleys is to prevent loss of life; minimize property damage; reduce the potential for incurring public costs associated with the impacts of erosion hazards; manage existing risks and reduce the potential for future risks; and promote the conservation of lands through the protection from adverse impacts on ecological features and functions of valleylands.

NPCA have reviewed the slope stability assessment prepared by Soil-Mat Engineers & Consultants Ltd in support of the subject application. NPCA note that under policy 6.2.5.1 of NPCA's *Policies for the Administration of Ontario Regulation 155/06 and The Planning Act*, all new development must maintain a 7.5 metre setback from the NPCA approved physical top-of-slope, or stable top-of-slope, whichever is furthest landward, in order to allow sufficient erosion access allowance. While the NPCA agree with the conclusion of the report that the stable-top-of-slope is located 3.8m to 5.4m uphill of the physical top-of-slope, the NPCA does not agree with the rationale that River Frontage Road at the toe of the slope can provide suitable access to allow reduction of the required access allowance to create a more flexible building envelope. The

land at the toe of slope, including River Frontage Road, is not under ownership of the subject property and is not a guaranteed point of access for the landowner, therefore NPCA require that the 7.5m setback is maintained from the Geo-Mat supported stable-top-of-slope of 3.8m to 5.4m uphill of the physical top-of-slope, to allow sufficient ongoing erosion access allowance on the subject property.

Conclusion

While the NPCA have no objection in principle to the proposed OPA and ZBLA in the land south of the Geo-Mat demarcated stable-top-of-slope, the NPCA request that:

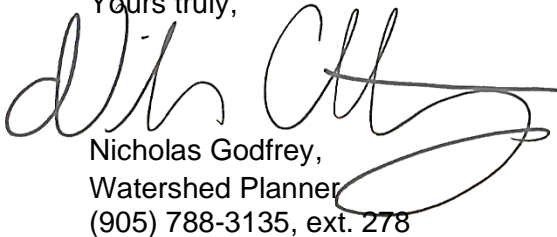
- the lands measured northerly from the stable-top-of-slope - located 3.8m to 5.4m uphill of the physical top-of-slope – to the property line abutting River Frontage Road, be designated “Conservation” in the Official Plan and “Environmental Conservation Zone” in the Zoning By-Law.

The NPCA will also require a work permit from our office prior to any site alteration or development to ensure:

- development is set back 7.5m from the stable top-of-slope, located 3.8m to 5.4m uphill of the physical top-of-slope;
- overland drainage is directed away from the valley slope;
- Sediment and Erosion Controls to the NPCA's satisfaction are identified on related drawings to mitigate potential impacts during the construction phase of the project.

Please circulate the staff report to our office once completed as well as all upcoming applications related to 61 Princess, and do not hesitate to get in touch if you have further questions.

Yours truly,



Nicholas Godfrey,
Watershed Planner
(905) 788-3135, ext. 278



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

(Sent by email on May 14, 2021)

April 09, 2021

Our File No.: PLOPA202100336

BY E-MAIL ONLY

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil ON
L0S 1T0

Attention: Anthony Cicchi, Planner I

Subject: Application for Official Plan Amendment, (OPA-01-2021 & ZBA-04-2021.)
61 PRINCESS ST
NIAGARA-ON-THE-LAKE, ON

Further to your request for comments for the Official Plan Amendment and Zoning By-Law Amendment to the above noted property the following is offered.

The Official Plan Amendment requests a site-specific "Established Residential" designation to permit a reduced minimum lot depth for the new lot. The Zoning By-law Amendment proposes to rezone the subject lands to "Established Residential (ER1) - Site Specific" with special provisions for front yard setback and interior side yard setback on the new lot and to recognize the rear yard setback for the existing dwelling.

The NPCA regulates watercourses, flood plains (up to the 100-year flood level), Great Lakes shorelines, hazardous land, valleylands, and wetlands under *Ontario Regulation 155/06* of the *Conservation Authorities Act*. The NPCA's *Policies for the Administration of Ontario Regulation 155/06 and The Planning Act* (NPCA policies) provide direction for managing NPCA regulated features.

