



Planning & Urban Design Rationale

**6285 & 6289
Main Street**
City of Niagara Falls

Prepared For
Zeljko Holdings Ltd.

February 2024



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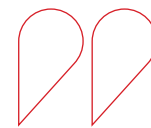
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This Planning and Urban Design Rationale report has been prepared in support of applications by Zeljko Holdings Ltd. to amend the City of Niagara Falls Official Plan and the Zoning By-law No. 79-200, as amended (the “applications”), to permit the redevelopment of the subject site with a 20-storey building to transform the subject lands through the introduction of a compact and pedestrian-oriented development with an attractive and interesting built form.



An overhead view of a meeting around a table. Five people in business attire are gathered around a table covered with architectural blueprints, a laptop, a tablet, and various drawing tools like rulers and pens. The scene is dimly lit with a blueish tint. A large white circle with the number '1' is overlaid on the left side of the image.

1

Introduction

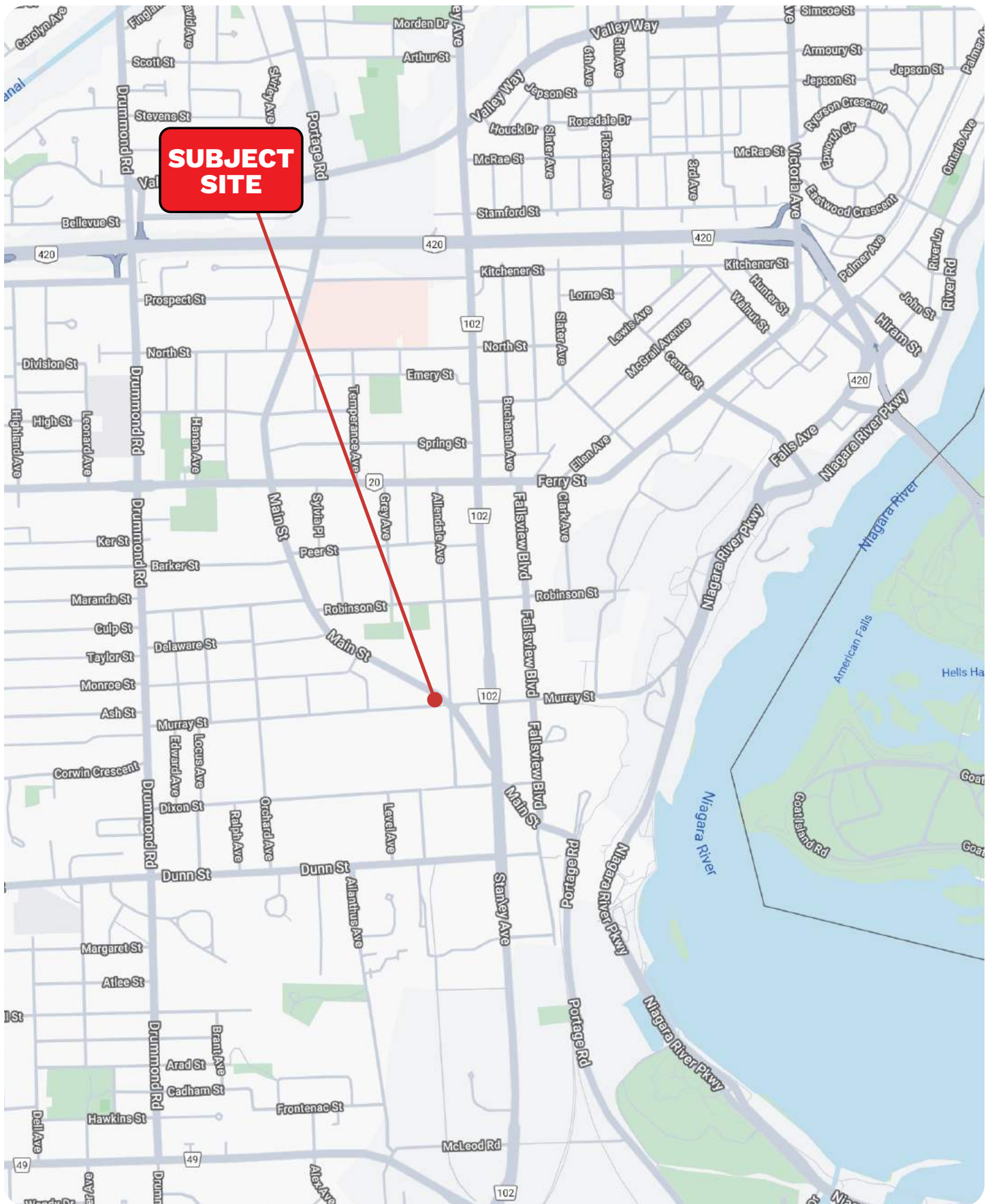


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of applications by Zeljko Holdings Ltd. to amend the City of Niagara Falls Official Plan and the Zoning By-law No. 79-200, as amended (the "applications"), with respect to a 0.26-hectare site located on the south of Main Street and to the west of Allendale Avenue, in the City of Niagara Falls, municipally known as 6285 & 6289 Main Street, and formerly 5619 & 5643 Murray Street, and non-addressed parcels identified as PINs 643500136 and 643500244 (the "subject site", see **Figure 1**, Location Map).

The subject site is located at the western edge of the City's Tourist Commercial District and is currently vacant (previously occupied by low-intensity uses). The southerly portion of the subject site includes lands that previously formed part of the Murray Street right-of-way, which now terminates in a cul-de-sac to the immediate west of the subject site. The applications seek to permit the redevelopment of the subject site with a 20-storey building comprised of 193 dwelling units, with a range of sizes and bedroom typologies, including grade-related townhouse units ("the Proposal"). The Proposal will transform the subject lands through the introduction of a compact and pedestrian-oriented development with an attractive and interesting built form.

The report concludes that the Proposal is in keeping with the planning and urban design framework established by the applicable planning documents, specifically the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan and City of Niagara Falls Official Plan, as well as the relevant urban design guidelines.

From a land use perspective, the Proposal will contribute to the achievement of numerous provincial, regional and municipal policy directions promoting intensification and a range of housing options on underutilized sites within built-up urban areas, particularly in locations that are well served by municipal infrastructure. The subject site is located within the Tourist Commercial District, which is where tall buildings currently exist and are planned for, and a location that the City of Niagara Falls has identified that intensification should be directed. The Proposal facilitates an opportunity to increase housing, which will support the municipality and region in meeting their intensification targets and accommodate anticipated population growth.

The subject site is located within walking distance of significant employment opportunities in the Tourist Commercial District, as well as amenities and community services. In addition to being a highly walkable location, the subject site is located within convenient distance of public transit. The introduction of housing on the subject site will create opportunities to live, work and play within the neighborhood.

From a built form and urban design perspective, the Proposal will complement and reinforce the urban structure of tall buildings in the Tourist Commercial District, and more specifically within the Fallsview Subdistrict where the City's Official Plan indicates higher density multi-unit housing should be located. The proposed height and form of the building is compatible with adjacent uses and appropriately transitions in scale from the lower-density neighbourhood to the west to the east, generally to the lands within the Official Plan's High-rise height strategy area where 30-storey buildings are permitted. The subject site represents an opportunity to fill in the gap of vacant land with higher density uses that will contribute to the Tourism District's vision of a dynamic, mixed-use area.

Based on the foregoing, and the conclusions in this report, it is our opinion that the Proposal is appropriate and desirable for the subject site.

An aerial photograph of a residential neighborhood, showing streets, houses, and trees. The image is overlaid with a semi-transparent red color. In the center-left, there is a white circle containing the number '2'. To the right of the circle, the text 'Site & Surroundings' is written in white.

2

Site & Surroundings

2.1 The Subject Site

The subject site is located at the west corner of the intersection of Main Street and Allendale Avenue, to the north of the former Murray Street right-of-way. The subject site is located along the periphery of the City's Central Tourist Area, at the border of the Orchard and Fallsview North neighbourhoods of the City (see **Figure 2**, Aerial Photo). The subject site currently has an area of approximately 2,558 square metres (0.26 hectares) and is irregular in shape. The subject site has a frontage of approximately 90.1 metres on Main Street.

The subject site is currently vacant. Four single detached 2-storey dwellings were previously located on the subject site and have recently been demolished. As stated, the southerly portion of the subject site was a former right-of-way width, which has been closed.

The subject site is currently has vehicular access from Main Street and the former Murray Street right-of-way. In terms of topography, the subject site slopes slightly downwards towards the southwest of the site. There are currently 34 trees on and within the subject site and within the road right-of-way. There are currently a number of easements which apply to the subject site, specifically within the former right-of-way lands.



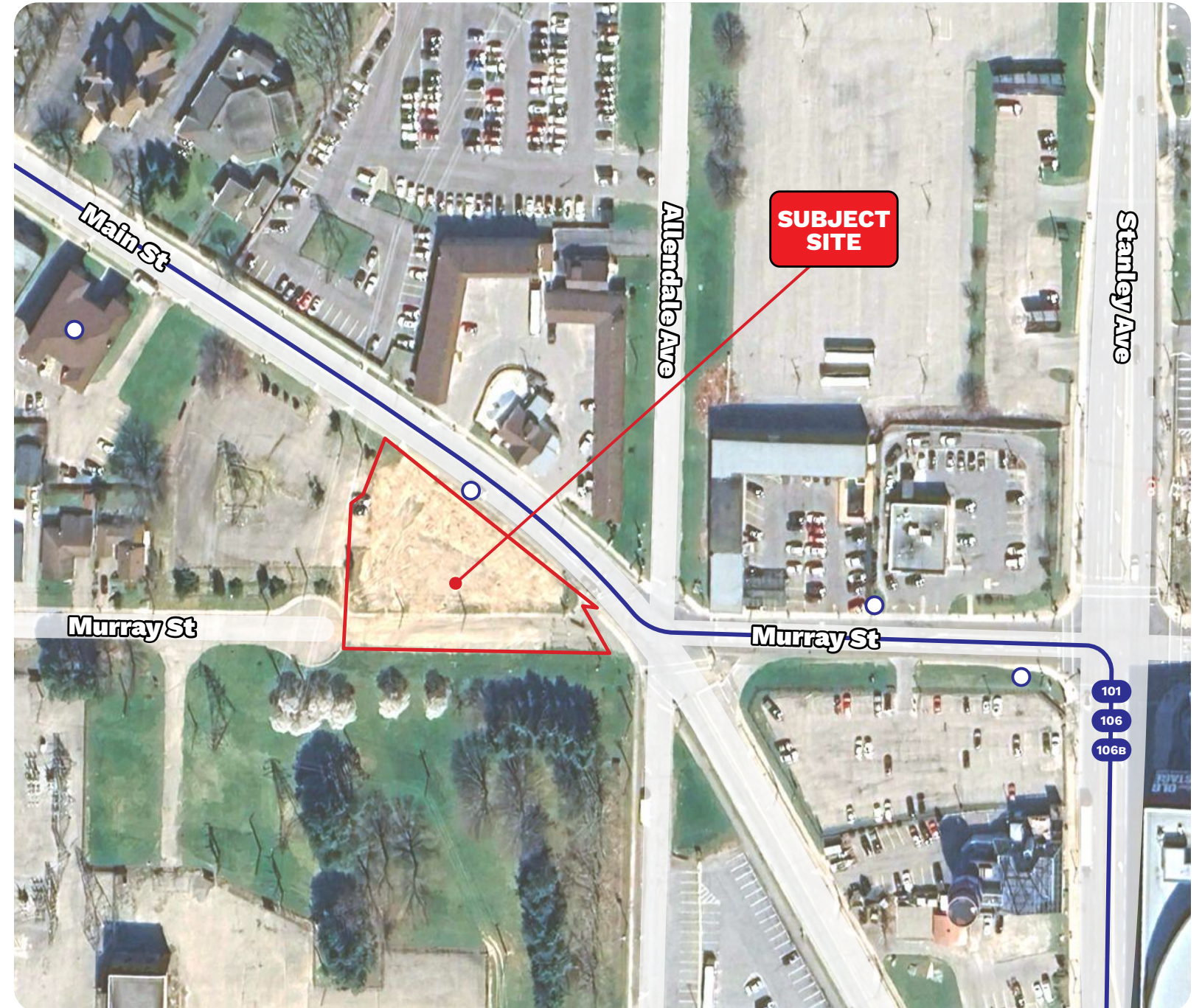
Subject site, looing west from Main and Murray intersection



Subject site, looking south



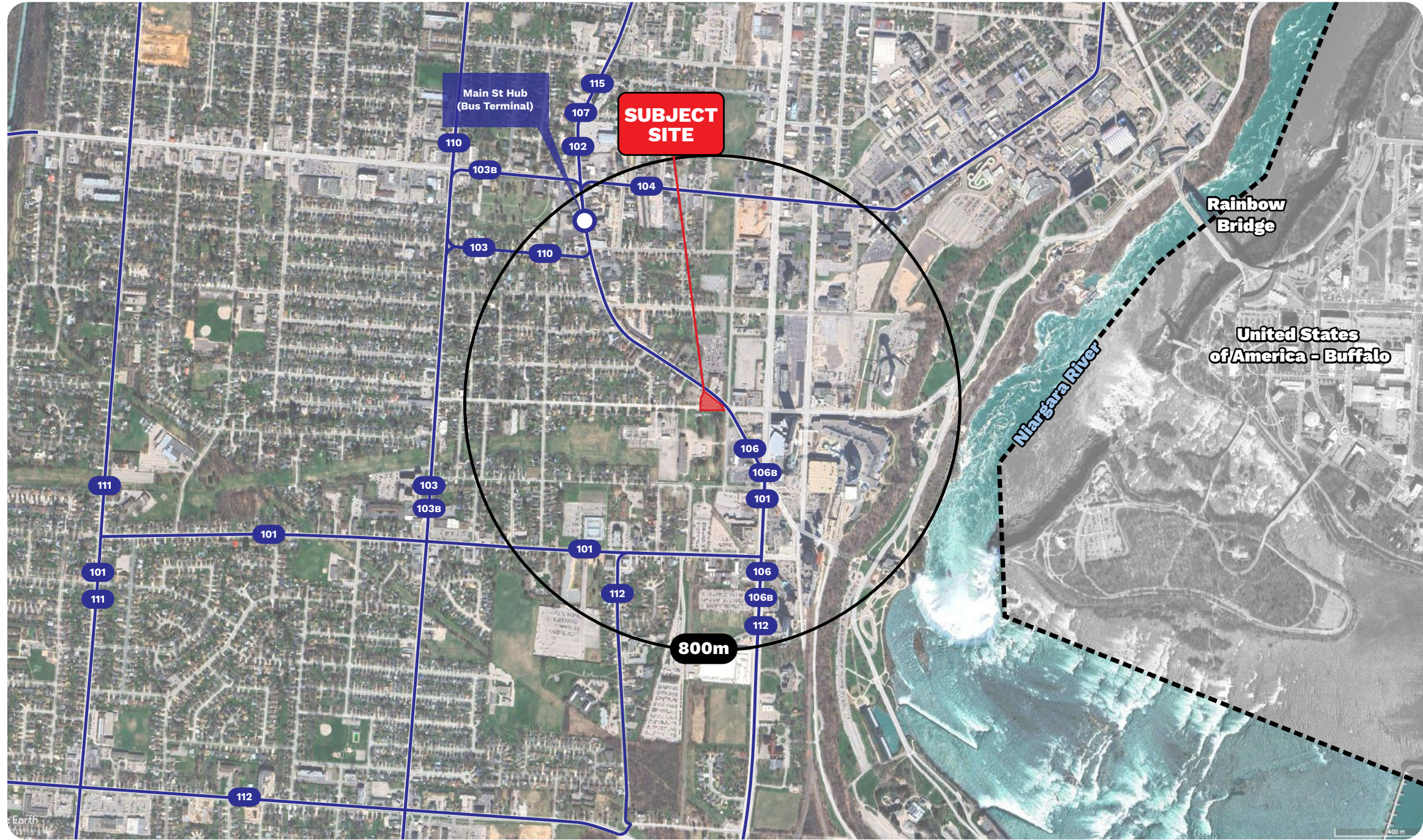
Subject site and abutting property, looking east.



