

December 18, 2018

Partick Little, Partner
Heelis, Little, Almas and Murray LLP
PO Box 1056,
St. Catharines, Ontario
L2R 7A3

Dear Mr. Little:

RE: Peer Review of July 2018 Planning Justification Report by SGL Planning and Design Inc. for the development proposal at 144 and 176 John Street East, Town of Niagara-on-the-Lake
OUR FILE: 18208A

MHBC is pleased to provide our peer review findings for the above-noted Planning Justification Report prepared by SGL Planning and Design Inc. for the proposed development at 144 & 176 John Street East.

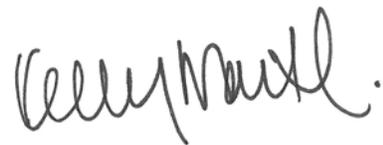
We thank you for the opportunity to undertake this assignment. Please do not hesitate to contact us if you have any questions or comments.

Yours truly,

MHBC



Dana Anderson, MAH, FCIP, RPP
Partner



Kelly Martel, M.Pl, MCIP, RPP
Planner

Planning Peer Review **144, 176 and 200 John Street East, Niagara-on-the-Lake**

Date:

December 18, 2018

Prepared By:

Dana Anderson, MA, FCIP, RPP

Kelly Martel, M.PI, MCIP, RPP

Macnaughton Hermsen Britton Clarkson (MHBC)Planning Limited

442 Brant Street, Suite 204
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Our File: 18208A

Executive Summary

MacNaughton Hermsen Britton Clarkson (MHBC) Planning Limited was retained by Heelis, Little, Almas & Murray on behalf of Save Our Rand Estate (SORE) to review the Two Sisters development proposal for the Randwood Estate located in Niagara-on-the-Lake from a land use planning and policy perspective.

The Randwood Estate property has a significant historical context. The property has been the subject of considerable review over the past decade, having been approved for redevelopment in 2011. At that time the Town carefully assessed the proposed development application to change the use from residential to commercial and approved policies and regulations to ensure the redevelopment proceeded in accordance with Provincial, Regional and local policies which provided for an appropriate level of development that maintained and protected the important character of the area.

The property has recently been the subject of further redevelopment applications to significantly change the scale of development previously approved. The property is also being considered for redevelopment in the context of even further redevelopment for a future adjacent plan of subdivision.

During its review of the recent redevelopment proposal by Two Sisters, the Town issued Notices of Intention to Designate the properties under Part IV of the Ontario Heritage Act. The applicant appealed the notices to the Conservation Review Board (CRB) and has also appealed their planning applications to the Local Planning Appeal Tribunal (LPAT) prior to a decision by Council.

Our planning analysis and assessment reviews the site context and history, the applicable policy and regulatory framework and the applicant's planning report. Based on our analysis, we have concluded that the current policies and regulations are consistent with the Provincial Policy Statement (PPS) and conform to the Growth Plan for the Greater Golden Horseshoe (Growth Plan 2017). These current local policies and zoning regulations provide for a level of development that has been carefully considered within the local land use and heritage context and provide for an appropriate level of development for the property. The proposed redevelopment increases the scale and density of development to one which is not in conformity with the low-rise character as prescribed by the Town's Official Plan. The proposal is also not consistent or in conformity with Provincial policies, as it detracts from the locally approved Official Plan and Zoning By-law, implemented to reflect the important local character and context.

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1.0 Introduction

The following report provides an analysis and assessment of the proposed development at 144, 176 and 200 John Street East* in the Town of Niagara-on-the-Lake and includes:

- An overview of the existing physical context and site history;
- An overview of the Two Sisters Resorts Corp. (Two Sisters) proposal (November 2017) and revised proposal (July 2018) for the development of a hotel and the adaptive reuse of the existing buildings on the property to accommodate associated hotel uses;
- A summary of the applicable Policy Framework;
- An overview of the previous planning approvals obtained for the Subject Lands, which were approved in 2011 and intended to facilitate the development of an inn with a restaurant, spa facilities, conference centre, special events pavilion and an arts and learning centre;
- A review of the current (July 2018) proposal in relation to the initial 2011 development proposal;
- A review of the current (July 2018) proposal in relation to the applicable policy framework;
- Additional comments with respect to certain items contained within the applicant's Planning Justification Report;
- An assessment of the current policies and regulations for consistency and conformity with Provincial policy;
- An assessment of conformity and consistency of the proposal with Provincial policy; and,
- Our planning opinion on the revised Two Sisters proposal and a series of recommendations for further consideration.

**While technically not part of the proposed application and not identified on our figures, reference is made throughout this report to the inclusion of 200 John Street as it is required to provide access and is functionally a part of the development. We understand that a letter was submitted to the Town, by Patrick Little on Friday December 14, which identifies that 200 John Street should be considered part of the development application.*

2.0 Site Context and History

Site Location

The Subject Lands are located on the south side of John Street, east of Charlotte Street at the southwest corner of John and Charlotte Streets in the 'Old Town' Urban Area of Niagara-on-the-Lake and are municipally addressed as 144, 176 and 200 John Street. An aerial photograph which identifies the Subject Lands is included in this report as **Figure 1**.

Site Description

The Subject Lands as described in the proponent's application (146 and 176 John Street) have an area of 13.29 acres, with access and frontage along John Street. The property is referred to as the Randwood

Estate and is currently occupied by three buildings: the Randwood House, the Devonian House and a renovated Coach House as well as an important Dunnington-Grubb landscape. A high stone and brick wall encloses the property on two sides, along John and Charlotte Street. There are two existing entrances to the property and three proposed entrances to the property: the main entrance, which provides access from John Street to the Randwood House, a second entrance provides access to the Devonian/Sheets House, and a third entrance at 200 John Street.

Surrounding Land Uses

An aerial photograph showing the Subject Lands from the applicant's proposal and surrounding land uses is included in this report as **Figure 2**. The general surrounding uses are described further, below:

North: Open space, known as the Commons and the buildings constituting Butler's Barracks, which are owned and operated by Parks Canada and a designated National Historic Site;

South: Residential estate properties on Christopher Street and Weatherstone Court.

East: Residential estate properties- Two Sisters Vineyard and Restaurant (240 John Street East); and, Peller Estates Winery and Restaurant and Riverbend Inn and Vineyard further east.

West: Residential development on Charlotte Street; bed and breakfast establishments (Bruce Manor, AquaBella Bed and Breakfast, with Blue Skies Bed and Breakfast and Lakelands Bed and Breakfast further west); and, Pillar and Post Inn and Spa located further west at the northeast corner of John Street and King Street.

Site History

The Subject Lands were originally part of a 160 acre Crown grant made to Peter Russell in 1796. The land was passed to the Honourable William Dickinson, who subdivided the property between his two sons, one of whom constructed the Main Residence (now known as the Randwood House). The property was purchased as a summer home in 1905 by George F. Rand.

The Randwood Estate was listed on the Town's Heritage Register. Town Council voted to designate the property under Part IV of the Ontario Heritage Act in August of 2018. We understand this has been appealed by the owner to the Conservation Review Board (CRB) (144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street). The key heritage attributes include:

- The concrete and stone wall;
- The red brick pillars marking entrance to the property;
- The mature trees and plantings and boxwood hedge;
- The Dunnington- Grubb designed landscape;
- The Devonian or Sheets House- gabled roof, attic dormers and two-storey open porch;
- The Coach House- steep gable roof with decorative trim, early windows on the ground floor north elevation and the first and second floor east elevation and south elevations; and,

- Main Residence- Second Empire, Italianate and Neo-classical features, mansard roof and enclosed brick tower.

In 2010, an application for an amendment to the Town's Official Plan and Zoning By-law was made to change the permitted use of the lands from residential to commercial and allow for the redevelopment of the Subject Lands to include an inn and conference facility.

The original application for the redevelopment of the Subject Lands is commonly referred to as the "Romance Proposal", for which planning approvals were granted in 2011 (Official Plan Amendment 51 and Zoning By-law Amendment No. 4316T-11 (Randwood Estate)). It is understood that a Site Plan application was to follow; however, no such application was ever submitted and the "Romance Proposal" was never built. The property has since come under new ownership and, with new ownership, a new development concept for the Subject Lands has been prepared and planning applications to facilitate the development have been submitted (Zoning By-law Amendment and Site Plan Control).

3.0 Proposed Development

On November 21, 2017, applications for Zoning By-law Amendment and Site Plan Control were submitted to the Town of Niagara-on-the-Lake by Two Sisters Resorts Corp. to permit a hotel and conference centre development on the Subject Lands (the "Original" Two Sisters Proposal).

The Original proposal sought approvals to permit the development of a hotel and associated hotel uses on the Subject Lands. The concept proposed to retain all existing buildings on 144 and 176 John Street and add a 6-storey (72.01 feet/21.95 metres), 145 room, hotel building with a 1-storey hall inclusive of conference rooms, a 1-storey maintenance building, and 393 parking spaces (336 underground and 30 surface) Restaurants, to a maximum of 300 seats, were also proposed. Associated hotel uses were proposed to be located within the existing buildings on the site.

The Planning Justification Report submitted by the applicant's planning consultant provides a detailed discussion of the proposal with respect to access, parking; and, site layout and circulation, which are summarized below, for reference.

Access

- Site access is to be provided via three separate points along John Street, all of which exist today;
- The central access point is to accommodate one-way traffic entering the site;
- The east and west accesses will accommodate two-way traffic; and,
- One of the proposed accesses is not located on the Subject Lands, but is located on the adjacent property, which is also under ownership by the applicant and will be a shared access with the property to the south of the Subject Lands. We will address this matter later in the report.

Parking

- Two levels of underground parking will be provided beneath the proposed new hotel building;
- Parking access will be provided via a ramp along the west side of the proposed new hotel building; and,
- Surface parking spaces will be provided, primarily located off the main entrance to the site adjacent to John Street, and generally in the same area where surface parking spaces exist today.

Site Layout and Circulation

- The Devonian and Randwood Houses will be the first buildings seen when entering the site and will remain as focal points;
- The existing layout and organization of driveways and walkways will be maintained;
- The overall sense of open space is proposed to be maintained;
- The new hotel building will be situated in the centre of the site;
- The hotel will function as the central built form feature on the site; and,
- The new hotel is stated as being screened from view by existing vegetation.

Following a series of meetings with the Town's Municipal Heritage Committee, Urban Design Committee and a public open house, the applications were revised in July 2018 (the "Revised" Proposal), in response to comments and input received at these meetings. The Revised Proposal seeks to add a terraced 6-storey (72.01 feet/ 21.95 metres), 145 room, hotel building with a 1-storey function hall; a 1-storey maintenance building, and 336 underground parking spaces and 30 surface parking spaces to the site. A restaurant, with a maximum 250 seats, is also proposed. The use of the existing buildings on the site has been clarified in the revised proposal. The Randwood House will be used as a reception centre for the hotel, and will contain other services accessory to the hotel use including offices, a spa and a kitchen to serve food and beverages primarily to spa patrons. The Devonian House is to accommodate a reception area, offices for the hotel and a small coffee shop serving coffee, tea, alcohol and food. The Coach House is proposed to be used as a small event space, including a chapel and prayer area for patrons. The layout of the site remains generally the same in the revised proposal in terms of location of the proposed hotel, height, site circulation, location of parking and access. The following changes were made in the revised proposal:

- Reduced top storey as a result of a modified design using stepbacks from the edge of the storey below around all sides except for the centre of the front façade of the building and a portion of the rear wall of the building;
- Revised massing, including articulated façades to create visual breaks in the massing;
- Repositioned maintenance building by approximately 4 metres; and,
- Removal of rear access to the maintenance building.

Copies of the original and revised proposed site plan and elevations, as submitted by the applicant, are included in **Appendix 1**, for reference.

Prior to Council considering the application and making a decision, an appeal of the applications due to non-decision was made to the Local Planning Appeal Tribunal (LPAT).

3.1 Future Plan of Subdivision (200 John Street East and 588 Charlotte Street)

It is understood that the properties located at 200 John Street East and 588 Charlotte Street are also owned by the applicant and are to become part of a future 169 unit plan of subdivision, as noted in the Heritage Impact Analysis and Traffic Impact Study submitted by the applicant. Entrance to the future subdivision is proposed via the existing laneway entrance to 200 John Street, which is adjacent to 176 John Street (forming part of the Subject Lands). This entrance is identified in the Planning Justification Report submitted by the applicant as being the “third access point” to the proposed hotel development, which is located “on other lands owned by the applicant”. This access point is to “function as a two-way access point and will be shared with access to the property south of the subject site”. It is also understood that the properties municipally known as 200 John Street East and 588 Charlotte Street do not currently form part of the rezoning and site plan applications submitted by the applicant though, as referenced earlier in this report, it is the opinion of SORE’s legal counsel that 200 John Street should be considered part of the building, since access to the proposed hotel development is to be provided from this property and both the Heritage Impact Assessment and Traffic Impact Study assess the future development proposal on those lands.

A copy of the proposed future plan of subdivision, with reference to the application for the Subject Lands and the shared road at 200 John Street, as provided in the applicant’s Heritage Impact Assessment and Traffic Impact Study, is included in **Appendix 2**, for reference.

3.2 A note on the proposed use and function of the proposal (Convention Centre vs. Conference Centre)

It is discussed throughout the Planning Justification Report prepared on behalf of the applicant that the development proposal includes a hotel and conference facility; however, there seems to be a discrepancy between the terminology used in the Planning Report, which refers to the proposal as a ‘Conference Centre’ and associated other supporting studies, which refer to the development as a ‘Convention Centre’. For reference, the Town’s Zoning By-law defines these uses as follows:

CONFERENCE CENTRE means a building used for social or cultural activities, hosting of banquets or receptions and meetings. Facilities may include meeting rooms, auditoriums, kitchen facilities, banquet rooms and other compatible accessory facilities contained within the building. (as amended by 4316T-11)

CONVENTION CENTRE means a building designed to accommodate large gatherings for specific events such as conferences, meetings, industrial shows, having large unobstructed exhibit areas and may include meeting rooms, assembly halls, restaurants, theaters, recreation facilities and/or other similar activities and may also include hotel accommodations as a secondary use. (as added by 4316AH-13)

HOTEL means a commercial establishment in which accommodation is provided for the traveling public, with or without restaurant facilities, and having a minimum of ten (10) guest sleeping rooms or suites and

may include among its internal functions a banquet hall, meeting rooms, licensed lounge, convenience store, gift shop and indoor or outdoor commercial recreation facilities and commercial entertainment facilities but does not include adult entertainment facilities or body rub parlour.

There is a distinct difference in terms of form and function of a Conference Centre and Convention Centre, where only a conference centre is permitted on the Subject Lands, in accordance with the Zoning By-law. Additionally, it should be noted that the Site Specific Official Plan Amendment for the Romance Inn Proposal did not list a 'Convention Centre' as a permitted uses. It only provides for a 'Conference Centre'. While neither term is defined in the Official Plan, we believe the intent of the Official Plan is to provide for a 'Conference Centre' type uses as defined in the Zoning By-law.

Further information, and clarification from the applicant, is required with respect to the layout of the proposed 'conference halls' identified on the site plan to determine whether the proposal does, in fact, meet the definition of Convention Centre rather than Conference Centre.

4.0 Policy Framework

The proposed development is subject to the requirements under the *Planning Act*, and the policies of the Growth Plan for the Greater Golden Horseshoe (2017), Greenbelt Plan (2017), and Provincial Policy Statement (2014). The Subject Lands are identified as a Settlement Area and Towns/Villages in the Provincial planning documents. With respect to the Greenbelt Plan, the Subject Lands are identified as being within the Towns/ Villages designation and therefore are subject to the policies of the Growth Plan and continue to be governed by Official Plans.

The Subject Lands are located within the Built Up Area of the Region of Niagara Official Plan. They are subject to the Region's policies related to growth management; commercial areas; environment; infrastructure; tourism; and, cultural heritage.

The Subject Lands are located within the Built Up Area of Old Town, as provided on Schedule I-1 of the Town of Niagara-on-the-Lake Official Plan and are not identified as an Intensification Parcel (**Figure 3**). The Lands are designated as General Commercial (Randwood Estate) and Open Space (Randwood Estate), as implemented through Official Plan Amendment 51 and incorporated in the Official Plan as Section 10.3.6 and 15.3.2, respectively (**Figure 4**). The Lands are also subject to the General Development and Heritage Conservation policies of the Official Plan. The General Commercial (Randwood Estate) designation permits a hotel, spa, arts and learning centre, conference centre, restaurant and accessory buildings and structures. The Open Space (Randwood Estate) designation permits pedestrian and carriage pathways, existing buildings and structures, stormwater management facilities, parking lots, walls along John and Charlotte Streets and accessory buildings and structures to the main uses in the General Commercial (Randwood Estate) designation. A copy of the approved Official Plan Amendment can be found at **Appendix 3**.

The Lands are zoned General Commercial- Randwood Estate (GC-56) Holding (H) Zone and Open Space- Randwood Estate (OS-56) Holding (H) Zone (**Figure 5**). This site specific zoning was approved in 2011 as

part of the “Romance” proposal, and permits a hotel with a maximum of 106 rooms; a conference centre; an artist studio(s) and learning centre; an art gallery; a restaurant; an outdoor patio; and, accessory buildings and structures to a maximum of 17.37 metres (57 feet). Additionally, the By-law sets out a maximum seating capacity of 200 seats for the restaurant; a total maximum ground floor area of all buildings of 4,181 square metres (45,000 square feet) and a minimum of 250 parking spaces, among other requirements. A copy of the approved Zoning By-law can be found at **Appendix 4** to this report. A copy of excerpts of all applicable policies from the various planning documents is included in **Appendix 5**, for reference

5.0 The “Romance” Proposal and Prior planning Approvals

As noted previously, the Subject Lands were the subject of a prior Official Plan and Zoning By-law Amendment process, which sought to re-designate the Subject Lands from residential to a site specific commercial designation and zone in order to facilitate the development of a 106 room inn, with a restaurant; spa facilities; conference centre; special events pavilion; and, learning arts centre (the Romance Proposal). The Romance Proposal would add five new buildings and an outdoor pool to the Subject Lands, as described below:

- 3 storey Inn Addition and Conference Facility (addition to Randwood House);
- 3 storey Inn Addition and Spa/ Conference Facility (addition to Randwood House);
- 1.5 storey Large Events Pavilion;
- 1.5 storey Artist Centre (addition/ extension of Coach House); and,
- 1 storey Seed House.

In June, 2011, as part of the application review process and in response to comments and concerns raised related to visual impact, Brook McIlroy was retained to undertake an independent peer review of the proposed preliminary design and concept for the development and provide recommendations for site design and built form. A copy of the peer review is included as **Appendix 6** to this report, for reference, and a summary is provided below.

Key priorities of the Brook McIlroy review were:

- Adequate building setbacks to maintain privacy to adjacent residential properties and preservation of the One Mile Creek, mature trees and other landscape elements;
- Ensuring compatible height and mass of proposed buildings with existing buildings; and,
- Assurance that the architectural quality of the proposed buildings is of a high standard in keeping with the complexity of their period style

With respect to the site and context, the report noted the following:

- Despite the size of the property, there are limited advantageous sites to locate new buildings while maintaining a cohesive integrated landscape setting;
- The most advantageous development sites are at the southern end of the property; and,
- The total site coverage is 1,615 square metres, or approximately 3% of the total property area.

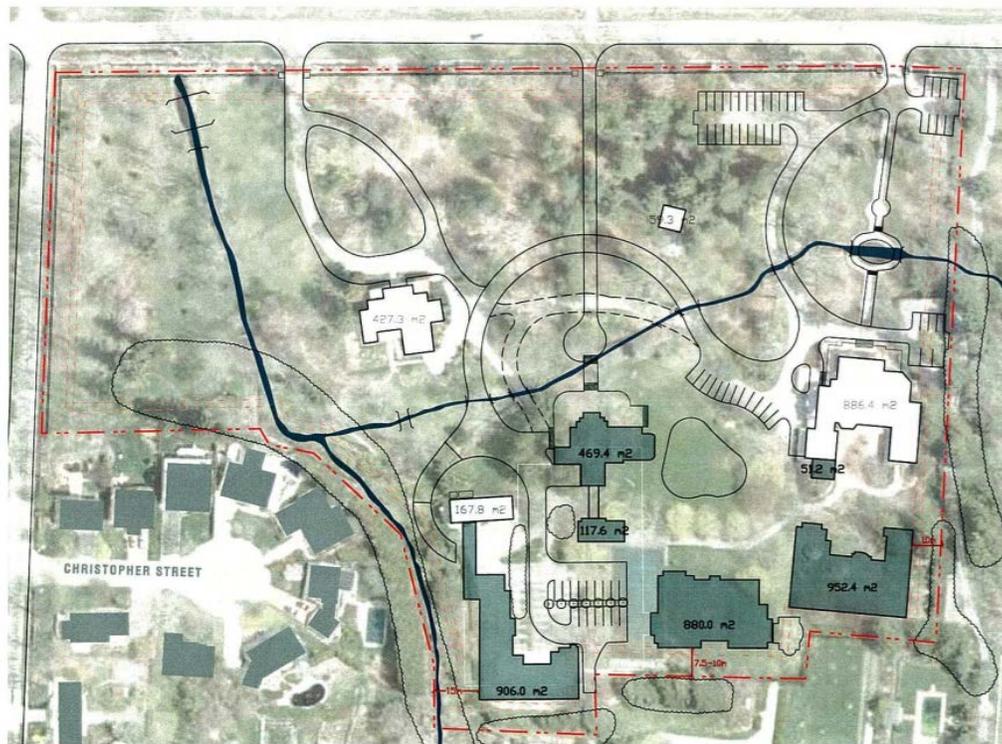
With respect to the Romance Proposal, the peer review highlighted the following points:

- The architectural design of the proposed buildings is important in relation to the architectural heritage of the existing buildings, particularly with respect to the proposed renovations;
- The location of the proposed buildings are not set back far enough from the rear and side property lines, which could result in negative impacts such as the removal of vegetation, potential privacy conflicts and potential noise concerns;
- The proposed Arts Centre is situated within 10 metres of the creek and construction may damage or kill the existing hedgerow;
- Surface parking should be reduced to accommodate the minimum number of parking spaces required at grade; and,
- The proposed buildings have total site coverage of 4,045 square metres, or approximately 7.5% of the property.

The report identified that the existing buildings at Randwood Estates exist as single buildings situated within a landscaped setting and, for new development to maintain this character, and not create a mass of built form at the rear of the property, opportunities should be explored to reconfigure the locations of buildings. In this regard, two alternate options were proposed for consideration:

Option 1:

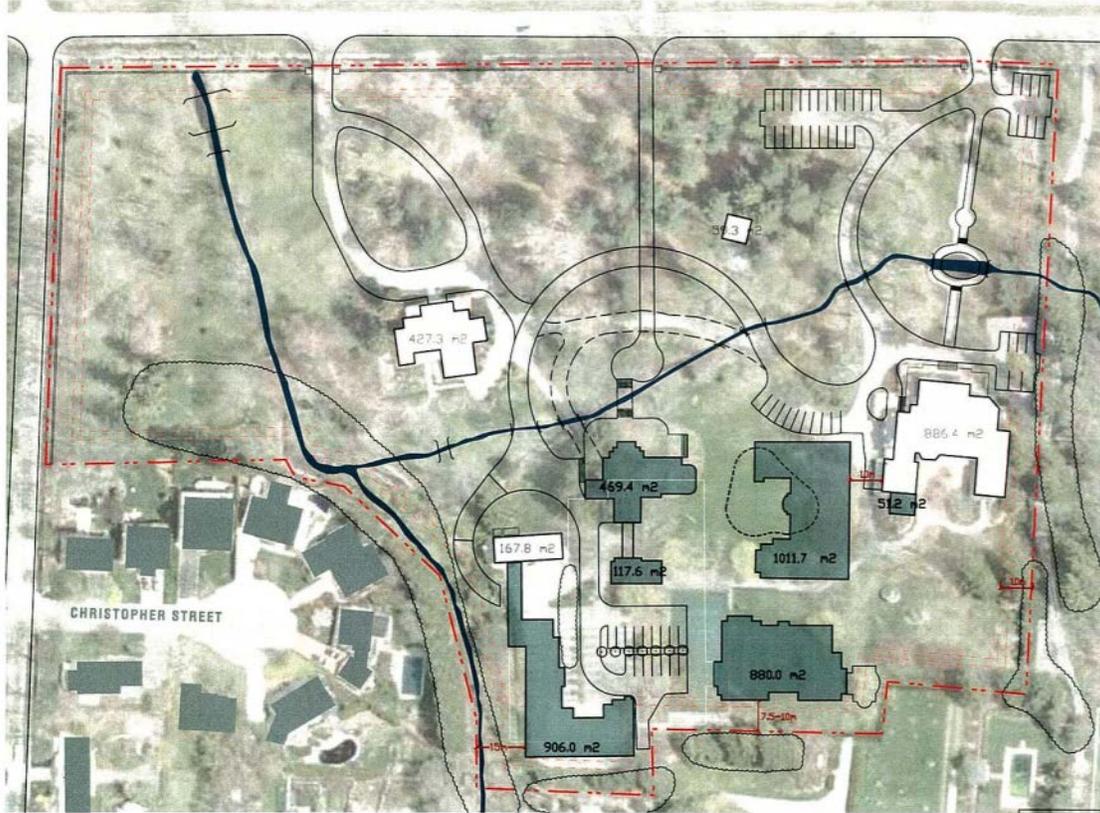
- Increase proposed building setback at east property line to 10 metres;
- Increase proposed building setbacks at the south and west property lines to 10 metres (preferred) or 7.5 metres (minimum);
- Reduce building footprints to the proposed new 3 storey Inn Addition and Conference Facility, 3 storey Inn Addition and Spa/ Conference Facility and 1.5 storey Artist Centre to accommodate revised setbacks and smaller building footprints which fit within the context of the existing modest buildings set within the landscape;
- The 3 storey Inn Addition and Conference Facility should not be connected to the Manor House; and,
- Remove/reduce the length of the 3 storey Inn Addition and Conference Facility.



Option 1 - Decreased building footprints and increased setbacks minimize the impacts of the proposed development on adjacent, low-rise residential properties.

Option 2:

- Buildings are revised per Option 1 to accommodate increased setbacks and smaller footprints; and,
- The proposed Inn Addition and Spa/ Conference Facility, Large Events Pavilion and Seed House are shifted further west to allow the Inn and Conference Facility to frame a courtyard at the lawn



In the opinion of Brook McIlroy, these options would result in architecture that is more restrained, contextually sensitive to the heritage context and mitigation of privacy concerns associated with a 3-storey building directly adjacent to the east and south property line, opportunities to create a large courtyard, a significant open space at the southeast corner of the property and ensure the maintenance of existing mature trees and facilitate the potential to plant new trees as an additional landscape buffer.

On the matter of built form, the peer review assessed architectural design and massing and scale of proposed buildings noting that:

- The Second Empire/ "Chateau" style proposed is generally compatible with the Randwood Estate;
- All finishes and cladding materials must be consistent with the high standard of the architectural period that they represent;

- The size and location of the proposed Inn and Conference Centre buildings in particular are too imposing so close to the rear of the property; and,
- The proposed buildings have long, inter-connected facades that are more than twice the length of the Manor House or Devonian House and may result in a monolithic, wall-like effect in building height and length that is inconsistent with the inherent character of existing buildings.

The report concluded by summarizing the recommendations that could be implemented in order to address urban design concerns:

- The realignment of the proposed buildings, or a similar consideration, should sufficiently reduce the overall scale (i.e. height and length) of the proposed buildings;
- The north 'wing' of the proposed Inn Addition and Conference Facility that connects to the Manor House should be substantially reduced;
- The height of the proposed Inn Addition and Conference Facility should be reduced to reflect a maximum height of 3 storeys above grade. The roof, chimneys, turrets, and other non-habitable architectural features may rise above this height;
- Architectural materials must be of high quality in keeping with the period of the existing buildings. The use of slate (roofs), brick, stone (building base), and wood are appropriate. Large amounts of stucco or similar lower quality materials is discouraged;
- The recommended rotation of the proposed Inn Addition and Conference Facility in Option 2 will significantly reduce the façade length on the east side of the building. However, all sides of the building should maintain a level of architectural detail that is at least on par with the south elevations as proposed in the drawings provided; and,
- Terraces on the upper storeys of buildings should face the interior of the property, and should not overlook neighbouring properties.

In response to the recommendations provided in the peer review, the Romance Proposal was revised as follows:

- The rear yard setback of the proposed Artists Centre was increased by reducing the size of the proposed addition by approximately 1,000 square feet;
- The rear yard setback of the proposed Inn Addition and Spa/ Conference Facility was increased from 4 metres to a minimum of 10 metres by moving the building forward;
- The rear yard setback for the Proposed Inn Addition and Conference Facility was increased from 4 metres to 7.5 metres by reducing the size of the lower level outdoor plaza;
- Relocation of vehicle access ramp;
- Reconfiguration of the southwest corner of the proposed Artists Centre to conserve the boxwood hedge;
- Reconfiguration of the southeast corner of the Proposed Inn Addition and Conference Facility to provide an increased setback from the existing pool at 200 John Street; and,
- Relocation of proposed pool.

There was no consideration of siting of new buildings and building additions in the revised proposal.

Following the revisions to the proposal, in November/ December, 2011, Town of Niagara-on-the-Lake Planning Staff brought forward report CDS-11-099, which reviewed the revised application.

The application was assessed against the policies of the PPS, Growth Plan, Regional Official Plan and Town of Niagara-on-the-Lake Official Plan. Comments from various agencies, including the Region of Niagara, Niagara Peninsula Conservation Authority (NPCA), Parks Canada, Public Works and Building Services and Fire were also received and were included in the staff report and were considered in the decision. Additionally, comments from members of the public were received throughout the process and were considered in, responses provided by staff, in their report. These are summarized below.

As noted above, the application was circulated to various agencies for comment and review. In their review, Regional staff noted that they were generally supportive of the proposal and had no objection to the proposed Official Plan Amendment and Zoning By-law Amendments from a Provincial or Regional policy perspective.

In their review of the Environmental Impact Study (EIS) submitted in support of the application as well as the proposed conceptual site plan, the NPCA noted that: no new development and site alterations would be permitted in the floodplain area; watercourses on the site would require a 15 metre buffer in which generally no new development or site alterations are permitted; One Mile Creek and its tributary as well as the 15 metre buffer must be placed in a Conservation Zone designation; no new development or site alteration can occur in an area identified as significant habitat of endangered and threatened species; site alterations may be permitted in an Environmental Conservation Area and/ or fish habitat on lands adjacent to an Environmental Protection Area if an EIS indicates that there will be no significant impact on the Core Natural Heritage System component of adjacent lands; more information is required with respect to the Eastern Flowering Dogwood and Ohio Buckeye on the site and any other species of concern; and, the "Analysis of Existing Trees Affected by Proposed Development on the Site" should be updated to reflect the most recent Preliminary Site Plan Concept or that an additional tree inventory be conducted.

Parks Canada indicated that the size and location of the proposed development will pose little threat to the heritage integrity of the Butler's Barracks or Fort George National Historic Sites. They also noted that some of the buildings were 4 storeys high with decorative chimneys and turrets. On this matter, Parks Canada identified that they would not like to see anything higher because these architectural features would begin to dominate the forested horizon as viewed from the Commons.

Public Works did not have any concerns with the application and would provide further detailed comments at the site plan stage. They did not identify any concerns with the parking and traffic study submitted with the application.

The Chief Building Official indicated that the site plan must show detailed fire routes at the site plan stage, and associated information related to these routes. The Fire Department identified challenges with access to the property and noted that modifications would likely be required to meet emergency vehicle access requirements. It was also noted that at the site plan stage, fire access routes would be required to be shown and would that the routes to any building would need to conform to the Ontario Building Code. On the matter of engineering, it was noted that a professional engineer must determine if the bridges on the property are capable of withstanding the weight of fire trucks.