The Niagara Peninsula Conservation Authority staff have reviewed the regulated mapping for the subject property and note the property is impacted by an NPCA regulated hazardous site. The NPCA's objectives under 7.2.1 in regulating hazardous sites is to: prevent loss of life; minimize property damage; reduce the potential for incurring public costs associated with the impacts of hazardous sites; manage existing risks and reduce the potential for future risks.

Under NPCA policy 7.2.8, lot creation is permitted in hazardous sites provided:

- development and site alteration is carried out in accordance with floodproofing standards, protection works standards, and access standards;
- vehicles and people have a way of safely entering and exiting the area during times of flooding, erosion and other emergencies;
- new hazards are not created and existing hazards are not aggravated; and
- no adverse environmental impacts will result.

The NPCA have reviewed the Slope Stability Assessment by Soil-Mat Engineers & Consultants Ltd, as well as the Tree Inventory and Preservation Plan Report by Jackson Arboriculture Inc., in support of the subject application. The NPCA are satisfied with the conclusion of the Slope Stability Assessment that the stable-top-of-slope is located 3.8m to 5.4m uphill of the physical top-of-slope, and that a proposed setback of 2m is sufficient. As well, the NPCA are satisfied that there will be no negative impact to the slope provided the mitigation measures in the Tree Inventory and Preservation Plan are adhered to. The NPCA will require a work permit prior to ensure mitigation measures are in place prior to commencement of any development or site alteration.

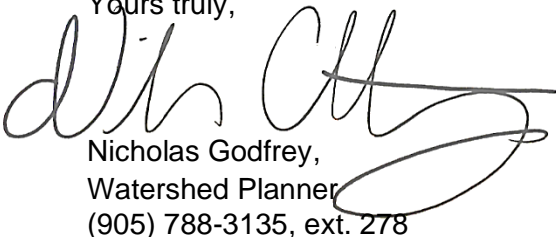
Conclusion

The NPCA have no objections to the proposed applications, provided that:

- The applicant obtains a work permit prior to development or site alteration;
- Development is set back 2m from the stable top-of-slope, (located 3.8m to 5.4m uphill of the physical top-of-slope);
- Sediment and Erosion Controls to the NPCA's satisfaction are identified on related drawings to mitigate potential impacts during the construction phase of the project.
- Mitigation measures in the Slope Stability Assessment are adhered to;
- Mitigation measures outlined in the Tree Inventory and Preservation Plan are adhered to.

Please circulate the staff report to our office once completed, as well as all upcoming applications related to 61 Princess, and do not hesitate to get in touch if you have further questions.

Yours truly,



Nicholas Godfrey,
Watershed Planner
(905) 788-3135, ext. 278



250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

June 21, 2021

Our File No.: PLOPA202100336

BY E-MAIL ONLY

Town of Niagara-on-the-Lake
1593 Four Mile Creek Road
PO Box 100, Virgil ON
L0S 1T0

Attention: Anthony Cicchi, Planner I

Subject: Application for Official Plan Amendment, (OPA-01-2021 & ZBA-04-2021.)
61 PRINCESS ST
NIAGARA-ON-THE-LAKE, ON

Further to our comments on May 14th for the Official Plan Amendment and Zoning By-Law Amendment to the above noted property the following is offered.

NPCA staff have reviewed the 'Supplemental Slope Stability Considerations...' (dated June 3, 2021) by Soil-Mat and have no objection to the report's conclusion that tree removal will not impact the stability of the slope.

Conclusion

The NPCA have no objections to the proposed applications, provided that:

- The applicant obtains a work permit prior to development or site alteration;
- Development is set back 2m from the stable top-of-slope, (located 3.8m to 5.4m uphill of the physical top-of-slope);
- Sediment and Erosion Controls to the NPCA's satisfaction are identified on related drawings to mitigate potential impacts during the construction phase of the project.
- Mitigation measures in the Slope Stability Assessment are adhered to;
- Mitigation measures outlined in the Tree Inventory and Preservation Plan are adhered to.

