

PLANNING JUSTIFICATION REPORT

PROPOSED MIXED USE DEVELOPMENT
STACKED TOWNHOUSES WITH GROUND FLOOR COMMERCIAL
7301 LUNDY'S LANE

PREPARED FOR:

RPDS INTEGRATED DESIGN FIRM

PREPARED BY:

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1.0 BACKGROUND

RPDS Integrated Design Firm has retained the services of Robert Russell Planning Consultants Inc. to provide a Professional Planning Opinion related to a proposal to Amend the City of Niagara Falls Zoning By-law at 7301 Lundy's Lane.

The Subject Property is owned by Lifestyle on Lundys Inc. and was most recently operating as a miniature golf commercial business.

Raj Patel of RPDS Integrated Design Firm requested a Pre-Consultation with the City of Niagara Fall that is dated July 6, 2023 to present a proposed site plan for a new stacked townhouse residential site with access to Lundy's Lane and Royal Manor Drive.

2.0 SITE DESCRIPTION AND CONTEXT

As noted above the Site is located at 7301 Lundy's Lane in the City of Niagara Fall in the Regional Municipality of Niagara. The legal description is Part of Township Lot 132 Stamford; Part 2 of Plan 59R-4169.

The Subject Property is on the north side of Lundy's Lane, immediately adjacent to the Queen Elizabeth Way located to the west. The property also has frontage on Royal Manor Drive at the rear lot line. The property is generally rectangular in shape, however, the rear lot lot, along Royal Manor Drive is angled and not parallel to the front lot line. Lot width along Lundy's Lane is 46.6 m and average lot depth is 131 m resulting in a total site area of 6,497.79 square metres. The land is generally flat without much topographic relief, however it was previously developed as a miniature golf establishment and those facilities and localized grading alterations remain on the site at this time.

The Subject Property is within an established mixed use neighbourhood that includes several defining elements including the Highway 420 and Queen Elizabeth Way ("QEW") interchange, the Canada One outlet mall, and multiple restaurants and tourist accommodation providers along the surrounding arterial roads. Rounding out the rest of the surrounding neighbourhood are residential uses, which are predominantly single detached. The residential uses are typically located on local roads, with the non-residential uses being located directly on Lundy's Lane.



Figure 1: Aerial Photo - Site Context

3.0 PROPOSED DEVELOPMENT

Lifestyle on Lundy's proposes to construct a mixed use commercial and residential development in a stacked townhouse typology consisting of 5 individual blocks. The commercial component of this development will provide 4 commercial units with a total GFA 273.7 m². The residential component of the development consists of 68 units with a total GFA of 4,841.5 m² located in 5 storey buildings. The commercial units are located on the ground floor of Block A adjacent to Lundy's Lane with the future commercial businesses having direct pedestrian access to the Lundy's Lane sidewalk. Above these commercial uses will be 8 stacked townhouse units. The remaining 60 townhouse units are provided in a more traditional stacked townhouse configuration.

The proposed development includes landscaped areas that serve several purposes. Landscape buffers are provided adjacent to the QEW on the west side and the commercial uses on the east side of the Subject Property. A larger, landscaped amenity space is provided more central to the site.

