

Planning Justification Report

4257 Montrose Road

Niagara Falls, ON

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PREFACE

Raimondo+ Associates Architects Inc. respectfully submits this Planning Justification Report pertaining to the application made by Costantino Construction Ltd. for **Draft Plan of Vacant Land Condominium** and **Zoning By-law Amendment** on lands known municipally as 4257 Montrose Road in Niagara Falls.

The subject lands consist of one parcels of urban land with frontage on the west side of Montrose Road. The property is surrounded on west, south and north sides by residential development, and on the east side by Industrial employment land and is adjacent to a storm easement to the south side. The property is generally located south of Thorold Stone Road and west of the QEW. A Pre-Consultation Meeting was held on March 3, 2022 to review the new

The intent of the Application is to amend the Zoning of the property from Residential R5B-630, site specific zoning by-law 2003-131 Density Zone (R5) to Residential Low Density, Grouped Multiple Dwellings Zone (R4). This proposed change in Zoning will permit the development of two Block Townhouse dwellings under a Condominium tenure.

This Planning Justification Report provides an overview of how the applications have satisfied the requirements of the Planning Act, are consistent with the Provincial Policy Statement (2020) and conform to the Growth Plan for the Greater Golden Horseshoe (2019), Niagara Region Official Plan (as amended) and City of Niagara Falls Official Plan (as amended).

This report should be read in conjunction with the following, additional reports:

- Functional Servicing Assessment Prepared by Stephen Allenberg, P.Eng.
- Storm water management report prepared by Niagara Engineering (Zal Ali, P. Eng.)
- Townhome Elevations prepared by Corriveau CADD
- Landscape Plan prepared by Don Martin, Landscape Architect
- Noise Feasibility Study prepared by HGC Engineering, (Sheeba Paul, P.Eng.)

Adjacent Land Uses

The surrounding area is predominantly comprised of one and two-storey single detached and semi attached dwellings of various architectural styles to the west; a three-storey apartment dwelling to the north and single storey townhomes to the south. This housing typology is found along Montrose Road, Donlee Drive, Cortina Crescent and Chorozy Street to the West.

To the east are industrial lands occupied by various business.

Transportation Network

The subject land is located on an Arterial Road (Montrose Road, Regional Road 98) and are within proximity to key transportation routes including Thorold Stone Road, Highway 420 and the Queen Elizabeth Way highway (QEW).

The subject land is accessible by multiple modes of transportation including private automobile, public transit and active transportation (walking, cycling). Street access is, and will continue to be provided from Montrose Road. There is no on-street parking permitted on Montrose Road and parking will be provided strictly on site for this development.

The subject land is currently located along Niagara Falls Transit Route 113 and 213. Stop 6365 is located to the north at the corner of Chorozy Street and Montrose Road and is within a short walk of the property.

The subject land has a continuous municipal sidewalk along the west side of the Montrose Road frontage which connects into networks on Chorozy Street and through to the intersection at Thorold Stone Road and Highway 420 up to Lundy's Lane. Sidewalks are also present on the complete west side of Montrose Road which provides access into those portions of the neighborhoods to the west and the Lundy's Lane Commercial Corridor.

Photographs of the Subject lands are included in **Figure 2** and **3**.

Site Photographs



Figure 2 - 1) 4205 Montrose Road looking North from Montrose Road (2) 4256 Montrose Road looking West onto 4257 Montrose vacant lot (3) Existing Townhouse development end unit 4291, entrance looking south along Montrose Road.

(4) Existing Townhouse development end unit 4399 entrance, looking south along Montrose Road (5) Looking further South along Montrose commercial property at 4407 Montrose (6) Looking West through the existing Hydro Corridor.

Site Photographs



Figure 3 — (7) Looking East from Kevin Drive through the Storm easement abutting 4257 Montrose (8) Looking West at the intersection of Chorozoy Street, note scale of single family homes (9) Existing Dwellings to the West of the Subject Lands on 7684 and 7688 Donlee Drive.

(10) Existing Dwellings on the south side of Chorozoy Street (11) Existing Alpine Park South of Kevin Drive and West along Alpine Drive Intersection at Montrose (12) Looking South to the subject lands from the Chorozoy and Montrose Road Intersection.

THE PROPOSED DEVELOPMENT

The owner is proposing to redevelop the subject lands as a private road development (i.e., Vacant Land Condominium) consisting of 10 single storey Block Townhomes. Configured 5 dwellings per block in two blocks.

