



## Delegated Report

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<b>Report to:</b>	General Manager, Planning, Building & Development
<b>Date:</b>	February 5 <sup>th</sup> , 2024 <b>26CD-11-2023-008</b> <b>Draft Plan of Vacant Land Condominium Approval</b> <b>6357 Progress Street – Block 12 of Riverfront Draft Plan of Subdivision</b> <b>Applicant: Centennial Homes (Niagara) Inc. (Joe Candeloro)</b>
<b>Title:</b>	<b>Agent: Upper Canada Consultants (William Heikoop)</b>

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### Recommendation(s)

1. That the Draft Plan of Vacant Land Condominium for Block 12 of the Riverfront Draft Plan of Subdivision be draft approved, subject to the conditions contained in Appendix A;
2. That the Mayor or designate be authorized to sign the Draft Plan of Vacant Land Condominium as "approved" 20 days after Notice of Council's decision has been given as required by the *Planning Act*, provided no appeals of the decision have been lodged;
3. That Draft Plan approval be given for three years, after which approval will lapse unless an extension is requested by the Owner/Developer and granted by Council; and,
4. That the Mayor and City Clerk be authorized to execute the Condominium Agreement(s) and any required documents to allow for the future registration of the Condominium(s) when all matters are addressed to the satisfaction of the City Solicitor.

### Executive Summary

Upper Canada Consultants has submitted a Draft Plan of Vacant Land Condominium application on behalf of Centennial Homes (Niagara) Inc. for Block 12 of the Riverfront Draft Plan of Subdivision. The proposed application will facilitate the development of 213 dwelling units consisting of 145 detached dwellings and 68 townhouse dwellings, and common elements.

Staff recommend approval of the application for the following reasons, subject to the fulfillment of the conditions contained in Appendix A:

- The proposed development is consistent with Provincial, Regional, and City policies, and will comply with Zoning By-law No. 79-200, as amended;
- The proposed development is occurring within an existing Secondary Plan Area, is contiguous to the existing Built-up Area, and exceeds the minimum density requirement for Designated Greenfield Areas;
- The proposed development will not have a negative impact on adjacent natural heritage features or their ecological functions, and will protect the features for the long term;
- The proposed development is compatible with surrounding land uses; and,
- City, Regional, NPCA, and agency interests will be addressed through the fulfillment of the conditions contained in Appendix A.

## **Background**

### **Proposal**

Upper Canada Consultants has submitted a Draft Plan of Vacant Land Condominium application on behalf of Centennial Homes (Niagara) Inc. for Block 12 of the Riverfront Draft Plan of Subdivision. The subject lands, as detailed on Schedule 1, are approximately 9.74 hectares (24.07 acres) in size, and are located on the northside of Chippawa Parkway and east of Dorchester Road.

The Riverfront Draft Plan of Subdivision was approved by Council on October 6<sup>th</sup>, 2020, and extension to which was granted by Council at the October 24<sup>th</sup>, 2023 Council Meeting. The new lapsing date is April 30<sup>th</sup>, 2025. The applicant is proposing to phase the development in accordance with the Phasing Plan contained in Schedule 2, with the proposed Draft Plan of Vacant Land Condominium constituting the first phase of development.

The proposed Draft Plan of Vacant Land Condominium application will facilitate the development of 213 dwelling units consisting of 145 detached dwellings and 68 townhouse dwellings, and common elements, including a private road, visitor parking, and landscaped areas, as detailed on Schedules 3 and 4.

### **Site Conditions and Surrounding Land Uses**

The subject lands are irregularly shaped, vacant, and have been cleared of vegetation.

Surrounding land uses include:

- North – Provincially Significant Wetlands, vacant industrial lands, and a railway
- South – Chippawa Parkway, lands owned by Ontario Power Generation, and the Welland River
- East – A watercourse and Stanley Avenue Business Park
- West – Dorchester Road and the Hydro Canal

### **Circulation Comments**

Information regarding the Draft Plan of Vacant Land Condominium application was circulated to City divisions, the Region, the Niagara Peninsula Conservation Authority, and other agencies for comment. The following summarizes the comments received to date:

- Building Services
  - No concerns. Standard comments apply.
- Fire Department & Municipal Works (Development Services & Transportation Services)
  - No concerns, subject to the fulfilment of Conditions No. 19 to 36 of Appendix A.
- Bell Canada, Canada Post & Enbridge
  - No concerns, subject to the fulfilment of Conditions No. 37 to 43 of Appendix A.
- Ontario Power Generation
  - No comments, provided that the Stormwater Management Pond is sufficient and does not require drainage into the Welland River (Chippawa Creek).
- District School Board of Niagara (DSBN)
  - No objections.
- Niagara Region
  - Staff do not object to the application from a Provincial and Regional perspective, subject to the fulfilment of any local requirements and Conditions No. 44 to 58 of Appendix A.

- Niagara Peninsula Conservation Authority (NPCA)
  - Staff are supportive of the application, subject to the fulfillment of Conditions No. 59 to 65 of Appendix A.