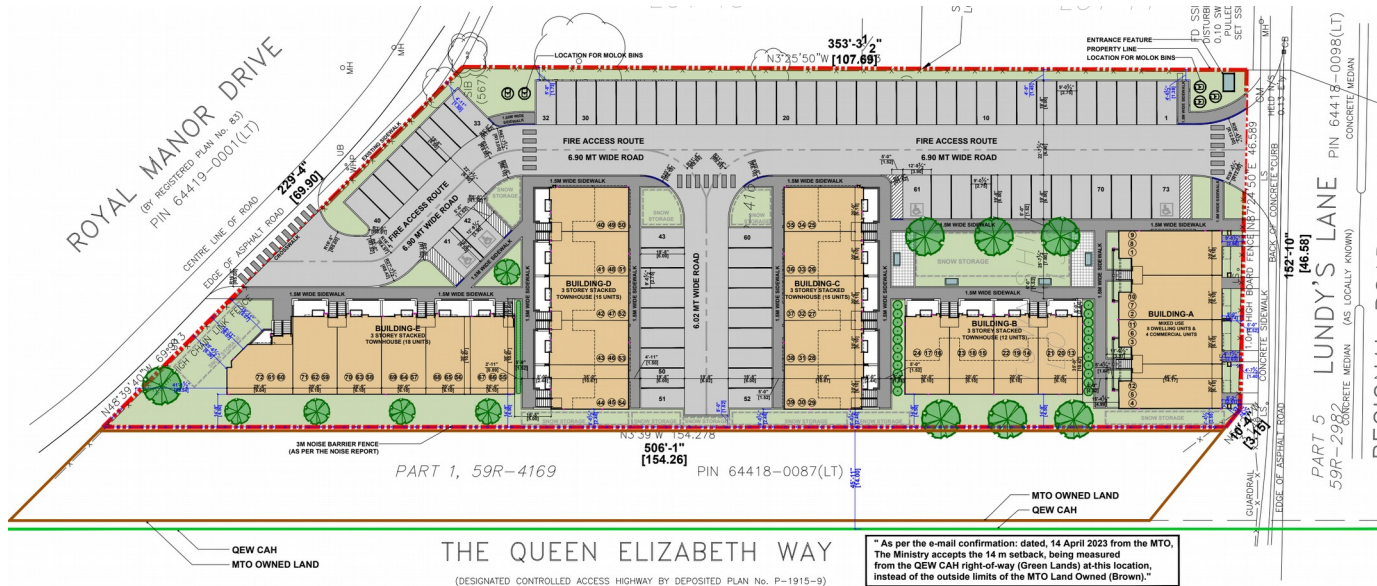


Figure 2: Concept Site Plan

4.0 PLANNING POLICY

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

4.1 Provincial Policy Statement

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

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

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

The following key Provincial Policy Statement policies are most relevant to the proposed Site Specific Official Plan Amendment and proposed Zoning By-law Amendment.

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

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

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

The proposed development would make use of under-utilized land and effectively vacant land that has already been identified and designated by the City of Niagara Falls for residential and ancillary uses. The development itself provides a compact form incorporating a complimentary mix of land uses.

The proposed redevelopment of the Subject Property will improve servicing efficiency given that it will be constructed in a location that is currently serviced, but is effectively vacant. It will also introduce additional housing options, and will reduce the need for greenfield expansions, thus preserving biodiversity surrounding the built up area of Niagara Falls.

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

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

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

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

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

As noted previously, the proposed redevelopment of this site will substantially improve the efficiency of the existing municipal servicing and infrastructure and is located on an Arterial Road. Niagara Region Transit does not operate a bus route along Lundy's Lane west of Drummond Road. It is unclear why this arterial road does not have bus service. The Ministry of Transportation of Ontario has published Transit Supportive Guidelines which include a table suggesting the neighbourhood density required to support varying levels of transit service. The site density that would result from the proposed development is 106.25 units per hectare. This level of density would support a subway per the Transit Supportive Guidelines if the rest of the neighbourhood was developed at a similar rate. If the reason for the lack of bus service on Lundy's Lane was a lack of ridership, the proposed development density could help support the introduction of bus service. As such, the proposed development is transit supportive, located approximately 400 m from the closest bus routes on Montrose Road and 600 m from a bus route on Dorchester Road, and will contribute to the efficiency of Niagara Region Transit.

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

The City of Niagara Falls has identified a minimum density of 50 units per hectare for stacked townhouses, apartments and other multiple housing forms on Collector Road in Part 2 Policy 1.15.5(ii). Apartments on Arterial Roads have a minimum density of 75 units per hectare as identified in Part 2 Policy 1.15.5(iii) as discussed in more detail in Section 4.4 City of Niagara Falls Official Plan. The development proposal is for stacked townhouse on an Arterial Road, which isn't a scenario specifically contemplated in these two policies. However, given that the proposed development would provide a density of 106.25 units per hectare it meets the minimum density requirement of both policies.

