

# **Planning Justification Report**

## **Bender Street Tourism Development**

**Niagara Falls, ON**

**March 2024**

**Upper Canada Consultants  
30 Hannover Drive  
St. Catharines, ON L2W 1A3**



## **Report Contents**

PREFACE .....	2
DESCRIPTION AND LOCATION OF THE SUBJECT LANDS.....	3
THE PROPOSED DEVELOPMENT.....	16
REQUIRED PLANNING ACT APPLICATIONS.....	19
RELATED STUDIES AND REPORTS.....	20
PROVINCIAL LEGISLATION AND PLANS .....	23
PLANNING ACT (R.S.O. 1990) .....	23
2020 PROVINCIAL POLICY STATEMENT.....	26
2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE .....	29
NIAGARA OFFICIAL PLAN (2022) .....	31
Chapter 2 – Growing Region .....	31
Chapter 5 – Connected Region .....	32
CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended).....	33
PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION .....	33
PART 2 – LAND USE POLICIES.....	34
PART 3 – ENVIRONMENTAL MANAGEMENT .....	44
CITY OF NIAGARA FALLS ZONING BY-LAW (By-law No. 79-200).....	47
CITY OF NIAGARA FALLS TOURISM POLICY REVIEW IMPLEMENTATION HANDBOOK (MAY 2004).....	56
ARCHITECTURAL DESIGN REVIEW GUIDELINES .....	56
PRELIMINARY SHADOW ANALYSIS.....	57
ANGULAR PLANE REVIEW .....	60
PLANNING OPINION.....	62

## **List of Appendices**

- Appendix I – Preliminary Site Plan
- Appendix II – Architectural Plans
- Appendix III – Preliminary Landscape Plan
- Appendix IV – Draft Official Plan and Zoning By-law Amendments
- Appendix V – Pre-consultation Agreements

## **PREFACE**

Upper Canada Consultants has been retained by Great Lakes Entertainment Canada Ltd. to prepare a Planning Justification Report in relation to concurrent applications for Official Plan Amendment and Zoning By-law Amendment.

The applications pertain to private and municipally owned lands situated south of Palmer Avenue, east of Bender Street, west of Falls Avenue and on both sides of Ontario Avenue in the City of Niagara Falls, within the Regional Municipality of Niagara.

The applications have been prepared and submitted to facilitate the development of a 17-storey tourism-based development on the eastern end of the Clifton Hill Tourism Area within the Central Tourism District in Niagara Falls.

The proposed principal attractions within planned development will be an ice sculpture exhibition centre and a tropical garden exhibition centre. The building will also contain 402 hotel rooms, retail shops, and a buffet restaurant. All parking and loading spaces that support the development will be provided within the structure.

The Official Plan and Zoning By-law amendments are necessary to permit an increase in height from 4 storeys to 17 storeys, as well as to establish site-specific provisions that will facilitate the preferred location, design and architectural details of the building.

This Planning Justification Report provides an overview of the applications and evaluates how the applications satisfy the requirements of the Planning Act, are consistent with the 2020 Provincial Policy Statement, and conform to the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and the City of Niagara Falls Official Plan (as amended).

This report should be read in conjunction with the following plans, reports and studies:

- Preliminary Architectural Elevations, Floor Plans and Shadow Analysis prepared by TAES Architects Inc.;
- Traffic Impact Study prepared by R.V. Anderson Associates Limited (dated November 23, 2023)
- Functional Servicing Assessment prepared by Upper Canada Consultants (dated February 2024);
- Slope Stability Study prepared by Sola Engineering;
- Preliminary Landscape Plan prepared by HKLA Landscape Architects and Consulting Arborists; *and*
- Pedestrian Wind Study prepared by RWDI Air Inc.

## **DESCRIPTION AND LOCATION OF THE SUBJECT LANDS**

The subject lands are generally situated on the northeast side of Bender Street, west of Falls Avenue (Regional Road 420), and south of Palmer Avenue, as shown in **Figure 1**.

As confirmed through legal survey, the portion of the subject lands owned by Great Lakes Entertainment and deemed developable (minus required road widenings) is 0.311 hectares. Additional areas for encroachment over municipal lands, including Ontario Avenue, Bender Street and the Municipal Parking Lot to the north represents an additional 0.134 hectares of development.

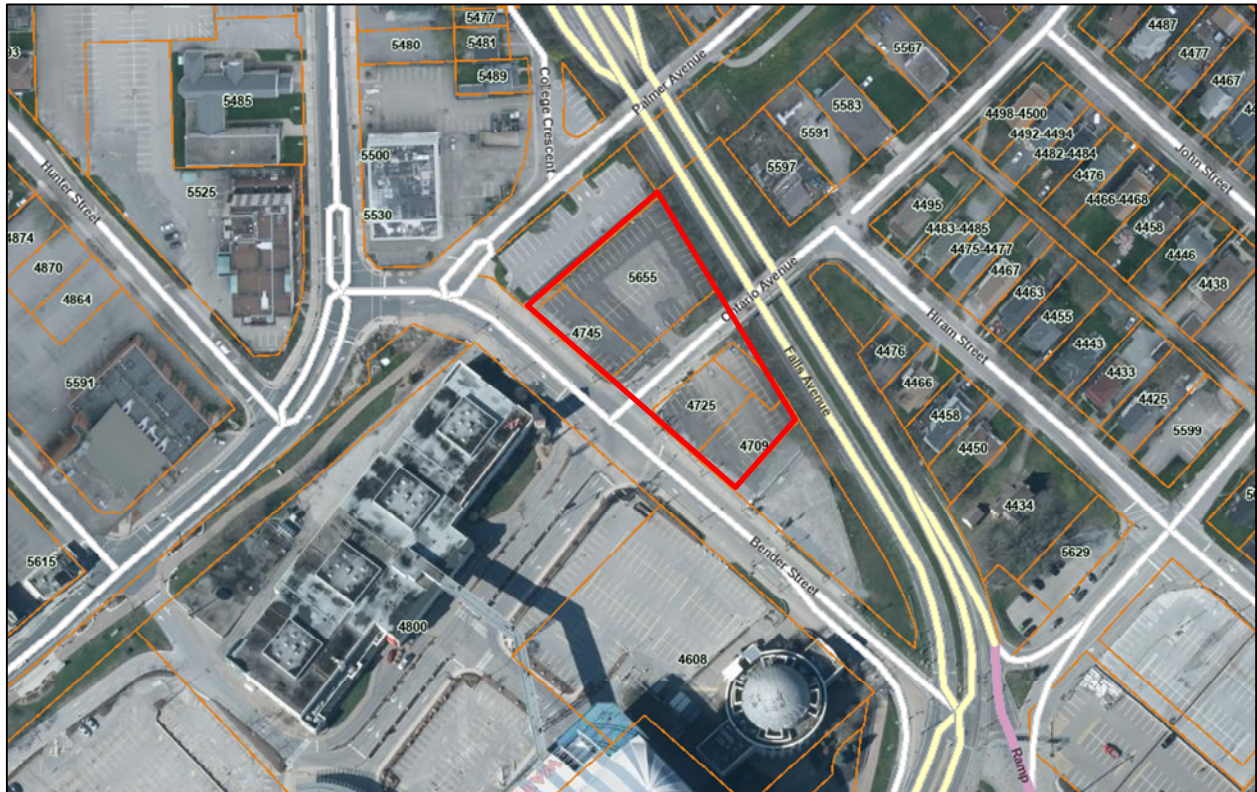


Figure 1 - Context Map – Cropped from Niagara Navigator (2020 Aerial Image)

### **Land Ownership**

The subject lands are comprised of multiple lots which vary in ownership between the developer (Great Lakes Entertainment Ltd.) and the City of Niagara Falls.

The applicant is not proposing any physical development on, or under municipal lands, but is seeking encroachment permissions and air-rights to have the structure encroach over the municipal parking lot and into the public realm along Bender Street. The building is planned to be constructed to carry over top of Ontario Avenue, with the public roadway maintained below.

A diagram showing the ownership relative to the subject lands proposed development plan is provided as **Figure 2**.

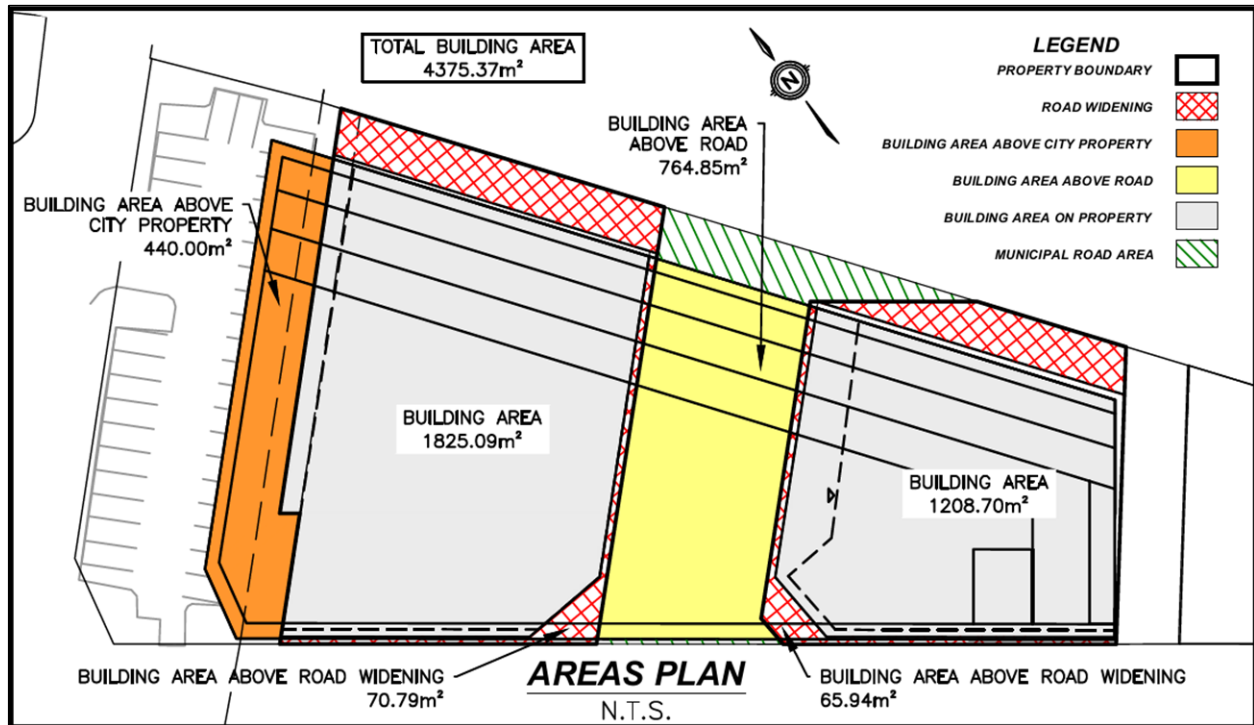


Figure 2 - Land Ownership Diagram

### Previous Land Uses

The subject lands were previously developed and contained a hotel on the north side of Ontario Avenue, and a clothing store and restaurant on the parcel south of Ontario Avenue. As shown in an aerial image from 2006, the subject lands were largely developed and contained surface parking only (see **Figure 3**).

A Google Street view Image and 2006 Aerial Image from 2015 is provided as **Figure 4**, showing the previous built context of the property as viewed from the Casino Parking Access, looking east.



Figure 3 - 2006 Aerial Showing Previous Development



Figure 4 - Google Street View (2015) - Looking East down Ontario Avenue

The former uses of the subject lands have ceased and all structures were removed from the subject lands around 2018. The applicant's lands are currently paved being used as private parking lot associated with the tourism function of the area. The current condition of the lands, as shown in a 2023 Google Street view image from the same vantage point as 2015 is provided as **Figure 5**.



Figure 5 - Google Street view (2023) - Looking East towards Ontario Avenue

### Site Topography

The subject lands exhibit a significant grade change from the northern end of the development site adjacent to the municipal parking lot (185 m ASL) to the southern end of the property beyond Ontario Avenue (177 m ASL). In total, approximately 8 metres of grade change (fall) is experienced transitioning from northeast to the southwest. The subject lands are also situated adjacent to a portion of Falls Avenue (Regional Road 420), which is owned and operated by the Regional Municipality of Niagara.

This highway segment is located below the existing grade of the subject lands in a rock cut. An NPCA Contour Map showing the grade change is provided as **Figure 6**. Images showing the physical context of the site and surrounding area provided below as **Figures 7-10**.



Figure 6 - NPCA Watershed Viewer - Contours (1m Intervals)





Figure 7 - Regional Road 420 (Falls Avenue) - Looking South



Figure 8 - Northern Parcel, Looking South



Figure 9 - Bender Street, Looking North



Figure 10 – Intersection of Victoria Avenue, Pedestrian Trail and Bender Street

## Adjacent Land Uses

As shown in **Figure 11**, the subject lands are located adjacent to established residential dwellings to the east and commercial uses to the north, west and south. The international border crossing is also located south of the subject lands.

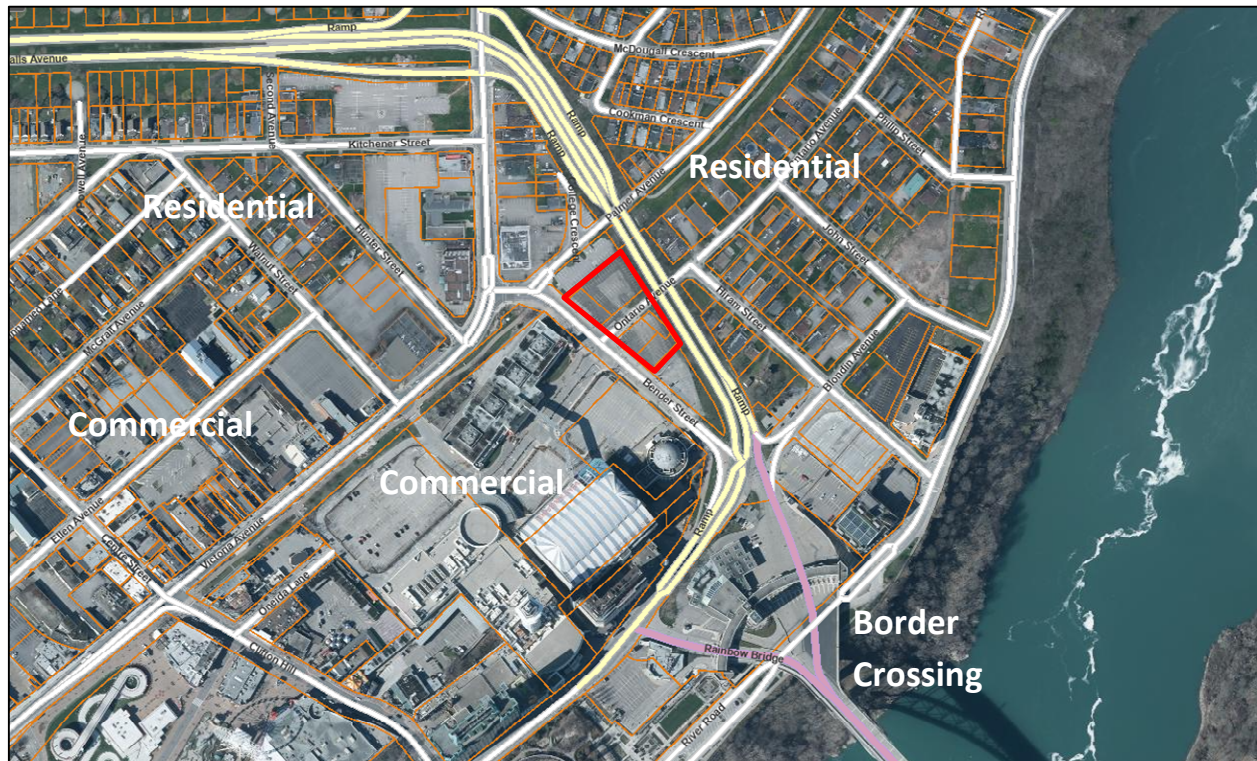


Figure 11 - Adjacent Lands Map

As shown in **Figures 12 to 15**, the residential neighbourhood to the east contains a mix of detached, two storey dwellings on the west and east side of Hiram Street. Similarly scaled detached dwellings are also found northeast of the subject lands, east of Falls Avenue, along Palmer Street.

Commercial uses west and southwest of the subject lands are shown on **Figures 16 to 19**.



Figure 12 - Detached Dwellings on East Side of Hiram Street



Figure 13 - Detached Dwellings on the West Side of Hiram Street



Figure 14 - Existing Detached Dwellings on North Side of Palmer Avenue, East of Falls Avenue



Figure 15 - Existing Detached Dwellings North of Municipal Parking Lot, North of Subject Lands



Figure 16 - Existing Seven (7) Storey Hotel at Corner of Victoria Avenue and Palmer Avenue



Figure 17 - Existing Three (3) storey hotel Immediately West of Subject Lands



Figure 18 – Thirteen (13) Storey Casino Niagara Parking Garage, West ofo Subject Lands



Figure 19 – Twenty-Two (22)-Storey Hotel Located to the Southwest of Subject Lands

## **Transportation Network**

The subject lands are currently accessible by multiple modes of transportation and are located in along to key local and regional routes.

### Roads and Highways

The subject lands have direct vehicular access provided from Bender Street and Ontario Avenue. The proposed configuration of the site would utilize Ontario Avenue for all visitor access and parking, while the proposed access from Bender Street would be for deliveries and freight only.

The lands are adjacent to Falls Avenue (Regional Road 420) which provides access from Provincial Highway 420, and the International Border.

Exclusive of the subject lands, surface parking is currently available in the municipal parking lot directly to the north on Palmer Avenue, and other private sites such as the vacant lot to the south and the Casino Parking garage to the west.

The owner currently operates their properties as a private surface parking lot.

### Public Transit

The subject lands are currently located along local transit routes 104 & 204 which have a stop at Victoria Avenue at Bender Hill, as well as the WEGO Blue Route that stops at Casino Niagara. Both bus transit stops are within 100 m of the subject lands.

### Active Transportation

In addition to the general pedestrian network consisting of sidewalks in the area, there is a recreational trail, which is located parallel to Victoria Avenue, extending from the go-kart speedway west of Clifton Hill to Bender Street. Additionally, on the northeast side of Falls Avenue, parallel to Palmer Avenue is the start of the Olympic Torch Run Legacy Trail which terminates at Niagara Falls City Hall along Queen Street.

### People Mover System (Future)

A light-rail people mover system is envisioned for the Tourism Area that will provide access from the Fallsview Casino Area to the eastern end of Clifton Hill. This system does not exist currently, and there are no immediate plans for construction. At the request of the City of Niagara Falls, the building has been designed for the future accommodation of an internal station.



## THE PROPOSED DEVELOPMENT

The owner is proposing a comprehensive development encompassing multiple parcels of land and road allowances situated along the northeast side of Bender Street in Niagara Falls. As shown in **Figure 20**, the proposed development will contain an Ice Sculpture Exhibition Hall (purple), a Tropical Entertainment Hall (green), 402 hotel rooms (cyan), buffet (orange) and retail shops (blue-grey). The preliminary Site Plan for the development is included as **Appendix I** to this report.

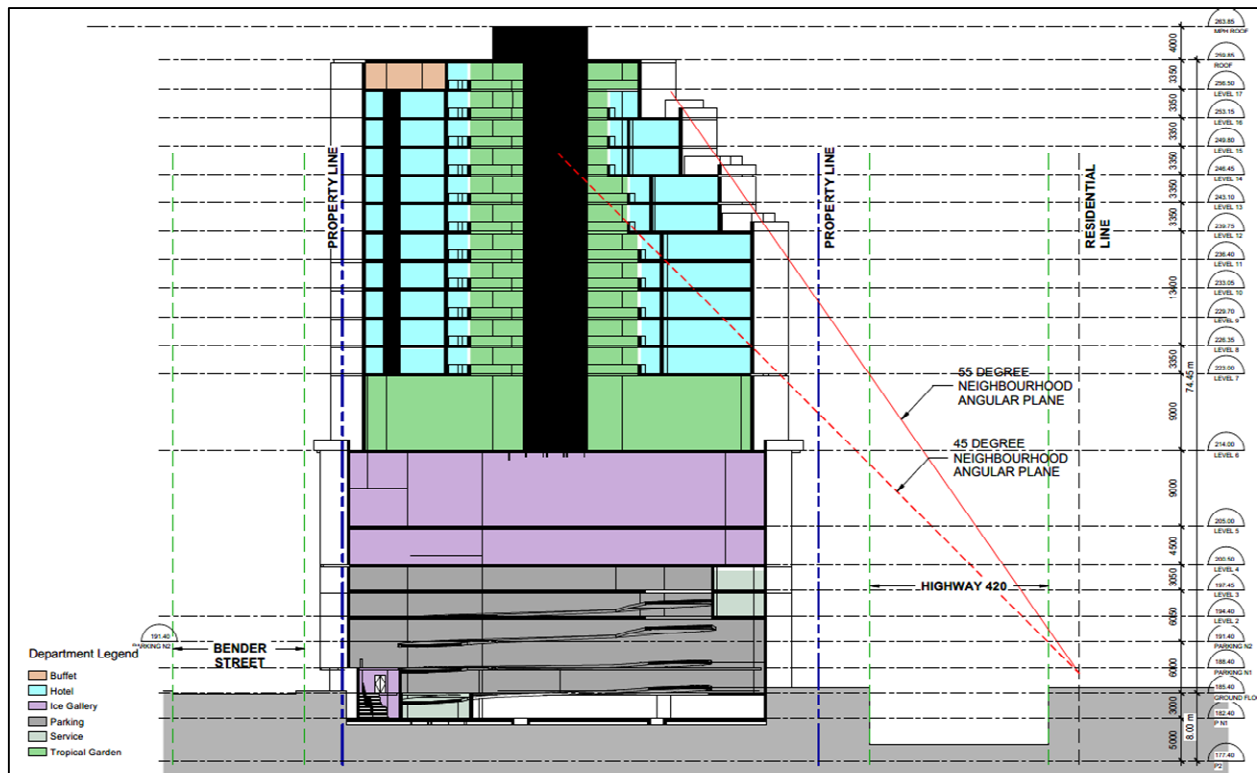


Figure 20 - Preliminary Building Cross Section, Looking North

Four levels of structured parking containing 320 spaces are proposed on site to support the proposed development. At the request of the municipality, the existing Palmer Avenue municipal parking lot has not been integrated within the block design, however minor strata encroachment rights are requested to be provided above the property to facilitate the development of floors above and building augmentation. A similar strata development right will be obtained from the City for the portion of the building that will span over Ontario Avenue. Ontario Avenue will be reconstructed to continue to provide access from Hiram Street to Bender Street and will include streetscape enhancements.

The proposed building will be 17 storeys and will measure 74.4 metres in height from the established grade at Palmer Avenue with a total building footprint of 39.55 square metres and a proposed gross floor area of 60,008 square metres.

The building will contain 256 square metres of retail space between the ground floor and P1 Parking level. These retail shops will be accessible from grade for pedestrians and the associated concourse will span the length of the development.

On-site parking is provided in a structured garage spanning over four floors and contains 320 total spaces. The parking garage will be provided with two-way access from Ontario Avenue.

### **Required Amendments and Relief**

The subject lands are designated as “Tourist Commercial” within the Niagara Falls Official Plan and are zoned “Tourist Commercial” within Zoning By-law 79-200. Both the land use policies and zoning permit the proposed uses of the land, however amendments are required to permit increased massing.

The primary relief being requested is to facilitate the height of the proposed development. A site-specific Amendment to the Official Plan is proposed to place the subject lands in the “High” height category on Figure 4 of the City’s Official Plan to permit the proposed 17-storey building. A subsequent amendment to the Zoning By-law is requested to allow for a maximum building height of 75 metres to be permitted, measured from Palmer Avenue.

Additional site-specific relief is requested from the Zoning By-law for the following matters:

- Deemed Yards
  - Front Yard – Lot Lines along Bender Street
  - Rear Yard – Lot Lines Adjacent to Falls Avenue
  - Exterior Side Yards – Lot Lines adjacent to Ontario Avenue
  - Interior Side Yard (North) – Lot Lines Adjacent to Municipal Parking Lot
  - Interior Side Yard (South) – Lot Line Adjacent to Private Parking Lot
- Minimum Rear Yard Setback – 0.6 metres
- Maximum Lot Coverage – 98%
- Maximum Building Height – 17 storeys or 74.4 metres, whichever is greater

- Required Parking Spaces – 320 spaces
- Required Loading Spaces – 3 spaces

## **REQUIRED PLANNING ACT APPLICATIONS**

The initial pre-consultation meeting occurred for the applications on July 4, 2019. The most recent meeting, which has informed the current submission requirements was held on February 12, 2023. The applicant and City have been working together over the past 12 months to address necessary encroachments and the process to obtain stratified development rights.

As per City of Niagara Falls planning staff, applications for an Official Plan Amendment and Zoning By-law Amendment remained required to permit the proposed development on the subject lands. Please see **Appendix V** for copies of the Pre-consultation Agreements.

As outlined by the review agencies, a complete application submission must include:

- Archaeological Assessment
- Conceptual Site Plan
- Draft Official Plan and Zoning By-law Amendments
- Municipal Servicing Study / Stormwater Management Study
- Transportation Impact Study
- Shadow Analysis
- Urban Design Brief / Architectural Guideline Assessment
- Preliminary Landscape Plan

### **Official Plan Amendment**

The Niagara Falls Official Plan restricts building heights within the identified tourism area to four storeys, unless otherwise prescribed through the municipal height strategy shown on Figure 4 of the Official Plan. Obtainment of an amendment to the Official Plan supported by detailed justification is required to permit increased development heights.

To permit the proposed 17 storey development, an Amendment is required to include and designate the property for “high rise” building height of 13-30 storeys on Figure 4 within the City of Niagara Falls Official Plan. No additional amendments to the Official Plan are required.

### **Zoning By-law Amendment**

Each of the proposed uses within the development are permitted under the Tourism Commercial (TC) Zone of Zoning By-law 79-200.

To facilitate the proposed maximum height of the building and preferred setbacks and design elements, site-specific exceptions to the provisions of the TC zone have been requested. Further details are provided within the Zoning By-law Section of this report.

## **RELATED STUDIES AND REPORTS**

Consistent with the submission requirements outlined through pre-consultation, supporting reports and information was required to be prepared and submitted to justify the Applications. A brief overview of the scope and conclusions of these required reports and materials are provided below.

It is noted that the required **Archaeological Assessment** has not been completed yet due to the invasive nature of the study and impacts on the ability for the site to be used for parking during the 2024 season (i.e. excavation and closure of parking lot).

The applicant is willing to accept the requirement to complete this study as a condition of Zoning By-law Amendment approval through the application of a holding (H) provision.

### **Slope Stability Analysis (Sola Engineering)**

Due to the proximity of the subject lands to Falls Avenue, which is located approximately 6 metres below grade in a rock-cut, a slope stability analysis was requested by the Niagara Peninsula Conservation Authority (NPCA) to confirm if future development would have a negative impact on the slope/wall.

Sola Engineering prepared a slope stability analysis for the subject lands in 2019. There has been no change to the use or physical form/grading of the properties since this analysis was completed, and therefore, the report is considered to remain valid.

Through evaluation, Sola has concluded that the rock-cut is in a state of natural stable repose with no discernible evidence of failure activity. Accordingly, the slope was concluded to have a low potential for instability and the proposed development and required excavation will not have an adverse impact on the stability of the Feature.

This analysis was reviewed by NPCA staff in October 2019, who offered no objections to the conclusion of the report via e-mail. A copy of this e-mail has been provided with the Slope Stability Study.

### **Traffic Impact Study (RV Anderson Associates Limited)**

A Traffic Impact Study was conducted by R.V. Anderson Associates Limited for the subject lands which included an evaluation of potential impacts on the existing roadway network as well as a review of parking needs and supply. This evaluation contemplated existing conditions, build-out traffic volumes and recently approved or planned developments with contributing traffic within the surrounding area.

As outlined in the study, estimated peak traffic volumes are expected to be 108 inbound and 86 outbound trips during the weekday a.m. peak hour and 137 inbound and 133 outbound trips during the weekend p.m. peak. During the Saturday mid-day peak hour 159 inbound trips and 124 outbound trips are projected.

With regard to parking, the City's Zoning By-law requires a minimum of 321 spaces be provided for the proposed development. The TIS states 322 are required under the Zoning By-law, however, the City does not "round-up" when calculating parking requirements.

The proposed development will contain 320 parking spaces. The TIS states that this shortfall (-2 spaces) is minor and will not impact the subject site or surrounding area.

One operational impact was identified in the report which pertained to the unsignalized intersection of Victoria Avenue and Falls Avenue Westbound off-ramp.

As stated in the report, the increase in traffic flows will have no significant impact on the exiting network. Further, no geometric improvements are required to any intersections adjacent to the subject lands, although some line painting and signal timing optimization may be required as the development becomes established and operational.

### **Shadow Analysis (Taes Architects)**

A set of preliminary shadow analysis diagrams were prepared in support of the applications by Taes Architects. These diagrams have been included as **Appendix II** to this report and are discussed in additional detail further on in this Planning Report.

The shadow diagrams have demonstrated that the most pronounced shadow impacts will be on the adjacent residential neighbourhood to the east during the winter solstice. During the spring and fall equinoxes, shadow impacts on adjacent lands will also occur, however, they are limited to the evening time only.

During summer months where outdoor enjoyment opportunities are at their most frequent, the impacts are minimal on adjacent properties and occur in the evening after approximately 10 hours of sun throughout the summer months has been provided on the affected properties. Overall, the shadow impacts that will be generated are considered acceptable as they are minimal and adjacent properties will retain access to a acceptable amount of sunlight throughout the day.

### **Functional Servicing Assessment (Upper Canada Consultants)**

The Functional Servicing Assessment contains an overview the proposed servicing methods and preliminary stormwater management plan.

The report indicates that the development will be serviced through new connections to an existing sanitary sewer and watermain on Bender Street. The development will utilize a new 250 mm connection to an existing manhole on Bender Street, east of Ontario Avenue. Water services will be provided as a new 150mm connection for domestic water, and a 250 mm service for fire protection. These connections will both be made to the existing 300 mm watermain on Bender Street.

Stormwater will be managed through roof capture systems, as the building will cover most of the property, and areas outside the building will drain towards adjacent roadways. The report cites that the existing 1200 mm storm sewer on Bender Street has been designed to account for the development of the subject lands.

Based on the preliminary development proposal, the servicing assessment concludes that the development can be supported with no impact to existing municipal infrastructure with no need for on-site stormwater management facilities, quality or quantity control controls.

### **Pedestrian Wind Study (RWDI Air Inc.)**

A pedestrian wind study was requested to be completed and accompany the Official Plan and Zoning By-law Applications. The purpose of this study was to determine if the preliminary design of the development would result in uncomfortable or undesirable conditions around the building and adjacent to the site.

The owner retained RWDI Air. Inc. to complete wind tunnel modelling of the proposed development at a 1:300 scale. This model was prepared using a 360-metre radius from the site and also factored in approved and planned developments which would exist at the time of development.

After the completion of the wind modelling, the results of the tests have shown that there are some areas, primarily along building corners where wind impacts may be uncomfortable. These impacts were most pronounced in the winter months.

Overall, the study has concluded that mitigation measures may be required to address these potential impacts. Required design revisions and further testing/review are most appropriately completed through the Site Plan process.

## **PROVINCIAL LEGISLATION AND PLANS**

Development applications within the City of Niagara Falls are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the submitted applications satisfy applicable Provincial legislation, plans and policies is provided below.

### **PLANNING ACT (R.S.O. 1990)**

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to be followed when making applications for development.

#### **Section 2 – Matters of Provincial Interest**

Section 2 of the Planning Act outlines matters of Provincial Interest that a planning authority must have due regard for when contemplating a land use planning application. Matters of Provincial Interest include:

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
  - (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*



- m) the co-ordination of planning activities of public bodies;*
- n) the resolution of planning conflicts involving public and private interests;*
- o) the protection of public health and safety;*
- p) the appropriate location of growth and development;*
- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) the promotion of built form that,*
  - (i) is well-designed,*
  - (ii) encourages a sense of place, and*
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

The applications have regard for Section 2, subsections e), f), h), k), l), n), p), q) and r) of the Planning Act.

The development can be supported by existing municipal services (watermain, sanitary sewer, stormwater) and utilities, and is located along established public transit and formal walking/cycling routes. In addition to being able to be served by sustainable modes of transportation, the development is also readily accessible from local and Regional roadways, as well as the international border.

The location of the development is considered to be appropriate and orderly due to the overarching Tourist Commercial Official Plan designation and zoning. The subject lands are also considered to be strategically valuable and appropriate for the intended tourism and commercial uses as the subject lands are within the Central Tourism Area of Niagara Falls.

The proposed development is anticipated to generate approximately 250 employment opportunities between the entertainment uses, retail shops, buffet restaurant and general building operations. The visitor draw of this attraction will be beyond the Niagara Region, and is uniquely positioned adjacent to the international border crossing where it will be one of the first landmark structures that visitors to Canada will see.

Public (i.e. City) and private (i.e. owner) interests have been discussed and addressed thoroughly between the applicant and City of Niagara Falls through proactive discussions about mitigating risk to public health and safety and municipal roadways.

The detailed preliminary building and landscape designs emulates high quality design and will provide positive investment to the streetscape. The development will assist in efforts by other landowners in the area to establish the east end of the tourism area as a place to work and enjoy.

Overall, the applications have regard for the relevant subsections of Section 2 of the Planning Act.

### **Section 22 – Official Plan Amendments**

Applications for Official Plan Amendments are considered under Section 22 of the Planning Act. Amendments are permitted subject to the provision of prescribed information. The need for this application was identified through multiple municipal pre-consultation meetings. The materials requested as part of a complete application are considered to appropriately justify of the application.

### **Section 34 – Zoning By-laws and Amendments**

Applications for Zoning by-law Amendments are considered under Section 34 of the Planning Act. Amendments are permitted to municipal by-laws subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

## **2020 PROVINCIAL POLICY STATEMENT**

### **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)**

The subject lands are located within the Niagara Falls Urban Area, which is considered to be a Settlement Area under the Provincial Policy Statement (2020). Settlement Areas are the focus of growth and development within Ontario communities as they contain urban services, multi-modal transportation options and a range and mix of land uses. Consistent with the direction of the PPS in this regard, the proposed tourism development is appropriately proposed within the settlement area boundary.

As outlined in Section 1.1 of the PPS, healthy, livable and safe communities can be sustained by promoting efficient development and land use patterns that sustain the financial well being of the Province and municipalities for the long term. Tourism is integral to the City of Niagara Falls economy and broader regional economy and represents a significant portion of the economic base and local employment opportunities.

The proposed development is a multi-use tourism-based development that will serve as an international trip generator and source of employment for the municipality. The uniqueness of the proposed attractions such as the ice exhibits, paired with the proposed hotel rooms will make this use viable year-round, thus contributing the economic health of Ontario communities (i.e. Niagara Falls, Niagara Region).

Section 1.1.3.2 of the PPS requires that land use patterns within settlement areas be based on densities and a mix of land uses, which generally use land and resources wisely, minimize environmental impacts, support active transportation, transit and freight movement.

Consistent with these noted requirements, the development will minimize land consumption and servicing costs by redeveloping on the site of former commercial uses and connecting to existing municipal services. The site is accessible by both active transportation and multiple transit providers.

### **Coordination (PPS 1.2)**

The development proposal was brought forward to the municipality (Planning Authority) by the owner for an initial pre-consultation meeting on July 4, 2019. Additional meetings between the

applicant and City occurred over the span of several years to scope the applications and identify necessary submission requirements.

An updated pre-consultation meeting was most recently held on February 21, 2023 and outlines all submission requirements at this stage of planning approvals.

Through this process, the planning authority and other review agencies have provided direction on required studies and information needed to process the application. This comprehensive approach was used to ensure that all matters of Provincial, Regional and local interest are appropriately identified and considered through the submitted applications.

### **Employment (PPS 1.3)**

The applications will facilitate the development of a 17-storey tourism-based development within the Niagara Falls tourism area. Although the tourism area is not defined or categorized as an employment area, the Niagara Falls Tourism Areas contain one of the highest concentrations of employment in Niagara Falls.

Consistent with Policy 1.3.1 a) of the PPS, the proposed development will provide a diverse mix and range of employment opportunities on site in the form of hotel staff, artistic production and operation of the ice centre and garden exhibit, as well as restaurant and retail employment opportunities. It is the developer's estimate based on the intended tenants and programming within the building that approximately 250 jobs will be created through this development.

### **Infrastructure and Public Service Facilities (PPS 1.6)**

The proposed development is consistent with Provincial policies for sewage, water and stormwater. The proposed development will use existing water and sanitary infrastructure located within the Bender Street road allowance with no need for upgrade or increased sizing. The proposed stormwater outlet will be an existing 1,200 mm storm sewer within the Bender Street Road allowance.

No Provincial or Federal transportation corridors, airports, railways or marine facilities, will be impacted by the proposed development.

### **Long Term Economic Prosperity (PPS 1.7)**

This development will contribute to the long-term economic prosperity of the municipality through the creation of new jobs and the establishment of intra- and inter-regional and

international trip generating tourism use. The inclusion of the hotel will provide opportunities for tourists to stay in the City and enjoy the attraction as well as other uses.

### **Cultural Heritage and Archaeology (PPS 2.6)**

In the absence of an archaeological master plan, the Regional municipality is the authority responsible for identifying archaeological potential and requesting studies in accordance with the Ministry of Tourism, Culture and Sport's Criteria for Evaluating Archeological Potential Checklist.

Through pre-consultation, the preparation and submission of an Archeological Assessment was requested by Niagara Region.

As the subject lands are current paved and actively used as a private surface parking lot, there is no reasonable opportunity to complete Stage 2 test pits at this time until physical impediments are removed from site. This investigation is planned to be completed after the consideration and approval of the Official Plan Amendment and Zoning By-law Amendment. This approach is considered appropriate as the use of the lands is permitted as of right, and that the applications just pertain to the scale of development.

To ensure consistency with the PPS policies pertaining to Archeological resources, the completion and submission of this report can be conditionalized through a Holding Provision, or be added to the complete application submission requirements for the future Site Plan application. Either approach will ensure that archaeological resources are reviewed at an appropriate time and conserved.

### **Natural Hazards (PPS 3.1)**

The subject lands are not located within a flood plain or dynamic beach hazard and are not situated on an unstable slope.

A slope stability study completed by Sola Engineering in 2019 evaluated the potential impact to the rock-cut associated with Falls Avenue (Regional Road 420). As concluded in the report, the slope has a low potential for instability and the proposed development will not have an adverse impact on the stability of the feature.

As the applications are not anticipated to facilitate development that would create a negative impact on hazards or human health and safety, they are considered to be consistent with Section 3.1 of the PPS.

## **2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE**

### **Managing Growth (PTG 2.2.1)**

The subject lands are located within the Niagara Falls Settlement Area, within the Provincially established Built-up Area. Consistent with the overall goal of the Growth Plan to create complete communities, the applications will facilitate development that is generally consistent with the Official Plan and Zoning By-law, builds upon and utilizes existing municipal services and utilities, and has multi-modal transportation options readily available.

The proposed amendments seek to maximize the development potential of the subject lands to ensure they yield a diverse mix of land uses and employment opportunities within a developed area of the City of Niagara Falls.

### **Transportation (PTG 3.2.2)**

The subject lands are accessible by multiple modes of transportation and are located in proximity to key routes and systems including public roadways, public transit and active transportation.

In conformity with Policy 3.2.2.2 d) of the Growth Plan, the proposed development will be supported by existing multi-modal mobility options and connections that will support tourism, employment and freight delivery. Connections for future higher order transportation systems, specifically the people mover railway system, has been considered in the preliminary building design.

### **Moving People (PTG 3.2.3)**

Section 3.2.3 of the Growth Place places emphasis on the provision of public transit service to support development. Consistent with this direction, the proposed development is, and will continue to be serviced by proximate public transit routes and stops. The site may also be developed as a stop on the future People Mover network.

In the interest of moving people, the development site is also located adjacent to the terminus of two active transportation routes. When these routes are paired with this new destination and available transit service, it will allow for sustainable multi-modal trip-chaining.

### **Water and Wastewater Systems (PTG 3.2.6)**

The Growth Plan requires that urban development must be supported by urban services such as watermain and sanitary sewers.

The development will make use of existing local municipal water and sewer connections within the Bender Street road allowance. Please see the Functional Servicing Assessment prepared by Upper Canada Consultants (dated March 1, 2020) for a detailed overview of the servicing approach for this development.

### **Stormwater Management (PTG 3.2.7)**

Although prescribed by the Growth Plan, the City of Niagara Falls is one of many Niagara municipalities which does not have a Stormwater Management Master Plan. Although a master plan is not in effect, new developments must ensure that stormwater can be managed on site with no impact on adjacent lands.

A preliminary stormwater management plan has been provided within the Functional Servicing Assessment prepared by Upper Canada Consultants (dated March 1, 2024).

As proposed, the development will outlet to the existing 1,200 mm storm sewer within the Bender Street road allowance for stormwater management purposes.

### **Cultural Heritage Resources (PTG 4.2.7)**

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans to use in the consideration of development applications. The Regional Municipality of Niagara has an Archeological Screening Tool that defines areas of the municipality that exhibit potential for archaeological resources. Schedule K of the Niagara Official Plan shows the property being within an area of potential, therefore archeological assessments were required to be completed.

As noted previously in this report, the subject lands are intended to be assessed through future development applications, as test pitting is necessary which will require the removal of the existing parking areas and ceasing of the current land use.

## **NIAGARA OFFICIAL PLAN (2022)**

The Niagara Official Plan provides a comprehensive and long-range planning vision for the Regional Municipality of Niagara. The Official Plan's primary focus is implementing Provincial Policy (i.e. Provincial Policy Statement, Growth Plan, Greenbelt Plan, and Niagara Escarpment Plan) and providing regional-level land use planning direction on attributes and resources unique to Niagara.

The subject lands are located within the Niagara Falls Settlement Area (i.e. Urban Area) and the Delineated Built-Up Area on Schedule B of the Niagara Official Plan (see **Figure 21**)



Figure 21 – Schedule B – Regional Structure of the Niagara Official Plan (Cropped Image)

### **Chapter 2 – Growing Region**

Chapter 2 of the NOP contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.



The NOP directs growth and development to settlement areas where full urban services are available, as well as public transit, community and public services and employment opportunities.

The subject lands are within a suitable location for tourism-based commercial development due to their location within the Central Tourism Area, having available urban services (water, sanitary sewer, storm sewer), being proximate to arterial roadways/highways and the international border crossing.

Anecdotally, Niagara's primary economic sectors are agriculture, tourism and industry.

The subject lands are located within the Niagara Falls Tourism District and in addition to generating patron revenue, are located amongst some of the largest service sector employers in the Region. Although the NOP does not contain detailed policy direction on Tourism matters, it should be noted that the proposed development will provide for employment opportunities and economic investment in Niagara, consistent with the overall objectives of Chapter 3 of the NOP (Competitive Region).

Similarly, the tourism industry in Niagara Falls relies heavily on the natural (Niagara Falls) and cultural landscapes (Clifton Hill, Niagara River Parkway) within the primary tourism area. The proposed development will compliment this existing tourism function, and with the added inclusion of the ice sculpture centre and tropical gardens, offer opportunities to experience unique cultural and artistic exhibits from all around the world. Such benefits will align with the objectives of Chapter 6 of the NOP (Vibrant Region).

### **Chapter 5 – Connected Region**

The subject lands are located adjacent to Regional Road 420 (Falls Avenue), which is a primary connecting road between Provincial Highway 420 and the Rainbow Bridge and Falls Viewing areas. Regional Road 420 is located lower than the grade of the subject lands within a rock cut. There is no direct vehicular access to the Regional road from the subject lands.

As identified through pre-consultation, the planned width of Falls Avenue is 41.2 metres. To achieve the planned width of the roadway, a 5.35 m road widening has been requested to be provided to Niagara Region. This widening has been factored into the proposed design and site-specific zoning request, and will be transferred to the Region at the time of Site Plan Approval.

The available multi-modal access to the subject lands will assist in the achievement of sustainable transportation goals set out in the NOP.

## CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended)

The subject lands are designated as “Tourist Commercial” on Schedule A of the City of Niagara Falls Official Plan (see **Figure 22**).

