



Planning Justification Report

Zoning By-law Amendment

5234-5278 Ferry Street, 5284 Ferry Street & 5928 Clark Avenue, Niagara Falls

For: K2 Group Inc.

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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to K2 Group, “Owner” of approximately 2 acres (8,178 square metres) of land in the City of Niagara Falls, municipally known as 5234-5276, 5278, 5284 Ferry Street & 5928 Clark Avenue (the "Subject Lands"). NPG has been retained to provide professional planning advice for a Zoning By-law Amendment Application (the "Application") on the proposed development of two thirty (30) storey hotel towers containing 548 hotel rooms connected by a 4-storey podium. The Subject Lands are designated Tourist Commercial in the City’s Official Plan and zoned Tourist Commercial (TC-75) Zone in the City of Niagara Falls Zoning By-law No. 79-200, as amended by By-laws 1981-199, 2012-060 and 2012-061, which alter parking requirements.

Implementation of the proposed development requires a Zoning By-law Amendment for site-specific relief for maximum lot coverage, height, and required loading spaces under the City of Niagara Falls Zoning By-law No. 79-200.

The proposed applications would facilitate Tourism Commercial development within two of the City’s Central Tourism Districts - the Clifton Hill Tourism District and the Fallsview Tourism District, supporting the tourism and hospitality goals of the Niagara Falls Official Plan.

A Pre-consultation Meeting was held on April 6, 2023, with City Staff, Niagara Region Staff, and the applicant. During the pre-consultation meeting it was determined that a Planning Justification Report (PJR) is required to analyze Provincial, Regional, and City policies. This PJR provides an analysis of the proposed development and evaluates the appropriateness of the application for a Zoning By-Law Amendment against policies in the Provincial Policy Statement (PPS), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (Region OP), the City of Niagara Falls Official Plan (City OP) and the City of Niagara Falls Zoning By-law No. 79-200.

Sections 5.1, 5.2, 5.3 and 5.4 of this report provide analysis of the proposed applications within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformity with the City OP while Section 7.0 provides planning rationale for approval of the application for a Zoning By-Law Amendment.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands, as shown on **Figure 1 – Existing Lot Fabric of the Existing Lands**, are located on the southeast corner of Ferry Street and Clark Avenue with frontage on both roads. The Subject Lands consist of the properties municipally known as 5234-5276, 5278, 5284 Ferry Street and 5928 Clark Avenue.

The Subject Lands are triangular in shape with approximately 121 metres of frontage on Ferry Street, a lot depth of approximately 110 metres, and a total area of approximately 8,159.61 square metres. The Subject Lands contain several existing buildings. At the corner of Ferry Street and Clark Avenue is an existing two-storey motel, “Niagara’s Best Inn,” with two ground floor take-out/dining establishments “Afghan Kebab”, and “Delhi

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Junction". Two commercial buildings 1-2 storeys in height are located directly east of the motel at 5276-5278 Ferry Street with multiple ground floor commercial uses. A 4-storey "Quality Inn" hotel is located at the northeastern corner of the Subject Lands (5234 Ferry Street) with a "Hooters" restaurant located at grade along Ferry Street. Surface parking is provided between the hotel and commercial buildings at 5234 Ferry Street and 5276 Ferry Street. A 2-storey building housing a restaurant called "Inchins Indian Kitchen" is located at 5928 Clark Avenue, directly south of the Niagara's Best Inn. No natural heritage features have been identified on the Subject Lands.

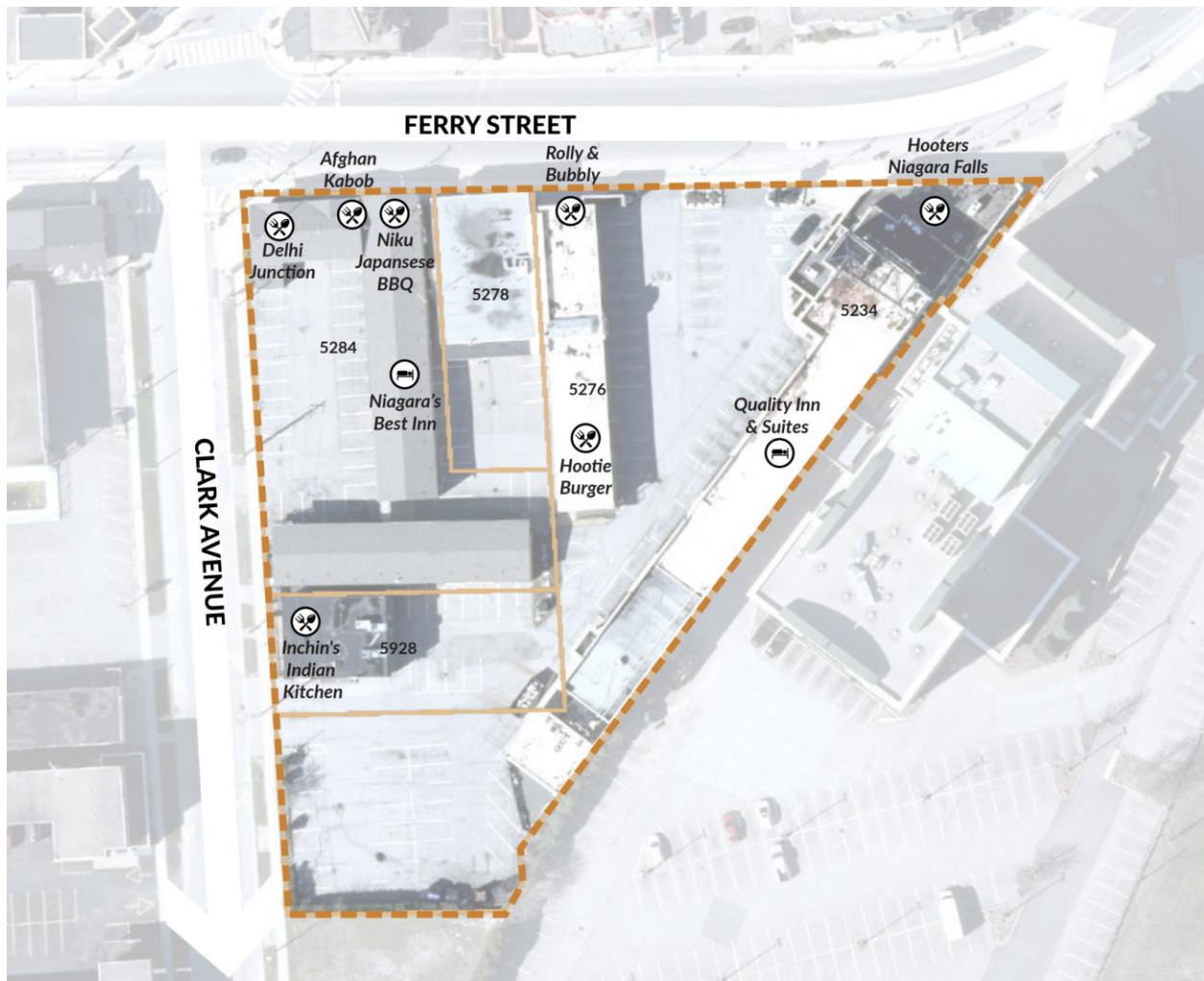


Figure 1. Existing Lot Fabric of the Subject Lands. All parcels are to be consolidated.



Figure 2. Aerial Context Map

The Subject Lands are located in a Tourist Commercial area, with Tourist Commercial uses surrounding the Subject Lands. **Figure 2 – Aerial Context Map** highlights the surrounding land uses around the Subject Lands. The Subject Lands abut commercial uses and related parking areas on all sides. Restaurants are located to the north and northwest. East of the Subject Lands is the “Courtyard Marriott”, a 9-storey hotel which also contains “The Keg” restaurant at grade. A parking area for the Courtyard Marriott is located to the south. Directly west of the Subject Lands is the Admiral Inn, a former motel that is no longer operational.



Figure 3. Tourism Amenity Map

Tourist amenities and active transportation facilities within a 500-metre and 1-kilometre radius of the Subject Lands are shown in **Figure 3 – Tourist Amenity Map**. Schedule C of the Niagara Falls Official Plan designates Ferry Street as an arterial road and Clark Avenue as a collector road.

The Subject Lands fronting on Ferry Street are located within the Clifton Hill Tourism Subdistrict and the portion fronting on Clark Avenue are within the Fallsview Tourism Subdistrict which feature a variety of commercial uses. The Subject Lands are located within 500-metres of Clifton Hill and are within 1 kilometre of the Fallsview Casino area. Tourism Commercial uses are uninterrupted along Ferry Street east of the Subject Lands until Bender Street and Victoria Avenue. The Subject Lands are located on a regional transit route serving the 104 and 204 lines along Ferry Street with bus stops in close proximity to the Subject Lands. The Subject Lands are also located on a WEGO transit line, a year-round transportation system that connects Niagara Parks locations to major attractions and hotels in the Niagara Falls tourist area. The Subject Lands are located approximately 2.5 kilometres south of the Queen Street Commercial Area and Niagara Falls Train Station which provides service to Ontario and the United States through its frequent GO Train, VIA Rail, and AMTRACK services.

The Subject Lands are located within 500-metres of the Queen Victoria Park, a greenspace featuring gardens and floral displays with scenic views of the Horseshoe Falls.

Surrounding land uses are comprised of:

- North:** Tourist Commercial
- South:** Parking Area
- East:** Tourist Commercial
- West:** Tourist Commercial

Please see **Photos 1 – 11** below for visual context of the Subject Lands. Photos were taken during a site visit on April 15, 2024.



Photo 1. View southeast of the Subject Lands from the northwestern corner of the Ferry Street and Clark Avenue intersection



Photo 2. View southwest of the existing businesses on the Subject Lands from the north side of Ferry Street



Photo 3. View southeast of the existing Quality Inn hotel on the Subject Lands from the north side of Ferry Street



Photo 4. View east of the Subject Lands from the west side of Clark Avenue



Photo 5. View west from the Subject Lands towards the abandoned hotel, from the west side of Clark Avenue



Photo 6. View northwest, of the Chuck's Roadhouse Restaurant located at the northwestern corner of the Ferry Street and Clark Avenue intersection



Photo 7. View north of the tourism commercial uses located on the north side of the Subject Lands, from the southeastern corner of the Ferry Street and Clark Avenue intersection



Photo 8. View south from the southern property line of the Subject Lands towards the Skylon Tower and Fallsview Tourist District



Photo 9. View southwest towards the neighbouring hotel and restaurant immediately east of the Subject Lands, from the south side of Ferry Street



Photo 10. View east along where Ferry Street becomes Victoria Avenue, from the northeastern corner of the Subject Lands.



Photo 11. View east along Ferry Street towards Clifton Hill, from the south side of Victoria

3.0 Proposed Development

The Owner is proposing an Application for a Zoning By-law Amendment to facilitate the development of two hotel towers, both 30 storeys (113.1 metres) in height, connected via a 4-storey podium with ground floor commercial uses and parking on floors 2-4. The building proposes to occupy 80.58% of the Subject Lands, with 0 metre setbacks along the northern and western property lines following a 2.94 metre road widening dedication. A 6.1 metre setback is proposed along the southern property line to provide sufficient space for an asphalt driveway.

Tower 1 is proposed to be setback 4.13 metres from the Ferry Street frontage and Tower 2 is proposed to be setback 9.83 metres from the Clark Avenue frontage. Tower 1 proposes 273 hotel rooms with Tower 2 proposing 275, for a total of 548 hotel rooms. Each floor of the tower will feature several room sizes (Studio King, Studio Queen, Conference Suite, Standard King, etc.).

A rooftop garden and terrace area is proposed above the 4-storey commercial/parking podium. A "Skylobby" with an area of 1,196 square metres has been proposed between the two towers, 1 storey above the podium (5th storey). The Skylobby will operate as an interchange area providing a common area with access elevator systems for both towers and the rooftop gardens area. The Skylobby may also feature various amenities that the hotel requires such as breakfast rooms, bars, spas, and more. These features will be determined at the Site Plan Control stage. The roof of the podium will be open space for

hotel guests. Exit stairwells are proposed along the northwestern and northeastern and southwestern corners of the site.

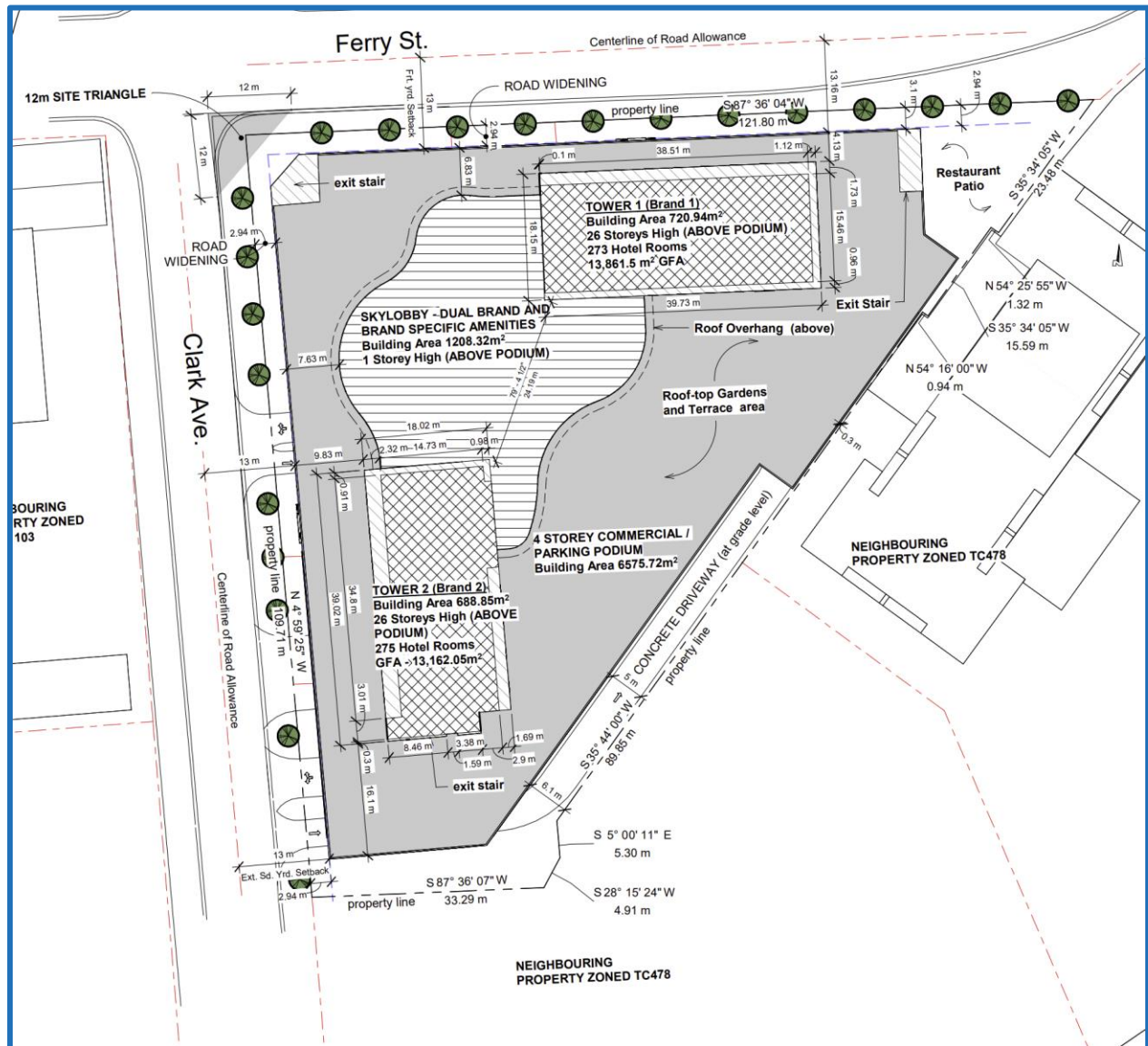


Figure 4. Proposed Site Plan

At grade, the buildings are recessed from the upper portion of the podium to accommodate a 3.3-metre-wide arcade. This covered pedestrian passageway is flanked on one side by colonnades which are set back 0.1 metres from the northerly and westerly lot lines and active uses such as hotel lobbies, commercial and restaurant uses on the other side. As shown in the Foundation & Main Floor Plan (Drawing A101), a commercial space of 529.8 square metres in area is proposed along the northwestern corner (fronting on both Ferry Street and Clark Avenue). The Main Floor Plan also shows a pedestrian pathway 3.75 metres in width providing direct access to Ferry Street. Pedestrian accesses are also provided to Clark Avenue, both north and south of the vehicular ingress and egress, 4.68 metres and 3.48 metres in width respectfully. At the northeast, fronting

Ferry Street, is the proposed Tower 1 hotel lobby, additional commercial space and restaurant space with an associated outdoor patio. Along the western property line fronting Clark Avenue is the proposed Tower 2 hotel lobby with loading bay entrances. Access to the commercial spaces at the corner of Ferry Street and Clark Avenue are also proposed.

