

Planning Justification Report



**Official Plan and Zoning By-law Amendment**

4280 Fourth Avenue, Niagara Falls

Date: April 18, 2024

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## 1.0 Introduction

NPG Planning Solutions Inc. (NPG) are the planning consultants to 1274505 Ontario Ltd., “Owner” of approximately 7,268.29 m<sup>2</sup> (0.726 ha) of land in the City of Niagara Falls, municipally known as 4280 Fourth Avenue (“Subject Lands”). NPG has been retained to provide professional planning advice, in the form of a Planning Justification Report (PJR), on concurrently submitted applications for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) to facilitate the development of five (5) stacked townhouse blocks which includes a total of seventy-two (72) dwelling units, twenty-four (24) of which are anticipated to be deemed affordable. The applications will facilitate intensification on lands considered to be brownfield<sup>1</sup>.

The OPA is required to permit increased density on the Subject Lands and to permit stacked townhouses on local roads. The ZBA application proposes to change the existing zoning code from 'Light Industrial' (LI) to the Residential Apartment 5C Density Zone (R5C Zone) in the Niagara Falls Zoning By-Law No. 79-200.

This PJR provides an analysis of the proposed development and evaluates the appropriateness of applications for OPA and ZBA when assessed against policies in the Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (NOP), Niagara Falls Official Plan (City OP), and the Niagara Falls Zoning By-law No. 79-200.

Section 5.1 of this PJR provides an analysis of the Applications when assessed in relation to requirements under the *Planning Act*. Sections 5.2, 5.3 and 5.4 of this PJR reviews the Applications for consistency and conformity with provincial and regional planning policies. Section 5.5 of this PJR reviews the Applications in relation to the Region’s Model Urban Design Guidelines. Section 5.6 of this PJR discusses the proposal’s conformance with the general intent and objectives of the City OP while Sections 6.0 & 7.0 provide justification for approval of the applications for OPA and ZBA.

In summary, the Applications comply with requirements of the *Planning Act*, are consistent with the PPS, are in conformity with the Growth Plan and the NOP. Additionally, the proposed OPA meets the general policy direction of the City OP. Subject to approval of the OPA, the ZBA conforms with the City OP.

## 2.0 Description of Subject Lands and Surrounding Area

The Subject Lands, known legally as LT 1 - LT 6 PL 313; LT 87 - LT 90 PL 313; PT LT 91 – PT LT 92 PL 313 & PT LT 20 - PT LT 21 PL 284, are situated within Niagara Falls, Ontario. Municipally, they are identified as 4280 Fourth Avenue, as depicted in **Figure 1 - Aerial Context**. The Subject Lands are located within the delineated built boundary of Niagara Falls on the east side of Fourth Avenue, north of Hamilton Street. The Subject

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<sup>1</sup> Undeveloped or previously developed properties that may be contaminated. They are usually, but not exclusively, former industrial or commercial properties that may be underutilized, derelict or vacant (PPS, 2020)



Lands are irregular in shape, with a lot frontage of approximately 87-metres along Fourth Avenue, a depth of approximately 100-metres, and a total area of 7,268.29 m<sup>2</sup> square metres. The Subject Lands had most recently been used for recreational sport (ball hockey) and contain two (2) floor hockey rinks, and one (1) small building to support the past use (**refer to Photos 1, 2 & 3**). This was discontinued in the 2019.

The Subject Lands have been classified as Brownfield by Environmental Site Assessments (ESA) outlined in Section 4.4 of this PJR. The ESAs identified excessive levels of contaminants attributed to former activities on the Subject Lands and surrounding properties.

The Council of the Corporation of the City of Niagara Falls on the 12th day of December 2023 passed By-law No. 2023-119, under Section 17 of the *Planning Act* which provided for the adoption of Official Plan Amendment No. 157 (OPA 157) (**refer to Appendix G**). OPA 157 redesignated the Subject Lands, along with other neighboring Industrial lands to Residential and Special Policy Area 91. Special Policy Area 91 provides that "New residential development on these lands shall have regard for compatibility with nearby existing and future industrial uses in terms of Provincial D- 6 Guidelines or their equivalent".

The basis for the amendment was that the affected lands are predominately comprised of land uses (residential and recreational) that did not conform with the previous Industrial designation in the City OP. Further, it was noted that land use compatibility concerns with neighbouring properties would occur if a new industrial use were ever to be introduced into the affected area. The affected lands also were not considered by the City's Employment Lands Strategy. While certain portions of the affected lands are zoned for Industrial use under the Niagara Falls Zoning By-law No.79-200, it is anticipated that these lands will undergo conversion to residential use in the future.

The Subject Lands are situated within a predominantly residential neighbourhood characterized by older single-detached homes with limited architectural appeal (**refer to Photos 4, 5 & 6**).

There are some notable residential, commercial, and industrial exceptions, as mapped in **Figure 1: Aerial Context** and **Figure 2: Community Amenities** and described below.

#### *Higher Density Forms of Housing*

- 4263 Fourth Avenue (**refer to Photo 7**) – located north-west of the Subject Lands, being a stacked townhouse development known as Clifton Modern Towns which has been constructed since the year 2020. This development comprises 100 units with a density of approximately 75 units per hectare.

#### *Adjacent Commercial Use*

- 4337 Fourth Avenue (**refer to Photo 8**) – located south-west of the Subject Lands, is a small parcel of land zoned for commercial use, being a Property Restoration Specialist company.

*Industrial Uses in Surrounding Area*

Aercoustics prepared a Noise Impact Study and Land Use Compatibility Study dated March 18, 2024. The Study identified thirteen (13) industries which were located in the area surrounding the proposed development. A comprehensive list of the surrounding industries is included in **Table 1** below:

**Table 1 – Surrounding Industries**

Industry Name	Description	Municipal Address	Distance from Proposed Development
Niagara Motorsports (1)	Car Detailing Service	4346 Fourth Avenue	15 metres
Ultimate Auto Care	Auto Repair Shop	4316 Second Avenue	120 metres
Gale Centre Arena (2)	Indoor Skating Arena	5152 Thorold Stone Road	150 metres
Dun-Rite Aluminum and Vinyl	Home Improvement Store	4425 First Avenue	215 metres
Suds Laundromat	Laundromat	5003 Bridge Street	250 metres
Premier Tech Home & Garden Inc	Home & Garden Retailer w/ Outdoor Storage Yard	4300 Stanley Avenue	340 metres
Straightline Automotive	Auto Repair Shop	4874 Bridge Street Unit 2	365 metres
Niagara Energy Products	Steel Fabricator	4749 Buttrey Street	380 metres
PGM Rail Services	Railway Contractor	4615 Buttrey Street	630 metres
General Engines Service Centre	Truck Repair Shop	4615 Buttrey Street	710 metres
Niagara Battery & Tire	Auto Parts Retailer	5559 George Street	780 metres
Canadian Specialty Castings	Sandcasting Foundry	4248 Broughton Avenue	800 metres
Niagara Helicopters Limited	Helicopter Tour Agency	3731 Victoria Avenue	825 metres

**(1) Refer to Photo 9**

**(2) Refer to Photo 10**

In addition to the previously stated industrial uses, there is a warehouse located to the north and east of the Subject Lands, municipally addressed as 4290 Third Avenue which appears to be no longer actively used (**Refer to Photo 11**).

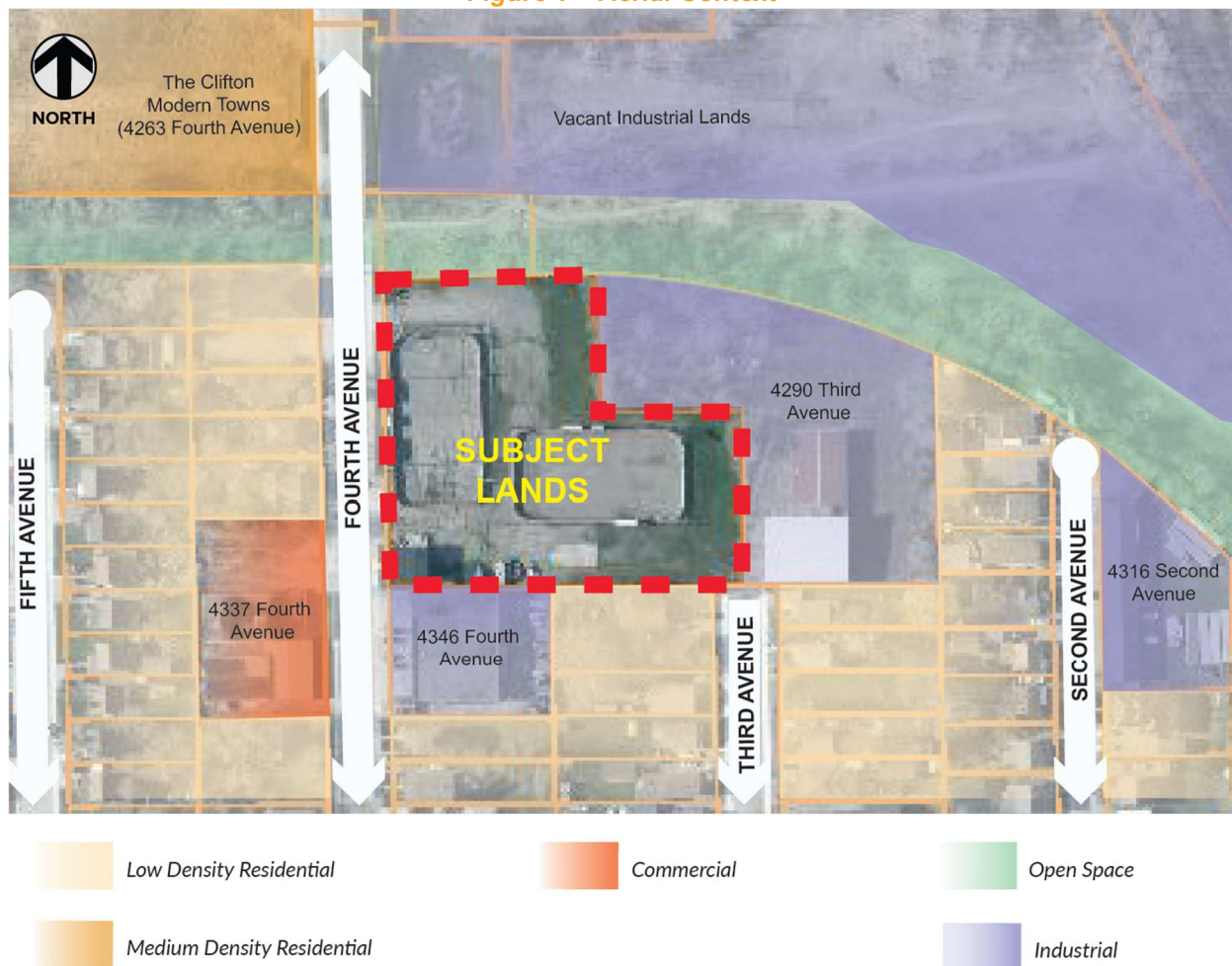
Notably, the industrial properties situated at 4346 Fourth Avenue, 4290 Third Avenue, 4316 Second Avenue, and 4425 First Avenue were among the affected properties that underwent conversion in the City OP to a Residential land use designation.

## 4280 Fourth Avenue, Niagara Falls, Ontario - Planning Justification Report

The Subject Lands are directly adjacent to the decommissioned Niagara, St. Catharines & Toronto (NS&T) Historic Railway Corridor. A portion of the NS&T Historic Railway Corridor, which spans 9.3-kilometres and traverses the entire width of Niagara Falls is part of the greater NS&T Rail Trail Feasibility Master Plan. The primary objective of the NS&T Rail Trail Feasibility Master Plan is to develop a Plan for a city-wide trail that will link downtown Niagara Falls with nearby communities, connect parks and open spaces, and enhance recreation, tourism and active transportation opportunities across the City. The majority of the anticipated NS&T Rail Trail will follow the NS&T Historic Railway Corridor but is planned to detour slightly from the existing NS&T Railway Corridor in proximity to the Subject Lands. Both the NS&T Historic Railway Corridor and the NS&T Rail Trail are identified in **Figure 2 – Community Amenities**.

To the north of the NS&T Historic Railway Corridor is industrial/employment area (**refer to Photo 12**). These lands were previously occupied by Cyanamid, a chemical plant that operated for much of the 20th century until its closure in 1992, after which all its structures were demolished.

