

7034 LUNDY'S LANE

MINOR VARIANCE APPLICATION

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December 19, 2023

Andrew Bryce, MCIP, RPP
Director of Planning
City of Niagara Falls

**RE: 7034 Lundy's Lane, Niagara Falls
Cover Letter & Planning Rationale
Minor Variance Application**

Dear Mr. Bryce,

Fotenn Planning + Design has been retained by the applicant, 15270171 Canada Inc., to prepare this cover letter and brief planning rationale in support of an application for minor variance for the property municipally known as 7034 Lundy's Lane in the City of Niagara Falls. The purpose of the application is to permit the conversion of the existing vacant motel on the subject site to a mixed-use building, featuring 65 residential dwelling units – of which 25% (17 units) will be affordable, as defined by the Canada Mortgage and Housing Corporation (CMHC).

The site is designated Tourist Commercial as per Schedule A of the City of Niagara Falls Official Plan, and is also located within the Lundy's Lane Satellite Tourism District as per Schedule E. The site is split-zoned Tourist Commercial (TC) Zone and General Commercial (GC) Zone under Zoning By-law 79-200. The subject minor variance application is required to permit the proposed use and address zoning deficiencies pertaining to parking and setbacks requirements.

The following materials are submitted in support of the subject minor variance application:

- / Signed and completed application forms;
- / Deed;
- / Site Plan;
- / Survey;
- / This letter.

Please note that hard copies of the required fees and commissioned application forms will be delivered in person to City Hall, in support of this minor variance application.

Site Description + Surrounding Context

The property is located at the southeast corner of the intersection of Brookfield Avenue and Lundy's Lane, in the City of Niagara Falls. The site has an area of approximately 4,452 square metres, with 45 metres of frontage along Lundy's Lane and 85 metres of frontage along Brookfield Avenue. Vehicular and pedestrian access is provided off Lundy's Lane.

The subject site contains an existing 2-storey former motel (most recently known as Joy's Inn). The building is U-shaped, with all former motel suites facing an internal courtyard. The courtyard features surface parking and a common amenity area which includes a pool. There are limited existing windows which face outwards from the subject site.

The surrounding area features a wide range of land uses, including a variety of commercial uses and various densities of residential dwellings. Generally, commercial uses are primarily located along Lundy's Lane, while most residential dwellings being located to the north and south of Lundy's Lane. However, it is noted that at this location

along Lundy's Lane (between Dorchester Road and Brookfield Avenue), the majority of uses along Lundy's Lane are residential in nature. Building heights in the vicinity range from 1-6 storeys.

The following uses are immediately adjacent to the subject site:

- / **North:** Commercial and Residential
- / **East:** Commercial and Residential
- / **South:** Residential
- / **West:** Commercial and Residential

The subject site is well serviced by Niagara Region Transit, with numerous bus stops being located within approximately 200-metres of the site. The nearest bus stops are located at the intersection of Brookfield Avenue and Lundy's Lane, immediately adjacent to the site. Nearby bus stops are serviced by routes 111, 211, and WEGO Red Line.

Development Proposal

The proposed development seeks to permit the adaptive reuse and internal conversion of the existing vacant building on the subject site, from a motel to an apartment dwelling containing 65 residential units with 149 square metres of commercial floor space at-grade. All units will be purpose-built rental units. Unit affordability will be discussed in greater detail below.

The proposed conversion will generally align with the existing floorplan of the building. As such, no changes to the footprint or overall massing of the existing building are proposed. A total of 52 parking spaces (0.80 spaces per unit) are proposed within the existing surface parking lot.

Affordable Housing & CMHC Funding

The proposed development will repurpose and revitalize the existing vacant motel structure, while incorporating affordable housing elements into the project. The proposed development will feature 25% affordable dwelling units (17 units). The balance of units will be generally below market rent, as housing costs will include all utilities and internet services.

On November 28th, 2023, the applicant secured CMHC funding for affordable housing units at this site. In order to obtain funding, all necessary zoning approvals must be in place within 6 months or risk losing the funding allocation. This results in a deadline of May 28, 2024, to finalize the necessary zoning approvals for the proposed conversion.

