

Montrose Road, Niagara Falls

Planning Justification Report



Application for Zoning By-law Amendment, Draft Plan of Vacant Condominium and Site Plan Control

Prepared for Maple Hill Developments
by Arcadis
August 4, 2023

Table of Contents

1	Introduction	1
2	Site Description and Surround Context	1
	2.1 Site Description and Location	1
	2.2 Surrounding Context & Transit	3
3	Site and Area Images	6
4	Development Proposal	8
5	Formal Pre-Consultation	10
6	Supporting Studies, Reports and Materials	12
	6.1 Phase One Environmental Site Assessment	12
	6.2 Phase Two Environmental Site Assessment	12
	6.3 Functional Servicing Report.....	13
	6.4 Noise and Vibration Study	13
	6.5 Transportation Impact Study.....	14
	6.6 Urban Design Brief.....	14
7	Planning Applications	15
	7.1 Zoning By-law Amendment.....	15
	7.2 Draft Plan of Vacant Land Condominium	15
8	Current Planning Status	15
	8.1 Planning Act R.S.O 1990, C.P 13.....	15
	8.2 Provincial Policy Statement 2020	17
	8.3 Growth Plan for the Greater Golden Horseshoe 2019	23
	8.4 Region of Niagara Official Plan 2022.....	27
	8.5 City of Niagara Falls Official Plan	33
	8.6 City of Niagara Falls Zoning By-law.....	40
9	Conclusions and Recommendations	43
	Appendix A	44
	Appendix B	44

List of Figures

Figure 2-1: Parcel Mapping of Subject Lands, Retrieved from Geowarehouse	2
Figure 2-2: Aerial Mapping of Subject Lands, Retrieved from Geowarehouse	2
Figure 2-3: Topographical Survey, Prepared by Matthews, Cameron, Heywood-Kerry, T-Home Surveying Ltd.	3
Figure 2-4: Approximate 500 metre radius (depicted in blue) around the subject lands, Retrieved from Geowarehouse	4
Figure 2-5: Proposed Site Plan of Medical Office Building and Retirement Residence Apartment Building, Prepared by Y.T Architectural Services Inc.	5
Figure 2-6: Proposed Elevations of Two and Three-Storey Townhouses Immediately South of the Subject Lands, Prepared by ACK Architects Inc.	5
Figure 3-1: 3-D North-South View of Subject Lands and Surrounding Area, Retrieved from Google Earth	6
Figure 3-2: 3-D East-West View of Subject Lands and Surrounding Area, Retrieved from Google Earth....	7
Figure 3-3: View of Northern Portion of Subject Lands, Retrieved from Google Streetview.....	7
Figure 3-4: View of Central Portion of Subject Lands, Retrieved from Google Streetview	8
Figure 3-5: View of Southern Portion of Subject Lands, Retrieved from Google Streetview	8
Figure 4-1: Proposed Site Plan, prepared by ACK Architects Inc.	9
Figure 4-2: Proposed 3-D Front Elevations of Three -Storey Townhouses, Prepared by ACK Architects Inc.	9
Figure 4-3: Proposed 3-D Elevations of Rear-Facing Two-Storey Townhouses, Prepared by ACK Architects Inc.	10
Figure 8-1: Excerpt of Table 2-1 - 2051 Population and Employment Forecasts, Retrieved from Regional Official Plan.....	28
Figure 8-2: Excerpt of Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051	28
Figure 8-3: Excerpt of Schedule B: Regional Structure, Retrieved from Regional Official Plan	30
Figure 8-4: Excerpt of Schedule J2 : Strategic Cycling Network, Retrieved from the Regional Official Plan	31
Figure 8-5: Excerpt of Schedule J1: Transportation Infrastructure, Retrieved from the Regional Official Plan.....	32
Figure 8-6: Excerpt of Schedule A2, Retrieved from City of Niagara Falls Official Plan	35
Figure 8-7: Excerpt of Schedule A-2: Future Land Use, Retrieved from City of Niagara Falls Official Plan	37
Figure 8-8: Excerpt of Schedule C: Major Roads Plan, Retrieved from City of Niagara Falls Official Plan	38
Figure 8-9: Zoning Map	41

List of Tables

Table 2-1: Summary of Surrounding Uses.....	4
Table 4-1: Townhouse Typology.....	9
Table 5-1: Summary of Comments	11
Table 8-1: Regional Official Plan Designations.....	27
Table 8-2: City of Niagara Falls Official Plan Designations	34
Table 8-3: Forecast of Households, Population and Employment (Table 1)	34
Table 8-4: Proposed Modifications	42

1 Introduction

Gemini Corporation (herein referred to as the “owner”) is the owner of a 2.27-hectare parcel of land, located along Montrose Road in the City of Niagara Falls (herein referred to as the “subject lands”). The subject lands are currently vacant, and the Owner is proposing to develop the lands into a private townhouse development, containing a total of ninety-one units ranging from two to three-storeys. The proposed development will create a vibrant and livable space for future and current residents, in addition to contributing to residential growth targets of the Province of Ontario, the Region of Niagara, and the City of Niagara Falls.

The subject lands are designated Major Commercial within the Built Area Boundary of the City of Niagara Falls Official Plan. The City allows for the use of commercial lands for residential developments if they are deemed surplus to commercial needs. In Staff Report no. PD-2010-50, City staff presented a recommendation, which provides justification that the subject lands are surplus commercial and are deemed acceptable for residential development.

A Zoning By-law Amendment and Draft Plan of Vacant Land Condominium applications are required to facilitate the proposed development. Currently, the subject lands are zoned ‘Residential Apartment 5C Density Zone’ (R5C-912 Zone) within the City of Niagara Falls Zoning By-law No. 79-200. A Zoning By-law Amendment (“ZBLA”) application is required to facilitate the proposed development to permit a Class 4 Designation and site-specific provisions.

Arcadis has been retained by the Owner to provide planning advice and assistance on the redevelopment of these lands. The authors of this report have come to an independent professional planning opinion which supports the applications as they are reflective of good planning and are in the public interest. This Planning Justification Report (“PJR”) provides a thorough discussion and analysis of current and applicable Provincial legislation and plans, local planning documents, supporting studies, technical works, and other relevant matters in the context of the proposed development.

2 Site Description and Surround Context

The following subsections provide a review of the context, existing uses and conditions of the subject lands and surrounding area. These elements frame the discussion on the proposed planning applications, as well as the planning comments and justification.

2.1 Site Description and Location

The subject lands do not have a municipal address and are located along the western side of Montrose Road, between the intersections of Charnwood Avenue and Mcleod Road. The subject lands are legally described as Part of Township Lot 163, Part 2 of Reference Plan 59R13537 in the Geographic Township of Stamford within the City of Niagara Falls. The subject lands are irregular in shape and have an approximate frontage of 339.6 metres on Montrose Road with an approximate lot area of 22,721 square metres (2.27 hectares).

The subject lands are currently vacant. They are a former landfill, which was decommissioned in the 1970s, and are part of what is known as Charnwood Park.

Please refer to Error! Reference source not found. and Error! Reference source not found. for an aerial view of the general location of the subject lands. **Figure 2-3** provides the topographical survey of the subject lands, which is also included separately.



Figure 2-1: Parcel Mapping of Subject Lands, Retrieved from Geowarehouse

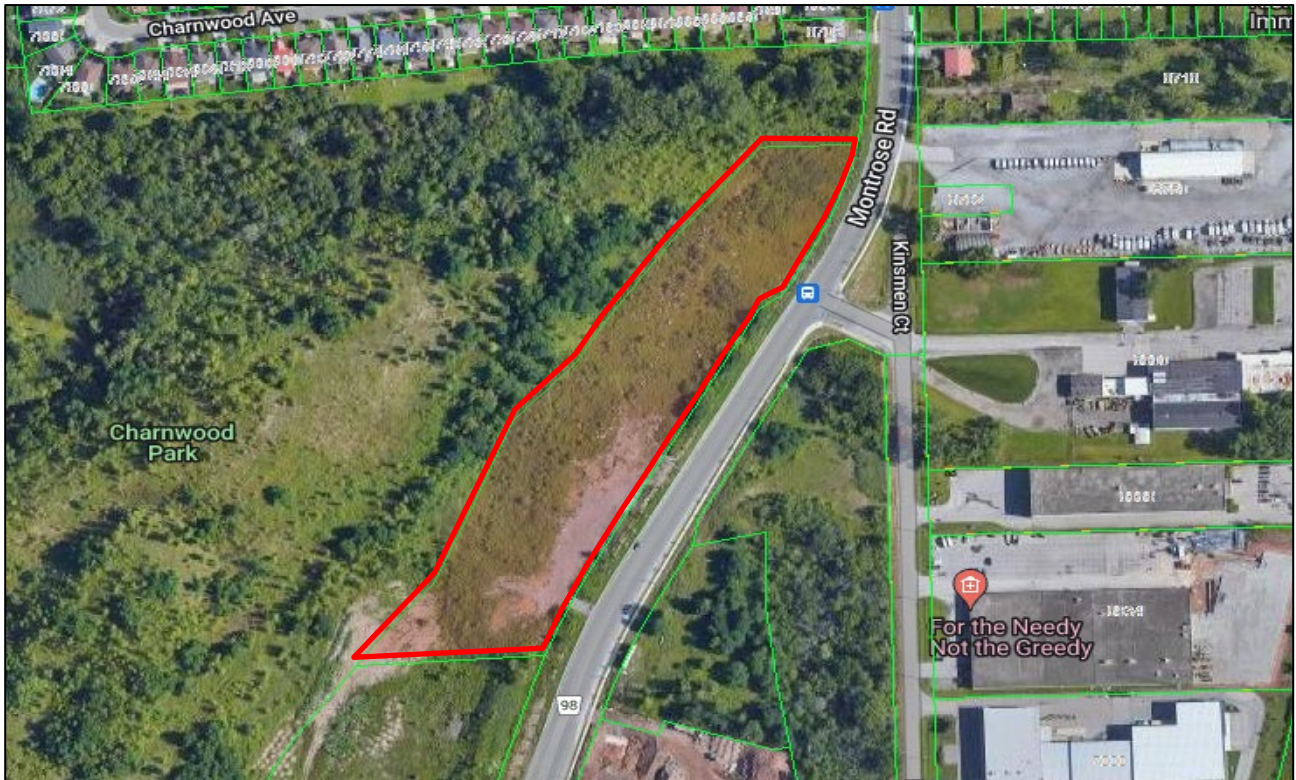


Figure 2-2: Aerial Mapping of Subject Lands, Retrieved from Geowarehouse

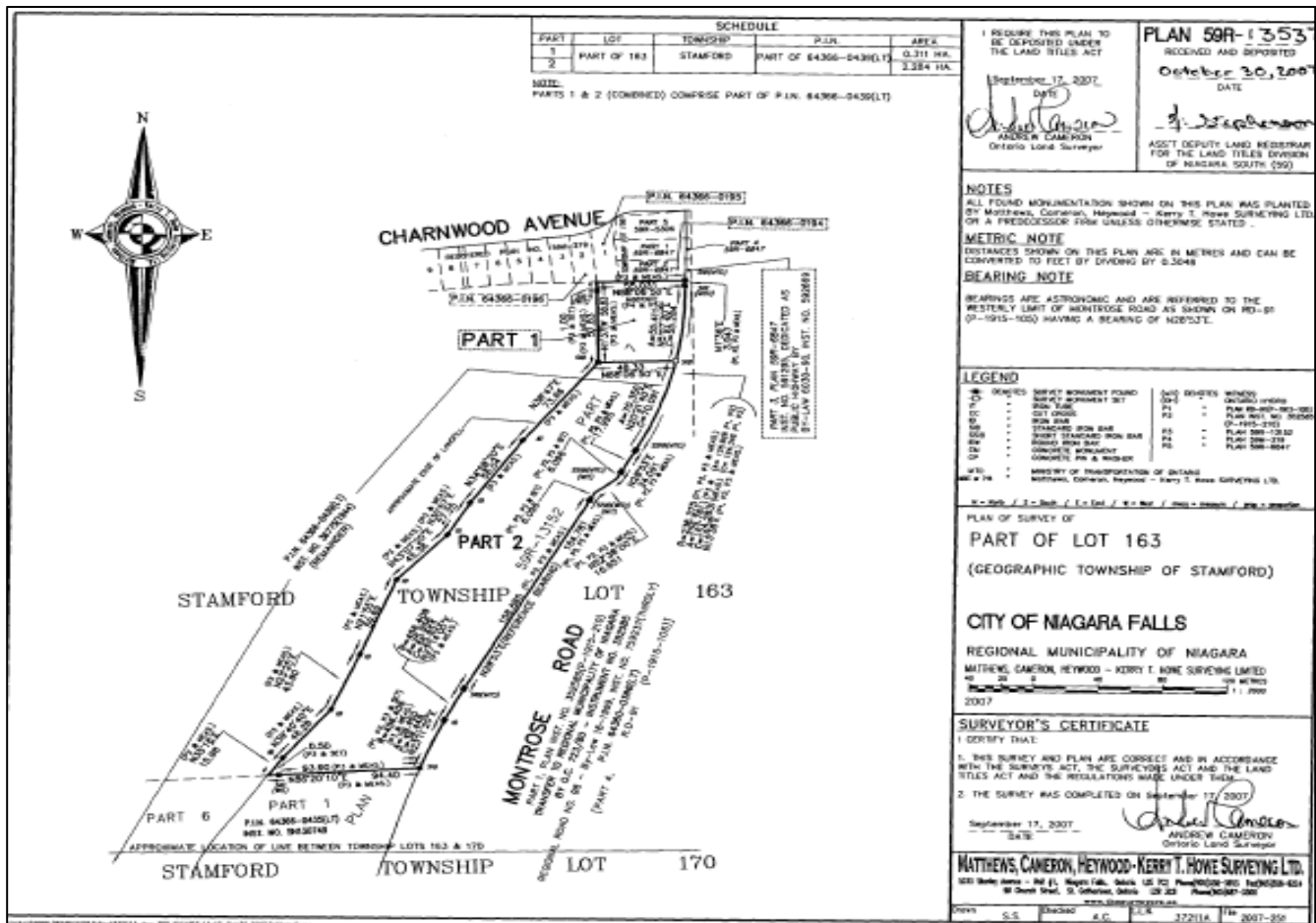


Figure 2-3: Topographical Survey, Prepared by Matthews, Cameron, Heywood-Kerry, T-Home Surveying Ltd.

2.2 Surrounding Context & Transit

In terms of surrounding context, the subject lands are in central Niagara Falls and are bound by Charnwood Avenue to the north, Montrose Road to the east, McLeod Road to the south, and Kalar Road to the west. The subject lands are well connected to the City, Region and Province’s road network, as Montrose Road is a Regional Arterial Road and Queen Elizabeth Way (“QE”) is located within a one-kilometre radius. These roads provide connections to surrounding cities in Niagara Region.

In terms of a greater surrounding context (i.e., within a 500 m radius), Figure 2-4 and Table 2-1 show that the subject lands are situated amid an established mixed-use area, varying in density and land uses. Existing uses range from single detached to multi-family dwellings, ultimately forming a neighbourhood character that is diverse.

