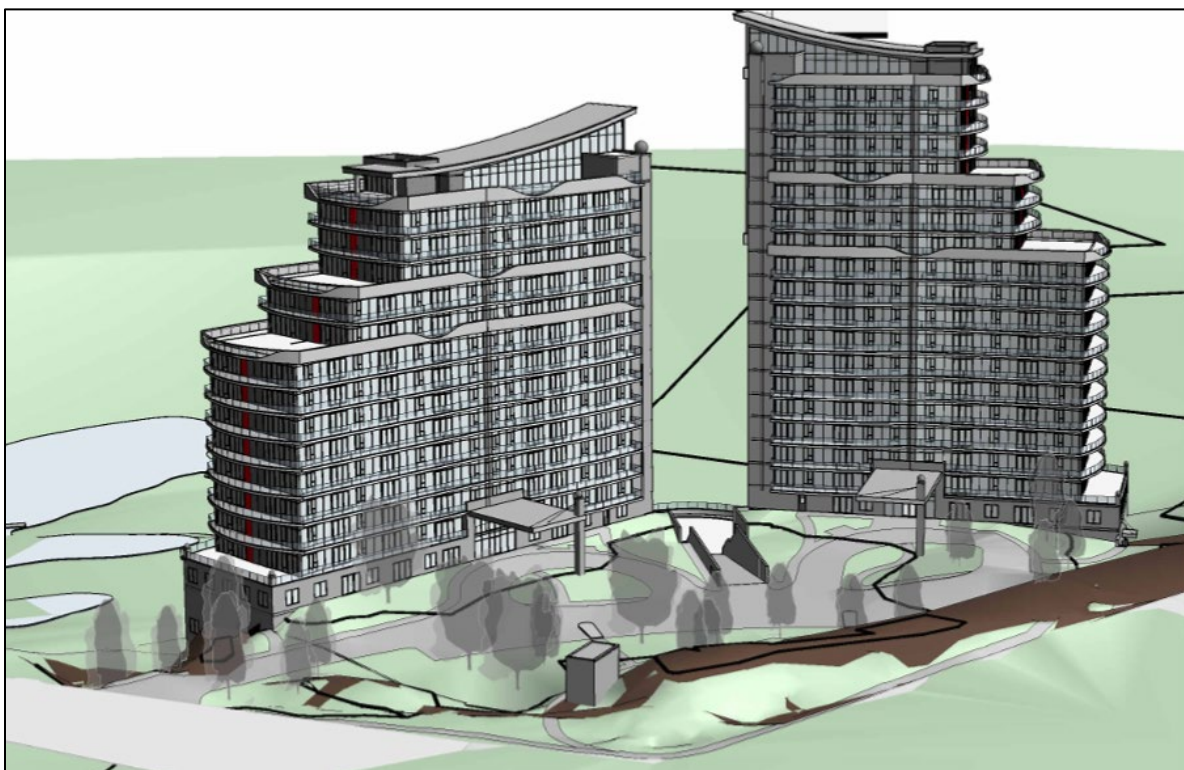


# Planning Justification Brief

## Official Plan Amendment & Zoning By-law Amendment Application



2430 St. Paul Avenue, Niagara Falls

For: Legion Heights Niagara Inc.

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Date: April 4, 2024

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## 1.0 Introduction

NPG Planning Solutions Inc. ("NPG") are planning consultants to Legion Heights Niagara Inc., "Owners" of approximately 14,057.4 square metres (1.4 ha) of land in the north end of the City of Niagara Falls, municipally known as 2430 St. Paul Avenue (the "Subject Lands"). NPG has been retained to provide professional planning advice for the proposed development of a condominium development to include two residential towers at a maximum of fifteen (15) and nineteen (19) storeys in height with a total of 295 dwelling units on the Subject Lands. The proposal includes provision for 37 units that would be more affordable in price ranging from \$400,000 - \$550,000. The dwelling units are planned to be condominium tenure. The development provides a total of 373 vehicular parking spaces, most of which are accommodated below grade. The development is required to provide a total of 148 bicycle parking spaces. The Site Plan currently shows provision for 82 enclosed bicycle parking spaces. The development will accommodate the required 148 enclosed bicycle parking spaces with the Site Plan drawing to be amended at Site Plan Stage. To facilitate the proposed development an Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBA") would be required.

The existing Official Plan designation for the Subject Lands is Residential, Special Policy Area "26," which is specific to a previously approved development for the site. An OPA is required for the development, including amendments for height and the density at 210 units per hectare (uph). The existing Zoning for the property is site-specific R5B-498. A Zoning By-law Amendment is required to amend site-specific zoning including provisions for lot area, setbacks, building height and parking space requirements.

This Planning Justification Report ("PJR") provides an analysis of the proposed development and evaluates the appropriateness of applications for amendments to the Official Plan and Zoning By-Law when assessed against policies in the Provincial Policy Statement ("PPS"), Growth Plan for the Greater Golden Horseshoe ("Growth Plan"), Niagara Official Plan, the City of Niagara Falls Official Plan ("City's OP") and the City of Niagara Falls Zoning By-law No. 79-200.

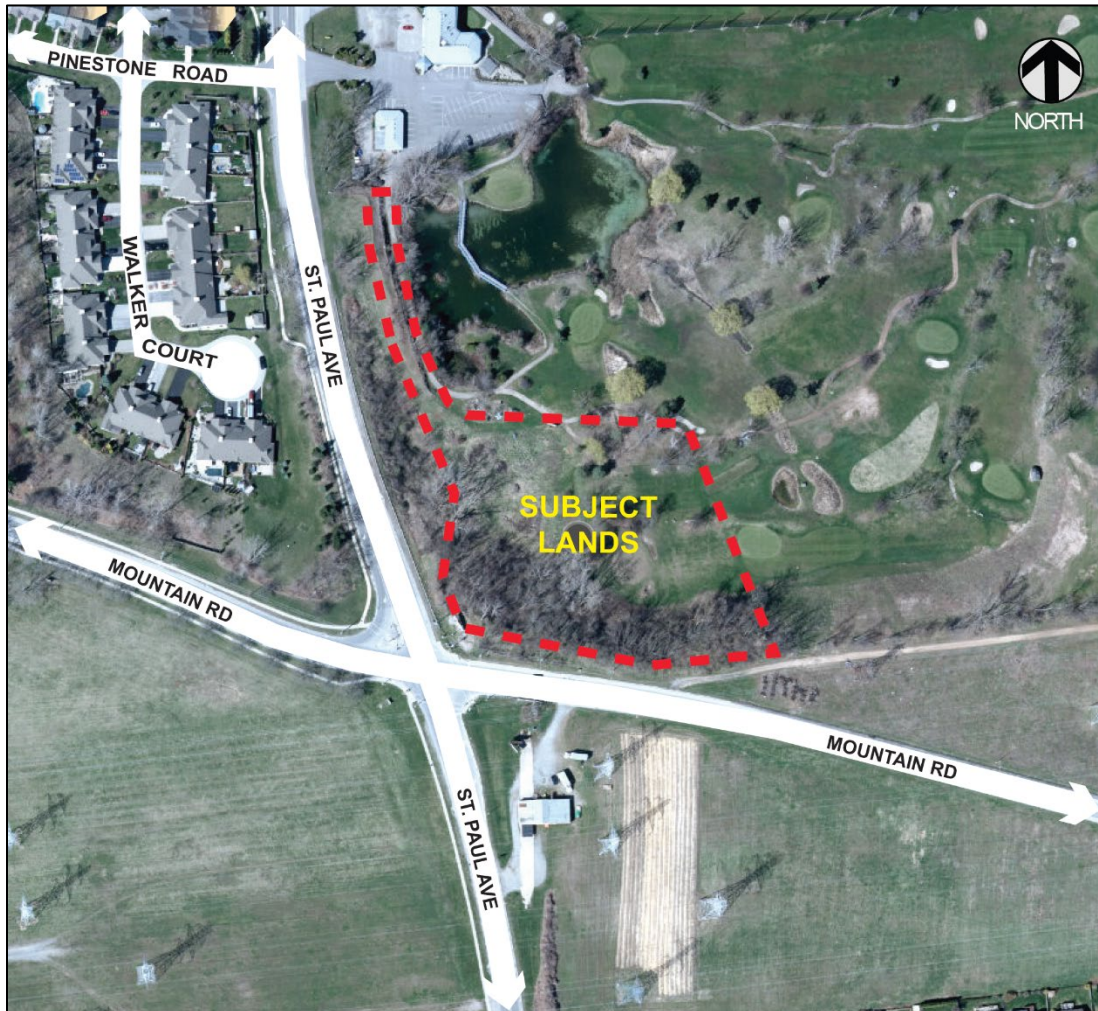
Section 5 of this report provides analysis of the proposed applications within the Provincial, Regional and Municipal planning policies. Section 5.5 of this report discusses the proposal's conformity with the City's OP while Sections 6 and 7 provide planning rationale for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment respectively.

## 2.0 Description of Subject Lands and Surrounding Area

### 2.1 Existing Site Conditions

The Subject Lands are located at the north end of the City of Niagara Falls, and specifically, at the northeast corner of St. Paul Avenue and Mountain Road (both Regional

Roads) as shown in **Figure 1**. For the purposes of orientation, this report will assume Mountain Road to be south, St. Paul Avenue to be west, and the Eagle Valley Golf Course to be north and east of the Subject Lands.



**Figure 1 - Location of Subject Lands**

The Subject Lands are an irregular shaped parcel with an area of 1.4 hectares (3.4 acres). The Subject Lands currently have a significant and steep slope from Mountain Road and St. Paul Avenue at the highest elevations, down towards the golf course at the lowest elevation; an overall height differential of approximately 15-17 metres. There have been significant earthmoving works on the Subject Lands with past uses as a sand and gravel quarry, and the site has been variously built up in areas with gravel and fill. There are existing trees lining the perimeter of the property including those within the regional right-of-way along Mountain Road and St. Paul Avenue, and along the property line abutting the golf course. The Subject Lands are fenced off with a chain link fence. There are no buildings on the Subject Lands. Existing conditions of the site are shown in **Figures 2 to 6**.





***Figure 2 - View of Subject Lands approaching from the north and facing south with several changes in grade visible across the property, Mountain Road is beyond the tree line at the highest grade in farthest distance, to the right is the grade change rising to St. Paul Avenue with existing trees and vegetation.***





**Figure 3 – View facing southeast with Subject Lands at right and grassed golf course property at left separated by a chain link fence.**



**Figure 4 - View of built-up grade at centre on Subject Lands with Mountain Road at highest grade to the rear (south), and golf course visible at the bottom of the slope to the left (east).**





**Figure 5 - View facing southwest of built-up grade on Subject Lands, Mountain Road at highest grade at left (south) and St. Paul Avenue at highest grade to the right (west) with existing treeline visible.**



**Figure 6 - View of Subject Lands facing southwest towards the intersection of Mountain Road and St. Paul Avenue with existing treeline visible.**

## 2.2 Surrounding Area

The surrounding context is described below and shown in **Figures 7 to 11**.

- North & East:** North and east of the Subject Lands is the Eagle Valley Golf Club, at the lowest elevation.
- West:** Directly abutting the Subject Lands to the west is St. Paul Avenue, a Regional Road, and the regional road right-of-way, which includes a steep grade change with the road at the higher elevation point. To the west side of St. Paul Avenue is a medium-density residential neighbourhood characterized by 1.5-storey townhouse blocks on Pinestone Road and Walker Court. The intersection between Mountain Road and St. Paul Avenue is located at the southwest corner of the Subject Lands. Diagonally adjacent (southwest of the Subject Lands) across the intersection of St. Paul Avenue and Mountain Road), are vacant lands that City Council recently approved for a 5-storey, 71-unit residential apartment building development.
- South:** At the south, contiguous to the lands, is Mountain Road, also a regional road. Further south, there is a seasonal fruit farm on the opposite side of Mountain Road. Additionally, the area south of the Subject Lands are occupied by a hydro corridor.



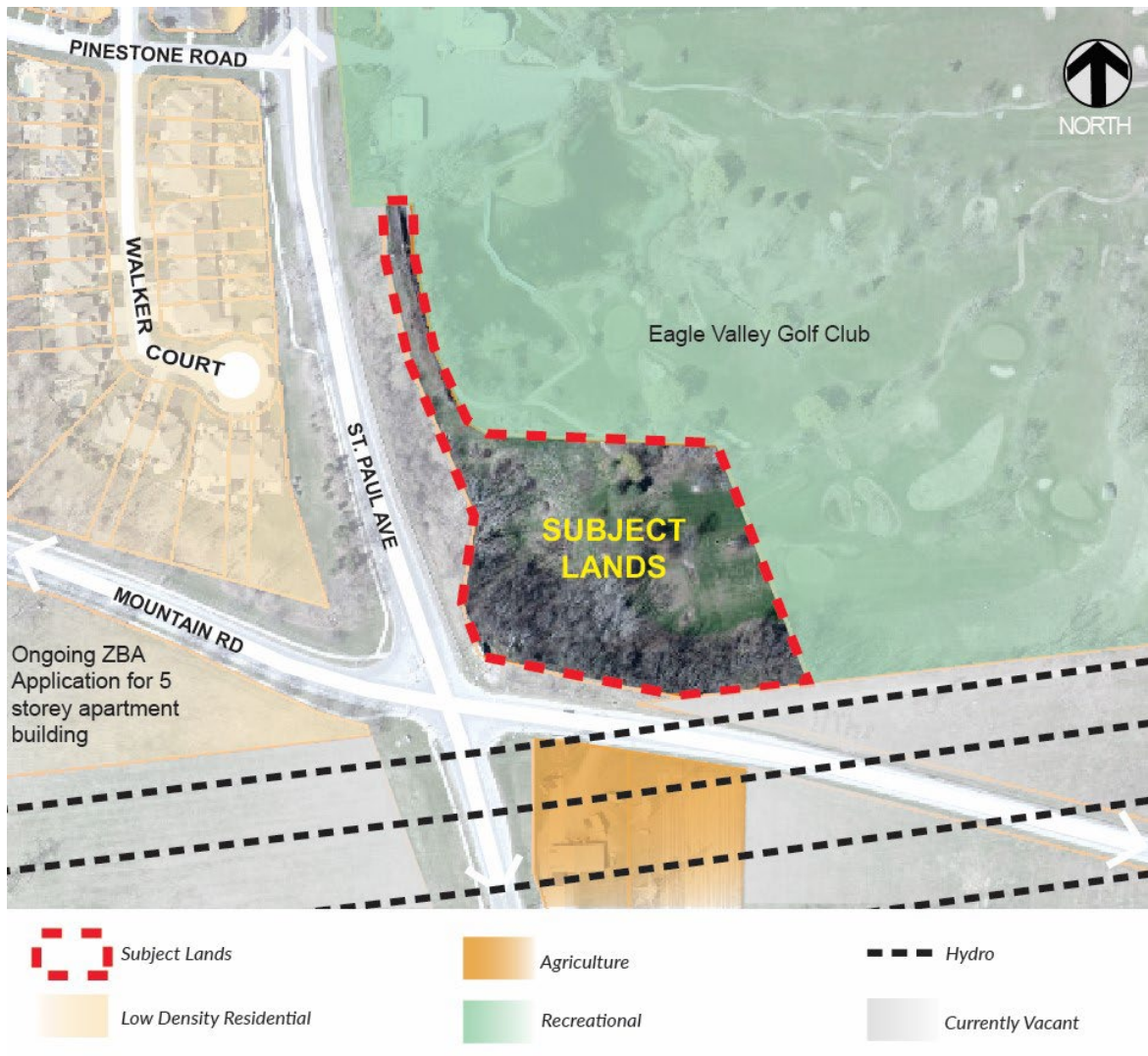


Figure 7 - Map of Surrounding Context



**Figure 8 – Public realm abutting Walker Court facing southeast, towards the Subject Lands located across St. Paul Avenue.**

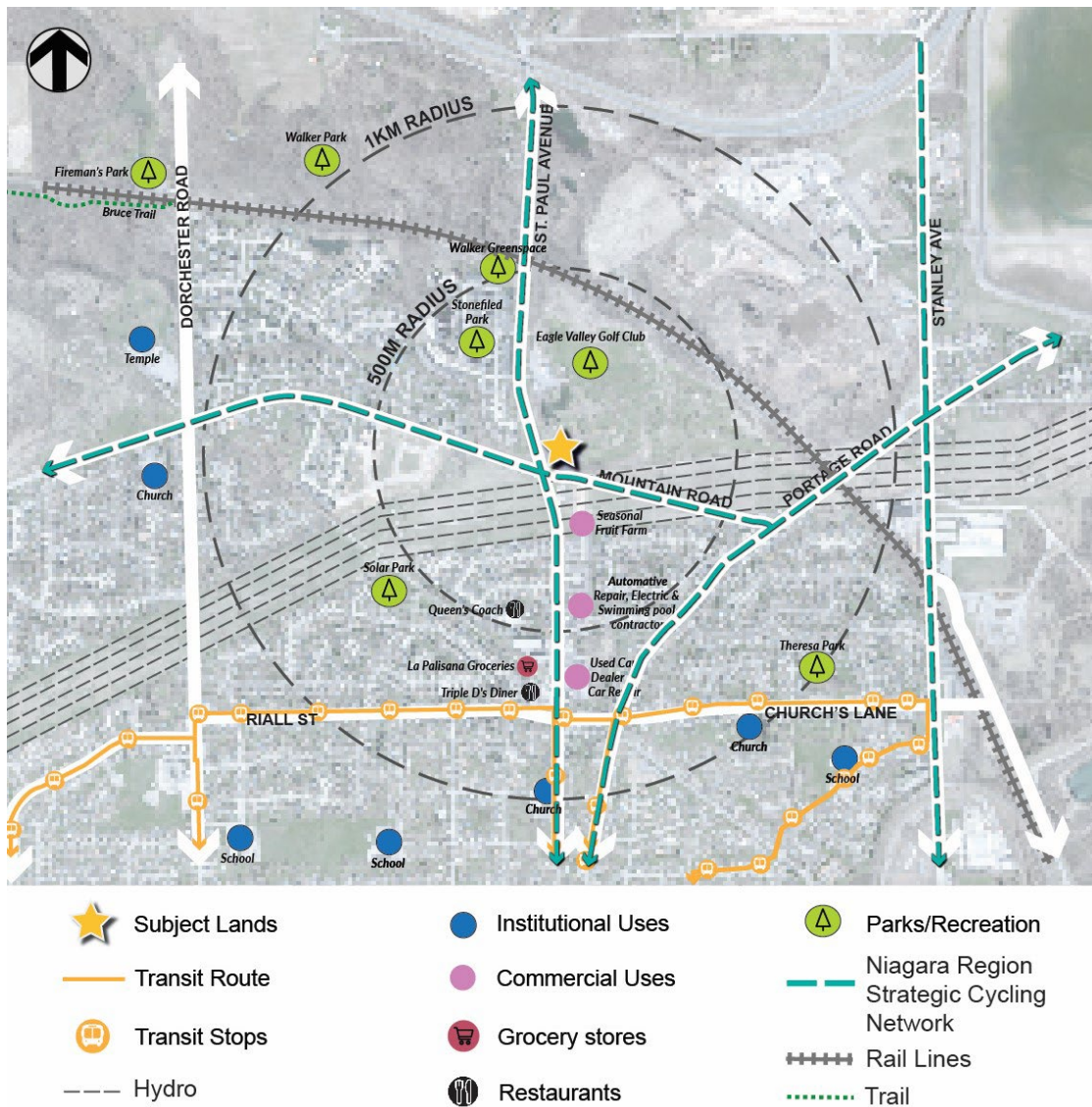


**Figure 9 - Adjacent residential development at Walker Court**





***Figure 10 - Hydro Corridor lands south of Subject Lands, across Mountain Road***



**Figure 11 - Community Amenities Map**

As shown in **Figure 11**, the Subject Lands are situated at the intersection of two regional roads, which are part of the Niagara Region Strategic Cycling Network. The Subject Lands are in proximity to several parks within a 1 km radius. Just outside the 1 km radius, west of the Subject Lands, is Firemen's Park, a large community park and hiking area that provides active and passive recreation opportunities including playgrounds, a basketball court, baseball diamond, dog park, disk golf course and restrooms. The Subject Lands have convenient access to Firemen's Park via sidewalks on Mountain Road, via walkway connections through Pinestone Road and the Calaguire Estates neighbourhood, and via the Bruce Trail connection at St. Paul Avenue. The Bruce Trail itself offers connections to other hiking and walking trails in the immediate area.