Vehicular ingress/egress to the site will be provided exclusively along Clark Avenue. Two (2) accesses will be provided: one directly north of the Tower 2 hotel lobby and the other at the southern end of the property, providing direct access to the parking structure. Two roundabouts are proposed to provide traffic circulation within the site. A layby (drop-off space) area measuring 3 metres wide and 12.33 metres in length is proposed south of the Tower 1 hotel lobby, providing two tandem temporary parking spaces for the hotel. East of Tower 2, another temporary parking (drop-off) area is proposed for hotel guests, including a barrier free parking space and 4 standard parking spaces. South of the restaurant is a roundabout providing access to the parking structure. South of Tower 2 are three loading spaces, which will be accessed via Clark Avenue.

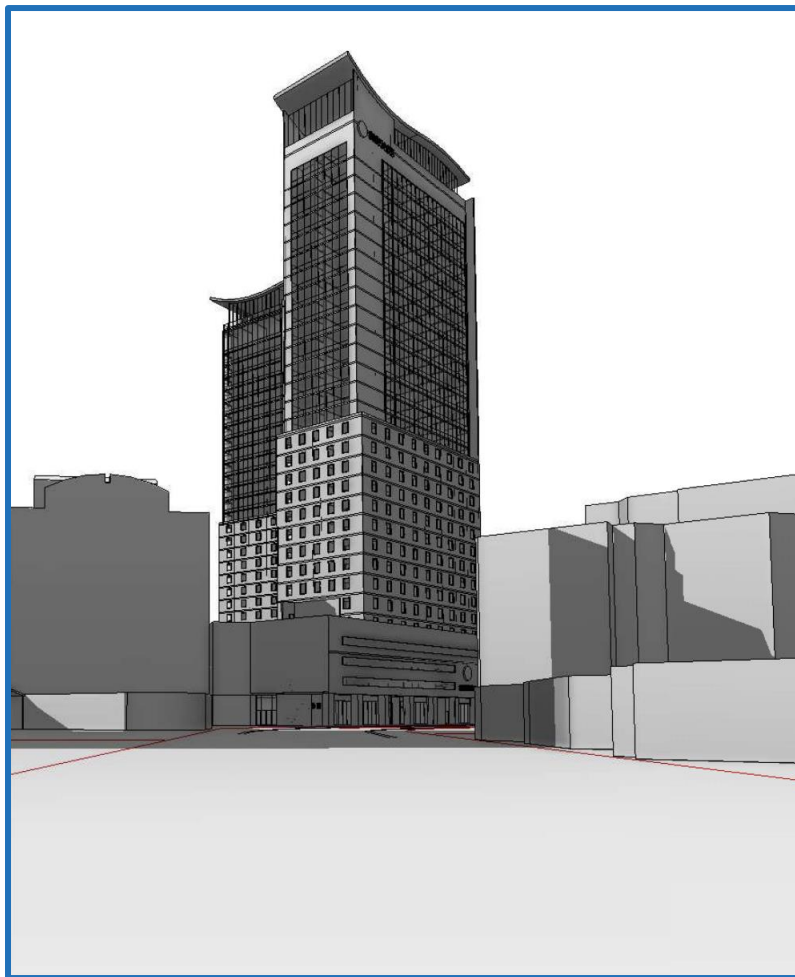


Figure 5. Rendering of the proposed development, view looking west towards Ferry Street from Victoria Avenue

A total of 455 parking spaces are proposed to be provided via a parking structure within floors 2-4 of the podium, with the podium proposed to be 16.2 metres in height. The towers are proposed to be a further 96.85 metres from the podium upward, for a total height of 113.05 metres from grade. At the 16th storey the towers are proposed to step back with Tower 1 being stepped back 1.73 metres from Ferry Street and Tower 2 stepped back 2.32 metres from Clark Avenue.

4.0 Pre-Consultation Summary and Supporting Studies Review

A pre-consultation meeting for the Application was held on April 6, 2023. Included in the meeting were Regional Staff, City Staff, the Agent, Architect and the Applicant. The pre-consultation notes outline the following studies and reports to be submitted with the Zoning By-law Amendment application:

- Conceptual Site Plan
- Municipal Servicing Study
- Shadow Analysis
- Stormwater Management Brief
- Transportation Impact Study
- Urban Design Brief
- Landscape Plan
- Wind Study

4.1 Pre-consultation Summary

At the pre-consultation meeting no concerns were raised regarding general conformity with Provincial and Regional policies.

City Staff provided comments related to access points and streetscape elements along Ferry Street. City staff also recommended including an additional step-back at 15 storeys, accordingly the current proposal has incorporated a stepped back design. City Transportation Staff noted that a 2.94 metre road widening (dedication) is required along both Ferry Street and Clark Avenue. The road widenings have been incorporated into the proposal. City Transportation Staff noted that 12 accessible parking spaces will be required for the proposed development and that a Transportation Impact Assessment will be required. A total of 12 accessible parking spaces have been provided and a Transportation Impact Assessment has been included as part of the submission package, see section 4.3 of this report for a summary of the Transportation Impact Assessment.

City Staff also provided comments related to the need for details on building materials and a distinct and interesting roof feature for Tower 2. Building material information has been provided with the elevations (Sheet A300) and a distinct wavy roof feature has been proposed on Tower 2.

As recognized by City Staff, the separate parcels that comprise the Subject Lands will need to be consolidated, it is anticipated that consolidation will occur at the Site Plan Control stage.

4.2 Municipal Servicing Study

A Functional Servicing Design Brief (FSDB) was prepared by Hallex Engineering Ltd. dated April 2024, to determine the functional sizing of the proposed sanitary and water services in addition to the post-development flows from the site to determine the impact on existing municipal infrastructure. As per the FSDB:

- Given that the building covers most of the Subject Lands, the grading will ensure drainage is conveyed to the municipal right-of-way via overland flow and a proposed storm sewer to drain the roof area of the building.
- A storm sewer system is proposed for the site which will discharge to the existing 675mm municipal storm sewer at Clark Avenue.
- The post-development storm water runoff to Ferry Street will decrease by 58.8 L/s for the five-year storm from the pre-development flow to that sewer. Storm water quantity controls are not proposed for this area.
- The post-development storm water runoff to Clark Avenue will increase by 65.9 L/s for the five-year storm from the pre-development flow to that sewer. Therefore, storm water storage of 72m³ will be required.

It is recommended a minimum 250mm diameter sanitary sewer @ 2.0% to be installed to convey sanitary flows from the proposed building to the existing 250mm PVC municipal sanitary sewer at Ferry Street.

It is recommended a minimum 200mm diameter domestic water service and 2-200mm diameter fire protection services as per OBC 3.2.9.7.(4). to be installed to provide water supply to the proposed thirty-storey hotel from the existing 200mm municipal PVC watermain at Ferry Street.

4.3 Transportation Impact Study

A Transportation Impact Study and Circulation Review was conducted to analyze existing traffic conditions and traffic forecasts following the full build-out of the proposed development. The TIS determined:

- Under 2032 total traffic conditions, traffic control signals are not justified at the intersections of Victoria Street at Magdalen Street and Robinson Street at Clark Avenue;
- Under 2027 and 2032 total traffic conditions, a 25 m southbound left-turn lane is warranted at the intersection of Clark Avenue and the Northern Driveway;
- The site is forecast to generate approximately 378 and 384 trips during the weekday PM and Saturday peak hours, respectively;
- It is recommended that:
 - For the intersection of Ferry Street at Clark Avenue/Ellen Avenue, the City provide a separate northbound through/right-in turn movement with 15 m of storage and the Applicant add a permissive protected phase for the westbound left-turn movement at Saturday peak house.
 - For the intersection of Ferry Street at Fallsview Boulevard, the City optimize signal timings and the Applicant add a permissive protected phase for the westbound left-turn movement (Saturday peak hour).

- For the intersection of Robinson Street at Clark Avenue, the City provide a separate southbound through/right-turn lane with 25 m of storage.
- For the intersection of Clark Avenue at the northern driveway, the Applicant provide a southbound left-turn name with 15 m of storage
- For the intersection of Clark Avenue and the southern driveway the site driveway be modified to provide a shared westbound left-turn/right-turn approach.

4.4 Landscape Plan

Preliminary Landscape Plans have been prepared by James McWilliam Landscape Architect, dated July 2023, showing landscaping for the proposed development at grade and podium levels. The landscape plans include:

At grade:

- Large canopy deciduous trees along Clark Avenue and Pyramidal Deciduous Trees along Ferry Street, with mass plantings between the trees;
- Hedges planted parallel to covered walkways;
- The use of pavers for all pedestrian walkways; and
- Hedges along the rear property line.

Podium level (fifth floor):

- Pavers for pedestrian areas; and
- Coniferous trees and large canopy trees lining the southeast edge of the podium.

4.5 Pedestrian Level Wind Study

A Pedestrian Level Wind ("PLW") Study, dated January 17, 2024, was prepared by Gradient Wind Engineers and Scientists to assess wind conditions associated with the proposed development. The PLW Study determined:

- Most public sidewalks, walkways, laneways, parking areas, and landscaped spaces within and surrounding the proposed development will experience wind conditions suitable for walking or better throughout the year, which is acceptable for the intended uses of spaces.
- There is an isolated area along Clark Avenue, which marginally exceeds the walking criterion during the winter months, but wind speeds remain safe and mitigation is not considered necessary in the Study.
- All hotel lobby and most retail entrances will be comfortable for standing or better throughout the year.
- The retail entrances fronting Ferry Street to the northeast and Clark Avenue to the northwest exceed standing criteria during the winter months. Wind mitigation measures are recommended to be implemented at the detailed design stage.
- All secondary building access points (including stairwell exits and vehicle entrances) throughout the proposed development will be comfortable for walking or better throughout the year;

- All existing nearby amenities and uses will remain suitable for their intended use throughout the year.
- On the level 5 podium (terrace) the perimeter guard is recommended to be raised to 2.0 metres above the walking surface to ensure suitable wind conditions for sedentary activities. Additional wind mitigation measures are provided based on intended use of the terrace to be determined as the landscaping plans develop.

4.6 Shadow Analysis

A Shadow Analysis was prepared by JP Designs Architects (dated 2023-12-04) demonstrating shadowing from the proposed development on June 21 and September 21, 2023, in accordance with the *Niagara Falls Sun/Shadow Study Terms of Reference*. The shadow analysis determined that no shadows will be cast on sensitive land uses such as residential uses on Desson Avenue to the northwest.

We recognize the City of Niagara Falls Sun/Shadow Study Terms of Reference has been revised in 2024 since the Shadow Analysis was prepared. Accordingly, the Shadow Analysis is currently being updated to satisfy the revised criteria and will be circulated to the City once it is completed.

4.7 Urban Design Brief

A detailed urban design assessment of the proposed development is provided in section 6.0 of this report.

4.8 Environmental Noise Guidelines

The NPC-300 Environmental Noise Guidelines outline the proper control of sources of noise emissions to the environment. The pre-consultation checklist requested that the Planning Justification Report consider Table C-9 Supplementary Indoor Sound Level Limits Road and Rail under section C6 Noise Impact Assessment – Supplementary Noise Limits of the Ontario Environmental Noise Guidelines (NPC-300).

Table C-9, as shown below provides guidelines for acceptable indoor sound levels for developments which are not normally considered noise sensitive. The proposed development falls under this category as Sleeping Quarters of Hotels/Motels and an assessment will be undertaken at the Site Plan Control stage and noise control measures applied where necessary.

Table C-9 Supplementary Indoor Sound Level Limits Road and Rail			
Type of Space	Time Period	Leq (Time Period (dBA) Road	Leq (Time Period (dBA) Rail
Sleeping Quarters of Hotels/Motel	8 hours between 23:00-7:00	45	40

5.0 Planning Policies

5.1 Planning Act, R.S.O. 1990, c. P.13

Section 2 of the *Planning Act* identifies matters of Provincial interest that Council shall have regard for carrying out its responsibilities under the Act. These matters are analyzed in **Table 1**, below:

Table 1: Matters of Provincial Interest

Matter of Provincial Interest	Analysis
<i>(a) the protection of ecological systems, including natural areas, features and functions</i>	There are no natural heritage areas, features and functions that have been identified on the Subject Lands or that are anticipated to be impacted.
<i>(b) the protection of the agricultural resources of the Province</i>	The Subject Lands are within an Urban Area Boundary. Facilitating development in the Urban Area Boundary reduces pressure to urbanize agricultural areas.
<i>(c) the conservation and management of natural resources and the mineral resource base</i>	The proposed development will not impact natural resources or mineral resources.
<i>(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i>	There are no known significant cultural heritage or archaeological features on the Subject Lands.
<i>(e) the supply, efficient use and conservation of energy and water</i>	The proposed development is an energy efficient form of development as it provides for a compact built-form where available municipal services exist.
<i>(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The proposed development would optimize the use of existing municipal services.
<i>(h) the orderly development of safe and healthy communities</i>	The proposed development will facilitate appropriate development standards for intensification and redevelopment, while avoiding or mitigating risks to public health and safety, in accordance with policies contained within Section 1.0 of the PPS, regarding building strong healthy communities. The proposed development will provide for an increased range of employment opportunities for residents of the City, while remaining accessible via transit. This matter is discussed in Section 5.2 of this PJR.

<p><i>(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i></p>	<p>Future Site Plan Applications will need to comply with O. Reg. 191/11: <i>Integrated Accessibility Standards</i> under the <i>Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11</i>. Of note, accessible parking spaces and elevators are proposed for this development.</p>
<p><i>(k) the adequate provision of employment opportunities</i></p>	<p>The proposed development is anticipated to result in job creation. Visitors of the proposed development are also anticipated to support existing tourist commercial uses within this area of Niagara Falls.</p>
<p><i>(l) the protection of the financial and economic well-being of the Province and its municipalities</i></p>	<p>The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and infrastructure, increasing cost efficiencies related to maintenance.</p>
<p><i>(o) the protection of public health and safety</i></p>	<p>The Subject Lands are not impacted by any known hazards.</p>
<p><i>(p) the appropriate location of growth and development</i></p>	<p>The Subject Lands are within the Built-up Urban Area of Niagara Falls and surrounded by other Tourism Commercial uses.</p>
<p><i>(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i></p>	<p>The Subject Lands are located on an existing bus transit route (Niagara Region Transit) and a tourist transit route (WEGO). The proposed development will support the on-going use of both transit systems. The proposed development will also support active transportation by providing several at grade entrances and a covered pedestrian walkway along both Ferry Street and Clark Avenue. The Subject Lands are also in proximity to the Niagara Falls Train Station, providing transit opportunities for people in the Greater Toronto Area and the United States.</p>
<p><i>(r) the promotion of built form that, (i) is well-designed, (ii) encourages a sense of place, and (iii) provides for public spaces that are of high quality, safe,</i></p>	<p>As per the Urban Design assessment of the proposed development included within Section 6.0 of this PJR, this criterion is met.</p>

<p>accessible, attractive and vibrant;</p>	
<p>(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.</p>	<p>The compact built form and mix of land uses is anticipated to reduce automobile dependence, and consequently the necessity to consume fossil fuels. The Subject Lands are located on the Niagara Region Cycling Network, and the WEGO and Niagara Region transit routes, providing more environmentally friendly transit options for both residents and tourists by reducing single occupancy car trips.</p>

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.

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.

Consistency and conformity with Provincial, Regional and Town 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 Applications are considered to comply with the provisions of the *Planning Act*.

SUMMARY AND CONCLUSION

For these reasons, subject to the analysis provided in the following sections of this report, the Applications are 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.

5.2.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns Areas

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

POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;

c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;

e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;

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;

c) minimize negative impacts to air quality and climate change, and promote energy efficiency;

d) prepare for the impacts of a changing climate;

e) support active transportation;

f) are transit-supportive, where transit is planned, exists or may be developed...

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

ANALYSIS

The Subject Lands are in the settlement area of Niagara Falls as defined in the PPS. The Subject lands are designated Built-up Area in the City of Niagara Falls Official Plan and the Niagara Region Official Plan and are thus in an area identified for intensification.

The proposed development will have a mix of commercial uses (retail, hotel, restaurant, etc.) that promote efficient utilization of the lands over the long-term. The proposed development promotes the use of existing municipal services and infrastructure, and the supporting studies confirm that the available services can accommodate the proposed uses.

The proposed hotel creates opportunities for expanding the tourism economy in Niagara Falls while providing new employment opportunities for residents. The site is within the City's Central Tourism District and the Clifton Hill Tourism Subdistrict providing further tourism uses and accommodations within the tourism core of the City. The proposed development will be easily accessible for future employees and guests due to its convenient location on several transit corridors including Niagara Region Transit, Niagara Parks Commission WEGO service, and being in proximity to the Niagara Falls Train station and VIA Rail/GO Transit. The Subject Lands are also accessible via active transportation with pedestrian connections to the Clifton Hill Tourism District and the Fallsview Tourism District, and the residential areas located outside the City's Central Tourism Districts.