## **Analysis**

### **1. Provincial Policies**

The *Planning Act* requires City planning decisions to be consistent with the Provincial Policy Statement and conform to the Provincial “A Place to Grow” Plan (Growth Plan). The proposed development is consistent and conforms as follows:

- The proposed development satisfies matters of provincial interest as outlined in Section 2 of the *Planning Act*;
- The proposed development is located within the Settlement Area and Designated Greenfield Area, supports the achievement of a complete community and active transportation, assists with meeting the minimum density target that is applicable to Designated Greenfield Areas, and provides additional housing options for residents;
- Although the proposed development is not currently located on a public transit route, transit service to the area is being contemplated;
- The proposed development will not have a negative impact on adjacent natural heritage features or their ecological functions, and will protect the features for the long term; and,
- Development of the subject lands will occur in a manner that is compatible with the adjacent land uses (industries, railway line, proposed sewage pumping station) and will maintain appropriate levels of health and safety.

### **2. Regional Official Plan (2022)**

The subject lands are identified as a Designated Greenfield Area in the Regional Official Plan. The proposed development conforms as follows:

- The proposed density of 59.96 people and jobs per hectare exceeds the minimum density requirement of 50 residents and jobs per hectare for the Designated Greenfield Area;
- The proposed development supports active transportation by providing trail connections between this phase of development and the future phases to the west, and connections to the multi-use trail that the Developer will be required to design and construct along Chippawa Parkway;
- The proposed development is occurring within an existing Secondary Plan Area;
- The proposed development will constitute the first phase of development in the Riverfront Community Plan Area, and will be contiguous to the existing Built-up Area; and,

- Adequate infrastructure capacity will be available to support the proposed development following the extension of the municipal watermain and sanitary sewer, and the construction of a new Sanitary Sewage Pumping Station on Chippawa Parkway.

### **3. City's Official Plan**

The subject lands are designated, and interpreted to be designated, Residential, Low/Medium Density in accordance with the City's Official Plan and the Riverfront Community Plan. While the southeastern portion of the subject lands are designated Mixed Use on Schedule A-6 of the Official Plan, the Residential, Low/Medium Density designation is interpreted to extend to the western limit of draft approved Street "F" in accordance with Part 1, Section 1 of the Official Plan.

Lands designated Residential, Low/Medium Density are reserved for a variety of housing forms, including detached dwellings and townhouse dwellings, with a net density range of 20 to 50 units per hectare and maximum building heights of 3 storeys. Further, the overall Greenfield Area density requirement for the Riverfront Community Plan Area is a minimum of 53 combined people and jobs per hectare.

In accordance with Schedule A-6 of the Official Plan, the eastern portion of the subject lands are located within 300 m of a concrete batching plant (Class III Industry). The Official Plan states that these lands shall be subject to further detailed Land Use Compatibility Assessments at the time of any future *Planning Act* applications. An Air Quality, Noise and Vibration Impact Assessment, dated January 30<sup>th</sup>, 2019, was completed and reviewed at the time of the 2019 Zoning By-law Amendment and Draft Plan of Subdivision applications. Regional Staff recommended a condition of Draft Plan of Subdivision approval requiring the submission of an updated Air Quality, Noise and Vibration Impact Assessment prior to lot creation within the development blocks to address any impacts and recommended mitigation measures.

The subject lands are surrounded by lands that are designated Environmental Protection Area in accordance with the City's Official Plan and the Riverfront Community Plan. The Environmental Protection Area corresponds with the Region's Core Natural Heritage System, consisting of the Niagara Falls Slough Forest Provincial Significant Wetland (PSW) Complex, Significant Woodlands, Significant Valleylands, and Significant Wildlife Habitat. The site is also impacted by direct fish habitat associated with the Welland River and a tributary of the Con Rail Drain.

Part 2, Section 11 of the Official Plan requires the completion of an Environmental Impact Study (EIS) for development or site alteration on lands within or adjacent to an Environmental Protection Area, or that contain or are adjacent to natural heritage features. Since 2015, numerous ecological studies have been prepared for the Riverfront Community Plan Area, including Environmental Impact Studies and Addendums thereto, an Ecological Monitoring Plan, an Ecological Restoration Plan, and a Rare Species Report. Staff note that the Environmental Protection Area land use

designation and zoning throughout the Riverfront Community Plan Area and adjacent to Block 12 have been established to reflect the natural heritage features and their associated buffers. Further, Regional and NPCA Staff recommended related conditions of Draft Plan approval through the 2019 Draft Plan of Subdivision application.

The proposal conforms with the intent of the Official Plan as follows:

- The proposal will facilitate dwelling heights of 2 and 3 storeys, a net density of 21.86 units per hectare, and a Greenfield Area density of 59.96 combined people and jobs per hectare;
- The applicant submitted an Air Quality, Noise and Vibration Assessment and an Addendum thereto, dated August 10<sup>th</sup>, 2021, and September 8<sup>th</sup>, 2023, respectively, with the Draft Plan of Vacant Land Condominium application. The Assessment evaluates noise and vibration from the Canadian Pacific Railway line, the Stanley Business Park, and the emergency generator and air quality levels for the proposed sewage pumping station. Upon review of the Assessment and Addendum, Regional Staff note that no mitigation measures are required for this phase of development, and that the completed 2021 Assessment remains valid and the findings are not anticipated to change;
- The applicant submitted an Ecological Commitment Letter to outline the ecological commitments that apply to Block 12 in accordance with the conditions of Draft Plan of Subdivision approval for the Riverfront Draft Plan of Subdivision. The Letter was reviewed by City, Regional, and NPCA Staff, and applicable conditions of Draft Plan of Subdivision approval have been carried forward to the conditions of Draft Plan approval (Appendix A) for the proposed Draft Plan of Vacant Land Condominium. Through the fulfillment of these conditions, Study recommendations will be implemented and natural heritage features and water balances will be maintained; and,
- While the proposed dwelling units may not meet the definition of affordable in accordance with Part 1, Section 4.4 of the City's Official Plan, affordable housing will be secured through the future phases of development. Staff have included a condition of Draft Plan approval (Condition No. 8) requiring the Owner/Developer to demonstrate how this will be achieved.