Legend

 Niagara Region Transit Bus Route

Figure 2 - Aerial Photo - Site Context



Legend

— Niagara Region Transit Bus Route

Figure 3 - Aerial Photo - Area Context

2.2 Area Context

The subject site straddles the boundary of the Orchard and Fallsview North neighbourhoods in the City of Niagara Falls, which forms part of the Fallsview Central Tourist Subdistrict (per the Niagara Falls Official Plan). The Fallsview Central Tourist Subdistrict forms part of a broader focal point for tourism activities in the City, with a wide variety of restaurants, entertainment, and attractions including the Fallsview Casino, Niagara Parks Power Station, Niagara Falls Convention Centre, Floral Showhouse, Journey Behind the Falls, Niagara Falls viewing areas, Fallsview Casino Entertainment Centre, Skylon Tower, and many more attractions and amenities. It is also the primary location for large-scale accommodations, entertainment, retail and cultural attractions, and the primary location for high-rise hotels and multiple family residential developments in the Tourist Area. The neighbourhood is home to several of the City's tallest buildings, including a recently approved 72-storey mixed-use tower (6609 Stanley Avenue), and several tall hotels ranging in heights of up to 53 storeys (Hilton Niagara).

The subject site's area is evolving with a variety of existing and approved tall buildings. The above-referenced 72-storey permission at 6609 Stanley Avenue is located approximately 400 metres (straight-line distance) southeast of the subject site, with other similarly tall buildings located within a 15-minute walk (i.e., 800 metres) of the site. **Table 1** provides an overview of the surrounding existing tall buildings, as well as recent approvals within the Fallsview Central Tourist Subdistrict and approximately 1.0 kilometre or less of the subject site. Development proposals have also been identified for additional context.

Although the subject site falls within the City's Tourist District, it is located at its westerly edge, and adjacent to the Orchard neighbourhood. The Orchard neighbourhood is an area largely characterized by low-rise residential dwellings interspersed with restaurants, retail stores, and smaller independent hotels and bed and breakfasts that provide alternative visitor accommodations in proximity to the Fallsview Central Tourist Subdistrict.

Table 1 - Existing, Proposed and Approved Buildings Heights within Surrounding Context

Address	Height	Approx. Direction & Distance from Site	Use	Status
6740 & 6760 Fallsview Blvd	27 storeys	575 m, SE	Commercial (Hotel Addition)	Under Review
5602 Robinson St	77 storeys	305 m, NE	Residential/ Mixed-Use	Under Review
5640 Stanley Ave	14 storeys	985 m, NE	Residential/ Mixed-Use	Under Review
Part Lot 175	25 & 35-storeys	1,413 m, SE	Residential	Under Review
6609 Stanley Ave	72 storeys	400 m, SE	Mixed-Use	Approved
6680 Stanley Ave	39, 45, and 60 storeys	560 m, SE	Mixed-Use	Approved
6683 Stanley Ave	3, 30 storeys	580 m, SE	Residential/ Mixed-Use	Approved
6361 Fallsview Blvd (Hilton Niagara)	30 & 53 storeys	204 m, W	Hotel	Built
6700 Fallsview Blvd (Embassy Suites)	42 storeys	480 m, SE	Hotel	Built
6380 Fallsview Blvd (Fallsview Casino Resort)	32 storeys	276 m, W	Hotel	Built
6755 Fallsview Blvd (Niagara Falls Marriot on the Falls)	32 storeys	536 m, SE	Hotel	Built
6546 Fallsview Blvd (Oakes Hotel)	21 storeys	367 m, SE	Hotel	Built
6740 Fallsview Blvd (Niagara Falls Marriot Fallsview Hotel & Spa)	20-storeys	572 m, SE	Hotel	Built
6455 Fallsview Blvd (Four Points by Sheraton)	17 storeys	227 m, SE	Hotel	Built

2.3 Immediate Surroundings

As described in Sections 2.1 and 2.2 above, the subject site is strategically located within an area concentrated with many amenities and attractions including the Horseshoe Falls and other commercial businesses and hotels. These tourist commercial uses are broken up by existing residential uses to the west, and more recently, residential uses that are planned within tall mixed-use buildings scattered throughout the Tourist District. In our opinion, the recent addition of residential apartment uses to the Tourism District is part of a process of urbanization and intensification and an evolution of the District into a mixed-use community.



North side of Main Street (6276 Main Street)



Nativity of the Holy Mother of God Ukrainian Catholic Church (6248 Main Street)

North: Immediately north of the subject site, on the opposite side of Main Street, is Falls Lodge (6276 Main Street), which features a small in-ground pool visible from the street. It is comprised of a central main office, a 1-storey "L"-shaped building and a 2-storey "L"-shaped building providing motel style accommodations with associated surface parking. North beyond the Falls Lodge is a large private surface parking lot providing off-site parking to the Hilton Niagara Hotel, which extends north from Main Street along Allendale Avenue to Robinson Street.

West of the private parking lot is Nativity of the Holy Mother of God Ukrainian Catholic Church (6248 Main Street). Further north, situated between the houses that line Main Street and those along Robinson Street, is Grey Robinson Park which offers a playground and mini soccer pitch. Adjacent to the park and private parking lot is the All Saints cemetery (5680 Robinson Street), which features a former church building on the property that is now maintained by the City. North beyond Robinson Street, there are generally single-detached dwellings located within the interior of the blocks, and commercial uses along Main Street. Further north along Ferry Street is the Clifton Hill Tourist District, uses transition to a wide mix of tourist attractions, accommodations, and services.

East: Immediately east of the subject site, at the northeast corner of Murray Street and Allendale Road is the Rainbow Motor Inn (5581 Murray Street), which features a 3-storey "L"- shaped building providing motel style accommodations around a central surface parking lot, with an in-ground pool set back from the road. Further east, at the northwest corner of Murray Street and Stanley Avenue is a Tim Hortons with accompanying drive thru and surface parking (5551 Murray Street).

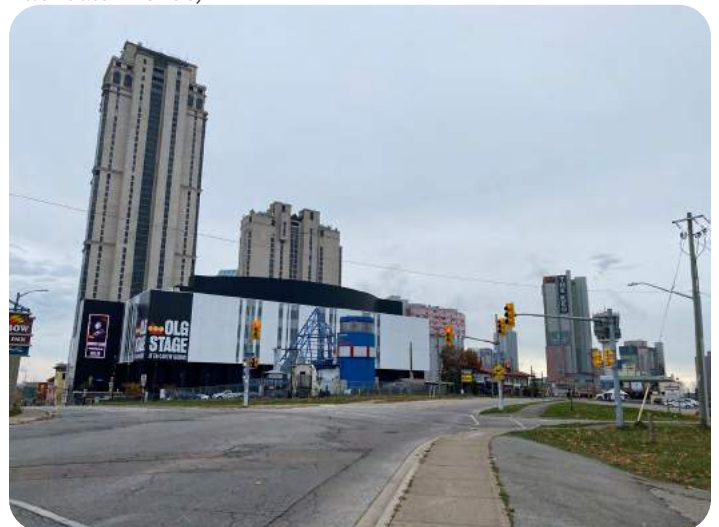
East beyond Stanley Avenue there are numerous hotels and tourist attractions, paired with large surface parking areas, along Murray Street and Fallsview Boulevard. Of note in this area leading east towards the Falls, is the Hilton Niagara Falls, Holiday Inn Niagara Falls, the Skylon Tower observation deck and the Fallsview Casino Resort all located within the Fallsview Tourist District. The Fallsview Casino and Resort complex, located on the south side of Murray Street between Stanley Avenue and Fallsview Boulevard (6380 Fallsview Boulevard), is approximately 30 storeys in height and includes numerous uses including the casino, a 374-suite luxury hotel, a 1,500-seat theatre, retail stores, and restaurants.



View looking east on Murray Street



View looking northeast from subject site (Main Street and Allendale Avenue)



View looking southeast from subject site (Main Street and Allendale Avenue)



OPG Plant looking south



Lands south of subject site, looking southwest from Murray Street

South: Lands directly south of the subject site are occupied by the Ontario Power Generation (OPG) Plant Group Service Centre (5900 Murray Street), a two-storey warehouse structure with considerable setbacks to the surrounding low-rise residential uses to the west and north. There is associated powerline infrastructure on the property, which extends to adjacent properties. In addition to the OPG facility, the lands to the south west of the subject site include single-detached residential dwelling units on the south side of Murray Street and on the north side of Dixon Street.

Further south, beyond Dixon Street, to the east of Cleveland Avenue is a large surface parking area set behind the development site at 6609 Stanley Avenue, which has planning approvals for a 72-storey mixed-use building including a hotel, residential condominium, restaurant, retail and night club uses. On the south side of Dixon Street and north side of Dunn Street, between Cleveland Avenue and Level Avenue, are low-rise residential dwellings. West of Level Avenue are additional low-rise residential dwellings as well as a retirement residence (5781 Dunn Street), a 6-storey apartment building, and the corporate office for the Fallsview Group (5881 Dunn Street) with a large portion of the property dedicated to surface parking.

West: Immediately west of the subject site is a former surface parking area, separating the subject site from the residential dwellings in the adjacent neighbourhood. There is currently a hydro tower in the middle of this property. West of the parking area, low-rise residential dwellings begin at the eastern boundary of the Orchard neighbourhood. Starting with 5675 Murray Street, directly west of the parking area, low-rise residential dwellings largely in the form of 1 and 2-storey detached homes, some of which have driveways, extend westwards. Located at 6245 and 6235 Main Street, slightly northwest of the subject site, are a pair of 2- and 3-storey apartment buildings, with a small surface resident parking area behind. Low-rise residential dwellings continue westwards to Drummond Road and beyond.



North side of Murray Street, looking northwest



6245-6235 Main Street, looking southwest

2.4 Transportation Network

Main Street is identified as a Collector Road on Schedule C - Major Roads Plan of the City of Niagara Falls Official Plan. Adjacent to the subject site, Main Street has a two-way, two-lane cross section. There is a sidewalk on one side of Main Street, opposite to the subject site. Parking is prohibited on the south side of Main Street due to the presence of the bus stop. Pay parking is permitted on the north side of Main Street except for between 3 am and 6 am. Main Street has a planned right-of-way width of 23.0 metres. Through the development application process, a 1.44-metre road widening will be secured to contribute to this ultimate width.

Murray Street is also identified as a Collector Road in the Niagara Falls Official Plan. The Murray Street right-of-way currently terminates in a cul-de-sac adjacent to the subject site, halting eastbound traffic and prohibiting vehicular access from Murray Street onto Allendale Avenue and Main Street. The right-of-way continues east of Allendale. There is a sidewalk on one side of Murray Street, adjacent to the subject site. Parking along Murray Street in proximity to the site is prohibited except by permit.

The subject site is currently serviced by the following surface routes:

- WEGO bus service **Blue Line - Fallsview/Clifton Hill** which services the Fallsview Tourist District, including Fallsview Avenue, looping at Livingstone Avenue and Dunn Street. The Blue Line provides service every 20 minutes between the approximate hours of 9 am to midnight.
- WEGO bus service **Red Line - Lundy's Lane** which services Stanley Avenue, Clifton Hill, Clark Street and Lundy's Lane. WeGo bus service provides transit access to popular attractions throughout the tourist areas of the city. There is a bus stop adjacent to the subject site on Main Street. The Red Line provides service every 30 minutes between the approximate hours of 6 am to midnight.
- Niagara Falls Transit **bus route 101** operates between Ferry Street to Niagara Square via Main Street, Dunn Street, and McLeod Road, providing service every 30 minutes between the approximate hours of 6:30 am to 10 am and 3 pm to 6pm, and hourly between the hours of 10 am to 3 pm.
- Niagara Falls Transit **bus route 106** operates between Ferry Street to Chippawa via Main Street, Stanley Avenue, and Portage Road, providing service every 30 minutes between the approximate hours of 6 am to 10 am and 3 pm to 6pm, and hourly between the hours of 10 am to 3 pm.

In addition to local transit service, the Niagara Region offer inter-regional transit service which has stops at major hubs only, the closest to the site being Lundy's Lane/Montrose Road, which is accessible to the site by taking the Red Line – Lundy's Lane west along Ferry Street/Lundy's Lane.

From an active transportation perspective, the subject site is served by the Regional Bicycle Network along Stanley Avenue.

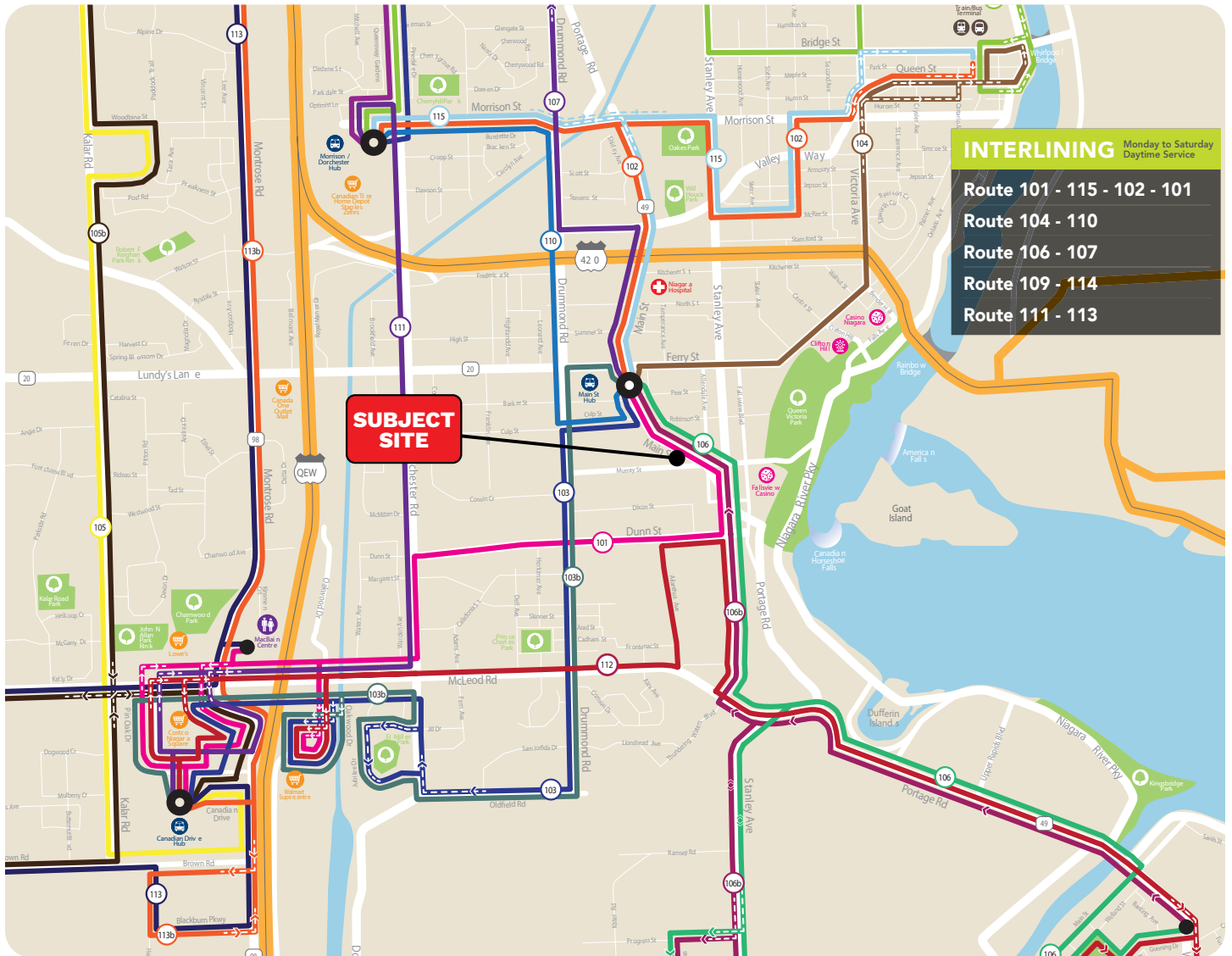


Figure 4 - Niagara Region Transit Map



Proposal



3.1 Description of the Proposal

The Proposal is for a 20-storey residential building (67.0 metres to the top of the roof, plus a 5.2 metre mechanical penthouse), inclusive of a mezzanine level. The building will include a total of 193 dwelling units, including five 2-level townhouse units along Main Street. The Proposal includes a total gross floor area ("GFA") of approximately 14,155 square metres, resulting in a density of 5.73 times the area of the lot, further to the road widening being dedicated.

Site Plan and Built Form

The proposed building has an oblong form, angled generally from the northwest to the southeast to respond to the unique configuration of the subject site. Vehicular circulation is facilitated along the west portion of the subject site, which provides access to the underground parking garage, a loading space and visitor surface parking. New landscaped open space is proposed at the southeast corner where the subject site narrows, adjacent to the intersection of Main and Murray Streets. The building covers 31.5% of the subject site, with 57.5% hard landscaping and 11.0% soft landscaping. See **Figure 5, Site Plan**, for greater detail.