A public meeting to receive input and comments on the proposal from members of the public was held on September 30, 2010 and a formal public meeting under the Planning Act was held on September 26, 2011. Members of the public provided substantive comments on the proposal, both written and verbal. These comments, with detailed responses from Town staff, are included in the staff recommendation report (CDS-11-099). We have compiled these comments and responses in a summary table, for information, which can be found at **Appendix 7**.

In their report, staff provided a discussion and analysis of the Romance Inn proposal to redesignate the lands from Residential to Commercial in respect to specific goals, objectives and policies of the Official Plan, noting eight policy themes. These policy themes remain applicable today. A summary of the discussion and analysis contained within the staff report is provided below.

THEME 1: *Providing for an orderly distribution of commercial areas within the Urban Boundaries to meet the shopping and service needs of residents and tourists. The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply so that a cohesive character may be promoted in keeping with adjoining areas.*

SUMMARY OF STAFF ANALYSIS

- Commercial and residential land uses will, and do, abut one another in certain locations throughout Old Town. To evaluate the reasonableness of the request based on the fact that it abuts residential properties is not the only criteria for determining whether the application results in orderly development. Interface issues between residential and commercial properties will need to be mitigated;
- Compatible development does not require development that is the same or similar to the existing development; but looks to development that enhances an established community and co-exists with existing development in harmony without causing undue adverse impact on surrounding property;
- The proposed development maintains, conserves and relies upon the existing characteristics on the site to create a unique setting for the inn and arts and learning centre;
- The proposed Official Plan policies and Zoning provisions are intended to protect these characteristics to ensure a fit between the proposed commercial use and abutting residential neighbourhood and open space on the north side of John Street; and,

- Policies have been included in the Official Plan and Zoning By-law Amendments to ensure adequate and appropriate setbacks and mitigate issues such as parking, overlook, lighting, noise, building separation from adjacent uses and maintenance of natural features (boxwood hedge).

THEME 2: *Maintaining, in tourist serving commercial areas, a character which is consistent with the historical importance of these areas and their surroundings. Every effort shall be made to preserve heritage resources if affected by an application for commercial development or redevelopment. The conservation of such features shall be encouraged.*

SUMMARY OF STAFF ANALYSIS

- The new buildings have been positioned as proposed in an effort to preserve heritage resources and ensure the conservation of the significant cultural landscape to the greatest extent possible;
- It would be detrimental to the heritage resource for the property to be further subdivided or for any of the additions to block views of the existing heritage buildings or to obscure the buildings;
- Placing the additions to the buildings at the rear of the proposed commercial development respects the heritage of the property;
- The size and design of additions must be carefully considered to ensure that the new construction does not dominate and overwhelm existing buildings; and,
- Policies have been included in the Official Plan and Zoning By-law Amendments to ensure that the property is designated under Part IV of the Heritage Act prior to site plan approval and that final designs and plans of any additions to the new buildings shall be subject to approval by the Municipal Heritage Committee.

THEME 3: *Minimizing the impact of commercial development on adjacent land uses. Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment.*

SUMMARY OF STAFF ANALYSIS

- Setbacks from the residential uses have been increased significantly from the initial application;
- The Zoning By-law Amendment will set out minimum setback requirements;
- Consideration has been given to increasing the rear and side yard setbacks to provide a sufficient buffer between the proposed development and the existing residential properties and to protect important landscape elements; and,
- Policies have been included in the Official Plan amendment in order to augment existing commercial policies, specific to the site including the requirement for the provision of sufficient landscaping, buffers and setbacks; terraces or balconies above the second storey can only be oriented toward the interior of the property; adequate building separation from residential uses; submission of a tree preservation plan with the site plan application; and, protection of the boxwood hedge

THEME 4: *Minimizing the impact of commercial development on the traffic carrying capacity of adjacent roads. Vehicular accesses for new commercial development will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways.*

SUMMARY OF STAFF ANALYSIS

- Two vehicular accesses are proposed, both along John Street. The location of the access points should result in a dispersion of traffic as it exits and enters the site;
- The traffic analysis concluded that primary existing roads in the area are accommodating the current volumes of peak hour traffic satisfactorily; and,
- The roads are designed to carry the volume of traffic from this development and other recently approved developments.

THEME 5: *Preventing the intrusion of commercial uses into residential areas.*

SUMMARY OF STAFF ANALYSIS

- The Randwood property has not functioned as a residential property for over 30 years; The proposed use will be confined within the walls of the estate;
- There will be mitigation measures to ensure that the use will not intrude into the residential area; and,
- Commercial uses, such as the Pillar and Post, Riverbend Inn and Peller Estates Winery are all located along John Street. These establishments are designated agriculture and are zoned to permit certain commercial uses.

THEME 6: *Off-street parking areas of commercial uses will be designed to facilitate the efficient off-street movement of vehicles and not negatively impact on abutting or nearby residential uses.*

SUMMARY OF STAFF ANALYSIS

- Off street and underground parking has been provided for 200 cars. Any overflow parking will be accommodated at the northeast corner of the property inside the walls and there will be no need for guests to park on any public streets in the area.

THEME 7: *A marketing/impact study is required for new retail development shaving a floor area greater than 900 square metres demonstrating that the proposed development is warranted and will not prejudice the commercial structure of the Town over the lifetime of the plan*

SUMMARY OF STAFF ANALYSIS

- The applicant has completed a needs assessment and marketing study for the project where it was concluded that there is a market for the proposed use. The study determined that overall there would be no negative impact on the hotel market.

THEME 8: *Within the Conservation designation the following uses are permitted: forestry, fisheries management, wildlife management, waterfowl production, floodplains, environmental protection, public and private parks*

etc., uses permitted with a main use are accessory buildings and structures subject to the approval of the authority having jurisdiction

SUMMARY OF STAFF ANALYSIS

- The existing conservation designation will remain on the property;
- A site specific Open Space Zone with relevant policies is proposed for the remainder of the landscaped gardens at the front of the property;

The report also provides an analysis and summary of the proposed Zoning By-law Amendment, noting the following:

- The proposed Zoning By-law Amendment implements the specific requirements set out in the Official Plan and has been drafted with the intent of limiting the proposed development in terms of lot coverage, floor area, and setbacks while allowing for some minor adjustments to the plan as the project unfolds;
- There is a need to provide some flexibility with respect to zoning to allow for the fact the site plan application review will likely result in changes as grading details and specific site development elements come to the fore and are refined; however, the Zoning By-law puts in place controls that set specific parameters and any changes at the site plan stage cannot go beyond the parameters set out in the Zoning By-law;
- The Zoning By-law specifically lists the permitted uses, provides a definition for the conference centre and establishes minimum setbacks for any buildings or additions and includes a zoning schedule which specifies the zones and their locations; and,
- The Environmental Conservation Overlay Zone will continue to apply to the property. All applicable environmental approvals will have to be obtained for any work within the Environmental Conservation Zone.

Ultimately, staff recommended that the application be approved and implemented through Official Plan Amendment 51 and Zoning By-law Amendment No. 4316T-11. The report concludes by noting that the proposed development has been deemed to be consistent with the Provincial Policy Statement (2005), the Regional Official Plan and conform to the Growth Plan (2006) and that the proposed development has been located to minimize impacts on the existing buildings and the environmental and cultural landscapes and that any potential impacts have been mitigated via the Official Plan Amendment and Zoning By-law Amendment to provide for protection of landscape elements and increased building setbacks.

During the Community and Development Services Committee (CDS) Meeting on November 28, 2011, additional members of the public made comment on the proposal and staff's recommendation, noting additional concerns with the application and proposed Amendments; however, Committee voted to approve the application at that time. The decision of the CDS Committee would proceed to Council to be ratified at the December 12, 2011 meeting.

Following the November 28, 2011 CDS meeting, staff met with the applicant to discuss residents' concerns and the applicant noted they were willing to address some of these concerns through revisions to the Zoning By-law Amendment. As a result, addendum reports to Council were prepared (CDS-11-099A and CDS-11-099B) outlining these changes. The changes were as follows:

- Revised parking requirements to a minimum of 250 spaces, in order to address parking concerns;
- Addition of a restriction related to noise, such that no amplification of music or public address system would be permitted for outdoor activities or events, in order to address concerns with respect to noise impact on adjacent properties;
- Restricting the Devonian House to 8 guest rooms and no other commercial uses permitted, to address residents' concerns and ensure that this building would be used for accommodation purposes only; and,
- Addition of a Holding (H) symbol, to address citizen concerns with respect to the 'prematurity' of a Zoning By-law and Official Plan Amendment application without an associated formal Site Plan application. The requirements of the (H) provision stipulate that it cannot be lifted until such time as the applicant has received Site Plan Approval from the Town of Niagara-on-the-Lake.

The amended by-law was brought forward for approval by Council at its December 12th, 2011 meeting. At that time, Council approved the Official Plan Amendment and the Zoning By-law Amendment, as amended. Following the statutory appeal period, with no appeals filed, the Official Plan Amendment and Zoning By-law Amendment came into effect.

6.0 Comparing the “Romance” and “Two Sisters” Proposals

A comparison of the two proposals in accordance with the approved and requested site specific zoning for the commercial portion of the Subject Lands, with commentary notes, is provided in the table on the following pages. We note that the applicant is not proposing any changes to the site specific open space designation that is currently in effect for the Subject Lands.

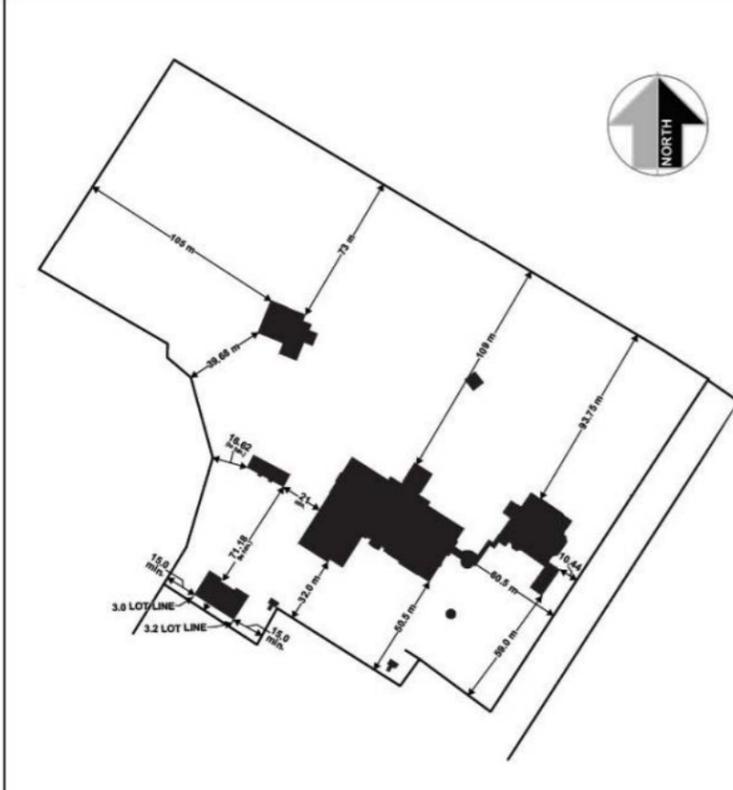
Many of the regulations of the site specific commercial zone are retained by the Two Sisters proposal, except for the following:

- Increased height of 21.95 metres / 72 feet, whereas a maximum 17.35 metres/57 feet is set out in the by-law (this is further discussed in this report below);
- Increased number of guest rooms to 145, whereas 106 are currently permitted;
- Reduced maximum lot coverage of 9%, whereas 12% is currently permitted;
- Increased rear yard setbacks and side yard setbacks for the main hotel (see figure comparison in chart for details);
- Reduced rear yard setbacks and side yard setbacks for the proposed new maintenance building (see figure comparison in chart for details); and,

- Increased maximum ground floor area of 4,667 square metres, whereas 4,181 is currently permitted.

Overall, based on a high-level analysis of the two proposals, it appears that the Revised Two Sisters Proposal meets many of the existing zoning standards for the site and improves upon some (e.g. lot coverage and setbacks for the main building). The main differences in the proposal are related to height and floor area, where the applicant is requesting increases from those previously approved.

Comparison of Romance and Two Sisters Proposals			
	Romance	Two Sisters (July 2018)	Notes about the proposals
Permitted Uses	A hotel with a maximum of 106 rooms A conference centre An artist studio(s) and learning centre An art gallery A restaurant An outdoor patio Accessory buildings and structures	A hotel with a maximum of 145 rooms, and uses accessory to the hotel	Use permitted; Two Sisters application is seeking an increase in number of rooms by 39 from what is currently permitted
Height (Concept)	Inn and Conference Facility: 3 storeys, 63 feet/ 19.2 metres Inn and Conference Facility, Spa: 3 storeys, 51 feet/ 15.5 metres Events Pavilion: 1.5 storeys, 38 feet/ 11.5 metres Art Centre: 1.5 storeys, 40 feet/ 12.2 metres Seed House: 1 storey, 33 feet/ 10 metres	Hotel: 6 storeys, with a reduced floor plate, 72 feet/ 21.95 metres Function Hall: 1 storey Maintenance Building: 1 storey	Conceptual height for Romance Proposal exceeded ultimate height approval for the Romance Proposal
Height (Zoning By-law)	17.35 metres (57 feet)	21.95 metres (72 feet)	Two Sisters Proposal is seeking an increase in height by 4.6 metres/ 15 feet from what is currently permitted and the proposal is effectively 7 storeys.
Minimum lot frontage	300 metres (984.2 feet)	300 metres (984.2 feet)	No change between proposals
Minimum lot depth	120 metres (393.7 feet)	120 metres (393.7 feet)	No change between proposals
Minimum landscaped open space	50%	50%	No change between approvals
Maximum lot coverage	12%	9%	Reduction in lot coverage proposed with Two Sisters Proposal
Parking	A minimum of 250 parking spaces shall be provided	336 underground and 30 surface parking spaces	The Zoning By-law identifies a minimum number of parking spaces only (250 spaces)

Minimum main building setbacks	 <p style="text-align: right;">SCHEDULE 2</p>		<p>Two sisters proposal includes increased rear yard setbacks for the main building, when compared with approved zoning; however, the proposed maintenance building is situated within close proximity to the rear yard and side yard. The setbacks in this location are reduced from the current approvals</p>
Minimum vehicular access ramp setback	30.48 metres (100 feet)	30.48 metres (100 feet)	No change between approvals
Maximum indoor seating capacity	For a restaurant 250 seats	For each restaurant 250 seats	We are unsure if the Revised Two Sisters proposal will contain more than one restaurant on site. The updated Planning Justification Report identifies that the Revised Proposal will only include one restaurant on site; however, the wording of the By-law permits 250 seats for each restaurant
Maximum number of rooms	106	145	Two Sisters application is seeking an increase in number of rooms by 39 from what is currently permitted
Maximum ground floor area of all buildings in the commercial zone	4,181 square metres (45,000 square feet)	4,667 square metres (50,237 square feet)	The Two Sisters Proposal is requesting an increase in maximum GFA by 486 square metres, when compared with what is currently permitted
Maximum floor area of spa	185.8 square metres (2,000 square feet)	Limited to Randwood House	
Maximum ground floor area of arts and learning centre	1250 square metres (13,463 square feet)	N/A	The proposal no longer includes an arts and learning centre
Devonian House	No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the hotel use	Uses accessory to the hotel use shall be permitted, including a reception area, offices and a coffee shop which may also serve alcoholic beverages	No changes to the structure are being proposed. The proposed use of the building has been modified to include accessory uses versus guest rooms

7.0 Assessment and Planning Analysis of the Revised Proposal and Planning Justification Report (July 2018)

Given that the prior approvals process involved considerable analysis in terms of appropriateness of the use with respect to the land use designation, there is no argument that the proposed use is appropriate for the Subject Lands and the redevelopment of the site meets many of the applicable Provincial, Regional and local policies.

While a hotel and conference centre use is appropriate and the redevelopment of the site, in general terms, generally addresses many Provincial, Regional and local planning objectives and many of the site specific zoning regulations, the proposed specific development application must also balance meeting the objectives of Provincial, Regional and Town policies that encourage and promote intensification, while meeting local design and land use compatibility requirements. These require ensuring the scale and height of the development does not negatively impact surrounding uses and that the heritage character of the Randwood Estate and the surrounding area is maintained. This is required to ensure consistency and conformity with Provincial policies

Overall, the revised Two Sisters Proposal does not, in our opinion, conform to or implement many of the in-force and effect policies of the Town's Official Plan that apply to the Subject Lands as described in the following subsections. Additional considerations and recommendations are also noted below.

Character

With respect to character, the Two Sisters Planning Justification Report makes reference to Section 6.4 of the Official Plan which states that the Town's "low rise character should be maintained".

In the conformity rationale statement associated with this policy 6.4 of the Official Plan, the report notes that the Town's "low rise character" will be maintained through the provision of a stepped back built form with 6-storeys in the centre of the building, stepping down to 5, 3 and one storeys respectively. It also notes that this building would be the tallest structure in Old Town; however, it is suggested that this impact is mitigated through design via large setbacks from the property lines, articulated facades and staggered building height. The report also suggests that, when compared to the in-force zoning, which permits a maximum height of 17.35 metres across the subject property, the revised building design would mitigate height by providing only one six-storey building which is concentrated in the middle of the site.

We note that the Planning Justification Report does not include this policy section in its entirety, which can be found on **Page 9 of Appendix 5** of this report. Section 6.4, when read in its entirety, clearly establishes "low rise character" to be three storeys (11 metres/ 36 feet), which is to be limited accordingly in the Zoning By-law.

We have reviewed approved heights for similar uses throughout the Town, within and outside of Old Town, to obtain a better understanding of appropriate variation in heights for hotel uses which have been deemed to meet the “low rise character” of the Town and note that the existing zoning on the Subject Lands (57 feet/17.35 metres) is in excess of the approved heights for the Pillar and Post (46 feet/ 14.02 metres), Queen’s Landing (34.45 feet/ 10.5 metres), White Oaks (49.21 feet/ 15.0 metres), and the Hilton Garden Inn (39.0 feet/ 12.0 metres). If the Revised Two Sisters Proposal were to be approved as requested, the height of the building on the Subject Lands would be 72 feet/ 21.95 metres which, as noted by the applicant, would be the tallest building in Old Town. Further, it would exceed the nearby Pillar and Post by 26 feet/ 7.93 metres.

Moreover, in the Preamble to OPA 51, which specifically references the Brook McIlroy peer review, while a change in use from residential to commercial was permitted, it was explicitly clear that the intent was that height of the Romance proposal on John Street was to be limited to three storeys with chimneys and turrets and other non-inhabitable architectural features permitted above the height limit.

One other important consideration related to height is how it is designed. While the reference to the Two Sister’s building is “6 storeys” and that is reflected when describing the height throughout this report, the first storey is a 6.3 metre colonnade and would actually constitute a 7 storey building if divided into what could be two floors in height.

In the case of the Romance Proposal, Staff identified that an increase in height, to a maximum of 17.35 metres/ 57 feet was appropriate but specifically only in order to provide flexibility related to grading and address the proposed sunken piazza condition and allow for variation in design elements as the proposal progressed through the Site Plan stage. It is our opinion that increases in height above and beyond what was previously approved would not meet the full policy test of Section 6.4 as set out in the Official Plan. The current development proposal is seeking approvals for increased height which is more than double the threshold for “low rise character” set out in the Official Plan. This cannot, in our opinion, be considered “low rise character”. Therefore, we believe that the proposal does not conform to Section 4.6 when considered with all other policies and the heritage context and importance of protection of heritage character.

The Regional Official Plan (“ROP”) also contains policies related to character specific to commercial development. In accordance with Policy 3.D.10 of the ROP, new commercial development or redevelopment is to be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood’s existing or proposed fabric. Assessment in relation to community character could include: the scale of the activity, the orientation of the development to adjacent uses; and, the capacity of the development to operate compatibly with housing.

In response to ROP Policy 3.D.10, the Planning Justification Report provides a series of perspective images which are intended to demonstrate how the building fits into the landscape and character of the area. With respect to views from the Commons which, according to the Planning Justification Report, will not be impacted as the hotel will not be visible from these locations, Figures 18H and 18I are used to demonstrate

that the existing mature vegetation will screen the hotel building. These perspectives do not appear to reflect a to-scale reality of the proposal. It is more likely that the building is taller than the existing trees. This should be confirmed and verified with an estimated height of trees relative to built form. Similarly, Figures 18G and 18E, which are intended to demonstrate that the proposed six-storey building would not dominate the viewscape within the property, particularly with respect to the Randwood House and Devonian House, also do not appear to be to scale. As a result, we do not believe the details provided within the Planning Justification Report demonstrate that the proposal complies with Policy 3.D.10. MBTW, on behalf of SORE, has undertaken a more detailed review of the visual impact work undertaken for the applicant, and has identified deficiencies in that analysis.

Planning Impact Analysis

Section 6.23 of the Town's Official Plan identifies that a Planning Impact Analysis is required as part of any application for Official Plan and/or Zoning Change and is to be evaluated by planning staff, in consultation with appropriate agencies. Overall, there are 18 criteria that are to be examined in the Planning Impact Analysis which are provided in their entirety in on **Page 10 of Appendix 5** of this report, for reference (we note that criteria 6.23 d) and q) do not apply to the proposal). Given the appeal to the LPAT due to non-decision, and without the Town having had the opportunity to complete its normal process, there is no evaluation by planning staff available.

It has been determined that a hotel use and uses ancillary to a hotel use are appropriate for the site through the previous application, which was implemented through Official Plan Amendment 51. In assessing the previous application, it was determined by Brook McIlroy that, from an urban design perspective, the height of buildings on the Subject Lands should not exceed 3 storeys above grade. Further, in their comments on the Romance Proposal, Parks Canada identified that anything in excess of 4 storeys on the Subject Lands would begin to dominate the forested horizon as viewed from the Commons across the street. Overall, it is clear that at the time of the original application, there were concerns with the impacts of a new development with height in excess of 3 storeys on the Subject Lands, and OPA 51 and zoning were implemented to control height.

The Two Sisters hotel building is proposed to be set back 109 metres from John Street whereas the previous application proposed a 1.5 storey events pavilion in this general location, with a 116.96 metre setback. This building will be situated slightly closer to the Commons than the previous proposal and will be significantly taller than the proposed 1.5 storey building at this location, which may result in negative impacts to the views from the Commons. This is more clearly demonstrated in the December 2018 report prepared for SORE by MBTW.

The proposed location of the new hotel building provides for increased rear yard and side yard conditions when compared with the Romance proposal, which the Planning Justification Report identifies as an overall improvement. While the location of the proposed development provides increased rear and side yard setbacks from the previous proposal, and situates the building more centrally in the site, it is our opinion that this relocation does not compensate for or mitigate the potential impacts associated with increased height on adjacent residential properties given the balconies, as well as the internal landscape

and existing three storey built form. Ultimately, we do not believe that a building of this height is compatible with existing heritage buildings and features on the site and would also have impacts on surrounding land uses in the area and on the character of the existing internal landscape and built form and the National Historic Site. Therefore, criteria a) and b) of the Planning Impact Analysis are not met.

With respect to preservation of existing vegetation, the Planning Justification Report identifies that fewer trees will be removed or disturbed than in the Romance Proposal as a result of the centralized location of the hotel building versus the previous sprawling proposal. Overall, it is stated that the current Two Sisters Proposal will remove 30 trees from the property due to the construction of the hotel and 9 will be removed due to conflicts with roads and additional trees are to be removed due to poor health. While a certain amount of disturbance to existing vegetation is anticipated with any development on a site, we are advised that within the past number of weeks, Two Sisters has undertaken extensive removal of trees on the Randwood Estate which has significantly altered the landscape. This has occurred before the Town has been able to enact a Private Tree By-law on December 5, 2018. Therefore, the exact status of the number of trees that would be impacted is unknown.

Through the previous Romance Inn application, it was determined that the lands are suitable for a hotel use and zone boundaries have been provided which ensure that development does not occur within the designated Open Space areas. The Two Sisters Proposal will not introduce any buildings within the Open Space designation, nor will new buildings encroach into this area. An Environmental Impact Statement (EIS) was prepared and submitted with the Romance Proposal and deemed to be acceptable by the reviewers at that time. An Aquatic Feature Characterization and Assessment of Potential Impacts report was submitted with the Two Sisters Proposal which includes further information. However, a report filed in December 2018 for SORE by Colville Consulting concludes that an EIS is required under applicable Regional policies. Accordingly, it is their opinion that the proposal has not met criterion e).

In terms of size and shape of the parcel, the peer review of the Romance Proposal, prepared by Brook McIlroy, identifies that there are limited sites to locate new buildings while maintaining a cohesive landscaped setting and maintaining heritage character of the site (natural and cultural) despite the large size of the property. In terms of siting new buildings, the peer review states that the most advantageous development sites are located at the southern end of the property and the central open space between the Manor House and the Devonian House are the most advantageous sites as they are open with few mature trees. The proposed hotel building is generally located within one of the areas identified as appropriate for development by Brook McIlroy. With respect to intensity of the proposed use, we note that the current zoning permits 106 hotel rooms whereas the proposal is seeking an increase to 145 rooms. In report CDS-11-099, with respect to the Romance Proposal, staff noted that the Pillar and Post contains 122 rooms, Queen's Landing contains 142 rooms; and, Prince of Wales contains 110 rooms and, given the intensity of these existing uses throughout Old Town, 106 rooms was deemed by staff to be appropriate for the Subject Lands. The Romance proposal was supported by a needs assessment and market study. While it is entirely possible that additional rooms beyond the approved 106 could be supported on the site, it is our opinion that 145 rooms on the site represents a level of intensity resulting from increasing the

building height to 6 storeys which, in our opinion, does not meet other Town policies and objectives. Therefore, the proposal does not satisfy criterion f).

Criterion g) identifies that applications are to demonstrate the potential effect of the proposed use on the financial position of the municipality. In report CDS-11-099, with respect to financial capacity to support the Romance Proposal, staff noted that the developer is responsible for all costs associated with proposed redevelopment and any improvements that are required to municipal infrastructure and that the Town will receive revenue through building permit applications, development charges and long term tax revenues. The same applies for the Two Sisters Proposal. Altus Group has prepared a memorandum outlining the economic benefits of the proposed development, which identifies that the development would generate revenue for the Town through development charges, property tax revenues, additional employment opportunities and tourism benefits with little pressure on infrastructure or community facilities. We agree that well planned development on the site within the height representative of the low rise character sensitive to the existing buildings on the site and of the Town would have a positive impact on the financial position of the municipality through increased revenue related to development and, accordingly, it is our opinion that an amended application would also satisfy criterion g).

With respect to transportation, Policy 6.23 h) requires that planning applications demonstrate the adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties. A Traffic Impact Study (TIS) has been prepared by LEA Consulting Ltd. in support of the proposed development, as well as the future plan of subdivision for 200 John Street and 58 Charlotte Street. It is understood that the traffic analysis contained within this report will be reviewed by experts through the circulation process and any issues identified throughout this process will need to be addressed by the applicant prior to receiving any approvals. The peer review completed for SORE by WSP in December 2018 identifies that there are several outstanding issues with the TIS prepared by LEA and identifies that these issues could result in traffic impacts, which may or may not be able to be mitigated. As a result, WSP concludes that the TIS as not demonstrated compliance with Policy 6.23 k).

Policy 6.23 i) states that applications are to be evaluated on the basis of the regulations of the Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government agency. In the Planning Justification Report submitted by the applicant's planning consultant, it is noted that

"The Subject Lands are not subject to the jurisdiction of the Niagara Escarpment Commission or the Niagara Parks Commission. Although they are within the jurisdiction of the Niagara Peninsula Conservation Authority, the proposed development is not located within a regulated area. The Niagara Parks Commission provided comments that the proposed development is not anticipated to negatively impact Niagara Parks Commission lands, including the Commons located on the north side of John Street."

The Planning Justification Report does not include any similar mention of comments received from Parks Canada respecting impacts, and we have not been able to obtain a copy of the comments provided by the Niagara Parks Commission referenced in the applicant's Planning Justification Report. As mentioned previously, we are aware that Parks Canada provided comment on the Romance Proposal, identifying that anything in excess of 4 storeys would impact views from the Commons. The Planning Justification Report submitted by the applicant does not identify whether any comments from Parks Canada have been received with respect to the National Historic Site which confirms that their position on this matter has changed. We would recommend confirming the position of Parks Canada with respect to the proposal for increased height.

The proponent concluded that the "proposed development is not located within a regulated area" of the Niagara Peninsula Conservation Authority (NPCA). The NPCA provided extensive comments on the Romance Proposal as summarized in Section 5 of the report above. The emergency vehicle access for the proposed hotel/conference facility is situated entirely on 200 John Street, across One Mile Creek and its associated 15 metre regulated area. Further consideration of the impact on the regulated area, given the access through 200 John Street is required to implement the proposal.

The criteria set out in 6.23 i) directs how applications should be evaluated by staff in their assessment of the application. . The Planning Justification Report does include an analysis of the application with respect to applicable Provincial, Regional and Municipal policies which the appropriate commenting agencies can use to evaluate the proposal. In this regard, the Planning Justification Report meets the criteria, as it provides information to staff so that they can complete an assessment and evaluation of the proposal. Our assessment of the application with respect to the specific items set out in 6.23 i) are contained throughout this report.

Criterion j) speaks to servicing capabilities, identifying that servicing capabilities of the area and capacity of municipal services to accommodate the proposed use, must be assessed and shall include the drainage of the property and the need for a stormwater management plan. The applicable studies in this regard have been prepared by Quartek Group Inc. in order to demonstrate servicing capabilities. The Planning Justification Report provides a high level summary of the findings of this report, stating that the study demonstrates that the existing water supply system, sanitary sewage system, and utility servicing systems can appropriately service the proposed development. It is understood that this will be evaluated by experts in the respective areas. Accordingly, it is our opinion that the application has met the test of 6.23 h) by providing the appropriate studies with respect to servicing for review and analysis by engineering staff. We recommend an independent review of these studies be undertaken to confirm findings, which has not been done to date.

With respect to lighting, screening and parking areas, applications are to demonstrate that the locations of those items are adequately sited. The development proposal provides underground access to a parking facility located at the centre of the property, beneath the proposed hotel building. Access to the parking garage is proposed to be on the west side of the building. The Official Plan requires that access ramps to underground parking be oriented and designed in such a way that there shall be no impact of vehicular

lights on abutting residential properties. The general location of the parking ramp improves upon the previously proposed location of the parking ramp associated with the Romance Proposal as it is located a further distance away from existing residential dwellings along Christopher Street. It does not appear that a photometric plan has been provided with the application for evaluation of lighting impacts. The technical elements of the application and the proposal have also been reviewed by the SORE group's retained engineers. They have raised issues with policy 6.23 k). An assessment of lighting, screening and parking areas, in respect to other applicable policies is included in further sections of this report. We recommend a review of any photometric analysis be undertaken to confirm findings where this has not been done to date.

Provisions for landscaping are also to be evaluated, in accordance with Policy 6.23 l). A landscape plan has been submitted with the application for evaluation and therefore Policy 6.23 has been met.

In terms of the location of outside storage, garbage and loading facilities (6.23m)), the Planning Justification Report notes that proposal does not include any outside storage or garbage facilities. A loading bay is located along the west side of the hotel building, adjacent to the parking ramp. It appears that these locations meet the Official Plan and Zoning By-law.

Policy 6.23 n) speaks to the need and desirability of the use. As noted previously, the need for the hotel and conference centre use was established through the previous application and approvals to redesignate the Subject Lands for a commercial use. The use is permitted on the Subject Lands in accordance with both the Official Plan and Zoning By-law. However, the scale of the use has changed significantly. It is not clear that 6.23 n) has been satisfied.

Evaluation of the application with respect to the effect on the agricultural land base is required per 6.23 o). The Subject Lands are located entirely within the Urban Area of Old Town, adjacent to existing residential developments. Active vineyards are located further east of the Subject Lands. The approvals of the Official Plan and Zoning By-law amendments for the previous Romance Proposal indicate that the Town has assessed the general land use proposed for the Subject Lands (hotel and associated ancillary uses) in respect to the effect on the agricultural base and determined that such a use and proposal would not affect the agricultural land base. Further, the Planning Justification Report submitted in support of the Revised Two Sisters Proposal indicates that the proposal does not affect the Town's agricultural land base, given its location within the Urban Area boundary. We agree with the previous assessment of the Town and the opinion of the applicant's planning consultant in this regard and believe that 6.23 o) is met.

