



September 13, 2023

Joe Candeloro, Vice President
Centennial Construction & Contracting (Niagara) Inc. (Centennial Homes)
353 Townline Road
Niagara-on-the-Lake, ON
L0S 1J0

Dear Mr. Candeloro,

RE: Riverfront Residential Ecological Commitment Letter

GEI Consultants Ltd. (GEI) is the contracted ecological consultant for Centennial Homes (Niagara) Inc. (Centennial Homes) Riverfront Residential Lands (Municipal File: 26T-11-2019-001). The Riverfront Residential Lands are located north of the Welland River/Chippawa Parkway, east of the Ontario Power Generation Inc. (OPG)/Chippawa Power Canal, south of Oldfield Road, and west of Stanley Avenue in Niagara Falls, Ontario. GEI has been providing ecological consulting services related to the Riverfront Residential lands since 2017. Other ecological information related to these lands is also available from 2015 and 2016 from Dougan & Associates. Previous, agency-approved submissions made by GEI (formerly Savanta) include:

- Rare Species Report, Riverfront Residential (December 2021; GEI Consultants Savanta Division 2021a);
- Ecological Restoration Plan (August 2021; GEI Consultants Savanta Division 2021b);
- Environmental Impact Study Addendum, Riverfront Residential (July 2021; Savanta 2021c);
- Ecological Monitoring Plan (2021; Savanta 2021d);
- Environmental Impact Study Addendum, Riverfront Residential (December 2019 EIS; Savanta 2019a);
- Environmental Impact Study, Riverfront Residential (January 2019 EIS; Savanta 2019b);
- Environmental Impact Study Addendum, Riverfront Community OPA (Savanta 2018); and
- Environmental Impact Study, Riverfront Community OPA (September 2017; Savanta 2017).

In October 2020, the former landowner, GR (CAN) Investment Co. Ltd., received Draft Plan approval, subject to meeting Draft Plan Conditions, to develop a 77-ha block of land in the Riverfront Residential area. In August of 2021, a detailed design submission was put forth in support of the Subdivision Conditions of Draft Plan Approval for Blocks 1-12. Subsequently, in July of 2022 Centennial Homes purchased development Blocks 1-6, Block 12, and Block 17 of Riverfront Residential, which are south of the rail line (**Figure 1 attached**). Centennial Homes is now pursuing a Draft Plan of Vacant Land Condominium approval for Block 12 and will continue to address the conditions of Draft Plan of Subdivision approval through a forthcoming application for Final Plan of Subdivision approval. As Block 12 is the subject of this report, it is herein referred to as the Subject Lands.

For inclusion with the Draft Plan of Vacant Land Condominium approval for Block 12, Centennial Homes requested GEI prepare this Ecological Commitment Letter. This letter serves as an Appendix to the existing Scoped Environmental Impact Study Addendum (GEI 2021c) and outlines the ecological commitments for Block 12 in accordance with the October 6, 2020, Conditions for Draft Plan Approval (PBD-2020-64). The March 16, 2023, Condominium-Vacant Land Pre-Consultation Checklist with the City of Niagara Falls, indicates that an Environmental Impact Study (EIS) is required, noting “a technical memo to address how the draft plan of subdivision applies to Block 12 and how they are being addressed” is sought.

GEI has reviewed the October 2020 Conditions of Draft Plan Approval and the 2021c EIS Addendum to inform which ecological draft plan conditions need to be satisfied for the Block 12 submission and what commitments from the 2021c EIS Addendum apply to Block 12. Draft plan conditions need to be carried forward into the Draft Plan of Vacant Land Condominium conditions of approval for Block 12 carrying forward the commitments of the 2021 EIS for the entirety of the existing Riverfront Draft Plan of Subdivision Approval. The purpose of this letter is to provide a concise summary of the remaining ecological October 2020 Conditions of Draft Plan Approval that require attention and to specify the planning submissions where each condition will be satisfactorily addressed. By following this approach, we aim to streamline the ecological planning process and optimize the use of resources while ensuring compliance with all relevant regulations and guidelines.

1. ECOLOGICAL DRAFT PLAN CONDITIONS

GEI reviewed all relevant ecological October 2020 Draft Plan conditions and has summarized in the forthcoming section the 2021 Block Plan submission conditions and their status as it relates to the 2023 Block 12 lands.

| Comment | Status | Response |
|---|-------------|---|
| Park Design | | |
| 22. The developer provide landscape plans for the subdivision, stormwater management blocks and open space areas prepared and stamped by a landscape architect (OALA) to the satisfaction of the City, showing complete design and landscape information including but not limited to: fencing including fencing along environmental blocks, entrance features, roadway greenspaces, streetscapes, trails, pathway connections, tree protection and preservation; and park blocks. Fencing for park and stormwater management blocks shall be to City standards and meet approval of the Director of Municipal Works. Fencing type and dimensions to be shown consistently on all plans. Details of fencing plans to be provided for City approval. | Outstanding | To be addressed at detailed design of Block 12. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval. |