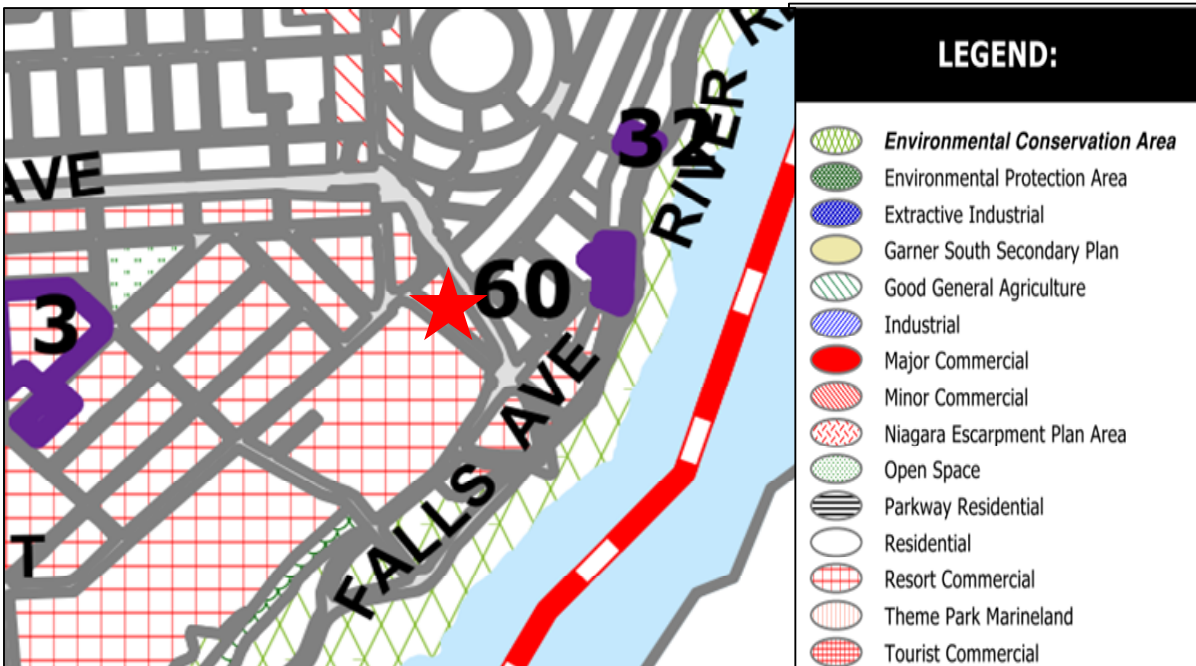


Figure 22 – Schedule A - City of Niagara Falls Official Plan (Cropped Image)

### **PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION**

Part 1 of the City of Niagara Falls Official Plan describes the purpose, legislative basis, format, and interpretation of boundaries of the Official Plan, as well as the period during which the Plan is to apply. This Part of the Official Plan also outlines the Strategic Policy Direction to accommodate future growth through land use and intensification.

#### Part 1, Section 2 – Strategic Policy Direction

Part 1, Section 2 of the Niagara Falls Official Plan contains the growth objectives for the municipality that pertain to lands within the municipality both within and outside the Urban Area. These objectives range in focus between development, employment, tourism and the environment.

Specifically, the proposed development will contribute to the achievement of Objectives 1, 3, 9 and 13 of the Official Plan, which include:

- *To direct growth to the urban area and away from non-urban areas (Obj. 1)*

- *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the urban area (Obj. 3)*
- *To encourage alternative forms of transportation such as walking, cycling and public transit (Obj. 9)*
- *To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines. (Obj. 13)*

With regard to the noted objectives, the proposed development is planned within the Urban Area and the Provincially delineated Built-up Area. The development is located within the Clifton Hill Tourism Area of the Central District of the City of Niagara Falls and does not place any undue development pressures on lands outside the Urban Area. As noted within the Functional Servicing Report prepared by Upper Canada Consultants, the subject lands can be serviced by existing local water, sanitary and stormwater infrastructure located within Bender Street road allowance.

The subject lands are accessible by a variety of multi-modal transportation options that currently include Regional public transit, We-Go Transit, walking and cycling. Utilization of these alternative modes of transportation will be facilitated through site design by creating a positive pedestrian experience, integrating with the existing transit network and providing adequate, secured parking that is screened from the public realm.

The preliminary design of the building exhibits design excellence and provides large amounts on fenestration and points of interest through design. The proposed encroachments along Bender Street, and overhanging development above Ontario Avenue and the municipal parking lot will provide for covered pedestrian movements and convenient, weather protected access to the attractions within. Given the location of the subject lands, the building will be a focal point along the City's Skyline and one of the first structures seen as individuals cross over the border into Canada.

## **PART 2 – LAND USE POLICIES**

Part 2 of the City of Niagara Falls Official Plan contains policies for different land uses within the municipality. As noted, the subject lands are designated as Tourist Commercial in the City's Official Plan, and in addition to general policies, the applications and proposed development is specifically subject to Part 2, Section 4 of the Plan.

### Part 2, Section 4- Tourist Commercial

As outlined within the preamble of Part 2, Section 4, the overall goal of the Tourist Commercial designation and policies is to create a better setting for tourism activities and experiences that continue to allow the City to function as a world-class destination.

To implement this vision, the Official Plan contains the following objectives:

- *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.*

With regard to these objectives, the proposed development will be a large-scale multi-use development within the Clifton Hill Tourism Area of the Central District. The subject lands are located far from the waterfall and currently have no direct view of the Falls due to the existing Casino Parking Garage / Waterpark, and Sheraton Hotel. The proposed development will not obstruct or frustrate opportunities for the continued enjoyment of view of Niagara Falls within the Tourism District.

The proposed development is considered to compliment and enhance the existing tourism uses within the Clifton Hill Area by serving as a new “anchor” attraction on the eastern end of the Tourism Area that can draw tourists through the Clifton Hill Area towards Bender Street and Victoria Avenue.

With regard to design and mobility, the proposed built form maximizes the available development area of the developer’s lands and opportunities above Ontario Avenue. The proposed building exhibits modern architectural elements and design, which is a departure from some of the longer standing buildings within the Central Area.

The site has been designed to maximize tangible interaction with public roadways and will be most easily accessible by public transit and active transportation. Private vehicles are accommodated through an on-site, structured parking facility. Considerations for the future people mover rail system has also been provided by leaving space within the building adjacent to the existing municipal parking lot to be retrofit as the station stop for the system.

The development of this larger scale tourism use is not anticipated to have a significant negative impact on adjacent residential neighbourhoods to the east, but it will alter the look and feel of the area.

The subject lands are physically separated from the Hiram Street neighbourhood by Falls Avenue, which is a “sunken” roadway in a rock cut within a ~30 metre cross section. The adjacent neighbourhood will be impacted by limited shadow impacts from the proposed building and may experience some minor traffic increases above current volumes.

#### Building Quality and the Emerging Skyline

Policy 4.1.23 of the Official Plan directs that the City Skyline is not to be developed as a continuous wall of buildings. To ensure this condition does not occur, a 4-storey (12 metre) limit has been placed on all development within the Tourist Commercial Area, with exceptions granted only through a Zoning By-law Amendment Application and only for heights set forth in Figure 4 in the Official Plan (Height Strategy) consistent with Policies 4.1.24 and 4.4.3 of the Official Plan.

Although located within the Central Area, the subject lands have not been delineated with a Height Strategy classification designation in Figure 4 of the Official Plan. Accordingly, a high height category is being requested to be applied to the subject lands to facilitate the 17-storey building. This proposed “high height” category will require implementation permissions to be established through the concurrently submitted Zoning By-law Amendment application, as well.

Section 4.1.24 of the Official Plan contains the following principles that regulate the built form in the tourism area:

- 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.

As shown on **Figure 23**, subject lands are located at the eastern edge of the Clifton Hill Central Tourism District. As the subject lands are within the Tourism District area, the development is eligible for consideration of taller building heights.

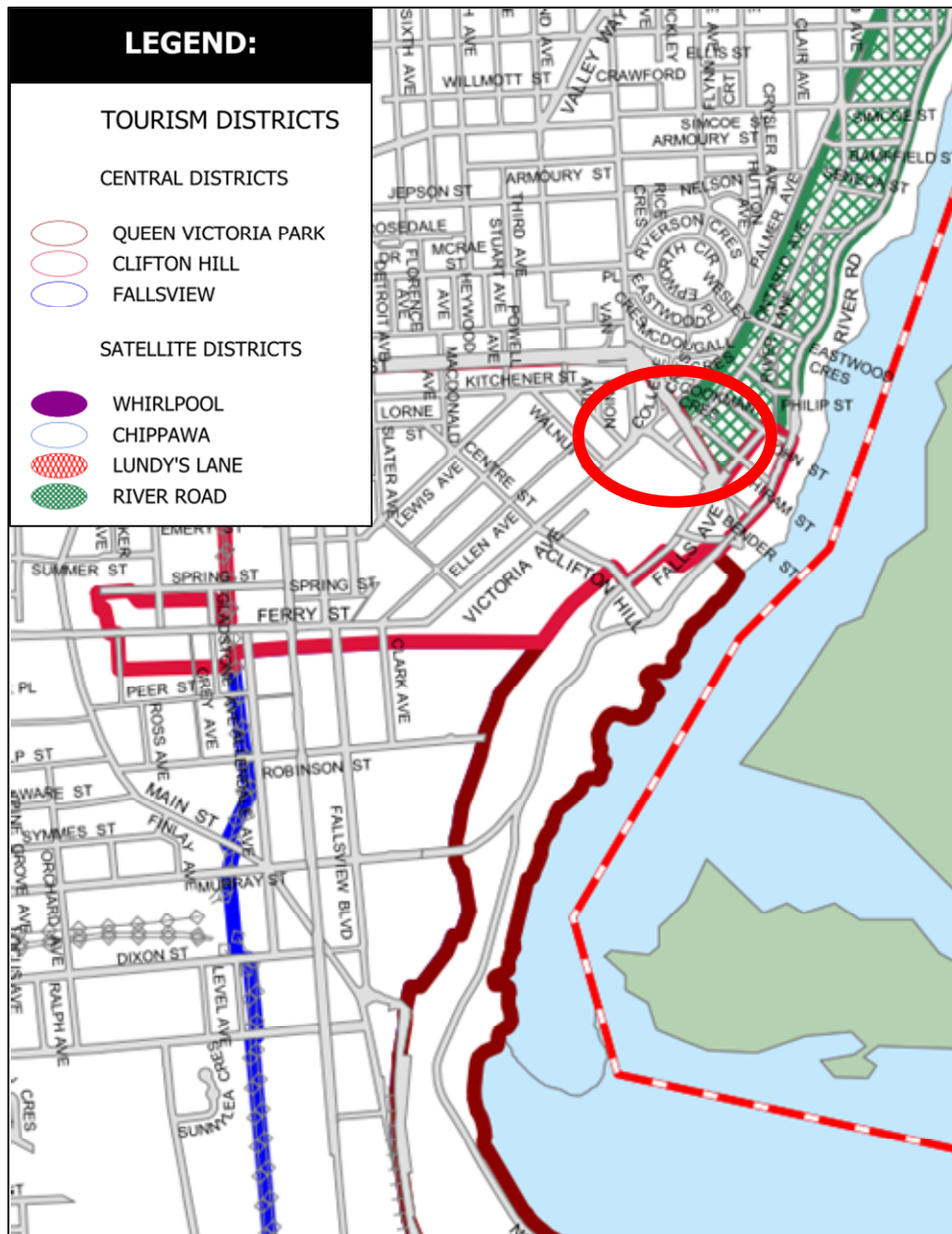


Figure 23 - Schedule E of the City of Niagara Falls Official Plan (Cropped)

As stated in Principle b), building heights are to be reduced towards the periphery of the Central District.

Across Bender Street to the west, the lands are shown on Official Plan Figure 4 as being fit for “High” height development between 13 and 30 storeys. The proposed 17-storey development would be considered as a tempered high height development that would serve as an appropriate transition from the higher height built area to the west, which is then further stepped down to the low density residential neighbourhood to the east which contains two storey dwellings. It is noted that there are several proposals in the immediately surrounding area that propose building heights in excess of 17 storeys. More specifically, a 45-storey development has been approved immediately to the north at 5500 Victoria Avenue, and towers of x and x storeys proposed to the southwest.

In accordance with Principle c), a shadow impact analysis was prepared by the architect to illustrate potential shadow impacts on adjacent lands. As shown in the completed analysis diagrams, which are included within this report further on, the shadow impacts are considered to acceptable on the adjacent low-density residential neighbourhood. Please refer to the Shadow Analysis Section of this report for a detailed overview of these impacts.

With regard to all other applicable criteria, the required evaluation of the development through the lens of the City’s Tourism Policy Review Implementation Handbook (2004) and the subsequent Architectural Design Review Document has been completed and is discussed further on in this report.

#### Clifton Hill Subdistrict

Policies 4.2.16 to 4.2.20 of the Official Plan direct how the Clifton Hill portion of the Central District is to function and what land uses and forms of development are permitted. Generally, the Plan directs that this area is to continue to function as the primary tourism destination and that lands east of Victoria Avenue should be the focus of development and activities.

Consistent with the direction provided in the Plan, the subject lands are located on the eastern side of Victoria Avenue and therefore should contain more intensive uses. Consistent with Policy 4.2.16, the proposed entertainment uses (ice sculpture centre, tropical garden), retail, hotel, and restaurant use are permitted by the Official Plan and Zoning By-law.

## Section 4.4. – High Quality Private Development

### **Building Heights**

Policy 4.4.2 of the Official Plan pertains to building heights in the tourist area. As prescribed, building heights are limited to 4-storeys, and any requests for additional height must be consistent with the Height Strategy in Figure 4 of the Official Plan and shall be facilitated through a Zoning By-law Amendment. Heights in excess of four storeys will only be permitted where a development meets the following criteria:

- a) the applicant has submitted all required rezoning information;*
- b) the applicant agrees to provide sidewalk and streetscape improvements in accordance with Section 4.4.4;*
- c) in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed an architectural peer review; and*
- d) the proposed development, in the opinion of Council, adheres to the intent of this plan and applicable design criteria.*

Consistent with the criteria above, the developer has completed multiple pre-consultation meetings and has provided the requisite information, including preliminary building elevations and a shadow study with the application submissions.

Requests for improvements to the public realm are anticipated to be scoped and discussed through the processes associated with the submitted application, including the ultimate decision on if the proposed development, in the opinion of Council, has adhered to the intent of the plan and applicable design criteria.

A preliminary landscape showing potential treatments along the public realm has been provided with the submission demonstrating the inclusion of trees and other aesthetically pleasing and functional elements.



In order to consider a Zoning by-law Amendment for height increases consistent with Figure 4 of the Official Plan, the subject lands first require the allocations of a building height range. As noted, the subject lands are within the Central District for tourism, however, were not afforded a height consideration, as shown in **Figure 24**. The subject lands are located immediately adjacent to lands that can be developed at medium and high rise heights.

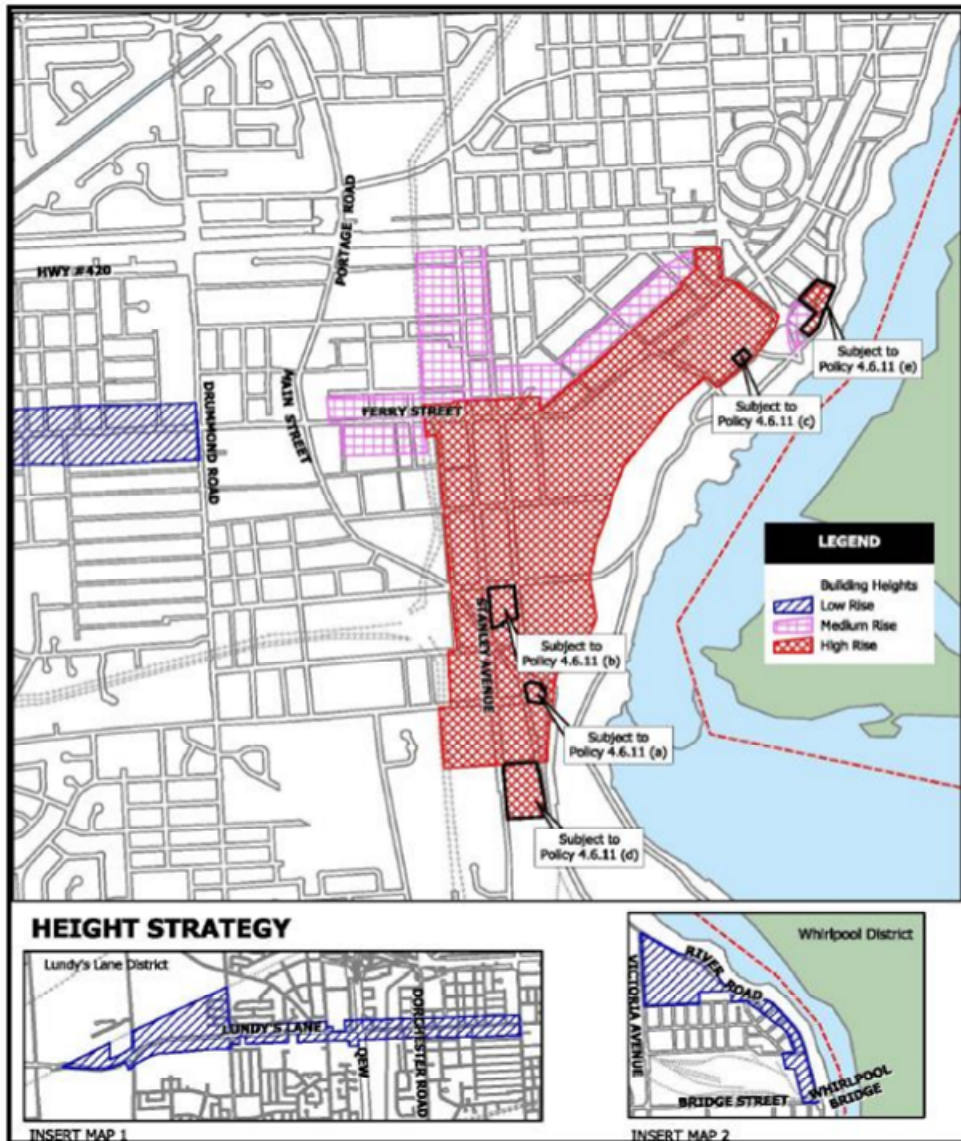


Figure 24 - Height Strategy - Figure 4 of NFOP

The physical state of Falls Avenue, being a sunken large scale transportation corridor is considered to be a more appropriate boundary to the height strategy than Bender Street. Accordingly, it is my opinion that it is appropriate to consider additional height for the subject lands as they are contiguous to existing and planned developments with taller heights.

As the subject lands are within the Central District and are subject to the Tourism Commercial Policies of the Official Plan, the lands should have been provided with a height range.

As proposed through the submitted Official Plan Amendment, the “high” height range of 13-30 storeys is desired due to the proposal being 17 storeys.

Based on the preceding analysis, the “High” height range is considered appropriate for the lands for the following reasons:

- The lands are within the Clifton Hill Tourism District. (Schedule E of Official Plan)
- The lands are located east of Victoria Avenue. (Policy 4.2.16)
- The lands are the terminating vista at the international border crossing.
- Lands on the west side of Bender Street are eligible for up to 30 storeys of development (High Height) as-of-right.
- The lands are serviced by multi-modal transportation options including public transit and active transportation routes.
- There will be minor shadow impacts on adjacent residential land uses as a result of the development, based on the preliminary design.
- All proposed land uses are permitted.
- Adequate structured parking can be provided on-site.

In addition to the above, the proposed “high” height range and site specific height limit of 17 storeys is not considered to be unreasonable given the height of existing and planned developments in the eastern area of the Clifton Hill sub district.

Based on the surrounding existing, and approved buildings and heights, the proposed 17-storey building will integrate in a compatible fashion with existing and planned growth. The building will remain a shorter height than future developments to the west, which will ensure a stepped transition to the low density neighbourhood the east.

## Massing of New Development

Policy 4.4.6 requires that high-rise developments do not overwhelm the public realm or appear as a wall at the top of the escarpment.

The proposed development will not overwhelm the public realm, and will contribute better optimized spaces for public enjoyment. The orientation of the building being long from the north to south assists in its visual presentation towards the gorge and allows for physical gaps in the built form as viewed from the south.

Rendered Images of the proposed building prepared by the project architect are included as Figures 25 and 26 showing massing.

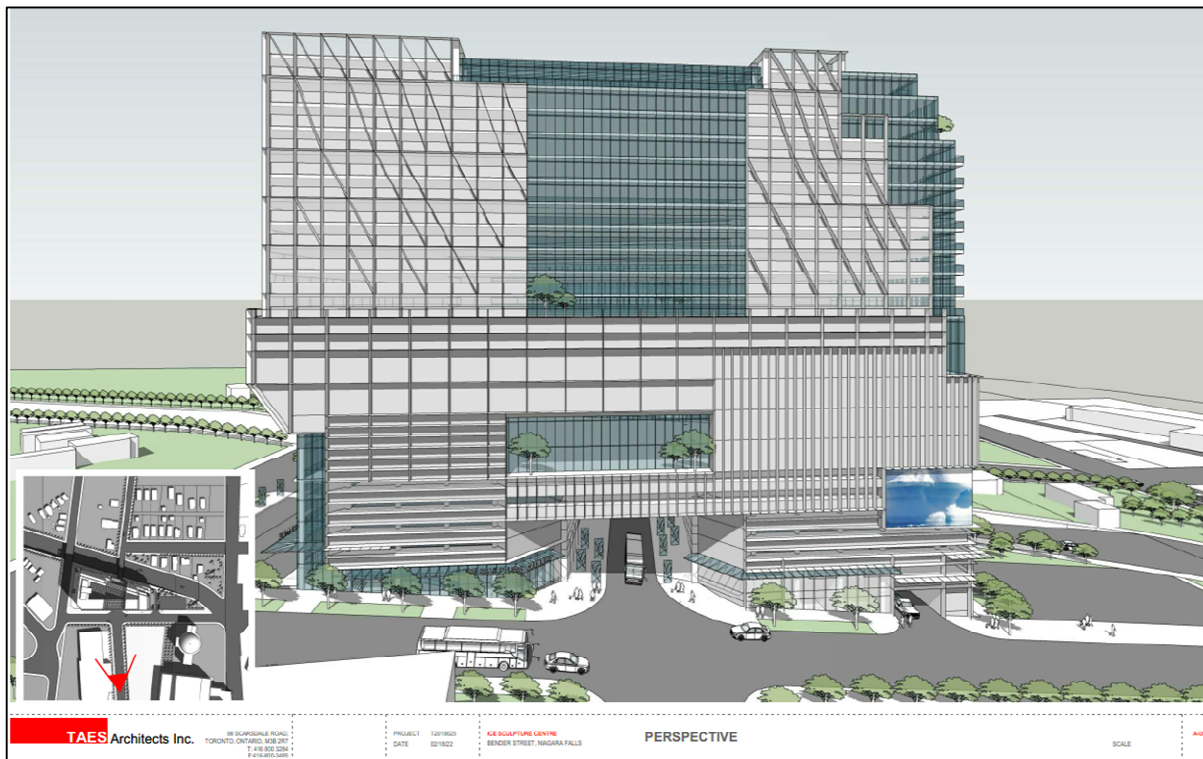


Figure 25 - Preliminary Rendered Elevation - Looking East



Figure 26 - Preliminary Rendered Elevation - Looking West

The development will add a distinct element to the City’s skyline, being within the primary viewshed for international border traffic. The pedestrian realm will be designed in a manner that is fitting for the development, however will be partially covered by building mass.

Step-backs are proposed throughout the building design, namely on Floors 6, 7, 12, 14 and 17. Step backs have been delayed in the rise of the building in order to ensure ample room can be afforded for the Ice Sculpture Centre within the lower portion of the structure.

As outlined further in this report, adjacent residential development to the east is minimally affected by shadow and traffic impacts.

### Parking

Parking is integral to the success of several tourism uses, however, when parking areas are provided at grade in surface lots there can be a negative visual impact on the public realm and subsequent limits on the ability to efficiently use urban lands.

Consistent with the Policy direction of Section 4.5 of the Official Plan, all required parking will be provided in a secure, on-site garage. Guest and staff vehicle parking will be accessed from Ontario Avenue. The dedicated commercial loading area will be accessed from Bender Street, south of Ontario Avenue.

At grade accesses to the building will be provided with the parking garages located internal to the building. This design direction is encouraged by the Official Plan to enhance the street environment.

### **PART 3 – ENVIRONMENTAL MANAGEMENT**

Part 3 of the City of Niagara Falls Official Plan contains policy direction on infrastructure, transportation and the public realm.

#### Municipal Infrastructure – Part 3, Section 1

Consistent with the Water and Sanitary Sewage, and Storm Drainage Policies of the Official Plan, the proposed development will be accommodated by existing municipal services within the Bender Street road allowance.

Please see the Functional Servicing Assessment prepared by Upper Canada Consultants for a detailed overview of the intended servicing approach for this development.

#### Part 3, Section 1.2 – Water and Sanitary Sewage

Section 1.2 of Part 3 of the Official Plan requires that development within the Urban Area be provided with full municipal water and sanitary services. Consistent with this requirement, the proposed development is located within the Urban Area will employ connections to existing municipal water and sanitary infrastructure within the Bender Street Road allowance.

Please see the Functional Servicing Assessment prepared by Upper Canada Consultants for a detailed overview of how the site is intended to be supported with water and sanitary services.

#### Part 3, Section 1.3 – Storm Drainage

Policy 1.3.1 of Part 3 of the Official Plan requires that “all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.” As outlined in the Functional Servicing Assessment prepared by Upper Canada Consultants, the stormwater flows will be directed to the existing 1200 mm storm sewer within the Bender Street road allowance.

#### Part 3, Section 1.5 – Transportation

The applications conform with the overarching transportation policies of the City of Niagara Falls Official Plan. Conformity is achieved by providing opportunities for the development to leverage existing road networks, transit services and proximity to adjacent active transportation/pedestrian routes.

A Traffic Impact Study was undertaken by R.V. Anderson Associates in 2023 to evaluate the proposed development and the potential impacts to the surrounding transportation network. As outlined in the report, no significant impacts are expected on adjacent roads, and no geometric improvements are required for any existing intersections. For a detailed overview of the development's transportation impacts, please consult the Traffic Impact Study.

#### Part 3, Section 5 – Urban Design Strategy

The Urban Design Strategy set out in the Official Plan generally seeks to ensure that development is of a high architectural quality, evokes a sense of place, is compatible with surrounding development and contemplates and provides for appropriate opportunities for pedestrian scaled development and robust landscaping.

As proposed, the development will be a 17-storey structure in an area with similarly scaled buildings. The proposed development will serve as a trip destination in a generally underutilised part of the tourism district and provide a meaningful opportunity for excellence in urban design along Bender Street and the redeveloped Ontario Avenue. A detailed preliminary evaluation of the design of development has been provided within this report and in the submitted Architectural Design Review Guidelines form.

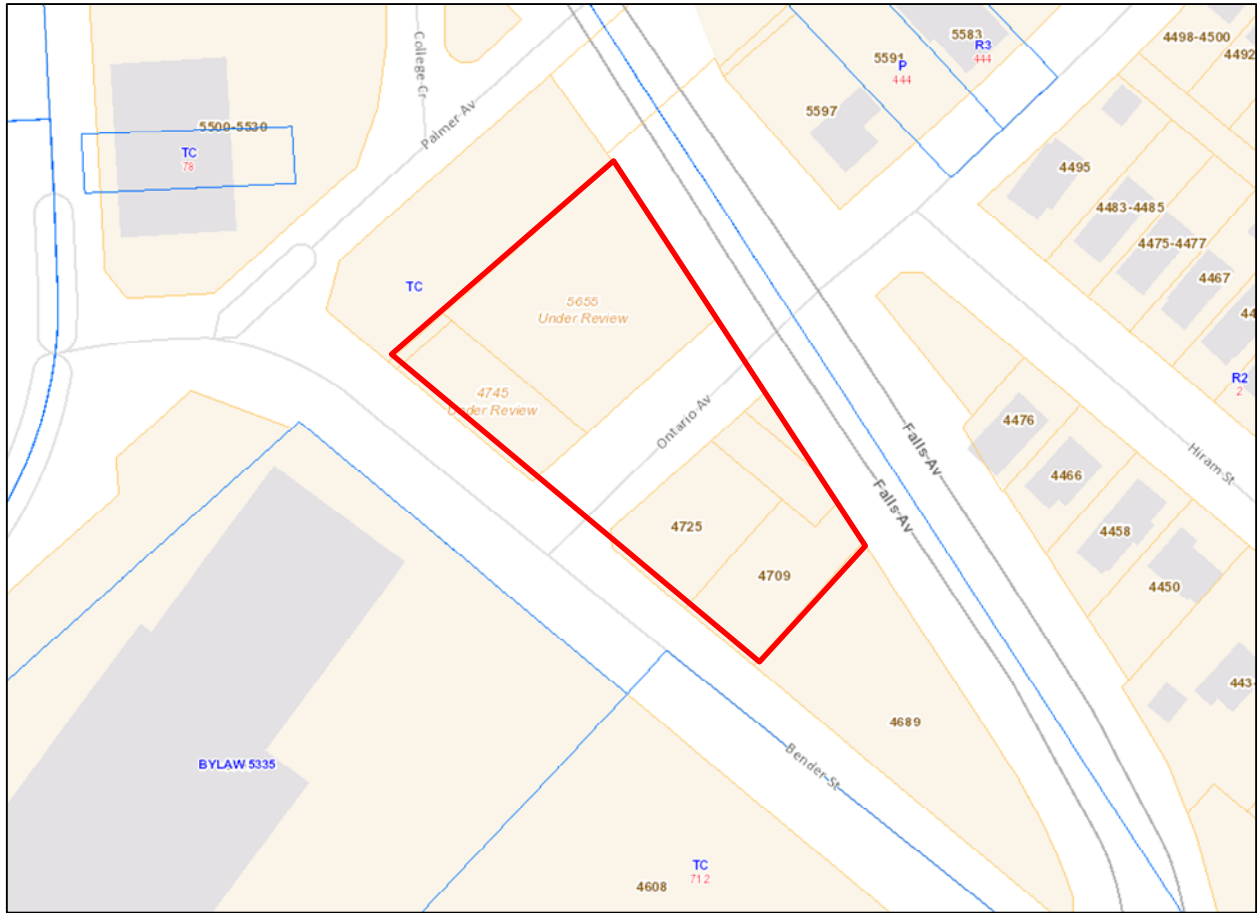
Through the Site Plan Approval process the developer will be required to produce plans and strategies for implementing the Urban Design Strategy of the City.

The owner has commissioned the completion of provisional landscape plans to show how the public realm may be designed. Key elements proposed include street tree plantings along Bender Street, Falls Avenue and along Palmer Avenue., hardscaping of pedestrian areas and gardens proximate to the public entrances to the development are also contemplated. A copy of the preliminary landscape plan showing these elements is provided below as **Figure 27**, and has also been included as **Appendix III** to this Report.



## **CITY OF NIAGARA FALLS ZONING BY-LAW (By-law No. 79-200)**

As shown on **Figure 28** the subject lands are zoned as Tourism Commercial (TC) within the City of Niagara Falls Zoning By-law 79-200.



**Figure 28 - Zoning By-law 79-200**

### **Permitted Uses**

The submitted applications propose the development of the lands with permitted uses that include entertainment attractions, a hotel retail and restaurant uses. No additional permitted uses are proposed through the amendments.

### **Deemed Yards**

To implement the development, the subject lands (inclusive of development areas above Ontario Street) are requested to be considered as a singular parcel for the purpose of zoning. Accordingly, Yards are proposed to be deemed as follows:

- Front Yard – Bender Street



- Rear Yard – Eastern Lot Lines adjacent to Falls Avenue
- Interior Side Yard – Lot Lines abutting Municipal Parking Lot and 4689 Bender Street.

Notwithstanding the requested height increase to 17 storeys / 74.4 metres, additional site-specific provisions have been requested through the Zoning By-law Amendment to facilitate the preferred location and extent of the building. An overview of all requested departures from the provisions of Zoning By-law 79-200 is provided below.

#### Rear Yard Setback

The eastern lot line along the backside of the required road widening along Falls Avenue is deemed to be the rear lot line for the subject lands. As outlined in the Zoning By-law, a minimum setback of 3.0 metres is required. As designed, a minimum 0.6 metre setback is proposed.

As the adjacent lands are a “sunken” roadway that will be expanded in width through a future 5.35 metre road widening, the reduction in setback is considered to be acceptable as suitable buffering can be provided with no geotechnical concerns.

#### Loading Spaces

The proposed loading location for the subject lands is intended to be on the south side of Ontario Avenue within the lower level of the building. Based on available access locations and perceived loading needs, the developer is proposing that 3 dedicated spots be permitted, rather than the required 7 spaces.

The detailed configuration of loading spaces will be refined through site plan and may result in additional spaces being provided. However, based on preliminary geometry and anticipated site needs it appears that a minimum of 3 spaces is adequate.

#### Parking

The development will contain four levels of structured parking with total of 320 parking spaces provided.

As per the parking provisions set out in Section 14.9.1 of the Zoning By-law, the parking requirement for hotel rooms is one space per every 1.25 rooms. The owner has proposed 402 rooms, which would yield a parking requirement of 321 spaces. The ancillary uses including restaurant and retail shops have no parking requirement.

The Tourism district is walkable and is serviced by municipal transit, including We-GO, the provided parking is considered sufficient.

The amount of provided parking has been determined as sufficient in the Traffic Impact brief prepared by RV Anderson Associates Ltd.

Please see **Tables 1 & 2** on the following pages for a detailed overview of conformity with the applicable provisions of the Zoning By-law.

**Table 1: Zoning Compliance Table – Tourist Commercial Zone (TC) Permitted Uses**

Section 8.6 Tourist Commercial Zone (TC ZONE)	Required	Proposed
8.6.1  Permitted Uses	<p>PERMITTED USES: No person shall within any TC Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:</p> <ul style="list-style-type: none"> <li>a) Art Gallery</li> <li>b) Assembly Hall</li> <li>c) Automobile Service Station</li> <li>d) Bake Shop</li> <li>e) Bank, Trust Company, Credit Union, Currency Exchange</li> <li>f) Beer, Wine or Liquor Store</li> <li>g) Car Rental Establishment, Truck Rental Establishment</li> <li>h) Car Wash, Interior and Exterior Hand Car Cleaning</li> <li>i) Clothing Store</li> <li>j) Convention Centre</li> <li>k) Day Nursery</li> <li>l) Drive-In Restaurant</li> <li>m) Drug Store</li> <li>n) Exhibitions of Wax Works, Automobiles, Handcrafts, Natural or Artificial Curiosities, Freaks of Nature</li> <li>o) Food Store</li> <li>p) Health Entre</li> <li>q) Hotel</li> <li>r) Motel</li> <li>s) Museum</li> <li>t) Parking Lot</li> <li>u) Personal Service Shop</li> </ul>	<p style="text-align: center;">No Change Proposed</p>

Section 8.6 Tourist Commercial Zone (TC ZONE)	Required	Proposed
	<ul style="list-style-type: none"> <li>v) Photographer’s Studio</li> <li>w) Place of Entertainment</li> <li>x) Place of Worship</li> <li>y) Private Club</li> <li>z) Public Garage, Mechanical</li> <li>aa) Recreational Uses</li> <li>bb) Restaurant</li> <li>cc) Service Shop</li> <li>dd) Sightseeing Tours Establishment, Sightseeing Tourist Information Centre</li> <li>ee) Souvenir Store</li> <li>ff) Tobacco Store</li> <li>gg) Tourist Home</li> <li>hh) Adult Store Provided the Adult Store Is Separated from Another Adult Store by A Minimum Distance Of 100 Metres and From an Adult Entertainment Parlour or Body-Rub Parlour by a Minimum Distance Of 300 Metres</li> <li>ii) Dwelling Units in A Building in Combine 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 Uses For Dwelling Units And Further Provided That Such Dwelling Units Except Entrances Thereto Are Located Entirely Above The Ground Floor.</li> <li>jj) Gasoline Bar</li> <li>kk) Body-Rub Parlour</li> <li>ll) Timeshare Sales Office</li> <li>mm) Retail Store</li> <li>nn) Office</li> <li>oo) Outdoor Patio Which Is An Accessory Use To A</li> </ul>	

<b>Section 8.6 Tourist Commercial Zone (TC ZONE)</b>	<b>Required</b>	<b>Proposed</b>
	Drive-In Restaurant, Hotel, Place Of Entertainment And A Restaurant, In Accordance With Section 4.25A.	

**Table 2: Zoning Compliance Table – Tourist Commercial Zone (TC) Provisions**

Section 8.6.2 Regulations	Required	Proposed
(a) Minimum Lot Frontage <i>(Bender Street)</i>	6 metres	93.38 m
(b) Minimum Front Yard Depth <i>(Bender Street)</i>	10 metres	11.8 metres
(c) Minimum Rear Yard Depth <i>(Lot Lines abutting Falls Avenue)</i>	(i) where are part of the building is used for residential purposes 10 metres plus any applicable distance specified in Section 4.27.1	N/A
	(ii) where no part of the building is used for residential purposes 3 metres plus any applicable distance specified in Section 4.27.1, provided that no rear yard is required where the rear lot line abuts a public land or a public parking lot.	<b>0.6 m</b>
(d) Minimum Interior Side Yard Width	(i) where the side lot line abuts a residential, institutional or open space zone. 3 metres	N/A
	(ii) where the side lot line does not abut a residential, institutional or open space zone None required	0.0 m (N) and 0.1 m (S)

Section 8.6.2 Regulations	Required	Proposed
(e) Minimum Exterior Side Yard Width	in accordance with section 4.27.1, where applicable. 10 m from original C/L	10 m from original C/L
(f) Maximum Lot Coverage	70 %	98 %
(g) Maximum Height of Building or Structure	12 metres subject to Section 4.7	17 Storeys or 74.4 metres, whichever is greater.
(h) Maximum Floor Area	Not Specified	No Change Proposed
(i) Parking and Access requirements	In accordance with Section 4.19.1 321 Spaces	320 Spaces
(j) Loading Area Requirements	Seven (7) Spaces	Three (3) Spaces
(k) Maximum Floor Area for each Retail Store	400 m <sup>2</sup>	No Change Proposed
(l) Maximum Floor Area of all retail Stores Per Property	3,530 m <sup>2</sup>	No Change Proposed

**Table 3: Zoning Compliance Table – Parking and Loading Requirements**

4.19.1 Requirements	Required	Proposed
(a)	Hotel  1 space for every 1.25 rooms  402 Hotel Rooms X 0.8 = 321.6 (321)	<span style="background-color: yellow;">320 spaces</span>
	Restaurant ancillary to a hotel  None	No Change Proposed
	Retail ancillary to a hotel  None	No Change Proposed
	None	
(b)	There shall be adequate provision for access to a street or lane for each parking space by means of one or more access driveways and access ramps.	No Change Proposed
(c)	Each parking space which is required under clause a) to be provided and maintained shall be readily accessible at all times for the parking and removal of a motor vehicle without the necessity of moving any other motor vehicle.	No Change Proposed
(d)	The perpendicular width of each parking space shall be not less than 2.75 metres.	No Change Proposed.
(e)	Subject to clause (i), where parking spaces having a perpendicular width of less than 3 metres but not less than 2.75 metres are in a surface parking area, the perpendicular length of each such parking space and the perpendicular width of each manoeuvring aisle shall be not less than the dimensions shown in Columns 2 and 3 of Table 2 of this section opposite the respective angles shown in Column 1.	No Change Proposed



## **CITY OF NIAGARA FALLS TOURISM POLICY REVIEW IMPLEMENTATION HANDBOOK (MAY 2004)**

As required by the City of Niagara Falls, the proposed development must be evaluated against the City's Tourism Policy Review Implementation Handbook (2004) and the subsequent Architectural Design Review Document.

The Implementation Handbook directs that new developments within the tourism district shall be subject to seven principles, that include:

- Positive Base Building Principle
- Positive Public Realm at Grade Principle
- Sky View Principle
- Skyline Height Principle
- Niagara Falls Views and Vistas Principle
- Positive Microclimate Principle
- Parking and Circulation

These above noted principles are implemented through the Architectural Design Guidelines for the Tourism Districts of the City.

### **ARCHITECTURAL DESIGN REVIEW GUIDELINES**

A copy of the completed Architectural Design Review Form has been completed by the Architect and submitted with the applications.

Generally, the proposed development conforms with the architectural directions of the guidelines. Departures from the Guidelines are not caused by flaws or oversights in design, but rather the preliminary nature of the Plans. If approved, the development will be subject to Site Plan review where detailed streetscape, landscape and architectural plans will be provided for review and refinement.

Overall, the proposed development will have a clear development limit and interrelationship with the street and public realm, feature prominently on the City's Skyline, and will exhibit appropriate and compatible height and massing. The Site will not impact the ability for vistas of the Falls to continue to be enjoyed, will not have significant shadow or microclimate impacts and will be able to provide required parking on the property, thus limiting on-street parking impacts.

Please consult the Architectural Design Review Form for more detailed information

## PRELIMINARY SHADOW ANALYSIS

A series of shadow diagrams were prepared by TAES Architects to demonstrate potential impacts from the approval of additional height for the subject lands. The full set of Shadow Diagrams can be found in the Architectural Drawing Package submitted with the application and attached as **Appendix X** to this Report.

As shown on the diagrams provided in the submitted shadow study, there will be some shadowing impacts on existing residential development to the east of the subject lands. These impacts are most prominent in evening hours during the equinox seasons.

### Spring and Autumn Equinox

As shown below in **Figure 12**, shadows impact begin around 14:00 hours (2:00 p.m.) on the lots along Hiram Street and Ontario Avenue. The largest pronounced impact will be after 6 pm, where the broader neighbourhood is cast into shadow. Based on general sunrise times around 7:30 am, the affected adjacent lands will receive sunlight for approximately 7.5 hours.

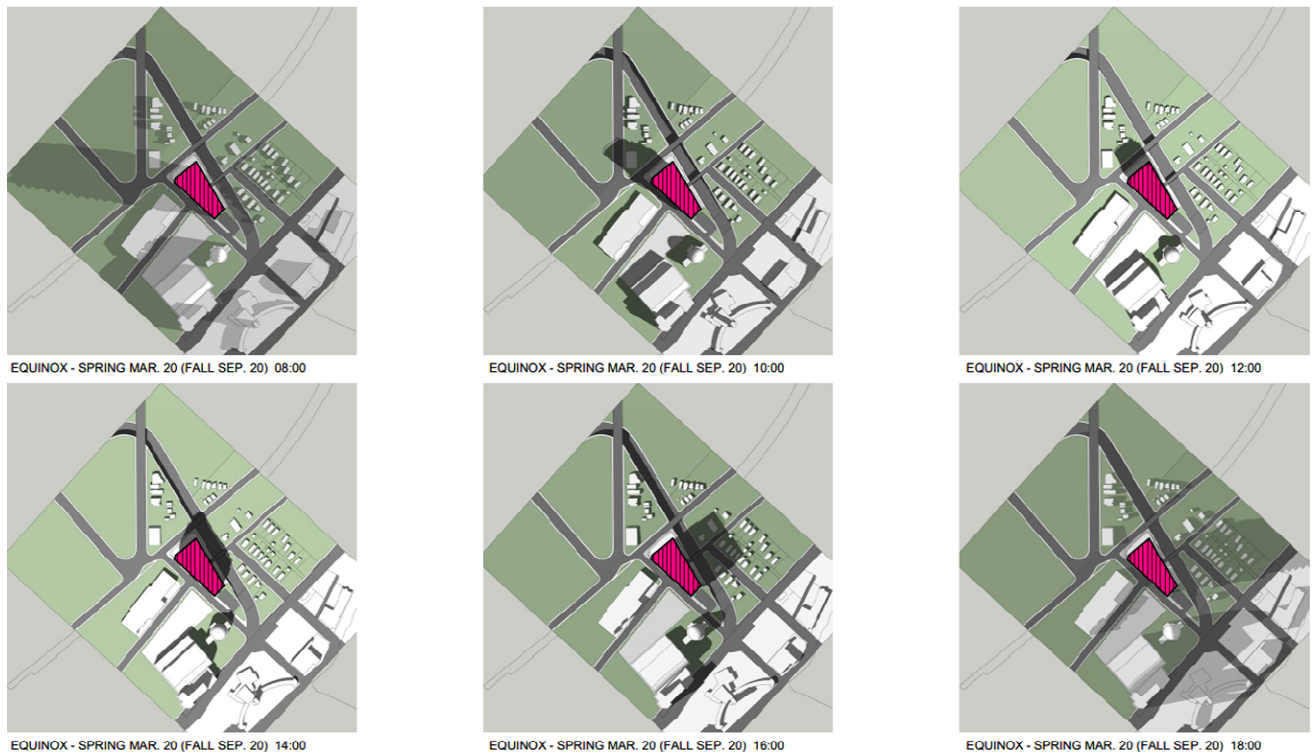


Figure 29 - Equinox Shadow Impacts

## Summer Solstice

As shown in **Figure 13**, shadow impacts are limited during the summer solstice, as the units along the west side of Hiram Street will move into a shadow condition around 4 pm. Based on typical sunrise times at the solstice occurring around 05:45 hours (5:45 a.m.), the adjacent residential lands will receive sunlight for approximately 10 hours before shadows are cast on the neighbourhood.



**Figure 30 - Summer Solstice Shadow Impacts**

## Winter Solstice

As shown in **Figure 14**, during the winter, and specifically closer to the solstice, shadow impacts on adjacent residential development will begin around 14:00 hours (2:00 p.m.) and carry forward until sunset around 5 pm. Given a general sunrise time of 7:45 am, the subject lands appears to receive sunlight for 6-7 hours, which represents the majority of the daylight hours in the winter season.