Applications are also to be evaluated with respect to the identification of environmental, archaeological and heritage resources in the area and how the development will impact those resources. An EIS was required as part of a complete application for the Romance Proposal. We understand that an EIS was not identified as a requirement for a 'complete application' during the pre-consultation meeting. However, the Two Sisters Proposal has submitted an Aquatic Feature Characterization and Assessment of Potential Impacts Report in support of the proposal. Colville Consulting, in a December 2018 report prepared for SORE identifies that the EIS previously prepared by Green Willow Consulting in 2008 is beyond the normal

five-year period considered to be current data and, therefore, any assumption or conclusion of that EIS is not necessarily valid. Additionally, in the opinion of Colville, the studies submitted with the Two Sisters application are not sufficient to act as an EIS.

A clearance letter from the Ministry of Tourism, Culture and Sport with respect to the Stage 1 and Stage 2 Archaeological Assessments has been provided and included with the submission and a Stage 3 Archaeological Assessment will be required to be completed as a condition of Site Plan Approval. A Heritage Impact Assessment (HIA) has also been submitted as part of the application. The peer review prepared for SORE by ERA Architects has indicated concerns with the Heritage Impact Assessment prepared for the Two Sisters application. It is our opinion that the materials submitted do not meet the requirements of 6.23 p), with respect to environmental resources, given the findings of Colville's Review. However, analysis of the proposal, as it relates to these materials and other applicable policies, is included in further sections of this report and in separate reports for SORE completed by ERA Architects and Colville Consulting.

Finally, 6.23 r) requires an evaluation and assessment of measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with.

In response to this criterion, the Planning Justification Report identifies that the subject proposal will have minimal impact on surrounding uses as a result of significant setbacks and tree canopy to mitigate height and act as a visual barrier, and the provision of photo perspectives which *"clearly demonstrate that the proposed hotel will barely be visible from locations off site"*. The Report further states that *"the proposed stepped six-storey building will fit into the surrounding context, and not generate any adverse impacts on surrounding land uses or to adjacent streetscapes"*.

While it is acknowledged that the Revised Two Sisters Proposal represents a reduced mass, which would improve appearance and massing of the building when compared with the original Two Sisters Proposal, the overall building floor area continues to exceed the approved floor area set out in the site specific zoning by-law and significantly exceeds the height approved for the Randwood Estate through the Romance approval process. It is our opinion that stepbacks, alone, are not enough to mitigate an overall increase in height that is more than double the standard established for "low rise character" (3 storeys and 11 metres) in the Official Plan nor is it consistent with or responsive to Parks Canada's comment related to the Romance Proposal that anything in excess of 4 storeys on the Subject Lands would result in impacts on views from the Commons and should not be permitted. We further note that the proponent has recently cleared a significant number of trees on the Randwood Estate in advance of the Town enacting a private tree By-law at a special Council meeting on December 5, 2018. There is no longer the same significant tree canopy to mitigate the hotel from Christopher Street or Weatherstone Court to the west or from the adjacent Heritage Trail.

The proposed stepped six-storey building does not fit into the surrounding context nearly as well as the previously approved proposal. It fails, in our opinion and that of other experts retained on behalf of SORE, to meet all of the criteria set out in Section 6.23 of the Official Plan. In addition, it has not fully met other Town planning policies and has not demonstrated full compliance with Provincial and Regional planning policies, as discussed in this report. The following sections provide further analysis and commentary in this regard.

Growth Management

The *Planning Act*, Provincial Policy Statement, Growth Plan, Regional Official Plan and Town of Niagara-on-the-Lake Official Plan all contain policies with respect to growth management and intensification.

The *Planning Act* sets out matters of provincial interest that all municipalities must consider in their decision making. These interests include:

- c) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest; and,*
- p) the appropriate location of growth and development.*

Local municipalities are required to ensure decisions address these and other matters. Niagara-on-the-Lake, in 2011, adopted an amendment to its Official Plan and approved a Zoning By-law amendment related to the Subject Lands that addresses these matters with respect to its local context. The current applications seek to amend the regulations to provide for a development that, in our view, is not consistent with the Town's implemented approach.

The Provincial and Regional policies provide broad direction for where growth is to occur, stating that growth is to occur within settlement areas with delineated built boundaries on municipal services that efficiently use land and resources and are cost-effective and capable of achieving complete communities (PPS, 1.1.1, 1.1.2, 1.1.3.1, 1.1.3.2, 1.6.1, 1.6.6.2, 1.8.1; Growth Plan, 2.2.1.2, 2.2.5.1 b); ROP, 4.A.1.1, 4.A.1.2, 4.A.1.10, 4.A.1.12, 4.G Objective 5, 4.G7.2, 4.G.8.1). The Subject Lands are located within the Built Up Area which are on municipal services and can provide for the development of the site in accordance with uses permitted in the Official Plan and Zoning By-law.

With respect to intensification and appropriate areas for intensification, there are specific policies at the Provincial and Regional levels which are of importance to the analysis and evaluation of the Revised Two Sisters Proposal. At the Provincial level, the PPS directs planning authorities to identify appropriate locations and promote opportunities for intensification and redevelopment, taking into account existing building stock or areas, along with appropriate development standards to facilitate intensification, redevelopment and compact form while avoiding or mitigating risks to public health and safety (1.1.3.3, 1.1.3.4). The Growth Plan directs municipalities to identify the appropriate type and scale of development and transition of built form to adjacent areas in order to achieve intensification throughout delineated built-up areas (2.2.2.4 b)). Finally, the Region makes provision for municipalities to identify specific intensification areas within local Official Plans wherein intensification should be developed (4.A.1.3).

In implementing the policies of the Region and Province, the Town of Niagara-on-the-Lake has made it an objective to direct appropriate intensification to Designated Intensification Areas (3.2 f)). The Town's OP has identified specific intensification parcels in Old Town where intensification in accordance with policies of the ROP and Growth Plan can and should be achieved, which are shown on Figure 3 of this report. We note that the Subject Lands are not identified as an intensification parcel on this schedule.

The Town has additional policies which speak to the design of new developments in terms of maintaining a bulk, mass and scale of development that is in keeping with the context and consistent with land use compatibility criteria (Urban Design d) and f)). The Official Plan does make provision for intensification within the Built Up Area, but outside of identified intensification parcels, which states that the Town will support appropriate infilling and intensification within the limits of the Built-up Area, subject to ensuring that intensification and redevelopment is consistent with the heritage and character of the Built Up Area (Built Up Area Intensification Policy h)). Finally, Section 4.6 a) through f) establish Land Use Compatibility Policies and Criteria for intensification development within the Built-up Area, including the existing and/or planned built form, heritage (natural and cultural), height and massing of the property and surrounding neighbourhood; demonstrating compatibility and integration with surrounding land uses through effective transitions in built form; and, integration with the character regarding street and block patterns, lot frontages, area and depth, building setbacks, privacy and overview, lot grading and drainage, parking and servicing. In applying these criteria for intensification, the policy also states that in circumstances where a proposed development supports the Town's intensification target but does not support the compatibility policies, the compatibility policies shall prevail.

Consideration has already been given to an increase in height on the Subject Lands, to a maximum of 57 feet/17.35 metres as deemed appropriate by Staff in 2011 and implemented in the Zoning By-law. This increased height was however based on a design concept which provided a 3 storey building facing John Street with a sunken piazza that would read as 4 storeys in some locations, with the increased height required to address height related to grade; and, allow for minor variation in non-habitable architectural features such as chimneys and turrets as the project unfolded given that a formal site plan application had not been submitted at the time of the rezoning. Increased height of 72 feet/ 21.95 metres would be a significant departure in scale from the heavily scrutinized Romance proposal approved in 2011 and from the surrounding context, which is generally 1-3 storeys in form and consists of estate residences, single detached dwellings, commercial hotels and wineries; and, perhaps most important, the existing built form on the property which consists of several character defining buildings of heritage significance that are not more than three storeys and 13.71 metres/ 45 feet in height. Further, the massing of the proposed building is much greater than the massing of the existing buildings on the property and, as suggested in the Brook McIlroy peer review for the Romance Proposal, efforts should be made to maintain the "pavilion-like" character of the property and avoid monolithic wall-like effects in building height and length which is inconsistent with the inherent character of existing buildings. We agree that the setbacks provided in the Revised Two Sisters Proposal will assist somewhat to mitigate impacts with respect to massing; however, it is our opinion that this does not off-set the overall height increase for the proposed development. The building, as proposed, would be contrary to the achievement of other objectives of the Town with respect

to scale of development; is not in keeping with the recommendations of the Brook McIlroy peer review,, is not consistent with the character of the Built-Up Area which is predominantly low rise residential and commercial (under three storeys) in nature, and is not consistent with the character of the heritage assets on the Estate.

It should be further noted, with emphasis, that the current site specific polices and zoning applicable to the Randwood Estate are consistent and conform with Provincial and Regional polices and the request to amend the zoning regulations to increase the scale and intensity is not required to meet Provincial or Regional policies.

Tourism and the Economy and Commercial Policies

The Provincial and Regional policy planning documents provide a land use planning framework which encourages a strong economy and tourist base to ensure economic development and competitiveness by providing sufficient land, in appropriate locations, for a variety of employment (Growth Plan 2.2.5.1 b)). Additionally, the ROP encourages local municipalities to plan for and identify high quality tourism related development and redevelopment opportunities within existing urban areas that are compatible with and respect the distinctive character of communities (2.D.2.1). Finally, the Official Plan directs that some employment should be located within living areas through local services, commercial, institutional, home occupations and government related jobs to ensure there are available employment opportunities for residents (3.6).

Development of a commercial use on the Subject Lands is appropriate, as it is consistent with the Official Plan designation and the hotel and conference centre uses are permitted by both the Official Plan and Zoning By-law. A hotel and conference centre use can provide high quality tourism related development and additional opportunities for local employment within the community. We do, however, question whether the development proposal, with a large building footprint and 6 storey stepped built form respects the distinctive character of the community, and the modest and pavilion-like character of the site, as detailed throughout this report. We believe the distinct character of the community and the significant heritage assets of the Randwood Estate can only be maintained and achieved on the site through a scaled back development and revised design which provides a stepped back building with a maximum height and overall floor area within the parameters of the established Zoning By-law.

Infrastructure

Section 1.6 of the PPS and Section 3 of the Growth Plan provide direction for development as it relates to infrastructure and public service facilities, identifying the importance of ensuring coordinated, efficient and cost-effective delivery of services and infrastructure. Development, redevelopment and intensification is to occur on existing municipal water and wastewater systems within existing settlement areas, wherever feasible. The ROP identifies optimizing the use of existing infrastructure as an objective for development in the Region (8.A.2).

The Subject Lands are located within the settlement area of Old Town, on full municipal services. The technical reports submitted in support of the development application identify that the proposed

development can utilize the existing infrastructure servicing the property and optimize the use of existing infrastructure. The findings of these technical reports should be confirmed through an independent engineering review which has not to date occurred.

Natural Environment

Policies for the wise use and management of resources are included within Section 2 of the PPS, setting out where development and site alteration can and cannot occur with respect to natural features (2.1.3, 2.1.5, 2.1.6, 2.1.8, 2.2.2) and requiring the long term protection of natural features and maintenance of biodiversity, connectivity of natural features, and natural heritage systems; and, the protection, improvement or restoration of the quality and quantity of water (2.1.1, 2.1.2, 2.2.1). The Growth Plan also provides policies for development or site alteration within the Natural Heritage System and the protection of natural heritage beyond the Natural Heritage System (4.2.2.3, 4.2.2.6). The ROP directs that new development be designed to maintain or enhance natural features and functions of a site, and avoiding negative environmental impacts (7.A.2, 7.A.3).

An EIS was provided with the original OPA and ZBA application for the Romance Proposal, which was deemed acceptable through the circulation review at that time. An EIS was, for some reason, not identified at the pre-consultation meeting as a requirement for a complete application and, therefore, was not submitted with the Two Sisters Proposal. An Aquatic Feature Characterization and Assessment of Potential Impacts report was submitted with the Two Sisters Proposal. The Planning Justification Report indicates that the Aquatic Feature Characterization and Assessment of Potential Impacts report identifies the development is not anticipated to generate any negative environmental effects and that there will be no direct disturbance to the unnamed tributary of One Mile creek, nor to the One Mile Creek itself, with the construction of the new hotel building, bridge upgrades, and the installation of a maintenance building and underground parking lot. T

With respect to the Regional environmental policies, the Planning Justification Report identifies that the placement and orientation of the proposed hotel and conference building minimizes the impact on natural heritage features. We agree that the general siting and placement of the building in the proposed location is appropriate, as it is located outside of the Open Space area and within a portion of the site that has previously been deemed as acceptable, appropriate and preferred location for development by staff as well as Brook McIlroy, through their previous peer review. The findings of the technical report with respect to placement and orientation impacts on the natural heritage features should be confirmed through review by environmental experts. We do note however that the hotel proposal relies on the use of 200 John Street for emergency vehicle access and that One Mile Creek and the NPCA regulated area across 200 John Street directly in the path of the proposed access road. Since 200 John Street was not included in the application, adequate analysis of the impacts from this proposed access has not been provided by the proponent. A December 2018 report prepared for SORE by Colville Consulting concludes that an EIS should be required for the application and that the application is not consistent with policy sections 7.B.1.10 or 7.B.1.11 of the ROP and is not consistent with Sections 2.1.5 and 2.1.7 of the PPS.

Cultural Heritage and Archaeology and Urban Design

The Provincial Policy Statement, Growth Plan and Regional Official Plan all provide policies related to cultural heritage and archaeology, requiring that significant built heritage resources and cultural heritage landscapes be conserved; prohibiting development and site alteration in areas containing archaeological resources; and, prohibiting development and site alteration on adjacent lands to protected heritage properties unless it has been demonstrated that the heritage attributes will be conserved (PPS, 2.6.1, 2.6.2, 2.6.3, ROP 10.C.2.1.5, 10.C.2.1.7). These documents also require the conservation of cultural heritage resources within the context of every site in order to foster a sense of place and benefit communities, particularly in strategic growth areas (Growth Plan, 4.2.7.1, ROP 10.C.1.4, 10.C.1.5).

With respect to local matters, the Town's Official Plan contains policies related to heritage conservation, with overall goals and objectives aimed at protecting, preserving and encouraging the restoration of the original architecture detail, wherever feasible, and to encourage good contemporary building design by using sympathetic forms while avoiding copying historic architecture. Additionally, the Official Plan states that restricting building design that is not compatible with existing structures or unsympathetic alterations that would detract from the character of a Heritage Resource is an objective (18.2 1) and 2)). Specific to the Commercial designation, Policy 10.4 9) states that every effort shall be made to preserve heritage resources if they are affected by an application for commercial development and an inventory of heritage features deemed by Town Council to be impacted by a development application shall be made before changes are undertaken and the conservation of such features shall be encouraged.

The Planning Justification Report submitted in support of the proposal makes reference to the Heritage Impact Assessment (HIA) prepared for the proposal in this regard, noting that the HIA concludes that the proposed development is sensitive to the heritage resources on the property and adjacent properties and is a good adaptive reuse of the site. While not mentioned within the Planning Justification Report, we note that the HIA does indicate that *"the proposed height has potential to create impacts however, the hotel will be constructed at the rear of the property a full 111 metres (364 feet) from John Street and the wall that surrounds the property"* (HIA, October 2017, Page 42). ERA Architects on behalf of SORE has separately submitted an analysis of the cultural heritage impact associated with the proposal which concludes that the proposal does not meet many of the applicable Provincial, Regional or local heritage protection and conservation policies, guidelines and best practices.

Policy 18.3(4) establishes criteria for assessing new development, including the requirement that the Local Heritage Advisory Committee be included as a commenting agency and provided an opportunity to review applications and comment on impacts related to existing heritage resources and the historic character of abutting properties and the streetscape.

We note that at the meeting on May 8 of 2018 of the Town's Municipal Heritage Committee (MHC), which is constituted under Section 28 of the Ontario Heritage Act, extensive comments were provided by the Committee that conveyed concerns with the Original Two Sisters hotel/conference centre proposal. Among other things, the MHC passed a resolution that it did not support a hotel of the height proposed by the Two Sisters for the Rand Estate.

With respect to archaeology, the Official Plan requires the submission of archaeological assessments for an entire property as part of a development application and are encouraged to complete necessary assessments and/or site mitigations prior to submitting planning applications (18.5(2), 18.5(3)). Stage 1 and 2 Archaeological Assessments have been completed for the Subject Lands, with a clearance letter provided by the Ministry of Tourism, Culture and Sport and it is understood that a Stage 3 Archaeological Assessment will be required as a condition of Site Plan Approval. We believe that the application meets all applicable policies with respect to archaeology.

Finally, the Town's Urban Design Committee (UDC) has met twice to comment on the proposal. The committee discussed a variety of elements of the proposal and noted that the design of the building "looks too severe". A copy of the minutes of the UDC meetings can be found at **Appendix 8**.

Site Specific Policies (Commercial and Open Space- OPA 51)

Sections 10.3.6 and 15.3.2 of the Town of Niagara-on-the-Lake Official Plan implement the site specific policies that apply to the Subject Lands, as approved through Official Plan Amendment 51 that permitted the Romance Inn. When the approved use was changed in 2011 from residential to commercial, these policies set out the boundaries between the Commercial and Open Space designations on the Subject Lands, identify uses permitted within each area, and importantly, provide policies for development on the Subject Lands. Our assessment of the development application, in relation to these site specific policies, is provided below.

1.) Preamble

The Preamble to OPA 51 establishes the purpose and basis for the amendment. The basis of the amendment makes specific reference to the Peer Review completed by Brook McIlroy in item 7, noting that *"the recommendations include reducing the massing of the buildings especially any long wall as this is not proportional with the existing buildings, increasing the side and rear yard setbacks, heights should not exceed 3-storeys above grade, and terraces on the upper-storeys of buildings should face the interior of the property and should not be overlooking neighbouring properties"*.

While the Preamble to OPA 51 is not operational, it is quite clear that the basis for the Town's approval of the Romance Inn was, in part, related to maintaining a "low rise character. As discussed throughout this report, while the specific requirements of OPA 51 do not include reference to the low rise character, there are other similar policies contained within the Town's Official Plan that establish parameters for assessing compatibility, planning impact, and "low rise character" that are not met by the Two Sisters proposal.

2.) Permitted Uses

The uses proposed for the Subject Lands, within the Commercial and Open Space designations, are permitted in accordance with the permitted uses set out in the Official Plan.

- 3.) At site plan approval stage, the property shall be designated under Part IV of the *Ontario Heritage Act*.

It is our understanding that, in August of 2018, the Town issued four Notices of Intention to Designate for 144 John Street East, 176 John Street East, 200 John Street East and 588 Charlotte Street under the *Ontario Heritage Act*. These are currently under appeal by Two Sisters to the CRB. It is our recommendation that the LPAT appeal initiated by Two Sisters be postponed until after the CRB proceedings are completed and the Town has received the decision and determined what will be designated on the Randwood Estate under the *Heritage Act*. We note that the Planning Justification Report identifies that the owner will take the required steps and work with the Town to designate the property under Part IV of the Ontario Heritage Act prior to final site plan approval.

- 4.) The final design and plans of any additions or new buildings shall be subject to the approval by the Municipal Heritage Committee.

It is our understanding that the Municipal Heritage Committee has been involved in the review of this application and has in fact commented extensively in relation to their issues and concerns and has rejected, in fact, the original proposal, as noted above

- 5.) Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses.

The Draft Zoning By-law amendment submitted by the applicant generally proposes setbacks which are greater than are permitted in the current site specific Zoning By-law (save and except for the proposed new maintenance building in which the setbacks are reduced).

- 6.) No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior property.

The development proposal does indicate that there are balconies at corner locations on the fourth floor which do orient away from the interior of the property.

- 7.) All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.

The Planning Justification Report identifies that access to underground parking will be situated approximately 34 metres away from abutting residential properties and is oriented north-south. We have recommended a photometric analysis, as compliance with this provision has not yet been demonstrated. We also note that the traffic report undertaken by WSP for SORE related to access and traffic indicates potential impacts.

- 8.) There shall be no negative impact on properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces.

The Planning Justification Report identifies a number of features on the site which will mitigate lighting impacts on abutting properties, including buffering as a result of the existing tree canopy; no additional surface parking areas added from what currently exists; and lighting of pathways for vehicular and pedestrian safety. We recommend a photometric analysis be undertaken to confirm that the proposed lighting will not negatively impact adjacent properties. It is not clear, given the significant tree removal on the neighbouring property, whether the buffering from the existing tree canopy cover can be relied upon to mitigate impact to the neighbourhood to the west. This is also addressed in the MBTW report related to visual impact prepared for SORE.

- 9.) There shall be adequate building separation from adjacent residential uses.

The in-force site specific zoning provides for specific setbacks which were intended to provide adequate building separation from adjacent residential areas. The proposed zoning provides setbacks that are greater than the existing setbacks. Additionally, the positioning of the building in the centre of the site does assist in minimizing impacts on abutting residential uses.

- 10.) A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application.

We understand that a tree preservation plan, tree summary list and tree survey have been submitted as part of the application. We understand that SORE has expressed concerns to the own with respect to the content and quality of these documents. We recommend that a peer review of the tree assessment and preservation plan, tree summary list and tree survey be undertaken by a professional arborist to confirm findings of those documents.

- 11.) The boxwood hedge within the buffer area adjacent to the western property line shall remain and be properly protected and preserved to insure its continued growth. At site plan stage, measures to mitigate construction impacts to protect the boxwood hedge will be required.

We have been advised that a part of the boxwood hedge has been removed by the proponents.

Implementation

The PPS, Growth Plan and ROP all contain specific direction related to implementation and interpretation of the policies contained within the respective Plans. Generally, these documents identify that the Local Official Plan is the most important vehicle for the implementation of the broader Provincial and Regional goals and objectives. Recognizing the unique circumstances within each area municipality, the statements and policies contained within these documents represent minimum standards and do not prevent local planning authorities from going beyond the minimum standards, so long as they are not in conflict with the upper tier plans (PPS, 4.7, 4.9; Growth Plan, 5.2.5.1; ROP 14.E.4, 14.E.5).

The Town has set out in its Official Plan a framework which allows for growth and intensification that meets Provincial and Regional policies while ensuring context-sensitive development can be achieved. This is done through establishing a specific threshold that defines “low rise character”, providing opportunities for increased height and density that would facilitate intensification in certain identified locations and throughout the Built Up Area, subject to criteria. The Town has already once carefully and intensively considered a site specific request for a change of use from residential to commercial and an increased height on the Subject Lands in 2011 in relation to the 2011 Romance Inn and determined an intensified scale of development to be appropriate, with parameters carefully set out at that time, including specific building setbacks; mitigation of privacy impacts by limiting the location of balconies at particular locations; controlling for the location of parking; a maximum of 106 guest rooms; a maximum floor area of all buildings of 4,181 square metres/ 45,000 square feet; and, a maximum height of 57 feet/ 17.35 metres to account for a grade depression, with the intent of a 3-storey hotel facing John Street, among other things. While flexibility in zone standards such as setbacks are, in our opinion, appropriate for a development given these were based on a previous concept with specific building design and location on site, the increased scale now proposed by Two Sister, in terms of both floor area and height, as well as the design, as demonstrated by ERA in their report, are not appropriate for the context as they have been demonstrated in this report to conform to all Provincial, Regional and local policy objectives in this regard.

8.0 Additional Commentary with respect to Appropriateness of Height and Massing

Two of the main arguments provided in support of the application mentioned multiple times in the Planning Justification Report are related to the fact that the current zoning that applies to the site “allows for a sprawling hotel building up to 17.35 metres in height” and that the Revised Two Sisters Proposal will “better reflect the character of the area and implement provincial direction for compact development by providing only one building (6 storeys, 72 feet/ 21.95 metres)”. It is our opinion that these arguments ignore the complex history associated with the prior planning approvals for the Romance Inn in 2011, which provides context-specific rationale for both the maximum height and location and orientation of the buildings on-site; has overlooked the three storey/ 11 metre character “threshold” provided in the Official Plan; and contemplated for the Romance Inn facing John Street has not considered that a “compact development” (i.e. one large stepped back six storey building) is contrary to the “modest and pavilion-like character” of the site and existing important heritage buildings; and, has not fully assessed the implementation policies of the Provincial Plans and Regional Plans which identify that local Official Plans can be more restrictive, so long as the upper tier and Provincial plans are still being met.

First, the intent of the Romance Proposal was never to provide a building on the site in excess of three storeys above grade facing John Street. The buildings were proposed to be situated such that there would be a sunken piazza, which necessitated the requirement for the 17.35 metre maximum height in the By-law to address height in relation to grading and allow for minor adjustments to the plan as the project unfolds through detailed design, as the Site Plan Application had not been submitted concurrently with

the OPA and ZBA. As discussed below, this is clear from the Preamble to OPA 51 and the related staff report and the Brook McIlroy peer review.

Concerns with the proposed height were raised at that time by both members of the public and commenting agencies (Parks Canada). In response to comments with respect to height, staff had identified that the hotel would have a 3 storey profile when viewed from adjacent properties and from John Street and a 4 storey profile when viewed internally, as a result of the sunken nature of the piazza area. The three storey height maximum is further reinforced by Brook McIlroy, in its peer review, which recommended that height be reduced to reflect a maximum height of 3 storeys above grade (roof, chimney, turrets and non-habitable space could be permitted to rise above this height). In fact, this is referenced in item 7 of the Preamble of OPA 51 as one of the basis' for the Amendment which is provided below, for reference:

"7. A peer review of the Randwood Estate proposal was conducted by Brook McIlroy Inc. to provide some further urban design recommendations given the significance of the property and the scale of the proposal. The recommendations include reducing the massing of the buildings especially any long walls as this is not proportional with the existing buildings, increasing the side and rear yard setbacks, heights should not exceed 3-storeys above grade, and terraces on the upper-storeys of buildings should face the interior of the property and should not be overlooking neighbouring properties".

Further, as noted in staff report CDS-11-099, since the associated site plan application had not been made yet, flexibility in the Zoning By-law was required to address fluctuations in certain standards upon confirmation of final grading of the site. Additionally, in their formal response to resident comments with respect to height and scale as contained in report CDS-11-099 on this matter, staff noted that the design of buildings and additions would be required to be compatible with existing buildings in terms of scale, mass, height and design. In the review of the Romance Proposal, the Municipal Heritage Committee identified that the design of buildings should be simplified to allow the landscape and existing structures to remain prominent features on site. These statements by staff clarify that their assessment of the merits of the application and their recommendation for approval was on the basis of 3-4 storey buildings which would protect the natural and cultural heritage landscape. The implementing height in the By-law was intended to address the piazza condition and ensure development did not exceed this height. We agree with the assessment that a building in the height range of 3-4 storeys is appropriate for this site; however, as detailed throughout this report, we do not believe a building of this scale and intensity is appropriate for this context.

Second, it was made clear in Brook McIlroy's peer review of the Romance Proposal that the existing integrated landscape setting was a character defining element of the site, and that new development should maintain this character by avoiding a mass of built form at the rear of the property and ensuring a 3 storey built form which would be cohesive within the context of existing modest buildings set within the landscape. In this regard, they recommended the reduction of building footprints and the relocation of buildings on site to maintain this landscape. We note that the current application in fact provides a larger

building footprint than the previous proposal and is not in keeping with the urban design recommendations provided by Brook McIlroy in this regard.

Finally, with respect to the long, inter-connected, facades proposed in the Romance Proposal, Brook McIlroy identified that they were more than twice the length of the Devonian House and enclose the southern end of the property, which could result in a monolithic wall-like effect in building height and length which is inconsistent with the inherent character of existing buildings. These statements by the independent peer reviewer support a distributed development, versus a compact one, on the Subject Lands for context-specific urban design reasons including maintaining the unique and nationally significant Dunnington- Grubb Landscape and ensuring that attention and focus of the existing buildings is not taken away by a large mass of building. We are concerned that the Two Sisters proposal will not ensure that the existing cultural heritage buildings of the Rand Estate continue to be the prominent character defining feature of the Randwood Estate. This matter is further assessed in the separate Heritage Impact Assessment completed in December 2018 by ERA for SORE.

9.0 Conclusions

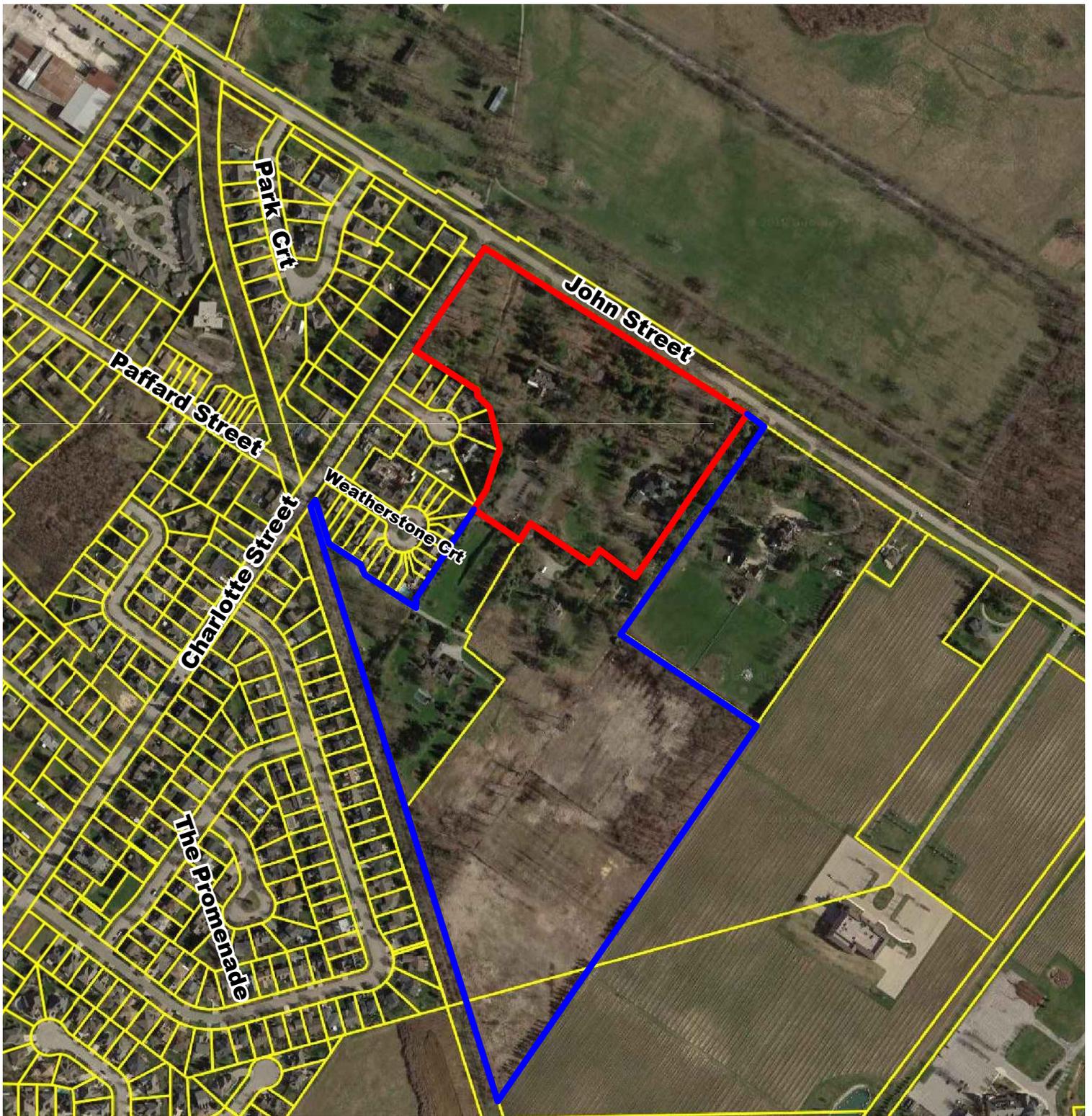
The Town's Official Plan is the most important tool for the implementation of Provincial policy. It reflects the Town Council's approved direction for land use and development which is consistent with the Provincial Policy Statement and conforms to the Growth Plan. The Town has identified a clear set of policies and regulations to ensure the redevelopment of the Randwood Estate is of a scale and intensity that is respectful of the local context and protects cultural heritage. The proposal is seeking to amend the Zoning By-law to provide for an intensified development that is not, in our view, reflective of the level of development that was approved and implemented to respect local context.