5.2.2 Employment

Section 1.3 of the PPS provides the following applicable policies regarding Employment:

POLICY

- 1.3.1 *Planning authorities shall promote economic development and competitiveness by:*
- a) *providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
 - b) *providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
 - c) *facilitating the conditions for economic investment by identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment*
 - d) *encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4; and*
 - e) *ensuring the necessary infrastructure is provided to support current and projected needs.*
- 1.3.2.1 *Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.*

ANALYSIS

The proposed development provides new employment opportunities through its hotel and retail components. At build-out, the proposed development is planned to accommodate approximately:

- 548 hotel rooms
- 715.8 square metres of commercial space

- 582.7 square metres of restaurant space

The diversity of commercial uses on site (retail, restaurant, hotel) will provide for a diverse range of jobs for residents in the area, in addition to construction sector opportunities. The United Nations World Tourism Organization (UNWTO) states that globally there is an average of one employee for each hotel room.¹ Based on the above the proposed development can be expected to generate approximately 548 jobs. The UNWTO also states that one job in the core tourism industry creates approximately 1.5 additional indirect jobs in the tourism related economy resulting in an additional approximate 822 jobs, for an estimated total of 1,370 jobs resulting from the proposed development.

5.2.3 Public Spaces, Recreation, Parks, Trails and Open Space

Section 1.5 of the PPS provides policies related to Public and Open Spaces. Of note are the following:

POLICY

1.5.1 Healthy, active communities should be promoted by:

- a) planning public streets, spaces and facilities to be safe, meet the needs of pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
- b) planning and providing for a full range and equitable distribution of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;*

ANALYSIS

The Subject Lands are near the Niagara Parks Commission park system, including Queen Victoria Park adjacent to the Horseshoe Falls in the City of Niagara Falls. Pedestrian access to the park system, the Horseshoe Falls, and the open space areas is available via Ferry Street and Victoria Avenue.

5.2.4 Infrastructure and Public Service Facilities

Section 1.6 of the PPS provides policies related to infrastructure. The following apply to the Application:

POLICY

- 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.*

¹ [UNWTO - Measuring Employment in the Tourism Industries](#)

1.6.6.7 Planning for stormwater management shall:

- a) *be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) *minimize, or, where possible, prevent increases in contaminant loads;*
- c) *minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) *mitigate risks to human health, safety, property and the environment;*
- e) *maximize the extent and function of vegetative and pervious surfaces; and*
- f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development*

ANALYSIS

The conclusions and recommendations of the Functional Servicing Design Brief, prepared by Hallex Engineering, dated April 2024, confirm that the water, sanitary sewer and storm sewer systems can accommodate the needs of the proposed development, subject to certain recommendations as outlined in the Hallex report. Please see Section 4.2 of this report for more information.

5.2.5 Transportation Systems

Section 1.6.7 of the PPS provides policies regarding Transportation Systems. The following applies:

POLICY

- 1.6.7.2 *Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*
- 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

The proposed development is located along two public transit routes (Niagara Region Transit & WEGO) (see **Figure 3 – Tourism Amenities**), providing connections to major destinations within the City and the Niagara Region. The density and mix of commercial uses of the proposed development will support the long-term viability of these public transportation services. In addition, the Subject Lands are located on the Niagara Region Strategic Cycling Network, and within 1 km of the Niagara River Parkway, also part of the Niagara Region Strategic Cycling Network, providing active transportation options for access to the development.

As previously discussed, the Subject Lands are in proximity to the Niagara Falls Train Station, which provides GO, VIA and AMTRAK Rail service, which allows for visitors to reach the Subject Lands and City while reducing single occupancy car trips.

The Transportation Impact Assessment prepared by Paradigm Traffic Solutions indicates that the traffic generated from the proposed development can be accommodated with access to Clark Avenue subject to recommendations. Please see Section 4.3 for a summary of the Transportation Impact Assessment and details related to the recommendations provided.

5.2.6 Long-Term Economic Prosperity

Section 1.7 of the PPS provides policies related to Economic Prosperity. Of note, the following apply:

POLICY

1.7.1 Long-term economic prosperity should be supported by:

- a) promoting opportunities for economic development and community investment-readiness;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;*
- e) encouraging a sense of place, by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources and cultural heritage landscapes;*
- g) providing for an efficient, cost-effective, reliable multimodal transportation system that is integrated with adjacent systems and those of other jurisdictions, and is appropriate to address projected needs to support the movement of goods and people;*
- h) providing opportunities for sustainable tourism development;*
- k) minimizing negative impacts from a changing climate and considering the ecological benefits provided by nature;*

ANALYSIS

The proposed development will deliver a high-density sustainable tourism development through two 30-storey towers accommodating hospitality uses and a total of 548 hotel rooms. The on-site hotel, commercial, and restaurant uses will provide employment opportunities and generate a range of jobs for local residents. Further, the Subject Lands are easily accessible via a range of public and active transportation options allowing residents from across Niagara to access the Subject Lands for employment. These uses will support the needs of the local tourism industry and provide an opportunity for the expansion of the tourism industry and the local businesses within the City and the Region.

The proposed development integrates high-quality urban design, landscape architecture, and built-form architecture with the surrounding tourist commercial areas. Please refer to section 6.0 of this report for an analysis of Urban Design matters.

5.2.7 Energy Conservation, Air Quality and Climate Change

Section 1.8 of the PPS provides the following applicable policies regarding Energy Conservation, Air Quality and Climate Change:

POLICY

- 1.8.1 *Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*
- a) promote compact form and a structure of nodes and corridors;*
 - b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
 - c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
 - e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
 - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure;*

ANALYSIS

The proposed development provides hospitality uses along Ferry Street, which forms part of the Clifton Hill Tourism District and along Clark Avenue, which forms part of the Fallsview Tourism District, supporting built compact form in areas where tourism uses are the focus. The proposal contributes to a mix of employment opportunities available in the area and promotes the efficient use of land by accommodating a variety of uses on-site. The location of the development on an arterial road (Ferry Street) and the Subject Land's provides future employees with many local transit options. Further, the Subject Lands are in proximity to the Niagara Falls Train Station providing alternative means of access for tourists to visit the Subject Lands and City. The range of transportation options in proximity to the Subject Lands supports more environmentally friendly methods of accessing the Subject Lands for both tourists and residents.

Enhanced landscaping on the site contributes to addressing impacts of climate change. The proposed development also integrates a roof-top garden and terraced area on the fifth floor. Further, the design of the buildings and their orientation is such that it incorporates seasonal solar exposure.

SUMMARY OF ANALYSIS FOR PPS (2020)

Based on the above, the proposal is consistent with the policies and direction of the Provincial Policy Statement.

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

A Place to Grow: Growth Plan to the Greater Golden Horseshoe (Growth Plan) builds on the policies set out in PPS and must be read in conjunction with it. The Subject Lands are identified as being within the Built-up Area as per Schedule 2 of the Growth Plan.

5.3.1 Managing Growth

Section 2.2.1 Growth Plan provides the following policies with respect to managing growth:

POLICY

2. Forecasted growth to the horizon of this Plan will be allocated based on the following:

a) the vast majority of growth will be directed to settlement areas that:

i. have a delineated built boundary;

*ii. have existing or planned municipal water and wastewater systems;
and*

iii. can support the achievement of complete communities...

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...

4. Applying the policies of this Plan will support the achievement of complete communities that:

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

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

f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability...

Section 7 of the Growth Plan defines Complete Communities as follows:

Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

ANALYSIS

The proposed development will assist in achieving forecasted employment and tourism industry growth in Niagara Falls in a well-designed manner. The proposed development will meet the needs of current and future residents by providing a mix of easily accessible employment opportunities, convenient access to stores and services, along public and active transit routes. The nearest residential uses are located approximately 250-metres northwest of the Subject Lands ensuring the employment opportunities are easily accessible. The Subject Lands are located on bus routes 104 (daytime) and route 204 (evening) of the Niagara Region Transit system providing access to the Main Street Hub (approximately 1.2 km from the Subject Lands), from which additional bus routes can be accessed ensuring accessible employment for the entire City.

The proposed development is designed to accommodate a compact built form, mix of commercial uses and adds to the attractiveness of the existing public realm with the addition of a covered colonnade for pedestrian use along Ferry Street and Clark Avenue.

5.3.2 Delineated Built-up Areas

Section 2.2.2 of the Growth Plan provides the following policies regarding delineated built-up areas:

POLICY

3. All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: ...

c) encourage intensification generally throughout the delineated built-up area;

f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

ANALYSIS

The proposed development would facilitate intensification within the delineated built-up area by facilitating a greater scale of commercial uses on the Subject Lands. The proposed development also contributes to the achievement of complete communities by providing convenient access to local stores, and services and a full range of transportation options along several existing public transit routes as described above.

5.3.3 Employment

Section 2.2.5 of the Growth Plan provides the following policies employment:

POLICY

1. *Economic development and competitiveness in the GGH will be promoted by:
 - a) *making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities;*
 - b) *ensuring the availability of sufficient land, in appropriate locations, for a variety of employment to accommodate forecasted employment growth to the horizon of this Plan;*
 - c) *planning to better connect areas with high employment densities to transit; and integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.**
4. *In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*
15. *The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.*
18. *In recognition of the importance of cross-border trade with the United States, this Plan recognizes a Gateway Economic Zone and Gateway Economic Centre near the Niagara-United States border. Planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism.*

ANALYSIS

The Subject Lands are designated Tourist Commercial lands, which are suitable for employment activities according to Section 4.1.4 of the Niagara Falls Official Plan.

Currently, the lands include several restaurants, a 2-storey motel and surface parking areas. The proposed development aims to increase the job density and diversity on the lands through its hotel, retail spaces, and restaurant uses. Since the Subject Lands are located along an existing bicycle route, transit routes, and within walking distance to residential uses, the proposed retail and hotel uses will support the use of alternate means of transportation for employment. Further, the proposed development features a parking structure as opposed to surface parking, which visually screens the parking from the street. The proposed development aims to provide an appropriate intensification of land uses and supports increased opportunities for tourism and business development within the Gateway Economic Zone.

5.3.4 Transportation Infrastructure

Section 3.2.3 of the Growth Plan provides the following policies regarding transportation infrastructure:

POLICY

2. *All decisions on transit planning and investment will be made according to the following criteria:*
 - a) *aligning with, and supporting, the priorities identified in Schedule 5;*
 - b) *prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;*
 - c) *increasing the capacity of existing transit systems to support strategic growth areas;*
 - d) *expanding transit service to areas that have achieved, or will be planned to achieve, transit-supportive densities and provide a mix of residential, office, institutional, and commercial development, wherever possible;*
 - e) *facilitating improved linkages between and within municipalities from nearby neighbourhoods to urban growth centres, major transit station areas, and other strategic growth areas;*

ANALYSIS

The Subject Lands are located along two public transit routes (Niagara Region Transit & WEGO) which provide connections to important destinations such as shopping centres, health clinics, employment centres, community centres and tourist destinations. The proposed mix of commercial and hospitality uses and density are transit-supportive, will assist in reducing single occupancy car trips, and will contribute to a safer and more energy efficient transportation network.

5.3.5 Servicing Infrastructure

Sections 3.2.6 and 3.2.7 of the Growth Plan provide the following policies regarding servicing infrastructure:

POLICY

3.2.6 Water and Wastewater Systems

2. *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*
 - a) *opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;*
 - b) *the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;*
 - c) *a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to:*
 - i. *demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;*
 - ii. *identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2014, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and*
 - iii. *identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.*
 - d) *in the case of large subsurface sewage disposal systems, the proponent has demonstrated attenuation capacity; and*
 - e) *plans have been considered in the context of applicable inter-provincial, national, bi-national, or state-provincial Great Lakes Basin agreements or provincial legislation or strategies.*

3.2.7 Stormwater Management

1. *Municipalities will develop stormwater master plans or equivalent for serviced settlement areas that:*
 - a) *are informed by watershed planning or equivalent;*
 - b) *protect the quality and quantity of water by assessing existing stormwater facilities and systems;*
 - c) *characterize existing environmental conditions;*
 - d) *examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;*
 - e) *incorporate appropriate low impact development and green infrastructure;*
 - f) *identify the need for stormwater retrofits, where appropriate;*

- g) identify the full life cycle costs of the stormwater infrastructure, including maintenance costs, and develop options to pay for these costs over the long-term; and
- h) include an implementation and maintenance plan

ANALYSIS

Water services, wastewater services, and stormwater management will be implemented in accordance with the recommendations of the Functional Servicing Design Brief prepared by Hallex Engineering, dated April 2024. The report addresses Municipal and Regional requirements for water, wastewater and stormwater servicing. The recommendations are as per the City of Niagara Falls design standards and meet the peak demand for the future residents and the existing service capacity of the city for wastewater and stormwater. Please refer to Section 4.2 of this Report for more information.

SUMMARY OF ANALYSIS FOR GROWTH PLAN

Based on the foregoing, the Applications conform with the Growth Plan.

5.4 Niagara Official Plan

The Niagara Official Plan (NOP) is the Regional Municipality of Niagara’s long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of this Plan will guide land use and development thereby influencing economic, environmental, and planning decisions until 2051 and beyond.

The following table identifies the Regional Schedules pertaining to the Subject Lands:

Table 1 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
B – Regional Structure	Urban Area – Delineated Built-Up Area
G – Employment Areas	Niagara Economic Zone
J2 – Strategic Cycling Network	Strategic Cycling Network on Ferry Street.

5.4.1 Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

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:*

- 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;*

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 and active transportation...

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;

f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...

k) orderly development in accordance with the availability and provision of infrastructure and public service facilities;

l) mitigation and adaptation to the impacts of climate change by:...

iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

ANALYSIS

The proposed development meets all the above objectives of the NOP. In particular, the development provides intensification of tourism uses within the Built-up Area of Niagara Falls. The Subject Lands are in an ideal location to provide for a mix of commercial and hospitality development contributing to the range of land uses and densities within the Urban Area that are easily accessible to residential uses. It is anticipated that the proposed development will contribute to economic development through employment opportunities which support the City's tourism industry. The proposed development supports public and active transit infrastructure with its location along the Region's Strategic Cycling Network (Ferry Street) and its proximity to two public transit bus routes (Niagara Region Transit and WEGO Transit). The range of transportation options would also serve to mitigate the impacts of climate change by providing more environmentally friendly modes of transit for both local residents and tourists. Lastly, the compact built form of the development would utilize and optimize use of existing municipal services.

5.4.3 Planning for Employment

The NOP provides policies pertaining to employment in section 4.2. Objectives include (b) to maximize the economic development potential of the Niagara Economic Centre and Niagara Economic Zone. The following policy is specifically pertinent to the Niagara Economic Zone, which, due to their proximity to major international border crossings, have unique economic importance to the region and Ontario.

POLICY

4.2.2.3 Lands within the Niagara Economic Gateway are preferred for the planning of future employment areas in accordance with Policy 4.2.3.2. Lands within the Niagara Economic Zone and the Niagara Economic Centre are preferred for provincially significant employment zones.

ANALYSIS

The Subject Lands are located within the Niagara Economic Zone as shown in Schedule G of the NOP. The Subject Lands are not a designated employment area but the proposed development would contribute to employment growth.

5.4.4 Multimodal Transportation System

Section 5.1 of the NOP provides policies for the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

POLICY

5.1.1.4 Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.

ANALYSIS

Approval of the proposed development will not negatively affect the Ferry Street transit corridor based on the Transportation Impact Assessment included with this submission. All vehicular access points are proposed on Clark Avenue in accordance with the recommendations, specifically the shared westbound left-turn/right-turn approach.

5.4.4. Infrastructure

Section 5.2 of the NOP identifies policies related to infrastructure and public services within the Region. The following policies apply:

POLICY

5.2.1.1 Infrastructure planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of complete communities.

5.2.1.4 Infrastructure investment shall be leveraged to direct and support growth and development within strategic growth areas as well as to achieve the minimum intensification and density targets identified in this Plan.

5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.

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.*

ANALYSIS

Water services, wastewater services, and stormwater management will be implemented in accordance with the recommendations of the Functional Servicing Design Brief prepared by Hallex Engineering, dated April 2024. The Brief also recognizes that there is sufficient capacity to accommodate proposed development on municipal services.

5.4.4. Urban Design

Section 5.2 of the NOP identifies policies related to Urban Design within the Region. The Urban Design policies are analyzed in section 6.0 of this report.

5.5 Niagara Falls Official Plan

The City's OP provides policy direction for development. The City's OP designations for the Subject Lands are provided in the following table:

Table 2 - City's OP Schedules

NO.	SCHEDULE TITLE	SUBJECT LAND DESIGNATION
A	<i>Future Land Use Plan</i>	Tourist Commercial
B	<i>Phasing Plan</i>	Within the Existing Municipal Services Area
C	<i>Roads</i>	Ferry Street - Arterial Road Clark Avenue - Collector Road
D	<i>Community Planning Districts</i>	Queen Victoria
E	<i>Tourism Map</i>	Clifton Hill Central Tourism District Fallsview Central Tourism District

5.5.1 Strategic Policy Direction

Part 1, Section 2 of the City OP provides objectives and policies related to the growth within the City. The following are relevant to the proposal.

