



February 26, 2024

Suzanne Anderson
Secretary Treasurer
Committee of Adjustment
Planning Department
City of Niagara Falls

Dear Ms. Anderson:

**RE: Consent Applications for 6663, 6683 & 6671 Stanley Avenue and 5640 & 5582
Dunn Street, Niagara Falls**

Please accept this letter as supporting documentation for the consent applications enclosed with our submission. This application is for the creation of a total of three (3) lots on the Subject Lands, with easements proposed on each new lot. The applications propose a “strata” severance as detailed in this letter, to phase the development construction. NPG Planning Solutions Inc. has been retained to act on behalf of Stanley JV Inc. (“Owner”) who own the lands municipally known as 6663, 6671 & 6683 Stanley Avenue and 5582 & 5640 Dunn Street (“Subject Lands”), as shown on the submitted Consent Sketch.

The Subject Lands currently contain a motel (6663 Stanley Avenue) three (3) detached dwellings (5592 Dunn Street, 5640 Dunn Street, and 6683 Stanley Avenue), and a restaurant (6663 Stanley Avenue). The total area of the Subject Lands is approximately 1.49 hectares with a frontage of approximately 92.38 metres on Stanley Avenue.

1.0 Background

A Zoning By-law Amendment was approved by Niagara Falls Council on January 18th, 2022 (By-law No. 2022-07) to rezone the Subject Lands to a Tourist Commercial TC(H)-1159 Zone with site specific provisions. The Zoning By-law permits three 30-storey towers for the uses permitted in the TC Zone in addition to apartment dwelling units. The Owner proposes to develop the lands for a total of 583 dwelling units (buildings 1 and 2) and 300 hotel rooms with retail and restaurant (building 3). The proposed towers share a 5-storey podium. Within buildings 1 and 2 (residential), the podium contains residential lobby, elevators, residential amenity rooms, service rooms, mechanical rooms, parking, residential dwelling units, and rooftop amenity space. The podium structure extends to

one level of underground parking, which can be accessed by all three buildings. Parking on levels 2 to 5 is also connected and can be accessed by all three buildings.

Architectural Drawings are submitted with the subject consent applications, and should be read in conjunction with the Consent Sketch.

2.0 Proposed Applications

The Owner is proposing consent applications to create three distinct parcels, one for each building. There are vertical and horizontal property lines creating a “strata” severance, with the division between properties changing at different levels of the building. The line changes horizontally between the underground level and the ground level; between the ground level and level 2; and between level 5 and level 6. The consent sketch includes separate sheets to illustrate the vertical property lines at each of these levels, and includes cross section drawings to illustrate the horizontal property lines between each of these levels. The consents are proposed in order to facilitate phasing of construction for each tower. Future condominium corporations will be created with shared facilities agreements between corporations.

The subject applications also include proposed easements on each proposed parcel, in favour of the other two parcels. The easements are to allow vehicular access over shared driveways, parking aisles, and parking ramps; and pedestrian access over certain shared driveways and shared walkways. Additionally, a blanket easement is proposed over each of the new parcels for infrastructure and drainage purposes.

The proposed parcel configuration, with proposed easements is illustrated in **Table 1** below. For ease of reference, the table is colour-coded to match with the Consent Sketch.

Table 1 – Proposed Consents

Sheet	Severed 1 Lands			Severed 2 Lands			Severed 3 Lands		
	Severed Parts	Easement Parts (in favour of Severed 2 & 3)		Severed Parts	Easement Parts (in favour of Severed 1 & 3)		Severed Parts	Easement Parts (in favour of Severed 1 & 2)	
		Vehicle & Pedestrian	Pedestrian		Vehicle & Pedestrian	Pedestrian		Vehicle & Pedestrian	Pedestrian
Ground Floor	1 to 7	2 & 4	3,5,6 & 7	17 to 31	18, 23, 25, 27 & 29	17, 19, 20 & 21	8 to 16	10 & 12	9,15 & 16
Level 2	1, 4	4	/	22, 23, 24, 26, 28, 30, 31,32,33	23	/	8, 10, 11 & 14	10 & 11	/
Levels 3 & 4	1, 4	4	/	22, 23, 24,26, 28, 30, 31,32,33	23	/	8, 10, 11 & 14	10 & 11	/
Levels 5 to 30	1	/	/	22, 24, 26, 28, 30, 31,32, 33	/	/	8 & 14	/	/
Level A (U/G)	1, 4	4	/	22, 23, 24, 25, 26, 28, 29, 30, 31 32 & 33	23, 25, 29, 27	/	8, 13 & 14	13	/

A blanket easement for servicing and drainage is also proposed on each of the Severed Parts, in favour of the other Parts (i.e., on Severed 1, in favour of Severed 2 and 3; on Severed 2, in favour of Severed 1 and 3; and on Severed 3 in favour of Severed 1 and 2).