| Comment | Status | Response |
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| <p>23. Should any subdivision entry features be proposed, details of the features be provided to Parks Design for review along with cost estimates for initial construction and future repair/replacement of the features. NOTE: Subdivision entrance features are to be erected on lands to be dedicated to the City.</p> | <p>Outstanding</p> | <p>To be addressed at detailed design of Block 12. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval.</p> |
| <p>24. The developer provide a Trails and Walkable Community Master Plan (TWCM) prepared and stamped by a landscape architect (OALA) which shows all proposed recreational trails, pathways and sidewalks/walkways, including proposed connection locations and design elements to connect with EPA areas, parks, woodlots, green spaces stormwater management areas, Welland River/George Bukator Park Trail system. Millennium Trail, roadway bike lanes, and adjacent neighbourhoods. Include all information and details on trail type, construction methods and dimensions. The developer shall be responsible to construct/implement the trails (TWCM) as part of the development, to the approval of the City and other agencies such as NPCA, Niagara Region, and applicable Federal & Provincial Ministries. Trail development shall consider CPTED (Crime Prevention Through Environmental Design) and accessibility standards. This will also include the required pedestrian route connection from the easterly development area to access the park blocks on the west area.</p> | <p>Outstanding</p> | <p>To be addressed at detailed design of Block 12. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval.</p> |
| <p>25. The developer provides a Tree Inventory Plan and Report, by a certified arborist or landscape architect, for all lands to be dedicated to the City for park purposes. The developer will be required to work with the City, and agencies such as Niagara Region and the NCPA to preserve and protect trees determined to remain and remove trees due to poor condition or for the purpose of providing the land for park development. Staff encourages the protection and preservation of existing healthy mature trees wherever possible in developable areas.</p> | <p>To be addressed through Phase 2 of the Draft Plan of Subdivision approval. Not applicable to Phase 1.</p> | <p>Colville Consulting completed the Tree Inventory Plan on August 11, 2021, and removals have been completed per the TIPP. This condition is specific to the proposed park blocks within the Riverfront Residential lands, which are located outside of Block 12. This condition will be further addressed through Phase 2 of the Draft Plan of Subdivision approval and, consequently, is not applicable to the Phase 1 Subdivision Registration or the Draft Plan of Vacant Land Condominium approval for Block 12.</p> |

| Comment | Status | Response |
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| Niagara Peninsula Conservation Authority (NPCA) | | |
| <p>38. That the draft plan be revised to ensure all Provincially Significant Wetland (PSW) buffers are a minimum of 15 metres or larger as may be determined through the finalized Feature Based Water Balance (FBWB) and LID measures detailed design, to the satisfaction of the NPCA.</p> | <p>Outstanding</p> | <p>This condition will be carried over into the Block 12 Draft Plan of Vacant Land Condominium approval and conformity with this Draft Plan Condition will be included in a Planning Justification Report.</p> |
| <p>40. The developer submit to the NPCA for review and approval a final FBWB as described in the Infrastructure Requirements Report (prepared by Wood, dated August 23, 2019) and Environmental Impact Study Addendum (prepared by Savanta, dated December 2019) to the satisfaction of the NPCA. The developer acknowledges that if the detailed information is not sufficient to support the proposed subdivision design, then the draft plan will need to be revised.</p> | <p>Outstanding</p> | <p>Catchments have been adjusted since the 2021 detailed design submission based on updated topographical mapping of the site. It is anticipated that post development catchments will be changed based on the new grading plan for Block 12. Consequently, a Feature Based Water Balance (FBWB) analysis will be required to demonstrate no impacts post development. GEI is currently monitoring interim conditions through the wetland surface water monitoring program as approved by NPCA (Wood, Jan 2022).</p> |
| <p>41. The developer submit to the NPCA for review and approval, detailed design of all LID measures and an Environmental Impact Study (EIS) Addendum of the final LID measures design. The developer acknowledges that if the detailed information is not sufficient to support the proposed subdivision design, then the draft plan will need to be revised.</p> | <p>Outstanding</p> | <p>To be addressed at detailed design of Block 12. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval.</p> |
| <p>42. The developer submit to the NPCA for review and approval a final Ecological Restoration Plan detailing the final planting layout and phasing strategy for the buckthorn removal, to the satisfaction of the NPCA.</p> | <p>Satisfied</p> | <p>GEI's 2021 Restoration Plan was approved by agencies and in June of 2022 a legal agreement was carried out and assumed by Centennial Homes (and The Regional Municipality of Niagara to carry out work, with funds given to the Region to secure agreement. See Attachment A for the legal restoration agreement.</p> |

