

Agency/ Dept	Column 1	No.	Comment	Consultant	Response		
Planning			Planning Staff have reviewed the first submission of the proposed OPA and ZBA at 13 Mountain and 19-23 Elm Street.				
			Planning staff have reviewed the proposal and note that the application is a follow up of the OLT Approval dated February 8th, 2024. The first submission notes an OPA for 8 storey height. This is an additional storey to what is currently approved through the OLT process. Given the current OP policies, the Town and the NEC are the primary reviewing agencies for the requested height increase. Staff are working with the applicant and the NEC to address concerns with the VIA. Refer to the NEC comments.	Boufselds	The height of the proposed development has been reduced from 8-storeys to 7-storeys. This revised height is addressed in the Planning Addendum Letter and Visual Impact Assessment which have been included in the resubmission package.		
			The request ZBAs are outlined in the Draft ZBA. Greater explanation is provided in the Planning Justification Report, prepared by Boufselds Inc (May 2025) and supplementary Zoning Compliance Review. Staff note site specific exceptions 377 for 13 Mountain Street and 21 Elm Street, and Site-Specific Exceptions 115 and 377 for 19 Elm Street are proposed to be carried over to 23 Elm Street. Staff recommend a zoning schedule of the subject site may be useful to illustrate the requested approvals for 23 Elm Street and provide greater visual clarity for the public and surrounding properties.	Boufselds	A revised draft ZBA has been provided as part of the resubmission package. This draft ZBA utilizes a height and setback diagram in order to ensure accuracy in the interpretation of the proposed missing.		
			Staff have conducted an urban design review of the site. Staff note that urban design is primarily addressed through detailed design during the site plan process. Given this, staff provide these initial comments on the overall proposal.	Boufselds	See below:		
		a	*The overall design has an appropriate street wall.	Boufselds	Noted and agreed.		
		b	*Staff note subtle encroachment of the 45 degree (Official Plan -3.5:6.7 Angular Plane). Staff offer no objection as it is minor in nature.	Boufselds	While we appreciate staff's interpretation of the policy, we note that Boufselds interprets Policy 3.5.6.7 to not apply to the subject site as it only applies where a site is abutting or across the street from the Medium Density or Low Density Residential designations. The lands immediately abutting the subject site and on the opposite side of Mountain Street are designated Downtown Intensification, and the lands on the opposite side of Elm Street are designated Downtown Transition.		
		c	*Staff note that wind impacts are reasonable given their massing and height of the proposed. Wind impacts may be greater during the winter, but staff note that the current design protects the courtyard space for residents, mitigating impacts.	Boufselds	Wind revised Wind Study has not yet been completed for the revised proposal, we note that wind conditions will likely be further improved due to the height reduction to 7-storeys.		
			*Staff note the surrounding context of the site, with potentially impacts to lots on Balsam Lane and the neighboring properties to the east. Staff note that while there are no current proposals for redevelopment of these lands the north and east side of the subject lands may be vulnerable to future changes. As a result, staff note that the proposal may need to review design aspects such as unit layout, window placement, and other encroachments within the final design.	JCI	The building face to the North has setback a min. of 5m from the property line. This limiting distance setback allows for operable windows within the units facing North as per the Ontario Building Code. Additionally, sprinklered clear glazing may also be considered. Minor canopy encroachments are proposed directly above the ground floor.		
		d		JCI	The building face to the East has setback a min. of 2m from the property line. This limiting distance setback allows for operable windows within the units facing East as per the Ontario Building Code. Additionally, sprinklered clear glazing may also be considered.		
	Public Works	Transportation - RU Burnside Peer review		R.J. Burnside & Associates Limited (Burnside) was retained by the Town of Grimsby (the Town) to undertake a peer review of the 13 Mountain Street & 19-23 Elm Street Proposed Redevelopment - Transportation Consideration Study (TIS), dated May 2025, by BA Consulting Group Ltd. and the Multi-unit Residential Development Architectural Study (Site Plan), dated May 16, 2025, by Studio JCI. The above documents are part of Official Plan Amendment and Zoning By-Law Amendment applications for a redevelopment of 13 Mountain Street & 19-23 Elm Street in the Town of Grimsby.	BA Group	Noted	
			The site is located on the northeast quadrant of the Mountain Street / Elm Street intersection. The existing site is currently occupied by six buildings that have residential and commercial uses, with full movement driveway access to both Mountain Street and Elm Street. The existing buildings will be removed and replaced with a seven-storey building, containing 177 apartment units, of which a portion will be affordable rent units (18 units), 279 m <sup>2</sup> of ground floor retail and 450 m <sup>2</sup> of community hub space. Access will be provided by a full movement driveway on Mountain Street.	BA Group	Noted		
			The following key issues were identified: - Additional justification is needed to demonstrate that the reduced residential (including affordable units), visitor and non-residential (including commercial and community hub) parking supply can accommodate the anticipated parking demand. - Details regarding the community hub's standing program activities is required to confirm whether parking demand can be shared with other non-residential uses and visitor parking and trips generated by this use can be accommodated.	BA Group	Noted, please refer to the revised Transportation Considerations Letter.		