The Preliminary Draft Plan of Condominium and Site Plan submitted with the applications show the development plan. These plans are included as **Appendix I** and **II** to this report.

The plan focuses development around an internal linear roadway. Dwelling units are placed in a configuration where they will back onto adjacent development to the south, west and north along the perimeter of the site, and the two blocks front onto one another internally. This configuration is similar to an existing townhome neighborhood development pattern to the south. The development fabric includes for on site parking directly in front the two car garages provided, hence two spaces per dwellings re provide on-site.

Additional design features are provided on the sides and back of Unit 6 and on the sides of Units 10 and 5, covered decks are provided in all the units in order to present a more interesting design character and presence along Montrose Road. These additional design details on units 10 and 5 are paired with proposed landscaping along Montrose Road to create a strong interaction between the development and the streetscape.

The proposed configuration generally conforms with the base provisions of the requested Residential Low Density, Grouped Multiple Dwellings Zone (R4), however minor, site-specific deviations are requested for the following matters:

- Minimum Front Yard Depth for Townhouse dwelling -- 4.88m (road widening allowance taken) whereas 6m+ 13.1m from the original centerline of Montrose Road is required.
- Minimum Rear Yard Depth for a townhouse dwelling -- 5.98m whereas 7.5m is required.
- Maximum Lot Coverage – 44.9% whereas 35% is required.
- Minimum Privacy Yard Depth for each townhouse dwelling unit – 6.75m to rear wall of dwelling units whereas 7.5m is required.
- Maximum Height of Structures – 8.5m whereas 10m required.
- The maximum projection into the rear yard amenity space for a “covered deck” and/or seasonal sun room, 3m or (10ft) whereas 2.5m encroachment or (8’-4”) is required.

REQUIRED PLANNING ACT APPLICATIONS

A pre-consultation meeting pertaining to this development proposal occurred on March 03, 2022. Staff confirmed that applications for Draft Plan of Vacant Land Condominium and Zoning By-law Amendment are required to permit the proposed development on the subject lands at that meeting. Please see **Appendix VI** for a Copy of the Pre-consultation Agreement.

As requested by the City and review agencies, a complete application submission must include:

- Conceptual Site Plan and Draft Plan
- Planning Justification Report
- Functional Servicing and Stormwater Management Report
- Tree Inventory Preservation Plan
- Urban Design and Landscape plan
- Noise Study

These required materials are provided with the Application submission.

Draft Plan of Vacant Land Condominium

The Draft Plan of Condominium proposed 10 Block Townhouse dwelling units along a private roadway. The common element includes the required parking spaces, as well as necessary infrastructure and landscaping. The required 13.1m road widening for the original centerline of Montrose Road had already been taken by the Region.

Zoning By-law Amendment

An Application for Zoning By-law Amendment is required to permit Block Townhouse dwellings and facilitate a condominium development on the subject land. In addition to the overall Zone change, the following site-specific provisions are required:

- Minimum Front Yard Depth for Townhouse dwelling -- 4.88m (road widening allowance taken) whereas 6m + 13.1m from the original centerline of Montrose Road is required.
- Minimum Rear Yard Depth for a townhouse dwelling -- 5.98m whereas 7.5m is required.
- Maximum Lot Coverage – 44.9% whereas 35% is required.
- Maximum Height of Structures – 8.5m whereas 10m required.
- Minimum Privacy Yard Depth for each townhouse dwelling unit – 6.75m to rear wall of dwelling units whereas 7.5m is required.
- The maximum projection into the rear yard amenity space for a “covered deck” and/or seasonal sun room, 3m or (10ft) whereas 2.5m encroachment or (8’-4”) is required.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation, and in addition to this Planning Justification Report, a Functional Servicing Report, a Stormwater Management Report, a Noise Study and Tree Preservation Plan have been submitted with the applications. A brief overview of the purpose, findings and conclusions of these reports/studies are provided below.

Functional Servicing Assessment Stephen Allenberg P.Eng.

Stormwater Management Plan (Niagara Engineering-Zak Ali, P.Eng.)

The Functional Servicing Report contains an overview of existing servicing, proposed servicing methods and the preliminary stormwater management method for the development.

