

PLANNING JUSTIFICATION AND IMPACT ANALYSIS REPORT

PROPOSED ZONING BY-LAW AMENDMENT

FOR

MIXED-USE DEVELOPMENT

5438 Ferry Street

November 2023

Quartek Reference Project #21171



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- Appendix C – Shadow Study
- Appendix D – Draft Zoning By-law Amendment and Schedule



A. INTRODUCTION

Quartek Group Inc. (Quartek) was retained by 1788618 Ontario Inc. (Applicant/Owner) to prepare this Planning Justification and Impact Analysis Report for the Zoning By-law Amendment application for the proposed mixed-use commercial and residential apartment dwelling development. The report may be followed by the Draft Plan of Condominium at a future phase.

The Applicant attended the pre-consultation meeting with the City and Region on April 21, 2022 and presented the proposal of a thirty-storey (30) mixed-use building with a total of 380 apartment dwelling units, two commercial units and five levels of parking (two levels below grade and three and one-half above grade).

Upon further review of the building design to make it more efficient, the proposal was modified to increase to 456 residential units within the thirty-storey (30) mixed-use building and three underground levels of parking, one at-grade parking and four levels of above grade parking structure while maintaining the two commercial suites. The City confirmed by email on July 18, 2023 that the increase in units with no change to the building footprint did not warrant a new pre-consultation and the original technical requirements were still applicable for the application to amend the Zoning By-law. Refer to the pre-consultation agreement found in Appendix A.

In accordance with the April 21, 2022 pre-consultation meeting agreement, the City and Regional requirements, in addition to this Planning Justification and Impact Analysis Report the following technical studies and drawings were required to support the proposed development and have been included with the Zoning By-law Amendment application:

- Conceptual Site Plan Layout
- Zoning-By Law Amendment and Schedule
- Functional Servicing Study including Stormwater Management
- Heritage Impact Analysis
- Environmental Site Assessment/Record of Site Condition (Phase 1)
- Transportation Impact Study/Parking Impact Analysis
- Urban Design Brief/Architectural Brief
- Wind Study (Wind Tunnel Modelling)
- Shadow Analysis
- Architectural Review

The purpose of this report is to describe the site and its surrounding lands uses, outline the development proposal for mixed use commercial and residential intensification,



summarize the relevant planning policies and regulations, outline the proposed draft Zoning By-law Amendment, and provide the justification and rationale for approval.



B. DESCRIPTION OF SUBJECT LANDS

The subject lands are located on the south side of Ferry Street and the west side of Fallsview Boulevard, municipally referred to as 5438 Ferry Street and legally described as Part of Lot 18 south side of Ferry Street east of Stanley Street; Part of Lot 19 south side of Lundy's Lane; Part of Lot 1 and Part of Lots A & B west side of Buchanan Street, Registered Plan No. 653, City of Niagara Falls.

The subject lands have the Official Land Use Plan Designation of Tourist Commercial and the Zoning designation of Tourist Commercial – TC with a site-specific provision (TC-75) for the north portion of the lot which provides exemption for commercial parking on site.

The subject lands have an area of 3,491 square metres (0.3491 hectares) which includes the reduction of the 2.94 metre road widening of Ferry Street and 0.81 metre road widening on Fallsview Boulevard, equating to a net loss of ±225 square metres of land area.

The subject lands are flat with minimal vegetative cover and occupied by a commercial building used as restaurant space and the associated parking lot. The existing structure on the property occupies an area of ±445 square metres and will be removed for the proposed development.

There are existing watermain and sanitary/storm sewer services fronting on Ferry Street as well as along Fallsview Boulevard, and the availability for connection and capacity details of the proposed development is included in the Functional Servicing Report prepared by Quartek Group Inc. dated July 2023, which confirms the viability of the services for the scale of the proposed development.

Refer to Figure 1 for the general location of the subject lands and Figure 2 for the aerial view. Figures 3 and 4 provide the street view of the current uses on the subject lands. Figure 5 provides the surrounding lands uses to the subject lands.



Figure 1: Subject Lands

(Source: Niagara Navigator)



Figure 2: Subject Lands Aerial View

(Source: Niagara Navigator)





**Figure 3: Street View of Subject Lands
Looking South from Ferry Street**

(Source: Google Earth, 2022)



**Figure 4: Street View of Subject Lands
Looking Westerly from Fallsview Boulevard**

(Source: Google Earth, 2022)



B.1 Surrounding Land Uses

The following describes the surrounding land uses.

North: The land uses directly to the north across Ferry Street can be described as commercial with a restaurant (Al Macs Buffet) and parking lot which is owned by the Applicant.

East: The land uses directly on the south side of Fallsview Boulevard and east of the subject lands are retail uses (e.g., convenience store, motel) with residential use (2-storey dwelling).



South: The land uses directly to the south can be described as residential with a single storey detached dwelling and vacant land.

West: The land uses directly to the west can be described as commercial with a restaurant and a gas station with convenience store.

All of the surrounding lands are zoned as Tourist Commercial (TC) and can be available for redevelopment into other commercial or mixed land uses.

Figure 5: Surrounding Land Uses
(Source: Google Earth)





C. PROPOSED DEVELOPMENT

The proposed development will consist of a thirty-storey (30) mixed-use building, comprising a total of 456 residential condominium/dwelling units and 2 commercial units. The size breakdown of each unit for commercial and the residential uses are provided below.

RESIDENTIAL SUITE SUMMARY

LEVEL 6-29	SIZE	QTY/FLR	TOTAL QTY
SUITE A1 - 1 BED	658 ^{sf} (61.1 sm)	8	192
SUITE A2 - 1 BED	630 ^{sf} (58.5 sm)	2	42
SUITE A3 - 1 BED	539 ^{sf} (50.1 sm)	1	24
SUITE B1 - 2 BED	885 ^{sf} (82.2 sm)	2	42
SUITE B2 - 2 BED+DEN	1153 ^{sf} (107.1 sm)	2	48
SUITE C1 - 2 BED	784 ^{sf} (72.8 sm)	2	48
SUITE D1 - 2 BED	1042 ^{sf} (96.8 sm)	2	48
LEVEL 30 PENTHOUSE LEVEL			
PENTHOUSE SUITES		12	12
TOTAL			456