Figure 31 - Winter Solstice Shadow Impacts

### Overall Impacts

It has been demonstrated that the proposed building mass will result in shadow impacts on adjacent residential properties to the east. As impacts are most prominent during the equinox and winter months, which are times where outdoor enjoyment of private yard and amenity space is limited, the impacts are not considered to be significant as the properties continue to have access to a majority of available sunlight through the day. During the summer months, specifically around the summer solstice, the affected properties will receive a minimum of 8 hours of sunlight. Although some shadow impacts are inevitable, they are not considered to have a detrimental impact on the enjoyment of private property or cause any safety concerns.

As lands on the west side of Bender Street remain eligible for 30 storey development which will be nearly twice the height of what is proposed, there is certainty that shadow impacts would occur on the same residential neighbourhood. Given these existing land use permissions, the plan indirectly has anticipated to some form of shadow impact on adjacent development.

Overall, the proposed development will have a limited impact on adjacent residential development during months when outdoor enjoyment is more desirable. Accordingly, the impacts are considered acceptable from a planning perspective. These studies may be further refined through future site plan and architectural works.

## ANGULAR PLANE REVIEW

In addition to the shadow analysis, an angular plan review was conducted to evaluate potential overlook and shadowing impacts on adjacent residential land uses to the east.

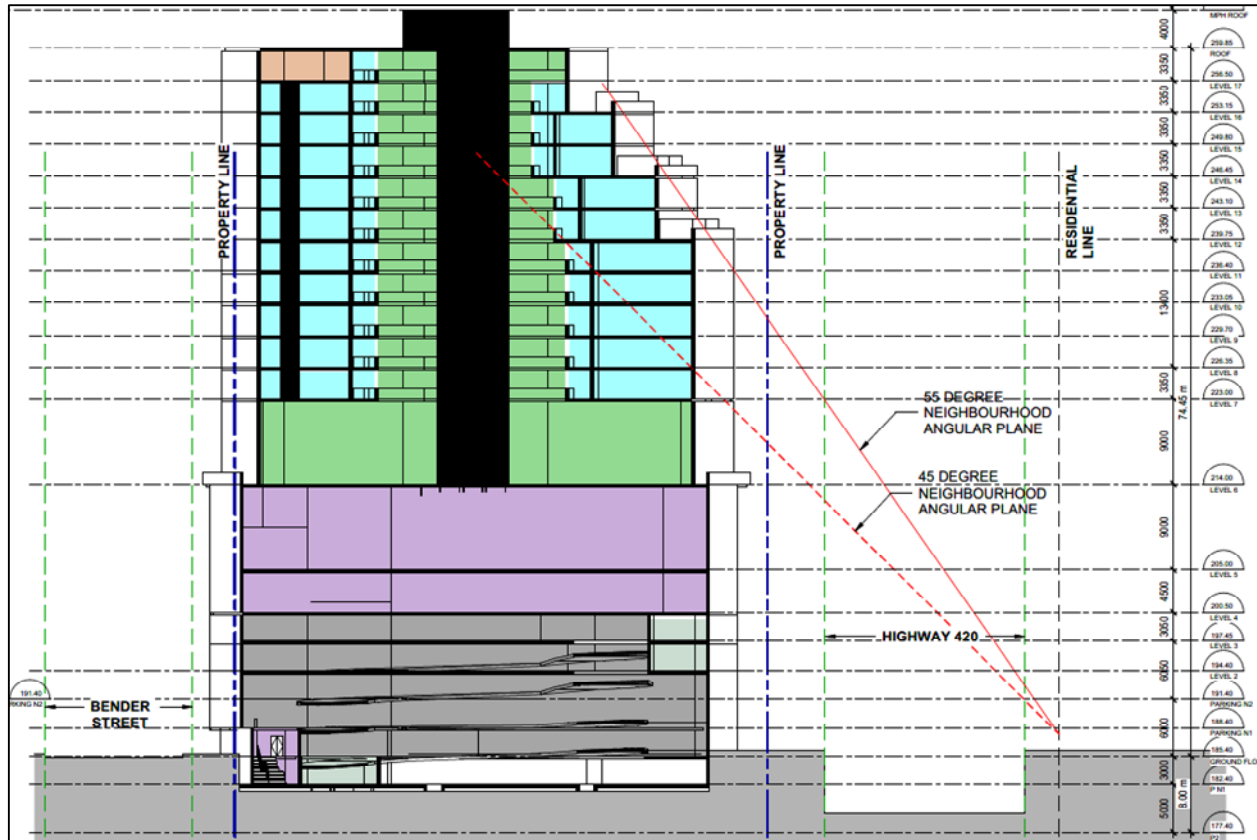


Figure 32 - Angular Plane Diagram - Cross Section

The preferred angular plane is 45 degrees, which is a generally accepted guideline for determining impacts from tall buildings on lower height land uses that may or may not exist. This approach does not account for specific impacts such as shadowing, which is done through subsequent studies. In the case of the subject lands, an angular plane of 55 degrees is required to facilitate the planned design.

The intent of an angular plane review is to evaluate potential overlook and shadowing impacts on adjacent, established land uses. This is done to ensure that reasonable privacy can be maintained and that the adjacent land uses are not significantly impacted by the development.

The portions of the building that do not meet the 45 degree angular plane are the hotel rooms. These units will have windows, but will not have balconies. It is not expected that these hotel

rooms would be occupied for long periods of the day, as is to be expected with temporary accommodation uses. Night time impacts and overlooks would likely be minimal, and be further minimized by light glare from Falls Avenue or from interior room lights. It should be noted that the more interesting views would be outward towards the gorge or towards the Niagara Falls New York Skyline from the east side of the building. Any views into rear yards along Hiram Street are considered to be incidental.

Meeting the 45-degree angular plane would require a reduction in building height, which would in turn affect the viability of the project. This is not meant to discount the importance of the exercise versus appropriate building height considerations, however, the small increase in angular plane allowance facilitates a significant tourism-based development on lands that have sat vacant for many years and are used for surface parking. As noted in the related shadow analysis, with the 55-degree angular plane, appropriate amounts of sunlight will continue to be provided to these existing land uses and the development can proceed and contribute jobs, investment and interest in the area.

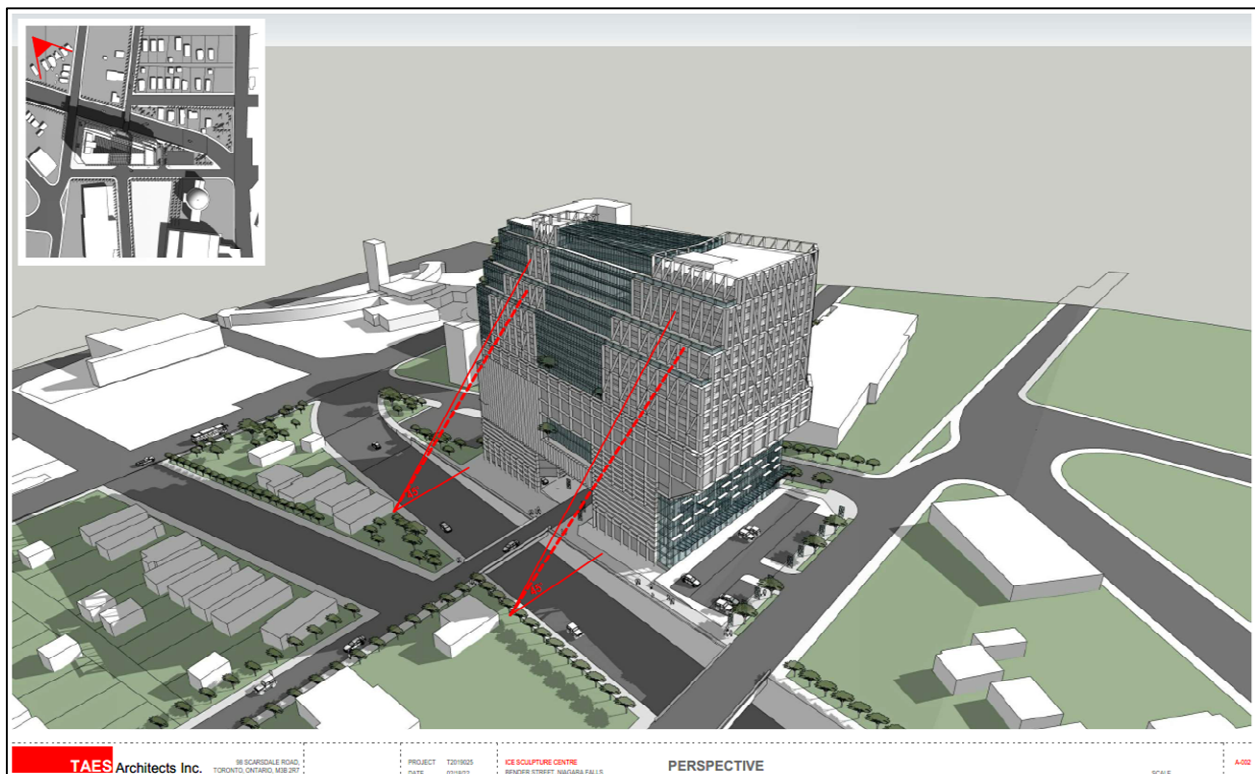


Figure 33 - Rendered Angular Plane from Building to Adjacent Neighbourhood

## **PLANNING OPINION**

The submitted applications have been filed to facilitate the development of a 17-storey tourism-based development within the Niagara Falls Central Tourism Area on the east side of Bender Street, west of Falls Avenue (Regional Road 420), and south of Palmer Avenue. The development will contain an ice sculpture centre, tropical entertainment centre, hotel, retail shops and a buffet restaurant.

Although the uses proposed are permitted by the applicable planning documents, the Official Plan limits the physical height of development within the tourism area to 4 storeys, unless otherwise prescribed through the City's Height Strategy. The Official Plan Amendment seeks to designate the subject lands as "High Rise" on Figure 4 of the City of Niagara Falls Official Plan to allow for a building height of 17 storeys.

The concurrent Zoning By-law amendment will implement the requested height increase and additional site-specific provisions to facilitate the proposed building design. The departures from the Zoning By-law are considered to be appropriate for the site and will not limit the ability for high quality urban design elements to be provided, consistent with the City's Architectural Design Review Criteria and general land use policies for Tourist Commercial lands.

As outlined in the supporting studies filed with the application, the site can be serviced by existing municipal infrastructure including water, sanitary sewer and storm sewer. The ability to provide the development with necessary utilities including gas, hydro and telecommunication have also been confirmed through direct discussions with service providers. Further, the development will have no significant impact on the surrounding transportation networks and no improvements to the geometric configuration of nearby intersections is required.

It is my professional planning opinion that the submitted applications satisfy the relevant requirements of the Planning Act, are consistent with the 2020 Provincial Policy Statement and conform with the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan and City of Niagara Falls Official Plan, as amended.

The requested amendments are appropriate for the subject lands and will facilitate development that is in alignment with the goals and objectives of the municipality. The proposed development will effectively utilize vacant urban lands, provide new employment opportunities, and contribute positively to the tourist experience in the Clifton Hill Subdistrict of the Central Tourism Area. For the reasons above, and provided within this report, the submitted applications are considered to be appropriate for the use of the lands, represent good land use planning and should be supported by the municipality.

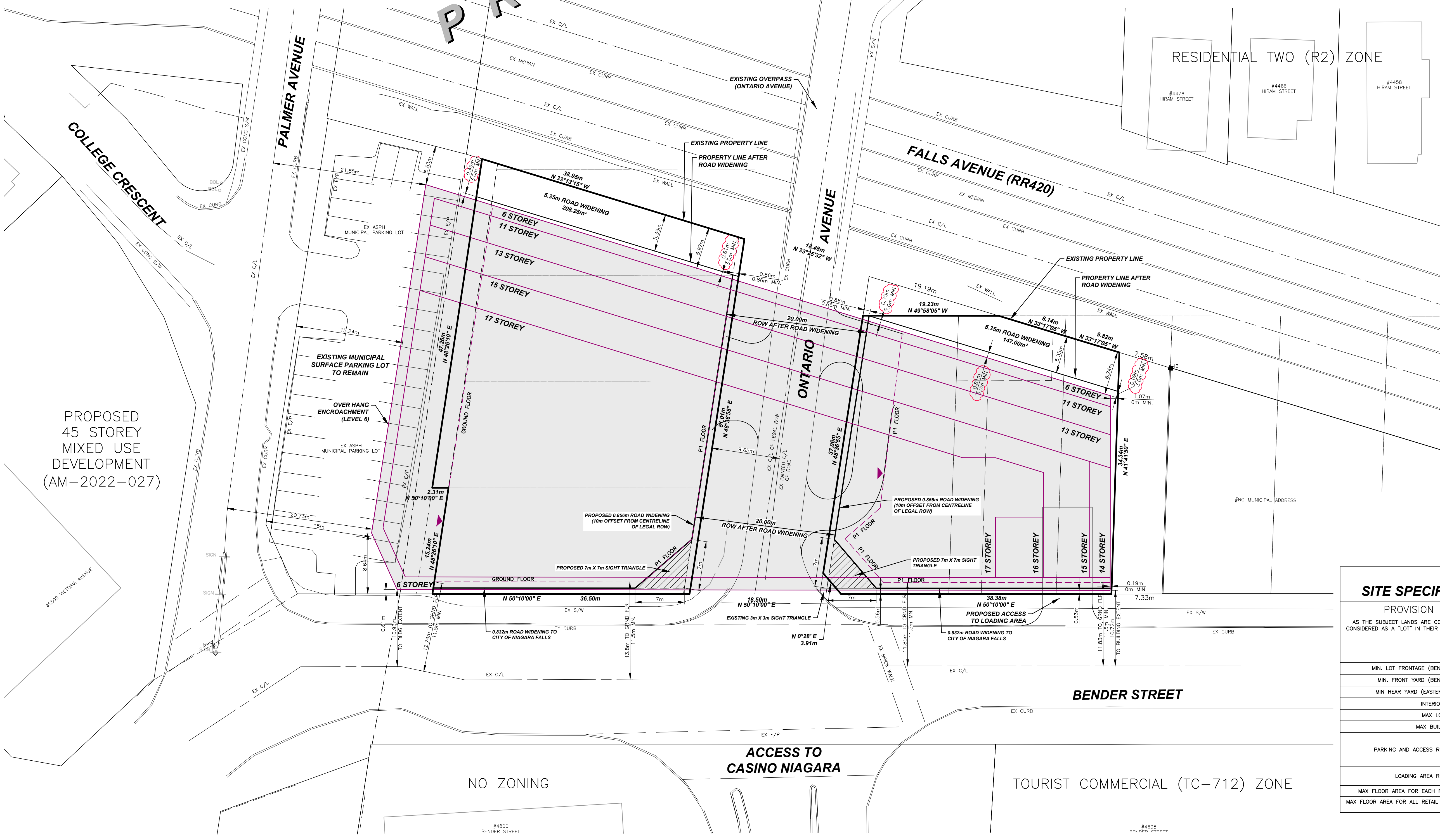
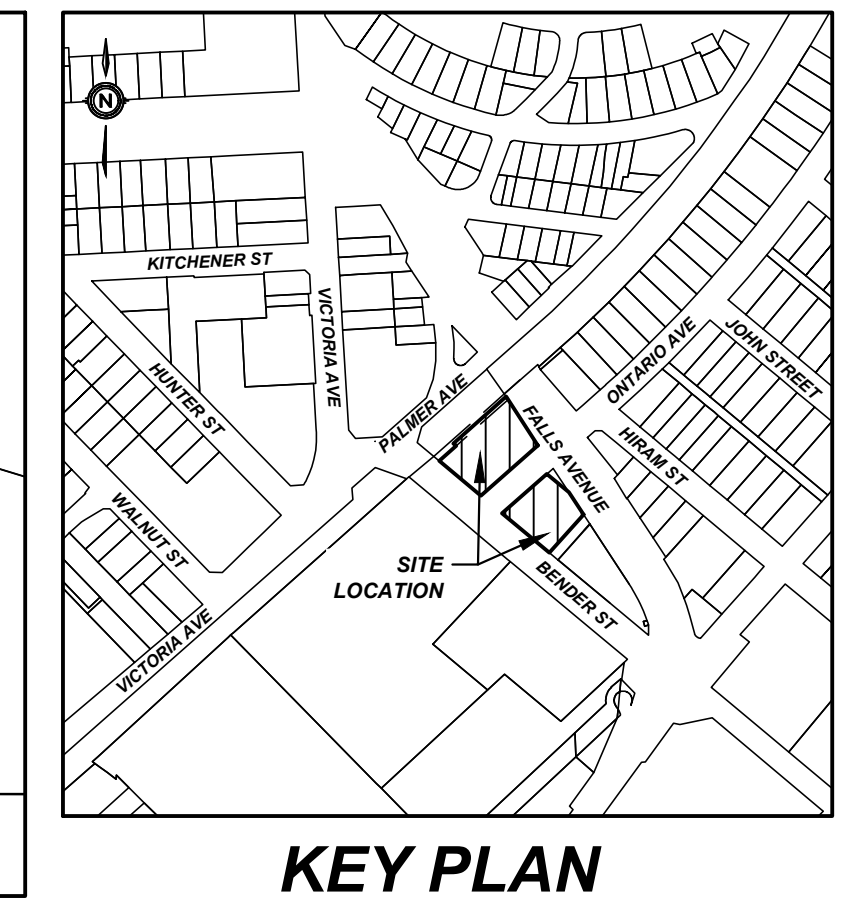
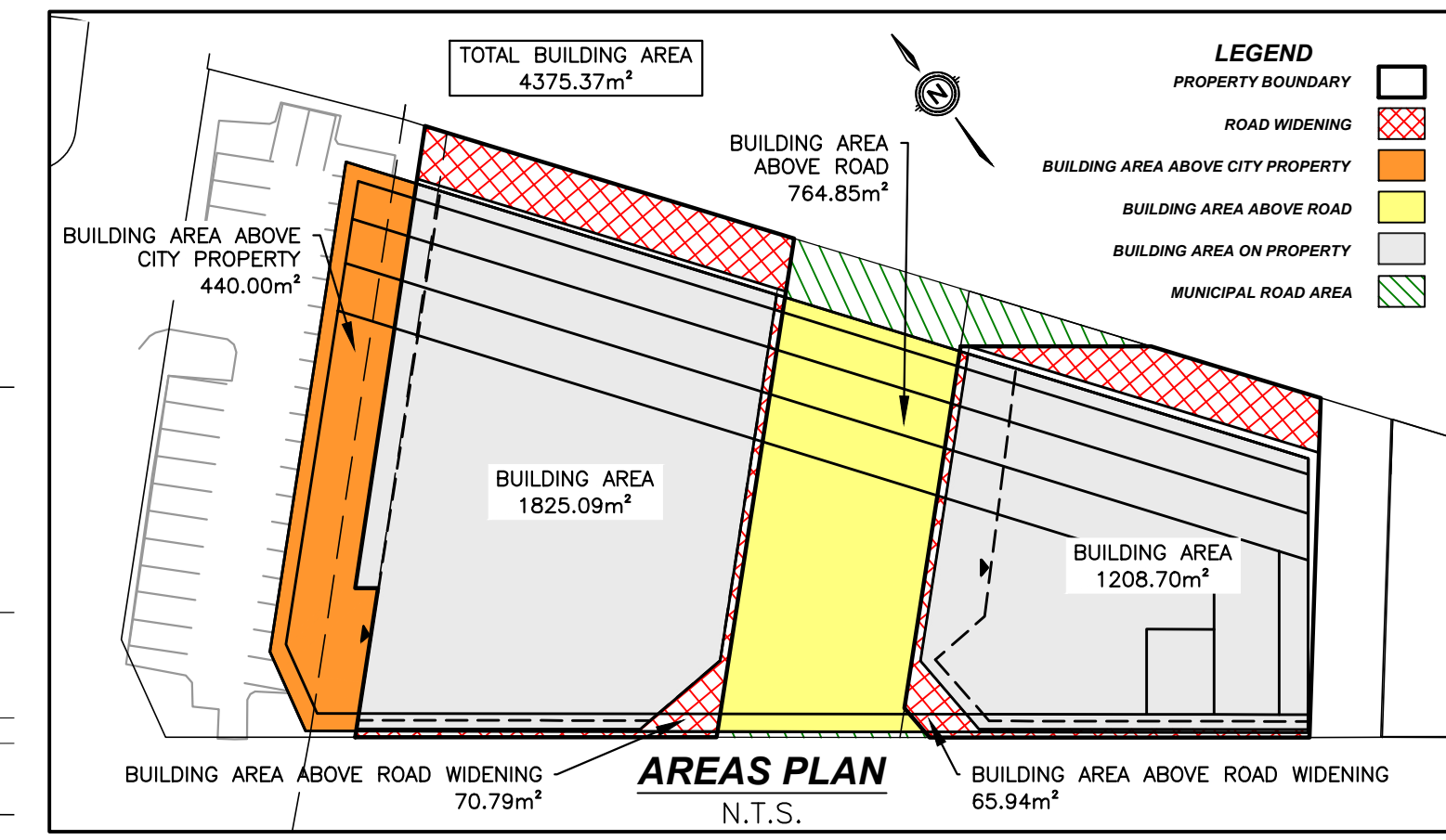
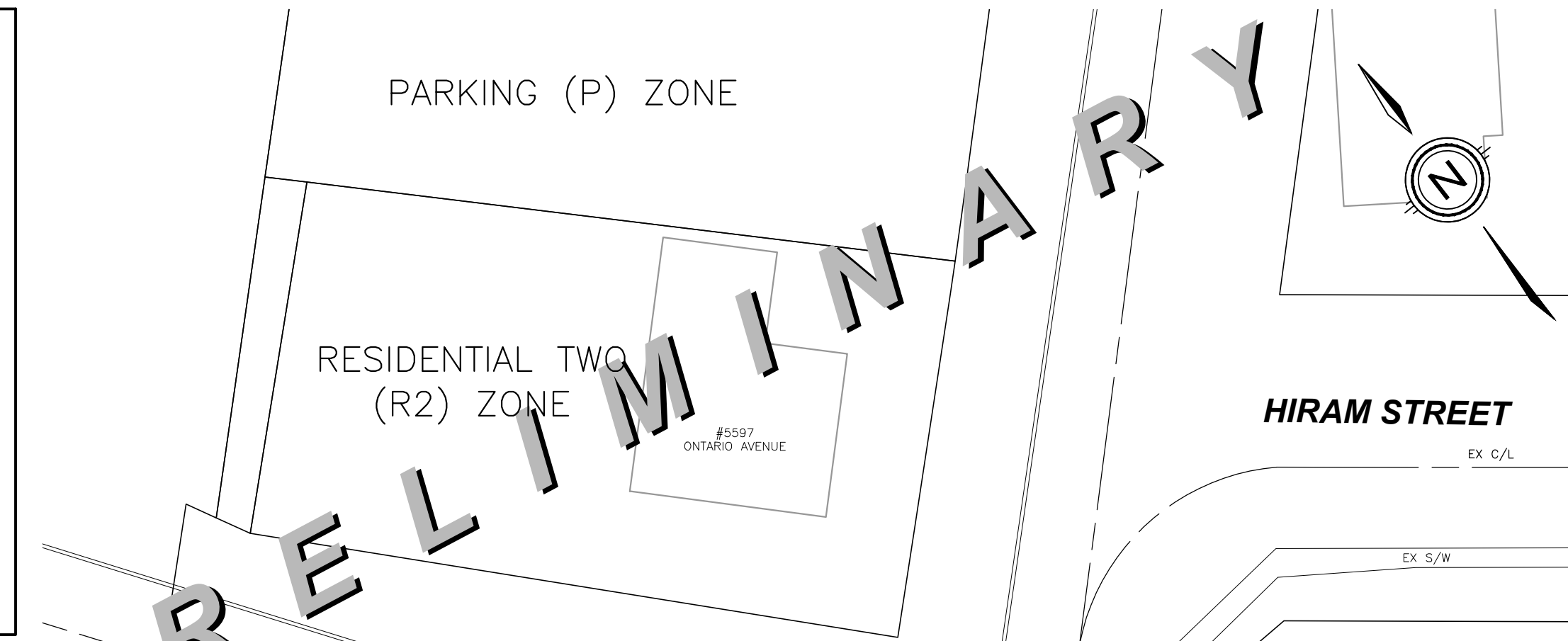
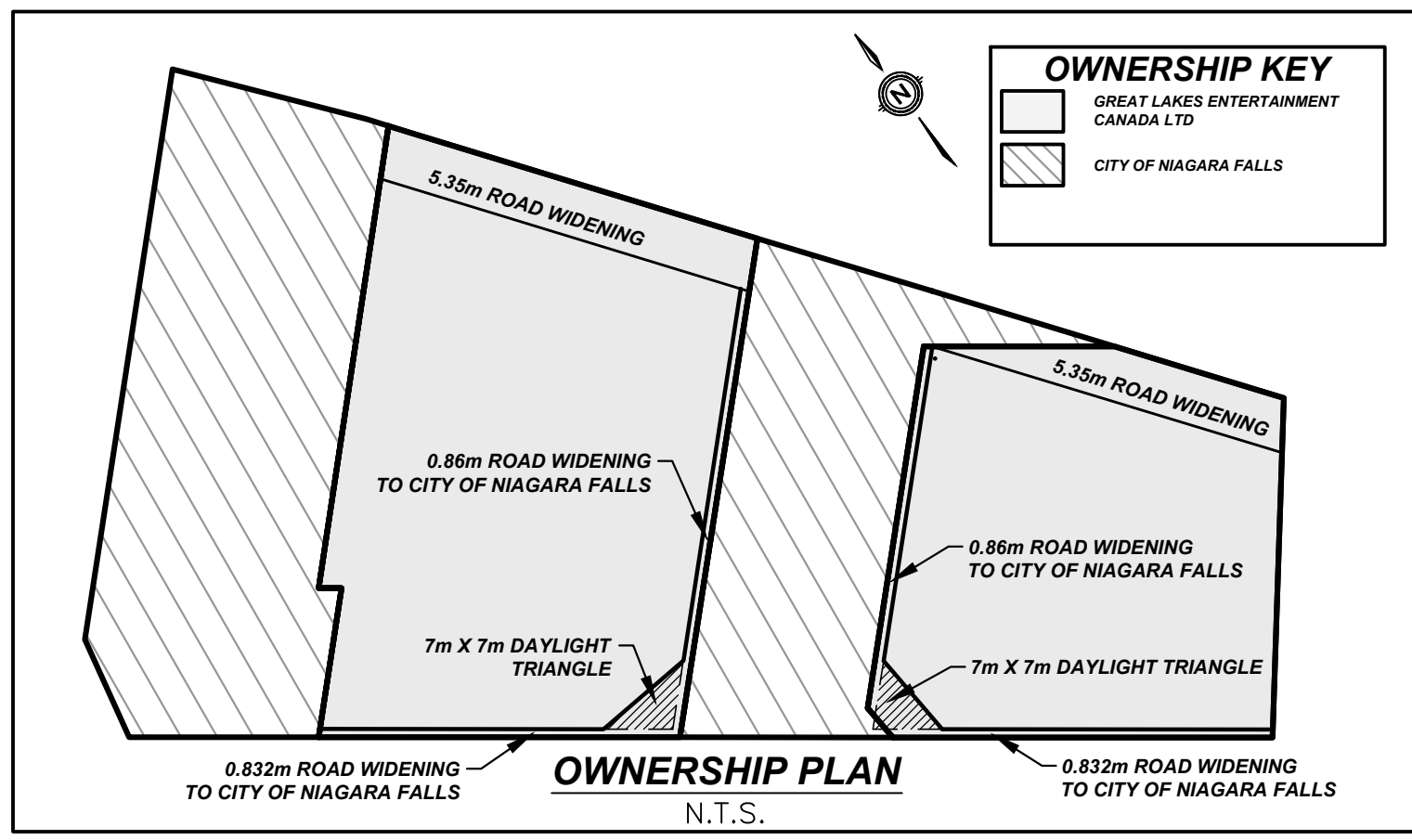
Respectfully Submitted,

A handwritten signature in blue ink, appearing to read 'Craig A. Rohe', written in a cursive style.

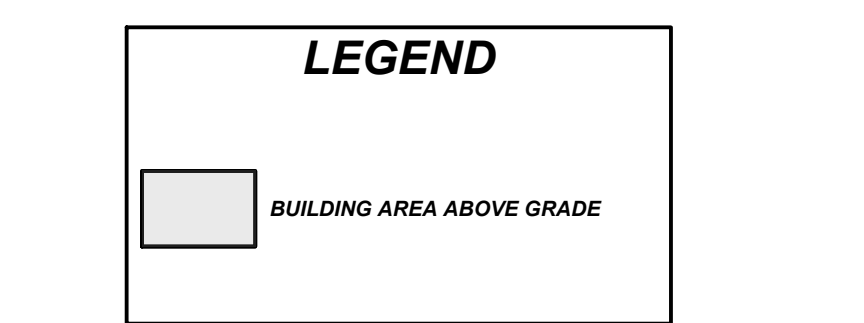
Craig A. Rohe M.Pl., RPP, MCIP  
Senior Planner  
Upper Canada Consultants



**APPENDIX I**  
PRELIMINARY SITE PLAN



**LEGAL DESCRIPTION**  
 PART OF THE LANE AT THE REAR OF LOTS 145-148;  
 LOTS 144, 145, 146, 147  
 PART OF LOTS 142, 143, 148 and 149,  
 PLAN 294  
 GEOGRAPHIC TOWNSHIP OF STAMFORD  
 NOW IN THE CITY OF NIAGARA FALLS  
 REGIONAL MUNICIPALITY OF NIAGARA



**SITE STATISTICS - NORTH PARCEL**

AREA	m <sup>2</sup>	Ha.	% COVERAGE
BUILDING (EXCLUSIVE OF ROAD WIDENING)	1,825.09	0.182	84.99
LANDSCAPING	20.96	0.003	0.98
ROAD WIDENING	301.37	0.030	14.03
<b>TOTAL</b>	<b>2147.42</b>	<b>0.215</b>	<b>100.00</b>
DEVELOPABLE AREA (EXCLUDING ROAD WIDENING)			0.185 Ha.

**SITE STATISTICS - SOUTH PARCEL**

AREA	m <sup>2</sup>	Ha.	% COVERAGE
BUILDING (EXCLUSIVE OF ROAD WIDENING)	1208.70	0.121	81.07
LANDSCAPING	47.59	0.005	3.19
ROAD WIDENING	234.67	0.023	15.74
<b>TOTAL</b>	<b>1490.96</b>	<b>0.149</b>	<b>100.00</b>
DEVELOPABLE AREA (EXCLUDING ROAD WIDENING)			0.126 Ha.
<b>TOTAL SITE AREA</b>	<b>3638.38</b>	<b>0.364</b>	
<b>TOTAL DEVELOPABLE AREA</b>			<b>0.311 Ha.</b>

**ZONING MATRIX  
 SITE SPECIFIC TOURIST COMMERCIAL ZONE (TC-X)**

PROVISION	REQUIRED	PROVIDED
AS THE SUBJECT LANDS ARE COMPRISED OF LANDS UNDER PRIVATE AND MUNICIPAL OWNERSHIP, THE SUBJECT LANDS ARE TO BE CONSIDERED AS A "LOT" IN THEIR ENTIRETY FOR THE PURPOSE OF IMPLEMENTATION, CONSISTENT WITH THIS APPROACH, THE REQUIRED YARDS ARE DEFINED AS FOLLOWS: FRONT YARD - BENDER STREET REAR YARD - EASTERN LOT LINE INTERIOR SIDE YARD - NORTHERN / SOUTHERN LOT LINES		
MIN. LOT FRONTAGE (BENDER STREET)	6m	93.38m
MIN. FRONT YARD (BENDER STREET)	11.5m from centreline	11.83m
MIN. REAR YARD (EASTERN LOT LINE)	3.0m	0.49m
INTERIOR SIDE YARD	NOT REQUIRED	0m
MAX LOT COVERAGE	70%	97.43%
MAX BUILDING HEIGHT	12m, as measured from Palmer Ave	74.45m (PALMER)
PARKING AND ACCESS REQUIREMENTS	HOTEL - 1 space per every 1.25 rooms RESTAURANT (ancillary to hotel) - None RETAIL (ancillary to hotel) - None	402 ROOMS / 1.25 = 321.6 (321 REQUIRED) 330 SPACES PROVIDED (INCLUDES 12 SPACES/600)
LOADING AREA REQUIREMENTS	2 spaces plus 1 additional for each 9,300m <sup>2</sup> of floor area over the initial 9,300m <sup>2</sup> (7 required)	7 SPACES
MAX FLOOR AREA FOR EACH RETAIL STORE	400m <sup>2</sup>	133.72m <sup>2</sup>
MAX FLOOR AREA FOR ALL RETAIL STORES PER PROPERTY	3530m <sup>2</sup>	256.23m <sup>2</sup>

#	REVISION	DATE	INIT
0	SUBMITTED FOR OPA/ZBA	2024-02-20	M.K.

**NOTES:**  
 1. THE POSITION OF POLE LINES, CONDUITS, WATERMANS, SEWER, AND OTHER UNDERGROUND AND OVERGROUND UTILITIES AND STRUCTURES IS NOT NECESSARILY SHOWN ON THE CONTRACT DRAWINGS AND, WHERE SHOWN, THE ACCURACY OF THE POSITION OF SUCH UTILITIES AND STRUCTURES IS NOT GUARANTEED. BEFORE STARTING WORK, THE CONTRACTOR SHALL INFORM HIMSELF OF THE EXACT LOCATION OF ALL SUCH UTILITIES AND STRUCTURES AND SHALL ASSUME ALL LIABILITY FOR DAMAGE TO THEM.  
 2. PROPERTY LINES WERE PLOTTED USING REGISTERED PLANS AND BARS LOCATED IN THE FIELD. TO VERIFY THE ACCURACY OF THESE PROPERTY LINES, A LEGAL SURVEY SHOULD BE PERFORMED PRIOR TO CONSTRUCTION.  
 3. ALL CONSTRUCTION MUST COMPLY WITH THE NIAGARA PENINSULA STANDARD CONTRACT DOCUMENT.

DRAFTING: KA/MK  
 DESIGN: C.R.  
 CHECKED BY: M.C.  
 APPROVED BY: —

**GREAT LAKES ENTERTAINMENT CANADA LTD**  
 UPPER CANADA CONSULTANTS ENGINEERS / PLANNERS

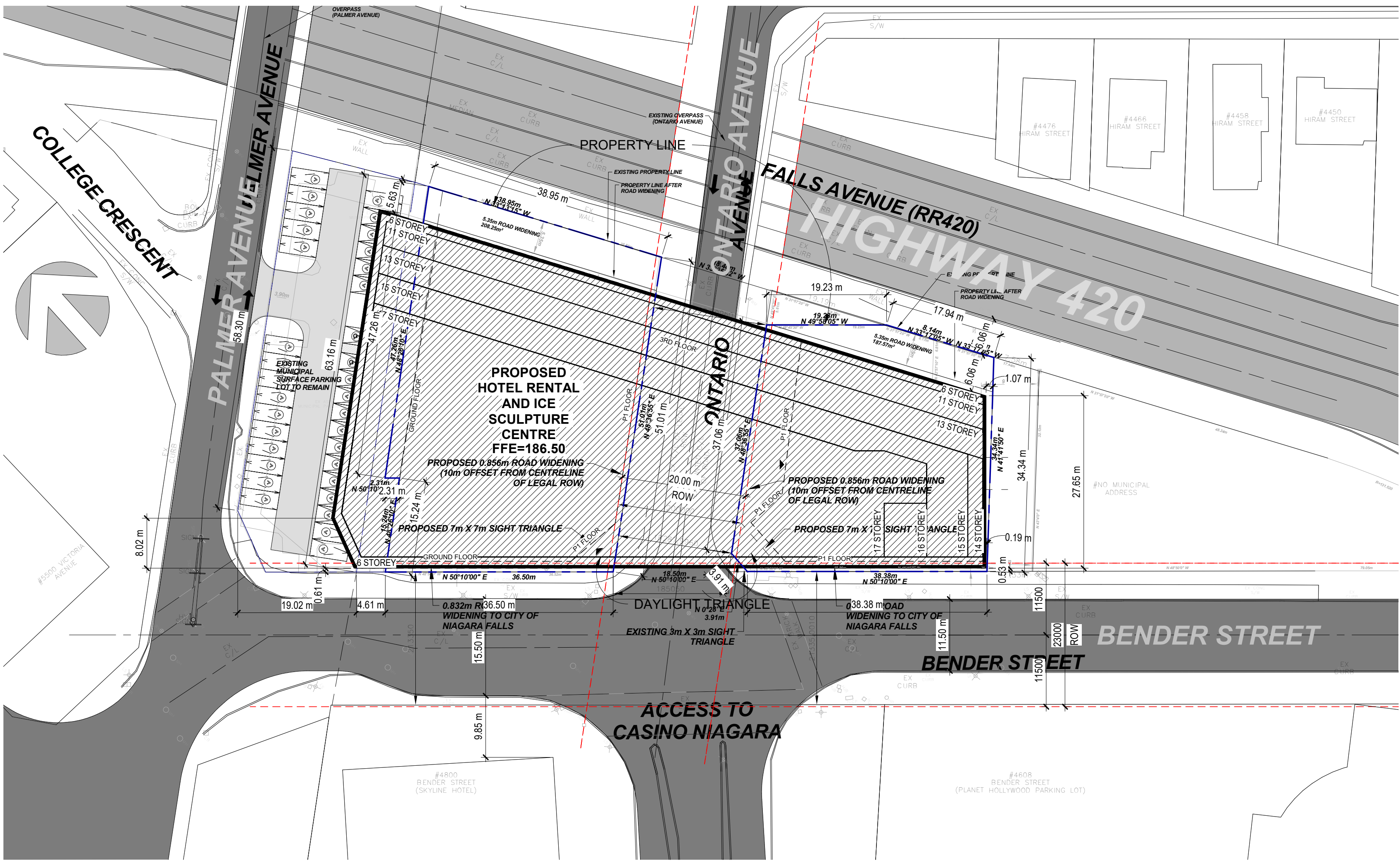
**BENDER STREET ATTRACTION**  
 CITY OF NIAGARA FALLS  
 PRELIMINARY SITE PLAN  
 CONSULTANT FILE No. 1901  
 DATE: 2019-11-12  
 PRINTED: 2024-02-20  
 SCALE: 1:300 m  
 REF No.  
 DWG No. 1901-SP  
 REV 0