TO THE NORTH	TO THE EAST
<ul style="list-style-type: none"> • Charnwood Park • Single Detached Residential • Hydro Corridor • Stacked Townhouses • Commercial • Apartment Building • Institutional 	<ul style="list-style-type: none"> • Proposed Medical Office Building, as seen in Figure 2-5 • Proposed Senior Apartment Residence, as seen in Figure 2-5 • Open Space • Industrial • Recreational (i.e. Niagara Go-Karts, Niagara Falls Skate Park) • Queen Elizabeth Way

	<ul style="list-style-type: none"> Commercial Hydro Canal
TO THE SOUTH	TO THE WEST
<ul style="list-style-type: none"> Proposed Townhouses, as seen in Figure 2-6 Niagara Region Public Health Commercial MacBain Community Centre Chapel Heights: Senior Residence Open Space 	<ul style="list-style-type: none"> Charnwood Park John N. Allen Park Single Detached Residential Kate S. Durdan Public School Loretto Catholic Elementary School

Table 2-1: Summary of Surrounding Uses



Figure 2-4: Approximate 500 metre radius (depicted in blue) around the subject lands, Retrieved from Geowarehouse

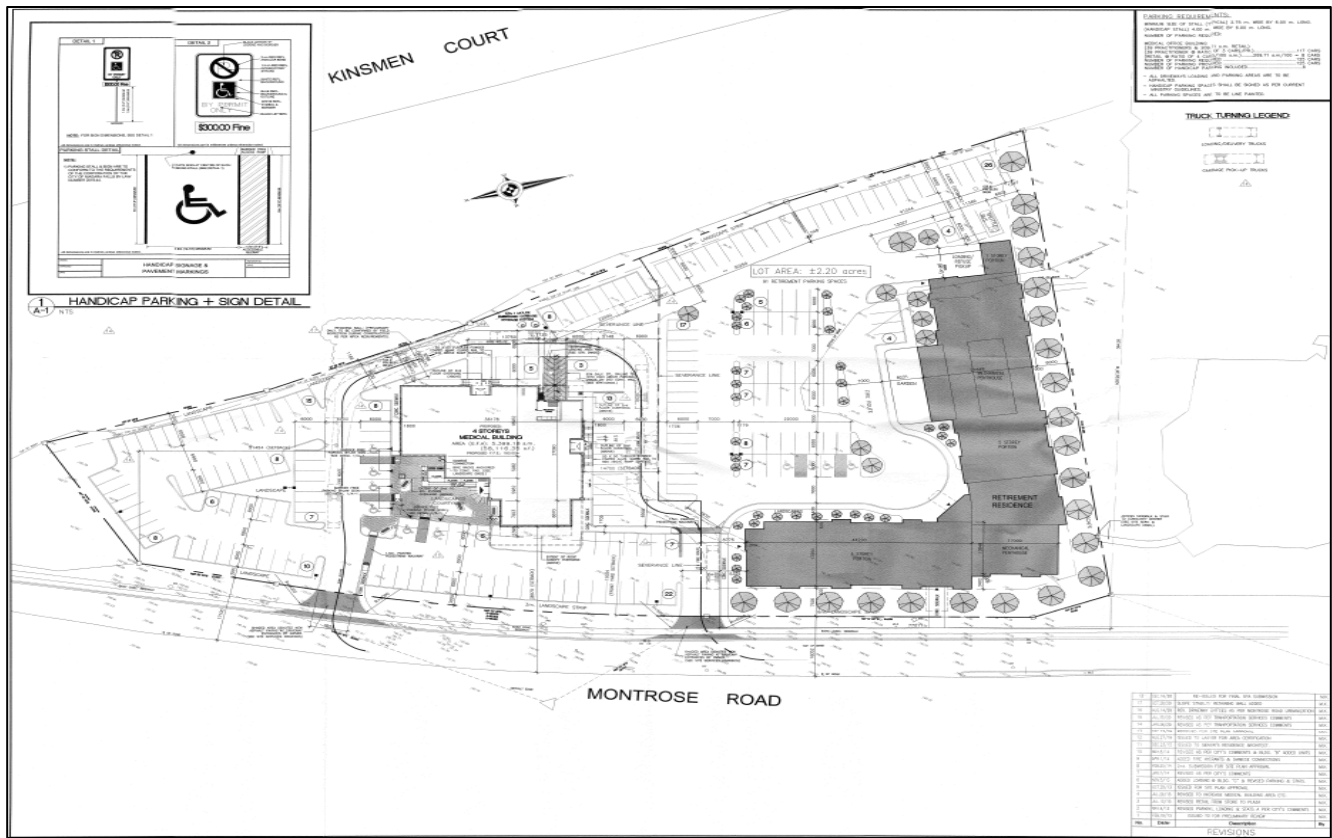


Figure 2-5: Proposed Site Plan of Medical Office Building and Retirement Residence Apartment Building, Prepared by Y.T Architectural Services Inc.



Figure 2-6: Proposed Elevations of Two and Three-Storey Townhouses Immediately South of the Subject Lands, Prepared by ACK Architects Inc.

Niagara Region Transit is the new consolidated transit system, which combines the existing Niagara Region, Niagara Falls Transit, St. Catharines Transit, Welland Transit, and Fort Erie Transit systems into one transit operator. Through this service, the subject lands have excellent access to intraregional transit. A bus stop is located along the frontage of the subject lands. It is serviced by the following routes: Routes 113 and 213: Mt. Carmel Plaza and Canadian Drive Hub.

3 Site and Area Images

Figures 3-1 to 3-5 below show images of the existing conditions of the subject lands and surrounding context, retrieved from Google Earth and Google Streetview.



Figure 3-1: 3-D North-South View of Subject Lands and Surrounding Area, Retrieved from Google Earth



Figure 3-2: 3-D East-West View of Subject Lands and Surrounding Area, Retrieved from Google Earth



Figure 3-3: View of Northern Portion of Subject Lands, Retrieved from Google Streetview



Figure 3-4: View of Central Portion of Subject Lands, Retrieved from Google Streetview



Figure 3-5: View of Southern Portion of Subject Lands, Retrieved from Google Streetview

4 Development Proposal

The proposal for the subject lands is to construct a total of 91 townhouse units, ranging in height from two to three storeys, separated into 18 blocks. The residential units will have vehicular access to Montrose Road, through two access points to internal private roads. 11 visitor parking spaces are proposed in the southern portion of the subject lands, while an additional 5 visitor parking spaces will be situated in the middle of the development. Each townhouse unit will have one driveway parking space, alongside a garage space.

As identified in **Table 4-1**, there are three dwelling typologies within the proposed development. It consists of 29 three-storey townhouse units, separated into two blocks of 5 units, one block of 6 units, and three blocks of 4 units, for a total of six blocks. These townhouses are in the northern and southern portions of the subject lands.

A total of 35 rear-facing two-storey townhouse units are also proposed, separated into seven blocks of 5 units. These units are in the eastern portion of the subject lands, along Montrose Road. A 1.8-metre-high noise garden wall will be installed to separate the proposed rear yards of these units from the Regional Road, while ensuring the landscaped boulevard along Montrose Road is maintained.

The remaining typology consists of 27 two-storey townhouse units, separated into three blocks of 5 units and two blocks of 6 units. These dwelling units are in the western portion of the subject lands, backing onto Charnwood Park.

TYOLOGY	NUMBER OF RESIDENTIAL BLOCKS	NUMBER OF UNITS
Blue: Three Storey	6	29 units
Green: Rear-Facing Two Storey	7	35 units
Pink: Two Storey	5	27 units
Total	18	91 units

Table 4-1: Townhouse Typology

The preliminary concept plan illustrating the typologies is provided in Figure 4-1. The elevations of the proposed three-storey townhouse dwellings are provided in Figure 4-2, while Figure 4-3 provides the elevations of the proposed rear-facing two-storey townhouse dwellings. This illustrates that the rear-facing townhouses mimic a typical front elevation onto Montrose Road, despite the fact that the proposed configuration of the townhouse blocks are oriented inward to the internal private road.

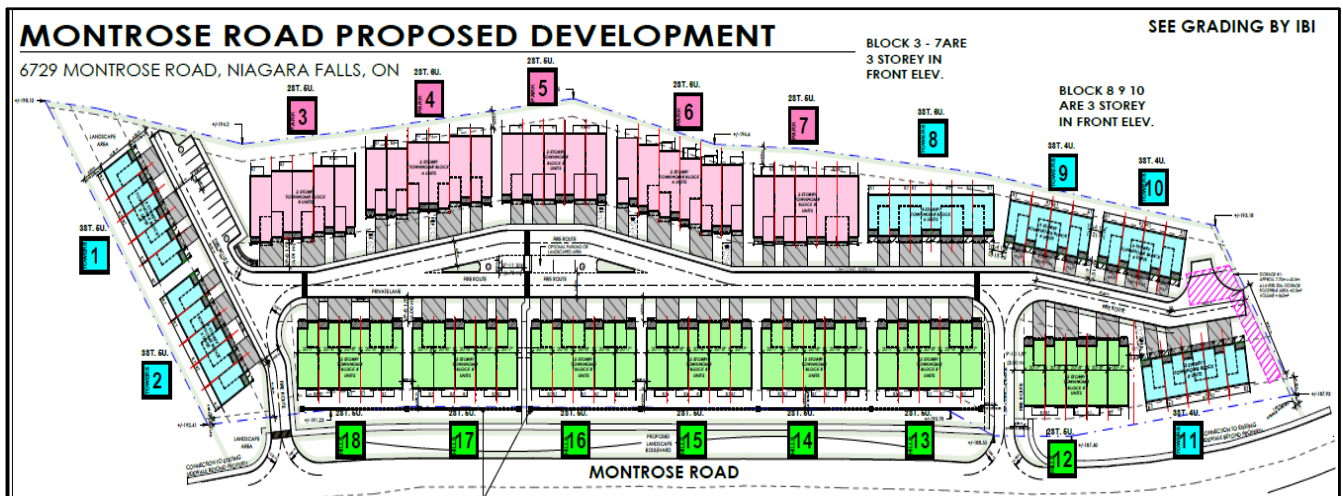


Figure 4-1: Proposed Site Plan, prepared by ACK Architects Inc.



Figure 4-2: Proposed 3-D Front Elevations of Three -Storey Townhouses, Prepared by ACK Architects Inc.



Figure 4-3: Proposed 3-D Elevations of Rear-Facing Two-Storey Townhouses, Prepared by ACK Architects Inc.

5 Formal Pre-Consultation

The purpose of a formal pre-consultation is to review a proposed development and identify the scope of information, studies and reports required to be submitted for a complete application. Pursuant to the requirements of the City of Niagara Falls, a pre-consultation meeting occurred on March 4th, 2020, to discuss the subject lands, the concept plan prepared at the time, and the necessary planning approvals. The applicant, agent, owner and various Region of Niagara and City of Niagara Falls staff were in attendance.

The concept plans prepared at the time of the meeting were for the development of either 133 dwelling units, comprised of 57 stacked townhouse and 76 townhouse units or 104 units, comprised of a mix of two and three-storey townhouse units. The proposed development has since been revised to a total of 91 dwelling units, comprised of two and three-storey townhouse units as described above. The Formal Pre-Consultation Meeting confirmed that a Zoning By-law Amendment, Draft Plan of Vacant Land Condominium and Site Plan Approval applications are required to facilitate the proposed development. Staff provided comments pertaining to the streetscape along Montrose Road and connectivity with surrounding uses. These comments will be addressed by planning comments in **Section 9** of this report.

A summary of comments from various departments and agencies are provided in the table below.

DEPARTMENT	COMMENTS
Planning	<ul style="list-style-type: none"> • Unsupportive of parking reduction as tandem parking does not go towards parking total. The parking spaces have to be accessible from the private road. • Privacy yards should be 6 metres or greater, especially along Montrose Road. • The units abutting Montrose Road will have to be oriented towards the street

Transportation	<ul style="list-style-type: none"> Transportation Staff recommend that additional visitor parking spaces be provided to achieve the by-law rate. There are no nearby viable safe alternatives. The internal driveway will be designated as a fire route where parking will not be permitted.
Engineering	<ul style="list-style-type: none"> No objection to Zoning By-law Amendment
Landscape and Parks	<ul style="list-style-type: none"> Connection with plaza for walkability access Streetscape enhanced for Montrose Road should be improved
Region of Niagara - Planning	<ul style="list-style-type: none"> The applicant should consider incorporating other housing forms within the plan (semis, triplexes) to achieve Provincial and Regional policies for housing that is affordable, accessible, and suited to the needs of a variety of households. A change to residential uses requires filing a Record of Site Condition. Regional Staff understand that the zoning for this property includes a Holding Provision to require the RSC and that an application to lift the Holding Provision has been submitted.
Region of Niagara – Urban Design	<ul style="list-style-type: none"> Both concepts proposed townhouses which are backlotted along the Regional Road. Please revise the built form to reflect a Street Townhouse. This includes a front elevation and building entrance that faces the Street with the driveway and rear yard amenity space located behind the unit (internal to the site). Provide pedestrian connections from the municipal sidewalk to the front entrance of each unit that faces the Regional Road. Please also provide a sidewalk connection for the most southerly block of townhomes. It is recommended that: <ul style="list-style-type: none"> The proposed building fronting onto the Regional Road at the north end of the property could be re-oriented to have a more consistent setback with the street (see the blocks along the middle section of Montrose for an example). The proposed town home facing the Regional Road at the southerly portion of the site could be re-oriented so that a front elevation faces the street. A pedestrian connection could be provided mid-block along Montrose Road between the townhouse blocks. An outdoor amenity space could be provided in a central location that is suitable in size for the amount of proposed units. The main internal road could include some curves for traffic calming to reduce the amount of straightaway and potential for speeding,
Region of Niagara – Development Engineering	<ul style="list-style-type: none"> The Region will require that a 6 metre x 6 metre daylighting easement be granted to the Region for the connection points where the private road meets Regional Road 98. New water, storm and sanitary services were installed along this section of Montrose Road as part of the recent Regional Road reconstruction. Waste collection pads would be required for any units along the dead end sections.

Table 5-1: Summary of Comments

Alongside this Planning Justification Report, the following materials required by the City of Niagara Falls for a complete application have been submitted:

- Application form and fees;
- Cover Letter;
- Environmental Site Assessment/ Record of Site Condition;
- Functional Servicing Report, including Stormwater Management Brief;
- Noise and Vibration Study;
- Transportation Impact Study, including Parking Demand Study;
- Urban Design Brief;
- Landscape Plans; and
- The Draft Plan of Vacant Land Condominium.

As a condition of Site Plan Approval, a Reference Plan for Daylight Easements will be submitted.

6 Supporting Studies, Reports and Materials

The City's Pre-Consultation process outlined the information and materials required to submit a complete application. In accordance with this document, and in the interest of good planning, technical studies were completed. An overview of these professional studies and reports are provided below.

6.1 Phase One Environmental Site Assessment

A Phase One Environmental Site Assessment ("ESA") was prepared by Wood Environment and Infrastructure Solutions in November 2018. The purpose of the assessment was to provide an evaluation of known and possible environmental issues to support the filing of a Record of Site Condition ("RSC") for the subject lands.

In conclusion, two sources of potential contamination ("APECs") were identified. These were in relation to the importation of fill materials and use of the subject lands as a landfill. As such a Phase Two Environmental Site Assessment would be required to address the APECs.

6.2 Phase Two Environmental Site Assessment

A Phase Two ESA was prepared by Wood Environment and Infrastructure Solutions in December 2018. The purpose of the assessment was to provide an evaluation of known and possible environmental issues for the future development of the subject lands for residential use. A Soil Remediation Program was completed to address the metal-impacted soil.

Key findings of the Phase Two ESA include:

- Trace amounts of debris including garbage, plastics, rubber, metal, wood, boulders, and construction debris were found.
- Visual or olfactory evidence of petroleum hydrocarbon or other chemical impacts were not observed by Wood during the drilling and testpitting programs.
- It is Wood's opinion that the results of the combustible organic vapour (COV) and total organic vapour (TOV) head space screening program suggest a low potential for the presence of significant combustible soil headspace vapour levels in the boreholes and all testpits.
- The results of the soil testing indicated an exceedance of the Table 3 SCS for cadmium and zinc in TP4 at a depth of 1.25 mbgs. No other exceedances of Table 3 SCS for metals, electrical conductivity (EC), sodium adsorption ratio (SAR), volatile organic compounds (VOCs), petroleum hydrocarbons (PHC) (F1-

F4), polycyclic aromatic hydrocarbons (PAHs) or polychlorinated biphenyls (PCBs) were found at the subject lands.

As such, upon completion of the Phase Two ESA, which followed the completion of a Soil Remediation Program, the subject lands meet the Table 3 SCS and the report recommended a RSC could be filed. An RSC was subsequently filed and is included with the submission materials. Following a Zoning By-law Amendment application, the Holding Provision on the subject lands in relation to the contamination was removed in April 2021, as seen in **Appendix A**.

