

**To:** The Lord Mayor  
Members of Council, Town of Niagara on the Lake  
Mark Iamarino, Senior Planner  
Victoria Steele, Acting Town Clerk

**From:** Alan and Eva Gordon, 290 Regent Street, Niagara on the Lake

**Date:** May 3, 2023

**Re:** File Nos. OPA-01-2023 & ZBA-01-2023 – 325 King St., Niagara-on-the-Lake

The proposed 129 suite hotel and event venue for this site is an exceedingly intensive commercial use that is surrounded on all four sides by low density single family houses. This commercial use, intensity, and scale are not justified or compatible whatsoever with the adjacent residential neighbourhood and various policy documents. This incompatibility is clearly stated in numerous sections of the Niagara-On-The-Lake 2017 Official Plan (OP), and 2019 Official Plan Review (OPR). Just a few of these are outlined below:

2017 OP

10.2. (8) – Goals and Objectives, *to prevent the intrusion of commercial use into residential areas*

10.3.1. (3) – With reference to the Pillar and Post Hotel the Oban Inn and others that have been designated General Commercial, *It is not intended that these uses form nodes for expanded General Commercial activity*

15.3.1. (2) – *All lands designated open space and community facilities except for municipally owned parkland within an Urban Boundary as shown on the schedules to this Plan may be redeveloped for Low Density Residential Use subject to a site specific zoning by-law amendment*

2019 OPR

4.11.2.1. – Objectives for commercial development areas are as follows:

- e) *To minimize the impact of commercial development on adjacent land uses and prevent the intrusion of commercial uses into residential areas unless it is demonstrated that there are no land-use conflicts.*

The Regional Official Plan defines Compatible as:

*A development, building and/or land use that can co-exist or occur without conflict with surrounding land uses and activities in terms of its uses, scale, height, massing and relative location.*

This proposal contains 129 rooms which is an equivalent occupant load of approximately 200 people plus a 700 seat restaurant and event space, and approximately 100 employees to support this use. The total capacity is 1,000 people at any one time.

The applicant is proposing 197 parking spaces, where are all the others to park? The surrounding area is already at full capacity with parked cars from tourists and employees of local businesses.

All deliveries, service and garbage removal, to support 1,000 people, are on 2 small residential streets. How is this compatible with a low density residential pedestrian neighbourhood?

The u/g garage exhaust vents are at the periphery of the property in close proximity to residences. How will the applicant eliminate the noise and large volume of car exhaust fumes that will affect people's health and the peaceful residential neighbourhood?

Section 6.23 of the 2017 OP requires a Planning Impact Analysis. The applicant's Planning Justification Report is inadequate and severely lacking. It does not address the myriad impacts. Where are the required studies detailing all the activities such as: *hotel analysis, parking, traffic density, pedestrian use, service vehicles for food, linen and maintenance, smells from kitchen exhaust, noise, privacy, safety, security, signage, lighting, night-activity and environmental issues?*

The complete impact of this proposal on the immediate and larger community will be enormously detrimental. The streets designated for service vehicles do not have sidewalks; people walk in the road. This massive increase in vehicular and pedestrian activity will overwhelm the quiet residential area. What are the Town's plans to mitigate this increased use?

#### 6.23 PLANNING IMPACT ANALYSIS (2017 OP)

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. If the request to amend the Official Plan or Zoning By-law is initiated by the municipality then the Town through its resources shall prepare and submit the required Impact Analysis. The Impact Analysis is required to determine the appropriateness of the proposed change and to identify ways of reducing any adverse impact on surrounding land uses. It is understood and expected that the Planning Impact Analysis will address broader issues when development is proposed that requires an amendment to this Plan. In the same sense, a minor application will not be expected to provide the level of detailed analysis as would be required for significant developments. Town Council shall be the final arbiter in determining the level of analysis required.

In the applicant's Planning Justification Report (PJR), they state compatibility and that they complement the existing neighbourhood, where is the evidence?

As the applicant stated at the MHC meeting the height of the building is 2 times the height of the surrounding houses. At over 60 feet high this building is the equivalent of a 6 storey building. Setbacks of 24m at the side and over 50m at the rear do not mitigate this enormous intrusion into the neighbourhood. Has anybody considered the impact on the surrounding houses of the second floor terraces that are 20 feet above the ground floor at each side of the building and are contiguous to the

hotel rooms? They are equivalent to being on top of a roof of a 2 storey house. What is the justification for this intrusion?

Under the proposed change of use to General Commercial is also the provision to include retail. Is King Street to become a commercial corridor?

Also at the MHC meeting the applicant stated the plan is sensitive to the residential area, traffic will not impact residential streets, they will have a maximum of 30 staff, garbage will be picked up once per week, they stated we do not think parking will be an issue. This is a gross underestimation of actual activity. Clearly none of these impacts have been studied or considered, and there is no support for their assertions.

What accountability and guarantees of compliance with statements made by the applicant and the consultants will be put in place and will they be enforceable? What guarantees will there be to prevent future expansion and the use of the outdoor space for events, gatherings and even a pool that will create noise, lights, and activity?

The existing residents that bought into a residential area have rights unambiguously defined under the Zoning by-laws and the Official Plan. A commercial hotel severely violates these rights. Is money more important than people? This colossal commercial development will obliterate the residential neighbourhood that is guaranteed under the current Official Plan.

This will be the beginning of more excessive overdevelopment and destruction of neighbourhoods, and potentially the formation of King Street as a commercial venue.

The only justification in the PJR is economic and the creation of minimum wage jobs.

They state the building is a “form of gentle intensification compatible with surrounding uses and built form”. It is clearly anything but.

This commercial use and building form has no neighbourhood context or relationship. Common sense dictates this is bad planning, and detrimental to the character of the surrounding area. If allowed, this hodgepodge approach to planning will make a mockery of all the effort the Town has put into developing the existing Official Plans.

Residential zoning is there for a reason, and it is supported by the Official Plan. It defines the vision of the community and council must support this vision.

A commercial designation on this section of King Street will represent a fundamental shift in town planning policy. For this change in direction a full, transparent and inclusive public process must be enacted upon to ensure complete public input which also allows for appeal.

This application needs to be rejected outright.