#### **4. Zoning By-law No. 79-200**

The subject lands are zoned Residential Low Density, Group Multiple Dwelling (R4-1133) Zone, in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2020-124. The proposed Draft Plan of Vacant Land Condominium complies with the regulations of the R4-1133 Zone. However, future Minor Variance applications will be required to address front yard depth deficiencies associated with Units 25 and 69. Approval of the variances will not be required as a condition of Draft Plan approval as the variances relate to the built form - not the land division.

## 5. Condominium Design and Conditions of Approval

The Draft Plan of Vacant Land Condominium (Schedule 3) proposes to divide the subject lands into 213 “units” of land which can be sold much like lots or blocks in a typical Plan of Subdivision, for which building permits can then be issued.

Units 1 to 145 (inclusive) are reserved for the development of 145 detached dwellings, whereas Units 146 to 213 (inclusive) are reserved for the development of 68 townhouse dwellings. Each Unit within the Draft Plan of Vacant Land Condominium will consist of a dwelling unit, exclusive use areas, private amenity area, parking, and landscaping. Common elements include a private road, 56 visitor parking spaces, a Stormwater Management Pond, servicing and utilities, and landscaped areas.

The Draft Plan of Vacant Land Condominium includes two 3.5 m-wide blocks/pathways between Units 64 and 65, and Units 53 and 54 for the purpose of providing trail connections between the subject lands and the future phases of development, which will accommodate parkland for all phases of development in the Riverfront Community Plan Area. For this reason, Staff have included two conditions of Draft Plan approval that require the two 3.5 m-wide blocks/pathways to be established as Common Elements, and for them to be maintained by the Condominium Corporation (see Conditions No. 12 and 13).

A total of 269 surface parking spaces are proposed, and access to the development is proposed via two full movement access driveways from Chippawa Parkway. To promote connectivity and active transportation, the construction of a 1.5 m-wide sidewalk will be required on one side of the main private road entrance from the most northern limit to the future Chippawa Parkway multi-use trail (Condition No. 22). As sidewalks will not be constructed throughout the entire development site, and schools are not located within walking distance, Staff have included a condition of Draft Plan approval (Condition No. 9) requiring the Owner/Developer to enter into an agreement with Niagara Student Transportation Services that allows school buses to enter onto the subject lands for the purpose of picking up / discharging students.

Staff note that the Owner/Developer will be required to receive final approval for, and register Phase 1 of the Riverfront Draft Plan of Subdivision prior to entering into, and registering the Condominium Agreement for the proposed Draft Plan of Vacant Land Condominium (Condition No. 4).

When considering a proposed Draft Plan of Condominium, Council shall have regard for the planning matters listed under Section 51(24) of the *Planning Act*. Subject to the conditions contained in Appendix A, the proposed development complies as follows:

- The proposal satisfies matters of Provincial interest as outlined in Section 2 of the *Planning Act* and is not considered premature;

- Adequate infrastructure capacity will be available to support the proposed development following the extension of the municipal watermain and sanitary sewer, and the construction of a new Sanitary Sewage Pumping Station on Chippawa Parkway;
- While the proposed dwelling units may not meet the definition of affordable in accordance with Part 1, Section 4.4 of the City's Official Plan, affordable housing will be secured through the future phases of development;
- No concerns regarding the adequacy of school sites have been raised by the school boards. Elementary Schools, including James Morden Public School, Notre-Dame-De-La-Jeunesse Catholic Elementary School, and Father Hennepin Catholic Elementary School are located within 4.3 km to 5.8 km away from the subject lands. Saint Michael Catholic High School and Stamford Collegiate High School are located 6.8 km and 7.3 km away, respectively;
- The subject lands, as configured, are suitable for the proposed development;
- Subject to the fulfillment of the conditions contained in Appendix A, there will be no negative impact on adjacent natural heritage features or their ecological functions, and features will be protected for the long term;
- The proposal will develop in a manner that is compatible with the adjacent land uses (industries, railway line, proposed sewage pumping station) and will maintain appropriate levels of health and safety;
- Adequate access will be provided from Chippawa Parkway;
- Site plan matters such as landscaping, servicing, grading, and lighting will be addressed through conditions of Draft Plan approval; and,
- Parkland dedication and cash-in-lieu thereof will be addressed through the future phases of development.

### **Operation Implications and Risk Analysis**

There are no operational implications or risk.

