

PLANNING JUSTIFICATION REPORT

PROPOSED RESIDENTIAL DEVELOPMENT
STACKED TOWNHOUSES
5858, 5866, 5882 DUNN STREET

PREPARED FOR:

RPDS INTEGRATED DESIGN FIRM

PREPARED BY:

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1.0 BACKGROUND

RPDS Integrated Design Firm has retained the services of Robert Russell Planning Consultants Inc. to provide a Professional Planning Opinion related to a proposal to Amend the City of Niagara Falls Zoning By-law at 5858, 5866, and 5882 Dunn Street. The Subject Properties are owned by Rohit Parmer.

Raj Patel of RPDS Integrated Design Firm requested a Pre-Consultation with the City of Niagara Fall that occurred April 20, 2023 to present a proposed site plan for a new stacked townhouse residential site.

2.0 SITE DESCRIPTION AND CONTEXT

As noted above the Site is located at 5858, 5866, and 5882 Dunn Street in the City of Niagara Fall in the Regional Municipality of Niagara. The legal descriptions are:

- Part Block 40 Plan 1 Stamford; as in RO537543
- Part Block 40 Plan 1 Stamford; as in RO736105
- Lot 2 Plan 68 Stamford

The Subject Properties are on the south side of Dunn Street, immediately adjacent to a large commercial parking lot to the west and south. The properties are each generally rectangular in shape, with 5866 and 5882 Dunn Street being substantially deeper than 5858 Dunn Street, creating a consolidated development site that is somewhat of an inverted “L” shape. Development site frontage of the consolidated properties is approximately 51 metres which is also the width extending south for approximately 45 metres. The development site narrows abruptly to approximately 34 metres at this point and gradually widens to 44 m at the rear lot line. The total depth of the development site is 168 metres. The land is generally flat without much topographic relief, and currently each of the 3 original properties appears to be vacant. Aerial photographs indicate that these properties previously contained a single detached dwelling on each of them.

Total area of the consolidated development site is 7300 square metres.

The development site is within a mixed use area typical of older neighbourhoods in major urban areas in Ontario. Surrounding uses include single detached residential, townhouse residential, low-rise apartment residential, commercial office space, neighbourhood commercial retail plazas, institutional uses, and parkland and open space. Lot and Block sizes vary substantially, as do the building sizes. The housing stock in this area appears to be undergoing some transition, with a mix of older, and likely original single detached dwellings, beside newer single detached and townhouse dwellings.

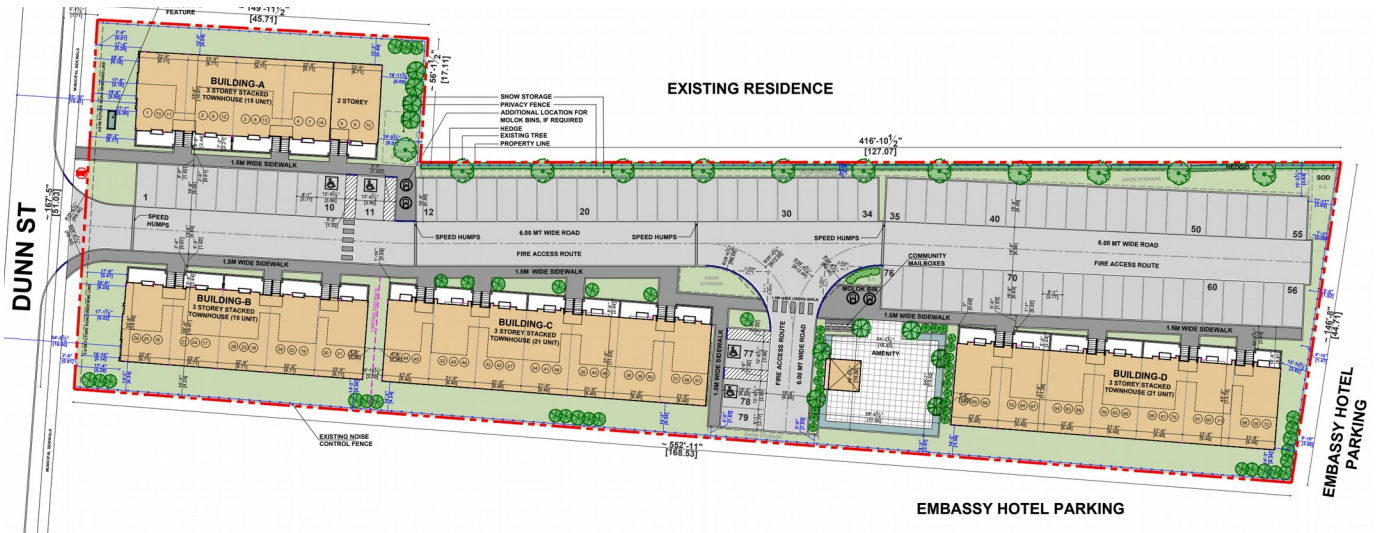


Figure 1: Aerial Photograph and Site Context

3.0 PROPOSED DEVELOPMENT

Rohit Parmer proposes to construct 4 stacked townhouse blocks with a total of 5,758 m² of total floor area inclusive of the basement level units, on the subject property. The building coverage is 2,030 square metres.