The ground floor has a total height of 8.82 metres, which is inclusive of an upper mezzanine space. The ground floor includes the first floor of five townhouse units, proposed along Main Street with direct entrances from the street. A lobby is proposed for the northwest portion of the ground floor, with an entrance from an internal drop-off area. The balance of the ground floor is planned to be used for internal building functions including a garbage room and mail room. The mezzanine space is occupied by the second floor of the townhouse units and an associated corridor. The balance of the mezzanine is void and open to below.

The second floor of the building is comprised of residential units, along with indoor and outdoor amenity space. Floors 3-20 are occupied exclusively by residential units. Rooftop amenity space is provided above the 20th floor, adjacent to the mechanical penthouse.

In terms of built form, the ground floor of the building is set back a minimum of 0.3 metres from the future Main Street (north) property line, subsequent to accommodating the required 1.44-metre road widening. Setbacks of 1.5 metres are provided to the entrances of the townhouse units. A setback of 0.96 metres is secured to the general east property line, which increases based on the orientation of the building and its angle of the property line. In terms of the south elevation, the ground floor of the building is setback a minimum of 12.0 metres from the rear property line, along Murray Street. Along the west property line, a minimum setback of 10.9 metres is provided to the far westerly corner of the building. This envelope is maintained for both the ground floor and the mezzanine level.

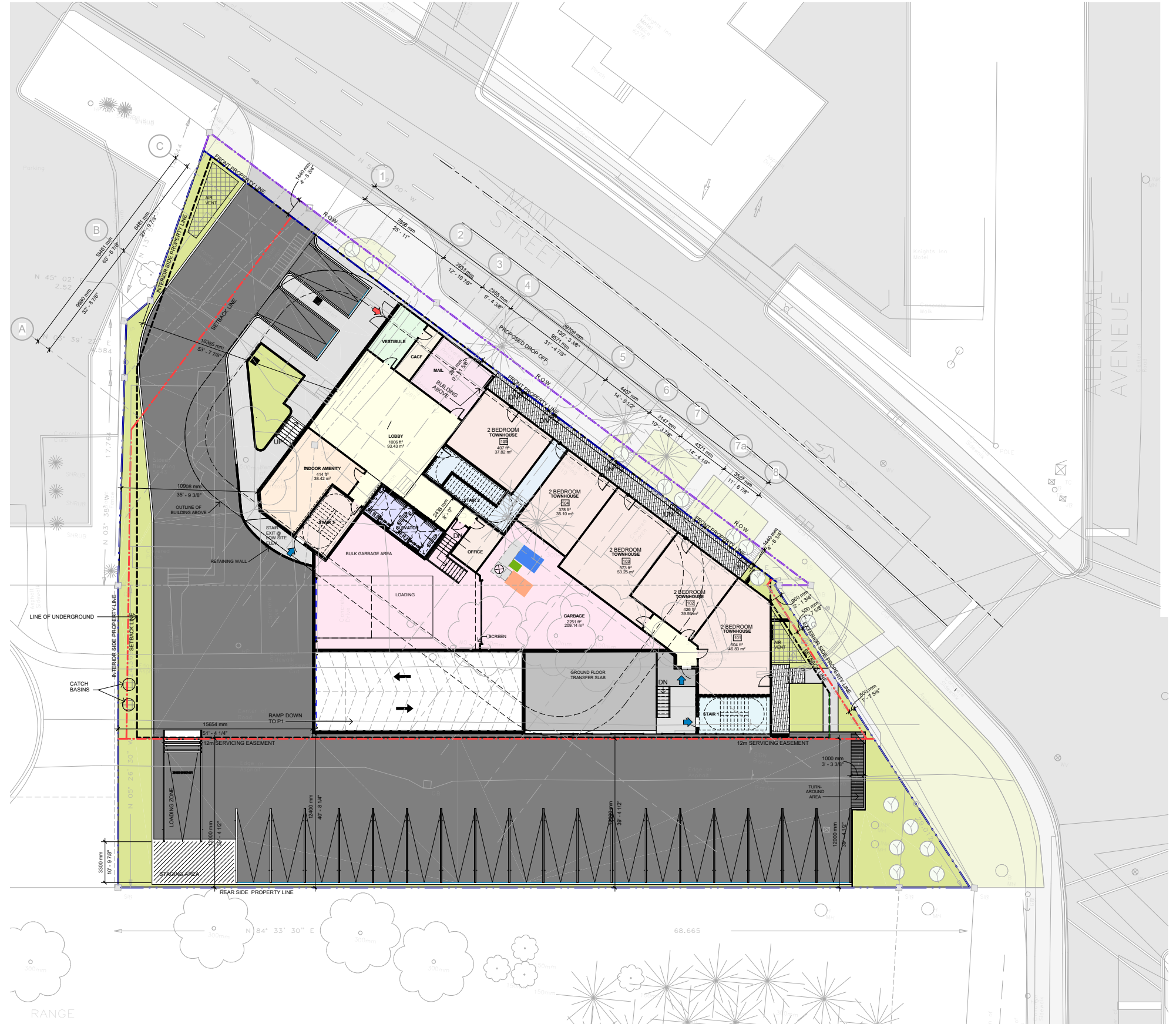


Figure 5 - Site Plan (Prepared by Chamberlain Architect)

On the second full floor, the floorplate of the building narrows to approximately 692 square metres. The north face of the building is oriented parallel to Main Street, set back approximately 1.8 metres from this north property line. At its narrowest point, the tower is set back 5.1 metres from the east property line, which increases for the balance of this elevation. Within this setback area is outdoor amenity space on the roof of the podium. The tower floorplate angles away from Murray Street, with the narrowest point being 13.7 metres from the south property line. This increases to over 27 metres at the west end of the south property line. A setback of at least 6.5 metres is provided from the west property line. This building envelope is maintained on all floors. See **Figure 6, Elevations** for additional detail.

East Elevation

North Elevation

West Elevation

South Elevation

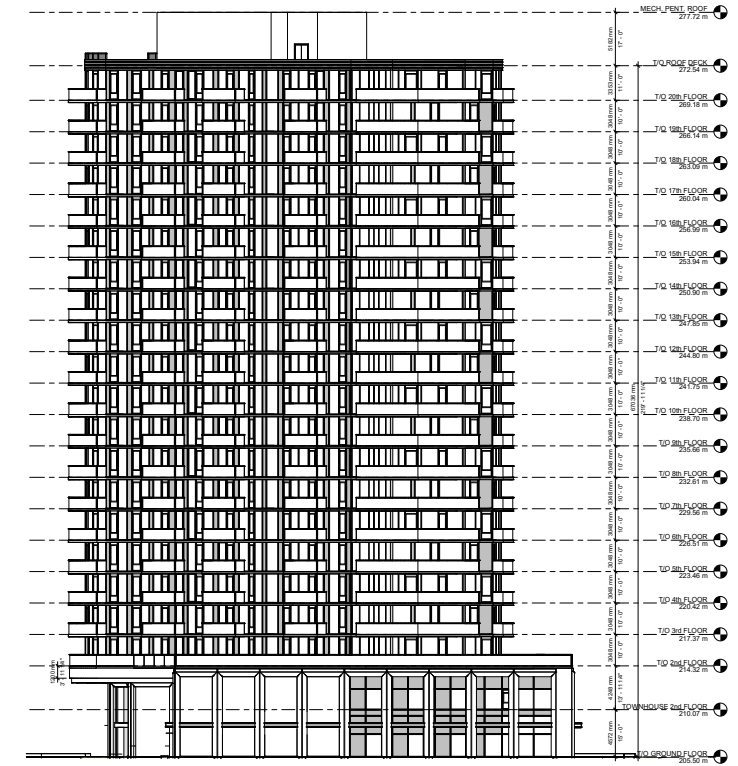
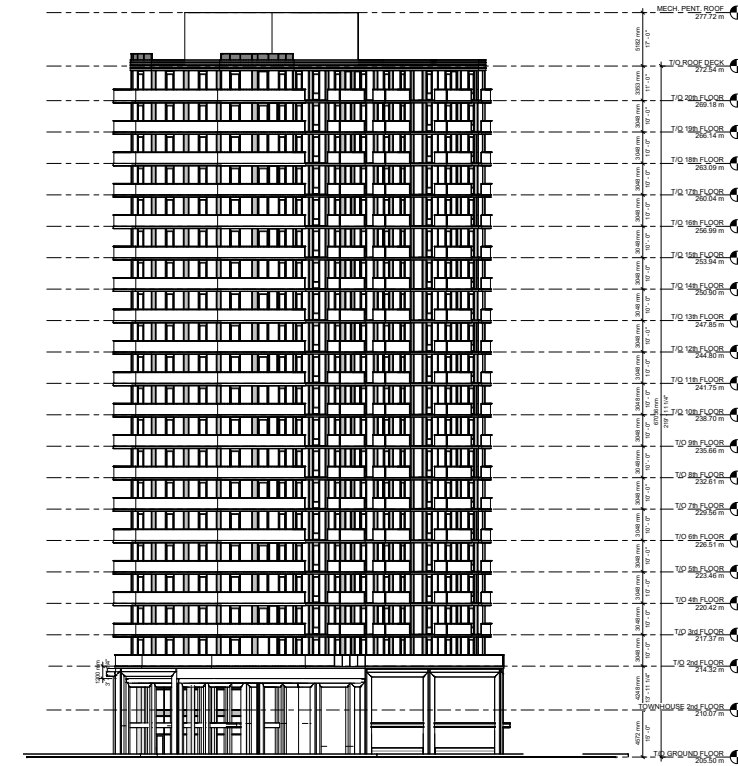
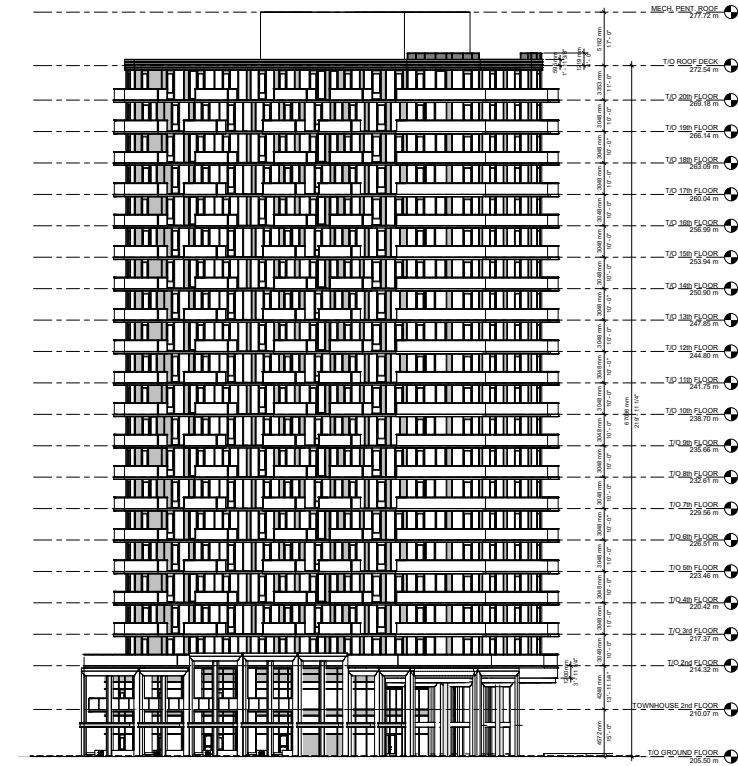
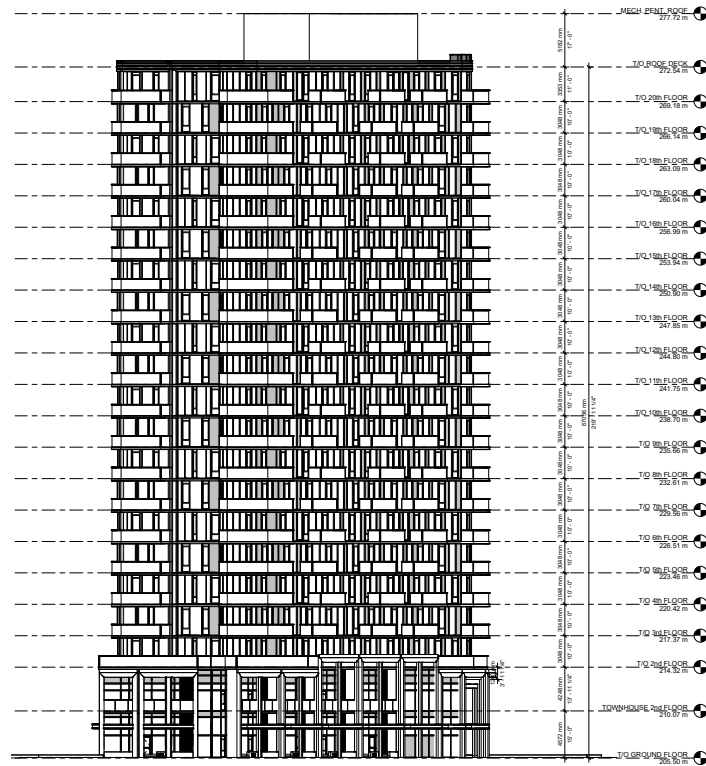


Figure 6 - Elevations (Prepared by Chamberlain Architect)

Dwelling Units and Amenity Space

A total of 193 residential dwelling units are proposed. The unit mix includes 114 one-bedroom units (59%) and 79 two-bedroom units (41%). All units have access to a private balcony.

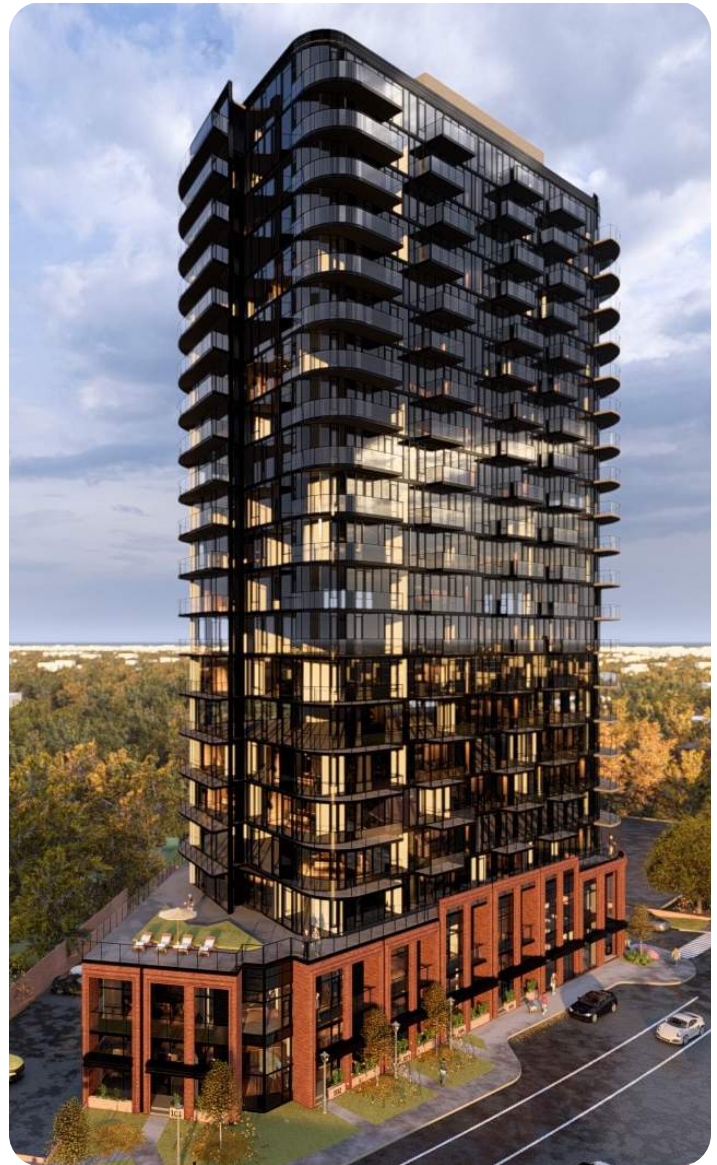
A total of 183 square metres of indoor amenity space is proposed on the second floor, adjacent to 308 square metres of outdoor amenity space located on the roof of the ground floor. An additional 548 square metres of outdoor amenity is provided on the roof. Overall there is approximately 5.4 square metres of amenity space per dwelling unit. In addition, each unit will have access to a balcony.

Parking, Loading and Access

Vehicular access is provided from Main Street, at the west end of the subject site via a 7.0-metre driveway. The driveway provides access to two drop-off parking spaces near the entrance of the building (including one accessible parking space), as well as the underground parking ramp which is located internal to the building. To the south of the building, at grade, is one loading space and 18 surface parking spaces located along the rear property line.

The underground parking ramp provides access to a 5-level underground parking garage. The majority of the parking is located within the garage, with the exception of 20 surface parking spaces located at the rear of the building. In total, there are 177 vehicular parking spaces (including 159 spaces for residents and 18 spaces for visitors). In addition, there are 103 bicycle parking spaces (97 for residents and 6 for visitors).