COMMERCIAL SUITE SUMMARY

	SIZE	FRONTAGE	STREET
CRU-1	133.7 SM	25.3 M	FERRY ST.
CRU-2	94.1 SM	8.7 M	FALLSVIEW BLVD.
TOTAL	227.8 SM	24 M	

VEHICLE PARKING SUMMARY

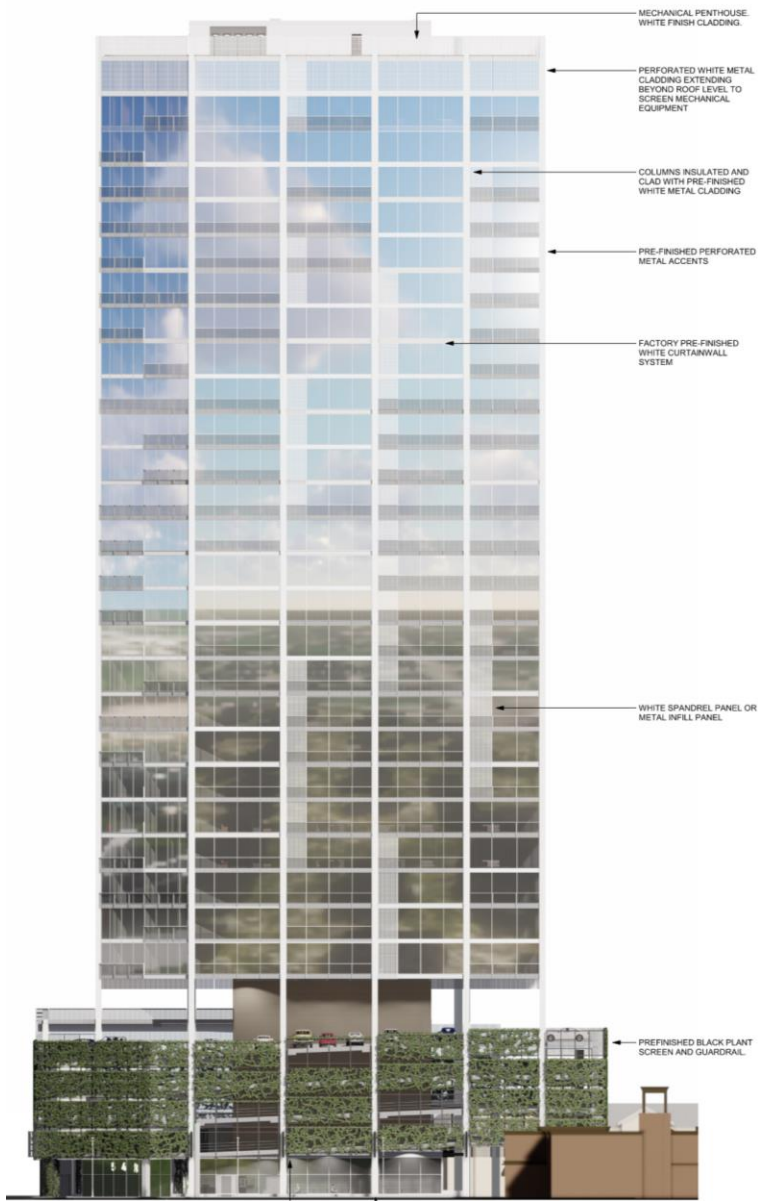
FLOOR	CAR SHARE	UNIVERSAL	REGULAR
LEVEL P3	0	1	32
LEVEL P2	0	1	68
LEVEL P1	0	1	68
MAIN FLOOR	9	5	4
LEVEL 02	0	1	68
LEVEL 03	0	1	68
LEVEL 04	0	1	68
LEVEL 05	0	1	68
SUBTOTAL		12	444
TOTAL	9	456	

BICYCLE PARKING SUMMARY

FLOOR	INDOOR (PRIVATE)	OUTDOOR (PRIVATE)	OUTDOOR (PUBLIC)
LEVEL P2	0	0	0
LEVEL P1	0	0	0
MAIN FLOOR	45	0	60
LEVEL 01	0	40	0
LEVEL 02	0	130	0
LEVEL 03	0	40	0
LEVEL 04	0	20	0
SUBTOTAL	45	230	60
TOTAL	335		



The building will be tapered with the main/ground level with the colonnade and commercial storefront being approximately 5 metres in height and tucked under the parking podium.





The commercial units will be accessed through the main lobby or alternatively individually for each unit. Accommodation for an outdoor patio space and direct access has been provided for the unit facing Ferry Street due to its importance on the street face. The unit facing Fallsview Boulevard has also been provided with direct access to the unit.

The residential units will be accessed through the main lobby on the ground floor or alternatively from the parking garage. The residential units vary in size as well as layout to maximize the views of the falls and the city landscape. There will be a dedicated private amenity space (e.g., gym, party room, rentable overnight suites, spa) for the residents located on the fifth floor. The rooftop will be utilized by the mechanical mezzanine and elevator room which is approximately 3.6 metres (11.8 feet) in height.

The parking structure will consist of three levels underground (Levels 03-01) with one at-grade level and four levels above grade parking (Levels 2 – 5) which will be approximately 10 metres (32.8 feet) in height. The balance dedicated to residential suites (Levels 6 – 30) being 101.4 metres (332.67 feet) in height for the residential tower containing the 456 units. The ground floor and parking podium will have landscape elements screening the parking from the street view making it visually appealing with greenery and not a typical parking garage.

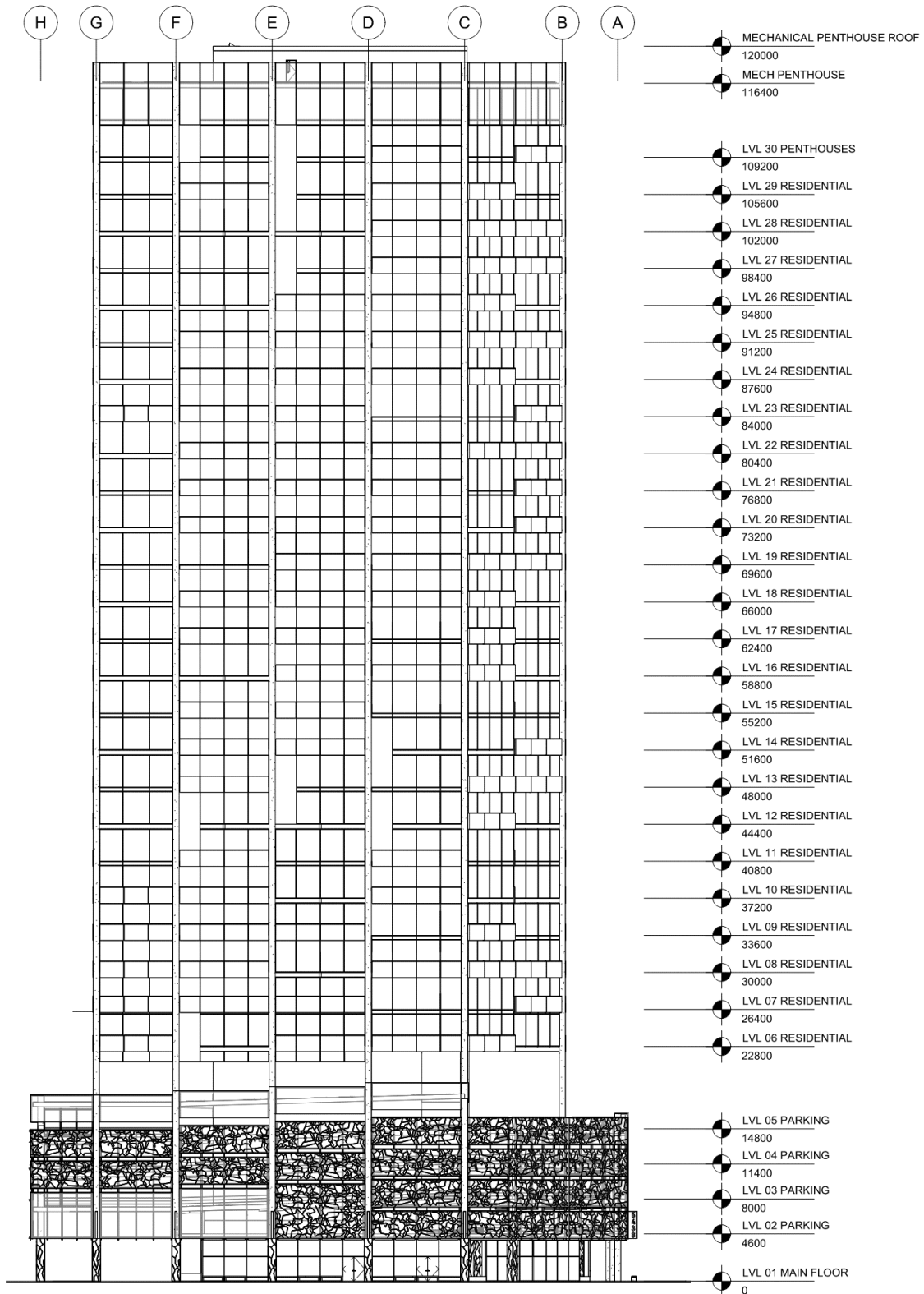


The total building height will be 116.4 metres (381.88 feet) that excludes the roof top mechanical and elevator penthouse and a total of 120 metres (393.70 feet) with those elements included.