| Comment | Status | Response |
|---|----------------------------|--|
| <p>44. The developer submit to the NPCA for review and approval a detailed trail design along with a supporting EIS Addendum for any proposed recreation trails within the PSWs, their buffers and any other area regulated for review and approval.</p> | <p>Partially satisfied</p> | <p>The 2021 EIS Addendum sited trails and provided an impact assessment. Agency approval was received for the 2021 EIS Addendum. The Block 12 Draft Plan intends to follow the 2021 trail alignment. A detailed trail design will be provided at the detailed design stage.</p> |
| <p>45. The developer provide 1.5 metre high chain link fencing without gates along the interface of Blocks 10 and 12; Blocks 11 and 12; Blocks 10 and 4; Blocks 11 and 4; Blocks 11 and 2; Blocks 17 and 5; Blocks 17 and 1; and Blocks 17 and 7; to the satisfaction of the NPCA.</p> | <p>Outstanding</p> | <p>To be addressed at detailed design of Block 12. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval.</p> |
| <p>46. The developer obtain Work Permits from the NPCA prior to beginning any work related to installation of any LID facilities, recreation trails, buffer plantings, watercourse crossings, watercourse alterations or any other works within an area regulated by Ontario Regulation 155/06 or its successor.</p> | <p>Outstanding</p> | <p>To be addressed at detailed design of Block 12. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval.</p> |
| <p>Regional Municipality of Niagara</p> | | |
| <p>69. That a revised Ecological Restoration Plan be submitted to Niagara Region for review and approval, including but not limited to the following additional information:</p> <p>(a) Identification of an appropriate ratio for tree compensation that considers the existing form, function and quality of both the woodland proposed for removal and that of the woodland created over the long-term;</p> <p>(b) Survey details regarding the precise location of locally rare plant species (e.g., Creeping Spike-rush and Finely -nerved Sedge) within portions of the FOD8-1 community to be transplanted into another suitable habitat prior to limited woodland removals;</p> | <p>Partially satisfied</p> | <p>a) – d) Satisfied. The 2021 Ecological Restoration Plan and 2021 Rare Species Report were approved by agencies, including the additional information. In June of 2022 a legal agreement was carried out and assumed by Centennial Homes and The Regional Municipality of Niagara to execute the 2021 Ecological Restoration Plan, with funds given to the Region to secure agreement.</p> <p>e) Outstanding, see response to Draft Plan Condition 38 above.</p> |

| Comment | Status | Response |
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| <p>(c) Details to ensure the rare plant species discussed in the Conceptual Ecological Restoration Plan Section 5.0 (e.g., Great Plains Ladies Tresses, Creeping Spike-rush and Finely - nerved Sedge) are not eradicated from the site if there is limited or no transplant success;</p> <p>(d) Incorporation of open shrub land areas in order to provide shrub/early successional breeding bird habitat; and</p> <p>(e) Identification of the final approved PSW buffer width* including dimensions.</p> | | |
| <p>70. That additional areas for restorative woodland plantings on other lands owned by the applicant outside the Provincially Significant Wetland (PSW) buffers be identified and that the subdivision agreement or Resource Management Agreement between the developer and the City contain provisions whereby the owner agrees to implement the restorative woodland plantings to the satisfaction of Niagara Region.</p> | Satisfied | <p>In 2021 a legal agreement was carried out and assumed by Centennial Homes and The Regional Municipality of Niagara to carry out this work, with funds given to the Region to secure agreement. See Attachment A for the legal restoration agreement. In February of 2022, the Niagara Region approved the locations for woodland plantings identified in Figure 2, attached, subject to the submission of detailed design drawings reflecting the approved woodland restorative planting locations.</p> |
| <p>71. The developer provide securities to Niagara Region in the form of a Letter of Credit in the amount of the estimated costs as approved by the Region for the restorative woodland plantings required in accordance with the above conditions and that the subdivision agreement or Resource Management Agreement between the developer and the City include provisions whereby the developer agrees that the Region may draw on the Letter of Credit, if required, to ensure completion of the restorative woodland plantings.</p> | Satisfied | <p>Letter of Credit submitted in July of 2022.</p> |
| <p>72. That a Tree Saving Plan completed by a Certified Arborist or Registered Professional Forester be submitted to Niagara Region for review and approval in accordance with the Region of Niagara Tree and Forest Conservation By-law (Bylaw 30-2008, Section .36).</p> | Satisfied | <p>Colville Consulting completed the Tree Savings Plan on August 11, 2021, and the report is still applicable.</p> |

| Comment | Status | Response |
|--|----------------------------|---|
| <p>73. The developer obtain all necessary approvals from the MECP relating to Species at Risk (SAR) on the subject lands and provide Regional staff with a copy of MECP's approval, If required by the MECP, the owner shall revise the layout of the subdivision and/or obtain an Overall Benefit Permit in order to conform to the requirements of the Endangered Species Act.</p> | <p>Satisfied</p> | <p>MECP sign off indicating no SAR on Block 12 was received in 2021. See Attachment B.</p> |
| <p>74. That a Trails Plan be submitted to Niagara Region for review and approval. Any proposed trails must be sited and designed to minimize potential negative impacts, including but not limited to the considerations listed in the EIS Addendum Sections 4.1 and 11.2.</p> | <p>Partially satisfied</p> | <p>The Block 12 Draft Plan intends to follow the 2021 trail alignment. Agencies advised that the information provided in the 2021 submission was sufficient and trail details can be approved through future applications.</p> |
| <p>75. That a Detailed Ecological Monitoring Plan be submitted to Niagara Region for review and approval, including but not limited to the considerations listed in the EIS Addendum, Section 10 and the January 2019 EIS Section 8 and Table 7.</p> | <p>Satisfied</p> | <p>The 2021 Ecological Monitoring Plan was submitted and approved by agencies.</p> |
| <p>76. That an updated Infrastructure Requirements Plan and Environmental Impact Study Addendum be submitted to Niagara Region for review and approval, which shall address matters including but not limited to:</p> <p>(a) Detailed monthly feature-based water balance assessment for each PSW to fully evaluate potential changes in water balance, identify mitigation requirements (including overall site-wide infiltration targets), and complete a fulsome assessment of potential impacts on wetlands (if any). The detailed assessment must demonstrate that the wetland buffer widths of 15 to 20 m as proposed are adequate to protect the hydrologic function of the adjacent PSW while also accommodating any combination of appropriate Low Impact Development (LID) measures required to maintain balance including any associated maintenance/ access requirements outside of restoration areas within the buffer. If after detailed assessment, increased buffer widths are required to ensure no more than a minimal</p> | <p>Partially satisfied</p> | <p>(a) Outstanding, to be addressed through Block 12 Draft Plan of Vacant Land Condominium conditions and a Condominium agreement. See response to Draft Plan condition 40 above. Condition to be carried forward in Block 12 Draft Plan of Vacant Land Condominium approval.</p> <p>(b) Satisfied. Recommendations were provided in the 2021 EIS Addendum and subsequently approved by agencies.</p> |