**APPENDIX II**  
**ARCHITECTURAL PLANS**

# ICE SCULPTURE CENTRE

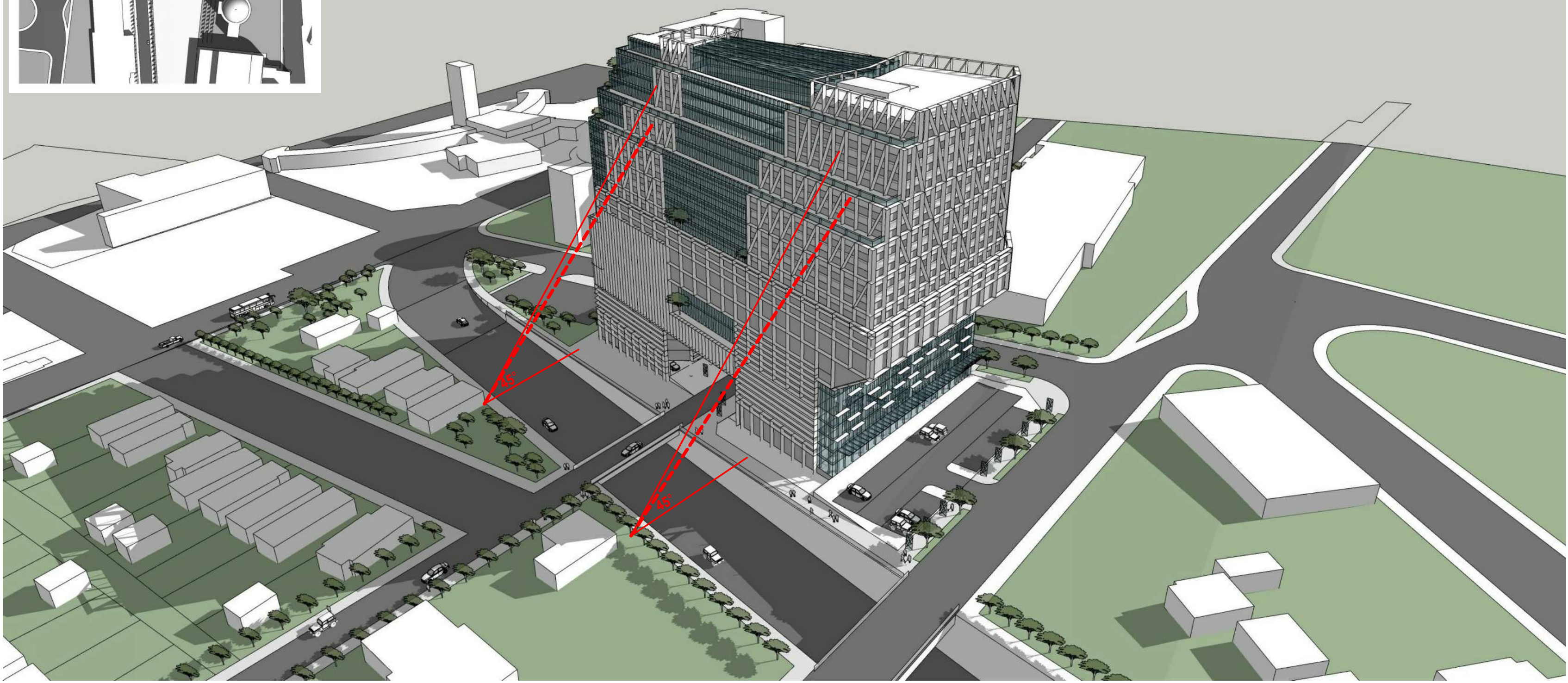
2023.01

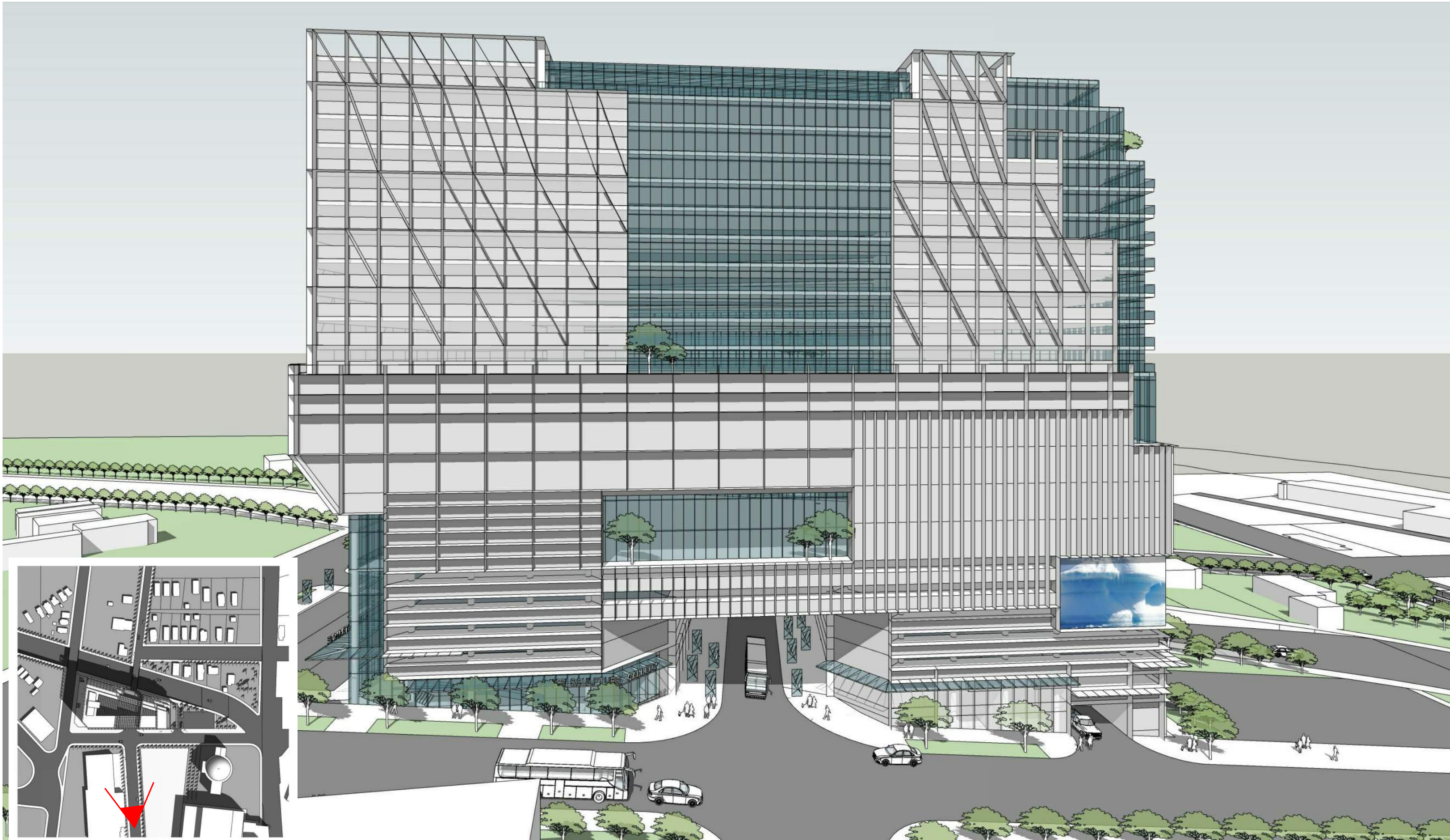




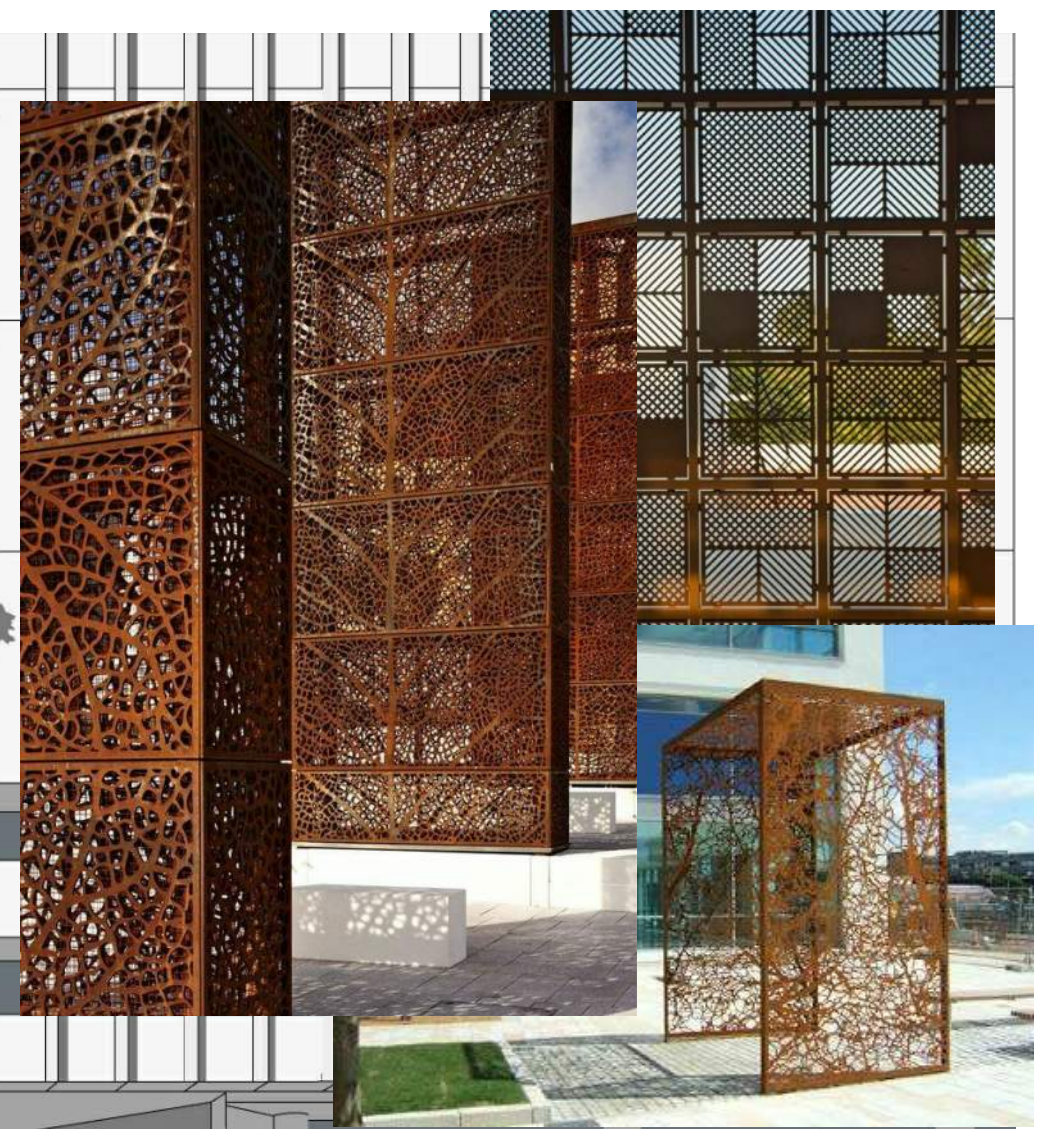
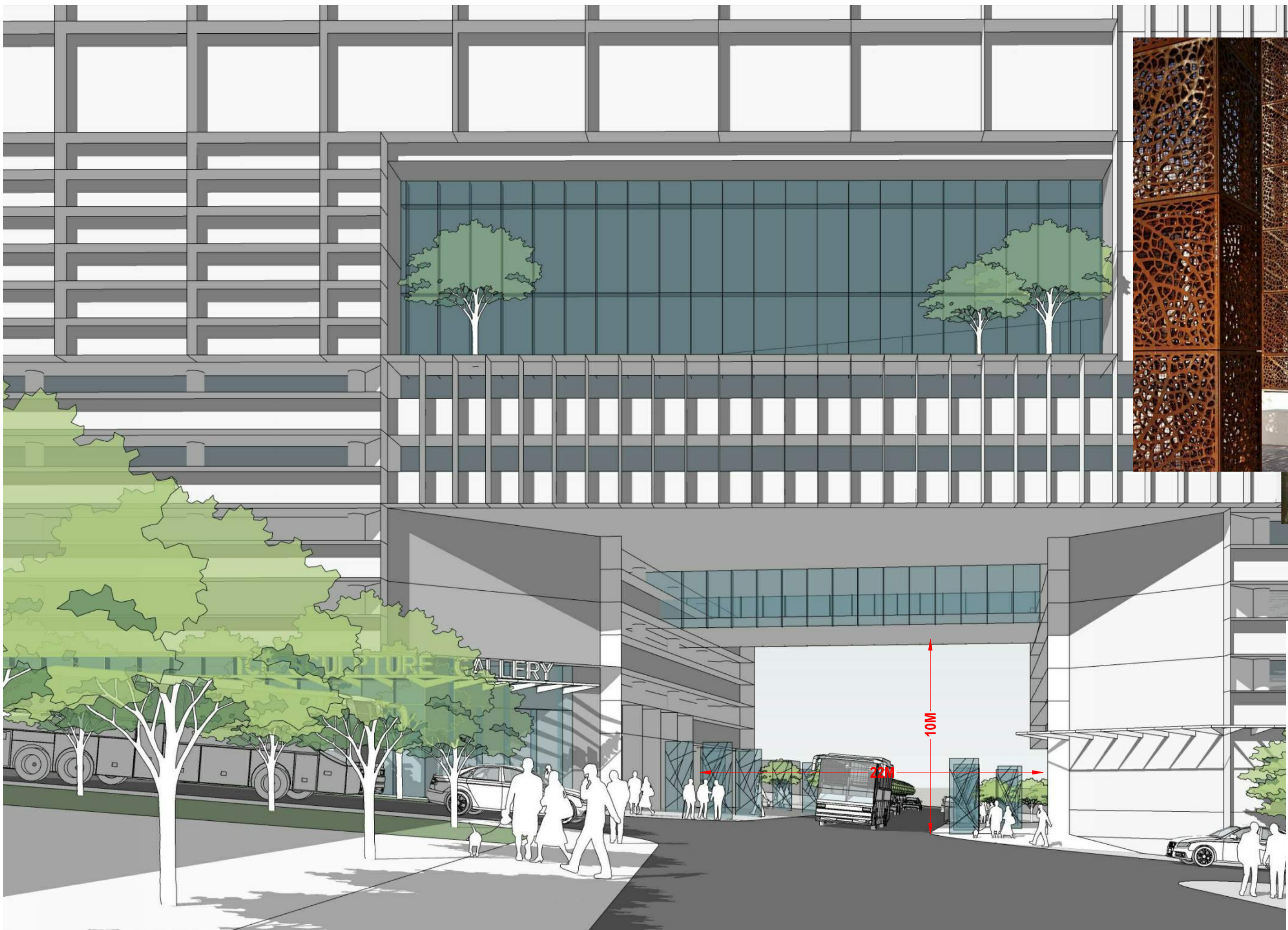
## SITE STATISTICS

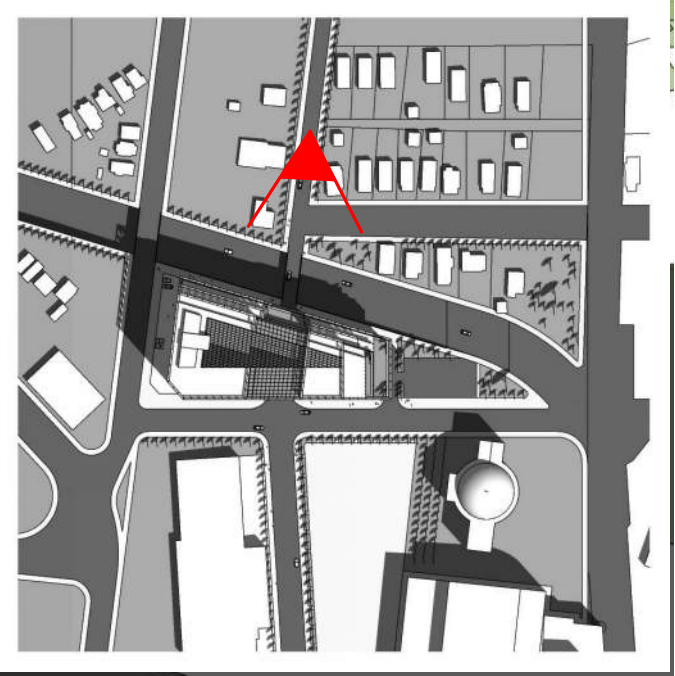
SITE AREA:		3,643 M <sup>2</sup>	BUILDING HEIGHT:	74.40M (17 LEVELS)
BUILDING AREA:		3,955 M <sup>2</sup>		
COVERAGE:		108.6%		
FSI:		16.47		
GFA:		60,008 M <sup>2</sup>		
		FLOOR AREA	UNIT QUANTITY	COMMENT
<b>ABOVE GROUND</b>	17TH F: HOTEL + TROPICAL ATRIUM		2,466 M <sup>2</sup>	
	16TH F: HOTEL + TROPICAL ATRIUM		2,524 M <sup>2</sup>	24 SUITES
	15TH F: HOTEL + TROPICAL ATRIUM		3,043 M <sup>2</sup>	33 SUITES
	14TH F: HOTEL + TROPICAL ATRIUM		3,062 M <sup>2</sup>	34 SUITES
	13TH F: HOTEL + TROPICAL ATRIUM		3,544 M <sup>2</sup>	38 SUITES
	12TH F: HOTEL + TROPICAL ATRIUM		3,544 M <sup>2</sup>	38 SUITES
	11TH -7TH: HOTEL + TROPICAL ATRIUM		3,921 M <sup>2</sup> X 5 = 19,605 M <sup>2</sup>	47 X 5 = 235 SUITES
	6TH F: TROPICAL ATRIUM		3,955 M <sup>2</sup>	
	5TH F: ICE GALLERY		3,836 M <sup>2</sup>	
	4TH F: ICE GALLERY		3,836 M <sup>2</sup>	
	3RD F: GARAGE		3,836 M <sup>2</sup>	GARAGE, WITH 2 MEZZANINE FLOORS CONTAINING 291 PARKING SPACES (8 ACCESSIBLE PARKING SPACES INCLUDED)
	2ND F: GARAGE		3,836 M <sup>2</sup>	
	G F: HOTEL M. FLOOR		2,921 M <sup>2</sup>	
TOTAL AREA UNDER GROUND:		2,924 M <sup>2</sup>		
<b>UG</b>	UG P1: HOTEL LOBBY + RETAIL + LOADING AREA + EXHIBITION		1,913 M <sup>2</sup>	29 SPACES
	UG P2: LOADING AREA + RETAIL		1,011 M <sup>2</sup>	2 RETAILS RETAIL GFA: 256 M <sup>2</sup>
TOTAL PARKING SPACES:				320 SPACES
TOTAL HOTEL SUITES:			402 SUITES	0.8 SP/RM.
TOTAL RETAILS:			2 RETAILS	