Several commercial establishments, restaurants, and a small ethnic foods grocer are within a 1 km radius of the Subject Lands. Further shopping and amenities exist approximately 1.5 km from the Subject Lands at Stamford Centre.

The nearest transit stop is approximately 700 metres south at Riall Street, which translates to a roughly 10-minute walk. Institutional uses in the surrounding area include several churches and schools.

### 3.0 Proposed Development

#### 3.1 Introduction

The proposed development consists of a condominium development with two residential apartment buildings connected by a one-storey link. Most of the required parking for the development is accommodated in an underground parking structure. Some parking spaces are accommodated at grade between the building and the roads (see **Figure 12**) to be screened by trees and ornamental plantings. The existing treeline along St. Paul Avenue and Mountain Road are proposed to be maintained for added buffering between the development and public realm.

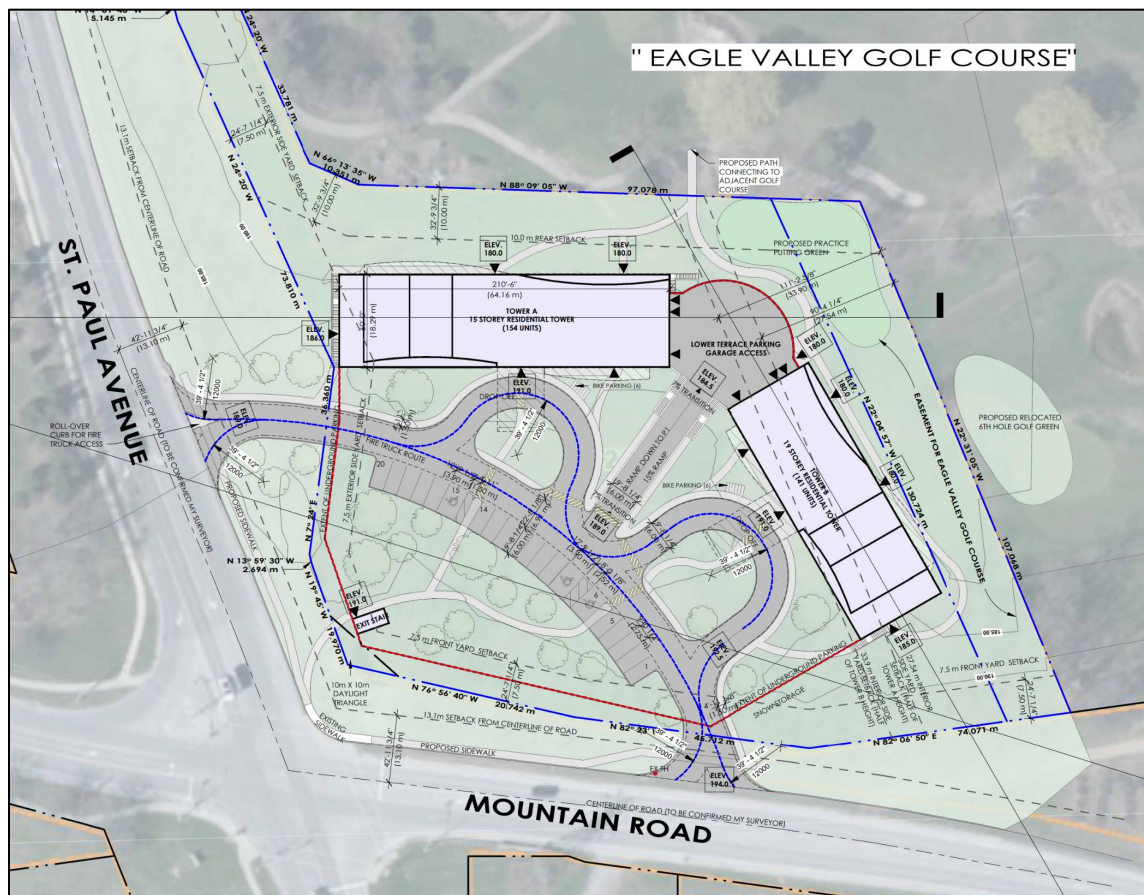


Figure 12 - Proposed development on Subject Lands showing Towers A and B, driveway and parking areas.

The development contains two towers that step up in height as shown in **Figure 13**. The northwest tower, adjacent to St. Paul Avenue (Tower A) ranges in height from 10 to 15 storeys with a maximum height of 55.08 metres. The building increases in height from west to east at levels 2, 10, and 12 to level 15. The second tower (Tower B) is located to the southeast of the site and ranges in height from 15 to 19 storeys with a maximum height of 68.77 metres. Tower B steps up in height from south to north at levels 2, 12, and 15 to level 19. The development provides a total of 295 dwelling units, with Tower A comprising 156 units and Tower B containing 139 units. Unit sizes range in area from 545 to 1440 square feet, catering to a range of residential needs. The sloped topography of the site allows for the integration of some levels of the building below surrounding grade levels. Of note, the existing elevation of the intersection of St. Paul Avenue and Mountain Road varies from 191.83 to 192.34 metres above sea level; the two levels of underground parking are below this elevation.



**Figure 13 - Mountain Road elevations of proposed residential development.**

To address parking needs, the development includes two underground levels and surface parking, providing a total of 373 vehicular spaces, including 11 barrier-free spaces. Enclosed bicycle parking areas are accommodated within each apartment. The development will provide the required 148 bicycle parking spaces (at the ground floor level), and 12 outdoor short-term bicycle parking spaces.

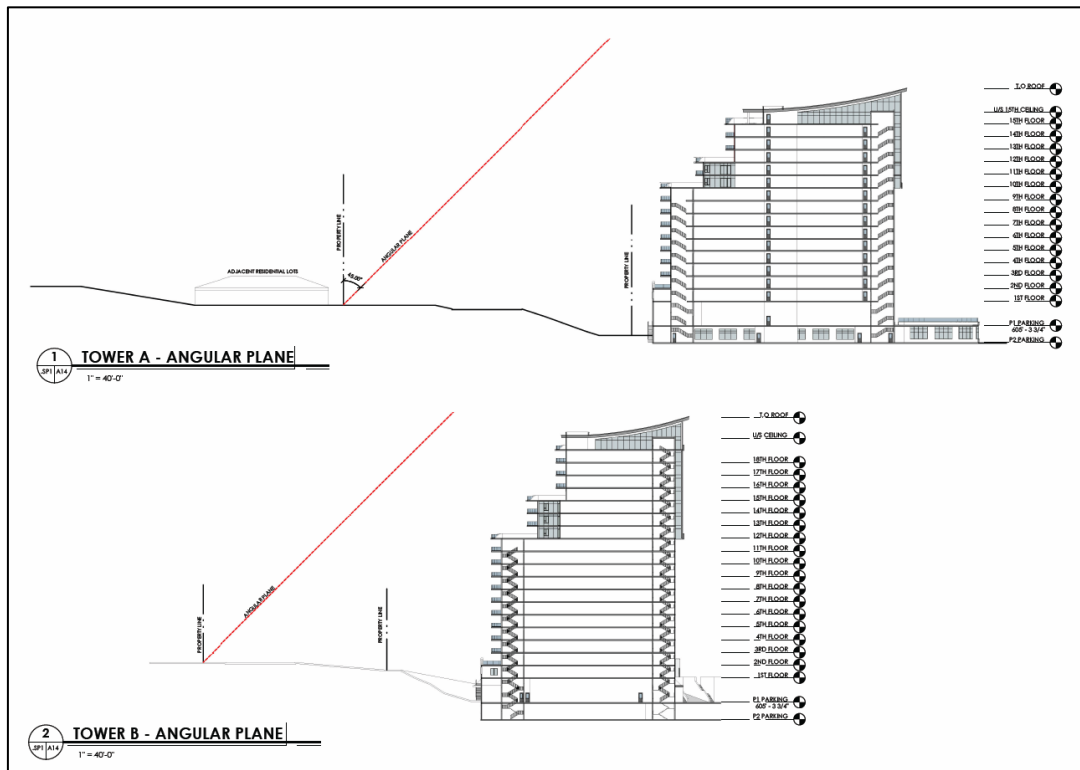
The development offers various amenities for residents including those directly tied to the abutting golf course such as the outdoor practice putting green, an area for indoor golf cart storage and golf equipment lockers on level P2. The design of the proposed

development is functionally tied to the golf course and provides direct access to the course. Additional amenity space is accommodated within the ground floor of each apartment building. Each tower also provides balconies and several communal rooftop terraces at various levels for outdoor amenity space.

Pedestrian access is provided to the site from the intersection of Mountain Road and St. Paul Avenue and by sidewalks from both regional roads. Vehicular access is provided via a full movement access to Mountain Road. Access from St. Paul Avenue is provided by a right-in, right-out and left-in only driveway. The internal driveway network provides access to the front doors of both apartments and access to the ramp leading to the underground parking levels.

The proposed residential towers have been designed to mitigate potential impacts to adjacent uses and to achieve the urban design standards established within the Niagara Region Model Urban Design Guidelines and within the City OP. Aesthetically, the curved roof design adds visual interest. Visual interest is further achieved with varied building design elements including the buildings' curving lines, diverse material usage, and a combination of windows and curtain walls. Functionally, the proposal incorporates step backs at several upper levels on both towers with gradually smaller floor areas, allowing for the incorporation of several open terraces and reducing potential overlook onto adjacent residential uses.

**Figure 14** demonstrates that the building design complies to a 45-degree angular plane from the opposite property line of the adjacent road allowances, which assists in mitigating potential shadowing and overlook into adjacent residential uses from the upper levels of the residential towers.



**Figure 14 – 45-degree angular plane analysis as viewed from public realm for Towers A and B (prepared by ACK architects).**

### 3.1.1 Official Plan Amendment

The Subject Lands are designated Residential, Special Policy Area "26" within the Official Plan, which was approved to facilitate a previous development for a condominium development in the form of a 10-storey apartment building. The formerly approved development was never constructed, but the site-specific designation remains on the Subject Lands and states:

*Special Policy Area "26" applies to approximately 1.5 hectares of land located on the northeast corner of St. Paul Avenue and Mountain Road. These lands are designated Residential on Schedule "A" to the Official Plan. Notwithstanding the policies of Part 2, Section 1.7.3, an apartment building, having a maximum building height of 32 metres or 10 storeys, as measured from the elevation of 192 metres to the top of the tenth storey excluding the elevator or mechanical penthouse, which may include 929 square metres of neighbourhood commercial space, will be allowed on the lands up to a maximum density of 75 units per hectare. A prerequisite for site plan approval is a detailed noise and vibration study because the lands are within 500 metres of a railway line, and a detailed storm water management report because there are no storm sewers available to the service the site.*

The current proposal for the Subject Lands would require an OPA recognizing the proposed maximum height at 19-storeys and the proposed density at 210 units per

hectare. Studies assessing noise, vibrations and storm water management have been undertaken for the proposal and are reviewed below.

### 3.1.2 Zoning By-law Amendment

Currently, the Subject Lands are zoned site-specific R5B-498 through By-law 2013-59 (see **Appendix E - By-law No. 2013-59**), which contains specific provisions for lot area, maximum number of dwelling units, setbacks, maximum building height, landscaped open space, lot coverage and floor area per use. The site-specific zoning for the property permits an apartment building with 101 dwelling units and a maximum height of 32 metres as measured from an elevation of 192 metres. The zoning provisions for the Subject Lands were further amended by Committee of Adjustment decision A-2017-038 and, subsequently, decision A-2019-035, which approved changes to height, relief for accessory structures and permitted a total of 123 dwelling units.

Required relief for the proposed development includes minimum lot area per dwelling unit, number of apartment buildings, minimum interior and exterior side yard widths, maximum building height, number of apartment dwelling units, and minimum vehicular parking requirements.

### 3.1.3 Future Planning Applications

If the OPA and ZBA are approved, future applications for Site Plan Control and Plan of Condominium would be required to facilitate the development.

## 3.2 Pre-Consultation Summary

The Pre-Consultation meeting for the proposed applications was held with municipal staff on April 20, 2023. The following studies and information were required to accompany the applications for OPA and ZBA to facilitate the proposed development:

1. Concept Site Plan
2. Draft local Official Plan Amendment
3. Geotechnical Report with Vibration Monitoring
4. Municipal Servicing Study
5. Noise Study
6. Perspective Drawings
7. Parking Demand Study
8. Planning Justification Report
9. Shadow Analysis
10. Stormwater Management Plan
11. Traffic Impact Study
12. Tree Inventory Preservation Plan
13. Urban Design Brief/Architectural Brief
14. Conceptual Landscape Plan
15. Wind Study



Additional studies and information required at future Site Plan Control and Plan of Condominium stages include:

- Condominium Plan
- Grading Plan
- Detailed Landscape Plan

## 4 Supporting Studies Review

### 4.1 Concept Site Plan, Perspective Drawings etc.

ACK Architects has prepared the concept Site Plan, floor plans, perspective drawings and elevation drawings. These items are referred to throughout this report.

### 4.2 Draft local Official Plan Amendment and Zoning By-law Amendment

The draft local Official Plan Amendment and draft Zoning By-law Amendment are attached as **Appendix C** and **Appendix D** respectively.

### 4.3 Geotechnical Investigation with Vibration Monitoring Plan

The Geotechnical Investigation for the Subject Lands was prepared by Niagara Testing and Inspection Ltd., dated March 15, 2024. The report includes a Vibration Zone of Influence Study and Vibration Monitoring Plan prepared by RWH Engineering Inc. dated January 2024.

The purpose of the Geotechnical Investigation was to determine subsurface soil and groundwater conditions on the Subject Lands to provide design and construction recommendations for foundations, excavation conditions and groundwater control, backfilling recommendations, and related earthworks. The investigation considered pile foundations, caissons, engineered fill and footing foundations, helical piles, and floor slab construction. Consideration was also given to groundwater control, earthquake load, backfilling, lateral earth pressure and pavement type.

RWH Engineering Inc. prepared a Vibration Zone of Influence Study and Vibration Monitoring Plan (dated January 18, 2024) to assess vibrations resulting from any soil compaction for drill rig working surface construction, drilled caissons, shoring installation, excavation, and associated works for the proposed development. The Study concluded that there are no structures within the identified zone of influence, therefore no monitoring program is required.

### 4.4 Municipal Servicing Study and Stormwater Management Plan

Hallex Engineering Ltd. prepared a Functional Servicing Design Brief (FSDB), dated February 21, 2024. The Brief assesses the functional sizing of the proposed storm, sanitary and water services, and post-development flows from the site to determine the impact on existing municipal infrastructure. The Brief recommended the following for the proposed development:

Stormwater Management



- The post-development storm water runoff will increase with the proposed development, therefore storm water detention will be required for the proposed development.
- Stormwater quantity controls can be achieved through with a stormwater management tank.
- Stormwater quality control can be achieved using a Hydrodome HD6 prior to draining the existing municipal storm sewer at St. Paul Avenue.

#### Sanitary Services

- The existing 250 mm diameter municipal sanitary sewer at Mountain Road can be extended approximately 400 m to service the development and will require a new sanitary lateral.

#### Water Services

- Water service can be provided from the Mountain Road municipal watermain.
- There are existing municipal fire hydrants on Mountain Road and St. Paul Avenue that were tested and are determined to be able to adequately service the buildings under fire flow conditions.

The Brief determines that the proposed development could be adequately serviced and that updates may be required to the recommendations based on final site design.

### 4.5 Noise Study

R.J. Burnside & Associates Ltd. (Burnside) prepared a Detailed Environmental Noise Assessment for the proposed development dated February 2024. The Assessment analyzed road traffic noise sources, including St. Paul Avenue and Mountain Road, and potential rail traffic noise from with the CN Rail line to the north and east of the Subject Lands.

The Assessment recommended that transportation noise mitigation measures were required in order to meet the Ministry of the Environment, Conservation and Parks (MECP) noise guidelines as follows:

- Provision for the installation of central air conditioning for Towers A & B.
- Warning clause Type A for potential purchasers for Tower B.
- Warning clause Type C for potential purchasers for Tower A & B.

There were no stationary noise sources of concern surrounding the development. However, noise levels from the proposed development would be above MECP limits and internal stationary noise mitigation measures would be required as outlined within the report. The Noise Assessment concludes that with implementation of recommended noise mitigation measures, the proposed development would meet the applicable MECP guidelines requirements.

#### 4.6 Traffic Impact Study (TIS) and Parking Demand Study

GHD Limited conducted a Traffic Impact Study (TIS) and Parking Study, dated March 6, 2024 for the proposed development. The Study confirms that the proposed development can be accommodated on the existing and planned road network with acceptable volume to capacity ratios for intersections now and into 2031. A left-turn lane was determined to be required on St. Paul Avenue, but it was recommended that it would not provide operational benefits, and it was not anticipated to provide improved safety given the limited number of cars that would be queuing to enter the development. The Study further concluded that:

- The subject site is expected to generate a total of 84 two-way trips during the a.m. peak hour consisting of 22 inbound and 62 outbound trips. During the p.m. peak hour, it is expected to generate 100 new two-way vehicles trips consisting of 62 inbound and 38 outbound trips.
- Under existing traffic conditions, all intersections are operating at acceptable v/c ratios and levels of service during the a.m. peak and p.m. peak hours.
- Under the 2026 and 2031 future background traffic conditions and future total traffic conditions, all intersections are reported to continue to operate with acceptable volume to capacity ratios, delays, and queuing. Overall, the TIS confirmed that the proposed residential development can be accommodated on the existing/planned road network.

With respect to parking, the City's Zoning By-law No. 79-200 requires a parking rate of 1.4 spaces per unit, resulting in 413 parking spaces, including 11 barrier free spaces, required for the proposed development. The proposal provides 373 parking spaces (including 11 barrier free parking spaces) representing a shortfall of 40 parking spaces. The Study concluded that the proposed parking supply at 1.26 spaces per unit (which is less than the City's By-Law requirement of 1.40 spaces per unit) is supportable and expected to meet the parking demand for the development.

The parking assessment was based on various factors such as Ontario's Five-Year Climate Change Action Plan, TTS (Transportation Tomorrow Survey) vehicle ownership, similar developments in Niagara Falls, parking rates in other municipalities, and the ITE (Institute of Transportation Engineers) Parking Generation Manual guidelines.