Refer to Figure 6 for the proposed building elevation.



Figure 6: Proposed Building Elevation





The building structure will occupy an area of $\pm 2,707$ square metres with each floor facing towards Fallsview Boulevard and Ferry Street having private balconies, while some of the interior suites not having a balcony space due to maximizing the efficient layout of the units and eliminating unused space. With the lot area of 3,491 square metres/0.349 hectares (after road widening) and the building footprint being 2,707 square metres/0.270 hectares, the lot coverage is 77.5 % or 78%. The density being achieved with this proposal is 1,306.2 units per net hectare.

The development will have two-way access, one from Ferry Street as well as from Fallsview Boulevard. These access points will lead to the underground parking levels or the nine (9) dedicated car share parking spaces and accessible parking spaces on the ground level leading to the main entrance to the building.

The intent is to maintain the TC-75 site-specific provision whereby the parking dedicated to the commercial uses are not required and only parking is mandatory for the residential uses. In this case, the parking ratio is 1 per dwelling unit which equates to 456 parking spaces. Of these spaces, 12 are universal/accessible spaces. Included in the 456 parking spaces is the nine (9) car share spaces which will be marked on the ground level parking dedicated for the car share service providers. The development will provide bicycle parking spaces including 60 outdoor spaces for public use, 230 outdoor for the private use, and 45 indoor private use for a total of 335 bicycle spaces.



The proposed development is sophisticated and satisfies the intent of the City's goals for growth that can be accommodated by the efficient usability of vacant and underutilized



land in the settlement area, designing a more compact built form and higher density of development with an integrated and interactive mix of commercial and residential uses to advance the streetscape and neighbourhood.

The proposed building given the constraints from the road widening has been designed attentively to ensure the building form, scale, height, orientation, facade, and architectural materials are complimentary to the neighbourhood building stock and the progressive changes along Ferry Street.

C.1 Requested Amendments

According to the City's Official Plan, the subject lands are designated as Tourist Commercial. The designation permits a variety of uses, mostly dedicated to businesses available for use by tourists, including restaurants, recreational, and retail uses. Residential dwelling units are permitted when combined with other uses, provided that not more than 50% of the total floor area is used for dwelling units and entrances to dwelling units are located entirely above the ground floor.

Furthermore, the Schedule E of the City's Official Plan designates the subject lands as within the Clifton Hill Tourism District. This Tourist Area shall provide a wide range of commercial/entertainment uses with a pedestrian focus at the street level. High-quality private developments are encouraged within the district. While the area restricts building heights to a maximum of four-storeys, high-rise builds may be permitted up to thirty-storeys. Residential uses are permitted throughout Tourist Commercial areas to assist in the completion of complete communities.

The Official Plan allows Council to consider changes to the land use by way of a Zoning By-law Amendment to private developments for elements such as maximum building heights, residential floor area, density, etc., subject to the design and built form complementing and enhancing the public realm.

In this circumstance, the proposed development will require an amendment for the total floor area dedicated to residential uses and building height. Additionally, the Applicant is seeking the following site-specific amendments to the By-law 79-200.

The regulations governing the permitted uses on the subject lands shall be:

- a) Section 8.6.1 (ii) dwelling units in a building in combination with one or more of the uses listed in this 2002-061 section, provided that no more than 33,816 square metres of the total floor area is used for dwelling units and further provided that such



dwelling units except entrances are located entirely above Level 5 (parking and amenity area).

- b) Minimum rear yard, where any part of the building is used exclusively for residential purposes shall not be less than 9.5 metres or 3.8 metres for the building podium.
- c) Maximum lot coverage shall not exceed 78%.
- d) Maximum height of building or structure shall not exceed 30 storeys or 120 metres including mechanical penthouse and equipment, and subject to Section 4.7 of By-law 79-200.
- e) Minimum number of parking spaces shall not be less than 1 space per dwelling unit with 9 spaces being dedicated for car share spaces provided on the ground level.
- f) Minimum width of manoeuvring aisle/access shall not be less than 6.9 metres.
- g) One loading space/area shall be provided.

Refer to Appendix B for the Site Plan.



D. PLANNING POLICY ANALYSIS

D.1 Planning Act, R.S.O. 1990, c.P.13

The Planning Act sets out the basis for land use planning in Ontario.

Section 2 of the Act sets out a list of matters of provincial interests that approval authorities shall have regard to including but not limited to:

- Protection of ecological systems, including natural areas, features and functions
- Orderly development of safe and healthy communities
- Adequate provision and distribution of educational, health, social, cultural and recreational facilities
- Adequate provision of a full range of housing, including affordable housing
- Adequate provision of employment opportunities
- Resolution of planning conflicts involving public and private interests
- Appropriate location of growth and development
- Promotion of built form that is well-designed, encourages a sense of place

Section 3 of the Act states any exercise of an authority affecting a planning matter, all decisions made by approval authorities shall be consistent with the policy statements (Provincial Policy Statement) and shall conform with the provincial plans that are in effect.

Section 34 of the Act permits a person or public body to request an amendment to a By-law. This request is subject to providing the required technical information and materials that describes the requested amendment which includes public consultation.

Section 51 (24) of the Act provides the criteria in considering the division of land (draft plan of subdivision/condominium) that shall have regard to the health, safety, convenience, accessibility for persons with disability and welfare of the present and future inhabitants of the municipality. An application for Draft Plan of Condominium will be provided separately for the tenure ownerships details of the building at a future phase.

For the interests of provincial and public matters, an evaluation of different development options that are best suited for the site, along with the mandatory technical studies have been completed. The proposal will demonstrate that the application to amend the Zoning By-law is necessary to permit the proposed mixed use commercial and residential development that is consistent with the Provincial Policy Statement and conforms to Provincial Plans.



The Applicant has submitted the application, required fees, and supplementary documentation for the amendment to the Zoning By-law and seek approvals from the City for the proposed new development that is consider good land use planning.

D.2 Provincial Policy Statement

The Provincial Policy Statement (PPS, 2020) provides the policy foundation for regulating land uses in Ontario. The PPS supports intensification, redevelopment and the efficient use of land and existing planning infrastructure within urban areas. The policies attempt to focus growth within settlement areas and remove development from significant or sensitive areas which may pose a risk to public health and safety.

The policies applicable to the proposal have been considered to determine the appropriateness of the development. Specifically, Section 1.1.1 state that healthy, livable and safe communities are sustained by promoting cost effective development and redevelopment through infill and intensification within settlement areas that minimize land consumption and public servicing costs.

Section 1.1.3 Settlement Areas

Section 1.1.3 states that settlement areas shall be the focus of growth and development. Sub-sections 1.1.3.2, 1.1.3.3 and 1.1.3.4 states that land uses within settlement areas shall be based on densities and mix of land uses which efficiently use land and resources, appropriate for and efficiently use the infrastructure, promote opportunities for transit supportive development, accommodate a significant supply and range of housing options through intensification and redevelopment where this can be accommodated considering existing building stock or areas.

Sub-section 1.1.3.5 and 1.1.3.6 provides direction for the implementation of minimum targets for intensification and redevelopment within built-up areas, based on local conditions. The framework for new development shall be taking place in designated growth areas adjacent to existing built-up areas and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Section 1.4 Housing

Policy 1.4.1 and 1.4.3 directs new housing development to provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area.



Section 1.6 Infrastructure and Public Service Facilities

Policy 1.6.6.1 and 1.6.6.2 states that planning for sewage and water services shall direct and accommodate expected growth or development in a manner that promotes the efficient use and optimization of existing municipal services. Policy 1.6.3 states that pre-existing infrastructure should be adapted or optimized before giving consideration to developing new infrastructure.

Policy 1.6.6.7 states that planning for stormwater management shall minimize changes in water balance and erosion, no increased risks to human health and safety and property damage, and promote stormwater management best practices, including stormwater attenuation and re-use, and low impact development.