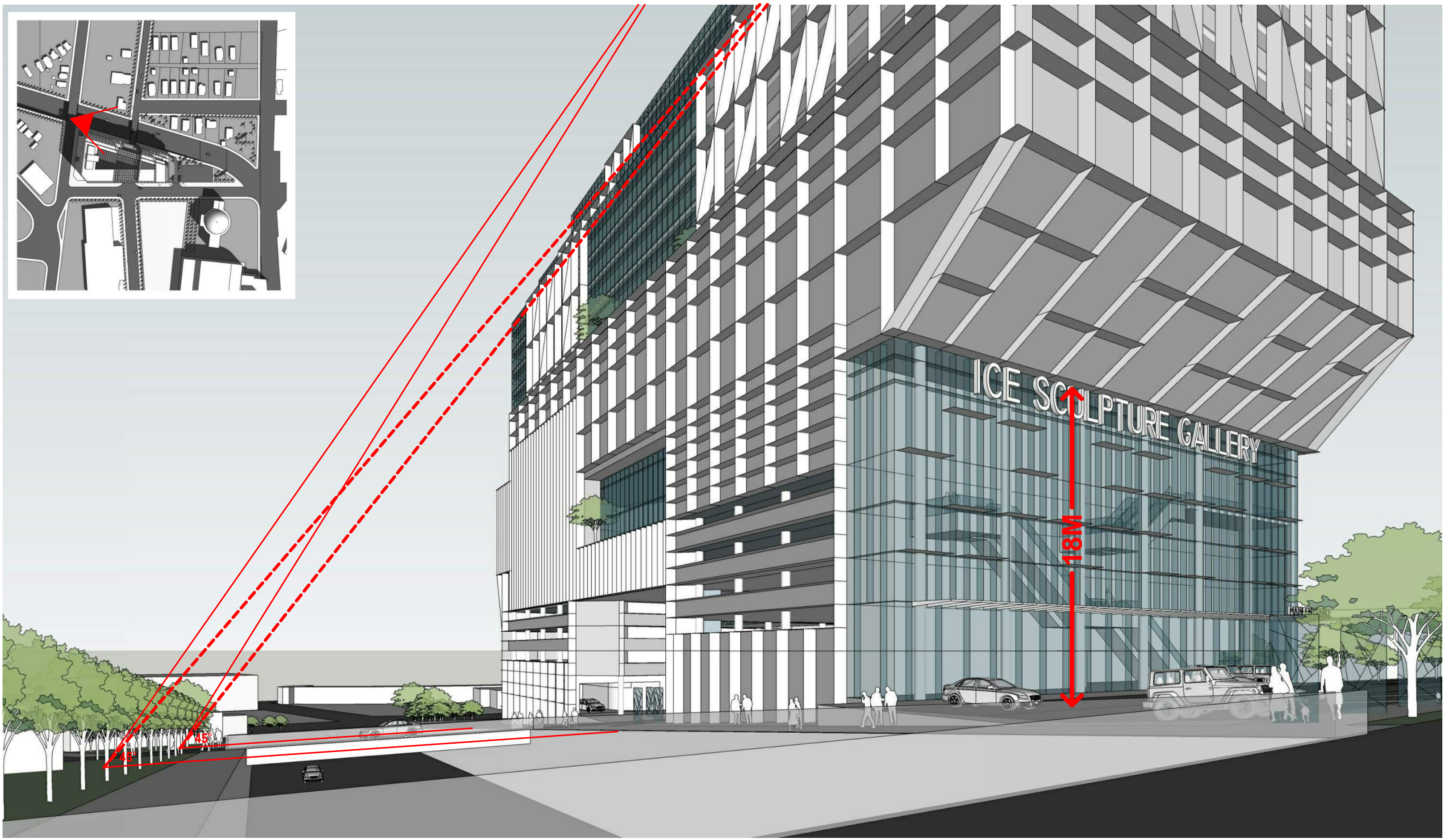


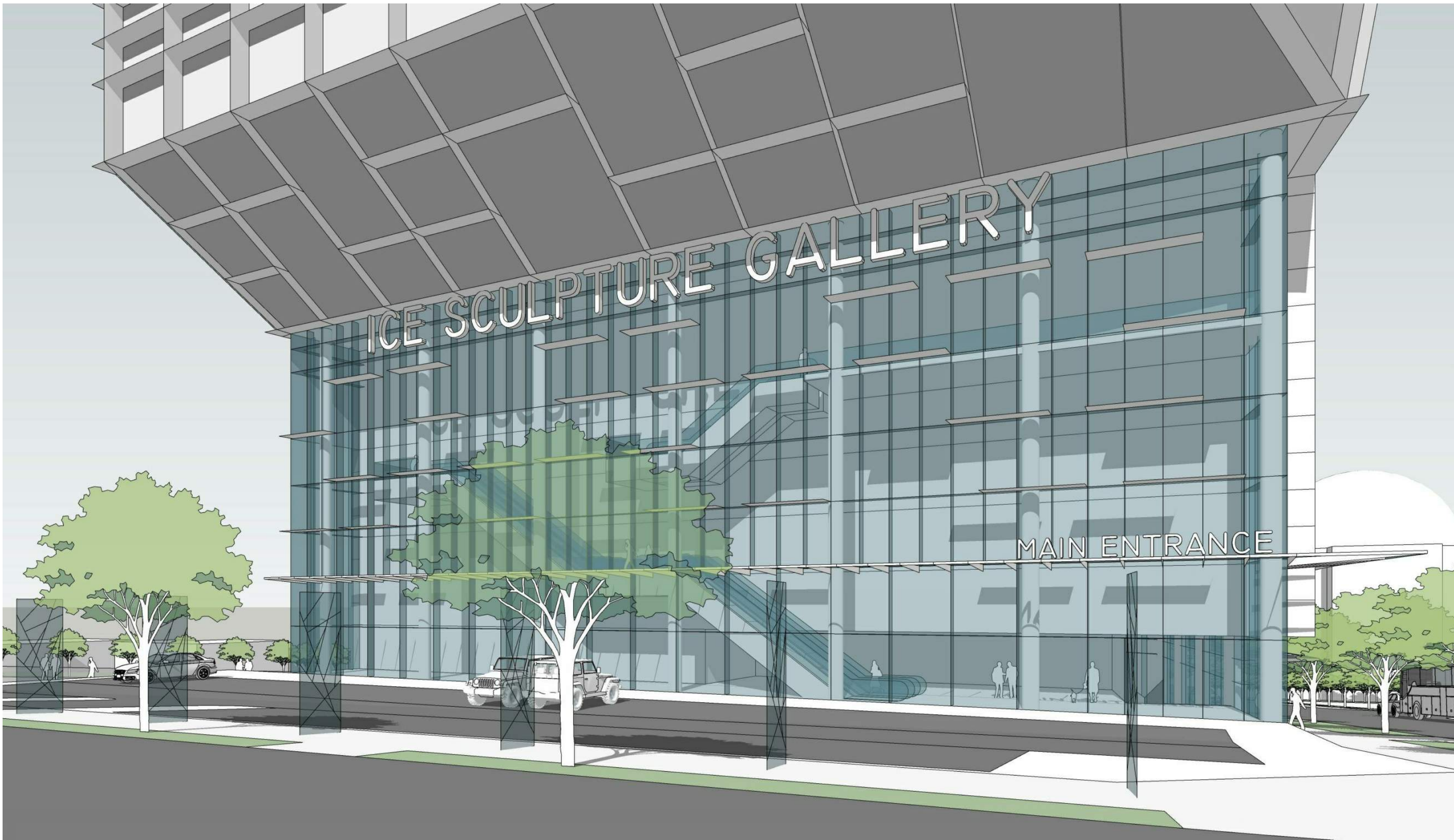




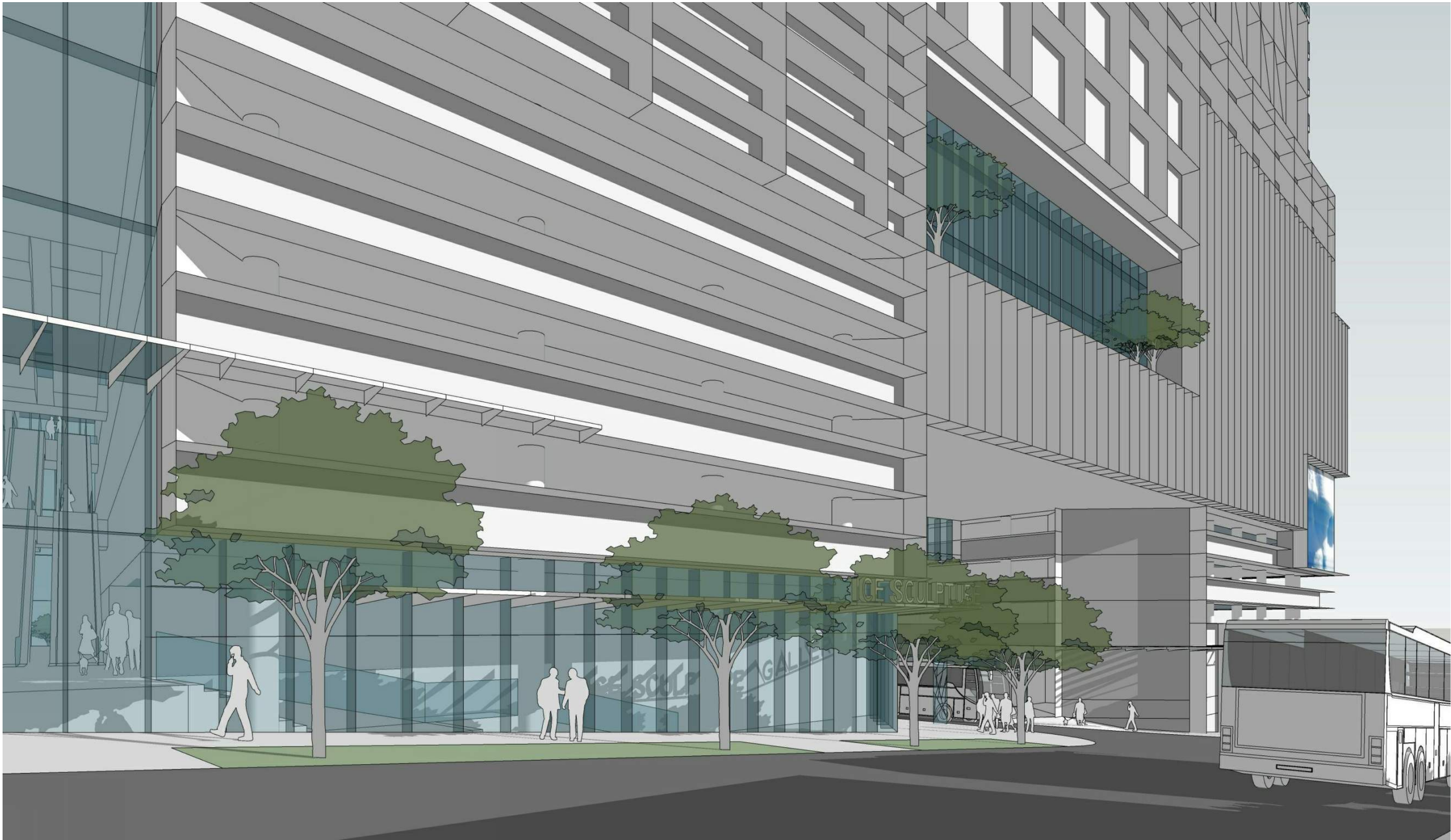


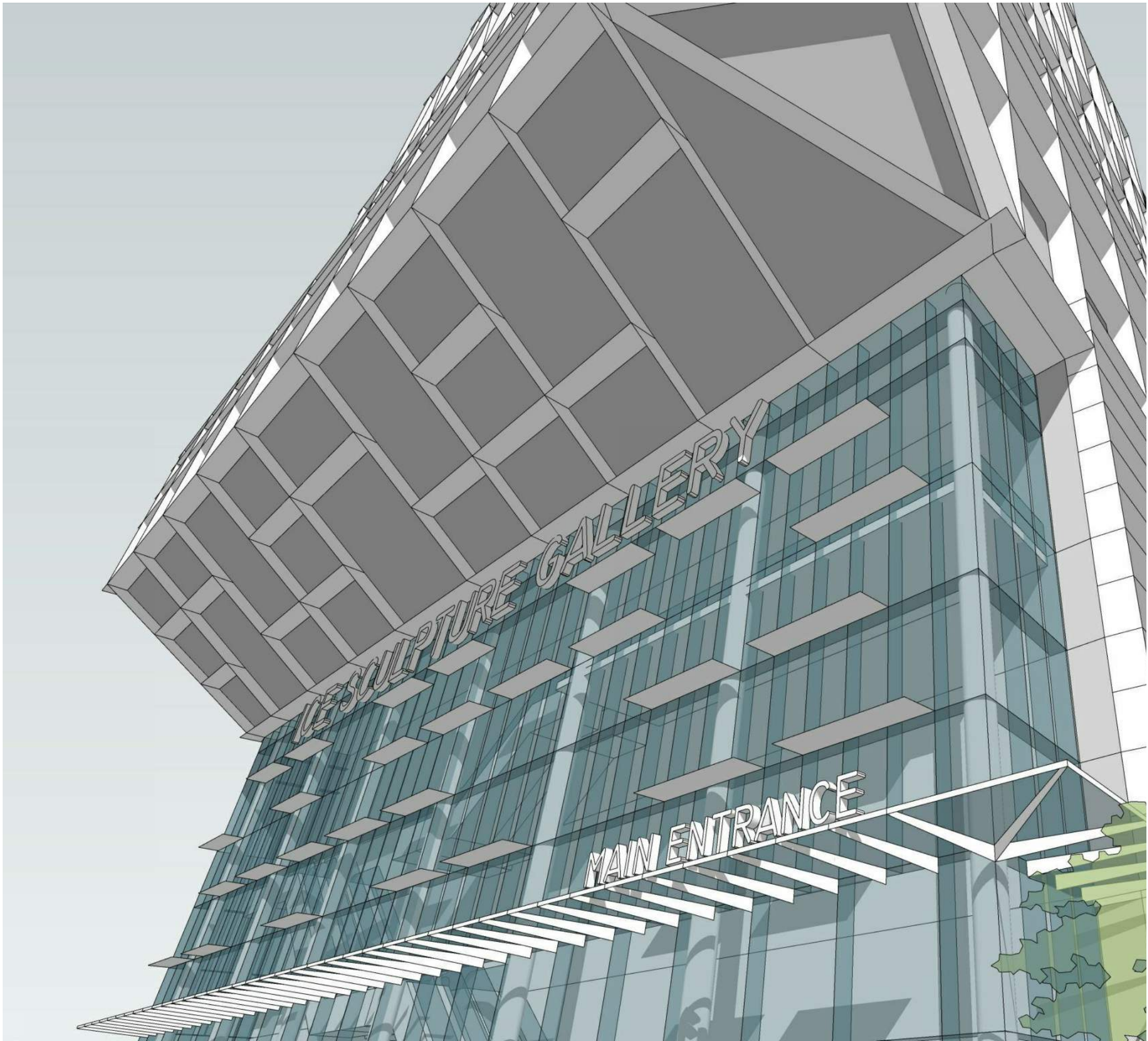


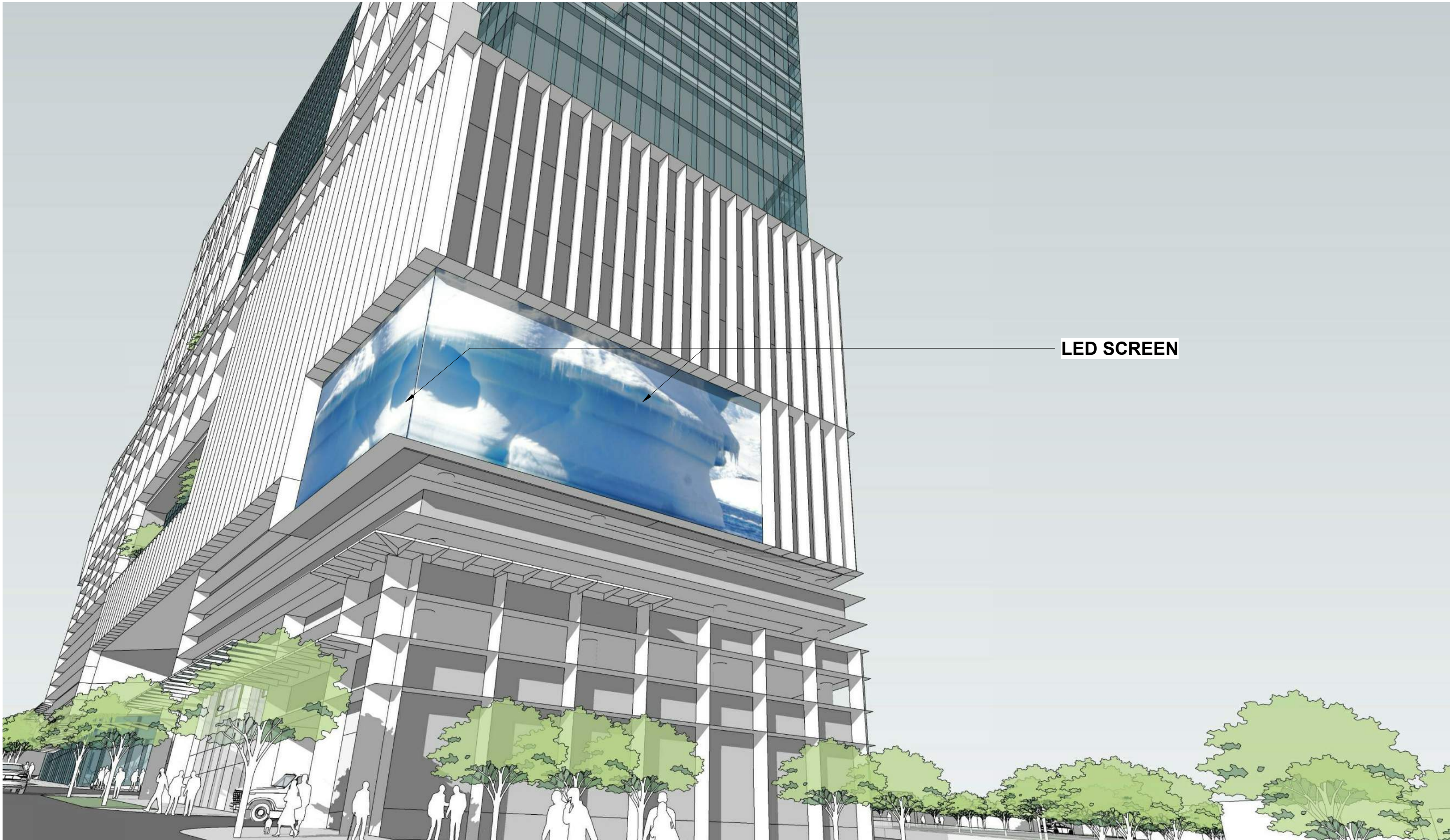






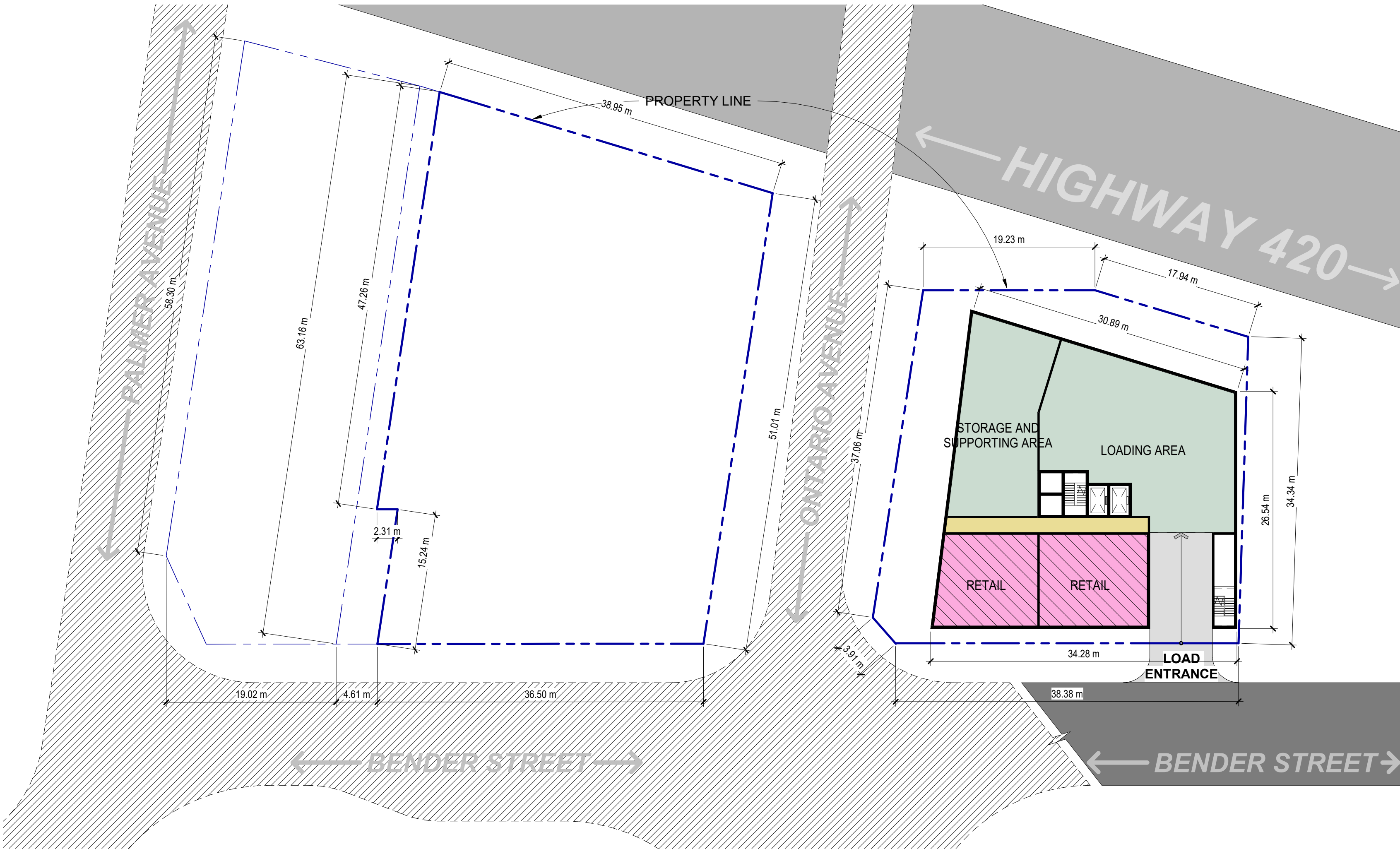




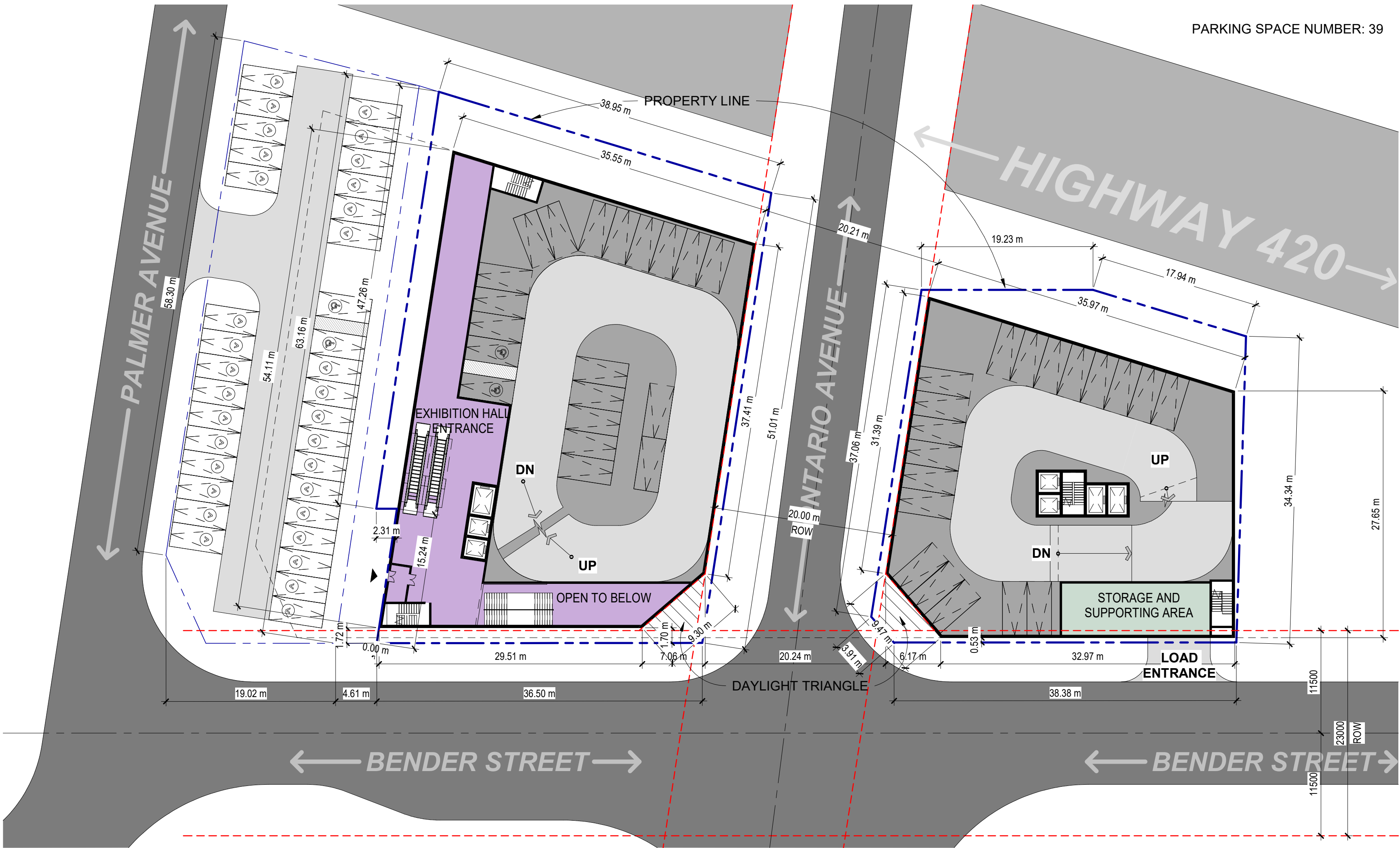


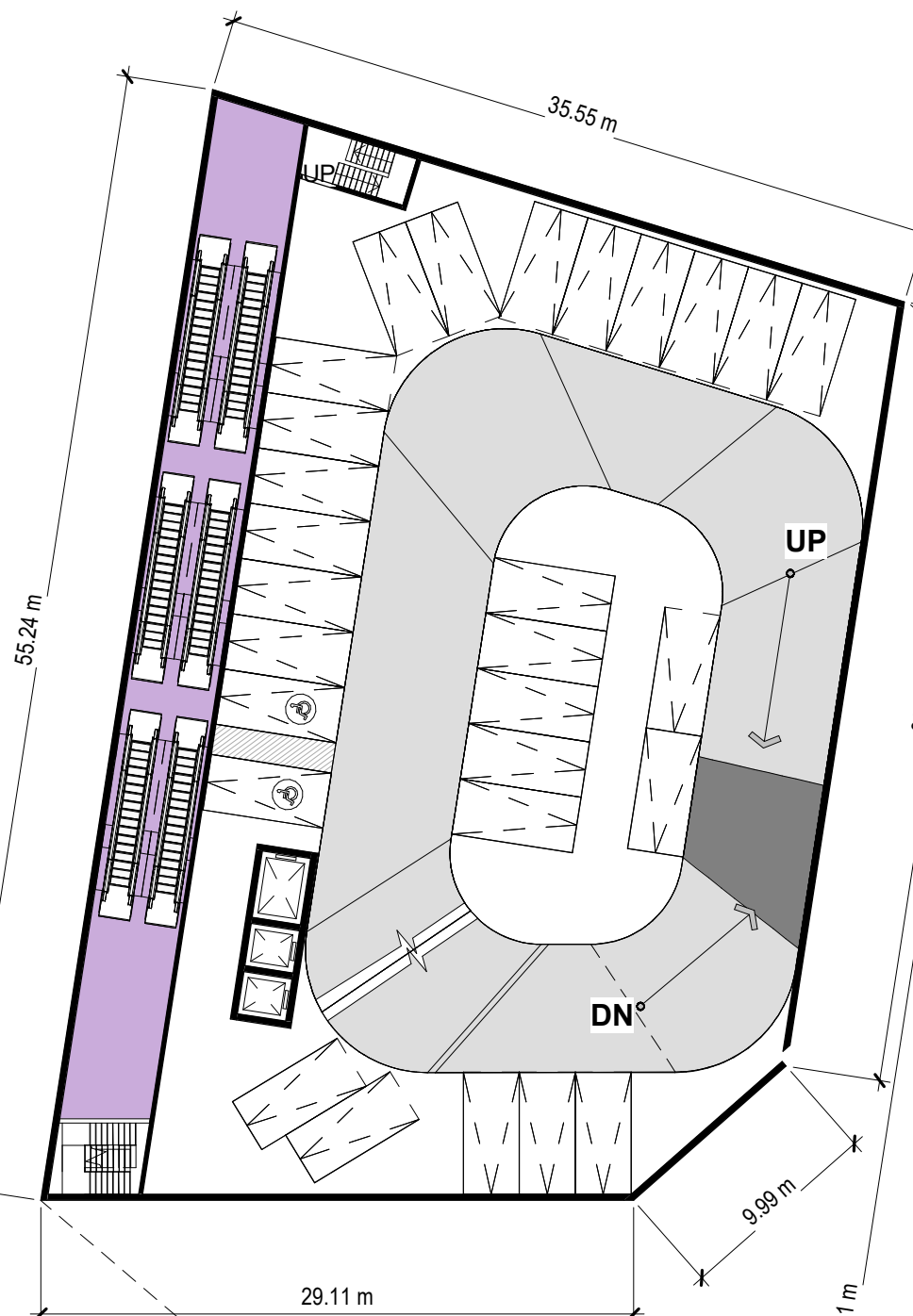
LED SCREEN



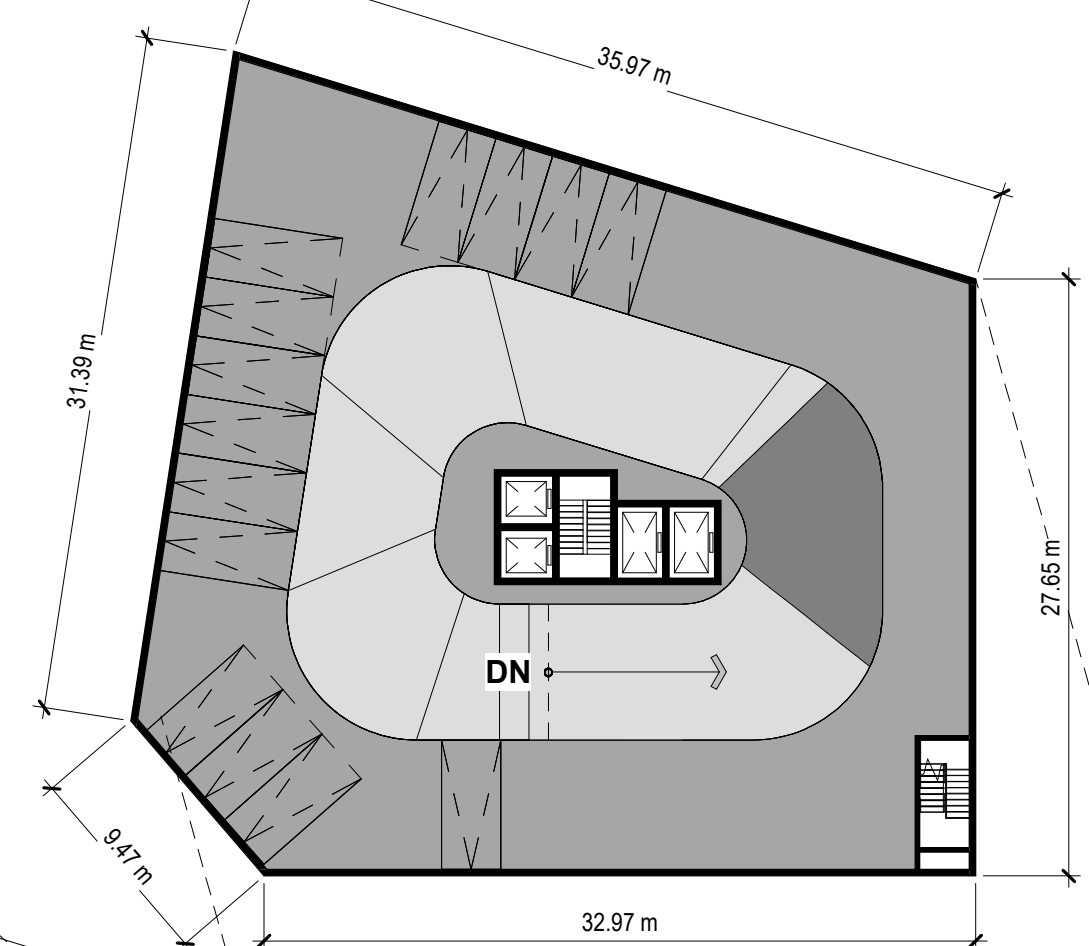




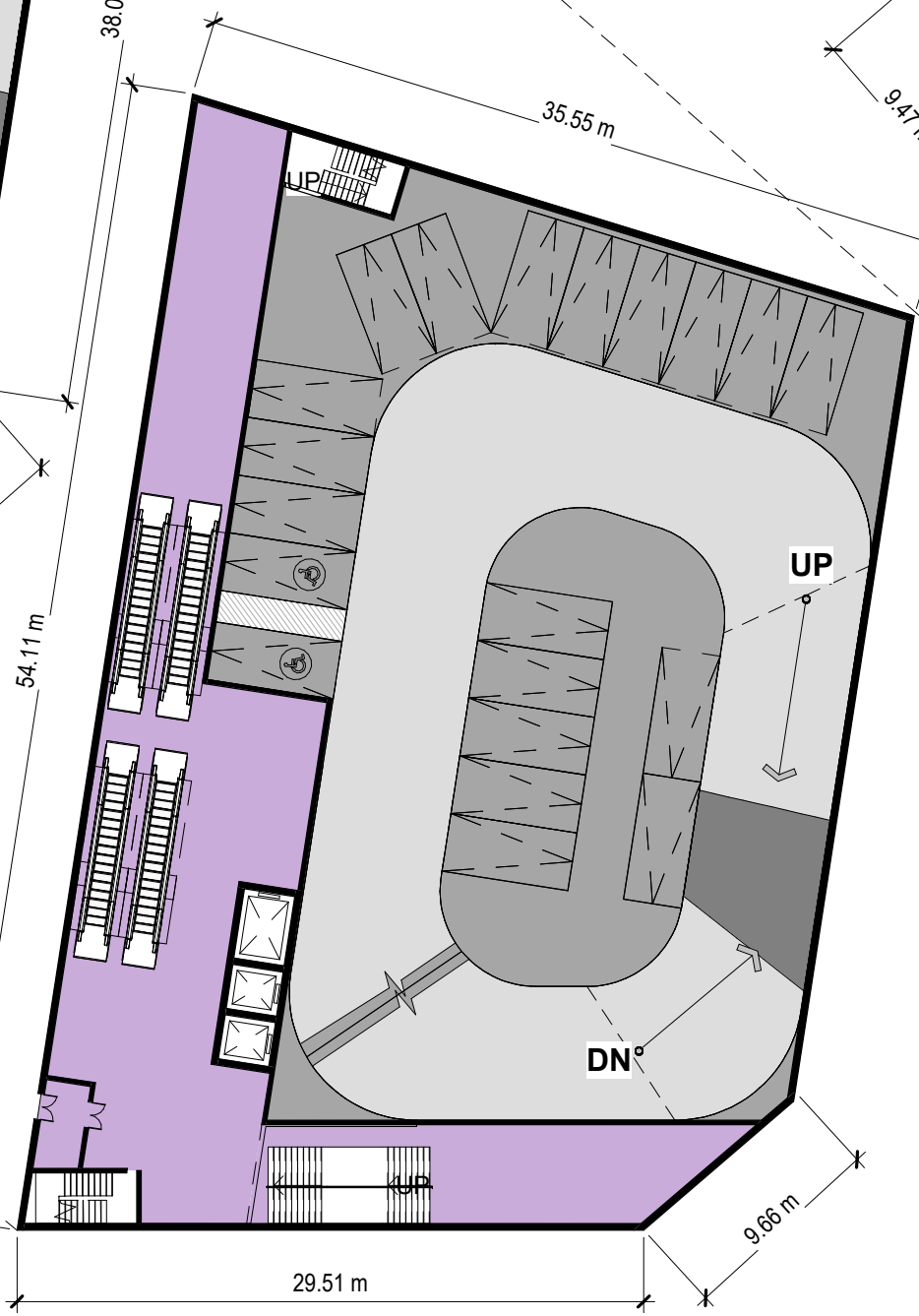




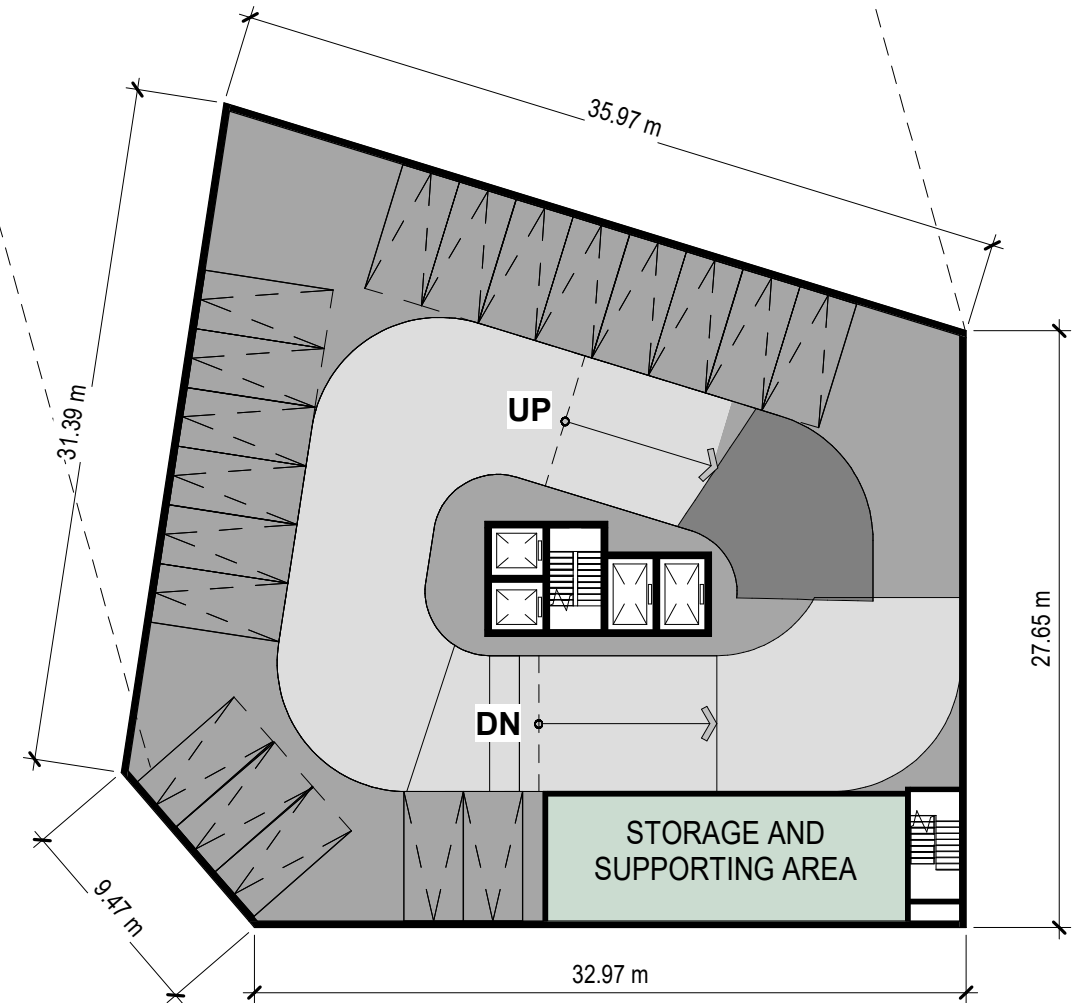
**MEZZANINE UPPER 01**  
PARKING SPACE NUMBER: 28



**MEZZANINE UPPER 02**  
PARKING SPACE NUMBER: 14



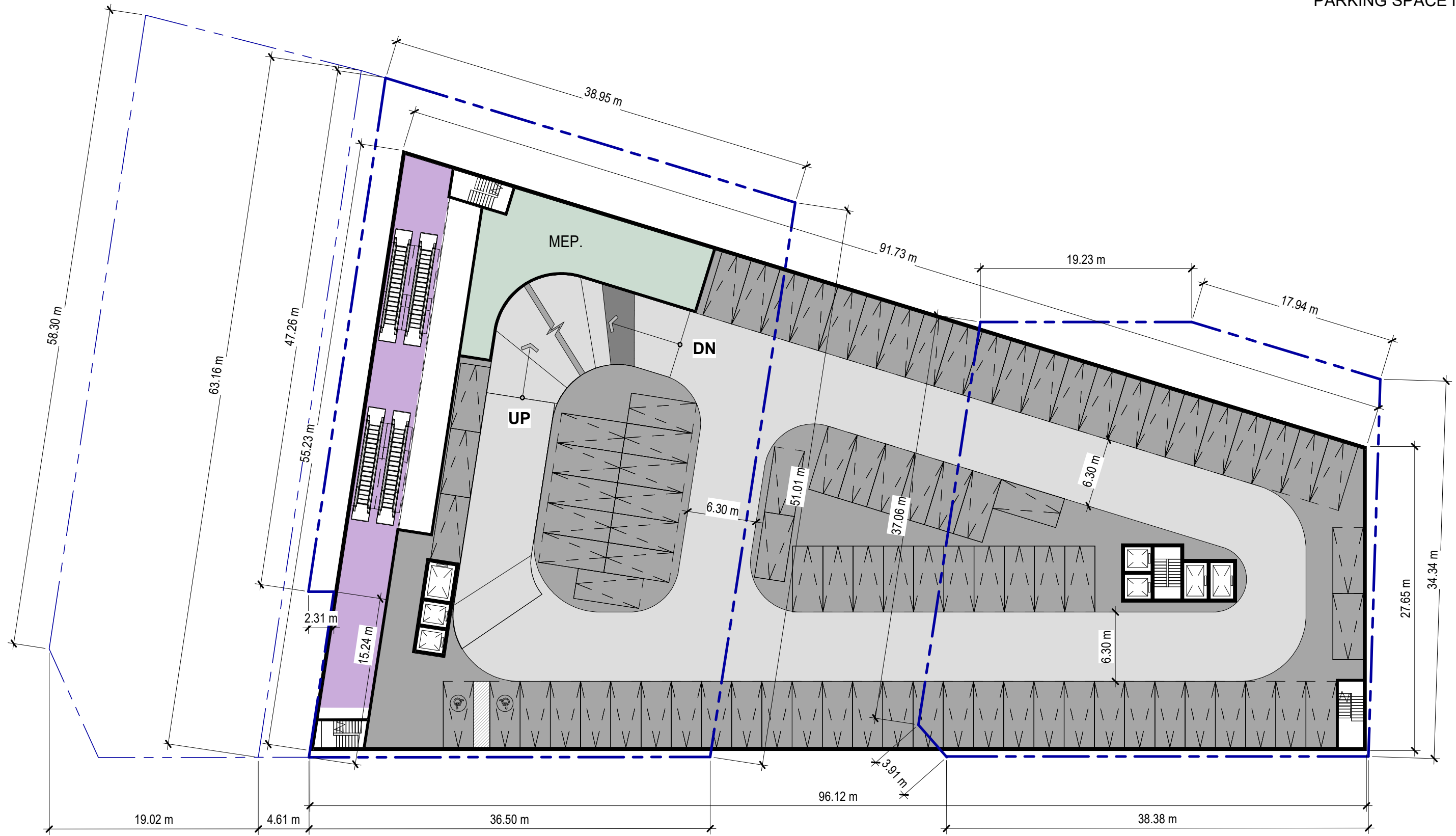
**MEZZANINE LOWER**  
PARKING SPACE NUMBER: 20

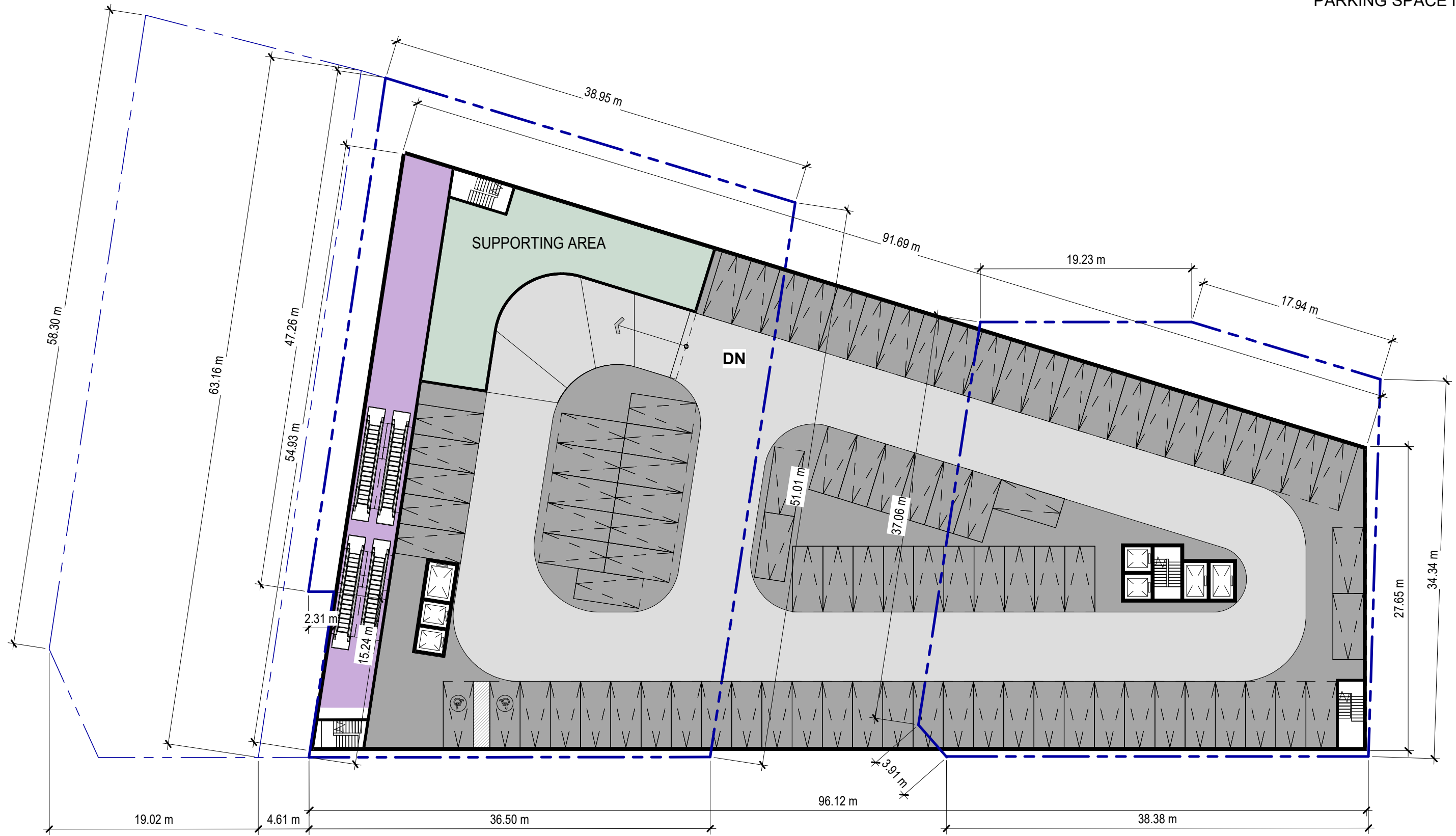


**PARKING SPACE NUMBER: 19**

**Department Legend**

- Ice Gallery
- Service
- Parking





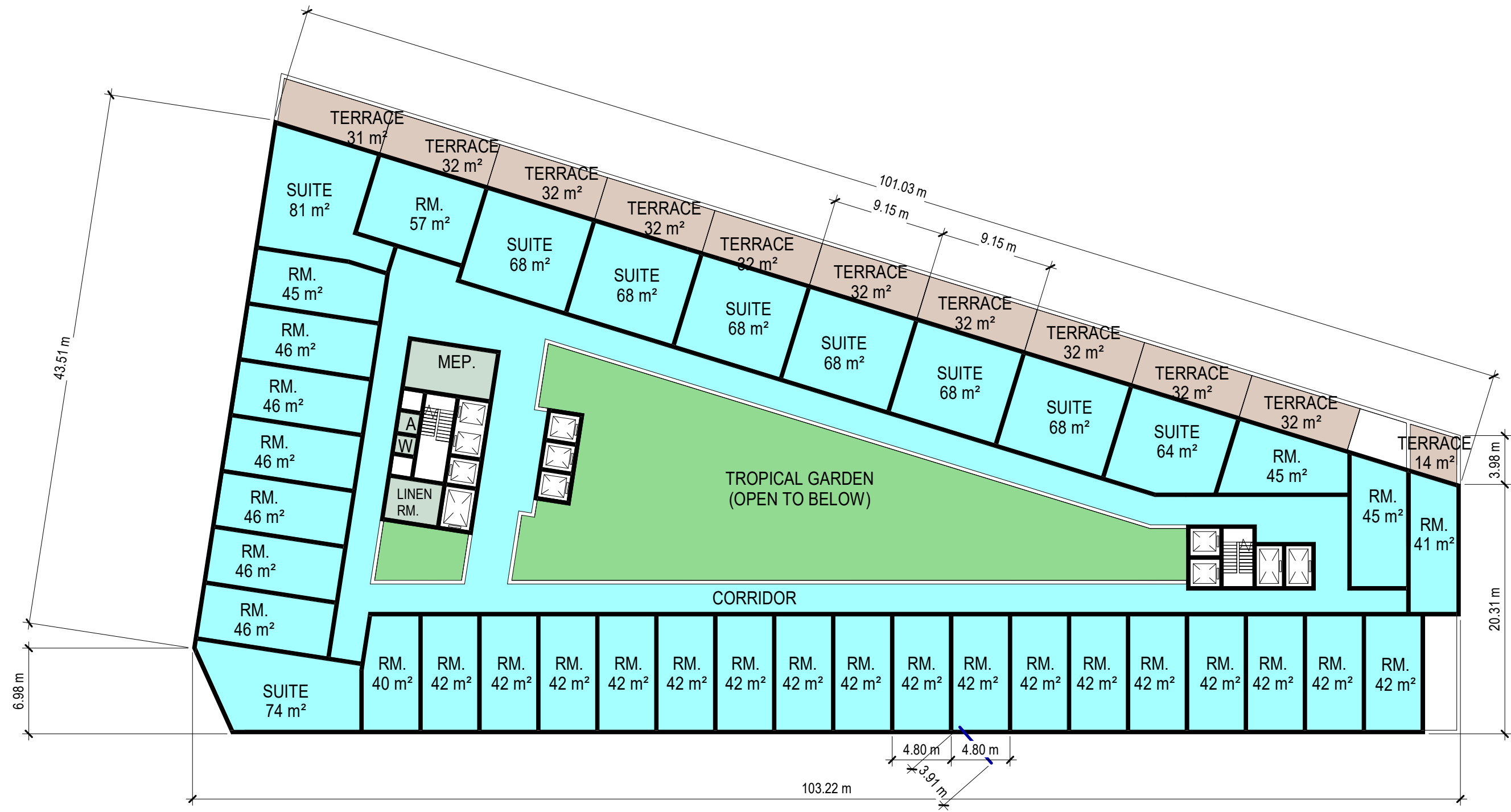




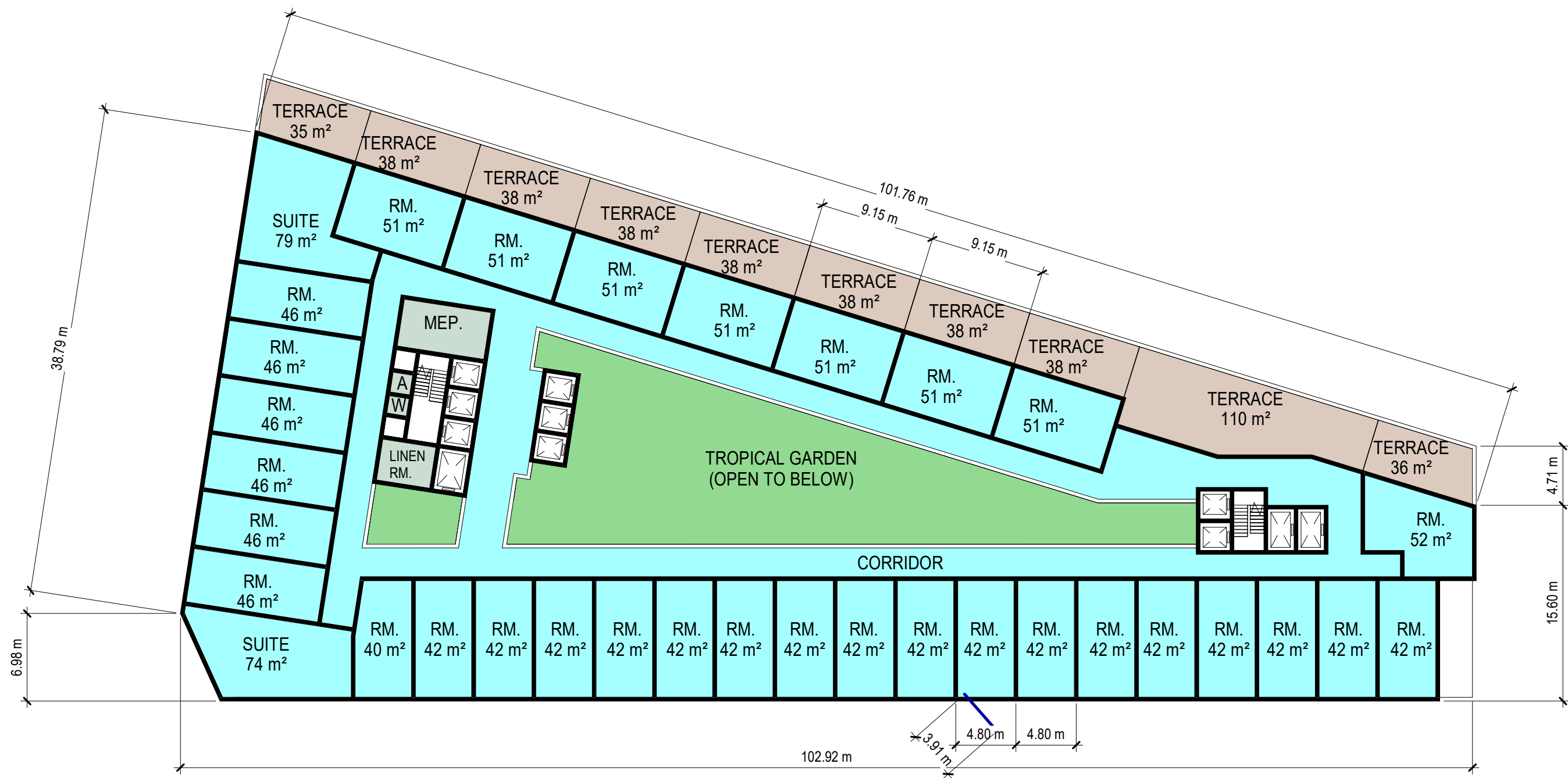


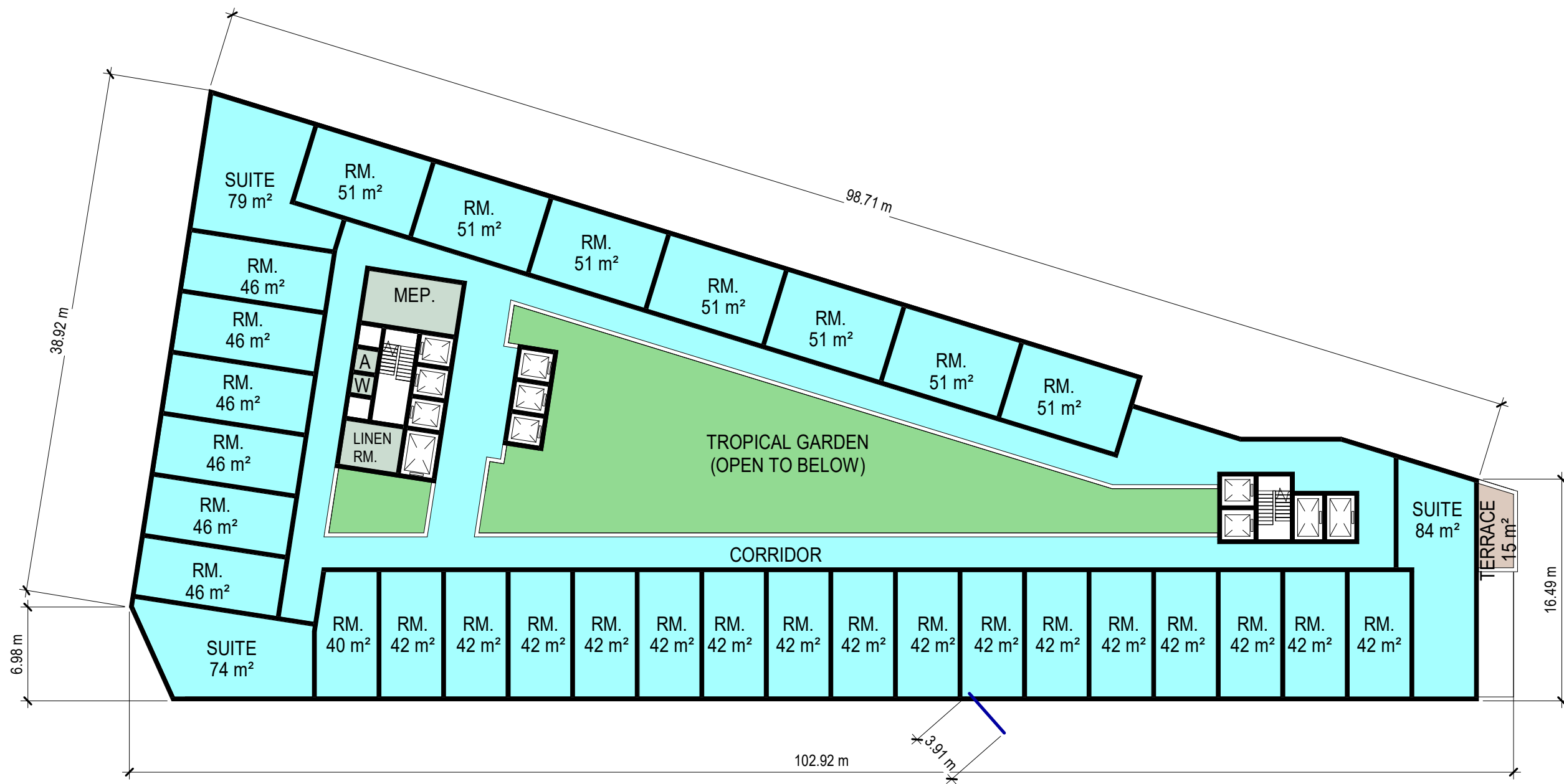






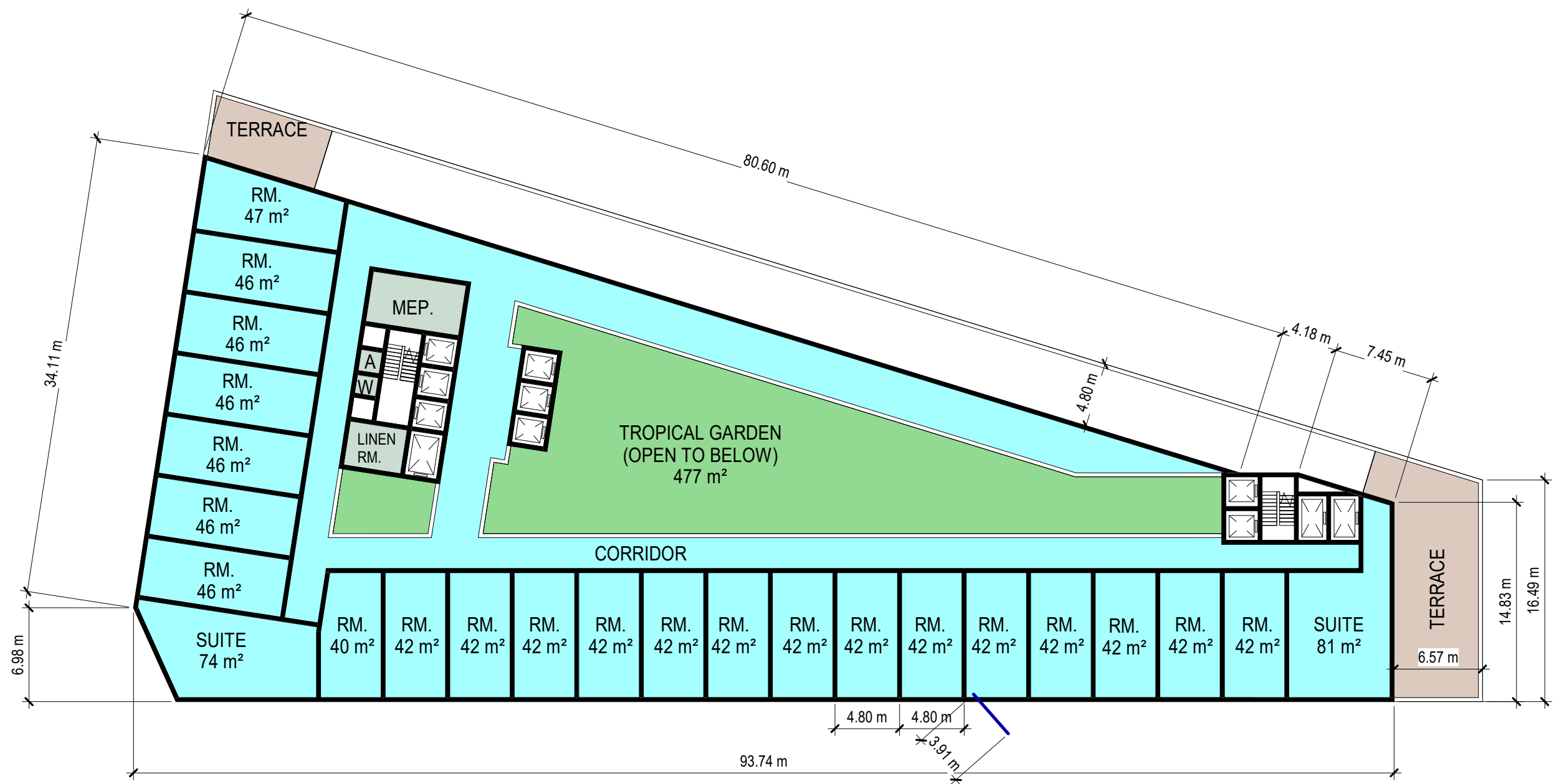


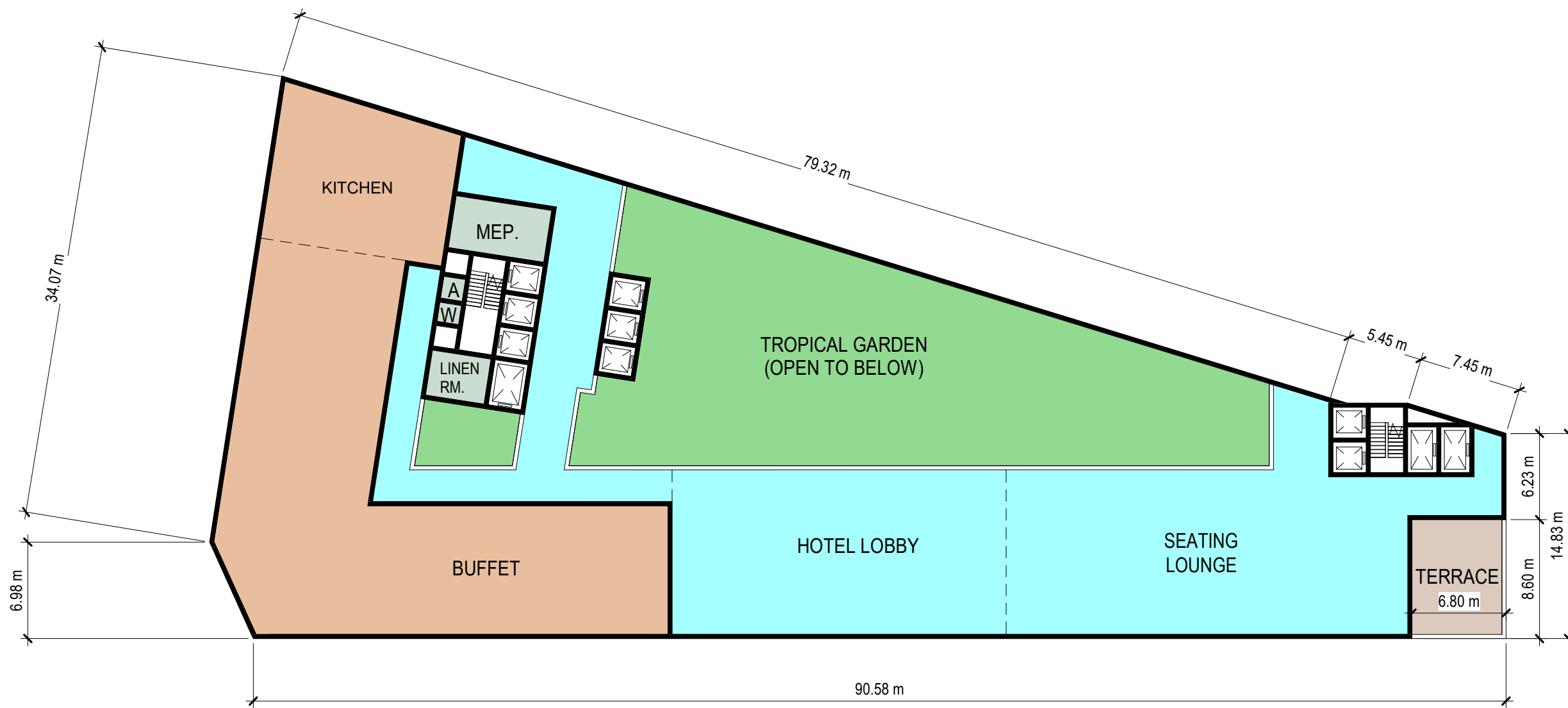




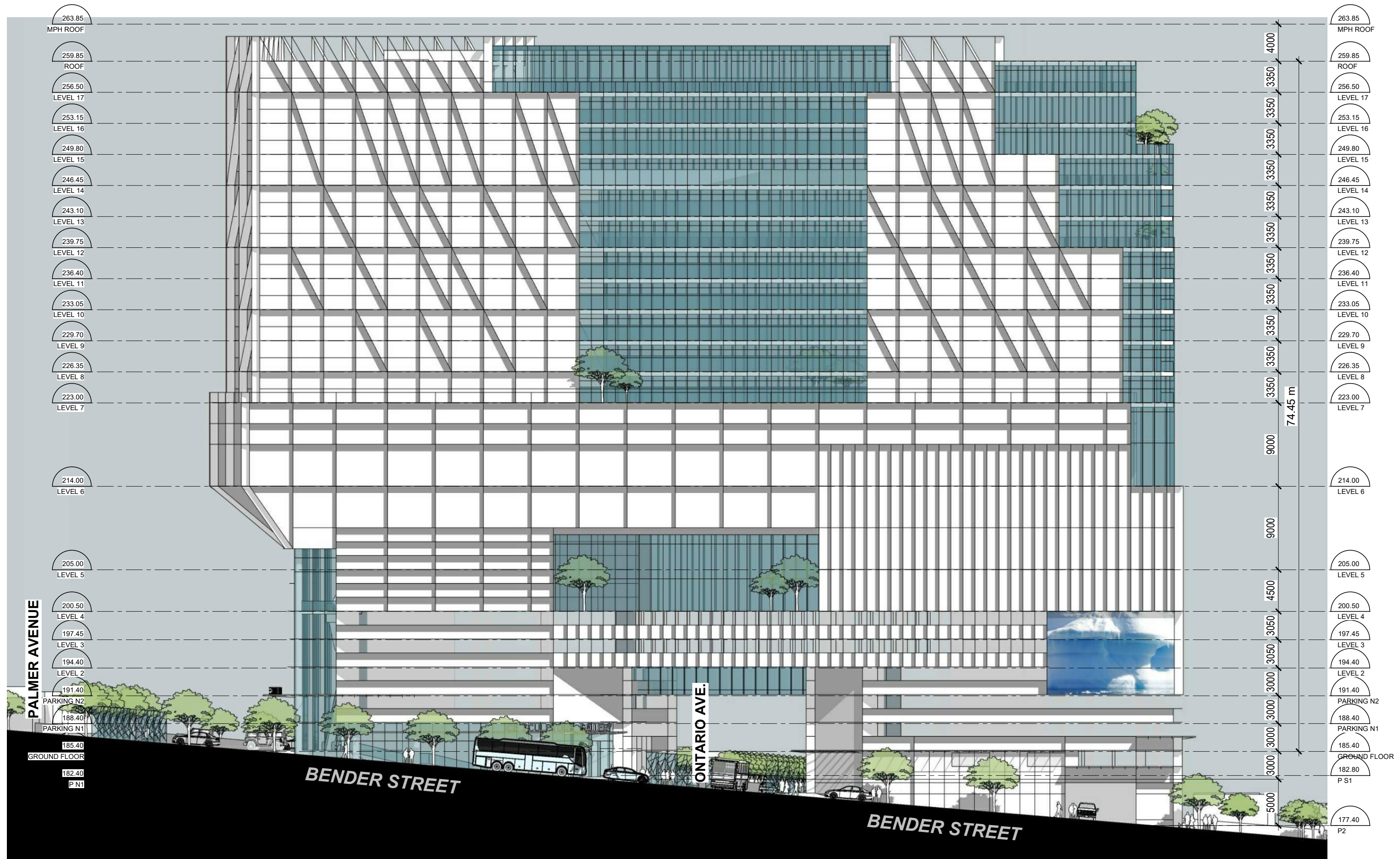
Department Legend

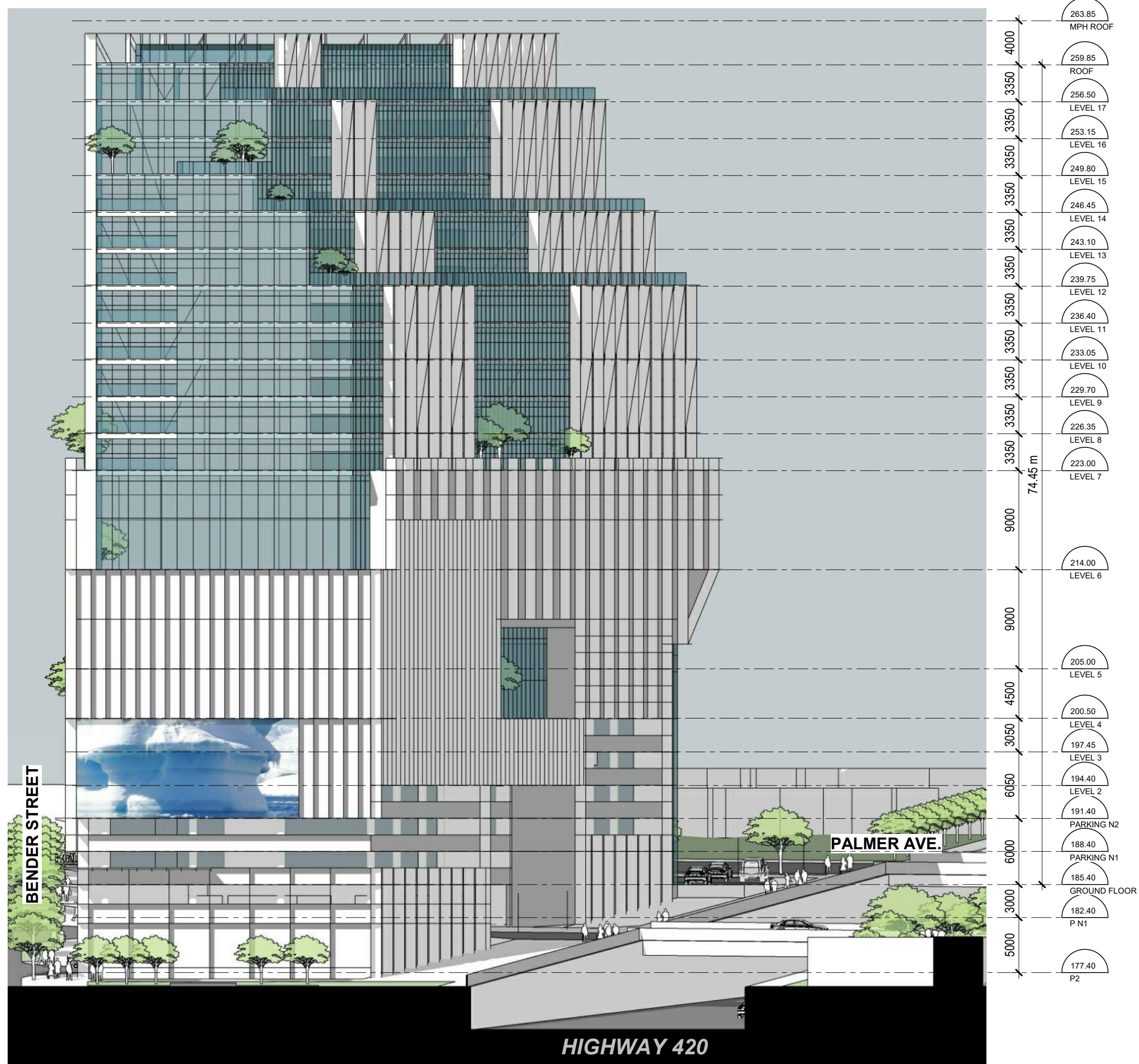
- Hotel
- Outdoor Terrace
- Service
- Tropical Garden