In our analysis of the application we specifically identified the importance of the local site and surrounding area context and the history of the Subject Lands and their importance. The redevelopment is also associated with a future draft plan of subdivision that has not been included as part of the overall redevelopment and as such has not comprehensively been addressed by the applicant in relation to access, infrastructure and impacts.

The previously approved Romance Proposal was carefully considered with regard to the local context and the importance of the scale and density in relation to the low rise character of the community and the existing buildings and structures on the Randwood Estate. The resulting Official Plan policies and zoning regulations implemented an appropriate level of development and a design to ensure consistency and conformity with Provincial and Regional as well as broader local objectives.

The Town's approved policies and regulations currently provide for an appropriate level of intensification that is consistent and in conformity with Provincial policy. It is our opinion that the Revised Two Sisters proposal for what is effectively a 7 storey building is not appropriate given the local site context and existing policy framework, including the Town's 11 metre metric definition of "low rise character". It is also

our opinion that sufficient information has not been provided to address impacts of the redevelopment on the surrounding area. Additionally, it is our opinion that conformance with applicable Provincial, Regional and local land use policies has not been demonstrated by Two Sisters as further elaborated upon throughout this report.



Data Source: First Base Solutions Aerial Flown 2016

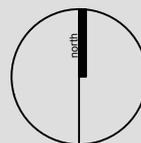
Figure 1
Location Map

LEGEND

- Subject Lands (Two Sisters Corporation; Hotel Proposal)
- Other Lands Owned by Applicant (Future residential subdivision; Not subject to current proposal)

DATE: September 21, 2018

SCALE 15.727417

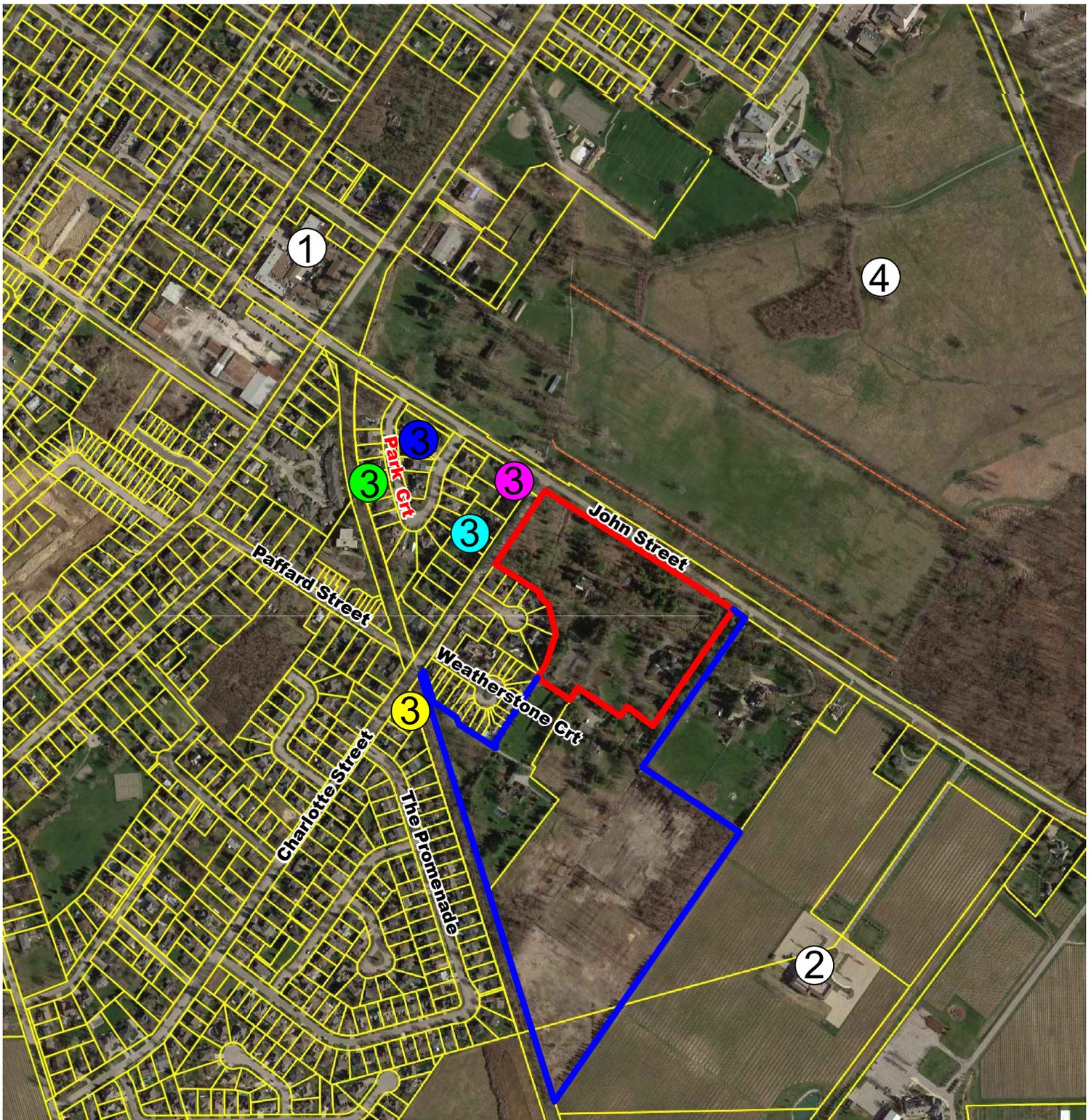


**144 & 176 John Street,
Niagara-on-the-Lake,
Ontario**

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061115



Data Source: First Base Solutions Aerial Flown 2016

Figure 2
Surrounding Uses

144 & 176 John Street,
Niagara-on-the-Lake,
Ontario

LEGEND

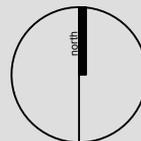
- Subject Lands (Two Sisters Corporation; Hotel Proposal)
- Other Lands Owned by Applicant (Future residential subdivision; Not subject to current proposal)
- ① Pillar and Post Inn & Spa
- ② Two Sisters Winery

- 3 AquaBella Bed & Breakfast
- 3 Darlington House Bed & Breakfast
- 3 Lakelands Bed & Breakfast
- 3 Blue Skies Bed & Breakfast
- 3 Bruce Manor Bed & Breakfast

- ④ Butler's Barracks and The Commons
- Butler's Barracks and The Commons Walking Paths

DATE: September 21, 2018

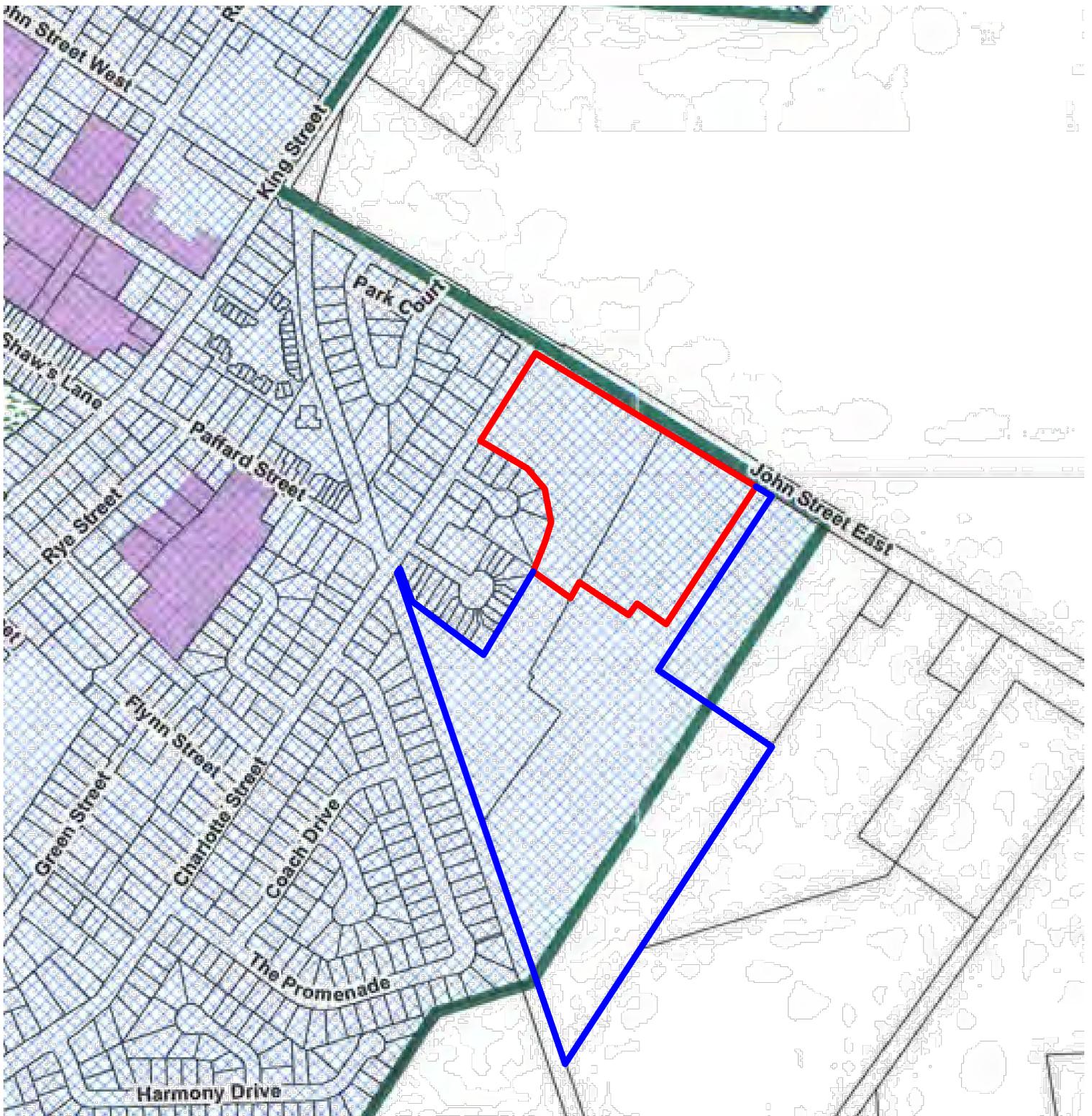
SCALE N.T.S



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061116



Data Source: Niagara on the Lake- Official Plan - Schedule I-1

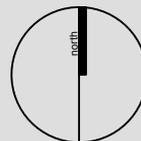
Figure 3
**Niagara on the Lake
 Official Plan
 Schedule I-1**

LEGEND

- Subject Lands (Two Sisters Corporation; Hotel Proposal)
- Other Lands Owned By Applicant (Future residential subdivision; Not subject to current proposal)
- Urban Area Boundary
- Built-up Areas
- Intensification Parcels

DATE: September 21, 2018

SCALE N.T.S

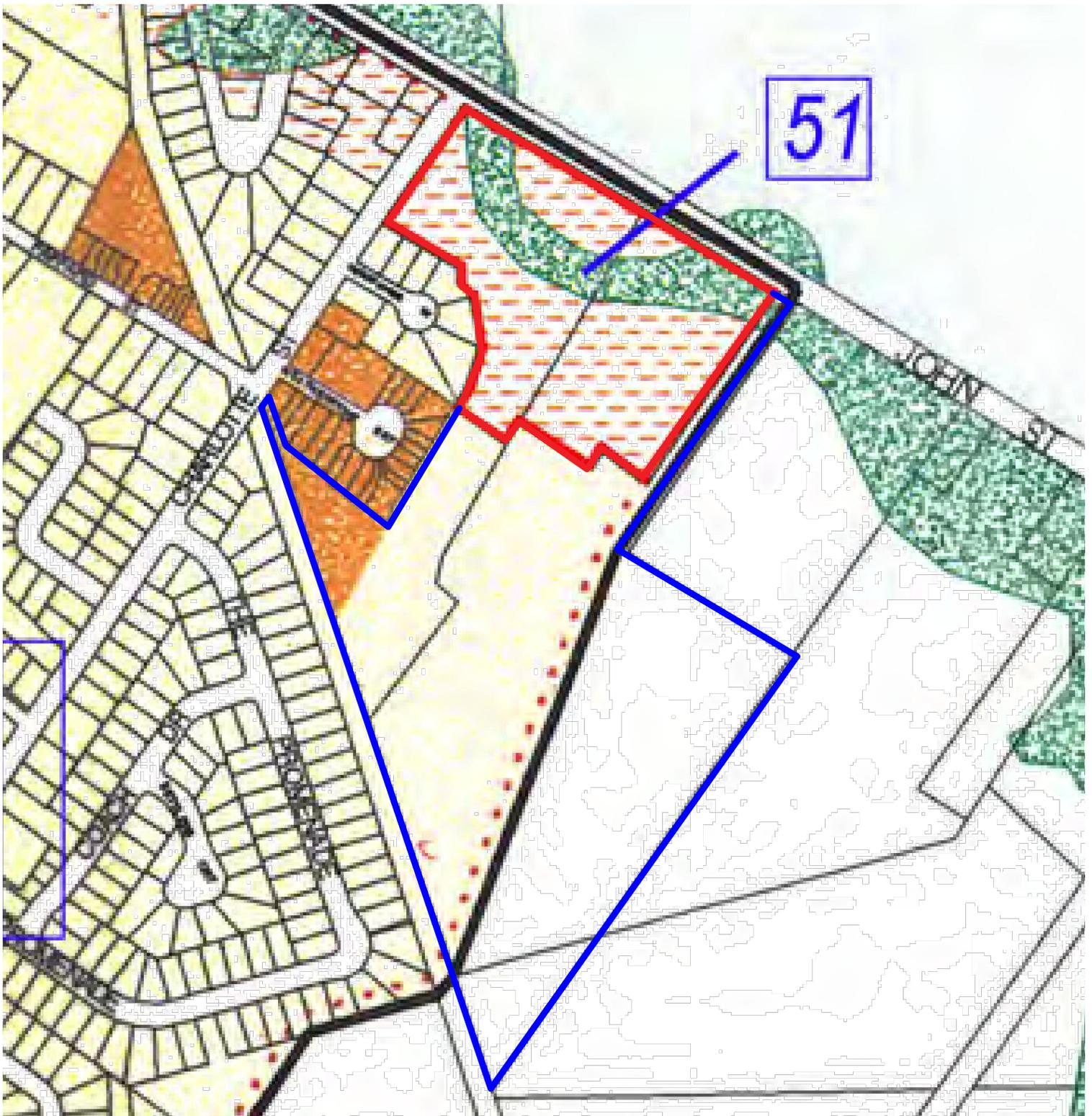


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**144 & 176 John Street,
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081117



Data Source: Niagara on the Lake- Official Plan- Schedule B

Figure 4
**Niagara on the Lake
 Official Plan
 Schedule B**

**144 & 176 John Street,
 Niagara-on-the Lake,
 Ontario**

LEGEND



Subject Lands (Two Sisters Corporation; Hotel Proposal)



Other Lands Owned by Applicant (Future residential subdivision; Not subject to current proposal)



Low Density



Medium Density



Established Residential



Service Commercial



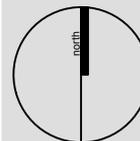
Conservation



Community Improvement Area Boundary

DATE: September 21, 2018

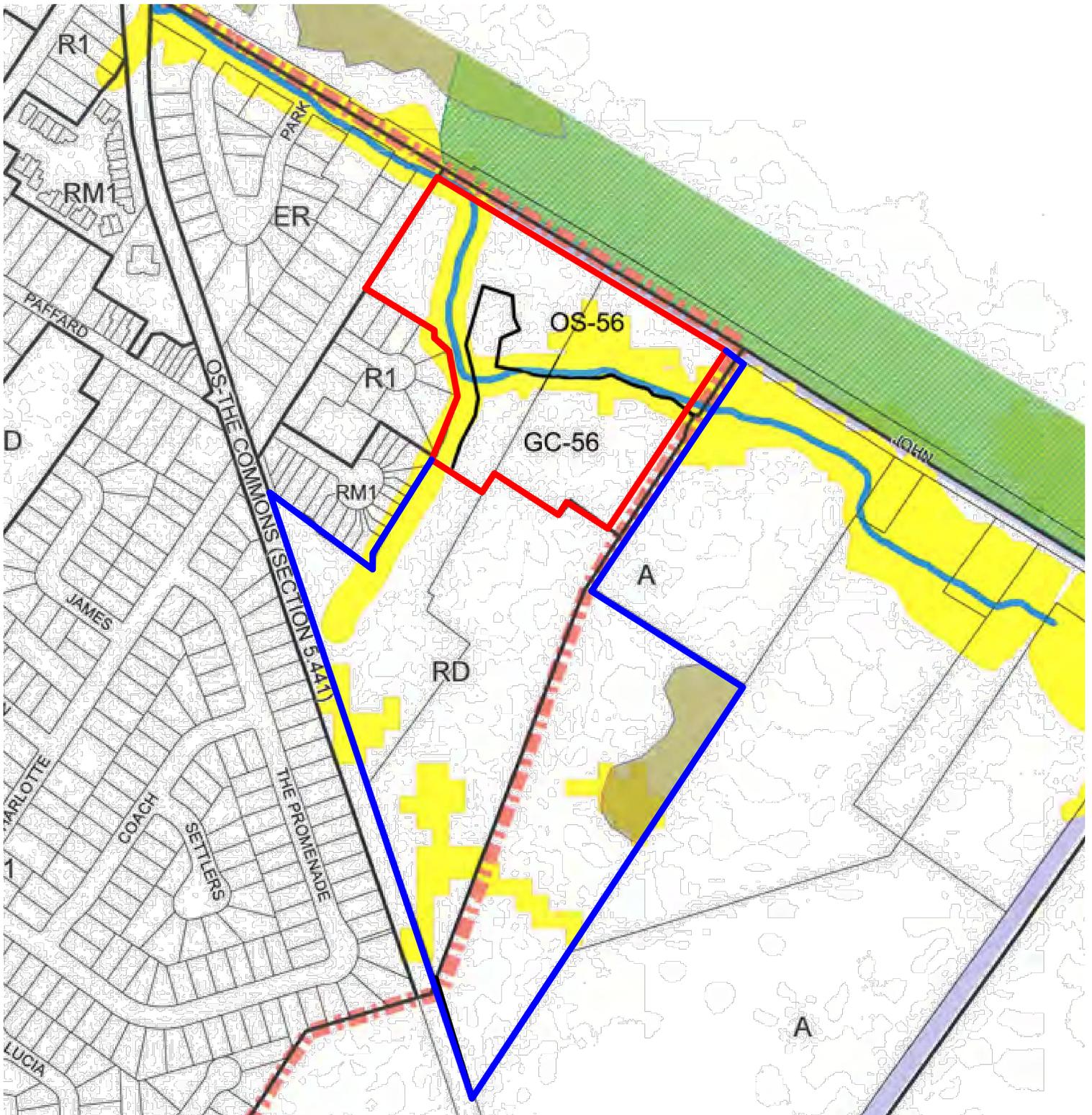
SCALE N.T.S



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001118



Data Source: Niagara on the Lake- Zoning By-Law Schedule A-2

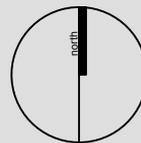
Figure 5
**Niagara on the Lake
 Zoning By-Law**

LEGEND

- | | | | | | |
|---|--|---|---|---|--------------------------|
|  | Subject Lands (Two Sisters Corporation; Hotel Proposal) |  | Woodlands |  | Zone Boundary |
|  | Other Lands Owned by Applicant (Future residential subdivision; Not subject to current proposal) |  | Water feature 2 / Agricultural Infrastructure 2 |  | Property Boundary |
|  | Natural Heritage System |  | NPCA Regulation Area |  | Urban Area Zone District |

DATE: September 21, 2018

SCALE N.T.S



N:\18208A - 144-176 John St, Niagara on the Lake\2018\Figure\CAD\18208A_Figure Mapping_7_Sep2018.dwg

**144 & 176 John Street,
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 Ontario**

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061119

Appendix **1a**

2017 Proposal



NORTH ELEVATION



WEST ELEVATION

ZONING AMENDMENT- PACKAGE	13 OCT 17	RM
CLIENT COMMENT	18 OCT 17	
CLIENT COMMENT	18 AUG 17	
PRELIM. COMMENT	8 SEP 17	

Issue	Issued for	Date	Init

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TWO SISTERS
Vineyards

Project Title
**Randwood
 Resort Hotel**

Drawing Title
**NORTH ELEVATION
 WEST ELEVATION**

Drawn by
RM

Designed by

Scale
1:100

Date Created

Job Number
16332-102A

Issue

Drawing Number
A3- 2



NORTH ELEVATION

CLIENT COMMENT 18 AUG 17

Issue Issued for Date Int.

Seal

PRELIMINARY

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TWO SISTERS
Vineyards

Project Title
**Randwood
 Resort Hotel**

Drawing Title
NORTH ELEVATION

Drawn by
RM

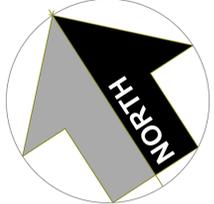
Scale
1:100

Job Number
16332-102A

Drawing Number
A3-2

Appendix **1b**

Revised (July 2018) Proposal

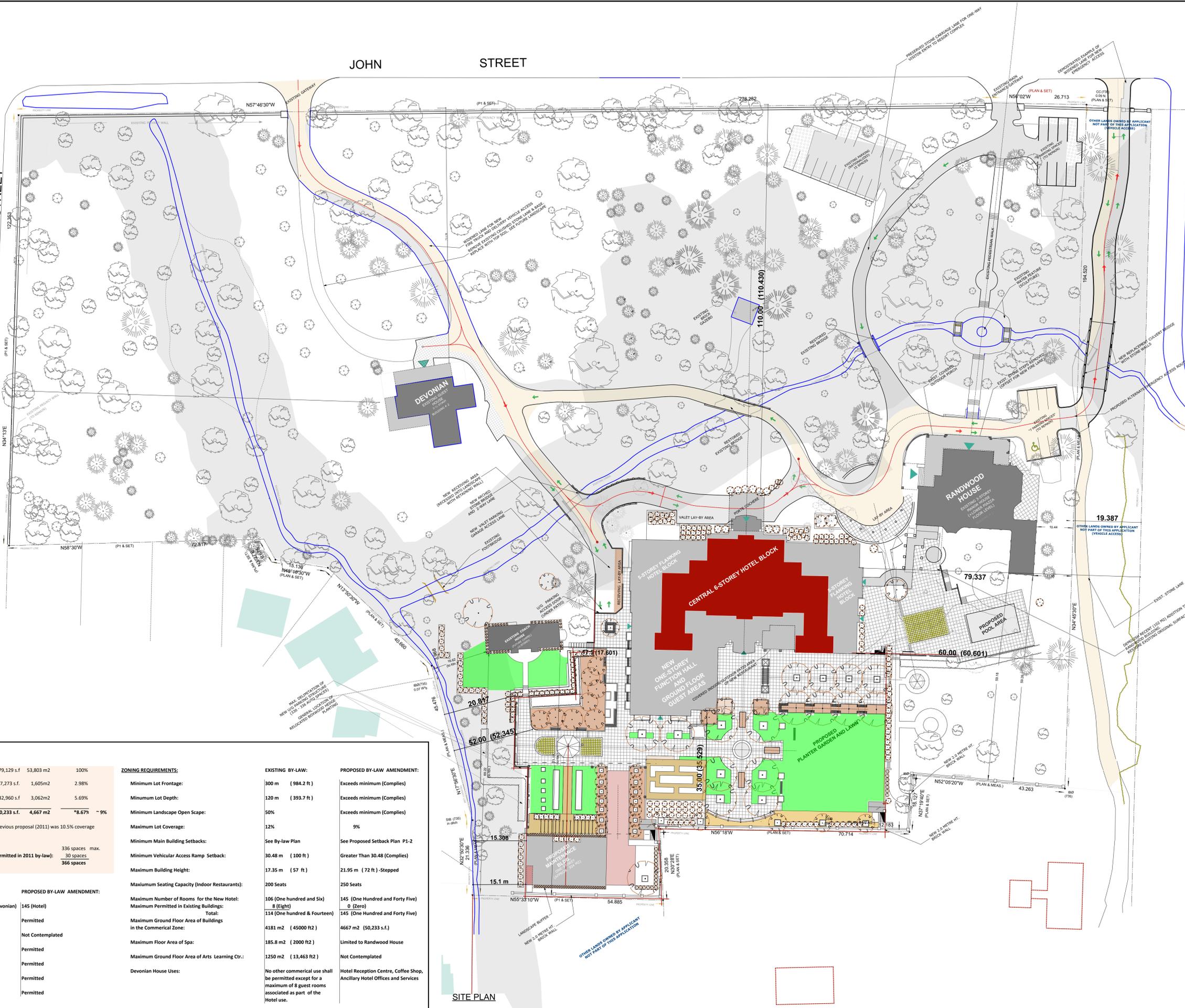


JOHN STREET

CHARLOTTE STREET

PLAN LEGEND

- AREA OF ONE-STORY NEW BUILDING COVERAGE
- AREA OF SIX-STORY STEPPED NEW BUILDING COVERAGE
- AREA OF EXISTING BUILDINGS TO BE RETAINED AND RE-PURPOSED FOR THE HOTEL FUNCTIONS
- AREA OF PROPOSED NEW OUTDOOR GARDENS AND PASSIVE RECREATION (LANDSCAPING TO BE RETAINED - PRELIMINARY ONLY)
- AREA OF ENVIRONMENTALLY PROTECTED LAND BASED ON INTERPRETATION OF AVAILABLE MAPPING (TO BE VERIFIED)
- EXISTING OR PROPOSED NEW COVERED AMENITY SPACE (PORCH, DINING AREA, ETC.)
- AREA OF EXISTING ASPHALT SURFACE TO BE USED OR RE-CONDITIONED AS PARK OR NEW ROAD SYSTEM
- AREA OF PROPOSED OUTDOOR HARD-SURFACE RECREATION, GATHERING AND EVENT USE (PRESUMINARY)
- PROPOSED FIRE ROUTE (MINIMUM 6 METRES PLUS FIRETRUCK MANEUVERING RADI)
- PROPOSED NEW OR EXPANDED ASPHALT OR STONE PAVED ROAD SURFACE
- EXIST. CRUSHED STONE OR CLAY SURFACED HERITAGE LANE
- NEW CRUSHED STONE SURFACE ON EXPANDED AREA ADJACENT TO EXISTING ROAD OR PARKING SURFACE (TO MATCH)
- AREA OF EXISTING CRUSHED STONE ROAD SURFACE TO RECEIVE ASPHALT OR STONE PAVED ROAD SURFACE
- AREA OF PROPOSED OUTDOOR HARD-SURFACE RECREATION, GATHERING AND EVENT USE (PRESUMINARY)



SITE DATA:

TOTAL SITE AREA:	13.29 acres	579,129 s.f.	53,803 m ²	100%
TOTAL EXISTING BUILDING COVERAGE (approx.):		17,273 s.f.	1,605m ²	2.98%
PROPOSED NEW BUILDING COVERAGE:		32,960 s.f.	3,062m ²	5.69%
TOTAL BUILDING COVERAGE:		50,233 s.f.	4,667 m ²	*8.67% ~ 9%

*Previous proposal (2011) was 10.5% coverage

PARKING:

Proposed under ground parking (approx.)	336 spaces max.
Proposed existing/new parking on surface provided (50 permitted in 2011 by-law):	30 spaces
TOTAL PROPOSED PARKING:	366 spaces

ZONING REQUIREMENTS:	EXISTING BY-LAW:	PROPOSED BY-LAW AMENDMENT:
Minimum Lot Frontage:	300 m (984.2 ft)	Exceeds minimum (Complies)
Minimum Lot Depth:	120 m (393.7 ft)	Exceeds minimum (Complies)
Minimum Landscape Open Space:	50%	Exceeds minimum (Complies)
Maximum Lot Coverage:	12%	9%
Minimum Main Building Setbacks:	See By-law Plan	See Proposed Setback Plan P1-2
Minimum Vehicular Access Ramp Setback:	30.48 m (100 ft)	Greater Than 30.48 (Complies)
Maximum Building Height:	17.35 m (57 ft)	21.95 m (72 ft) - Stepped
Maximum Seating Capacity (Indoor Restaurants):	200 Seats	250 Seats
Maximum Number of Rooms for the New Hotel:	106 (One hundred and Six)	145 (One Hundred and Forty Five)
Maximum Permitted in Existing Buildings:	8 (Eight)	0 (Zero)
Total:	114 (One hundred & Fourteen)	145 (One Hundred and Forty Five)
Maximum Ground Floor Area of Buildings in the Commercial Zone:	4181 m ² (45,000 ft ²)	4667 m ² (50,233 s.f.)
Maximum Floor Area of Spa:	185.8 m ² (2,000 ft ²)	Limited to Randwood House
Maximum Ground Floor Area of Arts Learning Ctr.:	1250 m ² (13,463 ft ²)	Not Contemplated
Devonian House Uses:	No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the Hotel use.	Hotel Reception Centre, Coffee Shop, Ancillary Hotel Offices and Services

SITE PLAN

NOTICE:
THE INFORMATION PROVIDED ON THE DRAWING IS CONFIDENTIAL AND FOR SOLE USE OF PRE-CONSULTATION GUIDANCE. THE DOCUMENT SHALL NOT BE DISTRIBUTED TO OTHER PARTIES, PUBLIC OR OTHERWISE WITHOUT THE LAND OWNER'S CONSENT

REVISION	DATE	BY
REVISED for Resubmission	08 JUL 18 RM	
REVISED for Client Review	30 JUN 18 RM	
REVISED for Client Review	23 MAR 18 RM	
REVISED for Client Review	13 FEB 18 RM	
SUBMISSION FOR ZONING AMENDMT.	13 OCT 17 RM	
REVISED per new Ramp Loc'n	16 SEPT 17 RM	
BASE PLAN - For Comment	3 AUG 17 RM	
PRE-CONSULTATION	28 JUN 17 RM	

CLIENT COMMENT 27 JUN 17 RM

Issue	Issued for	Date	Int.