| Comment | Status | Response |
|---|--------|----------|
| <p>difference from pre- to post-construction as outlined in the preliminary Wood (2019) report, or to ensure that LID measures comprise no more than 2% of the total buffer area, revisions to the Draft Plan will be required, including updates to all other associated studies and reports, as applicable, and</p> <p>(b) Recommendations for opportunities to reduce the use of road salt and associated water quality impacts on receiving wetlands.</p> | | |

2.1 Draft Plan Conditions to be Addressed Through Block 12 Draft Plan of Vacant Land Condominium Conditions and a Condominium Agreement

As indicated in **Section 2** above, the following conditions remain to be addressed:

- 22. The developer provides landscape plans for the subdivision, stormwater management blocks and open space areas prepared and stamped by a landscape architect (OALA) to the satisfaction of the City, showing complete design and landscape information including but not limited to: fencing including fencing along environmental blocks, entrance features, roadway greenspaces, streetscapes, trails, pathway connections, tree protection and preservation; and park blocks. Fencing for park and stormwater management blocks shall be to City standards and meet approval of the Director of Municipal Works. Fencing type and dimensions to be shown consistently on all plans. Details of fencing plans to be provided for City approval.
- 23. Should any subdivision entry features be proposed, details of the features be provided to Parks Design for review along with cost estimates for initial construction and future repair/replacement of the features. NOTE: Subdivision entrance features are to be erected on lands to be dedicated to the City.
- 24. The developer provide a Trails and Walkable Community Master Plan (TWCM) prepared and stamped by a landscape architect (OALA) which shows all proposed recreational trails, pathways and sidewalks/walkways, including proposed connection locations and design elements to connect with EPA areas, parks, woodlots, green spaces stormwater management areas, Welland River/George Bukator Park Trail system. Millennium Trail, roadway bike lanes, and adjacent neighbourhoods. Include all information and details on trail type, construction methods and dimensions. The developer shall be responsible to construct/implement the trails (TWCM) as part of the development, to the approval of the City and other agencies such as NPCA, Niagara Region, and applicable Federal and Provincial Ministries. Trail development shall consider CPTED (Crime Prevention Through Environmental Design) and accessibility standards. This will also include the required pedestrian route connection from the easterly development area to access the park blocks on the west area.

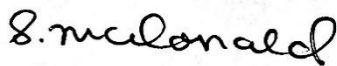
38. That the draft plan be revised to ensure all Provincially Significant Wetland (PSW) buffers are a minimum of 15 metres or larger as may be determined through the finalized Feature Based Water Balance (FBWB) and LID measures detailed design, to the satisfaction of the NPCA.
40. The developer submits to the NPCA for review and approval a final FBWB as described in the Infrastructure Requirements Report (prepared by Wood, dated August 23, 2019) and Environmental Impact Study Addendum (prepared by Savanta, dated December 2019) to the satisfaction of the NPCA. The developer acknowledges that if the detailed information is not sufficient to support the proposed subdivision design, then the Draft Plan will need to be revised.
41. The developer submits to the NPCA for review and approval, detailed design of all LID measures and an Environmental Impact Study (EIS) Addendum of the final LID measures design. The developer acknowledges that if the detailed information is not sufficient to support the proposed subdivision design, then the Draft Plan will need to be revised.
44. The developer submits to the NPCA for review and approval a detailed trail design along with a supporting EIS Addendum for any proposed recreation trails within the PSWs, their buffers and any other area regulated for review and approval. NOTE: this has been partially addressed; however, a detailed trail design is still required.
45. The developer provides 1.5 metre high chain link fencing without gates along the interface of Blocks 10 and 12; Blocks 11 and 12; Blocks 10 and 4; Blocks 11 and 4; Blocks 11 and 2; Blocks 17 and 5; Blocks 17 and 1; and Blocks 17 and 7; to the satisfaction of the NPCA.
46. The developer obtain Work Permits from the NPCA prior to beginning any work related to installation of any LID facilities, recreation trails, buffer plantings, watercourse crossings, watercourse alterations or any other works within an area regulated by Ontario Regulation 155/06 or its successor.
69. That a revised Ecological Restoration Plan be submitted to Niagara Region for review and approval, including but not limited to the following additional information:
 - e) Identification of the final approved PSW buffer width* including dimensions.
74. That a Trails Plan be submitted to Niagara Region for review and approval. Any proposed trails must be sited and designed to minimize potential negative impacts, including but not limited to the considerations listed in the EIS Addendum Sections 4.1 and 11.2. NOTE: this has been partially addressed; however, a detailed trail design is still required.
76. That an updated Infrastructure Requirements Plan and Environmental Impact Study Addendum be submitted to Niagara Region for review and approval, which shall address matters including but not limited to:
 - a) Detailed monthly feature-based water balance assessment for each PSW to fully evaluate potential changes in water balance, identify mitigation requirements (including overall site-wide infiltration targets), and complete a fulsome