Section 1.7 Long-Term Economic Prosperity

Policy 1.7.1 states that long-term economic prosperity should be supported by:

- h) Providing opportunities for sustainable tourism development

Section 1.8 Energy Conservation, Air Quality and Climate Change

Policy 1.8.1 states that land use development that promotes energy conservation, improved air quality and reduced greenhouse emissions to prepare for the impacts of climate change through:

- a) Compact form and a structure of nodes and corridors
- e) Encourage transit supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion

Section 2.6 Cultural Heritage and Archaeology

Policy 2.6.3 states that development and site alteration on adjacent lands shall not be permitted to protect heritage properties except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.



Planning Analysis

The PPS is very high level and supports efficient use of infrastructure, building of complete communities, residential and economic development and protecting valuable heritage, cultural and natural assets.

The requested amendments to the Zoning By-law to facilitate the proposed mixed use and residential intensification development is consistent with the PPS by:

- Providing a new infill development located within the existing urban settlement area.
- Providing a different housing style that will compliment the existing building stock at a scale that will promote economic sustainability of the neighbourhood.
- Providing a housing type and density that is envisioned by the City for the projected growth of the area.
- Providing the connection to municipal services (e.g., water, sanitary and storm sewers).
- Providing a mixed use for local patrons and tourist to enjoy as well as attract new people to the area.
- Providing a development that will be designed to support energy conservation and efficiency by utilizing compact built form strategies and creating a walkable community to shorten commute trips, encourage the use of transit, car sharing, promote bicycling, and less dependency on private motor vehicles, contributing to the reduced greenhouse gas emissions.
- Providing a development, confirmed by the Heritage Impact Assessment, that will not create a negative impact on adjacent heritage properties.

D.3 Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Golden Horseshoe (GPGGH, 2020) guides development within the Greater Golden Horseshoe (GGH) Area including Niagara Region.

The GPGGH Plan directs growth and building complete communities, whether urban or rural that are well-designed, offer transportation choices, accommodate people at all stages of life and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs.

The GPGGH Plan directs development to targeted local settlement areas, while maintaining growth sensitive boundaries and preserving environmental lands. The policies of the GPGGH Plan take precedence over the PPS to the extent of any conflict. The policies of the Plan that have been considered for the appropriateness of this development include the following.



Policy 2.2.1 Managing Growth

2. Forecasted growth to the horizon of the GPGGH Plan will be allocated based on the following:
 - a) The vast majority of growth will be directed to settlement areas that:
 - i. Have a delineated built boundary
 - ii. Have existing or planned municipal water and wastewater systems
 - iii. Can support the achievement of complete communities
3. Upper and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of the GPGGH Plan, which will:
 - c) Provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form
4. Applying the policies of the GPGGH Plan will support the achievement of complete communities that:
 - a) Feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities
 - b) Improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes
 - c) Provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes
 - e) Provide for a more compact built form and a vibrant public realm, including public open spaces

Policy 2.2.2 Delineated Built-up Areas

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:
 - a) Identify strategic growth areas to support achievement of the intensification target and recognize them as key focus for development
 - b) Identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas
 - c) Encourage intensification generally throughout the delineated built-up area
 - d) Ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities



Policy 2.2.5 Employment

1. Economic development and competitiveness in the GGH will be promoted by:
 - a) Making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities

15. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and encouraging the integration of those uses with other land uses to support the achievement of complete communities.

Policy 2.2.6 Housing

2. Municipalities will support the achievement of complete communities by:
 - a) Planning to accommodate forecasted growth to the horizon of this Plan
 - b) Planning to achieve the minimum intensification and density targets in this Plan
 - c) Considering the range and mix of housing options and densities of the existing housing stock
 - d) Planning to diversify their overall housing stock across the municipality

3. To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

Policy 3.2.6 Water and Wastewater Systems

1. Municipalities should generate sufficient revenue to recover the full cost of providing and maintaining municipal water and wastewater systems.

Planning Analysis

The proposed development will provide 456 additional dwelling units and 2 commercial units to the neighbourhood. The proposed intensification will maximize the underutilized site located in the settlement area with connection opportunities to access municipal public services. The compact built form will make efficient use of the subject lands while maintaining a public sidewalk and storefronts for tourists and local consumers. Since the development will provide two new retail-commercial units, the employment opportunities afforded by the development will be economically stimulating and will integrate with adjacent land uses.



The proposed development supports the diversification of housing stock with a contribution to assisting the City to meet the density targets and achievement of developing a complete community, especially providing the housing options that aligns with the notion of providing for different lifestyles where some individuals cannot maintain or want to be responsible for maintenance of private amenity/open space.

The subject lands front onto Ferry Street, an arterial road and will also be accessible from Fallsview Boulevard, a collector road. Both roads are publicly maintained year-round by the City. The proposed development was thoroughly examined to ensure that there would be capacity in the existing municipal services to accommodate the increased density and the Functional Servicing Report (FSR) prepared by Quartek Group Inc. dated August 2023 and submitted with the application provides more detail on the existing and proposed water, sanitary and stormwater services for the proposed development.

The proposed development qualifies as a suitable mixed use opportunity that provides for commercial and residential uses that creates a positive revitalization of the physical and economic landscape. The proposed development can contribute to the long-term sustainability of the tourist and commercial uses in the area as well as re-establishing the character of the neighbourhood with a new supply of housing that is essential for the housing crisis and needs in the City and Region.

Therefore, the requested amendments to the Zoning By-law for the proposed development is consistent and conforms with the policies of the GPGGH Plan because it contributes to the long-term targets of residential and economic growth and will provide diverse housing stock with a range of tenures and unit sizes that will support the needs of the housing demand in the City.

D.4 Greenbelt Plan and Niagara Escarpment Plan

The subject lands are located outside of the Greenbelt Plan and Niagara Escarpment Plan Area boundaries and therefore the policies contained in the Plans are not applicable to the application for the requested amendments to the Zoning By-law for the proposed development.

D.5 Niagara Regional Official Plan

The Niagara Region's new Official Plan was adopted by Regional Council in June 2022 and received approval from the Ministry of Municipal Affairs and Housing in November 2022.



The Plan includes expansions to the urban settlement boundaries, enhanced policies, and new mapping of the natural environmental system, updated mapping and more concise text revisions to the policies. The Plan manages growth by identifying what we need to protect; where and how we will grow; and which policy tools need to guide growth. The content aligns with the Growth Plan for the Greater Golden Horseshoe, Provincial Policy Statement, and the Greenbelt Plan.

The Plan designates the subject lands as 'Delineated Built-Up Area' within the Urban Area Boundary. Figure 7 illustrates the general location and the designation of the site.

Figure 7: Niagara Regional Official Plan Designation



Chapter 2: Growth and Growth Management

This chapter provides the policy direction for managing growth strategically and diversifying the housing stock to accommodate varying ages and incomes. Chapter 2 identifies how and where development in the Niagara Region should occur, considering forecasted employment and population as well as land needs.

Section 2.2 Regional Structure dictates where development should occur. The section states that most development will occur where municipal water and wastewater systems/services exist, and a range of transportation options can be provided.

The proposed development supports principles of complete communities through achieving the following objectives:



- Redevelopment of lands in the urban area limits
- Accommodates growth through strategic intensification and higher densities
- Provides an orderly and effective use of existing infrastructure
- Provides a transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community

Policy 2.2.1.1 regulates development in urban areas by integrating land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a) The intensification and density targets outlined by the Region
- b) A compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities
- c) A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs
- e) Built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities

Subsection 2.2.2 considers forecasted population growth and sets out plans to accommodate through intensification in Built-Up areas. The Plan identifies the minimum intensification target for the City of Niagara Falls to be 50%.

Section 2.3 provides policies to promote a variety of housing types composing complete communities. The section encourages a range of housing options to address current and future needs within our community.