For further details regarding the CMHC funding program and/or the funding requirements, we would encourage the City to contact the applicant directly with any questions.

Policy and Regulatory Review

Provincial Policy Statement, 2020

The 2020 Provincial Policy Statement (PPS) provides high-level land use policy direction on matters of provincial interest as they relate to land use planning in Ontario municipalities. Decisions of municipal councils must be consistent with the PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use.

The proposed residential development is consistent with the PPS broadly supports the addition of new housing opportunities through residential conversion of vacant buildings on underutilized lots within the urban boundary.

The subject site is located within a settlement area intended for intensification, and with access to municipal infrastructure and services (1.1.1.a, 1.1.1.b, 1.1.1.c, 1.1.1.e, 1.1.1.g, 1.1.3.2.a, 1.1.3.2.b, 1.4.3.b.1, 1.4.3.b.2, 1.4.2.c, 1.4.2.d, 1.7.1.b., 1.7.1.c). The proposal is also situated in proximity to an array of land uses, numerous transit stops, and active transportation opportunities (1.1.1.g, 1.1.3.2.e, 1.1.3.2.f, 1.1.3.3, 1.4.2.e)

It is our professional planning opinion that the proposal is consistent with the Provincial Policy Statement (2020).

Growth Plan for the Greater Golden Horseshoe (2020)

The Growth Plan for the Greater Golden Horseshoe (the Growth Plan) provides a policy framework to implement the Province's vision for managing growth in the Greater Golden Horseshoe (GGH) Region. The Growth Plan generally promotes the achievement of complete communities, prioritizes intensification within strategic growth areas, and supports a range and mix of housing opportunities, including purpose-built rental and affordable housing options.

The subject site is located within the City of Niagara Falls Built-Up Area and within a Gateway Economic Zone, as per Schedule 2 of the Growth Plan. Section 2 of the Growth Plan provides policy direction regarding the management of growth, and notes that the vast majority of growth shall be directed to settlement areas with built boundaries (2.2.1.2). The Growth Plan supports a range of housing options, including a mix of densities and typologies and levels of affordability to meet the needs of current and future residents (2.2.6.1). The proposed development is consistent with the policy direction of the Growth Plan in so far as it represents efficient use of underutilized lands, will promote the efficient delivery of municipal servicing infrastructure and public transit services, and will provide new affordable housing options for residents within the City of Niagara Falls.

It is our professional planning opinion that the proposal is consistent with the Growth Plan for the Greater Golden Horseshoe (2020).

Niagara Region Official Plan (2022)

The 2022 Niagara Official Plan (Region OP) replaces the 2014 Office Consolidation of the Regional Official Plan. The subject site is located within the Delineated Built-Up Area of the City of Niagara Falls, as per Schedule B of the Regional OP. Lundy's Lane is identified as a Regional Road on Schedule J1, and is also identified as forming part of the Strategic Cycling Network on Schedule J2.

The Region OP notes that future growth will be primarily accommodated through intensification within built-up areas (2.2.2.1). It is also note that a range and mix of residential densities, unit sizes, and housing typologies should be promoted within settlement areas, including affordable housing (2.3.1.1). To encourage affordable housing, 20% of all new rental housing shall be affordable (2.3.2.3). Affordable housing is to be located where appropriate services are available, in proximity to public transit services, and near public service facilities (2.3.2.5).

The proposed development conforms with the policies of the Region OP in so far as it is ideally located to accommodate affordable rental housing opportunities and makes efficient use of available land and servicing resources. The proposed development supports the broad objectives and principles outlined in the Region OP.

It is our professional planning opinion that the proposal conforms with the general intent of the Growth Plan for the Greater Golden Horseshoe (2020).

City of Niagara Falls Official Plan (2023 consolidation)

The City of Niagara Falls Official Plan (OP) was approved by the Ministry of Municipal Affairs on October 6, 1993. The most recent and publicly available version of the OP is the August 1, 2023, office consolidation. The subject

site is designated Tourist Commercial as per Schedule A of the City of Niagara Falls Official Plan, and is also located within the Lundy's Lane Satellite Tourism District as per Schedule E.