Please circulate the staff report to our office once completed, as well as all upcoming applications related to 61 Princess, and do not hesitate to get in touch if you have further questions.

Yours truly,

A handwritten signature in black ink, appearing to read "Nicholas Godfrey".

Nicholas Godfrey,
Watershed Planner
(905) 788-3135, ext. 278

4Walnut Street

P O Box 137

Queenston On, L0S 1L0

April 9, 2021

Mr Peter Todd

Clerk, Town of Niagara on the Lake

RE: 61 Princess Street Queenston

OPA – 01 -2021: ZBA-04-2021

There are many reasons for which this application should be denied, among them being that it would create an undersized lot in a part of Queenston that has historically consisted of larger parcels with traditional homes.

I will restrict my comments to one particular section of the Planning Justification Report Submitted by the applicant.

In Item 3.0 of that Report entitled “Historical Lot Patterns and Subdivision in Queenston” it is alleged that CP1 Queenston is a registered plan of subdivision, and that the lots shown on CP1 are indicative of the Historical Pattern of parcel size.

Both those statements are completely erroneous.

First of all CP1 is a *Compiled* Plan, not a *registered plan of subdivision*.

Second, parcel sizes and configurations have never corresponded to the lots shown on CP1 and no new parcel of land has been created in this section of Queenston since 1956.

Dealing with the first point, historically - before 1931 – legal descriptions of the parcels in this part of the Village were described as **part of Broken Front Lot number 6 of the Township of Niagara** and shown on the map or plan of survey of the “Hamilton Block” in the Village of Queenston made by Robert Maingy Civil Engineer.

Thus all transaction regarding any and all parcels of land were recorded in the Land Registry Office in the single abstract for Broken Front Lot 6 of the Township of Niagara – a totally unwieldy way of recording such transactions.

CP1 or **Compiled Plan** 1 was commissioned to consolidate all the various maps or plans of survey of the various neighbourhoods in the Village of Queenston then in existence for the sole purpose of facilitating a more orderly way of recording the title of the parcels of land then in existence in the Land Registry Office.

As a Compiled Plan it was never a “Registered Plan of Subdivision” but was merely an attempt to put together on one plan what the various old surveys had previously shown and to provide the Land Registry Office with a more orderly way of abstracting and recording title documents pertaining to parcels of land in Queenston by way of the various lots shown on CP1.

While these old maps or plans of survey and thus the compilation of the same, did show various numbered lots, the ownership of the several parcels of land in this part of Queenston never consisted of just one or more of these “lots” but rather they were always amalgamations of several lots and part lots.

To make it abundantly clear that CP1 was not a “Registered Plan of Subdivision” within the meaning of the Planning Act, the Township of Niagara passed and registered Subdivision Control Bylaw 14408 in the early 1950s.

As to the second point, looking at the part of Queenston north of Walnut Street, south of the ravine, and between Princess and Queenston Streets, all of the Parcels have existed in their present configurations for many many years. Indeed, the last time a “new” parcel was created in this section was in 1956 when the then owner of what is now known as 4 Walnut Street, conveyed it with planning act severance consent while retaining the lands to the north now known as 84 Queenston Street.

From 1881, when they were purchased by Dr. Robert Trimble, up to that time both parcels had been under one ownership – the building on 84 Queenston Street being a conversion of Dr. Trimble’s barn to a residence.

This 1956 severance resulted in two lots of substantial size. The lot created was a regularly shaped lot of 47.24m by 54.86m and the retained lot was an irregularly shaped lot of 44.196m by 46.329m.

Thus, the lots shown on CP1 have absolutely no relationship to the historical lot patterns or parcel sizes in this or any part of Queenston, nor do they have they any legal status as lots on a registered plan of subdivision.

Respectfully submitted

Frank A Fraser

4 Walnut Street, Queenston

61 Princess Street Queenston

OPA – 01 -2021: ZBA-04-2021

The requested creation of a new lot on the north portion of 61 Princess Street is ill conceived. There are many reasons why this is so, including Planning, Zoning and Building policy reasons. This submission focuses on the geo-technical problems.