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.*
9. *To encourage alternative forms of transportation such as walking, cycling and public transit.*

POLICY

- 2.3 *The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.*
- 2.4 *The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.*
- 2.5 *Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure*
- 2.8 *The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the polices of Part 1, Section 3 of this Plan.*

ANALYSIS

The proposed development aligns with the objectives of the City OP as the Subject Lands are located within the Urban Area with no natural heritage features. Approval of the proposed application would assist the municipality in achieving employment targets. The development is in accordance with the City's Phasing Plan (Schedule B) through the provision of additional commercial, restaurant and other tourist commercial uses within the existing Municipal Service Area. Further, the Subject Lands are located in an area with a variety of tourism and active transportation facilities and would result in the creation of additional jobs for residents of the City.

Policies contained in Part 1, Section 3 of the Official Plan are analyzed in Section 5.5.2 of this Planning Justification Report.

5.5.2 Intensification

Part 1, Section 3 of the City OP provides objectives and policies related to intensification within the City. The following are relevant to the proposal:

POLICY

- 3.2 *The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.10.5(iii)(iii).*

PART 2, SECTION 4

- 4.2.9 *Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.*

ANALYSIS

The above policy is related to design guidelines for residential uses within Tourist Commercial designations. The proposal does not contemplate residential uses and therefore the policy does not apply.

5.5.3 Tourism Commercial

Part 2, Section 4 of the City OP provides objectives and policies related to tourist commercial uses.

5.5.2.1 Tourism Commercial – General Policies

Section 4.1 of the City OP provides general tourism commercial policies. The following are relevant to the proposal:

POLICY

- 4.1.1 *The creation of a world-class tourism destination is envisioned for Niagara Falls - a modern urban centre at the heart of one of the world's most beautiful landscaped settings and natural wonders.*
- 4.1.2 *In order to achieve this vision, a high quality tourism environment needs to be created. A substantial commitment and investment will be required on the part of all stakeholders to revitalize the physical setting to one worthy and respectful.*
- 4.1.4 *This Plan also recognizes that the tourism and accommodation sector is a major source of employment for residents of the City and the Region. As such, lands designated Tourist Commercial are considered to be employment lands and the policies regarding conversion of employment lands to non-employment uses contained in PART 4, Sections 2.9 and 2.10 apply except as provided for in this Plan.*
- 4.1.23 *The skyline of Niagara Falls shall continue to be characterized by the three existing viewing towers. New high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height shall be considered by zoning by-law amendment on a site specific basis.*
- 4.1.24 *A system of built-form regulations in the Tourist Area shall be established, based on the following principles:*
 - a) *The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;*
 - b) *Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses.*

Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;

- c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*
- g) Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.*

ANALYSIS

The proposed development would facilitate the development of two 30-storey hotel towers located within two Niagara Falls Central Tourism Districts, supporting the tourism industry within the City. These towers will contribute to defining the City's skyline while providing accommodations for tourists in conjunction with jobs for residents via the variety of commercial, hospitality and accommodation proposed on site.

As per policy 4.1.23, high-rise buildings are permitted in this area of the City. The proposal aims to positively impact the skyline of Niagara Falls (see section 6.3– Skyline Height Principle) and the public realm along Stanley Avenue (see section 6.1 – Positive Base Building Principle, and 6.2 – Public Realm At-Grade Principle).

As discussed in Section 4 of this report there is sufficient municipal servicing capacity to support the proposal and a shadow analysis was conducted (dated 2023-12-04) which determined there will be minimal to no shadowing impacts on residential and institutional uses. Further analysis will be included with the revised shadow study when submitted to the City.

5.5.2.2 Tourism Commercial – Tourist Districts

Section 4.2 provides the following applicable policies for Tourist Districts:

POLICY

4.2 TOURIST DISTRICTS

- 4.2.2 The Central Tourist District shall be comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. The Central Tourist District shall continue to be the focal point for tourism activities in the City, including the Falls, the primary attraction, interpretive natural and cultural facilities in Queen Victoria Park, and a wide mix of tourist attractions, accommodations, and services in Clifton Hill and Fallsview. Large-scale "thrill" style attractions/amusements will generally be directed to Theme Park and Resort Commercial designations.*

CENTRAL TOURIST DISTRICT

- 4.2.10 The Central Tourist District shall be the primary attraction area for Niagara Falls visitors. Comprised of three subdistricts; Queen Victoria Park, Clifton Hill and Fallsview, the District is regarded as the focal point for the City's tourism activities. The role and function of individual subdistricts are set out in the*

following policies. Maintaining the delicate balance between commercialism and environmental protection underpins the policies prescribed herein.

CLIFTON HILL SUBDISTRICT

- 4.2.16 *The Clifton Hill Subdistrict shall function as the commercial-entertainment centre of the Tourist Area, preserving its festival atmosphere. A wide range of commercial/entertainment uses shall be permitted including, but not limited to, tourist retail, hotels, restaurants, cafes, nightclubs, museums, art galleries, theatres and other tourist-related uses, all of which provide a pedestrian focus at the street level. The most intensive uses shall be located to the east of Victoria Avenue where a concentration of tourism activities already exists. Tourist-related uses to the west of Victoria Avenue shall provide an appropriate transition and relationship with the adjacent residential and institutional uses located within this Subdistrict.*
- 4.2.18 *New developments within the Clifton Hill Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 of this Plan with respect to the development's built form.*
- 4.2.19 *Given the extensive area encompassed by the Clifton Hill Subdistrict and the large tracts of land occupied by non-tourist serving uses, such as industry, housing and schools, discretion shall be exercised in phasing tourist commercial development into these areas in order to concentrate tourism activities along the streets of Clifton Hill, Victoria Avenue and Ferry Street, and to minimize impacts on existing land uses. To accomplish this phasing, the implementing Zoning By-law shall defer tourism development until expansion is required and adequate services are available.*

FALLSVIEW SUBDISTRICT

- 4.2.21 *The Fallsview Subdistrict shall function as the primary location for large scale accommodations, entertainment, retail and cultural attractions. It shall be the primary location for high-rise hotels and multiple family residential developments in the Tourist Area.*
- 4.2.23 *New developments within the Fallsview Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form*

ANALYSIS

As per Policy 4.2.2 and Schedule E of the NFOP, the Subject Lands are within the Central Tourist District – Clifton Hill Subdistrict and Fallsview Subdistrict in the City of Niagara Falls. The lands are designated to support large-scale hotel and retail services. The Subject Lands are located west of Victoria Avenue and are appropriately distanced from

residential and institutional uses. Therefore, a transition in uses and intensity is not necessary. The applications facilitate the development of tourism accommodations and ground floor commercial uses within the Central Tourist District, satisfying the intent of the Clifton Hill Subdistrict and Central Tourism District.

Policies 4.3.6 through 4.3.10 concerning the public realm are addressed in Section 6.1 – Positive Base Building Principle, 6.2 – Public Realm At-Grade Principle of this report.

5.5.2.3 Tourism Commercial – Public Realm

Section 4.3 of the City OP provides the following relevant policies for the public realm within the Tourist Districts:

POLICY

4.3 THE PUBLIC REALM

4.3.1 *The physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways. Public and private development will occur within this new planning framework.*

CIRCULATION SYSTEM AND STREETSCAPES

4.3.8 *Retail Streets, as identified on Fig. 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Retail Streets.*

4.3.11 *The City's vision of becoming an international tourist destination shall be achieved through the upgrading and improvement of the physical plant. Improvements to the public realm include the provision of public plazas, landscaped open spaces and streetscape greening programmes as illustrated on Fig. 3.*

4.3.15 *To assist in the greening of the public realm, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces pursuant to Section 42(6) of the Planning Act. Contributions shall be maintained in a specially identified Parkland Dedication Account for each Tourist District and all expenditures shall be made by Council in consultation with the Business Improvement Area Association for the particular Tourist District.*

ANALYSIS

Ferry Street is designated as a retail street in Figure 2 of the City OP. The proposed development would facilitate the creation of 715.8 square metres of commercial space

along Ferry street with an additional 582.7 square metres for restaurant use, all with direct pedestrian access to Ferry Street.

Figure 3 of the City OP identifies both Ferry Street and Clark Avenue as “tree lined boulevards”, as such street trees are proposed along the frontage of both streets. Accordingly, please see the Site Plan prepared by JP Architects and the preliminary Landscape Plan prepared by James McWilliam Landscape Architects included with this submission, which outlines the proposed landscaping for the development.

Further analysis of the public realm is provided in Section 6.1 – Positive Base Building Principle and Section 6.2 – Public Realm, At Grade Principle.

5.5.2.4 Tourism Commercial – Building Heights

Section 4.4.2 of the City OP provides policies related to building heights within the City’s Tourist Districts. The following are relevant to the proposal:

POLICY

- 4.4.1 *High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built-form regulations consistent with Section 4.1.24 of this Plan.*
- 4.4.2 *Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum height set out in Fig. 4 and section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria:*
- a) the applicant has submitted all required rezoning information;*
 - b) the applicant agrees to provide sidewalk and streetscape improvements in accordance with Section 4.4.4;*
 - c) in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed an architectural peer review; and*
 - d) the proposed development, in the opinion of Council, adheres to the intent of this plan and applicable design criteria.*
- 4.4.3 *In order to provide reasonable flexibility in the regulation of building heights, general parameters for building heights will be established rather than strict height limits. In this regard, the following parameters will apply:*
- High-rise 13 To 30 storeys*
 - Medium-rise 9 to 12 storeys*
 - Low-rise 5 to 8 storeys*

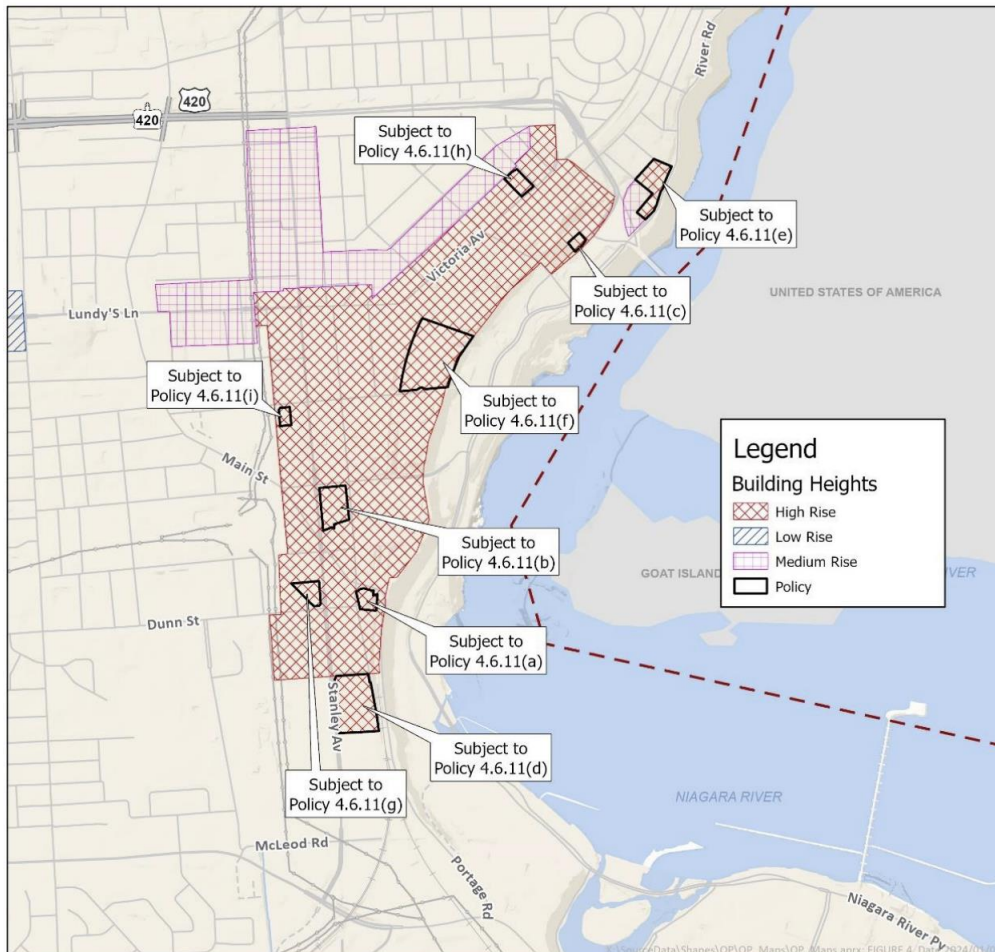


Figure 4 – Height Strategy (City OP)

4.4.5 *By virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.*

ANALYSIS

As shown in **Figure 4 – Height Strategy**, the City OP has a set parameter of the Subject Lands for high-rise development (13-30 storeys) subject to additional studies. The proposed application will facilitate the development of two ‘high rise’ towers 30 storeys in height, the maximum amount within the ‘high-rise’ designation. A Pedestrian Wind Study and a Traffic Impact Assessment were conducted to analyze the impacts of the proposed building and determined there will be minimal impacts on the surrounding lands as outlined in the policy. Further, the Subject Lands do not abut any sensitive land uses therefore no land use compatibility conflicts are anticipated.

5.5.2.5 Tourism Commercial – Building Massing

Section 4.4.2 of the City OP provides policies related to building heights within City’s tourist districts. The following are relevant to the proposal:

POLICY & ANALYSIS

Policy	Analysis
4.4.7 Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.	
a) to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;	The proposed building would be a unique addition to the Niagara Falls skyline. The proposal includes a 4-storey podium before expanding into two towers. Each tower will feature a decorative unique roof feature (housing mechanical penthouses), contributing to the architectural diversity of the high rises within the Central Tourism District. The roof feature will feature cascading curvature resembling organic movement of the nearby Falls, complimenting the natural features of the waterfall while being a unique addition to the City’s skyline.
b) to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design;	The proposed application will enhance the pedestrian environment through the creation of a pedestrian friendly environment along Ferry Street and Clark Avenue. Both streets are proposed to feature street trees providing shade and greenery. A covered pedestrian walkway will also be provided, maintaining walkability throughout the year and in nearly any weather condition.
c) to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;	The proposed building is setback 0 metres from Ferry Street and 0 metres from Clark Avenue. Tower 1 will be further setback 4.13 metres from the podium base with Tower 2 being setback 9.83 metres from the podium base, reducing shadowing impacts on the streets. A Pedestrian Wind Study was prepared which determined that wind levels are suitable for the proposed uses.
d) to ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so	Stepbacks are included on the fifth and the sixteenth floors for each tower. At the sixteenth floor Tower 1 is setback an

<p><i>that no single building dominates the skyline, and that appropriate gaps are maintained between buildings;</i></p>	<p>additional 1.73 metres from the Ferry Street frontage with Tower 2 being setback 2.32 metres from the Clark Avenue frontage. These setbacks will be accompanied by a change in façade with floors 5-16 featuring a prefinished metal panel exterior and floors 17-30 featuring a aluminum and glass curtainwall exterior.</p>
<p><i>e) to minimize adverse impacts on residential areas.</i></p>	<p>No residential lands abut the Subject Lands. Therefore, no adverse impacts are anticipated.</p>

Further analysis is contained within sections 6.1 – Positive Base Building Principle, 6.2 – Sky View Principle, 6.3 – Skyline Height Principle and 6.6 – Positive Microclimate Principle of this report.

5.5.2.4 Tourism Commercial – Parking

Section 4.4.2 of the City OP provides policies related to parking within the City’s tourist districts. The following are relevant to the proposal:

POLICY

4.5.2.2 *When implementing parking requirements for the Clifton Hill and Fallsview Tourist Districts, as shown on Schedule E to this Plan, the City may provide the option for land owners to use the parking requirements which applied to their land as of June 1, 2011, or the requirements based on the 2009 parking demand study, but not a combination of both. The City will not support minor variances to establish such a combination.*

ANALYSIS

The development proposes a total of 478 parking spaces on site to accommodate the proposed hotel, restaurant, place of assembly, and retail uses. The parking rates outlined in Zoning By-law 79-200, Section 4.19.1(a)(i), Table 1.1. Parking statistics are analyzed further in Section 7.0 of this report.