In addition to what is proposed to be secured on-site, there is a lay-by drop-off proposed within the Main Street right-of-way.



Rendering (Prepared by Chamberlain Architect)

3.2 Key Statistics

The key statistics of the Proposal are included in **Table 2** below.

Table 2 - Key Statistics

Site area	Pre-widening: 2,558.2 sq. m Post-widening: 2,472.6 sq. m
Gross floor area (residential)	14,089 sq. m total
FSI	5.73
Height	20 storeys, exclusive of mezzanine and mechanical penthouse 67.0 m to top of roof 72.2 m to top of penthouse
Total Residential Units	114 one-bedroom units 79 two-bedroom units 193 total units
Amenity Area	856 sq. m outdoor 183 sq. m indoor 1,039 sq. m total
Car Parking	177 spaces
Bicycle Parking	103 spaces

3.3 Required Approvals

The Proposal requires an amendment to the City of Niagara Falls Official Plan, as amended, to increase the maximum building height. An amendment to the City of Niagara Falls Zoning By-law No. 79-200, as amended, is also required to permit the proposed height, density, and to revise other performance standards as necessary to accommodate the proposal.



4

Policy & Regulatory Context

4.1 Overview

As set out below, the Proposal is supportive of the policy directions established for the subject site by the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Region Official Plan, and the City of Niagara Official Plan, all of which promote and encourage intensification within built-up urban areas.

4.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (“PPS”) came into effect May 1, 2020 and provides policy direction on matters of provincial interest related to land use planning and development. In accordance with Section 3(5) of the *Planning Act*, all land use planning decisions are required to be consistent with the PPS. In this regard, Policy 4.2 provides that the PPS “shall be read in its entirety and all relevant policies are to be applied to each situation”.

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, the PPS contains a number of policies that promote intensification, redevelopment, and compact built form, particularly in areas well served by public transit.

The preamble to Section 1.1.3 of the PPS defines Settlement Areas as urban areas, including cities, towns, villages, and hamlets, which vary in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. In particular, Policy 1.1.3.1 of the PPS speaks to Settlement Areas being the focus of growth and development through promotion of their vitality and regeneration, as well as Policy 1.1.3.2 which promotes increased density through efficient use of land, resources, infrastructure and public service facilities, and land use patterns that are transit-supportive, where transit is planned, exists, or may be developed.

Policy 1.1.3.3 requires planning authorities to identify appropriate locations and promote opportunities to accommodate a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing built stock or areas, and the availability of suitable existing or planned infrastructure and public service facilities. In addition, Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

Policy 1.3.1 of the PPS states that planning authorities shall promote economic development and competitiveness by providing and appropriate mix and range of employment and institutional uses to meet long-term needs; providing opportunities for a diversified economic base, including a range and choice of suitable sites for employment uses which support a wide range of economic activities; encouraging compact, mixed-use development that incorporate compatible employment uses; and, ensuring that the necessary infrastructure is provided to support current and projected needs.

The efficient use of infrastructure, particularly transit, is a key element of provincial policy (Sections 1.6 and 1.6.7). With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

Policy 1.7.1 of the PPS states that long-term prosperity should be supported by optimizing the use of land, resources, infrastructure, and public service facilities, maintaining and enhancing the vitality and viability of downtowns and mainstreets, and encouraging a sense of place by promoting well-designed built form and cultural planning and by conserving features that help define character, including built heritage resources and cultural heritage landscapes.

With respect to energy conservation, air quality and climate change, Policy 1.8.1 directs planning authorities to support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions and climate change adaptation through land use and development patterns which: promote compact form and a structure of nodes and corridors; promote the use of active transportation and transit in between employment and other areas; and improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion.

For the reasons set out in Section 5.1 of this report, it is our opinion that the proposed Official Plan Amendment and Zoning By-law Amendment is consistent with the PPS. In particular, the Proposal is consistent with the policies relating to intensification and the efficient use of land, and infrastructure.

4.3 Provincial Policy Statement (2023)

The Province released a draft Provincial Planning Statement in April 2023 (“PPS 2023”) as part of its Housing Supply Action Plan, which seeks to implement its housing targets. It is the Province’s intention to replace the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe with one document that will create a single, province-wide, housing-focused land use planning document. The draft PPS 2023 introduces new policies which encourage the creation of more housing. At the time of writing, the draft PPS 2023 has not yet been proclaimed and therefore the updated draft policies are not yet in force.

With respect to the housing targets noted above, on October 25, 2022, the Province issued a bulletin on its environment registry setting out Municipal Housing Targets identifying a target for the Province to build 1.5 million new homes by 2031. The 29 fastest growing municipalities have been assigned municipal housing targets. The target for the City of Niagara Falls is 8,000 dwelling units.

4.4 Growth Plan for the Greater Golden Horseshoe

On May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe (“Growth Plan”) came into full force and effect, replacing the 2017 Growth Plan for the Greater Golden Horseshoe (GGH). Under Section 7 of the Places to Grow Act, all decisions affecting a planning matter must conform with Growth Plan. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 has subsequently been approved and took effect on August 28, 2020.

A Place to Grow Plan builds upon the Growth Plan 2017, providing a framework for growth and development in the GGH until 2051 that supports the achievement of complete communities with access to transit networks, protected employment zones and a greater supply and variety of housing.

The guiding principles, which are important for the successful realization of the Place to Grow Plan are set out in Section 1.2.1. Key principles relevant to the Proposal include:

- Supporting the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime;
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; and
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

In accordance with Section 1.2.3, A Place to Grow Plan is to be read in its entirety and the relevant policies are to be applied to each situation.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning, and the needs to optimize the use of the land supply and infrastructure. The Growth Plan includes objectives to support the development of a complete community and promotes transit-supportive development. Section 2.1 of the Growth Plan states that:

“To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options [...] It is important that we maximize the benefits of land use planning as well as existing and future investments in infrastructure so that our communities are well-positioned to leverage economic change...”

Section 2.1 of the Growth Plan goes on further to emphasize the importance of optimizing land use in urban areas:

“This Plan’s emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area.”

The subject site is situated in the Niagara Falls tourist commercial area and within the Niagara Region’s Gateway Economic Zone and its development for residential purposes represent the intensification of an underutilized site within the urban area and a planned mixed-use area. Further, the subject site is complementary to the other tourist attractions in the tourist commercial area of Niagara Falls and provides significant economic uplift for the municipality, particularly given that it is located within the Gateway Economic Zone, which travels from Fort Erie to Niagara Falls, as shown on Schedules 5 and 6 of the Growth Plan (see **Figure 7** - Growth Plan Schedule 2: A Place to Grow Concept).



Figure 7 - Growth Plan Schedule 2: A Place to Grow Concept

Policy 2.2.1(2) provides that:

- 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*;

[...] and

- b. within settlement areas, growth will be focused in:
 - iv. delineated built-up areas;
 - v. *strategic growth areas*;
 - vi. locations with existing or planned transit, with a priority on *higher order transit* where it exists or is planned; and
 - vii. areas with existing or planned *public service facilities*.

The subject site is located within a Settlement Area and within a Delineated Built-up Area as defined by the Growth Plan.

Policy 2.2.1(3)(c) requires that municipalities undertake integrated planning to manage this forecasted growth in a manner which provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors and to support the achievement of complete communities through a more compact built form.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities in a number of ways, including: (a) featuring a diverse mix of land uses; (c) providing a diverse range and mix of housing options; (d) expanding convenient access to a range of transportation options; (e) ensuring the development of compact built form and a vibrant public realm; and (f) mitigating and adapting to climate change impacts and contributing to environmental sustainability.

Policy 2.2.2(3) requires all municipalities to develop a strategy to achieve the minimum intensification target and intensification throughout Delineated Built-up Areas, which will, among other things:

- a. identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b. identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- c. encourage intensification generally throughout the delineated built-up area;
- d. ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e. prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f. be implemented through official plan policies and designations, updated zoning and other supporting documents.

The subject site has characteristics of Strategic Growth Area pursuant to Growth Plan (i.e., a focus for accommodating intensification and higher-density mixed uses in a more compact built form). Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas. The subject site is located within the existing Tourist Commercial Area as identified in the City of Niagara Falls Official Plan; an area planned to be the centre of a world-class tourism destination in the form of a modern urban centre. The City's Tourist Commercial Area is intended for growth and intensification, as outlined in the City's Official Plan.

Policy 2.2.5(18) provides that in recognition of the importance of cross-border trade with the United States, this Plan recognizes a Gateway Economic Zone and Gateway Economic Centre near the Niagara-United States border. Planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism. The subject site is identified as falling within the Gateway Economic Zone as shown on Schedule 2 of the Growth Plan.

Section 2.2.6 of the Growth Plan provides policy direction with respect to housing within the Greater Golden Horseshoe. In this regard, Policy 2.2.6(1) requires municipalities to support housing choice through the achievement of the minimum intensification and density targets in Growth Plan by, among other things, identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents (a). This housing strategy is to be implemented through Official Plan policies and designations and zoning by-laws (d). Notwithstanding Policy 1.4.1 of the PPS, Policy 2.2.6(2) states that municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth (a); planning to achieve the minimum intensification and density targets (b); considering the range and mix of housing options and densities of the existing housing stock (c); and planning to diversify the overall housing stock across the municipality (d).

Generally, the infrastructure policies set out in Chapter 3 of Growth Plan place an emphasis on the need to integrate land use planning and investment in both infrastructure and transportation. Policy 3.2.2(1) provides that transportation system planning, land use planning and transportation investment will be coordinated to implement Growth Plan. Policy 3.2.2(2) states that the transportation system, which includes public transit, will be planned and managed to, among other matters:

- provide connectivity among transportation modes for moving people and goods (a);
- offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and active transportation (b); and,
- offers multimodal access to jobs, housing, schools, cultural and recreational opportunities, and goods and services (d).

Policies 3.2.3(1) and 3.2.3(2) state that public transit will be the first priority for transportation infrastructure planning and major transportation investments, and that decisions on transit planning and investment will be made according to a number of criteria including prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels, and increasing the capacity of existing transit systems to support strategic growth areas.

Section 4 of the Place to Grow Plan, entitled "Protecting What is Valuable", includes policies designed to protect valuable provincial resources (which include the Water Resource System, Natural Heritage System, Key Hydrologic Features and Areas, Key Natural Heritage Features, Public Open Space, the Agricultural System, Cultural Heritage Resources and Mineral Aggregate Resources) and promote a culture of conservation. A cornerstone of Section 4 is the policies regarding climate change. Policy 4.2.10(1) requires that municipalities develop official plans policy actions that will reduce greenhouse gas emissions and address climate change adaptation goals. These policy actions are to, among other things, support the achievement of complete communities as well as the minimum intensification and density targets in the Place to Grow Plan (a), and reducing dependence on the automobile and supporting existing and planned transit and active transportation systems (b).

In planning to reduce greenhouse gas emissions and address the impacts of climate change Policy 4.2.10(2) encourages municipalities to develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for infrastructure, including transit and energy.

Policy 5.2.5(1) clearly states that the targets set out in the Growth Plan are minimum intensification and density targets and encourages municipalities to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS, or any other provincial plan. Policy 5.2.5(3) identifies the areas which should be delineated by municipalities in official plans in order to implement the minimum intensification and density targets, including major transit station areas (c) and strategic growth areas (d). Within each delineated area the minimum density targets are to be implemented by such measures as outlined in Policy 5.2.5(5) including zoning all lands in a manner that would implement the official plan policies (c).

For the reasons outlined in Section 5 of this report, it is our opinion that the proposed development and the proposed Official Plan Amendment and Zoning By-law Amendment conforms with the Growth Plan. In particular, the Proposal conforms with policies promoting growth and intensification within settlement areas and the development of complete communities.

4.5 Region of Niagara Official Plan (2022)

The Region of Niagara Official Plan ("ROP") was adopted by Regional Council in June 2022 and was approved by the Minister of Municipal Affairs and Housing ("MMAH") with modifications in November 2022 (the "2022 ROP"). The 2022 ROP replaced the former 1994 Regional Official Plan ("1994 ROP") and applies to new development unless transition provisions provide otherwise. On November 16, 2023, the MMAH introduced the Planning Statute Law Amendment, 2023 to enact the Official Plan Adjustments Act, 2023 (Bill 150). The Act received Royal Assent on December 6, 2023. This legislation reverses decisions on official plans affecting 12 municipalities and regions, including for Niagara Region. Accordingly, the June 2022 ROP, subject to certain modifications included in Bill 150, is in effect.

Under the ROP, the subject site is identified within the Urban, Delineated Built-Up Area of the Region on Schedule B – Regional Structure (see **Figure 8**).

Section 2.2 of the ROP provides that most development is planned to occur in urban areas, where municipal water and wastewater systems/services exist or are planned, and a range of transportation options can be provided. Specifically, Policy 2.2.2.1 provides that within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:

- a. strategic growth areas, including:
 - i. Downtown St. Catharines urban growth centre;
 - ii. protected major transit station areas;
 - iii. regional growth centres; and
 - iv. district plan areas identified in Section 6.1;
- b. areas with existing or planned public service facilities;
- c. other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and
- d. local growth centres and corridors, as identified by Local Area Municipalities

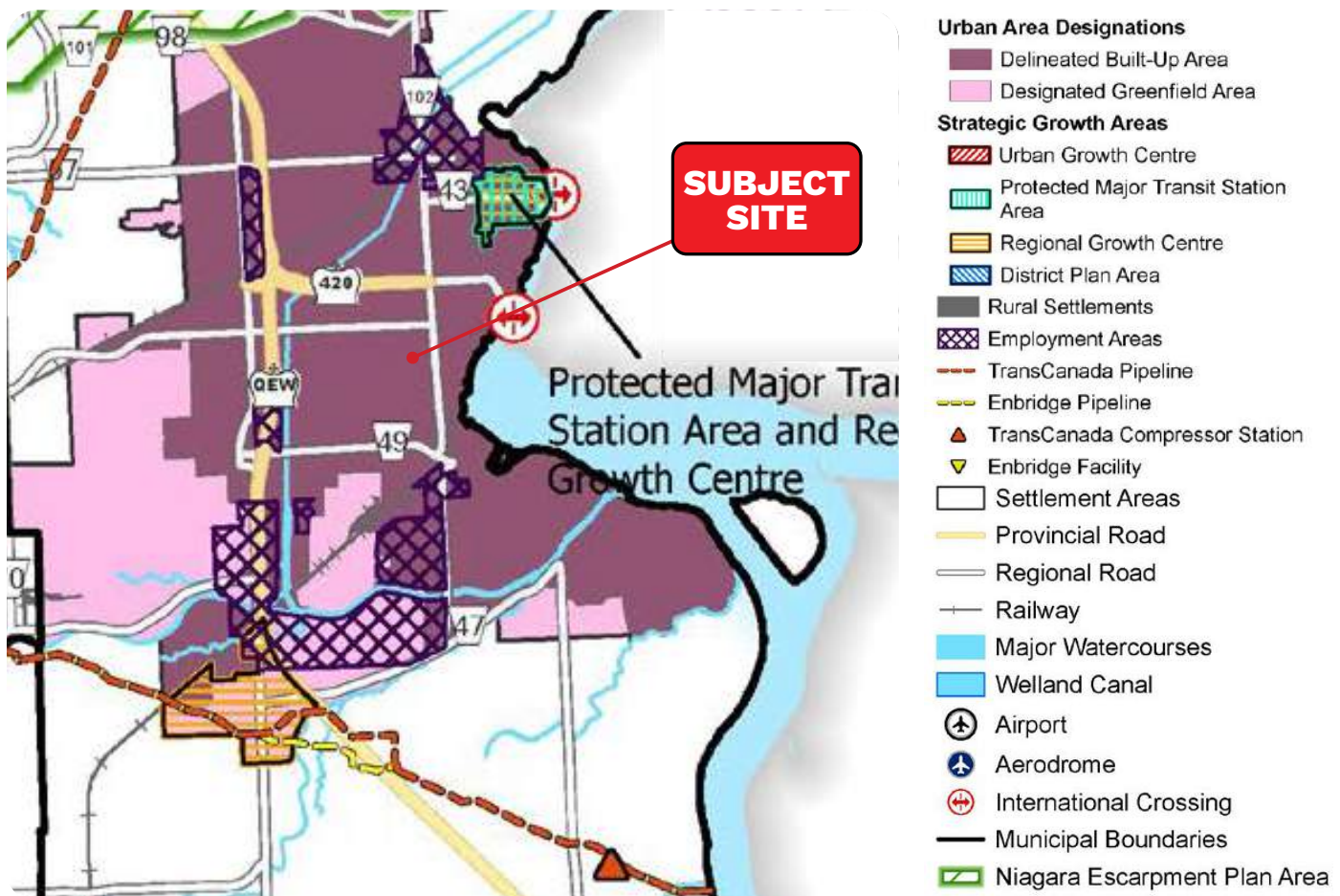


Figure 8 - ROP Schedule B – Regional Structure

Policy 2.2.2.5 provides that a minimum of 60% of all residential units occurring annually will be within the built-up areas. Table 2-1 of the ROP identifies that the Niagara Falls municipality has a forecasted population and employment of 141,650 people and 58,110 jobs. Table 2-2 provides that the minimum residential intensification target for the City of Niagara Falls is established at 10,100 new units or a 50% intensification rate between 2021-2051. Policy 2.2.2.6 provides that these intensification targets shall be met or exceeded.