The severance is proposed to allow the construction of a two story house. The plan is to position the house closer to the street and the southerly lot line than current Planning and Zoning standards allow. The reason this is proposed is because to do otherwise would situate the house dangerously close to a fragile slope. Even so, the north-west angle of the house would be within 2 metres of the presumed long- term top of stable slope. A significant portion of the house would sit within the 7.5 metre access set-back required by NPCA Policy.

The land in question abuts the slope that forms the southern bank of a small valley. The valley starts near the Niagara Parkway to the west and slopes in a south east direction to the Niagara River. This whole valley is under the protection of various public authorities. Queenston Street crosses the valley by means of a bridge close to where it broadens out as it slopes down to the river. There is a pedestrian trail often referred to as Riverfront Road. This trail is at the toe of the subject slope. The bank at issue begins gradually at Queenston Street and rises in height as it extends south-east. Where the proposed lot would sit, it is between 4 and 6 metres high. It inclines sharply upwards from the valley floor. The soil on the face of the slope is loose silt and organic matter. This land up to the top of the slope is owned by the Niagara Parks Commission.

The Niagara Conservation Authority maintains jurisdiction over the entire embankment and any development or new lot creation requires its approval. Other agencies are also involved as has been pointed out in the Applicant's abundant material. For now, we will focus on the involvement of the NPCA and some of its standards.

It is not clear from the Applicant's material whether the subject slope falls under the NPCA Valleyland Erosion Hazard or the Hazardous Sites policies. In either case the Applicant was required- among other things- to hire an engineering firm to conduct a study. (The Soil-Mat report). This report seems to address the Valley land criteria. The authors of the study noted that the property in question slopes down to valleylands. It confirms the NPCA's jurisdiction. Not only will the Applicant need permit approval before a house can be built but even at this stage the NPCA must address the needs of the Planning Act.

Soil-Mat conducted a site visit in August 2020. One observation was that there was no evidence of significant superficial movements or overall slope instability. But it did note bowing and

tilted growth of mature trees which are telltale signs of erosion and shallow surface movements. What Soil-Mat did not report were the obvious alterations to the top of bank carried out about a year earlier. At that time, the abundant vegetation that used to run along the crest was cleared. As part of that process, debris was pushed over the edge and down the slope. This included portions of stone wall, concrete, square timbers used for retaining the slope, a green wire fence which once ran along the top of the slope and assorted organic and inorganic matter. Now it is a more or less flat table with very little remaining vegetation. Most of the remaining vegetation is to the north and west, not on the Applicant's land. The alteration work was not entirely on the subject property but rather on land owned by the NPC. The clearing and pushing of matter over the edge makes it appear that the lot is larger than surveys reveal. Drawing 1-B appended to the Soil-Mat report depicts the northerly lot line to be well back from the top of bank. An earlier survey shows that the curving top of bank is, at one location, as much as 16 feet from the lot line.

Soil-Mat concluded that the long term top of stable slope is about 4 to 5.5 metres uphill of the physical crest. This may not be accurate. The depth and thickness of the fill material pushed over the crest needs to be investigated. It may be that the long term top of stable slope is more landward than the Soil-Mat report concludes. Determining the long term top of stable slope accurately is important. One obvious reason is that the further south it is located the smaller the building envelope becomes.

Soil-Mat reports that the NPCA policy requires a development setback from the established top of stable slope of at least 7.5 metres. This is referred to in their Drawing 1-B as "NPCA 7.5 metre Access Allowance". The policy notes that some exceptions may be permitted. One of the requirements is to permit access to the slope in the event of an emergency like erosive activity.

Soil-Mat opines that in such an event, access to the slope could be from the north, from land that the Applicant does not own. It is clear that to allow any future building to be as close to the physical edge of slope as is recommended is to prevent access to the slope from the south. One of the NPCA's key requirements is that the face of the slope be accessible from the proposed new lot.