Section 4 of the OP provides policy direction regarding development within the Tourist Commercial Area. The Tourist Commercial Area is divided into a hierarchy of tourist districts, with the Central Tourist District being the focal point for tourism activities in the City (4.2.2). The Lundy's Lane Satellite District is intended to be a multi-functional commercial area catering to both residents and tourists (4.2.3). Residential intensification within the satellite district is permitted in accordance with the policies of Section 4.2.31 of the OP. Residential uses are permitted in standalone buildings or in a mixed-use building, provided they do not interrupt the continuity of the existing tourist commercial development (4.2.31a). A maximum net density of 100 units per hectare is permitted (4.2.31c).

The proposed development would result in a total of 65 dwelling units, having a net density of approximately 146 units per net hectare. Although the proposed development exceeds the maximum permitted net density, it maintains the general intent of the OP and represents only a moderate increase beyond the maximum density. As the existing motel suites are proposed to be converted at a 1:1 ratio to residential units, the overall function of the site remains generally the same. The proposal will also support the provision of purpose-built rental and affordable housing units, while maintaining a commercial presence along Lundy's Lane to protect the commercial vision for the corridor. The underutilized site is well situated to accommodate residential intensification, being in proximity to public transit services, pedestrian infrastructure, and various recreational amenities and local services.

It is our opinion that the proposed development conforms with the general intent of the applicable policies of the City of Niagara Falls Official Plan, while acknowledging that the proposal represents a moderate increase beyond the maximum permitted density.

Zoning By-law 79-200

The subject site is split-zoned Tourist Commercial (TC) Zone and General Commercial (GC) Zone under Zoning By-law 79-200. The subject minor variance application is required to permit the proposed use and address zoning deficiencies pertaining to parking and setbacks requirements. A detailed zoning matrix has been attached hereto as Appendix A.

The following is a summary of variances that are anticipated to be required:

- / Dwelling units shall be permitted in a building in combination with one or more uses permitted in the TC Zone, where dwelling units may occupy up to 95% of the total floor area of such building and may be located on the ground floor.
- / There shall be no minimum required rear yard depth.
- / A minimum of 52 parking spaces shall be required.
- / A minimum drive aisle width of 4.7 metres for one-way traffic movement shall be required.

The proposed variances are appropriate and desirable for the redevelopment of the subject lands. It is understood that the intent of the Zoning By-law is to restrict residential units along the street frontage of Lundy's Lane, in order to promote an active commercial presence that supports the tourism corridor. Accordingly, the proposed increase to the maximum floor area of all dwelling units is appropriate given the unique shape of the existing building. Due to the relatively small portion of the building which fronts onto Lundy's Lane, this site represents a unique situation where the majority of the site may be converted to residential while still protecting the commercial presence along the streetscape. Increasing the proportion of commercial floor area will not increase the viability or attractiveness of the commercial space, as it will continue to extend backwards and away from the streetline. The proposed variance would permit existing motel suites to be converted to residential dwelling units, representing a more appropriate use of the floor area, while still maintaining a commercial presence along the Lundy's Lane. The proposed variance is also desirable as it supports the provision of affordable housing units, which require

additional density in order to be viable on the subject lands. It should also be noted that the Official Plan does contemplate entirely residential buildings within the Satellite District, providing policy support for an increase to the maximum residential floor area beyond the 50% required in the TC Zone.

The proposed reduction to the rear yard depth represents a technical amendment which is required to recognize the existing conditions on the site. The existing building has a zero metre setback along the rear lot line. The conversion to residential will not exacerbate this condition as the adjacent lot is vacant, and there are very few windows along the rear wall of the building.

The proposed reduction to the parking requirement is appropriate for the subject lands given the proximity to numerous transit routes and a wide range of public and commercial amenities in the surrounding area. A reduction to 0.8 spaces per unit will support residential intensification, reduce reliance on automobiles within the urban area, and support the efficient delivery of public transit services.

Finally, the proposed reduction to the minimum required drive aisle width is appropriate as it is recognizing an existing condition. The Zoning By-law does not contemplate drive aisles for one-directional traffic flow. With one-way traffic flow, the drive aisle may be narrower in width while still allowing for safe vehicle movement around the site. This has been the historic function and operation of the site, which will be formalized and legalized moving forward.