#### 4.7 Shadow Analysis

ACK Architects prepared a Shadow Analysis as per the City of Niagara Falls Terms of Reference (TOR). The analysis provides an assessment of anticipated shadowing on April 21, June 21, September 21 and December 21. The TOR establishes the following general criteria for the private realm as shown in **Table 1**:

**Table 1 - Niagara Falls Terms of Reference for Shadow Studies**

Description	Requirement	Proposed Development
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<b>Private Realm</b>		
Outdoor residential amenity spaces on adjacent properties	Minimum of 6 hours of sunlight between 10 am to 6 pm from April 21 to September 21.	Complies. Shadows from the proposed development would not inhibit sunlight for adjacent residential amenity areas on September 21 and April 21.
Outdoor Residential Amenity Spaces within the proposed development	Minimum of 4 hours of sun between 10 am to 6 pm from April 21 to September 21 for amenity areas (rear yards, rooftop spaces, balconies, decks, and other shared common spaces).	Somewhat complies. The balconies on the south facing elevations of Towers A and B will receive a minimum of 4 hours of sunlight for balconies. The balconies on the north and east facing elevations of Towers A and B, and the outdoor putting green, will not receive a minimum of 4 hours of sunlight between 10 am - 6 pm, although this is related to the building orientation rather than its height.
<b>Public Realm</b>		
Public Outdoor Amenity Spaces (school yards, children’s play areas, public outdoor pools, community gardens, privately owned public spaces, Civic and Cultural Spaces, and other outdoor public areas)	Should allow for 5 hours of full sun between 10 am – 6 pm on April 21.	Somewhat complies. The adjacent Eagle Valley Golf Course will generally receive 5 hours of sun from 9 am to 2 pm on April 21, however portions of the golf course closest to the proposed development will receive less.
School yards and children’s play areas	Should receive at least 3 hours of sun on December 21 between 10 am – 3 pm.	Not applicable. No school yards or children's play areas are in the surrounding vicinity.
Sidewalk areas and boulevards along the frontage of the development	Should receive a minimum of 4 hours of sun between 10 am to 6 pm on April 21 (The south sides of streets with East and	Complies. Sidewalks along Mountain Road and St. Paul Avenue will more than 4 hours of sunlight on April 21.

	West orientations may receive less sunlight).	
Parks, Open spaces, and natural heritage areas	Shadows should not exceed 3 hours in duration between the hours of 10 am to 6 pm on April 21 and September 21.	Not applicable. There are no parks and open space or natural heritage areas in the vicinity of this development.

#### 4.8 Tree Inventory Preservation Plan

Landmark Environmental Group Ltd. prepared a Tree Survey, Analysis and Preservation Report with Tree Inventory and Protection Plan, dated December 2023. The survey assessed eighty (80) trees and four (4) tree groupings, providing health ratings for each tree from 1 (poor), 2 (marginal), 3 (fair) and 4 (good). Existing trees are generally dispersed along the south and west perimeter of the Subject Lands. Most of the trees on the Subject Lands and within the regional right-of-way were rated to be in poor to marginal health. Still, the report generally recommends that trees be retained, where possible, to maintain the existing vegetative buffer along the property lines abutting the regional roads and golf course.

Trees proposed for removal due to the proposed development include tree numbers 8-16, 21-29, 45, 46, 51-60, which range in health from poor to marginal and include Black Locust, Eastern Cottonwood, Manitoba Maple, and White Mulberry. As a note, none of these species are identified as acceptable tree species for planting within the City's Tree By-law for municipal lands.

Trees proposed for retention within the development include five (5) Honey Locust trees along St. Paul Avenue and Mountain Road. Tree preservation fencing has been recommended in advance of construction activities on site where trees are to be preserved. These details would be finalized at Site Plan stage.

A Tree Inventory and Assessment Table is provided in the report (Appendix C), which includes the recommendations for preservation or removal.

#### 4.9 Urban Design Brief/Architectural Brief

ACK Architects have prepared the Urban Design Study, dated March 2024. The brief analyzes the proposed development against the Niagara Region Urban Design Guidelines and the design guidelines provided in the City OP. As outlined within the brief, the development has been designed to enhance the pedestrian realm and the buildings include elevations with architectural interest that step back in height from surrounding residential developments to mitigate potential impacts from overlook and shadows.

#### 4.10 Conceptual Landscape Plan

Landmark Environmental Group Ltd. prepared a Concept Landscape Plan, dated October 19, 2023, which would be finalized through the Site Plan process. The concept Landscape Plan proposes the use of a mix of conifer and deciduous trees as a vegetative buffer

between the proposed development and the golf course, including Sugar Maple, White Spruce, Red Oak and Blue Spruce species. A black vinyl coated chain link fence is proposed to separate the Subject Lands from the golf course.

From the streetscape, the plan proposes the use of Flowering Dogwoods to screen the parking area, as well as Gray Dogwood deciduous shrubs to enhance the landscape. Brick veneer entrance signs are proposed at both the Mountain Road and St. Paul Avenue accesses. Other landscape features include a variety of deciduous trees and shrubs, evergreen trees and shrubs and ornamental perennials and grasses across the site.

#### 4.11 Wind Study

Gradient Wind Engineers and Scientists prepared a Pedestrian Level Wind Study, dated January 24, 2024. The Study includes an analysis of existing conditions (including any approved surrounding developments) and analysis with the proposed development built out. The Study objectives included: determining pedestrian level wind comfort and safety conditions at key areas within and surrounding the development; identifying areas where wind conditions might interfere with use of outdoor space; recommending mitigation measures as necessary; and evaluating the influence of the proposed development on the existing wind conditions. The study concluded that the future wind conditions over most grade-level pedestrian wind-sensitive areas within and surrounding the study site will be acceptable for intended uses on a seasonal basis. Exceptions include isolated secondary building access points and adjacent pedestrian areas at Level P1, for which mitigation measures were recommended. Mitigation measures were also suggested for the rooftop outdoor amenity terrace of Tower A.

## 5 Planning Policies

### 5.1 Planning Act, R.S.O. 1990, Chapter P.13

The *Planning Act* (“the Act”) provides provincial legislation that establishes the requirements for land use planning in Ontario. Section 2 outlines matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of the provincial interests, along with an analysis as it relates to the proposed development and the subject Applications.

**Table 2 - Analysis of Provincial Interest – Section 2 of Ontario Planning Act**

SECTION	PROVINCIAL INTEREST	ANALYSIS
a)	<b><i>the protection of ecological systems, including natural areas, features and functions</i></b>	The Subject Lands do not contain any natural heritage features. The Niagara Escarpment Development Control Area is located north and

SECTION	PROVINCIAL INTEREST	ANALYSIS
		east of the Subject Lands, beyond the adjacent golf course.
b)	<b><i>the protection of the agricultural resources of the Province</i></b>	Not applicable, the Subject Lands are within the urban boundary.
c)	<b><i>the conservation and management of natural resources and the mineral resource base</i></b>	The adjacent golf course lands are zoned Extractive Industrial; however it is not anticipated that the lands will revert to this use in future.
d)	<b><i>the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i></b>	The Subject Lands have experienced intensive and extensive disturbance in the past. In lieu of an archaeological assessment, the Niagara Region has recommended an archaeological advisory clause be included in any future Site Plan Agreement.
e)	<b><i>the supply, efficient use and conservation of energy and water</i></b>	The FSR suggests measures for the stormwater management approach which will address on-site quality and quantity control for stormwater.
f)	<b><i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i></b>	<p>The FSR concluded that the proposed development could be accommodated within the existing levels of municipal water and sanitary services.</p> <p>The TIS confirmed that the proposed residential development can be accommodated on the existing/planned road network.</p>
g)	<b><i>the minimization of waste</i></b>	No specific measures for the minimization of waste have been outlined as part of this development.
h)	<b><i>the orderly development of safe and healthy communities</i></b>	The Subject Lands are located within the Built-Up area of Niagara Falls and along two regional roads. The surrounding area consists of residential to the west and recreational to the east. The proposal

SECTION	PROVINCIAL INTEREST	ANALYSIS
		<p>will add to the residential fabric of the neighbourhood and is supported by noise, shadow and wind studies as summarized in Section 4 of this report.</p> <p>The surrounding recreational facility is also expected to integrate with the proposal with some units fronting onto the golf course.</p>
<b><i>h.1)</i></b>	<b><i>the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i></b>	<p>Barrier free units will be provided in accordance with Building Code requirements.</p> <p>The proposal incorporates 11 accessible parking spaces as per Niagara Falls By-law 2019-44. Detailed site design will be provided with any future Site Plan application.</p>
<b><i>i)</i></b>	<b><i>the adequate provision and distribution of educational, health, social, cultural and recreational facilities</i></b>	<p>The Subject Lands are in proximity to educational, health, social, cultural, and recreational facilities as shown in the Community Amenities Map (<b>Figure 11</b>).</p>
<b><i>j)</i></b>	<b><i>the adequate provision of a full range of housing, including affordable housing</i></b>	<p>The proposed development offers a range of unit sizes for various stages of life and family sizes.</p> <p>Section 6 of this report assesses the affordability of these units based on the intended sale price.</p>
<b><i>k)</i></b>	<b><i>the adequate provision of employment opportunities</i></b>	<p>The lands are planned for residential use only.</p>
<b><i>l)</i></b>	<b><i>the protection of the financial and economic well-being of the Province and its municipalities</i></b>	<p>The efficient use of land contributes to long-term financial stability.</p>
<b><i>m)</i></b>	<b><i>the co-ordination of planning activities of public bodies</i></b>	<p>Public bodies will review and comment on the applications through</p>



SECTION	PROVINCIAL INTEREST	ANALYSIS
		the City's application circulation process.
n)	<b><i>the resolution of planning conflicts involving public and private interests</i></b>	A neighbourhood meeting is planned over and above <i>Planning Act</i> requirements for public consultation to elicit input from the public. Resolution of planning conflicts will occur through the <i>Planning Act</i> process.
o)	<b><i>the protection of public health and safety</i></b>	The proposed development has regard for public health and safety through provision for active transportation connections and amenities, as well as safe access for vehicles.
p)	<b><i>the appropriate location of growth and development</i></b>	The Subject Lands are within the Built-up Area where growth and development are planned. The Subject Lands are also located at the intersection of two regional roads where greater intensification is planned to be accommodated.
q)	<b><i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i></b>	<p>The design provides pedestrian access to St. Paul Avenue and Mountain Road, with a large landscaped open space at the intersection to enhance the pedestrian realm.</p> <p>Public transit is approximately 700 metres from the Subject Lands.</p>
r)	<p><b>the promotion of built form that:</b></p> <ul style="list-style-type: none"> <li><b>i.) is well-designed</b></li> <li><b>ii.) encourages a sense of place</b></li> <li><b>iii.) provides for public spaces that are of high quality,</b></li> </ul>	The proposal aims to achieve the urban design standards outlined by the Region and City with building designs that include features of architectural interest. Specific urban design considerations are outlined in the Urban Design Study prepared by ACK Architects for this development.



SECTION	PROVINCIAL INTEREST	ANALYSIS
	<b>safe, accessible, attractive and vibrant</b>	The proposal provides access to St. Paul Avenue and Mountain Road for pedestrians. Additionally, there are private amenity areas, in the form of private balconies and terraces and indoor spaces within the proposed development.
s)	<b>the mitigation of greenhouse gas emissions and adaptation to a changing climate</b>	The proposed development attempts to reduce reliance on private vehicle usage through the reduction of parking spaces, encouraging residents to use public transit options. Active transportation options are supported through pedestrian and cycling amenities provided within and adjacent to the development.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan. Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

Subsection 24(1) of the *Planning Act* requires that by-laws passed by Council shall conform to official plans that are in effect.

Section 34 of the *Planning Act* permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

## SUMMARY AND CONCLUSION

In summary, the proposed development and implementing applications have regard for matters of public interest in the *Planning Act*.

Consistency and conformity with Provincial, Regional and City policies are discussed in-depth in the subsequent sections of this report. Subject to the analysis provided in the following sections of this report, the Application is considered to comply with the provisions of the *Planning Act*.

### 5.2 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-

term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

### 5.2.1. Managing and Directing Land Use

Section 1.1 of the PPS provides the following applicable policies with respect to managing and directing land use:

## **POLICY**

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

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

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed; and*

**1.1.3.3** *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

## **ANALYSIS**

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The Subject Lands are located within a Settlement Area, as defined in the PPS 2020, where growth and development are to be focused. The proposed development uses land efficiently with the residential intensification on a vacant lot with access to two regional roads, St. Paul Avenue and Mountain Road.

The proposed development supports active transportation with its location on the Region's Strategic Cycling Network and through the provision of enclosed bicycle parking areas within the development. Additionally, the proposed development includes a range of unit sizes and provides a broader mix of housing types in this area of Niagara Falls. The supporting studies submitted with these applications conclude that there is sufficient municipal servicing to accommodate the proposed development.

## **POLICY**

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**1.2.6.1** *Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

## **ANALYSIS**

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The Noise Assessment conducted by Burnside recommended mitigation measures in order to meet MECP guidelines for acceptable noise limits associated with the proposed development. Please refer to section 4.5 of this report for further details.

### **5.2.2 Housing**

## **POLICY**

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

*b) permitting and facilitating:*

- 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
- 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

*c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*

*d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

*e) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

*f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety*

## ANALYSIS

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The proposed development would provide 37 units that are anticipated to be in the range of \$400,000 - \$550,000 per unit (ownership), with these unit ranging from 540-545 square feet in area. Comparatively, in Niagara Falls, \$411,480 is 10% less than the affordable market rate of \$457,200 for an apartment unit in Niagara Falls as determined in consultation with City Staff. The development proposes a residential density at 210 units per hectare which would efficiently use the 1.4 ha site located within a settlement area that is able to be accommodated on municipal servicing. The varied unit sizes would increase the range of housing options available in the north end of Niagara Falls. Residential intensification at this location is appropriate as it is an area planned for residential development and is located at the intersection of two regional roads, making it strategically positioned for convenient access and enhanced connectivity by private vehicle, bicycle or public transit. The proximity to regional bus transit routes supports alternate transit options.

### 5.2.3 Infrastructure and Transportation Systems

## POLICY

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**1.6.6.2** *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

## ANALYSIS

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The proposed development would require an extension of municipal water, sanitary and storm service connections as described in the Functional Servicing Design Brief prepared by Hallex Engineering (see section 4.4 of this report). Existing municipal services were deemed to be able to accommodate the proposed development.

## POLICY

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

## ANALYSIS

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The Subject Lands are located on the Region's Strategic Cycling Network, which aims to provide a high-quality, connected cycling network across the Region in areas where it will most likely be used by residents and visitors. The proposed development supports multimodal transportation options through the provision of enclosed bicycle storage for residents.

In addition, the Subject Lands are approximately 700 metres away from Niagara Region transit, including bus routes that provide access to HUB areas for other bus routes within Niagara Falls and transit across the Region. The proposed development proposes a density that could support current and future use of the regional transit system.

## SUMMARY

The proposed development is within a settlement area and will provide additional housing supply and increase the range of housing options, which will contribute to meeting the housing needs of current and future residents of Niagara Falls. The development is in an area that is already approved for residential development and is located at the intersection of two regional roads, making it strategically positioned for convenient access and enhanced connectivity by vehicle, bicycle and public transit. The proposed development supports the efficient use of existing municipal services. Based on the preceding analysis the proposed development is consistent with the PPS.

### 5.3 Growth Plan for Greater the Golden Horseshoe (Office Consolidation 2020)

The Growth Plan supports the achievement of complete communities that are compact and transit supportive and make efficient use of investments in infrastructure and public service facilities. The Growth Plan also prioritizes intensification in Built-up Areas where existing municipal services and infrastructure are available. The proposed development is located within the Delineated Built-Up Area in Niagara Falls where the Growth Plan envisions accommodating intensification and compact, higher density forms of housing.

The principles and policies of the Growth Plan relevant to the proposed development are reviewed below.

#### 5.3.1 Guiding Principles

### GUIDING PRINCIPLES

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- *Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.*
- *Support a range and mix of housing options, including second units and affordable housing, to serve all sizes, incomes, and ages of households.*

### ANALYSIS

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The proposed development supports the achievement of a complete community in Niagara Falls by providing a dense, compact housing form on a vacant parcel that is approved to accommodate higher densities than surrounding land uses. The development includes varied unit sizes that increase the range and mix of housing options in the area to better serve a variety of households by size, income, age and life stage. The Subject Lands are in proximity to the regional public transit system as well as some commercial and recreational uses.

## 5.3.2 Managing Growth

### **POLICY**

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**2.2.1.2** *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

*c) within settlement areas, growth will be focused in:*

*i. delineated built-up areas;*

*ii. strategic growth areas;*

*iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*

*iv. areas with existing or planned public service facilities;*

**2.2.1.4** *Applying the policies of this Plan will support the achievement of complete communities that:*

*a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

*b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

*c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

*d) expand convenient access to:*

*i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*

*ii. public service facilities, co-located and integrated in community hubs;*

*iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*

*iv. healthy, local, and affordable food options, including through urban agriculture;*

*e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

*f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*

*g) integrate green infrastructure and appropriate low impact development.*

### **ANALYSIS**

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The proposed development is within the delineated Built-up Area where the Growth Plan recommends that growth should occur. The proposal conforms to Policy 2.2.1.4 and supports the achievement of complete communities by:

- Intensifying residential uses at a location that will enable more people to live close to recreational uses and open spaces including several parks and the golf course, as well as institutional uses such as schools and churches.
- Expanding sidewalks along the development to provide for greater pedestrian access and a livelier public realm promoting active transportation.
- Introducing a varied type of compact housing form to an area that is primarily characterized by low and medium density housing, contributing to the range and mix of housing options within the existing community context.
- Locating new compact, dense housing where expanding convenient access to active transportation and transit services are provided. The site-specific zoning for the lands permit higher density development (see **Appendix E – By-law No. 2013-59**). In addition, in March 2024, City Council approved a 5-storey, 71-unit apartment development kitty corner to the Subject Lands. Locating higher density developments along the regional roads contributes to public transit-supportive development in the area.
- The proposed development is approximately 2 km away from the Always June Organic Farm with market stand on Niagara Townline Road, providing access to healthy, local food options.

### 5.3.3 Housing

#### **POLICY**

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**2.2.6.1** *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
  - i. identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents; and*
  - ii. establishing targets for affordable ownership housing and rental housing;*
- b) identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*
- c) align land use planning with applicable housing and homelessness plans required under the Housing Services Act, 2011; and*



*d) implement policy 2.2.6.1 a), b) and c) through official plan policies and designations and zoning by-laws.*

**2.2.6.2** *Notwithstanding policy 1.4.1 of the PPS, 2014, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

*a) planning to accommodate forecasted growth to the horizon of this Plan;*

*b) planning to achieve the minimum intensification and density targets in this Plan;*

*c) considering the range and mix of housing options and densities of the existing housing stock; and*

*d) planning to diversify their overall housing stock across the municipality.*

**2.2.6.3** *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

## **ANALYSIS**

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The proposed development will provide 295 apartment dwelling units, which is a housing typology that is not common to the area, but which was previously approved for the site and was recently approved (March 2024) by Council on adjacent lands. Policies 2.2.6.1, 2.2.6.2 and 2.2.6.3 provide support for housing choice through intensification and identifying a diverse range and mix of housing options, including directing municipalities to plan to diversify their overall housing stock. In addition to helping the City of Niagara Falls meet its target intensification rate, the development will increase the range of housing options found in the area in terms of type and density. Apartments are a denser, more compact form of housing that provide dwelling units for a greater range of household incomes and will contribute to meeting anticipated housing needs of current and future residents.

## **SUMMARY**

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The proposed development is situated in the delineated Built-up Area and supports the achievement of complete communities, increases housing options, and will contribute to meeting the minimum intensification targets set by the City of Niagara Falls. The development also aims to incorporate 37 units with a smaller square footage, which aims to provide affordable housing options. Additionally, the proposed development will utilize the existing transportation network, while adopting a compact built form to optimize site design and make efficient use of the land. Based on the preceding, the proposed development conforms to the Growth Plan.

### **5.4 Niagara Official Plan (2022)**

The Niagara Official Plan (“NOP”) is intended to manage growth coming to Niagara by guiding economic, environmental, and planning decisions until 2051 and beyond. **Table**



3 provides an overview of the NOP Schedules and designations applicable to the Subject Lands.

**Table 3 - NOP Schedules and Designations Applicable to Subject Lands**

SCHEDULE	SUBJECT LAND DESIGNATION
<b>B – Regional Structure</b>	Urban Area/ Delineated Built-up Area
<b>J1 – Transportation infrastructure</b>	St. Paul Avenue and Mountain Road are regional roads
<b>J2 – Strategic Cycling Network</b>	St. Paul Avenue and Mountain Road are identified as part of the Strategic Cycling Network
<b>K – Areas of Archaeological Potential</b>	Subject Lands are within the area of archaeological potential identified by the Region.