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

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

The proposal to develop stacked townhouses on the Subject Property provides a housing options that is underrepresented in the surrounding neighbourhood. Stacked townhouses can provide densities similar to mid-rise apartments, at lower cost to the future inhabitants, and thus will broaden the range of housing

options in accordance with the above policy. As previously noted, the densities proposed for this development site are transit supportive and make efficient use of existing municipal infrastructure.

- “1.6.3 Before consideration is given to developing new infrastructure and public service facilities:
a) the use of existing infrastructure and public service facilities should be optimized;...”*

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

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

The proposed development does not propose any material changes to the land use pattern of the neighbourhood, as it is a redevelopment that would intensify the density of an existing residential area. The subject property is situated in a neighbourhood with easy access to a number of different commercial areas within a 500 m radius. This represents a 5 – 10 minute walk for future resident's to access restaurants and neighbourhood commercial. Furthermore, the proposed development will incorporate commercial space along the Lundy's Lane frontage providing additional convenience for the future residents. The broad mix of land uses within a small radius will support active transportation and help reduce vehicle trips.

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

As previously noted, the proposed development, if approved, would result in a site density of 106.25 units per hectare, which is similar to low and mid-rise apartment uses. However, design and construction costs are substantially lower for stacked townhouses, resulting in a more affordable housing option that can be designed and constructed faster than an apartment type structure. As such, this housing option can respond quickly to changing market needs and can provide housing for employees in the tourism and hospitality industries in Niagara Falls.

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

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

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

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

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

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

- “2.2.1.2 Forecasted growth to the horizon of this Plan will be allocated based on the following*
- a) the vast majority of growth will be directed to settlement areas that:*
 - i) have a delineated built boundary;*
 - ii) have existing or planned municipal water and wastewater systems; and*
 - iii) can support the achievement of complete communities;...”*

The City of Niagara Falls has a delineated built boundary as noted above, and this property is within that boundary. The development site is within a previously developed part of Niagara Falls with existing services located on Lundy's Lane and Royal Manor Drive. The current neighbourhood composition is reasonably complete. The additional density and residents that would result from the construction of the proposed development. could help to spur additional redevelopment of those uses that appear to be missing and allow for the creation of a complete community. In particular it appears that a grocery store is currently not within walking distance of the development site. However, there are grocery options within a 1.5 km to 2.5 km of the Subject Property.

- “2.2.1.4 Applying the policies of this Plan will support the achievement of complete communities that:*
- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;...*
 - c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;...*
 - e) provide for a more compact built form...”*

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

- “2.2.2.1 By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
- a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and*

Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area;...”

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

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

The City of Niagara Falls Official Plan has identified a minimum density for residential areas and the proposed development exceeds the minimum required density.

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

4.3 Niagara Official Plan

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

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

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

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

Schedule J1 – Transportation Infrastructure shows that Lundy’s Lane is identified as a Regional Road

Schedule J2 – Strategic Cycling Network shows that Lundy's Lane is identified as being part of the Strategic Cycling Network.

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

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

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

The proposed development of 5 stacked townhouse buildings with 68 total residential units represents a density of 106.25 units per hectare. As such, this proposal is compact, transit-supportive, and provides additional and affordable housing choices that reduce land consumption. The incorporation of local commercial uses into the development project will reduce the need for vehicle trips for the future residents of this development in addition to those existing residents in the surrounding community. Furthermore the subject property is located adjacent to existing municipal water and wastewater services, is close to existing transit routes and is located on an identified component of the Strategic Cycling Network.

“2.2.2.1 Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas...”

The proposed development will provide population growth in the form of intensification within the built-up area in accordance with this policy.

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

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

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

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

“2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:
a. facilitating compact built form; and
b. incorporating...energy conservation standards, ... and low impact development.”

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

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

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

“2.3.2.3 To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:
a. 20 per cent of all new rental housing is to be affordable; and
b. 10 per cent of all new ownership housing is to be affordable.”

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

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

The proposed development will include electric vehicle charging locations.

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

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

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

The Subject Property is on an Arterial Road that is not currently serviced by a Transit Route as discussed previously. As noted in Section 4.1 Provincial Policy Statement the site density of the proposed development would support high order transit service. As such, the proposed development could assist in supporting the expansion transit service on Lundy's Lane.