6.3 Functional Servicing Report

A Functional Servicing Report (“FSR”) was prepared by Arcadis in November 2022. The purpose of the report was to document the functional grading, servicing and stormwater management controls for the subject lands in order to demonstrate the feasibility of the proposed development. The report concludes that the proposed development is feasible from a civil engineering perspective in accordance with the City of Niagara Falls, Regional Municipality of Niagara and Niagara Peninsula Conservation Authority Engineering Design Standards.

Key aspects of the analysis include:

- The proposed site grading will achieve compliant site gradients and match into the existing grade at its limits.
- The proposed development will outlet sanitary sewage into municipal infrastructure by connecting to the existing sanitary sewer on Montrose Road, leading to the combined sewer system on Kinsmen Crescent.
- Stormwater management design for the proposed development will provide quantity control using a SWM storage tank. The proposed design will attenuate the proposed conditions peak flows for the 2-year, 5-year, 10-year, 25-year and 100 year storm events for the required levels.
- Stormwater quality control will be provided to an Enhanced Protection Level utilizing an OGS unit.
- The proposed development will connect to the existing 200 mm diameter watermain on Montrose Road, satisfying domestic water demand and fire flow requirement.

6.4 Noise and Vibration Study

A Noise and Vibration Study was completed by Arcadis in September 2022. The purpose of the study was to document the noise analysis and findings to review the feasibility of the site from a noise perspective. Key conclusions from the study include:

- Outdoor noise levels exceed 60 dBA during the daytime and 55 dBA during the nighttime, and provision for air conditioning and warning clauses are required.
- The noise levels at OLAs for rear yard areas are greater than 60 dBA, and therefore require a 1.8m high noise fence and warning clause.
- The noise levels produced by the proposed off-site stationary noise sources exceed 50 dBA during the daytime and do not exceed 45 dBA during the nighttime.
- Since it is not feasible to install barriers to mitigate noise from existing off-site sources, a Class 4 designation could be applied to the property to allow for higher stationary noise exclusion limits

Recommendations from the study include:

- Due to the exceedance of MECP noise criteria for daytime and nighttime acoustical levels from Montrose Road and the QEW, all residential units are to be fitted with the provision for central air conditioning. Further, these residential units shall include a Type ‘C’ Warning Clause;
- Due to the exceedance of MECP noise criteria for daytime acoustical levels from Montrose Road and the QEW at outdoor living areas, all units backing onto Montrose Road shall include a Type ‘B’ Warning Clause;

- That a 1.80m high noise fence be installed to break the line-of-sight between Montrose Road and the OLAs for the units backing onto Montrose Road. The fence shall be of a minimum density of 20 kg/m² and be free of any holes or gaps;
- Due to the exceedance of MECP noise criteria for daytime acoustical levels from off-site stationary noise sources, all units shall include a Type 'E' Warning Clause:

6.5 Transportation Impact Study

A Transportation Impact Study ("TIS") was prepared by Arcadis in November 2022. The purpose of the report is to analyze the impact that the proposed development may have on the surrounding transportation network. Key findings include:

- The traffic generated by the proposed development is generally not expected to have a significant impact on traffic operations at study area intersections, as traffic operations are relatively similar.
- With mitigation measures applied to the signalized intersections of Montrose Road and McLeod Road as well as Montrose Road and Lundy's Lane during the PM peak hour, the general intersection operations and most individual movements (which were critical even in unmitigated Future Background Conditions) are expected to improve. This suggests that, with signal timing plan changes, the proposed development's impact on traffic operations within the study area can be further minimized.
- For unsignalized intersections, only the Montrose Road and Kinsmen Court / Proposed North Site Access is expected to experience operations which exceed critical thresholds under Future Total Conditions. While the EBLR lane at this intersection is anticipated to exceed critical thresholds during both the AM and PM peak hours due to an LOS of "D" or higher, the operational conditions are acceptable as v/c ratios are well below 1.00 for both conditions. However, high delay from an unsignalized minor approach onto an arterial road is not unexpected. This condition is already present in existing conditions and is unrelated to the impact of the proposed development.
- With respect to TDM considerations, the proposed development is well connected to the City of Niagara Falls cycling network. The development fronts Montrose Road which has (relatively recently) had new bike lanes added. As such, providing additional bike parking spaces can act as an incentive to encourage residents to use cycling as a full-time alternative to maintaining a private automobile.

6.6 Urban Design Brief

An Urban Design Brief was prepared by Arcadis in April 2023. The purpose of the Brief is to provide contextual urban design commentary, including an outline of the development vision, a review of spatial and policy contexts applicable to the development and an overall analysis of the appropriateness of the development proposal from an urban design perspective. Key items from the Brief include:

- The built form is generally arranged around the perimeter of the elongated subject lands, with inward facing orientation towards a future private street. The exception to this is with the Montrose Road facing blocks, which are purposefully designed to display 'double frontages' on either side to avoid a rear lot appearance from Montrose Road. A 1.8-metre-high noise garden wall will be installed to separate the proposed rear yards of these units from the Regional Road, while ensuring the landscaped boulevard along Montrose Road is maintained.
- The driveways and vehicular lanes are positioned behind the townhouse blocks, shielding much of their view from the street.
- Despite the physical shape of the subject lands being narrow and elongated, the proposed layout generates simple and effective internal circulation for both vehicles and pedestrians. Sidewalks are proposed along Montrose Road, connecting to the existing sidewalk to the south and beyond.
- The proposed landscape design helps provide an attractive pedestrian realm both at the street and within the Site's interior. Exterior landscape elements include accessible pedestrian walkways, street trees and ornamental vegetation. The hard-scape and soft-scape elements function to contrast and compliment the materials and forms of the buildings and maintains the same high-level quality as is proposed in the building architecture.

7 Planning Applications

To permit the proposed development, approval of several planning applications will be required, including a Zoning By-law Amendment (“ZBLA”), Draft Plan of Vacant Land Condominium (“VLC”) and a Site Plan (“SP”).

7.1 Zoning By-law Amendment

The subject lands are zoned ‘Residential Apartment 5C Density’ with Site Specific Exception 912 (R5C-912 Zone) within the City of Niagara Falls Zoning By-law No. 79-200 (“By-law”). The Residential Apartment 5C Density Zone permits an apartment dwelling and stacked townhouse dwelling. Exception 912 permits townhouse dwellings, group dwelling and accessory structures. The exception also provides a minimum lot frontage for townhouse dwellings, while identifying that townhouse dwellings will follow the balance of other regulations specified for a R4 use.

A ZBLA is required to modify Exception 912 to identify that the subject lands be designated as a Class 4 Noise Area and site-specific exceptions to regulations contained within the R4 Zone to facilitate the proposed development.

Please refer to **Section 8.6** for more details.

7.2 Draft Plan of Vacant Land Condominium

The subject lands are subject to the concurrent VLC application, to obtain permission to subdivide the property so that each individual unit owner owns a unit on the subject lands as defined by the unit description and shares ownership of the common elements as described in the condominium documents. The VLC plan refers to a type of condominium plan that must be registered on the subject lands in advance of physical building construction. As such, all of the lands will be vacant before structures are constructed on other units. The common element areas that are shared are outside of the units, and include visitor parking, sewers and sidewalks.

8 Current Planning Status

The following subsections provide an assessment of the proposed development against current and applicable planning policy, including the Planning Act, Provincial Policy Statement 2020, Growth Plan for the Greater Golden Horseshoe 2020, Niagara Region Official Plan 2020, the City of Niagara Falls Official Plan 2019, and the City of Niagara Falls Zoning By-law No. 79-200. These documents are reviewed in detail below and specific policies are quoted following which a planning comment is provided along with subsection summaries.

8.1 Planning Act R.S.O 1990, C.P 13

The Planning Act, R.S.O. 1990, c. P.13 (the “Planning Act”) deals with land use planning in Ontario and outlines how land is controlled and the roles of various levels of government and the public in regard to land use matters. **O.Reg 545/06** provides provisions for the ability and requirements for a Municipality to enact and amend Zoning By-laws. Powers with respect to Zoning By-laws under Section 34 in the Planning Act include, amongst other things, the ability to prohibit erecting, locating or using of buildings or structures; for prohibiting any use of land; for regulating the type of construction and the height, bulk, location size, floor area, spacing, character and use of buildings or structure; and for requiring provision and maintenance of parking facilities. The last date of consolidation was April 6th, 2023. The following excerpts and comments apply to the subject planning applications.

Section 2 of the Planning Act refers to matters of **provincial interest** that the Minister, the council of a municipality, a local board, a planning board and the Tribunal, must have regard to, among other matters to carry out their responsibilities under the Act. Applicable matters listed in that section which pertain to the proposed applications include:

- e) *the supply, efficient use and conservation of energy and water;*

- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

Planning Comment: The subject lands are located within the Built-Up Area, where there is sufficient access to existing municipal services. The subject lands front onto Montrose Road, which is identified as a Regional Road. Municipal water, sanitary and storm sewer services are available along Montrose Road. As identified in the FSR prepared by Arcadis, the proposed development will outlet sanitary sewage into municipal infrastructure by connecting to the existing sanitary sewer system on Montrose Road, leading to the combined sewer system on Kinsmen Crescent and it will connect to the existing 200mm diameter watermain on Montrose Road, satisfying domestic water demand and fire flow requirement. The proposed development will provide a residential infill and intensification within the Built-up Area, resulting in a more efficient use of land, resources and infrastructure.

- h) *the orderly development of safe and healthy communities;*
h.1) *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
j) *the adequate provision of a full range of housing, including affordable housing;*
i) *the protection of the financial and economic well-being of the Province and its municipalities;*

Planning Comment: The proposed development will increase the mix and range of housing options available to a broad range of ages and abilities, contributing to accommodating anticipated residential growth and providing an overall economic benefit to the local housing market. The proposed built form includes townhouses, which is typically a more efficient and attainable housing type than single detached dwellings.

The subject lands are readily accessible by public transit, and there is an adequate establishment of education, health, social, cultural and recreational facilities in the surrounding area to support the proposed development including, but not limited to: Charnwood Park, John N Allan Park, Loretto Catholic Elementary School, Kate S Durdan Public School, Niagara United Soccer Club and Kalar Sports Park.

The proposed development is complimentary to the existing land uses within the surrounding area and will subsequently contribute to the orderly development of safe and healthy communities. The trip volume generated by the proposed development is determined to be minor and will not result in major traffic impacts, as demonstrated in the TIS, prepared by Arcadis. In regard to accessibility, the proposed development will be designed to meet applicable Accessibility for Ontarians with Disabilities Act ("AODA") minimum standards as applied through the SP and Building Permit review processes

The proposed development will contribute to the City's land tax base, while requiring minimal capital infrastructure to service the development. Development charges collected for the development will contribute to new infrastructure and improvements to City-wide services. Planning and building industry jobs will result from the proposed development review and construction phases, thereby further contributing to the economic well-being of the Province and it's municipalities.

- o) *the protection of public health and safety;*
p) *the appropriate location of growth and development;*
q) *the promotion of built form that,*
 i. *is well-designed,*
 ii. *encourages a sense of place, and*
 iii. *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

Planning Comment: The subject lands were a former landfill, which was decommissioned in the 1970s, and are part of what is known as Charnwood Park. A Phase 1 and 2 ESA were completed for the subject lands to confirm that the lands are safe for residential development and that the environmental condition of the subject lands will not pose a risk to public health and safety. The ESA found that there were two sources of potential contamination ("APECs") identified. These were in relation to the importation of fill materials and use of the subject lands as a landfill. Upon completion of the Phase 2 ESA, which was completed following a Soil Remediation Program, the

subject lands meet the Table 3 SCS. A RSC was subsequently filed. The RSC is provided in the submission package, which indicates that there are no negative concerns relating to public health. Following a Zoning By-law Amendment application, the Holding Provision on the subject lands in relation to the contamination was removed in April 2021, as seen in **Appendix A**.

The subject lands are an appropriate location for residential intensification, as they are located within proximity to a range of commercial, residential, industrial, recreational, and institutional uses. The proposed built form is comparable in scale and design to the proposed townhouse development, immediately south of the subject lands.

The subject lands are along an existing transit route, and where existing municipal water and wastewater services are readily available. Availability of public transit encourages future residents to take advantage of alternative methods of transportation to the private automobile. More efficient use of land, resources and services to prevent urban sprawl contributes to the mitigation of greenhouse gas emissions and adaptation to climate change.

Section 3 of the Planning Act outlines that policy statements may be issued by the Minister. Subsection 5 requires that decisions on planning matters must be consistent with such Policy Statements.

Planning Comment: The following section of this report will confirm conformity of the proposed development with the Provincial Policy Statement. It is to be noted that an updated consolidation of the Provincial Policy Statement and Growth Plan is currently under review, with the commenting period ending in August 2023. The proposed development may have to conform to the consolidated document, once it is in effect, pending timing of a decision on required planning applications and any transition provisions.

Planning Act Conclusion: The proposed development is subject to Section 34 of the Planning Act, as an amendment is required to the City of Niagara Falls Zoning By-law. The applications will be processed in accordance with those sections of the Act.

The proposed development complies with the Planning Act, as it:

- is located within the Built-Up Area, making efficient use of existing communication, transportation, sewage, water, and waste management services;
- will contribute to a full range of housing options for a broad range of ages and abilities;
- promotes orderly and appropriate development that will result in adaptation to a changing climate and a built form that compliments the emerging neighbourhood;
- protect public healthy and safety, through the previous completion of a Soil Remediation Program and filing of a RSC.

8.2 Provincial Policy Statement 2020

The Provincial Policy Statement 2020 (“PPS”) provides policy direction on matters of provincial interest regarding land use planning and sets the foundation for land use planning and development regulations. The main land use planning matters covered in this document pertain to protecting the resources of provincial interest, the built and natural environment, and public health and safety. The PPS focuses growth within Settlement Areas and away from significant or sensitive resources and areas which may pose a risk to public health and safety. It recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns.

On February 28, 2019, the Provincial Government issued a new Provincial Policy Statement 2020. It replaced the Provincial Policy Statement issued April 30, 2014. The PPS was issued under Section 3 of the Planning Act and came into effect on May 1, 2020. In this regard, Section 3 of the Planning Act requires that land use planning decisions be consistent with the PPS. The PPS provides direction for municipal planning documents and to individual site-specific developments. The PPS applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after this date. Therefore, the proposed Zoning By-law Amendment is subject to and is assessed against the applicable policies of the PPS.

For the purposes of this report, the version of the PPS available online at <https://files.ontario.ca/mmah-provincial-policy-statement-2020-accessible-final-en-2020-02-14.pdf> was used.

The PPS is to be read in its entirety. With respect to the specific policies in the PPS 2020 document, several are applicable to the subject lands in general, and to the proposed development and ZBLA specifically.

8.2.1 Section 1 Building Strong Healthy Communities

Section 1 of the PPS focuses on building strong, healthy Communities. **Sub-Section 1.1** provides direction for managing and directing land use to achieve efficient and resilient development and land use patterns.

Policy 1.1.1 *Healthy, liveable 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), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

Planning Comment: The proposed development will increase the mix and range of housing options available that will contribute to accommodating anticipated residential growth and provide an overall economic benefit to the local housing market. The proposed development represents an efficient use of underutilized lands, which minimizes the costs of additional infrastructure to facilitate residential growth.

The subject lands are located within an established mixed-use neighbourhood where there is sufficient access to institutional (i.e. schools), commercial (i.e. fast-food restaurants and retail shops), employment (i.e. industrial) and recreational uses (i.e. open space, parks) to meet the long term needs of future residents of the proposed development. Moreover, the proposed development will contribute to the City's land tax base while efficiently utilizing existing capital infrastructure to service the development. Development Charges collected for the development will contribute to new infrastructure and improvements to City-wide services. Planning and building industry jobs will result from the proposed development review and construction phases, thereby further contributing to the economic well-being of the Province and its municipalities.