The Report identifies that there are existing water and sanitary services proximate to the site that will support future development. The existing services include a 300mm watermain on Montrose Road and a 250mm diameter sanitary sewer and a 900mm storm easement to the south property limits as part of the storm outlet.

An Oil/Grit Separator will also be required to ensure stormwater quality is achieved.

The report concludes that the existing and proposed urban services will be able to support the proposed development. The specific design of serving infrastructure will occur through future detailed planning processes.

Tree Inventory Protection Plan (Don Martin Landscape Architect)

Due to the presence of several trees on the subject land and on adjacent properties, a Tree Inventory Preservation Plan was requested to be completed. The purpose of this study was to determine the existing health and condition of trees that may be affected by development, if the trees could be removed, and to provide direction on any necessary mitigation measures to be implemented at time of construction.

As noted on the site plan, a total of 21 trees were assessed on and adjacent to the subject lands to remain and be protected during construction. The tree species largely consists of Norway Spruce, Little Leaf Linden, and Norway Maple. No endangered or threatened species were observed.

Of the trees assessed, 2 trees along the south property line have been recommended for removal.

The landscape plan has provided detailed tree protection methods for those trees that will remain on site include hoarding and signage requirements and a recommendation for removal work to be completed under the guidance of a certified arborist.

Overall, the conclusions of the report indicate that, subject to the adherence to mitigation measures, development can proceed.

Noise Study (HGC Consulting)

This residential development will consist of 10 single storey townhouse residences.

The study is required by the Region of Niagara as part of the planning and approvals process.

The primary source of noise is road traffic noise on Montrose Road. A secondary source of noise is road traffic noise on the Queen Elizabeth Way (QEW) further to the east. Road traffic data was obtained from the Region of Niagara and from the Ontario Ministry of Transportation (MTO), and was used to predict future traffic sound levels at the proposed building façades and outdoor living areas. The predicted sound levels were compared to the guidelines of the Region of Niagara and the Ministry of Environment, Conservation and Parks (MECP) to develop noise control recommendations.

The results of the study indicate that the proposed development is feasible with the noise control measures described in the HGC report. Central air conditioning and acoustic barriers are required for the two units adjacent to Montrose Road. Forced air ventilation systems with ductwork sized for the future installation of central air conditioning by the occupant are required for all other units. For all units, building construction meeting the minimum requirements of the Ontario Building Code will provide sufficient acoustical insulation for indoor spaces. Noise warning clauses are required for the dwelling units to inform future occupants of traffic noise impacts, to address sound level excesses, and proximity to existing commercial facilities.

The following list and Table VI summarize the recommendations made in the report.

The reader is referred to Figure 3 and previous sections of the report where these recommendations are applied and discussed in more detail.

1. Acoustic barriers are required for the rear yards of units 5 and 10, which are closest and adjacent to Montrose Road.
2. Central air conditioning will be required for units 5 and 10, which are closest and adjacent to Montrose Road.
3. Forced air ventilation systems with ductwork sized for future installation of central air conditioning systems will be required for the other units.
4. Building constructions meeting the minimum requirements of the Ontario Building Code will provide sufficient acoustical insulation for indoors spaces.
5. The use of warning clauses in the property and tenancy agreements is recommended to inform future residents of traffic noise issues and proximity to commercial facilities.

Table VI: Summary of Noise Control Requirements and Noise Warning Clauses

Unit	Acoustic Barrier	Ventilation Requirements*	Type of Warning Clause	Upgraded Building Constructions
Units 5 & 10	✓	Central A/C	B, C, D, F	OBC
All other units	--	Forced Air	A, E	OBC

Notes:

* The location, installation and sound rating of the air conditioning condensers must be compliant with MECP Guideline NPC-300, as applicable.

✓ Outdoor living areas require acoustic barriers.

Refer to Section 5.1 OBC – Ontario Building Code

PROVINCIAL LEGISLATION AND PLANS

Development applications within the City of Niagara Falls are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and 2019 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

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

Section 2 – Matters of Provincial Interest

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

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

- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
 - (i) *is well-designed,*
 - (ii) *encourages a sense of place, and*
 - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

Clauses f), h), j), p), q) and r) are considered to be relevant to these applications, and are evaluated below.

- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

The subject lands are accessible from a Regional/Municipal roadway (Montrose Road) and serviced municipal water and sanitary sewer. An existing storm sewer connection is available to the south. As outlined in the Functional Servicing Report prepared by Niagara Engineering, the development will efficiently use these existing municipal services to support the development.