“6.2.1.8 The Region shall promote:...
d. well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;...”

An Urban Design Brief has been prepared by RPD Studio for the proposed development. Section 3.1 includes a detailed list of design elements that have been incorporated to ensure that the buildings are well-designed. Some of these design features are shown in Figure 3: Conceptual Commercial Elevation and Figure 4: Conceptual Townhouse Elevation and include:

- Commercial units will have increased ceiling height and fenestration
- Consistent, but articulated building mass

- Pedestrian friendly designated
- Variations in wall planes
- Side elevation of end units that are visible from the street will equal the design quality of the front facade
- Increase fenestration on end units
- Emphasize and pair main entrance to each unit
- Provide porches

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

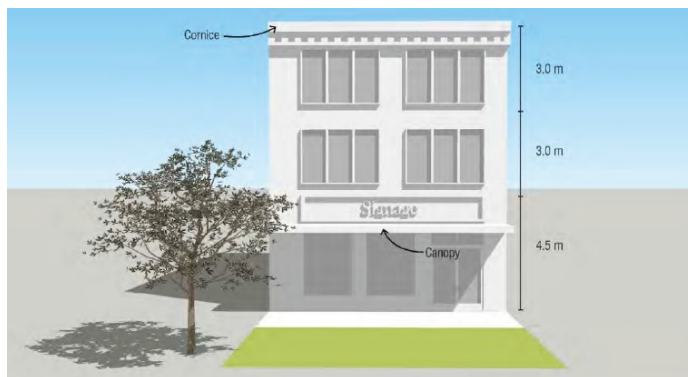


Figure 3: Conceptual Commercial Elevation



Figure 4: Conceptual Townhouse Elevation

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

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

It should be noted that there are a number of repeating policies and themes in the Niagara Official Plan. Specifically related to the Region’s desire for compact built form, higher density, transit-supportive uses and active transportation. Several of these policies that merely repeat a previous policy without adding any new

requirements have not been specifically noted in the analysis above. However, all policies have been reviewed and it is my Professional Planing Opinion that based upon my review of the entirety of the Niagara Official Plan (2022), including the specific policies referenced above, therefore, I conclude that the proposed development conforms to the Niagara Official Plan.

4.4 City of Niagara Falls Official Plan

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

Schedule A – Future Land Use designates the Subject Property as Tourist Commercial

Schedule A2 – Urban Structure Plan identifies Lundy's Lane as an Arterial Road.

Schedule C – Major Roads Plan also indicates that Lundy's Lane is classified as an Arterial Road.

Schedule D – Community Planning Districts indicates that the Subject Property is within the Westlane district.