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TWO SISTERS Vineyards

Project Title
Randwood Resort

Drawing Title
HOTEL & CONVENTION CENTRE SITE PLAN

Drawn by	Designed by
RM	RM

Scale: 1:500

Job Number	Issue
16332	R1

Drawing Number: **P1-1**



1 NORTH ELEVATION
A2-1 1:96

A.P.C. #1 - ARCHITECTURAL PRECAST CONCRETE
PANEL COLOUR - LIGHT LIMESTONE ORNAMENTAL

A.P.C. #2 - ARCHITECTURAL PRECAST CONCRETE
PANEL COLOUR - MEDIUM LIMESTONE WITH FINE
ASHLAR



2 SOUTH ELEVATION
A2-1 1:96

B	CLIENT REVIEW	06 JUN 2018	DS
A	CLIENT REVIEW	07 MAR 2018	DS
Issue	Issued for	Date	Int.
Seal			

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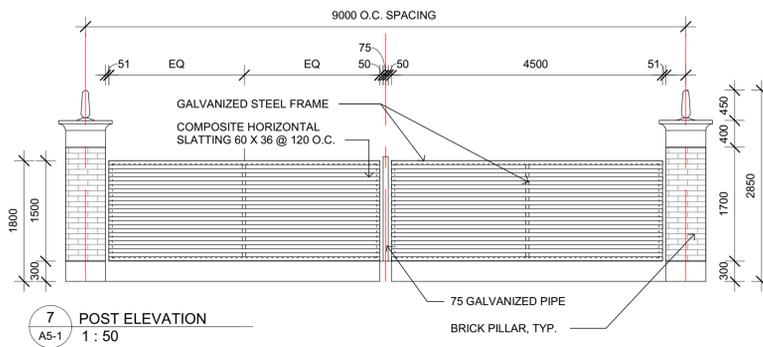
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Project Title
RANDWOOD HOTEL
144 & 176 JOHN STREET
NIAGARA ON THE LAKE, ON

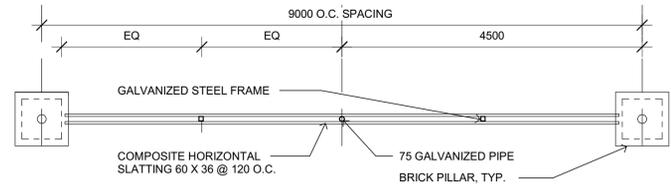
Drawing Title
ELEVATIONS

Drawn by	DS	Designed by	RM
Scale	AS NOTED	Date Created	JUNE 2018
Job Number	16332	Issue	B
Drawing Number	A2-1		

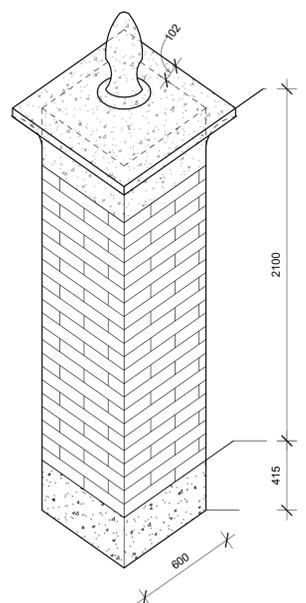
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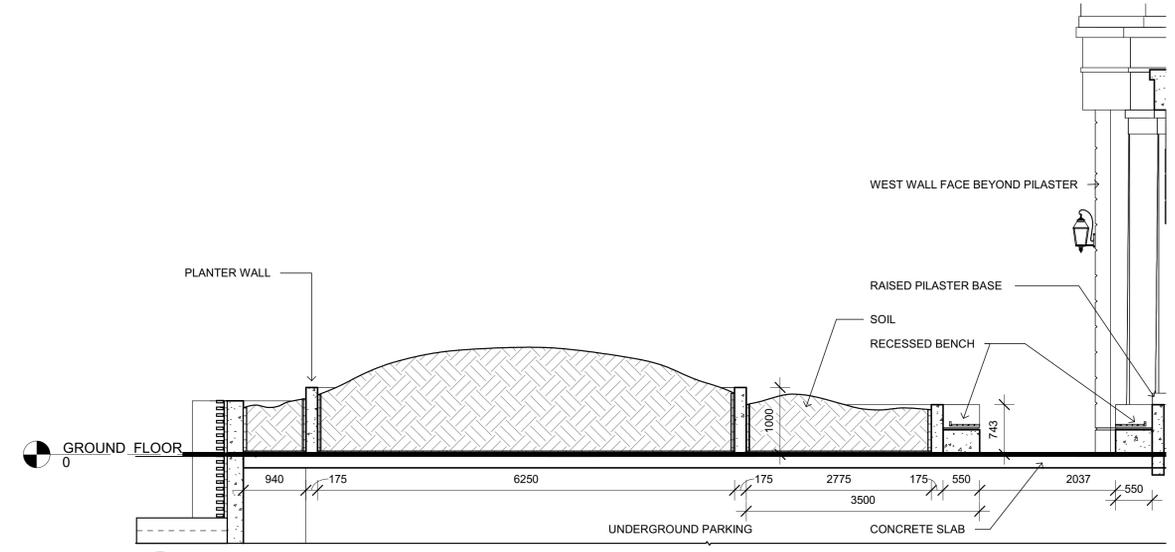
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A5-1 1:50



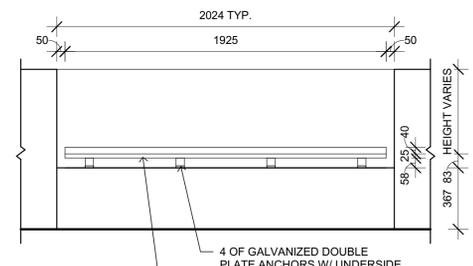
8 POST PLAN
A5-1 1:50



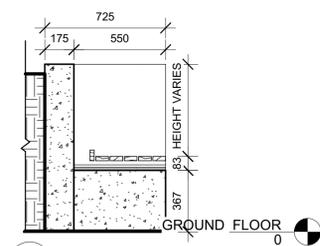
9 PILLAR AXO
A5-1 1:20



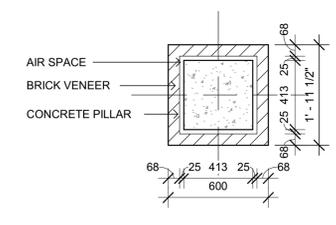
2 SECTION DETAIL @ RECESSED BENCH PLANTER WALL
A5-1 1:50



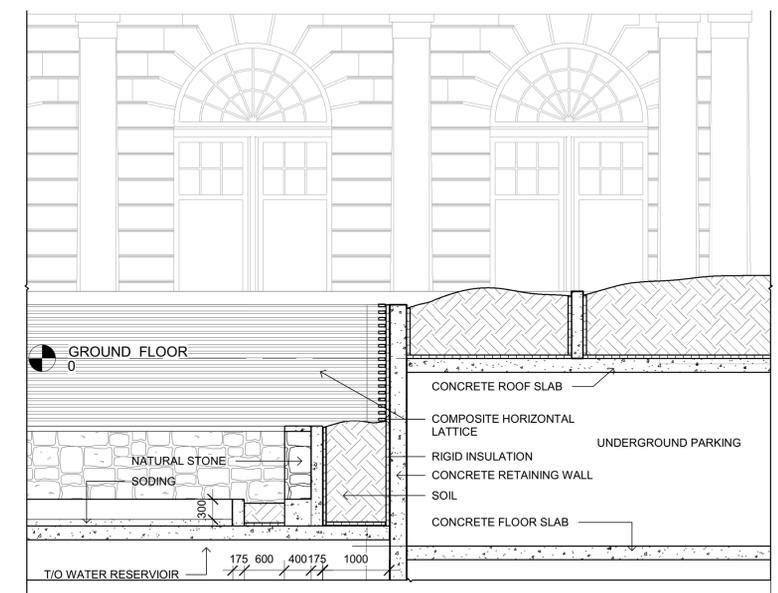
11 RECESSED BENCH ELEVATION
A5-1 1:20



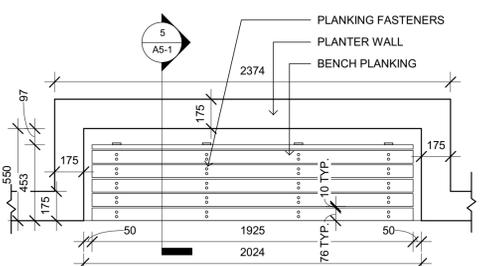
5 RECESSED BENCH SECTION DETAIL
A5-1 1:20



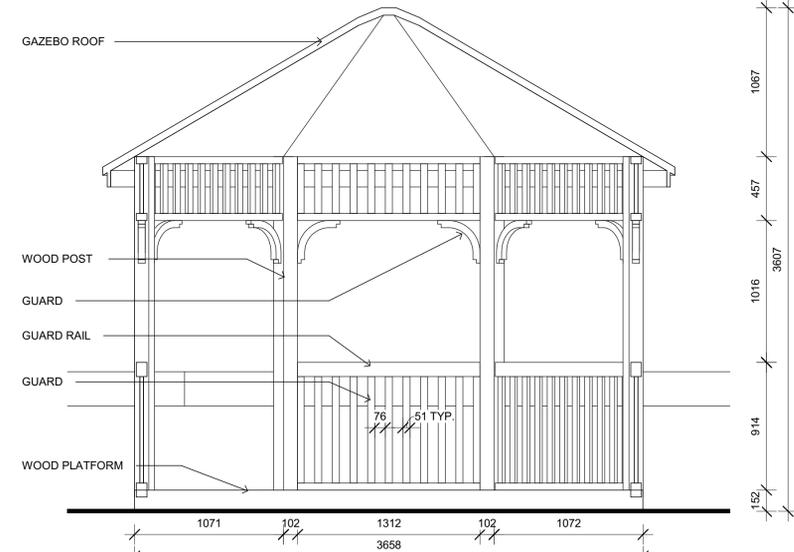
10 PILLAR DETAIL SECTION
A5-1 1:20



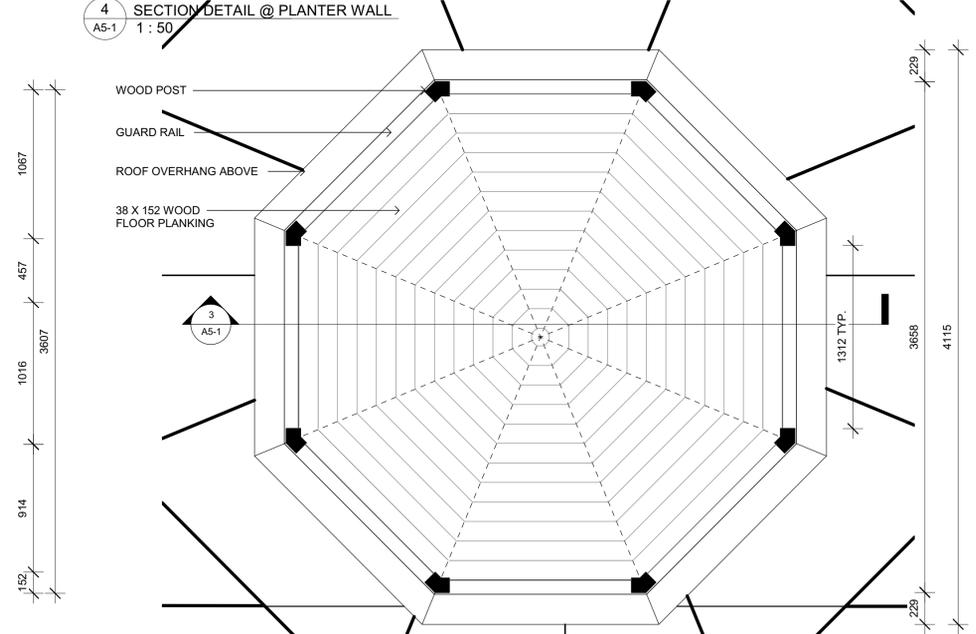
4 SECTION DETAIL @ PLANTER WALL
A5-1 1:50



1 RECESSED BENCH PLAN DETAIL
A5-1 1:20



3 GAZEBO ELEVATION
A5-1 1:24



6 GAZEBO PLAN
A5-1 1:24

A	CLIENT REVIEW	06JUN2018	DS
	Issue	Issued for	Date
	Seal		

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Project Title
RANDWOOD HOTEL
 144 & 176 JOHN STREET
 NIAGARA ON THE LAKE, ON

Drawing Title
PARTIAL PLANS & ELEVATIONS

Drawn by: DS Designed by: RM

Scale: AS NOTED Date Created: JUNE 2018

Job Number: 16332 Issue: A

Drawing Number: A5-1

C:\Users\DS\OneDrive\QUARTEK\GROUP\Desktop\16332 HOTEL MODEL - KLOKWERKS FINAL.rvt

Appendix 2

Future Plan of Subdivision



Neighbourhood Draft Plan - Option G5

200 John Street, Niagara on the Lake Ontario
 for Solmar Development Corp.
 September 2017

Appendix **3**

Official Plan Amendment 51

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE
BY-LAW NO. 4511-11**

(Official Plan Amendment– Randwood Estate)

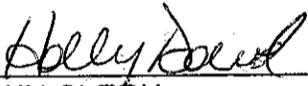
The Council of the Corporation of the Town of Niagara-on-the-Lake, in accordance with the provisions of Section 17 of the Planning Act, hereby enacts as follows:

1. Amendment Number 51 to the Town of Niagara-on-the-Lake Official Plan consisting of the attached explanatory text and schedule is hereby adopted.
2. This By-law shall come into force and take effect on the day of the final passing thereof.

Enacted and passed this 12th day of December 2011.



LORD MAYOR
DAVE EKE



TOWN CLERK
HOLLY DOWD

Certified that the above is a true copy of By-law No. 4511-11 as enacted and passed by the Council of the Corporation of the Town of Niagara-on-the-Lake.

PART A – THE PREAMBLE -

This part does not constitute part of this amendment.

PART B – THE AMENDMENT -

This part consists of the following text and schedule, which constitutes Official Plan Amendment No. 51 to the Town of Niagara-on-the-Lake Official Plan approved on December 12, 2011.

PART C – THE APPENDICES -

Does not constitute part of this amendment. The appendices include a copy of the public meetings held in accordance with this amendment.

PART A – THE PREAMBLE

The preamble does not constitute part of this amendment.

Purpose

The purpose of this amendment is to redesignate lands at 144 & 176 John Street to a site specific General Commercial and site specific Open Space designation.

The northern boundary of the property fronts onto John Street, with Charlotte Street abutting the western edge of the property. The south west boundary of the property abuts a residential subdivision. To the east is a house that was related to Randwood but was subdivided and separated from the Randwood Estate by a thick coniferous hedge and a right-of-way. The property is bisected by One Mile Creek which runs generally north south through the property on the west side. The creek splits at the rear of the properties on Christopher Court and a tributary of the creek runs east/west through the estate.

Although the Randwood Property lies outside the national heritage district of the Old Town, Randwood has been listed on the Town's heritage register. The property will undergo designation under Part IV of the Ontario Heritage Act at the site plan application stage, once the details of the development have been determined.

The existing designations of Established Residential and Conservation reflect the single detached dwelling on the property and the natural feature of One Mile Creek and the tributary of One Mile Creek that transect the property.

The proposed designations will establish the policy direction to permit an inn, a spa, a conference centre, and an arts and learning centre. One of the significant features of the property is the size of the lot and the heritage features of the buildings as well as the designed landscape features.

Basis

The basis of this amendment is as follows.

1. The subject property is an expansive 13 acre estate located near the south eastern boundary of Old Town within Niagara-on-the-Lake and contains a number of buildings including the main house (known as Randwood), the Devonian House and the Coach House.
2. The proposal will ensure that the significant heritage and cultural landscaped features are maintained or minimally impacted while keeping the large estate lot as one property versus other possible proposals which could allow for this significant property to be subdivided into small pieces and would result in the loss of one of the few remaining estates in Niagara-on-the-Lake.
3. In recognition of the heritage value of the property, the applicant included a Heritage Impact Assessment. The consultants completed an inventory and analysis of the property and conducted historical research in order to determine the important heritage attributes and elements of the site and their significance with regard to events and movements that influenced local and national history. The report concluded that the majority of the proposed development is sensitive to the context and layout of the property and avoids demolition of any significant heritage assets on the site including the designed landscape features. The Heritage Impact Assessment supports the efforts of the proposed redevelopment to protect the heritage resources and landscape on the site while providing a viable new use for the heritage asset that will preserve and conserve it into the future.

4. The Heritage Impact Assessment provides mitigative measures to protect views, the cultural landscape, and the existing buildings on the site. The policies of this amendment will require that these measures be implemented.
5. A needs assessment and marketing study was submitted as part of the application and the anticipated economic benefit of the proposed development is expected to be significant for the Town of Niagara-on-the-Lake and the Niagara Region as a whole.
6. The needs assessment and marketing study concluded that the 100-room Inn and arts and learning centre will not negatively impact the overall market in the long term but that the conference facilities will be important in making the project economically viable as ultimately, over 40% of the demand will be for the conference or special events facilities.
7. A peer review of the Randwood Estate proposal was conducted by Brook McIlroy Inc. to provide some further urban design recommendations given the significance of the property and the scale of the proposal. The recommendations include reducing the massing of the buildings especially any long walls as this is not proportional with the existing buildings, increasing the side and rear yard setbacks, heights should not exceed 3-storeys above grade, and terraces on the upper-storeys of buildings should face the interior of the property and should not be overlooking neighbouring properties.
8. This amendment will be implemented by a site specific zoning by-law amendment and a site plan agreement.

PART B – THE AMENDMENT

All of this part of the document entitled 'Part B – The Amendment' consisting of the following text and Schedule 1 constitutes Amendment Number 51 to the Official Plan of the Town of Niagara-on-the-Lake.

Details of the Amendment

- i. That Schedule "B" Land Use Plan – Niagara/Old Town is amended by Schedule "1" attached hereto and forming part of this amendment.
- ii. That Part 3 "Land Use Policies," Section 10: Commercial is amended by adding new policies titled "General Commercial (Randwood Estate)" after "Regional Commercial (Niagara-on-the-Green)" as follows:

General Commercial (Randwood Estate)

1. In the General Commercial (Randwood Estate) designation the following land uses shall be permitted:

Main Uses	Hotel Spa Arts and Learning Centre Conference Centre Restaurant
------------------	---

Secondary Uses Accessory buildings and structures.

2. At site plan approval stage, the property shall be designated under Part IV of the Ontario Heritage Act.
3. The final design and plans of any additions or new buildings shall be subject to approval by the Municipal Heritage Committee.
4. Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses.
5. No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property.
6. All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.
7. There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces.
8. There shall be adequate building separation from adjacent residential uses.
9. A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application.
10. The boxwood hedge within the buffer area adjacent to the western property line shall remain and be properly protected and preserved to insure its continued growth. At site plan stage measures to mitigate construction impacts to protect the boxwood hedge will be required.

- iii. That Part 3 Land Use Policies, Section 15: Open Space and Community Facilities is amended by adding new policies titled “Open Space (Randwood Estate)” after “Open Space and Community Facilities” as follows:

Open Space (Randwood Estate)

1. In the Open Space (Randwood Estate) designation the following land uses shall be permitted:

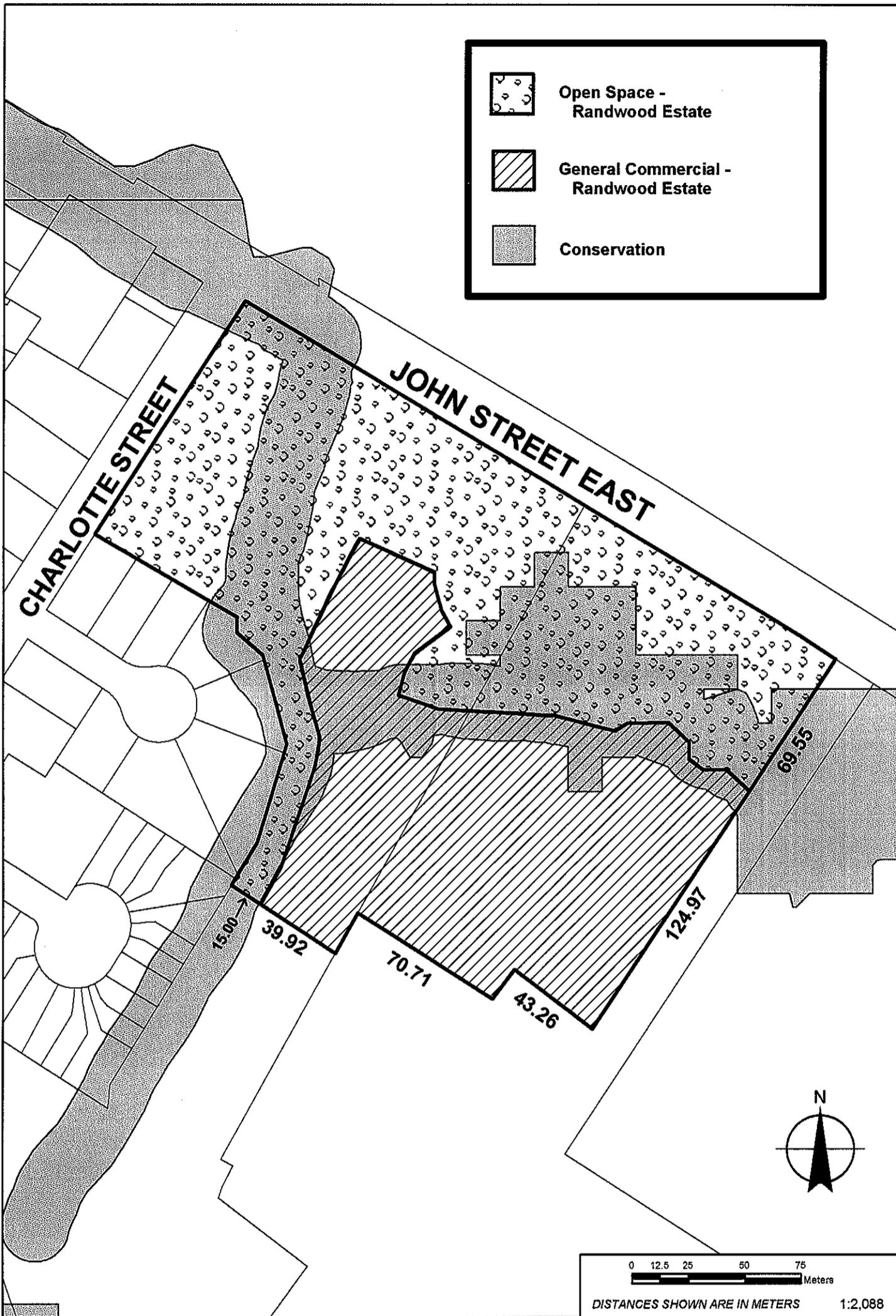
Main Uses Pedestrian and carriage pathways
Existing buildings and structures
Stormwater management facilities
Parking lots
Walls along John and Charlotte Streets
Accessory buildings and structures to main uses
in the General Commercial (Randwood Estate)
designation.

2. All parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties.
3. There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces or accessory buildings or structures..
4. A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment Number 51 but are included as information supporting the amendment.

Appendix I	Location Map
Appendix II	Notice of Public Meeting – September 26, 2011 & November 28, 2011
Appendix III	Minutes of Public Meeting – September 26, 2011 & November 26, 2011
Appendix IV	Planning Justification Report, Randwood Estate Development, CDS-11-099, CDS-11-099A and CDS-11-099B



SCHEDULE ATTACHED TO OFFICIAL PLAN AMENDMENT #51

Dave Eke

LORD MAYOR
DAVE EKE

Holly Dowd

TOWN CLERK
HOLLY DOWD

Appendix **4**

Zoning By-Law Amendment 4316T-11

**THE CORPORATION
OF THE
TOWN OF NIAGARA-ON-THE-LAKE**

BY-LAW NO. 4316T-11

(Randwood Estate)

Roll No. 262701000200900

Roll No. 262701000200800

A By-Law pursuant to Section 34 and 36 of the Ontario Planning Act to amend By-Law No 4316-09, as amended, entitled a by-law to regulate the use of land and the character, location and use of buildings and structures thereon.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF NIAGARA-ON-THE-LAKE ENACTS AS FOLLOWS:

1. Schedule "A-2" of By-Law No. 4316-09, as amended, be further amended by rezoning those lands shown on Schedule "1" and Schedule "2" attached hereto and forming part of this by-law to the identified site specific zones.
2. Notwithstanding the provisions of the "General Commercial (GC) Zone" of the Old Town Community Zoning District, the following provisions shall apply to the lands shown on Schedule "1" and Schedule "2" attached hereto identified as General Commercial – Randwood Estate (GC-56) Holding (H) Zone and Open Space – Randwood Estate (OS-56) Holding (H) Zone.

General Commercial – Randwood Estate (GC-56) Holding (H) Zone

2.1 Permitted Uses:

- a) A hotel with a maximum of one hundred and six (106) rooms
- b) A conference centre
- c) An artist studio(s) and learning centre
- d) An art gallery
- e) A restaurant
- f) An outdoor patio
- g) Accessory buildings and structures

2.2 Zone Requirements:

- a) Minimum lot frontage.....300 m (984.2 ft)
- b) Minimum lot depth.....120 m (393.7 ft)

- c) Minimum landscaped open space..... 50%
- d) Maximum lot coverage..... 12%
- e) Minimum main building setbacks in accordance with Schedule "2" attached.
- f) Minimum vehicular access ramp setback.....30.48m (100 ft.)
- g) Maximum building height.....17.35m (57 ft)
- h) Maximum seating capacity for restaurant.....200 seats
- i) Maximum number of rooms for the hotel..... 106
- j) Maximum ground floor area of all buildings in the commercial zone.....4181 m² (45000 ft²)
- k) Maximum floor area of spa185.8m² (2000 ft²)
- l) Maximum ground floor area of Arts & Learning Centre 1250m² (13,463 ft²)
- m) Devonian House:
No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the hotel use.

3. That Section 5—Definitions of By-Law No. 4316-09, as amended, be further amended by adding the following definition as Section 5.104A as follows
 "CONFERENCE CENTRE means a building used for social or cultural activities, hosting of banquets or receptions and meetings. Facilities may include meeting rooms, auditoriums, kitchen facilities, banquet rooms and other compatible accessory facilities contained within the building."

4. Notwithstanding the provisions of the "Open Space (OS) Zone" for the Old Town Community Zoning District only the following uses shall apply to those lands identified as Open Space – Randwood Estate (OS-56) Holding (H) Zone on Schedule "1" attached hereto:

Open Space – Randwood Estate (OS-56) Holding (H) Zone

4.1 Permitted Uses:

- Pedestrian and carriage pathways
- Existing structures
- Stormwater management facilities
- Parking spaces to a maximum of 50 spaces
- Walls along John and Charlotte Streets
- Accessory landscaping structures or uses

4.2 Zone Requirements

A minimum setback for accessory structures shall be 7.5m (24.6ft) from all property lines.

5. Notwithstanding Section 6.39 Parking Space Requirements of By-Law No. 4316-09, as amended; a minimum of 250 parking spaces shall be required.

6. No amplified music or public address system shall be utilized outdoors.

7. All other provisions of Zoning By-Law 4316-09, as amended, shall continue to apply to the lands shown on the attached Schedule.
8. The Holding (H) Zone shall not be lifted from the General Commercial – Randwood Estate (GC-56) Holding (H) Zone and Open Space – Randwood Estate (OS-56) Holding (H) Zone until such time as applicant has received site plan approval from the Town of Niagara-on-the-Lake.

If no notice of objection is filed with the Clerk within the time provided, this By-Law shall come into force and take effect on the date of passing by the Council of the Corporation of the Town of Niagara-On-The-Lake in accordance with Section 34 and 36 of the Planning Act, R. S. O. 1990.

If a notice of objection is filed with the Clerk, this By-Law shall become effective on the date of passing hereof, subject to receiving the approval of the Ontario Municipal Board.

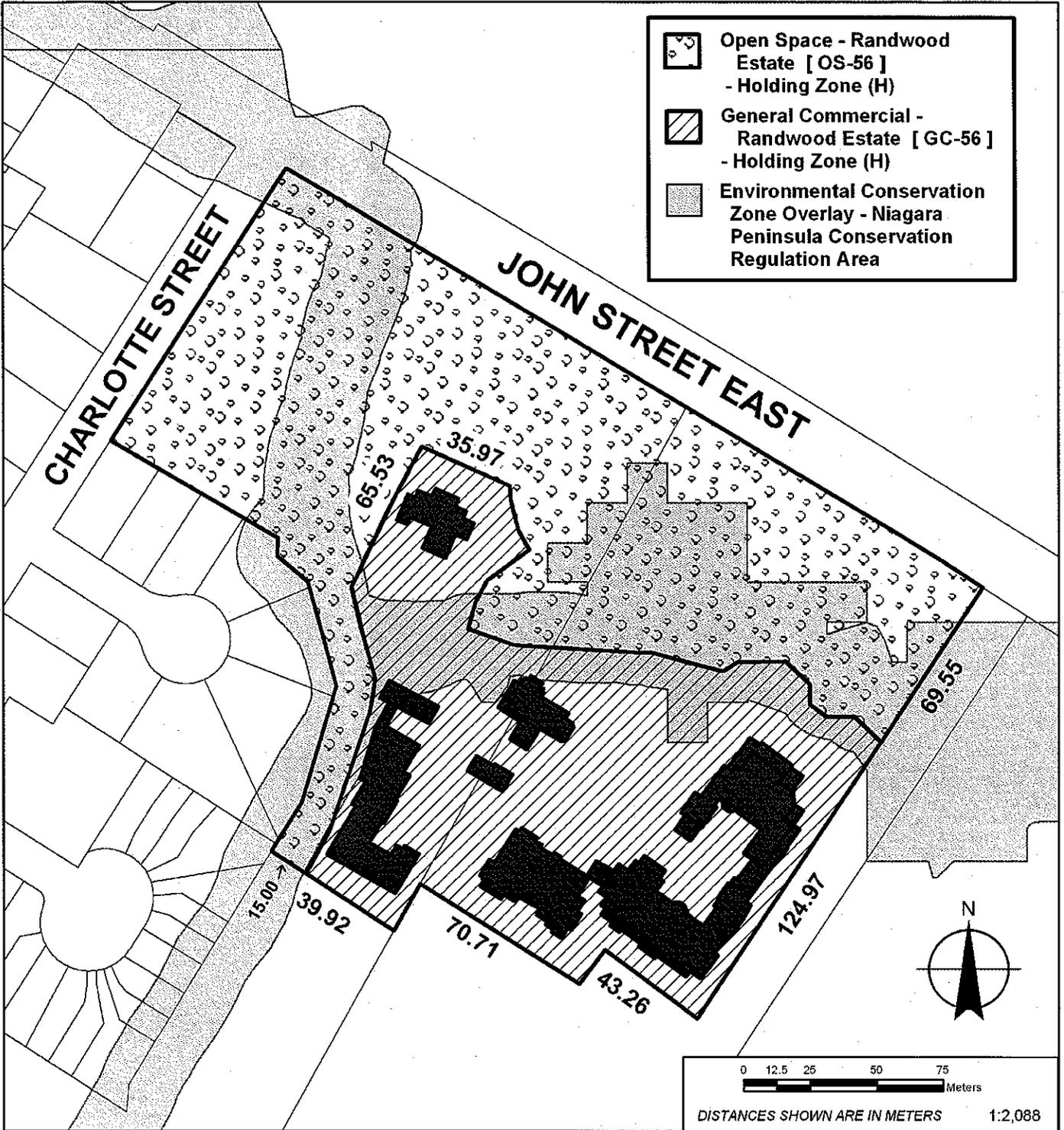
READ A FIRST, SECOND AND THIRD TIME THIS 12th DAY OF DECEMBER, 2011.