assessment of potential impacts on wetlands (if any). The detailed assessment must demonstrate that the wetland buffer widths of 15 to 20 m as proposed are adequate to protect the hydrologic function of the adjacent PSW while also accommodating any combination of appropriate Low Impact Development (LID) measures required to maintain balance including any associated maintenance/access requirements outside of restoration areas within the buffer. If after detailed assessment, increased buffer widths are required to ensure no more than a minimal difference from pre- to post-construction as outlined in the preliminary Wood (2019) report, or to ensure that LID measures comprise no more than 2% of the total buffer area, revisions to the Draft Plan will be required, including updates to all other associated studies and reports, as applicable.

2. CONCLUDING REMARKS

We trust that the information provided in this Ecological Commitments Letter adequately outlines the status of the ecological October 2020 Draft Plan Conditions applicable to Block 12 of Riverfront Residential. Should you have any questions about the information presented herein, please contact one of the undersigned.

Yours truly,
GEI Consultants



Sarah McDonald
Project Coordinator
519-365-4964
smcdonald@geiconsultants.com



Jessie Spasov
Project Manager
416-272-3663
jspasov@geiconsultants.com



Heather Whitehouse
Project Director
1-416-568-7284
hwhitehouse@geiconsultants.com

Attachments:




- Figure 1 – Riverfront Residential Land Holdings
- Figure 2 – Additional Areas for Restorative Woodland Plantings
- Attachment A – Legal Restoration Agreement
- Attachment B – MECP sign off indicating no SAR on Block 12

FIGURES

Figure 1 – Riverfront Residential Land Holdings

Figure 2 – Additional Areas for Restorative Woodland Plantings



-  Subject Lands
-  Lands Owned by Centennial Homes (Niagara) Inc.
-  Ecological Land Classification

Vegetation Community (ELC Code)

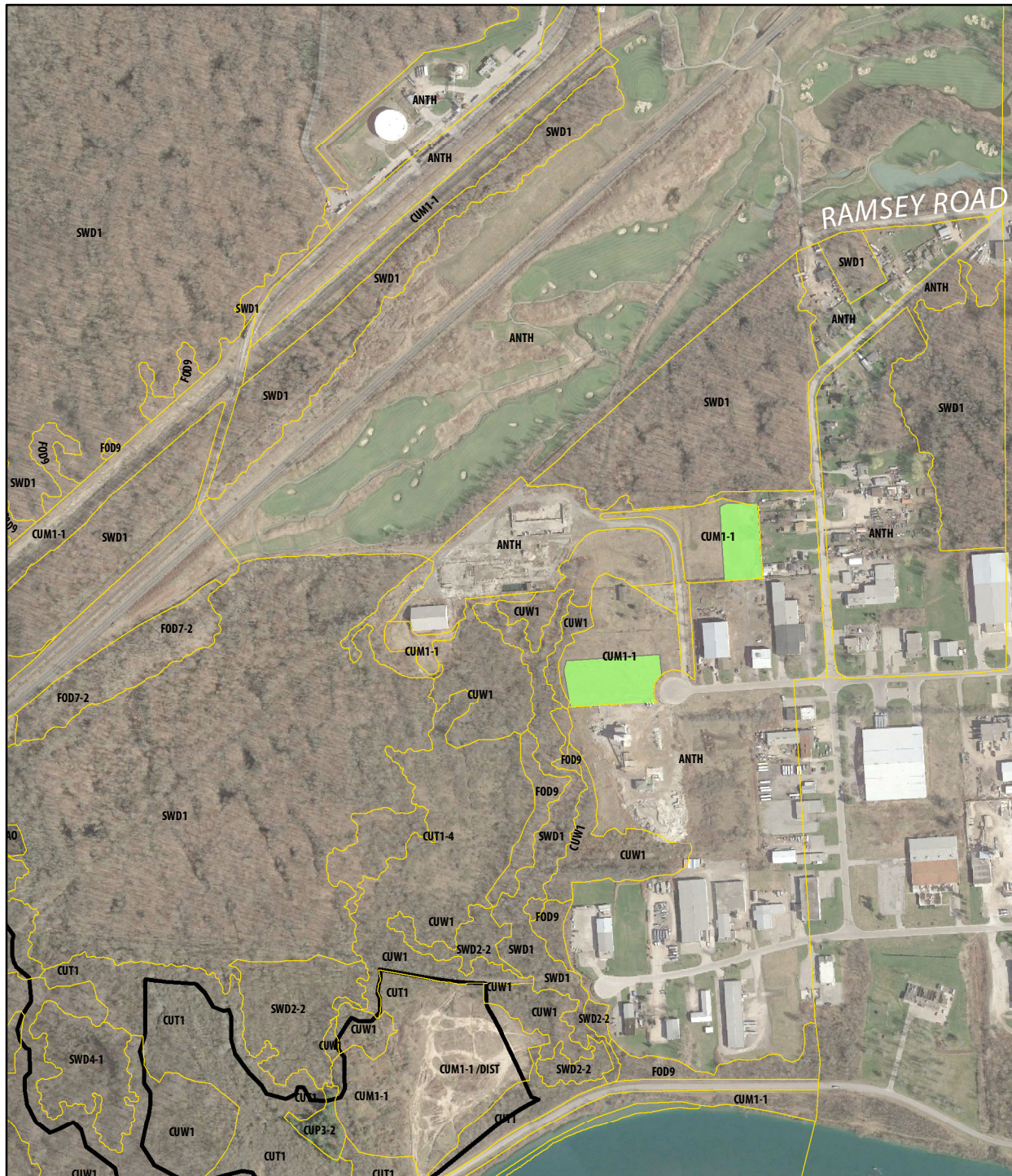
- AGR, Agricultural
- ANTH, Anthropogenic
- CUM1-1, Dry - Moist Old Field Meadow
- CUM1/CUT1, Mineral Cultural Thicket
- CUP3-2, White Pine Coniferous Plantation
- CUT, Cultural Thicket
- CUT1, Mineral Cultural Thicket
- CUT1-4, Gray Dogwood Deciduous Cultural Thicket
- CUW1, Mineral Cultural Woodland
- FOD7-2, Fresh - Moist Green Ash Lowland Deciduous Forest
- FOD7-3, Fresh - Moist Willow Lowland Deciduous Forest
- FOD8-1, Fresh - Moist Poplar Deciduous Forest
- FOD9, Fresh - Moist Oak - Maple - Hickory Deciduous Forest
- MAM2, Mineral Meadow Marsh
- MAS2-8, Rice Cut-grass Mineral Shallow Marsh
- OAO, Open Aquatic
- SWD, Mineral Deciduous Swamp
- SWD1, Oak Mineral Deciduous Swamp
- SWD1-3, Pin Oak Mineral Deciduous Swamp
- SWD2-2, Green Ash Mineral Deciduous Swamp
- SWD4-1, Willow Mineral Deciduous Swamp
- SWT2, Mineral Thicket Swamp
- SWT2-2, Willow Mineral Deciduous Thicket Swamp
- SWT2-4, Buttonbush Mineral Deciduous Thicket Swamp
- SWT2-9, Grey Dogwood Mineral Deciduous Thicket Swamp