Section 2.3 of the ROP includes policies related to housing. Policy 2.3.1 provides that "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 2.3.2.3 seeks to encourage the development of affordable housing, setting a minimum target that 20% of all new rental housing is to be affordable and 10% of all new ownership housing is to be attainable (defined as housing provided for moderate income households that are generally within the fifth and sixth income decline of the regional market area).

Policy 3.5.3.1 includes policy direction to support the transition to net-zero communities by, among other considerations, supporting built form and land use patterns that use land efficiently and reduce transportation emissions, including by: requiring compact built form; promoting a mix of land uses; achieving minimum intensification targets; prioritizing strategic growth areas; planning for employment uses; prioritizing transit and supporting active transportation; and supporting transportation demand management measures.

Section 6.2 of the NROP includes policies related to urban design. Policy 6.2.1.1 speaks to excellence and innovation being promoted in architecture, landscape architecture and site planning, among others. Policy 6.2.1.5 provides that the public realm shall be enhanced through urban design and improvements that contributes to safe, attractive complete streets and desirable communities. Section 6.2.3 speaks to tools for urban design implementation, including the Region's Model Urban Design Guidelines.

4.6 City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan, as amended ("OP"), was approved on October 6, 1993 by the Ministry of Municipal Affairs (the current office consolidation is dated August 1, 2023). The Plan is intended to guide growth and development to the year 2031. The OP is a planning policy document with a 20-year vision outlining 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 necessary infrastructure.

Urban Structure

The subject site is located within the "Built Up Area" of the City as identified on Schedule A-2 Urban Structure Plan of the OP and form a part of the City's "Urban Area" (see **Figure 9** – Schedule A-2 Urban Structure Plan).

The growth objectives of the OP, set out in Part 1, Section 2, include directing growth to the urban area, protecting Natural Heritage Areas, supporting increased densities and ensuring the efficient use of infrastructure. The subject site is also identified as being within the existing municipal service area, as set out in Schedule B – Phasing of Development (see **Figure 10** – Schedule B, Phasing of Development). As per Policy 2.4, opportunities for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit. As provided in Table 1 – Forecast of Households, Population and Employment, a total of 42,740 households and 53,640 jobs are to be accommodated in Niagara Falls by 2031.

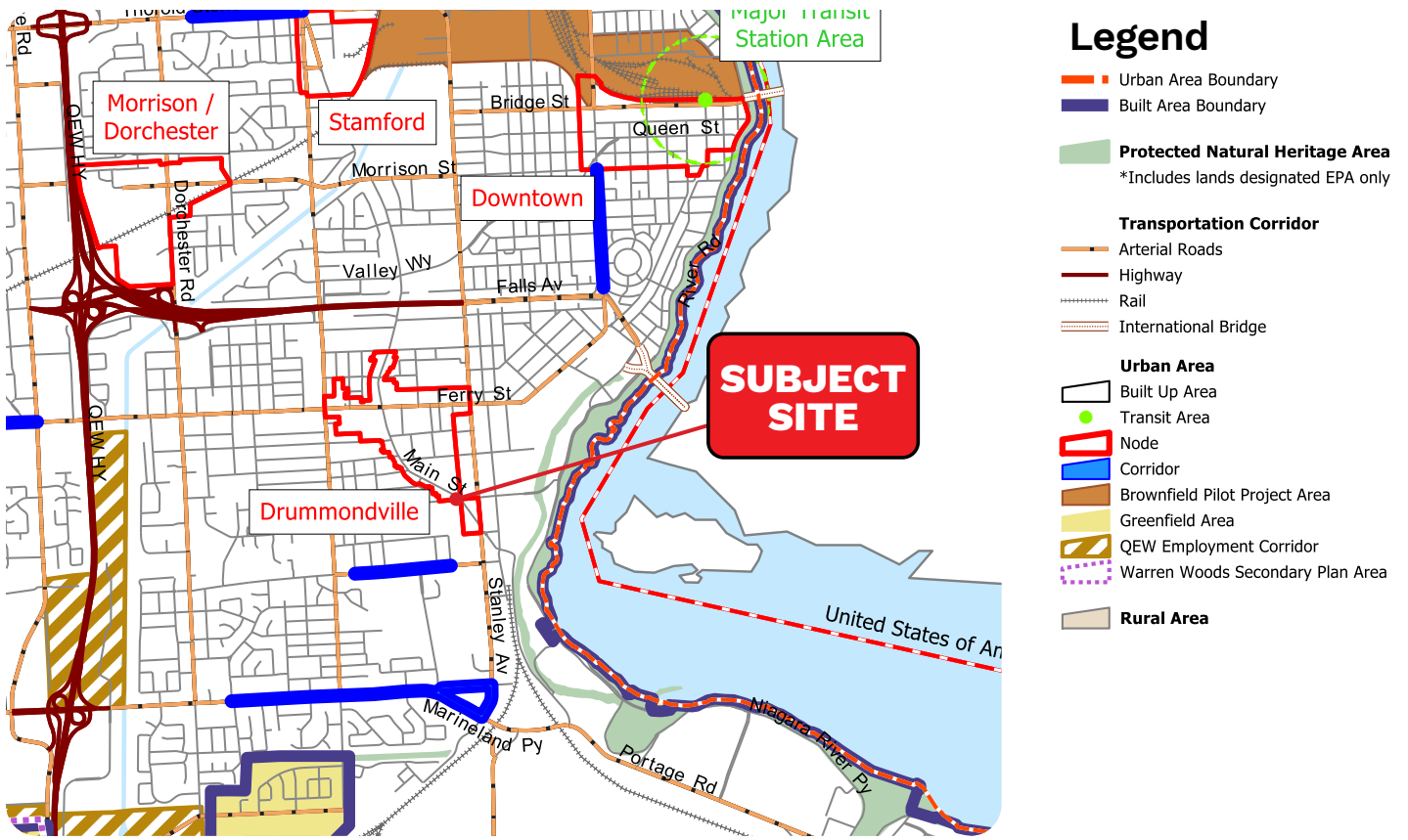


Figure 9 - NFOP Schedule A-2 Urban Structure Plan

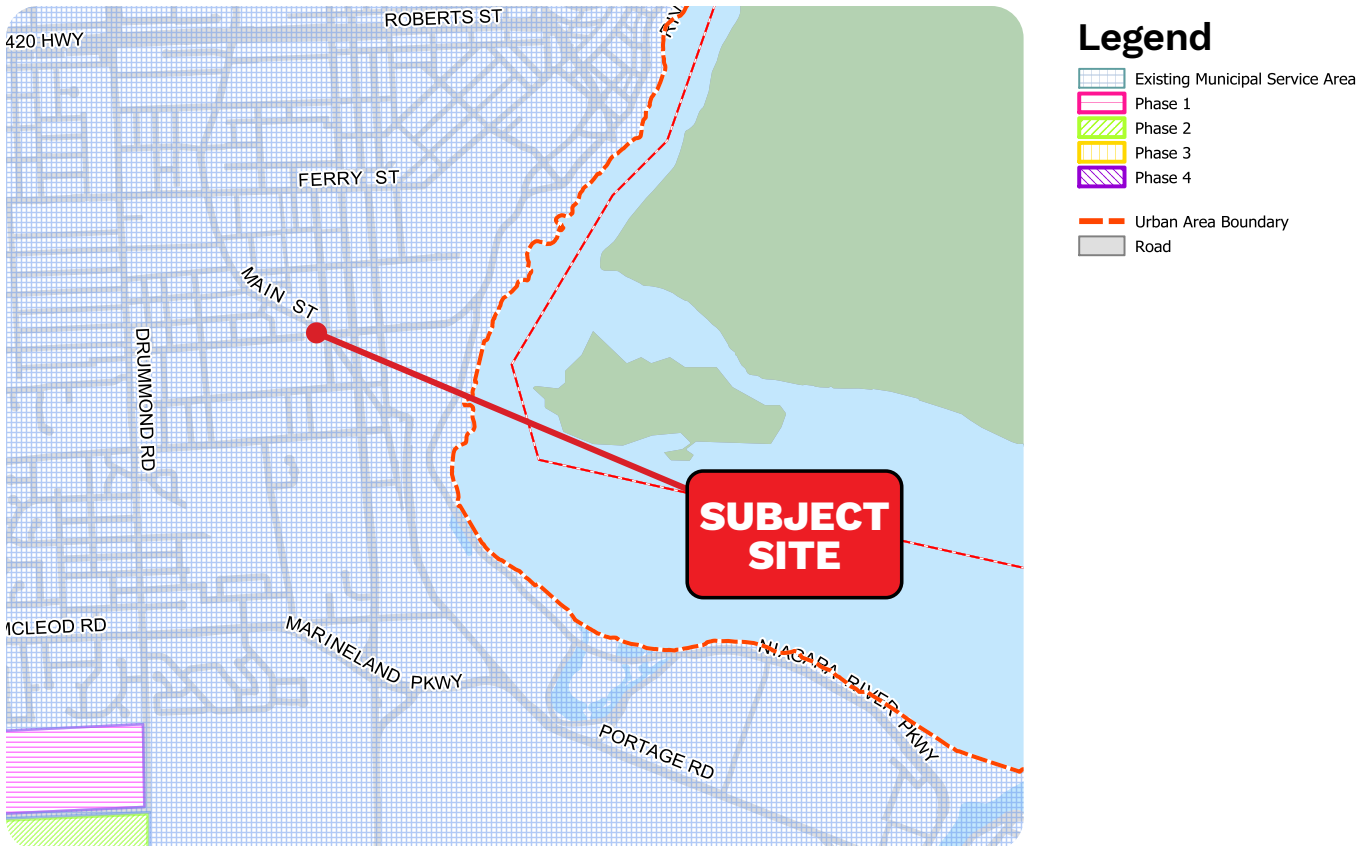


Figure 10 - NFOP Schedule B – Phasing of Development

The subject site is located in the Drummondville Node (see **Figure 11** – Schedule A-2(b)). Section 3.11 provides that the Drummondville node has been identified through Community Improvement Plans for intensification. Policy 3.1.3 of the OP includes development criteria, including that new development or redevelopment shall respect the existing built form of 4 storeys while allowing for intensification. Additional building height may be allocated in accordance with Schedule A-2. No specific height is identified for the subject site, the policy specifies that increased building height for lands outside those designated for additional height through an amendment to the Zoning By-law, subject to the following criteria:

- the subject lands have sufficient lot area and frontage to provide for the building, parking and landscaped open space;
- setbacks and separation distances are provided that are in character with adjacent properties so as to avoid or reduce impacts;
- the scale and massing of the proposed building respects the surrounding built form; and
- parking areas are adequately screened.

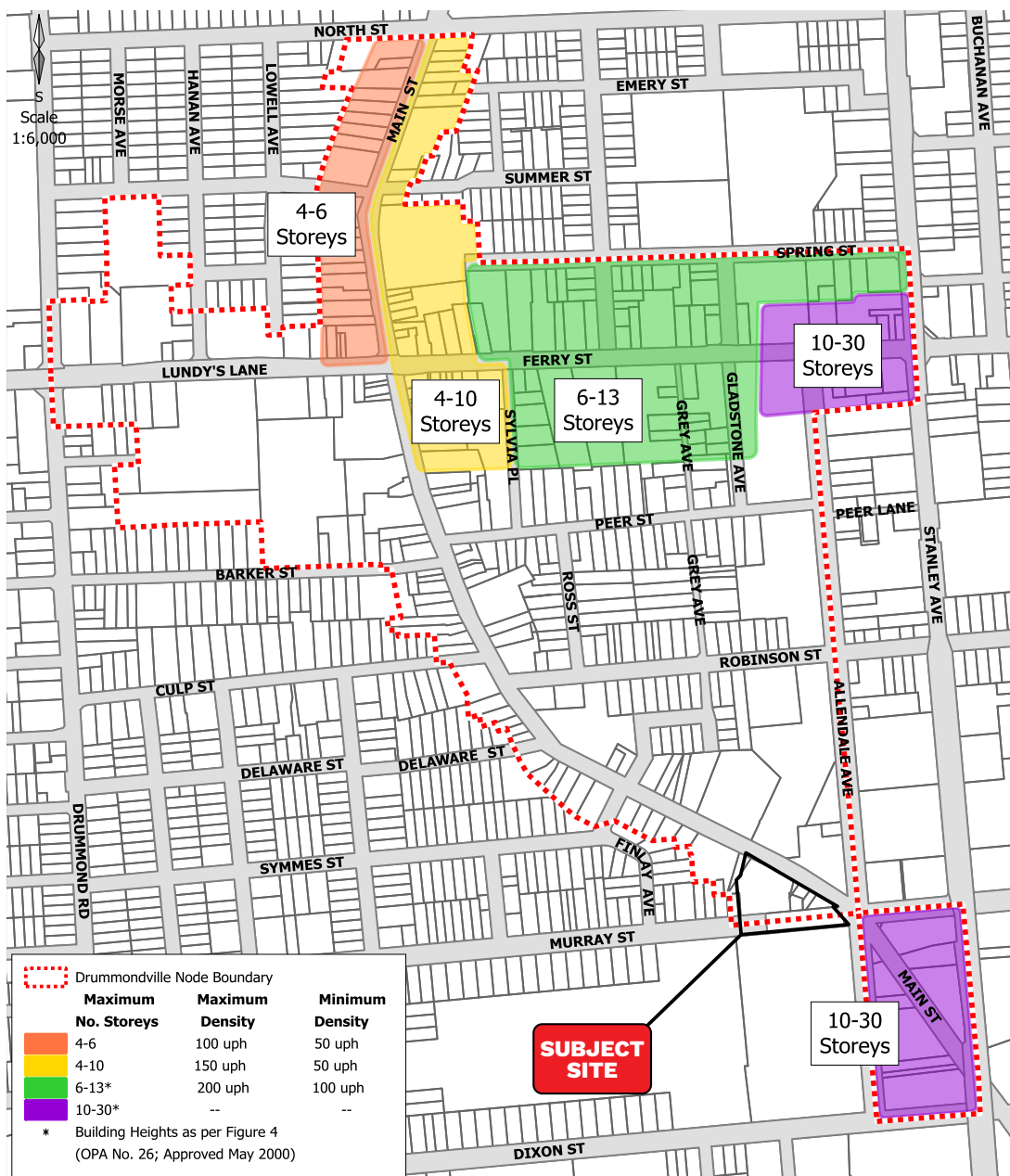


Figure 11 - NFOP Schedule A-2.2 Drummondville Node

Policy 3.14 includes subpolicies related to supporting the revitalization and redevelopment of the Downtown and Drummondville Nodes, with respect to urban design, the street system, heritage and property consolidation.

Part 1, Section 4 (introduced through Official Plan Amendment No. 149, adopted in August of 2022) includes policies related to housing and implementation of these goals. These include, among others:

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).
3. Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.

Policy 4.1 provides that the City supports a range of housing uses and built form types, including housing that is affordable. Policy 4.3 also provides that opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. Policy 4.3 continues, stating that in order to achieve this goal, the City shall support the following, among other items:

- 4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.
- 4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.
- 4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.
- 4.3.4. Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.

Policy 4.4 provides that applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement (either standalone or as a section within a planning justification report), demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:

- a. The proposed housing mix by dwelling type and number of bedrooms, as applicable;
- b. How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);
- c. The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;
- d. Where the construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and
- e. The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

Policy 4.6 provides that The City, in its review of subdivision/rezoning applications, will encourage the provision of varying housing forms and unit sizes in order to contribute to affordability.

Finally, Policy 4.8 provides that based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2015, or 674 new units on an annual basis. the City has set an annual target of 40% of new housing units meeting the definition of "affordable". Of these units, half would be targeted to be below rental or purchase price as identified by Niagara Region's definition of affordable, and half would be built as rental units which would be affordable for households in the 30th income percentile or lower.