### **Financial Implications/Budget Impact**

The proposed development will generate development charge contributions and property tax revenue for the City. There are no other financial implications.

### **Strategic/Departmental Alignment**

While this proposal does not directly align with the Pillars of the 2023-2027 Strategic Plan, it does support the achievement of a liveable community.

### **List of Attachments**

Schedule 1 – Location Map

Schedule 2 – Phasing Plan

Schedule 3 – Draft Plan of Vacant Land of Condominium



Schedule 4 – Site Plan  
Appendix A – Conditions of Draft Plan Approval

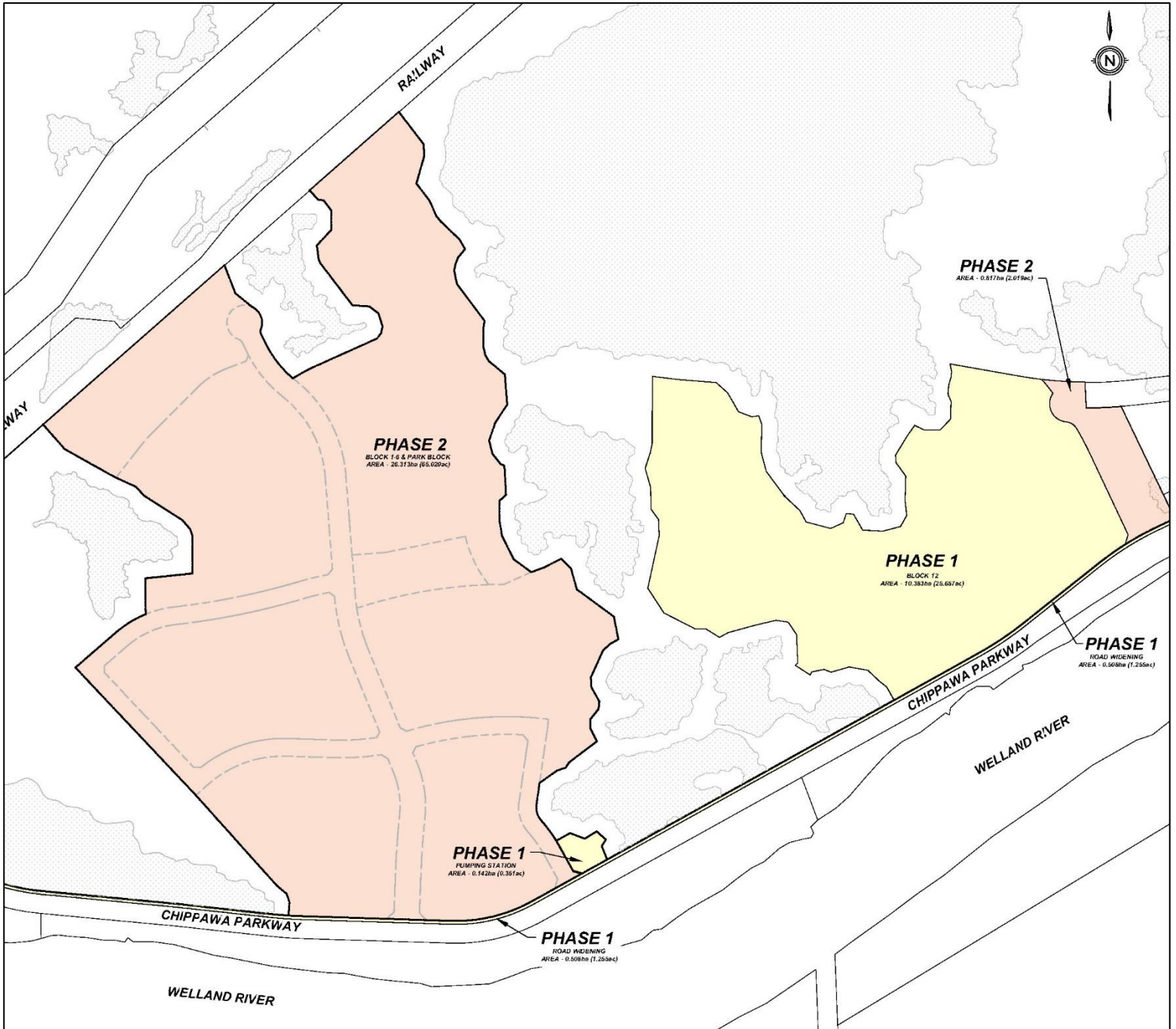
Recommended by: *Mackenzie Ceci*  
Mackenzie Ceci, MCIP, RPP  
Senior Planner (Current Development)

Reviewed by: *Julie Hannah*  
Julie Hannah, MES, MA, MCIP, RPP  
Senior Manager of Current Planning