POLICY & ANALYSIS

<i>Policy</i>	<i>Analysis</i>
<p><i>4.5.3 With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:</i></p>	
<p><i>a) As parking areas are highly visible and tend to detract from the pedestrian environment, this Plan encourages active uses other than parking at the street level;</i></p>	<p>The proposal includes 478 parking spaces provided within the 4-storey podium. Commercial uses are proposed at grade.</p>

<p>b) Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping;</p>	<p>No surface parking is proposed with the development.</p>
<p>c) Where structured parking is provided, publicly-accessible uses should be incorporated at grade level to enhance the street environment. Alternatively, setbacks and landscaping shall be provided to visually screen the parking structure; and</p>	<p>A hotel lobby, commercial space, and restaurant are all provided at grade. The parking structure will feature a precast concrete brick finish with decorative metal mesh servicing to visually screen the parking structure</p>
<p>d) Parking lots and structures shall be designed in accordance with the City's Design Criteria for Parking Areas.</p>	<p>The parking structure's design will be analyzed against the City's Design Criteria for Parking Areas at the Site Plan Application stage.</p>

5.5.4 Municipal Infrastructure

Part 3, Section 1.2 and 1.3 of the City OP provides policies related to municipal infrastructure within the City. The following apply:

POLICY

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. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.*

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

The Subject Lands are within the existing Municipal Service Area, according to Schedule B – Phasing Plan of the Niagara Falls Official Plan (see **Appendix D – Niagara Falls Official Plan Schedules**). The proposed uses can be accommodated by the City's existing water, sanitary and stormwater services, subject to the recommendations

outlined in the report from Hallex Engineering. As noted previously, services will be constructed as per the recommendations of the Hallex Engineering Servicing Report prepared in support of the proposed development.

5.5.5 Transportation

Part 3, Section 1.5 of the City OP provides policies related to transportation infrastructure within the City. The following apply:

POLICY

- 1.5.6 *Public transit routes shall be designed to service employment areas, intensification areas, nodes and intensification corridors. It is desirable for public transit services to be encouraged in proximity to higher density residential developments, areas of high employment concentration, major medical and social service centres, housing developments for people with special needs and social amenity areas such as the Niagara Parks and other attractions. Transit stops should be located within hubs and major public facilities. The development of inner-City bus rapid transit lines into high density employment areas is encouraged.*
- 1.5.14 *Sidewalks on certain roadways will be provided where required for the safety and convenience of pedestrians. In this regard, Council may undertake and continually update a detailed sidewalk construction and maintenance programs.*
- 1.5.16 *New development will be encouraged to provide bicycle parking and other facilities to accommodate active transportation. In this regard, the City will provide bicycle facilities within its own buildings.*
- 1.5.18 *A hierarchy of roads is contained within the transportation system.*
- 1.5.18.4 *City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic. The road allowance may accommodate transit routes with bus lay-bays and shelters and/or bicycle facilities such as bike lanes, shared use lanes and paved shoulders. The use of shared driveways to larger development projects will be encouraged in the urban areas. Regional and certain City roadways that function as arterial roads, primarily in the tourist core area, are subject to the policies described in the “tourist commercial roads” classification.*
- 1.5.18.5 *Collector Roads - include all roadways under the City’s jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads. The roadways in this classification are generally two lanes, undivided with a road allowance width of 20 metres to 23 metres which will allow the addition of turning lanes, bicycle paths, bus lay-bays and shelters, landscaping, sidewalks and utility corridors.*

Traffic and parking controls should be considered. Access to abutting properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted.

- 1.5.20 *Road right-of-ways can provide for a variety of functions. Regional and City arterial roads and collector roads within the Tourism Districts, as shown on Schedule E of this Plan, perform two equally important functions: an efficient, functional vehicular network; and an attractive, pedestrian-friendly public space. Therefore, it is important that these roadways be of sufficient width to accommodate adequate traffic and turning lanes as well as desired streetscape improvements as detailed in the Tourist Area Streetscape Master Plan. In its implementing by-law, the City shall, for roadways under the jurisdiction of the City, establish an appropriate building setback width from the centre line of the original road allowance for those roads identified in the Streetscape Master Plan.*
- 1.5.25 *The dedication of property for daylighting triangles on existing roads will be required at such times as the property is to be developed or redeveloped through Site Plan Control, or where a consent or subdivision is required. Daylighting requirements shall generally be based on the functional road classification of intersecting roadways as follows:*
- Within the Urban Boundary:*
- *Local to Local or Collector Local to Arterial: 5m x 5m triangle*
 - *Collector to Collector: 7m x 7m triangle*
 - *Collector or Arterial: 12 m x 12 m triangle*
- 1.5.26 *All new development abutting Arterial Roads shall provide adequate off-site loading and unloading facilities located in such a manner to minimize the detrimental impact by vehicles using such facilities.*

ANALYSIS

A Transportation Impact Study (TIS) and Circulation Review was prepared in support of the proposed application. According to Schedule C – Roads of the City OP, Ferry Street is identified as an arterial road, having the ability to accommodate higher volumes of traffic and movement. There are existing Niagara Region Transit and WEGO transit stops along Ferry Street in proximity to the Subject Lands ensuring residents will have convenient access to the Subject Lands for employment opportunities.

High density development is appropriate on the lands due to the existing connectivity and central location of the site to other tourist uses. The development will be functional from a transportation perspective and will be designed to be an attractive, pedestrian friendly development along Ferry Street providing ease for tourists visiting the area.

A covered pedestrian walkway has also been provided along both streets promoting active transportation use in any weather and acting as a continuation and connection to

the existing sidewalk network. As noted, the Subject Lands are located on the Niagara Region's Strategic Cycling Network. Bicycle parking facilities will be provided within the parking structure supporting active transportation infrastructure on Ferry Street.

Loading areas for the development are accessed from Clark Avenue, a collector road, due to lower traffic volumes when compared to Ferry Street as the arterial road. The TIS determined a passenger car can circulate through the internal hotel roadway outside the lobby and the parking structure without any conflicts. A Medium Single Unit (MSU) delivery truck can enter/leave the three loading spaces connecting to Clark Avenue. Further, the AutoTurn analysis within the TIS confirm that a MSU can fully enter the loading area and turn around to exit the site in a forward moving direction (see Appendix D of TIS).

The conclusions of the TIS support the proposed development with recommendations related to signalization upgrades at the intersections of Ferry at Clark Avenue/Ellen Avenue, Ferry Street and Fallsview Boulevard, Robinson Street at Clark Avenue, and Clark Avenue at the northern driveway.

A road widening dedication of 2.94 metres on both frontages will be provided to the City to address an existing deficiency in road width. A 12 x 12 daylight triangle has been considered in the design of the proposal and will be dedicated during the Site Plan Control stage. The proposed development achieves the minimum setback requirements from the centreline of the road established within the City's Zoning By-law.

5.5.6 Urban Design Strategy

Part 3, Section 5 of the City OP provides policies related the urban design strategy within the City. These policies will be analyzed in section 6.0 Urban Design Brief of this report.

SUMMARY

The proposed development facilitates the efficient use of land for tourism commercial uses within the Central Tourism District of the City. The Subject Lands are located on an arterial road with existing active and public transportation infrastructure, suitable for high-rise development, with no surface parking. The Subject Lands are not located in proximity to any sensitive land uses so no land use compatibility conflicts are anticipated.

Based on the above, the proposed application conforms with the general intent and policies of the City OP.

6.0 Urban Design Brief

This brief analyzes the proposed development within the context of urban design policies under the City's Official Plan and guidelines under the City of Niagara Falls Tourism Policy Review Implementation Handbook ("TPRIH") (2004) to ensure the development contributes positively to the overall image of Niagara Falls as an international world-class destination.

In particular, the TPRIH sets out seven urban design principles with specific guidelines to inform the design of future developments in the Tourist District, namely Positive Base

Building Principle, Public Realm At Grade Principle, Sky View Principle, Skyline Height Principle, Niagara Falls Views & Vistas Principle, Parking & Circulation Principle And Positive Microclimate Principle.

Additionally, the City of Niagara Falls' Official Plan contains policies that support the aforementioned urban design principles. The following sections of this brief will organize and discuss relevant OP policies as well as TPRIH guidelines in the respective urban design principles they address. The effectiveness of the proposed development's design responses in meeting the objectives of the urban design principles within the context of the OP policies and TPRIH guidelines will be thoroughly evaluated.

The following sections will analyze the proposed development against the key elements within the TPRIH.

6.1 Positive Base Building Principle

The Positive Base Building principle encourages a compatible and pedestrian-friendly interface between the vertical developments with the street elements through mindful design of the public realm, pedestrian and vehicular movement as well as other building parameters such as setback, height and massing. This principle directs the base buildings of future development to animate the public streets with active uses that are located along built-to lines and effectively address neighbouring developments.

POLICY

OP Policies (Part 3, Section 5)

4.4.7 *Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.*

b) to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design

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.*

TPRIH GUIDELINES

- *Recognizing that taller buildings will continue to be developed within the Tourist District, all development proposals should have a clearly defined base building*

designed to animate and define public streets with active uses, such as retail store fronts, galleries, hotel lobbies, high quality landscaped courtyards, mid block connections, and generally provide activities that contribute positively to the success of the adjacent street.

- *Retail and entertainment uses should be located along built-to lines wherever possible, and create activity along public streets and open spaces.*
- *Architectural features, such as cornices, changes in material, canopies or balconies should be coordinated with adjacent buildings, and wherever possible should reflect a principle that is a Block or Neighbourhood principle rather than an individual building expression.*
- *In the case of above grade parking, all above grade parking structures should be lined with active retail and/or street related uses at grade.*
- *Base buildings should be defined through a combination of built to lines, which encourage well defined street edge, and in some cases which will allow for more generous sidewalks or streetscape treatments.*
- *It is important that development proposals clearly define the street wall or podium level and illustrate how the proposed development addresses adjacent developments on neighbouring blocks.*
- *Areas such as drop-off areas, where pedestrians and vehicles mix, should be integrated within the architectural solutions, and should be kept to a minimum dimension, thereby holding the edge of the street.*
- *Weather protected canopies and colonnades should be continuous along street frontages, providing pedestrian comfort during inclement weather. The scale of these features should have regard for the pedestrian scale, the width of the sidewalk, and the overall scale of the adjacent building.*

ANALYSIS

The proposed towers each have a recognizable 4-storey podium level, at which point the additional height of the towers is stepped back further from the street. At 4-storeys and 15.01 metres in height the podium reflects a human scale and will not overwhelm the adjacent pedestrian environment. The upper portion of the podium is located at the built-to lines on Ferry Street and Clark Avenue while the podium is recessed 3.3 metres from these lines on the ground level to provide a covered passageway for pedestrians. The consistent setback of the podium will create a visually defined and consistent street edge on both adjacent streets. Neighbouring properties (specifically 5950 Ferry Street immediately east) feature similar setbacks, generally between 0-2 metres, ensuring the proposed development facilitates consistent with the setbacks of adjacent properties. Active uses including hotel lobbies, commercial uses and a restaurant are proposed to generate pedestrian traffic and animate the public realm on both Ferry Street and Clark Avenue.

The proposed development will provide direct pedestrian accesses from both the Ferry Street and Clarke Avenue public realm into the various active uses on the ground floor. A total of four pedestrian entrances are proposed along Ferry Street with four entrances

also proposed along Clark Avenue. Additionally, midblock pedestrian accesses are also proposed along both street frontages to further improve the walkability of the development. These features and uses are expected to generate a significant amount of foot traffic along the street from hotel guests and patrons of the commercial uses. No vehicular accesses are proposed on Ferry Street, ensuring the frontage is exclusively for pedestrian use. The preliminary Landscape Plan demonstrates the use of deciduous trees, hedges, and pavers to beautify the public realms. The use of pavers acts as a visual cue informing motorists of pedestrian traffic on Clark Avenue, helping minimize potential conflicts between pedestrian and vehicular traffic.

The drop-off areas are integrated into the architectural functionality of the development. All drop-off areas are contained internally and sheltered, adjacent to the internal sidewalk network and in proximity of the pedestrian entrances into the building. This helps segregate and minimize potential conflicts between the pedestrian and vehicles traffic.

Parking is provided within the upper levels of the podium. The podium is to feature a precast concrete brick finish providing a unique façade to the development complimenting the pedestrian uses below. A row of street trees are proposed along Clark Avenue with pyramidal deciduous trees proposed within the Ferry Street frontage of the Subject Lands providing additional coverage for pedestrians and also serving to provide additional screening to the parking structure. Roof-top gardens and terraces are proposed immediately above the parking structure/podium which further defines the podium structure visually and provide additional eyes on the street for the public streets down below.

All these elements serve to ensure that the building base provides a compatible pedestrian-friendly interface and contributes to the vitality of the adjacent public realm. The proposed design meets the Positive Base Building principles in the following manner:

- The design includes a human-scale street-oriented podium with appropriate setback and addresses the public realm on both Ferry Street and Clark Avenue effectively;
- The podium also features dynamic façade design and includes at-grade active uses, ranging from hotel lobbies, commercial uses, restaurant to pedestrian entrances, which enliven the public realm;
- Potential pedestrians and vehicular traffic conflicts are minimized by limiting the number of vehicular accesses and providing a robust network of pedestrian pathways. Special paving material indicate pedestrian paths;
- Parking areas are screened by buildings and are not visible from the public realm; and
- The weather protection canopy is architecturally integrated to provide refuge for pedestrians at prominent entrances to the building.

6.2 Public Realm At Grade Principle

The Public Realm at Grade principle guides future development to create great pedestrian environments with high-quality streetscape, planting and furniture and signage.

POLICY

OP Policies (Part 2, Section 4)

- 4.3.1 *The Physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways. Public and private development will occur within this new planning framework.*
- 4.3.4 *Gateways and landscaped entry points will be constructed as part of a tourist area greening programme and will be designed to visually attract visitors through distinctive landscaping, paving and lighting.*
- 4.3.5 *Streets are a vital part of the public open space system. Streetscape improvements shall be used as a means to create a high quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development*
- 4.3.8 *Retail Streets, as identified on Fig. 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Retail Streets.*
- 4.3.9 *A network of pedestrian-related east-west streets shall be designated as Falls Access Streets, as identified on Fig. 2, which lead from the commercial uses at the top of the escarpment to access points to and from Queen Victoria Park. Falls Access Streets shall encourage pedestrian circulation with a variety of experiences. Buildings built to the street with publicly accessible uses at grade as well as attractively landscaped setbacks are considered to be appropriate. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Falls Access Streets.*
- 4.3.11 *The City's vision of becoming an international tourist destination shall be achieved through the upgrading and improvement of the physical plant. Improvements to the public realm include the provision of public plazas, landscaped open spaces and streetscape greening programmes as illustrated on Figure 3.*

OP Policies (Part 3, Section 5)

- 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 vista.*

- 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 benefit.*
- 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.*

TPRIH GUIDELINES

- *Wider sidewalks and active public uses as defined in both the Master Streetscape Plan and Master Transportation Plan should be achieved.*
- *Reconstructed sidewalks, street trees, public plazas and the creation of escarpment trails should be encouraged and achieved through public and private development investment decisions.*

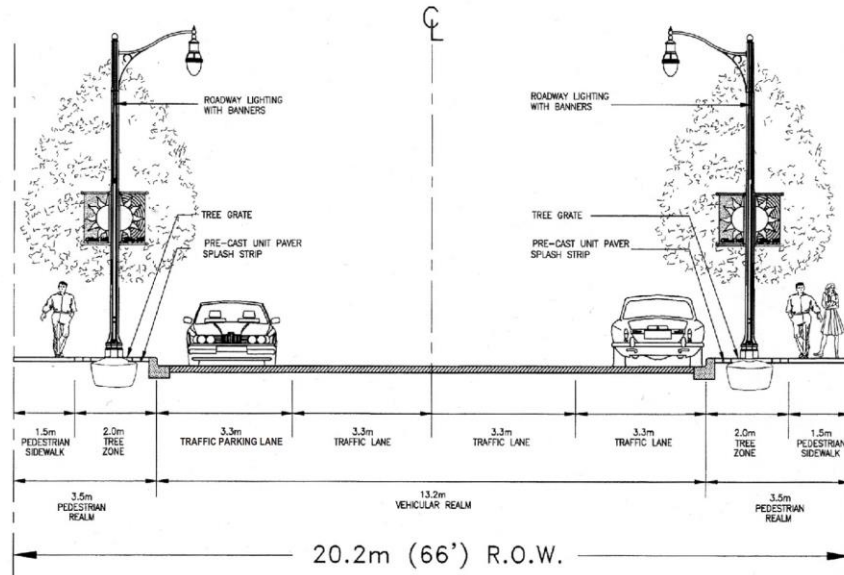
ANALYSIS

In accordance with Policies 5.3.2 and 5.3.3, the proposed landscaping is low-maintenance and appropriately sized and placed to relate the building massing to the pedestrian scale. Landscaping features (canopy trees, shrubs, plantings, and hedges) are also proposed within the road allowances and adjacent to property lines to mitigate any impacts related to scale of façade for the adjacent buildings. Proposed landscaping consisting of deciduous trees, shrubs and hedges serves a number of functions. These new plantings will provide screening of the internal road network while accentuating access points to commercial uses.