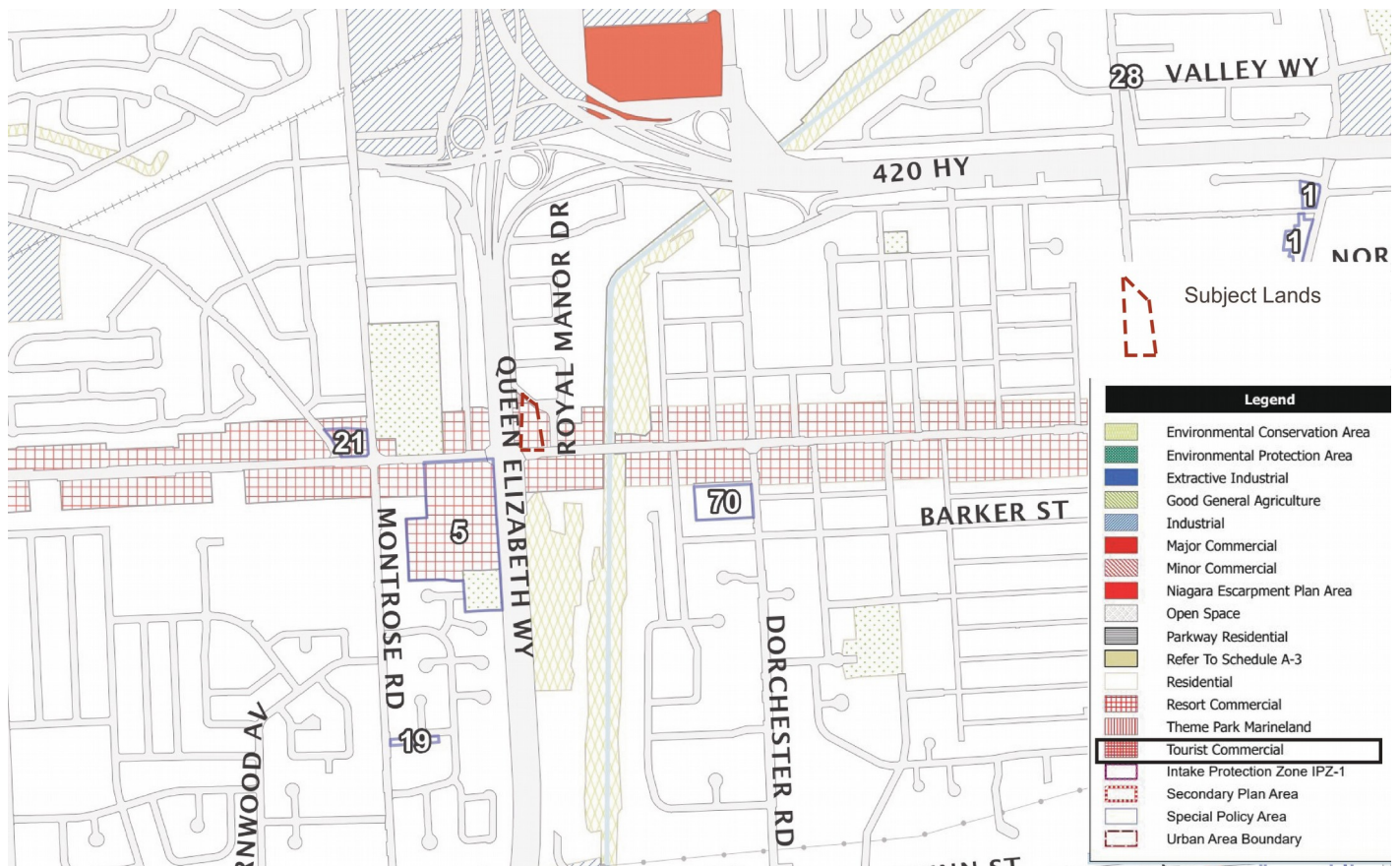


Figure 5: Niagara Falls Official Plan: Excerpt from Schedule A

Part 1 Plan Overview and Strategic Direction

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

Policy 3.2 in Part 1 indicates that proposals for redevelopment of lands designated as Tourist Commercial “shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.10.5(iii).”

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

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

Policy 4.3 in Part 1 indicates that the City should support *“multiple unit developments”* and *“more efficient use of under-utilized parcels.”* The Subject Property although developed as a commercial miniature golf business, has been vacant for an unknown number of years and as such is under-utilized. The proposed development for a multiple unit residential project would be in accordance with these policies.

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

Part 2 Land Use Policies

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

- “1.10.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:...*
- (iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads....”*

In accordance with Policy 3.2 of Part 1 a proposed residential development in the Tourist Commercial designation must conform with the above minimum density of 75 units per hectare. The proposed density of 106.25 units per hectare would meet this requirement. Further to this discussion it should also be noted that developments on Arterial Roads are permitted to have a density up to 100 units per hectare, but only if they are in apartment format. Stacked Townhouses are limited to 75 units per hectare and appear to be restricted to collector roads. Given this interpretation, the density of 106.25 units per hectare would exceed that permitted for the Subject Property in accordance with 1.10.5(ii) . Furthermore the proposed site density exceeds the maximum permitted for apartment buildings on Arterial Roads Supporting the position that stacked townhouses should be permitted at densities exceeding 75 units per hectare is the fact that stacked townhouse developments can provide densities similar to low rise apartments with a built form that is more compatible with existing low density neighbourhoods. The location of the Subject Property, adjacent to the

QEW to the west, and constrained by Lundy's Lane and Royal Manor on front and rear lot lines respectively, may not be suitable for apartment style uses given the small lot area. Redeveloping an underutilized tourist commercial property in proximity to single detached residential neighbourhoods is an ideal location for higher densities using a built form typology that is less impactful to the surrounding community. To allow this additional density a site specific Official Plan Amendment will be required.