The development is designed in a manner that supports the articulation of waste collection vehicles and will be eligible for curbside pick-up from Niagara Region as noted in emails provided. The layout also facilitates the movement and access of emergency vehicles.

- h) *the orderly development of safe and healthy communities;*

The orderly development of safe and healthy communities is achieved through the development of the subject lands as a multiple-unit, condominium development. The proposed housing form is appropriate for the subject lands and integrates well with adjacent residential development in the surrounding area. The proposed one-storey townhomes are compatible with the surrounding bungalow, two-storey detached dwellings and apartment dwelling.

The subject lands are located along convenient pedestrian routes and are within walking distance to commercial development. Montrose Road may also be identified as part of the Niagara Region's Strategic Cycling Network, which means that future road improvements will likely include cycling infrastructure upgrades.

- j) the adequate provision of a full range of housing, including affordable housing;

The development will contain 10 block townhouse dwelling units on land that currently contain one detached dwelling that had been demolished some time ago.

The surrounding area is predominantly comprised of single detached dwellings on urban lots to the west, a townhouse development to the south and an apartment to the north. The introduction of townhomes will add a further variety to the housing choices in the immediate area. Generally, townhomes can be more affordable than detached dwellings, and when the supply of housing is increased, it further allows for another attainable housing choice in the market. The development proposal will contribute meaningful supply to the housing stock in the City of Niagara Falls.

- p) the appropriate location of growth and development;

The subject lands are located within the Settlement Area Boundary and Provincially delineated Built Boundary. As outlined in the Growth Plan and Regional Official Plan, the vast majority of growth is to be directed to Settlement Areas, and within those Settlement Areas, to Built-up Areas and lands with available municipal services.

The subject lands satisfy this criteria; as they are within the Urban Area, Built-up Area and are currently provided with municipal services. The subject lands are also located along a transit and cycling route, and are within a short walk or drive to commercial and institutional land uses, Regional roads and provincial highways, and employment opportunities.

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

The development proposal efficiently uses serviced urban lands, thus limiting the need for urban boundary expansions and or development that unnecessarily encroaches upon natural heritage features and good agricultural lands.

The subject lands are located along an existing public transit route and the Regional Cycling Network. The site is located within a walkable neighborhood with pedestrian connections available to adjacent streets and the Lundy's Lane and Thorold Stone Road commercial areas.

- r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The proposed development design is reflective of the surrounding area and includes a front-on-front block configuration found on adjacent streets. The homes are located in a uniform and linear fashion along a private roadway. The openness created encourages a sense of place within the development that is unique, but consistent with the adjacent neighborhood.

*Preliminary typical design elevations have been provided with the application (see **Appendix IV**) that show high quality architectural design and efforts to ensure additional architectural interest along Montrose Road, which benefits the public realm.*

As the development is a condominium (i.e., private road development), spaces for public use and enjoyment have not been provided within the site. However, each unit is provided with an exclusive amenity area at in the functional rear yard in lieu of a central amenity area.

Section 34 – Zoning By-laws and Amendments

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

Section 51 (24) – Draft Plan of Subdivision & Condominium

Draft Plans of Condominium are considered under Section 51 (24) of the Planning Act. The submitted draft plan application is a vacant land condominium, which will create conveyable units of land on a single parcel of land (i.e. lot) served by a common element.

Section 51 (24) the Planning Act prescribes that “In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,” items a) to m). An overview of how each item is addressed is provide below in italics.

- a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;

As noted above, the applications satisfy Section 2, clauses f), h), j), p), and r) of Section 2 of the Planning Act.

- b) whether the proposed subdivision is premature or in the public interest;

The Draft Plan is not premature as the lands are designated for residential development in the City's Official Plan, and are provided with urban services.

The applications are in the public interest as they facilitate the development of additional needed housing supply and new housing forms within this area of the municipality.

- c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;

The Plan conforms to the Niagara Falls Official Plan. A detailed overview of specific conformity with Official Plan policies is provided further on in this report.

- d) the suitability of the land for the purposes for which it is to be subdivided;

The lands are a suitable location for development as they are designated for residential land uses, are within the Urban and Built-Up Area and have municipal services. The subject lands are also located along a public transit route and are conveniently located near higher order transportation routes.