Centennial Homes (Niagara) Inc.
Riverfront Residential

Figure 1
Riverfront Residential Land Holdings

0 100 Meters





-  Lands Owned by Centennial Homes (Niagara) Inc.
-  Ecological Land Classification
-  Restorative Woodland Plantings (1.230 ha)


Vegetation Communities (ELC)

- AGR, Agricultural
- ANTH, Anthropogenic
- CUM1-1, Dry - Moist Old Field Meadow
- CUM1/CUT1, Mineral Cultural Thicket
- CUP3-2, White Pine Coniferous Plantation
- CUT, Cultural Thicket
- CUT1, Mineral Cultural Thicket
- CUT1-4, Gray Dogwood Deciduous Cultural Thicket
- CUW1, Mineral Cultural Woodland
- FOD7-2, Fresh – Moist Green Ash Lowland Deciduous Forest
- FOD7-3, Fresh – Moist Willow Lowland Deciduous Forest
- FOD8-1, Fresh – Moist Poplar Deciduous Forest
- FOD9, Fresh – Moist Oak – Maple – Hickory Deciduous Forest
- MAM2, Mineral Meadow Marsh
- MAS2-8, Rice Cut-grass Mineral Shallow Marsh
- OAD, Open Aquatic
- SWD, Mineral Deciduous Swamp
- SWD1, Oak Mineral Deciduous Swamp
- SWD1-3, Pin Oak Mineral Deciduous Swamp
- SWD2-2, Green Ash Mineral Deciduous Swamp
- SWD4-1, Willow Mineral Deciduous Swamp
- SWT2, Mineral Thicket Swamp
- SWT2-2, Willow Mineral Deciduous Thicket Swamp
- SWT2-4, Buttonbush Mineral Deciduous Thicket Swamp
- SWT2-9, Grey Dogwood Mineral Deciduous Thicket Swamp

Centennial Homes (Niagara) Inc.
Riverfront Residential

Figure 2
Additional Areas for Restorative
Woodland Planting

0 100 Meters




ATTACHMENT A

Legal Restoration Agreement

THIS ASSUMPTION AGREEMENT dated the day of June, 2022

BETWEEN

CENTENNIAL HOMES (NIAGARA) INC.