"4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses."

The existing tourist commercial uses are no longer feasible for the Subject Property, and despite the fact has been vacant for some time, no new tourist commercial uses have been established. In accordance with the above policy, residential uses are now being proposed.

"4.2.27 The portion of Lundy's Lane to the east of Montrose Road is intended to function primarily as a community serving and tourist commercial corridor. Residential intensification within this corridor shall be in accordance with Part 1, Section 3.9."

Part 1 Section 3.9 was previously discussed in this Planning Report, however, it should be noted that although 4.2.27 refers to the area east of Montrose Road, Part 1 Section 3.9 states that it applies to the area west of Montrose Road.

"4.2.29 An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:

- a) a uniform building setback, closer to the street line with a consistent landscaped setback;*
- b) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,*
- c) front yard surface parking limited to one row, with additional parking provided to the rear of buildings."*

The proposed development provides a uniform building setback within the site, however, it is located closer to the streetline than nearby properties. Despite the fact that the building setback is not uniform within the nearby neighbourhood, it will provide an attractive streetscape through a strong visual presence along the street with an elevated architectural design and ground floor commercial uses that will enhance the activity within the public realm.

The QEW is located west of the site and as such, there is no opportunity or requirement to consolidate accesses. The property to east has established driveway access locations on Lundy's Lane and Royal Manor Drive that are too far from the Subject Property to consider shared access.

No parking is provided in front of Building A, and all parking will be provided in the rear, which further supports the strong street presence of the proposed built form.

Policy 4.2.30 provides guidance on screening commercial development from existing residential uses. Given that the proposed development has limited commercial GFA and will includes 4 new residential

stacked townhouse blocks between the proposed commercial and the existing residential community, it is anticipated that the proposed commercial uses will have little to no impact on the existing community.

Policy 4.4.2 serves to generally limit building heights to 4 storeys in the tourist area. The proposed development of 3 storey stacked townhouses is consistent with this policy.

Figure 4, Insert Map 1 identifies the Subject Property as being within the Low Rise Building Height category. Policy 4.4.3 provides some flexibility to the general height limits in the preceding policy and would permit heights within a 5 to 8 storey range. Despite this allowance, the proposed development proposed 3 storeys only.

“4.5.3 With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:...

b) Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping:...”

Parking for the proposed development is mostly screened from public view on Lundy's Lane by Building A. However, there is a narrow view corridor in line with the proposed site driveway. Through the Site Plan approval process, opportunities for landscape screening can be evaluated. Similarly, some of the site parking is visible from Royal Manor Drive and screening opportunities can be evaluated during the Site Plan process.

Part 3 Environmental Management

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

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

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

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

criteria. The stormwater outlet from the proposed development will connect to the existing stormwater sewer on Royal Manor Drive. This is necessary to avoid any drainage from affecting the QEW.

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

The Subject Property is adjacent to both Lundy's Lane and Royal Manor Drive. The policies above would suggest that Royal Manor Drive is the preferred location for vehicular access to the proposed development, however, through the Pre-Consultation comments, the City of Niagara Falls has indicated that the primary access should be to Lundy's Lane as Royal Manor was not designed to accommodate the additional traffic. The proposed development plan shows Lundy's Lane as the primary full movement access, but includes a right-in, right-out access to Royal Manor Drive. The restriction on turning movements is anticipated to ensure that traffic volumes on Royal Manor Drive are acceptable..

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

Based on the parkland rate of 1 hectare per 300 dwelling units, the proposed development would require parkland dedication of 0.227 hectares. This represents more than a third of the area of the proposed development. However, policy 2.3.2 indicates that parkland dedication shall not exceed 20% of the lands in a proposed redevelopment plan. Applying the 20% calculation would result in a parkland dedication requirement of 0.134 hectares which is insufficient for a park. As such, cash-in-lieu of parkland will be provided in accordance with policy 2.5.3.