The proposed stacked townhouses will generally have a height of 3 storeys, with the 3rd storey occupying approximately half of the building outline with an outdoor terrace provided on the other half. The south unit of Block A, adjacent to the rear yard of the single detached property at 6671 Ailanthus Avenue will have a reduced height through the elimination of the 3rd storey. The reduced height in this location will help mitigate massing, overlook, privacy, and scale impacts on the adjacent single detached dwelling and was requested by City Staff in the pre-consultation comments.



4.0 PLANNING POLICY

The employment nature of the subject property has already been established in the Official Plan, however, the zoning of the property reflects the current and historical uses for rural residential purposes. As such, the principle of land use has been established and this Planning Policy Analysis will be scoped accordingly.

4.1 Provincial Policy Statement

The Province of Ontario Provincial Policy Statement (PPS) came into effect May 1, 2020 and applies to all *Planning Act* approvals made after that date.

It is acknowledged that the Province released a new draft Provincial Planning Statement on the environmental registry earlier this year with a commenting period that was open until August 4, 2023. This new Provincial Planning Statement would combine the Growth Plan policies and PPS policies in a single document, with some modifications. As such, at the time this application is to go before the City of Niagara Falls Council for consideration, there will likely be a revised policy regime that must be reviewed.

The potential revisions to the draft Provincial Planning Statement prior to approval cannot be predicted or anticipated. However, these higher level policies generally speak to high level issues that would impact land use, and given that the principle of land use has been established for this site through the Official Plan, and we are not proposing an Official Plan Amendment, it is unlikely that the final Provincial Planning Statement will have any material impact on the proposed development and the following Planning Analysis.

The following key Provincial Policy Statement policies are most relevant to the proposed Zoning By-law Amendment.

“1.1.1 Healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of...residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons),...to meet long term needs;...”*
- h) promoting development and land use patterns that conserve biodiversity;...”*

1.1.2 ...Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas....”

The proposed development would make use of land that has already been identified and designated by the City of Niagara Fall for residential intensification. The current configuration of the 3 lots that comprise the development site, and their most recent use for single detached residential was inherently inefficient within an urbanized, built up area, especially considering the depth of 5866 and 5882 Dunn Street which was almost 170 metres.

The site density of the previous uses was 4.1 units per hectare, which is extremely low for a serviced urban area. As such, the proposed intensification of the development site will improve servicing efficiency, introduce additional housing options at a lower cost than the previous uses, and will reduce the need for greenfield expansions, thus preserving biodiversity surrounding the built up area of Niagara Falls.

“1.1.3.1 Settlement areas shall be the focus of growth and development.”

The proposed development is within a settlement area in accordance with the above policy.

“1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;...”*
- f) are transit-supportive, where transit is planned, exists or may be developed;...”*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.”

As noted previously, the proposed intensification of this site will substantially improve the efficiency of the existing municipal servicing and infrastructure. The City of Niagara Falls has identified this section of Dunn Street as an Intensification Corridor as discussed in more detail in Section 4.4 City Of Niagara Falls Official Plan . The Ministry of Transportation of Ontario has published Transit Supportive Guidelines which include a table suggesting the neighbourhood density required to support varying levels of transit service. The site density that would result from the proposed development is 98.6 units per hectare. This level of density would support a subway if the rest of the neighbourhood was developed at a similar rate. A subway is not a reasonable option at this time for Niagara Falls, however, Very Frequent Bus Service (every 5 minutes) is supported at a density of 45 units per hectare, which is half of the proposed density for this site. Currently Niagara Region Transit provides service along Dunn Street on Route 101 and in close proximity to the development site with Route 112 on Dunn Street and Ailanthus Avenue. As such, the proposed development is transit supportive, located on and close to, existing transit routes, and will contribute to the efficiency of Niagara Region Transit.

“1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

The proposed development site is within a defined intensification area per the City of Niagara Falls Official Plan in accordance with the above policy.

“1.1.3.5 Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions. However, where provincial targets are established through provincial plans, the provincial target shall represent the minimum target for affected areas.”

The City of Niagara Falls has identified a minimum density of 50 units per hectare for stacked townhouses, apartments and other multiple housing forms on Collector Road in Part 2 Policy 1.15.5(ii). Apartments on Arterial Roads have a minimum density of 75 units per hectare as identified in Part 2 Policy 1.15.5(iii) as discussed in more detail in Section 4.4 City Of Niagara Falls Official Plan. The development proposal is for stacked townhouse on an Arterial Road, which isn't a scenario specifically considered in these two policies. However, given that the proposed development would provide a density of 98.6 units per hectare it meets the minimum density requirement of both policies.

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:...

- b) *permitting and facilitating:*
 - 1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;...*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations;...*

The proposal to develop stacked townhouses on the subject properties provides a housing options that is underrepresented in the surrounding neighbourhood. Stacked townhouses can provide densities similar to mid-rise apartments, at lower cost to the future inhabitants, and thus will broaden the range of housing options in accordance with the above policy. As previously noted, the densities proposed for this development site are transit supportive and make efficient use of existing municipal infrastructure.

“1.6.3 Before consideration is given to developing new infrastructure and public service facilities:

- a) *the use of existing infrastructure and public service facilities should be optimized;...”*

As per the policy above, intensification of this site, should be given priority over greenfield developments that require extensions to municipal infrastructure.