(hereinafter called the “Future Owner”)

and

THE REGIONAL MUNICIPALITY OF NIAGARA

(hereinafter called “Niagara Region”)

WHEREAS GR (CAN) Investment Co. Ltd. (the “Developer”) and Niagara Region entered into an Agreement executed by Niagara Region on March 3, 2022 respecting the restoration works for the Riverfront Development (the “Agreement”) for the lands described in Schedule “A” hereto (the “Land”), which said Agreement was registered against title to the Land as Instrument No. SN728279 on May 31, 2022;

AND WHEREAS the Developer and the Future Owner have entered into an Agreement of Purchase and Sale which includes all of the Land;

AND WHEREAS Section 14 the Agreement provides that the Developer may assign the Agreement to a purchaser of all of the Land provided that the permitted assignee agrees in writing to assume and be bound by all of the obligations of the Developer;

AND WHEREAS the Future Owner has agreed to assume all of the duties, liabilities and responsibilities of the Developer as set out in the Agreement as the “Permitted Assignee” (as defined therein) upon completion of the transfer of title of the Land;

AND WHEREAS on behalf of the Developer, the Future Owner has paid to Niagara Region Two Million Three Hundred Eighteen Thousand Dollars (\$2,318,000.00) cash (“Cash Security”) as security required under Section 5(b) of the Agreement.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the proposed sale of the Land to the Future Owner and the mutual covenants hereinafter expressed and other good and valuable consideration, the parties hereto agree as follows:

1. The Future Owner covenants and agrees upon completion of the transfer of title of the Land to accept, assume and to carry out the rights, duties, obligations, liabilities and responsibilities under the Agreement and in all respects to be bound under said Agreement as if the Future Owner had been the original party to the Agreement in place of the Developer.
2. The Future Owner agrees to provide alternate security in the form of a letter of credit issued by the Future Owner’s lender (“Letter of Credit”) to replace the Cash Security. Upon receiving the Letter of Credit in a form that is acceptable to Niagara Region, acting reasonably, Niagara Region will release the Cash Security to the Future Owner.
3. Niagara Region hereby accepts the Future Owner as a party to the Agreement in substitution of the Developer, and agrees with the Future Owner that the Future Owner will be

bound by all the terms and conditions of the Agreement as if the Future Owner had been the original executing party in place of the Developer.

4. Any written notice required for the Future Owner, under Section 12 of the Agreement shall be sent to:

Centennial Homes (Niagara) Inc.
353 Townline Rd,
Niagara-on-the-Lake, Ontario L0S 1J0
Attention: Joseph Candeloro
Email: jcandeloro@centennialconstruction.ca

5. All of the terms, covenants, provisos and stipulations in the said Agreement are hereby confirmed in full force save and except such modifications only as are necessary to make them applicable to this Assumption Agreement.

IN WITNESS WHEREOF the Parties have hereunto affixed their name under the hand of their duly authorized signing officers.

SIGNED, SEALED & DELIVERED

CENTENNIAL HOMES (NIAGARA) INC.

) Per:
)
) _____
) Name: Joseph Candeloro
) Title: Vice President
)
) I have authority to bind the corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

) Per:
)
) _____
) Name: Michelle Sergi
) Title: Commissioner of Planning
) and Development Services
)
) I have authority to bind the corporation.

Schedule "A"

The Developer's Lands known as the Riverfront Subdivision including but not limited to the following parcels:

PIN 64444-0260

FIRSTLY: PART TOWNSHIP LOTS, 212, 213, 214, 215, 216 STAMFORD; PART ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 212 & 213, STAMFORD; PART ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 214 & 215 STAMFORD, PART 1 PLAN 59R13022; SECONDLY: PART TOWNSHIP LOTS 212, 213, 214 AND 215 STAMFORD; PART ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 212 AND 213 STAMFORD (AS CLOSED BY BYLAW ST21744, ST21822 AND ST21635); PART ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 214 AND 215 STAMFORD (AS CLOSED BY BYLAW ST2498), DESIGNATED AS PART 3, PLAN 59R-15138; THIRDLY: LOT 76 PLAN 8 STAMFORD; LOT 77 PLAN 8 STAMFORD; PART LOT 75 PLAN 8 STAMFORD; PART TOWNSHIP LOT 212 STAMFORD; PART TOWNSHIP LOT 213 STAMFORD; PART TOWNSHIP LOT 214 STAMFORD; PART ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 212 & 213 STAMFORD; PART ROAD ALLOWANCE BETWEEN TOWNSHIP LOTS 214 & 215 STAMFORD (AS CLOSED BY BYLAW ST21822) AS IN RO678536; FOURTHLY: PART BLOCK D PLAN 8 STAMFORD; PART TOWNSHIP LOT 215 STAMFORD; PART TOWNSHIP LOT 216 STAMFORD AS IN RO343598 & RO436933; CITY OF NIAGARA FALLS

PIN 64444-0232

PT BLK A PL M67 NIAGARA FALLS, PT 4 59R12504; NIAGARA FALLS

PIN 64444-0230

PT MURIE ST PL M67 NIAGARA FALLS, PT 1 59R12504; NIAGARA FALLS

PIN 64444-0114

PCL STREETS-1 SEC M67; PART ANDERSON CR PL M67 NIAGARA FALLS BEING PT 6 ON 59R12504; NIAGARA FALLS

PIN 64444-0113

PCL E-1 SEC M67; BLK E (1 FT RESERVE) PL M67 NIAGARA FALLS BEING PT 8 ON 59R12504; NIAGARA FALLS

PIN 64444-0112

PCL C-1 SEC M67; BLK C PL M67 NIAGARA FALLS; S/T EASEMENT OVER PT 7 59R12504 IN FAVOUR OF THE CORPORATION OF THE CITY OF NIAGARA FALLS AS IN SN48404; NIAGARA FALLS