It is our professional planning opinion that the proposed minor variance conforms with the general intent of Zoning By-law 79-200.

Conclusion

The applicant has submitted an application for minor variance to permit the conversion of the existing motel to purpose-built affordable rental housing. A total of 65 dwelling units are proposed, with 149 square metres of commercial floor area at-grade fronting along Lundy's Lane. A total of 52 parking spaces are proposed (0.8 spaces per unit). The minor variance application is required to increase the maximum permitted residential floor area, decrease the minimum rear yard depth, decrease the minimum required parking, and decrease the minimum required drive aisle width.

It is our professional opinion that the proposed development represents good planning. Should you have any questions or comments, please do not hesitate to contact us at 613.542.5454.

Respectfully submitted,



Miles Weekes, MCIP RPP
Senior Planner
Fotenn Planning + Design

APPENDIX A ZONING MATRIX

Regulation	Required	Proposed	Compliance
Section 8.6.1 – Tourist Commercial Zone			
Permitted Uses	<ul style="list-style-type: none"> • Various commercial uses • Dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 50% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor. 	Dwelling units in a building in combination with one or more of the uses permitted in the TC Zone, where the dwelling units occupy up to 95% of the total floor area of such building and may be located on the ground floor.	X
Section 8.6.2 – Tourist Commercial Zone			
Min. Lot Frontage	6m	45 m	✓
Min. Front Yard Depth	13.1 m setback from centreline of original road allowance	6.2 m setback 17.7 m setback to centreline	✓
Min. Rear Yard Depth (i) Where any part of the building is used for residential purposes	10 m	0 m	X
Min. Interior Side Yard Width (ii) Where the side lot line does not abut a residential, institutional or open space zone	None required	>1.0 m	✓
Min. Exterior Side Yard Width	None required	1.9 m	✓
Max. Lot Coverage	70%	26%	✓
Max. Height of Building or Structure	12m subject to section 4.27	2 storeys (existing)	✓
Maximum Floor Area	Not specified	2,340 m ²	✓
Max. Floor Area for Each Retail Store	400 m ²	149 m ²	✓
Max. Floor Area of all Retail Stores per property 2000-135	3,530 m ²	149 m ²	✓
Section 8.2.1 – General Commercial (GC) Zone			
Permitted Uses	<ul style="list-style-type: none"> • Various commercial uses 	Dwelling units in a building in combination with one or	X

APPENDIX A ZONING MATRIX

	<ul style="list-style-type: none"> Dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 66% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor. 	more of the uses permitted in the TC Zone, where the dwelling units occupy up to 95% of the total floor area of such building and may be located on the ground floor.	
Section 8.2.1 – General Commercial (GC) Zone			
Min. Lot Frontage	6m	45 m	✓
Min. Front Yard Depth	13.1 m setback from centreline of original road allowance	6.2 m setback 17.7 m setback to centreline	✓
Min. Rear Yard Depth (i) Where any part of the building is used for residential purposes	10 m	0 m	X
Min. Interior Side Yard Width (ii) Where the side lot line does not abut a residential, institutional or open space zone	None required	>1.0 m	✓
Min. Exterior Side Yard Width	None required	1.9 m	✓
Max. Lot Coverage	70%	26%	✓
Max. Height of Building or Structure	12m subject to section 4.27	2 storeys (existing)	✓
Maximum Floor Area	Not specified	2,340 m ²	✓
Section 4.19 – General Provisions (Parking)			
Parking and Access Requirements / Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling	Dwelling containing 3 or more dwelling units = 1.4 parking space for each dwelling unit	52 parking spaces (0.80 spaces per unit)	X
Surface Parking Space Dimensions (width)	2.75 m	2.8 m	✓
Surface Parking Space Dimensions (length)	6.0 m	6.0 m	✓

APPENDIX A

ZONING MATRIX

<ul style="list-style-type: none"> / Angle of 60-90 degrees / 0 degrees (parallel) 	6.7 m	6.7 m	✓
Surface Drive Aisle Width <ul style="list-style-type: none"> / Angle of 60-90 degrees / 0 degrees (parallel) 	6.9 m 3.0 m	4.9 m (one way) 4.7 m (one way)	✗ ✓