			1.0 Transportation Study Section 4.0 Area Transportation Context	1	Table 2 and Figure 3 identify Balsam Lane as a local road. Balsam Lane is not a local road, but a public laneway. Please update accordingly.	BA Group	Noted. Table 13 and Figure 1 have been updated to note Balsam Lane as a public laneway.
			2	Figure 4 illustrates the existing lane configuration and traffic control of the study intersections. A westbound left turn is prohibited at the intersection of Main Street / Mountain Street. As a result, it is anticipated that site traffic approaching from the east would instead turn left at the Elm Street / Main Street intersection. Please review this intersection as an additional study intersection to account for the impact of the site-related traffic.	BA Group	Further details regarding the site's area transportation context are outlined in Section 4.0 of the previous submitted BA Group report entitled 13 Mountain Street & 19-23 Elm Street Proposed Redevelopment - Transportation Considerations Study, dated May 2025. Noted. The agreed upon Terms of Reference did not include the Elm Street / Main Street intersection. In addition, based upon our discussions with Town staff on December 12, 2025, it was agreed that this intersection does not need to be studied. No additional actions are required at this time to address this comment.	
			Section 5.0 Transportation Demand Management	1	There are two car share spaces proposed as part of a TDM measure. However, the report also acknowledges that no car share program is currently operating within the Town of Grimsby or the Niagara Region. Given the absence of an established operator, it is our opinion that the inclusion of two car share spaces is not a strong or viable TDM measure at this time. Please reconsider the need for these spaces or identify an alternative, implementable TDM measure.	BA Group	Noted. As part of the updated proposal, car-share parking spaces are no longer provided.
			2	While shared parking can improve the efficiency of parking supply, it is more appropriately categorized as a parking management strategy rather than a true TDM measure, as it does not directly influence travel behaviour or reduce vehicle trips. Please clarify or reframe this item accordingly.	BA Group	It is our opinion that shared parking is considered a TDM measure as the permission to efficiently share parking between land-uses reduces the number of parking spaces required. The reduction of parking supply (compared to the applicable requirements) is itself a TDM measure as it will force visitors to consider alternative travel modes. The provision of a reduced shared parking supply will result in fewer vehicle trips. In the absence of shared parking, additional parking would be required resulting in increased traffic trips to and from the site. Further details regarding the proposed TDM plan are provided in Section 3.0.	
			Section 6.0 Vehicular Parking	1	There are no details regarding the community hub's intended program or activities. Please provide clarification on the expected functions, hours of operation, and usage to confirm whether parking demand for this use can be shared with other non-residential uses and visitor parking.	BA Group	As part of the updated proposal, the community hub space has been removed and converted into amenity space to be used by the future residents of the building. Therefore, this comment no longer applies.
			2	Table 4 reviews the minimum parking requirements based on the Town's Zoning By-Law. However, the community hub component has not been included in the analysis. Please update the analysis to include the community hub use in all applicable Zoning By-Law reviews including vehicular parking, shared parking, accessible parking, and bicycle parking.	BA Group	As part of the updated proposal, the community hub space has been removed and converted into amenity space to be used by the future residents of the building. Therefore, this comment no longer applies. Furthermore, no additional vehicle, bicycle or accessible parking is required for proposed residential amenity space.	
			3	The proposed residential parking supply includes eight small car spaces. As these spaces do not meet the minimum dimensional requirements of the Town's Zoning By-Law, they should not be counted toward the overall parking supply. Please review the proposed parking supply accordingly.	BA Group	Section 6.7 of the May 2025 Report provides justification for including non-standard spaces within the overall parking supply. The previous May 2025 submission proposed 8 non-standard parking spaces which represented approximately 5% of the overall parking supply, inclusive of: -Three (3) length deficient spaces - 5.00 metres length by 2.75 metres width. -Five (5) length deficient spaces - 5.55 metres length by 2.75 metres width. Conversations with Town staff on December 12, 2025, indicated that the Town will accept the proposed 8 non-standard spaces towards the overall parking supply. In addition, the number of spaces and dimensions of the proposed non-standard spaces must be written into the site-specific zoning-by-law as part of the proposal application. The current plans have been revised, and as a result of the design development changes the number of non-standard parking spaces has been reduced compared to the May 2025 submission. The proposal currently includes 5 non-standard parking spaces which represents 3% of the overall parking supply, inclusive of: -Five (5) length deficient spaces - 5.55 metres length by 2.75 metres width. These proposed non-standard spaces are generally consistent with the spaces previously proposed, with the non-standard spaces located in the north-east and south-east quadrants of the above grade parking garage. Given the fact that no changes are proposed to these 5 non-standard parking spaces compared to the May 2025 application, please refer to the non-standard parking justification provided in Section 6.0 of the previous submitted BA Group report entitled 13 Mountain Street & 19-23 Elm Street Proposed Redevelopment - Transportation Considerations Study, dated May 2025 for more information. This comment no longer applies to the revised proposal. Please refer to Section 4.3 that reviews the appropriateness of the proposed parking supply. No external parking is required beyond the cash-in-lieu contributions that is being proposed.	