Policy 2.3.1.1 identifies a range and mix of densities, lot and unit sizes, and housing types will be planned to meet housing needs at all stages of life.

Chapter 4: Competitive Region

This chapter is focused on planning and managing growth in the region, with a focus on economic prosperity. The chapter emphasizes the importance of a competitive and diverse economy with a sound tax base and to position Niagara for economic prosperity.

Section 4.5.2 examines the relationship between land use planning and economic prosperity. This section recognizes the importance of providing affordable housing to attract employers and workers to the region and promoting the revitalization and



redevelopment within the downtown and community areas to enhance their existing character.

Chapter 5: Connected Region

This chapter addresses the existing and future needs of Niagara’s infrastructure, transportation, and services that provide connections within and between communities. Objectives of this section aim to enhance connectivity throughout the region, accommodate future growth and diverse forms of transportation.

Section 5.2 refers to appropriate development being supported by infrastructure that is planned, constructed, and managed in an integrated, efficient, and environmentally sustainable manner.

Policy 5.2.1.6 states that before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of existing infrastructure, and plan and direct growth in a manner that promotes efficient use of existing services.

Policy 5.2.2.2 states municipal water and wastewater systems/services are the required form of servicing for development in urban areas.

Policy 5.2.6.4 states that necessary public utilities will be provided in accordance with the servicing needs of existing and future development and with economic, safety and environmental considerations.

Chapter 6 – Vibrant Region

Section 6 provides the policies for urban design in terms developments that are attractive, and functional including the proper arrangement, appearance and relationship between buildings with appropriate outdoor spaces, utilization of transportation systems, municipal services and amenities.

The Region promotes urban design excellence through architecture, streetscape and landscape elements, site layout, and overall design to ensure its walkable and accessible, diverse and appealing to enhance the overall community character.

Planning Analysis

The proposed development will efficiently maximize a lot that is currently underutilized in the urban limits with an opportunity to connect and optimize the use of existing municipal



services. The additional dwellings units will compliment the existing land use and neighbourhood character by providing a different housing style facilitating an influx of units that can accommodate different lifestyles in the immediate area.

The building is designed to offer view of the falls and city landscape and according to the Shadow Analysis conducted by Quartek Group Inc. there will be minimal adverse impact on residential dwellings in the area. The shadowing from the proposed building will impact a small number of properties along Buchanan Avenue, Emery Street, Desson Avenue, and McGrail Avenue during the winter months for a few hours in the morning (9:00 AM) and the afternoon hours (3:00 PM). During the spring and fall season, the adjacent commercial properties will be impacted during the morning (7:00 AM) and afternoon (5:00 PM) hours. The proposed building and shadows casting over adjacent properties are comparable to similar high-rise buildings in the city. Refer to Appendix C for the Shadow Study Plan.

Consistent with the Regional Official Plan, the proposed development is offering a built form that promotes a cohesive design with a building interface for the public and private spaces to intensify the neighbourhood identity and diversity. The site and the apartment/condominium housing units is planning for all ages, incomes, abilities, and populations, and is conveniently accessible to local commercial/retail and public service facilities. For those reasons, the proposed development is considered to conform to the policies of the Regional Official Plan.

D.6 Niagara Region Urban Design Guidelines and Smart Growth Principles

The Region's smart growth principles that were applied in the development of this proposal were to:

- Promote compact built form and contribute to the sense of community
- Offer a range of housing opportunities and choices understanding that not everyone wants or needs the same housing type
- Produce walkable neighbourhoods and communities
- Direct development into existing communities and take advantage of existing community and infrastructure assets

Consistent with the Smart Growth Principles, the proposed development will provide a use that can complement the existing uses by integrating the mixed-use development envisioned by the City in the strategic goals for intensification that is considered acceptable for the area.



The scale, height, size and built form of the development will provide more efficient use of the existing tourist commercial lot and is aligned with the goals of the district. The development will have access to the surrounding Clifton Hill district through a variety of transportation options. The additional units can offer an opportunity to promote sustainability through the maximization of the subject lands and use of existing municipal services.

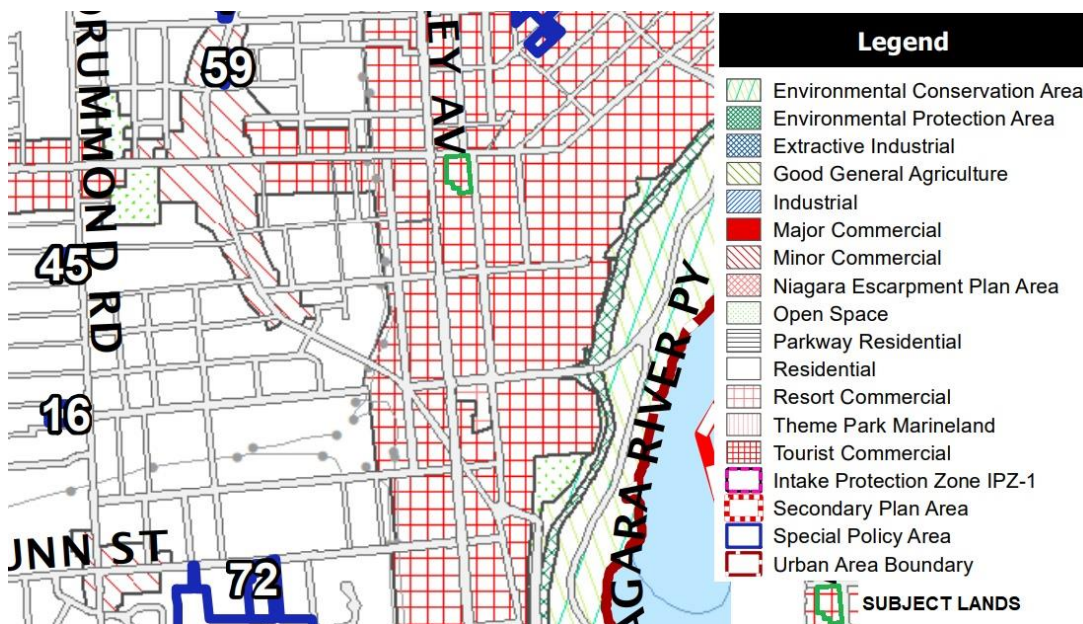
D.7 City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan (2019 Office Consolidation) provides the policy framework that builds on the Provincial and Regional legislation and provides long term objectives and policies to support growth and development of urban lands, the protection of agricultural lands and the conservation of natural heritage issues.

The Plan provides decision makers with direction for focusing new growth to accommodate the growing demands of people and jobs in a sustainable fashion. The Plan aims to balance efficient use of urban land with the protection of natural heritage areas by directing development towards the urban area and creating compact, livable communities that make use of existing infrastructure.

According to Schedule A-Land Use Plan, the subject lands are designated as 'Tourist Commercial', as shown in Figure 8, permitting a range of uses including high-rise development.

Figure 8: City of Niagara Falls Official Plan Schedule A – Land Use





Part 1 – Section 3: Intensification

This section of the Plan details the opportunity for increased densities within the Built-Up Area boundary. Intensification within the built boundary will consider existing infrastructure, buildings and available transit.

The section further states that the development of redevelopment of land designated as Tourist Commercial must be in conformance of specific height, design density requirements for high density development as described in Part 2-Section 1 and 4.

High density developments within the Tourist Commercial area are subject to Part 2 – Policy 1.15.1: The character of the existing neighbourhoods within the Built-Up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.

Part 1 – Section 4: Housing

The City of Niagara Falls has a substantial demand for new housing stock such as proposed to be provided by the project subject to this consideration. The City has undertaken a Housing Needs and Supply Report (June 14, 2021) as part of the City's Housing Directions Strategy. While the City's current Official Plan does provide support for the development of higher density residential development as proposed, it is anticipated that it will be updated to give consideration to the Housing Directions Strategy in the near future which will further support the development of higher density, smaller residential units.