Land Use

The subject site is designated as "Tourist Commercial" on Schedule A – Future Land Use of the NFOP (see **Figure 12**, Schedule A – Future Land Use).

Part 2, Section 4 of the NFOP provides policy direction for lands designated Tourist Commercial. The preamble provides the following objectives of the Tourism Commercial designation:

- to preserve and protect the primary tourism resource – the Falls, and the quality of its viewing experience;
- to ensure that future development builds upon and complements existing good tourism development and respects the built and natural heritage of the Tourist Area;
- to establish Tourist Districts which complement and support each other;
- to ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;
- to ensure that the new Casino Development supports the objectives of this Plan and enhances the existing tourism product;
- to ensure that the People Mover system supports the objectives of this Plan, enhances the existing tourism product, and is constructed in a manner which improves future development opportunities; and,
- to ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighbourhoods.

The vision of the Niagara Falls Tourist Area is set out in Section 4.1 and includes directives that speak to the creation of a world-class tourism destination in the form of a modern urban centre located within the area's landscape and natural features. The vision recognizes the importance of creating a high-quality tourism environment, through excellence in development and design, and the role tourism plays as a major employer.

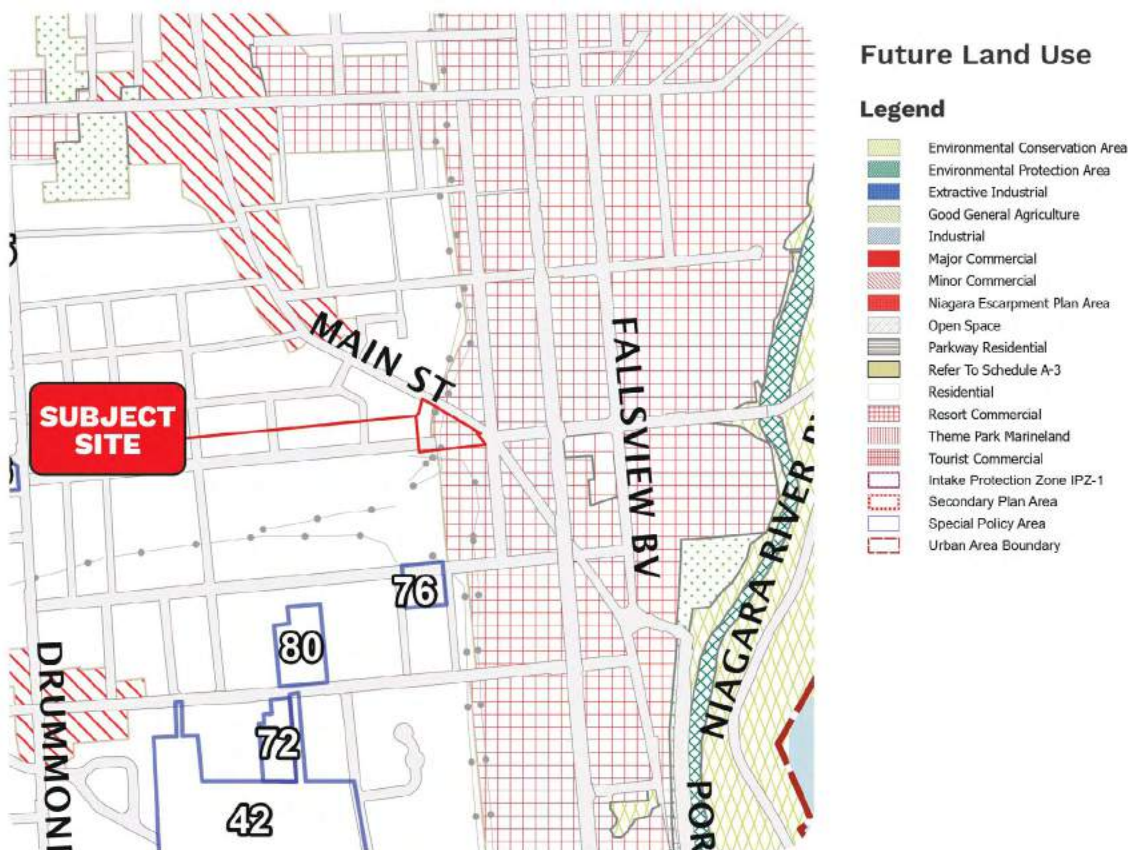


Figure 12 - NFOP Schedule A – Future Land Use

Policies 4.1.23 to 4.1.24 of Part 2, Section 4 provides policy direction with respect to building quality and the City's emerging skyline. Policy 4.1.23 of the NFOP provides that the skyline of Niagara Falls must continue to be characterized by the three existing view towers, and that new high-rise buildings must be of variable heights and mass and not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height will be considered by Zoning By-Law amendment on a site-specific basis.

Furthermore, Policy 4.1.24 provides several principles that are intended to establish a system of built-form regulations for the tourist area of the City. These principles include the following:

- a. The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;
- b. Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;
- c. Residential and institutional uses will be protected from the overshadowing effects of tall buildings;
- d. The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;
- e. Council will consider the merits of development applications having regard to the policies of this Plan;
- f. All applications for additional building heights will be treated on a quid-pro-quo basis wherein the developer agrees to provide public realm improvements; and,
- g. Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.

Section 4.2 of Part 2 of the OP provides policy direction with respect to development in the tourist districts. As per Policy 4.2.2, the Central Tourist District is identified as the focal point for tourism activities in the City, and is comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. A wide mix of tourist attractions, accommodations and services are permitted within the Fallsview Central Tourist Subdistrict. According to Policy 4.2.8, lands designated as Tourist Commercial are intended for compact growth and servicing aimed at realizing the full potential of each tourist district.

Policy 4.2.9 provides that residential uses may be permitted throughout lands designated Tourist Commercial as standalone or mixed-use buildings in order to assist in creating a complete community in accordance with the Intensification policies of the Niagara Falls Official Plan.

Central Tourist District & Fallsview Sub-District

A portion of the subject site is within the Central Tourist District on Schedule E – Tourism Map as of OP (see **Figures 13** – Schedule E, Tourism Map). More specifically, it is within the Fallsview Subdistrict, which is one of the three subdistricts that form part of the Central District.

As per policy 4.2.2, the Central Tourist District and its subdistricts shall continue to be the focal point for tourism activities in the City, including tourist attractions, accommodations, and services. Reiterated in policy 4.2.10, the Central District and its sub-districts shall be the primary attraction area for Niagara Falls visitors.

Policy 4.2.21 provides that the Fallsview Subdistrict shall function as the primary location for large-scale accommodations, entertainment, retail and cultural attractions. It shall be the primary location for high-rise hotels and multiple family residential developments in the Tourist Area.

Policy 4.2.22 provides that the Fallsview Subdistrict shall be better connected to Queen Victoria Park through new and improved pedestrian connections from the top of the escarpment into the park and enhanced pedestrian designs along the east-west streets in the subdistrict for the purpose of encouraging movement to and from the park.

Policy 4.2.23 provides that new developments within the Fallsview Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development’s built form. Policy 4.2.24 provides that a comprehensive Streetscape Master Plan for the Fallsview Subdistrict shall be undertaken, in cooperation with the area BIA, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, to implement the policies of this Plan.

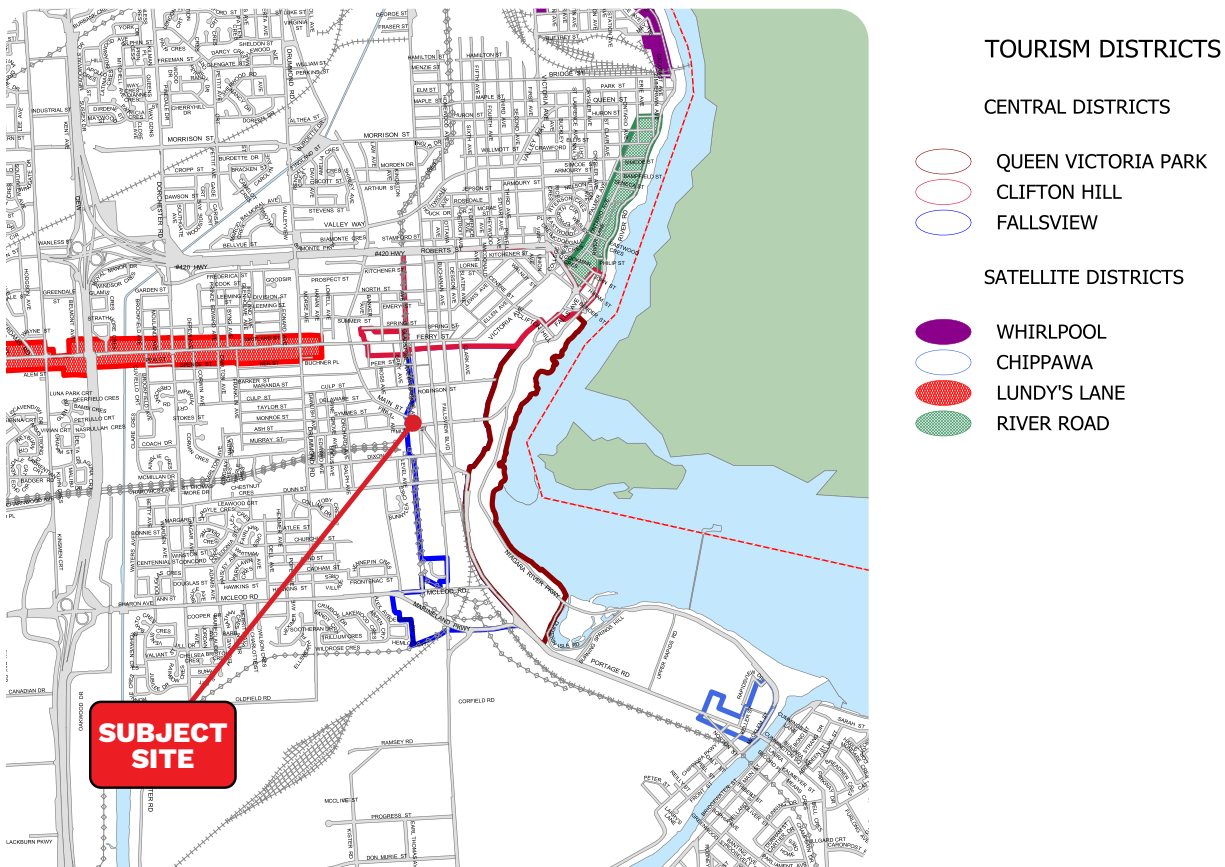


Figure 13 - NFOP Schedule E – Tourism Map

The Public Realm

Section 4.3 of Part 2 of the OP provides policies relating to the Public Realm within the Niagara Fall tourist area.

The intersection of Main Street and Murray Street is designated as a "Landscaped Entry Point" in the OP (Figure 1). The intersection of Murray Street and Stanley Avenue is identified as an "Entrance Gateway". Policy 4.3.2 directs that Entrance Gateways shall be located at main entry points in order to welcome visitors to Niagara Falls. Policy 4.3.3 directs that Landscape Entry Points shall be located at important intersections which provide direct connections to the escarpment, Queen Victoria Park and the Falls and also to highlight the heritage of the Historic Dummondville Area along Main Street at the Lundy's Lane and Murray Street and at the Hydro Corridor where it meets ferry street. Gateways and Landscaped Entry Points are to be constructed as part of a tourist greening programme and will be designated to visually attract visitors through distinctive landscaping, paving and lighting, with. Further, landscaped entry points are to assist in the orientation of visitors, directional signage, display panels and information kiosks shall be incorporated into the design of Landscaped Entry Points.

Main Street is identified a "Tree Lined Boulevard" on Figure 3 (Open Space Plan) of the OP. Murray Street east of Allendale Avenue is also identified as a Tree Lined Boulevard. Further, Figure 3 of the OP designates the intersection of Stanley Avenue and Murray Street as a Landscaped Entry Point.

Policy 4.3.5 identifies that Streets are a vital part of the public open space system. Streetscape improvements shall be used to create a high-quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development. Policy 4.3.6 directs that the Grand Boulevard Concept, which identifies the subject site as a "Landscaped Entry Point", provides that Council shall ensure that public realm improvements and new developments along this new public street are consistent with the Design Criteria for the new Grand Boulevard.

Policies 4.3.7, 4.3.8 and 4.3.9 provide policies relating to Entry Corridors and Retail streets, and Falls Access Streets, of which the three designations do not apply to the Subject Site. Policy 4.3.10 provides that Council shall ensure that public improvements and new developments abutting all streets in the Tourist Area not otherwise designated on Fig. 2, help improve the physical setting of the Tourist Area through streetscape improvements such as reconstructed sidewalks, the planting of street trees, and landscaping treatment. The details of these improvements shall be outlined in Streetscape Master Plans.

As per policy 4.3.15, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces, pursuant to section 42(6) of the Planning Act, and as per policy 4.4.1, high-quality private developments which complement and enhance the public realm shall be encouraged.

High Quality Private Development

Section 4.4 of Part 2 of the OP provides policy direction with respect to private developments on lands designated Tourist Commercial in the City. Generally, the City's directive is to encourage high-quality private developments on lands designated Tourist Commercial which also complement and enhance the public realm.

Building Heights

As per policy 4.4.2, building heights in the tourist area are restricted to four storeys, in accordance with the provisions of the Zoning By-law. Allocation of additional building height will be considered through site-specific zoning by-law amendments, up to the maximum height set out in Figure 4 – Height Strategy, of the Official Plan (see **Figure 14**). Maximum heights established in the high-rise strategy area permit buildings up to 30-storeys tall. The subject site is located approximately 17 metres to the west of the High-rise Strategy Area.

- As set out in policy 4.4.2, additional height beyond four storeys shall be allocated, if the following criteria is met:
- the applicant has submitted all required rezoning information;
- the applicant agrees to provide sidewalk and streetscape improvements in accordance with Section 4.4.4 of the Official Plan;
- in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed an architectural peer review; and
- the proposed development, in the opinion of Council, adheres to the intent of this plan and applicable design criteria.

Reference is made to Policy 4.4.4 above, which speaks to Council's right to authorize the use of Section 37 agreements in approving increased height permissions to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture, and the provision of landscaped open space.

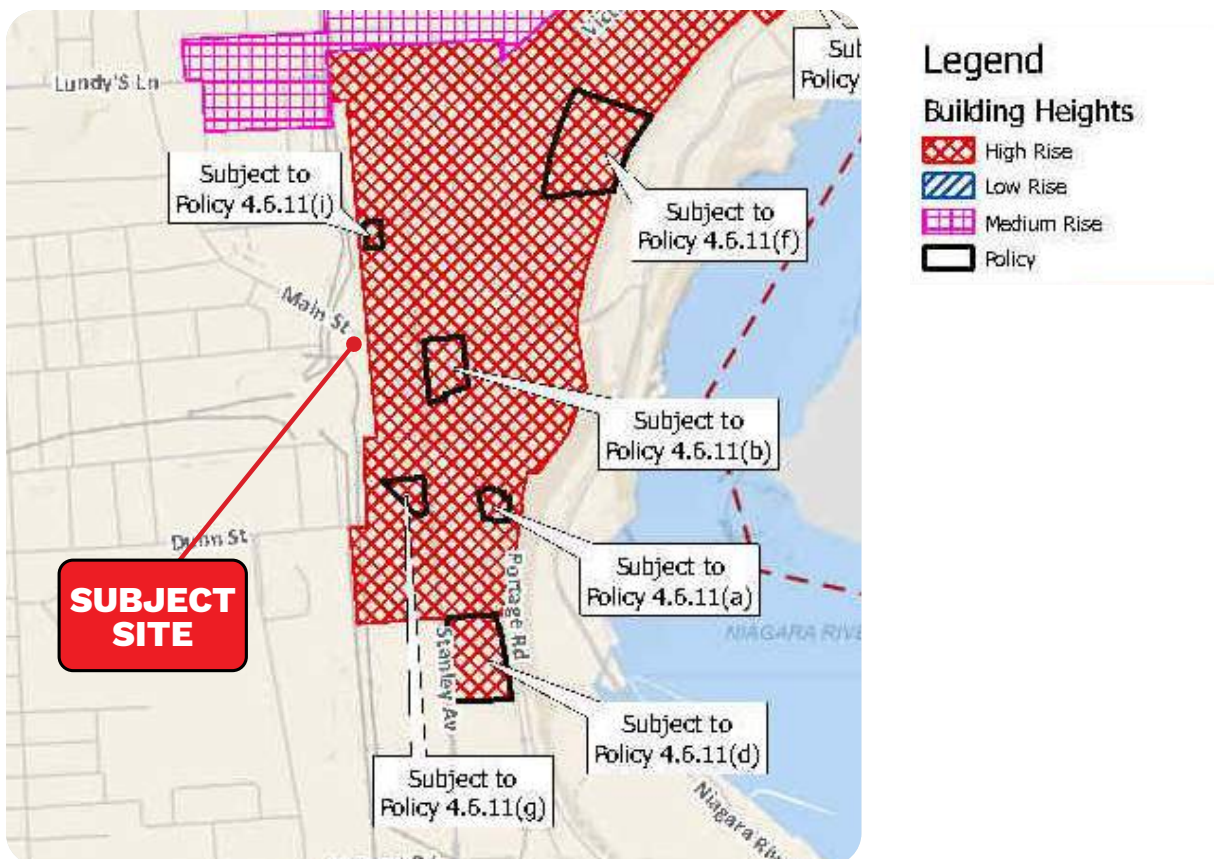


Figure 14 - NFOP – Figure 4, Height Strategy

We note that the City is in the process of approving a Community Benefits Charges (“CBC”) By-law, which will supersede the previous Planning Act permissions for a Section 37 Agreement. Under the new CBC regime, developers will need to pay Community Benefits Charges in the amount of 4% of the Value of the Land that is the subject of a development or redevelopment on the day before the first building permit is issued in respect of the development or redevelopment in return for the increase in height. Alternatively, also under the CBC regime, the Community Benefits Charge otherwise payable would be reduced on a proportionate basis based on the percentage of the building comprised of the Gross Floor Area for the types of development or redevelopment set out in section 1 of Ontario Regulation 509/20 to the Planning Act.