The rectangular nature of the property and the resultant ability to create a front to front configuration with proposed and existing housing development around the site also makes the subject lands suitable for development.

- (d.1) if any affordable housing units are being proposed, the suitability of the proposed units for affordable housing;

At this time, affordable housing as defined by the Province of Ontario, is not proposed.

- e) the number, width, location and proposed grades and elevations of highways, and the adequacy of them, and the highways linking the highways in the proposed subdivision with the established highway system in the vicinity and the adequacy of them;

The subject lands located on Montrose Road, which is a local arterial road that provides access to key transportation routes within the City including Highway 420 and the QEW.

The subject lands are also located along a municipal transit route and the Regional cycling route.

- f) the dimensions and shapes of the proposed lots;

The proposed condominium units are shown on the Draft Plan provided with the application submission Prepared by JD Barnes. Each condominium unit will provide space for the dwelling unit, and front and rear exclusive use and amenity areas. The ownership units are generally rectangular and back on to the property lines and existing development, consistent with freehold lotting in the surrounding area.

- g) the restrictions or proposed restrictions, if any, on the land proposed to be subdivided or the buildings and structures proposed to be erected on it and the restrictions, if any, on adjoining land;

The only restriction to development is a 13.1m road widening already taken from the original centerline of Montrose Road. The proposed site plan has been designed to have already accounted for the dedication to the municipality.

- h) the adequacy of utilities and municipal services;

As outlined in the provided Functional Servicing Report prepared by Niagara Engineering, the proposed development can be adequately serviced by water, sanitary and stormwater services.

Utility connections including gas, hydro and telecommunications are also available from Montrose Road.

- i) the adequacy of school sites;

The subject lands are located within approximately 2.0 kilometers of three elementary schools.

The local school boards will comment on the adequacy of school sites through their comment submissions.

- j) the area of land, if any, within the proposed subdivision that, exclusive of highways, is to be conveyed or dedicated for public purposes;

There are no lands, exclusive of highways, to be conveyed for public purposes.

- k) the extent to which the plan's design optimizes the available supply, means of supplying, efficient use and conservation of energy; and

Energy efficient design will be explored through the development of detailed building plans and as required under the Ontario Building Code SB-12

- l) the interrelationship between the design of the proposed plan of subdivision and site plan control matters relating to any development on the land, if the land is also located within a site plan control area designated under subsection 41 (2) of this Act or subsection 114 (2) of the *City of Toronto Act, 2006*. 1994, c. 23, s. 30; 2001, c. 32, s. 31 (2); 2006, c. 23, s. 22 (3, 4); 2016, c. 25, Sched. 4, s. 8 (2).

The proposed development will be subject to a variation of site plan control through the Clearance of Conditions process associated with the Draft Plan of Condominium Application. A preliminary site plan has been provided with the application submissions that demonstrates how the site will be developed and zoning conformity.

2020 PROVINCIAL POLICY STATEMENT

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

The overarching purpose of the Provincial Policy Statement (2020) (PPS) is providing direction to planning authorities on how to best achieve the development of healthy, livable and safe communities.

To achieve these types of communities, the PPS promotes efficient development patterns, mixes of residential dwelling types and land uses, the integration of planning processes with growth management, public transit and infrastructure planning and the conservation of biodiversity. Development proposals should not include land use patterns that cause public health and safety concerns or propose inefficient expansions creating barriers for accessibility and mobility for vulnerable populations.

The subject lands are located within the Niagara Falls Urban Area, which is delineated in both the Niagara Region Official Plan and City of Niagara Falls Official Plan. The Niagara Falls Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2020). Policy 1.1.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. The applications are consistent with this PPS policy as the subject lands are located within the Settlement Area boundary.

As outlined in Policy 1.1.3.2 of the PPS, within Settlement Areas, development is to proceed in a manner that efficiently uses land and resources, is appropriate for the efficient use of existing or planned infrastructure and public service facilities, minimizes negative impacts on air quality and climate change, supports multi-modal transportation options including active transportation and transit and freight movement. Land use patterns are to be based on a range of uses and opportunities for intensification and redevelopment.

The applications are consistent with this policy direction as the applications propose the development of urban, serviced lands within a developed area of the municipality. The proposed development form is compatible with adjacent dwelling types and is an efficient use of land. The site is currently provided with urban services and is accessible by multiple modes of transportation including public transit.