While the proposed development is not affordable in the sense that it was contemplated in partnership with Canada Mortgage and Housing Corporation (CMHC) or Niagara Regional Housing (NRH) partnerships, the proposed development does include several attributes that would result in it being more affordable than other built forms. These attributes include:

- A variety of unit sizes including 258 1-bed units ranging in size from 539 – 658 s.f.; 186 2-bed units ranging in size from 784 – 1042 s.f.; and only 12 penthouse units;
- The majority of the units proposed are smaller 1-bed units which would inherently be more affordable than larger units;
- Substantially increased density from the original proposal (456 units versus 380 units) and higher density than typical construction projects in the City of Niagara Falls; and



- Provides opportunities for residents without vehicles by being proximate to public transit and being situated within an area that is far more walkable than most with substantial commercial activity for personal needs and employment to be met within walking distance.

The Housing Needs and Supply Report recognizes the growing issues respecting housing availability and affordability in the City of Niagara Falls and the need to address the issues through the consideration of future development. In Niagara Falls, the average household size has been slowly but steadily decreasing. Given that the average household size in Niagara Falls has been decreasing, a greater emphasis may need to be put on developing a variety of smaller housing typologies. With an aging housing stock that is two thirds comprised of single-detached dwellings (as further detailed in Section 3.1 of this report), Niagara Falls will benefit from providing its residents with an opportunity to downsize and transition into a more manageable dwelling type (in terms of affordability, maintenance, etc.). In terms of existing conditions and context of the City's built form, single-detached dwellings comprise two thirds of the housing stock, the majority of which were built prior to 2001. In relation to the target for affordable housing in Niagara Falls, it will be numerically impossible to achieve the target of 40% of new housing as affordable if the majority of new homes to come to market within the 2021-2051 period are single-detached and semi-detached. This could ultimately lead to difficulties in providing an appropriate mix of housing across the continuum. Accordingly, it is recommended that the housing mix be revisited to provide further opportunities for the development of more medium density (e.g. townhouse, back-to-back townhouse) and high density (mid-rise and tall apartment, mixed use buildings with residential above ground-oriented retail/commercial) built forms, particularly within the BUA. It is also recognized that in Niagara Falls there is a relative shortage of apartments greater than five storeys, as they account for only 4.0% of the housing stock. While this is comparable to the region (5.5%), it is much lower than the provincial average (17.2%).

This section of the City's Official Plan pertaining to Housing expresses as its vision that all residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life. The smaller units with lower maintenance would move toward the achievement of this vision and the associated goals:

- Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
- Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).



- Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.
- Understand the City's housing system moving forward through continuous and ongoing comprehensive data collection, monitoring and reporting.
- Cultivate and maintain strong relationships with regional and municipal partners, other levels of government, the private sector, and not-for-profit sectors to advance the various actions set out in the City's Housing Strategy.

It is recognized by the Official Plan that the City should support varying housing types and built forms (Part 1 Section 4.1) and suggests that the City provide opportunities for the development of affordable housing across the municipality and promote a greater diversity of housing types.

Part 1 Section 4.3 of the City's Official Plan indicates that opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households. In order to achieve this goal, the City shall support the following:

4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.

4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.

4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.

4.3.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.

Each of these actions support the goals of the Official Plan.

Part 2 – Section 4: Tourist Commercial

This section of the Plan establishes the policies for the Tourist Commercial (TC) Area. The TC area aims to create a world-class tourist destination which fosters increased visitor spending, lengthens visitors stays and extends the tourist season. These goals will be met by the following objectives:

- To ensure that future development builds upon and complements existing good tourism development and respects the built and natural heritage of the Tourist Area
- To ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes
- To ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighbourhoods



According to Policy 4.1, the tourist vision will be upheld through high standards of building design, emphasis on tourism and accommodation as a major source of employment, and promoting high quality development that enhances the urban environment.

The skyline of Niagara Falls is an integral component of the tourist area. Policy 4.1.23 states the new high-rise building shall be of variable heights and mass and shall not form a continuous wall. Proposals exceeding four storeys in height shall be considered through a site-specific Zoning By-law Amendment.

Policy 4.1.24 establishes a system of built-form regulations in the Tourist Area including:

- a) The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments.

Subsection 4.2 organizes the Tourist Commercial designation into a hierarchy of districts. As stated in Policy 4.2.2, the Central Tourist District includes the Clifton Hill Subdistrict where our proposal is planned. Central Tourist Districts are the focal point for tourism activities in the city.

Policy 4.2.9 states that residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed-use buildings in order to assist in creating a complete community.

Policy 4.2.16 defines the Clifton Hill Subdistrict as the commercial-entertainment centre of the Tourist Area, providing a wide range of commercial/entertainment uses which provide a pedestrian focus at the street level.

A large portion of the area encompassed by the Clifton Hill Subdistrict is occupied by non-tourist serving uses such as industry, housing and schools. Policy 4.2.19 states that due to the non-tourist serving uses, tourist commercial development is subject to phasing and aims to minimize impacts on existing land uses.

Subsection 4.4 encourages the development of high-quality private developments which complement and enhance the public realm within the Tourist Area.

Policy 4.4.2 states that building heights throughout the Tourist Area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. However, Council shall consider the allocation of additional building heights through site specific Zoning By-



law Amendments up to the maximum height (e.g., with required technical details such as but not limited to streetscape improvements, wind/shadow study).

Policy 4.4.3 provides general parameters for building heights and describe High-rise buildings are between 13 to 30 storeys in height.

Policy 4.4.5 states that by virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level.

As part of the design controls, Policy 4.4.6 regulates the shape of high-rise developments so that they do not overwhelm the public realm or create a solid wall at the top of the escarpment. Tall buildings are permitting to be built but to reduce their massing and visual impact as they become taller.

Design criteria for High Rise Buildings including the following principles set out in Policy 4.4.7:

- a) To ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline
- b) To ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design
- c) To ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets
- d) To ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings

Part 3 – Section 1: Municipal Infrastructure

This section of the Plan refers to appropriate development in terms of establishing certain servicing programs. Subsection 1.2 refers to water and sanitary sewage systems, stating that development within the urban area shall be accommodated on the basis of full municipal services and where available, uses shall connect to existing municipal water and sanitary services. Subsection 1.3 states further that all new development or redevelopment within the City must be connected to and serviced by a suitable storm drainage system.

Part 3 – Section 4: Cultural Heritage Conservation



This section of the Plan is for the preservation of the cultural and heritage richness of the City and to protect the features character, quality and resource importance. Subsection 4.19 states that development adjacent to and surrounding significant heritage properties shall be designed as to not adversely impact on the character, quality or amenity associated with the heritage resource.

Part 3 – Section 5: Urban Design Strategy

This section of the Plan is concerned with the urban design strategy that shape the built environment of a development. Policy 5.1 states that new developments shall adhere to design principles such as height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.

Planning Analysis

In the accordance with the City's Official Plan, the proposed development is providing a housing option with unit sizes to accommodate different lifestyles in the community. The additional units will help to contribute to the viability of the commercial services and facilities in the area and promote economic sustainability. The mixed-use development provides an opportunity to integrate new design and promote rejuvenation along Ferry Street of an underutilized lot while making use of the existing municipal water and sewage connections.

The proposed infill development will contribute to achieve well beyond the minimum density targets and promote the use of inter-city transit and alternative modes of travel with less reliance on the vehicle. The reduced parking and the car share parking on-site is not expected to create impacts on the road network and will promote the use of multi-modal transportation, including transit and active modes of travel including walking and cycling. Additional information on the traffic impact analysis and parking assessment is found under a separate cover prepared by Associated Engineering, dated July 2023.