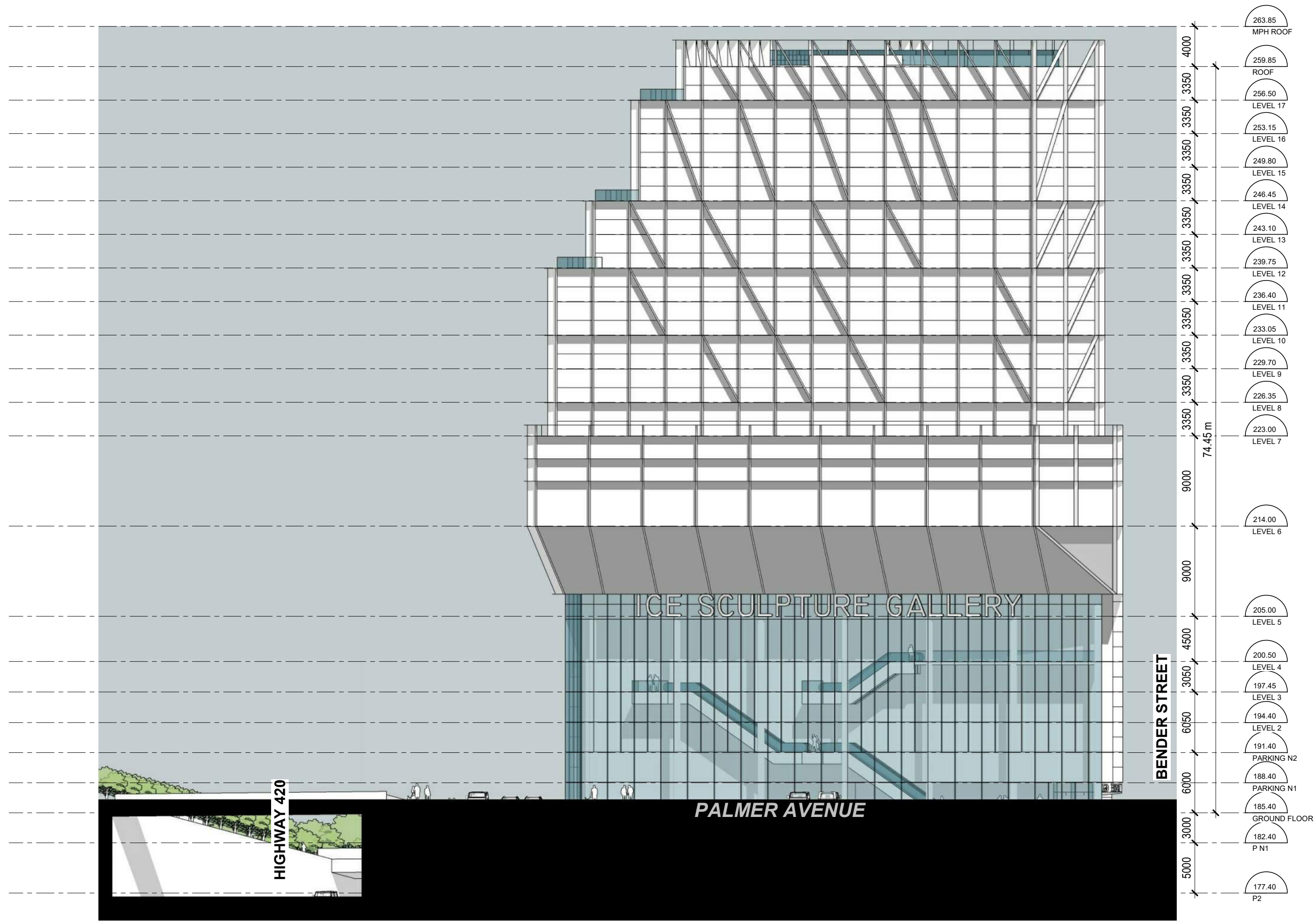


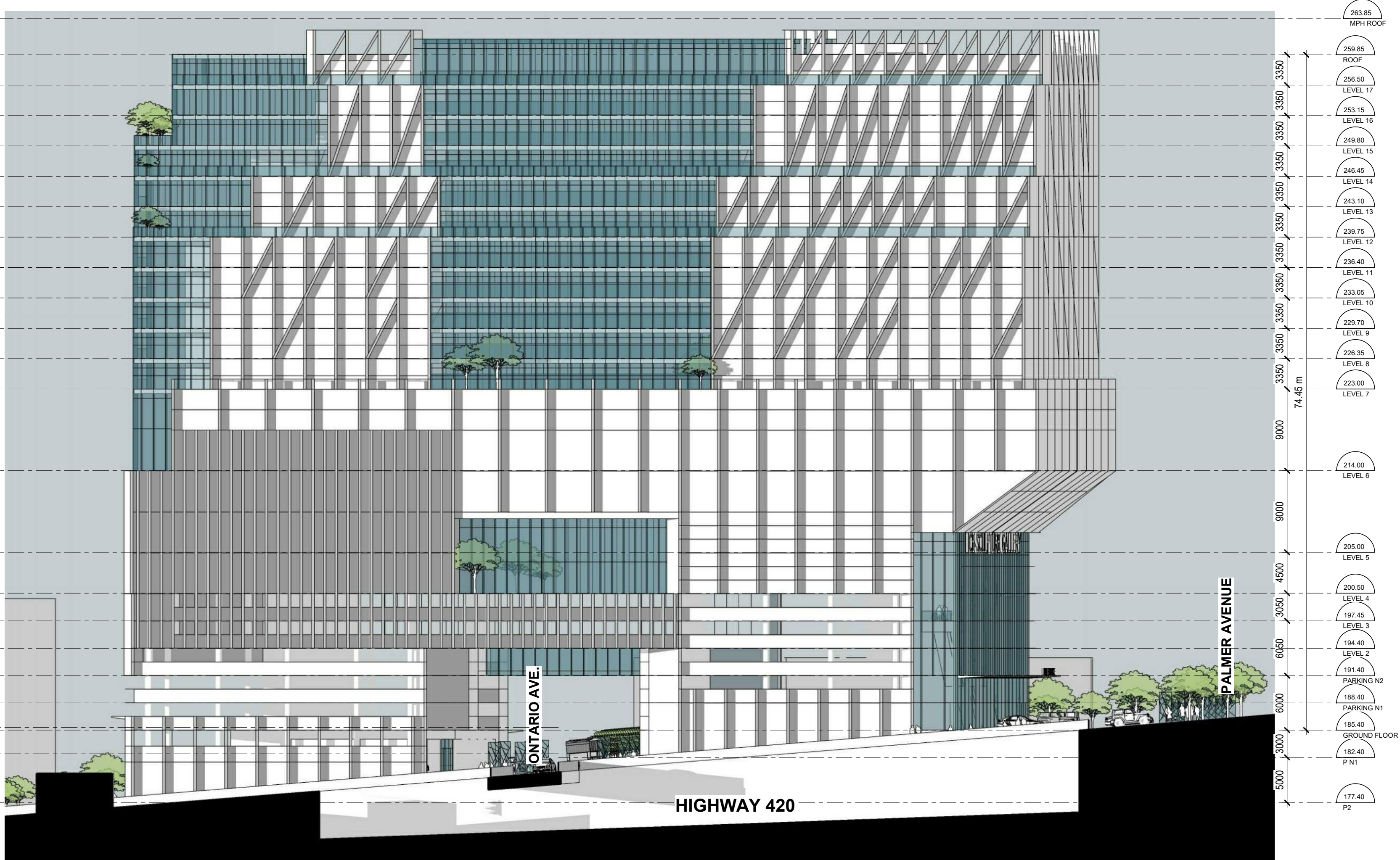










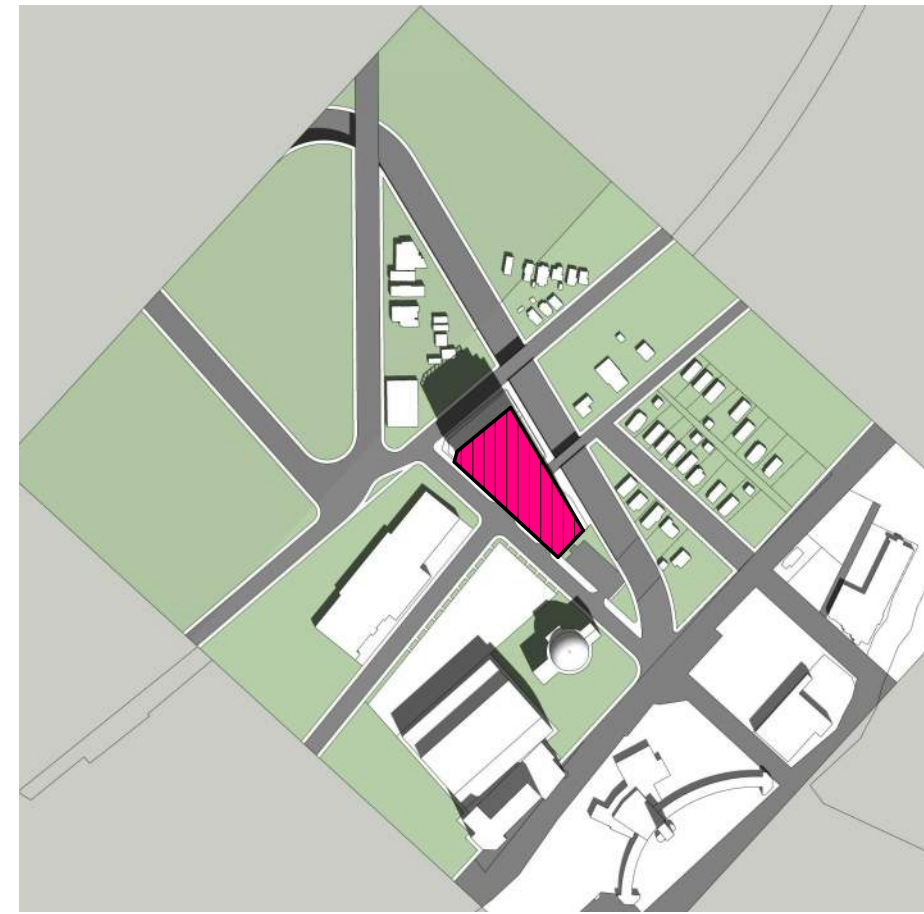




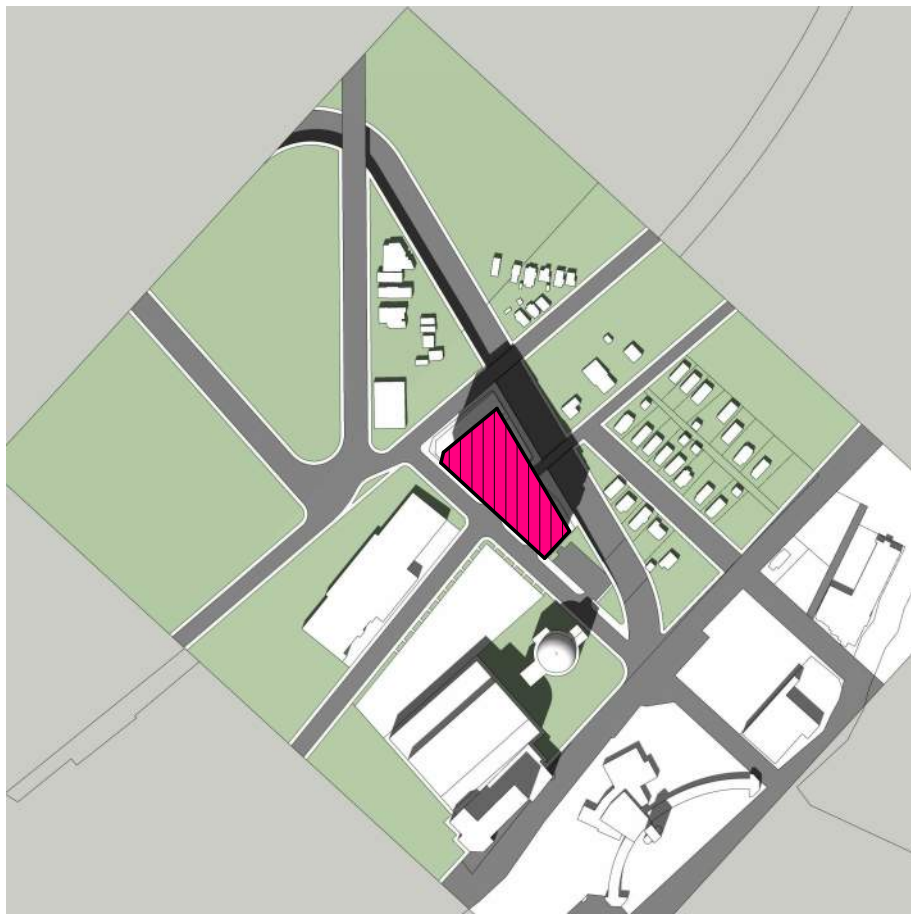
EQUINOX - SPRING MAR. 20 (FALL SEP. 20) 08:00



EQUINOX - SPRING MAR. 20 (FALL SEP. 20) 10:00



EQUINOX - SPRING MAR. 20 (FALL SEP. 20) 12:00



EQUINOX - SPRING MAR. 20 (FALL SEP. 20) 14:00



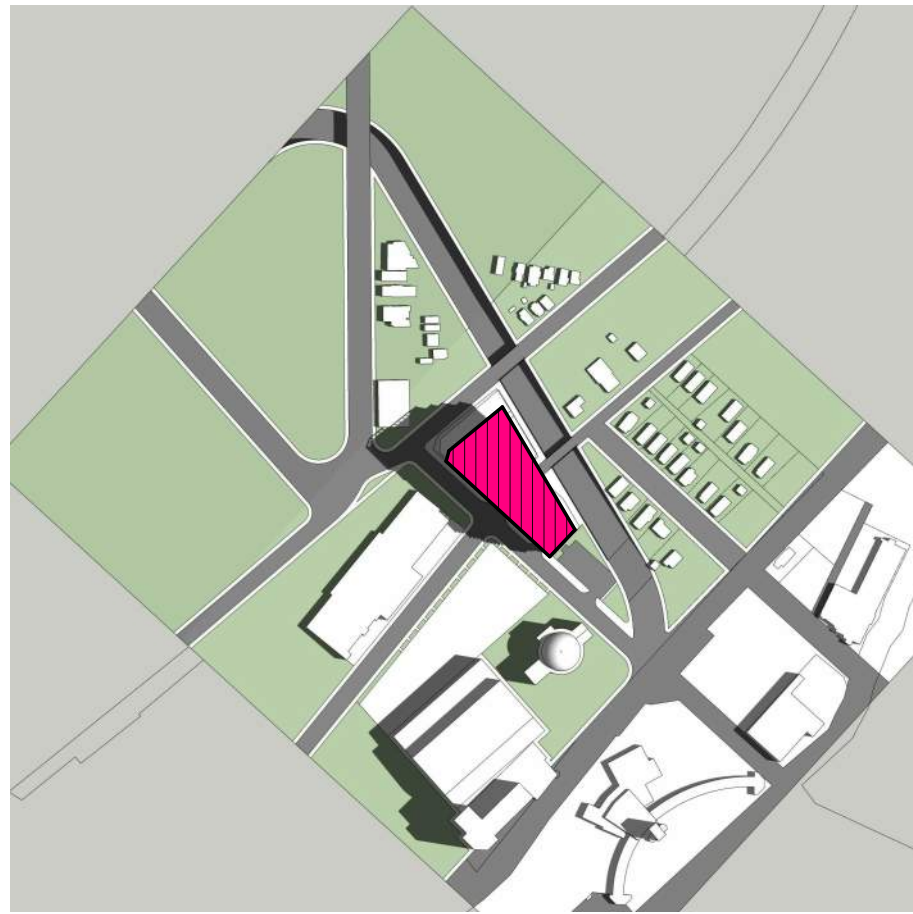
EQUINOX - SPRING MAR. 20 (FALL SEP. 20) 16:00



EQUINOX - SPRING MAR. 20 (FALL SEP. 20) 18:00



SOLSTICE - SUMMER JUN. 20 08:00



SOLSTICE - SUMMER JUN. 20 10:00



SOLSTICE - SUMMER JUN. 20 12:00



SOLSTICE - SUMMER JUN. 20 14:00



SOLSTICE - SUMMER JUN. 20 16:00



SOLSTICE - SUMMER JUN. 20 18:00



SOLSTICE - WINTER DEC. 20 08:00



SOLSTICE - WINTER DEC. 20 10:00



SOLSTICE - WINTER DEC. 20 12:00



SOLSTICE - WINTER DEC. 20 14:00



SOLSTICE - WINTER DEC. 20 16:00

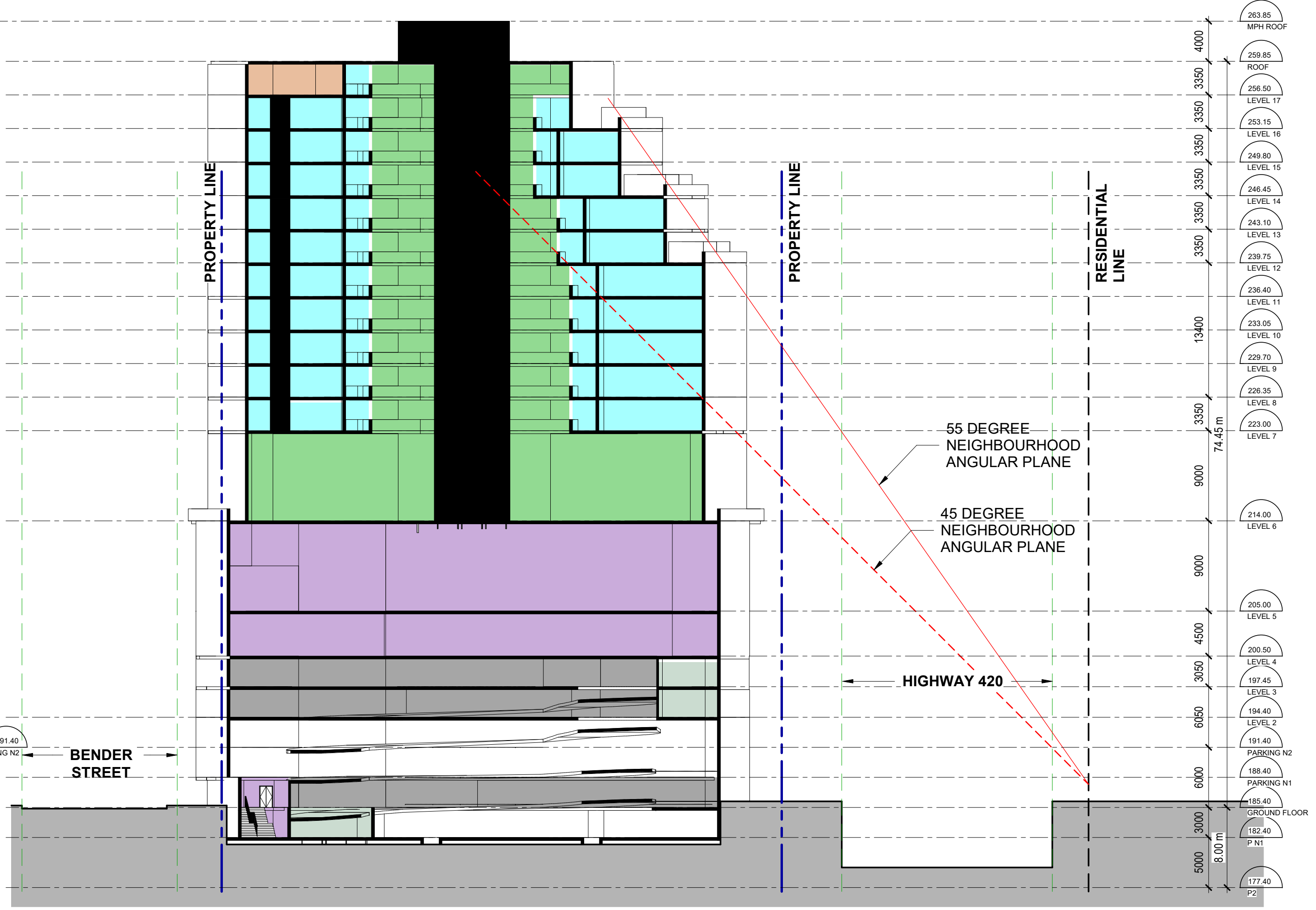


SOLSTICE - WINTER DEC. 20 18:00

Department Legend

- Buffet
- Hotel
- Ice Gallery
- Parking
- Service
- Tropical Garden

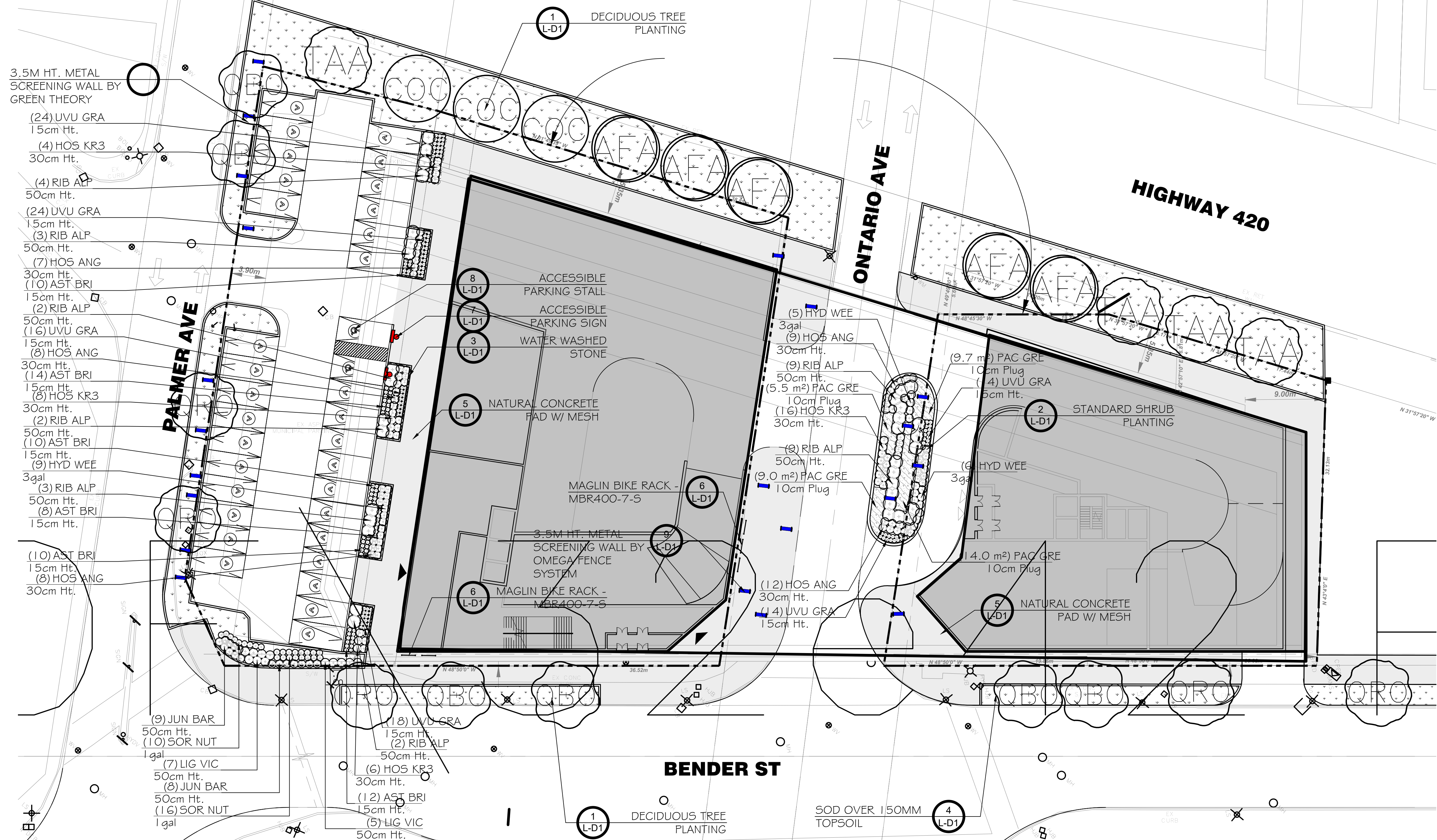
191.40  
PARKING N2  
**BENDER STREET**



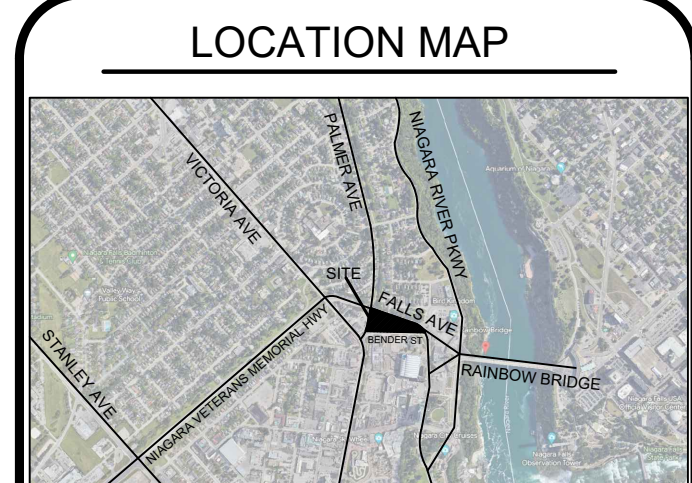


## **APPENDIX III**

### **PRELIMINARY LANDSCAPE PLAN**



- 3.5M HT. METAL SCREENING WALL BY GREEN THEORY
- (24) UVU GRA 15cm Ht.
- (4) HOS KR3 30cm Ht.
- (4) RIB ALP 50cm Ht.
- (24) UVU GRA 15cm Ht.
- (3) RIB ALP 50cm Ht.
- (7) HOS ANG 30cm Ht.
- (10) AST BRI 15cm Ht.
- (2) RIB ALP 50cm Ht.
- (16) UVU GRA 15cm Ht.
- (8) HOS ANG 30cm Ht.
- (14) AST BRI 15cm Ht.
- (8) HOS KR3 30cm Ht.
- (2) RIB ALP 50cm Ht.
- (10) AST BRI 15cm Ht.
- (9) HYD WEE 3gal
- (3) RIB ALP 50cm Ht.
- (8) AST BRI 15cm Ht.
- (10) AST BRI 15cm Ht.
- (8) HOS ANG 30cm Ht.
- (9) JUN BAR 50cm Ht.
- (10) SOR NUT 1gal
- (7) LIG VIC 50cm Ht.
- (8) JUN BAR 50cm Ht.
- (16) SOR NUT 1gal
- (18) UVU GRA 15cm Ht.
- (2) RIB ALP 50cm Ht.
- (6) HOS KR3 30cm Ht.
- (12) AST BRI 15cm Ht.
- (5) LIG VIC 50cm Ht.



**GENERAL NOTES**

THE LOCATION OF PROPERTY LINES, ELEVATIONS AND FACILITIES ON THIS PLAN WERE DRAWN ON THE BASIS OF A DIGITAL SITE PLAN OR SURVEY DATA PROVIDED BY OTHER CONSULTANTS.

IT IS THE RESPONSIBILITY OF THE CLIENT AND HIS CONTRACTORS TO CONFIRM THE ACCURACY OF THE SETBACKS, LOCATIONS AND GRADES ETC. ANY VARIATIONS BETWEEN EXISTING CONDITIONS AND THIS PLAN SHOULD BE ADVISED ON SITE AND REPORTED TO THE CONSULTING LANDSCAPE ARCHITECT TO DETERMINE THE IMPACT OF THE VARIATIONS ON THE SUITABILITY OF THE PROPOSED DEVELOPMENT.

CONSTRUCTION MUST CONFORM TO ALL CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

**REVISIONS**

NO.	DATE	NOTES	BY
2	2023-12-01	UPDATE LANDSCAPE PLAN	KT
1	2023-06-26	LANDSCAPE DRAFT	KT

THESE LANDSCAPE DRAWINGS SHALL ONLY BE USED FOR THE PURPOSES INDICATED BELOW AS NOTED AND WHEN SIGNED BY THE CONSULTING LANDSCAPE ARCHITECT.

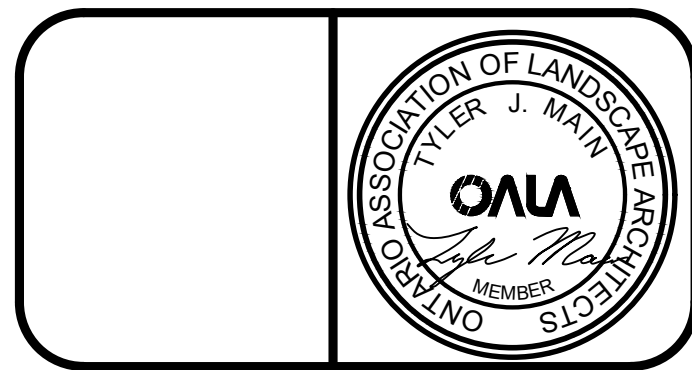
<input checked="" type="checkbox"/>	CONCEPTUAL	<input type="checkbox"/>	TENDER
<input type="checkbox"/>	PRELIMINARY	<input type="checkbox"/>	CONTRACT
<input type="checkbox"/>	SITE PLAN	<input type="checkbox"/>	CONSTRUCTION
<input type="checkbox"/>	PERMIT	<input type="checkbox"/>	AS-BUILT

**PLANT SCHEDULE LANDSCAPE PLAN**

CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONT	REMARKS
<b>TREES</b>						
AFA	5	Acer freemanii 'Autumn Blaze'	Autumn Blaze Maple	60mm Cal.	W.B.	
COC	3	Celtis occidentalis	Common Hackberry	60mm Cal.	W.B.	
QBO	6	Quercus bicolor	Swamp White Oak	60mm Cal.	W.B.	
QRO	5	Quercus rubra	Red Oak	60mm Cal.	W.B.	
TAA	4	Tilia americana	American Linden	60mm Cal.	W.B.	
<b>SHRUBS</b>						
AST BRI	64	Astilbe x arendsii 'Bridal Veil'	Bridal Veil Astilbe	15cm Ht.	1 Gal. Potted	
HOS KR3	45	Hosta nigrescens 'Krossa Regal'	Hosta	30cm Ht.	Potted	
HOS ANG	44	Hosta x 'Blue Angel'	Blue Angel Hosta	30cm Ht.	Potted	
HYD WEE	20	Hydrangea quercifolia 'Pee Wee'	Pee Wee Oakleaf Hydrangea	3gal		
JUN BAR	17	Juniperus horizontalis 'Bar Harbor'	Bar Harbor Creeping Juniper	50cm Ht.	Potted	
LIG VIC	12	Ligustrum vicaryi	Golden Vicary Privet	50cm Ht.	Potted	
RIB ALP	34	Ribes alpinum	Alpine Currant	50cm Ht.	Potted	
SOR NUT	26	Sorghastrum nutans	Indian Grass	1 gal	Potted	
UVU GRA	110	Uvularia grandiflora	Merrybells	15cm Ht.	Potted	
<b>GROUND COVERS</b>						
PAC GRE	36,4 m <sup>2</sup>	Pachysandra terminalis 'Green Carpet'	Green Carpet Japanese Pachysandra	10cm Plug		

**REFERENCE NOTES SCHEDULE LANDSCAPE PLAN**

SYMBOL	DESCRIPTION	QTY	DETAIL
	Bike Rack - Maglin MBR400-7-5	5	6/L-D1
<b>Parking</b>			
	Accessible Parking Sign	2	7/L-D1
<b>Fences and Gates</b>			
	3.5m Ht. Wind Screened Panel Wall	21	9/L-D1
<b>Accessible</b>			
	Water Washed Stone over filter cloth	10,8 m <sup>2</sup>	3/L-D1
<b>Concrete Paving</b>			
	Concrete Paving with 200mm depth of 19mm Crusher Run Limestone	1,458 m <sup>2</sup>	5/L-D1
<b>Turf &amp; Grasses</b>			
	Sod over 150mm Topsoil	1,270 m <sup>2</sup>	4/L-D1



THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND THE LANDSCAPE ARCHITECT RETAINS OWNERSHIP OF THESE DRAWINGS. THEY ARE FOR SITE PLAN APPROVAL ONLY AND MAY REQUIRE FURTHER CONSTRUCTION DETAILING AND COORDINATION WITH OTHER ASSOCIATED PROFESSIONAL DESIGN SERVICES BEFORE ACTUAL TENDER AND CONSTRUCTION COMMENCES. DIMENSIONS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION. DRAWINGS ARE NOT TO BE SCALED. IT IS ADVISED THAT CONTRACTORS CONTACT THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION TO ENSURE THE USE OF THE LATEST REVISED DRAWINGS. THE LANDSCAPE ARCHITECT IS NOT LIABLE FOR ERRORS OR OMISSIONS ARISING FROM UTILIZATION OF THESE PLANS BEFORE THE SAID DRAWINGS ARE SCALED, SIGNED AND DATED, AND THE LANDSCAPE ARCHITECT IS CONTRACTED TO PROVIDE CONSTRUCTION ADMINISTRATION AND CERTIFICATION SERVICES BY THE OWNER. ALL APPARENT DISCREPANCIES ARE TO BE REPORTED IN WRITING TO THE LANDSCAPE ARCHITECT BEFORE CONSTRUCTION COMMENCES.

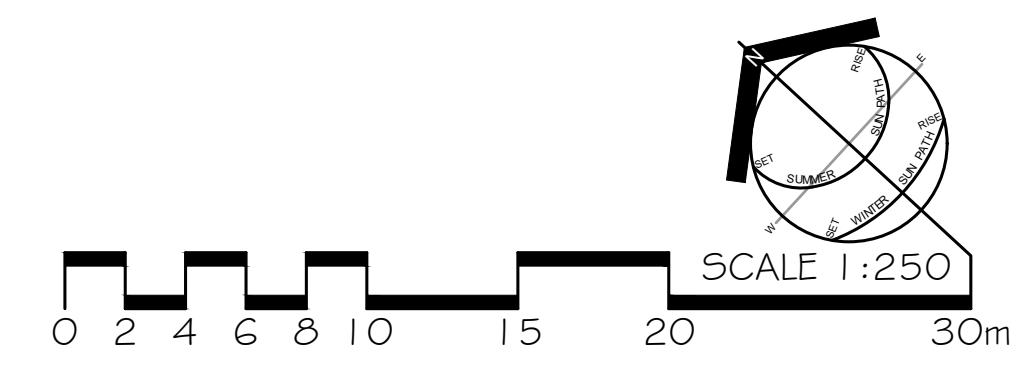
PROJECT: SPA FILE #  
**ICE SCULPTURE CENTRE - HOTEL**  
 BENDER STREET, NIAGARA FALLS

DRAWING: **LANDSCAPE PLAN**

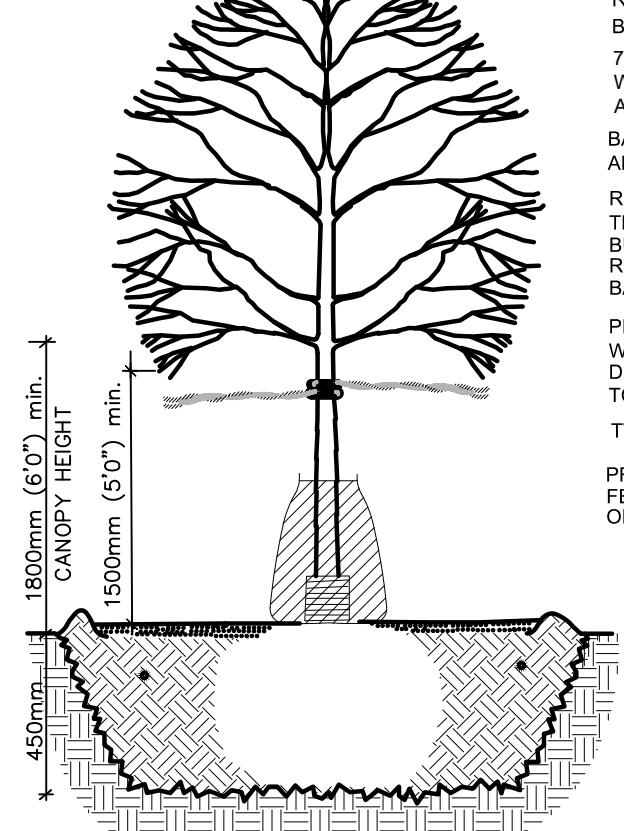
DRAWN BY: NAME  
 CHECKED BY: TM  
 DATE: JUNE 2023  
 JOB NO.: 2023-072

SCALE: 1:250  
 DATE: JUNE 2023  
 DRAWING: L1  
 1 of 2

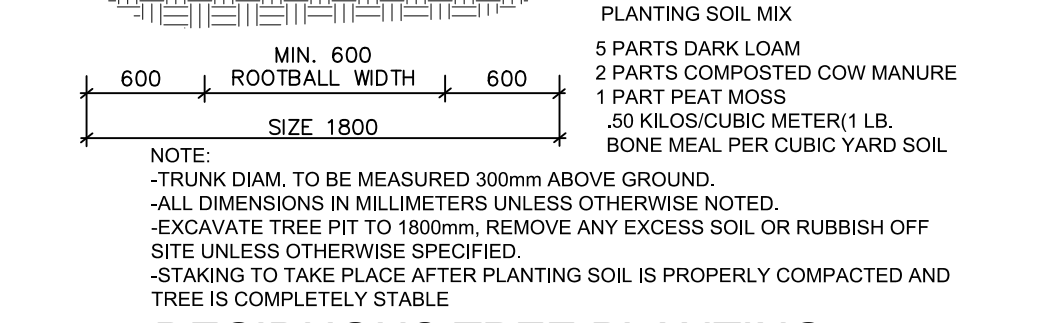
File #2023-072.



FASTEN WITH 1/4" HEMP ROPE THROUGH 10mm DIA. RUBBER HOSE TO SUPPORT TREE, STAKES PARALLEL TO PREVAILING WIND. TWIST HEMP ROPE BETWEEN TREE TRUNK AND STAKE TO PREVENT SLIPPING DOWN TRUNK. SECURELY STAKE WITH DOUBLE WRAP. DO NOT DOUBLE WRAP AROUND TRUNK.

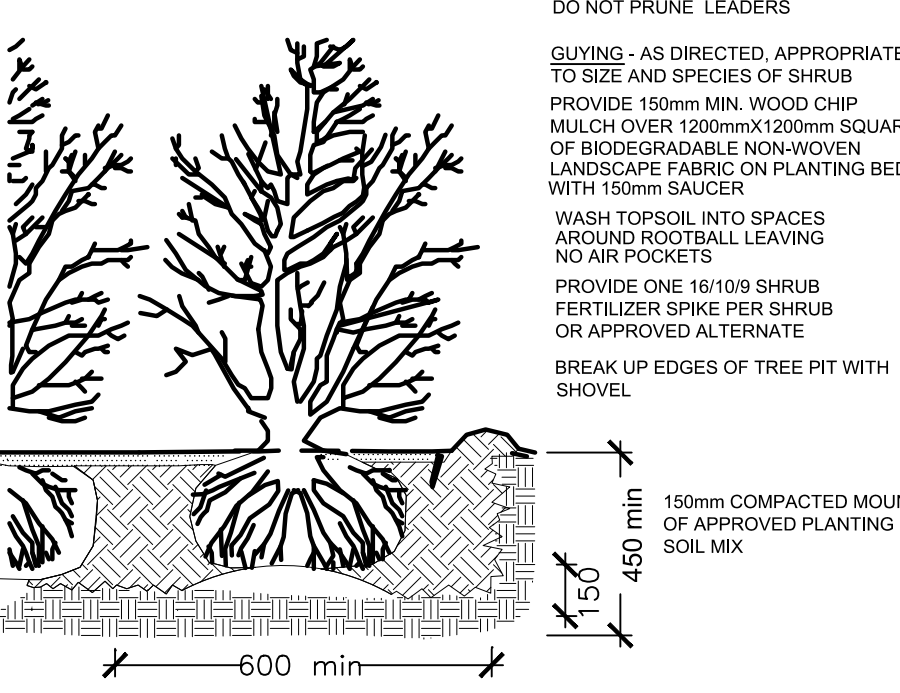


REMOVE ONLY DEAD OR BROKEN BRANCHES. NEVER CUT LEADER. 75MM X 457MM WIDE TREE GATOR WATERING BAG OR APPROVED ALTERNATIVE. BASE OF TRUNK IS TO BE 50mm ABOVE FINISHED BOULEVARD GRADE. REMOVE ALL TREE WRAP FROM TRUNK. REMOVE TOP 1/3 OF BURIAL AND HIRE BASKET FROM ROOTBALL. RANDOMLY CUT REST BASKET. DO NOT FOLD DOWN. PROVIDE 150mm OF SHREDED WOOD MULCH OR BARK IN 150mm DEEP SAUCER. MULCH MUST NOT TOUCH THE TRUNK. TWO 51x51x240mm WOOD STAKES. PROVIDE 2 JOBE'S 18/8 FERTILIZER SPIKE PER TREE OR APPROVED ALTERNATE. WASH TOPSOIL INTO SPACES AROUND ROOTBALL LEAVING NO AIR POCKETS. COMPACT SOIL AROUND ROOT BALL. PROVIDE 300mm OF 150mm Ø BKG OF AROUND BASE OF TRUNK. BREAK UP INTERFACE OF UNDISTURBED SUB-GRADE.



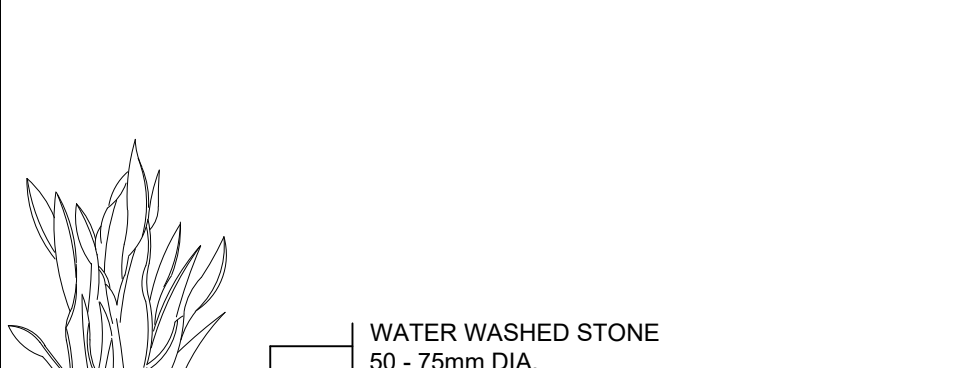
**1 DECIDUOUS TREE PLANTING WITH WATERING BAG**  
N.T.S. 329343-02

PRUNING - (TO SUIT SPECIES) PRUNE LARGE BRANCHES BY 1/3 TO REMOVE DAMAGED OR DIRECTIONAL BRANCHES FOLLOWING PROPER HORTICULTURAL PRACTICES. DO NOT PRUNE LEADERS. CUTTING - AS DIRECTED, APPROPRIATE TO SIZE AND SPECIES OF SHRUB. PROVIDE 150mm MIN. WOOD CHIP MULCH OVER 200mmX1200mm SQUARE OF BIODEGRADABLE NON-WOVEN LANDSCAPE FABRIC ON PLANTING BED WITH 150mm SAUCER. WASH TOPSOIL INTO SPACES AROUND ROOTBALL LEAVING NO AIR POCKETS. PROVIDE ONE 16/109 SHRUB FERTILIZER SPIKE PER SHRUB OR APPROVED ALTERNATE. BREAK UP EDGES OF TREE PIT WITH SHOVEL.



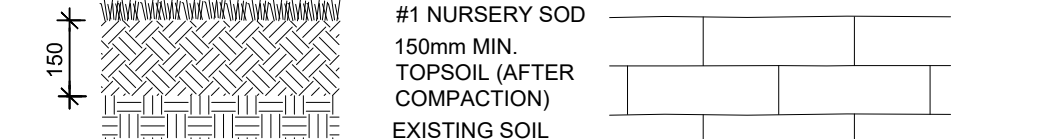
BARE ROOT - (B.R. IN PLANT LIST) SET PLANT SLIGHTLY HIGHER THAN ORIGINAL DEPTH AND SPREAD OUT ROOTS. GENTLY BACKFILL WITH SOIL MIX IN LAYERS, WORKING SOIL BETWEEN ROOTS. PREPARATION OF BED: EXCAVATE SHRUB BED TO SIZE OUTLINED ON DRAWING AND TO A MINIMUM 450mm DEPTH. REMOVE ANY TOPSOIL OR RUBBISH OFF SITE UNLESS OTHERWISE DIRECTED. NOTE: 1. ALL DIMENSIONS ARE IN MILLIMETERS. 2. WATER WELL UPON COMPLETION.

**2 STANDARD SHRUB PLANTING**  
N.T.S. 329333.01-01



UNDISTURBED SOIL  
LANDSCAPE FABRIC  
WEED PROOF MESH  
HARD PLASTIC EDGING WITH ANCHORING STAKES  
PLANTING BED OR SOD AS PER DRAWING

**3 WATER WASHED STONE**  
N.T.S. 321540-02

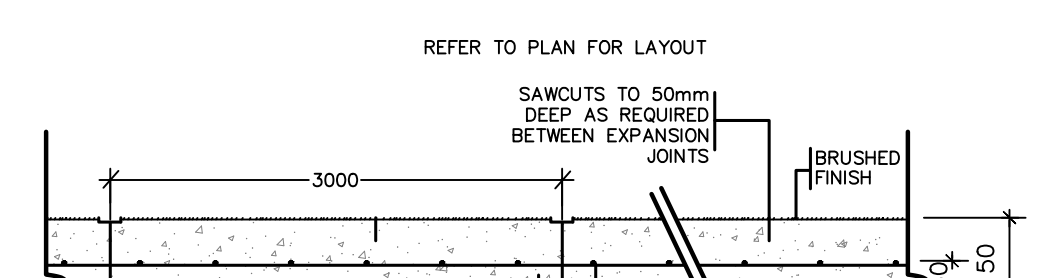


SECTION  
LAYING SOD: THE SURFACE OF THE SOIL MUST BE LEVELED OR TO FORM EVEN-FLOWING CONTOURS. AND WELL FIRMED BUT LEAVING A FINE LOOSE TEXTURE BEFORE THE SOD IS LAID. THE SOD SHALL BE LAID IN ROWS COMMENCING AT A POINT CLOSE TO SOIL ACCESS SO THAT WORK PROCEEDS OVER THE SOD ALREADY LAID USING AGGREGATE TIMBER PLANKS TO SUPPORT WORKMEN AND WHEELBARROWS. SOD SHALL BE LAID IN STRETCHER BOND PATTERN (AS IN BRICK WALLS) WITH BROKEN CROSS JOINTS. THEY SHALL BE CLOSELY BUTTED TOGETHER LEAVING NO GAP AFTER THE SOD IS PROPERLY PLACED THE SOD IS TO BE ROLLED TO INSURE GOOD CONTACT BETWEEN SOD AND UNDERLYING SOIL. ROLLING IS TO BE PERPENDICULAR TO THE DIRECTION IN WHICH THE SOD WAS LAID. ANY IRREGULARITIES SHALL BE ADJUSTED BY LIFTING AND RAKING OUT OR INFILLING WITH FINE SOIL. EDGES WILL ALWAYS BE LAID WITH WHOLE TURFS. THE FINISHED LEVEL OF THE TURF SHALL CONFORM TO THE LEVELS SHOWN ON THE DRAWINGS AND SHALL BE 20mm ABOVE PREVIOUS SOIL LEVEL ADJOINING EXISTING TREES OR SHRUBS. SOD MUST NOT BE LAID DURING SNOW OR FROSTY WEATHER OR ON EXCEPTIONALLY DRY OR WATERLOGGED GROUND. IMMEDIATELY AFTER INSTALLATION, THE CONTRACTOR MUST WATER THE SOD AND UPPER 150mm OF SOIL.

MOWING AND TRIMMING: DURING THE GROWING SEASON THE GRASS WILL BE CUT WITH AN APPROVED MACHINE AT REGULAR INTERVALS TO ENSURE THAT THE GRASS DOES NOT EXCEED 50mm HIGH. THE EDGES OF THE SODDING AREAS SHALL BE NEATLY TRIMMED BY HAND CLIPPING AT THE TIME OF EACH MOWING. HEAVY GRASS MOWINGS MUST BE REMOVED OR SPREAD ABOUT EVENLY IMMEDIATELY AFTER TRIMMING AND MOWING.

HANDLING: AREAS WILL NOT BE ACCEPTED FOR HANDOVER ON THE SPECIFIED DATES IF FOR ANY OF THE FOLLOWING REASONS THE WORK IS NOT UP TO STANDARD: (A) IF THE SWARD HAS FAILED TO ESTABLISH ITSELF TO THE SATISFACTION OF THE OWNER; (B) IF THE GRASS IS DAMAGED BY FAILURE TO CARRY OUT MAINTENANCE OPTIONS; (C) IF PARTS OF GRASS ARE ONLY HALF-COMPLETED; (D) IF SWARD BELOW FINISHED LEVEL HAS OCCURRED; (E) THE GRASS AREAS AND SITE HAVE NOT BEEN CLEARED OF STONE, WEEDS AND OTHER RUBBISH; (F) IF RESOURED PATCHES HAVE NOT BECOME ESTABLISHED. THE CONTRACTOR IS TO CONTINUE TO MAINTENANCE OF THE GRASS UNTIL ACCEPTANCE AND IS RESPONSIBLE FOR A MINIMUM OF ONE YEAR.