PIN 64444-0110

PCL 41-1 SEC M67; LT 41 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0109

PCL 40-1 SEC M67; LT 40 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0108

PCL 39-1 SEC M67; LT 39 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0107
PCL 38-1 SEC M67; LT 38 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0106
PCL 37-1 SEC M67; LT 37 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0105
PCL 34-1 SEC M67; FIRSTLY: PT ANDERSON CR PL M67 NIAGARA FALLS PT 5, 59R3654;
SECONDLY: LT 34 PL M67 NIAGARA FALLS; LT 35 PL M67 NIAGARA FALLS; LT 36 PL M67
NIAGARA FALLS; BLK D PL M67 NIAGARA FALLS S/T LT24005 ; NIAGARA FALLS

PIN 64444-0104
PCL 33-1 SEC M67; LT 33 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0103
PCL 32-1 SEC M67; LT 32 PL M67 NIAGARA FALLS ; NIAGARA FALLS

PIN 64444-0102
PCL 31-1 SEC M67; LT 30 PL M67 NIAGARA FALLS ; NIAGARA FALLS

PIN 64444-0101
PCL 30-1 SEC M67; LT 30 PL M67 NIAGARA FALLS ; NIAGARA FALLS

PIN 64444-0100
PCL 29-1 SEC M67; LT 29 PL M67 NIAGARA FALLS ; NIAGARA FALLS

PIN 64444-0099
PCL 28-1 SEC M67; LT 28 PL M67 NIAGARA FALLS ; NIAGARA FALLS

PIN 64444-0098
PCL 27-1 SEC M67; LT 27 PL M67 NIAGARA FALLS ; NIAGARA FALLS

PIN 64444-0097
PCL 26-1 SEC M67; LT 26 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0074
PCL 5-1 SEC M67; LT 5 PL M67 NIAGARA FALLS; NIAGARA FALLS

PIN 64444-0073
PCL 4-1 SEC M67; LT 4 PL M67 NIAGARA FALLS; NIAGARA FALLS

ATTACHMENT B

MECP Sign-Off Indicating No SAR on Block 12

Boucher, Noel

From: Brothers, Brianne (MECP) <Brianne.Brothers@ontario.ca>
Sent: Friday, November 5, 2021 4:24 PM
To: Boucher, Noel
Subject: [EXT] RE: Riverfront Community, Niagara Falls - Revised Information Gathering Form

EXTERNAL EMAIL

Hi Noel,

The Ministry of the Environment, Conservation and Parks (MECP) has reviewed the information provided in the Information Gathering Form and supporting documents submitted by Savanta to assess the potential impacts of the proposal on Dense Blazing Star, SAR bats, Acadian Flycatcher, Kentucky Coffee Tree and Barn Swallow protected under the *Endangered Species Act, 2007* (ESA). Based on our review of the project documentation and information that has been provided, the conclusions that the Savanta has made that neither sections 9 nor 10 of the ESA will be contravened for species identified above, appear reasonable and valid and therefore authorization is not required. MECP notes that this pertains only to the southern portion of the project (south of the railway line), and that additional consultation related to species at risk may be required for the northern portion of the project.

We note that proponent has committed to mitigation measures identified by email on June 25, 2021. These mitigation measures include: adhering to the SAR bat timing window from April 1 – September 30, removing the proposed road between the Dense Blazing Star populations, installing silt fencing at the limit of construction and developing a salt management plan. These measures will be implemented as part of the project to ensure that unanticipated impacts to species at risk and their habitat do not occur. We encourage the proponent to carry out such mitigation measures and other best management practices as it deems appropriate. Further, it is recommended that the proponent continue to monitor for SAR activity during the course of site development to document changes, in the event that there should be any.

Should any of the project activities change, please notify MECP immediately to obtain advice on whether the changes require authorization under the ESA. Failure to carry out these projects as described could potentially result in contravention of the ESA. Further, it is recommended that Savanta to monitor for SAR activity during the course of site development to document changes, in the event that there should be any. You remain responsible for ensuring compliance with the ESA and may be subject to prosecution or other enforcement action if your activities result in any harm to an at-risk species or habitat.

Our position here is based on the information that has been provided by Savanta and its project team. Should information not have been made available and considered in our review or new information come to light that changes the conclusions made by Savanta, or if on-site conditions and circumstances change so as to alter the basis for Savanta's conclusions, please contact the Species at Risk Branch as soon as possible to discuss next steps.

We also note that while it does not appear that an ESA permit will be required for the southern portion of the development, the proposed activities may be subject to other approvals, such as those issued by local municipalities and conservation authorities. Please be advised that it is the responsibility of the proponent to be aware of and comply with all other relevant provincial or federal requirements, municipal by-laws or required approvals from other agencies. It is also the responsibility of the proponent to ensure that all required approvals are obtained and relevant policies adhered to.

Please feel free to reach out to me with any concerns or questions. Thank you for your cooperation in protecting species at risk.

Sincerely,

Brianne

Brianne Brothers

A/Management Biologist, Permissions and Compliance Section
Species at Risk Branch

Ministry of the Environment, Conservation and Parks
(905)-321-5736 | Brianne.brothers@ontario.ca