# Schedule 1 Location Map



# Schedule 2 Subdivision Phasing Plan

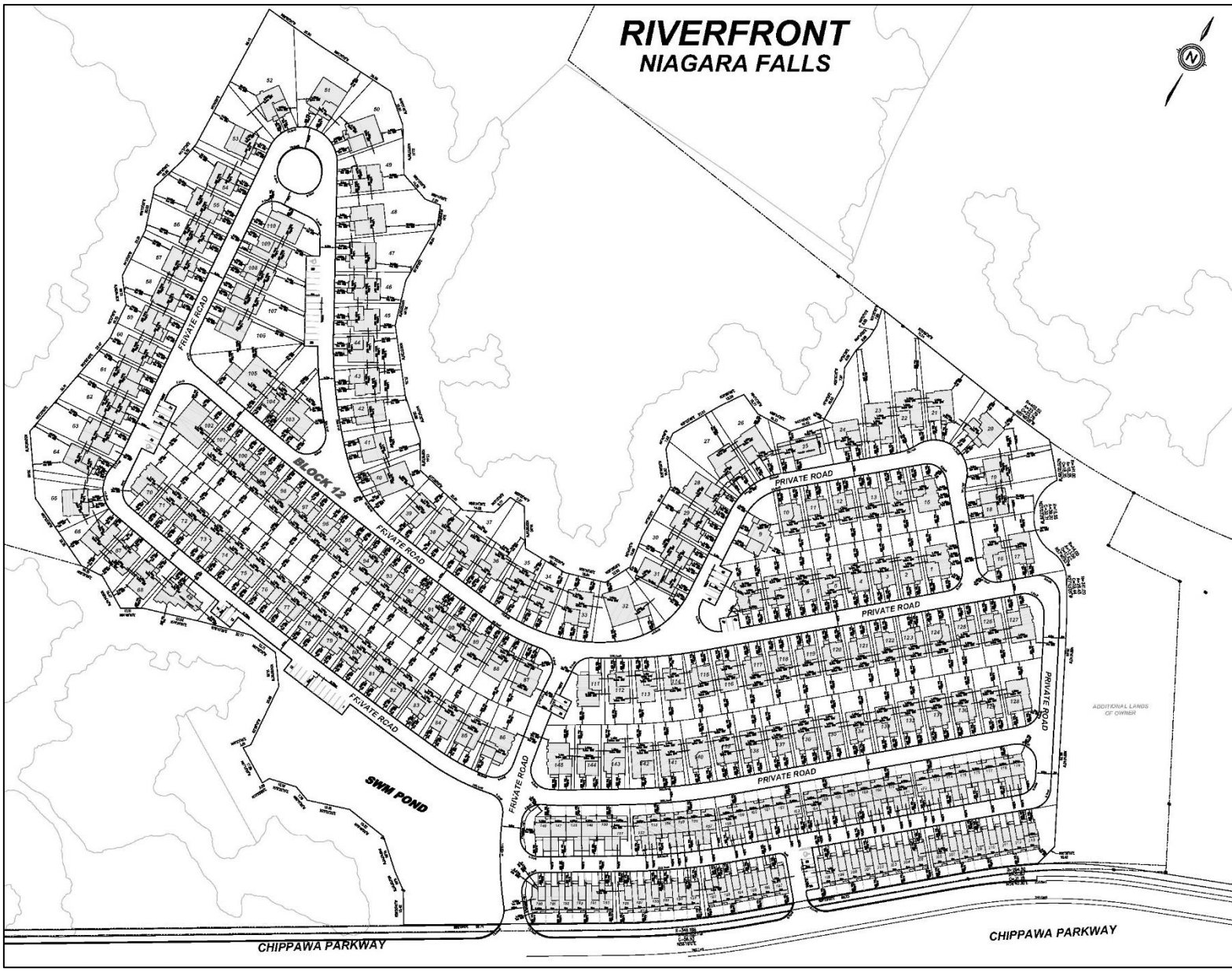






Schedule 4  
Site Plan

**RIVERFRONT  
NIAGARA FALLS**



## **Appendix A**

### **Conditions of Draft Plan Approval**

1. That the approval applies to the Draft Plan of Vacant Land of Condominium prepared by Upper Canada Consultants, signed by J.D. Barnes Limited, and dated January 24, 2024, showing 145 units (1 to 145) for detached dwellings, 68 units (146 to 213) for townhouse dwellings, and common elements, including a private road, visitor parking spaces, a Stormwater Management Pond, servicing and utilities, and landscaped areas.

#### **Legal Services**

2. That the Owner enters into a Condominium Agreement with the City, to be registered on title, to satisfy all requirements, financial and otherwise, related to the development of the land.
3. That the Owner submits a Solicitor's Certificate of Ownership for the condominium land to the City Solicitor prior to the preparation of the Condominium Agreement.

#### **Planning and Development Services**

4. That the Owner/Developer receives final approval for, and registers Phase 1 of the Riverfront Draft Plan of Subdivision prior to entering into, and registering the Condominium Agreement and Plan.
5. That the Owner/Developer provides four copies of the pre-registration plan to Planning, Building & Development and a letter stating how all the conditions imposed have been or are to be fulfilled.
6. That the Owner/Developer submits to the City's Senior Zoning Administrator all necessary drawings and information, including but not limited to, site, elevation, and landscaping drawings to confirm zoning compliance.
7. The Owner/Developer submits elevation and perspective drawings that illustrate the rear elevations of Units 180 to 213 (inclusive), which face Chippawa Parkway, and demonstrate front elevation treatment.
8. That the Owner/Developer demonstrates to the City's satisfaction, how the future phases of development will implement the City's Housing Strategy and contribute to the achievement of the City's annual affordable housing target in accordance with the Official Plan.
9. That the Owner/Developer enters into an agreement with Niagara Student Transportation Services that allows school buses to enter onto the subject lands for the purpose of picking up / discharging students.