Coordination (PPS 1.2)

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration is given to all relevant matters including, but not limited to natural environment, infrastructure, hazards, employment and housing.

Section 1.2.4 of the PPS requires that upper tier municipalities provide planning direction on allocations of population and employment, preferred growth areas, targets for intensification and transit supportive development. The Regional Municipality of Niagara is the upper tier government body that manages and monitors growth within the Region. In conformity with the Growth Plan, Regional level policy direction requires a minimum annual residential intensification rate of 40% to the year 2031. The applications are consistent with these requirements, as all units will be counted towards the annual intensification target for Niagara Falls.

Through the pre-consultation process, the planning authority and other review agencies provided direction on required studies and information needed to process the application. This comprehensive approach was used to ensure that all matters of Provincial, Regional and local interest are identified. The requisite studies and materials have been provided with the submitted application.

Housing (PPS 1.4)

Section 1.4 of the PPS (2020) requires municipalities and planning authorities provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This is to be achieved through establishing targets for affordable, to low and moderately priced homes, including all forms of residential intensification, and second units.

The applications facilitate the development of 10 new townhouse dwellings under condominium tenure in the City of Niagara Falls. As the subject lands are surrounded predominantly single detached dwellings to the west, and an apartment to the north; the introduction of new dwelling and tenure forms contribute to the range and mix of housing options prescribed by the PPS as well as the Regional and City Official Plans.

The City of Niagara Falls recently presented its Housing Needs and Supply Report to City Council on June 22, 2021 via report PBD-2021-30¹. The report states that in order to meet current housing needs, a 40% affordability target will be needed for all new housing. This target will place increased emphasis on providing additional amounts and forms housing within the Built-up Area, which further justifies the desirability of the proposed development.

Overall, the application is consistent with Section 1.4 of the PPS and will assist in the provision of additional lands for attainable housing in the City.

Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)

The PPS directs planning authorities to promote healthy and active communities through the detailed planning of streets, spaces and facilities that are safe, foster social interaction and facilitate active transportation and community connectivity. To achieve this, Policy 1.5.1 of the PPS requires that a full range and equitable distribution of publicly accessible spaces for recreation be provided such as parks, trails, as well as access to shorelines for public enjoyment.

The proposed development layout will provide pedestrian connectivity to Montrose Road and the surrounding neighborhoods. The subject lands are located within roughly 580 meters of Alpine Park to the southwest, which is within a comfortable walking distance.

Infrastructure and Public Service Facilities (PPS 1.6)

A general tenant of the Policies within Section 1.6 of the PPS is that urban development must occur on urban services, and that existing infrastructure should be capitalized upon before undue expansions are considered.

Water and Sanitary Services

As outlined in the Function servicing report, the proposed development will utilize existing 300 mm diameter water main and an existing 250mm sanitary sewer within Montrose Road.

¹

<https://niagarafalls.civicweb.net/filepro/documents/32707?preview=36507&attachmenturl=%2Fdocument%2F36500>

The Functional Servicing Report also indicates the existing 900mm storm outlet to the south side of the property is adequate to service the site. An Oil/Grit Separator will also be required to ensure stormwater quality is achieved.

As the development will utilize urban services, the applications are considered to be consistent with the infrastructure policies of the PPS.

Transportation

The Policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and supports public transit.

The subject lands are located on a local Arterial Roadway which has public transit service and provides convenient access to important Regional and local thoroughfares and Provincial Highway 420 and the QEW. Opportunities for walking and cycling within adjacent neighborhoods are abundant, as they contain sidewalks, tree lined boulevards and lower volumes of traffic.

Long Term Economic Prosperity (PPS 1.7)

Section 1.7.1 of the PPS outlines several ways in which economic prosperity can be supported in Ontario. Based on the criteria listed in Policy 1.7.1, policy 1.7.1 b) is relevant and requires that long-term economic prosperity be supported by *“encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce.”*

The applications propose a form of residential development that continues to be desirable and successful in Niagara. The provision of condominium townhouse developments provides an opportunity for downsizing and aging in place without having to move outside of a community. The location of the development is also on an arterial roadway which offers a convenient connection to adjacent parts of the community and adjacent municipalities for employment.