#### 5.4.1 Growth and Housing

The NOP provides the following relevant policies for managing growth in urban areas:

#### **OBJECTIVE**

- 2.1(a)** *coordinate Regional growth forecasts with land use, transportation, infrastructure and financial planning.*
- 2.2(b)** *accommodate growth through strategic intensification and higher densities;*
- 2.2(e)** *promote transit-supportive development to increase transit usage, decrease greenhouse gas emissions, and support the overall health of the community.*

#### **POLICY**

**2.2.1.1** *Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
 
  - i. a range of transportation options, including public transit and active transportation;**

- ii. *affordable, locally grown food and other sources of urban agriculture;*
- iii. *co-located public service facilities; and*
- iv. *the public realm, including open spaces, parks, trails, and other recreational facilities;*
- e. *built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- g. *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h. *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods.*

2.2.2.1 *Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:*

- b) areas with existing or planned public service facilities;*
- c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and*

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2.*

**Table 4 - Portion of Table 2-2 – Niagara Region Minimum Residential Intensification Targets by Local Area Municipality 2021-2051**

<i>Municipality</i>	<i>Units</i>	<i>Rate</i>
<b>Niagara Falls</b>	10,100	50%
<b>Niagara Region</b>	62,005	60%

*Note: Local Area Municipalities may plan for additional intensification units and higher intensification rates within built-up areas than those identified in Table 2-2 for infrastructure purposes as it reflects development trends and land use permissions at the time of Local conformity.*

- 2.3.1.1 *The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.*
- 2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

a) *facilitating compact built form...*

## ANALYSIS

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The NOP establishes a Regional minimum of 60% of all residential units to be constructed within the built-up area by 2051. Niagara Falls is planned to accommodate a minimum residential intensification target of 50% by 2051 as identified in Table 2-2 referenced above. Growth management in the Niagara Region is to be accommodated through strategic intensification and higher densities, and in way that promotes transit-supportive development to increase transit usage. The proposed development provides a higher density housing form within the City's existing urban area with a range of unit sizes at varying price points, including consideration for affordable units, and in a location with access to public transit contributing to social equity. The apartment building form is particularly suited to provide varied unit sizes that will increase the range of housing options available to serve various households by size, income level, abilities and stage of life. In addition, the proposed development is located on the Region's Strategic Cycling Network, which supports greater connectivity between places in the City and across the Region. There are institutional and recreational uses (green spaces and parks), and other amenities within a 1 km radius of the Subject Lands that could be accessed by foot or bicycle, supporting public health and quality of life for future residents of the development. Increased residential densities proximate to walking and cycling amenities will increase the use of these amenities, which supports active modes of transportation and makes efficient use of current and on-going investments in these amenities. As mentioned in relation to the PPS and Growth Plan policies, the proposed development can be supported by municipal infrastructure.

The lands were formerly used for extractive industrial purposes, then became part of the adjacent golf course, and were approved in 2013 for residential use in the form of a 10-storey condominium development with additional dwelling units approved for the site in 2017 and 2019. As a former, vacant extractive industrial site within the urban area, the Subject Lands are suitable for redevelopment and the proposed development would minimize land consumption and optimize use of public infrastructure. A transition to greater density can be accommodated in this location as the Subject Lands are not contiguous to existing residential developments, meaning that impacts to adjacent residential uses in the form of overlook or shadowing are not anticipated, and existing residential neighbourhood character for the development on Walker Court and Pinestone Road are not anticipated to be negatively impacted. The proposed development makes use of the lower grades on site to accommodate underground parking and additional height and density. Given that the development is designed to integrate with the abutting golf course, a new character for this development will be created. Still, Council recently approved a 5-storey apartment to the southwest of the Subject Lands, meaning that apartment housing is anticipated in future and the proposed apartment would not be of character within the surrounding area.

### 5.4.2 Housing

The NOP provides the following relevant objectives and policies for housing:

## **OBJECTIVE**

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**2.3(a)** *provide a mix of housing options to address current and future needs..*

**2.3(b)** *provide more affordable and attainable housing options within our communities.*

## **POLICY**

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### **2.3.1 Provide a Mix of Housing Options**

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

*2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.*

### **2.3.2 Provide for Affordable and Attainable Housing**

*2.3.2.3 To encourage the development of affordable housing, the following minimum targets will be implemented to the horizon of this Plan, unless local targets are higher in which case those apply:*

- a. 20 per cent of all new rental housing is to be affordable; and*
- b. 10 per cent of all new ownership housing is to be affordable.*

## **ANALYSIS**

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The proposed development supports a mix of housing options for the area, including a range of unit sizes to meet housing needs at all life stages for current and future residents.

The City of Niagara Falls has implemented higher targets for affordable and attainable housing. The proposed development aims to assist in providing affordable and attainable options for ownership.

### **5.4.3 Ensure Regional Roads Accommodate Future Growth and Support Diverse Forms of Transportation**

## **POLICY**

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*5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.*

## **ANALYSIS**

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The Environmental Noise Assessment prepared by Burnside concluded that with implementation of mitigation measures as outlined within the Report, noise levels within the development and impacts to adjacent uses would be mitigated and meet the

Provincial guidelines. These recommendations would be implemented at future Site Plan stage.

#### 5.4.4 Infrastructure

Section 5.2 of the NOP includes policies which ensure the Region's existing and future development is supported by infrastructure that is planned, constructed, and managed in an integrated, efficient, and environmentally sustainable manner.

### **POLICY**

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#### **5.2.2 Municipal Water and Wastewater Servicing within Urban Areas**

5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

5.2.5.1 *All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

### **ANALYSIS**

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There is sufficient municipal service capacity to accommodate the proposed development as detailed within the Functional Servicing Design Brief submitted with these applications.

#### 5.4.5 Urban Design

The ROP provides the following applicable policies with regard to excellence in urban design:

### **POLICY**

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6.2.1.1 *Excellence and innovation shall be promoted in architecture, landscape architecture, site planning, streetscape design, and overall community design to ensure built environments are attractive, walkable, accessible, diverse, and functional.*

6.2.1.5 *The public realm shall be enhanced through urban design and improvements, and investment that contributes to safe, attractive complete streets and desirable communities.*

### **ANALYSIS**

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ACK Architects prepared the Urban Design Study, which demonstrates how the design of the buildings and the development achieves good urban design principles through considerations including location and orientation of the buildings, facades, pedestrian

interfaces, height, massing and transitions amongst others. The proposed development has been designed to support an attractive, walkable and accessible pedestrian realm at the intersections of Mountain Road and St. Paul Avenue through the incorporation of a large landscaped open space with trees and ornamental plantings.

The proposed development supports the achievement of complete streets with the provision of sidewalks along the Regional Roads for pedestrian use, and through provision of bicycle storage for residents, encouraging use of the Region's Strategic Cycling Network.

#### 5.4.6 Plan Healthy and Safe Communities

##### **POLICY**

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- 6.3.1.1 The Region shall support healthy communities by:
- a. creating built form that provides healthy living;
  - b. planning for all ages, incomes, abilities and populations;
  - c. supporting walkable and bikeable neighbourhoods through active transportation;
  - d. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;

##### **ANALYSIS**

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The proposed development supports healthy living, social cohesion and the integration of open space and parks through its connection to the golf course, which offers recreational opportunities from spring through to fall for a variety of ages. In addition, the development includes a practice golf putting green for active recreation as part of the development. The proposed built form will be compact and dense and contribute to making Mountain Road and St. Paul Avenue more walkable by adding sidewalks and promoting active transportation by incorporating bicycle parking spaces.

Within the development itself, shared terrace spaces on the roof of the apartment buildings provide access to fresh air and light supporting social cohesion and the mental health of residents.

#### 5.4.7 Conservation in Accordance with Provincial Requirements

##### **POLICY**

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- 6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire

property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.

## ANALYSIS

The Subject Lands are within the area of archaeological potential as identified in Schedule K of the NOP. However, with the historic extractive industrial uses, the lands have been subjected to intensive land disturbance, as evidenced in aerial images from the 1960s accessed from Niagara Navigator. Given the intensive disturbance, the Region has required that the archaeological warning clause be utilized within any future Site Plan Agreement.

## SUMMARY

The proposed development is located within an area identified for long-term growth that can be serviced by municipal infrastructure. At 210 units per hectare the development will be compact, use land efficiently, and contribute to meeting the Region’s target intensification rate for the City, as well as contributing to the provision of affordable units. The proposed site layout and design of building is attentive to the grade change on the site. The proposed development will provide an attractive and visually interesting building at the intersection of two regional roads.

Based on the preceding analysis, the proposed development conforms with the Niagara Official Plan.

### 5.5 Niagara Falls Official Plan (Office Consolidation January 2024)

The Niagara Falls Official Plan (City OP) outlines the long term objectives and policies of the City concerning the growth and development of urban lands and the provision of necessary infrastructure. It is the intent of this Plan to focus new growth to accommodate people and jobs in a sustainable manner that makes for an orderly and effective use of land and infrastructure and creates compact and livable communities.

**Table 5** identifies the designations of the Subject Lands as per the schedules of the City OP:

**Table 5 – City OP Schedules and Designations Applicable to Subject Lands**

SCHEDULE	SUBJECT LAND DESIGNATION
<b>A – Future Land Use</b>	Special Policy Area 26
<b>A2 – Urban Structure Area</b>	Within the built-up boundary
<b>B – Phasing Plan</b>	Outside existing Municipal Servicing Area
<b>C – Roads</b>	St. Paul Avenue and Mountain Road are Arterial Roads



SCHEDULE	SUBJECT LAND DESIGNATION
D – Community Planning Districts	Stamford Community Planning District

The following are the Growth Objectives for the City relevant to the proposal:

### **OBJECTIVE**

- *To direct growth to the urban area and away from non-urban areas*
- *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
- *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
- *To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review.*
- *To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015.*
- *To encourage alternative forms of transportation such as walking, cycling and public transit.*
- *To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.*
- *To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”.*

#### 5.5.1 Strategic Growth and Intensification

Part 1, Section 2 of the City OP provides strategic policy direction regarding intensification within the municipality. The following policies apply:

### **OBJECTIVES**

1. *To direct growth to the urban area and away from non-urban areas.*
3. *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
5. *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
7. *To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015.*
9. *To encourage alternative forms of transportation such as walking, cycling and public transit.*

14. *To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”.*

## **POLICY**

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### **Part 1, Section 3 – Intensification**

- 3.4 The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5(iii) of this Plan.

### **Part 1, Section 4 – Housing**

## **GOAL**

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

## **POLICY**

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- 4.1 *The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:*
  - *Provide opportunities for the development of affordable housing across the municipality*
  - *Establish targets for affordable housing*
  - *Promote a greater diversity of housing types*
- 4.3 *Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:*
  - 4.3.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*
  - 4.3.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
- 4.4 *Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large-scale projects, or as a section within a planning justification report for small-scale projects,*

*demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:*

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

*4.6 The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.*

*4.8 Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.*

*As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown:*

- a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable (moderate-income households).*
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources (low-income households).*

## **ANALYSIS**

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The proposed development is located within the Built-Up Area and contributes to the efficient use of municipal services within the urban area boundary. The policies of Section 2, 1.10.5(iii) are addressed in section 5.5.2 of this report. The development includes approximately 37 units that aim to meet the definition of affordable as defined by the Niagara Region and the City.

Part 1, Section 4, Policy 4.4 requires the submission of a Housing Impact Statement to be included with an application for OPA and ZBA. The following is an analysis of the information required to be submitted with the Housing Impact Statement:

**Table 6 - Housing Impact Statement**

Section	Policy	Analysis
4.4 a)	<i>The proposed housing mix by dwelling type and number of bedrooms, as applicable;</i>	Two apartment building are proposed with a total of 295 units containing a mix of one to two-bedroom units.
4.4 b)	<i>How the proposal contributes to achieving the City’s annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);</i>	<p>The proposed development will provide 295 units, of which 37 (12.5%) are aimed to be within a more affordable range, where each unit has a purchase price at or below the specified threshold for affordability, as per the criteria outlined in the Niagara Region's definition of affordable housing.</p> <p>The proposed development would not contribute to criterion (b).</p>
4.4 c)	<i>The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;</i>	<p>The development proposes 37 units with a smaller floor area that are targeted to be in an affordable range of \$400,000-\$550,000. Based on City Staff assessment, Niagara Falls currently considers \$411,480 to be the maximum purchase price for affordable apartment units with a moderate household income level.</p> <p>The remaining 258 units would be priced higher than the affordable threshold.</p>
4.4 d)	<i>Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region’s and the City’s definition of affordable to be provided per phase, where applicable;</i>	It has not yet been determined whether the development will be completed in phases. It is likely that this determination will be made closer to the building phase and may be determined by market conditions closer to building stage.

4.4 e)	The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.	The municipality has not proposed any legal and/or financial mechanisms under the <i>Planning Act</i> to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units.
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### 5.5.2 Residential

Part 2, Section 1 of the City’s OP supports the provision of housing that is affordable, accessible, adequate, and appropriate to the needs of a full range of households and supports development in a manner that is compatible with the surrounding neighbourhood. Amenities that support a high quality of life and the achievement of complete communities are also encouraged.

## **POLICY**

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### **Part 2, Section 1 – Residential**

- 1.1 *The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.*
- 1.5 *Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.*
- 1.6 *All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.*
- 1.7 *Exposure of new residential development to less compatible land uses such as arterial roadways, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.*

### **Built-Up Area**

- 1.10 *It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and*

*infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:*

- 1.10.1 *The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.*
- 1.10.2 *A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.*
- 1.10.3 *Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.*
- 1.10.5 *Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:*
- (iii) *Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads. Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:*
- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;*
  - rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
  - street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;*
  - parking is to be encouraged to be located within parking structures that are integrated with the development; and*



- *where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*

## **ANALYSIS**

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The Subject Lands are located within the Urban Area Boundary and are identified within the Built-up Area, as per Schedule A2 – Urban Structure Plan, of the City OP where intensification is expected to occur. The Subject Lands front onto two regional and arterial roads, where higher levels of intensification are preferred, and within a 15-minute walk of regional bus routes.

The City OP encourages development at a higher density than what currently exists in neighbourhoods, to support a variety of housing sizes and types for various ages and income levels. The Official Plan also directs that existing neighbourhood character is to be retained with new development blending into the lot fabric, streetscape and built form of a neighbourhood, and with a gradation of building heights and densities.

The Subject Lands were approved to accommodate additional density in 2013. The lands are currently designated Residential, Special Policy Area "26" in the City OP, which permits an apartment building with a maximum building height of 32 metres or 10 storeys, measured from the elevation of 192 metres to the top of the tenth storey (excluding the elevator or mechanical penthouse). The current proposal would increase the building height to 55 m for the 15-storey building located closest to existing residential uses across St. Paul Avenue (Walker Community Development) and 67.7 m for the 19-storey tower located adjacent to Mountain Road. The lands across Mountain Road (south of the Subject Lands) contain an occasional farm market with barn designated in the Official Plan as Residential and an open hydro corridor designated as Open Space. The Walker Court residential area is designated for residential use in the Official Plan and zoned site-specific Residential Apartment (R5A-432) Density Zone; permitted uses include detached dwellings, townhouses or not more than three (3) apartment buildings. Currently the development contains 7 townhouse unit blocks that are 1.5 storeys in height. The surrounding area is unique in that there is a visible grade change, which rises moderately to the south and substantially to the west.

The Subject Lands are separated by more than 60 m from the Walker Community Development; physically divided by St. Paul Avenue, and visually screened by the existing treeline along the east side of St. Paul Avenue. There are no contiguous residential uses to the Subject Lands. Therefore, while the development is functionally part of the larger community, its removed location affords an opportunity to establish a unique neighbourhood sub-character on the east side of St. Paul Avenue that is more directly tied to the abutting golf course rather than adjacent developments. The distance from the Walker Community Development and the screening provided by the existing treeline within the regional right-of-way and by mature trees to be retained on the Subject Lands mitigate impacts on the character of Walker Community Development and the



impacts of the additional height overall. In addition, as per City OP direction, the design of the development includes architectural treatments such as stepped and articulated building form and roof features to provide a gradation in building height. Podium levels (level 2 on both buildings) and a large landscaped open space along the regional roads are also proposed. Further details regarding integration into the surrounding area are provided below:

**Architectural Treatments:** The proposed building incorporates podiums and graduated stepping to reduce potential overlook and shadowing of existing residential uses across St. Paul Avenue. The human scale is reinforced on site using a podium at level 2. The heights of the buildings increase away from existing residential uses. Stepping for Tower A is proposed at levels 2, 10, 12 and 15 while stepping for Tower B occurs on levels 2, 12, 15, and 18. The tallest points of the buildings are strategically located away from surrounding residential uses.

**Yard Setbacks:** The City OP indicates that rear yard setbacks should be equal to building height. Reduced rear yard setbacks are proposed for Tower A, which is 55 m in height with a rear yard setback of 14.4 m and Tower B, which is 67.7 m in height with a rear setback of 30 m. The purpose of the rear yard setback is to provide for sufficient rear yard amenity space and to reduce potential impacts to adjacent sensitive land uses. However, this development abuts the golf course and is intended to be integrated with the golf course, providing direct access to the course, incorporating a putting green and golf cart parking. Given the intentional integration with the golf course the rear yard setback can be considered appropriate for the abutting land use.

With respect to interior side yards, policy directs that interior side yards shall be appropriate for the building height proposed in relation to abutting land uses. The development abuts the golf course to the north and east and is bounded by arterial roads to the south and west. The buildings are located closer to the golf course, where the interior side yard for Tower A is 34 m and Tower B is 14.2 m from the abutting golf course. It is our opinion that the proposed setbacks are appropriate as the abutting use is recreational, as opposed to private residential amenity space or public open space. Shadowing from the proposed development would be largely contained to the southeastern portion of the golf course from September to December in the mid to late afternoon, with limited shadow impacts in June and December. Impacts to the golf course related to wind as a result of the proposed development are not anticipated (see Pedestrian Level Wind Study).

**Street Frontages:** The buildings are oriented towards the north and east of the Subject Lands and away from both streets but pedestrian sidewalks along the St. Paul and Mountain Road frontage of the property are proposed to improve pedestrian connections and interaction with the public realm.

**Parking:** The majority of the parking (353 spaces) for the development will be accommodated in the two-level underground parking garage. The underground parking for the development is screened by the changes in elevation; the development has a

finished elevation ranging from 180 to 192.5 metres, whereas the intersection at St. Paul Avenue and Mountain Road has an existing elevation ranging from 191.83 to 192.34 metres.

The development does provide some surface parking (20 spaces) in the front yard, which will be buffered by a large landscaped open space with existing mature trees and newly planted trees that will provide increasing screening with maturity. In addition, the parking area is generally lower in grade than the adjacent public realm. The Zoning By-law requires a parking area in a front yard to be buffered from the streetscape by a landscaped open space strip at least 3 m in width. In comparison, the proposed development incorporates a landscaped open space significantly deeper than 3 m, to be planted with trees (flowering dogwoods as shown in Concept Landscape Plan) and shrubs, which will support a safe and high-quality pedestrian environment with suitable separation from the parking area.

### 5.5.3 Special Policy Areas

Part 2, Section 13 designates Special Policy Areas. The subject lands are Special Policy Area "26" (OPA #27, adopted March 2013 OMB Decision), which states:

- 13.26 Special Policy Area "26" applies to approximately 1.5 hectares of land located on the northeast corner of St. Paul Avenue and Mountain Road. These lands are designated Residential on Schedule "A" to the Official Plan. Notwithstanding the policies of Part 2, Section 1.7.3, an apartment building, having a maximum building height of 32 metres or 10 storeys, as measured from the elevation of 192 metres to the top of the tenth storey excluding the elevator or mechanical penthouse, which may include 929 square metres of neighbourhood commercial space, will be allowed on the lands up to a maximum density of 75 units per hectare. A prerequisite for site plan approval is a detailed noise and vibration study because the lands are within 500 metres of a railway line, and a detailed storm water management report because there are no storm sewers available to the service the site.