**Figure 1 – Aerial Context**



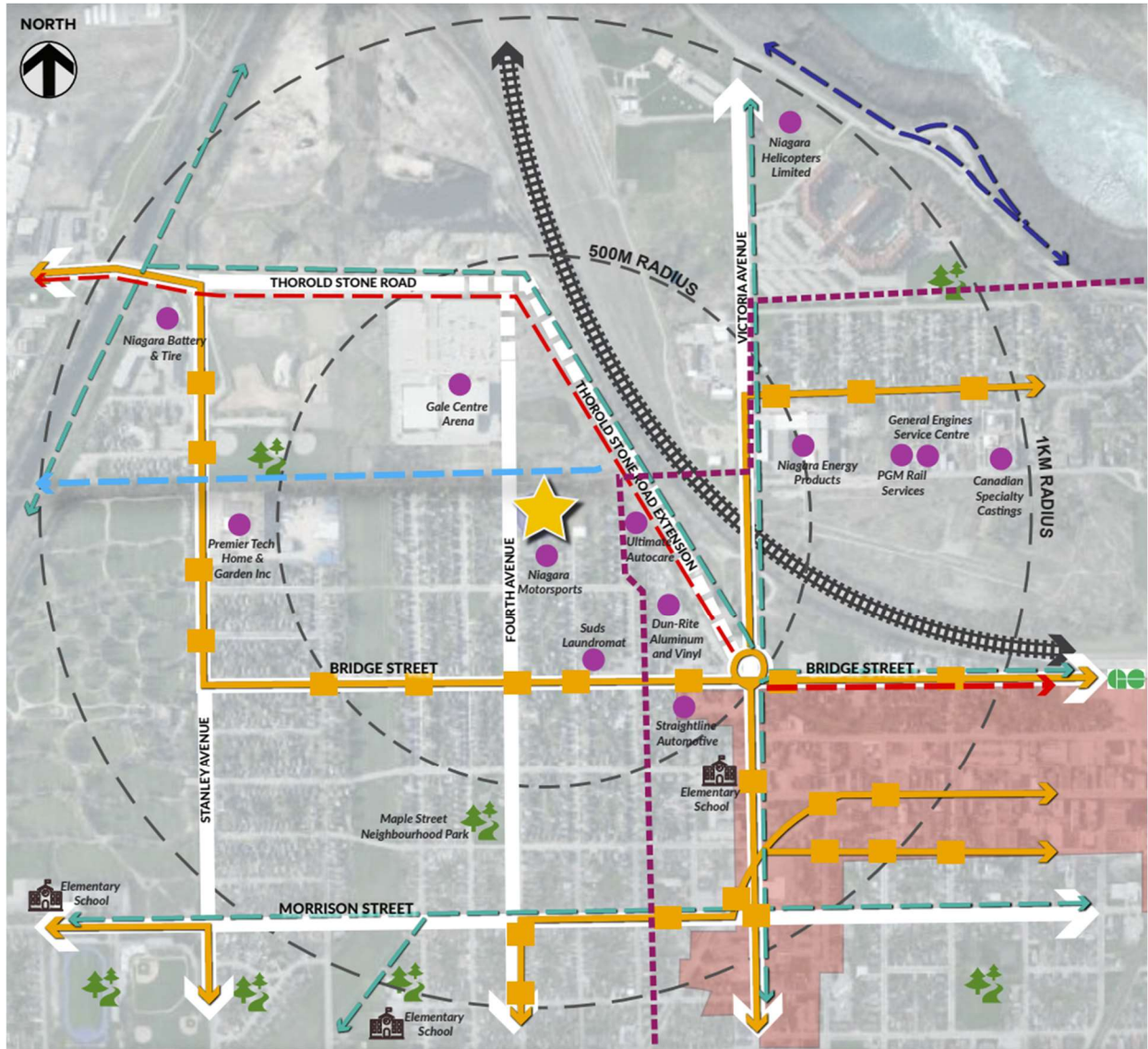
The Subject Lands are located in proximity to a variety of multimodal transit options. Located approximately 300-metres from the Subject Lands at the junction of Bridge Street and Fourth Avenue is a bus stop serviced regularly by the Niagara Transit Route #108. The Subject Lands are located just outside the area of the Niagara Falls Transit Station Secondary Plan Area (**refer to Schedule B1 in Appendix B, and Figure 2**). The Niagara Falls Go-Train Station, which is located only 1.25 kilometres southeast from the Subject Lands, provides commuting options to the Greater Toronto Area (GTA) and the various municipalities located along the route. An active CN railway line supporting the GO-Transit (as well as CN Rail services) is located to the north / northeast, about 200 m from the site. The Subject Lands also provide convenient access to the Niagara Region's Strategic Cycling Network (**refer to Schedule J2 in Appendix B, and Figure 2**). As noted previously, the future NS&T Rail Trail will further improve active transportation options throughout the entire City and in the immediate area of the site.










Within 1.5 kilometres of the Subject Lands, there are various institutions such as elementary schools and churches. There is a choice of restaurants, grocery stores, convenience stores and recreational opportunities within 1-kilometre of the Subject Lands. The Gale Centre, located north of the Subject Lands, provides hockey rinks, conference rooms, and facilities suitable for concerts and trade shows. Additionally, there are several nearby public parks such as Maple Street Neighbourhood Park which are within walking distance of the proposed residential development, which feature large, grassed areas and outdoor playgrounds (**refer to Photo 13**).

**Figure 2 – Communities Amenities** on the following page highlights various community amenities and active transportation facilities with a 500-metre and 1.0-kilometre radius of the Subject Lands.



Figure 2 – Community Amenities



-  Subject Lands
-  Parks/Recreation
-  Schools
-  Niagara Falls Go Train Station
-  Industrial Uses
-  Transit Stops
-  Niagara Falls Transit
-  Niagara Region's Strategic Cycling Network
-  Province Wide Cycling Network
-  Future NS&T Rail Trail
-  Historic Railway Corridor
-  Niagara Falls Transit Station Secondary Plan Area
-  Commercial Area

## 2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit on February 29, 2024, and April 12, 2024. Please refer to the following photos for greater detail on the current state of the Subject Lands and the surrounding land uses (**refer to Photos 1-13**).

*Photo 1 – Front Perspective of Subject Lands*





*Photo 2 – Current state of existing ball hockey courts*



*Photo 3 - View looking north-west at Subject Lands from end of Third Avenue*

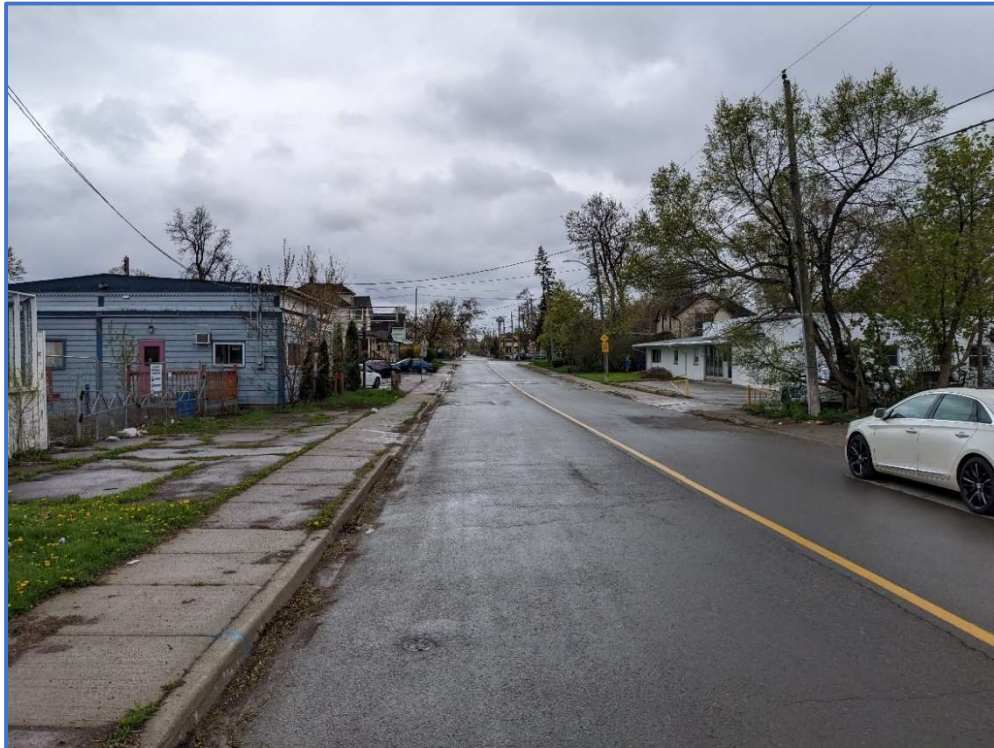




*Photo 4 - View looking west from Subject Lands at surrounding low-density residential uses.*



*Photo 5 - View looking south from Subject Lands from front of Subject Lands.*





4280 Fourth Avenue. Niagara Falls, Ontario - Planning Justification Report

**Photo 6 - View looking north from Subject Lands from front of Subject Lands.**



**Photo 7 - View looking west from Fourth Avenue at new Stacked Townhouses 'The Clifton Modern Towns' (4263 Fourth Avenue)**





Photo 8 - View looking west from Fourth Avenue at neighbouring commercial land use.  
(4337 Fourth Avenue)

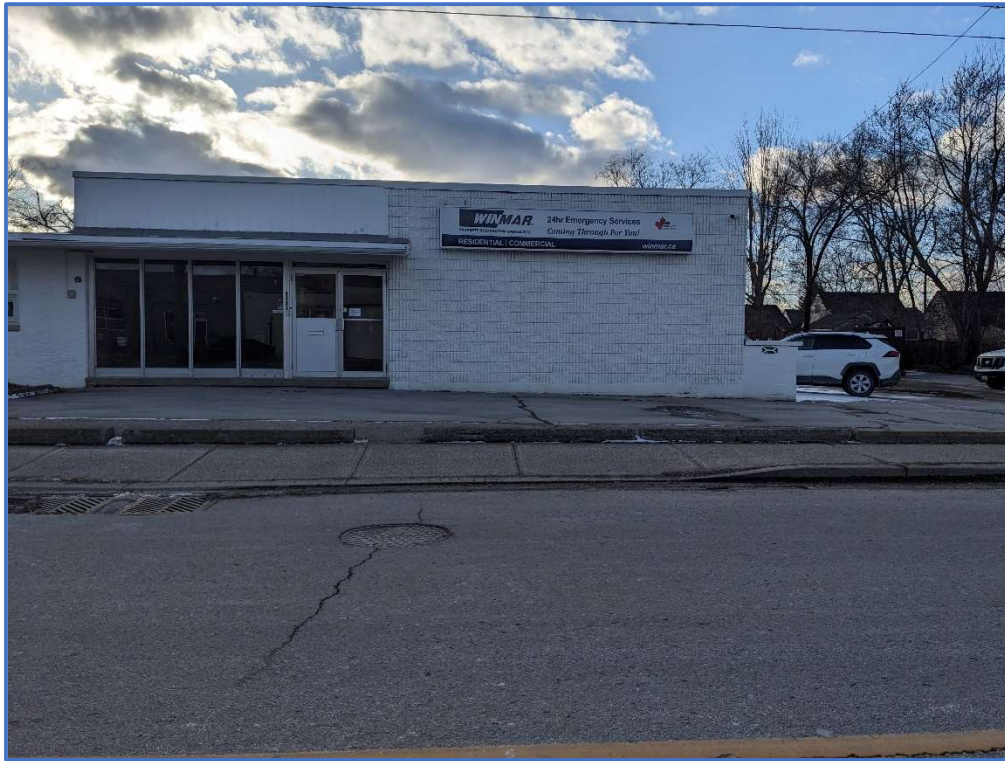


Photo 9 – Niagara Motorsports - Automotive Detailing Shop – (4346 Fourth Avenue)





*Photo 10 – Gale Centre Areana – Located 150 metres from the Subject Lands*



*Photo 11 - View looking east from back of property at vacant warehouse. (4290 Third Avenue)*





**Photo 12 - View looking north-east from Fourth Avenue, north of the NS&T Historic Railway Corridor looking over existing vacant industrial lands (Employment Area).**



**Photo 13 – Maple Street Neighbourhood Park – Located 550 metres from Subject Lands**



### 3.0 Proposed Development

The Owner is proposing applications for OPA and ZBA to facilitate the development of five (5) stacked townhouse blocks for a total of seventy-two (72) two-bedroom dwelling units. The Townhouse Blocks are anticipated to be developed in phases to allow for soil remediation on site.

The proposed stacked townhouse blocks will incorporate three (3) buildings each consisting of twelve (12) dwelling units and two (2) buildings each consisting of eighteen (18) dwelling units. Twenty-four (24) of the dwelling units are anticipated to meet the Region of Niagara's definition of affordable.

The stacked townhouse blocks are proposed to be three (3) storeys high with one (1) additional level below grade and will have an overall site density of approximately ninety-nine (99) units per hectare (**refer to Appendix A**). Each unit stack within the proposed townhouse blocks will feature three (3) distinct unit types, evenly distributed throughout the entirety of the development. Unit Type 1, a split-level unit spanning both below-grade and main-floor levels, covers approximately 88 m<sup>2</sup> in area. Units Type 2 and 3 are also split-level units situated on the second and third levels, being 76 m<sup>2</sup> and 106 m<sup>2</sup> respectively. The proposed development includes twenty-four (24) units of each type.

The proposed development includes ninety (90) parking spaces, achieving 1.25 parking spaces per dwelling unit. Forty-eight (48) of the proposed parking stalls are situated within private garages of the dwellings. The remaining forty-two (42) parking stalls are proposed at the rear of the subject lands, located behind the proposed buildings.

Vehicle access, including emergency vehicles and private garbage disposal contractors is intended to be provided via the proposed entrance from Fourth Avenue. The proposed development also features an integrated pedestrian network which provides safe access to individual units, parking spaces, and the adjacent public sidewalk on Fourth Avenue.

The development proposal takes careful consideration to mitigate the impact of higher density residential dwellings on predominately low-density adjacent residential area through adequate height and mass transition, separation, and landscaping.

The development proposal aims not only to introduce a unique dwelling type to the neighbourhood but also aims to improve the architectural character and identity of Fourth Avenue and the surrounding area. The proposal seeks to uplift the neighborhood and contribute positively to its overall ambiance and livability by injecting a distinct sense of place into Fourth Avenue and its neighboring community.



## Official Plan Amendment

The Subject Lands are designated Residential (**refer to Appendix C**). The OPA application is required to increase the permitted density on the Subject Lands to 100 units per hectare to allow for stacked townhouses on a local road. The City OP permits a maximum density of 75 units per hectare for stacked townhouse units and provides that such development should be located on collector roads.

## Zoning By-law Amendment

The Subject Lands are currently designated 'Light Industrial' in Zoning By-law 79-200. Section 11.2 of the Zoning By-law identifies the permitted uses, currently permitting only employment-centric activities like manufacturing, office-related work, automotive repair shops, warehousing, etc. The ZBA will change the existing zoning designation to Residential Apartment 5C Density Zone (R5C Zone) in accordance with the Niagara Falls Zoning By-Law No. 79-200.

The ZBA is required to facilitate the development of stacked townhouse units on the Subject Lands, with several site-specific zone regulations. These site-specific zone regulations are discussed in Section 8.0 of this PJR.

The proposed amendment will improve the compatibility of the Subject Lands with the surrounding neighbourhood context.

## Future Applications

Future applications for Site Plan approval and Plan of Condominium will be required to ensure that the development is appropriately designed to minimize any negative impacts on the environment and surrounding community, and to allow for the sale of the individual dwelling units. The future Site Plan Agreement will implement phasing of development in line with phasing of site remediation.

### 3.1 Housing Affordability Threshold

Section 4.1 includes anticipated prices for the proposed dwelling units. Furthermore, it identifies how the proposed development fits with Provincial, Regional and City definitions of "affordable".