	4	Under Section 14.4, how the municipal parking supply can accommodate higher residential parking demand. Please reference and review the existing time regulations and proposed parking regulations from the Town Parking Study.	BA Group	The summary tables have been updated to include population and a variety of municipalities comparative to the Town of Grimsby. By way of context the Town of Grimsby has an estimated population of 28,900 based on the 2021 Census. As noted in the updated tables, there is a variation in parking requirements across regions. Table 14 provides a summary of residential parking standards and Table 15 provides a summary of comparable visitor parking standards. Table 14 outlines that residential parking standards within other Municipalities range between having no minimum parking standards to a parking standard of 1.0 space per unit in a downtown context area. Most comparable in size and travel to the Town of Grimsby, the towns of Collingwood and Niagara on the Lake, require a minimum residential parking rate of 0.5 and 1.0 spaces per unit, respectively, which is in line with the site's proposed blended residential rate of 0.97 spaces per unit (1.0 spaces per market rental unit and 0.7 space per affordable rental unit). Table 15 outlines that residential visitor parking stand within other Municipalities range between having no minimum parking standards to a visitor parking standard of 1.25 spaces. Of the which, 5 of the 12 reviewed municipalities, require visitor parking to be provided at a rate of 0.15 spaces per unit or lower. To supplement the above, additional information and parking surveys have been provided to verify the adequacy of the proposed resident and residential visitor parking rates. Further details regarding the adequacy for the proposed parking supply is discussed in Section 4.3.			
	5	Table 5 and 8 provide a benchmark on residential and visitor parking rates across various municipalities. Zoning By-Laws. However, it is our opinion that the municipalities listed are not sufficiently comparable to the Town of Grimsby in terms of population size and travel characteristics. To ensure the benchmarking is contextually relevant, please update tables to include municipalities with similar population and mode split (percent auto driver, transit, walk/cycle).	BA Group	Table 15 outlines that residential visitor parking stand within other Municipalities range between having no minimum parking standards to a visitor parking standard of 1.25 spaces. Of the which, 5 of the 12 reviewed municipalities, require visitor parking to be provided at a rate of 0.15 spaces per unit or lower. To supplement the above, additional information and parking surveys have been provided to verify the adequacy of the proposed resident and residential visitor parking rates. Further details regarding the adequacy for the proposed parking supply is discussed in Section 4.3.			
	6	As mentioned in Comment 4, a car-share program is not currently viable, as there is no established operator in the Town of Grimsby or the Niagara Region. In addition, the report applies a reduction of eight residential parking spaces based on the inclusion of two car-share spaces (a 4:1 reduction ratio). The justification references similar practices in the City of Vaughan and City of Toronto. It is our opinion that these municipalities listed are not comparable to the Town of Grimsby as there are various established car-share providers within Vaughan and Toronto. In the absence of a confirmed and operational car-share provider, and justification for the use of the ratio, the proposed reduction of eight residential parking spaces should not be applied. Please update the parking supply and/or provide appropriate justification accordingly.	BA Group	It is still our opinion that the provision of car share would result in a reduction of residents from needed to own a vehicle, but the updated proposal has removed the car-share parking spaces. Please refer to the updated architecture plans provided in Appendix A for more information.			
	7	Please provide additional context on the parameters and assumptions applied in the Transportation Tomorrow Survey (TIS) analysis and expand on the composition of the non-auto mode share to clarify which modes contribute to reduced parking demand.	BA Group	As discussed with Town of Grimsby Transportation staff on December 12, 2025, no further action is required to address this comment.			
	8	The elimination of parking supply for the affordable residential component is based on a letter from the Grimsby Benevolent Fund (GBF) attached in Appendix J, which states that many (but not all) tenants rely on tax services and Niagara Region Transit (NRT). Additionally, the report references only one municipality (St. Catharines) as having no parking requirement for affordable residential units. There is insufficient justification for eliminating parking supply for the affordable residential component. Given GBF's presence in the Town of Grimsby, it is recommended that at least two proxy surveys be conducted at comparable affordable housing sites to better understand the actual parking demand associated with this type of use.	BA Group	The updated development plan proposes a parking supply rate of 0.70 spaces per unit for the affordable units. The supply ratio is in line with recent January 2026 Town staff recommendations. As indicated in Kristen McCauley's January 16, 2026 email, attached in Appendix B, the Town will accept the proposed 0.70 spaces per unit parking rate for the affordable units, if further information is provided regarding the operations of the affordable component of the application. Based upon the above, the Woolverton Holdings Corp. has prepared a letter discussing the details and operations of the affordable component of the site, provided in Appendix C. Therefore, it is our opinion that the proposed parking supply for the affordable residential units is appropriate for the site; further details are provided in Section 4.3 of this report.			