The Slope Stability Rating Chart included in the Soil-Mat report offers a rating of 34 which suggests a slight potential for slope instability. If any of the criteria in the chart is understated the conclusion is invalid. For example, Soil-Mat reported that there was no active erosion evident on inspection. Their observations were made when the vegetation was in full leaf. When it is bare, as in the winter or spring, some erosion is evident. Several yew wood shrubs have apparently migrated down the slope and several mature trees are leaning downslope. This would tip the rating into the moderate range for slope instability, which is a given score of 35 and above. If the slope is moderately unstable now, any excavation, grading, backfilling associated with construction will be dangerous to its continued stability.

If the Hazardous Sites standard is applied, the Applicant faces an even greater challenge. The definition of such a site is one on which development is unsafe. Development or site alteration may not be permitted. Generally, development within 50 metres shall not be permitted unless the Applicant demonstrates that all hazards and risks have been addressed. One of the key considerations is to demonstrate that vehicles and people can safely enter and exit the property during erosion or other emergencies. The Soil-Mat report suggests that, in such an event, the slope may be accessed from the north toe of the slope. The NPCA policy is that access must be from the newly created lot not from land not owned by the Applicant. If the house is located as the Applicant proposes, there would only be 2 metres from the northwest corner to the lot line, certainly far less than the 7.5 metres the policy demands. And if the appropriate standard is no development within 50 metres of the hazardous site, it stands to reason that the Applicant's proposal is completely untenable.

In conclusion, in the short time we have been allowed to respond to these Applications, this submission only addresses one of the many issues these proposals raise. But should the matter be allowed to continue, there likely will be vigorous opposition. On many different levels the idea of carving a new undersized lot in an established part of Queenston so that a house can be wedged into it is not good planning and does not advance the broader municipal, regional or provincial interests.

Carley Agnew
53 Princess Street
Queenston

April 8, 2021

NOTL Planning Document

Files OPA-01-2021 & ZBA-04-2021

Princess Street in the Village of Queenston is a very special street, with open vista to the river, and surrounded by Niagara Parks land, governed by the Niagara Peninsula Conservation Board. It's location, abutting the river and conservation lands, along with open vistas which are especially enjoyed by many walkers, are some of the reasons why Princess St was given a R-E2 designation.

As the owner of the property at 53 Princess, I object to the above cited rezoning application and lot severance of 61 Princess, and further to application for reduced front side and back setbacks. Nothing in these applications is in keeping with the heritage and natural environment of Princess Street and the spatial context of existing built structures as cited in the Queenston Secondary Plan.

The application to amend to amend the Official Plan will result in a drastic change to the Streetscape and the enjoyment of the public, including many tourists, of the natural environment, not only on Princess Street, but also those enjoying walking River Road— the proposed new structure will visually intrude into the natural environment of the small valley and be quite visible from the road below, ruining the natural and historic experience. This restricted roadway has become ever popular by visitors to Queenston during pandemic times as more and more people seek to enjoy the natural outdoors, outside of their own limited dwellings.

And yet, the Planning Dept of NOTL seeks to approve the building of a small house, on an undersized lot, totally inconsistent to “overall size, width and depth to adjacent and neighbouring residential lots”, as per the recommendation of the Queenston Secondary Plan. Further, the application does not meet the goals of the Green Belt Plan or the Niagara Escarpment Plan as it pushes development into a restricted environmental area, contrary to stated goals of these plans.

Further, the applicant does not seem to have submitted an official survey of the subject property, with the demarcation of those lands owned by Niagara Parks under the governance of the Niagara Peninsula Authority and the Niagara Escarpment. In fact, it would appear that in the proposed plan that the side yard of the proposed dwelling incorporates these public lands. There are no survey stakes to mark this delineation between private and public lands.