“1.6.7.4 A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.”

The proposed development does not propose any material changes to the land use pattern of the neighbourhood, as it is a redevelopment that would intensify the density of an existing residential area. The subject properties are situated in an area with easy access to a number of different commercial areas within 550 metres radius. This represents a 5 – 10 minute walk for future resident’s to access convenience commercial, personal service, health care, and restaurants. Many of these uses are located at the intersection with Drummond Road and Dunn Street. Within this radius are also employment uses, institutional uses and open space. The broad mix of land uses within a small radius will support active transportation and help reduce vehicle trips.

- “1.7.1 Long-term economic prosperity should be supported by:...*
- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;...”*

As previously noted, the proposed development, if approved, would result in a site density of 98.6 units per hectare, which is similar to low and mid-rise apartment uses. However, design and construction costs are substantially lower for stacked townhouses, resulting in a more affordable housing option that can be designed and constructed faster than an apartment type structure. As such, this housing option can respond quickly to changing market needs and can provide housing for employees in the tourism and hospitality industries in Niagara Falls.

Given the above examples, and a review of the remaining policies within Part V Sections 1, 2 and 3 of the PPS, we are of the opinion that the proposed Zoning By-law Amendment is consistent with the policies related to Building Strong Healthy Communities, Wise Use and Management of Resources and Protecting Public Health and Safety.

4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

The Growth Plan for the Greater Horseshoe was originally released in 2006. It has been updated and revised a number of times since then. The most recent update came into effect August 28, 2020.

Schedule 2 – A Place to Grow Concept indicates that the Subject Properties are within the Delineated Built Up Area. Which is further confirmed on Schedule B – Regional Structure of the 2022 Niagara Official Plan.

Schedule 5 – Moving People – Transit appears to show that the Subject Properties are within the Gateway Economic Zone. However, at the scale of this schedule it is difficult to be certain if the site is in fact within that designated area.

The following key Growth Plan policies are most relevant to the proposed Zoning By-law Amendment.

- “2.2.1.2 Forecasted growth to the horizon of this 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;*
and
 - iii) can support the achievement of complete communities;...”*

The City of Niagara Falls has a delineated built boundary as noted above, and this property is within that area. The development site is within a previously developed part of Niagara Falls with existing services located on Dunn Street. The current neighbourhood composition is reasonably complete. The additional

density and residents that would result from the construction of the proposed development. could help to spur additional redevelopment of those uses that appear to be missing and allow for the creation of a complete community. In particular it appears that a grocery store is currently not within walking distance of the development site. However, there are grocery options within a 1.6 km radius, or 2.2 km driving/transit distance.

- “2.2.1.4 Applying the policies of this 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;...*
 - c) provide a diverse range and mix of housing options, including additional residential 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...”*

Stacked townhouses are an underrepresented housing form in the surrounding community, and the proposed development will increase the diversity of residential uses. Furthermore, providing additional residents within an existing mixed use area will help support the financial viability of existing local businesses and employers. As noted previously, the stacked townhouse typology provides a high level of density without some of the more problematic impacts of taller apartments, such as shadows, privacy and built form compatibility with surrounding low rise uses.

- “2.2.2.1 By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
- a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;...”*

The approval and construction of the proposed development will contribute to the Region’s intensification target.

- “2.2.6.1 Upper-and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
 - i) identifying a diverse range and mix of housing options and densities,...”*

The City of Niagara Falls Official Plan has identified a minimum density for the Dunn Street Intensification Corridor and the proposed development complies with the approved range of densities and range of housing options.

Given the above examples, and a review of the remaining policies within Sections 2, 3, 4 and 5 of the Growth Plan for the Greater Golden Horseshoe, we are of the opinion that the proposed Zoning By-law Amendment is consistent with the Growth Plan policies as it facilitates the efficient use of developable land, and supports the existing complete community.

4.3 Niagara Official Plan

Niagara Official Plan was initially adopted by Niagara Region Council in June 2022 and was approved with modification by the Province November 4, 2022. On October 23, 2023, the Province of Ontario announced that the Provincial changes to various adopted Official Plans would be rescinded, with the intention to revert to the version of those plans as adopted by the relevant municipal Council's with Provincial modifications only imposed where needed to ensure conformity with current legislation and Provincial policy. A 45 day commenting period is available to the municipalities regarding this latest Provincial decision. It assumed that until the commenting period is complete and the Niagara Official Plan is revised and re-approved by the Province that the November 4, 2022 version is in force and effect.

Schedule B – Regional Structure designates the Subject Properties as being within the Delineated Built Up Area of the City of Niagara Falls.

Schedule C3 – Key Hydrologic Areas Overlay appears to indicate that the Subject Properties are located within a Highly Vulnerable Aquifer.

Schedule D – Tertiary and Quaternary Watersheds indicates that the Subject Properties are within the Niagara River North Quaternary Watershed.

Schedule H – Known Deposits of Mineral Aggregate Resources and Mineral Aggregate Operations shows that a Tertiary Sand and Gravel Resource is located under most of the Urban Area of the City of Niagara Falls, including the Subject Properties.

Schedule J2 – Strategic Cycling Network shows that Dunn Street is identified as being part of the Strategic Cycling Network.