	9	The analysis of parking demand at the Balsam municipal lot appears to include the demand for both public and private parking spaces. Since private spaces are not accessible to the general public, they should not be included in the assessment of available public parking capacity. Please update the parking demand analysis to clearly distinguish between public and private parking spaces within the Balsam Lane lot and revise the occupancy calculations accordingly.	BA Group	Noted. The updated development plan proposes a commercial parking rate of 3 spaces per 100 m <sup>2</sup> with a commercial evening rate of 65% for mixed use. To better understand commercial parking demands in the Grimsby area an updated parking study was conducted by BA Group. Additional commercial counts have been conducted at 13 Mountain Street, 19 Elm Street, 21 Elm Street, 36 Main Street and 5041 King Street, on the following dates: February 6-7 and February 13-14, 2026. The peak observed commercial parking rate was 2.88 spaces per 100 m <sup>2</sup> , with an average observed commercial parking rate across all proxy sites was 1.26 spaces per 100 m <sup>2</sup> . Additionally, the peak observed parking utilization in the evening periods (after 6pm) was 56%. As such the proposed commercial rate will meet the needs of the site; further details are provided in Section 4.3.3 of this report.			



	<p>O.Reg 153/04 requires Phase One and Two ESAs to be completed within 18 months of filing a RSC. Staff note these ESAs were completed in December 2024 (6 months ago); therefore, the ESAs remain valid until July 2025. Should an RSC not be filed by that time, updated ESAs must be completed before filing a RSC to the MECF/ESR.</p> <p>Section 7.3 of the Phase One ESA and Section 6.3 of the Phase Two ESA identify that the reports cannot be relied upon by any other person or entity other than Valerine Coleman 1 Inc. and Valerine Coleman 2 Inc. without written authorization of O/S Consultants Ltd. Staff advise that a third-party letter of reliance should be submitted to allow the Town to rely on the findings of the ESA.</p> <p>From a Provincial and Regional policy perspective, it is the responsibility of Town staff to determine whether the proposed Official Plan Amendment and Zoning By-law Amendment applications are consistent with the PPS and conform to the NOP.</p> <p>Staff recommend updates be provided related to the Phase Two ESA as described above and that a Letter of Reliance be provided to the Town to ensure staff can rely upon the findings of both the Phase One and Two ESAs.</p> <p>The mandatory findings of the RSC remains outstanding, and will be required in one of the following ways:</p> <ol style="list-style-type: none"> <li>1. Through the use of a holding provision in the Zoning By-Law;</li> <li>2. As part of a subsequent Site Plan approval process; or,</li> <li>3. Through the Building Permit process.</li> </ol> <p>Staff note that the recommendation in the Phase Two ESA to complete further soil sampling at the time of excavating soil to accommodate the proposed underground parking area may not be feasible as the RSC is required prior to building permit issuance. The Town's Chief Building Official should be satisfied that site condition matters have been addressed prior to building permit issuance.</p>	<p>The Phase One and Two ESAs will be updated to comply with O.Reg. 153/04 during the SPA stage.</p> <p>A Letter of Reliance was provided to the Town/Region, dated March 17, 2026. An updated Letter of Reliance will be provided once the reports are updated following additional soil sampling and comply with O.Reg. 153/04.</p> <p>Noted.</p> <p>Noted; a reliance letter has been provided.</p> <p>An RSC will be filed as part of the building permit process - further discussion on timing will be undertaken with the Region and Town through the Site Plan Approval process.</p> <p>Additional soil sampling will be conducted prior to excavation for the proposed underground parking garage.</p>
Regional Infrastructure Planning & Development	<p>Uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants. Given the subject lands are located on Regional Road 12 (Mountain Road), the development has potential to be impacted by the noise generated by vehicular traffic as well as commercial stationary noise sources proximal to the development.</p> <p>Staff has reviewed the revised Noise and Vibration Feasibility Study prepared by HCC Noise Vibration Acoustics (dated May 16, 2025) evaluating transportation noise on the revised proposal. Traffic volumes for the rail line were obtained from CN and data was escalated to the year 2035 at an annual rate of 2.5%, as per MECF guidelines. However, the study noted noise from the rail line to be minimal in comparison with noise from the surrounding roadways. The study considered an annual growth of 2.5% on all roadways for a 20-year period (to 2045) and a 10-year projection for QEW traffic. The study found the predicted sound levels at the building facade were to be up to 68 dBA during daytime hours and up to 62 dBA during nighttime hours which exceed the noise limits per the Ministry of the Environment, Conservation, and Parks (MECP) Environmental Noise Guidelines NPG-300. As such the study recommends mitigation measures including building facade construction measures, ventilation requirements and the inclusion of warning clauses in property and tenancy agreements, which will need to be implemented and are to be assessed at the future Site Plan stage.</p> <p>The common outdoor amenity area as proposed is predicted to be subject to a daytime sound level less than 55 dBA, as such, mitigation is not required for this space to comply with MECF criteria. Staff notes the study found that the surrounding commercial uses may generate some audible noise at times, but no specific sources of potential concern were identified. Similarly, the study noted no sources of vibration as identified in the environment around the development site, concluding potential vibration impacts were not of concern.