3.0 Submission Content

As part of our applications, the following was uploaded to the City's online submission portal:

- Three (3) application forms;
- Consent sketch prepared by Van Harten Land Surveyors, dated February 12, 2024;
- Ground floor consent drawing overlaid on property survey, prepared by Van Harten Land Surveyors;
- Architectural Drawing Set (Site Plan, Floor Plans) prepared by Turner Fleischer Architects, dated January 23, 2024;
- Parcel Register and Existing Easement Documents.

Applicable fees have been provided separately.

4.0 Planning Policies

The proposed development of three 30-storey towers has been approved by Zoning By-law Amendment and was found to be consistent with the Provincial Policy Statement ("PPS"), conforms to the Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), the Niagara Official Plan ("NOP") and the City of Niagara Falls Official Plan ("City's OP").

The proposed consents facilitate the development of the above development proposal and are intended to allow construction phasing in an orderly fashion. The proposed consents have been reviewed against section 51(24) of the Planning Act and are found to meet these criteria. Further, the proposed consents have been reviewed against the Consent policies of Part 4, Section 8.1 of the City's OP. These policies ensure that parcels of land created are appropriate for their intended purpose, have available public services and front on public roads. All three proposed parcels will have separate frontage on public roads, access to infrastructure, and are suitable for their proposed uses. Section 8.1 also requires consents to be in conformity with the provisions of the Zoning By-law, which is discussed further below.

The lands are designated Tourist Commercial in the City OP's and are located within the Fallsview Subdistrict. The proposed development is found to conform to the Tourist Commercial designation. The proposed consents will facilitate the development in an orderly manner. Future Site Plan Agreement(s) and Condominium Corporation(s) will further control development on the lands further.

The proposed consents continue to be consistent with the PPS and conform to the Growth Plan, NOP, and City's OP.

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

As discussed, the Subject Lands are zoned Tourist Commercial TC(H)-1159 Zone with site-specific provisions. The development is permitted in the TC(H)-1159 Zone, however

the proposed consents were not specifically envisioned at the time of the Zoning By-law Amendment. The following zoning deficiencies will be created as a result of the proposed consents:

- Minimum lot area: the whole of the Lands, save and except any part required for road widenings
 - Lot areas are reduced from the whole of the Lands to the areas of the proposed three parcels
- Minimum number of parking spaces for dwelling units: 1.25 per unit
 - Building 2 requires 367 parking spaces whereas 196 are provided on the lot (Severed Parcel 2). The remaining parking spaces are provided on Severed Parcel 1, within the shared parking structure between the buildings.

It is proposed that the above deficiencies, and any others which may be found by Staff, will be dealt with by Zoning By-law Amendment. With respect to parking, the Amendment will permit for Building 2's remaining 171 parking spots to be located on Severed Parcel 1. The requirement for approval of the Zoning By-law Amendment can be made a condition of approval of each consent. Given the technical nature of the zoning deficiencies, it is expected that the proposed Zoning By-law Amendment can be processed as a minor Amendment, with the General Manager of Planning, Building and Development having delegated approval authority.

6.0 Summary and Conclusion

The proposed consents will facilitate the orderly development of the lands and allows for phasing of the construction of the proposed three towers. The proposed severances and easements continue to be consistent with the PPS and in conformity with the Growth Plan, NOP and City's OP, subject to approval of a further site-specific Zoning By-law Amendment for the technical zoning deficiencies. Based on the preceding, in our professional opinion we recommend approval of the proposed consent applications.

Please provide notice of all meeting and decisions regarding the consents to the undersigned.

Yours truly,



Daniel Banatkiewicz
Planner
NPG Planning Solutions Inc.



Aaron Butler, MCIP, RPP
Principal Planner, Niagara
NPG Planning Solutions Inc.