The Niagara Official Plan provides general guidance for Urban areas, and will rely on the local municipal Official Plans to provide the specific policies for land use such as identified more specific land uses such as residential areas, commercial areas, open space, and recreation.

The proposed development will facilitate the achievement of the Region's objectives to provide intensification, density and a range of affordable housing options in accordance with Growth Management Objectives 2.2(b), 2.2(e), 2.3(a), and 2.3(b).

- "2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:...*
- b. a compact built form,...and a mix of land uses...to support the creation of complete communities;*
 - c. a diverse range and mix of housing types, units sizes, and densities to accommodate current and future market-based and affordable housing needs;*
 - d. social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
 - i. a range of transportation options including public transit and active transportation;...*
 - e. built forms, land use patterns,...that minimize land consumption, reduce costs of municipal water and wastewater systems/services,*
 - f. opportunities for transit-supportive development pursuant to Policies 2.2.2.17, 2.2.2.18 and 2.2.2.19;*
 - g. opportunities for intensification, including infill development...*
 - h. opportunities for ... a mix and range of housing options that considers the character of established residential neighbourhoods;*
 - i. the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;...*
 - l. mitigation and adaptation to the impacts of climate change by:...*
 - iii. Promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse emissions, and conserve biodiversity."*
- gas

The proposed development of 4 stacked townhouse buildings with 72 total residential units represents a density of 98.6 units per hectare. As such, this proposal in compact, transit-supportive, provides additional and affordable housing choices that reduce land consumption. Furthermore the subject properties are located adjacent to existing municipal water and wastewater services, are located on an existing transit route and an identified component of the Strategic Cycling Network.

- "2.2.2.1 Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:...*
- d. local growth centres and corridors, as identified by Local Area Municipalities."*

As discussed below in Section 4.4 City Of Niagara Falls Official Plan, this section of Dunn Street adjacent to the Subject Properties is designated as an Intensification Corridor. It is reasonable to assume that the defined Intensification Corridors are intended to function as the local growth centres and corridors as mentioned in this policy. As such, the proposed infill development conforms with this policy.

“2.2.2.5 A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.”

This Regional policy provides a target that exceeds the Growth Plan minimum as discuss in Section 4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe. However, Table 2-2 indicates that the target that will be applied to the City of Niagara Falls remains at 50% in line with the Growth Plan targets. The policy analysis provided in the preceding sections remains valid given the intensification rate provided in Table 2-2 of the Niagara Official Plan.

“2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:...

- b. the location and boundaries of local growth centres and corridors, that:*
 - i. are considered priority areas for development;*
 - ii. Achieve higher densities than what currently exist:...*
 - iv. Provide ... densities that support existing or planned public transit and active transportation infrastructure;*
 - v. support the provision of affordable housing;...”*

The Niagara Falls Official Plan has identified this section of Dunn Street at an Intensification Corridor and as such, the development would be considered a priority for development in accordance with the above. The proposed development substantial increases the density of the Subject Properties which are currently under-developed given their location in an urbanized neighbourhood. As previously noted, the site specific density of the proposed development would support a subway if the rest of the community were to be redeveloped at a similar or higher density. The dwelling prices have not been established, however, given the efficiency of the building typology and density, the units will likely be attainable, and some could potentially meet the definition of affordable.

“2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.”

The proposed development provides another housing option type that is under-represented in the community, and may meet the definitions of attainable or affordable.

“2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

- a. *facilitating compact built form; and*
- b. *incorporating...energy conservation standards, ... and low impact development.”*

The proposed development is compact in accordance with the above policy. Drought tolerant landscaping is proposed to address low impact design requirements.

“2.3.1.5 New residential development and residential intensification should incorporate universal design standards...”

The nature of stacked townhouses makes them inherently unfriendly to the incorporation of universal design standards. Residents and visitors must travel up or down stairs to access each and every unit. The provision one or more elevators would also necessitate a corridor to access the units, and once a corridor is provided, the building becomes an apartment rather than stacked townhouse.

“2.3.2.3 To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:

- a. *20 per cent of all new rental housing is to be affordable; and*
- b. *10 per cent of all new ownership housing is to be affordable.”*

Purchase prices have not yet been established, and as such, conformity with this policy cannot be determined at this time. There is potential that some units could be affordable and this will be reviewed through the Site Plan process when costs and market conditions can be more accurately estimated.

“3.5.1.6 Opportunities will be considered to include electric vehicle charging infrastructure in new development...”

The proposed development will include electric vehicle charging locations.

Sections 3.5.3 and 3.5.4 provide policies related to the transition to net-zero communities and climate resilient communities. The first paragraph of each of those Sections states that the policies in these sections are a consolidation of policies that are found elsewhere in the Niagara Official Plan. As such, given that the policies in Section 3.5.3.1 and 3.5.4.1 are a duplication, those policies will not be analyzed under this section, but are analyzed elsewhere in this Planning Justification, under the original Sections where each of the policies are found.

The Growth Plan, as discussed in Section 4.2 A Place to Grow: Growth Plan for the Greater Golden Horseshoe has delineated the Niagara Economic Gateway, which appears to include the subject property. Policies related to this designation are provided in Section 4.2.2 of the Niagara Official Plan. These policies appear to affect only employment uses within the Niagara Economic Gateway, and do not affect residential

uses on lands that were already designated for such residential uses. As such, despite being within this zone, residential uses are still permitted on the Subject Properties.