The mechanism for getting the increase in height and density will, therefore, be determined later in the application process by City staff.

Policy 4.6.11 states that applications will be considered for Official Plan Amendments for proposed developments in excess of the 30-storey height limit set out in the Official Plan, where the proposal demonstrates that no adverse impacts will be created due to the additional height.

Massing

Policy 4.4.6 provides that high-rise developments are not to overwhelm the public realm, or create a solid wall at the top of the escarpment. Tall buildings should reduce their massing and visual impact and provide appropriate gaps between buildings. As per policy 4.4.8, the regulations for scale and massing will be implemented through site specific zoning provisions for individual development projects.

According to Policy 4.4.7 of the OP, additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, design criteria for high rise buildings must be implemented for all development projects over four storeys in height based on the following principles:

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

Furthermore, Policy 4.4.8 of the OP, the regulations for scale and massing will be implemented through site specific zoning provisions for individual development projects.

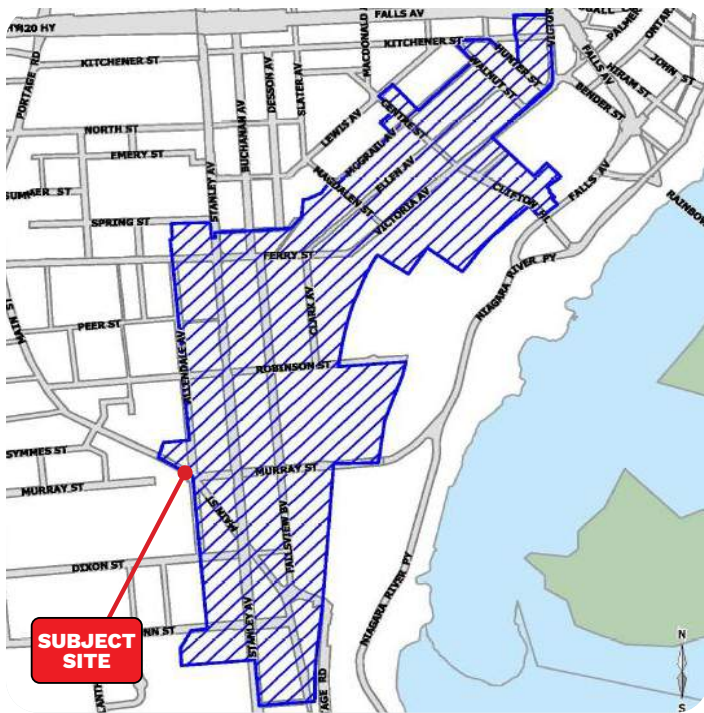


Figure 15 - NFOP Figure 5 – Parking

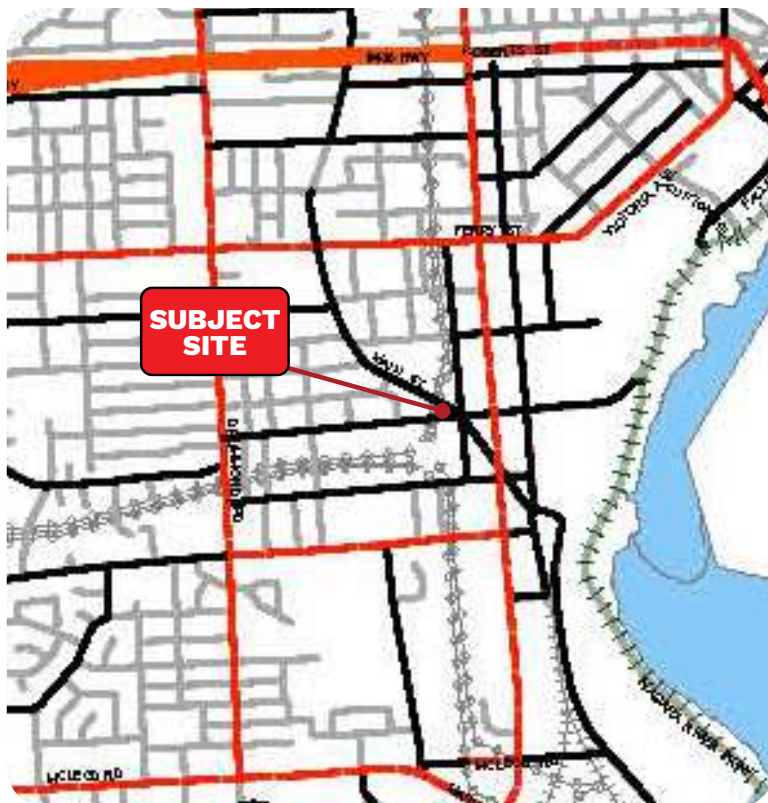
Parking

For the local business community to realize the full benefits of tourism, an integrated visitor circulation system needs to be established. Such a system should be designed to accommodate large numbers of visitors who have parked their cars for the day to explore the City as pedestrians. In this regard, the subject site is located just outside the area identified as being subject to Policy 4.5.2.3 on Figure 5 – Parking of the OP (see **Figure 15**).

Roads

Schedule C - Major Roads Plan identifies Main Street, Allendale Avenue and Murray Street as Collector Roads (see **Figure 16, Schedule C**). As set out in Part 3, policy 1.5.18.5, collector roads include all roadways under the City's jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads.

Collector roads are generally two lanes, undivided with a road allowance width of 20 metres to 23 metres which will allow the addition of turning lanes, bicycle paths, bus lay-bays and shelters, landscaping, sidewalks and utility corridors. Traffic and parking controls should be considered. Access to abutting properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted.



Major Roads Plan

Legend

- ARTERIAL ROADS
- COLLECTOR ROADS
- HIGHWAY
- SCENIC ROADS
- LOCAL ROADS

Figure 16 - NFOP Schedule C - Major Roads Plan

Urban Design

It is the intention of the OP to create compact, interconnected, pedestrian-oriented and transit-supportive communities, through the built environment, which consists of public and private properties designed to work harmoniously together.

Policy 5.1 of Section 3 provides that new development and redevelopment shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City. Development should integrate and be compatible with the surrounding area, including natural and cultural heritage features. Additionally:

- The design of new development shall address height, setbacks, massing, siting, and architecture of existing buildings, to ensure compatibility (5.1.1)
- Development shall be designed and oriented to pedestrians, and here a development includes multiple buildings, the buildings should be designed to allow pedestrians to move between buildings with minimal interference from traffic (5.1.2)
- Development shall be designed to minimize microclimatic impacts (5.1.3)
- New development should be designed and sited to minimize the obstruction of scenic view and vistas (5.1.4)
- Parking areas should be minimized within the front yard of development sites, and should be located in rear of side yards of development, with sufficient landscaping to buffer (5.1.5)
- Parking structures or underground parking are encouraged for large tourist commercial and high density residential development (5.1.6)
- The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be encouraged. Access points shall be oriented toward major roadways. (5.1.7)

4.7 City of Niagara Falls Zoning By-law No. 79-200

Pursuant to Zoning By-law 79-200, as amended, the subject site is zoned Tourist Commercial TC-1103 on Sheets C5 and D5 (see **Figure 17, Zoning By-law 79-2022**).

The TC (Tourist Commercial) zone permits a wide range of entertainment, retail and service commercial uses, restaurants, convention centres, hotels, motels and tourist businesses. Notably, apartment dwellings are not permitted. The maximum permitted height is 12 metres, and the maximum permitted lot coverage is 70 percent. There is no maximum floor area. A minimum rear yard of 10 metres applies. Finally, parking is required to be provided at a rate of 1.4 parking spaces per residential dwelling unit.

Special provision 1103 refers to By-law No. 2019-83. This by-law sought to provide an incentive to owners of lots supporting derelict dwellings within the Tourist Commercial Area Fallsview Subdistrict to demolish the dwellings. The by-law came into effect on July 16, 2019, but expired after two years.

4.8 Niagara Region Model Urban Design Guidelines

Through the Smarter Niagara Initiative, Niagara Regional Council adopted “Smart Growth” as a priority for the region, which is guided by ten Smart Growth principles committed to a type of growth which balances economic, social and environmental needs. The intent of the Niagara Region Model Urban Design Guidelines is to facilitate development and redevelopment that results in the broad implementation of the ten Smart Growth Principles.

The ten Smart Growth Principles include:

1. Create a mix of land-uses
2. Promote compact built form
3. Offer a range of housing opportunities and choices
4. Produce walkable neighborhoods and communities
5. Foster attractive communities and a sense of place
6. Preserve farmland and natural resources
7. Direct development into existing communities
8. Provide a variety of transportation choices
9. Make development predictable and cost effective
10. Encourage community stakeholder collaboration

The Model Urban Design Guidelines document incorporates six sections which provide design principles and specific guidelines for a range of development types and conditions relevant to the Niagara Region, emphasizing the distinction between the public realm and private realm.

The Region is currently undertaking an update to the Urban Design Guidelines, to ensure they adequately address current provincial planning policies and urban design practices, particularly with respect to complete communities, resiliency and sustainability.

4.9 City of Niagara Falls Tourist District Area Design Guidelines

The City of Niagara Falls Area Design Guidelines are the City’s primary implementation tool of the Tourist Commercial policies of the Official Plan. It is a merger of two previous documents, the Tourist Area Development Application Guide and the Implementation Handbook, both of which contain urban design guidelines and implementation policies. The Design Guidelines are comprised of two parts: Part 1 - Development Review Process, and Part 2 - Architectural Design Guidelines and Review. The purpose of the Tourist Area Design Guidelines is to provide a comprehensive reference manual to urban design principles that will be used to evaluate future development proposals in the City’s Tourist areas.

The Official Plan requires the Architectural Design Review be prepared by the project architect for buildings greater than 4 storeys in height to include an explanation of how each design criteria have been met or an explanation of the deviation from the criteria outlined in the review and how mitigation measures will be applied.

A photograph of two women in a professional setting, possibly a meeting or workshop. They are looking down at a large architectural model or set of plans on a table. The woman on the left is wearing a striped shirt, and the woman on the right is wearing a light blue button-down shirt. The background is slightly blurred, showing office shelves and a window. The entire image has a dark blue overlay.

5

Planning & Urban Design Analysis

5.1 Intensification

The proposed development and intensification of the subject site is supportive of policy directions articulated in the Provincial Policy Statement, the Growth Plan, the Region of Niagara Official Plan, and the City of Niagara Falls Official Plan, all of which promote directing intensification to sites within the built-up area that are well served by municipal infrastructure.

The intensification proposed for the subject site is in keeping with the intensification policies of both the PPS and the Growth Plan. The Growth Plan encourages intensification generally throughout the built-up area. Policies in the ROP also set out provisions for intensified development, for sites such as this that are located within the built-up area, are designated for intensified development, and are well serviced by infrastructure. The Region's built-up areas are expected to accommodate a significant portion of the Region's future and long-term population and employment growth, particularly through intensification. Accordingly, the 2022 ROP sets rigorous targets for growth, particularly within the built boundary. In this regard, the proposed development will help accommodate the Region's forecasted population growth to the year 2051 while alleviating some of the intensification pressure in the Region.

This directive for intensification of the subject site is further reinforced in the City of Niagara Falls OP, where opportunities for increased densities within the Built Area Boundary shall be provided to make efficient use of existing infrastructure. In particular, lands designated as *Tourist Commercial* are intended for compact growth to realize the full potential of each tourist district, as set out in Part 2 (Land Use Policies), Section 4 (Tourist Commercial), and specifically policy 4.2.8 of the OP.

In this context, the current use of the subject site, which is now vacant, represents an underutilization of land and infrastructure within the City's Tourist Commercial area, which is an area intended for growth and intensification. Residential intensification will provide additional ridership to support Niagara Falls Transit Services. The level of intensification included in the Proposal is appropriate and consistent with the City's vision for the creation of a world-class tourism destination in the central city, in the form of a modern urban centre in proximity to impressive natural features.

The City OP also acknowledges that consideration for development proposals for increases in height and density beyond what is currently permitted is necessary and desirable in order to achieve economic goals and utilize land, services and infrastructure efficiently. As outlined in **Section 5.4** of this report, it is our opinion that the proposed density is appropriate for the subject site, and deployed within a building with an appropriate height given its existing and planned context.

Overall, the Proposal represents an opportunity for increased density within the built-up boundary, thereby making more efficient use of existing land, infrastructure, buildings, and available transit.

5.2 Land Use

The applications will permit the transformation of the subject site from its current use as an underutilized vacant lot to a compact, pedestrian-oriented development which will accommodate 193 new residential units. The resulting new units will contribute to the City's housing stock, help to accommodate the City's forecasted population growth and make the Tourist District a more complete community.

The proposed residential uses are permitted by the applicable regional and local Official Plan policies, including the Tourist Commercial land use designation. The proposed residential uses are not currently permitted within the Tourist Commercial zone in By-law 79-200. This zoning restriction does not conform with the direction set out by the OP, which provides that the Fallsview Subdistrict shall be the primary location for multiple family residential developments (and high-rise hotels) in the Tourist Area. An amendment to permit the residential uses within the zoning is appropriate in this context.

Residential intensification will create new housing within the Drummond and Queen Victoria neighbourhoods. The proposed residential uses would be supported by amenities including retail, service commercial and restaurants, employment uses in the Tourism District, schools in the Drummond Heights neighbourhood to the west, entertainment uses in the Tourist District, and numerous recreational facilities including Queen Victoria Park to the east; the Thundering Water Golf Club to the south; Heximer Avenue, James Morden and Princess Margaret Public Schools and Stamford Collegiate to the west and southwest.

The proposed development is appropriate for the southern portion of the subject site, which is the former Murray Street right-of-way, which has since been closed and terminates in a cul-de-sac to the west of the subject site. There are a number of easements on this portion of the subject site related to infrastructure within the former right-of-way. It is proposed to reduce the extent of the easements to secure only a 12-metre wide easement from the southern property line. Within this area, there will be no permanent features, only surface parking. The siting of the building footprint reflects this strategy.

From a land use compatibility perspective, the subject site is located adjacent to the OPG transformer station. A Noise Impact & D6 Study has been prepared by Thornton Tomasetti in order to assess the transportation and stationary noise impacts on the Proposal from surrounding sources, the noise impact of the Proposal on surrounding noise sensitive areas, and potential adverse effects of nearby industrial facilities and sensitive land uses.

The study provides that as defined by the Ministry of the Environment Conservation and Parks' (MECP) *Environmental Noise Guideline – Stationary and Transportation Sources Approval and Planning (NPC-300)*, the subject site is located within a Class 1. A Class 1 area is described as an acoustical environment typical of a major population centre, where the background sound level is dominated by the activities of people, usually road traffic, often referred to as "urban hum" during both day and night. Main Street and Stanley Avenue represent the significant road noise sources for the Proposal to which the report recommends the requirement for ventilation, warning clauses for future residents, and noise barriers adjacent to outdoor amenity areas to address transportation related noise impacts to the Proposal.

The report concludes that the OPG transformer station is already required to meet applicable noise limits, due to its proximity to sensitive land uses, and the project is not anticipated to be subject to significant noise impacts. Further, the transformer station is appropriately distanced from the subject site in accordance with *D-6 Compatibility Between Industrial Facilities* guidelines published by the MECP.

Based on the foregoing, it is our opinion that the proposed residential apartment land use is appropriate, desirable, and conforms with the land use permissions in the ROP and OP.