2019 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

Guiding Principles (PTG 1.2.1)

In order to realize the vision of the Growth Plan, policies within the Plan are based on the following principles:

- 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.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The proposed development is a context sensitive and appropriate development within the established neighborhood. The inclusion of townhomes will provide additional housing choice that is also accessible by multiple modes of transportation including transit. The built form proposed is capable of facilitating higher residential density in a compatible fashion within the surrounding area. Overall, the proposed development is considered to implement the guiding principles of the Growth Plan.

Managing Growth (PTG 2.2.1)

The subject lands are located within the Niagara Falls Settlement Area, within the Provincially established Built-up Area. Consistent with the overall goal of the Growth Plan to create complete communities, the applications will facilitate development that is generally consistent with the Official Plan and Zoning By-law, builds upon and utilizes existing municipal services and utilities, and has multi-modal transportation options readily available. The proposed amendments seek to maximize the development potential of the subject lands to ensure they yield a diverse mix of land uses within a developed area of the City of Niagara Falls.

Delineated Built-up Area (PTG 2.2.2)

By 2031, and each year afterwards, 50% of all growth within the Regional Municipality of Niagara is to occur in the Built-up Area as intensification. Consistent with Growth Plan Policies 2.2.2.1 & 2.2.2.3, the Regional Municipality of Niagara has an established annual residential intensification target of 40% for the City of Niagara Falls, as its contribution to growth.

The development of these lands will contribute towards the City and Region's annual residential intensification target as the lands are within the Built-up Area.

Housing (PTG 2.2.6)

The Growth Plan requires that a mix of housing forms be provided through new development. With regard to multi-unit development, the Growth Plan states that a variety of unit sizes are encouraged.

The proposed development will include 10 new townhomes within an existing residential area of the municipality.

The City of Niagara Falls is currently in the midst of completing or may have completed its Housing Needs and Supply Report. Preliminary recommendations presented to Council through Report PBD-2021-30 have stated that the City requires more affordable housing (40% of all new development) and rental opportunities, as well as more diversity in housing type. The applications conform to this policy direction and the City's study as it proposes to use strategically located underutilized lands within the Urban Area and Built-up Area for additional housing.

Transportation (PTG 3.2.2)

The subject lands are accessible by multiple modes of transportation including public transit, walking, cycling, and private automobile. Through detailed design, steps can be taken to provide for infrastructure on site that further supports multi-modal transportation options (i.e., transit stop, bicycle racks/storage, etc.), and connections to established networks.

Moving People (PTG 3.2.3)

Section 3.2.3 of the Growth Place places emphasis on the provision of public transit service to support development. Consistent with this direction, the proposed development is, and will continue to be serviced by proximate public transit routes and stops.

Water and Wastewater Systems (PTG 3.2.6)

The development will make use of existing local municipal water and sewer connections within the Montrose Road allowance and the storm easement to the south of the property. Please see the Functional Servicing Assessment prepared by William Mackay dated July 18, 2022 for a detailed overview of the servicing approach for this development.

Stormwater Management (PTG 3.2.7)

The City of Niagara Falls does not have a Stormwater Master Plan.

A preliminary overview of stormwater management has been provided in a Functional Servicing Assessment prepared by William Mackay and the Storm water management report prepared by Niagara Engineering Zak Ali and submitted with the applications.

An Oil/Grit Separator will also be required to ensure stormwater quality is achieved.

NIAGARA REGION OFFICIAL PLAN (AS AMENDED)

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

The subject lands are located within the Niagara Falls Urban Area and the Built-Up Area on Schedule A of the Regional Official Plan (see **Figure 4**). The site is not located on a Regional Road and does not contain any natural heritage features.