Policy 4.3.1.3 states that development on or within 300 metres of sand and gravel resources that “...*would preclude or hinder the establishment of new mineral aggregate operations ... is not permitted...*”. Despite this statement, Subsections (a), (b) and (c) indicate that if it can be demonstrated that use of the resource is not feasible, and if the greater long-term public interest is served by the proposed land use and furthermore if public health and public safety impacts are addressed, such development may proceed. Given the location of the Subject Property within an urbanized area that was originally developed many decades ago, it is not feasible to access the aggregate resources located under the Subject Properties, and as such, the proposed development should be permitted.

“5.1.2.2 *The expansion of public transit across the region will be supported by:...*
b) *providing public transit to areas that have achieved ... transit-supportive residential ... densities...*”

The Subject Property is located on an existing Transit Route as discussed previously. According to the Niagara Region Transit website, all of the transit routes in proximity to the Subject Properties appear to operate on a 1 hour service frequency. As noted in Section 4.1 Provincial Policy Statement the site density of the proposed development would support more frequent or higher order transit service. As such, the proposed development would help ensure the viability of future transit service improvements and expansion.

“6.2.1.3 *Areas strategically identified for intensification, including strategic growth areas, local growth centres and corridors, shall be designed to be pedestrian oriented with vibrant mixed-uses incorporating, where feasible, public gathering areas and public art.*”

The proposed development is on an Intensification Corridor however, it was feasible to incorporate a mixed use design. Commercial and retail uses benefit, and often rely on, from visibility from the public right of way, and the relatively narrow frontage of the property does not permit an efficient built form that would incorporate sufficient commercial space at the Dunn Street lot line. Although the proposed development does not include a mix of uses, commercial, retail and employment uses are provided within a 5 – 10 minute walk of the Subject Properties. Furthermore, continuous internal sidewalks are provided within the proposed development with connections to the public sidewalk on Dunn Street. As such, the development should be considered to be pedestrian friendly in accordance with this policy. An outdoor amenity area is provided for the benefit of the residents of the development, this will serve as a quasi-public gathering area as it would not be available to those who are not residents or guests of residents.

“6.2.1.8 *The Region shall promote:...*

- d. *well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;...*

An Urban Design Brief has been prepared by RPD Studio for the proposed development. Section 3.1 includes a detailed list of design elements that have been incorporated to ensure that the buildings are well-designed. Some of these design features are shown in Figure 2: Block A Conceptual Elevation and Figure 3: Block C Conceptual Elevation and include:

- Variation in height and roof style
- Consistent, but articulated building mass
- Pedestrian friendly designated
- Variations in wall planes
- Side elevation of end units that are visible from the street will equal the design quality of the front facade
- Increase fenestration on end units
- Emphasize and pair main entrance to each unit
- Provide porches



Figure 2: Block A Conceptual Elevation



Figure 3: Block C Conceptual Elevation

Streetscape features are described in Section 2.3 and include a landscape transition from the public realm along Dunn Street to the private realm internal to the site will include low walls, decorative fencing and additional planting.

“6.2.3.3

The Region shall:

- a. *require development, ... to use the Region’s Model Urban Design Guidelines in the absence of Local municipal design guidelines, as applicable;...*”

Section 1.5 of the Urban Design Brief submitted in support of this application has indicated that the Region’s Model Urban Design Guidelines have been incorporated into the overall site design. The private realm incorporates a positive image through incorporation of architectural features that will enhance the overall quality of the neighbourhood. As discussed in Section 4.4 City Of Niagara Falls Official Plan of this report the proposed massing of the townhouse development is context sensitive. Environmentally sustainable features have been proposed including drought tolerant landscaping and EV charging locations. Section 4.0 of the Urban Design Brief provides further details.

It should be noted that there are a number of repeating policies and themes in the Niagara Official Plan. Specifically related to the Region’s desire for compact built form, higher density, transit-supportive uses and active transportation. Several of these policies that merely repeat a previous policy without adding any new requirements have been ignored in the analysis above. However, all policies have been reviewed and it is my Professional Planning Opinion that based upon our review of the entirety of the Niagara Official Plan (2022), including the specific policies referenced above, we conclude that the proposed development conforms to the Niagara Official Plan.

4.4 City Of Niagara Falls Official Plan

The September 2023 Consolidation of the City of Niagara Falls, as available from the City’s website, was used in the following analysis.

Schedule A – Future Land Use designates the Subject Property as Residential.