5.3 Housing Impact

In accordance with Policy 4.4 of the Niagara OP, housing impact from the Proposal has been considered based on the applicable subpolicies.

The Proposal includes multi-unit apartment housing. The Proposal includes 5 two-level townhouse units, each with two bedrooms, integrated into the base of the building (2% of the overall housing), 114 one-bedroom units (59%) and 74 one-level two-bedroom units (38%). The introduction of these units will contribute to the range of housing typologies available for residents in the Drummondville and Queen Victoria neighbourhoods, and Niagara Falls more broadly.

The Proposal will introduce new housing for almost 200 households. This will contribute to the City's annual housing targets outlined in the OP of 674 new units annually (in order to build 20,220 new residential units between 2021 and 2051).

It is anticipated that the new units, particularly the one-bedroom typologies, will be relatively attainable compared to many existing housing options within the City. Formally secured affordable housing is not currently contemplated as part of the Proposal, however we note that the OP policy speaks to affordable housing targets not requirements.

In our opinion, the Proposal supports the implementation of the City's Housing Strategy. The Proposal would contribute to the new policies within section 4 OP through the provision of a large multi-family dwelling development, the efficient development of vacant land within the urban boundary, and the diversification of the City's housing supply including unit types, price points, and densities, with the introduction of a high-density residential development.

5.4 Height, Massing and Density

In our opinion, and as noted in Section 5.1 above, the subject site is an appropriate location for intensification from a land use policy perspective. From a built-form perspective, it is our opinion that the proposed building height and massing would "fit" harmoniously with other existing buildings in the vicinity of the subject site and within the Central Tourist District.

In terms of height, the subject site is located at the edge of the Fallsview Central Tourist Subdistrict, which is identified in the Official Plan as the primary location for high-rise family residential developments in the Tourist District. The proposed height of 20 storeys will appropriately transition from the lower-scale neighbourhood to the west towards the higher-scale buildings to the east. The subject site is near several existing tall buildings (including those on Fallsview Boulevard with heights of 32, 42 and 53 storeys, as well as recently approved high-rise buildings. The heights of existing and proposed buildings within the Fallsview Subdistrict are provided below in Table 3.

In this regard, it is our opinion that the subject site is an appropriate location for additional height given its location at the edge of the Fallsview Tourist Subdistrict, and would be at a lesser height and scale than other buildings that already exist and are approved in the area.

Policy 4.1.23 of the OP directs that new high-rise buildings shall be of variable heights and mass, and the proposed building provides this variety by providing a lower building height than those proposed to the east and southeast. The proposed building height also supports Policy 4.1.24 b), by providing a reduced height towards the periphery of the tourist core in order to respect the scale and character of surrounding land uses. The proposed building height is generally lower in scale than existing and proposed buildings to the east, reflecting the subject site's location at the edge of the District, while still accommodating residential intensification within the Central Tourist Zone and Fallsview Central Tourist Subdistrict as envisioned by the OP.

Table 3 – Existing, Proposed and Approved Buildings Heights within Surrounding Context

Address	Height	Approx. Direction & Distance from Site	Use	Status
6740 & 6760 Fallsview Blvd	27 storeys	575 m, SE	Commercial (Hotel Addition)	Under Review
5602 Robinson St	77 storeys	305 m, NE	Residential/ Mixed-Use	Under Review
5640 Stanley Ave	14 storeys	985 m, NE	Residential/ Mixed-Use	Under Review
Part Lot 175	25 & 35-storeys	1,413 m, SE	Residential	Under Review
6609 Stanley Ave	72 storeys	400 m, SE	Mixed-Use	Approved
6680 Stanley Ave	39, 45, and 60 storeys	560 m, SE	Mixed-Use	Approved
6683 Stanley Ave	3, 30 storeys	580 m, SE	Residential/ Mixed-Use	Approved
6361 Fallsview Blvd (Hilton Niagara)	30 & 53 storeys	204 m, W	Hotel	Built
6700 Fallsview Blvd (Embassy Suites)	42 storeys	480 m, SE	Hotel	Built
6380 Fallsview Blvd (Fallsview Casino Resort)	32 storeys	276 m, W	Hotel	Built
6755 Fallsview Blvd (Niagara Falls Marriot on the Falls)	32 storeys	536 m, SE	Hotel	Built
6546 Fallsview Blvd (Oakes Hotel)	21 storeys	367 m, SE	Hotel	Built
6740 Fallsview Blvd (Niagara Falls Marriot Fallsview Hotel & Spa)	20-storeys	572 m, SE	Hotel	Built
6455 Fallsview Blvd (Four Points by Sheraton)	17 storeys	227 m, SE	Hotel	Built

The subject site is not located within the High-Rise Strategy Area (and accordingly a maximum height of only four storeys is currently permitted), however, it is located immediately adjacent to the strategy area (which begins on the east side of Main Street). Given its proximity, the existing and anticipated greater heights within the High-Rise Zone directly inform the subject site's context. It is our opinion that the subject site can appropriately be considered for greater heights, with an opportunity to contribute to a transition in scale downwards from east to west. The proposed height of 20 storeys is less than the 30 storeys that would be permitted in the High-Rise Strategy Area, which supports the transitional nature of the subject site in the overall structure. The proposed height will contribute to a sense of prominence at the western boundary of the Tourist Commercial District, strengthening the planned Entrance Gateway identified at the Stanley Avenue and Main Street intersection within Figure 2 of the Official Plan.

With regards to massing, the proposed height can be achieved within a built form that limits built form impacts on adjacent uses. The proposed footprint of the building has been sited to minimize impact on the low-rise neighbourhoods to the west. The proposed height and massing of the building fits generally within a 45-degree angular plane taken from the closest property occupied by a low-rise residential dwelling (5675 Murray Street), with only a small portion of the 18th, 19th and 20th floors encroaching. This siting limits shadowing and wind impacts on sensitive residential land uses, as summarized in **Section 5.5** below.

Consistent with Policies 4.4.6 and 4.4.7 of the Official Plan, the proposed building massing is designed to reduce impacts on the at-grade public realm and ensure proper building setbacks and step backs are provided from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets. The building has been sited to enhance street presence along Main Street, and to consolidate back-of-house elements (as summarized in Section 5.# below). The oblong shape of upper levels results in an efficient floor design that responds to the unique shape of the subject site, with a tower floorplate of 692 square metres, which supports the limitation of built form impacts. In addition, the base of the building helps to frame the pedestrian realm and provide prominence to the corner of the subject site.

From a density perspective, it is our opinion that the proposed density of 5.73 FSI is appropriate and desirable. Firstly, it is appropriate and desirable from a planning policy perspective to optimize density of the subject site, given its location within the Fallsview Central Tourist Subdistrict, where the highest densities are directed. Accordingly, it is reasonable to establish an appropriate density for the subject site, based on specific built form design, context and urban structure considerations, rather than on the basis of density numbers alone. In this regard, Policy 3.2 of Part 1 of the OP states that development of redevelopment of lands currently designated Tourist Commercial shall meet the minimum density requirements for a high-density development as permitted in Part 2, Section 1.10.5(iii) (iii), which establishes a minimum net density of 75 units per hectare. The Proposal exceeds this minimum by achieving a ratio of 781 units per net hectare.

5.5 Built Form Impacts

Light, View and Privacy

Light, View and Privacy (LVP) impacts are generally dealt with through a combination of spatial separation, orientation and mitigating measures between buildings. In our opinion, although the proposed building fall outside of the areas identified for additional building heights in the high-rise strategy area of the OP, the LVP impacts are acceptable for the proposed building given the separation distance of the proposed building from neighbouring buildings and land uses.

As a matter of good urban design practice, a minimum distance of 11 metres is generally used as an appropriate separation distance between main windows of low- and mid-rise buildings (or 5.5 metres to side and rear property lines). For tall buildings, a separation distance of 25 metres between tower faces, measured to the external walls of the building (i.e. balconies are permitted within this setback zone) is generally used as an appropriate separation distance.

The subject site has limited direct adjacencies given the unique configuration related to public rights-of-way. To the general north and east, the subject site is separated from other properties through a 23.0 metre right-of-way. To the south, the subject site abuts the OPG site, which is not a sensitive use from an LVP consideration. Only the westerly property line abuts another residential property, which is a vacant, with the exception of a hydro-transformer, and not anticipated for residential uses. The closest residential property at 5675 Murray Street is located 51.4 metres away from the subject site. In our opinion, these distances exceed the minimum separation distances outlined above and ensure adequate LVP access to these residential properties.

Shadow Impact

A shadow impact study has been undertaken by Chamberlain Architects, which reviews the new shadow impact expected to result from the Proposal. The study reviews shadow impact on September 21 and June 21, at four times during the day, at two hour intervals (in accordance with the Niagara Falls Tourist Area Design Guidelines).

On September 21, limited shadow impact is anticipated to the immediate west of the subject site and to the north of the subject site, on the parking lot of the Falls Lodge by the Falls (6276 Murray Street) at 10:00 am. The shadow moves to the east, onto the lodge building, at 12:00 pm, and lengthens further east, extending across Allendale Road to the Rainbow Motor Inn at 2:00 pm (5581 Murray Street). The shadow extends to Stanley Avenue at 4:00 pm in the day.

On June 21st, the shadow impacts are similar but are to a lesser extent.

In general, the shadow of the building will move quickly along the sidewalks, so that sufficient sunlight is maintained for a comfortable environment.

Based on these shadows, there are no impacts anticipated to residential or parkland uses. In our opinion, the anticipated shadows are acceptable.

Wind Impact

A Pedestrian Wind Assessment has been prepared by RWDI to provide an evaluation of the potential impact of the proposed development on wind conditions in pedestrian areas on and surrounding the subject site. The report concludes that wind conditions at most ground-level areas are expected to be appropriate for the intended pedestrian usage around the subject site, including sidewalks, walkways, lobby entrances and the drop-off area.

The RWDI report does note that higher wind speeds are expected near the northwest, southwest and southeast building corners, and at the west lobby entrance during the winter, however the low podium structure will help in reducing the wind impact of the building. The pedestrian wind safety criterion is anticipated to be met at most grade-level areas, apart from localized zones near the northwest and southeast building corners.

5.5 Urban Design

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the City of Niagara Falls Official Plans as well as the Region's Model Urban Design Guidelines and the City's Tourist Area Design Guidelines. The Proposal is supportive of creating compact, interconnected, pedestrian-oriented and transit-supportive communities.

Consistent with Part 3 Policy 5.1, the proposed building utilizes streetscaping and landscape design to improve the built and social environment, particularly in the Fallsview Tourist District where there is a focus on pedestrian-oriented activities. The Proposal conforms with the sub-policies of 5.1 as follows:

- The proposed height, setbacks, massing, siting and architecture ensure compatibility by considering overall urban structure and addressing LVP impacts (as reviewed in Section 5.4 above);
- the Proposal has been designed to be oriented towards pedestrians, with a grade condition that provides for direct access to the main lobby and townhouses from the Main Street sidewalk;
- the Proposal has been designed to minimize microclimatic impacts, including shadow and wind (as reviewed in Section 5.4 above);
- no parking is proposed within the front yard (i.e. along Main Street), and the rear yard parking has generally been designed to minimize paving while still providing opportunity for visitor surface parking areas; and
- the majority of the parking for the Proposal is located in an underground garage; and
- only one access point is proposed, which limits the number of curb cuts.

Policy 5.3 of the Official Plan speaks to landscaping areas. In addition, the subject site has been identified as a Landscaped Entry Point on Figure 1 of the Official Plan. Landscaping is proposed at the east and west end of the subject site as part of the Proposal, including a landscaping area that is 57.4 square metres in size at the corner. This will support the softening of the building mass and buffer the adjacent parking area space. The landscaping anticipated along Main Street will contribute to the tree-lined boulevard character anticipated as part of the Open Space plan included in Figure 3 of the Official Plan. In general, the intent is for the landscaping to be low maintenance, with species suitable for the urban environment. The landscaping details will be secured for during the Site Plan Approval application stage.

The Proposal has regard for the guidelines included in the Region's Model Urban Design Guidelines. The Proposal contributes to building variation and density within the residential private realm, at a density which appropriate transitions to adjacent areas. In particular, the Proposal has regard for the guidelines related to apartment and mixed-use buildings, included in Guideline 4a9 and 4a10, as follows:

- the design of the tall building allows for adequate separation and transition to adjacent properties;
- the building is oriented towards Main Street, with a clear alignment in response to the unique shape of the subject site;
- the proposed massing is reflective of a higher density form at the intersection, reinforcing the prominence of the general entrance to the downtown tourist district;
- the Proposal will result in an improved streetscape condition, which will provide for higher quality pedestrian infrastructure;
- the proposed ground floor units will have individual grade access, and the upper floor units will be articulated through the use of windows and balconies;
- the primary building entrance to the residential lobby will be visible from the street, with strategies such as weather protection secured for at a later stage in the development approval process;
- private outdoor amenity areas will be provided on the second floor and rooftop, with good access to sunlight;
- the mechanical penthouse will be screened and incorporated into the overall building design;
- the majority of the parking is located underground, with no surface parking proposed within the front yard of the building; and
- the access to parking is located at the interior of the subject site, not at the corner.

Chamberlain Architects have completed the architectural design review form, which demonstrates how the Proposal has regard to the City's Tourist Area Design Guidelines.

5.6 Transportation

A Transportation Impact Study and Parking Study has been prepared by Paradigm Transportation Solutions Limited to determine the impacts of resulting traffic from the proposed development on the surrounding road network and to estimate the subject site's parking demand. The report concludes that the total traffic conditions are forecast to operate similar to existing traffic conditions with minor increases in delays and queue length. Traffic generated by the subject site is forecast to add less than 15 seconds of delay to the surrounding intersections.

With respect to vehicular parking, the proposed resident parking supply is lower than the prevailing requirements of Zoning By-law 79-200, recognizing the subject site's transportation context and location within the Fallsview Tourist Subdistrict. The proposed bicycle parking supply meets the Zoning By-law requirement. The vehicle parking rate is supported by proxy studies on similar projects. Transportation Demand Management measures are proposed to be incorporated in all aspects of the planned development to minimize the need for automobile travel to and from the subject site.

One 3.0 metre by 9.0 metre loading space will be provided for resident loading needs, meeting the loading needs of the development. With respect to traffic volumes and operations, site-related traffic can be accommodated on the area street network with relatively small impacts on the operation of the area intersections. The report concludes that the subject site's parking demand is estimated to be in line with the proposed supply.

5.7 Servicing

A Municipal Servicing & Stormwater Management Report has been prepared by MTE Consultants Inc. to study the provision of municipal services for the for the Proposal and outline the stormwater management strategy. The report concludes that the proposed development can be constructed to meet the requirements of the City of Niagara Falls and Niagara Region. The report finds that the proposed domestic and fire water demands can be accommodated by the existing municipal water supply infrastructure along Main Street and Murray Street, and that the existing storm sewer along Murray Street has adequate capacity to service the proposed development. Stormwater will be collected by an internal storm piping system within the building that will capture and convey flows to the existing 450mm diameter storm sewer along Murray Street. The water service connection will be to the existing watermain connection on Main Street.

Additionally, the report finds that the calculated sanitary peak discharge rate is less than the capacity of the existing 205mm sanitary sewer connection within the Murray ROW.

Based on the findings in this report, it is concluded that the development can be constructed to meet the applicable requirements.



Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will contribute in a positive manner to the ongoing growth and evolution of the City's Tourist District.

From a planning policy perspective, the subject site is an appropriate location for residential intensification, given its location within the Fallsview Central Tourist Subdistrict, a mixed-use area planned to higher density residential uses. The proposal conforms to the OP, which permits the proposed residential apartment uses in a high-density form.

From a land use perspective, the subject site is well suited for intensification in the form of retail/commercial and residential uses, given its location within the Niagara Falls Central Tourist District in proximity to transit and other municipal infrastructure. Intensification of the site with the proposed uses is supportive of overarching policy directions established in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Region Official Plan, and the City of Niagara Falls Official Plan.

From an urban design perspective, the development will fit harmoniously within the surrounding built form context. The design will also create a high-quality building that will contribute to the vitality and liveability of the area. The building will be a notable landmark at an entry point to the Fallsview Tourist Subdistrict, contributing to the overall built form pattern. The proposed development has been designed to be in keeping with the Official Plan's urban design policies and achieves the intent and objectives of the Tourist Area Design Guidelines.

Accordingly, it is our opinion that the proposed development is appropriate and desirable, and we recommend approval of the Official Plan Amendment and Zoning By-law Amendment applications.

All of which is respectfully submitted,



David Falletta, MCIP RPP



Caitlin Allan, MCIP RPP