LORD MAYOR DAVE EKE



TOWN CLERK HOLLY DOWD



SCHEDULE 1

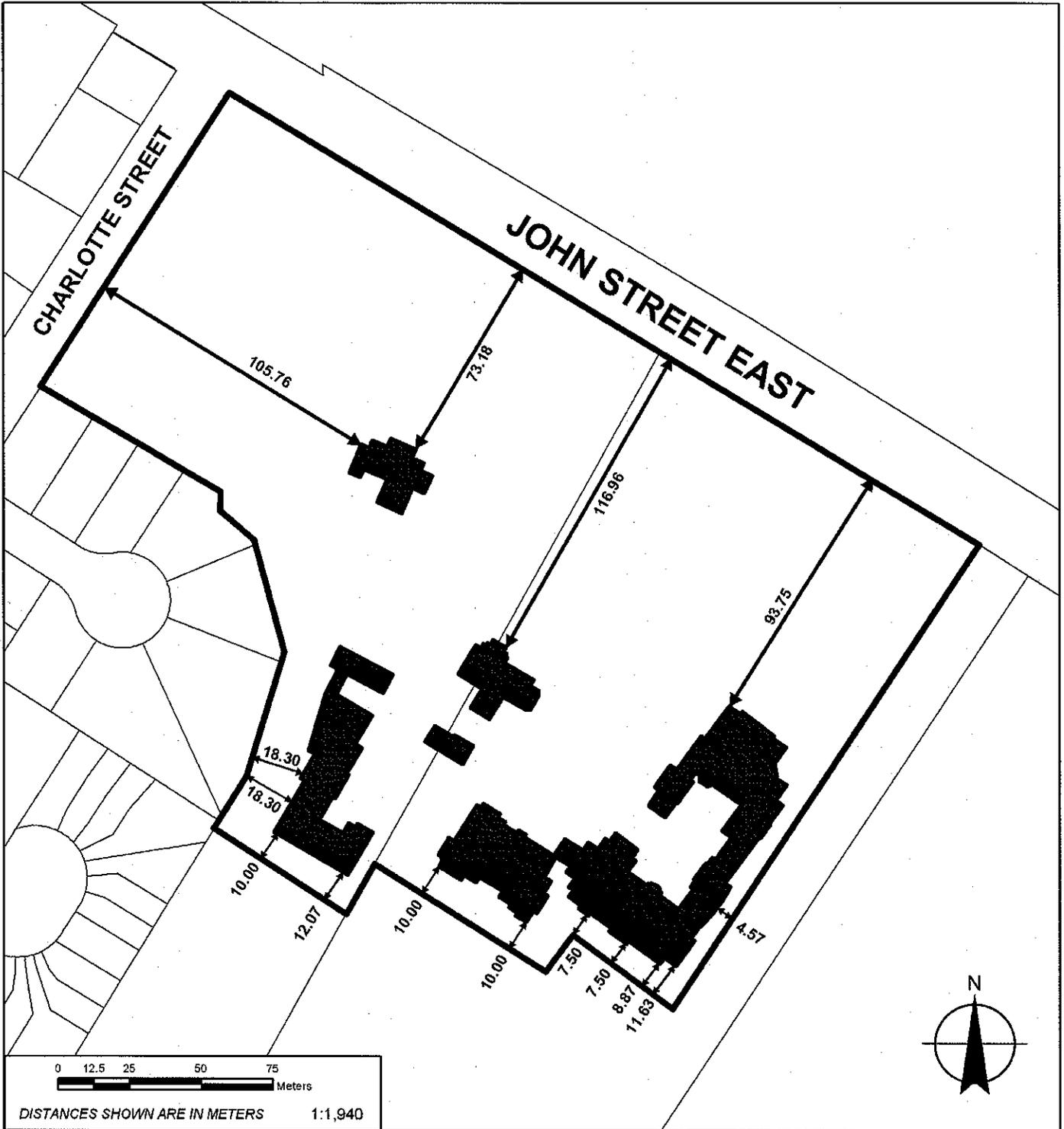
BY-LAW 4316T-11 BEING AN AMENDMENT TO SCHEDULE "A-2" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE, AS PASSED ON THE 12th DAY OF DECEMBER, 2011.

[Signature]

**LORD MAYOR
DAVE EKE**

[Signature]

**TOWN CLERK
HOLLY DOWD**



SCHEDULE 2

BY-LAW 4316T-11 BEING AN AMENDMENT TO SCHEDULE "A-2" OF ZONING BY-LAW 4316-09, AS AMENDED, OF THE TOWN OF NIAGARA-ON-THE-LAKE, AS PASSED ON THE 12th DAY OF DECEMBER, 2011.

(Signature of Dave Eke)

**LORD MAYOR
DAVE EKE**

(Signature of Holly Dowd)

**TOWN CLERK
HOLLY DOWD**

Appendix **5**

Policy Overview and Excerpts

Appendix 5: Policy Overview and Excerpts

The following section provides excerpts of policies applicable to the Two Sisters Application from the various Plans identified as forming the planning framework for assessing development.

1.1 Provincial Policy Statement, 2014

The Provincial Policy Statement (PPS) is issued under Section 3 of the Planning Act and the most recent Statement came into effect on April 30, 2014. The PPS establishes the policy foundation for regulating the development and use of land in Ontario and provides policy direction on matters of provincial interest related to land use planning and development. It provides a vision for land use planning in Ontario that encourages an efficient use of land, resources and public investment in infrastructure.

The following policies contained within the PPS are applicable to the development proposal:

Building Strong Healthy Communities

"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;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;
- g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and
- h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate."

"1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted."

"1.1.3.2 Land use patterns within settlement areas shall be based on:

- 1.) densities and a mix of land uses which:
 1. efficiently use land and resources;
 2. 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;
 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;
 4. support active transportation;
 5. are transit-supportive, where transit is planned, exists or may be developed;
 6. are freight-supportive; and,

- 2.) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”
- “1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs. Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety”
- “1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety”
- “1.5.1 Healthy, active communities should be promoted by:
- d) recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.”
- “1.6.1 Infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be provided in a coordinated, efficient and cost-effective manner that considers impacts from climate change while accommodating projected needs. Planning for infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities shall be coordinated and integrated with land use planning so that they are:
- a) financially viable over their life cycle, which may be demonstrated through asset management planning and
 - b) available to meet current and projected needs.”
- “1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.”
- “1.6.7.5 Transportation and land use considerations shall be integrated at all stages of the planning process.”
- “1.7.1 Long-term economic prosperity should be supported by:
- d) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes; and,
 - g) providing opportunities for sustainable tourism development.”
- “1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and climate change adaptation through land use and development patterns which:
- a) promote compact form and a structure of nodes and corridors;
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;
 - e) improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;
 - f) promote design orientation which:
 - 1. maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation; and,

2. maximizes opportunities for the use of renewable energy systems and alternative energy systems; and
- g) maximize vegetation within settlement areas, where feasible.”

Wise Use and Management of Resources

“2.1.1 Natural features and areas shall be protected for the long term.”

“2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.”

“2.1.4 Development and site alteration shall not be permitted in:

- a) significant wetlands in Ecoregions 5E, 6E and 7E1 ; and
- b) significant coastal wetlands.”

“2.1.5 Development and site alteration shall not be permitted in:

- a) significant wetlands in the Canadian Shield north of Ecoregions 5E, 6E and 7E;
- b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- c) significant valleylands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River);
- d) significant wildlife habitat;
- e) significant areas of natural and scientific interest; and
- f) coastal wetlands in Ecoregions 5E, 6E and 7E1 that are not subject to policy 2.1.4(b)” unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.”

“2.1.6 Development and site alteration shall not be permitted in fish habitat except in accordance with provincial and federal requirements.”

“2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

“2.2.1 Planning authorities shall protect, improve or restore the quality and quantity of water by:

- I. using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering cumulative impacts of development;
- II. minimizing potential negative impacts, including cross-jurisdictional and cross-watershed impacts;
- III. identifying water resource systems consisting of ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas, which are necessary for the ecological and hydrological integrity of the watershed;
- IV. maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas, and surface water features including shoreline areas;
- V. implementing necessary restrictions on development and site alteration to:
 1. protect all municipal drinking water supplies and designated vulnerable areas; and

2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;
 - VI. planning for efficient and sustainable use of water resources, through practices for water conservation and sustaining water quality;
 - VII. ensuring consideration of environmental lake capacity, where applicable; and
 - VIII. ensuring stormwater management practices minimize stormwater volumes and contaminant loads, and maintain or increase the extent of vegetative and pervious surfaces."
- "2.2.2 Development and site alteration shall be restricted in or near sensitive surface water features and sensitive ground water features such that these features and their related hydrologic functions will be protected, improved or restored. Mitigative measures and/or alternative development approaches may be required in order to protect, improve or restore sensitive surface water features, sensitive ground water features, and their hydrologic functions."

Cultural Heritage and Archaeology

- "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."
- "2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved."

Protecting Public Health and Safety

- "3.1.1 Development shall generally be directed to areas outside of:
- a) hazardous lands adjacent to the shorelines of the Great Lakes - St. Lawrence River System and large inland lakes which are impacted by flooding hazards, erosion hazards and/or dynamic beach hazards;
 - b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards; and
 - c) hazardous sites."
- "3.2.1 Development on, abutting or adjacent to lands affected by mine hazards; oil, gas and salt hazards; or former mineral mining operations, mineral aggregate operations or petroleum resource operations may be permitted only if rehabilitation or other measures to address and mitigate known or suspected hazards are under way or have been completed."

Implementation and Interpretation

- "4.7 The official plan is the most important vehicle for implementation of this Provincial Policy Statement. Comprehensive, integrated and long-term planning is best achieved through official plans.

Official plans shall identify provincial interests and set out appropriate land use designations and policies. To determine the significance of some natural heritage features and other resources, evaluation may be required.

Official plans should also coordinate cross-boundary matters to complement the actions of other planning authorities and promote mutually beneficial solutions. Official plans shall provide clear, reasonable and attainable policies to protect provincial interests and direct development to suitable areas.

In order to protect provincial interests, planning authorities shall keep their official plans up-to-date with this Provincial Policy Statement. The policies of this Provincial Policy Statement continue to apply after adoption and approval of an official plan.”

“4.9 The policies of this Provincial Policy Statement represent minimum standards. This Provincial Policy Statement does not prevent planning authorities and decision-makers from going beyond the minimum standards established in specific policies, unless doing so would conflict with any policy of this Provincial Policy Statement.”

1.2 Greenbelt Plan, 2017

The Greenbelt Plan was introduced in 2005, and was updated on July 1, 2017, to help shape the future growth of the Greater Golden Horseshoe region. It identifies where urbanization should not occur in order to provide permanent protection to the agricultural land base and the ecological and hydrological features, areas and functions occurring on the landscape.

“3.4.3.1 Towns/Villages are subject to the policies of the Growth Plan and continue to be governed by official plans and related programs or initiatives and are not subject to the policies of this Plan, save for the policies of sections 3.1.5, 3.2.3, 3.2.6, 3.3 and 3.4.2.”

1.3 Growth Plan for the Greater Golden Horseshoe, 2017

The Growth Plan for the Greater Golden Horseshoe, 2017 (Growth Plan) was prepared and approved under the Places to Grow Act, 2005 and was updated on July 1, 2017. The Growth Plan provides a framework for implementing Ontario’s vision for building stronger, prosperous communities by better managing growth in the Greater Golden Horseshoe region for the land use planning horizon to 2041.

The Plan provides policies for where and how to grow, stating that population and employment growth be directed to urban areas and rural settlement areas. Within these areas, the Growth Plan designates two different areas of growth: the built up area, where growth is to be directed and accommodated through intensification; and, designated greenfield areas, which are generally undeveloped, vacant land, where growth and development should achieve a compact urban form. The subject lands are considered a built up area of in accordance with the Growth Plan, as they are located within the Old Town Settlement Area.

The following is a summary of the policies contained within the Growth Plan that are applicable to the proposed development:

“2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following:

- a) the vast majority of growth will be directed to settlement areas that:

- i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;
- b) growth will be limited in settlement areas that:
 - i. are undelineated built-up areas;
 - ii. are not serviced by existing or planned municipal water and wastewater systems; or
 - iii. are in the Greenbelt Area;
- c) within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;
- d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;
- e) development will be generally directed away from hazardous lands; and
- f) the establishment of new settlement areas is prohibited.”

“2.2.2.4 b) All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: identify the appropriate type and scale of development and transition of built form to adjacent areas.”

“2.2.5.1 b) Economic development and competitiveness in the GGH will be promoted by: ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan.”

“4.2.2.3 Within the Natural Heritage System

- a) new development or site alteration will demonstrate that:
 - there are no negative impacts on key natural heritage features or key hydrologic features or their functions;
 - connectivity along the system and between key natural heritage features and key hydrologic features located within 240 metres of each other will be maintained or, where possible, enhanced for the movement of native plants and animals across the landscape;”
 -

“4.2.2.6 Beyond the Natural Heritage System, including within settlement areas, the municipality:

- a) will continue to protect any other natural heritage features in a manner that is consistent with the PPS; and
- b) may continue to protect any other natural heritage system or identify new systems in a manner that is consistent with the PPS.”

“4.2.7.1 Cultural heritage resources will be conserved in order to foster a sense of place and benefit communities, particularly in strategic growth areas.”

1.4 *Niagara Region Regional Official Plan (2014 Office Consolidation)*

The Niagara Region Official Plan (ROP) serves as Niagara's long-range community planning document that is used to guide the physical, economic and social development of the Region's 12 municipalities. The ROP was approved by the Ontario Municipal Board in the late 1970s, and has undergone numerous major and minor modifications over the years. The 2014 Office Consolidation of the ROP includes all approved amendments as of the date of consolidation and implements the Region's Growth Management Strategy and aligns with the Growth Plan (2006), PPS (2014) and Greenbelt Plan (2005).

The ROP establishes a broad set of land use designations that form part of the Regional Urban Structure, while allowing individual municipalities the flexibility to further define specific land uses within the broader designation. Ultimately, it is the goal of the ROP that Niagara's municipalities develop as compact, mixed use, transit supportive, active transportation friendly communities. The following is a summary of the policies of the ROP that are applicable to the proposed development:

"2.D.2.1 The Region will encourage local municipalities through their Official Plans and Neighbourhood Plans to identify and provide for high quality tourism related development and redevelopment opportunities within existing urban areas that are compatible with and respects the distinctive character of the communities."

"3.D.10 New commercial development or redevelopment should be assessed in relation to community character and be appropriately located to serve as part of the neighbourhood's existing or proposed fabric. Assessment in relation to community character could include:

- a) The scale of the activity;
- b) The orientation of the development to adjacent uses; and,
- c) The capacity of the development to operate compatibly with housing."
- d)

"4.A.1 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.1.3 Direct intensification to Local Municipally Designated Intensification Areas

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."

"4.G Urban Growth

Objective 5 Provide flexibility to manage growth in Niagara in a manner that recognizes the diversity of communities across the Region within the framework set out in the Regional Official Plan.

4.G.7.2 Urban Areas will be the focus of the Region's long term growth and development

4.G.8.1 Built-up Areas are lands located within Urban Areas which have been identified by the Ministry of Infrastructure (formerly the Ministry of Public Infrastructure Renewal). Builtup Areas will be the focus of residential and employment intensification and redevelopment within the Region over the long term."

"7.A A Healthy Landscape

7.A.2 Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.

7.A.3 New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

"8.A Objectives for Infrastructure

8.A.2 To optimize the use of existing infrastructure.

8.A.4 To provide necessary public utilities in accordance with the servicing needs of existing and future development conforming to stated priorities and with economic, safety and environmental considerations."

"10.C Creative Places

10.C.1 Objectives

10.C.1.4 To recognize the importance of quality design and its role in reinvigorating and enhancing Niagara and Niagara's economy.

10.C.1.5 To conserve significant built heritage resources and cultural heritage landscapes within the unique community context of every site.

10.C.2 Policies

10.C.2.1.5 Where development, site alteration and/ or a public works project is proposed on or adjacent to a significant built heritage resource(s) or cultural heritage landscapes , a heritage impact assessment will be required. The findings of the assessment shall include recommendations for design alternatives and satisfactory measures to mitigate any negative impacts on identified significant heritage resources.

10.C.2.1.7 The local municipalities shall adopt official plan policies to conserve significant cultural heritage resources and ensure that development and site alteration on adjacent lands to protected properties will conserve the heritage attributes of the protected heritage property.

10.C.2.3.1 The Region supports the use of planning tools, such as Model Urban Design Guidelines, Alternative Development Standards, Development Permit Systems or Community Improvement Plans to encourage community design that support cultural objectives.”

“14.E Local Official Plan Conformity

14.E.4 Local Municipalities shall prepare local Official Plans that are in conformity with the Regional Official Plan. It is understood that local Official Plans may be more detailed and comprehensive in their various policies and Schedules, provided that such policies are consistent with the general intent and provisions of this Plan and Provincial Plans. The scope and content of respective Area Municipal Official Plans may differ in recognition of the unique circumstances within each municipality. Area Municipal Official Plans and Official Plan amendments may contain policies which are more restrictive than the policies in this Plan on the same subject, but may not be more permissive than the policy direction established in this Plan. Such limitations are permitted provided they do not conflict with Provincial policy.

14.E.5 The following factors will be considered in determining conformity between this Plan and Local Official Plans:

- i. Conformity with provincial plans, statutes and regulations;
- ii. Consistency between the overall direction and long term objectives of the local Official Plan and those of this Plan; and,
- iii. Reasonable efforts in the local Official Plan to accommodate matters encouraged by the policies of this Plan, or to provide a statement indicating why such a policy direction is not appropriate in the local context.”

1.5 Town of Niagara-on-the-Lake Official Plan (2017 Office Consolidation)

The Town of Niagara-on-the-Lake Official Plan (Official Plan, OP) sets out policies that deal with legislative and administrative concerns, policies to guide physical growth and policies to express a wide variety of social, economic and environmental concerns. The office consolidation of the Town of Niagara-on-the-Lake Official Plan contains all amendments up to and including July 17, 2017.

The following is a summary of the policies contained within the Official Plan that are applicable to the proposed development:

Section 6: General Development Policies

“6.4 Building Height Restrictions

The Town of Niagara-on-the-Lake consists of low-rise structures in a small town setting with a large number of historic buildings. Generally, the building height has not exceeded 11 metres (36 feet). For the most part this low-rise character should be maintained and the implementing zoning by-law should limit building height accordingly. Special provisions may also be included in the implementing zoning by-law

limiting the building height to less than 11 metres (36 feet) in low density residential, and established residential areas where the majority of the buildings are one or 1 1/2 storeys in height.”

“6.21 Parking and Loading Facilities

Off-street parking areas and loading facilities shall be provided for the applicable uses as required by the implementing Zoning By-law. Access points to parking areas and loading areas shall be limited in number and designed in a manner which will minimize the danger to pedestrian and vehicular traffic in the immediate area and compatible with abutting properties.”

“6.23 Planning Impact Analysis

A Planning Impact Analysis is required as part of any application for an Official Plan and/or Zoning change. If the application is initiated by a development proposal then the proponent shall prepare and submit the required Planning Impact Analysis as part of the application... The Planning Impact Analysis will be evaluated, in consultation with appropriate agencies, on the basis of matters such as:

- a) Compatibility of the proposed use with surrounding land uses, and the likely impact of the proposed development on present and future land uses in the area and on the character and stability of the surrounding neighborhood. Where developments require an amendment to this Plan and are considered significant in terms of land area or impact the effect on the community and municipality must be addressed
- b) The height, location, and spacing of any buildings in the proposed development, and any potential impacts on surrounding land uses
- c) The extent to which the proposed development provides for the retention of existing vegetation or natural features that contribute to the ecological integrity and visual character of the surrounding area
- d) Where a medium density residential development is proposed: the proximity to public open space and recreational facilities, community facilities and transit services, and the adequacy of these facilities and services
- e) The physical suitability of the land for such proposed use and any anticipated environmental effects. In the case of land exhibiting a potential hazard, consideration shall be given to:
 - i. the existing environmental and/or physical hazards
 - ii. the potential impacts of these hazards
 - iii. the proposed methods by which these impacts may be overcome in a manner consistent with accepted engineering techniques and resource management practices.
 - iv. the costs and benefits in monetary, social and environmental terms of any engineering works needed to overcome the hazard
- f) The size and shape of the parcel of land on which the proposed development is to be located, and the ability of the site to accommodate the intensity of the proposed use
- g) The potential effect of the proposed use on the financial position of the municipality where a development is of a size that would have an impact in this regard
- h) The adequacy of the existing roadway system to accommodate the proposed use and the location of vehicular access points and the likely impact of traffic generated by the proposal on streets, pedestrian and vehicular safety, and on surrounding properties

- i) The regulations of the Regional Niagara Policy Plan, Niagara Peninsula Conservation Authority, the Niagara Escarpment Commission, Niagara Parks Commission, Provincial Policy and the requirements or regulations of any other applicable government department or agency
- j) The servicing capabilities of the area and capacity of municipal services to accommodate the proposed use which shall include the drainage of the property and address the need for a storm water management plan
- k) The location and adequacy of lighting, screening, and parking areas
- l) Provisions for landscaping and fencing
- m) The location of outside storage, garbage and loading facilities
- n) The need and desirability of the use
- o) The effect on the agricultural land base
- p) The identification of environmental, archaeological and heritage resources in the area and how the development will impact on those resources
- q) The availability of alternative sites where the application proposes an amendment to the Official Plan to change a land use designation or expand an urban boundary
- r) Measures planned by the applicant to mitigate any adverse impacts on surrounding land uses and streets which have been identified in the Planning Impact Analysis including the submission of detailed plans sufficient to show how the items of this policy have been complied with"

Section 6A: Growth Management Policies

"2.4 Built-up Area and Built Boundary

Planned Function

The Built-up Area is the limit of existing development within the urban areas of Virgil and the Old Town as defined by the Province of Ontario in April, 2008. All growth and development which will occur within the Built-up Area is considered to be intensification and will count towards the achievement of the Town's intensification target.

Delineation of the Urban Area Boundary and Built-up Area

The Urban Area Boundary and the boundary of the Built-up Area are delineated on Schedule "I1" to I-5" of this Plan."

"3.2 Growth Management Objectives

- a) To accommodate all future urban growth within the present-day urban boundary;
- d) Direct urban growth and development to the Town's existing Urban Areas;
- e) Direct urban growth and development to the Town's existing Urban Areas;
- f) Direct appropriate intensification to Designated Intensification Areas;
- g) Optimize existing infrastructure to provide for efficient use of infrastructure;
- l) Develop compact, complete communities that include 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 and active transportation and provide active transportation-friendly structures and amenities."

"3.6 Employment Forecast

The projected employment for the Town by the year 2031 is 15,100 jobs. In order to achieve the employment objective of one job for every three residents, an employment target of 3,750 jobs will need to be achieved by 2031. A proportion of those jobs are to occur within the Employment Area designation through Greenfield development and the intensification of existing development. The remainder of employment will be located in the living areas through local services, commercial, institutional, home occupations, and government related jobs and in the Countryside through agricultural and rural related jobs."

"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:

- f) Parking for all new residential, commercial and mixed use development will be located at the rear of the building, with the principle entrance fronting onto the street and a secondary entrance at either the side or to the rear of the building
- h) The Town will ensure that intensification and redevelopment is consistent with the heritage and character of the Built-up Area. Urban design guidelines for the Built-up Area may be prepared and used as a tool to achieve compatible built form with intensification and redevelopment."

"Urban Design

- d) Bulk, mass and scale of new development shall fit the context within which it is located
- f) The design of infill and intensification development should be consistent with the Land Use Compatibility criteria of this Plan."

"4.6 Land Use Compatibility Policies

Compatibility and Appropriate Infrastructure

Notwithstanding the requirements for a severance, site plan, plan of subdivision or plan of condominium, intensification development within the Built-up Area should be compatible with surrounding existing and planned land uses as shown in the Land Use Schedules of this Plan. 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;
- 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:
- Street and block patterns
 - Lot frontages lot area, depth
 - Building setbacks
 - Privacy and over view
 - Lot grading and drainage
 - Parking
 - Servicing

Conflicts Between Built Form and the Target

In circumstances where a proposed development supports the Town's intensification target but does not support the compatibility policies of the Plan, the compatibility policies shall prevail."

Section 10: Commercial

"10.2 Goals and Objectives

- 1) To encourage controlled and orderly growth within designated commercial areas
- 2) To minimize the impact of commercial development on adjacent land uses
- 3) To minimize the impact of commercial development on the traffic carrying capacity of adjacent roads
- 4) To prevent the intrusion of commercial uses into residential areas.
- 5) To promote compact forms of commercial development, and to discourage scattered forms of development.

"10.3.6 General Commercial (Randwood Estate)

- 1) In the General Commercial (Randwood Estate) designation the following land uses shall be permitted:

Main Uses

Hotel

Spa

Arts and Learning Centre

Conference Centre

Restaurant

Secondary Uses

Accessory buildings and structures

- 2) At site plan approval stage, the property shall be designated under Part IV of the Ontario Heritage Act

- 3) The final design and plans of any additions or new buildings shall be subject to approval by the Municipal Heritage Committee
- 4) Sufficient landscaping, buffers, and setbacks shall be provided to minimize the impact on abutting residential uses
- 5) No terraces or balconies above the second storey shall be oriented toward abutting properties. Any terraces or balconies shall be oriented toward the interior of the property
- 6) All access to parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties
- 7) There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces
- 8) There shall be adequate building separation from adjacent residential uses
- 9) A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application
- 10) The boxwood hedge within the buffer area adjacent to the western property line shall remain and be properly protected and preserved to insure its continued growth. At site plan stage measures to mitigate construction impacts to protect the boxwood hedge will be required."

"10.4 Commercial Policies

The following policies apply to all commercial designations shown on the Land Use Schedules

- 3) The character of each individual commercial area, and the character of its surrounding uses, shall be considered in determining the zoning regulations to apply to that area, so that a cohesive character may be promoted which will be in keeping with adjoining areas. Zoning regulations will also take into consideration limiting the use of land at the fringe of a commercial area designation
- 7) Vehicular accesses for new commercial developments will be restricted, as necessary, to minimize the effect of turning movements on adjoining roadways. Wherever possible, joint accesses will be designed to serve multiple commercial uses
- 8) Requirements for building setbacks, minimum landscaped areas, buffer strips, maintenance of existing trees, privacy screening and other appropriate measures to enhance the "greening" of commercial areas and to protect adjoining residential areas from the effects of commercial activity shall be applied in all new commercial development or redevelopment
- 9) Every effort shall be made to preserve heritage resources if they are affected by an application for commercial development or redevelopment and an inventory of heritage features deemed by

Town Council to be impacted by a development application shall be made before changes are undertaken and the conservation of such features shall be encouraged.”

Section 15: Open Space and Community Facilities

“15.3.2 Open Space (Randwood Estate)

- 1) In the Open Space (Randwood Estate) designation the following land uses shall be permitted:

Main Uses

Pedestrian and carriage pathways

Existing buildings and structures

Stormwater management facilities

Parking lots

Walls along John and Charlotte Streets

Accessory buildings and structures to main uses in the General Commercial (Randwood Estate) designation

- 2) All parking areas shall be oriented or designed in such a way that there shall be no impact of vehicular lights on abutting residential properties
- 3) There shall be no negative impact on abutting properties as a result of lighting in parking lots, driveways, walkways, or other outdoor recreation and amenity spaces or accessory buildings or structures
- 4) A tree preservation plan prepared by a qualified professional and shall be submitted with a site plan application.”

Section 18: Heritage Conservation

“18.2 Goals and Objectives

- 1) To protect, preserve and encourage the restoration of the original architectural detail wherever feasible on all buildings having architectural and historical merit within the context of the Town of Niagara-on-the-Lake, as well as on all buildings contributing towards the heritage value of the Town of Niagara-on-the-Lake
- 2) To encourage good contemporary building design by using sympathetic forms while avoiding simply copying historic architecture. To restrict building design that is not compatible with existing structures or unsympathetic alterations to buildings that would detract from the character of a Heritage Resource. Where lands or buildings have been designated pursuant to the Ontario Heritage Act the provisions of that Act regarding buildings and additions shall apply. In the Queen-Picton Heritage Conservation District the design of new buildings and structures shall also be subject to the requirements of the Queen-Picton Street Heritage District Plan.”

“18.3(4) Criteria for Assessing New Development

Where a planning application has been received that proposes new development in the municipality, the Planning & Development Services Department for the Town shall include LACAC as a commenting agency

to be given an opportunity to review the application and provide comments. The comments from all circulated agencies shall form part of the required planning report prepared by the Town. The review by LACAC shall address the following:

- a) The impact of the development on existing heritage resources
- b) The proposed building design and its effect on the historic character of abutting properties and the streetscape.”

“18.5(2) An archeological assessment will be required for the entire property. For lands located outside an urban area boundary where the entire property will not be developed consideration may be given on a site specific basis by the Ministry of Tourism, Culture, and Sport in consultation with the Town to exempt the areas that will not be developed from requiring an archaeological assessment.”

“18.5(3) Proponents will be encouraged to complete the necessary assessment and/or site mitigations prior to submitting their planning application. Where this is not possible the following ARCHAEOLOGICAL CONDITION will be included as part of any approval:

ARCHAEOLOGICAL CONDITION: The proponent shall carry out an archaeological assessment and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading or other soil disturbances shall take place on the subject property prior to the Town, the approval authority being the Regional Municipality of Niagara and the Ministry of Tourism, Culture, and Sport confirming that all archaeological resource concerns have met licensing and resource conservation requirements. The property will be assessed by a consultant archaeologist, licensed by the Ministry of Tourism, Culture, and Sport under the provisions of the Ontario Heritage Act (R.S.O. 1990); and any significant site found will be properly mitigated (avoided or excavated), prior to the initiation of construction, servicing, landscaping or other land disturbances. When adopted as Council policy the proponent agrees to adhere to the procedures of the “Contingency Plan for the Protection of Archaeological Resources in Urgent Situations”.”

1.6 Town of Niagara-on-the-Lake Comprehensive Zoning By-law 4316-09 (2016 Office Consolidation)

GC-56 Holding (H) Zone

“7.14.56.1 Permitted Uses

- a) hotel with a maximum of one hundred and six (106) rooms
- b) conference centre
- c) artist studio(s) and learning centre
- d) art gallery
- e) restaurant
- f) outdoor patio
- g) Accessory buildings and structures

7.14.56.2 Zone Requirements

(a)	Minimum lot frontage	300 m (984.2 ft)
(b)	Minimum lot depth	120 m (393.7 ft)

(c)	Minimum landscaped open space	50%
(d)	Maximum lot coverage	12%
(e)	Minimum main building setbacks in accordance with Figure 7.14.56Fii.	
(f)	Minimum vehicular access ramp setback	30.48 m (100 ft.)
(g)	Maximum building height	17.35 m (57 ft)
(h)	Maximum seating capacity for restaurant	200 seats
(i)	Maximum number of rooms for the hotel	106
(j)	Maximum ground floor area of all buildings in the commercial zone	4181 m ² (45000 ft ²)
(k)	Maximum floor area of the spa	185.8 m ² (2000 ft ²)
(l)	Maximum ground floor area of Arts & Learning Centre	1250 m ² (13,463 ft ²)
(m)	Devonian House: No other commercial use shall be permitted except for a maximum of 8 guest rooms associated as part of the hotel use.	

7.14.56.3 Open Space- Randwood Estate (OS-56) Holding (H) Zone Permitted Uses:

- a) Pedestrian and carriage pathways
- b) Existing structures
- c) Stormwater management facilities
- d) Parking spaces to a maximum of 50 spaces
- e) Walls along John and Charlotte Streets
- f) Accessory landscaping structures or uses

7.14.56.4 Zone Requirements;

(a)	A minimum setback for accessory structures shall be 7.5 m (24.6 ft) from all property lines.
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7.14.56.5 Notwithstanding Section 6.39 Parking Space Requirements of By-law No 4316- 09 as amended; a minimum of 250 parking spaces shall be required.

7.14.56.6 No amplified music or public address system shall be utilized outdoors.

7.14.56.7. All other provisions of Zoning By-law 4316-09, as amended, shall continue to apply to the lands as described.

7.14.56.8 The Holding (H) Zone shall not be lifted from the General Commercial – Randwood Estate (GC-67) Holding (H) Zone and Open Space – Randwood Estate (OS-56) Holding (H) Zone until such time as the applicant has received site plan approval from the Town of Niagara-on-the-Lake.