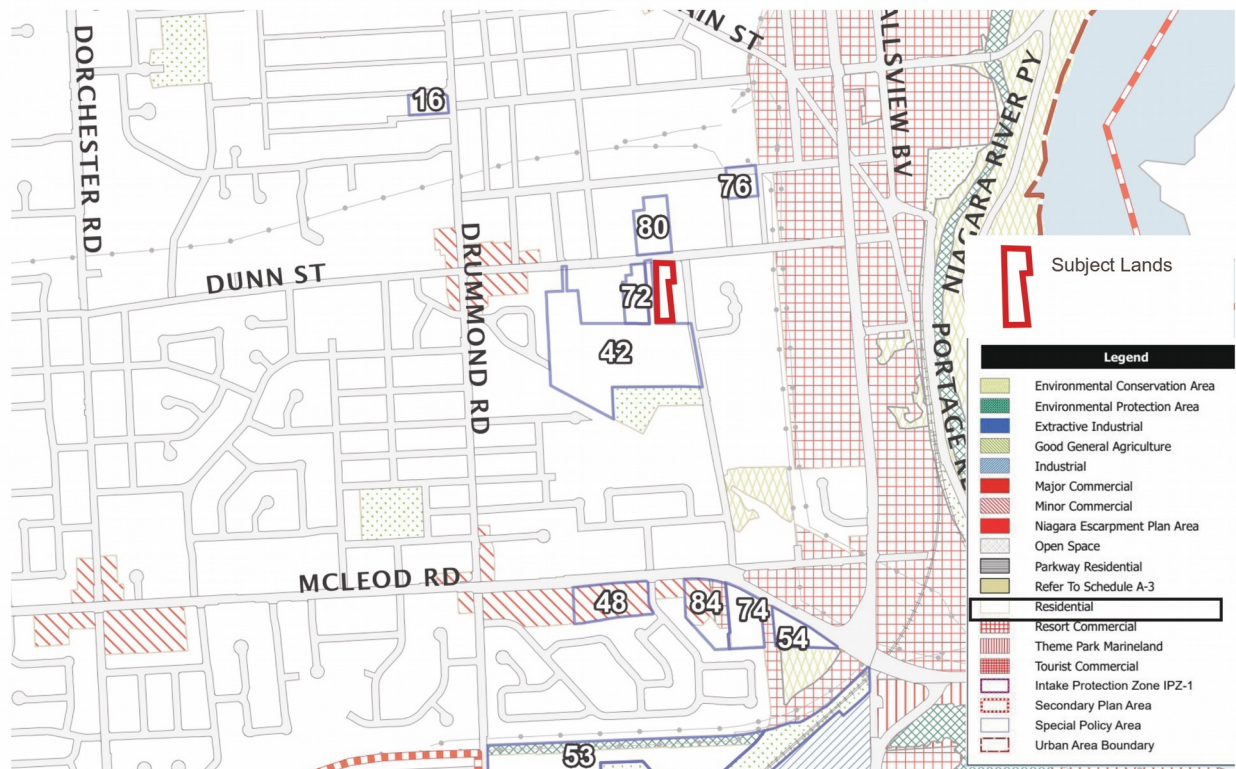


Figure 4: Niagara Falls Official Plan: Excerpt from Schedule A

Schedule A2 – Urban Structure Plan identifies the stretch of Dunn Street adjacent to the Subject Properties as a Corridor. Schedule A2 also confirms that the Subject Properties are within the Built Up Area.

Schedule C – Major Roads Plan indicates that Dunn Street is classified as an Arterial Road.

Schedule D – Community Planning Districts indicates that the Subject Properties are within the Drummond district.

Part 1 of the Official Plan provides the overview and strategic direction for the Official Plan document and includes a number of objectives that are relevant to this Planning Justification Report. Objective 3 is to support increased density where appropriate. The proposed development is an appropriate location for increased density as more thoroughly discussed throughout this document in response to specific policies. Objective 7 provides that a minimum of 40% of residential development will be within the Built Up Area by 2015. It is assumed that this yearly minimum would continue to apply after 2015. The proposed development would assist in meeting this target.

Policy 3.4 in Part 1 indicates that proposals for redevelopment of lands designated as Residential “*shall comply with the policies of Section 2, 1.10.5(iii).*”

Policy 3.6 in Part 1 indicates that height and density for the Dunn Street Intensification Corridor shall comply with the policies of Section 2, 1.10.5(ii).

The policies that are cross-referenced above are discussed in detail below in the analysis of Section 2 of the Official Plan.

Housing Goals are provided in Part 1, Section 4 of the Official Plan. Goal 1 is to “*Ensure housing is available ... to meet the varying financial needs of existing and future residents.*” Goal 2 is to “*Diversify the City’s housing supply to include a wider range of price points; mix of housing types and densities...*” The proposed stacked townhouse dwelling typology provides a dense built form at a lower cost than an apartment building and can assist the City in meeting this goal.

Policy 4.3 in Part indicates that the City should support “*multiple unit developments*” and “*more efficient use of under-utilized parcels.*” The Subject Properties were previously 3 single detached residential lots, 2 of which were excessively deep with rear yards that under-utilized. The proposed development for a multiple unit residential project would be in accordance with these policies.

Policy 4.4 requires a Housing Impact Statement as part of a complete application. Please refer to Section 4.5 Housing Impact Statement below for this information.

Part 2 of the Official Plan provides the principle land use policies that are to be used to guide development in the City of Niagara Falls. A discussion of those policies relevant to the proposed development is provided below.

“1.1 The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.”

The Residential designation appears to be encompassing of all residential built forms, and as such, the proposed development for stacked townhouses conforms with this policy.

Policy 1.4 indicates that an application for Plan of Subdivision is the preferred mechanism for “redevelopment of residential lands” specifically in comparison with Consent applications. A literal interpretation of this policy would suggest that Plans of Condominium or purpose built rental development are also not preferred. As this position does not seem logical given the rest of the policies in the Official Plan, it is assumed it was intended strictly to contrast a Plan of Subdivision with a Consent to Sever, and that the proposed Plan of Condominium will be acceptable.