Ferry Street is classified as a 'Falls Access' road in Figure 1 of the City OP and a retail street on Figure 2 of the City OP. Policy 4.3.8 states that Retail Streets are to be designed to be comfortable and animated for pedestrians. Policy 4.3.8 of the City OP encourages accessible uses at grade with appropriate landscaping while Policy 4.3.9 directs Falls Access to encourage pedestrian circulation with a variety of experiences. The provision of the covered walkway and attractive landscaping and the use of pavers ensure pedestrians experience a safe and comfortable experience when walking through the Subject Lands and accessing the variety of publicly accessible commercial located at grade. The reduced setbacks in conjunction with a covered walkway supports the creation of a pedestrian friendly environment encouraging pedestrians to access the commercial uses on the Subject Lands. Further, the proposed uses at-grade will contribute to a lively streetscape with a variety of experiences. Given the large degree of fenestration at-grade,

the glazing offers transparency into the development and creates a direct relationship between the development and the public realm, which altogether enhances the pedestrian experience. The proposed development also encourages pedestrians to congregate at the intersection of Ferry Street and Clark Avenue by providing a spill out area, animating this intersection.

Figure 3 of the City OP envisions both Ferry Street and Clark Avenue to as Tree Lined Boulevards. The Landscape Plan proposes boulevard trees within the current Clarke Avenue right-of-way as well as deciduous trees, hedges and mass planting within the road widening areas which will eventually form part of the Ferry Street and Clark Avenue's road allowances. The proposed street trees and other landscaping features will facilitate positive additions to the pedestrian realm and provide separation between the vehicles traveling along Ferry Street and Clark Avenue. Lands dedicated for road widening have been identified on both the Ferry Street and Clark Avenue frontages which will facilitate the implementation of this tree lined boulevards vision as shown in Figure 6 and 7 below.

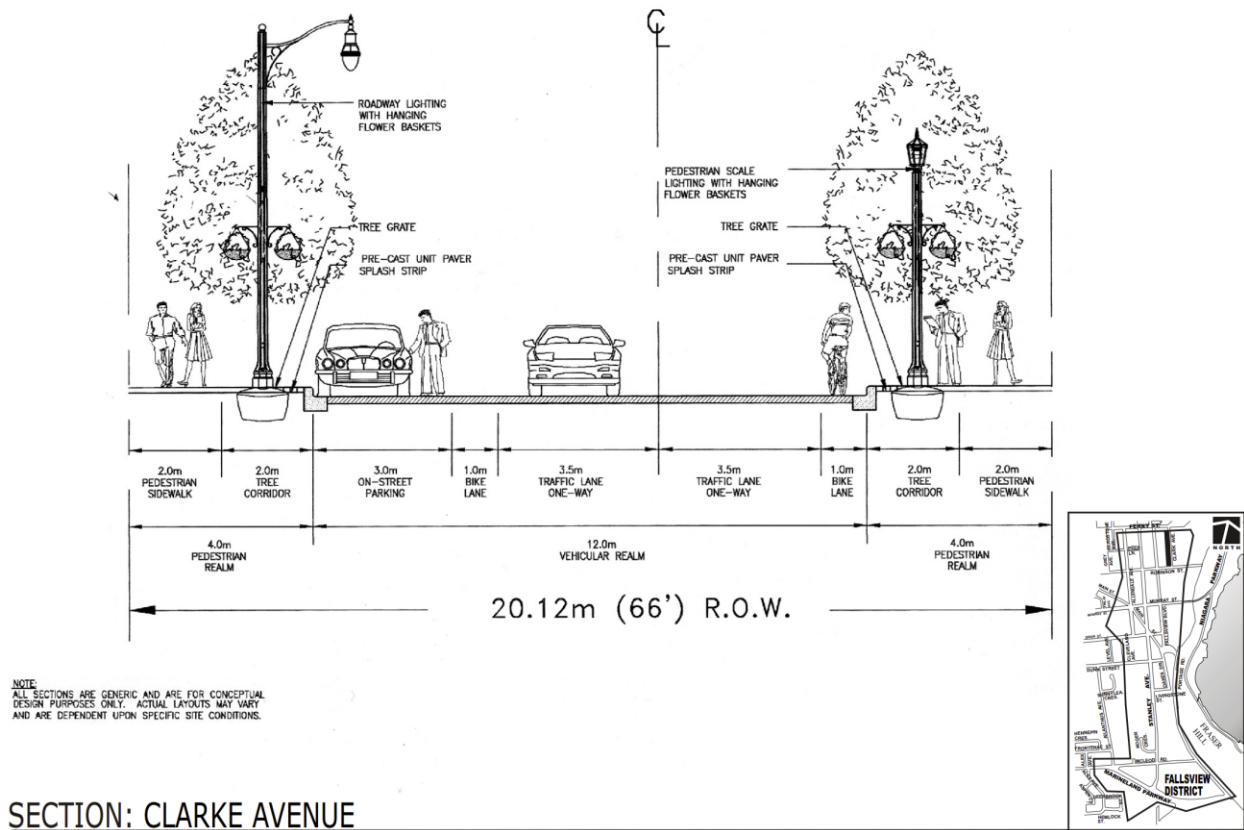


NOTE:
 ALL SECTIONS ARE GENERIC AND ARE FOR CONCEPTUAL
 DESIGN PURPOSES ONLY. ACTUAL LAYOUTS MAY VARY
 AND ARE DEPENDENT UPON SPECIFIC SITE CONDITIONS.



SECTION: FERRY STREET ENTRY CORRIDOR

Figure 6. Ferry Street Entry Corridor Design Visualization (Source: City of Niagara Falls Streetscape Master Plan and Urban Design Guidelines)



SECTION: CLARKE AVENUE

Figure 7. Clark Avenue Streetscape Design Visualization (Source: City of Niagara Falls Streetscape Master Plan and Urban Design)

Overall, the proposed attractive landscaping, active uses and built form along Ferry Street and Clark Avenue contributes to the City’s objective of creating a high-quality public realm consisting of generously landscaped streets facilitating active uses and streetscape greening within the tourist area.

The proposed development’s design responses to the policies and guidelines associated with the Public Realm at Grade principle are satisfactory and are summarized as follows:

- Proposed landscaping is strategically located to create attractive amenity spaces and entranceways.
- Landscaping within the current and future road allowances contributes to streetscape greening and high quality public space while facilitating the vision of the Streetscape Master Plan.
- Active uses that are publicly accessible at grade level generate foot traffic and add to the variety of pedestrian experiences along Ferry Street and Clark Avenue.

6.3 Sky View Principle

The Sky View principle sets out guidelines for future development’s spacing and massing to ensure optimal transparency of sky, light and air and to avoid the feeling of a wall of development.

POLICY

OP Policies (Part 2, Section 4)

4.4.6 *High-rise developments shall not overwhelm the public realm, nor shall they collectively create a solid wall at the top of the escarpment. The intention is to permit tall buildings to be built but to reduce their massing and visual impact as they become taller and to provide appropriate gaps between them. At lower levels, buildings will be permitted to develop to the property line in order to enhance street level activities.*

TPRIH GUIDELINES

- *Building floor plates should be controlled through a maximum floor plate size above the base podium that are generally no more than 929m² - 1,115m², [10,000 – 12,000 sq.ft.] and by a floor area ratio where the length/width ratio of any tower will generally not exceed a 1:1.5 ratio. This prohibits slab form buildings that contribute to the ‘Wall of Development’.*
- *Above the podium, there should be a minimum separation distance of 25 metres between towers on a lot or on an abutting lot.*
- *No person shall erect a building or structure having a height greater than 15 metres unless above such height a minimum three metre setback is provided from the main wall of such building or structure that faces a lot line that abuts a street other than a public lane.*
- *Buildings or structures shall provide a minimum front yard setback of 0 metres and maximum front yard setback of 3 metres. In the case of flanking lots the same setbacks shall apply. Yard setbacks should reflect the Master Streetscape Requirements of Council in complement to the road widening requirements and overall boulevard treatment strategy.*
- *Build-to area for any Lot shall be a minimum of 60% of any lot frontage abutting a public street to a minimum height of 6 metres and a maximum height of 15 metres. For the purposes of this Regulation, Build-to area means the area of the lands within which a street wall of building or a structure shall be located. Street wall means any exterior wall abutting a public street.*
- *All development proposals shall have respect for adjacent development, and specifically tower locations, such that tower locations are offset from one another ensuring the maximum amount of sunlight and sky view between the towers*

ANALYSIS

The second to fourth storey of the podium has a 0 metre setback while the ground floor level has a setback of 3.3 metres. Above 15 metres, the towers are set back a minimum distance of 4.13 metres from Ferry Street and 9.83 metres from Clark Avenue. This generally falls within the setback range recommended by the TPRIH. The ground level has been recessed to accommodate a covered passageway for pedestrians. Colonnades are also proposed near the build to line to create visually consistent streetwalls along the

entirety of both Ferry Street and Clark Avenue frontages. The proposed 0 metre setback for the podium serves to contribute to a lively streetscape and to frame the public realm more effectively. Additionally, the approximately 15-metre-high podium occupies more than 60% of the lot frontages on both Ferry Street and Clark Avenue at their respective build-to lines.

The proposed towers' floor plates are smaller than the guideline floor area of 1,115 square metres. Tower 1 has a floor plate area of approximately 721 square metres and Tower 2 has a floor plate area of approximately 689 square metres. The towers are separated by a distance of 24.19 metres, slightly less than the recommended separation distance of 25 metres as per the TPRIH. This reduction of 0.81 metres is minor and the resulted tower placement will still provide for adequate sky view. Further, the proposed towers are located 13.8 metres (Tower 1) and 14.65 metres (Tower 2) from the property boundary to the east ensuring any future development on the parcel is able to maintain the 25 metre separation distance.

The TPRIH suggests a length/width ratio of towers generally not exceeding 1:1.5. Both towers are proposed to feature lengths of approximately 38 metres and widths of approximately 18 metres resulting in a length/width ratio of approximately 1:2. The visual wall of development is influenced by a combination of tower's floor plates and tower's length to width ratio. Despite the slightly larger length/width ratio of 1:1.2, the maximum length of the towers at only 38 metres will not create a slab appearance nor contribute to a visual wall of development. Complying with the TPRIH guidelines, a tower with a floor plate of 1,115 square metres and a maximum length/width ratio of 1:1.15 could have a length of 40.9 metres and a width of 27.2 metres which are both larger than that of the proposed towers.

Moreover, view of the sky is still maintained because of the adequate separation between the towers, coupled with the increased tower setback at the 16th floor. Further, the towers are oriented in opposing directions, parallel to their respective street frontages, with Tower 1 oriented east-west lengthwise, and Tower 2 oriented north-south lengthwise. This design decision balances the proposed development's massing when viewed from both streets and avoids blocking sky view from any of the streets.

The proposed development's design responses to the policies and guidelines associated with the Sky View principle are satisfactory and are summarized as follows:

- The proposed podium and towers are appropriately setback and stepped back from the lot lines to ensure they enhance street level activities while preserving sky view.
- The proposed towers are appropriately sized and adequately buffered from each other and the adjacent property to ensure visible sky view for pedestrians and to avoid creating a "Wall of development";

6.4 Skyline Height Principle

The Skyline Height principle aims to create diversity of height in the Tourist District while advocating for slenderness of tall buildings.

OP POLICIES

OP Policies (Part 2, Section 4)

- 4.4.7 *Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.*
- a) *to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;*
 - d) *to ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings;*
 - e) *to minimize adverse impacts on residential areas.*
- 4.4.8 *Regulating the scale and massing of buildings, as described in policy 4.4.7, will be implemented through the adoption of site specific zoning provisions for individual development projects.*
- 4.1.23 *The skyline of Niagara Falls shall continue to be characterized by the three existing viewing towers. New high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height shall be considered by zoning by-law amendment on a site specific basis.*
- 4.1.24 *A system of built-form regulations in the Tourist Area shall be established, based on the following principles:*
- a) *The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;*
 - b) *Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;*
 - c) *Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*
 - d) *The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;*
 - e) *Council will consider the merits of development applications having regard to the policies of this Plan;*

- f) *All applications for additional building heights will be treated on a quid pro quo basis wherein the developer agrees to provide public realm improvements; and,*
- g) *Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.*

TPRIH GUIDELINES

- *Towers should be organized with visible skyview between.*
- *Tower buildings should generally be located along and define the streets that run perpendicular to the escarpment edge.*
- *The tallest buildings within the Tourist District should be located generally within the core of the Tourist District rather than at the escarpment edge or adjacent the residential community to the west*
- *There should be a gradation of height stepping down towards the escarpment and Queen Victoria Park, so as to minimize the shadow impact on the park and there should be a stepping down towards the stable residential area to the west so as to minimize the shadow impact on the residential neighbourhood.*
- *Within a radius of 300 metres around the Skylon Tower the City should establish view corridors generally along the lines illustrated in Figure [4] in an effort to allow the visible presence of the Skylon to remain a signature feature of the Skyline. Building Heights and the orientation of building towers within this radius should be evaluated relative to the view corridor and relative to the visibility of the viewing tower from Queen Victoria Park, and relative to the key view corridors within the City and the Central Tourist District.*

ANALYSIS

The proposed development will add distinctive and interesting features to the Niagara Falls skyline, as directed by Policy 4.4.7 (a). The proposed towers feature unique facades providing a combination of aluminium and glass curtainwall for floors 16 to 30, compared to the metal panels for floors 5 to 15. Each tower will feature a distinctive roof feature with cascading curvature resembling organic movement of the nearby Falls. This roof feature will incorporate aluminum and translucent glass curtainwall which will be backlit, providing a unique feature to the Niagara Falls skyline.

Responding to Policy 4.4.7, the proposal consists of a 4-storey podium with two towers with reduced building massing at the 5th storey and again at the 16th storey, ensuring they will not dominate the skyline. Additionally, the towers are also adequately set back from each other and from adjacent properties, ensuring there are appropriate gaps between proposed and future tall buildings. The towers are also oriented along the adjacent streets to define these public realm more effectively. The proposed site-specific zoning provisions for the proposal will ensure the scale and massing of the proposed development comply with Policies 4.4.2 to 4.4.8.

The proposed development is also not expected to generate adverse impacts on residential and institutional uses. The nearest residential dwellings are located

approximately 160 metres northwest of the Subject Lands on Desson Avenue while there is no institutional use within the vicinity. At approximately 104 metres in height, the proposed towers will fit in a 45-degree angular plane taken from the nearest residential property, indicating minimal visual impact on this sensitive use. Section 6.6 of this Brief will discuss the findings of the Pedestrian Wind Study in detail. In general, the shadow study included with this submission confirms that shadows will not extend beyond Spring Street and McGrail Avenue to the northwest during the months of June and September. A revised Shadow Study is being prepared in accordance with the City of Niagara Falls Terms of Reference and will be submitted when finalized. Further urban design analysis will be included with the revised shadow study when submitted to the City.

At the proposed heights, the two towers will be among the taller buildings within the Central Tourist District, an area designated for highest buildings in the City. The proposed development will contribute to an internationally recognizable skyline for the City of Niagara Falls. Moreover, the Subject Lands are located more than 400 metres from Queen Victoria Park and approximately 160 metres northwest of the Subject Lands on Desson Avenue. The proposed maximum height of 30 storeys will not interrupt the necessary gradation of height towards the Park in the east and towards the residential areas to the west nor contribute to a visual wall of development when viewed from Queen Victoria Park.

The Subject Lands are located outside the 300 metre radius of the Skylon Tower and will not have adverse impact on any view corridors to and from the Tower.

The proposed development's design responses to the policies and guidelines associated with the Skyline Height principle are satisfactory and are summarized as follows:

- The proposed development features a distinctive roof component that adds to the city skyline;
- The proposed development incorporates appropriate setbacks and step-backs that ensure the resulting massing does not dominate the skyline nor form a wall of development when viewed from Queen Victoria Park;
- The proposed towers respect the gradation of heights towards Queen Victoria Park and low density residential areas;
- The proposed development does not cause adverse impacts on residential and institutional uses;
- The proposed development does not diminish the presence of Skylon Tower in the city skyline.

6.5 Niagara Falls Views and Vista Principle

The Niagara Falls Views and Vistas principle discourages the obstruction of visual connection to the Falls and other environmental amenities.

POLICY

OP Policies (Part 3, Section 5)

- 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.*

TPRIH GUIDELINES

- *Maintain a positive exposure to the Skylon Tower.*
- *Minimize negative visual impact to low-rise residential neighbourhood to the west of the Tourist District.*
- *Massing and Building scale should be designed to maintain views and exposure of the natural and man made features such as views to and from the Falls, Queen Victoria Park and the American Skyline.*

ANALYSIS

As previously discussed, the Subject Lands are more than 300 metres from the Skylon Tower, more than 400 metres from Queen Victoria Park, and more than 160 metres from the nearest residential development. The proposal will, therefore, retain a positive exposure to the Skylon Tower and Queen Victoria Park and not create any visual intrusion to sensitive residential uses. The Subject Lands' distance from Queen Victoria Park and the Falls guarantees the proposed development's massing and scale will not impact views and exposure of these natural features. Moreover, the proposal's design will not impact the views to and from the American Skyline and will elevate the City of Niagara Falls' skyline when viewed from the American side.