The subject property under review was formerly well treed and gently sloping down to the former waterway, itself a historic area, first as the start of the trading portage of the trader Robert Hamilton, arguably the founder of Queenston, subsequently the shipyard of his son, and then the railway that circled through the village of Queenston. The natural environment provided by former trees on this property provided a link between the built community of the village of Queenston and the escarpment lands. The applicant has removed all trees and vegetation and pushed with a backhoe it all down the bank, on the the property of Niagara Parks, contrary to regulation. And, then, with gravel, has infilled the area at the top of the slope to create more table land than naturally exists.

Without survey markers it is impossible to judge where the property lines exist—except for the location of the civic sidewalk which ceases far short of the suggested lot line. The speed of this application has not allowed for professional research into property boundary lines. It is incumbent on the applicant to provide a clear property survey and clear boundary markers on the property, and the planning department to ask for it.

Finally the applicant's agent stipulates that the severance and rezoning of the subject land is in the public good. Is it for the public good, if the Queenston Secondary Plan is allowed to be amended against the wishes of residents for the sole purpose of one lot to be subdivided and create a precedent for further zone amendments, forever changing the character of Princess Street?

I disagree. It is not. Nor within the goals of the Ontario Greenbelt Plan, the Niagara Escarpment Plan nor Niagara Parks 100 Year Vision.

From: [Donna McRitchie](#)
To: [Anthony Cicchi](#)
Cc: [Keshavjee, Dr. Shaf - UHN - University Health Network](#)
Subject: FW: 61 Princess Street Re: Files OPA-01-2021 and ZBA-04-2021
Date: April 9, 2021 10:47:14 AM

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Dear Mr. Cicchi
Copying you as well.
Thank you

Donna McRitchie and Shaf Keshavjee

From: Donna McRitchie
Sent: April-09-21 6:41 AM
To: peter.todd@notl.com
Subject: Fwd: 61 Princess Street Re: Files OPA-01-2021 and ZBA-04-2021

Donna McRitchie MD MSc FRCSC

General Surgery and Critical Care
VP Medical and Academic Affairs
North York General Hospital

Begin forwarded message:

From: Donna McRitchie <Donna.McRitchie@nygh.on.ca>
Date: April 8, 2021 at 11:20:44 PM EDT
To: peter.todd@notl.com
Cc: "Keshavjee, Dr. Shaf - UHN - University Health Network" <Shaf.Keshavjee@uhn.ca>
Subject: 61 Princess Street Re: Files OPA-01-2021 and ZBA-04-2021

Dear Mr. Todd

We would like to formally object to the rezoning and amendment to the Queenston Secondary plan regarding 61 Princess Street.

We are the owners of 56 Princess Street. By potentially allowing an amendment to smaller Residential E1, it risks future amendments and zoning changes including further property severing and subdivisions that could destroy the unique character and

heritage of Princess Street ... which should be a historic and treasured gem of the entire Village of Queenston.

We feel and hope that our representatives should understand this perspective and support the original beauty and charm of the street.

Thank you.

Donna McRitchie and Shaf Keshavjee

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April 8, 2021

To: Town of Niagara-on-the-Lake
Re: Planning Justification Report re: 61 Princess Street proposed severance
Preliminary submission of the Queenston Residents' Association in opposition to the
proposal to sever at 61 Princess St.

The Queenston Residents' Association is an incorporated village association founded for the purpose of advocating and acting on behalf of the residents regarding matters of community concern. Our members are property owners who value and are protective of the quiet village ambience we are generally able to enjoy. In a very real sense residents "own" the village and their views and vision for the village as expressed in the Queenston Secondary Plan must be respected .

We are not professional planners nor municipal/ development lawyers, so must approach planning proposals from the perspective of concerned citizens with a significant stake in the community. To a great extent we have used and defended the principles of the Queenston Secondary Plan as a basis for our input on development issues. The Queenston Secondary Plan is the product of several years of community consultation and was duly approved by the village residents, the Town of Niagara-on-the-Lake and the Region of Niagara. We therefor consider it to be both instructive and enforceable as to what should be permitted within the village.