#### 3.1.1 Proposed Sale Price

Following future Draft Plan of Condominium, whereas the individual units are created, they are intended to be made available for individual ownership and title transfer. The projected rates will vary for each of the proposed unit types. It is anticipated, however, that the sale price for Unit Type 2 will be equal to or less than \$539,460 as shown in **Table 2**. It is important to note that the proposed rates represent a range and may be subject to change depending on market conditions.



Table 2 – Proposed Rates

Unit Type	Unit Size (m <sup>2</sup> )	Proposed Sale Price
1	88	To be determined later
2	76	\$539,460
3	106	To be determined later

### 3.1.2 Defining Affordable

The City OP builds on the Niagara Region’s definition of “affordable” for the purposes of determining conformity and for establishing housing targets.

The PPS, Growth Plan, and the NOP delineate the criteria for defining "affordable" either based on average household incomes (income based) or market rates (market based). For affordable housing meant for individual ownership, rates must adhere to the more stringent affordability criterion between the following two categories, be it income based, or market based.

**Income Based:** *housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low- and moderate-income households; or*

**Market Based:** *housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;*

#### *Income Based (Criteria #1)*

The City of Niagara Falls Housing Strategy (January 2022) summarizes the average household income deciles in Niagara. The city has since adjusted this data for inflation from the 2021 Census, which is shown in **Table 3**:

Table 3 – Niagara’s Lowest Six Income Deciles

Income Level	Decile	Gross Annual Household Income in Niagara Region <sup>2</sup>	Affordable Ownership Rates <sup>3</sup>
<b>Low</b>	1 <sup>st</sup>	<i>Less than \$23,868</i>	<i>At or below \$124,200</i>
<b>Low</b>	2 <sup>nd</sup>	\$23,869 to \$36,288	<i>At or below \$188,784</i>
<b>Low</b>	3 <sup>rd</sup>	\$36,289 to \$48,924	<i>At or below \$254,664</i>
<b>Moderate</b>	4 <sup>th</sup>	\$48,925 to \$64,800	<i>At or below \$337,284</i>
<b>Moderate</b>	5 <sup>th</sup>	\$64,801 to \$84,132	<i>At or below \$438,660</i>
<b>Moderate</b>	6 <sup>th</sup>	\$84,133 to \$103,572	<i>At or below \$539,460</i>

<sup>2</sup> City of Niagara Falls Housing Strategy, January 2022

<sup>3</sup> City of Niagara Falls Housing Strategy, January 2022

The anticipated selling price of Unit Type 2 is projected to comply with the 6<sup>th</sup> income decile which meets the criteria for moderate-income households.

*Market Based (Criteria #2)*

**Table 4** provides the average market sale price for townhouses in the regional market area citing data from the Canadian Real Estate Association. The PPS identifies that affordable market value rate should be at a minimum of 10% below that of the average market value rate in the regional market area.

**Table 4 – CREA - Average Market Price in Niagara**

Unit Type	Average Market Value Rate in Niagara Region <sup>4</sup>	Affordable Market Value Rate in Niagara Region
<b>Townhouse</b>	\$610,950	\$ 549,855

The anticipated selling price of Unit Type 2 is projected to comply with the affordable market value rate in the Niagara Region.

**SUMMARY**

Based on the provided analysis, it is anticipated that twenty-four (24) of the proposed dwelling units, categorized as Unit Type 2, will fall within the valuation range deemed affordable according to both income-based and market-based affordability criteria for townhouse dwelling units in the Niagara Region.

However, it is important to restate that the proposed rates represent a range and may be subject to change depending on market conditions.

**4.0 Supporting Studies Review**

Pre-consultation meetings were held on December 1<sup>st</sup>, 2022 & February 15<sup>th</sup>, 2024. As per the Pre-Consultation Agreement dated February 15<sup>th</sup>, 2024, the following items were deemed necessary for the OPA & ZBA Applications:

1. Planning Justification Report (PJR) including Housing Impact Statement
2. Conceptual Site Plan including Architectural Elevations and Floor Plans
3. Draft Official Plan Amendment and Zoning By-law Amendment
4. Tree Inventory Preservation Plan
5. Noise & Vibration Study
6. Municipal Servicing Study
8. Stormwater Management Report
9. Environmental Site Assessment Phase 1 & 2
10. Land Use Compatibility Study

<sup>4</sup> <https://stats.crea.ca/en-CA/>

11. Employment Land Conversion Criteria
12. Land Registry PIN Sheet

The following studies and plans have been submitted as supporting documentation for the proposed development and should be read and reviewed in conjunction with this PJR. These studies have been prepared by qualified professionals according to industry standards. A review of each document has been undertaken in preparation of this PJR and it is noted that no significant issues have been raised.

#### 4.1 Tree Inventory Preservation Plan

Jackson Arboriculture has prepared a Tree Inventory and Preservation Plan Report (TIPP), dated October 10, 2023, to assess the trees located on the Subject Property, within six (6) metres of the property line and within the road allowance. The study was necessary to determine the impacts of the proposed development to the trees included in the study.

The tree inventory documented a total of fifty-three (53) trees. The results of the impact assessment indicate that the removal of seven (7) trees including Manitoba Maple, Green Ash, Northern Catalpa, Silver Maple, and Siberian Elm, all located on the Subject Lands, will be required to accommodate the proposed development.

The TIPP recommended tree protection measures including the establishment of Tree Protection Zones (TPZ), tree protection fencing and root pruning in accordance with good arboricultural practice.

#### 4.2 Noise & Vibration Study and Land Use Compatibility Study

Aercoustics Engineering Limited prepared a Noise Impact Study and Land Use Compatibility Study, dated February 23, 2024, to determine noise impacts on the planned residential use and consider compatibility conflicts regarding the proposed residential land use with respect to the existing industrial uses and zoning in the area surrounding the Subject Lands. The Study considered the Province's NPC-300 Guidelines (Environmental Noise Guideline - Stationery and Transportation Sources - Approval and Planning) and D-6 Guidelines (Compatibility between Industrial Facilities).

The noise impact component of the study noted that typical construction meeting the requirements of the Ontario Building Code (OBC) can be used. Noise mitigation measures were recommended related to the road and rail traffic including a 2.0-metre high barrier to be installed along the east and north edge of the common amenity area and the future provision of mandatory central air conditioning for units in Buildings B & E along the east façade.

The Land Use Compatibility component of the study confirmed that Niagara Motorsports falls within the minimum recommended separation distances outlined in the D6 Guidelines. The Study concludes that this industrial facility is not expected to be incompatible with the proposed development in the present or future. This study suggests

that the proposed development will not introduce noise-sensitive areas closer to the source of noise (Niagara Motorsports) than what currently exists in the surrounding residential areas to the east and south. In this regard, noise impacts from Niagara Motorsports on the proposed development will be similar to those experienced by existing residential areas nearby.

Furthermore, the lot in which Niagara Motorsports is located is planned for future residential use.

#### 4.3 Functional Servicing Design Brief

Hallex Engineering Ltd. prepared a Functional Servicing Design Brief (FSDB) dated November 15, 2023, to satisfy the request for a Stormwater Management Report.

The FSDB recommends that:

- The post-development storm water runoff to Fourth Avenue will increase by 63.5 L/s for the five-year storm from the maximum allowable flow from the site. As such, storm water detention will be required for the proposed development.
- a minimum 200mm diameter sanitary sewer @ 0.6% to be installed to convey sanitary flows from the proposed stacked townhouse development to the existing 600mm diameter municipal sanitary sewer at Fourth Avenue. The peak dry weather design flow for the proposed stacked townhouse development is determined to be 6.129 L/s. The peak wet weather design flow for the proposed development is determined to be 6.420 L/s.
- a minimum 150mm diameter water service to be installed to provide water supply to the proposed stacked townhouse development from the existing 300mm diameter municipal watermain at Fourth Avenue. The peak hour water demand is expected to be 25.1 L/s.

Modelling of the proposed development is currently being completed by the City's consultant, per the City's Requirements to ensure that municipal infrastructure can effectively accommodate the rates outlined in the FSDB.

#### 4.4 Environmental Site Assessment Phase 1 & 2

Hallex Engineering has prepared a Phase 2 Environmental Site Assessment, dated August 8, 2022, to identify presence of Potentially Contaminating Activities (PCAs) and Area(s) of Potential Environmental Concern' (APECs) located on the Subject Lands or adjacent to the Subject Lands within a 250-metre radius.

The Phase 2 ESA concluded that two (2) on-site Potentially Contaminating Activities (PCA's) and five (5) off-site PCAs resulted in seven (7) Area(s) of Potential Environmental Concern' (APECs) with potential to impact the Subject Lands soil and/or groundwater condition, which include:

- **PCA-1 / APEC-1:** An Underground Storage Tank (UST), located on-site, approximately twenty-metres east of Fourth Avenue was found which contained an unknown substance;
- **PCA-2 / APEC-2:** A decommissioned Historic Railway Spur which was located on-site along the northern section of the Subject lands;
- **PCA-3 / APEC-3:** The industrial shop which is located at 4346 Fourth Avenue, which was an auto-body repair shop since at least the 1970's to the present day;
- **PCA-4 / APEC-4:** The lands located east of the Subject Lands had previously operated as an auto repair garage;
- **PCA-5 / APEC-5:** A Calcium Carbide Plant located at the east adjacent property (4290 Third Avenue) which was removed by 1932;
- **PCA-6 / APEC-6:** The Lands west of the Subject Lands revealed have operated as an auto repair garage from 1975 to 2018;
- **PCA-7 / APEC-7:** A cluster of CN railway lines ran from the eastern portion of the study area to Cyanamid which running along the north adjacent property.

Henceforth, a Phase 2 ESA was required to determine the presence/absence of potential contaminants of concern within the soil.

Eight (8) boreholes were advanced on November 9<sup>th</sup>, 2022. Ten (10) additional boreholes were advanced between March 9<sup>th</sup> and 10<sup>th</sup>, of 2023. The boreholes were advanced to assess the soil condition. All eighteen (18) of these boreholes were converted into monitoring wells, to assess the suitability of the groundwater.

The resulting analysis revealed elevated levels of Metals (i.e. Lead, Arsenic & Cadmium), Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs) and Petroleum Hydrocarbons (PHC's) scattered across the Subject Lands, rendering them unsuitable for residential purposes.

Three (3) areas were identified across the Subject Lands which were identified with exceeding permissible levels of the aforementioned contaminants. Please refer to the submitted ESA for figures displaying each area.

Area 1, which is situated in proximity to the historic railway spur, occupies the northern section of the Subject Lands, was found to contain elevated levels of metals and PAH's.

The soil in Area 2, which is located along the southern portion of the Subject Lands, exhibited exceedances of Metals, VOC's and PHC's which were attributable to Underground Storage Tank (UST). In addition to the aforementioned contaminants present in the soil, a plume of chlorinated solvents was discovered during the groundwater analysis.

Area 3 refers to the localized area which is located on the north-eastern corner of the Subject Lands with trace amounts of Trichloroethylene, which is a VOC.

The remediation process is anticipated to occur in two (2) phases. Phase 1 will include the remediation of Area 1 and Area 3. However, due to the complexities of the chlorinated

solvents found during the groundwater analysis, Area 2 will be addressed during Phase 2.

Following the remediation of the aforementioned contaminants on the Subject Lands in compliance with Provincial Regulation 153-04, the applicant may submit a record of site condition for each Phase; whereby the Lands shall be deemed suitable for residential use.

## 5.0 Planning Policies

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

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.”

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

**Table 5: Analysis of Provincial Interest – Section 2 of Ontario Planning Act**

Section	Provincial Interest	Analysis
<b>a)</b>	<i>the protection of ecological systems, including natural areas, features and functions</i>	No ecological systems are present on the Subject Lands.
<b>b)</b>	<i>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.
<b>c)</b>	<i>the conservation and management of natural resources and the mineral resource base</i>	The proposed development will not impact natural resources or mineral resources.
<b>d)</b>	<i>the conservation of features of significant architectural, cultural, historical, archaeological, or scientific interest</i>	The Subject Lands are mapped as an area of archaeological potential on Schedule K of the NOP. The property is mapped due to the historical settlement of Clifton, historic rail line, and glacier shoreline. Regional Staff have confirmed that based on a review of past aerial

Section	Provincial Interest	Analysis
		imagery, it appears there were several structures located on-site in the 1954 aerial imagery that would have resulted in disturbance to the site. For this reason, Regional Staff do not require an archaeological assessment. Regional Staff recommend that a standard archaeological warning clauses be incorporated into the Site Plan agreement in lieu of an assessment. There are no other significant architectural, historical, or scientifically significant features associated with the Subject Lands.
<b>e)</b>	<i>the supply, efficient use and conservation of energy and water</i>	The proposed development has a compact built-form and density that would optimize the use of existing municipal services and energy.
<b>f)</b>	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The proposed development would optimize existing municipal services which are in proximity to the Subject Lands.
<b>h)</b>	<i>the orderly development of safe and healthy communities</i>	The Applications will facilitate appropriate development standards for intensification, 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.
<b>j)</b>	<i>the adequate provision of a full range of housing, including affordable housing</i>	The Applications would contribute to the range of housing types by adding seventy-two (72) stacked townhouse dwellings units, twenty-four (24) of which are anticipated to be market price affordable dwelling units
<b>k)</b>	<i>the adequate provision of employment opportunities</i>	The proposed development is not anticipated to generate a significant number of long-term employment opportunities. The Subject Lands were



Section	Provincial Interest	Analysis
		redesignated from Industrial to Residential (OPA No. 157). Employment opportunities are anticipated to be located in areas identified as part of the City's Employment Lands Strategy.
<b>l)</b>	<i>the protection of the financial and economic well-being of the Province and its municipalities</i>	The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and reduced on-going infrastructure maintenance costs.
<b>o)</b>	<i>the protection of public health and safety</i>	The applicant will submit record of site condition for each phase, prior to consideration for building permit. This will ensure that the Subject Lands will be in compliance with Ontario Regulation 153/04 under the <i>Environmental Protection Act</i> and be deemed suitable for Residential Use.
<b>p)</b>	<i>the appropriate location of growth and development</i>	The Subject Lands are located within an area that is transitioning from industrial to residential use. Residential use of the Subject Lands is appropriate to avoid land use conflicts between surrounding existing and anticipated residential land uses.
<b>q)</b>	<i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i>	The Subject Lands are conveniently located in proximity to transit options, and existing and planned active transportation options.
<b>r)</b>	<i>the promotion of built form that:</i> <i>i.) is well-designed</i> <i>ii.) encourages a sense of place</i> <i>iii.) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant</i>	The proposed development is well designed and contributes positively to the streetscape by limiting vehicular access points and hardscaping along Fourth Avenue, buffering parking and garages. The Concept Plan also functional for pedestrians and provides several continuous internal walkways within the site.