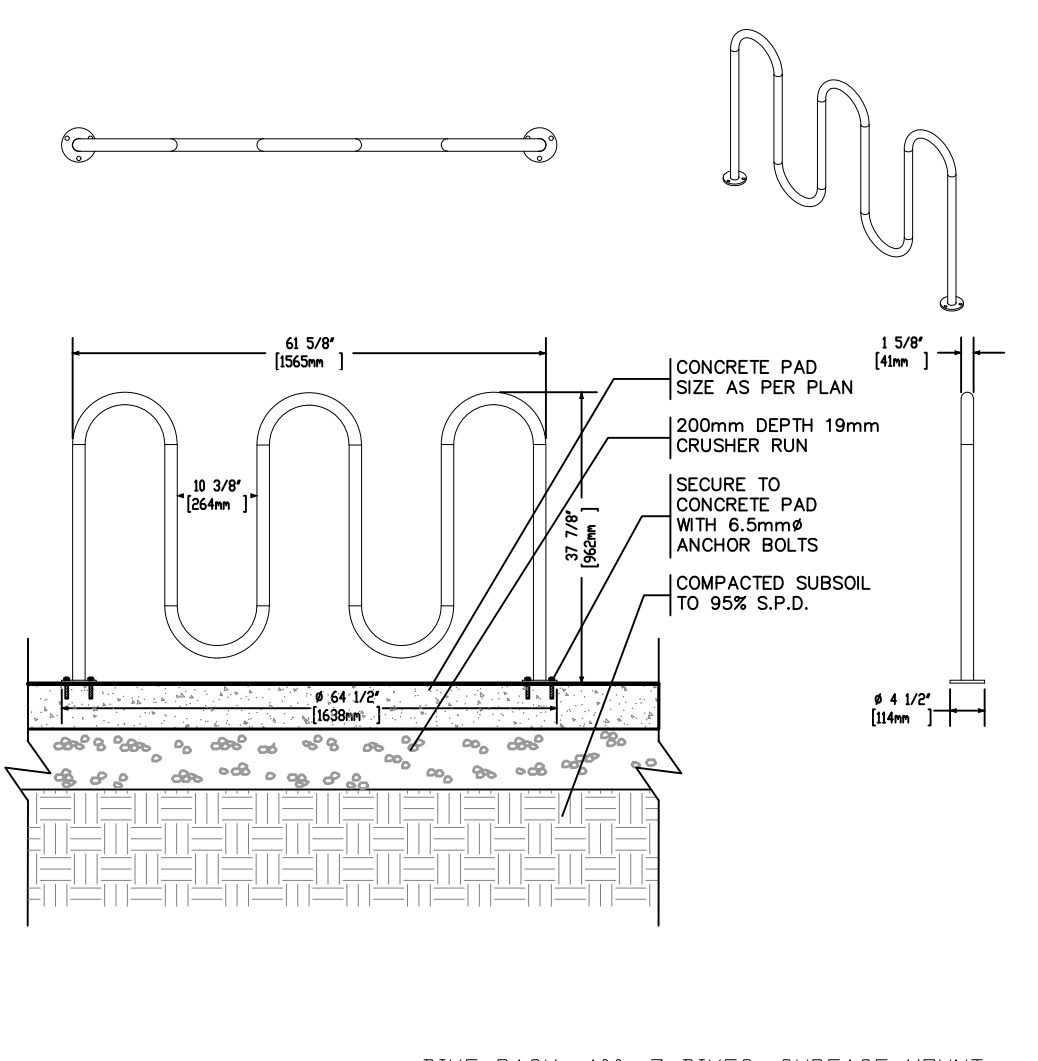
**4 SOD OVER 150MM TOPSOIL**  
N.T.S. 329223-01



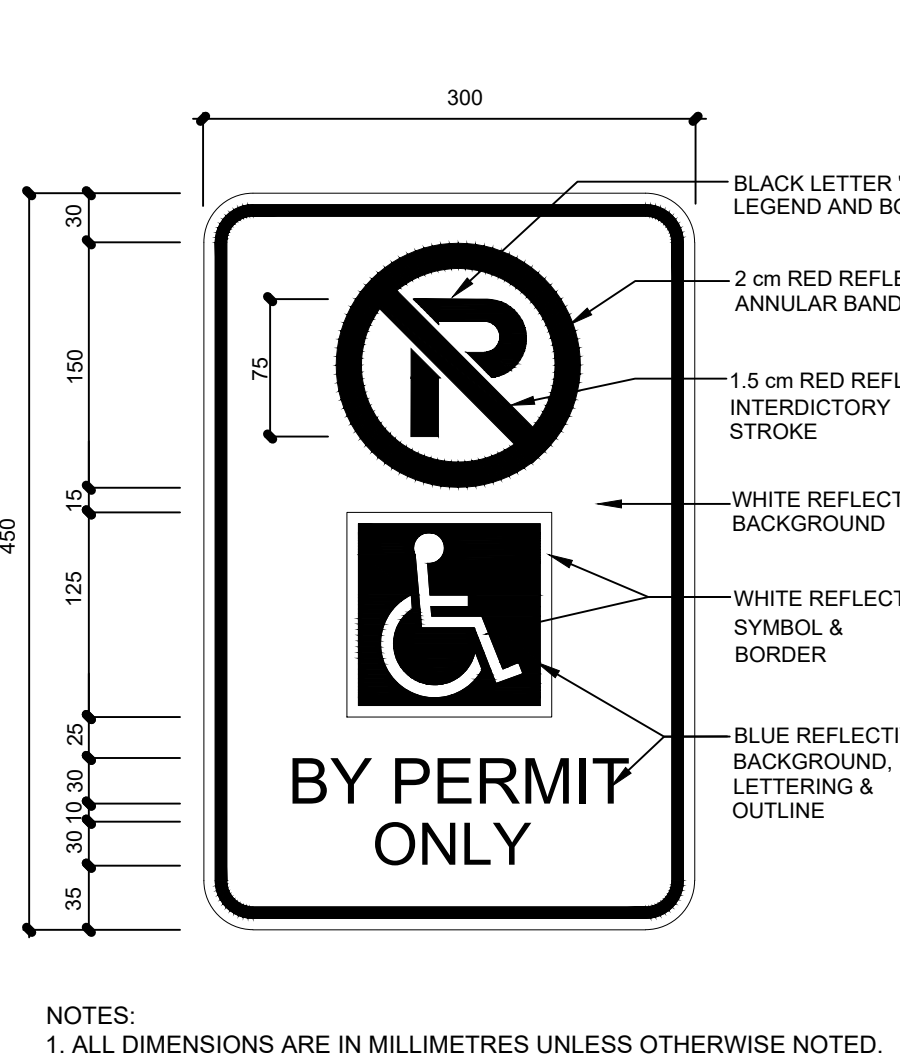
EXPANSION JOINTS AT 3000mm O.C. AND EDGE TREATMENT FINISH WITH FOAM BACKER ROD AND CAULK JOINT WITH MASTIC SEALANT. WIDTH TO DEPTH RATIO OF MASTIC TO BE PER MANUFACTURER'S RECOMMENDATIONS. BASE - 3/4" CRUSHER RUN LIMESTONE COMPACTED TO 95% SPD IN 50mm LIFTS. BACKFILL REMAINDER OF TRENCH WITH 3/4" CLEAR STONE & COMPACT TO 95% SPD. 100mm DIA PERFORATED PVC PIPE IN FILTER SOCK SLOPED MIN. 1.0% TO CATCHBASIN.

NOTE: - ALL DIMENSIONS ARE IN MILLIMETERS  
- PROVIDE EXPANSION JOINTS AS PER SITE DIRECTION BY LANDSCAPE ARCHITECT  
- PLACE DRAINS AS PER SITE SERVING DRAWINGS  
- BRUSHED FINISH AS PER SITE DIRECTION BY LANDSCAPE ARCHITECT

**5 NATURAL CONCRETE PAD W/ MESH WITH OPTIONAL DRAIN**  
N.T.S. 321313.13-13

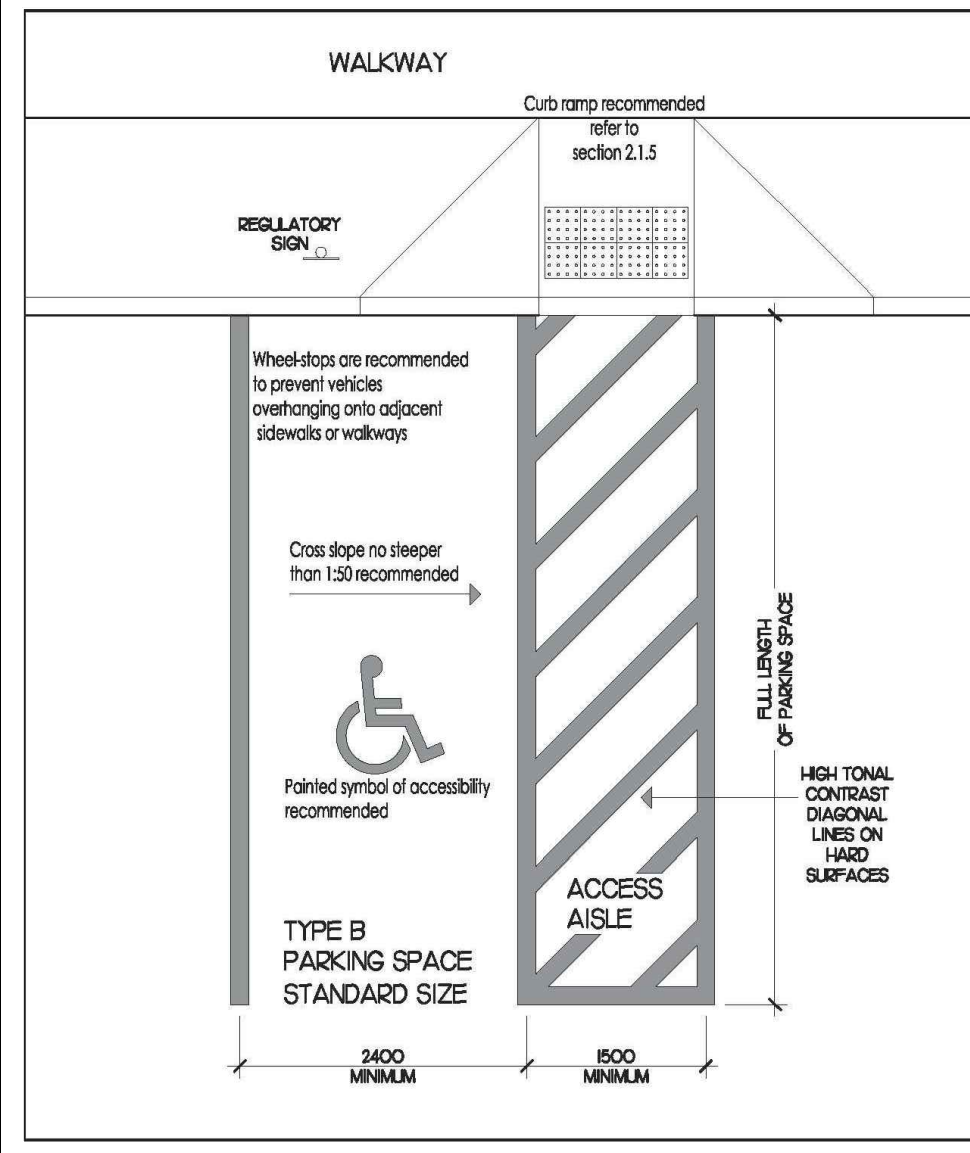


**6 MAGLIN BIKE RACK - MBR400-7-S**  
N.T.S. 129313.30-09

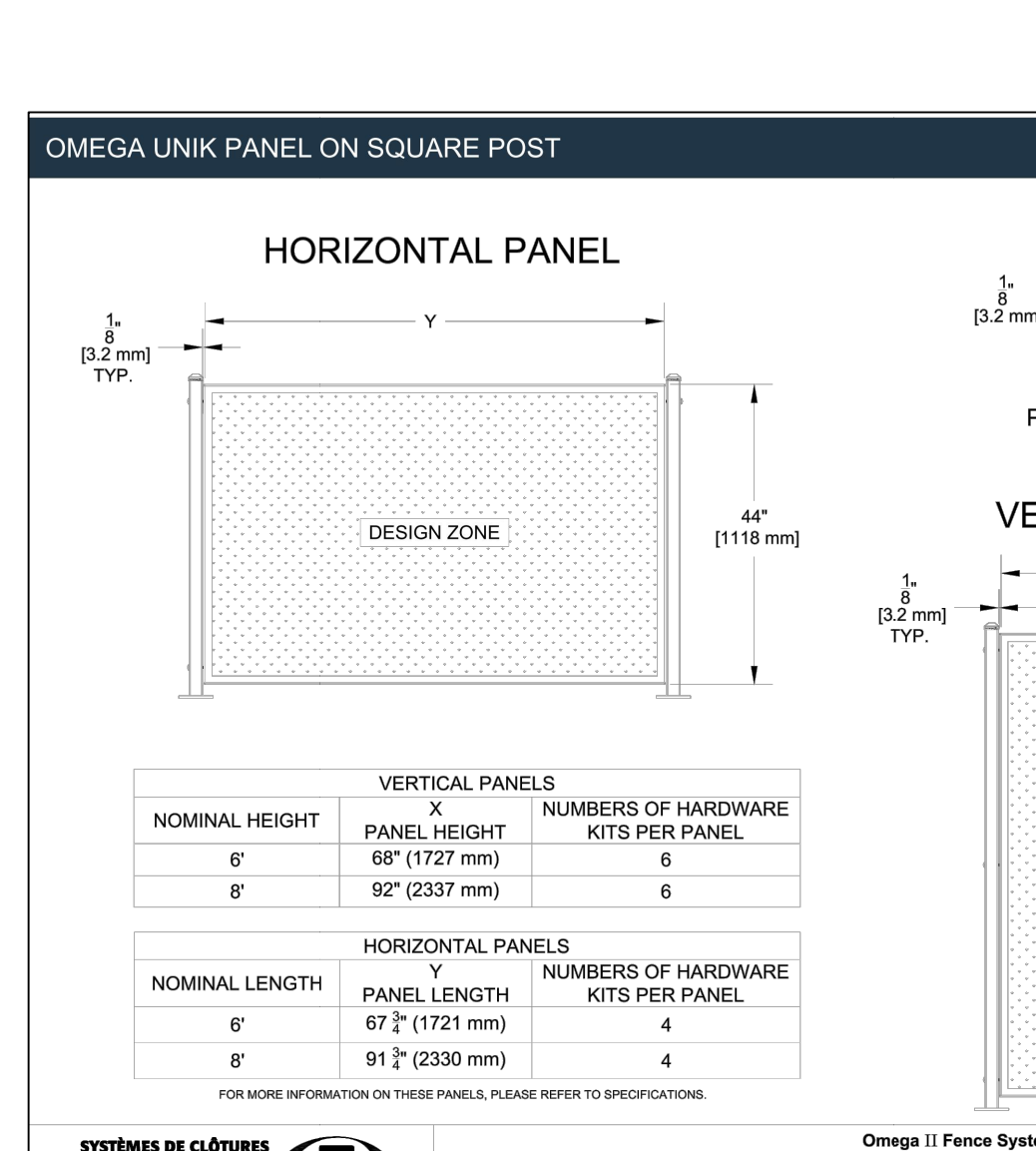


NOTES:  
1. ALL DIMENSIONS ARE IN MILLIMETERS UNLESS OTHERWISE NOTED.  
2. SIGN TO BE MOUNTED TO EITHER A 3850x75mm OD GALVANIZED STEEL POST OR OTHER FACE AT 1800mm HT. MIN.  
3. FONT HELVETICA BOLD CONDENSED.

**7 ACCESSIBLE PARKING SIGN**  
N.T.S. 324123.03-22



**8 ACCESSIBLE PARKING STALL**  
N.T.S. TYPE B - STANDARD SIZE 324102-02

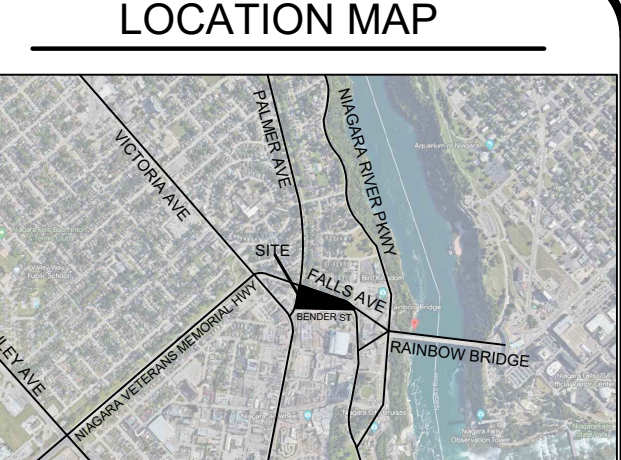


**9 3.5M HT. METAL SCREENING WALL BY OMEGA FENCE SYSTEM**  
N.T.S. 323119.50-16

### PERFORATED PANELS UNIK - COMPLEXITY LEVEL C

DESIGN #'S 1, 4, 9, 22, 28, 30, 31, 35, 37, 42

OMEGA FENCE SYSTEMS  
1135 St. Clair Blvd West, Level 2 (Dundas) Toronto, ON  
T 416-896-9000 | F 416-896-9305  
www.omegafence.com



**GENERAL NOTES**

THE LOCATION OF PROPERTY LINES, ELEVATIONS AND FACILITIES ON THIS PLAN WERE DRAWN ON THE BASIS OF A DIGITAL SITE PLAN OR SURVEY DATA PROVIDED BY OTHER CONSULTANTS.

IT IS THE RESPONSIBILITY OF THE CLIENT AND HIS CONTRACTORS TO CONFIRM THE ACCURACY OF THE SETBACKS, LOCATIONS AND GRADES ETC. ANY VARIATIONS BETWEEN EXISTING CONDITIONS AND THIS PLAN SHOULD BE ADJUSTED ON SITE AND REPORTED TO THE CONSULTING LANDSCAPE ARCHITECT TO DETERMINE THE IMPACT OF THE VARIATIONS ON THE SUITABILITY OF THE PROPOSED DEVELOPMENT.

CONSTRUCTION MUST CONFORM TO ALL CODES AND REQUIREMENTS OF AUTHORITIES HAVING JURISDICTION.

**REVISIONS**

NO.	DATE	NOTES	BY
2	2023-12-01	UPDATE LANDSCAPE PLAN	KT
1	2023-06-26	LANDSCAPE DRAFT	KT

LEGEND:  
 CONCEPTUAL  
 PRELIMINARY  
 SITE PLAN  
 PERMIT  
 TENDER  
 CONTRACT  
 CONSTRUCTION  
 AS-BUILT

GKLA  
Landscape Architects & Consulting Arborists  
230 Westney Road S Unit 308, Ajax, ON L1S 7J5  
O: (905) 836-5566 | Email: info@gkla.ca | Web: www.gkla.ca

THESE DRAWINGS ARE INSTRUMENTS OF SERVICE AND THE LANDSCAPE ARCHITECT RETAINS OWNERSHIP OF THESE DRAWINGS. THEY ARE FOR SITE PLAN APPROVAL ONLY AND MAY REQUIRE FURTHER CONSTRUCTION DETAILING AND COORDINATION WITH OTHER ASSOCIATED PROFESSIONAL DESIGN SERVICES BEFORE ACTUAL TENDER AND CONSTRUCTION COMMENCES. DIMENSIONS ARE TO BE VERIFIED PRIOR TO CONSTRUCTION. DRAWINGS ARE NOT TO BE SCALED. IT IS ADVISED THAT CONTRACTORS CONTACT THE LANDSCAPE ARCHITECT PRIOR TO CONSTRUCTION TO ENSURE THE USE OF THE LATEST REVISED DRAWINGS. THE LANDSCAPE ARCHITECT IS NOT LIABLE FOR ERRORS OR OMISSIONS ARISING FROM UTILIZATION OF THESE PLANS BEFORE THE SAID DRAWINGS ARE SCALED, SIGNED AND DATED. AND THE LANDSCAPE ARCHITECT IS CONTRACTED TO PROVIDE CONSTRUCTION ADMINISTRATION AND CERTIFICATION SERVICES BY THE OWNER. ALL APPARENT DISCREPANCIES ARE TO BE REPORTED IN WRITING TO THE LANDSCAPE ARCHITECT BEFORE CONSTRUCTION COMMENCES.

PROJECT: SPA FILE #  
ICE SCULPTURE CENTRE - HOTEL  
BENDER STREET, NIAGARA FALLS

LANDSCAPE PLAN

DRAWN BY: NAME  
CHECKED BY: TM  
DATE: JUNE 2023  
JOB NO.: 2023-072

SCALE: SCALE  
DATE: JUNE 2023  
JOB NO.: 2023-072

D1  
DRAWING  
2 of 2

File #2023-072.

## **APPENDIX IV**

DRAFT OFFICIAL PLAN AMENDMENT

DRAFT ZONING BY-LAW AMENDMENT

**CITY OF NIAGARA FALLS**

**By-law No. 2024-xx**

A by-law to provide for the adoption of Amendment No. XXX to the City of Niagara Falls Official Plan.

THE COUNCIL OF THE CORPORATION OF THE CITY OF NIAGARA FALLS, IN ACCORDANCE WITH THE PLANNING ACT, 1990, AND THE REGIONAL MUNICIPALITY OF NIAGARA ACT, HEREBY ENACT AS FOLLOWS:

1. The attached text and map constituting Amendment No. X to the City of Niagara Falls Official Plan is hereby adopted.

Passed this ---- day of ----, 2024.

---

City Clerk

---

Mayor

First reading: X

Second reading x

Third reading x

## PART 2 - BODY OF AMENDMENT

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text, constitute Amendment No. XXX to the Official Plan of the City of Niagara Falls.

### DETAILS OF THE AMENDMENT

The Official Plan of the City of Niagara Falls is hereby amended as follows:

#### 2. MAP CHANGE

The referenced "Subject Property" shown on the map attached hereto, entitled Map 1 to Official Plan Amendment No. xxx," shall be identified as "Subject to Policy 4.6.11(x)," on Figure 4 of PART 2, SECTION 4 - TOURIST COMMERCIAL of the Official Plan.

#### 3. TEXT CHANGE

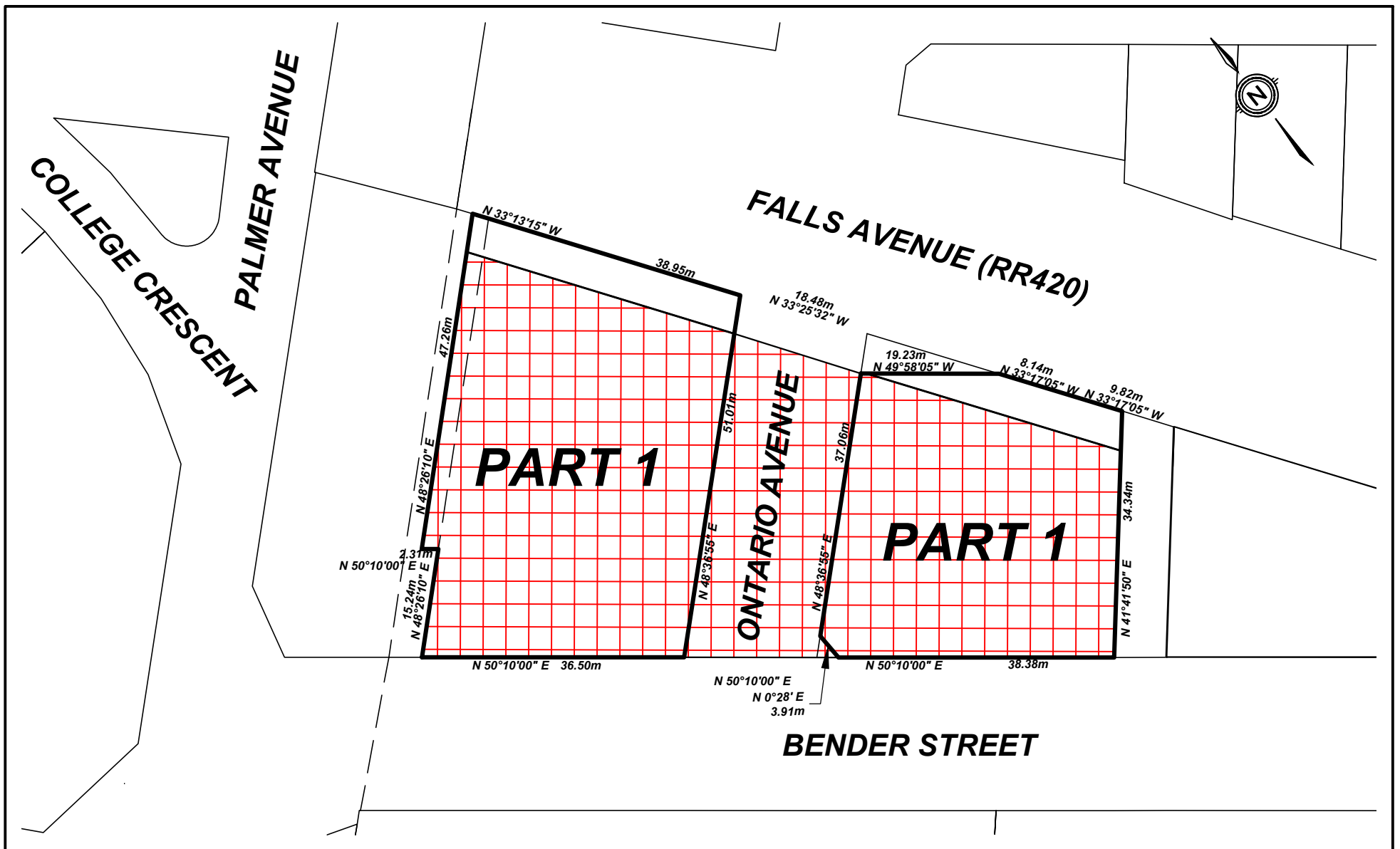
PART 2, SECTION 4 - TOURIST COMMERCIAL, is hereby amended by adding the following new subsection:

4.6.11 (x) Notwithstanding the policies of PART 2, section 4.4.3, and further to the policies of PART 2, Section 4.4.4 and PART 4, Section 4.5.1, that the development of a seventeen-storey building be permitted on the lands bounded by Palmer Avenue, Bender Street and Falls Avenue, as shown on Map 1 to this amendment.

MAP 1 TO AEMDNEMNT NO. XXX

FIGURE 4, PART 2, SECTION 4 – TO THE OFFICAL PLAN.

***(CITY TO PROVIDE UPDATED **Figure 4** MAP INDICATING SUBJECT LANDS WITH A HIGH HEIGHT CLASSIFICATION)***



**LEGEND**



PART 1 - FROM TOURIST COMMERCIAL TO SITE SPECIFIC TOURIST COMMERCIAL

**BENDER STREET ATTRACTION  
SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. \_\_\_\_\_**

MAYOR: \_\_\_\_\_

CLERK: \_\_\_\_\_





Draft Zoning By-law Amendment

Schedule X

*Bender Street Attraction*

**THE CORPORATION**

**OF THE**

**CITY OF NIAGARA FALLS**

**BY-LAW NO. [REDACTED]**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate PART OF THE LANE AT THE REAR OF LOTS 145-148; LOTS 144, 145, 146, 147 PART OF LOTS 142, 143, 148 and 149, PLAN 294 GEOGRAPHIC TOWNSHIP OF STAMFORD NOW IN THE CITY OF NIAGARA FALLS, REGIONAL MUNICIPALITY OF NIAGARA.

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the zoning on the subject lands from Tourist Commercial (TC) to Site-Specific Tourist Commercial (TC-X), to permit the lands to be developed in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provision of this by-law are to prevail.
3. As the subject lands are comprised of lands under private and municipal ownership, the subject lands are to be considered as a “lot” in their entirety for the purpose of implementation. Consistent with this approach, the required Yards are defined as follows:
  - Front Yard – Lot Lines along Bender Street
  - Rear Yard – Lot Lines Adjacent to Falls Avenue

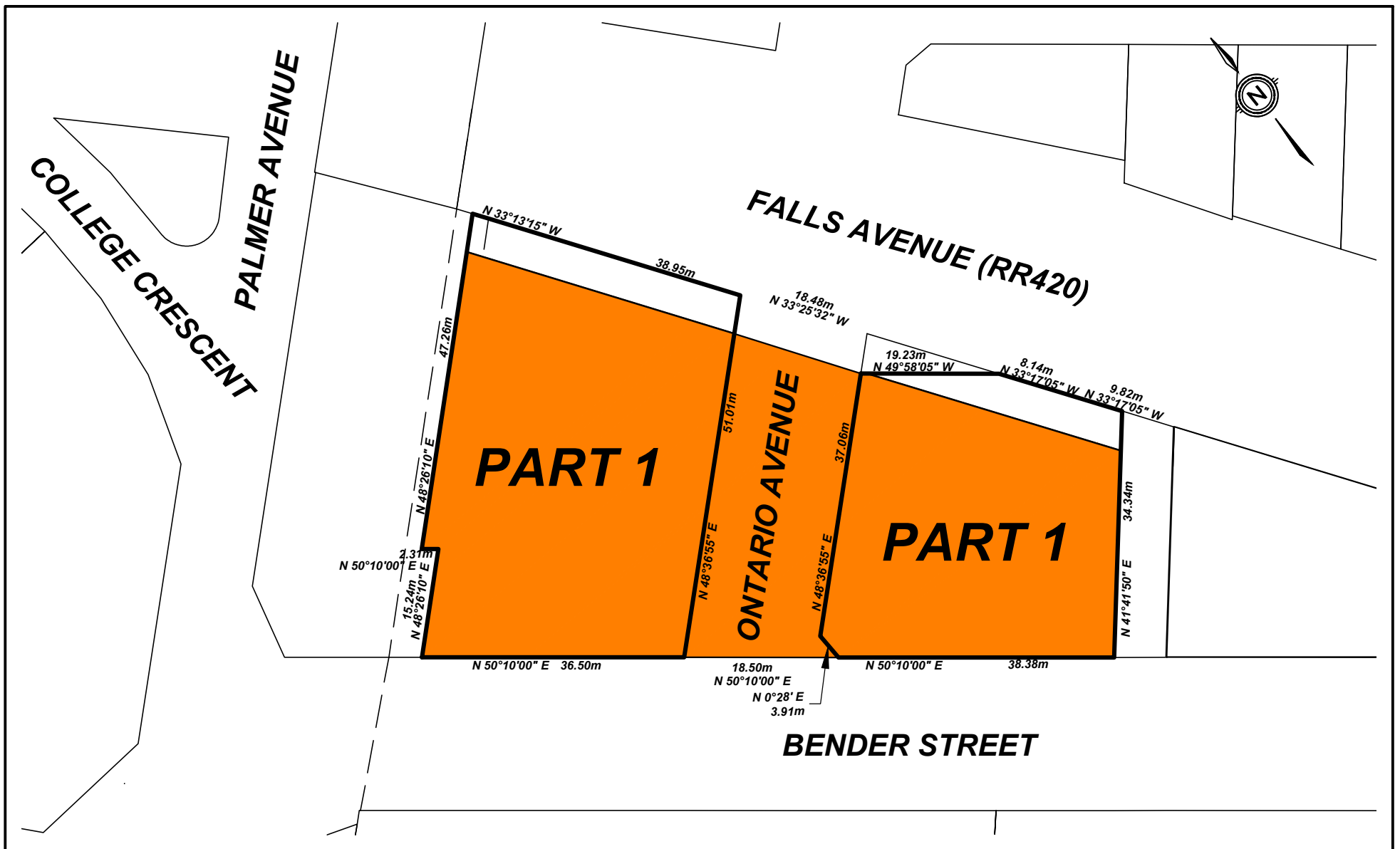
- Exterior Side Yards – Lot Lines adjacent to Ontario Avenue
  - Interior Side Yard (North) – Lot Lines Adjacent to Municipal Parking Lot
  - Interior Side Yard (South) – Lot Line Adjacent to Private Parking Lot
4. In addition to the uses permitted in the TC Zone, the following provisions shall be permitted:
    - i. Minimum Rear Yard Setback – 0.6 metres
    - ii. Maximum Lot Coverage – 98%
    - iii. Maximum Building Height – 17 storeys or 74.4 metres, whichever is greater
    - iv. Required Parking Spaces – 320 spaces
    - v. Required Loading Spaces – 3 spaces
  5. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.
  6. No person shall use the Lands for a use that is not a permitted use.
  7. No person shall use the Lands in a manner that is contrary to the regulations.
  8. The provisions of this by-law shall be shown on Sheet B6 of Schedule “A” of By-law No. 79-200 by re-designating the Lands from TC to TC-\_\_\_\_\_.

Passed this \_\_\_\_ day of \_\_\_\_\_, 2024.

**READ A FIRST, SECOND AND THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK



**LEGEND**

 PART 1 - FROM TOURIST COMMERCIAL (TC) TO SITE SPECIFIC TOURIST COMMERCIAL (TC-X)

**BENDER STREET ATTRACTION**  
**SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. \_\_\_\_\_**

MAYOR: \_\_\_\_\_

CLERK: \_\_\_\_\_



**APPENDIX V**  
**PRE-CONSULTATION AGREEMENTS**



# City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2014)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-consultation Meeting		
Date: <u>JULY 4/19</u>	Time: <u>1:30 PM</u>	
Attendance:		
Municipal Staff	Owner/Agent/Other	Phone #/E-mail
<u>Andrew Boyle</u>	<u>Craig Roke</u>	<u>Rob Nigro, Region</u>
<u>Sue Scerbo</u>	<u>Jaron Schooley</u>	<u>Aaron Butler, Region</u>
<u>Rob Vachon</u>	<u>Wion Xi</u>	
<u>Ned M.</u>	<u>George Liu</u>	<u>Jim Sarley, Niagara Peninsula Energy</u>
<u>Angela Davidson</u>		<u>jim.sarley@npei.ca</u>
<u>Ben Trendle</u>		

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Property Details	
Location of property:	(address) <u>4709, 4725, 4745 Bender St., 5855 Ontario Ave.</u>
	(legal description)
Area (ha): <u>0.36 ha (excl encroachment)</u>	Frontage (m): <u>103 m +/-</u>
Site Drawing Attached <input type="checkbox"/>	
Municipal land involved: No <input type="checkbox"/> Yes <input type="checkbox"/> (legal description)	

Proposal			
Brief description of proposal: <u>326 Unit "Ice" Hotel with 335m<sup>2</sup> of retail floor area and an exhibition hall.</u>			
	1 <sup>st</sup> Phase	2 <sup>nd</sup> Phase	Other
gross floor area			
building height			
# of dwelling/hotel/commercial units	<u>326</u>		

Location				
<input type="checkbox"/> Brownfield	<input type="checkbox"/> Greenfield	<input checked="" type="checkbox"/> Built-up	<input type="checkbox"/> NEP	<input type="checkbox"/> Outside Urban Boundary

Designations		Conformity
Regional Policy Plan	Urban Area	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Escarpment Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Official Plan Designation	Tourist Commercial (Limited to 4 stories)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Secondary Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Zoning	Tourist Commercial (TC)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Proposed Application(s) (check all applicable)		
<input type="checkbox"/> Regional Policy Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment	<input type="checkbox"/> Land Division
<input type="checkbox"/> Niagara Escarpment Commission o Amendment o Development Permit	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval o Vacant Land o Common Element o Conversion
<input checked="" type="checkbox"/> Official Plan Amendment	<input checked="" type="checkbox"/> Site Plan Approval - Loler	

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	Number of		Notes
				Elect Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality			
			Archaeology Assessment			
✓	✓		Conceptual Site Plan, Subdivision Plan	1	14	
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			
			Environmental Planning Study/Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
✓		✓	Geotechnical	1	4	Checking with NPCA for further clarification given widening of Falls Ave.
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
✓	✓		Municipal Servicing Study			Servicing brief
			Noise & Vibration Study			
			Other			-Niagara Peninsula Energy requests further details about further electrical demand of project with app
			Phasing Plan			
✓	✓		Planning Justification Report	1	4	
			Risk Management Study			
✓	✓		Road Widening			-5.35m widening along Falls Ave. -0.75m widening either side of Ontario -7x7m dll triangle Ontario/Bend 2

			Sensitive Land Use Report			
✓	✓		Shadow Analysis	1	4	
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
			Stormwater Management Plan			
			Transportation Impact Study/Parking Impact Analysis			
			Tree inventory Preservation Plan			
✓	✓		Urban Design Brief/Architectural Brief	1	4	Use Architectural Design Review Form (on website)
			Urban Design/Landscape Plans			
			Wind Study			

### Public Consultation

Is a neighbourhood pre-consultation meeting planned?

- Yes  
 No  
 Unknown

(Note: One is required to be held by the City prior to the public meeting required by the Planning Act for subdivisions, condo conversions, official plan amendments and zoning by-law amendments.)

### Other Issues

- Project to be reviewed per Tourism Policy Review Implementation Handbook, any departures from guidelines need to be defended
- Transportation Services comments attached. Please note comments with respect to a traffic study. In addition, a 3.9m setback is requested from Palmer Ave., and clearance is to be provided over municipal parking lot for future transit service.
- See Request comments, planning study should also need to design
- See zoning comments for departures from zoning that need to be addressed, further info needed
- See section 3.2.5 of OBC - consider design for fire protection
- Removal of water main along Ontario Ave to be considered and reported back on
- NPC requests review of traffic study, Niagara Peninsula Energy requests details of electrical needs of proposal.

### Site Visit

Is a site visit necessary to assess the proposal?

- Yes  
 No

Does the owner consent to a site visit?

- Yes  
 No

### Incentive Program

Are there any incentive programs?

- Yes  
 No

What are the details?

### Summary of Issues

- Zoning and Official Plan Amendment Application required. Drawings should include site, landscape (preliminary), floor, roof, elevation, cross-section, concept, context, shading drawing, and any required studies
- Section 37 Agreement for streetscaping
- Legal agreements securing air rights and subsurface rights over/under Ontario Ave. and the Municipal Parking Lot will be needed. Further discussion on this should be held with relevant departments (Legal, Planning, Municipal Works, Transportation)

**Additional Agencies to be contacted**

- HYDRO       PIPELINES       NEC       OTHER \_\_\_\_\_  
 MTO       NPC       NPCA       CN

**Notes**

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within (180) days from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent  Yes

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

**Signatures**

Name (print)	Signature	Date
Planning Staff <i>Andrew Byrce</i>	<i>A Byrce</i>	
Regional Public Works Staff		
Regional Planning Staff <i>Aaron Butler</i>	<i>A Butler</i>	July 11, 2019
NPCA Staff <i>Cara Lampman</i>	<i>C Lampman</i>	July 16, 2019.
Agent		
Agent		
Owner		
Owner		
Other		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

*A Byrce*  
 \_\_\_\_\_  
 Signature





**PLANNING & DEVELOPMENT DIVISION  
APPLICABLE FEES**

CHECK APPLICABLE BOX	APPLICATION	FEES
<input type="checkbox"/>	<b>Official Plan Amendment Application:</b>	12,200.00
	<b>Zoning Amendment Application:</b>	
<input type="checkbox"/>	• for high-rise hotels	14,500.00
<input type="checkbox"/>	• complex	12,200.00
<input type="checkbox"/>	• standard	5,600.00
	<b>Official Plan and Zoning Amendment Application (combined):</b>	
<input type="checkbox"/>	• for high-rise hotels	16,200.00
<input checked="" type="checkbox"/>	• all other lands	13,500.00
	<b>Site Plan Application:</b>	
<input type="checkbox"/>	• for high-rise hotels	6,000.00
<input type="checkbox"/>	• all other lands (including Testamentary Devise)	4,000.00
<input type="checkbox"/>	• Amendment to Site Plan Agreement	1,500.00
	<b>Plan of Subdivision Application:</b>	
<input type="checkbox"/>	• Residential Plan	13,500.00
<input type="checkbox"/>	• Modifications to Draft Plan Approval	2,500.00
<input type="checkbox"/>	• Extension to Draft Plan Approval	1,000.00
	<b>Plan of Condominium:</b>	
<input type="checkbox"/>	• Vacant Land	10,000.00
<input type="checkbox"/>	• Conversion	2,500.00
<input type="checkbox"/>	• Standard	1,500.00
<input type="checkbox"/>	• Extension of Draft Plan	1,000.00
<input type="checkbox"/>	• Modification of Draft Plan - Vacant Land Condo	2,500.00
<input type="checkbox"/>	• Modification of Draft Plan - Standard/Conversion	1,225.00
	<b>Removal of Part Lot Control:</b>	
<input type="checkbox"/>	• Separation of Semi-detached/On-street Townhouse Units	1,500.00
<input type="checkbox"/>	• Deeming By-law	1,500.00
<input type="checkbox"/>	• Property Relotting	3,400.00
	<b>Public Renotification:</b>	
<input type="checkbox"/>	• Mailing Renotification	300.00
<input type="checkbox"/>	• Reassessment Requiring a further report	400.00
<input type="checkbox"/>	• Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
	<b>Committee of Adjustment:</b>	
<input type="checkbox"/>	• Severance/Consent Application	3,400.00
<input type="checkbox"/>	• Change of Conditions	200.00
<input type="checkbox"/>	• Minor Variance Application	2,100.00
<input type="checkbox"/>	• Renotification/Rescheduling (Consent/Minor Variance)	200.00

**ADDITIONAL FEES:**

**City Fees (cheque payable to the City of Niagara Falls):**

- Peer Review  \$ \_\_\_\_\_  
 Legal Fees  \$ \_\_\_\_\_ (Agreements & Registration of by-law)

**Agency Fees (cheques payable to applicable agency):**

- Regional Fees  \$ 5075 (OP) # 1270 (ZBLA) *→ \$ 600 (Urban Design)*  
 NPCA Fees  \$ 1845 # 505 (6th/24th)  
 Regional Health  \$ \_\_\_\_\_  
 Other (describe)  \$ \_\_\_\_\_

# Inter-Departmental Memo

**To:** Andrew Bryce, Planner 2  
**From:** Sue Scerbo, Senior Zoning Administrator  
**Date:** July 4, 2019  
**Re:** **Proposed Zoning By-law Amendment Application  
 4709, 4725 Bender Street  
 Hotel/Tourist Commercial Development**

**Summary:**

The applicant is proposing to build an 8-storey hotel/commercial development on the subject lands.

The subject property is zoned Tourist Commercial (TC) in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2012-060.

**The following table compares the standards of the TC zone with what is proposed:**

Provision	Requirement	Proposal	Comply
Minimum lot frontage	6 metres	56+ metres	Yes
Minimum front yard depth	10 metres from the centreline of the original road allowance of Palmer Avenue 10 metres from the centreline of the original road allowance of Ontario Avenue	Not noted	Information required
Minimum rear yard depth where any part of the building is used for residential purposes	10 metres		Yes
Minimum rear yard depth where no part of the building is used for residential purposes	3 metres provided that no rear yard is required where the rear lot line abuts a public lane or a public parking lot	Not noted	Information required

Minimum interior side yard width where the side lot line abuts a residential, institutional or open space zone	3 metres		Yes
Minimum interior side yard width where the side lot line does not abut a residential, institutional or open space zone	None required		Yes
Minimum exterior side yard width	11.5 metres from the centreline of the original road allowance of Bender Avenue 20.6 metres from the centreline of the original road allowance of Falls Avenue	Not noted	Information required
Maximum lot coverage	70%	86.6%	No
Maximum height of building or structure	12 metres	27 metres (2pprox..)	No
Maximum floor area	Not specified		N/A
Parking and access requirements	Table 1.1: Hotel: 1 parking space for each 1.25 rooms: 326 rooms/1.25=260.8 parking spaces Restaurant ancillary to a hotel: none Place of assembly/convention centre ancillary to a hotel: none (exhibition hall) Retail store ancillary to a hotel: none Entertainment/Cinema: 1 space for each 10 seats: number of seats unknown	394 parking spaces	Information required (entertainment ? is this a theatre? Number of seats?)

**A Great City ... For Generations To Come**

Minimum parking stall width (structure)	2.75 metres	Not shown	Information required
Minimum parking stall length (structure)	6 metres	Not noted	Information required
Minimum parking aisle width	6.3 metres (structure)	Not noted	Information required
Loading area requirements	In accordance with section 4.20.1	None shown	No
Maximum floor area for each retail store	400 square metres	Unknown (for each retail store)	Additional information required
Maximum floor area of all retail stores per property	3,530 square metres	2,383 square metres (ground floor) 577 square metres (P1)	Site statistics chart indicates 3,351 square metres on ground floor Combined 1,775 square metres lobby and retail on P1. Please confirm

Comments:

- Please provide the information noted above to ensure zoning compliance.
- 

SS:  
S:\PRECONSULTATION\2019\JULY 4\BENDER STREET ZONING COMMENTS.DOCX

---

**Andrew Bryce**

---

**Subject:** FW: NF Precon Meeting - July 4/19

---

**From:** Mathew Bilodeau  
**Sent:** Wednesday, July 3, 2019 10:41 AM  
**To:** Nick DeBenedetti; Andrew Bryce  
**Cc:** Ken Mech  
**Subject:** FW: NF Precon Meeting - July 4/19

Good morning, Nick and Andrew

Please see below Transportations comments for tomorrow's precon. No Transportation Staff are available to attend.