Figure 7.14.56F(i): Randwood Estates Zoning”

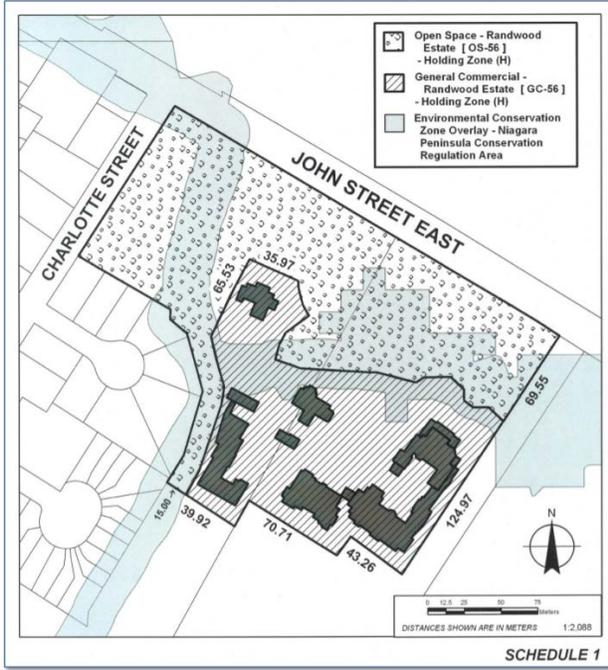
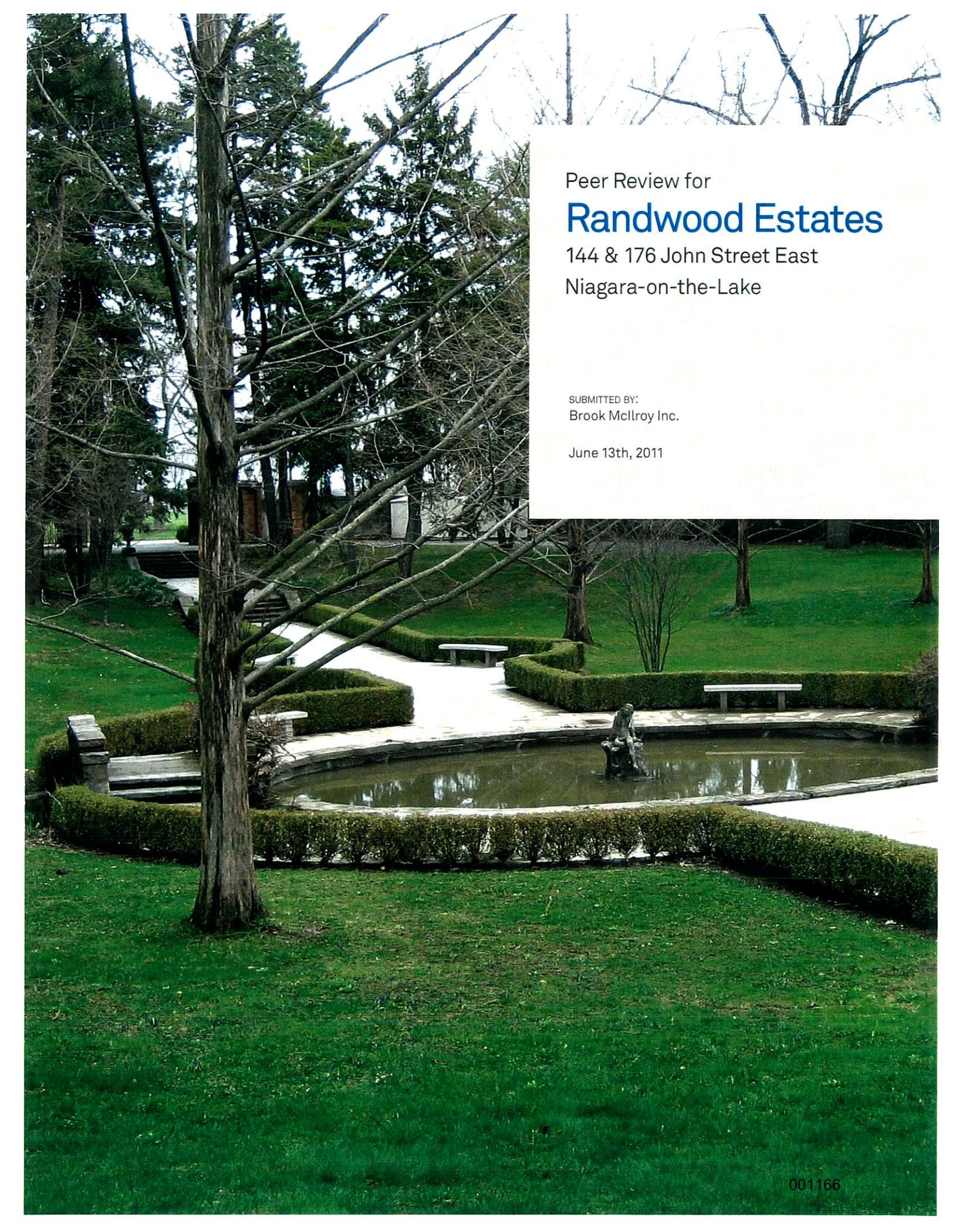


Figure 7.14.56F(ii): Randwood Estates Building Setbacks:



Appendix **6**

Brook McIlroy Peer Review of Romance Proposal



Peer Review for

Randwood Estates

144 & 176 John Street East
Niagara-on-the-Lake

SUBMITTED BY:
Brook McIlroy Inc.

June 13th, 2011



Randwood Estates. Heritage buildings in a natural setting.

i. Executive Summary

The purpose of this Peer Review is to evaluate the preliminary design drawings of the proposed Inn and Arts Facility prepared by Allen Chiu Architects Inc. at Randwood Estates (144 & 176 John Street East, in Niagara-on-the-Lake).

The existing buildings on this property include a 3-storey Manor House, a 2.5-storey 'Devonian' Guest House, and a 1-storey Coach House/Studio. These buildings are generally modest in size, and are situated as singular buildings within the landscape.

A primary consideration of this review is the visual impact that the proposed development will have in relation to adjacent low-rise residential properties, and the removal and/or potential damage to mature landscape elements including trees, hedges and the creek.

The key priorities of this review are:

1. Adequate building setbacks to maintain privacy to adjacent residential properties and preservation of the creek, mature trees and other landscape elements.
2. The compatible height and mass of proposed buildings with existing buildings.
3. Assurance that the architectural quality of the proposed buildings is of a high standard in keeping with the complexity of their period style.

The Peer Review considers, and provides recommendations for:

Site Design

The NPCA regulation area, and significant tree stands in the north end of the property, push the proposed development to the southern end of the property. As proposed, the buildings are situated too close (between 4.3-4.6 metres) to the east property line (with respect to the 7.5 metre setback required in the Zoning By-Law), resulting in privacy and noise concerns, as well as the removal of mature vegetation. Building # 7 is situated too close to, and will likely result in damage to, the existing hedgerow along the creek. It is recommended that the siting of buildings be reconsidered to reduce the mass of buildings at the southern end of the property, through the rotation of building # 4, and/or the redistribution of GFA to the existing central open space.

The proposed relocation of an existing parking area will make it a central feature in the landscape. It is recommended that the size of this lot be as minimal as possible, and that enhanced landscaping and design features are considered to minimize adverse impacts.

Built Form

The proposed new buildings have a site coverage that is significantly greater (2.5 X) than the existing buildings. The large, continuous facades of these buildings require the removal of existing mature trees, and are inconsistent with the inherent character of buildings set within a natural landscape. The site design recommendations above, or similar considerations, should minimize the overall length and impact of these facades.

The architectural character of the buildings is generally consistent with the existing buildings, in façade variation, materials and proportion, with the exception of the east façade of Building # 4. It is recommended that all elevations of the building maintain a level of detail that is at least on par with the south elevation.

1.0 Introduction and Context

1.1 Introduction

This Peer Review addresses the Inn and Arts Facility proposed on the 13.29 acre Randwood Estates property at 144 & 176 John Street East, in Niagara-on-the-Lake.

There are three heritage buildings on the Randwood Estates property, including the Manor House, the 'Devonian' Guest House and a Coach House/Studio. The property's previous uses included the Niagara Institute and a religious school.

The current ER (Established Residential) zoning permits a single-detached dwelling, a private school, a bed and breakfast, a home occupation, a group home, a public use, and accessory buildings. A site-specific amendment would be required to allow for the proposed commercial development.

1.2 Context

A Historic Landscape Setting

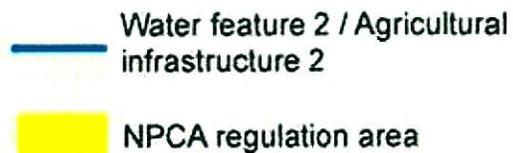
Preservation of the historic landscape setting is a primary factor in the siting and design of new development on the Estate. The primary entrance to Randwood Estates is from John Street, and provides a direct sightline to the Manor House. The landscape design, including the formality of the stonework walls and patios, and the curving walkways, are originally designed by Dunnington-Grubb. The landscape design is bucolic, mature and beautifully integrated with the existing creeks that run north-south and east-west through the property.

Despite the size of the property, there are limited advantageous sites to locate new buildings while maintaining a cohesive, integrated landscape setting.

Schedule A-2 in the Town's Comprehensive Zoning By-Law illustrates the alignment of this creek, and the NPCA regulation area that buffers it. These areas represent approximately half of the property, and must be protected. This, combined with the historic significance of the large, mature tree stands at the north end of the property, means the most advantageous development sites are at the southern end of the property.



Town of Niagara-on-the-Lake Comprehensive Zoning Bylaw (Schedule A-2)



Large mature trees, hedgerows and vegetation provide a visual buffer between Randwood Estates and neighboring properties including the Rand Property (200 John Street), property No. 588 (on the Proposed Site Plan), and the houses on Christopher Street.

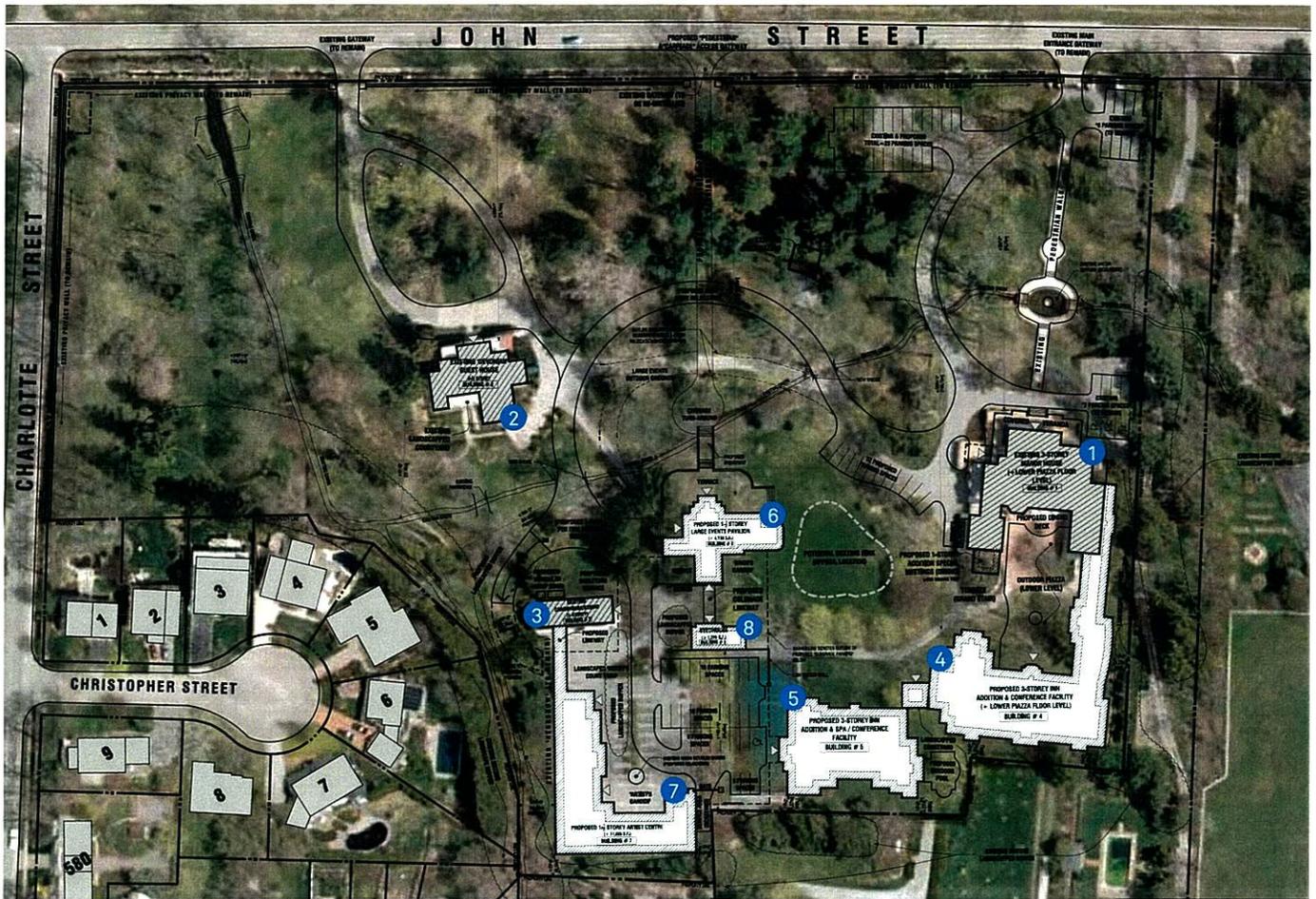
The east side of the property has been severed to provide a private driveway to the Rand Property (200 John Street).

Existing Buildings

The existing buildings on the property include a 3-storey Manor House, a 2.5-storey 'Devonian' Guest House, and a 1-storey Coach House/Studio. These heritage buildings are generally in good condition and their total site coverage is 1,615 m² or approximately 3% of the total property area. These buildings are generally modest in size, and designed with a pavilion-like character, to relate to the surrounding site and landscape on all sides.



The existing buildings at Randwood Estates (clockwise from top-left): Manor House (front and rear), 'Devonian' Guest House, and Coach House/Studio.



The proposed site plan for Randwood Estates.

LEGEND

- | | |
|--|--|
| <p>1 Existing Manor House (3-storery)</p> <p>2 Existing 'Devonian' Guesthouse (2.5-storery)</p> <p>3 Existing Coach House/Studio (1-storey)</p> <p>4 Proposed Inn Addition & Conference Facility (3-storery)</p> | <p>5 Proposed Inn Addition & Spa/Conference Facility (3-storery)</p> <p>6 Proposed Large Events Pavilion (1.5-storery)</p> <p>7 Proposed Artists Centre (1.5-storery)</p> <p>8 Seedhouse</p> |
|--|--|

2.0 The Peer Review

2.1 Objective

The purpose of this Peer Review is to evaluate the preliminary design drawings of the proposed Inn and Arts Facility prepared by Allen Chiu Architects Inc. with respect to site design and the form and scale of the proposed buildings.

There are five new buildings proposed for the Inn and Arts Facility, including:

- Building # 4: 3-storey Inn Addition and Conference Facility (269 m²)
- Building # 5: 3-storey Inn Addition and Spa/Conference Facility (4,586 m²)
- Building # 6: 1.5-storey Large Events Pavilion (539 m²)
- Building # 7: 1.5-storey Artist Centre (2,147 m²)
- Building # 8: 1-storey Seed House (114 m²)

The provided set of drawings is preliminary, and therefore does not provide full plan and sectional information for each proposed building. A three-dimensional digital model would benefit the review of subsequent submissions.

The architectural design of the proposed buildings is important in relation to the architectural heritage of the existing buildings, particularly with respect to the proposed renovations. As the architectural design is likely to evolve as building designs are refined, some recommendations are provided where the impacts are greatest.

The Peer Review considers, and provides recommendations for:

Site Design – including siting and setbacks in relation to existing buildings and adjacent properties, impacts on the existing and proposed landscape, and surface parking design.

Built Form – including the massing and scale of the proposed buildings, and architectural design.

2.2 Site Design

Siting and Setbacks

Despite the large 13.29 acre property size, a number of limitations impact the placement of new buildings to ensure the heritage character of the site is maintained. This includes the NPCA regulation area, the heritage landscape and significant tree stands in the north end of the property, and the location of existing buildings. As a result, the southern end of the property and the central open space between the Manor House and the 'Devonian' Guest House are the most advantageous sites as they are open sites with few mature trees.

As proposed, Building # 4, 5 and 7 are situated too close (between 4.3-4.6 metres) to the rear and side property lines, which require a 7.5 metre setback in the Town's Comprehensive Zoning By-Law. This proximity of new development to the rear and side property lines has a number of negative impacts, including:

- The required removal of existing mature trees, hedgerows, and vegetation that enhances the attractiveness of the landscape, and acts as a visual and acoustic buffer between Randwood Estates and neighboring properties including the Rand Property (200 John Street), property No. 588 (on the Proposed Site Plan), and the houses on Christopher Street.
- Potential privacy conflicts due to the proposed building heights, which include taller buildings than the existing 2 to 3-storeys, and will overlook neighbouring properties.
- Potential noise concerns related to the proposed outdoor pool at the southern property boundary.

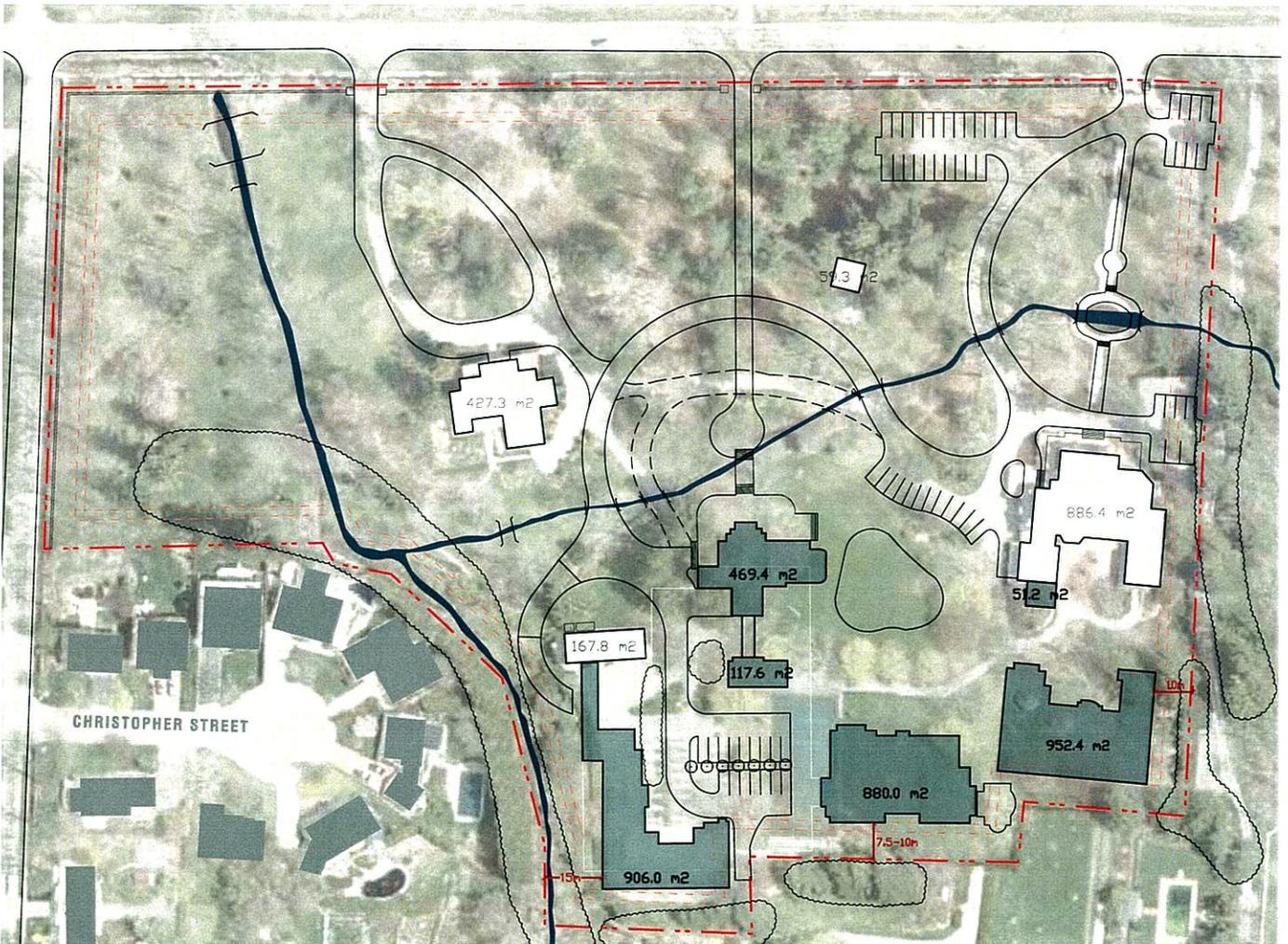
Building # 7, the 1.5-storey Artist Centre, is situated within 10 metres of the creek and construction of the building is likely to damage or kill the existing mature hedgerow that provides a privacy buffer between Randwood Estates and the dwellings on Christopher Street to the west.

Recommendations

The existing buildings at Randwood Estates exist as single buildings situated within a landscaped setting. For new development to maintain this character, and not create a mass of built form at the rear of the property, opportunities should be explored to reconfigure the location of buildings. Two options are proposed:

Option 1

- Increase the proposed building setback at east property line to 10 metres.
- Increase the proposed building setbacks at the south and west property lines to 10 metres (preferred) or 7.5 metres (minimum).
- Reduce building footprints for Buildings # 4, 5 and 7 to accommodate revised setbacks and smaller building footprints that fit within the context of the existing modest buildings set within the landscape (see table on the right for revised building footprints).
- Building # 4 should not connect to the Manor House.
- Remove/reduce the length of Building # 4 as shown in the proposed east elevation.



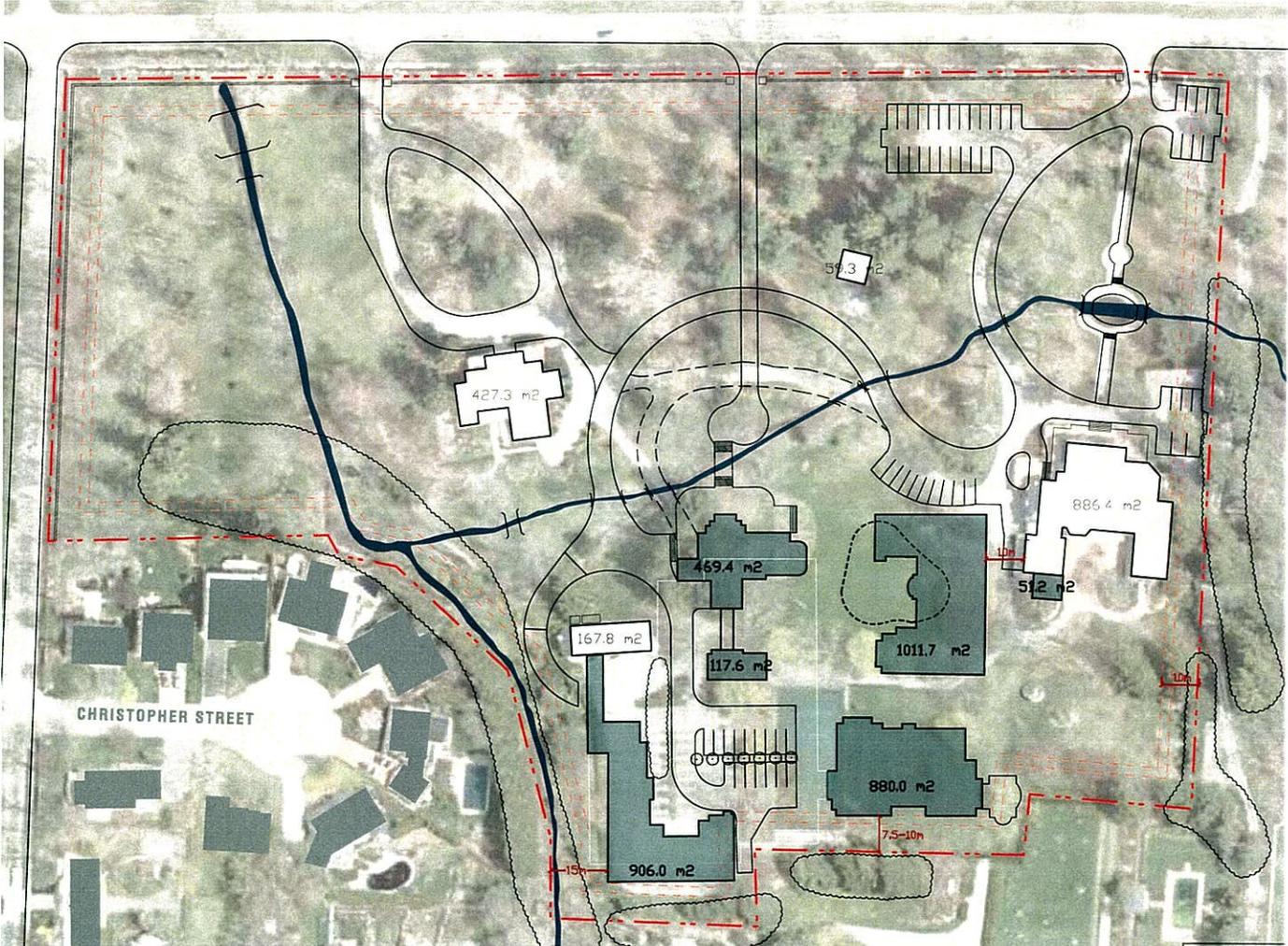
Option 1 - Decreased building footprints and increased setbacks minimize the impacts of the proposed development on adjacent, low-rise residential properties.

The footprints of the new buildings are as follows:

Building #	Existing	Option A	Option B
4	1564.6m ²	952.4m ²	1011.7m ²
5	917.9m ²	880.0m ²	880.0m ²
7	1089.7m ²	906.0m ²	906.0m ²

Option 2

- Buildings are revised as per Option 1 to accommodate increased setbacks and smaller building footprints (see table on the left).
- Proposed Buildings # 5, 6, and 8 are shifted further west to allow Building # 4 to be relocated to frame a courtyard at the lawn with Buildings # 5, 6, and 8.



Option 2 - The relocation of Building # 4 creates a central courtyard with the proposed new buildings.

These options would result in:

- Architecture that is more restrained and contextually sensitive to the heritage context.
 - Mitigation of the privacy concerns associated with a 3-storey building directly adjacent to the east and south property line.
 - Opportunities to create a large courtyard between Buildings # 4, 5, 6 and 8.
- A significant open space at the southeast corner of the property.
 - The maintenance of existing mature trees, and potential to plant new trees as an additional landscaped buffer (at both the east and south property lines, where they will provide a noise buffer for the proposed pool, and potential new open space).



The setbacks that currently exist on the east side of the Manor House accommodate large trees to buffer adjacent properties.



Opportunities exist to redistribute densities to the large open space that currently exists west of the Manor House.

Surface Parking Design

The four existing surface parking areas include approximately 50 spaces and are generally small and well integrated in the northern section of the site, allowing visitors to park and enjoy the landscaped approach to the Manor House. A larger surface lot is located to the southeast of the existing Coach House/Studio and contains approximately 35 parking spaces.

As a result of the proposed Building # 7, the existing surface lot has been increased in size and will have a more dominant role in the character of the site. An additional 119 parking spaces are proposed below grade, with access from the rear of the Coach House/Studio.

Recommendations

The surface lot size should be reduced to accommodate the minimum number of parking spaces required at grade. Due to the central location of the lot, the overall design should be enhanced, including consistent landscaping around the perimeter, permeable paving (i.e. turf stone, limestone), planted medians and islands to create smaller "parking courts," etc.

The underground ramp should be configured to provide adequate setbacks to the creek and to avoid disturbance of the boxwood hedge.



The existing parking lot is currently tucked behind the Coach House/Studio, out of view.

2.3 Built Form

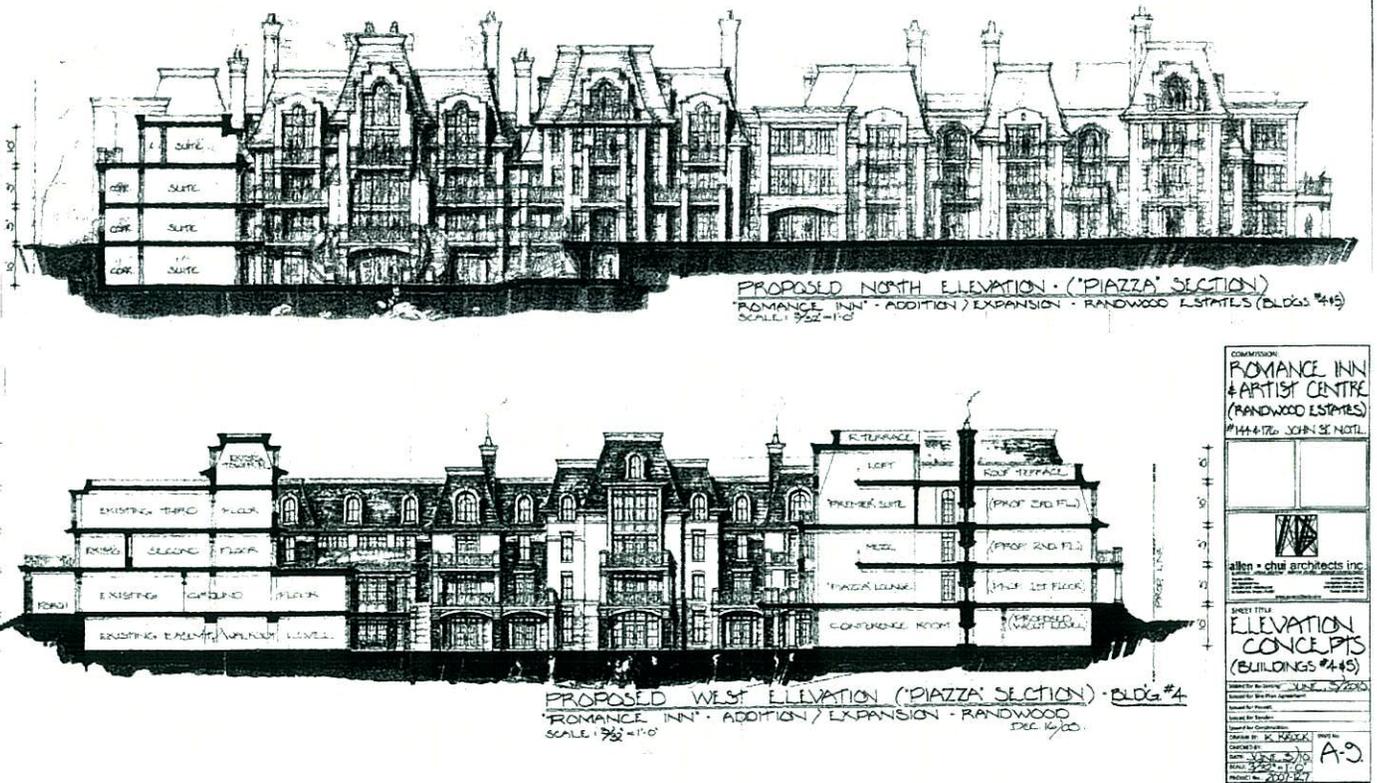
Architectural Design

The Second Empire/"Chateau" style proposed for the buildings is generally compatible with the Randwood Estates. The proposed buildings are well-glazed, with a window style that complements the existing buildings. From the elevations provided, the buildings have elaborate architectural detailing. It is not clear from the preliminary stage of the drawings provided if the proposed materials and finishes will match the existing Manor House, 'Devonian' Guest House, and Coach House.

All finishes and cladding materials must be consistent with the high standard of the architectural period that they represent.

Massing and Scale of Proposed Buildings

The five proposed buildings have a total site coverage of 4,045m² or approximately 7.5% of the property. At 2.5 times, this is a substantial increase in coverage from the existing buildings. The significant landscape and natural heritage features of the site limit large areas for locating new buildings. While the site is large, the size and location of the proposed Inn and Conference Centre buildings in particular, are too imposing so close to the rear of the property.