10. That the Owner/Developer provides a Landscape Plan, prepared and stamped by a Landscape Architect (OALA), 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, and tree protection and preservation. Fencing for the stormwater management block 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.
11. 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.
12. That a 3.5 m-wide block/pathway be established as Common Elements between Units 64 and 65 and Units 53 and 54.
13. That the Condominium Agreement contain wording wherein the Condominium Corporation will maintain in good repair, and provide unobstructed access to the blocks/pathways established through Condition No. 12.
14. That the Owner/Developer construct a 1.8 m high decorative iron fence (ex. phoenix fence or iron eagle fence) along the portion of the Chippawa Parkway property line between Units 180 to 213 (inclusive).
15. That the Condominium Agreement contains wording wherein the Owner/Developer agrees to prohibit the erection of any additional fencing parallel or adjacent to the decorative iron fence that is to be installed through Condition No. 14.
16. That the Owner/Developer provides a Parkland Dedication Calculation Plan demonstrating how parkland dedication, or cash-in-lieu thereof, will be accommodated / supplied through the future phases of development.
17. That the Owner/Developer enters into a Condominium Agreement to be registered on title, and that all warning clauses identified in these Conditions be included in any Purchase and Sale, Lease and Rental Agreements.

### **Information Systems (GIS)**

18. That the Owner / Developer submits a Spatial Unit Plan demonstrating that the numbers to be posted on the proposed dwellings for addressing purposes will follow a logical order.

## **Fire Department**

19. The Owner/Developer shall provide site servicing drawings showing the locations of any proposed and/or existing fire hydrants (private/public).
20. The Owner/Developer shall submit a Site Plan that indicates the location of all required 'No Parking' signs in accordance with City of Niagara Falls By-law No. 2019-97. The fire route will be required to be designated under municipal by-law for enforcement. There is a \$150.00 fee for this process and can be initiated at the Fire Prevention Office once the property is assigned a municipal address. There is to be 'No Parking' along the fire route. The cost of signage as well as the installation of signage that complies with the fire access route by-law is at the expense and responsibility of the Owner/Developer.
21. That the Owner/Developer acknowledges that the shared/combined fire protection and life safety systems will be considered 'common element' and will be the responsibility of the Condominium Corporation to maintain in accordance with the requirements of the Ontario Fire Code.

## **Municipal Works - Transportation Services**

22. A 1.5 m sidewalk is constructed on one side of the main private road entrance (located east of the Stormwater Management Pond) from the future Chippawa Parkway Sidewalk/Multi-Use Path to the four-way intersection.
23. That an eastbound left turn lane be constructed on Chippawa Parkway for drivers entering the eastern driveway.
24. That all private streets be named and that street name signs are posted at all internal intersections and at the two driveway connections to Chippawa Parkway, and maintained by the condominium corporation. Street name signs to adhere to City standards.

## **Municipal Works – Development Services**

25. That the Owner/Developer design and construct the roadway within the development in accordance with City standards.
26. That the Owner/Developer design and construct the roadway across the frontage of the development with a multi-use trail along Chippawa Parkway and urbanize the north side of the roadway, in accordance with City standards.
27. All underground services within the development shall be designed and constructed in accordance with Ministry of the Environment, Conservation, and Parks, and City standards.



28. That any extensions of municipal watermain, storm and sanitary sewer be designed and constructed to Municipal Standards.
29. That the Owner/Developer provide proof of all necessary easements and permissions to cross adjacent lands for private servicing.
30. That all external servicing required for the condominium be constructed or included in a registered agreement, with securities held by the City, prior to registration of the condominium.
31. Lot grading shall be designed and constructed in accordance with City standards.
32. Lighting designs shall be prepared by a professional Engineer and independently powered and metered.
33. The Owner/Developer shall provide to the City a functional servicing report, a stormwater management report, and all proposed site servicing, grading, sanitary drainage, storm drainage, erosion and sediment control, and photometric plans for review and acceptance prior to start of construction.
34. The Owner/Developer shall pay the applicable development charges in place at the time of agreement execution and Building Permit issuance in accordance with the latest version of the Development Charges By-law.
35. The Owner/Developer shall pay to the City the required fees for administration.
36. That the Owner's/Developer's Engineering Consultant provide written acceptance that the works completed conform with the City's accepted drawings and are in accordance with Niagara Peninsula Standard Contract Document and City construction specifications.

### **Bell Canada**

37. The Owner/Developer acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner/Developer further agrees and acknowledges to convey such easements at no cost to Bell Canada.
38. The Owner/Developer agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner/Developer shall be responsible for the relocation of any such facilities or easements at their own cost.

**Note:** The Owner/Developer is to provide Bell Canada with servicing plans/CUP at their earliest convenience to [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) to confirm the provision of communication/telecommunication infrastructure needed to service the development.

**Note:** It is the responsibility of the Owner/Developer to provide entrances/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner/Developer may be required to pay for the extension of such network infrastructure.