- c) *avoiding development and land use patterns which may cause environmental or public health and safety concerns;*

Planning Comment: The subject lands were a former landfill, which was decommissioned in the 1970s, and are part of what is known as Charnwood Park. A Phase 1 and 2 ESA were completed for the subject lands to confirm suitability for residential development and that the environmental condition of the subject lands does not pose a risk to public health and safety. The ESA found that there were two APECs identified. These were in relation to the importation of fill materials and use of the subject lands as a landfill. Upon completion of the Phase 2 ESA, following a Soil Remediation Program, the subject lands meet the Table 3 SCS and an RSC was filed. The RSC is provided in the submission package, indicating that there is no risk to public health or safety. Following a Zoning By-law Amendment application, the Holding Provision on the subject lands in relation to the contamination was removed in April 2021, as seen in **Appendix A**.

- e) *promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

Planning Comment: The subject lands are an appropriate location for residential infill and intensification, as they are located within proximity to retail, service, restaurants, commercial uses, recreational uses, institutional uses, and employment uses along an existing transit route, and where existing municipal water, storm and wastewater services are readily available. The proposed development represents an efficient use of underutilized lands, which minimizes the costs of additional infrastructure often required to facilitate residential growth. With respect to accessibility, the subject lands are readily accessible by public transit, and two parking spaces are proposed per

dwelling unit that are readily accessible. The buildings will be designed in accordance with the Ontario Building Code, meeting applicable standards for accessibility.

There is a range of public service facilities within proximity to the subject lands to meet projected needs, including, but not limited to: Charnwood Park, John N Allan Park, Loretto Catholic Elementary School, Kate S Durdan Public School, Niagara United Soccer Club and Kalar Sports Park.

- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.*

Planning Comment: There are no significant ecological systems identified on the subject lands within provincial or local planning documents. With respect to local impacts of a changing climate, availability of public transit encourages future residents to take advantage of alternative methods of transportation to the private automobile with intentions to reduce greenhouse gas emissions. Further, more efficient use of land, resources, and services to prevent urban sprawl is a form of climate change adaptation. In the case of the subject lands, accessibility to a range of uses and services which can be accessed by public and active transportation (i.e. bike lanes within Montrose ROW), supports combined efforts to lessen impacts of climate change (i.e. through Green House Gas emission reduction).

Policy 1.1.2 *Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines. However, where an alternate time period has been established for specific areas of the Province as a result of a provincial planning exercise or a provincial plan, that time frame may be used for municipalities within the area.*

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

Nothing in policy 1.1.2 limits the planning for infrastructure, public service facilities and employment areas beyond a 25-year time horizon.

Planning Comment: According to the Growth Plan, the Region of Niagara is expected to have a population of 674,000 by 2051. Further, the Growth Plan applies a minimum target of 50% of all residential development occurring annually within the Region of Niagara to be within the delineated built-up area. The proposed development contributes to accommodating an appropriate range and mix of land uses in the settlement area to meet and exceed projected needs for a time horizon of up to 20 years through residential intensification and redevelopment.

The subject lands are also designated Major Commercial within the Built Area Boundary of the City of Niagara Falls Official Plan. The City allows for the use of commercial lands for residential developments if they are deemed surplus to commercial needs. In staff report no. PD-2010-50 (**Appendix 1**), City staff presented a recommendation which provides justification that the subject lands are surplus commercial and are deemed acceptable for residential development. Through this Staff Report and recommendation, the subject lands were rezoned to 'Residential Apartment 5C Density Zone' (R5C-912 Zone), which allows for townhouse uses. The subject lands thus can contribute to providing lands to facilitate residential intensification.

Subsection 1.1.3 provides development and growth direction for Settlement Areas.

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

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;*
- c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) *prepare for the impacts of a changing climate;*
- e) *support active transportation;*
- f) *are transit-supportive, where transit is planned, exists or may be developed; and*

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.

Planning Comment: The subject lands are located within a Settlement Area, where growth and development shall be focused to prevent uneconomical urban expansions. The proposed development will provide 91 dwelling units on a vacant parcel of land, which has been deemed to be acceptable for residential development by City staff in report PD-2010-50. As such, the proposed development will make efficient use of land, municipal sewage, storm, and water infrastructure, and public service facilities through residential intensification. With respect to public transit, there is an existing public transit route along Montrose Road, with the bus stop located along the frontage of the subject lands. The proposed density will support the continued provision of public transit services. Further, the streetscape will be enhanced along the existing sidewalk of Montrose Road, which supports active transportation travel. A TIS was prepared by Arcadis, which demonstrated that the proposed development will not have a major impact on the surrounding existing traffic conditions.

Policy 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.*

Policy 1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

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.*

Planning Comment: The proposed development is transit supportive and increases the mix and range of housing options in the City of Niagara Falls. The proposed ZBLA provisions and built form will result in development standards that are similar to the proposed townhouse development to the south, and facilitate intensification and compact form, while avoiding risk to public health and safety. The Province established a minimum intensification target of 50% for the Region of Niagara within the Growth Plan, and the proposed development contributes to meeting this set intensification target.

Subsection 1.2.6 provides policies in relation to land use compatibility.

Policy 1.2.6.1 *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

Planning Comment: The physical noise mitigation measures from the Noise and Vibration Study, prepared by Arcadis, will be implemented through the site plan, building permit and construction phases. As part of the recommendations, a 1.8-metre-high noise barrier in the form of a garden wall will be installed to separate the proposed rear yards of these units from the Regional Road, while ensuring the landscaped boulevard along Montrose Road is maintained. The recommendation for a Class 4 designation should be implemented through the ZBLA, with a specific provision identifying same. This is included in the submitted Draft ZBLA.

There are no sources of odour or contamination near or on the subject lands, as identified in the Phase Two ESA and Soil Remediation Program. The RSC has been filed, and therefore the subject lands do not pose any concerns for residential development. Following a Zoning By-law Amendment application, the Holding Provision on the subject lands in relation to the contamination was removed in April 2021, as seen in **Appendix A**.

Subsection 1.4 provides direction to guide residential housing development.

Policy 1.4.1 *To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:*

- a) *maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

- b) *maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

Upper-tier and single-tier municipalities may choose to maintain land with servicing capacity sufficient to provide at least a five-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.

Policy 1.4.2 *Where planning is conducted by an upper-tier municipality:*

- a) *the land and unit supply maintained by the lower-tier municipality identified in policy 1.4.1 shall be based on and reflect the allocation of population and units by the upper-tier municipality; and*
- b) *the allocation of population and units by the upper-tier municipality shall be based on and reflect provincial plans where these exist.*

Policy 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:*

- a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- 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;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs*
- 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; and*
- f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

Planning Comment: The subject lands are suitable for residential development. As a two-tier municipality, the Region of Niagara has allocated approximately 20% of the total household and population growth to Niagara Falls, forecasting a total population of 141,650 by 2051. The proposed development includes 91 condominium townhouse dwelling units that will be accommodated through residential intensification to meet projected requirements of current and future residents and diversify the overall housing stock within the neighbourhood. The proposed layout will make efficient use of the subject lands, through the regular arrangement of townhouse blocks and the use of internal condominium roadways, allowing for a compact form of development.

The proposed dwellings will ultimately connect to and utilize existing municipal infrastructure, as well as public service facilities, confirmed by the FSR, prepared by Arcadis.

Subsection 1.6.6 provides policies relating to sewage, water and stormwater

Policy 1.6.6.1 *Planning for sewage and water services shall:*

- a) *accommodate forecasted growth in a manner that promotes the efficient use and optimization of existing:*

1. *municipal sewage services and municipal water services; and*
- b) *ensure that these systems are provided in a manner that:*
 1. *can be sustained by the water resources upon which such services rely;*
 2. *prepares for the impacts of a changing climate;*
 3. *is feasible and financially viable over their lifecycle; and*
- d) *integrate servicing and land use considerations at all stages of the planning process; and*

Policy 1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

Policy 1.6.6.7 *Planning for stormwater management shall:*

- a) *be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) *minimize, or, where possible, prevent increases in contaminant loads;*
- c) *minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) *mitigate risks to human health, safety, property and the environment;*
- e) *maximize the extent and function of vegetative and pervious surfaces; and*
- f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

Planning Comment: The FSR, prepared by Arcadis states that the proposed development will utilize available municipal sewage and water services which are expect to have sufficient capacity. The stormwater management design effectively accounts for stormwater quality and quantity controls to meet applicable requirements. Stormwater management design for the proposed development will provide quantity control using a SWM storage tank, while quality control will be provided to an Enhanced Protection Level utilizing an OGS unit. Please refer to the FSR for details regarding the proposed engineering designs.

Subsection 1.6.7 provides policies in relation to Transportation Systems.

Policy 1.6.7.1 *Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.*

Policy 1.6.7.2 *Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

Policy 1.6.7.3 *As part of a multimodal transportation system, connectivity within and among transportation systems and modes should be maintained and, where possible, improved including connections which cross jurisdictional boundaries.*

Policy 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.*

Planning Comment: The subject lands front on Montrose Road, which is designated as a Regional Road. In regard to the transportation system, the TIS prepared by Arcadis has confirmed that the trip volume generated by the proposed development will not have a negative impact on existing traffic volumes along Montrose Road. There are no major traffic impacts as a result of the proposed development. There is also existing active and public transportation infrastructure, as the subject lands are located along a Strategic Cycling Network, with bike lanes within the Montrose ROW, with a bus transit stop directly available to encourage alternative methods of transportation to the private automobile.

Subsection 1.8 provides policies relating to Energy Conservation, Air Quality and Climate Change.

Policy 1.8.1 *Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*

- a) *promote compact form and a structure of nodes and corridors;*
- b) *promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c) *encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*

Planning Comment: The proposed development supports energy conservation and efficiency and contributes to combating climate change through the compact land use pattern, making efficient use of the subject lands, proximity to public and active transportation options. Specifically, the proposed development promotes a more compact built form through an effective use of architecture, setbacks, and massing. Further, the proposed development is within proximity to complimentary land uses that are readily accessible by active transportation and public transit to shorten commute journeys and lessen potential future transportation system congestion.

8.2.2 Section 3 Protecting Public Health and Safety

Section 3.0 deals with protecting the environmental health and social well-being, which depends upon reducing the potential for public cost or risk to Ontario's residents from natural or human made hazards. **Subsection 3.2** provides polices relating to human-made hazards.

Policy 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

Planning Comment: The subject lands were a former landfill, which was decommissioned in the 1970s, and are part of what is known as Charnwood Park. A Phase 1 and 2 ESA were each completed for the subject lands to confirm that the lands are safe for residential development and that the environmental condition of the subject lands will not pose a risk to public health and safety. The ESA found that there were two APECs identified. These were in relation to the importation of fill materials and use of the subject lands as a landfill. Upon completion of the Phase 2 ESA, which was completed following a Soil Remediation Program, the subject lands meet the Table 3 SCS. A RSC was subsequently filed. The RSC is provided in the submission package, which indicates that there are no adverse effects. Following a Zoning By-law Amendment application, the Holding Provision on the subject lands in relation to the contamination was removed in April 2021, as seen in **Appendix A**.

Provincial Policy Statement Conclusion: The proposed development is consistent with the PPS, as it:

- promote efficient development and land use patterns by permitting and facilitating intensification for lands located within the built boundary;
- proposes a development that effectively utilizes existing infrastructure and municipal services, thereby preventing any need for uneconomical expansion;
- provides 91 condominium townhouse units that will be accommodated through residential intensification to meet projected requirements of current and future residents of the regional market area and increase dwelling diversity in the neighbourhood;
- sufficiently plan for municipal sewage and water services use, and provide stormwater management;
- will not have an adverse impact on the existing transportation network;
- support energy conservation and efficiency, public transit, active transportation, air quality, and reduced greenhouse gas emissions to prepare for impacts of a changing climate;
- does not propose development upon lands that are contaminated.

8.3 Growth Plan for the Greater Golden Horseshoe 2019

The Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") 2019 was prepared and approved under the Places to Grow Act, 2005. The Growth Plan took effect on May 16, 2019 and is applicable to the subject lands. The Growth Plan provides policies to guide future growth. The Growth Plan provides policies to guide future growth

and development, where the major goals are to provide a sufficient housing supply, improving transportation options, encourage a high quality of life and a strong economy, while ensuring a healthy natural environment. The Growth Plan guides development in the Greater Golden Horseshoe (“GGH”) to a time horizon to the year 2051. Overall, the Growth Plan has projected a 2051 population of 694,000 for the Region of Niagara.

It is to be noted that an updated consolidation of the Provincial Policy Statement and Growth Plan is currently under review, with the commenting period ending in August 2023. The proposed development may have to conform to the consolidated document, once it is in effect, pending timing of a decision on required planning applications and any transition provisions.

For the purposes of this report, the version of the Growth Plan available online at <https://www.ontario.ca/document/place-grow-growth-plan-greater-golden-horseshoe> was used.

The following policies discussed are particularly applicable to the development proposal.

8.3.1 Where and How to Grow

Section 2.2.1 of the Growth Plan deals with managing growth, and the following policies within it are applicable to the proposed development.

Policy 2.2.1.1 *Population and employment forecasts contained in Schedule 3 or such higher forecasts as established by the applicable upper- or single-tier municipality through its municipal comprehensive review will be used for planning and managing growth in the GGH to the horizon of this Plan in accordance with the policies in subsection 5.2.4.*

Policy 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;*
- c) *within settlement areas, growth will be focused in:*
 - a. *delineated built-up areas;*
 - b. *strategic growth areas;*
 - c. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
 - d. *areas with existing or planned public service facilities;*
- d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise;*
- e) *development will be generally directed away from hazardous lands; and*

Planning Comment: The Growth Plan forecasts a population of 694,000 for the Region of Niagara in 2051. This anticipated growth is intended to be directed to the existing Settlement Areas. The proposed development is within the delineated built boundary and has sufficient access to existing municipal water and wastewater systems, as confirmed in the FSR prepared by Arcadis. The proposed condominium-style townhouses contribute to the type and tenure of residential uses in the City of Niagara Falls, ultimately supporting the achievement of a complete community.

Policy 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;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

- c) *provide a diverse range and mix of housing options, including 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;*

Planning Comment: The proposed development contributes toward achieving a complete community, by increasing the mix and range of residential uses within proximity to complimentary land uses that are readily accessible by active transportation or public transit. Moreover, townhouses are expected to be a more attainable type of dwelling than single detached dwellings, improving opportunities for home ownership for various ages and incomes. Additionally, the proposed site plan will be designed in accordance with minimum applicable AODA standards to ensure the proposed dwelling types cater to people of all abilities at different stages of their lives.

- d) *expand convenient access to:*
 - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. *public service facilities, co-located and integrated in community hubs;*

Planning Comment: Montrose Road is well-equipped with municipal active transportation infrastructure and transit bus stops, providing options for safe, comfortable and convenient access to a broad range of land uses. These transportation options are easily accessible for future residents of the proposed development, allowing ease of transportation to complimentary uses, including, but not limited to parks, commercial uses, and recreational facilities.

- e) *provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) *mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*

Planning Comment: The proposed development offers an efficient and compatible form of residential intensification, thereby responding to the impacts of climate change, more efficiently utilizing existing land and resources within the delineated built boundary.

Section 2.2.2 of the Growth Plan deals with managing growth within delineated Built-Up Areas.

Policy 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; and*

Policy 2.2.2.2 *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*

Section 2.2.6 of the Growth Plan provides policies regarding Housing.

Policy 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, including additional residential units and affordable housing to meet projected needs of current and future residents; and*

Planning Comment: The Growth Plan applies a minimum intensification target for the Region of Niagara that 50% of all residential development occurring annually must be within the delineated built boundary. The proposed development contributes to achieving this 50% target, as it will provide residential intensification within the delineated Built-up Area established in the Municipal Official plans. Additionally, the proposed development will contribute to the range and mix of housing options and densities in Niagara Falls to meet projected needs of current and future residents.