Section	Provincial Interest	Analysis
s)	the mitigation of greenhouse gas emissions and adaptation to a changing climate	The redevelopment of underutilized parcels and efficient use of lands is expected to reduce automobile use and dependence on fossil fuels.

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

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

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

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

## SUMMARY

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In summary, the proposed development and implementing Applications have regard for matters of public interest.

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

### 5.2 Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The following policies apply regarding the Applications:

#### 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 policy direction with respect to managing and directing land use:

## **POLICY**

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- 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;*
  - b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
  - 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.*

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

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The Applications are consistent with the policies noted above and would facilitate growth and development through intensification within a settlement area per the general direction of the City OP. In particular, the Applications would contribute to the provision of an appropriate range of housing types on an underutilized parcel of land, where infrastructure such as roads, transit and municipal sewage and water services exist. Remediation of the Subject Lands will be required to development to ensure that the Subject Lands are suitable and safe for residential use.

### **5.2.2 Housing**

Section 1.4 of the PPS provides policy direction regarding housing. The following policies are applicable to the proposal:

## **POLICY**

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- 1.4.3. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
- a) *establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
  - b) *permitting and facilitating:*
    - 1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs*

- arising from demographic changes and employment opportunities; and*
2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
  - c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
  - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
  - e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
  - f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

## **ANALYSIS**

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The Applications are consistent with the housing policies outlined in the PPS. The Applications would facilitate the development of stacked townhomes, which will include market price affordable dwelling units on underutilized land, contributing to an expanded range of housing options within a community predominantly characterized by older single-detached housing. The proposed development and associated density would efficiently use land, infrastructure active transportation and transit in proximity to the Subject Lands.

### **5.2.3 Municipal Servicing**

Section 1.6.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

## **POLICY**

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

## ANALYSIS

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The proposed development is a form of intensification that will make use of the City's existing municipal sewage and water services. Please refer to the FSDB which is included with the Applications.

### 5.2.4 Transportation Systems

Section 1.6.7 of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

## POLICY

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- 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

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The Applications would permit appropriate densities to encourage the efficient use of variety of multimodal transportation options in proximity to the Subject Lands including transit (Niagara Region Transit and GO Transit) and active transportation options (NS&T Rail Trail). For these reasons, the Applications are consistent with the transportation systems policies of the PPS.

### 5.2.5 Human-Made Hazards

Section 3.2 of the PPS provides direction on addressing human-made hazards. In the context of these applications, the human-made hazards pertain to the Brownfield lands.

## POLICY

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- 3.2.2 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

## ANALYSIS

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The Phase 2 ESA revealed elevated levels of Metals (i.e. Lead, Arsenic & Cadmium), Volatile Organic Compounds (VOCs), Polycyclic Aromatic Hydrocarbons (PAHs) and Petroleum Hydrocarbons (PHC's) throughout the Subject Lands, rendering them unsuitable for residential purposes at this time.

Remediation of the Subject Lands will be required to ensure compliancy with Ontario Regulation 153/04, under the *Environmental Protection Act* in advance of future residential development and inhabitation.

## SUMMARY

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Based on the foregoing, the proposal is consistent with the policies and direction of the PPS.

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

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") builds on the policies set out in PPS and must be read in conjunction with it.

Section 1.2.1 of the Growth Plan provides the following relevant principles to guide how land is developed, resources are managed and protected, and public dollars are invested:

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

Section 2.1 of the Growth Plan describes the context for the Greater Golden Horseshoe for which the Plan applies, and states:

*...Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields...*

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

## POLICY

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

- 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;*

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

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*
  - i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
- 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.*

## **ANALYSIS**

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The Subject Lands are located within the built boundary of Niagara Falls, in proximity to Employment Lands and a Strategic Growth Area. The Applications will re-purpose under-utilized and non-conforming land to facilitate the development of seventy-two (72) stacked townhouses which is anticipated to include twenty-four (24) market price affordable dwelling units and will be situated along a municipal road equipped with a full range of municipal services.

The proximity to Employment Lands and to a range of multimodal transit options reduces reliance of private automobiles, and contributes to the broader effort to mitigate the effects of climate change.

### **5.3.2 Delineated Built-Up Area**

Section 2.2.2 of the Growth Plan provides the following policies with respect to the Built-up area:

## **POLICY**

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- 2.2.2.1. *By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*
- a) *A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated Built-up area...*
- 2.2.2.2. *Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*
- 2.2.2.3 *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;*
  - d) *ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;*
  - f) *be implemented through official plan policies and designations, updated zoning and other supporting documents.*

## **ANALYSIS**

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The Applications would facilitate intensification of underutilized lands within the delineated Built-up area of Niagara Falls and contribute to the achievement of complete communities through the provision of a full range of housing options in an area supported by convenient access to local stores, and services and multimodal transit options.

### **5.3.3 Employment**

Section 2.2.5 of the Growth Plan provides the following policies with respect to Employment:

## **POLICY**

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- 2.2.5.1 *Economic development and competitiveness in the Greater Golden Horseshoe (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*
- d) *integrating and aligning land use planning and economic development goals and strategies to retain and attract investment and employment.*

2.2.5.14 *Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.*

## **ANALYSIS**

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The City of Niagara Falls passed By-law No. 2023-119 which provided for the adoption of OPA 157. OPA 157 redesignated the Subject Lands, from its previous 'Industrial' designation along with other neighboring Industrial lands to 'Residential'. This amendment reflects the city's acknowledgment of the prevailing land use in the vicinity to the Subject Lands.

It is important to note that the Subject Lands were previously classified as Employment Lands as opposed to Employment Areas which are intended to be safeguarded for long-term employment purposes. Employment Lands have a lower level of protection and can be considered for conversion as the lands have limited ability to accommodate large scale or contiguous employment uses. The city recognized that the continuation of the Industrial designation would serve no economic purpose for several reasons.

- First, the area surrounding the Subject Lands are primarily residential in nature. Despite the site's Industrial designation over an extended period, it had never undergone substantial redevelopment for employment-related purposes.
- Second, the Subject Lands present limited economic potential due to its limited size, which was unsuitable for typical employment uses. For the lands to be properly utilized as employment lands, significant consolidation of properties would be necessary which was unlikely to happen.
- Third, even if land consolidation were successful, introducing new industrial activities into this primarily residential zone would inevitably lead to land use conflicts with nearby residential properties.

The redevelopment of Employment Lands is required to provide for a similar number of jobs to remain accommodated on the site. The previous outdoor recreational use of the Subject Lands was not anticipated to accommodate a significant number of jobs and was discontinued in 2019. Redevelopment of the Subject Lands will not result in a reduction in the number of jobs attributed to the Subject Lands.

### 5.3.4 Housing

Section 2.2.6 of the Growth Plan provides the following policies with respect to housing:

#### **POLICY**

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- 2.2.6.1 *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*
- a) *support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:*
    - i. *identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and*
    - ii. *establishing targets for affordable ownership housing and rental housing;*
- 2.2.6.2 *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*
- a) *planning to accommodate forecasted growth to the horizon of this Plan;*
  - b) *planning to achieve the minimum intensification and density targets in this Plan;*
  - c) *considering the range and mix of housing options and densities of the existing housing stock; and,*
  - d) *planning to diversify their overall housing stock across the municipality.*

#### **ANALYSIS**

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The Applications align with the housing policies of the Growth Plan by promoting an increased range of housing options through the development of stacked townhomes, which is anticipated to include market price affordable dwelling units. The proposed development will contribute towards the achievement of affordable housing targets established by the City.

#### **SUMMARY**

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Based on the foregoing, the Applications conform with and do not conflict with the Growth Plan.

## 5.4 Niagara Official Plan (2022)

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

**Table 6**, below identifies the Regional Schedules pertaining to the Subject Lands:

*Table 6 – Niagara Falls OP Schedules*

No.	Schedule	Subject Land Designation
<b>B</b>	<i>Regional Structure</i>	Urban Area – Built Up Area
<b>J1</b>	<i>Transportation Infrastructure</i>	Fourth Avenue is a local road. Bridge Street, located approximately 260 metres south of the Subject Lands is a Regional Road.
<b>J2</b>	<i>Strategic Cycling Network</i>	The Subject Lands are located in proximity to the Strategic Cycling Network. The nearest Roads which are apart of the Strategic Cycling Network are Thorold Stone Road, Victoria Avenue and Bridge Street. Refer to Schedule J2 located within Appendix B for further details.
<b>K</b>	<i>Areas of Archaeological Potential</i>	The Subject Lands are mapped as within an area of archaeological potential on Schedule K of the NOP due to the historical settlement of Clifton, historic rail line, and glacier shoreline. Pre-consultation notes from February 15, 2024 indicate that an archaeological assessment is not required due to past disturbance to the Subject Lands.

### 5.4.1 Managing Growth

Section 2.2.1 of the NOP provides general direction with respect to managing growth. The following 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:*

- a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational*

- uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
  - d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*
    - i. a range of transportation options, including public transit and active transportation*
  - 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;*
  - g) opportunities for intensification<sup>5</sup>, including infill development, and the redevelopment of brownfields and greyfield sites;*
  - h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
  - i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
  - k) orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
  - 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

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The Applications meet all the above policies for managing growth. In particular, the Applications would facilitate the intensification of brownfield lands with the introduction of seventy-two (72) stacked townhouse units, twenty-four (24) anticipated to be market price affordable dwelling units. The height of the proposed townhouse dwelling units being approximately 9.75 metres to the top of roof with parapets of approximately one (1) metre in height, would fit-in with the surrounding low-rise residential character, and not result in significant impacts regarding shadowing.

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<sup>5</sup> Intensification (PPS): *The development of a property, site or area at a higher density than currently exists through:*

- a. redevelopment, including the reuse of brownfields;*
- b. the development of vacant and/or underutilized lots within previously developed areas;*
- c. infill development*

The Subject Lands are also well-situated to accommodate the proposed level of density due to its proximity to transit, trails cycling facilities. These optimizations of these amenities reduce automobile dependence including demand on municipal roads and is consistent with the aim of establishing compact built-form and complete communities.

#### 5.4.2 Strategic Intensification and Higher Densities

Section 2.2.2. of the NOP provides policies with respect to intensification, as follows:

##### **POLICY**

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

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

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 10,100 units and a 50% intensification rate for Niagara Falls).*

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

2.2.2.9 *Local Area Municipalities may apply different intensification targets throughout their Built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

2.2.2.10 *Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the Built-up area, and avoid or mitigate risks to public health and safety...*
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites...*



## ANALYSIS

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The proposed development meets all policies of the NOP regarding strategic intensification and higher densities. In particular, the Applications will facilitate redevelopment of brownfield sites in accordance with Provincial requirements and contribute to the Region's efforts to reach the intensification targets within the Built-up area in proximity to available transit and available public service facilities.

### 5.4.3 Housing

Section 2.3 of the NOP includes policy which supports the need for housing in the Region.

## POLICY

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

2.3.1.4 *New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:*

a) *facilitating compact built form...*

## ANALYSIS

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The Applications conform with the housing policies outlined in the NOP, promoting compact built-form to facilitate the development of seventy-two (72) dwelling units, including twenty-four (24) anticipated to be market price affordable dwelling units, within a community predominately categorized by single-detached housing types. The proposed development contributes significantly to the diversification of housing options in the settlement area.

### 5.4.4 Provide for Affordable and Attainable Housing and Planning Tools to Achieve Affordable and Attainable Housing

Policies pertaining to affordable and attainable housing are provided in Sections 2.3.2 and 2.3.3 of the NOP, as follows:

## POLICY

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

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

- 2.3.2.5 *Affordable housing, specialized housing needs, and community housing should be located:*
- a) *in areas with existing or planned municipal water and wastewater services/systems and urban amenities;*
  - b) *near existing or planned transit, including higher order transit and frequent transit service, and active transportation facilities; and*
  - c) *near public service facilities, especially community hubs.*
- 2.3.3.1 *The following tools will be considered to support the development of affordable and attainable housing:*
- a) *flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;*
  - d) *the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*
  - e) *site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards...*

## **ANALYSIS**

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The proposed development will contribute to the affordable housing stock in the Niagara Region by facilitating the development of twenty-four (24) market price affordable dwelling units in a settlement area serviced by municipal water and wastewater and near a variety of multimodal transit options. The proposed site-specific relief, including reduced parking requirements, as detailed in Section 7.0 of this PJR, are necessary to permit the proposed number of dwelling units.

### **5.4.5 Redevelopment of Employment Lands**

Policies pertaining to the redevelopment of Employment Lands are provided in Section 4.2.5 of the NOP, as follows:

## **POLICY**

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- 4.2.5.1 *Any proposed redevelopment of non-employment uses on employment land, outside of employment areas, shall retain space for a similar number of jobs to remain accommodated on site.*
- 4.2.5.2 *Local official plans may contain criteria for employment land redevelopment to nonemployment uses outside of an employment area. If Local criteria are unavailable, the Region and Local Area Municipalities may use the Region's Employment Land Redevelopment Criteria Guideline identified in Appendix 3.*

- 4.2.5.3 *The Region and Local Area Municipalities shall discourage any redevelopment of employment land that may restrict the ability for nearby existing or planned employment uses to operate or expand.*

The NOP defines Employment Lands as follows:

*Lands that are designated in Local official plans or zoning by-laws for employment uses. Employment lands may be within and outside of employment areas.*

## **ANALYSIS**

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Following the adoption of OPA 157, the Subject Lands are no longer designated for employment uses. However, the lands are still zoned for employment uses which does not conform to the City's Official Plan. The NOP considers the site to be Employment Lands by definition, since they are zoned for employment uses.

The City of Niagara Falls, through OPA 157 used a set of criteria evaluate the change in land use and determined that a redevelopment to non-employment uses was appropriate. In this regard, Policy 4.2.5.2 is not applicable.