The Planning Justification Report prepared by Ms. Ramos and Ms. Tanner of Niagara Planning Group Ltd. is very comprehensive and indicates in a number of places how the proposed development is consistent with the various Provincial, Regional and Municipal planning documents and we do not take issue with or contest the validity of these statements. Our position rests on other bases, specifically but not limited to, the guiding philosophy of the Queenston Secondary Plan.

Our points are as follows:

- 1) The fact that a proposal adheres to whatever governing guidelines may be applicable does not provide a justification for the proposal to succeed. It is simply one aspect of what must be satisfied in order to proceed to other steps.
- 2) The Applicants and their planners seek to have the zoning for this particular site changed from ER2 to the more permissive ER1 in order for the proposed development to be more compliant with various zoning requirements. While we all understand that zoning variances do occur and are a remedy for unforeseen issues that may become evident, it is our position that such variances should only be made for the most compelling reasons. We do not see the desire to construct a large residence on a small lot to be a compelling reason at all. We believe it will have a negative effect on this neighbourhood and in particular the viewscape of the residence on Queenston Street backing onto the proposed development.
- 3) Reference is made to a 1931 document represented as a “Registered Plan of Subdivision” but there is no indication as to the purpose of the document. It does not indicate any of the residences then in place nor does it appear to be anything but a conceptual sketch prepared for an unknown purpose. In any event, conditions and plans ninety years ago are hardly instructive nor useful as justifications for the proposed severance. At that time and stretching into the period of residence of the Paul family, the land noted was a cherry orchard and 61 Princess was known as Cherrywood as a result.
- 4) Much is made of the concept of the contribution the proposed residence will make to “active transportation.” This appears to refer to walking. There is certainly no shortage of walkers in the village, particularly during the Covid 19 crisis as many non-residents now come to enjoy the relatively safe and peaceful walking opportunities available. Building another house will not materially affect this planning initiative.
- 5) It is suggested that the proposed residence will contribute to the housing stock of the village and meet several targets, including housing of various forms and affordability levels. The proposed residence appears to be a 4000+ square foot building. At a current building cost of roughly \$300.00 per square foot, the construction cost alone will be well north of \$1,000,000 exclusive of land value. This is not going to target lower income families nor does it need to, but this planning value should not be used as a justification for the proposed project.
- 6) Comment is made concerning the enhanced pedestrian experience that will result from the addition of the new house on the severed lot. It is hard to imagine that looking at a large house on a small lot will be a superior experience to a viewscape of green lawn and forest vegetation as currently exists and it is doubtful that there is any empirical evidence to support such a contention—likely the opposite in fact. In any event, if the new walkway at the end of Princess is ever built, the “eyes on the street” will enjoy looking at the multitude of parked vehicles that will find this to be an excellent parking area for fishing and walking access to “Riverfrontage Road”(also denoted as “D”: Road on some surveys.)
- 7) There are additional concerns regarding the true “top of slope” location following the ploughing of loose material to and over the slope, the actual slope stability as a result

and the true breakdown of property ownership in the area of the slope (some concern that Niagara Parks actually may own part of the proposed lot) but these are issues that are being investigated and addressed by others, so we will not comment except to say that the Town must absolutely confirm the resolution of these questions before even considering this application.

In summary, the key issue in our view is that there is no compelling reason to alter the existing ER2 zoning simply to accommodate the construction of a large house on a small lot. There is no public interest served here. Bylaw changes to approve variances should be for truly minor variances only except in the most pressing and critical circumstances. The area was denoted ER 2 for a reason—that being the elements warranting specific Village Character designation in the QSP Section 1.2 (ie larger setbacks, smaller lot coverages, open green spaces). It is very important to protect the principles outlined in the QSP as it and the enabling Zoning Bylaws are the codification of the vision of the residents of Queenston, determined via extensive consultation and input and endorsed by the residents, Town of Niagara-on-the-Lake Planning Department and Council and the Region Municipality of Niagara. The special ambience of this streetscape must be protected.

This constitutes our preliminary position and we reserve the right to amend our position as and when additional information may become available

J. Armstrong
President, and the Directors
Queenston Residents' Association