Policy 2.2.6.2 *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

- a) *planning to accommodate forecasted growth to the horizon of this Plan;*
- b) *planning to achieve the minimum intensification and density targets in this Plan;*
- c) *considering the range and mix of housing options and densities of the existing housing stock; and*
- d) *planning to diversify their overall housing stock across the municipality.*

Policy 2.2.6.3 *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

Planning Comment: The proposed development supports the achievement of a complete community by accommodating forecasted growth, contributing to the attainment of the minimum intensification and density targets outlined for the Region of Niagara, and increasing the mix and range of housing options and densities in the City of Niagara Falls, helping the City cater to a diverse range of household sizes and incomes.

8.3.2 Infrastructure to Support Growth

Section 3.2.6 of the Growth Plan provides policies regarding water and wastewater systems.

Policy 3.2.6.2 *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

- a) *opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;*
- b) *the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;*
- c) *a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to:*
 - i. *demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;*
 - ii. *identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2020, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and*
 - iii. *identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.*

Planning Comment: The FSR, prepared by Arcadis, provides that the proposed development will efficiently utilize available municipal sewage and water services which are expected to have capacity to accommodate the expected loads. The stormwater management design prepared by Arcadis effectively accounts for stormwater quality and quantity. Please refer to the FSR for details regarding proposed engineering designs.

Growth Plan 2020 Conclusion: The proposed development conforms to the Growth Plan, as it:

- focuses residential growth within a settlement area and delineated Built-up Area;
- supports the achievement of a complete community in the City of Niagara Falls, by increasing the mix and range of residential uses within proximity to complimentary land uses that are readily accessible by active transportation or public transit;
- permits a typically more attainable dwelling type than the commonly found single detached dwellings;
- contributes to achieving the 50% annual residential intensification target within the Built-up Area for the Region of Niagara and the City of Niagara Falls;

- will increase the range and mix of housing options and densities to meet projected needs of current and future residents; and,
- efficiently utilizes existing municipal infrastructure to service the proposed development;
- intensifies the subject lands, creating a more compact built form than the existing condition and subsequently conserving energy and efficiently using resources to mitigate climate change impacts;

8.4 Region of Niagara Official Plan 2022

The Region of Niagara Official Plan (the “ROP”) outlines policies for the physical, economic, and social development until the year 2051 within Niagara Region. Policies are related to growth management, protection of the natural environment, resources and agricultural land, and the provision of infrastructure.

In 1973, the original policy plan was approved. The Regional Council approved By-law 2022-47 adopting the new Niagara Official Plan on June 23, 2022. The adopted plan was approved with modifications by the Minister on November 4th, 2022.

For the purposes of this report, the consolidated version of the ROP available online at <https://www.niagararegion.ca/official-plan/recommended.aspx> was used.

The following designations apply to the subject lands.

SCHEDULE	DESIGNATION
Schedule B – Regional Structure	Designated Built-Up Area
Schedule J1 – Transportation Infrastructure	Regional Road: Montrose Road
Schedule J2 – Strategic Cycling Network	Strategic Cycling Network

Table 8-1: Regional Official Plan Designations

8.4.1 Chapter 2 Growing Region

Section 2.1 Forecasted Growth

Subsection 2.1.1 Regional Growth Forecasts

Policy 2.1.1.1 Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.

Planning Comment: The proposed development will assist the Region in accommodating the forecasted population for the City of Niagara Falls identified as 141,650 people for the year 2051 (identified in **Figure 8-1**) by providing 91 additional dwelling units.

Table 2-1 – 2051 Population and Employment Forecasts by Local Area Municipality

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Figure 8-1: Excerpt of Table 2-1 - 2051 Population and Employment Forecasts, Retrieved from Regional Official Plan

Section 2.2 Regional Structure

Subsection 2.2.1 Managing Urban Growth

Policy 2.2.1.1 *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*

Planning Comment: The residential intensification targets in the Niagara Region, which are minimum standards that are allowed and encouraged to be exceeded, are identified in **Figure 8-2**. The proposed development contributes to achieving the Region of Niagara target of 60% intensification annually and the City of Niagara Falls residential target of 50% annually.

Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

Municipality	Units	Rate
Fort Erie	3,680	50%
Grimsby	4,500	98%
Lincoln	8,895	90%
Niagara Falls	10,100	50%
Niagara-on-the-Lake	1,150	25%
Pelham	1,030	25%
Port Colborne	690	30%
St. Catharines	18,780	95%
Thorold	1,610	25%
Wainfleet	0	0%
Welland	10,440	75%
West Lincoln	1,130	13%
Niagara Region	62,005	60%

Figure 8-2: Excerpt of Table 2-2: Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051

- b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*

- c) *a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing need*

Planning Comment: The subject lands are located within proximity to a mix and range of supporting uses (i.e. recreational, commercial and employment). The proposed development of 91 townhouse condominium units will add to the mix of uses in the neighbourhood, in addition to the housing types and densities in the City of Niagara Falls. It is a compatible form of intensification, through developing vacant lands in the existing Built-Up Area in a compact layout, similar to the type of townhouses proposed immediately south of the subject lands, thereby contributing to a complete community. This type of residential intensification provides a more attainable option than the existing single detached dwellings due to the division of land into smaller lots and subsequent lower rates per parcel.

- 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;*
iv. *the public realm, including open spaces*

Planning Comment: The subject lands are within proximity to, and connected by, existing sidewalks which lead to a variety of recreational, commercial, employment and institutional land uses. Therefore alternative methods of transportation to the automobile are already encouraged and supported, in order to reduce greenhouse gas emissions and encourage healthy living.

- e) *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*

Planning Comment: The subject lands are currently a vacant parcel of land located within the Built-Up Area of the City of Niagara Falls. This is an inefficient land use pattern, considering the existing infrastructure can accommodate greater intensity and the subject lands have frontage onto Montrose Road, a Regional Road. The proposed development more efficiently utilizes the subject lands and provides a compatible form of intensification with the creation of 91 townhouse dwellings, that respects the existing and proposed character of the surrounding neighbourhood. This form of intensification is necessary to prevent additional land consumption.

Subsection 2.2.2 Strategic Intensification and Higher Densities

Policy 2.2.2.3 *Built-up areas and strategic growth areas identified in Policy 2.2.2.1 are shown on Schedule B.*

Policy 2.2.2.4 *Settlement area boundaries, built-up areas, strategic growth areas, and designated greenfield areas, where applicable, shall be identified in Local official plans.*

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

Planning Comment: The proposed development involves a compatible form of residential intensification within the Delineated Built-Up Area, outlined in **Figure 8-3**, as encouraged. In addition to contributing to achieving the residential intensification target of 60% outlined by the Region, the proposed development will contribute to accommodating the forecasted increase in population.



Figure 8-3: Excerpt of Schedule B: Regional Structure, Retrieved from Regional Official Plan

Section 2.3 Housing

Subsection 2.3.1 Provide a Mix of Housing Options

Policy 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.*

Policy 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 sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.*

Policy 2.3.1.5 *New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life*

Planning Comment: The proposed development increases the variety of housing types in the community by providing 91 new townhouse dwelling units on the subject lands. The proposed dwellings will be more attainable than single detached dwellings due to smaller land parcels and a compact built form. The proposed development will be available for people of all ages and abilities, and accessibility will be achieved through implement applicable AODA design standards at subsequent planning and development stages.

8.4.2 Chapter 5 Connected Region

Section 5.1 Multi-Modal Transportation System

Subsection 5.1.3 Interconnected Active Transportation System

Policy 5.1.3.1 Comprehensive active transportation networks will be integrated into the transportation system to:

- a) enable safe and convenient inter-municipal and intra-municipal travel for active transportation users; and
- b) provide continuous linkages from neighbourhoods to strategic growth areas, major trip generators, employment land, tourism destinations, public service facilities, post-secondary institutions and transit stations, including sidewalks and dedicated lane space for cyclists on the major street network, or other safe and convenient alternatives.

Policy 5.1.3.2 Implementation of the Strategic Cycling Network as identified in the Region's Transportation Master Plan will be prioritized to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule J2.

Policy 5.1.3.3 The Region will support Local Area Municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction.

Policy 5.1.3.4 Local Area Municipalities are encouraged to support the use of bicycle infrastructure to ensure a connected and extended bicycle network within the region.

Planning Comment: As shown in **Figure 8-4**, Montrose Road is identified as part of the Strategic Cycling Network. The development fronts Montrose Road which has bike lanes within the ROW. As such, locating residential density along this ROW and providing bike parking can act as incentives to encourage residents to use cycling as a full-time alternative to maintaining a private automobile.

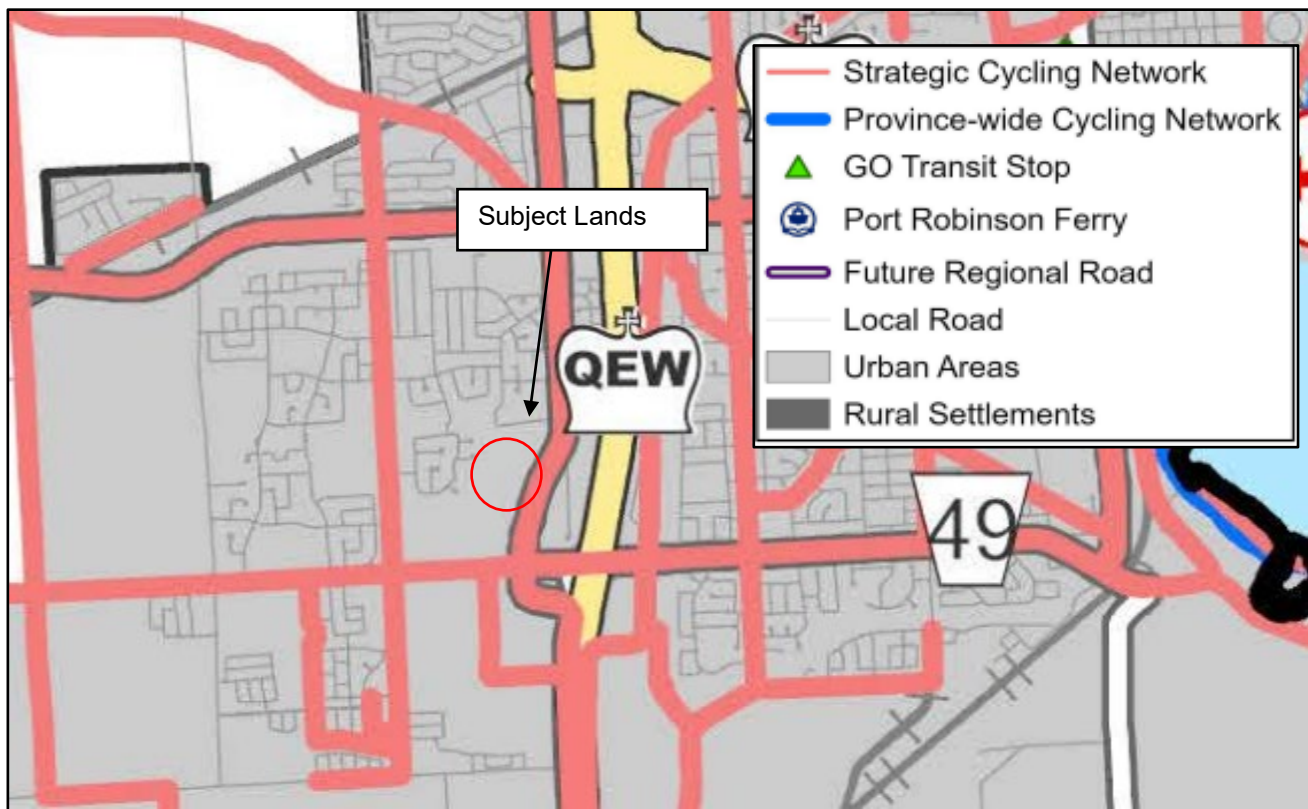


Figure 8-4: Excerpt of Schedule J2 : Strategic Cycling Network, Retrieved from the Regional Official Plan

Subsection 5.1.5 Ensure Regional Roads Accommodate Future Growth and Support Diverse Forms of Transportation

Policy 5.1.5.1 As conditions of the approval of a development application under the Planning Act:

- a) *the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region; and*
- b) *the Region shall be provided with a certificate of an Ontario Land Surveyor noting that all legal survey documentation on the widened road allowance is in place.*

Planning Comment: Figure 8-5 below identifies Montrose Road as a Regional Road. The proposed development will not interfere with the existing functionality of the Regional Arterial Road.

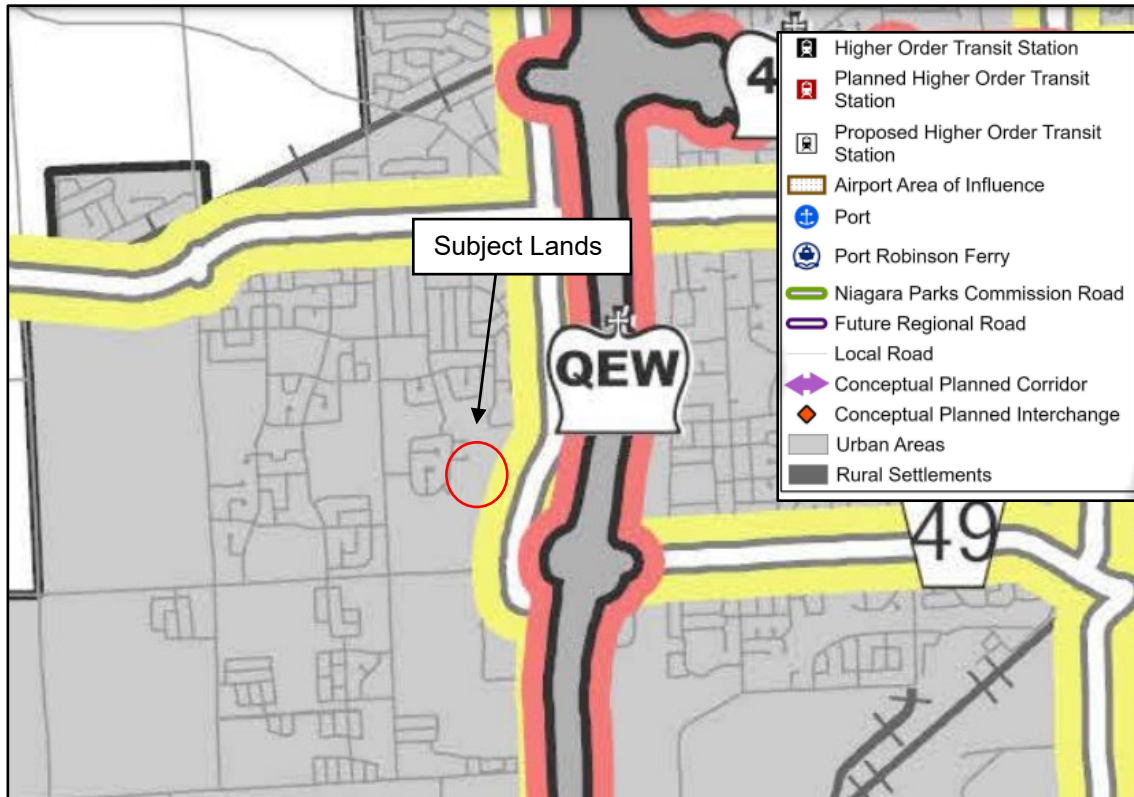


Figure 8-5: Excerpt of Schedule J1: Transportation Infrastructure, Retrieved from the Regional Official Plan

Section 5.2 Infrastructure

5.2.1 Infrastructure Planning, Development, and Asset Management

Policy 5.2.1.4 *Infrastructure investment shall be leveraged to direct and support growth and development within strategic growth areas as well as to achieve the minimum intensification and density targets identified in this Plan.*

Policy 5.2.1.5 *Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of existing infrastructure, and plan and direct growth in a manner that promotes efficient use of existing services.*

Subsection 5.2.2 Municipal Water and Wastewater Servicing within Urban Areas

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

Policy 5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

Planning Comment: The proposed development is proposed to connect to existing municipal services, including storm, sanitary and water. The FSR, prepared by Arcadis, provides analysis that indicates the existing systems are expected to have sufficient capacity to support the proposal. Please refer to the FSR for further details.