The proposed development's design responses to the policies and guidelines associated with the Niagara Falls Views and Vista principle are satisfactory and are summarized as follows:

- Due to its significant distance from the Skylon Tower, the proposed development does not obstruct any iconic vista or view corridors and allows the Skylon Tower to remain a signature feature of the city skyline;
- As the Subject Lands are far from Queen Victoria Park and the Falls, the proposed development will not cause negative visual impact to these natural features.
- The proposal's design will not impact the views to and from the American Skyline and will elevate the City of Niagara Falls' skyline when viewed from the American side.

6.6 Positive Microclimate Principle

The Positive Microclimate principle ensures the height and mass of future developments do not interfere with pedestrian comfort nor create adverse shadow, wind and snow impacts on neighbouring properties

POLICY

OP Policies (Part 2, Section 4)

- 4.4.5 *By virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.*
- 4.4.7 *Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.*
- c) to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;*
 - e) to minimize adverse impacts on residential areas.*

TPRIH GUIDELINES

- To the extent that new built form is able to modify and alter the environment of its natural setting it is a matter of urban design integration of the building within its natural setting at the macro and at the micro level.*
- When considering Pedestrian Comfort reports in support of an application Council should be satisfied that the applicant has considered all relevant microclimatic variables. These may include the height and massing of new buildings and the primary wind directions, and their orientation to sunlight, an analysis of built form structures that can create wind activity such as sheer walls, wind speeds and opportunities for wind mitigation through design rather than landscaping. The analysis should address the existing conditions, the proposed conditions and any required mitigation.*
- A pedestrian level comfort evaluation should address wind force taking into account wind frequency and wind velocity, thermal comfort taking into account relative humidity, sun shade, temperatures, anticipated pedestrian activities and assumed exposure times and wind chill based on wind chill and velocity. Evaluations should distinguish the levels of comfort as they vary by major seasons such as winter and summer and indicate levels of comfort that can be sustained and expected.*
- Sun/shade assessments should address the impact of shade on public boulevards and public streets, on public open space areas and on residential neighbourhoods. The City should publish standards of sun and shade evaluation criteria that are acceptable for each of these settings.*

ANALYSIS

The Pedestrian Level Wind Study prepared for this Application (see details in Section 4.5) complies with the terms of reference established by the City of Niagara Falls. The Study

determines that no areas within the study area are found to experience unsafe wind conditions following the construction of the proposed development.

Moreover, nearby transit stops and most of city streets surrounding the proposed development will experience wind conditions suitable for walking or better throughout the year, except for isolated areas along Clark Avenue where wind speed exceeds the walking criterion during the winter months by a marginal 0.2 km/h. Other grade-level pedestrian wind-sensitive areas such as principal entrances, outdoor patios and amenity areas also experience acceptable wind conditions for their intended use with mitigation measures required for some of the proposed pedestrian entrances into the commercial uses. These entrances exceeded the comfortable standing criteria during the winter months and it is recommended to recess these entrances or flank the entrances with vertical wind barriers or canopies. These mitigation measures will be considered and incorporated into the building design at the Site Plan Control stage.

As discussed, the current Shadow Study shows the proposed development will not cause adverse shadow impacts on surrounding streets and residential areas. Further analysis regarding shadowing will be included with the revised shadow study when submitted to the City.

6.7 Parking and Circulation Principle

The Parking and Circulation principle supports less intrusive parking arrangements and reduction of vehicular circulation around Queen Victoria Park.

POLICY

OP Policies (Part 3, Section 5)

- 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.*
- 5.4 *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*

TPRIH GUIDELINES

- *As a general rule, all required parking for new development should be provided on-site.*
- *New Development should concentrate parking in structured lots or underground.*
- *New development should provide retail or other active uses along the street frontage of structured lots.*
- *New Development should divide and disperse surface parking into landscaped modules to reduce impact on street-life and visual amenity.*

ANALYSIS

No parking is proposed within the front yard. Instead, required parking for the proposed development is provided on-site and accommodated within a human-scaled 4-storey parking structure. A total of 473 parking spaces are provided on floors 2-4 with 5 drop-off spaces provided at grade. This approach allows attractive landscaped treatment along both frontages of the Subject Lands. As mentioned, special pavement materials are also contemplated to distinguish between vehicle areas and pedestrian walkways.

Access to the parking structure is provided by two entrance/exit points on Clark Avenue. No vehicular access is provided from Ferry Street, minimizing potential pedestrian and vehicular traffic conflict and fostering a pedestrian-friendly streetscape along Ferry Street. A variety of landscaping features will be provided to assist in screening the entrances to the parking area reducing impact to street-life along Clark Avenue. The parking structure is located above grade enabling active uses to interface with the public realm on the ground floor. The vehicular circulation area providing access to the hotel lobbies and the above-ground parking structure is on the ground floor and mostly screened by the street-oriented buildings.

Direct access to the parking structure is located at the southernmost access on Clark Avenue, providing appropriate distance from the heavily pedestrian trafficked areas on Ferry Street. A secondary access is also provided via the northernmost vehicular access which also provides access to the hotel lobbies and temporary drop off areas.

The proposed development's design responses to the policies and guidelines associated with the Parking and Circulation principle are satisfactory and are summarized as follows:

- All parking associated with the proposed development is provided on site and within a human-scaled parking structure.
- Landscaping features and buildings effectively screen the vehicular circulation area on the ground floor.
- Ground floor active uses will interface with the public realm, instead of parking.

6.8 Summary

The proposed development has incorporated design considerations that conform with the City OP policies and respects the TPRIH guidelines. Overall, the proposed development will:

- Provide a podium that is well-defined, human-scaled and contributes to an animating and attractive streetscape through the provision of attractive landscaping, covered passageway and active uses at grade;
- Contribute to the public realm and facilitate the City's vision of Falls Access and Retail Street by enhancing the visual image of the private realm through high quality landscaping and the provision of commercial uses at grade;
- Preserve sky view from the public realm through appropriate building height and massing as well as tower placement, floor plate size and dimensions;
- Include distinctive roof features in its design to add to the City of the Niagara Falls' skyline and respect the gradation of height towards residential areas and Queen Victoria Park;
- Ensure minimal impacts to views of important natural and man-made features including Skylon Tower, Queen Victoria Park and the Falls;
- Ensure no adverse wind and shadow impacts on sensitive uses, city streets and public areas;
- Support a pedestrian-friendly public realm by minimizing the number of vehicular accesses into the site, accommodating required parking within a parking structure and screening the vehicular circulation area effectively through at-grade buildings.

7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned TC-75 in accordance with Zoning By-law No. 79-200, as amended by By-law 1981-199 and By-law 2012-061, both of which provided relief for parking related to specific commercial uses (see **Appendix E– Zoning Schedule**). Aside from the amended parking provisions, the TC-75 Zone adheres to the remaining provisions of the parent TC Zone.

To facilitate the proposed development, the Owner seeks to rezone the Subject Lands to site-specific Tourist Commercial (TC-XX) Zone. Site-specific provisions are proposed to permit relief related to maximum lot coverage, maximum height, and bicycle parking requirements, which are analyzed in this section of the PJR.

A Draft Zoning By-law has been prepared and can be found in **Appendix A – Draft Zoning By-law Amendment** of this report.

Table 2. Zoning Comparison Chart for TC Zone

Regulations	TC Zone Requirement	Proposed	Compliance
Permitted Uses	<ul style="list-style-type: none"> Hotel Restaurant Other uses as listed in 8.6.1 	<ul style="list-style-type: none"> Hotel Restaurant Other uses as listed in Section 8.6.1 	Yes
Minimum Lot Frontage	6 m	109.5 m	Yes
Minimum Front Yard Depth	13 m from centreline of road allowance	13 m from centreline of road allowance	Yes
Minimum Rear Yard	3 m	5.35 m	Yes
Minimum Interior Side Yard Width	None required	0.3 m	Yes
Minimum Exterior Side Yard	13 m from centreline of road allowance	13 m from centreline of road allowance	Yes
Maximum Lot Coverage	70%	80.58%	No
Maximum Height of Building or Structure	12 m	113.1 m	No
Maximum Floor Area for Each Retail Store	400 sq m	400 sq m	Yes
Maximum Floor Area for All Retail Stores	3,530 sq m	726.19 sq m	Yes

Table 3. Zoning Comparison Chart for General Provisions

Regulations	Requirement	Proposed	Compliance
Parking Requirements	Hotel Use: 1 parking space for each 1.25 rooms (By-law 2012-61)	478 spaces (including barrier free spaces)	Yes
	Restaurant ancillary to a hotel:		

Regulations	Requirement	Proposed	Compliance	
	0 spaces (By-law 2012-60)			
	Retail Store ancillary to a hotel: 0 spaces (By-law 2012-60)	0		
		Total Required = 439	Total Proposed = 485	
Parking Dimensions	Minimum Parking Stall Width	3 m	3 m	Yes
	Minimum Parking Stall Length	6 m	6 m	Yes
Maneuvering Aisle	Minimum Manoeuvring aisle	5.9 m	5.9 m	Yes
Loading Area Requirements	For buildings over 9,300 sq m 2 loading spaces plus 1 additional loading space for each 9,300 sq m of floor area over the initial 9,300	13,861 sq m (Tower 1) + 13,162.05 sq m (Tower 2) + 2,111.18 sq m (Ground Floor Commercial Uses) + 1,196 (Skylobby) = 30,330.23 sq m (total GFA excluding parking areas) 30,330.23-9,300=21,030.23 21,030.23/9,300 = 2.26	3 loading spaces	No

Regulations		Requirement	Proposed	Compliance
		2 + 2.26 = 4.26 (5)		
Daylight Triangle	9 m x 9 m from the travelled portion of the road	9 x 9	12 x 12	Yes
Bicycle Parking	1 per 500 sq m gross leasable floor area	1 per 500 sq m gross leasable floor area 13,861 sq m (Tower 1) + 13,162.05 sq m (Tower 2) + 2,111.18 sq m (Ground Floor Commercial Uses) = 29,134.23 sq m (total GFA excluding parking areas) 29,134.23/500= 58.3 59 bicycle parking spaces required	76	Yes

7.1 Maximum Lot Coverage

Required: 70%

Proposed: 72.39% - However, due to land dedications 80.58%

The intent of lot coverage provisions in zoning by-laws is to ensure that servicing infrastructure is not constrained, and open space is provided. An increase to lot coverage can be supported for this Application as:

- The Functional Servicing Brief prepared by Hallex Engineering confirms that the development is supportable from a servicing perspective.
- A Landscape Plan has been prepared demonstrating landscaping and open space will be accommodated within the development and along the street boulevard. Specifically, the top of the podium will feature an open deck with perimeter trees facilitating an area for guests to enjoy the fresh air and surrounding views of the Niagara Falls tourist districts.

- The increase in lot coverage will facilitate a compact development that is appropriate and compatible within the City's Central Tourism District.
- The road widenings along Ferry Street and Clark Avenue represent 8.19% of the lot area of the Subject Lands being dedicated to the City. When considering the area included for the road widening the departure is minor in nature and will not result in any negative impacts to the streetscape or surrounding lands.

7.2 Maximum Height

Required: 12 m

Proposed: 113.1 m

The proposed Zoning By-law Amendment seeks to permit a height of 30 storeys or 104.13 metres on the Subject Lands. The proposed height is supportable for the Application as:

- The Subject Lands fall within the parameters set out for "High-Rise" development (between 13 to 30 storeys) as per Policy 4.4.3 of Part 2, Section 4 of the City OP. The proposal satisfies this criterion;

7.3 Loading Space Requirement

Required: 2 loading spaces plus 1 additional loading space for each 9,300 sq m of floor area over the initial 9,300

Proposed: 2 loading spaces plus 1 additional loading space for each 21,500 sq m of commercial floor area over the initial 9,300

The intent of the loading space requirement within a zoning by-law is to ensure commercial buildings have sufficient area for large vehicles to unload without impacting traffic areas. A reduction in loading spaces can be supported as:

- Approximately 2,111.18 square metres of GFA is related to ground floor commercial uses with an additional 1,196.04 square metres GFA for the Skylobby which may feature restaurants, spas, or other hotel services, for a total GFA of 3,307.22 square metres of commercial GFA.
- Approximately 27,023 square metres of GFA is credited to the accommodation space of the hotel towers which is comprised of 548 hotel rooms and are anticipated to have less intensive demands for loading spaces when compared to the commercial uses on site;
- The proposal provides three loading spaces suitable for Medium Single Unit vehicles. These spaces will meet the needs of the proposed uses on site while maintaining efficient use of lands.

8.0 Summary and Conclusion

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

- The proposed development is consistent with the Provincial Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Official Plan (2022), and the City of Niagara Falls Official Plan.
- The proposed development is located within the City of Niagara Falls Central Tourist Districts and is designated for high-rise Tourist Commercial development;
- The proposal is an efficient use of lands;
- The proposed development will make efficient use of existing municipal services and facilities;
- The proposed development facilitates an active streetscapes with a variety of at grade commercial uses.
- The proposed development will support the City's tourism industry by providing job opportunities for the City and Region.

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NPG Planning Solutions Inc.

9.0 Appendices

Appendix A - Draft Zoning By-law Amendment

Appendix B – Site Plan

Appendix C – Niagara Official Plan Schedule

Appendix D – Niagara Falls Official Plan Schedule

Appendix E – Niagara Falls Zoning By-law Schedule

Appendix A - 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 Tourist Commercial (TC-XX) 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 A of this by-law and shall be referred to in this by-law as the "Lands". Schedule A 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. The regulation governing the permitted use of the Lands shall be:

(a)	Maximum lot coverage	81%
(b)	Maximum height	30 storeys or 113.25 metres whatever is lesser
5. Notwithstanding the provisions of Section 4.20.1, loading spaces shall be provided at the rate of 2 loading spaces for the initial 9,300 square metres of commercial floor area plus 1 additional loading space for each 21,500 square metres of commercial floor area over the initial 9,300.
6. 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.
7. No person shall use the Lands for a use that is not a permitted use.

8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this By-law shall be shown on Sheet D5 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from TC and numbered 75, to TC and numbered XXXX.
10. Section 19 of By-law No. 79-200 is amended and adding thereto:
19.1.XXXX. Refer to By-law No. 2024-XX.

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

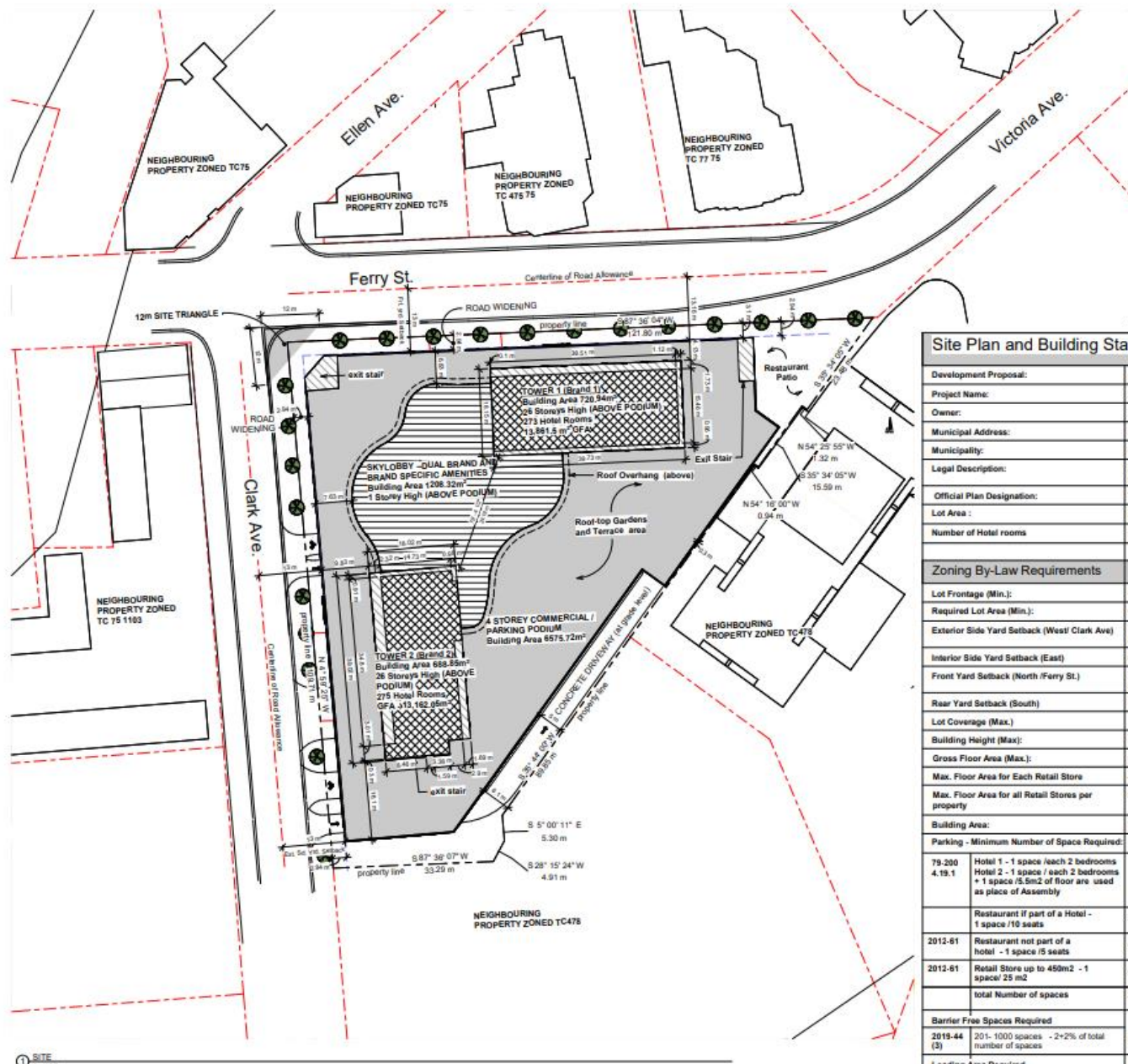
.....
WILLIAM G. MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR

SCHEDULE 1



Appendix B – Site Plan



N
W — E
S

Consult Map
1:120

Site Plan and Building Statistics

Development Proposal:	New Mixed Use Commercial Multifamily Condominium Apartment Hotel			
Project Name:	Ferry and Clark			
Owner:	-			
Municipal Address:	5234-5278 Ferry St., 5284 Ferry St., 5928 Clark Ave., Niagara Falls, ON			
Municipality:	City of Niagara Falls			
Legal Description:	PLAN 1 PT BLK 26, PLAN 653 LOTS 82-85, PT LOT 06, PLAN 653 LOT 01 PLAN FC PT BLK 26 NEW PLAN 01, PLAN FCP PT BLK 26, NEW PLAN 01			
Official Plan Designation:	TC 75			
Lot Area :	8,199.61 m ² (87,829.34 FT ²)			
Number of Hotel rooms	548			
Zoning By-Law Requirements	Required (Metric)	Required (Imperial)	Provided (Metric)	Provided (Imperial)
Lot Frontage (Min.):	6m	0 ft	+/- 109.5m	359.25 ft
Required Lot Area (Min.):	0 sq.m	0 ft ²	1 222.23 sq.m	13,156.4 ft ²
Exterior Side Yard Setback (West/ Clark Ave)	13m from CIL of Orig. Road Allowance	42.65ft	13 m	42.65 ft
Interior Side Yard Setback (East)	0m	0 ft	0.3m	1ft
Front Yard Setback (North /Ferry St.)	13m from CIL of Orig. Road Allowance	42.65 ft	13.16m	43.18ft
Rear Yard Setback (South)	10m	32.8 ft	5.38m	17.58ft
Lot Coverage (Max.)	70%		89.58%	
Building Height (Max):	12m	40ft	30 storeys or 104.13m	30 storeys or 341.6ft
Gross Floor Area (Max.):	N.A.	N.A.	60 435.45 m ²	650,543 ft ²
Max. Floor Area for Each Retail Store	400 m ² .	4,305.7 ft ²	400 m ²	4,305.7 ft ²
Max. Floor Area for all Retail Stores per property	3 530 m ² .	37,997.8 ft ²	726.19 m ²	7,816.9 ft ²
Building Area:	N.A.	N.A.	6 575.72 m ²	70,342.69 ft ²
Parking - Minimum Number of Space Required:				
79-200 4.19.1	Hotel 1 - 1 space /each 2 bedrooms Hotel 2 - 1 space / each 2 bedrooms + 1 space /5.5m ² of floor are used as place of Assembly	275 bedrooms /2 = 137 spaces 275 bedrooms /2 = 138 spaces 487m ² / 5.5 = 88 spaces 360 spaces	485 spaces (including barrier free space)	
	Restaurant if part of a Hotel - 1 space /10 seats	x	dining not open to non guests	
2012-01	Restaurant not part of a hotel - 1 space /5 seats	0		
2012-01	Retail Store up to 450m ² - 1 space/ 25 m ²	0		
	total Number of spaces	241	485	
Barrier Free Spaces Required				
2019-44 (3)	201- 1000 spaces - 2+2% of total number of spaces	2+ (2% x241) =7	2+ (2% x485) =12 (13 provided)	
Loading Area Required				
79-200 4.20.1	over 9300m ² floor area - 3 loading spaces plus 1 for each 4600 m ² over initial 9300 m ²	GFA other than parking	3	

Hotel Development at
Ferry and Clark

No.	Description	Date
A	Pre-Consultation	2024-11-04
B	Pre-Consultation	2024-11-05
C	Pre-Consultation	2024-02-27
D	Consultation	2024-07-03
E	Consultation	2024-07-03
F	Revised north Driveway	2024-02-21

Pre-Consultation

SHEET TITLE:

SITE PLAN

DATE: 2024-02-21
SCALE: As indicated
SHEET NO: **A001**

1:400

1:20

Appendix C – Niagara Official Plan Schedule

Schedule B – Regional Structure



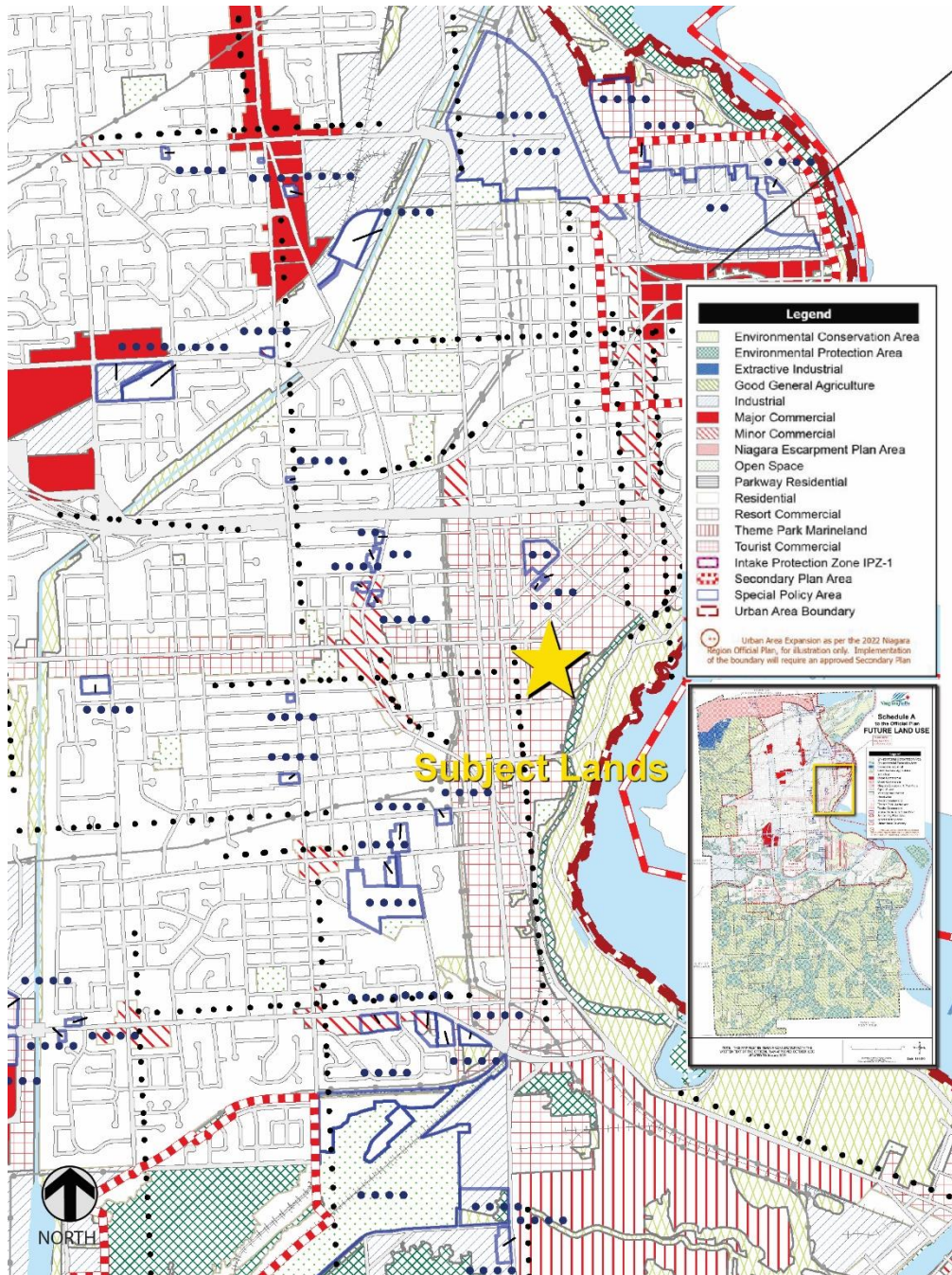
Schedule J1 – Transportation Infrastructure



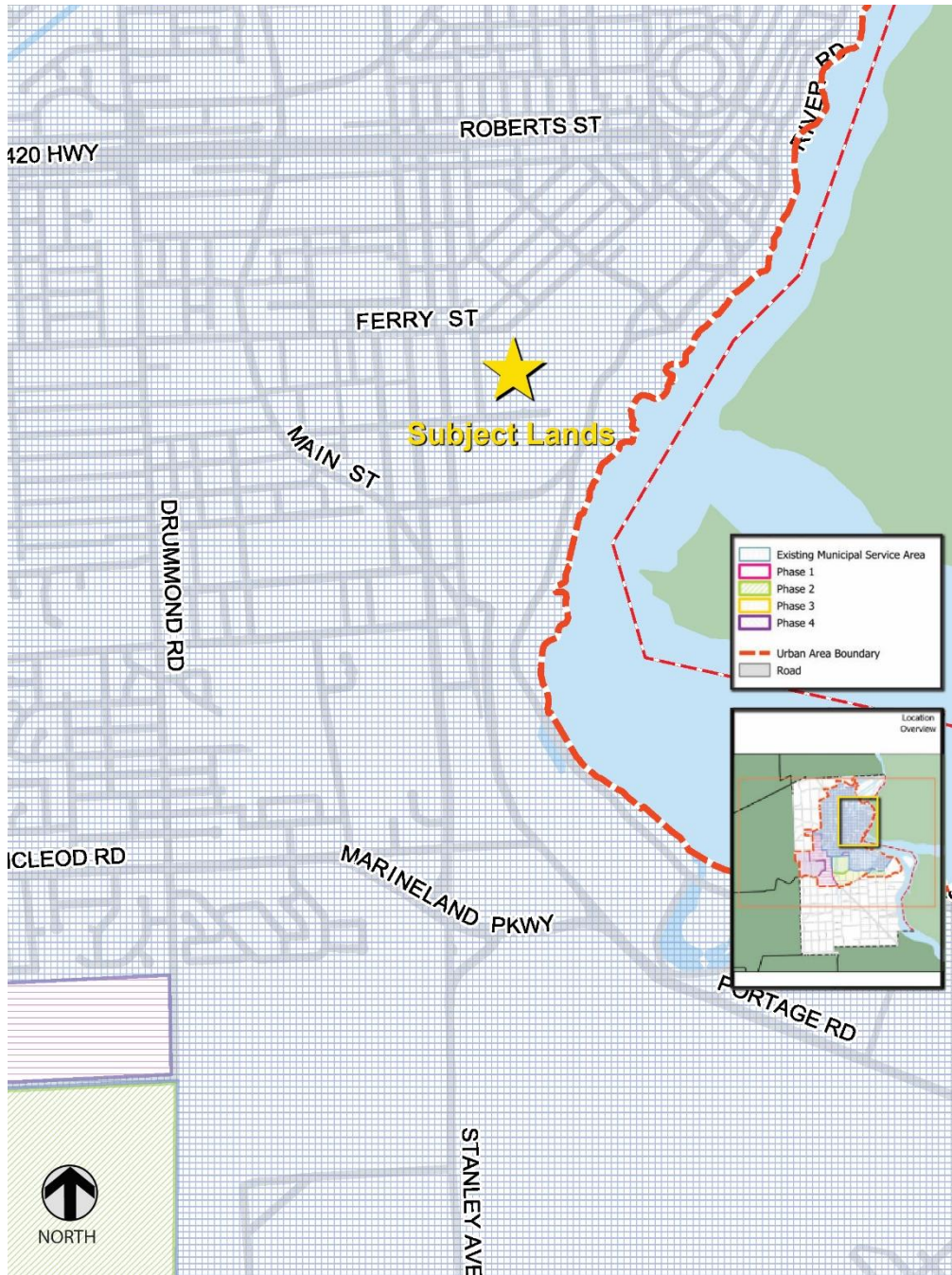
Schedule J2- Strategic Cycling Network



Appendix D – Niagara Falls Official Plan Schedule
Schedule A – Land Use Plan



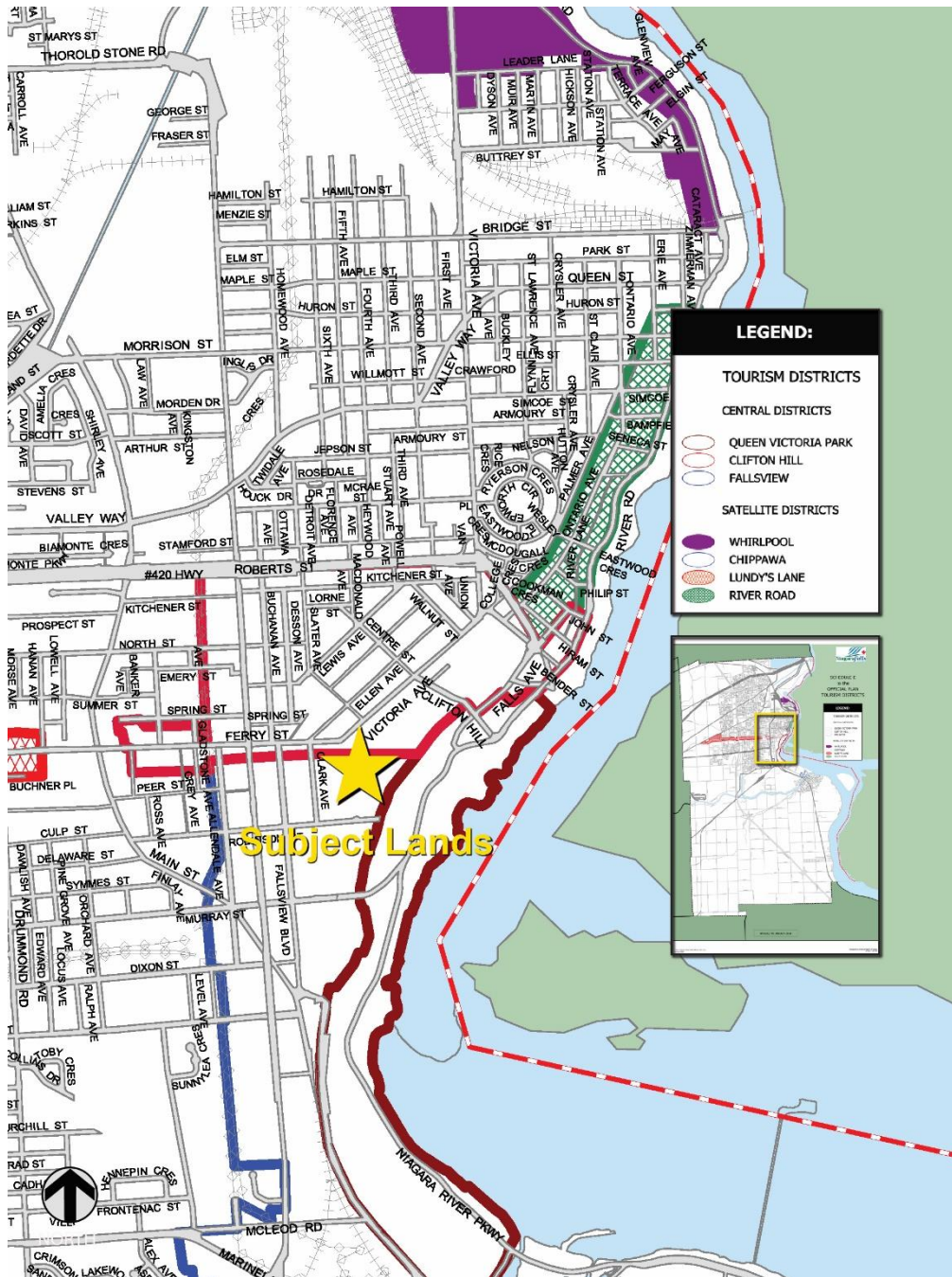
Schedule B – Phasing Plan



Schedule C – Roads



Schedule E – Tourism Map



Appendix E – Niagara Falls Zoning By-law Schedule