## ANALYSIS

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The Subject Lands were previously approved for a 10-storey, 32 m tall apartment building. The proposed development would request a site-specific designation addressing the proposed maximum height at 19-storeys (67.7 m) as measured from an elevation of 192 m. The OPA would also address the additional density at 210 units per hectare for the 295 units proposed on the 1.406 ha site.

### 5.5.4 Servicing

Part 3, Section 1 (Environmental Management) of the City OP provides direction regarding municipal infrastructure. The following policies apply:

## POLICY

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### **Section 1 Municipal Infrastructure**

## **1.2 Water and Sanitary Sewage**

1.2.4 *Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available...*

## **1.3 Storm Drainage**

1.3.1 *It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

## **ANALYSIS**

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As per Schedule B, Phasing Plan of the City OP, the Subject Lands are outside of the Existing Municipal Service Area of the City of Niagara Falls. The municipal servicing study detailed in section 4.4 of this report concludes that the proposed development can be adequately serviced by the installation of the proposed storm, sanitary and water servicing system, in accordance with the Preliminary Grading Plan and the Preliminary Site Servicing Plan.

### **5.5.5 Transportation**

Part 3, Section 1.5 of the City OP provides direction regarding transportation services. The following policies apply:

## **POLICY**

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### **1.5 Transportation**

#### **Rail And Public Transit**

1.5.11 *Where residential...development is proposed in close proximity to operational railway lines, Council shall require the preparation of a noise and vibration impact assessment. If necessary, the assessment shall include measures necessary to achieve acceptable attenuation levels in accordance with Ministry of the Environment, and Railway criteria. The measures may take the form of fencing, increased setbacks, earthberms, tree planting, acoustical insulation, site plans or combinations thereof in order to minimize potential safety hazards and visual, noise and vibration impacts to the satisfaction of the City and the Ministry of the Environment, and in consultation with the appropriate Railway.*

#### **Active Transportation Facilities**

1.5.16 *New development will be encouraged to provide bicycle parking and other facilities to accommodate active transportation...*

### **Collector And Local Road Network**

1.5.18.4 *Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. Regional Arterial Roads are designed to accommodate the movement of large volumes of traffic and function as secondary highways and primary arterial roads. Design, road allowance width, use, alignment and access are regulated by the Regional Municipality of Niagara...*

1.5.29 *In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left-hand turn lanes or any measure which stems from the development or redevelopment and which is necessary in order to maintain an adequate level of service and safety on the established highway system. A transportation study to assess the current and future impact of the development may be required.*

1.5.31 *Council shall require the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads.*

## **ANALYSIS**

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The Environmental Noise Assessment prepared by Burnside addresses potential noise impacts in relation to proximity to arterial roads and the CN Rail line. The report indicates that with implementation of mitigation measures, the development can meet the Provincial guidelines with respect to transportation noise sources. The development will incorporate the recommended mitigation measures, as outlined in the Assessment. The Assessment concluded that the distance of the Subject Lands from the CN rail line meant that no noise impacts were anticipated to the development.

The proposed development meets the City's policies regarding active transportation through the provision of sidewalks connecting to the existing sidewalk network at the controlled intersection of St. Paul Avenue and Mountain Road. The connection links the development to stores, restaurants, transit stops, and other facilities to the south. The proposal also builds on its proximity to planned future bicycle lanes along St. Paul Avenue and Mountain Road by providing secure bicycle parking within the development. The development also has proximity to the Bruce Trail, which provides opportunities for hiking along the escarpment.

Schedule C - Major Road Plan of the City OP (see **Appendix B – City Schedules**) designates both St. Paul Avenue and Mountain Road as arterial roads. As per the Pre-Consultation, Niagara Region indicated that there is sufficient road allowance, and no further road widening is required. However, a daylight triangle of 10 m by 10 m is required as shown on the submitted Site Plan.

#### 5.5.6 Energy Conservation & Environmental Quality

### **SECTION 2 – PARKLAND STRATEGY**

#### **POLICY**

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- 2.3 *In areas of new development or redevelopment, Council will avail itself of the provisions of the Planning Act to ensure that sufficient lands are dedicated to the municipality for park purposes.*
- 2.3.2 *Notwithstanding Policy 2.3.1, in no case shall the ratio of parkland dedication be less than 5% or exceed 20% of the lands included in a proposed development or redevelopment plan.*
- 2.5 *As an alternative to requiring land conveyances, cash-in-lieu of parkland dedication may be requested under the following circumstances.*

#### **ANALYSIS**

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The City has accepted cash-in-lieu of parkland dedication at a ration of 5% of the lands included in a proposed development.

#### 5.5.7 Energy Conservation & Environmental Quality

Part 3, Section 3 (Environmental Management) of the City OP provides direction regarding energy conservation and environmental management. The following policies are relevant to this development:

#### **POLICY**

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### Section 3 Energy Conservation

#### **3.1 Energy Resources**

- 3.1.1 *The City shall encourage an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. A complementary arrangement and mix of uses which minimizes land use conflicts but also allows for integration shall be encouraged. This approach is advocated by the Future Land Use Schedule "A" and may be further refined through secondary plans. In order to achieve energy efficiency, the following shall be considered.*

- 3.1.1.1 *A compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate.*
- 3.1.2 *Access to direct sunlight shall be protected in order to provide opportunities for passive solar heating thereby reducing consumption of energy resources. This may be achieved through consideration of the following.*
  - 3.1.2.1 *Zoning provisions regulating such matters as building height, setbacks and accessory structure locations.*
  - 3.1.2.2 *Building orientation and design that maximizes exposure to sunlight.*
  - 3.1.2.3 *High-rise developments located to minimize the physical extent and duration of shadows on surrounding land uses, particularly with respect to lower density residential areas, pedestrian corridors, open space and amenity areas. Special drawings or studies may be required in the assessment of development applications in such cases.*
- 3.1.4 *Energy conserving landscaping practices, including the use of existing natural vegetation and topography shall be promoted in site design. Appropriately selected and located vegetation shall be used to control exposure to the sun and/or wind, thereby reducing energy consumption for the mechanical heating and cooling of buildings.*

## **ANALYSIS**

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The orientation of the towers on site is such that the longest elevation of Tower A with its balconies (south façade) and the longest elevation of Tower B with its balconies (west façade) have maximum exposure to sunlight. The Shadow Analysis also demonstrates that the impacts of shadowing on surrounding residential developments are minimal. The golf course would receive the greatest amount of shadowing in December when the course is not in use.

### **5.5.8 Urban Design Strategy**

Part 3, Section 5 provides urban design policies to achieve a compact and interconnected, pedestrian-oriented and transit-supportive community.

## **POLICY**

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- 5.1 *New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.*



- 5.1.1 *The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*
- 5.1.2 *Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*
- 5.1.3 *Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.*
- 5.1.4 *In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas.*
- 5.1.5 *Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*
- 5.1.6 *Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.*
- 5.1.7 *The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.*
- 5.3 *Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.*
- 5.3.1 *The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.*

- 5.3.2 *Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.*
- 5.3.3 *The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.*
- 5.3.4 *Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.*
- 5.3.5 *The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.*
- 5.3.6 *Minor variances to zoning provisions and flexibility in site planning may be considered within the urban boundary in order to accommodate building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.*
- 5.4 *Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*
  - 5.4.1 *Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.*
  - 5.4.2 *Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.*

## **ANALYSIS**

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The Urban Design Brief prepared by ACK Architects provides an assessment of the development against the Region's Model Urban Design Guidelines and the design guidelines provided in the City's OP. The Brief demonstrates how the proposed development provides high-quality architecture that is responsive to the surrounding context.

### **5.5.9 Environmental Quality POLICY**

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#### **Part 3, Section 6 – Environmental Quality**

- 6.12 *Council supports compact, efficient designs, a compatible mix of land uses and the use of alternative or renewable energy, such as solar and wind, to support energy efficiency and improved air quality.*
- 6.13 *The City supports all efforts to reduce sources of air pollution and activities that contribute to greenhouse gas emissions. To this end the City shall:*
- b) encourage site design that support a healthy environment such as building orientation to minimize heating/cooling costs, mixed land uses to minimize the necessity of vehicular travel for basic goods, the provision of walkways, cycling facilities and public transit to provide alternative forms of travel.*
  - c) promote the retention and enlargement of green spaces in site design through such measures as tree planting, tree preservation, roof top gardens, and the use of native species in landscaping.*

## **ANALYSIS**

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The compact building footprint of the apartments reduces the overall heating and cooling demands. The south and southwest facing units will receive plenty of sun exposure, especially during the winter months.

The development provides convenient access to municipal sidewalks, transit stops and future planned bike routes. As such, the development has the potential to discourage the use of single-occupancy vehicles, which would contribute to reducing greenhouse gas emissions at build-out.

As outlined in the Tree Preservation Plan, the development will retain existing mature trees on the Subject Lands and within the regional right-of-way. New trees are proposed to be planted as shown in the concept Landscape Plan. The roof top terraces incorporated within the building design will provide additional opportunity for further greening.

### **5.5.5. Implementation**

Part 4, Section 2.6 (Administration and Implementation) of the City OP provides direction regarding administration and implementation of amendments to the Official Plan. The following policies apply:

## **POLICY**

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### **Section 2 Official Plan Review and Amendments**

- 2.6 *When considering an amendment to the Official Plan, Council shall consider the following matters.*
- 2.6.1 *The conformity of the proposal to the general objectives of this Plan.*

- 2.6.2 *Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.*
- 2.6.3 *Compatibility of the proposed use with adjacent land use designations and natural resources.*
- 2.6.5 *The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.*
- 2.6.6 *The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.*
- 2.6.7 *The financial implications of the proposed development.*

## **ANALYSIS**

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An OPA is required to facilitate the proposed development. Based on the preceding analysis in this report, the proposed development conforms with the general objectives of this Plan. Specifically, the proposed development achieves the following:

- Creation of a density and diversity of housing units to support municipal and Provincial housing targets, including consideration for affordable units;
- Proximity to the regional public transit system;
- The provision of active transportation amenities in the proposed development; and,
- High quality urban design within the development.

The Subject Lands are within the Built-Up Area and front onto two regional arterial roads where apartment-type intensification is targeted to be focused. High-rise development was previously approved for the site.

The proposed development is compatible with adjacent land uses in the following manner:

- The site is designated for residential apartment use at a height and density that is already greater than surrounding uses. The additional height and density can be accommodated on the lands as the abutting use is a golf course, and the additional height of the proposed building will not have a negative impact on quality of life for the recreational use or the public realm.
- Anticipated noise impacts can be mitigated through building design and interventions as outlined in the Environmental Noise Assessment.
- From the public realm on the regional roads, the base/podium of the proposed apartment buildings is one (1) storey, with the 3-storey podium only visible from the rear (golf course), making functional use of the dynamic topography of the site. The design reduces the visual impact on adjacent residential uses while maximizing space within the building. In addition, a landscaped courtyard is incorporated in the design to buffer the development from the streetscape and to contribute to a high quality pedestrian realm.



- Potential impacts to adjacent uses in the form of shadowing or overlook from the apartment buildings are mitigated using podium levels and several stepped increases in height.

The housing policies of the City OP encourage a mix of housing types and unit sizes for a range of family sizes, household incomes, ages and abilities. The proposed development offers a higher density development than what currently exists in the surrounding community including barrier-free units and affordable units. The proposed development will add apartment units to the housing stock of the City and contribute to achieving the City and Region's housing targets.

The Functional Servicing Design Brief detailed in Section 4.4 of this report concludes that there is sufficient capacity to accommodate the proposed development on municipal services.

## **SUMMARY**

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The Subject Lands are a Special Policy Area that is approved from a higher-density development than surrounding uses. The proposal makes efficient use of the vacant lands within the Built-Up Area. The proposed development will have a net residential density of approximately 210 units per net hectare at 15 and 19 storeys, on lands that permit a maximum density of 75 units per hectare at a maximum height of 10 storeys (32 m). A site-specific Official Plan Amendment is required to implement the additional density and height.

Based on the planning analysis provided in the preceding section the proposed residential development would implement the general policy direction of the City OP, subject to the approval of the site-specific OPA.

## **6 Proposed Official Plan Amendment**

An OPA is required to facilitate the proposed development on the Subject Lands notwithstanding the height and density regulations provided in Section 13.26 – Special Policy Area “26” of the City OP.

This section of the report provides an analysis of the proposed development with respect to the relevant matters to determine the appropriateness of the proposed OPA, as outlined in the City's OP.

The specific changes to the Official Plan are as follows:

1. That the Subject Lands be redesignated from “Special Policy Area 26” to “Special Policy Area No. YY” on Schedule A of the Official Plan for the City of Niagara Falls;
2. That the Subject Lands be developed for a residential apartment building at a maximum of 210 units per net hectare and a maximum height of 19 storeys (68 metres) as measured from an elevation of 192 metres.

The OPA can be supported for the following reasons:

- The proposed development has regard for matters of Provincial interest in accordance with Section 2 of the *Planning Act*.
- The proposal is consistent with the Provincial Policy Statement and conforms to A Place to Grow (Growth Plan for the Greater Golden Horseshoe) and the Niagara Official Plan (2022).
- The proposal implements the policies of the Niagara Official Plan, and the City OP in that the Subject Lands are located within the Delineated Built-Up Area and along arterial roads, where intensification is to be focused;
- The proposal creates new housing in the City of Niagara Falls contributing to a more diversified housing mix for a range of household incomes, family sizes and life stages in north Niagara Falls;
- The proposal provides residential intensification on lands designated for growth and development in accordance with the City’s Official Plan; and,
- The proposed development achieves high quality urban design and implements the Region’s Model Urban Design Guidelines.

The text and mapping of the Official Plan Amendment is in **Appendix C – Draft Official Plan Amendment**.

## 7 Proposed Zoning By-law Amendment

The subject property is zoned Residential Apartment 5B Density Zone (R5B-498), in accordance with Zoning By-law No. 79-200, as amended by site specific By-law No. 2013-59. The site-specific by-law (attached as **Appendix E - By-law No. 2013-59**) altered provisions for lot area, maximum number of dwelling units, setbacks, maximum building height, landscaped open space, lot coverage and floor area per use. The zoning provisions for the Subject Lands were further amended by Committee of Adjustment decision A-2017-038, which permitted variations in height, additional dwelling units (106 units) and relief for a garbage enclosure to be located in the front yard. A subsequent Committee of Adjustment decision, A-2019-035, permitted a total of 123 dwelling units.

The proposed ZBA seeks to rezone the land to a new site specific R5B zone to facilitate the proposed development and to repeal, in its entirety, the site-specific zoning approvals provided through By-law No. 2013-59 for R5B-489.

The following table compares the regulations of the R5B Zone and the site-specific R5B-489 Zone with the proposed development:

Regulations	R5B Zone Requirement	R5B-489 Site-specific Requirements	Proposed Concept	Compliance R5B Zone
<b>Permitted Uses</b>	(a) An apartment dwelling (b) Accessory buildings and accessory structures,	As described in By-law	(a) An apartment dwelling	Yes

Regulations	R5B Zone Requirement	R5B-489 Site-specific Requirements	Proposed Concept	Compliance R5B Zone
	subject to the provisions of sections 4.13 and 4.14			
<b>Minimum lot area</b>	133 m <sup>2</sup> per dwelling unit	As described in by-law Section 1  Maximum of 101-123 dwelling units permitted.	14,057.4 m <sup>2</sup> / 295 units = 47 m <sup>2</sup> per dwelling unit	No
<b>Minimum lot frontage</b>	30 metres	As described in by-law Section 2	140.5 metres (Mountain Road)	Yes
<b>Minimum front yard depth</b>	7.5 m + 13.1 m from the original centreline of Mountain Road	As described in by-law Section 2	Greater than 7.5 m + 13.1 m from the original centreline of Mountain Road to buildings on site.  6.24 m setback for exit stairs from underground parking structure.	No. Exit stairs from underground parking structure encroach.
<b>Minimum rear yard depth</b>	10 m	As described in by-law Section 2	14.45 m	Yes
<b>Minimum interior side yard width</b>	One-half the height of the building  Tower A: 55.08/2 = 27.54 m  Tower B: 67.77/2 = 33.9 m	As described in by-law Section 2	Tower A = 34.34 m  Tower B = 13.2 m	Tower A complies.  Tower B does not comply

Regulations	R5B Zone Requirement	R5B-489 Site-specific Requirements	Proposed Concept	Compliance R5B Zone
<b>Minimum exterior side yard width</b>	7.5 metres + 13.1 metres from the original centreline of St. Paul Avenue	As described in by-law Section 2	0.75 m + 13.1 metres from the original centreline of St. Paul Avenue	No
<b>Maximum lot coverage</b>	30%	18%	22.6%	Yes
<b>Maximum height of building or structure</b>	10 m	<p>Maximum height of building or structure and maximum number of storeys excluding the elevator or mechanical penthouse</p> <p>(i) as measured from the elevation of 181.64 metres: 10.36 metres or 3 storeys, whichever is lesser</p> <p>(ii) as measured from the elevation of 192 metres: 32 metres or 10 storeys, whichever is lesser</p> <p>Maximum height of elevator or mechanical penthouses as</p>	<p>Tower A - 55.08 m</p> <p>Tower B - 67.77 m</p>	No

Regulations	R5B Zone Requirement	R5B-489 Site-specific Requirements	Proposed Concept	Compliance R5B Zone
		measured from the elevation of 192 metres: 40 metres		
<b>Number of apartment dwellings on one lot</b>	1	1	1	Yes
<b>Parking and access requirements</b>	Section 4.19.1: 1.4 parking spaces for each dwelling unit: 295 dwelling units x 1.4 = 413 parking spaces	Section 4.19.1: 1.4 parking spaces for each dwelling unit: 295 dwelling units x 1.4 = 413 parking spaces	373 parking spaces provided for 295 dwelling units.  373/295 = 1.26 parking spaces provided per dwelling unit.	No. Ratio of 1.26 parking spaces provided per unit.
<b>Minimum parking stall dimensions</b>	2.75 X 6 m	2.75 X 6 m	2.75 X 6 m	Yes
<b>Minimum manoeuvring aisle</b>	6.3 m	6.3 m	6.3 m	Yes
<b>Minimum no. of bicycle parking spaces</b>	Long term spaces: 0.5 spaces/dwelling unit = 295/2 = 148 spaces  Short-term spaces: 6 spaces per apartment dwelling having more than 20 dwelling units = 6	n/a	Long term spaces = 148  Short-term spaces = 12	Long term spaces will comply  Short term spaces comply
<b>Minimum Landscaped Open Space Area</b>	35% or 4,920 m <sup>2</sup>	45% of the lot area after any required dedication of lands for the	64.5% or 9,061 m <sup>2</sup>	Yes



Regulations	R5B Zone Requirement	R5B-489 Site-specific Requirements	Proposed Concept	Compliance R5B Zone
		purposes of road widening, which shall include a 6.0 metre wide strip, parallel and adjacent to St. Paul Avenue and Mountain Road, save and except for any driveways.		
<b>Minimum amenity space for an apartment dwelling unit</b>	20 m <sup>2</sup> for each dwelling unit = 5,900 m <sup>2</sup>		9,485 m <sup>2</sup> of landscaped space + 8,417.2 m <sup>2</sup> of amenity space and rooftop terrace areas + balconies	Yes
<b>Location of parking</b>	no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless a decorative wall and landscaped strip or a landscaped berm, as hereinafter specified, is provided and maintained along all that part of every front lot line and side lot line of such lot which is a boundary between such front yard and an		0	Complies

Regulations	R5B Zone Requirement	R5B-489 Site-specific Requirements	Proposed Concept	Compliance R5B Zone
	abutting street, except that part thereof crossed by an access ramp or sidewalk.			