With respect to Policy 4.2.5.1, the previous outdoor recreational use of the Subject Lands was not anticipated to accommodate a significant number of jobs working in the office/shop and was discontinued in 2019. It is anticipated that a greater number of jobs will be generated on the Subject Lands through "work at home" than were attributable when the outdoor recreational use was functioning.

With regard to Policy 4.2.5.3, in considering that the surrounding lands include a mix of both employment and residential uses, redevelopment of the Subject Lands for residential purposes would not create any new land use compatibility conflicts that would prohibit nearby existing or planned employment uses to operate or expand.

### **5.4.6 Infrastructure**

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

## **POLICY**

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

- 5.2.2.2 *Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*
- 5.2.2.4 *Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

## **Section 5.2.5 - Stormwater Management and the Planning Process**

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

## **ANALYSIS**

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The FSDB, which has been submitted with these applications, provides the municipality with the functional sizing of the proposed storm, sanitary and water services in addition to the post-development flows from the site to determine the impact on the existing municipal infrastructure. This enables the municipality to evaluate its impact on the current municipal infrastructure, prior to development.

### **5.4.7 Built Form and Active Transportation**

Sections 6.2 and 6.3 of the NOP include urban design and healthy community policies to be considered in planning matters.

## **POLICY**

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### **Section 6.2.1 – Excellence in Urban Design**

- 6.2.1.8 *The Region shall promote:*
- a) *the creation of liveable and vibrant urban areas and streets.*
  - b) *community design that:...*
    - iii. *encourages a mix of land uses, a vibrant public realm and compact built form.*
  - d) *well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity.*

### **Section 6.2.3 - Tools for Urban Design Implementation**

- 6.2.3.3 *The Region shall:*
- a) *require development, public works projects and public service facilities to use the Region’s Model Urban Design Guidelines in the absence of Local municipal urban design guidelines, as applicable...*

### **Section 6.3.1 – Plan Healthy and Safe Communities**

- 6.3.1.1 *The Region shall support healthy communities by:*
- a) *creating built form that provides healthy living.*
  - b) *planning for all ages, incomes, abilities and populations; and,*
  - c) *supporting walkable and bikeable neighbourhoods through active transportation.*

6.3.1.5 *Sites with contaminants in land or water shall be assessed and remediated as necessary prior to any activity on the site associated with the proposed use such that there will be no adverse effects.*

## ANALYSIS

The proposed development would facilitate well-designed and compact built form, which will rejuvenate an under-utilized brownfield parcel of land, contributing to a variety of housing options necessary to accommodate a resident of a range of ages, incomes, abilities, as encouraged in the NOP.

The approaches to implement Regional direction regarding design and planning for healthy and safety communities are described in the analysis of the Region's Model Urban Design Guidelines included in the following sections.

Prior to residential development, the brownfield land shall undergo remediation to compliance with Ontario Regulation 153/04 under the *Environmental Protection Act*, whereby it will be deemed suitable for residential use and occupancy.

## SUMMARY

Based on the foregoing, and subject to having appropriate regard to the Region's Model Urban Design Guidelines as described in the following section, the proposed development conforms with the policies of the NOP by providing attainable housing in a Built-up area which supports a walkable and transit-oriented neighborhood and contributes to urban design excellence.

## 5.5 Model Urban Design Guidelines

### 5.5.1 The Region's Smart Growth Principles

The Niagara Region has identified a series of guiding principles used to facilitate urban design approach in municipalities.

The relevant design principles to this proposal are as follows:

*Table 7 – Relevant Design Principles*

Smart Growth Principle	How that Goal is Accomplished
<b><i>Promote Compact Built Form.</i></b>	The Applications would facilitate compact built form on an under-utilized lot that is of higher density than majority of surrounding neighbourhood, while still maintain the established low-rise built-form.
<b><i>Offer a range of housing opportunities and choices.</i></b>	The Applications facilitate stacked townhouses with three (3) different unit sizes. The development is located in an area predominantly comprised of single-detached homes, thus diversifying the range of housing choices in

	the area. Garages are located to the rear of the buildings, and surface parking is proposed at the rear of the Subject Lands to minimize impacts on the streetscape.
<b><i>Produce walkable neighbourhoods and communities.</i></b>	The proposed development supports walking and bicycling, aligning with sustainable and active transportation options. It is located in proximity to the Niagara Strategic Cycling Network and the NS&T Rail Trail, which is anticipated to be completed in the future. The proposed development encourages active transportation by ensuring that buildings have minimum, regularly spaced setbacks to aid in the comfort and safety of the streetscape realm. The proposed development further encourages walking by minimizing vehicular access to the Subject Lands.
<b><i>Foster attractive communities and a sense of place.</i></b>	The Applications would facilitate street-oriented architectural design to ensure that the development would be integrated with the surrounding neighbourhood.
<b><i>Direct development into existing communities.</i></b>	The Applications facilitate compact built form on an under-utilized lot within the existing Built-up Boundary of Niagara Falls.
<b><i>Make development predictable and cost effective.</i></b>	The proposed development has direct access to existing municipal watermains, sanitary sewers and storm sewers along Fourth Avenue, which contributes to the cost-effectiveness of the project.

### 5.5.2 Private Realm

Section 4a of the Model Urban Design Guidelines include urban design and healthy community policies to be considered in planning matters related to the private realm of residential development.

#### 5.5.2.1 Design Principles

Section 4a.1 of the Model Urban Design Guidelines include general design principles to follow within the Region. The following are applicable.

### **POLICY**

3. *A full range of housing types (i.e., detached, semi-detached, townhouse, apartments) and tenures (for sale, rent, affordable, and aged-care) should be provided so as to provide options for a wide*

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range of residents/family types (i.e. single parents, couples, families with children, seniors, people with special needs, and others). A range of housing types will address changes in market conditions and provide flexibility for people at a variety of income levels...

## ANALYSIS

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The Applications facilitate the introduction of stacked townhouses in an area which is predominantly comprised of low-density residential units.

### 5.5.2.2 Building Variation & Density

Section 4a.2 of the Model Urban Design Guidelines include policies related to Building Variation & Density. The following are applicable.

## POLICY

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- a) *Housing variety should be achieved on each street and block as a means of strengthening neighbourhood character and identity. Repetition of house type, size and design (style, elevation, materials, etc.) should therefore be avoided.*
- b) *A full range of housing types (i.e., detached, semidetached, townhouse, apartments) should be provided to promote variety and diversity, and to address changes in market conditions.*
- d) *Residential density should be increased at appropriate locations to promote transit use. Density is the ratio of residential units on a given area of land, and is typically measured in dwelling units per acre. The following table outlines the target net densities (area exclusive of roads) for common housing types.*

Type	Density
Single Detached	Up to 10 units / acre
Semi Detached	Up to 20 units / acre
Town House	Up to 40 units / acre
Apartment	Over 25 units / acre

## ANALYSIS

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The proposed development introduces stacked townhouses, a unique housing typology compared to the surrounding residential area. These stacked townhouses are planned at a density of 40 units per acre (99 units per hectare), aligning with the density criteria outlined in the Model Urban Design Guidelines.

### 5.5.2.3 Orientation

Section 4a.3 of the Model Urban Design Guidelines include policies related to Building Orientation. The following are applicable.



## POLICY

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- a) *All housing should face adjacent streets and open spaces. Rear lotting should not be permitted unless it is required to achieve a reasonable design objective (such as to limit access to environmentally sensitive open space).*

## ANALYSIS

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The proposed development includes frontage directly onto Fourth Avenue. Rear stacked townhouse blocks will face private interior streets, providing sidewalk access to ensure safe passage for residents throughout Subject Lands.

### 5.5.2.4 Architectural Features

Section 4a.7 of the Model Urban Design Guidelines include policies related to Architectural Features. The following are applicable.

## POLICY

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- a) *Architecture expressed throughout residential buildings should be varied and recognize its local context.*
- b) *Despite the use of various architectural styles, quality should be consistent and building materials and finishes should be complementary.*
- c) *Consistent rhythms of similar but not identical details and architectural elements should be used to reinforce the streetscape and a strong neighbourhood image.*

## ANALYSIS

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The proposed development showcases high-quality architectural design elements, including brick veneer, stucco, and hardie cement board finishes. Additionally, aluminum-clad frieze, trims, and flashings, along with glass and aluminum guardrails, are incorporated into the proposed stacked townhouses. These high-quality building materials enhance the architectural character of the surrounding area, elevating its overall aesthetic appeal.

### 5.5.2.5 Apartment & Mixed-Use Buildings

Section 4a.9 of the Model Urban Design Guidelines include policies related to Apartment & Mixed-Use Buildings. The following are applicable.

## POLICY

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- i) *Outdoor amenity areas should be provided wherever possible, either at the front, side, or rear of the building. Outdoor amenity space is preferably located adjacent to indoor recreation space, in view of residential units, and at a location that receives direct sunlight.*
- j) *Outdoor amenity areas may be provided as an external garden area, rooftop terrace. Roof terraces require planting, screening, and wind shelter to promote comfort and safety.*

## ANALYSIS

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While the proposed development are not categorized as either apartments or mixed use, the principles of outdoor amenity areas continue to apply.

The proposed development incorporates outdoor amenity spaces spread throughout the Subject Lands, primarily situated towards the rear of the property where a large, grassed area is planned. Additionally, outdoor seating is proposed alongside the private road. Each of the proposed units features access to either an outdoor porch or private balconies, designed to accommodate outdoor seating comfortably.

### 5.5.3 Off Street Surface Parking

Section 4f of the Model Urban Design Guidelines include urban design and healthy community policies to be considered in planning matters related to off-street surface parking.

#### 5.5.3.1 Layout & Orientation

Section 4f.2 of the Model Urban Design Guidelines include policies related to the Layout and Orientation of private parking lots. The following are applicable.

## POLICY

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1. *No more than 50% of the total off-street parking area for 'large format' development (10% for all other non-residential), should be located between the front façade of the principal buildings and the adjacent public street. Parking should be located at the rear or behind buildings.*
2. *Internal vehicular routes should be clearly defined by raised and curbed landscape islands planted with trees and low-level vegetation. Internal drive aisles should be a minimum 6.0m wide. Parking bay dimensions should comply with municipal standards.*
3. *Parking aisles should not exceed 30 contiguous spaces in length and should have a consistent design angle perpendicular to primary building entrances.*

4. *Designated handicapped and mobility impaired parking spaces should be located as close as possible to building entrances and be clearly identified by signs or markings.*

## **ANALYSIS**

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Off-street surface parking is positioned towards the rear of the Subject Lands, located behind the proposed residential development. The majority of parking spaces are located within private parking bays which are in adherence to minimum parking standards. Accessible parking spaces are clearly designated and conveniently located near the proposed residential units.

### *5.5.3.2 Landscape Buffers*

Section 4f.3 of the Model Urban Design Guidelines include policies related to Landscape Buffers of off-street private parking lots. The following are applicable.

## **POLICY**

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- a) *High quality landscaping treatments should be used to define site boundaries, provide buffers between adjoining developments, and screen storage and utility areas.*
- b) *The property setback of all parking areas should provide a landscaped area a minimum of 3.0m wide.*

## **ANALYSIS**

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A Landscape buffer is planned along the circumference of the subject lands, enhancing aesthetics and privacy.

The Landscape Buffer is a minimum of 3-metres wide with two (2) exceptions. Two (2) turn-around spaces located along the south property line in the rear parking lot are situated within the 3-meter landscape buffer. Furthermore, the landscape buffer is approximately 1.5-metres in width along the northern property line adjacent to the 4290 Third Avenue property. Although this area is presently wooded and anticipated to be compatible with the proposed parking lot, there is a possibility of future conflicts if residential development occurs on that property. During Site Plan Approval, there is the opportunity to consider introducing a fence along the property line as a proactive measure to address any potential compatibility issues.

### *5.5.3.3 Pedestrian Access*

Section 4f.4 of the Model Urban Design Guidelines include policies which are related to pedestrian access within parking areas. The following are applicable.

## POLICY

- a) *Pedestrian walkways should be contiguous to main drive aisles opposite primary building entrances to enable safe and direct pedestrian movements.*
- c) *Walkways should be a minimum of 3.5m wide, including a pedestrian zone of 1.5m wide and a landscaping zone of 2.0m wide.*

## ANALYSIS

A 1.5-metre-wide sidewalk is proposed alongside the internal roadway to enable safe and direct pedestrian movements throughout the Subject Lands. Adjacent to the sidewalks, landscape strips will feature various forms of vegetation and potential seating areas, enhancing the overall pedestrian experience.

## SUMMARY

Based on the foregoing analysis, the Applications conform with the Model Urban Design Guidelines.

### 5.6 City of Niagara Falls Official Plan

The City OP provides policy direction for development. The City OP includes the following designations for the Subject Lands which are provided in accordance with **Table 8**.

*Table 8 – Niagara Falls OP Schedules*

No.	Schedule	Subject Land Designation
<b>A</b>	<i>Future Land Use</i>	Urban Area – Residential
<b>A2</b>	<i>Urban Structure Plan</i>	Built-up Area
<b>C</b>	<i>Roads</i>	Fourth Avenue, Local Roads
<b>D</b>	<i>Communities</i>	The Subject Lands are in the Elgin Community Planning District
<b>APPENDIX V</b>	<i>Community Improvement Areas</i>	The Subject Lands are located within the Valley Way / Bridge Area, which is identified as a Residential Community Improvement Project Area.

#### 5.6.1 Growth Objectives

Part 1, Section 2 of the City OP provides objectives and policies to guide 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.*
5. *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
7. *To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015.*
9. *To encourage alternative forms of transportation such as walking, cycling and public transit.*
14. *To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”.*

## **POLICY**

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- 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.*

## **ANALYSIS**

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The Applications will re-purpose and facilitate intensification of an underutilized brownfield lot through the introduction of seventy-two (72) stacked townhouse dwelling units including twenty-four (24) anticipated market price affordable dwelling units which have access to existing municipal infrastructure and a variety of multimodal transportation options. The proposed development will assist the city increase its supply of affordable housing options within the Built-up area.