</p> <p>Given the reviewed is a feasibility study, staff offer no objection with the conclusion of the study that the proposed development is feasible from a noise impact perspective and that although preliminary design recommendations were provided, they should be developed in greater detail as the design of the building evolves through detailed design and construction. As such, a final detailed noise study should be submitted in support of future Planning Act applications (i.e. Site Plan approval). Furthermore, staff note the QEW ADT value used was that of the year 2021 which is lower than the previous four annual counts; this can be as a result of lower than typical traffic volumes due to the COVID-19 Pandemic. Additionally, SADT volumes are required for the analysis of the QEW traffic noise impact, which are historically, typically higher in the summer. The use of this data for the study should be confirmed and the study revised accordingly, if applicable. As such, staff recommends the detailed noise study look to implement the above noted comments with relation to the QEW portion of the noise impact assessment.</p>	<p>Noted.</p> <p>Noted. A revised Noise Impact Study will be submitted as part of a future Site Plan Approval application and will consider details as the design progresses.</p>
	<p><b>Urban Design</b></p> <p>The proposed development is along Regional Road 12, Mountain Street. The Region's urban design interest in this development is with respect to the proposed streetscape treatments along the Regional Road, and all aspects of the interface and the building design facing the public realm along the road.</p> <p>Urban Design staff have reviewed the demonstration landscape plans as submitted through the applications. Staff will provide further guidance with respect to the design of the Regional Public Realm at the Site Plan stage. To that end, the future landscape plans shall not show any paving within the Regional right-of-way. With respect to paving areas, poured, brushed finish concrete and decorative poured concrete is acceptable.</p> <p><b>Transportation</b></p> <p>Staff have reviewed the submitted Transportation Impact Study prepared by BA Group (dated May 2025) and note Table 22 suggests that the vehicle-to-capacity ratio and delays / level-of-service for the shared westbound through-right movement will improve in future years during the PM peak hour, despite increased traffic compared to existing conditions. Staff request that results be double checked and confirmed. A revised Transportation Impact Study is required to address the above comment at the future Site Plan application.</p>	<p>Noted.</p> <p>Noted. We have reconfirmed that our analysis is correct. Signal timings for the intersection of Christie Street – Mountain Street / Main Street West have been optimized within the existing cycle length under future conditions. The westbound through-right phase is increased by 11 seconds relative to existing conditions during the weekday afternoon peak hour. For this reason, operations for the westbound through-right movement improve despite an increase in vehicle traffic. Signal timing changes for the intersection of Christie Street – Mountain Street / Main Street West are summarized in Table 16.</p>
	<p><b>Engineering Drawings</b></p> <p>Staff have reviewed the submitted Preliminary Site Servicing Plan prepared by R.J. Burnsidge &amp; Associates (dated March 21, 2025) and offer the following comments:</p> <ul style="list-style-type: none"> <li>• Given the commercial uses, the access to Regional Road 12 (Mountain Street) must be designed and constructed as per O.P.S.D. 350.010 standards.</li> <li>• The access within in the current design is substandard.</li> <li>• The extent of all trench restorations (i.e. for proposed service laterals) are to be shown on the servicing plan.</li> <li>• Restatements and restorations within the Regional right-of-way to be as per Niagara Region Construction Encroachment Specifications (i.e. Perpendicular - H/L3 HS base course for roads with heavy truck traffic and bus routes, or H/L3 MCBC base course for moderate truck traffic, and H/L3 HS surface course). Please ensure this is reflected and noted accordingly on the plans / general notes.</li> <li>• Note that if any damage to the road structure on Regional Road 12 (Mountain Street) occurs not as a result of service installation, the entire lane will need to be milled and paved (50mm min) to satisfy restoration requirements.</li> <li>• Please specify pipe clearance of 150mm DIA. and 200mm DIA. WM crossing the 375mm DIA. VC SAN as shown on servicing plan.</li> </ul> <p>Revised Engineering Drawings at future Site Plan application are required to address the above comments.</p>	<p>BA Group</p> <p>Noted. The Region has requested that the driveway width be widened from 6.0 metres to 7.2 metres. Given that this is a Site Plan related comment and we are only in the OPA and ZBA phases of the project. This comment will be addressed at a later date while in the Site Plan application process.</p>