The proposal is a higher density and built form that can complement the neighbourhood with new vibrancy and elevate the streetscape leading to the downtown city centre. The subject lands fall within a Central Tourist District and thus taller private developments are promoted so long as they do not have negative adverse impacts on the city skyline or adjacent uses. The development falls under the high-rise building height criteria with the proposed height of 30 storeys. The built form of the development will contribute to the Niagara Falls skyline by the tapering of the building and separation between buildings. The 45-degree angular plane identify the appropriate setback of the tower from the street to maintain the pedestrian scale and transitions from adjacent uses.



The streetscape improvements for this development cohesively across the property with the use of sidewalks, benches, trees and planting areas, will improve Ferry Street and Fallsview Boulevard and will tie in with the public pedestrian system along the streets.

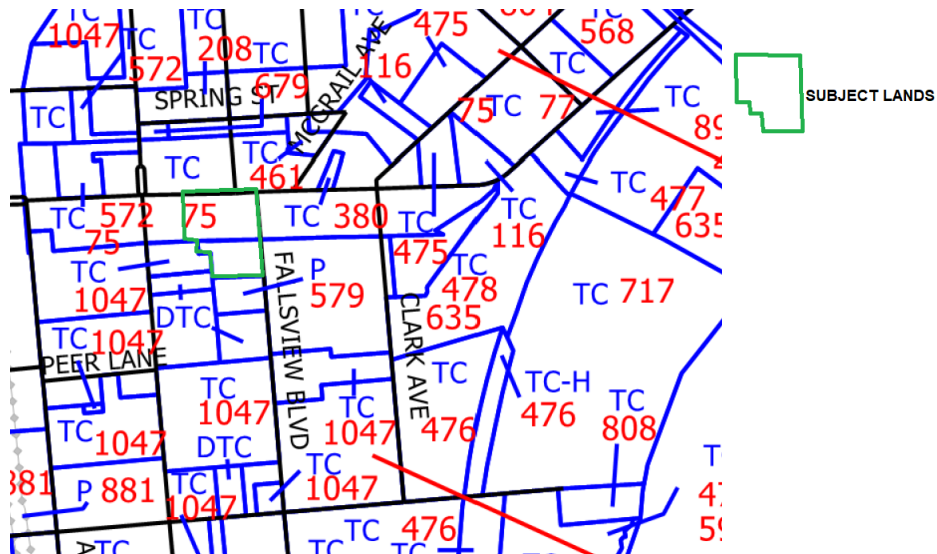
For these reasons, the proposed Zoning By-law amendment for the intended development is considered to conform to the policies of the Official Plan.

D.8 City of Niagara Falls Zoning By-law

According to Schedule A – Sheet D4, of the City’s Zoning By-law 79-200, the subject lands are zoned as Tourist Commercial - TC with special provisions 75 and 1103. Figure 9 shows the location of the lands.

Section 8.6.1 of the City of Niagara Falls Zoning By-law 79-200 states the permitted uses of TC zoned lands include a variety of retail and commercial uses. Residential dwelling units are only permitted in combination with the retail and commercial uses of the zone, provided that not more than 50% of the total floor area of such building is used for dwelling units and that such dwelling units except entrances thereto are located entirely above the ground floor.

Figure 9: Zoning By-law Schedule A – Sheet D4



The special provision attached to the Tourist Commercial designation of the subject lands allow for leniency in the parking requirements of development and promote



redevelopment of individually owned dwellings using the Deferred Tourist Commercial zoning designation. By-Law No. 81 – 199 defines the site-specific TC-75 area, and according to this amendment: the commercial units of the proposed development are not required to adhere to the parking provisions set out in 4.19.1 or 8.6.2(i) of the City's zoning By-law. The residential dwellings of the development are still required to adhere to the provisions set out in the Zoning By-law.

With consideration for the compliance chart provided above, the following site-specific amendments are proposed to accommodate the proposal:

The regulations governing the permitted uses on the subject lands shall be:

- a) Section 8.6.1 (ii) dwelling units in a building in combination with one or more of the uses listed in this 2002-061 section, provided that no more than 33,816 square metres of the total floor area is used for dwelling units and further provided that such dwelling units except entrances are located entirely above Level 5 (parking and amenity area).
- b) Minimum rear yard, where any part of the building is used exclusively for residential purposes shall not be less than 9.5 metres or 3.8 metres for the building podium.
- c) Maximum lot coverage shall not exceed 78%.
- d) Maximum height of building or structure shall not exceed 30 storeys or 120 metres including mechanical penthouse and equipment, and subject to Section 4.7 of By-law 79-200.
- e) Minimum number of parking spaces shall not be less than 1 space per dwelling unit with 9 spaces being dedicated for car share spaces provided on the ground level.
- f) Minimum width of manoeuvring aisle/access shall not be less than 6.9 metres.
- g) One loading space/area shall be provided.

Residential dwellings as an accessory to a commercial use are permitted within the Tourist Commercial zone, however the site-specific zoning amendment aims to increase the maximum residential use beyond the maximum 50% of the total building use. An increase to the residential use is supported by the City's intensification targets.

The building footprint will allow for a high density development in an appropriate area of the city, and the built form will become narrower as the building gets taller to contribute to the city skyline and not create a wall in-front of the escarpment. According to the Wind Study completed by The Boundary Layer Wind Tunnel Laboratory, Western University, dated November 3, 2022, and provided with this application, states that the introduction of a high-rise building development in a relatively open environment will invariably create local wind speed-ups for some wind directions. With that expectation, the focus is to identify and develop strategies to make wind conditions suitable for the intended usage for negatively affected area. For example, entry areas should have a comfort category consistent with standing activities, while sidewalks should meet the condition of being



comfortable for walking. The adjustments to the front yard depth are justified by the City's vision of creating a pedestrian-friendly streetscape through future developments within the Clifton Hill subdistrict. The shorter setback will move the building and adjunct commercial patios closer to the sidewalks and create a more pedestrian-friendly streetscape.

The proposed development is providing parking at a 1 parking stall per dwelling unit ratio, which can be justified by the location of the development. The development is located in the tourist commercial area where multi-modal transportation is promoted. The additional nine (9) car share parking stalls are an added feature for incentives to minimize individual car dependency. The Traffic and Parking Study prepared by Associated Engineering, dated July 2023, and provided with this application submission, indicates the reduction of parking spaces based on the findings of the comparing parking standards from technical manuals and zoning by-laws from surrounding municipalities, referencing other parking studies, and researching industry trends, the proposed parking rate for this development is consistent and sufficient to support the residents and visitors of the development.



F. PLANNING IMPACT ANALYSIS

Having regard to the potential impacts from the proposed development, the planning exercise of determining the appropriate scale and location of the mixed-use commercial and residential apartment building considered the following:

- Achieving a higher density that emphasizes the City's the long-term goals of the Tourist District Area.
- Contributing to the achievement of complete communities by incorporating a mix of unit sizes to accommodate a diverse range of household sizes and incomes.
- Maximizing use of an underutilized site and efficiently utilizing existing municipal services.
- Providing a mixed-use design that promotes an attractive streetscape with pedestrian-friendly access at the street level.
- Contributing to the employment base within a strategic area and providing housing for nearby commercial uses.
- Helping the City achieve an internationally recognizable skyline with an attractive building offering balconies with views of the city landscape and falls.

F.1 Policy Conformance

Consistent with the Provincial Policy Statement, the lands are located within the urban area boundary limits of the City and the proposed development represents an excellent opportunity for residential infill and intensification consistent with the policies of the PPS.

The Growth Plan promotes building complete communities that are “well designed...accommodate people of all stages of life and have the right mix of housing, a good range of jobs, and easy access to stores and services to meet daily needs.” To ensure that the development was consistent with the Growth Plan policies, consideration of the City's housing supply was examined for the appropriateness of this housing type in the neighbourhood as well as to meet the minimum density target. The proposal exceeds the minimum density threshold by offering 1,306.2 units/hectare and contributes to offering a different housing type for different lifestyles and for people's stages of life. The development encourages the integration of employment uses with other land uses to achieve a complete community.