### **5.6.2 Intensification**

Part 1, Section 3 of the City OP provides strategic direction for increased densities within the Built Area Boundary. The following policies are relevant to the proposal:

## **OBJECTIVES**

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- 3.1 *Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site-specific zoning by-law amendment whereby individual proposals can be publicly assessed...*
- 3.4 *The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5(iii) of this Plan.*



## ANALYSIS

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The City OP contemplates residential intensification of the Subject Lands. An OPA is required to permit increased densities. A site-specific Zoning By-law Amendment is proposed to permit residential use on the Subject Lands, as well as zoning standards required to support the proposed development. Site-specific zoning standards are discussed in Section 7.0 of this PJR.

### 5.6.3 Housing

Part 1, Section 4 of the City OP provides policies related to housing. The following applies to the Applications:

## GOALS

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

## POLICY

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- 4.1 *The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:*
  - *Provide opportunities for the development of affordable housing across the municipality*
  - *Establish targets for affordable housing*
  - *Promote a greater diversity of housing types*
- 4.3 *Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:*
  - 4.3.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*
  - 4.3.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
- 4.6 *The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.*

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

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

- a) *135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region’s definition of affordable (moderate-income households).*

## ANALYSIS

The Applications conform with the goals and policies of the housing goals of the City OP by contributing to the range of unit types and unit sizes in the City. Twenty-four (24) of the proposed dwelling units are also anticipated to be affordable to low- and moderate-income households, contributing to the City’s affordable housing targets, as discussed in Section 3.1 of this PJR.

### 5.6.4 Housing Impact Statement

Part 1, Section 4, Policy 4.4 requires the submission of a housing impact statement with an application for Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium.

The following is an analysis of the information required to be submitted with the housing impact statement:

## POLICY & ANALYSIS

**Table 9 – Housing Impact Statement Criteria**

Section	Policy	Analysis
4.4 a)	<i>The proposed housing mix by dwelling type and number of bedrooms, as applicable;</i>	There are five (5) stacked townhouse buildings proposed on the Subject Lands which include seventy-two (72) two-bedroom dwelling units.
4.4 b)	<i>How the proposal contributes to achieving the City’s annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);</i>	The proposed development will contribute twenty-four (24) units to the annual target of 135 units as outlined in criterion (a) where each unit is constructed with a purchase or rental price at or below the specified

		threshold for affordability, as per the criteria outlined in the Niagara Region's definition of affordable housing. The proposed development would not contribute to criterion (b).
4.4 c)	<i>The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;</i>	The anticipated sale price for Unit Type 2 in the development is projected to be equal to or less than \$539,560, representing a reduction of over 10% compared to the average market value of townhouse dwelling units. It is recognized that this rate is subject to change depending on market conditions.
4.4 d)	<i>Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable;</i>	Phasing will occur in line with phasing of the remediation plan. The south part of the property has more substantial contamination. The two (2) buildings proposed to be located along the north property line will be built first.  One-third of the proposed dwelling units are projected to meet the City's definition of affordable.
4.4 e)	<i>The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.</i>	This policy is not applicable regarding the proposed development.

### 5.6.5 Residential – General Policies

Part 2, Sections 1.1 through 1.8 provide general policies regarding residential development. The following apply:

#### **POLICY**

- 1.1 *The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.*

- 1.7 *All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.*
- 1.8 *Exposure of new residential development to less compatible land uses such as arterial roadways, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.*

## ANALYSIS

The proposed stacked townhouse dwelling units are contemplated as a predominant use in the City OP.

To ensure the proposed development is compatible with the surrounding uses, a Noise Impact and Land Use Compatibility Study by Aercoustics Engineering Limited, assessed noise impacts and compatibility with existing industrial uses near the Subject Lands. The study recommended standard construction practices to meet Ontario Building Code requirements. Noise mitigation measures include installing a 2.0-metre high barrier along the east and north edges of the common amenity area and requiring central air conditioning for specific units. The study found that Niagara Motorsports is within recommended separation distance, as governed by the Province, but concluded that the industrial use is not anticipated to cause compatibility issues. Please refer to the Land use compatibility study included with this application for further information.

### 5.6.6 Residential – Built-Up Area Policies

Part 2, Section 1, Policy 1.10 applies to residential intensification in the Built-up Area. The policy provides that “intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood.” As per the policy, the following is required to be considered in the design of residential development, intensification, and infilling:

## POLICY & ANALYSIS

**Table 10 – Considerations for Design of Residential Development, Intensification, and Infilling**

Section	Policy	Analysis
1.10.1	<i>The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.</i>	The surrounding neighborhood comprises mostly single-detached dwellings. However, across the road from the Subject Lands, there are 100 stacked townhouses known as the Clifton Modern Towns. The proposed development is compatible



		with the evolving residential character.
1.10.2	<i>A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low-rise dwellings in order to ensure a complementary arrangement of residential uses.</i>	<p>The Subject Lands are adjacent to one single-detached dwelling unit on Third Avenue and in proximity to several single-detached residential dwellings on Third Avenue and Fourth Avenue. Single-detached dwellings in proximity to the Subject Lands are zoned Residential Two Zone (R2 Zone). The R2 Zone permits a maximum building height of 10 metres. The architectural elevations together with the draft Zoning By-law Amendment would permit a height of 11-metres.</p> <p>The proposed density is equal to approximately 99 units per hectare. While this exceeds the surrounding low-density residential, it is comparable to the Clifton Modern Towns located north of the Subject Lands which has a density of approximately 75 units per hectare.</p>
1.10.3	<i>Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.</i>	The proposed development introduces increased density compared to the surrounding residential area. The introduction of stacked townhouses will promote increased provide increased range of housing typologies in the area.
1.10.5	<i>Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed</i>	Despite being a local road, the precedent of stacked townhouse developments has been established along Fourth Avenue. The Applications would facilitate the development of stacked townhouses in a neighborhood predominantly characterized by single-detached dwelling units, contributing to the overall mix of housing. An OPA is necessary to increase the permitted

	<p><i>indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:</i></p> <p><i>ii) Stacked townhouses, apartments, and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.</i></p>	<p>density included in the City OP and to also permit stacked townhouses on local roads. Despite the required increase in density, the proposed stacked townhouses would still be less than the maximum contemplated height in the Official Plan for stacked townhouse and remain compatible with the surrounding built-form.</p> <p>Site-specific zoning regulations and their intended analysis are included within Section 8.0 of this report.</p>
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### 5.6.7 Municipal Infrastructure

Part 3 Section 1 of the City OP provides policies related to municipal infrastructure. The following policies apply:

#### **POLICY**

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#### **Section 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.*

#### **Section 1.3 – Storm Drainage**

**1.3.1** *It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.*

*Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

## **ANALYSIS**

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The FSDB indicates availability of a 600 mm concrete municipal storm sewer and a 600 mm concrete municipal sanitary sewer, both which drains south towards Hamilton Street. There is also a 300mm PVC municipal watermain at Fourth Avenue. Required connections to municipal infrastructure and stormwater management approaches are described in Section 4.3 of this PJR.

### **5.6.8 Energy Conservation**

Part 3, Section 3.1 of the City OP includes the following policies to promote opportunities for energy efficiency, with particular emphasis on development designs which minimize energy consumption:

## **ANALYSIS**

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*3.1.1 The City shall encourage an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. A complementary arrangement and mix of uses which minimizes land use conflicts but also allows for integration shall be encouraged...*

*3.1.1.1 A compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate.*

## **ANALYSIS**

---

The Applications would facilitate intensification in proximity to transit routes, and several commercial and employment opportunities, thereby reducing anticipated automobile use and dependence when compared to sprawled forms of development.

### **5.6.9 Urban Design Strategy**

Part 3, Section 5 of the City OP includes the following policies regarding Urban Design:

## **POLICY**

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*5.1 New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life.*

*Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.*

- 5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*
- 5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*
- 5.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or side yards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*
- 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.*

## **ANALYSIS**

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The Applications conform with the above urban design policies of the City OP. The proposed development is designed to complement the residential uses along the street in regard to building mass, orientation, setbacks from the public street. The proposed stacked townhouses are also in general alignment with permissions for surrounding lands regarding height, setbacks, massing, and siting, as analyzed in Section 7.0 of this PJR. The Subject Lands would be accessed through a shared entrance off Fourth Avenue, which would mitigate the impact of hardscaping on the streetscape and maintain sidewalk continuity along Fourth Avenue. Parking would be located within garages accessed at the rear of the buildings, and all surface parking would be situated at the rear of the Subject Lands, concealed by the proposed residential structures.

## **SUMMARY**

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To summarize, the Applications conform with the overarching vision set forth in the City OP. The Applications would facilitate the redevelopment of brownfield lands by permitting a stacked-townhouse development on lands designated for residential use, contributing to the range and mix of housing types. Despite the OPA required for increased density, the proposed development would conform to the Urban Design policies of the City OP. In



particular, the proposed stacked townhouses would have heights, setbacks, massing, siting and architecture compatible with the surrounding low-rise residential built-form.

## 6.0 Proposed Official Plan Amendment

The OPA application is required to increase the permitted density on the Subject Lands to 100 units per hectare to allow for stacked townhouses on a local road. Part 2, Policy 1.10.5(ii) of the City OP permits a maximum density of 75 units per hectare and provides that such development should be located on collector roads.

Part 4, Policy 2.6 of the City OP requires that Council shall consider the following matters when considering an amendment to the City OP:

### POLICY & ANALYSIS

*Table 11 – OPA Criteria Assessment for Proposed Development*

Section	Criteria	Proposed Development
2.6.1	<i>The conformity of the proposal to the general objectives of this Plan.</i>	The proposed development would conform to the Growth Objectives as described in Section 5.6.1 of this PJR.
2.6.2	<i>Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.</i>	The Subject Lands are well-suited for the proposed development, being designated for Residential use in the City OP. Though presently zoned for industrial use, reverting to industrial activity would likely be incompatible with the surrounding residential neighbourhood.
2.6.3	<i>Compatibility of the proposed use with adjacent land use designations and natural resources.</i>	There are no known natural resources located on or adjacent to the Subject Lands. The proposed development is compatible with existing and planned residential uses abutting the Subject Lands and will maintain the surrounding low-rise residential built-form, ensuring that any potential impacts are minimized.  Noise & Vibration Study and Land Use Compatibility Study concluded that only one industry (Niagara Motorsports) falls within the recommended minimum separation distance per Guideline D-6; however, the report concludes it is not expected to be incompatible with the proposed development in the present or future.
2.6.4	<i>The need for and market feasibility of the proposed use.</i>	Section 5.5 of the PJR discusses how the proposed development is needed to contribute to the City's intensification targets and provide for a variety of housing

Section	Criteria	Proposed Development
		forms and tenures to meet the goals and policies in the City OP. There is a demonstrated need for a range of housing options including affordable housing in the City.
<b>2.6.5</b>	<i>The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.</i>	The Subject Lands are designated Residential in the City OP, which contemplates stacked townhouse dwellings.
<b>2.6.6</b>	<i>The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.</i>	There are municipal services available to support the proposed development; please refer to the FSDB prepared by Hallex Engineering for more details. There are no significant impacts anticipated to the transportation system, community facilities or the natural environment.
<b>2.6.7</b>	<i>The financial implications of the proposed development.</i>	No direct financial implications are anticipated except for an increase in land assessment and tax revenue. The proposed development would also optimize the use of existing municipal infrastructure.
<b>2.6.8</b>	<i>The protection of specialty crop land as defined in the Provincial Policy Statement from development.</i>	Not applicable. The Subject Lands are not speciality crop land.
<b>2.6.9</b>	<i>Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.</i>	There are no cross-jurisdictional issues.
<b>2.6.10</b>	<i>Compliance with a Comprehensive Review prepared by the City when considering the conversion of employment areas including an area of employment, to another land use category, except where the conversion is proposed within an area identified as a Community Improvement Plan Area in this Plan in which case a Comprehensive Review as defined by the Provincial Places to Grow Growth Plan has been initiated or adopted by the City.</i>	Not applicable.

The proposed OPA meets the above criteria for considering an OPA. A Draft OPA is provided in **Appendix E**.

## 7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Light Industrial (LI Zone) in accordance with Zoning By-law No. 79-200. The ZBA proposes to change the existing LI zoning designation on the Subject Lands to a Residential Apartment 5C Density (R5C) Zone, incorporating site-specific regulations to facilitate the proposed development.

The site-specific zoning regulations pertain to the following:

- Minimum Front Yard Depth
- Minimum Interior Side Yard Width
- Maximum Building Height
- Minimum Parking Requirement
- Minimum Landscaped Open Space
- Minimum Aisle Width
- Minimum Amenity Space

A Draft ZBA is provided in **Appendix F**.