	<p><b>Regional Transit Service</b></p> <p>As requested by the Town of Grimsby, Niagara Transit staff has preliminarily reviewed the applications and provided the following feedback to help with the Town's review of the applicant-proposed parking reductions.</p> <p>Grimsby is currently served by the Niagara Region Transit (NRT) OnDemand microtransit service. The Niagara Transit Master Plan: 10-Year Investment &amp; Growth Strategy (2026-2037) identifies future transit network improvements across the Region. In Stage 1 (2026-2027), a fixed bus route is recommended to be added to serve limited stops between St. Catharines and Grimsby. The route will extend to Winona Crossing and connect to the Hamilton Street Railway (HSR) transit service. This route will expand Regional transit connectivity for the communities of Grimsby, Lincoln and rural St. Catharines. Services between the fixed route and other areas of Grimsby will continue to be supported by OnDemand microtransit.</p> <p>In Stage 2 (2028-2030), a small community bus with a fixed route within the urban area of Grimsby is also planned. Residents living outside of the urban area will continue to be supported by OnDemand microtransit. The locations of spots along the Grimsby urban community route are yet to be determined and will be planned in coordination with the Region and Town.</p> <p>Please be aware these recommendations are still subject to budget approval. The timelines identified in this plan were approved in principle by the Niagara Transit Commission Board in July 2025.</p>	<p>BA Group</p> <p>Noted.</p>
	<p><b>Waste Collection</b></p> <p>Niagara Region provides curbside waste collection services for developments that satisfy its Procedure for Requirements for Waste Collection. Based on the size and nature of the proposed development, it is understood it will be unable to satisfy the Region's waste collection requirements (limit of 2 bags/cans of waste per unit to a max. of 24 bags/cans base), therefore waste collection for the site will be the responsibility of the owner through a private contractor and not Niagara Region. This is to be noted in the future Site Plan agreement for the subject property.</p> <p>Circular Materials Ontario is responsible for the delivery of residential blue and grey box recycling collection services, and related information can be found at the following link: <a href="https://www.circularmaterials.ca/resident-communities/niagara-region/">https://www.circularmaterials.ca/resident-communities/niagara-region/</a></p>	<p>Noted.</p>
	<p><b>Regional Road</b></p> <p><b>Road allowance</b></p> <p>The subject property has frontage along Regional Road 12 (Mountain Street). The applicant is to be aware of the following Regional property requirements:</p> <ul style="list-style-type: none"> <li>• A road widening of approximately 0.3 metres along the frontage of 19 Elm Street and 4.25 metres along the frontage of 13 Mountain Street is required to achieve the designated road allowance per the NOP, to be confirmed by field survey.</li> <li>• A daylighting triangle of 10 metres by 10 metres is required at the corner of Mountain Street and Elm Street to maintain sightlines.</li> </ul> <p>The above requirements are to be shown on all future site engineering plans prepared for this development. Staff acknowledges, however, that the dimensions of the daylighting triangle requirement would encroach on the existing building at 19 Elm Street. In this regard, staff notes that property conveyances will be requested as a condition of approval for any future planning applications that involve an agreement, i.e., Site Plan approval. Further review of the daylighting triangle details will, accordingly, be addressed at the development stage.</p>	<p>BA Group</p> <p>Noted; the owner will engage discussions regarding the required Regional road conveyance through a subsequent Site Plan Approval process.</p>
	<p><b>Road Use permits</b></p> <p>The applicant is responsible for obtaining any applicable Regional road use permits:</p> <ul style="list-style-type: none"> <li>• Construction Encroachment Permit – needed for any construction work to be completed on or below the Regional road allowance.</li> <li>• Entrance Permit – needed for any private road, driveway, gate or facility constructed as a means of access to a Regional road.</li> <li>• Sign Permit – needed for placing any sign, notice or advertisement within 20 metres of the centreline of a Regional road.</li> <li>• Road Occupancy Permit – needed for any item that will be installed and remain on a Regional road allowance for a period of time.</li> </ul> <p>Permit applications can be made through the following link: <a href="https://www.niagararegion.ca/living/roads/permits/">https://www.niagararegion.ca/living/roads/permits/</a></p> <p>Restorations within the Regional right-of-way are to be to Niagara Region standards: <a href="https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx">https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx</a></p> <p>Staff note an issued for Construction (FC) drawing set must be submitted with any construction encroachment permit application, in addition to any previously submitted drawings.</p>	<p>Noted.</p>
	<p><b>Regional Cycling Network</b></p> <p>The subject property has frontage on a roadway identified as part of the Regional cycling network. If the cycling route is currently not established and identified with signage, it is the intent to make provisions for doing so when an appropriate opportunity arises. Possible future addition or upgrade of cycling facilities could involve other changes to the road cross-section.</p> <p><b>Protection of Survey Evidence</b></p> <p>Survey evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. Any development agreements entered should include a clause requiring the applicant to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of the development.</p>	<p>BA Group</p> <p>Noted.</p>

Niagara Escarpment Commission	VIA Review	1	<b>Stormwater Management</b> The circulated materials indicate that stormwater from the development will discharge into the existing storm sewer on Balsam Lane. Final review and approval of the proposed water quality and quantity controls is subject to the Town's satisfaction to ensure compliance with the municipal and provincial standards. Regional staff will be able to provide more detailed comments with this regard at the future Site Plan application.	Noted.