**Minimum lot area**

The applications propose a minimum lot area of 47.6 square metres per dwelling unit (295 units), as compared to the 133 square metres permitted in the zoning by-law. The reduced lot area per unit can be supported given that the proposed development exceeds the required regulations for lot coverage, landscaped open space, and amenity space ensuring sufficient amenity space and quality of life for the development's residents. In addition, negative impacts on surrounding residential uses are not anticipated with the additional density. The additional density can be accommodated by existing municipal services and transportation.

**Minimum front yard depth**

The apartment buildings comply with the front yard depth requirements. However, the exit stairs from the underground parking structure encroach within the 7.5 m setback. Relief is requested for the exit stairs only at a depth of 6.2 m.

**Minimum interior side yard width**

The purpose of the interior side yard setback is to reduce potential negative impacts to adjacent uses, including overlook (privacy) and shadowing and the ability to screen adjacent uses (space for retention and replanting of mature trees). The proposed reduction of the interior side yard width for Tower B from 33.88 metres to 13.2 metres can be supported as the Subject Lands are adjacent to the golf course, which is not a sensitive land use. The Shadow Analysis submitted with the application shows limited impacts to the golf course as a result of the proposed development. Overlook into the golf course is intentional as the development is designed to integrate with the golf course. At grade, existing mature trees located on the eastern interior lot line between the Subject Lands and the golf course (trees 70, 71 and 72 and Grouping 67 in Tree Preservation Plan) are proposed to be retained and new trees (including Blue Spruce and Sugar Maple species) are proposed to be planted to provide additional vegetative screening.

**Minimum exterior side yard width**

The exterior side yard setback from the original centreline of St. Paul Avenue is proposed to be 38 m for the development, which is significantly deeper than the required minimum 13.1 m setback.

The required exterior side yard setback from the property line is 7.5 m, whereas 0.75 m is proposed for the Tower A. The purpose of the exterior side yard width is to mitigate a development's impact on the public realm and potential impacts on sightlines for all forms of transportation to and from the development. The reduced exterior side yard width from the lot line is supportable as the exterior lot line is irregular in shape and cuts into the Subject Lands to accommodate the specific site conditions, including the regional right-of-way with its steep grade change. With respect to potential impacts to the public realm, the proposed apartment building itself (Tower A) retains a visual setback of more than 7.5 m from the proposed sidewalk on the east side of St. Paul Avenue, maintaining a high-quality public realm experience that is additionally buffered from the development by the existing treeline in the regional right-of-way. The development conforms to the 45-degree angular plane as experienced from the public realm as shown in the Urban Design Brief submitted with these applications further demonstrating that impacts to the public realm are mitigated.

### **Maximum height of building or structure**

The site-specific zoning for the property permits a maximum height of 32 metres (as measured from an elevation of 192 metres) or 10 storeys, whichever is less. The R5B Zone permits a maximum height of 10 metres. The requested variances for maximum height can be supported for the following reasons:

- The Shadow Study concluded that the proposed height will not result in significant negative impacts on surrounding sensitive land uses given the site's distance from existing residential uses;
- The development meets the 45-degree angular plane from the public realm;
- The podium level on the apartment buildings is one storey in height as viewed from the streets due to the steep natural topography of the site, which reduces the visual impact of the height on residential properties to the west of St. Paul Avenue; and
- The proposed towers incorporate the gradual stepping of height from 10 to 15 stories for Tower A and from 15 to 19 stories for Tower B reducing overlook onto adjacent residential uses.

### **Parking and access requirements**

The City's Zoning By-law requires 1.4 parking spaces per unit, which translates to 413 required parking spaces. The proposed development would provide a total of 373 parking spaces at a rate of 1.26 parking spaces per unit. The Traffic Impact Study (TIS) and Parking Study supported the proposed parking ratio based on an assessment of parking ratios for other municipalities and for similar developments within Niagara Falls, as well as through travel demand management measures to discourage single occupancy vehicle trips and encourage various modes of transportation. In addition, Regional public transit is available approximately 700 metres away from the Subject Lands.

## 8 Summary and Conclusion

It is our opinion the proposed Official Plan Amendment and Zoning By-law Amendment represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The proposed development has regard for matters of Provincial interest in accordance with Section 2 of the *Planning Act*, including matters of the provision of housing; optimization of infrastructure; implementation of transportation and active transportation.
2. The proposed development is consistent with the Provincial Planning Policy Statement (2020) and is in conformity with the Growth Plan (2020), Niagara Official Plan (2022), and the City of Niagara Falls Official Plan.
3. The proposed development would achieve residential intensification in the Built-up Area. There are a variety of amenities south of the Subject Lands.
4. The proposed apartment dwelling units would diversify the existing housing mix in the north sector of Niagara Falls and within the surrounding community context.
5. The proposal will provide intensification in a compact manner and promote overall land-use efficiency on the Subject Lands.
6. The proposed development supports high quality urban design as per the Niagara Region Model Urban Design Guidelines and supports a vibrant public realm.

Report prepared by:



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**Asawari Modak, MPlan**  
Intermediate Planner  
*NPG Planning Solutions Inc.*

Report reviewed by:



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**Denise Horne, CAHP, MA, Dipl. Heritage Conservation**  
Senior Heritage Planner, Niagara  
*NPG Planning Solutions Inc.*

Report review and approved by:



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**Aaron Butler, MCIP, RPP**

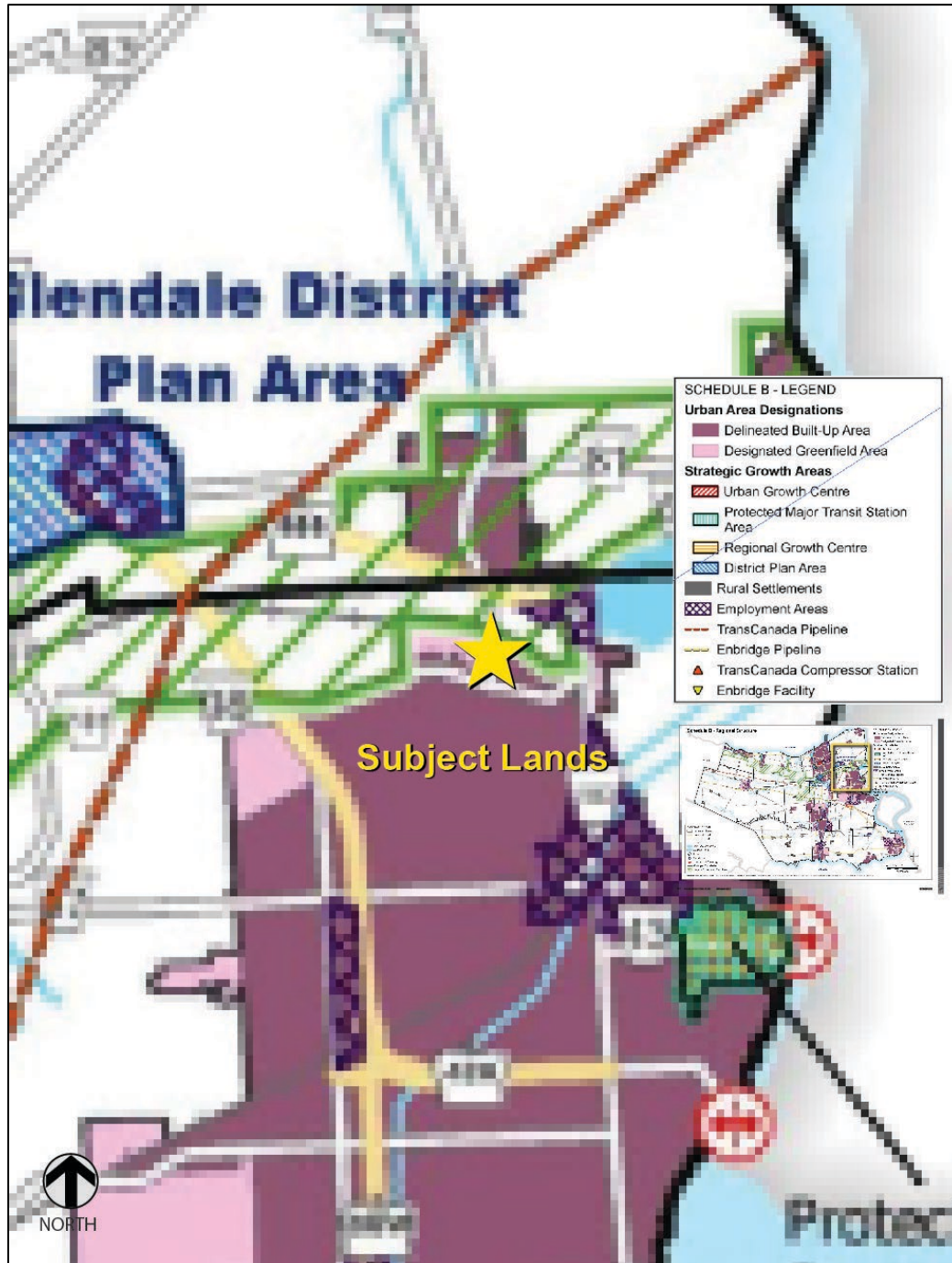
Development Principal  
*NPG Planning Solutions Inc.*



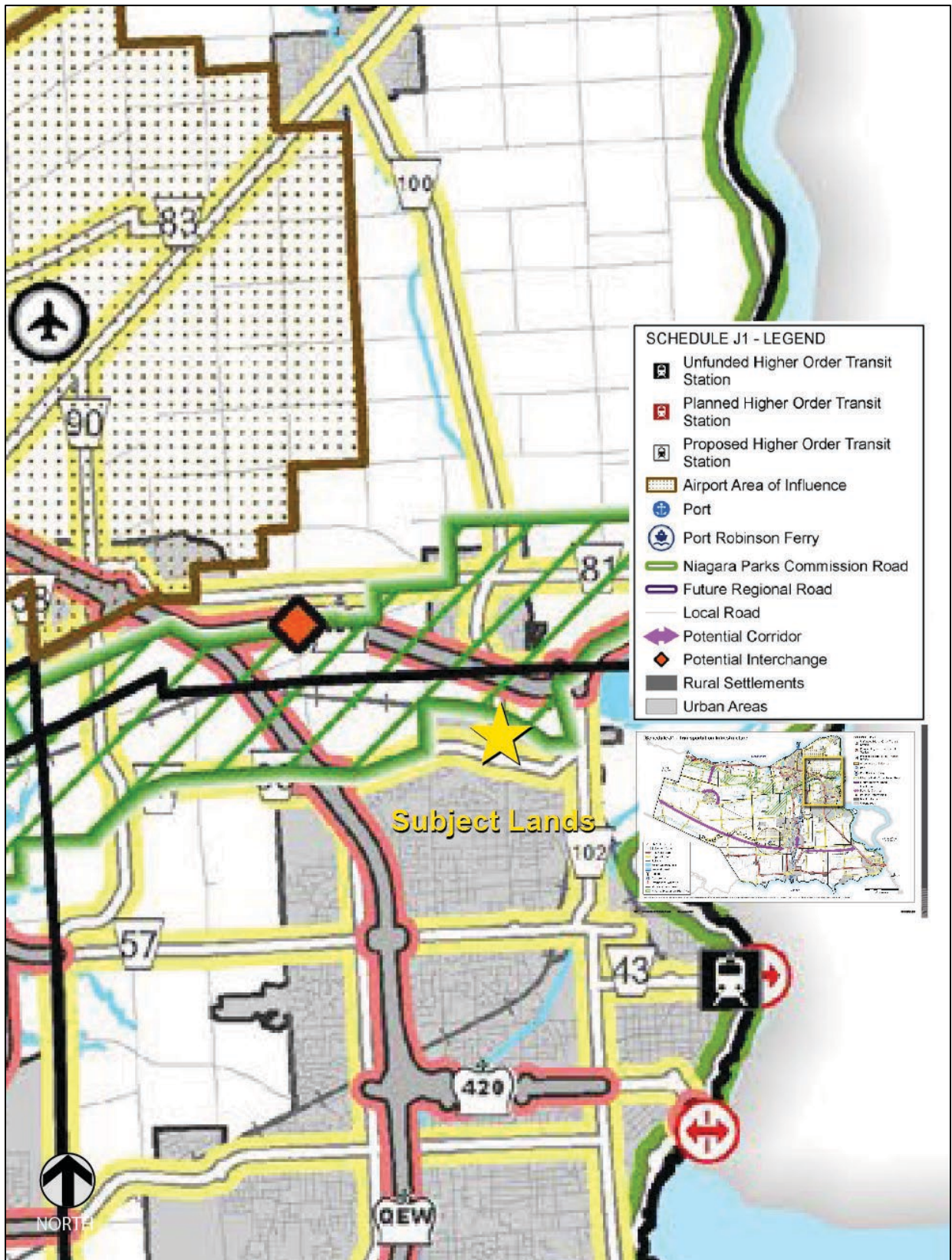
## 9 Appendices

### Appendix A – Niagara Official Plan Schedules

Schedule B: Regional Structure; Subject lands designation: Urban Area/ Delineated Built-up Area

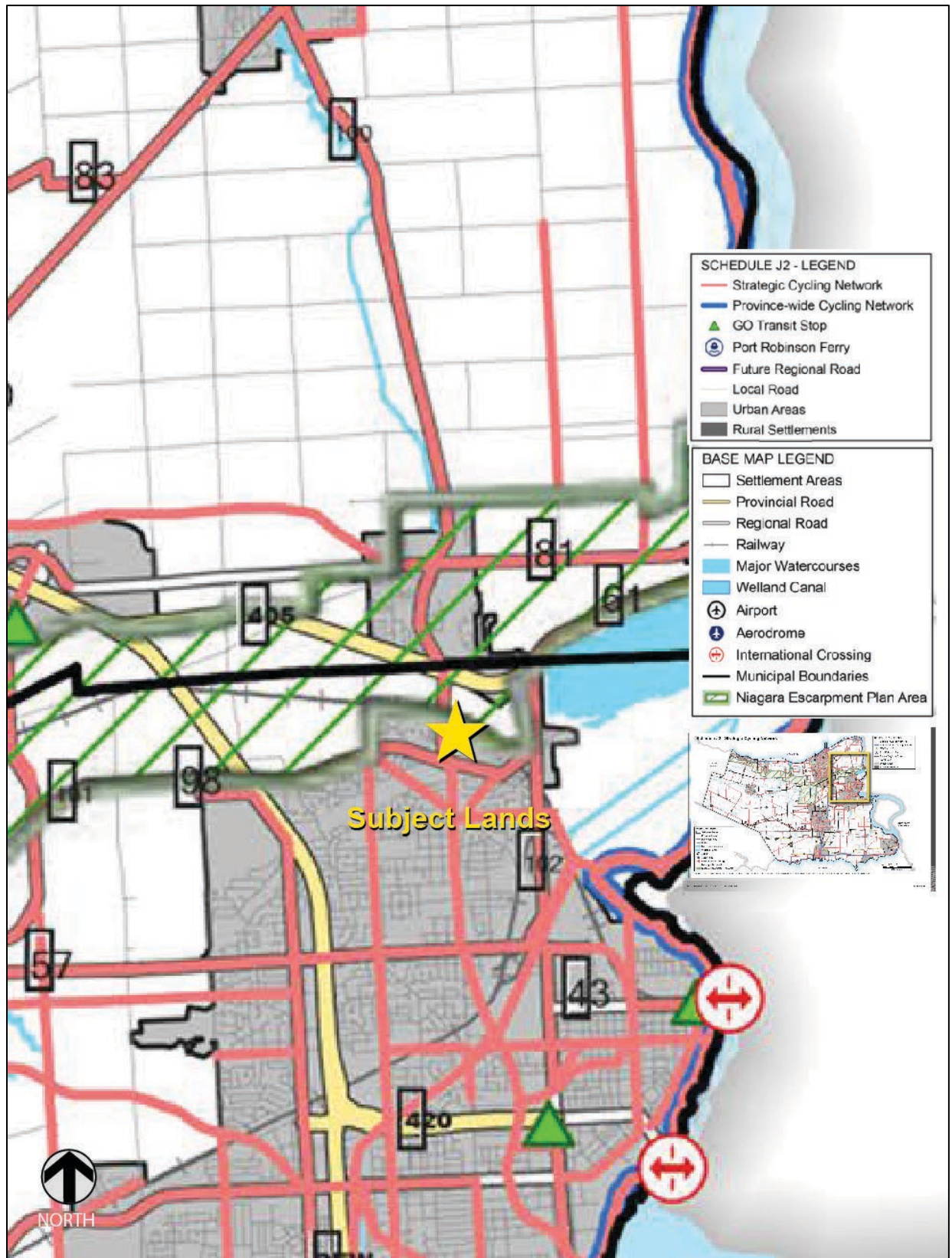


Schedule J1: Transportation infrastructure; Subject lands designation: St. Paul Avenue and Mountain Road are regional roads

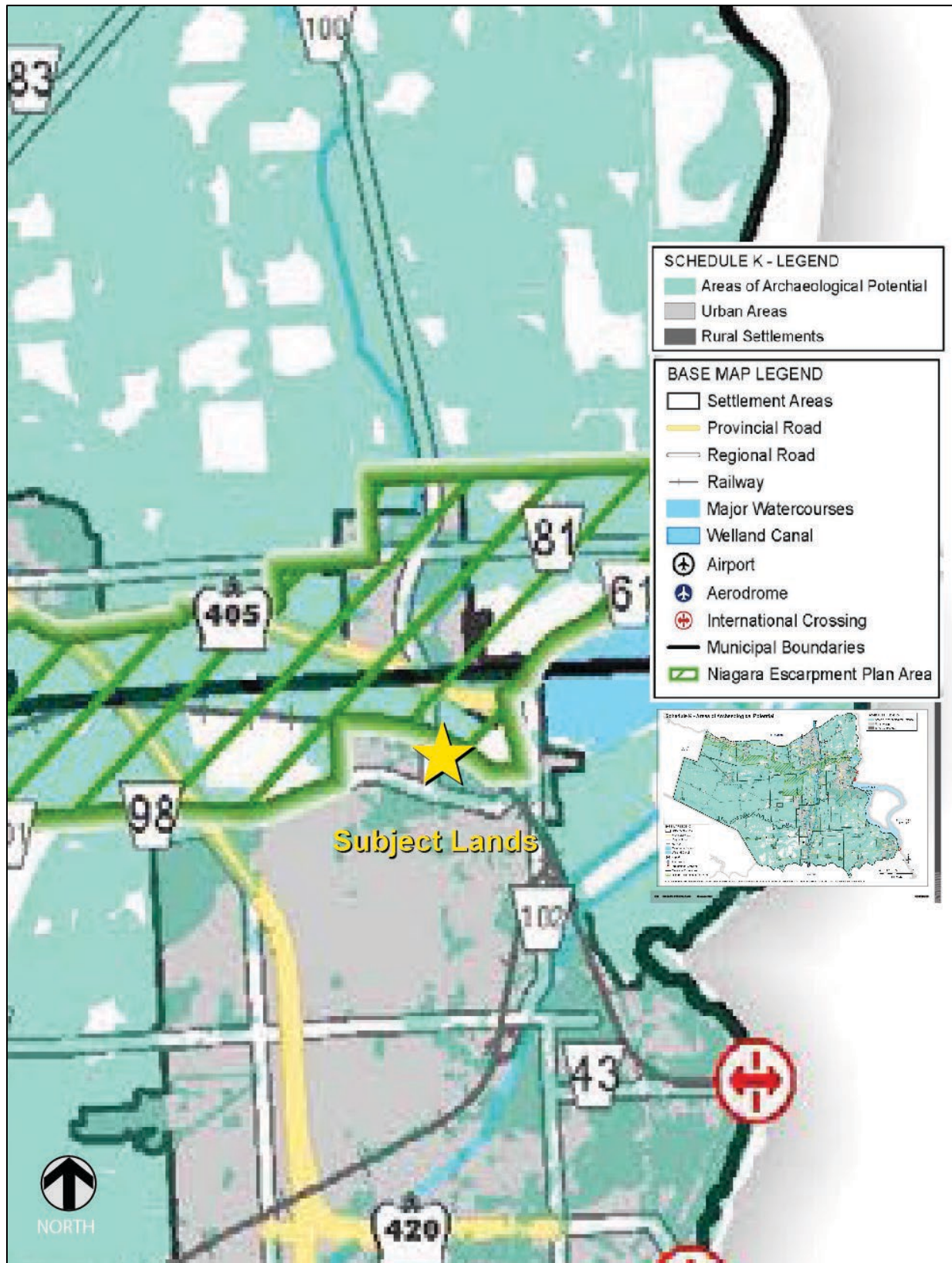




Schedule J2: Strategic Cycling Network; Subject lands designation: St. Paul Avenue and Mountain Road are identified as part of the Strategic Cycling Network