*Table 12 – Zoning Regulations*

REGULATION	R5C ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	a) Apartment b) Stacked Townhouses	Stacked Townhouses	<b>Yes</b>
<b>Minimum lot area</b>	100 m <sup>2</sup> for each dwelling unit (Required = 100 x 72 units = 7,200 m <sup>2</sup> )	100 m <sup>2</sup> for each dwelling unit (Developable area = 7,268.29 m <sup>2</sup> / 72 = 100.95m <sup>2</sup> )	<b>Yes</b>
<b>Minimum lot frontage</b>	30 metres	86.55 metres	<b>Yes</b>
<b>Minimum front yard depth</b>	7.5 metres plus any applicable distance specified in section 4.27.1 (Fourth Avenue not included in section 4.27.1)	5.5 metres	<b>No</b>
<b>Minimum Rear Yard Depth</b>	10 metres (32.8 ft.) plus any applicable distance specified in section 4.27.1	16.5 metres and 30.84 metres	<b>Yes</b>
<b>Minimum interior side yard width</b>	one-half the height of the building (Required = 10.77m / 2 = 4.875 m)	4.5 metres	<b>No</b>

4280 Fourth Avenue. Niagara Falls, Ontario - Planning Justification Report

<b>Minimum exterior side yard width</b>	7.5 metres plus any applicable distance specified in section 4.27.1	N/A	<b>N/A</b>
<b>Maximum lot coverage</b>	30%	29.66%	<b>Yes</b>
<b>Maximum height of building or structure</b>	19.0 metres	9.75 metres By-law request = 11 metres	<b>Yes</b>
<b>Number of apartment dwellings on one lot</b>	One only	<b>N/A</b>	<b>N/A</b>
<b>Parking and access requirements</b>	1.4 Parking Spaces per unit = 101 Parking Spaces	1.25 Parking Spaces per unit = 90 Parking Spaces	<b>No</b>
<b>Minimum landscaped open space</b>	40% of the lot area	21.24%	<b>No</b>
<b>Section 4. General Provisions</b>			
<b>Parking Areas (Section 4.19)</b>	<u>Table 2 Surface Parking Area</u> Parking Stall Dimensions: 2.75 m (min) x 6 m	Parking Stall Dimensions: 2.75 m (min) x 6.0 m	<b>Yes</b>
	Aisle width: 6.9 m	Aisle width: 6.0 m	<b>No</b>
<b>Road Allowance Requirements (Section 4.27)</b>	Fourth Avenue (Not referenced)	N/A	<b>N/A</b>
<b>Minimum Amenity Space</b>	Minimum amenity area of 20m <sup>2</sup> per dwelling unit shall be provided. Required: 1,440 m <sup>2</sup>	Proposed: 1,062.64 m <sup>2</sup> (14.75 m <sup>2</sup> / dwelling unit)	<b>No</b>
<b>Zoning By-Law Number 2019-44</b>			
<b>Minimum number of Designated Parking Spaces to be reserved for Persons with Disabilities</b>	4% of total number of parking spaces, rounded up to the nearest whole number.  90 x 0.04 = 3.6 Parking Spaces = 4 Designated Parking Spaces.	Four (4) Accessible Parking Spaces	<b>Yes</b>

<b>Accessible Parking Stall Dimensions</b>	Dimensions: 3.9 m (min) x 6.0 m Marked with appropriate white pavement markings (Lines and handicapped symbol located on hard surface)	3.9 m x 6.0 m	<b>Yes</b>
	Each designated parking space shall have access aisle (can be shared between designated parking spaces) which is: a) Minimum Width of 1.5 m b) Extend full length of designated parking space. c) Be marked with diagonal lines where surface is asphalt, concrete or some other hard surface.	Each designated parking space includes an access aisle which meets the noted requirements.	<b>Yes</b>

### **Minimum Front Yard Depth**

**Required:** 7.5 metres

**Proposed:** 5.5 metres

Front yard setbacks are necessary to maintain a consistent, uniform streetscape and visual appeal by preventing buildings from encroaching too close to the street and are also necessary for pedestrian safety and comfort by providing, landscaping, room for trees necessary to enhance the pedestrian experience. Surrounding residential lands are primarily in the R2 Zone. The R2 zone requires a 6-metre front yard setback. Based on Niagara Navigator, dwellings along Fourth Avenue, north of Hamilton Street appear to be setback between 5 metres and 6 metres. The proposed front yard setback would maintain the consistent, uniform streetscape and provide for a sufficient landscape buffer adjacent to the sidewalk necessary to enhance the pedestrian experience.

### **Minimum Interior side yard width**

**Required:** 4.875 metres

**Proposed:** 4.5 metres

The purpose of the interior side yard setbacks is to ensure sufficient space between the proposed development and neighboring structures to ensure that significant impacts are avoided. Lands affected by the reduced interior side yard setback include residential use and Niagara Motorsports to the south, and the former NS&T Historic Railway Corridor and an abandoned warehouse planned for future residential use to the north and east. The proposed interior side yard setback exceeds the required interior side yard setbacks for dwellings in the R2 Zone that prevail in the neighbourhood. Provided that the



development is restricted to a height that is in keeping with the prevailing neighbourhood character, the reduced interior side yard setback is not anticipated to result in substantive impacts on existing or planned future residential uses. Additionally, as per the Noise Impact Study and Land Use Compatibility Study prepared by acoustics the proposed residential development is not anticipated to result in any land use compatibility concerns with any existing industrial uses in proximity to the Subject Lands, including Niagara Motorsports located directly to the south.

### **Maximum Building Height**

**Permitted:** 19.0 metres

**Proposed:** 11.0 metres

The proposed building height is 9.75 metres to the top of roof and 10.77 metres to the top of the decorative parapet. The maximum building height permitted in the Zoning By-law for the R5C residential zone is 19-metres. A zoning amendment will establish a reduced maximum building height of eleven (11) meters for the Subject Lands to restrict development which may be deemed incompatible with the surrounding residential buildings.

### **Parking and Access requirements**

**Required:** 101 spaces (1.40 parking spaces per unit)

**Proposed:** 90 spaces (1.25 parking spaces per unit)

Although a Parking Impact Study has not been completed for the proposed development, the reduction is appropriate for the following reasons:

- the presence of public transit and active transportation options in proximity to the Subject Lands,
- the proximity of the Subject Lands to a mix of uses including commercial uses, and
- the proximity of the Subject Lands to the Transit Station Secondary Plan area which is expected to accommodate significant intensification through a mix of uses which the Subject Lands will benefit from.

### **Minimum Landscaped Open Space**

**Required:** 40%

**Proposed:** 21.0%

The requested reduction in landscaped open space is appropriate for the proposed development of the Subject Lands, and can be supported for the following reasons:

- Reductions in the amount of landscaped open space are required to accommodate surface parking. The surface parking would be located at the rear of the Subject Lands, ensuring that significant impacts on the streetscape are mitigated;

- There are no concerns regarding stormwater management, provided that appropriate stormwater management stormwater quantity and quality controls are put in place as described in the FSDB prepared by Hallex Engineering, dated November 13<sup>th</sup>, 2023;
- Sufficient landscape open space can be accommodated along the perimeter of the property to buffer the proposed development from adjacent uses; and
- A landscape plan will be developed as part of a future Site Plan Application to ensure that the proposed stacked townhouse development enhances the character of the streetscape.

### **Minimum Amenity Space**

**Required:** 1,440 m<sup>2</sup> (20 m<sup>2</sup> / dwelling unit)

**Proposed:** 1,062 m<sup>2</sup> (14.75 m<sup>2</sup> / dwelling unit)

Reductions in the required amount of amenity area is necessary to facilitate the proposed number of dwelling units, together with on-site parking. The proposed relief is supported based on the following:

- Every dwelling unit will feature private balconies or terraces, affording residents individualized spaces for personal use and enjoyment;
- The rear area of the Subject Lands provides a private grass area for residents;
- Situated within 550 metres of the Subject Lands is Maple Street Neighbourhood Park, which provides a large grassy area, a children playground, and a basketball court; and
- The Subject Lands are in proximity to the anticipated NS&T Railway Trail as described in Section 2.2 – Community Amenities ensuring that residents have convenient access to an appropriate range of leisure and recreational opportunities.

### **Minimum Aisle Width**

The proposed zoning amendment seeks to incorporate a site-specific exemption, reducing the required 6.9 metre parking aisles to 6.0 metres in the surface parking area at the rear of the Subject Lands. A 6.0 metre parking aisle is sufficient width to permit vehicle circulation and was deemed acceptable by City staff during pre-consultation.

## 8.0 Summary and Conclusion

It is our opinion the proposed OPA and ZBA represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The Applications would facilitate the development of seventy-two (72) stacked townhouse dwelling units including twenty-four (24) anticipated to be market price affordable dwelling units, contributing to a more diversified mix of housing options in the City of Niagara Falls;
2. The Applications would facilitate the remediation and redevelopment of an under-utilized brownfield property located within the Built-up area of the City of Niagara Falls, therefore implementing the intensification policies of the Niagara OP and the City OP;
3. The Applications would facilitate development with direct access to existing municipal infrastructure, strategically positioned near a diverse range of land uses, including dedicated employment (industrial) lands, and offering convenient access to multi-modal transportation options. These factors collectively contribute to the establishment of a complete community.
4. The Applications would facilitate residential development that is more compatible and better aligns with the Residential Land Use designation and surrounding area outlined in the City OP; and
5. The Applications would facilitate development that is consistent with the Provincial Policy Statement and conforms to the Growth Plan and the Niagara OP;

For these reasons, NPG recommends that the proposed Zoning By-law and Official Plan Amendment(s) represent good land use planning and should be supported by Council.

Report prepared by:



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**Robert Smit**  
Planner  
*NPG Planning Solutions Inc.*

Report reviewed and approved by:



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

## 9.0 Appendices

Appendix A – Proposed Site Plan and Renderings

Appendix B – Niagara Official Plan Schedules

Appendix C – City of Niagara Falls Official Plan Schedules

Appendix D – City of Niagara Falls Zoning By-law 79-300

Appendix E – City of Niagara Falls Draft Official Plan Amendment

Appendix F – City of Niagara Falls Draft Zoning By-law Amendment

Appendix G – OPA No. 157





Appendix B – Niagara Official Plan Schedules

SCHEDULE B – REGIONAL STRUCTURE, *Delineated Built-Up Area*



SCHEDULE B - LEGEND	
<b>Urban Area Designations</b>	
	Delineated Built-Up Area
	Designated Greenfield Area
<b>Strategic Growth Areas</b>	
	Urban Growth Centre
	Protected Major Transit Station Area
	Regional Growth Centre
	District Plan Area
	Rural Settlements
	Employment Areas
	TransCanada Pipeline
	Enbridge Pipeline
	TransCanada Compressor Station
	Enbridge Facility

SCHEDULE J1 – TRANSPORTATION INFRASTRUCTURE



BASE MAP LEGEND	
	Settlement Areas
	Provincial Road
	Regional Road
	Railway
	Major Watercourses
	Welland Canal
	Airport
	Aerodrome
	International Crossing
	Municipal Boundaries
	Niagara Escarpment Plan Area



SCHEDULE J2 – STRATEGIC CYCLING NETWORK

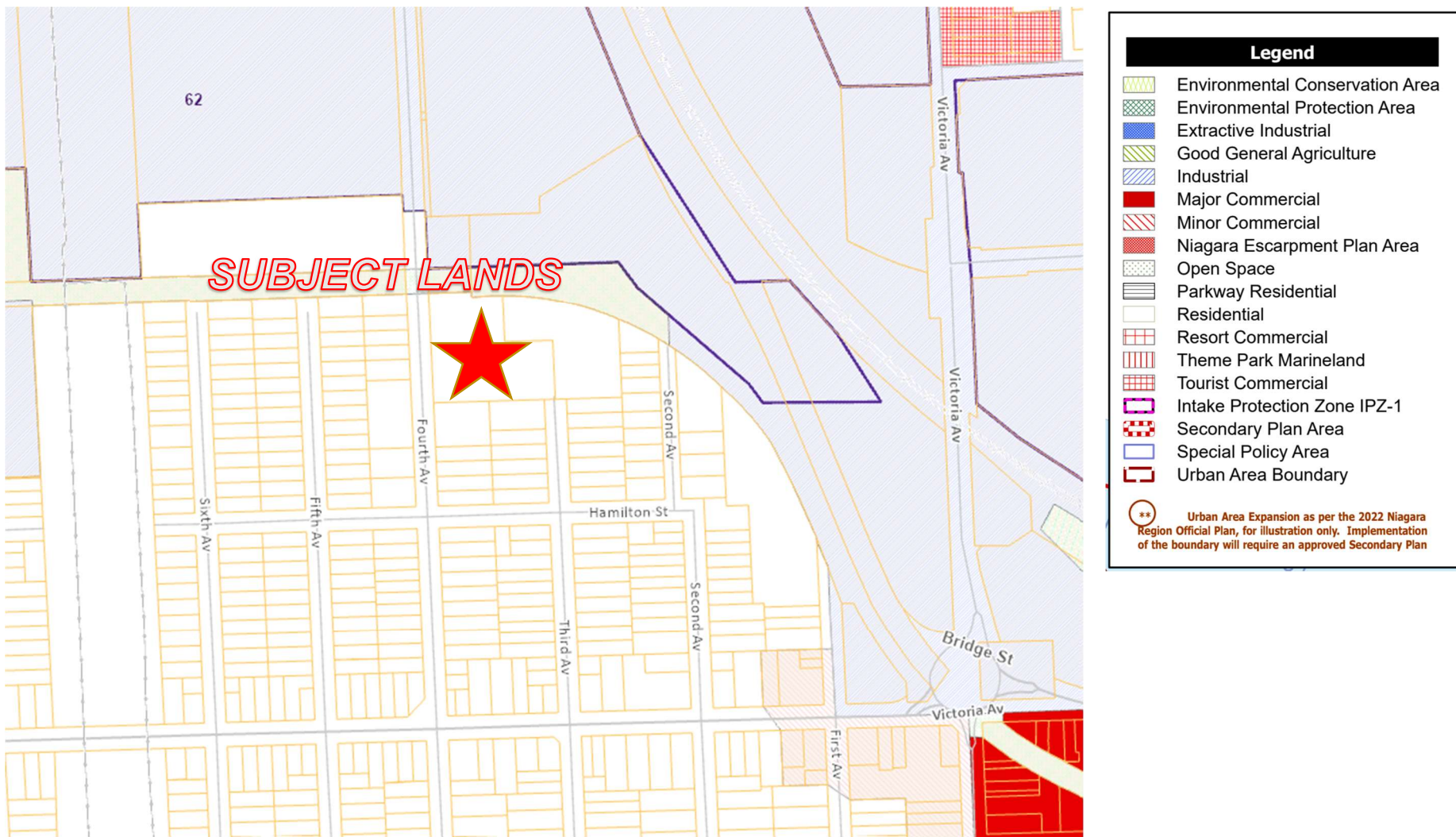


**SCHEDULE J2 - LEGEND**

- Strategic Cycling Network
- Province-wide Cycling Network
- ▲ GO Transit Stop
- ⊕ Port Robinson Ferry
- Future Regional Road
- Local Road
- Urban Areas
- Rural Settlements

Appendix C – City OP Schedules

SCHEDULE A – FUTURE LAND USE, *Residential*



## Appendix E – Draft Official Plan Amendment

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

All parts of this document consisting of the following text entitled PART 2 – BODY OF THE AMENDMENT, and attached map constitute Amendment No. XX to the Official Plan of the City of Niagara Falls

### **DETAILS OF THE AMENDMENT**

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

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

Schedule “A” to the Official Plan - Land Use, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, from Industrial land designation to High Density Residential.