**Note:** If the Owner/Developer elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

## **Canada Post**

39. That the Owner/Developer shall include in all offers of purchase and sale, a statement that advises the prospective purchaser:

- A. that the home/business mail delivery will be from a designated Centralized Mail Box; and
- B. that the Developers/Owner is responsible for officially notifying the purchasers of the exact Centralized Mail Box locations prior to the closing of any home sales.

40. That the Owner/Developer agrees to:

- A. work with Canada Post to determine and provide temporary suitable Centralized Mail Box locations which may be utilized by Canada Post until the curbs, boulevards and sidewalks are in place in the remainder of the subdivision/development;
- B. install a concrete pad in accordance with the requirements of and in locations to be approved by Canada Post to facilitate the placement of Community Mail Boxes;
- C. identify the pads above on the engineering servicing drawings. Said pads are to be poured at the time of the sidewalk and/or curb installation within each phase of the plan of subdivision/development; and
- D. determine the location of all centralized mail receiving facilities in co-operation with Canada Post and to indicate the location of the centralized mail facilities on appropriate maps, information boards, and plans. Maps are also to be prominently displayed in the sales office(s) showing specific Centralized Mail Facility locations.

## **Enbridge Gas Inc.**

41. The applicant shall use the [Enbridge Gas Get Connected](#) tool to determine gas availability, service and meter installation details and to ensure all gas piping is installed prior to the commencement of site landscaping and/or asphalt paving.
42. That the Owner/Developer acknowledges that if a gas main needs to be relocated as a result of changes in the alignment or grade of the future road allowances or for temporary gas pipe installations pertaining to phased construction, all costs are the responsibility of the Owner/Developer.
43. That the Owner/Developer acknowledges that in the event that easement(s) are required to service this development, and any future adjacent developments, the Owner/Developer will provide the easement(s) to Enbridge Gas Inc. at no cost.

## **Niagara Region**

44. That an updated Infrastructure Requirements Plan and Environmental Impact Study Addendum be submitted to Niagara Region for review and approval, which addresses the following:
  - Detailed monthly feature-based water balance assessment associated with the Provincially Significant Wetland (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.
45. That the Condominium Agreement contains wording wherein the Owner/Developer agrees to implement the approved Tree Saving Plan (prepared by Colville Consulting Inc., dated August 11, 2021), Revised Infrastructure Requirements Plan, Revised Environmental Impact Study Addendum, Revised Ecological Restoration Plan (if applicable), and Trails Plan.
46. That the Owner/Developer completes all necessary site condition matters for Block 12 in order to ensure the lands are suitable for the proposed use in accordance with the Riverfront Community Draft Plan of Subdivision conditions of draft approval, which will address environmental site assessment work under O. Reg 153/04 for the

entirety of the subject lands. No demolition, grading, or site alteration will be permitted prior to site condition matters being addressed to the satisfaction of Niagara Region.

47. That the following warning clause is included within the Condominium Agreement to protect for any potential archaeological resources that may be encountered during construction activities:

*“Should deeply buried archaeological remains/resources be found during construction activities, all activities impacting archaeological resources must cease immediately, and the proponent must notify the Archaeology Programs Unit of the Ministry of Citizenship and Multiculturalism (416-212-8886) and contact a licensed archaeologist to carry out an archaeological assessment in accordance with the Ontario Heritage Act and the Standards and Guidelines for Consultant Archaeologists.*

*In the event that human remains are encountered during construction, all activities must cease immediately and the local police as well as the Cemeteries Regulation Unit of the Ministry of Government and Consumer Services (416-326-8800) must be contacted. In situations where human remains are associated with archaeological resources, the Ministry of Citizenship and Multiculturalism should also be notified to ensure that the site is not subject to unlicensed alterations which would be a contravention of the Ontario Heritage Act.”*

48. That the Condominium Agreement contain a clause that should the development meet 50% of the build out of the overall plan or concerns are raised by the Region, City or Owner/Developer, the Owner/Developer will complete the required traffic monitoring to determine any future improvements at the Chippawa Parkway and Stanley Avenue intersection as discussed in the Traffic Impact Study prepared for this development and in accordance with the Region’s Traffic Monitoring Protocol.
49. That the Owner/Developer provides a written acknowledgement to Niagara Region Planning and Development Services Department stating that draft approval of this condominium does not include a commitment of servicing allocation by Niagara Region as servicing allocation will not be assigned until the Plan is registered and that any pre-servicing will be at the sole risk and responsibility of the owner.
50. That the Owner/Developer provides a written undertaking to Niagara Region Growth Strategy and Economic Development Department stating that all Offers and Agreements of Purchase and Sale or Lease, which may be negotiated prior to registration of this Plan, shall contain a clause indicating that servicing allocation for the development will not be assigned until the Plan is registered, and a similar clause be inserted in the Condominium Agreement between the Owner/Developer and the City.