		2	<b>Conclusion</b> In conclusion, Infrastructure Planning and Development staff does not object to the proposed OPA and ZBA applications from a Regional perspective subject to the above noted comments and requirements as outlined for the future Site Plan application. In addition, the above planning review comments are provided as advice to the Town in accordance with the Planning Services Agreement between the Region and Town.	Noted.
		3	Studio JOI has amended a VIA prepared by a different consultant (Seflerin Design Group) for a different development proposal (2021 pre-consultation building design). NEC staff are of the opinion that it is more appropriate to submit this revision via a separate cover as an addendum report authored by a professional that meets NEC's required qualifications. The addendum report should reference the earlier study by title/date/author, clearly document any changes to the development proposal and terms of reference/photography and explain how the new assessment findings vary from the earlier findings. The earlier Seflerin Design Group VIA assessed the 2021 pre-consultation building design which was a 7-storey building of a smaller footprint with multiple setbacks above the third storey and an overall height of approximately 24 metres + mechanical suite. The current revised proposal is for 9 storeys (including the intermediate floor) with a larger footprint, a larger mechanical penthouse, an elevator hoistway, large-scale rooftop decoration (lettering), and an overall height of approximately 37.25 metres. (Note: The number of storeys and measurements referred to here were taken from established grade for comparison purposes). This is a notable increase in overall building height and massing. These changes are significant enough to warrant a new VIA scope and terms of reference to be prepared and reviewed by NEC. This has not occurred. The previous terms of reference are out-of-date and obsolete.	A revised VIA based on the terms of reference provided by the NEC on February 26, 2026 has been prepared by Land Art Design.
		4	There are other aspects of the VIA that are now obsolete and need to be revised, namely the digital visibility mapping which must demonstrate the impact associated with the new proposed height and the receptor point locations and photographs which must be selected in consultation with NEC. Additionally, more information is needed on how the building model was created (e.g., height and grading) to ascertain whether the photo simulations are accurate representations of the proposed development in the landscape. Technical matters aside, it is important to note that there are now more Escarpment views (receptor points) that will be impacted by the new building design than by the previous building design, and, also, there is an increase in the level of impact on several views (receptor points). There is no explanation provided in the VIA on how this additional impact is justified and how that impact can be appropriately mitigated. It is not clear how the recommended streetscape planing, roofing material selection, and additional mitigations at the site plan stage will mitigate the impacts to the scenic resources of the Escarpment.	Since the initial submission, the proposal has been revised to contemplate a building height of 7-storeys + MPH. This aligns with the as-of-right approval for the majority of the site.  The new VIA speaks to the receptor points as identified by the NEC on February 26, 2026.
PJR Review	VIA Review	5	The increased visual impact is directly related to the revised building design, specifically, the increase in height, the increase in massing, the loss of building setbacks from Mountain Street and Elm Street (originally proposed), and the incorporation of large-scale decorative embellishments (lettering) on the roof. One of the key concerns is the increased encroachment of built form on important views of Grimsby Mountain and the steep cliffs of Grimsby Point when seen from Mountain Street and Christie Street, a key route of entry to and through Grimsby and a major gateway to the Escarpment (see Receptor Point 3, 4, 13, 14). The Escarpment's natural scenery and landform are prominent in these views and existing development is significantly smaller in scale and screened by trees in the urban landscape. Another concern is that the mass of the building competes for visual prominence with the Escarpment landform (see Receptor Point 11, 13, 14). It is important to note that many of the photo locations do not actually demonstrate the worst-case scenario for visibility of the building and it is anticipated that more of the building mass will be visible in views from the west side of Mountain and Christie Streets, worsening the visual impact. This should be assessed. Lastly, the increase in building height may result in some long range visual impacts and this necessitates that the VIA scope be expanded to include viewpoints not previously examined.	The proposal has been revised to reduce the building height to 7-storeys, as well as the introduction of an additional setback along Mountain Street to mitigate any potential visual impacts to the escarpment.
		6	The changes to the building design and the VIA findings raise questions about the compatibility of the urban design with the scenic resources of the Escarpment per NEP Urban Area Development Objectives and public (visual) access to the Escarpment per NEP Objective 4. In consideration of NEP Part 2.2.1, allowing development of this scale may set a precedent for future, successive development which will have compounding negative impacts on the scenic resources over time. It is not clear how a demonstrated increase in visual impact is meeting scenic resources policies in Part 2.13. Lastly, the scale and prominence of the lettering on the building roof does not align with NEP signage policies and serves to exacerbate the visual impact of the building.	A revised VIA has been submitted to assess the massing impacts to the escarpment. Further discussions on building materiality and colour will occur through the SPA process.