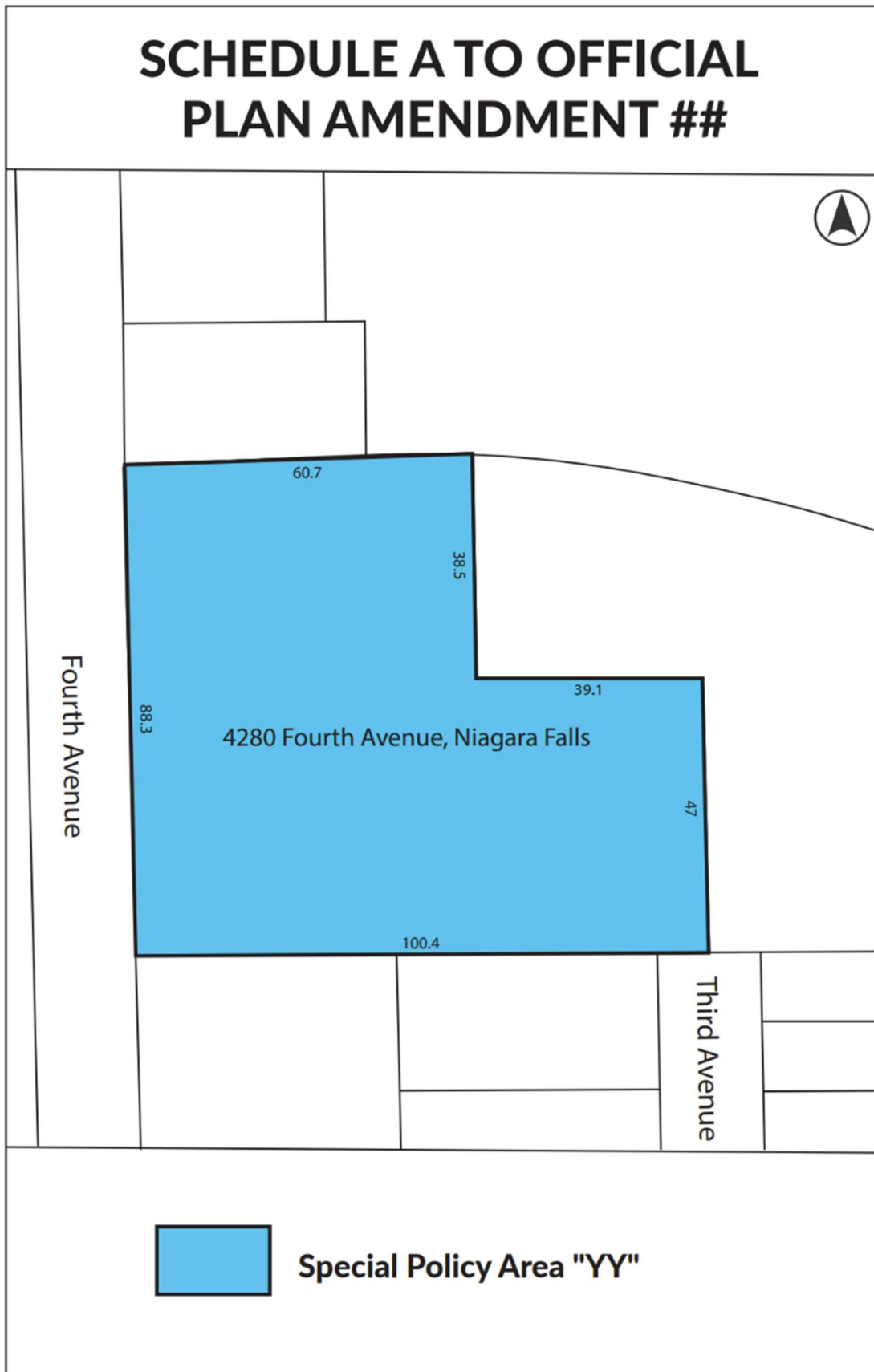
#### **2. TEXT CHANGE**

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

##### **13.YY        SPECIAL POLICY AREA “YY”**

Special Policy Area “YY” encompasses the 0.7268 hectares of land on the east side of Fourth Avenue, municipally known as 4280 Fourth Avenue. Notwithstanding the policies of Part 2, Section 1.10.5 (ii), a stacked townhouse development with a maximum density of 100 units per hectare is permitted on the Subject Lands, fronting a local road.





Appendix F – Draft Zoning By-law Amendment

**CITY OF NIAGARA FALLS  
BY-LAW NO. 2022-XX**

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO REZONE THE LANDS TO RESIDENTIAL APARTMENT 5C DENSITY (R5C-XX) SITE SPECIFIC ZONE (AM-2022-XX).

**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 as described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to change the zoning of the Lands identified in Schedule 1 from “Light Industrial” to “Residential Apartment 5C Density Zone (R5C-XX) with Site-Specific conditions”.
3. The purpose of this by-law is to amend the provisions of By-law 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.
4. 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.
5. The permitted uses shall be the uses permitted in the R5C Zone.
6. The regulations governing the permitted uses shall be:

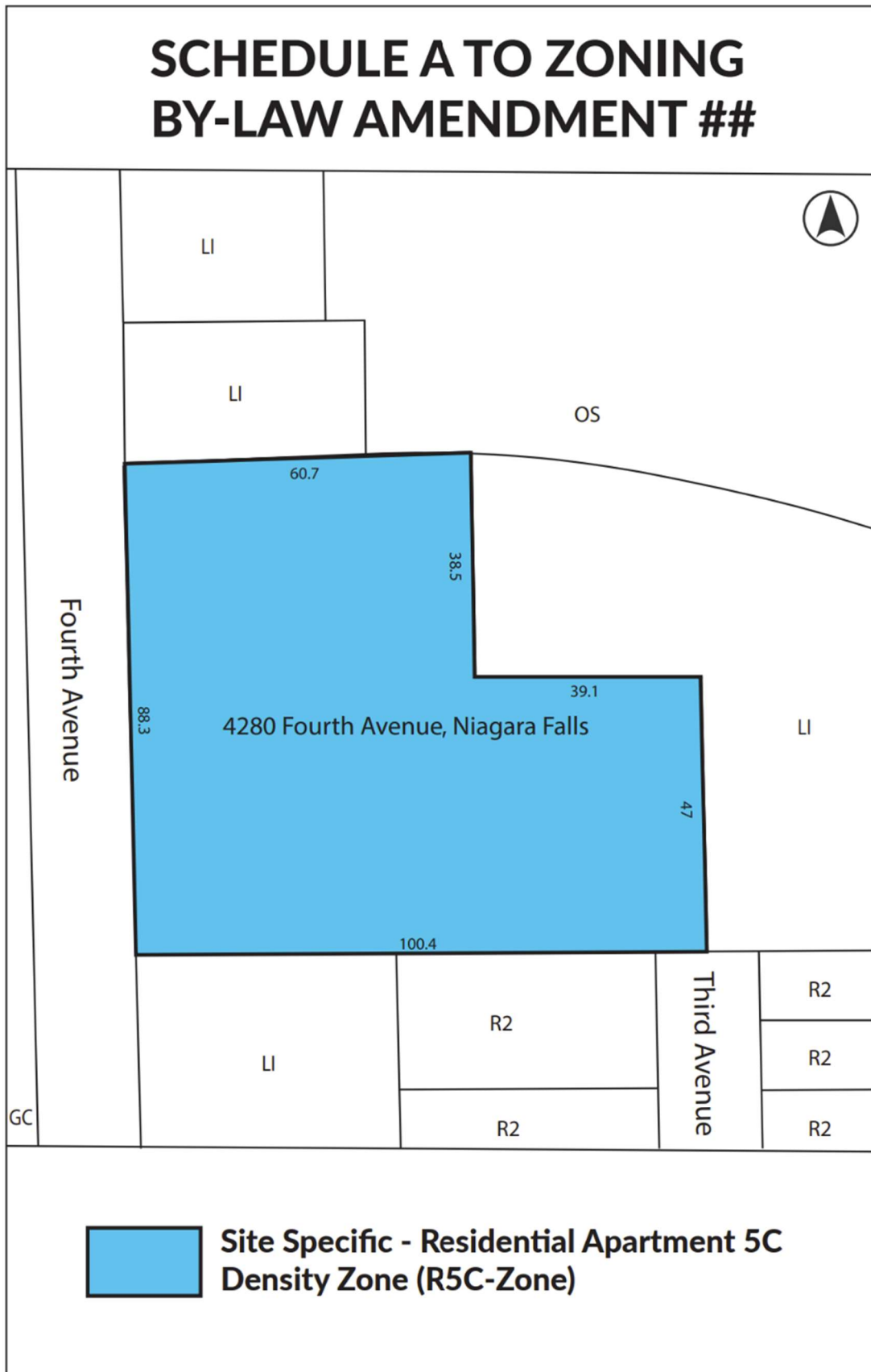
(a) Minimum Front Yard Depth	5.5 metres
(b) Minimum Interior Side Yard Width	4.5 metres
(c) Maximum Building Height	11.0 metres
(d) Minimum Parking Requirements	1.25 Parking Spaces per Unit
(e) Minimum Landscaped Open Space	21% of the lot area
(f) Minimum Amenity Space	14.75 square metres per Unit
(g) Minimum Aisle Width	6.0 metres
7. 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.
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 B6 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from LI and numbered 854, to R5C 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. 2022-XX

**Read a first, second and third time; passed, signed, and sealed in open Council  
this \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.**

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

\_\_\_\_\_  
JAMES M. DIODATI, MAYOR







**CITY OF NIAGARA FALLS**

**By-law No. 2023-119**

A by-law to provide for the adoption of Amendment No. 157 to the City of Niagara Falls Official Plan.

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

1. Amendment No. 157 to the City of Niagara Falls Official Plan, constituting the attached map, is hereby adopted.

**Read a First, Second and third time: passed, signed and sealed in open Council this 12<sup>th</sup> day of December, 2023.**

  
\_\_\_\_\_  
WILLIAM G. MATSON, CITY CLERK

  
\_\_\_\_\_  
JAMES M. DIODATI, MAYOR

First Reading:  
Second Reading:  
Third Reading:

**OFFICIAL PLAN AMENDMENT NO. 157****PART 1 – PREAMBLE****(i) Purpose of the Amendment**

The purpose of the amendment is to permit the conversion of one industrial (i.e. employment) land site to a non-industrial use as this site contains land uses (primarily residential) that do not conform to the Industrial designation in the City's Official Plan. Without the conversion, the introduction of an industrial use to this area could then cause a future land use conflict.

**(ii) Location of the Amendment**

The amendment applies to lands in the vicinity of the Gale Centre and more specifically on lands located along Second and Fourth Avenue, north of Hamilton Street as shown on Schedule "A" attached to Official Plan Amendment No. 157 and is approximately 2.5 hectares in size.

**(iii) Details of the Amendment****Map Changes**

MAP 1 - Schedule "A" to the Official Plan – Future Land Use has been amended to show the change from Industrial to Residential for the one subject employment lands site.

**(iv) Basis of the Amendment**

The City initiated an amendment to consider the conversion of industrial (i.e. employment) land sites to a non-industrial use as both areas contain land uses (primarily residential) that do not conform to the Industrial designation in the City's Official Plan.

The site was not considered by the City's Employment Lands Strategy and staff were made aware of potential land use conflicts through development inquiries. These lands are currently designated Industrial as shown on Schedule A – Future Land Use in the City's Official Plan. An amendment was initiated to determine if the potential conversion to a non-industrial use was appropriate and justified.

The City's Employment Land Strategy contains a framework and specific re-evaluation criteria for assessing the conversion of industrial lands. The conversion criteria include key principles that are both contained in the Provincial Growth Plan. Further, to Provincial criteria each of the sites will need to satisfy a set of localized criteria. The localized criteria include:

- The area is located outside of an established or a proposed industrial park.
- The area is not located near other designated employment lands.

- The area is surrounded by non-employment land uses on three sides.
- The conversion would not create incompatible land uses.
- Conversion of the subject lands would not negatively impact other employment lands in the areas.
- Conversion would support the City's planning objectives and would not contravene any City policy planning objectives.
- The subject area is primarily residential and as such offer limited market choice for future employment land development due to small size, configuration and lot conditions.
- The subject area does not offer potential future expansion on existing or neighbouring employment lands.

A review of the subject lands found that its conversion complied with these criteria. A Special Policy Area Designation (No. 91) is applied to the lands to address land use capability of any proposed sensitive uses that may be in proximity to existing or potential employment uses.



## **PART 2 – BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 – BODY OF THE AMENDMENT, consisting of the following Map and Text Changes, constitute Amendment No. 157 to the Official Plan of the City of Niagara Falls.

### **DETAILS OF THE AMENDMENT**

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

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

The “Area Affected by this Amendment”, shown on the map attached hereto, entitled “Map 1 to Amendment 157”, shall be identified as Residential and Special Policy Area “91” on Schedule A – Future Land Use to the Official Plan.

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

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

##### **13.91 SPECIAL POLICY AREA “91”**

Special Policy Area “91” applies to the 2.5 hectare site located on lands along Second and Fourth Avenue, north of Hamilton Street. New residential development on these lands shall have regard for compatibility with nearby existing and future industrial uses in terms of Provincial D-6 Guidelines or their equivalent.

# MAP 1 TO AMENDMENT NO. 157 SCHEDULE A TO THE OFFICIAL PLAN

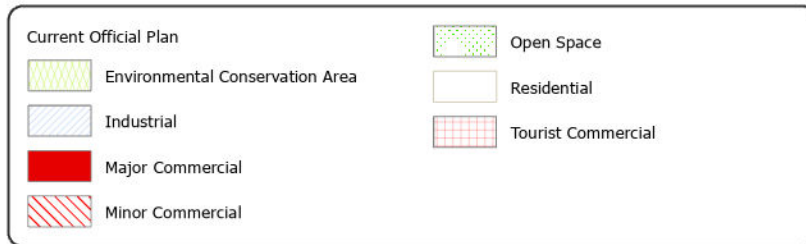
Area Affected by this Amendment



Proposed Change From: Industrial  
Proposed Change To: Residential



**City of Niagara Falls Official Plan  
Excerpt from SCHEDULE - A - FUTURE LAND USE**



Note: This schedule form part of Amendment No. 157 to the Official Plan for the City of Niagara Falls and it must be read in conjunction with the written text.