In conformity with the Regional and City's Official Plan policies, the proposed mixed-use will contribute towards achieving a higher density than currently exists. The proposed development is an appropriate scale that aligns with the long-term planning goals of the subdistrict. The infill development is designed with consideration for the current and long-term servicing of the neighbourhood, making use of available infrastructure and



maximizing the land to offer more residential uses in combination with the surrounding commercial uses.

F.2 Compatibility with Adjacent Land Use

The need for a balanced approach in the assessment of intensification is required, understanding that there is potential for competing objectives that need to be evaluated accordingly. In this regard, the height, massing and scale of the proposed development is not exactly consistent with the adjacent residential use, although consistent with the direction of the City to provide higher density housing and employment opportunities within the Tourism Area. Consequently, it is assumed that over time, the surrounding residential and commercial uses may become redeveloped to a higher density making the uses more compatible in the long-term and revitalize the area.

Research was conducted through the Wind Study, Shadow Analysis, Heritage Impact Assessment, Transportation and Parking Impact Study, Environmental Site Assessment, and Functional Servicing Report to ensure that the proposed development was suitable and would not adversely impact adjacent uses. The development will be regulated by the requested site-specific zoning provisions and Site Plan Control Agreement which through warning clauses can mitigate any negative adverse impacts.

F.3 Heritage Impact Assessment

It was noted by the City at the pre-consultation meeting that there is a building within close proximity located at 5485 Ferry Street (Abigail Frolick House) that is considered to be of historic significance. Therefore, a Heritage Impact Assessment was conducted to ensure that the proposed development will not have negative adverse impacts towards the site. The Impact assessment determined that the proposed development will not have direct adverse impacts on the likely heritage attributes of the Abigail Frolick House. The Abigail Frolick House will maintain its relationship to Ferry Street, Stanley Street and the Historic Drummondville area. The proposed development is unlikely to cast shadows that will have an adverse impact on likely heritage attributes of the Abigail Frolick House. Refer to the Heritage Impact Assessment Report prepared by LHC Heritage Planning and Archaeology, dated July 2023 for more details.

F.4 Traffic and Access

The condominium development will be accessible for two-way traffic along Fallsview Boulevard and Ferry Street. A road widening is proposed for both Ferry Street and Fallsview boulevard to create an appropriate right-of-way. Further details of the impact of



traffic and vehicle accessibility is provided under a separate cover titled “Transportation Impact Study” prepared by Associated Engineering, dated July 2023. Warning clauses will be required to warn future tenants of traffic congestion during peak travel times at the Stanley Avenue and Ferry Street intersection.

F.5 Municipal Site Servicing

The preliminary investigation of the existing services (e.g., water, sanitary, stormwater) indicates that the proposed development can adequately connect to the available services. Upon further investigation and detail design of the services will be conducted during the Site Plan phase, at which time the discovery of any upgrades or replacements to the infrastructure will be necessary.

Further details of the site servicing are provided under separate covers titled “Functional Servicing Report” prepared by Quartek Group Inc. dated July 2023.

F.6 Garbage Collection

A dedicated garbage room is included within the building design and a designated area for waste pickup is provided to the rear of the building, nearer to Fallsview Boulevard. Based on the size and mixed-use nature of the proposed development, waste collection services are the responsibility of the owner through a private waste collection contract.

F.7 Noise Impacts

A Noise Study was not required for this development, however the Region required that warning clauses were provided within the Site Plan Agreement to inform future tenants of potential adverse noise impacts resulting from nearby commercial uses and traffic related noise from Ferry Street.

F.8 Environmental Considerations

The site was thoroughly examined for environmental concerns in a Phase One Environmental Site Assessment (ESA) by Hallex Environmental, which identified potential soil contaminants on-site and asbestos containing material in the existing structure. The study recommended further examination of the contaminants by a designated substance and hazardous material survey and a limited Phase Two ESA. The ESA Phase One and Phase Two reports are provided with the application.



F.9 Wind and Shadow Impacts

Due to the height of the proposed development, Wind and Shadow Study was required by the Region and under the Ontario Building Code. Details of these studies can be found under covers titled “Wind Tunnel Modelling Study” prepared by The Boundary Layer Wind Tunnel Laboratory.

The inclusion of the proposed development causes localized increases to wind speeds, especially at adjacent and nearby sidewalk areas. Areas further from the site are largely unaffected by the development. The local speedups are observed to be largely influenced by the frequent southwesterly winds. With the expectation of increased local winds, the focus should not be to return wind conditions to an ‘as-it-was’ state, but rather identify and develop strategies to make wind conditions suitable for the intended usage. For example, entry areas should have a comfort category consistent with standing activities or better, while sidewalks should meet the condition of being comfortable for walking.

The comfort in the affected areas along Ferry Street and Fallsview Boulevard, can be improved with the installation of street line trees in conjunction with planters with tall evergreen shrubbery. With consideration of the comfort and safety, it is expected that the Level 5 outdoor amenity area will benefit from mitigation. This can be in the form of porous windbreaks, taller solid perimeter wind screens (higher than the 1.8m windscreens tested), overhead trellises, and/or coniferous plantings. Extension of the porous panels to fully enclose the fifth floor parking area of the tower is expected to reduce flow through the parking area and will provide some improvement to the comfort at the fifth floor outdoor areas.

The shadowing from the proposed building will impact a small number of properties along Buchanan Avenue, Emery Street, Desson Avenue, and McGrail Avenue during the winter months for a few hours in the morning (9:00 AM) and the afternoon hours (3:00 PM). During the spring and fall season, the adjacent commercial properties will be impacted during the morning (7:00 AM) and afternoon (5:00 PM) hours. The proposed building and shadows casting over adjacent properties are comparable to similar high-rise buildings in the city. Refer to Appendix C for the Shadow Study Plan.



G. SUMMARY AND CONCLUSIONS

The proposed development represents an appropriate land use for the following reasons:

1. It conforms to the policies for intensification and the efficient use of land and existing infrastructure within the urban area, as well as policies for encouraging mixed-use and infill residential development that provides an alternative housing option as contained in the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan, and the City's Official Plan.
2. The proposed development will maximize use of underutilized land and the scale of the development aligns with the long-term planning goals of the City to create a comprehensive mixed-use contributing to the achievement of a complete community.
3. The proposed development will assist the City to reach their density intensification target and offering higher density housing within close proximity of a strategic employment base.
4. The proposed development can efficiently connect into the existing infrastructure (water, sanitary and storm sewers) thereby contributing to environmental sustainability.
5. The built-form of the development will implement urban design principles that limit the adverse impacts towards adjacent properties and contribute to the achievement of Niagara Falls as a tourist district with a recognizable skyline.
6. The proposed development will implement the principles of urban design and represents good land use planning.

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Reviewed By:

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Senior Consulting Planner



H. REFERENCES

1. Planning Act, R.S.O. 1990, c. P.13, Ministry of Municipal Affairs and Ministry of Housing
2. Provincial Policy Statement, Ministry of Municipal Affairs and Ministry of Housing
3. Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Ministry of Municipal Affairs and Ministry of Housing
4. Niagara Regional Official Plan
5. 2005 Model Urban Design Guidelines, Niagara Region
6. City of Niagara Falls Official Plan (2019 Office Consolidation)
7. City of Niagara Falls Zoning By-law No. 79-200
8. City of Niagara Falls Housing Needs and Supply Report, June 14, 2021



APPENDIX A

PRE-CONSULTATION AGREEMENT



APPENDIX B SITE PLAN



APPENDIX C

SHADOW STUDY



APPENDIX D

DRAFT ZONING BY-LAW AMENDAMENT