		1	NEC staff are recommending that more fulsome analysis of the NEP be included within the PJR demonstrating how the applicable policies of Part 1 and Part 2 of the NEP have been met. Although studies have been completed in support of the application, the PJR should assess how the studies demonstrate that the updated proposal will not conflict with the NEP.	Bouffields The Planning Addendum letter included in the resubmission package includes a detailed analysis on the proposal's conformity with the NEP.
		2	Specifically, NEC staff are requesting that the PJR be updated to include analysis regarding the NEP policies related to compatibility with the Escarpment environment; greenhouse gas emissions; climate change; cumulative impacts; signs and billboards (regarding the decorative embellishments). Specifically, NEC staff are requesting that the PJR be updated to include discussion on the following policies: a. Part 1.7 (Urban Area) including Part 1.7.5.1, 1.7.5.2, 1.7.5.3. b. Part 2.2 (General) including 2.2.1, 2.2.8, 2.2.9, and 2.2.12. c. 2.13 (Scenic Resources) including 2.13.1, 2.13.2, 2.13.3, 2.13.4.	Bouffields The indicated policies are specifically addressed in Appendix A to the submitted Planning Addendum letter.
		3	Planning staff have concerns regarding the visual embellishments along the proposed building. Planning staff are of the opinion that they would constitute a billboard and would conflict with Part 2.2.12, of the NEP.	Bouffields The previously contemplated rooftop signage has been removed in the revised proposal.
		4	Section 5 of the PJR should directly reference the above-noted NEP policies to clearly demonstrate how all of the applicable NEP policies are being met. Further, this section should also include discussion regarding reducing greenhouse emissions and climate change mitigations which can be incorporated into the overall design as per 2.2.6 of the NEP.	Bouffields Please see the submitted Planning Addendum Letter.
Followup Comments (Feb 2, 2026)	VIA Review	5	Further, NEC staff are of the opinion that the submitted VIA has not demonstrated no conflicts with the NEP. NEC staff are requesting that once a new addendum VIA is prepared that the PJR is updated to include the findings and provide analysis on how the policies of the NEP have been met.	Bouffields The Planning Addendum letter includes an analysis of the revised proposal and the newly completed, scoped VIA against the NEP policies. The letter concludes that, in Bouffields opinion, the revised proposal conforms to the NEP.
			The revised architectural drawings submitted on January 23, 2026, illustrate a building height that is generally consistent with the height that NEC staff previously reviewed and supported in 2021. These newly updated architectural illustrations show that the overall height has been reduced to 7 storeys through the removal of a full building storey. The illustrations also show that the rooftop mechanical suite has been reduced in size and the rooftop ornamentation (signage) has been removed from the design. These features were of concern as they had contributed to the increased height and visual prominence of the proposed building.	Bouffields Noted.
			NEC staff are generally supportive of the proposed 7-storey height; however, we request that the zoning by-law clearly identify a requirement for increased building setbacks and step backs, particularly along the Mountain Street frontage to maintain sightlines to the Escarpment and that the final building design be assessed in an updated VIA. We recommend adding a holding provision led to the completion of a Final Visual Impact Assessment (VIA) to the satisfaction of the Town and NEC. This would allow the height to be permitted at this stage while deferring assessment and confirmation of specific setbacks/step backs to the site plan approval stage through a final VIA.	Bouffields The massing has been revised to increase the minimum setback of Levels 2 through 7 along Mountain Street. This revision was specifically incorporated to improve sightlines to the escarpment. Please refer to the updated VIA.
	Additionally, the May 22, 2025 draft zoning by-law circulated with the September 2025 submission identified a maximum height of 8 storeys, excluding rooftop mechanical penthouses, projections, and intermediate levels. For clarity and certainty, an updated draft zoning by-law will be needed. Can the zoning by-law instead express the overall maximum height in metres—capturing the full extent of development, including rooftop features, mechanical penthouses, signage, and related projections—rather than by a storey count with exclusions?	Bouffields The draft zoning by-law has been updated to reflect the revised proposal, including use of a height/setback schedule to ensure clarity on the permissions being sought.		
	In NEC's formal comments dated September 2, 2025, the Commission requested a revised Planning Justification Report (PJR) that includes a comprehensive analysis of the Niagara Escarpment Plan policies and clearly identifies the specific policies requiring consideration. This analysis remains outstanding. It should also be noted that the 2025 VIA is not approved by NEC and is technically obsolete, as the proposed building height has since changed. Accordingly, the VIA needs to be either updated to meet NEC requirements or should be considered 'Preliminary Only' since it cannot be approved as-is. In the absence of an acceptable VIA, the revised PJR should address Policy 2.13 in full and describe how the requirements of that policy will be satisfied through the application of an appropriate holding provision for a final VIA within the zoning by-law.	Bouffields A Planning Addendum letter has been prepared and includes this additional analysis. As discussed with the Town, the Applicant does not wish to proceed with a holding provision for the site. As such, a new, scoped VIA has been prepared and included in the resubmission package.		