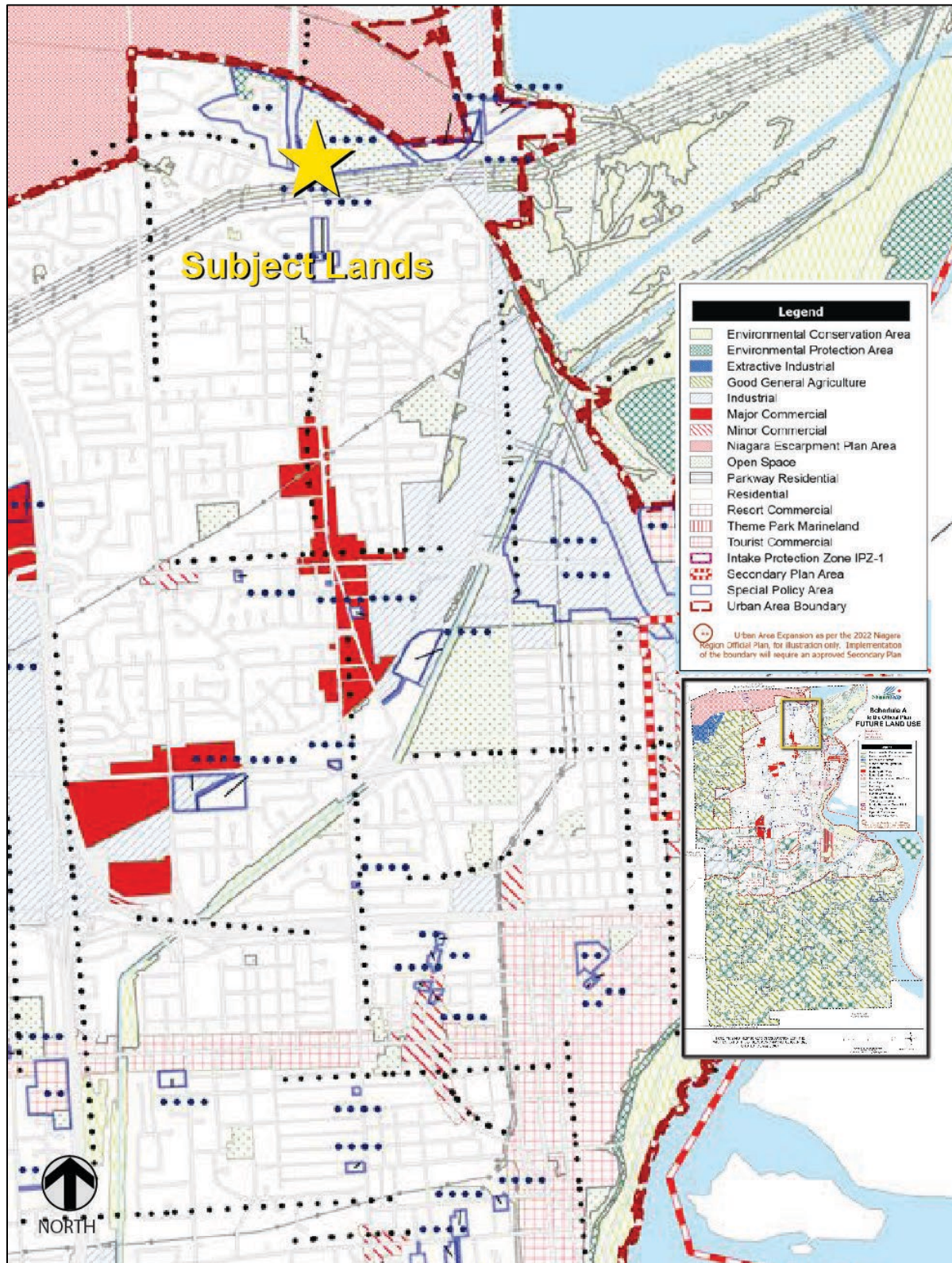
Schedule K: Areas of Archaeological Potential; Subject lands designation: Subject Lands are within the area of archaeological potential identified by the Region.





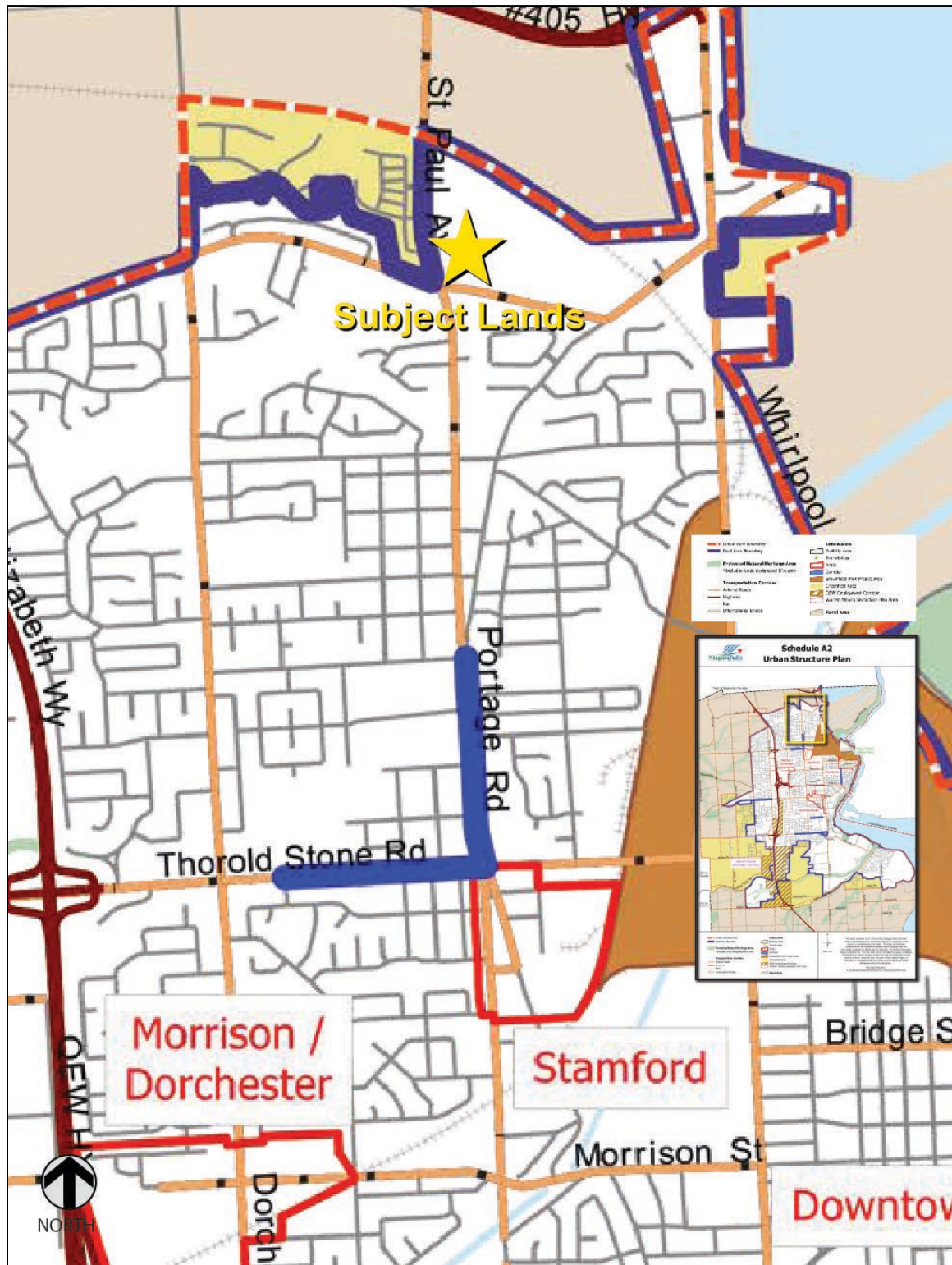
## Appendix B – Niagara Falls Official Plan Schedules

Schedule A: Future Land Use; Subject land designation: Special Policy Area 26

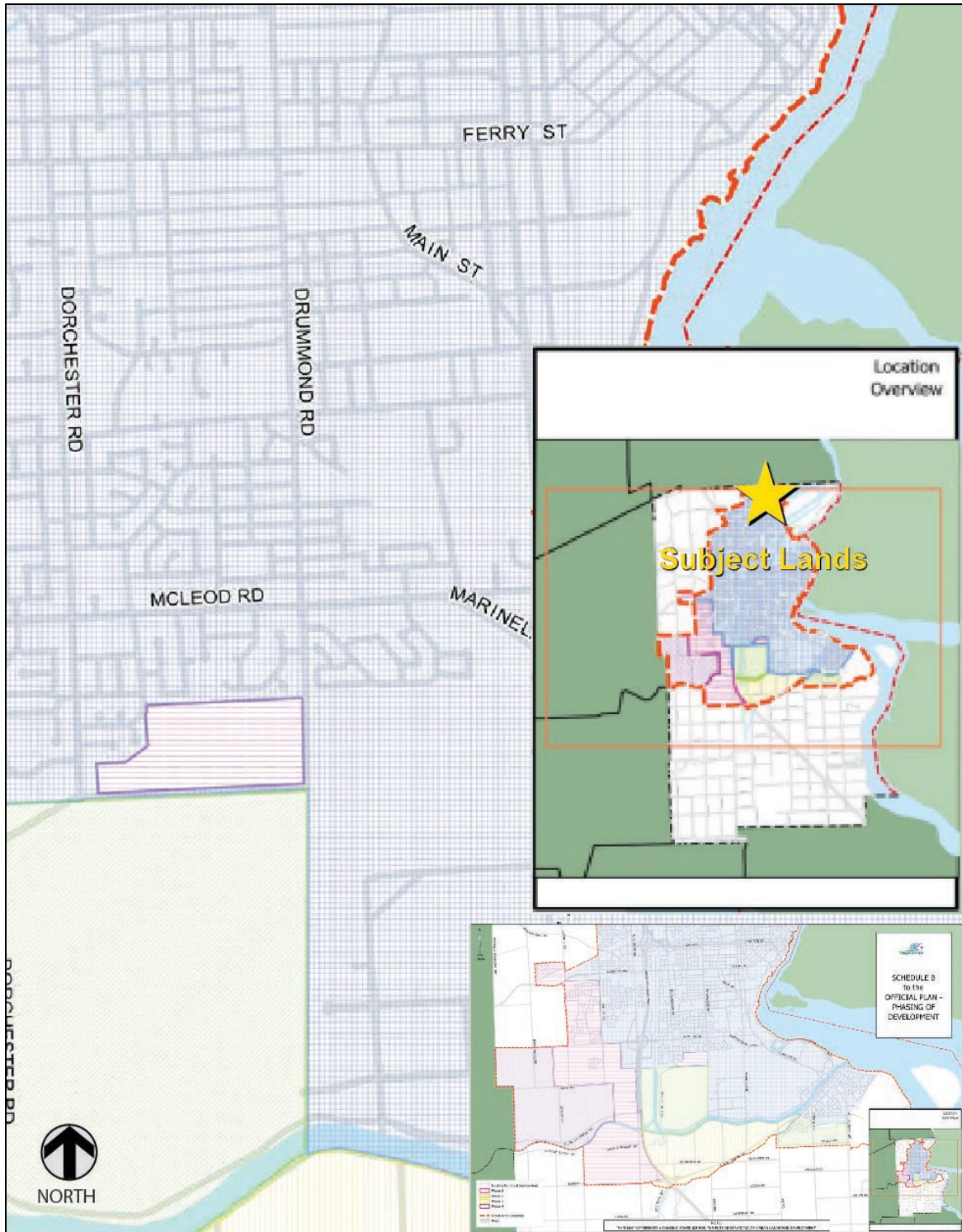




Schedule A2: Urban Structure Area; Subject land designation: Within the built-up boundary



Schedule B: Phasing Plan; Subject land designation: Outside existing Municipal Servicing Area



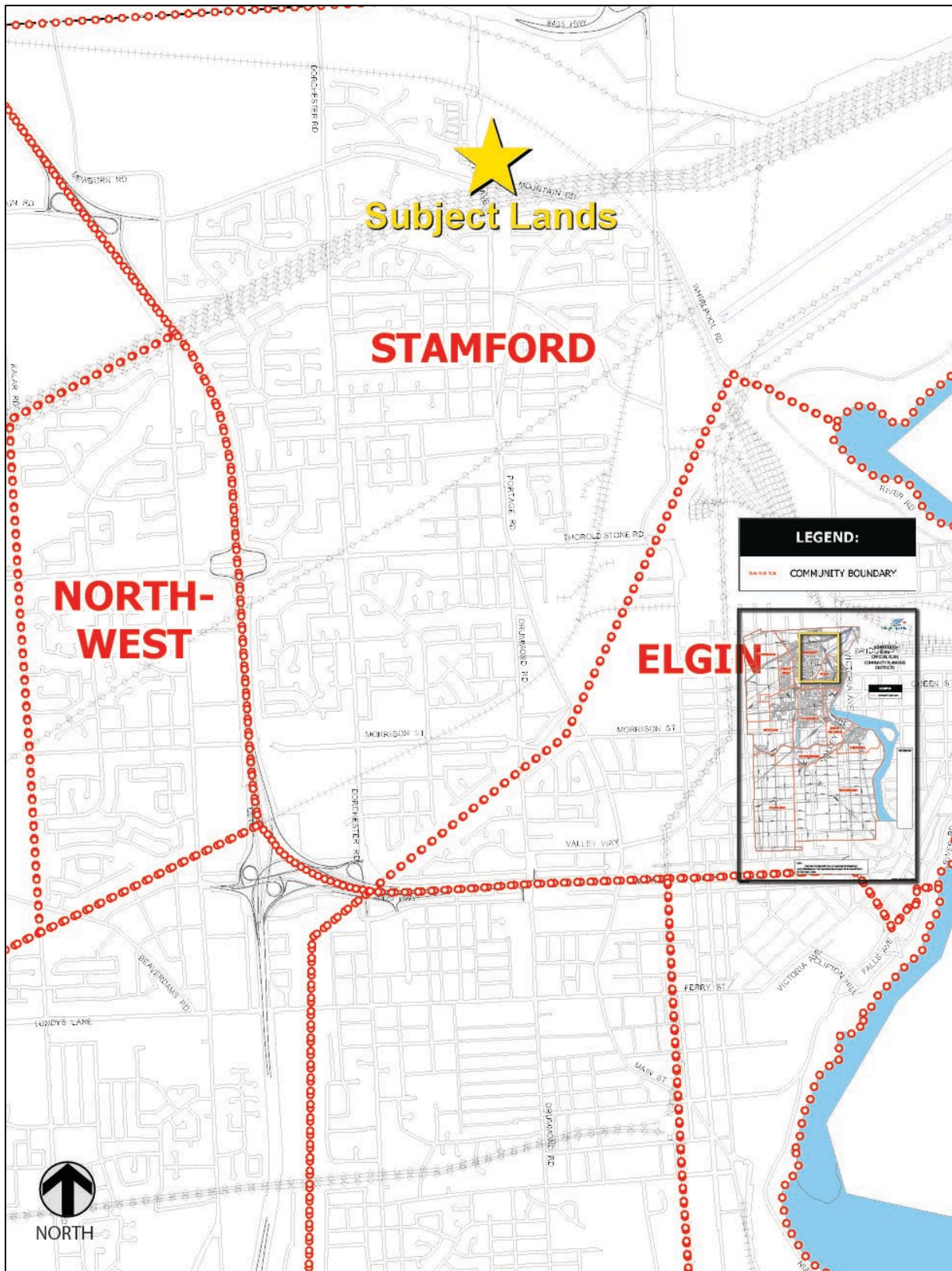


Schedule C: Roads; Subject land designation: St. Paul Avenue and Mountain Road are Arterial Roads





Schedule D: Community Planning Districts; Subject land designation: Stamford Community Planning District



## Appendix C - Draft Official Plan Amendment

### **PART 2 - BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. **XX** 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:

#### **1. MAP CHANGE**

Schedule "A" to the Official Plan - Future Land Use, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, from Special Policy Area "26" to Special Policy Area **"YY"**.

#### **2. TEXT CHANGE**

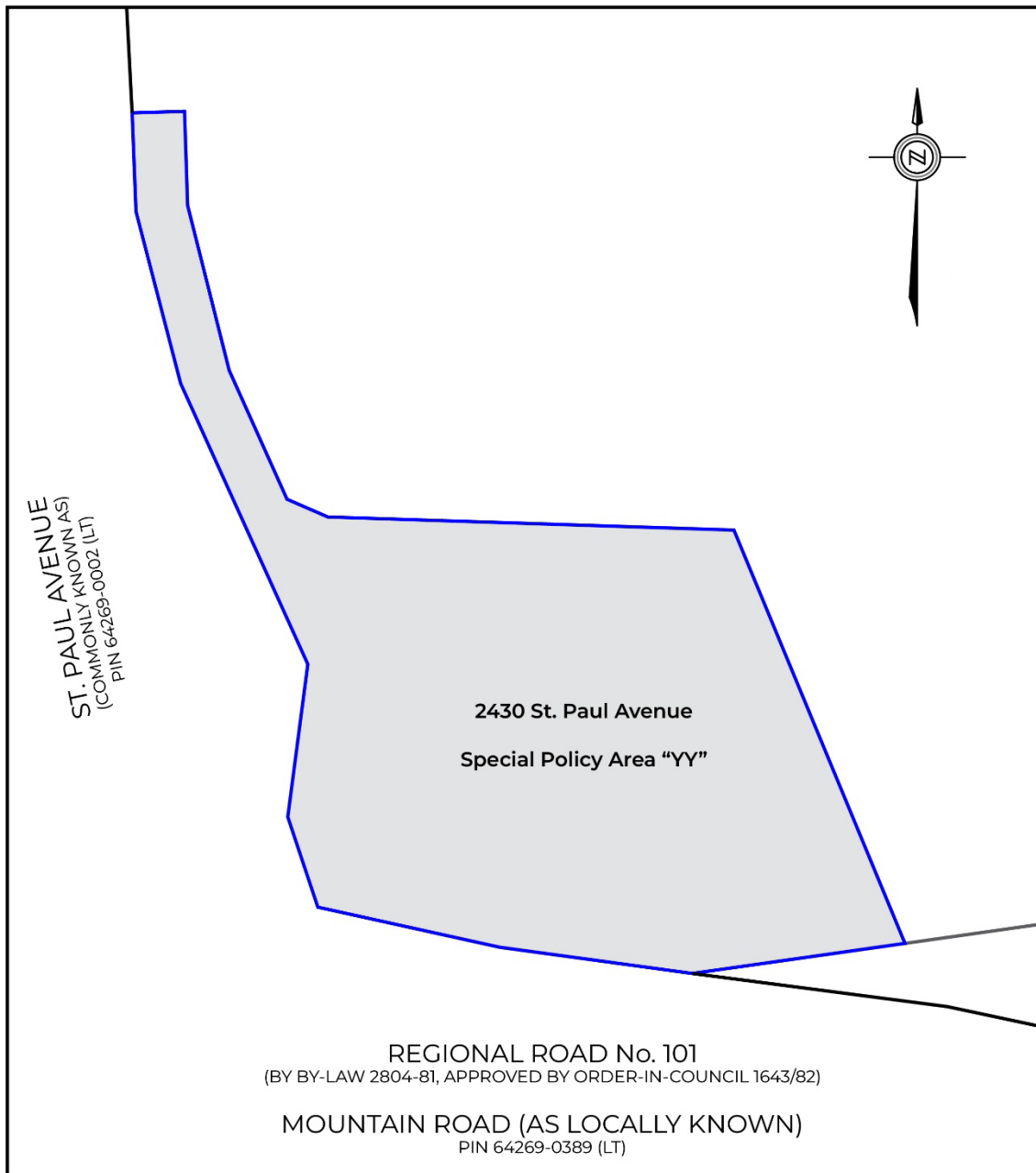
PART 2, SECTION 13 - SPECIAL POLICY AREAS is hereby amended by adding the following subsection:

##### **13.YY SPECIAL POLICY AREA **"YY"****

Special Policy Area **"YY"** applies to 1.4 hectares of land located on the northeast corner of St. Paul Avenue and Mountain Road. Notwithstanding the policies of Part 2, Section 1.10.5 (iii), the land may be developed for a maximum density of 210 units per net hectare and a maximum height of 19 storeys or 68 metres as measured from an elevation of 192 metres.