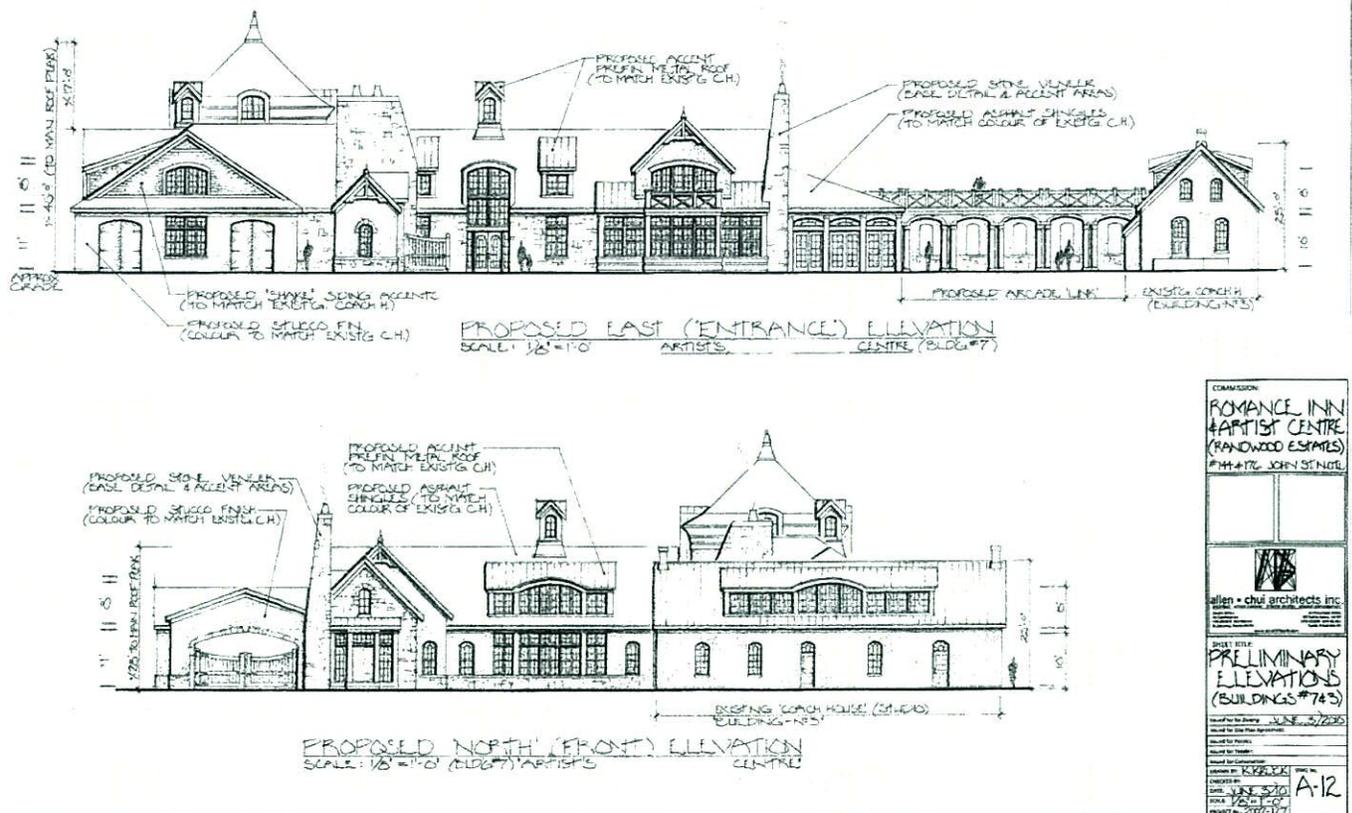
As proposed, the inter-connected facades may result in monolithic, wall-like development that is inconsistent with the inherent character of buildings set within a natural landscape.

The existing buildings are generally modest in size, and designed with a pavilion-like character, to relate to the surrounding site and landscape on all sides. On the other hand, the proposed buildings (particularly Buildings # 4, 5 and the west side of Building # 7) have long, inter-connected facades that are more than twice the length of the Manor or 'Devonian' Guest House. At such a large scale, these buildings enclose the southern end of the property and may result in a monolithic, wall-like effect in building height and length that is inconsistent with the inherent character of existing buildings.

In the case of Building # 4, the connection to the existing Manor House intends to frame a new outdoor piazza. However, there are at least 4 or 5 mature trees, including an old chestnut, that require removal to accommodate this connection.

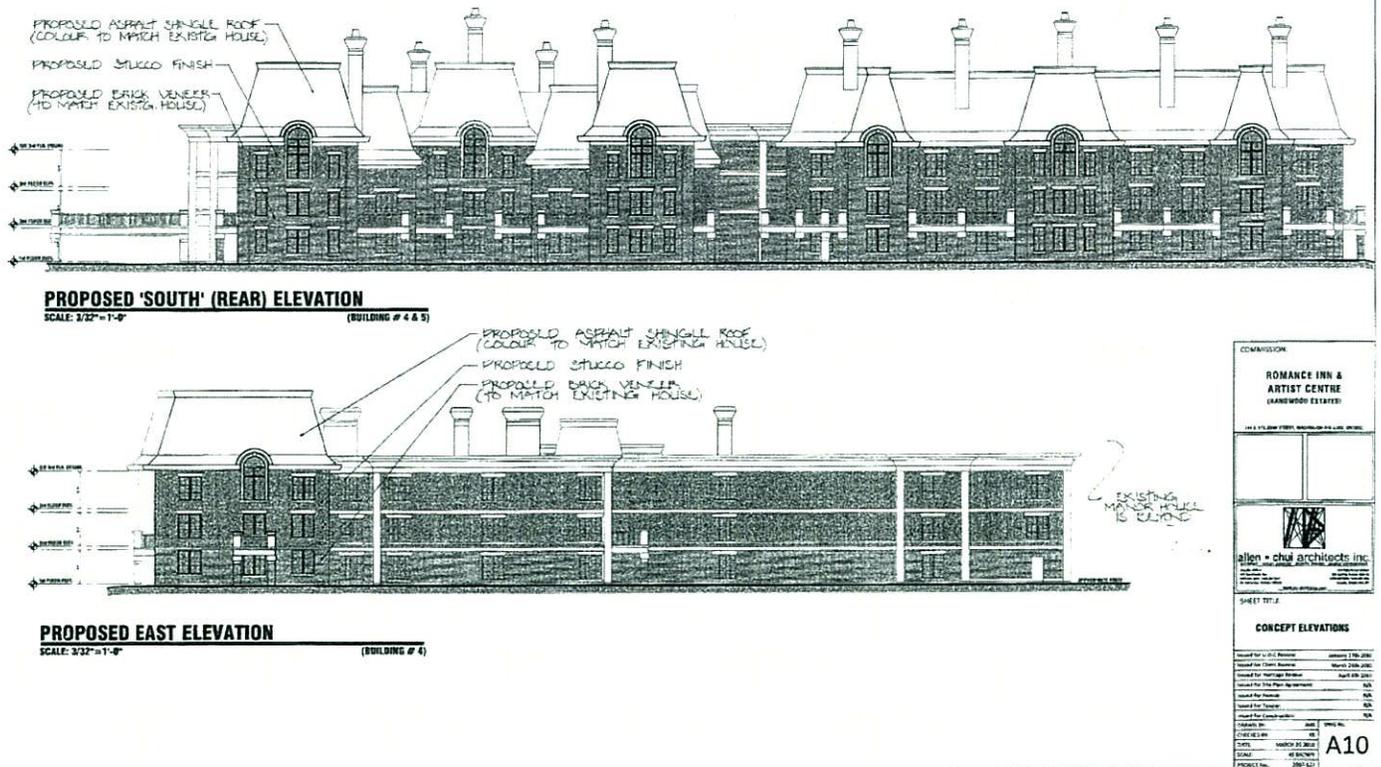
On Building # 5, the impact of this large inter-connected façade is further exaggerated by the proposed 5-storey height as shown on the north elevation (previous page).

While narrower, the proposed linkway between the existing Coach House and Building # 7 results in a similarly extensive façade condition (particularly on the west side).



While not as wide, the linkway between the existing Coach House and Building # 7 results in a similarly extensive façade.

- The recommended rotation of Building # 4 (in Option 2) will significantly reduce the façade length on the east side of the building. However, all sides of the building should maintain a level of architectural detail that is at least on par with the south elevation as proposed in the drawings provided.
- Terraces on the upper-storées of buildings should face the interior of the property, and should not overlook neighbouring properties.



The facades of all buildings, particularly the east facade of Building # 4, should have a level of architectural detail that is at least on par with the south facade.

Appendix 7

Summary of Comments and Responses Contained within Staff Report CDS-11-099

144-176 John St., Niagara on the Lake
Summary of Comments and Responses Contained within Staff Report CDS-11-099

Item	Comment	Response
1	Where is buffer located and how will it be impacted by new construction?	Landscaped buffers are located around the perimeter of the property and will be protected by appropriate building setbacks ranging from 7.5m (24'7") to 18.30m (60'). Additional landscaping along the southern property line that will augment existing landscaping will be addressed at the site plan stage. The zoning by-law requires a 3.0m wide landscape buffer adjacent to residential zones.
2	What is the impact of the development on the creek and what is meant by conservation of the creek? There will be environmental impacts. Should be an environmental impact study.	Conservation of the creek means that the creek will be protected from the proposed development through appropriate building setbacks and approved stormwater management. The stormwater management plan will be designed, reviewed and approved at site plan stage. An environmental impact study has been completed and reviewed by the Niagara Peninsula Conservation Authority. Matters have been addressed to the satisfaction of the NPCA.
3	What is the timing of construction and opening of the arts/cultural centre? How long will construction take?	Construction can only commence after the site has received all approvals related to site plan control, i.e. approved servicing plans, appropriate securities have been deposited with the Town, and all necessary clearances from other agencies are in receipt, i.e. Clearance from the Ministry of Culture. It is anticipated that construction will take 12-18 months.
4	How do vehicles enter the underground parking?	Vehicles will enter the underground parking via an internal driveway. The access to the underground parking will be landscaped and screened from view from the adjacent residential properties. The applicants have agreed to relocate the vehicle access ramp away from the properties on Christopher Street and outside of the 15m conservation buffer. The proposed zoning by-law will reflect the new setback.
5	What will happen if the development is not approved?	It is speculative to suggest what will happen if the development is not approved. The developer will have a number of options to consider should the development not be approved including appealing Council's refusal to the Ontario Municipal Board.
5	How will the boxwood hedge be protected?	The boxwood hedge will be protected through appropriate building setbacks. The applicants have agreed to reconfigure the southwest corner of Building #7 to increase the setback from the hedge.
7	There will be noise from the restaurant.	The restaurant is located within the manor house. While there will be seasonal outdoor seating in the piazza, the piazza is sunken and surrounded primarily by the hotel building which will act as a sound barrier. As this area is also surrounded by guest rooms, it is in the developers' interest that noise will be kept to a minimum.
8	What is the financial capacity to support the redevelopment?	The developer is responsible for all costs associated with proposed redevelopment and any improvements that are required to municipal infrastructure. The Town will receive revenue through building permit applications, development charges and long term tax revenues.
9	What are the social impacts?	Social impacts relate to the long term protection of the significant cultural heritage attributes of the site, having the site accessible to the public, and opportunities for cultural/earning and enrichment.
10	Do the gates need to be widened to accommodate emergency vehicles?	The eastern gate does not need to be altered to accommodate emergency vehicles. The western gates will need to be reconfigured in terms of how they hang on the gate posts, however the opening between the gate posts does not need to be altered.

11	Concern regarding the height of the new buildings and impact on privacy.	The proposed hotel buildings will have 3 storey profile when viewed from adjacent properties and a 4 storey profile when viewed internally from the site due to the sunken nature of the piazza area. Balconies are proposed on the second floor. Any balconies or terraces above the second floor will not be oriented towards adjacent residential properties, but will be oriented internally into the site. Additional landscaping along the southern property line will be required at site plan stage to augment existing landscaping to ensure privacy on adjacent properties is maintained. The coach house will maintain a 1 1/2 storey profile and while there are a number of windows proposed on the exterior of the building that is adjacent to residents, the primary function is for light. The existing vegetation and treed buffer along the western property line will remain and continue to provide the privacy protection to the residents of Christopher Street.
12	Proposal is too large.	A 106 room hotel is consistent in size with other medium sized hotels in the Town. (Pillar & Post 122 rooms, Queen's Landing 142 rooms, Prince of Wales 110 rooms, White Oaks 200 rooms.) The addition of the conference and banquet facilities and arts and learning centre increases the size of the proposal. However, all of the above hotels offer meeting facilities with Queen's Landing and White Oaks a/so providing banquet space for 250 and 300 people respectively. Both White Oaks and the Pillar and Post a/so provide spa facilities. Given the context of the Randwood site, which is 13.29 acres located behind a privacy wall, the size is not considered large.
13	Design is not complementary to existing buildings.	The elevations provided with the application are only preliminary renderings. Detailed drawings will be provided at site plan stage and will be reviewed by the Municipal Heritage Committee and the Urban Design Committee to ensure compatibility with the existing buildings.
14	Parking is not adequate. No accommodation of buses on the site.	The proposed number of parking spaces meets the requirements of the Zoning By-law and will adequately accommodate parking for the hotel, restaurant and conferences or other special events. Any overflow parking can be accommodated on the open ground at the northwest corner of the property. The applicant does not anticipate accommodating groups that would normally arrive by bus and has not provided for bus parking.
15	This is a major amendment to the Official Plan.	The proposed Official Plan amendment is site specific in nature and is exempt from Regional approval. The Region has no objections from a Provincial or Regional perspective and indicates that the applications are intending to facilitate the redevelopment of a historic property into a new viable use which makes efficient use of land, infrastructure and services. It also provides for the preservation of natural and cultural resources.
16	Need to maintain low density character of surrounding land uses.	The proposed use will be confined within the walls of the estate. In addition there will be mitigation measures such as adequate setbacks from neighbouring properties, landscaping requirements and maximum lot coverage requirements to ensure that the use will not intrude into the residential area and the adjacent residential uses are appropriately protected.
17	Needs assessment is inadequate and out of date.	Although the study was completed in 2008, before cancellation of Project Niagara, the applicant has indicated that the proposed inn, arts and learning centre is catering to a specialized niche market making it a "stand alone" destination. The applicant also addressed the issue of the possible oversupply of hotel rooms by stating that this oversupply can be offset by the cancellation or delay in proceeding with several other hotel projects in Niagara-on-the-Lake such as the Anchorage Hotel redevelopment.

18	Flaws in traffic study. Completed in November when there are few visitors in Town.	The consultants analyzed and took into account Region of Niagara and Town of Niagara-on-the-Lake traffic data compiled during high traffic volume months. In addition, they reviewed other traffic studies for nearby development of a similar nature and took into consideration the cumulative impacts of increase in traffic from this proposal as well as other approved developments.
19	Concern with proximity of parking ramp to neighbouring properties and impacts	The proposed Official Plan amendment provides that the access ramp shall be oriented and designed in such a way that there shall be no impact of vehicular lights on abutting residential properties. The applicants have agreed to relocate the vehicle access ramp away from the properties on Christopher Street and outside of the 15m conservation buffer zone. This will mitigate its impact on adjacent residential properties.
20	Need confirmation of setbacks from existing residential properties.	The proposed Zoning By-law amendment will provide for specific minimum setbacks from existing residential properties. Setbacks have already been increased from those originally proposed by the applicants.
21	Need to maintain 50' buffer between properties on Christopher Street and any new development.	The proposed Zoning By-law amendment recommends a setback in excess of 50' between the properties on Christopher Street and the proposed arts and learning centre.
22	Will be a tangible economic benefit and does not compete with existing accommodation offerings.	The proposal is for a niche accommodation market that is not presently served by the existing accommodation sector.
23	Increased traffic could pose safety issue for children and cyclists. There should be a 3 way stop at Charlotte and John Street. Town staff should prepare a report on traffic and servicing and report back to residents.	Town Public Works staff reviewed traffic considerations associated with the proposed development. John Street has adequate capacity to accommodate traffic volumes from the proposed development. The Traffic Impact Study did not recommend any operational improvements as a result to the proposed development. Sidewalk improvements will be considered at the site plan stage.
24	Want guarantee of no future access on Charlotte Street.	There will only be 2 vehicular access points into the property. Both of these will be on John Street utilizing existing entrances. No access has been proposed onto Charlotte Street. This will keep traffic exiting and entering the property away from the residential properties on Charlotte Street where there are already a large number of driveways.
25	What about housing on the property?	The proposed hotel and arts and learning centre is confined to the rear of the property where it will have the least impact on heritage and natural resources. If housing, particularly single dwelling units or town homes, were to be constructed on the property, the result would be a dispersed type of development which could possibly adversely impact the significant heritage resources; destroy the designed Dunington-Grubb cultural heritage landscape; and have a greater impact on the natural resources than the proposed development. In order to limit these impacts if residential development were proposed, the preferred type of residential development would be apartment style buildings set to the rear of the property.
26	There should be a needs assessment with respect to accommodation in the Town not only now but into the future.	Town policies do not require a needs assessment for this type of development. Nevertheless, the applicant has completed an assessment by a reputable firm and the consultant concluded that there will be no adverse impact on the existing accommodation sector.

27	Want to see a small country hotel.	While a smaller country hotel would be an acceptable use for the property, this type of hotel development would likely not be economically feasible given the investment required to maintain the buildings and the landscape. The proposed hotel and arts and learning centre development is comparable in size to the Prince of Wales Hotel and is smaller than Queen's Landing, the Pillar & Post and White Oaks. It is not a large hotel or conference centre by industry standards. Additionally, unlike the hotels noted above, it is set on an expansive 13 acre site screened from view behind stone and brick walls.
28	This will change the character of the neighbourhood and Old Town.	The proposed use will be confined within the walls of the estate. In addition there will be mitigation measures such as adequate setbacks from neighbouring properties, landscaping requirements and maximum lot coverage to ensure that the use will not intrude into the residential area and will not significantly impact the Commons and other Parks Canada properties. The proposed impacts are not significant enough to change the character of the Town.
29	What are the infrastructure costs and tax impacts on residents?	The developer is responsible for all costs associated with improvements or upgrades to infrastructure to accommodate the proposed development. The Town will receive tax benefits from commercial assessment of the property, which is higher than residential assessment.
30	What is the benefit to the community?	The proposed development will include an arts and learning centre that will be open to the public providing an additional cultural venue for the Town. The existing built heritage resources and cultural heritage landscapes will be conserved and will be publicly accessible. The character of a significant estate lot will be conserved by providing for a viable adaptive re-use for the property.
31	Historic buildings and landscape are significant. They should be protected. This is a way to conserve the property into the future.	The applicant has agreed that the property will be designated under Part IV of the Ontario Heritage Act at the Site Plan application stage. This will ensure the long term protection of the cultural heritage resources and cultural heritage landscape on the property.
32	The scale of the proposal is significant. The scale of the proposed building additions exceeds the scale of the heritage buildings.	The property will be designated under Part IV of the Ontario Heritage Act at the Site Plan application stage. The design of all of the proposed additions will require the consent of Council. All building additions must be compatible with the existing buildings in terms of scale, mass, height and design,

Appendix 8

Urban Design Committee Meeting Minutes



URBAN DESIGN COMMITTEE MEETING MINUTES

Tuesday January 23, 2018

07:00 PM

PRESENT:

Chair John Morley, Betty Disero, John Hawley, David Parker

REGRETS:

STAFF:

Raymond Tung Urban Design Specialist

Shirley Cater Manager of Planning

Tara Druzina Administrative Assistant

Victoria Wickabrod Customer Service Representative

OTHERS:

Councillors: Paolo Miele, Martin Mazza

MEDIA:

Mike Zettel Niagara this Week

MEDIA:

1. Call to Order

Chair John Morley called the meeting to order at 5:05 p.m.

2. Announcements

Raymond Tung, Urban Design Specialist provided an outline of the process of the Urban Design Meeting.

3. Presentations

There were no presentations at this time.

4. Adoption of Agenda

Moved by John Hawley that the agenda be adopted.

APPROVED.

5. Conflict of Interest

John Morley declared a conflict of interest with Report UDC-18-001 - 144 & 176 John Street (Randwood Estates) - hotel and conference centre - Zoning By-law Amendment as he is the landscape architect for this proposal.

6. Previous Minutes

The minutes from the December 12, 2017 meeting were received.

7. Correspondence

There was no correspondence at this time.

8. Business

The Committee discussed permitting Councillors in attendance an opportunity to comment on UDC reports on the agenda.

Moved by Betty Disero that Councillors Paolo Miele and Martin Mazza be permitted to speak to Report UDC-18-002 - 493-507 Line 2 Road.

APPROVED.

8.1 UDC-18-002 493-507 Line 2 Road - Medical Centre - Preliminary Review

Susan Smyth and Norm Ocampom, Quartek Group Inc., agents for the applicant were present to speak to the proposal. Susan Smyth gave an overview of the proposal. Ms. Smyth stated that this proposal is for the development of a medical centre being 2787 square metres (30,000 square feet). The building is proposed to be two stories facing Niagara Stone Road. Parking will be provided at the rear and east side of the building and parking requirements have been met. Landscaping has been provided along the perimeter and on the site but they are looking for further comment on the landscaping. Bicycle parking and pedestrian walkways have also been provided.

Norm Ocampom spoke to the preliminary elevations, materials which include brick or natural stone similar to Crossroads School and the use of glass and glazing.

The Committee discussed the following:

- Loading area does not look adequate
- Additional landscaping needed along Niagara Stone Road, Line 2 Road and parking area
- Niagara Stone Road entrance requires improvement
- Material on the building
- Type of landscaping needs to be identified
- Sidewalk along Line 2 Road
- Location of building

Councillor Paolo Miele asked questions of the representatives with respect to location of the building site lines, crosswalks, a traffic study and public safety.

Councillor Martin Mazza asked questions of the representatives with respect to relocation of the building and safety of the school students exiting onto Line 2 Road.

Chair John Morley concluded noting the staff recommendation that upon an application being submitted and circulated, the application will return to the Urban Design Committee for a formal review.

Moved by Betty Disero that Report UDC-18-002 - 493-507 Line 2 Road - Medical Centre - Preliminary Review be received.

APPROVED.

Chair John Morley stepped down as Chair and David Parker took the Chair.

8.2 UDC-18-001 144-176 John Street (Randwood Estate) - Hotel & Conference Centre - Zoning By-law Amendment

John Morley previously declared a conflict of interest with Report UDC-18-001 - 144 & 176 John Street (Randwood Estates) as he is the landscape architect for this application. John Morley did not take part in any discussion or vote on this application.

Moved by Betty Disero that Councillors Paolo Miele and Martin Mazza be permitted to speak to Report UDC-18-001.

APPROVED.

Maurizio Rogato, Two Sisters, Norm Ocampo, Quartek Group Inc., Paul Lowes,

SGL Planning were present to represent the proposal. Maurizio Rogato provided a brief overview of the proposal. Mr. Rogato stated the previous Council approval permitted four new structures, lot coverage of 12% and a designation of General Commercial. The current zoning permits various commercial uses and 5 storey height for buildings. The new application is for the hotel to in the open space of the property away from abutting properties, reduced lot coverage to 8%, increased underground parking, and increased setbacks.

Norm Ocampo provided a brief overview of the architectural design of the proposal. Mr. Ocampo spoke to the Urban Design Brief and the Heritage Brief.

DELEGATIONS

Under the Terms of Reference of the Urban Design Committee the number of deputations shall be limited to four (4). The following four deputations were given permission to speak prior to the meeting and are added to the agenda.

(a) Duff Roman, 38 Weatherstone Court

Duff Roman spoke to concern with the neighbourhood context, streetscape character and landscape plan with regard to trees and the tree canopy on the property. Mr. Roman further detailed his concern regarding the trees to be removed and Boxwood Hedge on the subject property. Chair David Parker thanked Mr. Roman for coming forward.

(b) Colin Patey, 26 Weatherstone Court

Colin Patey spoke to concern with the issue of building heights. Mr. Patey requested the committee to keep the height at 17.35 metres and referenced the 2011 staff report. Mr. Patey also stated concern with regard to mechanical structures for the hotel. Chair David Parker thanked Mr. Patey for coming forward.

(c) David Bell, 511 Charlotte Street speaking on behalf of Jim McCallum

David Bell stated that he had previously forwarded comments to the committee. Mr. Bell spoke to neighbourhood context, streetscape character, height and setbacks. Mr. Bell further spoke to the parking on the site. Chair David Parker thanked Mr. Bell for coming forward.

(d) David Auger, 12 Weatherstone Court

David Auger spoke to concern with vehicular access onto the property, size and scale, tree canopy and height of buildings. Mr. Auger further spoke to architectural style and heritage designation. Chair David Parker thanked Mr. Auger for coming forward.

Moved by Betty Disero that the Urban Design Committee permit more than four deputations, additional deputations above five would be limited to 2 minutes speaking.

APPROVED.

(e) Rick Stubbings, 665 Rye Street

Rick Stubbings spoke to the historical context and future planning of the Town being important.

(f) Sally Miller, 7 Christopher Street

Sally Miller spoke to the maintenance building details and setbacks.

(g) Nicholas Miller, 7 Christopher Street

Nicholas Miller spoke to the Boxwood Hedge on the property and heritage landscaping.

Chair David Parker thanked those who came forward to speak.

The Committee discussed the following:

- Reconciling 2011 Report to current application
- Importance of site
- Height of buildings
- Landscaping at the rear on top of parking
- Visibility from John Street
- Design elements throughout the Town should be consistent and in support of Old Town
- Definition of height as it relates to the 2011 zoning bylaw and supporting reports – Raymond Tung acknowledged the discrepancy of lowest grade to highest peak and average grade to parapet.
- Different massing on the buildings
- More detail for maintenance building
- Two of the access points entering a field or conservation area and environmental impact of those access routes.
- The look of the proposed new bridge and the enforcement of one axle trucks versus two axle trucks and no bus parking as stated in the application
- Did the transportation report take into account the Hwy 55 route
- A description and location of the trees that have been removed and why, prior to the tree preservation plan approval.

Councillor Martin Mazza spoke to the process of the application.

Councillor Paolo Miele stated concerns with flooding, the flood plan, natural resources and the proposal for underground parking and the aquifer. Councillor Paolo Miele stated traffic is an issue in the summer.

Councillor Disero asked the staff if they could just take these recommendations or do they need a motion. A motion was requested by staff.

Report UDC-18-001 regarding 144-176 John Street (Randwood Estate) - Hotel & Conference Centre - Zoning By-law Amendment was not dealt with at this time.

Draft Motion - Moved by Betty Disero that

1. peer reviews for the following be submitted:

- urban design review;
- heritage impact study;
- environmental impact study on adjacent properties as requested in the 2011 report;

2. the traffic study be verified by staff to ensure the Hwy 55/John Street route has been considered;

3. an arborist report stating locations and species of trees that have been removed and reason for removal be required;

4. Applicant be required to submit a Part IV Heritage Designation application to MHC as written in the OPA.

5. The Committee further discussed peer reviews and having staff review the 2011 Planning report and how it relates to the Zoning By-law and providing a report back to the committee. (The vote not called on this motion.)

Moved by John Hawley that the secretariat staff bring these motions to the next UDC meeting on February 27th for consideration by the committee.

APPROVED.

9. New Business

There was no new business at this time.

10. Next Meeting Date

February 27, 2018

11. Adjournment

8:00 p.m.

VERBAL MOTIONS:

ADJOURNMENT: 08:00 PM



URBAN DESIGN COMMITTEE MEETING MINUTES

Tuesday February 27, 2018

05:00 PM

PRESENT:

Robert MacKenzie, Betty Disero, David Parker, John Morley

REGRETS:

John Hawley

STAFF:

Craig Larmour Director of Community and Development Services

Raymond Tung Urban Design Specialist/Planner

Tara Druzina Administrative Assistant

OTHERS:

MEDIA:

1. Call to Order

Chair Robert MacKenzie called the meeting to order at 5:00 p.m.

2. Announcements

Chair Robert MacKenzie detailed the Committee's role as an advisory committee of staff and Council.

3. Presentations

There were no presentations at this time.

4. Adoption of Agenda

Moved by David Parker that the agenda be adopted.

APPROVED.

5. Conflict of Interest

John Morley declared a conflict of interest with Urban Design Committee Minutes of January 23, 2018, in particular UDC-18-01 - 144 & 176 John Street (Randwood Estates)– hotel and conference centre, as he is the landscape architect for this proposal.

Robert MacKenzie declared a conflict of interest with the Urban Design Committee Minutes of January 23, 2018, in particular UDC-18-01 - 144 & 176 John Street (Randwood Estates) – hotel and conference centre, as he is the architect for this proposal.

6. Previous Minutes

Chair Robert MacKenzie stepped down as Chair and David Parker assumed the Chair.

Chair David Parker requested that the following points to the Minutes from January 23, 2018 be made to UDC-18-01 – 144& 176 John Street East (Randwood Estate);

- That during the meeting he stated the following;
 - Comments on John St.;
 - Siting of the hotel is good - centered and away from neighboring properties.
 - Building design;
 - Building looks too severe,
 - Parapet design is weak when compared to examples in design brief,
 - Some good detailing but general look is more like a Soviet style apartment block or airport/highway hotel.

Betty Disero requested that the following point to the Minutes from January 23, 2018 be made to UDC-18-01 – 144& 176 John Street East (Randwood Estate);

- A direct comment from the planner (Raymond Tung) to Mr. Hawley that “there was a discrepancy between the height of the Romance Hotel Proposal (2011) and the height permitted in the by-law”.

Moved by Betty Disero that the Minutes be adopted as amended.

APPROVED

The Committee further discussed matters arising from the Minutes with the addition of recommendations for Report UDC-18-01 regarding peer reviews.

Moved by Betty Disero that the following be added to the recommendations of UDC-18-01 – 144& 176 John Street East (Randwood Estate);

That the Town obtain, thorough peer reviews, from qualified independent experts, the following:

1. Urban design similar to the advice received during the 2011 proposal,
2. Cumulative heritage impact of both the hotel and the subdivision proposal on all physical and cultural heritage resources associated with the former Rand Estate, including the full extent of the Dunington-Grubb landscape plan on the 200 John Street and 588 Charlotte Street properties, with appropriate support from qualified heritage landscape experts,
3. Cumulative environmental and social impact assessment of both the hotel and subdivision proposal on the adjacent neighborhood and residences as well as on the 200 John Street and 588 Charlotte Street properties,
4. Cumulative traffic impacts of both hotel and subdivision, not just from Niagara River Parkway along John Street, but also from Hwy 55 along John Street and all other potential routes,
5. An arborist report on all trees removed to date by property owners and its contractors on all four properties comprising the former Rand Estate, as well as on the extent of damage to the boxwood hedge that was protected by the OPA for the Romance hotel proposal,
6. Report on the background of the quote from the planner “there was a discrepancy between the height of the Romance Hotel proposal and the height permitted in the by-law”.

APPROVED

7. Correspondence

There was no correspondence at this time.

8. Business

Chair Rob MacKenzie resumed the chair.

UDC-18-03 – 412 Four Mile Creek Road – 5 Unit Commercial Development

General discussion ensued regarding the report.

Moved by David Parker that the recommendations contained in UDC-18-03 – 412 Four Mile Creek Road be *amended* to include:

- 1.1 The white trim around the entrances and edge of wall for all elevations is reduced or removed;
- 1.2 Glazing lights should be vertical, not horizontal for all windows for all elevations;
- 1.3 Division of lights should be consistent for all units for all elevations;
- 1.4 Additional windows be incorporated to improve the arrangement of openings above the loading garage on the west elevation;
- 1.5 The applicant should consider the impact of the loading area on the restaurant, as views from the restaurant will be partially obstructed by both the screening wall and delivery vehicles;
- 1.6 Window openings on exterior wall sections should be centered and proportionately arranged; and
- 1.7 *A possible corner element revision be circulated to the committee for comment at another date.*

APPROVED, AS AMENDED

UDC-18-04 – Vintages of Four Mile Creek – 38 Unit Townhouse Development

General discussion ensued regarding the report.

Moved by John Morley that the recommendations in UDC-18-04 - Vintages of Four Mile Creek – 38 Unit Townhouse Development be adopted to include:

- 1.1 The Landscape Plan be revised subject to the Committee's advice regarding planting selection;
- 1.2 The Landscape Plan be revised to address any possible misidentification of plantings; and
- 1.3 The Building Elevations be revised to address Staff and Committee advice regarding architectural treatment.

APPROVED

9. New Business

No new business at this time.

10. Next Meeting Date

11. Adjournment

VERBAL MOTIONS:

ADJOURNMENT: 06:15 PM