51. That the Owner/Developer complies with the Regional Design standards for a pumping station and forcemain, engage Regional Staff and qualified consultant in the design works and receive Regional review and approval prior to submitting Environmental Compliance Certificates to the MECP for approval.
52. That the Owner/Developer transfers the pumping station block to the Region once the size of the property has been reviewed and approved by Regional Staff. The minimum block required will be 40 m x 40 m, and a dedicated block for the pumping station shall be registered prior to development occurring.
53. That assumption of the Pumping Station and forcemain by the Region will not occur until all the Regional conditions and policy conditions are completed as well as the subdivision has reached 50% of the build-out and Regional Staff has reviewed and approved the information provided.
54. That the Owner/Developer enters a legal agreement for the construction of the Pumping station and forcemain and enter an operation and maintenance agreement for the station until such time as the station is assumed by the Region.
55. That prior to approval of the final plan or any on-site grading, the Owner / Developer shall submit a detailed stormwater management plan for the condominium and the following plans designed and sealed by a qualified professional engineer in accordance with the Ministry of the Environment, Conservation and Parks documents entitled Stormwater Management Planning and Design Manual March 2003 and Stormwater Quality Guidelines for New Development, May 1991, or their successors to Niagara Region Growth Strategy and Economic Development Department for review and approval:
  - a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and
  - b) Detailed erosion and sedimentation control plans
56. That the Condominium Agreement between the Owner/Developer and the City contain provisions whereby the owner agrees to implement the approved plan(s) required in accordance with the Condition No. 55 above.
57. That the Owner/Developer ensures that all streets and development blocks can provide an access in accordance with Niagara Region's Corporate Policy and By-laws relating to the curbside collection of waste and recycling and complete the Application for Commencement of Collection and required Indemnity Agreement prior to waste collection services commencing.
58. The Owner/Developer is advised that if the development does not comply with Niagara Region's Corporate Policy for Waste Collection, garbage collection will be

provided through a private contractor and not Niagara Region.

### **Niagara Peninsula Conservation Authority**

59. That the Draft Plan of Vacant Land Condominium be revised to confirm all PSW buffers are a minimum of 15 metres or larger as may be determined through the finalized Feature Based Water Balance (FBWB) and Low Impact Design (LID) measures detailed design, to the satisfaction of the Niagara Peninsula Conservation Authority.
60. That the Owner/Developer submit to the Niagara Peninsula Conservation Authority for review and approval a final FBWB to the satisfaction of the Niagara Peninsula Conservation Authority. The Developer acknowledges that if the detailed information is not sufficient to support the proposed subdivision design, then the Draft Plan Approved will need to be revised.
61. That the Owner/Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed design of all LID measures and an Environmental Impact Study (EIS) Addendum of the final LID measures design. The Owner/Developer acknowledges that if the detailed information is not sufficient to support the proposed subdivision design, then the Draft Plan Approved will need to be revised.
62. That the Owner/Developer submit to the Niagara Peninsula Conservation Authority for review and approval, detailed grading and construction sediment and erosion control plans.
63. That the Owner/Developer provide 1.5 metre high chain link fencing without gates along the entire perimeter of Block 12 where Block 12 abuts the approved 15 m wetland buffer to the satisfaction of the Niagara Peninsula Conservation Authority.
64. That the Owner/Developer obtain Work Permits from the Niagara Peninsula Conservation Authority prior to beginning any work related to installation of any LID facilities, recreation trails, buffer plantings, watercourse crossings, watercourse alterations and outfalls or any other works within an area regulated by Ontario Regulation 155/06 or its successor.
65. That Conditions 59 to 64 above be incorporated into the Condominium Agreement between the Developer and the City of Niagara Falls, to the satisfaction of the Niagara Peninsula Conservation Authority. The City of Niagara Falls shall circulate the draft Condominium Agreement to the Niagara Peninsula Conservation Authority for its review and approval.

**Notes:**

Prior to final approval for registration, a copy of the executed Condominium Agreement for the proposed development should be submitted to Niagara Region for verification that the appropriate clauses have been included. Niagara Region recommends that copies of the draft Condominium Agreements be provided in order to allow for the incorporation of any necessary revisions prior to execution.

Clearance requests shall be submitted to the Region in accordance with the Memorandum of Understanding, which stipulates that request for formal clearance of conditions are to be received and circulated to the Region by the City of Niagara Falls. The City of Niagara Falls is also responsible for circulating copies of the draft Condominium Agreements, and the Region is unable to provide a final clearance letter until the draft Condominium Agreements are received. The Region is committed to reviewing submissions related to individual conditions prior to receiving the formal request for clearance. In this regard, studies and reports (one hard copy and a PDF digital copy) can be sent directly to the Region with a copy provided to the City of Niagara Falls.

Prior to granting approval to the final plan, Planning & Development requires written notice from applicable City Divisions and the following agencies indicating that their applicable fees have been paid and their respective conditions have been satisfied:

- Legal Services for Conditions No. 2 and 3
- Planning and Development Services for Conditions No. 4 to 17 (inclusive)
- Information Systems (GIS) for Condition No. 18
- Fire Department for Conditions No. 19 to 21 (inclusive)
- Municipal Works – Transportation Services for Conditions No. 22 to 24 (inclusive)
- Municipal Works – Development Services for Conditions No. 25 to 36 (inclusive)
- Bell Canada for Conditions No. 37 and 38
- Canada Post for Conditions No. 39 and 40
- Enbridge Gas Inc. for Conditions No. 41 to 43 (inclusive)
- Niagara Region for Conditions No. 44 to 58 (inclusive)
- Niagara Peninsula Conservation Authority for Conditions No. 59 to 65 (inclusive)