“1.10.1 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.”

The surrounding neighbourhood is composed of a mix of uses, lot sizes and dwelling formats. The immediately surrounding lots and blocks vary substantially and include the large commercial parking lot abutting the west and south property lines and the various institutional uses. The neighbourhood context includes other condominium townhouse developments that are not dissimilar to the proposed stacked townhouse development. As such, the proposed development would not be out of place in the existing neighbourhood.

“1.10.3 Generally, development within the Built-up Area should be at a higher density that what currently exists in the neighbourhood...”

The previous uses of the Subject Properties were for three individual single detached dwellings, and the proposed development of 72 units provides more density than what previously existed.

“1.10.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions,

intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:...

- (ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.*
- (iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads....”*

Although the above quoted policies, combined with Part 1 Policy 3.6, would suggest that the Development Site would be limited to 75 units per hectare, City of Niagara Falls Planning Staff have confirmed that the allowable density on an arterial road is to be 100 units per hectare. As such, the proposed development with a density of 98.6 units per hectare is permitted in accordance with the above.

Part 3 of the Official Plan provides Environmental Management policies. The relevant policies are discussed below.

“1.2.4 Development within the urban area shall be accommodated on the basis of full municipal services...”

“1.3.1 It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system....”

As discussed in greater detail in the Functional Servicing Report (“FSR”) prepared by J.H. Cohoon Engineering Limited dated September 2023 the site will be connected to the sanitary sewer on Dunn Street adjacent to the Subject Properties. Design flows are provided in Section 3.1 of the FSR. It is anticipated that the City of Niagara Falls will review these to confirm that the receiving sewer system can accommodate the additional flows that will be generated by the proposed development. There is an existing watermain on Dunn Street that the proposed development will connect to. Water system demand and fire protection demand has been calculated in Section 3.1 of the FSR for review by the City of Niagara Falls. J.H. Cohoon has also prepared a Stormwater Management Report (“SWM Report”) dated October 10, 2023 which has identified that the proposed development will require an underground storage tank to control the 100 year event. An Oil Grit Separator (“OGS”) will be required to meet stormwater quality criteria.

*“1.5.18.4 Arterial Roads - include all roadways under the Region’s and City’s jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City....
...Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic....”*

The Subject Properties are adjacent to Dunn Street and provide no other opportunities for access to a public road. As such, despite the preference to limit access to Arterial Roads as noted above, it is necessary for the proposed development.

*“2.5 As an alternative to requiring land conveyances, cash-in-lieu of parkland dedication may be requested under the following circumstances....
2.5.3 Where the conveyance would provide insufficient land suitable for park purposes....”*

Based on the parkland rate of 1 hectare per 300 dwelling units, the proposed development would be require parkland dedication of 0.24 hectares. This represents more than a third of the area of the proposed development. However, policy 2.3.2 indicates that parkland dedication shall not exceed 20% of the lands in a proposed redevelopment plan. Applying the 20% calculation would result in a parkland dedication requirement of 0.146 hectares which is insufficient for a park. As such, cash-in-lieu of parkland will be provided in accordance with policy 2.5.3.

*“3.1.1 ...In order to achieve energy efficiency, the following shall be considered.
3.1.1.1 A compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate.....”*

As discussed above, the proposed stacked townhouse development represents a compact and efficient use of land, intensifying the residential density on an under-utilized site that is located on a designated Intensification Corridor.

“5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.”

The surrounding neighbourhood has a broad mix of heights, setbacks, massing and architectural styles. As such, the proposed development has wide latitude in terms of achieving a compatible built form. However, despite the wide range of design features, the predominant themes in the surrounding community are low rise buildings of 4 storeys or less, brick and masonry construction, with traditional peaked roofs. The proposed development fits within this general theme as it provides 3 storeys, brick construction and peaked roofs.

“5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.”

The proposed stacked townhouses are setback 5 to 6 metres from Dunn Street and approximately 1 to 3 metres from the internal sidewalks. These internal sidewalks provide connections between buildings B, C and D without the need to cross vehicular traffic. The crossing to access Building A will have visual markers to identify it as a pedestrian crossing to minimize pedestrian and vehicle conflicts.

No parking is proposed in the front yard adjacent to Dunn Street in accordance with Policy 5.1.5.

“5.3.1 The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways....”

An amenity area is provided between buildings C and D that will include perimeter landscaping to provide definition and structure to the area and visual screening to the surrounding buildings and parking area.

Drought tolerant landscaping will be considered in accordance with Policy 5.3.2.

More specific landscaping details will be refined through the Site Plan application process to address the remaining policies of Section 5.3.

Based upon our review of the entirety of the City of Niagara Falls Official Plan as consolidated September 2023, including the specific policies referenced above, we conclude that the proposed development conforms to the City of Niagara Falls Official Plan.

4.5 Housing Impact Statement

In accordance with Policy 4.4 of Part 1 of the Official Plan, certain Planning Act applications must submit a Housing Impact Statement as part of the a complete application.