8.4.3 Chapter 6 Vibrant Region

Section 6.2 Urban Design

Policy 6.2.1.5 *The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.*

Policy 6.2.1.6 *Active transportation shall be promoted through the cohesive and collaborative design of streets, building interfaces and public spaces.*

Policy 6.2.1.7 *Sustainable design principles shall be applied to the public realm, infrastructure, public service facilities, development and streets.*

Policy 6.2.1.8 *The Region shall promote:*

- d) *well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood*

Planning Comment: As indicated in the Urban Design Brief prepared by Arcadis, the public realm is enhanced through the proposed landscape design, which helps provide an attractive pedestrian realm both at the street and within the site’s interior. In terms of the Montrose Road frontage, the proposed townhouse blocks are purposefully designed to display ‘double frontages’ on either side to avoid a rear lot appearance from Montrose Road. These blocks are separated by 1.8 metre noise wall designed as a garden wall, to help mitigate the potential effect of the noise barrier on the pedestrian realm.

The Draft Zoning By-law proposes minimum site-specific regulations to ensure that the proposed development is an appropriate scale, which will compliment the existing and proposed neighbourhood character.

Region of Niagara Official Plan Conclusion: The proposed development conforms to the Region of Niagara Official Plan, as it will:

- contribute to accommodating the forecasted population for the Region of Niagara and City of Niagara Falls, by providing 91 townhouse condominium units;
- contribute to achieving the Region of Niagara target of 60% residential intensification annually and the City of Niagara Falls residential intensification target of 50%;
- be a compatible form of intensification, which will respect existing community character;
- focus residential intensification within the Urban Built-Up Area;
- make efficient use of the subject lands and existing municipal services and infrastructure;
- add to the range of dwelling types in the neighbourhood;

8.5 City of Niagara Falls Official Plan

The Official Plan for the City of Niagara Falls (“OP”) was approved by the Ministry of Municipal Affairs in October 6, 1993. It has been subject to multiple subsequent amendments which has resulted in the April 2019 Consolidated version which is being used to inform this report. The purpose of the OP is to outline the long-term objectives and policies of the City with respect to the growth and development of urban lands; the protection of agricultural lands and the conservation of natural heritage areas; and the provision of the necessary infrastructure.

Table 8-2 below provides the relevant designations for the subject lands.

SCHEDULE	DESIGNATION
Schedule A: Future Land Use	Major Commercial
Schedule A-2: Urban Structure Plan	Urban Area Built Up Area
Schedule B: Phasing of Development	Existing Municipal Service Area
Schedule C: Major Roads Plan	Arterial Road – Montrose Road

Schedule D: Community Planning Districts	WestLane
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Table 8-2: City of Niagara Falls Official Plan Designations

8.5.1 Part 1: Plan Overview and Strategic Direction

Section 2 Growth Objectives

1. *To direct growth to the urban area and away from non-urban areas.*
2. *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
6. *To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review:*

FORECAST PERIOD	TOTAL HOUSEHOLDS	TOTAL POPULATION	HOUSEHOLD SIZE (PPU)	TOTAL EMPLOYMENT
2011	34070	89100	2.62	45690
2016	36170	94000	2.6	48560
2021	38590	99100	2.57	50820
2026	40870	103100	2.52	52240
2031	42740	106800	2.5	53640

Table 8-3: Forecast of Households, Population and Employment (Table 1)

7. *To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2 by the year 2015*
11. *To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.*

Planning Comment: As shown in **Figure 8-6**, the subject lands are located within the existing Built-Up Area. Through the proposed development, population growth will be accommodated within the City’s Built-Up Area and the minimum 40% intensification target for residential development occurring within the Built-Up Area will be achieved. The proposed ZBLA maintains the use of the lands for residential purposes but modifies provisions on a site-specific basis to permit a more efficient layout. There is existing public and active transportation along Montrose Road, and the development will make use of existing municipal water and sewage services which have been analysed for adequate capacity, demonstrated in the FSR, prepared by Arcadis.

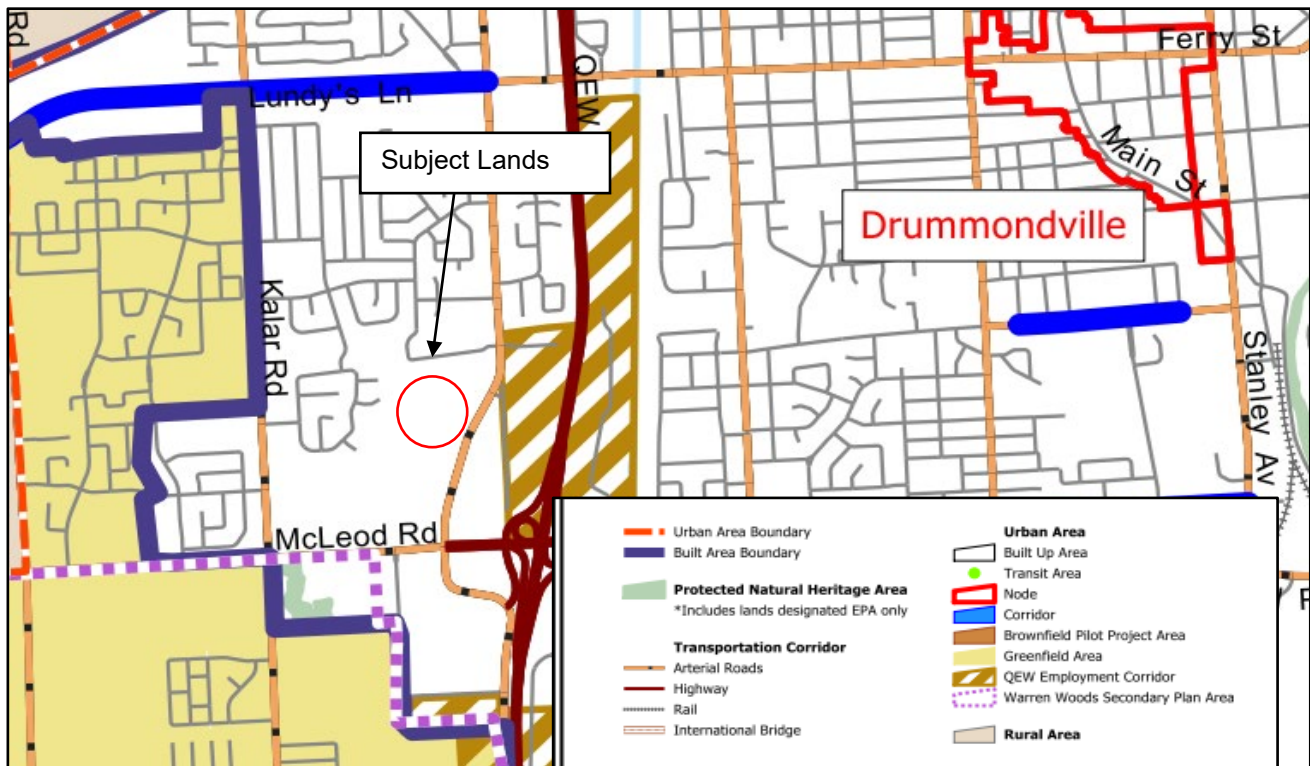


Figure 8-6: Excerpt of Schedule A2, Retrieved from City of Niagara Falls Official Plan

Policy 2.3 *The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.*

Policy 2.4 *The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.*

Section 3 – Intensification

The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit within the Residential land use designation. However, opportunities for residential intensification on lands not currently designated Residential may also be considered. The City has identified specific intensification areas which have the potential to accommodate higher density development over the long term as nodes and corridors on Schedule A-2. The nodes and corridors may contain a mix of land use designations and will be subject to the following policies.

General Policies

Policy 3.1 *Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publically assessed. Proposals of sufficient land area shall be developed through plans of subdivision.*

Intensification Corridors

Policy 3.5 *Intensification Corridors contain lands that front onto arterial roads and have the attributes conducive to supporting medium or high density residential redevelopment over the long term. Lands with frontage directly onto these corridors may be considered for residential use.*

Planning Comment: The subject lands are designated Major Commercial within the Built Area Boundary of the City of Niagara Falls Official Plan. The City allows for the use of commercial lands for residential developments if they are deemed surplus to commercial needs. In Staff Report no. PD-2010-50, City staff presented a recommendation, which provides justification that the subject lands are surplus commercial and are deemed acceptable for residential development, due to the location along a Regional Arterial Road and proximity to a

commercial node located at the intersection of Montrose Road and McLeod Road. Through this Staff Report, the subject lands were re-zoned for townhouse residential uses. The proposed ZBLA will permit an increased efficiency of the subject lands and municipal infrastructure, by reducing setbacks and lot coverage, thereby providing a compact form of development.

8.5.2 Part 2: Land Use Policies

Section 3 – Commercial

Policy 3.1 *The commercial hierarchy shall consist of Major Commercial Districts, Minor Commercial Districts and Neighbourhood Commercial facilities to ensure a full range of shopping opportunities are available. The commercial structure is based on established retail patterns and existing and projected floor areas.*

Subsection 3.2 Major Commercial

Policy 3.2.1 *Major Commercial Districts, shown on Schedule "A", represent the largest concentrations of commercial space in excess of 10,200 square metres of gross leasable retail floor area. The predominant land uses include a full range of retail outlets, personal service shop, accommodations, medical services, and office space to serve the needs of the entire market population and may include mixed use developments, recreational, community and cultural facilities as secondary uses. In addition, residential projects may be permitted subject to appropriate provisions in a zoning bylaw amendment and other relevant sections of this Plan.*

Planning Comment: As seen in **Figure 8-7**, the subject lands are designated as 'Major Commercial'. Staff have considered these lands to be surplus commercial lands, which allows them to be considered for residential purposes, as referenced in **Appendix 1**. They cannot be incorporated within the existing commercial development at Montrose and McLeod Roads and as such, multiple -unit residential uses would be better accommodated. The inclusion of residential uses at this location would provide residents to support the existing commercial uses. In addition, it is separated from existing low-density residential areas to the north, by Charnwood Park and thereby will not impact the character of these neighbourhoods.

The permissions in this designation allow for residential developments subject to appropriate provisions in a Zoning By-law Amendment. The proposed ZBLA will not change the existing Residential Apartment 5C Density Zone to a different zone but rather modify site-specific regulations to permit the proposed townhouse development. This type of medium density development is appropriate for the subject lands, due to its location along an arterial road in proximity to commercial, and employment areas.

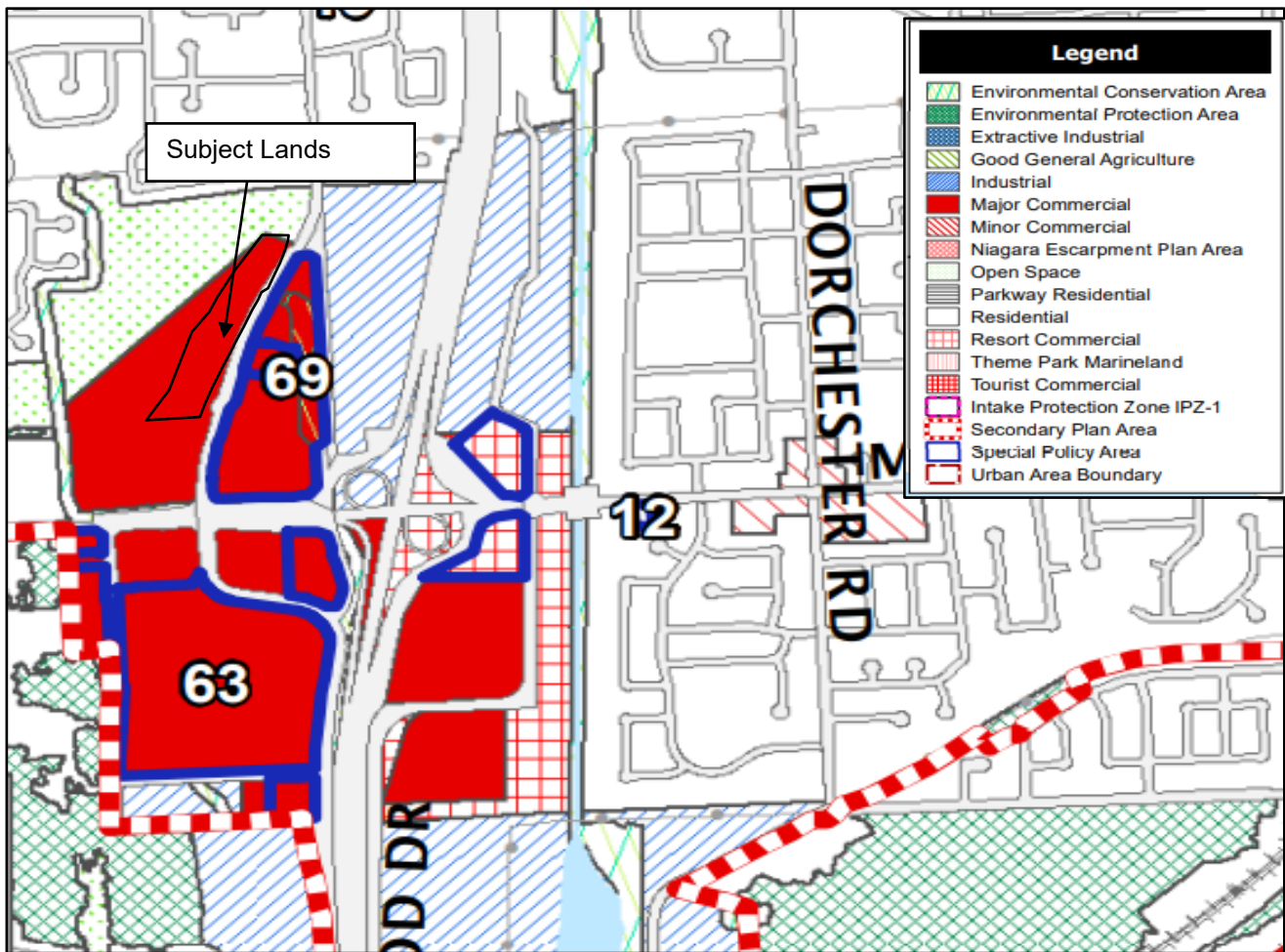


Figure 8-7: Excerpt of Schedule A-2: Future Land Use, Retrieved from City of Niagara Falls Official Plan

8.5.3 Part 3: Environmental Management

Subsection 1.2 Water and Sanitary Sewage

Policy 1.2.4 *Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.*

Subsection 1.3 Storm Drainage

Policy 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. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

Planning Comment: The subject lands are located within a municipal serviced area (identified in **Table 8-2**); therefore, the proposed development will utilize existing municipal water and sewage servicing.

Subsection 1.5 Transportation

Transportation Corridors

Policy 1.5.3 *The streetscape of corridors within the City's jurisdiction should be designed to increase the comfort level of pedestrians through the use of street trees, benches and bus shelters.*

Planning Comment: The proposed development is oriented inwards towards a private street. However, to ensure that the streetscape is enhanced along Montrose Road, the townhouses facing the frontage have been purposefully designed to display ‘double frontages’ on either side to avoid a rear lot appearance. A 1.8-metre-high noise wall, designed as a garden wall, will be installed to separate the proposed rear yards of these units from the Regional Road, while ensuring the landscaped boulevard along Montrose Road is maintained.

Policy 1.5.18.4 Collector and Local Road Network Hierarchy

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. Regional Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Design, road allowance width, use, alignment and access are regulated by the Regional Municipality of Niagara. Road widths vary from 20 metres to 42 metres.

Policy 1.5.29 *In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left-hand turn lanes or any measure which stems from the development or redevelopment and which is necessary in order to maintain an adequate level of service and safety on the established highway system. A transportation study to assess the current and future impact of the development may be required*

Planning Comment: As seen in **Figure 8-8**, Montrose Road is designated as a Regional Arterial Road. The townhouse units will connect to Montrose Road through two accesses to the private internal condominium roadway. The TIS confirms that there are no major impacts as a result of the proposed development.