Map 1



Appendix D - Draft Zoning By-law Amendment

**CITY OF NIAGARA FALLS**

**By-law No. 2024-XX**

A by-law to amend By-law No. 79-200 to rezone the Lands to Site-Specific (R5B-XXXX) site-specific zone.

**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 provisions of By-law No. 79-200, to permit the use of the Lands 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 provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. Notwithstanding the definition of "Lot Frontage" for a corner lot, the lot line along Mountain Road shall be deemed as the lot frontage for the Lands.
5. The permitted uses shall be:
  - a. The uses permitted in a R5B Zone
6. The regulation governing the permitted use of the Lands shall be:

(a)	Minimum Lot Area	47 square metres per dwelling
(b)	Minimum front yard depth	6.2 m
(c)	Minimum interior side yard width	13.2 metres
(d)	Minimum exterior side yard width	0.75 metres

(e)	Maximum height of building or structure	Tower A: 56 m Tower B: 68 m
(f)	Parking and access requirements	1.26 parking spaces per dwelling unit

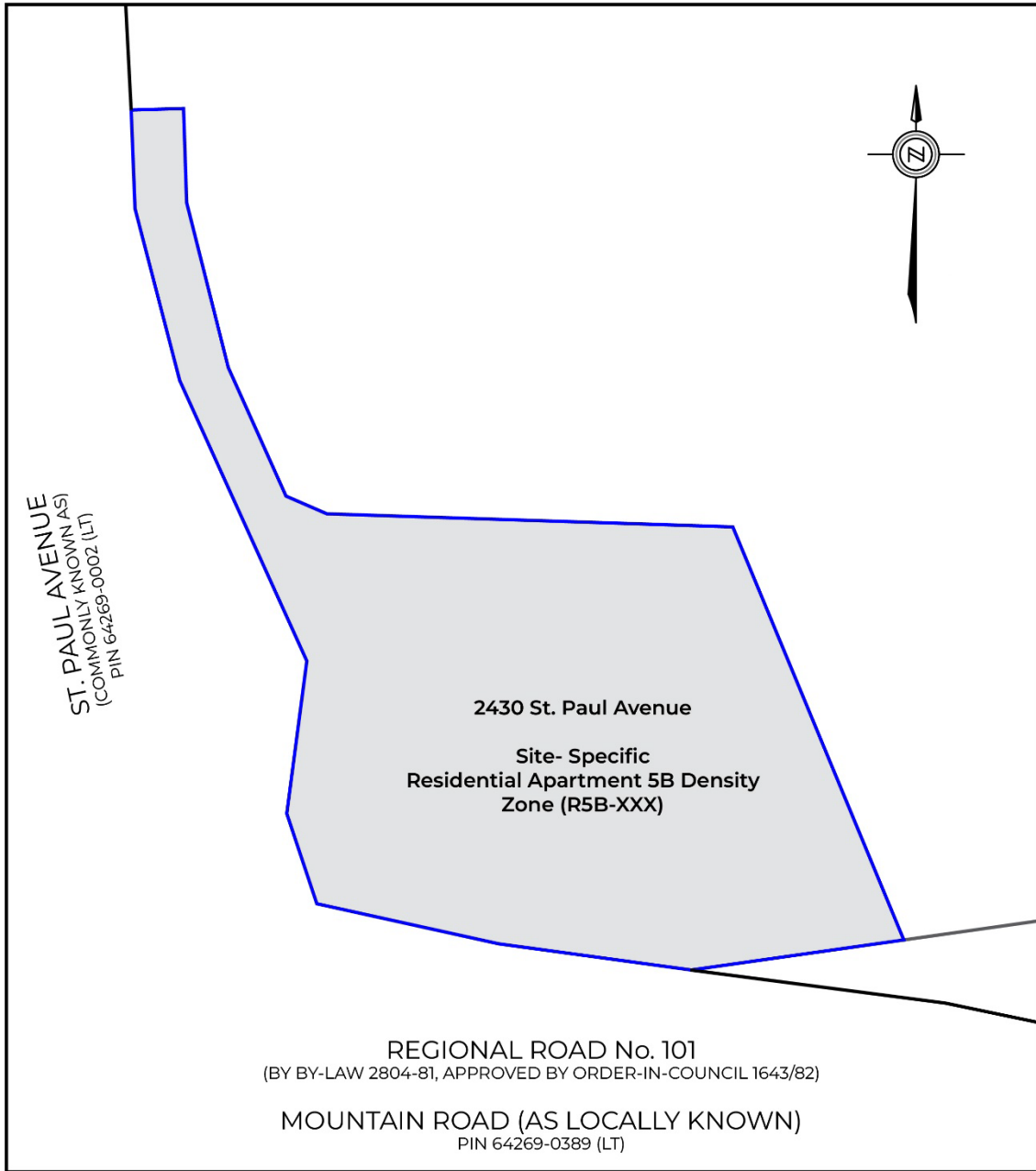
7. The balance of regulations specified for a R5B Zone.
8. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
9. No person shall use the Lands for a use that is not a permitted use.
10. No person shall use the Lands in a manner that is contrary to the regulations.
11. The provisions of this By-law shall be shown on Sheet A4 and B4 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from R5B to R5B and numbered **XXXX**.
12. That by-law 2013-59 for the Lands is hereby repealed in its entirety.

**Read a first, second and third time; passed, signed and sealed in open Council this **XXth** day of **XX**, 2024.**

.....  
WILLIAM G. MATSON, CITY CLERK

.....  
JAMES M. DIODATI, MAYOR

**SCHEDULE 1**



Appendix E – By-law No. 2013-59



## CITY OF NIAGARA FALLS

### **By-law No. 2013 - 59**

A by-law to amend By-law Nos. 79-200 and 93-141, in accordance with an Order issued by the Ontario Municipal Board dated March 26, 2013, to permit a 10-storey apartment dwelling with or without neighbourhood commercial uses on a portion of the ground floor (AM-24/97).

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

1. Sheets C1 and C2 of Schedule "A" to By-law No. 79-200 and Schedule 1 to By-law No. 93-141 are amended by redesignating from EI and numbered 337 to R5B and numbered 498, the land on the northeast corner of Mountain Road and St. Paul Avenue, being part of Township Lots 16, 24 and 25 and part of the road allowances (now closed) between Township Lots 16, 24 and 25 of the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara and shown hatched and designated R5B and numbered 498 on the plan Schedule 1, attached to and forming part of this by-law.

2. Notwithstanding the provisions of section 4.27.1, 4.7, clause (a) of section 7.11.1 and clauses (a), (b), (c), (d), (e), (f), (g), (h) and (m) of section 7.11.2 of By-law No. 79-200, no person shall use the land described in section 1 of this by-law and shown hatched and designated R5B and numbered 498 on the plan Schedule 1 attached hereto, or erect or use any building or structure thereon for the purpose of an apartment dwelling having a building height greater than 10 metres and having uses permitted by clauses (a) through to and including clause (j) of section 8.1.1 of By-law No. 79-200 on a portion of the ground floor, except in compliance with the following regulations:

- |     |  |  |
|-----|--|--|
| (a) | Minimum lot area   | the whole of the land described in section 1 of this by-law and shown hatched and designated R5B and numbered 498 on the plan Schedule 1 attached hereto, save and except for any part that may be required to be dedicated for the purpose of road widening |
| (b) | Maximum number of dwelling units   | 101  |
| (c) | Location of the various components of the building or structure, its maximum height, minimum yards and maximum number of storeys | refer to plan Schedule 2, attached to and forming part of this by-law and clause (d) of this section   |

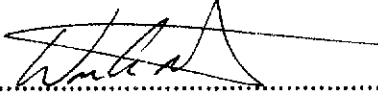
- |     |  |   |   |
|-----|--|---|---|
| (d) | Maximum height of building or structure and maximum number of storeys excluding the elevator or mechanical penthouse               |   |   |
|     | (i)  | as measured from the elevation of 181.64 metres | 10.36 metres or 3 storeys, whichever is lesser  |
|     | (ii)   | as measured from the elevation of 192 metres    | 32 metres or 10 storeys, whichever is lesser  |
| (e) | Maximum height of elevator or mechanical penthouses as measured from the elevation of 192 metres                                   |   | 40 metres   |
| (f) | Minimum landscaped open space  |   | 45% of the lot area after any required dedication of lands for the purposes of road widening, which shall include a 6.0 metre wide strip, parallel and adjacent to St. Paul Avenue and Mountain Road, save and except for any driveways |
| (g) | Maximum lot coverage   |   | 18%   |
| (h) | Maximum floor area per use permitted by clauses (a) through to and including clause (j) of section 8.1.1 of By-law No. 79-200      |   | 230 square metres   |
| (I) | Maximum floor area for all uses permitted by clauses (a) through to and including clause (j) of section 8.1.1 of By-law No. 79-200 |   | 929 square metres   |

3. Section 20 of By-law No. 79-200 is amended by adding thereto the following:

20.1.498 Notwithstanding the provisions of section 4.27.1, 4.7, clause (a) of section 7.11.1 and clauses (a), (b), (c), (d), (e), (f), (g), (h) and (m) of section 7.11.2 of By-law No. 79-200, no person shall use the land on the northeast corner of Mountain Road and St. Paul Avenue, designated R5B and numbered 498 on Sheets C1 and C2 of Schedule "A", or erect or use any building or structure thereon for the purpose of an apartment dwelling having a building height

greater than 10 metres and having uses permitted by clauses (a) through to and including clause (j) of section 8.1.1 of By-law No. 79-200 on a portion of the ground floor, except in compliance with By-law No. 2013-59.

Passed this ninth day of April, 2013.



.....  
BILL MATSON, ACTING CITY CLERK

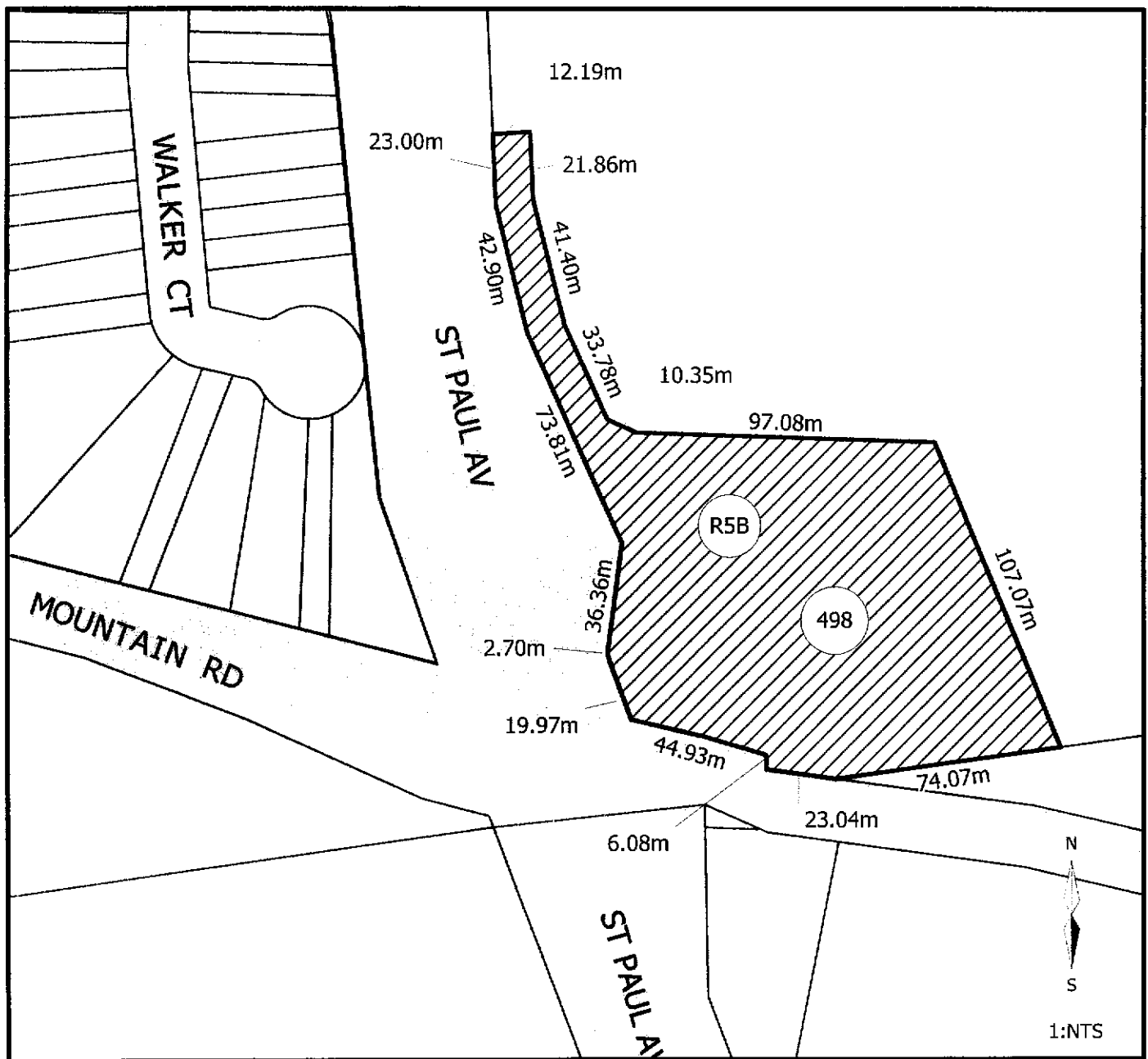


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JAMES M. DIODATI, MAYOR

First Reading: April 9, 2013  
Second Reading: April 9, 2013  
Third Reading: April 9, 2013

# SCHEDULE 1 TO BY-LAW No. 2013-59

Subject Land 



## Amending Zoning By-law No. 79-200

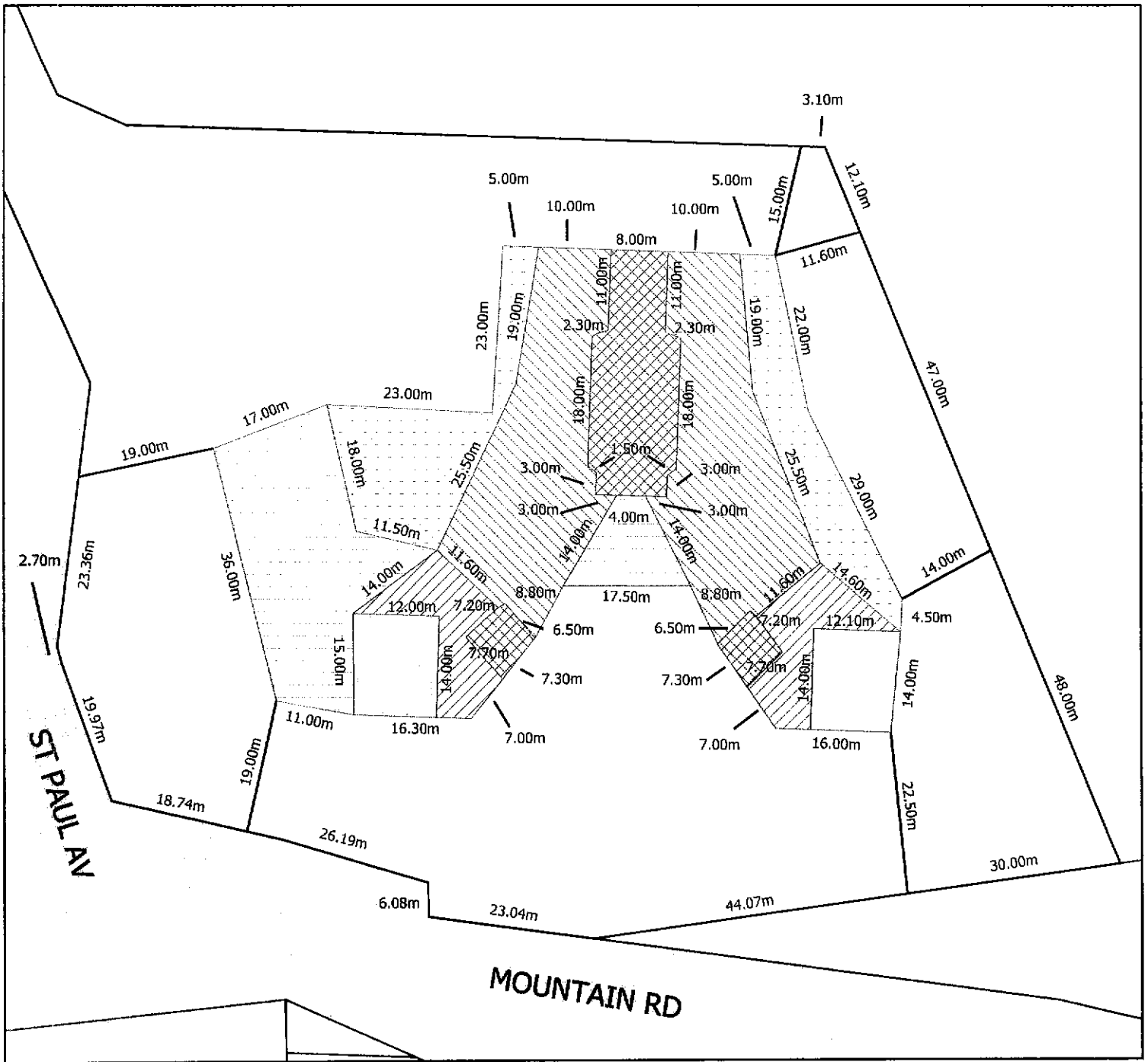
Description: Part of Township Lots 16, 24 & 25 & Part of the Road Allowances (now closed) between Township Lots 16, 24 & 25 in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara

Applicant: Mario Iafrate

AM-24/1997



# SCHEDULE 2 TO BY-LAW No. 2013-59



## Components of the Building

Location	Maximum # of Storeys	Maximum Height	Description:	
	Lower Level	3	10.36m #	Part of Township Lots 16, 24 & 25 & Part of the Road Allowances (now closed) Between Township Lots 16, 24 & 25 in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara  Assessment #: 272510000204300  Maximum Height Notes: # : As measured from the elevation of 181.64m * : As measured from the elevation of 192.00m
	Podium	1	5m *	
	Tower	9	29m *	
	Tower Top	10	32m *	
	Roof Feature			
	Mechanical Penthouses		33m *	
	Elevator or Mechanical Penthouses		40m *	