The proposed development is anticipated to contain 72 stacked townhouse units with 2 bedrooms each. Unit sizes range from 63 m² to 108 m² with the smaller units generally on the lower 2 floors and the larger units on the upper floors. (Policy 4.4(a))

The proposed development will not include affordable units and will not contribute toward the City's goals set in Policy 4.8(a) and 4.8(b). (Policy 4.4(b))

The proposed development would require the Subject Properties to be rezoned as Residential Apartment 5C Density Zone (R5C Zone) which permits stacked townhouses as per regulation 7.12.1(b). Table 1: Zoning Conformity Analysis shown below provides a list of the key zoning standards. Site Specific zoning standards are highlighted for reference. Please note that these zoning standards are intended to apply to the consolidated Development Site, and not the individual dwelling units or Condominium Blocks.

Table 1: Zoning Conformity Analysis

Zoning Section	Standard	R5C Zone	Proposed
7.12.2(a)	Minimum Lot Area	100 m ² per dwelling unit	101 m ² per dwelling unit
7.12.2(b)	Minimum Lot Frontage	30 m	51 m
7.12.2(c)	Minimum Front Yard Depth	7.5 m	5.29 m
4.27.1	Minimum Distance from Centreline of Original Road Allowance	13 m	16.4 m
7.12.2(d)	Minimum Rear Yard Depth	Greater of half the building height or 10 m	3.0 m
7.12.2(e)	Minimum Interior Side Yard	Half the building height	4.0 m
7.12.2(g)	Maximum Lot Coverage	30%	27.8 %
7.12.2(h)	Maximum Height of Building	19 m	11.6 m
7.12.2(i)	Number of Apartment Dwellings on one lot	1	4
7.12.2(l)	Minimum Landscaped Open Space	40%	37.0 %
4.19.1(a)	Minimum Parking Space Requirements	1.4 spaces per dwelling unit	1.1 spaces per dwelling unit
4.19.1(d)	Perpendicular width of each Parking Space	2.75 m	2.77 m
4.19.1(e)	Perpendicular Length of each Parking Space (90 degree)	6.0 m	6.0 m
4.19.1(e)	Perpendicular Width of Manoeuvring Aisle (90 degree)	6.9 m	6.0 m
4.44.1	Minimum Amenity Area	20 m ² per dwelling unit	26.8 m ²
4.14	Permitted Projections into a required yard.	Varies depending on feature	0.6 m for a vertical projection, in any yard, containing building services, including but not limited to domestic water supply, sanitary drains, HVAC and electrical.

Upon review of the entirety of Zoning By-law 79-200 there were a number of existing zones that permit stacked townhouse dwellings. The selection of the R5C zone was primarily based on the minimum lot area, as finding the right fit for the lot area suggests that this is the appropriate zone from a density and site design perspective. However, most of the R5 zones (R5A through R5F) appear to impose building setbacks that are suited for apartment buildings. These larger setbacks may be appropriate when the building height and massing would have impacts on the surrounding properties and neighbourhood in general, however, they are not appropriate for stacked townhouses which can provide a more urban and pedestrian friendly streetscape with reduced setbacks.

Further supporting the reduced yard setbacks, in particular the rear yard and west side yard setbacks is the current zoning and usage of the abutting property. This property is used as a commercial parking lot and will not be negatively impacted by the proposed setback reductions.

A reduction to the required parking is being requested. The Zoning By-law would currently require 101 parking spaces based on the rate of 1.4 spaces per unit. The proposed development provides only 79 parking spaces which represents a parking ratio of 1.1 spaces per unit and a deficiency of 22 parking spaces. It is understood that the City of Niagara Falls is currently reviewing the parking requirements within the City to confirm or determine the appropriate minimum parking rate. It is not known what the results of this study will state.

Quinta International Inc. prepared a Parking Impact Analysis to review the proposed parking reduction for the proposed development. This study is submitted with this application for a Zoning By-law Amendment. This parking analysis determined that most of the surrounding municipalities require 1 parking space per unit for multiple residential developments. Furthermore, the parking analysis reviewed a number of proxy sites to evaluate parking usage, and found that the peak parking demand for these proxy sites was between 0.74 and 0.92 spaces per unit, well below the proposed number of parking spaces for the proposed development.

Given the above details, and a review of the remaining standards within the City of Niagara Falls Zoning By-laws 79-200, as amended, we are of the opinion that the proposed Zoning By-law Amendment is relatively minor in nature, site specific and meets the general intent of the Zoning By-law.

6.0 SUMMARY

The proposed development of a residential stacked townhouse condominium providing 72 total units, within a development site that provides 79 parking spaces, and 2,700 m² of private amenity space will implement the planned vision for the City of Niagara Falls as documented in the Niagara Falls Official Plan and the Region of Niagara Model Urban Design Guidelines. Furthermore the development of the Subject Property will replace a number of oversized and under-utilized residential lots with an efficient and compact built form.

It is my Professional Planning Opinion that given the analysis provided above the proposed Zoning By-law Amendment conforms with the Provincial Policy Statement, Growth Plan for the Greater Golden Horseshoe, Region of Niagara Official Plan and City of Niagara Falls Official Plan, is appropriate for the community, and represents good, sound planning.

Yours Truly,

ROBERT RUSSELL PLANNING CONSULTANTS INC.



Rob Russell, MCIP, RPP
President