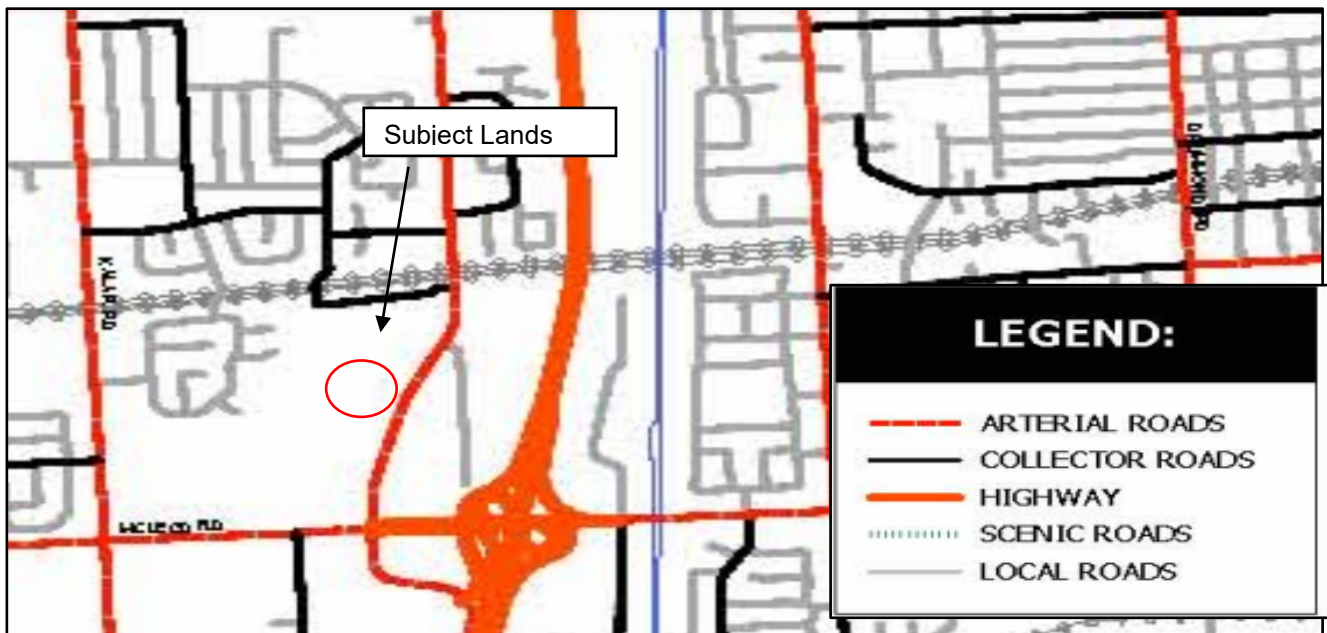


Figure 8-8: Excerpt of Schedule C: Major Roads Plan, Retrieved from City of Niagara Falls Official Plan

Policy 1.5.31 *Council shall require the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads.*

Planning Comment: The physical noise mitigation measures from the Noise and Vibration Study, prepared by Arcadis, will be implemented through subsequent stages, including site plan, building permit and physical construction. The recommendation for a Class 4 designation will be implemented through the proposed ZBLA.

Section 5 - Urban Design Strategy.

Policy 5.1 *New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.*

Policy 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.*

Policy 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*

Policy 5.1.5 *Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*

Policy 5.1.7 *The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.*

Policy 5.2 *Streets are a public space that, while conveying motorized traffic, should be designed as a safe, comfortable and convenient environment for the pedestrian and cyclist. Streetscaping should serve to improve the pedestrian experience of an area through the use of amenities such as widened sidewalks, decorative street lighting, rest areas, tree planting and other landscaping features.*

Policy 5.2.1 *The provision of adequate and accessible space for pedestrians, cyclists and transit are to be considered in the design of streets.*

Policy 5.3 *Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.*

Policy 5.4 *Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*

Planning Comment: The subject lands are separated from any existing neighbourhoods, however, the development immediately to the south plans for a similar type of townhouse development. Therefore, the proposed development will be compatible with existing and emerging surrounding built form, in terms of scale, setback and architecture.

The proposal positions the internal street and parking areas away from Montrose Road and internal to the site, behind the built form and site landscaping. The proposed development will be pedestrian oriented, through the provision of 1.5 metre sidewalks, allowing continuous pedestrian and active transportation movement between townhouse blocks. In terms of streetscape along Montrose Road, the Montrose Road facing blocks are purposefully designed to display 'double frontages' on either side to avoid a rear lot appearance from Montrose Road. However, a 1.8-metre-high noise wall, designed as a garden wall, will be installed to separate the proposed rear yards of these units from the Regional Road. The garden aspect of the design ensures that the landscaped boulevard and public realm along Montrose Road are maintained.

Section 6 Environmental Quality.

Policy 6.9 Environmental Quality

For properties that have been identified as potentially contaminated, and where there is a proposed change in land use to a more sensitive use, the City shall:

Policy 6.9.1 *require verification to the satisfaction of the City and the Region from a Qualified Person as defined by provincial legislation and/or regulations, that the property or properties in question do not require remediation in accordance with provincial legislation and regulations, or the property or properties in question have been*

remediated and made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by City policies or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a Qualified Person in the Environmental Site Registry, and submission by the owner to the City and the Region of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC.

Policy 6.9.2 *not consider an RSC as acknowledged by the MOE for the purposes of Policy 6.9.1 until either:*

- a) *the MOE has confirmed that the RSC will not be audited; or*
- b) *the MOE has confirmed that the RSC has passed the audit.*

Policy 6.9.3 *in order to ensure that satisfactory verification of suitable environmental site conditions is received in accordance with Policy 6.9.1, Council shall utilize Holding provisions, pursuant to the provisions of the Planning Act, in any amending zoning by-law. Where a Zoning By-law amendment is not required, Council shall attach appropriate conditions to draft approval of an application for subdivision.*

Planning Comment: The subject lands were a former landfill, which was decommissioned in the 1970s, and are part of what is known as Charnwood Park. A Phase 1 and 2 ESA were completed for the subject lands to confirm that the lands are safe for residential development and that the environmental condition of the subject lands will not pose a risk to public health and safety. The ESA found that there were two sources of APECs identified. These were in relation to the importation of fill materials and use of the subject lands as a landfill. Upon completion of the Phase 2 ESA, which was completed following a Soil Remediation Program, the subject lands meet the Table 3 SCS. A RSC was subsequently filed. The RSC is provided in the submission package, which indicates that there are no negative concerns relating to public health. Following a Zoning By-law Amendment application, the Holding Provision on the subject lands in relation to the contamination was removed in April 2021, as seen in **Appendix A**.

City of Niagara Official Plan Conclusion: The proposed development conforms to the City of Niagara Falls Official Plan, as it:

- accommodates forecasted population growth, through the construction of 91 condominium townhouse units;
- efficiently utilizes existing municipal and public services to support the proposed increase in population;
- ensures that the built form is compatible with proposed developments immediately to the south;
- develops residential uses upon lands that are surplus commercial lands, facilitating a complete community which has access to other commercial areas;
- facilitates a pedestrian oriented environment, through quality streetscaping and landscaping;
- does not develop upon contaminated lands.

8.6 City of Niagara Falls Zoning By-law

The City of Niagara Falls has four Zoning By-laws that apply to various areas of the City. The City is working on a new Comprehensive Zoning By-Law to replace the four existing Zoning By-laws. The Zoning By-law No. 79-200 currently applies to these subject lands, as they are located north of the Welland River. It regulates the use of land and buildings in regard to the use, height, bulk, location, and spacing to ensure appropriate development.

As seen in **Figure 8- 9**, the subject lands are zoned Residential Apartment 5C Density Zone (R5C-912 Zone) (H). The R5C Zone permits an apartment dwelling and accessory buildings and accessory structures. Exception 912 permits townhouse dwellings, group dwelling and accessory structures. The exception also provides a minimum lot frontage for townhouse dwellings, while identifying that townhouse dwellings will follow the balance of other regulations specified for a R4 use.



Figure 8-9: Zoning Map

Zoning By-law Conclusion: A ZBLA is required to modify Exception 912 to identify that the subject lands be designated as a Class 4 Noise Area as well as to make site-specific exceptions to regulations contained within the R4 Zone to facilitate the proposed development.

8.6.1 Proposed Zoning By-law Amendment

REGULATIONS	R5C-H 912	PROPOSED
Permitted Uses	<ul style="list-style-type: none"> Townhouse dwellings Group dwellings and accessory buildings and accessory structures An apartment dwelling Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14 	<ul style="list-style-type: none"> Townhouse dwellings
Minimum Lot Area for a Townhouse dwelling (R4 Zone)	250 m ² for each dwelling unit	309 m ²
Minimum Lot Frontage	45 m	340.02 m
Minimum front yard depth for a townhouse dwelling	6.0 m	2.50 m for Units 43-50 4.50 m for Units 1-10 4.5 m for Units 11-26, 33-37, 86-90 5.50 m for Units 27-32, 81-85 5.50 m for Units 38-42, 51-80
Minimum Rear Yard Depth for a townhouse dwelling	7.5m	2.00 m for Units 51-70 2.50 m for Units 16-21, 27-32, 38-42, 71-80 3.00 m for Units 33-37, 43-50 3.50 m for Units 1-10 4.00 m for Units 22-26, 86-90

		4.50 m for Units 81-85 5.50 m for Units 11-15
Minimum Interior Side Yard Width	One-half the height of the building $13/2 = 6.5$ m	2.50m Between Units 21 & 22, 37 & 38 3.00 m Between Units 15 & 16, 26 & 27, 32 & 33, 55 & 56, 65 & 66, 70 & 71, 75 & 76, 85 & 86 3.50 m Between Units 5 & 6, 42 & 43, 4.00 m Between Units, 46 & 47, 60 & 61
Minimum Exterior side yard width for a townhouse dwelling	4.5m	N/A
Maximum Lot Coverage for a townhouse dwelling	35%	44.5%
Maximum Height of Building or Structure	10m	13.0 m
Minimum Landscape Open Space area for a townhouse dwelling	45 m ² for each dwelling unit 45x91 units= 4095 square metres	5942 square metres
Minimum privacy yard depth for each townhouse dwelling unit, as measured from the exterior rear wall of every dwelling unit	7.5m	2.0 m
Parking and Access Requirements		
Street Townhouse Dwelling	1 Parking Space per dwelling unit	1 Parking Space per Dwelling Unit

Table 8-4: Proposed Modifications

8.6.2 Class 4 Designation

As stated within the Noise Report, prepared by Arcadis, it is recommended that a Class 4 Designation be applied to the subject lands to attenuate noise levels from off-site stationary noise sources. This would allow higher stationary noise exclusion limits since it is not feasible to install barriers to mitigate noise from existing off-site sources.

8.6.3 Minimum Front Yard Depth

The reduction to the minimum front yard depth is appropriate as it facilitates a compact built form and brings the building closer to the street, which will create an active streetscape and improve the pedestrian realm.

8.6.4 Minimum Rear Yard and Privacy Yard Depth

The intent of the rear yard and privacy yard provision is to provide suitable amenity space within a lot and maintain compatibility between surrounding uses and setbacks from abutting neighbours. Sufficient amenity space is provided for the townhouse dwelling units, including two landscaped areas, which can be utilized for passive recreation. Charnwood Park is abutting the subject lands, therefore, there are no concerns relating to compatibility and amount of amenity space.

8.6.5 Minimum Interior Side Yard Depth

The intent of an interior side yard depth is to maintain compatibility with surrounding uses. There are no concerns relating to compatibility, as the adjacent use is proposed to be townhouses of a similar style.

8.6.6 Maximum Lot Coverage

Overall, the reduction to maximum lot coverage is to facilitate a more compact built form.

8.6.7 Maximum Height

The increase to the maximum height is minor and does not pose any compatibility concerns, because the proposed townhouse development to the south is of a similar nature and the low-density neighbours are adequately separated from the neighbourhoods.

9 Conclusions and Recommendations

Gemini Corporation is the owner of a 2.27-hectare parcel of land, located along Montrose Road in the City of Niagara Falls. The subject lands are currently vacant, and the Owner is proposing to develop the lands into a private townhouse development, containing a total of 91 dwelling units ranging from two to three-storeys in height.

In order to permit the proposed development, ZBLA and VLC applications are required.

The proposed development and planning instruments:

- Are consistent with the PPS, by promoting and implementing a cost-effective development pattern within the built-boundary that minimizes land consumption and servicing costs by efficiently utilizing municipal infrastructure;
- Conform to the Growth Plan, contributing towards achieving a complete community by increasing the mix and range of residential uses within proximity to complementary land uses that are readily accessible by active transportation or public transit;
- Conform to the Region of Niagara Official Plan, contributing to meeting the minimum annual residential intensification target for the City of Niagara Falls and Region of Niagara;
- Conform to the City of Niagara Falls Official Plan, permitting the proposed uses in a compact form compatible with the context;
- Are In conformity with the intent of the City of Niagara Falls Zoning By-law.

Ultimately based on a review of the subject lands, the surrounding lands, supporting studies, and the applicable planning policy framework, the application represents good planning, will facilitate intensification within the city's Urban Area and will add additional housing opportunities for the City and Region.

Respectfully submitted this **August 4th** day of **2023**

Regards,

Arcadis



Ritee Haider BES MCIP RPP
Planner

Appendix A

Holding Provision By-law

SCHEDULE 1 TO BY-LAW NO. 2021-48
CITY OF NIAGARA FALLS

By-law No. 2021 - 48

A by-law to amend By-law No. 2010-132, which amended By-law No. 79-200, to remove the holding symbol (H) on the lands on the west side of Montrose Road between Charnwood Avenue and McLeod Road, to permit them to be developed (AM-2010-009).

WHEREAS By-law No. 2010-132 includes land use holding prohibitions that have the effect of zoning the lands R5C(H)-912;

AND WHEREAS the lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law;

AND WHEREAS the purpose of this by-law is to remove the land use holding prohibitions set out in By-law No. 2010-132 on the Lands, to have the effect of zoning the Lands R5C-912;

AND WHEREAS the purpose of this by-law is to amend By-law No. 2010-132 such that the provisions of By-law No. 2010-132 concerning the permitted uses and governing regulations for the Lands will be of full force and effect in accordance with this by-law;

AND WHEREAS the Council of the City of Niagara Falls is satisfied that the purpose of the holding provisions of By-law No. 2010-132 with respect to the Lands, will be achieved and that the conditions required for the removal of the holding provisions of By-law No. 2010-132 for the Lands will or can be fulfilled;

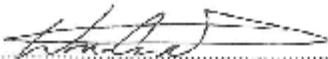
AND WHEREAS it is and has always been the intent of the Council of the City of Niagara Falls that the holding provisions of By-law No. 2010-132 would be removed and the permitted uses and regulations set out in the by-law would be implemented once the conditions set out in By-law No. 2010-132 had been fulfilled;

AND WHEREAS the Council of the City of Niagara Falls is proceeding in accordance with subsection 33(4) of the *Planning Act*, R.S.O. 1990, c. P.13.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS ENACTS AS FOLLOWS:

1. The holding provisions of By-law No. 2010-132 are hereby declared to be of no force and effect on the Lands.
2. The holding symbol (H) is removed from the zoning designation of the Lands, as shown on Schedule 1.
3. The balance of By-law No. 2010-132 is declared to be in full force and effect on the Lands.

Read a First, Second and Third time; passed, signed and sealed in open Council this 20th day of April, 2021.


WILLIAM G. MATSON, CITY CLERK


JAMES M. DIODATI, MAYOR

Appendix B
Staff Report



PD-2010-50

June 28, 2010

REPORT TO: His Worship Mayor Ted Salci
and Members of the Municipal Council
City of Niagara Falls, Ontario

SUBMITTED BY: Planning, Building & Development

SUBJECT: PD-2010-50
AM-2010-009, Zoning By-law Amendment Application
City Owned Lands on the East and West Sides of Montrose Road,
North of McLeod Road and McLeod Square Inc. Owned Lands on
the West Side of Montrose Road, North of McLeod Road
Applicant: City of Niagara Falls and McLeod Square Inc.
Rezoning Lands Site Specific Residential Apartment 5C Density
and General Commercial Zones

RECOMMENDATION

That Council approve the application to rezone Parcel 1 an Open Space (OS) zone, rezone Parcels 2 and 4 a site specific Residential Apartment 5C Density (R5C) zone and rezone Parcel 3 a site specific General Commercial (GC) zone, subject to the placement of a holding (H) symbol on Parcels 2, 3 and 4 and subject to the regulations addressed in this report.