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

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

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

The residential component of the surrounding neighbourhood is comprised predominantly of single detached dwellings. However, the neighbourhood context also include a number of non-residential uses, including large scale commercial retail, restaurants and tourist accommodation. Some of the Tourist accommodation uses have heights of 5 and 6 storeys. As such, the proposed development has wide

latitude in terms of achieving a compatible built form. Regardless, despite the wide range of design features, the predominant themes in the surrounding community are low rise buildings with traditional peaked roofs. The proposed development fits within this general theme as it provides a 3 storey height, brick, stucco, and siding construction, and peaked roofs.

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

The proposed stacked townhouses are setback 2.5 metres from Lundy's Lane to provide a positive street frontage for the ground floor commercial units in Building A. Internal to the site the Townhouse blocks are approximately 2.5 metres from the internal sidewalks. These internal sidewalks provide connections between buildings A, B, C and D with minimal need to cross vehicular traffic. The only location where the pedestrian path would cross vehicular traffic is a parking aisle that accesses only 18 parking spaces and will have relatively low volumes of site traffic.

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

An amenity area is provided in a courtyard configuration between buildings A, B, and C that will include perimeter hardscaping with a central soft landscaping area to provide definition and structure to the area.

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

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

No parking is proposed in the front yard adjacent to Lundy's Lane in accordance with Policy 5.1.5.

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

4.5 Housing Impact Statement

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

In response to Policy 4.4(a), the proposed development is anticipated to contain 68 stacked townhouse units with 2 bedrooms each. The ultimate site design in terms of building height is yet to be confirmed. The upper level units may span 2 storeys for a total building height of 3 storeys, but depending on market conditions the upper level units may only require the second floor. If the third storey is required/provided,

these units have the option for a 3rd bedroom. Unit sizes range from 55 m² to 93 m² with the smaller units generally on the lower 2 floors and the larger units on the upper floors.

The proposed development will not include purpose built affordable units, however, the currently anticipated market prices for the units, as noted below, may in fact meet that threshold and may contribute toward the City's goals set in Policy 4.8(a) and 4.8(b). Although these units may be meet the affordability criteria by happenstance, this is not project objective and the Developer does not intend to restrict pricing for affordability purposes.

The proposed development may have a mix of purpose built rental units and condominium units for purchase. The final configuration of this management/ownership structure has not been decided at this time. However, it is anticipated that initial sales prices will be between \$400,000 and \$500,000 per unit with initial rents around \$2,000 per month. (Policy 4.4(c))

Phasing is being contemplated for the proposed development, however, the timing and configuration of each phase has not yet been determined. Phasing would align with the provision of one or more complete buildings per phase. (Policy 4.4(d))

Policy 4.4(e) is not applicable as no units are proposed to meet the definition of affordable.

4.6 City of Niagara Falls Zoning By-law 79-200, as amended

Zoning Map B4 of Schedule A of the City of Niagara Falls Zoning By-law 79-200 zones the Subject Property as Tourist Commercial (TC).

Zoning Section	Standard	TC Zone	Proposed
8.6.1	Permitted Uses	Dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 50% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor.	Dwelling Units located within a Stacked Townhouse Dwelling, with or without other Tourist Commercial Uses on the ground floor
8.6.2(a)	Minimum Lot Frontage	6 m	69.9 m
8.6.2(b)	Minimum Front Yard Depth	As per 4.27.1	2.5 m from front lot line
4.27.1	Minimum Distance from Centreline of Original Road Allowance	13 m	16.4 m
8.6.2(c)	Minimum Rear Yard Depth	10 m (if the building includes residential)	6.07 m
8.6.2(d)	Minimum Interior Side Yard	0 m (where side lot line does not abut residential, institutional or open space zone)	2.4 m
8.6.2(f)	Maximum Lot Coverage	70%	28.6 %
8.6.2(g)	Maximum Height of Building	12 m	13.5 m
4.19.1(a)	Minimum Parking Space Requirements (Residential)	1.4 spaces per dwelling unit (96 spaces)	1.0 spaces per dwelling unit (68 spaces)
4.19.1(a)	Minimum Parking Space Requirements (Commercial)	Generally 1 space per 25 m ² (11 spaces)	1 space per 55 m ² (5 spaces total)
4.19.1(d)	Perpendicular width of each Parking Space	2.75 m	2.75 m
4.19.1(e)	Perpendicular Length of each Parking Space (90 degree)	6.0 m	6.0 m
4.19.1(e)	Perpendicular Width of Manoeuvring Aisle (90 degree)	6.9 m	6.0 m
4.14	Permitted Projections into a required yard.	Varies depending on feature	0.6 m for a vertical projection, in any yard, containing building services, including but not limited to domestic water supply, sanitary drains, HVAC and electrical.