Thanks,  
-Mat

---

**Mathew Bilodeau, C.E.T.** | Manager of Transportation Engineering | Transportation Services | City of Niagara Falls  
8208 Heartland Forest Road | Niagara Falls, ON L2H 0L7 | (905) 356-7521 ext 5204 | Fax 905-356-5576 | [mbilodeau@niagarafalls.ca](mailto:mbilodeau@niagarafalls.ca)

---

**From:** John Grubich  
**Sent:** Friday, June 28, 2019 3:46 PM  
**To:** Mathew Bilodeau  
**Subject:** RE: NF Precon Meeting - July 4/19

Updated with information for the last item.

**From:** John Grubich  
**Sent:** Friday, June 28, 2019 3:33 PM  
**To:** Mathew Bilodeau <[mbilodeau@niagarafalls.ca](mailto:mbilodeau@niagarafalls.ca)>  
**Subject:** RE: NF Precon Meeting - July 4/19

**1. 4709-4725 Bender Street (Ice Hotel)**

Bender Street is a City collector road. It has a planned 23m right-of-way. Currently, Bender Street is 21.336m (70') wide per plan 294. A 0.832m road widening is required along the entire Bender Street frontage of the subject lands.

Ontario Avenue between Hiram Street and Bender Street is also a City collector road. It has a planned 20m right-of-way. Ontario Avenue is 18.5m (60'8") wide, also per plan 294. A 0.75m road widening is required on each side of Ontario Avenue.

Daylight triangles that are 7.0m by 7.0m is required on both corners of Bender Street & Ontario Avenue, measured after the widenings are taken. This is the standard sized triangle for an intersection of 2 collector roads.

The site abuts Falls Avenue at the rear. Falls Avenue is a Regional road, and it is our understanding that the Region has a connecting link agreement with the MTO.

The below grade parking and hotel goes up to the Palmer Avenue property line. Palmer Avenue is also a City collector road with a planned 20m ROW. It is currently 12.192m (40') wide, per plan 298. A widening is not required, but the structure needs to be offset 3.9m from the Palmer Avenue property line to protect for future road needs.

The development encroaches over/below Ontario Avenue and Municipal Lot #20. A 7m clearance is noted for Ontario Avenue as shown on plan A301, and appears to be 6m over Lot #20. The Olympic Trail/Municipal Lot 20 is a reserved transit corridor. The design will have to allow for, and accommodate, the height and access requirements for future transit service. Access to the parking lot should be maintained along all street frontages and should not be obstructed by the proposed structure. Developer needs to get an agreement from the City.

A traffic & safety study is required. The study needs to address traffic signal head visibility. This area can become heavily congested in the summer with drivers queued for the bridge to the U.S.

Parking – 394 spaces to be provided for 326 rooms, with ancillary retail space, a restaurant, exhibit and entertainment areas. Zoning is to confirm the parking requirement.

Min 10 accessible parking spaces are required.

The access to the parking garage should be internal and close to the registration area instead of it being directly accessed off Bender Street. Someone after registering would have to exit the site, turn left at the signal, and then another left into the parking garage. Even one car queued at the light may obstruct someone from exiting.

Front turnaround can only fit 4-5 vehicles. The traffic study needs to evaluate if the drop off area is large enough to accommodate the 95th percentile arrival rate.

On plan A103, there is an arrow identifying P1 entrance to the east of Ontario Avenue. This is confusing.

Bender Street & Ontario Avenue has a unique timing plan. North and south movements operate separately. There is a protected dual right turn phase for drivers entering the casino that occurs concurrently when drivers exiting the casino have the green signal.

There are no elevators in the parking levels, only four sets of stairs. What about persons using mobility aids, pushing strollers, carrying luggage, etc. Do guests need to unload at the front turnaround?

It does not seem like there are any support columns in the underground parking to hold the structure – parking is side by side. It is normal to see a column spaced every 3 parking spaces.

Show parking stall dimensions, aisle ways, turn radii

No loading zones that is needed for the restaurant, retail, etc. or garbage area shown; both must be on-site and have truck enter/exit forward

Any intention on bus traffic? Tours? Exhibits to public?

Developer to pay for lost revenue for any disruptions to municipal lot #20 that does not allow for it to be used for parking.

Parking is prohibited on both Bender Street and Ontario Avenue.

---

There is no transit service on either Bender Street or Ontario Avenue. The closest bus stop is on Victoria Avenue for the Niagara Falls Transit #104/204 routes.

**Andrew Bryce**

---

**Subject:** FW: NF Precon Meeting - July 4/19  
**Attachments:** 4709 Bender - NPCA MAP.pdf

---

**From:** Cara Lampman [<mailto:clanpman@npc.ca>]  
**Sent:** Wednesday, July 3, 2019 1:19 PM  
**To:** Andrew Bryce; Nick DeBenedetti; Anamika Dilwaria  
**Subject:** RE: NF Precon Meeting - July 4/19

Good afternoon,

In lieu of attending tomorrow's pre-consultation meeting the following comments are offered:

**4709/4725 Bender Street**

- There is a significant change in grade along Falls Avenue resulting in a potential erosion hazard
- As per NPCA Policy 7.2.3.1 Development and/or site alteration shall not be permitted within 50 metres of a hazardous site unless it can be demonstrated that there are no adverse impacts to the hazard. The NPCA may require a geotechnical study to demonstrate no negative impact
- As such, the NPCA will require the completion of a geotechnical study which confirms the stable top of bank associated with the slope and determines an appropriate setback
- The lands identified as hazardous or are identified as required setback should be zoned as hazard
- Fees:
  - ZBA                 \$1,845
  - Geotech         \$505



# 4709,4725 Bender Street

## Niagara Region Pre-Consultation Comments

**Application Description:** Zoning By-law Amendment for Hotel/Tourist Commercial Development

**Applicant:**

**Agent:** Craig Rohe, UCC

**Date:** July 4, 2019

**Local Planner:** Andrew Bryce

**Regional Planner:** Aaron Butler

**Municipality:** Niagara Falls

### Application Type

- Regional Official Plan Amendment
- Official Plan Amendment
- Zoning By-law Amendment
- Plan of Subdivision
- Vacant Land Condominium
- Standard/Common Element
- Site Plan
- Minor Variance
- Consent
- Other: \_\_\_\_\_

### Studies/Materials Required

- Planning Justification Report
- Environmental Impact Study
- Environmental Site Assessment
- Record of Site Condition
- Hydrogeological Study
- Archaeological Assessment
- Air Quality/Noise & Vibration Study
- Stormwater Management Report
- Sanitary Servicing Design Brief
- Minimum Distance Separation (MDS)
- Transportation Impact Study
- Plan Drawing/Survey Sketch
- Conceptual Building Elevations
- Landscape Plan

### Land Designations

#### **Provincial Policy Statement**

- Settlement Area
- Rural Area/Lands
- Prime Agricultural Area

#### **Greenbelt Plan**

- Protected Countryside
- Town/Village/Hamlet
- Specialty Crop Area

#### **Growth Plan**

- Delineated Built-up Area
- Designated Greenfield Area
- Provincial Agricultural

#### **Niagara Escarpment Plan**

- Escarpment Natural Area
- Escarpment Protection Area
- Escarpment Rural Area
- Minor Urban Centre
- Urban Area

#### **Regional Official Plan**

- Urban Area
- Built-up Area
- Designated Greenfield Area
- Rural
- Good General Agricultural Area
- Unique Agricultural Area
- Hamlet

Application Type	Fee (\$)
Zoning By-law Amendment	\$1,270 +\$600 (Urban Design)

### Notes

#### **Urban Design**

##### Streetscape along Regional Road 420 (Falls Ave)

- The Regional road is physically separated from the site by a retaining wall (underpass at Ontario Street) and gradually transitions in slope towards the intersection with Robert Street. The proposal should include a streetscape treatment consisting of street trees in sod, use of planting and landscape features to enhance the view of the proposal from the Regional Road.
- At subsequent planning approvals stages staff request landscape plans detailing the interface between

the development and the Regional Road. Equally, staff is interested in understanding the architectural interface of the proposal with the Regional Road.

#### Building Interface with Regional Road

- It is understood that conceptual building elevations will be provided at this time. At subsequent planning approvals stages, staff request final facades of all elevations so as to permit staff to better understand the proposal.
- Incorporate ample fenestration and enhanced building design of facades facing the regional road including: articulation of the façades using form, materials, and colours. Expanses of blank facades should be minimized and blank walls should be treated architecturally to provide visual interest. The retail spaces that face the regional road should include paved areas that allow these spaces to address and potentially spill-out. The East facing facades featuring the entrance hall and escalator/ buffet space could represent design opportunities and lead to an iconic building design if these include ample windows and unique architectural treatments.

#### **Noise**

- The site abuts a Regional Road 420 (Falls Avenue) which has high volumes of vehicle traffic. The MECP Environmental Noise Guidelines contain supplementary indoor sound level limits (Table C-9) for sleeping quarters of hotels, between the hours of 11:00pm and 7:00am. This is given as information for the designer, representing good-practice design objectives to consider.

#### **Roads**

- Falls Avenue is Regional road 420
  - An EA is scheduled to be carried out for Bender Street and Falls Avenue intersection (turning movement).
- An approximate 5 metre road allowance widening will be required as part of future development applications along Falls Avenue frontage. A drawing illustrating the widening was provided to the applicant's consultant at the meeting.
- The Ontario Street bridge will be up for rehabilitation in the next few years.

#### **Servicing**

- Water: 300 D DI (Local)- Bender Street
- Sanitary: 600 D CON (Local)- Bender Street
- Storm: 1200 D CON (Local)- Bender Street
- All servicing should be from Bender Street. At Site Plan stage, the Region will require a Sanitary Servicing Brief identifying expected dry and wet weather flows for the proposed development

#### **Stormwater Management**

- The following comments are provided for information purposes to assist the applicant with the preparation of a detailed site plan.
  - a. Based on the current site plan, the Niagara Region will not require stormwater quality treatment.
  - b. The Niagara Region will not require post-development stormwater peak flows attenuation if the site will not discharge onto Falls Avenue (Regional Road 420).
  - c. If the site post-development would discharge onto Falls Ave (Regional Road 420), the Niagara Region would require that a stormwater management report and associated engineering drawings (and the associated \$610 fee) be submitted to this office confirming that post-development flows will not cause adverse impacts to Regional Road 420.

#### **Waste Collection**

- Based on the nature of the proposal waste collection for the development will be the responsibility of the owner through a private waste collection contractor and not the Niagara Region



# City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2022)

Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

## PRE-CONSULTATION- WAIVED BY DIRECTOR

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date:

Signature:

## PRE-CONSULTATION

Day:

**February 21, 2023**

Time:

3:30pm

## 1. SUBJECT PROPERTY INFORMATION

Street Address:

**4725, 4745 Bender St & 5655 Ontario Ave**

Legal Description:

Part of Stamford Township Lot 128; Part of Lane, Plan 294 and Part of Lane, Plan 294, Pt 2 59R3383, PIN: 64343-0039 (R), 64343-0038 (LT), and 64343-0035 (LT)

Land Area :

0.527ha

Lot Frontage :

Municipal Land Involved: Yes  No

## 2. CONTACT INFORMATION

### Owner Information

Registered Owner:

Great Lakes Entertainment Canada Ltd.

Mailing Address: (Street address, unit number, city & postal code)

41 Pullman Court, Scarborough, ON, M1X 1E4

Phone Number:

416-554-7503

E-mail Address:

wynnixie@yahoo.com

### Applicant/Agent Information (if applicable)

First and Last Name:

Gua Yin Xie

Mailing Address:

41 Pullman Court, Scarborough, ON, M1X 1E4

Phone Number:

416-554-7503

E-mail Address:

wynnixie@yahoo.com

Contact for all future correspondence (select one):  Registered Owner  Authorized Agent

## 3. PROPOSAL

18 storey hotel with 430 hotel units, an ice sculpture museum, tropical garden, and 22 retail stores

**4. PROPOSED DEVELOPMENT INFORMATION**

Gross Floor Area:

---

Building Height:  
**18 storeys**

# Dwelling Units: # Hotel/Commercial Units:

---

Location:

Brownfield       Greenfield       Built-up

Outside Urban Boundary       NEP Area       CIP Area

*\*\*\*Note: If within a CIP Area, please speak to the City's CIP Coordinator*

**5. DESIGNATIONS**

Regional Official Plan: Yes       No

---

Niagara Escarpment Plan: Yes       No   
**N/A**

---

City Official Plan: Yes       No   
 Tourist Commercial – Clifton Hill Subdistrict

---

Secondary Plan: Yes       No   
**N/A**

---

Zoning: Yes       No   
 Tourist Commercial

**6. PROPOSED APPLICATION(S)- Check all that are applicable**

Regional Policy Plan Amendment <input type="checkbox"/>	City Official Plan Amendment <input checked="" type="checkbox"/>	Zoning By-law Amendment <input checked="" type="checkbox"/>
Subdivision Approval <input type="checkbox"/>	Condominium- Vacant Land <input type="checkbox"/>	Condominium- Standard <input type="checkbox"/>
Site Plan Approval <input checked="" type="checkbox"/>	Consent/Severance <input type="checkbox"/>	NEC <input type="checkbox"/>
Other:		

**7. REQUIRED INFORMATION AND STUDIES**

**Studies identified with an asterisk\* will likely require a peer review at the cost of the developer. Reports and plans are required to be submitted prior to application for review and comments.**

OPA/ ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans	Number of Copies		Notes
				Digital	Paper	
			<u>(See notes for additional details)</u>			
			Agricultural Impact Assessment			
			Air Quality			
X			Archaeology Assessment- Please be mindful of your duty to consult obligations			Stage 1 & 2, Clearance Letter from Ministry which could be dealt with through a Holding (H) provision.

X			Conceptual Site Plan	X	1	<u>Official Plan/Zoning By-law Application</u>  Site Plan, Coloured Site Plan, Elevations and submit CAD .dwg file or survey plan (.dwg file) to City projection standards.
		X		X	1	<u>Site Plan Application</u>  Site Plan, Elevations (including floor plans, Landscape Plan (by OALA), Grading Plan, SWM Plan, Servicing Plan, STANDA, STWMDA, Photometric, Zoning Chart, and CAD .dwg files to City projection standards of the site & servicing plans.
			Cultural Heritage Impact Analysis			
X			Draft Local Official Plan Amendment	X	1	Include with PJR
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			Terms of Reference- Region and NPCA to be consulted.
			Environmental Planning Study/ Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X		X	Municipal Servicing Study	X	1	To review services and demonstrate capacity. Infrastructure modelling is required at applicant's cost
			Noise & Vibration Study			
X			Other – City named Additional Insured, Bonds, Demolition Deposit, Securities	X	1	Further details will be provided under a separate letter at a later date. Should be approved in principle before submitting OPA/ZBA applications.
X		X	Other – Sanitary Servicing Brief	X	1	Submitted to the Region.
		X	Other – Ontario Avenue “tunnel” street lighting design	X	1	To be designed and completed by the applicant with lighting levels in accordance with ANSI/IES RP-8-21 design standards.
X			Planning Justification Report	X	1	Done by RPP, review and analyze applicable Provincial, Regional, and City policies.  Provide draft OPA and Zoning By-law amendment.
		X	Road Occupancy Permit	X	1	For service connections on local roads. Contact Sam Mirabelli (905) 356-7521 ext. 4260
X		X	Road Widening	X	1	As detailed in comments. Shown at OP/ZBA stage and dedicated at SP.
			Sensitive Land Use Report			

X			Shadow Analysis	X	1	
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X		X	Stormwater Management Plan	X	1	Pre- to post, 5 year storm
X			Transportation Impact and Safety Study & Parking Impact Analysis	X	1	A Terms of Reference is required. Please contact the City before beginning any work.
		X	Tree inventory Preservation Plan	X	1	
X			Urban Design Brief/Architectural Brief	X	1	For Tourist Area: Complete & submit Architectural Design Review form, found here:  <a href="https://niagarafalls.ca/city-hall/planning/tourist-area-development.aspx">https://niagarafalls.ca/city-hall/planning/tourist-area-development.aspx</a>  Or Region's Model Urban Design Guidelines Or Area Specific UDG
X			Urban Design/Landscape Plans	X	1	
X		X	Wind Study	X	1	Wind tunnel modelling is required detailing the specific wind impacts at the pedestrian level and what measures are necessary to eliminate any unsafe or uncomfortable conditions on public sidewalks and entrances.

## 8. COMMENTS

**Please note that any required air rights and encroachments should be considered approved in principle by City Council before the formal Official Plan and Zoning By-law application submissions are processed.**

### Planning Comments:

- An Official Plan amendment will be required for the proposed height of the building.
- Buildings at the periphery of the Tourist Commercial designated lands should step down to minimize the impacts of shadowing on adjacent residential areas. There are shadowing and overlook concerns for the residential uses across Falls Avenue. Planning staff may be unable to support this transition as similar transitions have not been supported in the past. A 45 degree plane should be provided for transition purposes.
- A modest increase in height towards Bender Street may be considered if it meets the 45 degree plane.
- There are concerns about the size of the floor plates and lack of stepback to created a defined podium. The massing of the building should be designed in a way that provides more narrow floor plates above the podium. Staff suggest transparent glass be provided between each end of the building to give the appearance of a separation of towers, provided this does not create any safety or environmental concerns for reflections. The Tourist Policy Review and Implementation Handbook recommends a separation distance of 25 metres. In addition, a setback at the 15m height mark is recommended to create a pedestrian level podium. This would aid in aligning the design of the building with the Tourist Policy Review and Implementation Handbook.
- There are concerns for potential wind impacts on City property, including the parking lot and sidewalks. A wind impact study will need to be submitted to show that acceptable conditions are present. A podium may help to mitigate any potential wind impacts.
- Please provide a distinctive roof feature in the design of the building as per the Tourist Policy Review and Implementation Handbook.
- Cash-in-lieu of Parkland Dedication will apply.
- The municipal parking lot should be protected for future transit routes. Development on or access through the parking lot would not be recommended.

### Engineering Comments:

- Please see attached comments for full details.
- The Bender Street parking lot needs to be protected for a future major transit route. The municipal parking lot should be clear of any encroachments, have an 18m height clearance, and have no proposed underground development. Compensation for any loss of municipal

parking spaces will be sought. No access to the proposal is permitted from the municipal parking lot in the long term.

**Landscape Services:**

- Please see attached comments.

**Transportation Comments:**

- Please see attached comments for full details.
- Appears to be a parking shortfall of 80 spaces. The number of hotel rooms should be reduced to meet parking requirements. A Parking Demand Analysis will be required if the parking requirements cannot be met. Staff strongly recommend that the parking requirements be met.
- A road widening of 0.832m along the full length of Bender Street is required.
- A road widening of 0.75m along each side of Ontario Avenue is required.
- A daylight triangle of 7m x 7m are required on both corners of Bender St and Ontario Ave, measured after the road widenings have been taken.
- Access to the parking garage should be provided without the need for the driver to leave the property to access it. The exit driveway appears to be within the functional area of the signalized intersection and may not meet prevailing guidelines for driveway setbacks.
- Staff have concerns with truck movements into the proposed loading space.
- Staff have concerns about future tour buses potentially interrupting traffic flow. Consideration should be given to accommodate future tourist buses on site.
- There is a No Stopping, Tow Away Zone on both sides of Bender Street between Victoria Avenue and Falls Avenue, and a No Parking, Tow Away Zone on both sides of Ontario Avenue from Bender Street to Hiram Street as well as on Palmer Avenue from Bender Street to Falls Avenue.
- The City reserved the right to negotiate with the applicant at a later date for a contribution to infrastructure supportive of moving people to, through, and from the tourist core and the subject property where it is argued the applicant will be both directly and indirectly benefitting from this improvement.
- Staff are unable to support development under and access through the municipal parking lot as the parking lot needs to be protected for a future major transit route. However, access can be permitted prior to the construction of the route.
- If parking within the municipal parking lot cannot be used for public parking during construction, the developer will be required to reimburse the City for lost revenue.
- The 10m proposed clearance over Ontario Avenue is high enough to not obstruct sight lines of the traffic signals at Bender St and Ontario Ave.
- Eight accessible spaces are required for the amount of parking proposed.
- The required traffic study will need to analyse arrival rates for the semi-circular driveway on the west side of Ontario Avenue.
- The exit driveway appears to be within the functional area of the signalized intersection and may not meet prevailing guidelines for driveway setbacks.
- Parking spaces and aisle ways should be entirely located on private property.

**Zoning Comments:**

- Please see attached comments.

**Niagara Region:**

- Please see attached comments. Note the Region is accepting payment on their website.

**9. APPLICATION FEES- Please contact the City for current fees when ready to proceed**

Application	City of Niagara Falls	Niagara Region	NPCA
Official Plan + Zoning By-law	\$17,500	\$5,340 + \$1,345	
Site Plan	\$7,500	\$1,345	
Major Urban Design Review		\$640	
Total			

**Notes:**

*Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. Additional fees may be required at a later date based on the fee schedule by-law.*

*Separate cheques are required made payable to each appropriate agency and are submitted to the City with the complete application. The Region is accepting on-line payments on the Niagara Region website.*

**Additional Agencies to be contacted:**

MTO  NPC  NEC  Hydro  Pipeline  CN/CP  Other:

**10. ATTENDEES**

City	Applicant	Agency
Alexa Cooper acooper@niagarafalls.ca	Craig Rohe (Agent) Upper Canada Consultants	Alexander Morrison (Region) Alexander.morrison@niagararegion.ca
Sue Scerbo (Zoning) sscerbo@niagarafalls.ca	Wynn Xie (Applicant) Great Lakes Entertainment Canada Ltd.	
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca	TAES Architects Inc.	
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
David Antonsen (Landscape) dantonsen@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Angela Davidson (Business Dev.) adavidson@niagarafalls.ca		
Serge Felicetti sfelicetti@niagarafalls.ca		

**Signatures**

Planning Staff Alexa Cooper	<i>Alexa Cooper</i>	February 28, 2023
Planning Staff		
Regional Planning Staff Alexander Morrison	<i>Alexander Morrison</i>	February 28, 2023
NPCA Staff		
Agent		
Owner		
Owner		
Other		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature *Alexa Cooper*



## 11. NOTES

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within one year from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent .

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.

## Inter-Departmental Memo

**To:** Andrew Bryce, MCIP, RPP  
Director of Planning  
Ext. 4232

**From:** Brian Kostuk, C.Tech.  
Development Technologist  
Ext. 4102

**Date:** February 22, 2023

**RE: Pre-consultation Meeting**  
**Owner:** Great Lakes Entertainment Canada Ltd.  
**Agent:** Guo Yin (Wynn) Xie  
**Address:** 4709, 4725, 4745 Bender Street & 5655 Ontario Avenue  
**Proposal:** Hotel with Ice Sculpture Museum

---

This proposal was part of a previous Pre-Consultation meeting on July 4, 2019, and became a Zoning By-law and Official Plan Amendment application on October 9, 2020 (AM-2020-017).

Existing infrastructure on Bender Street: 300mmØ DI Watermain (1981)  
600mmØ CONC Sanitary Sewer (1960)  
900mmØ RC Sanitary Sewer (1960)  
1200mmØ CONC Storm Sewer (1981)

Existing infrastructure on Ontario Avenue: 200mmØ PVC Watermain (1996)

1. **Municipal Works - Development** has reviewed the submission and offers the following comments:
  - a) Municipal Works have been supportive of elevated walkways in the past and preference would be to continue with that approach. Should the applicant wish to advance air rights over Ontario Avenue for extension of the development use, staff would consider it with the requirement of an 8m vertical clearance from Ontario Avenue.
  - b) Should the proposed development be approved, the City shall be named as Additional Insured during construction and as long as the development remains within the City's road allowance.
  - c) During construction, the City will collect a Damage Deposit which will reflect the approximate cost of reconstruction of all hard surfaces, including pavement, curbs, and sidewalk, in the event that they are completely damaged as a result of the construction.

- d) A Performance Bond in the City's favour in the amount of 50% of the construction value will be required.
- e) A Demolition Security will be held by the City reflecting the estimated costs for the building end-of-life demolition that would be adjusted from time to time with inflation.
- f) No underground structures will be allowed below the City's property.
- g) Official Plan & Zoning By-law Amendment Requirements:
  - i) Functional Servicing Report identifying and ensuring that the municipal infrastructure will adequately service the development as proposed. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request.
  - ii) Stormwater Management Brief providing an overview of how post-development flows for the 5-year minor storm event will be contained and controlled on-site to the pre-development level. Municipal storm design criteria is available upon request.
  - iii) As the site backs onto a Regional Road, Region Stormwater Management requirements will also apply.
  - iv) Third party infrastructure modelling at applicants' expense is required to verify available infrastructure capacities. Fees are in accordance with the City's Schedule of Fees. This process is to be completed prior to application. Once the Functional Servicing Report has been completed it should be submitted to Brian Kostuk (bkostuk@niagarafalls.ca) to begin the process.
  - v) Engineering drawings of existing underground infrastructure are available upon request from Brian Kostuk - bkostuk@niagarafalls.ca.
- h) Site Plan Requirements:
  - i) Updated Functional Servicing and Stormwater Management Reports.
  - ii) Engineering drawings, including site plan, site servicing plan, grading plan, and photometric plan demonstrating zero trespass to neighbouring properties.
  - iii) The Ontario Avenue "tunnel" street lighting is to be designed and completed by the applicant with lighting levels in accordance with ANSI/IES RP-8-21 design standards.
  - iv) Road Occupancy Permit for service connections to be obtained through Sam Mirabelli - (905) 356-7521 ext. 4260.
  - v) Regional Permits required for any work within Regional road allowance.

2. **Municipal Works - Transportation Services** has reviewed the submission and offers the following comments:

- a) Bender Street is a City collector road. It has a planned 23m right-of-way. Currently, Bender Street is 21.336m (70') wide per registered plan 294. A 0.832m road

widening is required along the entire Bender Street frontage of the subject lands.

- b) Ontario Avenue between Hiram Street and Bender Street is also a City collector road. It has a planned 20.0m right-of-way. Ontario Avenue is 18.5m wide, also per registered plan 294. A 0.75m road widening is required on each side of Ontario Avenue.
- c) Daylight triangles with 7.0m legs are required on both corners of Bender Street and Ontario Avenue, measured after the widenings are taken. This is the standard sized triangle for an intersection of two collector roads.
- d) The site abuts Falls Avenue at the rear. Falls Avenue is a Regional road, and it is our understanding that the Region has a connecting link agreement with the Ministry of Transportation of Ontario.
- e) Directly adjacent to the proposed "Ice Hotel" development is Municipal Parking Lot #20, which is located on the former CP rail corridor which travelled from the Downtown/Bridge Street area, southerly along the top of the moraine. This corridor has been designated as the Grand Boulevard in the City's Official Plan and is protected by the City as a future transit corridor. The City is currently undertaking a review and update of the previously completed People Mover Environmental Assessments which considered an elevated fixed rail system through this corridor. Through this current study, the former People Mover alignment was recommended to be extended northerly to the Bridge Street Train Terminal via the Grand Boulevard. Therefore, encroachments and access through, above, and/or below the Grand Boulevard (and Municipal Lot #20) will not be supported as they conflict with the vision and future planned use of this corridor.
- f) The City advises there is an identified higher-order people mover corridor, aka the Grand Boulevard, along the Palmer Avenue frontage that may eventually include a bridge over Falls Avenue and the elimination of the Palmer Avenue Municipal Parking Lot. Work is presently being conducted to expand on the original People Mover Environmental Assessment, 2001 (and related studies), by way of a federal grant related to a tourist connectivity study in the City's Tourist Core. This current study contemplates expansion of the transportation network from the Grand Boulevard to the VIA Rail / GO Station, located at Bridge Street and Erie Avenue, and along the frontage of the proposed development. In this context, the City reserves the right to negotiate with the applicant at a later date for a contribution to infrastructure supportive of moving people to, through, and from the tourist core and the subject property, including pathways, bridges, and transit stops, where it is argued that the applicant will be both directly and indirectly benefitting from this improvement.
- g) The proposal utilizes the abutting municipal parking lot at the corner of Bender Street and Palmer Avenue. There is a 1,363m<sup>2</sup> supporting area below the entire parking lot property, and part of one retail unit. The fourth floor and above cantilever over part of the parking lot and provides for a 14-18m vertical clearance. Given the current initiatives taking place, no part of the building may encroach onto or beneath any part of the City's parking lot property.

- h) Access to the parking garage is provided through both the Ontario Avenue driveway and via the municipal parking lot via Palmer Avenue. The driveway to the parking lot appears to be in a new driveway location slightly closer to the bridge abutment. A pedestrian entry to the retail space is also shown from the parking lot. Bender Street can become congested during weekends in the summer and can operate in constrained conditions. It is normal that there is a back-up of drivers lined up for the Rainbow Bridge and overflow back onto Falls Avenue, which consequently affects eastbound traffic on Bender Street as drivers are unable to merge onto Falls Avenue. It is likely that this connection through the municipal parking access is intended to provide an outlet so drivers can discharge onto Palmer Avenue and avoid Bender Street during these conditions. Access through the municipal parking lot can be permitted in the interim through an agreement; however, will not be possible once the construction of the fixed-link begins and is operational. Alternatives for the future consideration are to be provided prior to approval of the use of the parking lot.
- i) The existing municipal parking lot has 31 parking spaces. The plan shows the lot having 27 parking spaces, for a reduction of 4 parking spaces. The applicant will be required to reimburse for the lost revenue of 4 parking spaces. This can be negotiated with the other land permissions sought.
- j) The developer will be required to reimburse the City for lost revenue, if parking within the municipal parking lot cannot be used for public parking during construction.
- k) The building encroaches over Ontario Avenue, from the second floor to the top floor. The 10m vertical clearance is high enough as to not obstruct sight lines of the traffic signals at Bender Street and Ontario Avenue for motorists approaching the intersection.
- l) A new traffic impact and safety study is required. A traffic impact study prepared by RV Anderson was included in the initial application. There is a proposed high rise building on the other side of Palmer Avenue that needs to be accounted for in the analysis as well as an approved high-rise building that affects the study area. The analysis must reflect summer traffic conditions using actual summer traffic data. The traffic study analysed the development as a business hotel; the description in the manual does not necessarily reflect a tourist-oriented destination. Several assumptions were made that were not supported by Staff. The report must be signed by a professional engineer with a transportation discipline taking responsibility for the report contents. Staff will follow up with the consultant on their traffic study/report.
- m) A 430-room hotel requires 344 parking spaces, at a rate of 0.8 parking spaces per room. Ancillary uses to the hotel are exempt from providing parking. Zoning to confirm and their comments prevail. The site statistics table identifies that the garage will be separated by 7 levels containing 279 parking spaces including 7 accessible spaces. Further down the table, a total of 311 parking spaces is noted. To get to 311 parking spaces, the 27 parking spaces in the municipal parking lot have been included plus the 5 parking spaces by the registration area. Use of the municipal parking lot for required parking will not be permitted. Staff counted 264

parking spaces - 5 underground or next to the registration area, 0 on the ground level, 36 on the 2nd level, 28 on the 3rd level, 53 on each of the 4th and 5th levels, and 89 on the 6th level.

- n) As the parking spaces within the neighbouring municipal parking lot cannot be included in the parking count, the development therefore has an 80 parking space shortfall. If the applicant intends to proceed as shown in the latest plans, then the applicant would be required to demonstrate through a parking demand analysis study that the proposed parking rate is appropriate for the site. The developer's consultant is required to provide their terms of reference to the City for approval prior to starting their study. The field work must be done in the summer. Transportation Staff strongly recommends that the applicant provide the minimum by-law requirement.
- o) The minimum number of accessible parking spaces is based on the parking lot capacity. A parking area having 279 parking spaces requires a minimum of eight (8) accessible parking spaces and this is determined through the following formula for parking lots having between 201 and 1,000 parking spaces:  $2 + 2\%$  of the total number of parking spaces, rounding up to the nearest whole number, thus  $2 + 0.02 \times 279 = 7.58$ , rounded up to 8 accessible parking spaces. Seven (7) accessible parking spaces are noted. Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:
- i) one authorized disabled parking sign on display;
  - ii) one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
  - iii) both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
  - iv) be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
  - v) have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
  - vi) shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
  - vii) located on a level surface; and,
  - viii) placed in a location as to minimize the distance to building entrances.
- p) Parking stall widths and lengths and aisle widths to be noted.
- q) The main entrance to the hotel is off of Ontario Avenue. There is a semi-circular driveway on the west side of Ontario Avenue for the hotel entrance. The driveway appears to be able to fit 3 vehicles. This may be insufficient to accommodate normal hotel operations, and could result in drivers waiting on the road until the vehicles clear. The traffic study will need to analyse arrival rates.

- r) The exit driveway appears to be within the functional area of the signalized intersection and may not meet prevailing guidelines for driveway setbacks. A second vehicle that is waiting at the red light would partially impede a driver exiting the hotel. The access to the parking garage would require a guest having to leave the site after registering to access the parking garage. Access into the parking garage should be provided without the driver having to leave the property to access another part of it.
- s) The parking spaces next to the lobby entail drivers having to back into or out onto the road allowance. The aisle way is entirely within the Ontario Avenue right-of-way. The aisle way for the parking spaces must be entirely on private property.
- t) A loading area is noted on the east side of the development, accessed through driveways from Ontario Avenue. The loading area appears to be constrained to accept large trucks. Truck movements are generally assessed with a future Site Plan application, though it is important to carry out a preliminary assessment at this time to vet out any concerns with truck circulation.
- u) The hotel and exhibition proposal provides another unique tourist experience in Niagara Falls. Does the developer have any plans to provide bus tours or have this attraction as one stop on a tour? The nearby bird aviary has private tour buses routinely stop to discharge passengers on the paved boulevard next to that tourist destination. There have not been any areas shown on the site for tour buses, unless the loading area is also meant for tour buses. Due to all roads abutting the site having single through lanes, a bus standing on the road would be a major disruption to traffic flow.
- v) A No Stopping, Tow Away Zone is present on both sides of Bender Street, between Victoria Avenue and Falls Avenue, and a No Parking, Tow Away Zone is present on both sides of Ontario Avenue between Bender Street and Hiram Street. A No Parking, Tow Away Zone is present on both sides of Palmer Avenue between Bender Street to beyond the Falls Avenue overpass.
- w) There is no transit service on either Bender Street or Ontario Avenue. The closest bus stop is on Victoria Avenue for the Niagara Region Transit #104/204 routes. The WEGO blue line proceeds through the Casino Niagara property with a stop within the parking area behind the Skyline Hotel, on approach to the signals at Victoria Avenue and Walnut Street.


3. **Municipal Works - Landscape Services** has reviewed the submission and offers the following comments:

- a) A tree survey plan will be required as part of the Site Plan submission and shall conform to the City of Niagara Falls Standards for Site Planning. The plan shall be developed by a certified professional and shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent landowner(s). The recommendations of the tree survey plan shall be implemented in the Site Plan. This includes potential modifications to project layout and grading.

***A Great City ... For Generations To Come***

- b) A landscape plan will be required as part of the Site Plan submission and shall conform to the City of Niagara Falls Standards for Site Planning. The landscape plan shall be developed by an Ontario Landscape Architect. The design of the landscape plan shall have consideration for enhancing street frontage, improving walkability, winter snow storage, and reducing heat island effect of hard surface areas. The planting of native species is preferred.
- c) Staff will seek further discussion at the time of Site Plan application regarding overhanging structures on City property.
- d) Parkland dedication shall be provided as Cash-in-lieu at the rate of 5%.

For further enquiries please contact the undersigned at extension 4102.



---

Brian Kostuk, C.Tech.



# Inter-Departmental Memo

**To:** Alexa Cooper, Planner 2  
**From:** Sue Scerbo, Senior Zoning Administrator  
**Date:** February 2, 2023  
**Re:** **Official Plan and Zoning By-law Amendment  
 4709, 4725 Bender Street and 5855 Ontario Avenue  
 Hotel/Tourist Commercial Development Zoning Comments**

**Summary:**

The applicant is proposing to construct an 18-storey mixed use building with a hotel containing 430 suites, an ice sculpture centre, tropical garden exhibition, 2,126 square metres of retail space and a buffet restaurant.

The subject lands are zoned Tourist Commercial (TC) in accordance with Zoning By-law No. 79-200, as amended by By-law No. 2012-060.

**The following table compares the standards of the TC zone with what is proposed:**

Provision	Requirement	Proposal	Comply
Minimum lot frontage	6 metres	56+ metres	Yes
Minimum front yard depth (deem Palmer Avenue as the lot frontage)	10 metres from the centreline of the original road allowance of Palmer Avenue	10 metres 0 metres + not noted from the original centerline of Palmer Avenue	Please show road allowance of Palmer Avenue
Minimum rear yard depth where any part of the building is used for residential purposes	10 metres	n/a	n/a
Minimum rear yard depth where no part of the building is used for residential purposes	3 metres provided that no rear yard is required where the rear lot line abuts a public lane or a public parking lot	1.22 metres	No
Minimum interior side yard width where the side lot line abuts a	3 metres	n/a	n/a

residential, institutional or open space zone			
Minimum interior side yard width where the side lot line does not abut a residential, institutional or open space zone	None required	n/a	n/a
Minimum exterior side yard width	11.5 metres from the centreline of the original road allowance of Bender Avenue 20.6 metres from the original centreline of the original road allowance of Falls Avenue	0.61 metres + 11.5 metres from the centerline of Bender Street  Not shown from the original centerline of Falls Avenue (6 metre widening shown)	Yes  Unknown
Maximum lot coverage	70%	90%	No
Maximum height of building or structure	12 metres	68.5 metres noted on site statistics chart	No please confirm height measured from the average finished grade level at the front elevation of the building to the highest point of the roof.
Maximum floor area	Not specified		N/A
Parking and access requirements	Table 1.1: Hotel: 1 parking space for each 1.25 rooms: 430 rooms/1.25=344 parking spaces Restaurant ancillary to a hotel: none Place of assembly/convention centre ancillary to a hotel: none (exhibition hall)	5 underground 36 level 1 28 level 3 53 level 4 53 level 5 89 level 6  TOTAL: 264 parking spaces	No  the 27 parking spaces shown on the plan and included in site stats chart cannot be included as they are located on lands owned by the City (public parking lot)

	Retail store ancillary to a hotel: none		
Minimum parking stall width (structure)	2.75 metres	not noted	information required
Minimum parking stall length (structure)	6 metres	not noted	information required
Minimum parking aisle width	6.3 metres (structure)	not noted	information required
Loading area requirements	In accordance with section 4.20.1 9 loading spaces 3 m x 9 m	2 Loading spaces shown Please show dimensions	No
Maximum floor area for each retail store	400 square metres	219 square metres (maximum unit)	Yes
Maximum floor area of all retail stores per property	3,530 square metres	2126 square metres	Yes

Comments:

- Please provide the information noted above to ensure zoning compliance.

SS:  
S:\PRECONSULTATION\2023\FEB 2\BENDER STREET 4709, 4725 and ONTARIO AVENUE 5855\ZONING COMMENTS.DOCX

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

4709, 4725, & 4745 Bender Street & 5655 Ontario Avenue, Niagara Falls  
February 2, 2023

---

### **Comments Provided via Email:**

Region staff: Alex Morrison, Khaldoon Ahmad, Susan Dunsmore

City staff: Andrew Bryce, Julie Hannah.

Owner: Great Lakes Entertainment Canada Ltd.

Agent: Guo Yin Xie.

**Type of Application:** Local Official Plan & Zoning By-law Amendments, Site Plan Approval

Related to: PRECON-19-0315

### **Application Description**

- A proposed 18-storey hotel (430 rooms) with retail (22 units), and Ice Sculpture Museum.

### **Provincial and Regional Land Use Designations**

Provincial Policy Statement (PPS): Settlement Area.

Growth Plan: Delineated Built-Up Area.

Niagara Official Plan (NOP): Delineated Built-Up Area.

### **Planning Comments**

- Regional staff does not object to the proposal, in principle, as the proposal is permitted within Provincial and Regional Urban Area policies, subject to the comments below. The proposed development is located on existing urban serviced lands and will make better use of an underutilized property.
- Regional staff defer to City staff with respect to the compatibility of the proposed development and its surrounding local context.

### **Urban Design**

- The Regional interest is the interface between the development and the Regional Road. This section of the Regional Road is a gateway into Niagara Falls. The landscape treatment along with the iconic building design will provide a visual marker and contribute to placemaking.
- Please submit the following materials:
  - At OPA / Zoning: Site Plan Drawing, Building Elevations (facing Regional Road), and Landscape Architectural Concept.
  - At Site Plan: Site Plan Drawing, Building Elevations (facing Regional Road), Landscape Architectural Plan, and Pedestrian Wind Assessment (with Niagara Region's ToR).
    - Please contact Manager of Urban Design, Khaldoon Ahmad ([Khaldoon.Ahmad@niagararegion.ca](mailto:Khaldoon.Ahmad@niagararegion.ca)) about the ToR.

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

4709, 4725, & 4745 Bender Street & 5655 Ontario Avenue, Niagara Falls

February 2, 2023

---

### **Land Use Compatibility – Noise**

- The property abuts Falls Avenue (Regional Road 420). The proposed hotel development is considered to be a “*Noise sensitive commercial purpose building*” in accordance with the Ministry of the Environment, Conservation and Parks’ (MECP) NPC-300 Guidelines.
- For information: Table 9-C of the Guidelines contains the acceptable indoor sound levels that are extended to land uses and developments which are not normally considered noise sensitive. The Applicant should adhere to the limits of Table 9-C, which are presented as information for good-practice design objectives. Staff does not offer any Noise Impact Study requirements for the proposal.

### **Archaeological Resources**

- The subject lands are located within the Region’s mapped “Area of Archaeological Potential” as set out in Schedule K of the NOP. In accordance with NOP Policy 6.4.2.6, a Stage 1 Archaeological Assessment, plus any subsequent recommended Assessments, are required for the development.
  - The required Letter(s) of Acknowledgement from the Ministry of Citizenship and Multiculturalism for the filing of the completed assessment work can be managed through a Holding Provision on the amending by-law (or condition of Site Plan Agreement).

### **Environmental Comments**

- The property is located outside of the Region’s Core Natural Heritage System mapping. As such, Environmental Planning staff offers no comments or requirements at this time.

### **Transportation / Roads**

- Bender Street (Local).
- Ontario Avenue (Local).
- Palmer Avenue (Local).
- Falls Avenue (Regional Road 420).

### **Servicing**

- Water: 200 D UNK – Local – Ontario Street.
- Water: 300 D DI - Local - Bender Street.
- Sanitary: 600 D CON – Local - Bender Street.
- Storm: 1200 D CON - Local - Bender Street.
- All servicing should be from Bender Street. Regional staff will require a Sanitary Servicing Brief identifying expected dry and wet weather flows for the proposed development
- Currently the Region is completing an EA on the Bender Hill Sewage Pumping Station. Information is available online at: <https://www.niagararegion.ca/projects/bender-hill/default.aspx>

### **Stormwater Management**

- The Region offers no stormwater management comments at this time. Should the site’s stormwater outlet onto Falls Avenue (Regional Road 420), then it is requested that the Applicant contact Regional staff to confirm stormwater requirements (and fees).

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

4709, 4725, & 4745 Bender Street & 5655 Ontario Avenue, Niagara Falls

February 2, 2023

---

### **Waste Collection**

- Based on the nature of the proposal, waste collection for the development will be the responsibility of the Owner through a private waste collection contractor and not the Niagara Region.

### **Required Studies & Materials for Regional Review**

- Planning Justification Report (prepared by a RPP) – at OPA / Zoning.
- Urban Design Materials:
  - At OPA / Zoning: Site Plan Drawing, Building Elevations (facing Regional Road), and Landscape Architectural Concept.
  - At Site Plan: Site Plan Drawing, Building Elevations (facing Regional Road), Landscape Architectural Plan, and Pedestrian Wind Assessment (with Niagara Region's ToR).
- Stage 1 Archaeological Assessment, plus any other recommended assessments – at Zoning.
  - Letter(s) of Acknowledgement from the Ministry can be managed through a Holding Provision on the amending by-law or condition of Site Plan Agreement.
- Sanitary Servicing Brief – at OPA / Zoning, and Site Plan.

### **Regional Review Fees**

The Region's Fee Schedule is available at: [https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx).

Be advised that the Region's review fee amounts are subject to change upon Regional Council's approval of the new 2023 Fee By-law. New review fee amounts are anticipated to come into effect on March 1, 2023. Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

#### **2023 Draft Fees**

- Major Urban Design Review (\$665).
- Minor Local Official Plan Amendment Review (\$5,525).
- Zoning By-law Amendment Review (\$1,395).
- Major Site Plan Review (\$1,395).