EXECUTIVE SUMMARY

The zoning proposals are simultaneous applications by the City and McLeod Square Inc. for lands on the west and east sides of Montrose Road north of McLeod Road. The applications would:

1. Place Parcel 1 under an Open Space (OS) zone to recognize it will permanently be part of a City park;
2. Place Parcels 2 and 4 under a site specific Residential Apartment 5C Density (R5C) zone to permit them to be developed for multiple family residential purposes; and
3. Place Parcel 3 under a site specific General Commercial (GC) zone to permit it to be developed for general commercial purposes. These requests can be supported because:
 - Parcel 1 is intended to be retained by the City and maintained as part of Charnwood Park;
 - Parcels 2 and 4 are surplus commercial lands and the Official Plan allows surplus commercial lands to be considered for residential purposes;
 - higher residential densities are permitted on arterial roads in close proximity to commercial areas; and

June 28, 2010

- 2 -

PD-2010-50

- Parcel 3 is designated Major Commercial and is part of the Niagara Square Retail District.

Holding (H) symbols should be placed on Parcels 2 and 4 to ensure a Record of Site Condition is completed before development occurs and on Parcel 3 to ensure the developer enters into an agreement to contribute to Q.E.W./McLeod Road interchange improvements and completes an Environmental Impact Statement.

BACKGROUND

Proposal

Amendments are proposed for 4 parcels of land totalling 9.4 hectares (23.3 acres) on the west and east sides of Montrose Road, north of McLeod Road. The proposal is to reflect that certain lands owned by the City will remain parkland; provide for the lands on the west side of Montrose Road to be developed for apartment and/or townhouse use; and to allow a parcel on the east side of Montrose Road to be developed for commercial purposes. The lands are shown on Schedule 1.

Parcel 1 is zoned Planned Shopping Centre Commercial (SC-653) which permits a variety of commercial uses. Parcel 1 is proposed to be rezoned Open Space (OS) to recognize that it will remain as public open space rather than be developed for commercial purposes.

Parcel 2 is zoned Planned Shopping Centre Commercial (SC-653), in part, and Open Space (OS) in part. Parcel 2 is proposed to be rezoned a site specific Residential Apartment 5C Density (R5C) zone that would permit the land to be developed with apartment buildings up to 6 storeys in height, townhouses or group dwellings. Site specific provisions would require a lot frontage of 45 metres (147.6 ft.) and a rear yard setback of 6 metres (19.7 ft.) and would permit more than one building per lot.

Parcel 3 is zoned a site specific Planned Shopping Centre Commercial (SC-701), which restricts its use to institutional uses, a place of entertainment, a public park and recreational uses. Parcel 3 is proposed to be rezoned to General Commercial (GC), which would permit the land to be used for a wide range of commercial uses. Site specific provisions would require a lot frontage of 60 metres (197 ft.), a front yard setback of 6 metres (19.7 ft.) and a landscaped open space strip 6 metres (19.7 ft.) wide along the front lot line. A holding (H) symbol would be applied to the land until the landowner has entered into an agreement to contribute funds to the improvement of the Q.E.W./McLeod Road interchange.

Parcel 4 (owned by McLeod Square Inc.) is zoned SC-653. and is proposed to be zoned the same site specific R5C zone as Parcel 2.

Site Conditions and Surrounding Land Uses

Parcel 1 is part of the former City landfill and is marked by a rise of land due to recent soil movement as part of the land re-contouring. Parcels 2 and 4 have been cleared. Parcel 3 is vacant and abuts a steep treed slope on the east side.

The Charnwood subdivision lies to the north of the parcels, north of the future park. Parcel 3 is bounded by the McBain Centre and skateboard park to the south, a wooded area to the east and Parcels 1, 2 and 4 to the west and northwest.

June 28, 2010

- 3 -

PD-2010-50

Circulation Comments

Information regarding the proposed Zoning By-law Amendment was circulated to City divisions, the Region, agencies and the public for comment. The following summarizes the comments received to date:

- **Regional Municipality of Niagara**
 - **No objections.** The proposed amendment will provide for the development of vacant land into mixed commercial, residential and open space uses, which will contribute to intensification targets and the development of a complete community.
 - **As Parcels 2 and 4 are adjacent to a former landfill the City should place a holding (H) symbol on these parcels until the necessary Environmental Site Assessments, site remediation and filing of a Record of Site Condition have been completed.**
- **Niagara Peninsula Conservation Authority**
 - **No objections, however, Parcel 3 is adjacent to a significant woodland according to the Region's Core Natural Heritage Map. An Environmental Impact Study will be required to demonstrate that future development will not impact on the woodland.**
- **Municipal Works**
 - **No objections to the rezoning. An extension of sanitary, storm and water services to the lands will be required to service the lands.**
- **Parks and Recreation**
 - **No objections.** It is intended the future Charnwood Park (Parcel 1 and the lands north and west of it) will be developed as passive parkland with the existing mature tree buffer along the north and west sides preserved. Park design will be determined through further consultation with the public.
- **Transportation Services, Legal Services, Fire Services, Building Services**
 - **No objections.**

Neighbourhood Open House

Two neighbourhood meetings were held, one on April 27, 2010 and one on May 19, 2010. A total of 4 residents attended the meetings to hear about the proposal and offer comments. No objections were expressed regarding the proposed rezoning. However, the members of the public had a number of questions and concerns about the proposed park, including drainage concerns behind dwellings on Charnwood Avenue, location of the entrance and parking for the park, and concerns about all-terrain vehicles accessing the park. In addition, one resident expressed concern about lighting impacts from the future Lowes store to the south of the subject lands.

June 28, 2010

- 4 -

PD-2010-50

ANALYSIS

1. **Official Plan**

The Official Plan designates Parcels 2, 3 and 4 Major Commercial within the Niagara Square Retail District. Lands designated Major Commercial are intended to be primarily developed with a wide range of commercial uses that will strengthen this district's role as a regional retail shopping district. The use of commercial lands for residential developments is also permitted if they are surplus to commercial needs. Parcel 1 is on the boundary between the Major Commercial and Open Space designations and is interpreted to be Open Space. Lands designated Open Space are intended to be used for major public parks and other recreational uses.

Developing Parcel 1 for a park use reflects the intent of the Open Space designation.

The development of Parcels 2 and 4 for residential purposes complies with the Official Plan as follows:

- These lands are surplus to commercial need and cannot be incorporated into the proposed commercial development at Montrose and McLeod Roads due to the limited depth of these parcels. As such, multiple-unit residential use can be better accommodated on the land.
- Residential units next to shopping centres will provide a market to support the commercial uses.
- The height and density in the proposed residential zone (up to 6 storeys and 100 units per hectare) is in keeping with Official Plan policies which call for more intensive residential development in proximity to Major Commercial Districts. This development would provide residents within walking distance to support businesses in the Niagara Square Retail District.
- The proposed residential development is separated from low density residential areas to the north and west and will not impact on these areas.
- The development has direct access to the arterial network as well as the City's transit system. Commercial traffic patterns will not be adversely affected by the development.

The development of Parcel 3 for general commercial purposes will provide additional commercial opportunities to support and strengthen the Niagara Square Retail District.

2. **Zoning By-law**

The application proposes Parcel 1 be rezoned Open Space (OS), Parcels 2 and 4 be rezoned a site specific Residential Apartment 5C Density (R5C) and Parcel 3 be rezoned a site specific General Commercial (GC) zone.

The proposed OS zone for Parcel 1 is the same zoning that applies to the parkland to the north and west and reflects the intent of the City to develop this parcel as parkland.

June 28, 2010

- 5 -

PD-2010-50

The R5C zone typically permits apartment dwellings up to 6 storeys in height and a density of 100 units per hectare. To provide flexibility in design and housing types, the site specific R5C zone proposed for Parcels 2 and 4 will also include townhouse dwellings and group dwellings (groupings of two or more apartment dwellings and/or townhouse dwellings) as permitted uses in accordance with the provisions of the R4 zone. A mix of apartments and townhouses in these parcels may provide an opportunity for a transition in use and design between commercial uses to the south and lower density residential further to the north. The proposed changes would permit between 200 to 400 dwelling units; the actual number of units which could be developed may be less due to the physical constraints of the parcels.

The R4 and R5C standards require buildings to be set back from side lot lines a distance of 50% of the building height, require 40% of the area of a lot developed for an apartment dwelling to be landscaped and requires 45 square metres of landscaped open space per townhouse dwelling unit. These standards would provide a buffer from the commercial areas to the south and would provide amenity areas for residents in the development.

In addition the following site specific provisions are proposed:

- To provide flexibility for residential developments it is recommended minimum lot frontage be increased from 30 metres to 45 metres and the rear yard depth be reduced from one-half building height or 10 metres for apartment dwellings and 7.5 metres for townhouse dwellings to 6 metres. As the parcels back onto parkland, there are no impacts caused by the reduction in the rear yard setback.
- Given the increase in minimum lot frontage it would be appropriate to permit more than one apartment building per lot as group dwellings. To ensure privacy is provided to future residents a separation distance of 19 metres between apartment buildings on the same lot (equivalent to the height of a typical 6 storey apartment building) is proposed.

The proposed site specific GC zone on Parcel 3 would permit a wide range of commercial uses to support the Niagara Square Retail District. The following site specific provisions are proposed:

- To ensure lot sizes are of a sufficient size to accommodate the anticipated uses the minimum lot frontage will be increased from 6 metres to 60 metres.
- As the GC zone does not require a front yard building setback it is recommended a front yard setback of 6 metres be introduced to provide adequate separation from Montrose Road.
- A 6 metre wide landscaped open space strip adjacent to Montrose Road should be introduced to reflect the landscaping expected for this area and to enhance the appearance of the Niagara Square Retail District.

June 28, 2010

- 6 -

PD-2010-50

3. Holding (H) Symbol

Parcels 2 and 4 are adjacent to the former City landfill site. Therefore, the necessary Environmental Site Assessments and a Record of Site Condition should be a requirement prior to any redevelopment with a residential use. As such, a holding (H) symbol will be applied to the zoning on the lands, which can be lifted once a Record of Site Condition has been filed.

Parcel 3 is within the area over which Council applied a holding (H) symbol requiring landowners to enter into an agreement to make financial contributions to improvements to the McLeod Road/ Q.E.W. interchange. As well, the Niagara Peninsula Conservation Authority has advised that an Environmental Impact Statement is to be completed prior to development of this property to ensure the woodland to the east is not impacted. To reflect Council's earlier decision and ensure the Environmental Impact Study is completed, Parcel 3 should also be subject to a holding (H) symbol.

CITY'S STRATEGIC COMMITMENT

The requested zoning in part assists the City in selling surplus lands and therefore provides an alternative source of revenue for the City.

LIST OF ATTACHMENTS

- Schedule 1 - Location Map

Recommended by:



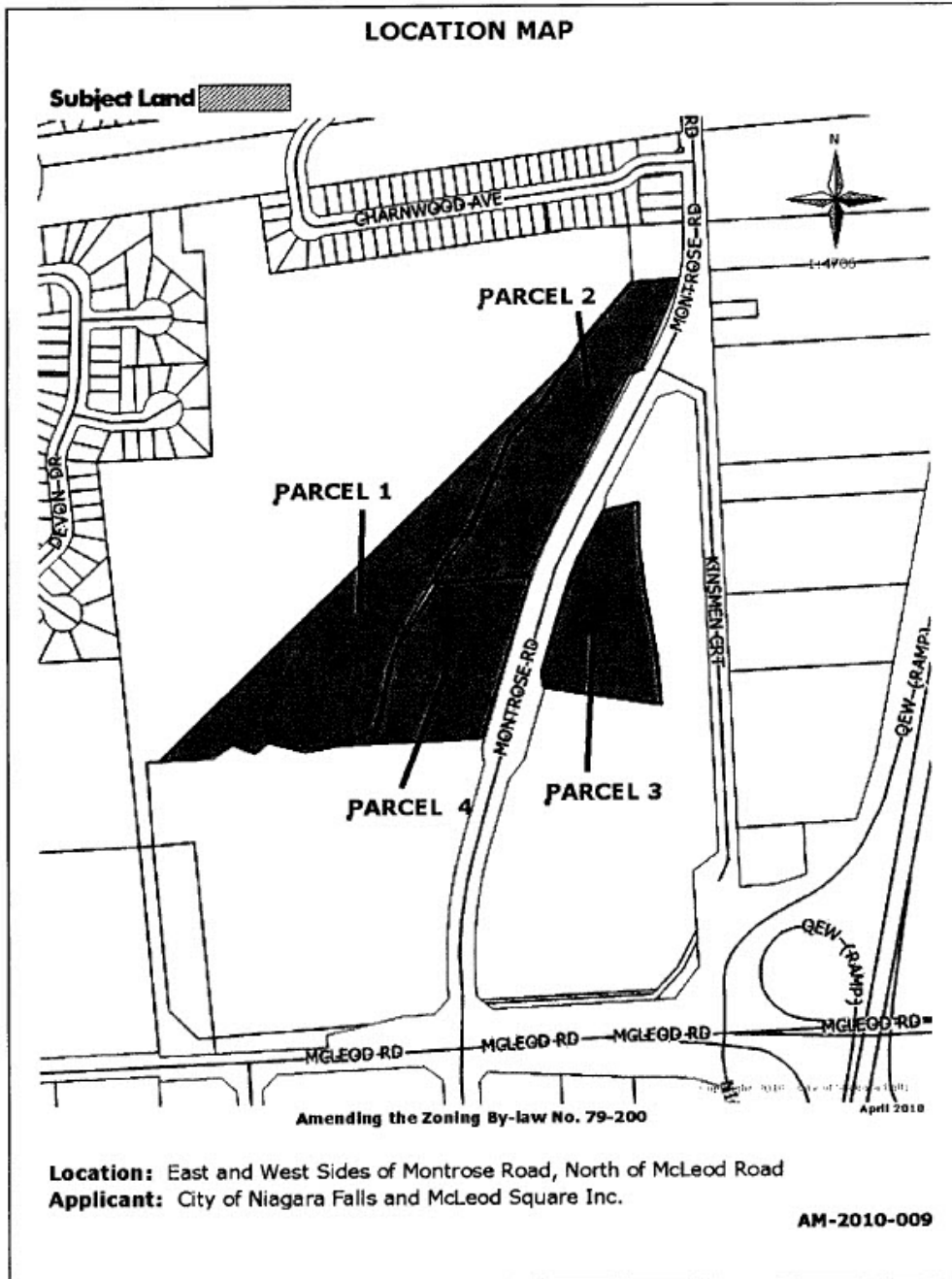
Alex Herlovitch, Director of Planning, Building & Development

Respectfully submitted:



Ken Todd, Chief Administrative Officer

SCHEDULE 1



About Arcadis

Arcadis is the world's leading company delivering sustainable design, engineering, digital and consultancy solutions for natural and built assets. We are more than 36,000 architects, data analysts, designers, engineers, project planners, water management and sustainability experts, all driven by our passion for improving quality of life.

We exist to find solutions to today's most pressing challenges, from the impact of climate change to increasing urbanization and digital transformation – all with the goal of improving quality of life for people around the world. You can see this in the work we do for our clients, the opportunities we create for our people, and in our efforts to enhance the communities in which we live and work. We bring together world-class resources and the latest innovative technologies to help define the cities and experiences of tomorrow.

This has been our mission since 1888, when we were founded to transform unusable wetlands in the Netherlands into prosperous land for people to farm. And it continues today.

www.arcadis.com

Contact us

Ritee Haider MCIP RPP
Planner

E ritee.haider@arcadis.com