Table 1: Zoning Conformity Analysis

Upon review of the entirety of Zoning By-law 79-200 there were a number of existing zones that permit stacked townhouse dwellings whereas the existing Tourist Commercial zone does not. However, City of Niagara Falls Planning Staff have indicated that maintaining the Tourist Commercial zoning would be

appropriate due to the commercial component of the development. It is evident from a review of the TC zone, that most of the regulations appear to impose building standards that are suited for standalone, non-residential uses. This is the primary reason for most of the required site specific amendments. The TC zone was not designed to accommodate a multi-structure development with residential uses..

Although the proposed development will meet the required front yard depth as per Section 4.27.1 the proposed Zoning By-law Amendment includes a regulation to measure the setback from the front lot line.

Similarly the proposed Zoning By-law Amendment includes requirement for minimum lot area based on the number of dwelling units. Using the TC parent zone for this development would not limit the number of dwelling units or density. As such, the minimum lot area standard is being proposed to ensure the development proceeds as currently designed.

Again, as with the above two examples, there is no limitation on the number of apartment buildings on one lot within the TC zone. The proposed Zoning By-law Amendment would limit this to 5 in accordance with the proposed development concept.

This rationale also applies to the minimum landscape open space, which is not a regulation in the TC zone. To ensure that future residents have some landscaped area within this development, a minimum of 33.4 % is being proposed.

The TC zone limit on building height would be appropriate for non-residential developments in the TC zone, which would generally be 2 storeys or less. Given that the proposed development would include residential uses in standalone buildings in the TC zone, some modifications are necessary to accommodate a typical residential built form and massing.

A reduction to the required parking is being requested. The Zoning By-law would currently require 107 parking spaces based on the rate of 1.4 spaces per unit and 1 space for every 25 m² of commercial GFA. The proposed development provides only 73 parking spaces which represents a parking ratio of 1.0 spaces per residential unit and 1 space per every 55 m² of commercial floor area, which represents a deficiency of 34 total parking spaces. It is understood that the City of Niagara Falls is currently reviewing the parking requirements within the City to confirm or determine the appropriate minimum parking rate. It is not known what the results of this study will state.

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

A reduction to the width of the manoeuvring aisle is proposed in order to accommodate the proposed development as designed. This is necessary due to the limited width of the Subject Property, which must incorporate the setback to the MTO controlled QEW, landscape buffers on both side lot lines, parking spaces and the physical buildings themselves. The aisle will still meet the OBC requirements as a fire route,

however, cannot meet the current zoning requirements unless width is sacrificed from one of the other design elements. Any reductions to the building dimensions would result in the loss of dwelling units.

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

6.0 SUMMARY

The proposed development of a mixed use, commercial and residential stacked townhouse condominium providing 68 residential units and 4 commercial units, will implement the planned vision for the City of Niagara Falls as documented in the Niagara Falls Official Plan and the Region of Niagara Model Urban Design Guidelines. Furthermore the development of the Subject Property will replace a vacant commercial recreation site with an efficient and compact built form that will contribute to the vitality of the surrounding neighbourhood with the provision of additional residents and local commercial space.

It is our opinion that the proposed Official Plan Amendment and Zoning By-law Amendment represents good and sound planning and is appropriate for this property.

Yours Truly,

ROBERT RUSSELL PLANNING CONSULTANTS INC.



Rob Russell, MCIP, RPP
President