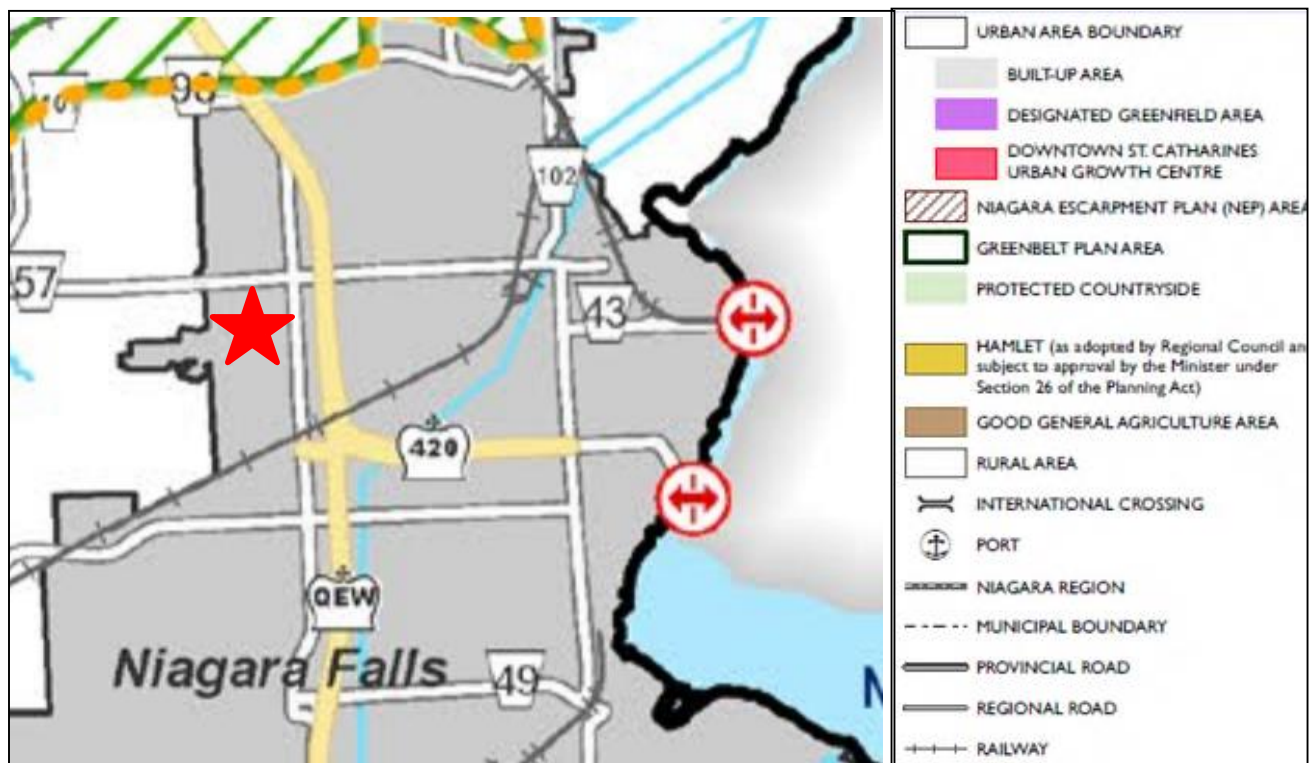


Figure 4 – Schedule A of the Regional Official Plan (Cropped Image)

Managing Growth (Chapter 4)

Urban development, both greenfield and intensification/infill, is governed primarily by the policies of Chapter 4 of the Regional Official Plan – Managing Growth. This portion of the Plan provides the long-term growth objectives for the Regional Municipality and contains growth management and community development policies to ensure the achievement of dense,

serviceable communities that are multi-modal and offer a variety of land uses and social/recreation resources and opportunity for residents.

As noted, the subject lands are within the Built-up Area. Built-up Areas are to be the focus of residential and employment intensification and redevelopment within the Region over the long term.

The Regionally established residential intensification target for the City of Niagara Falls is 40%, as outlined in Section 4.C.4 of the ROP. This development will contribute to the achievement of this target through the construction of 10 new residential units.

CHAPTER 11 – HOUSING AND COMMUNITY SERVICES

Section 11 of the Regional Official Plan provides policy direction on Housing and Community services within Niagara. As outlined in Policy 11.A.1, “The Region encourages the provision of a variety of housing types within urban communities and neighborhoods to serve a variety of people as they age through the life cycle”.

The development will introduce a 10 Unit Block of Townhouse dwellings under Condominium Tenure into the neighborhood which will diversify the housing mix and provide additional opportunities for living in the community.

Policy 11.A.2 of the Regional Official Plan encourages the development of attractive, well designed residential development that:

- a) *Provides for active transportation within neighborhoods with connections to adjacent residential and commercial areas, parks and schools.*
- b) *De-emphasizes garages, especially in the front yard.*
- c) *Emphasizes the entrance and points of access to neighborhoods.*
- d) *Is accessible to all persons.*
- e) *Incorporates the principles of sustainability in building design.*
- f) *Provides functional design solutions for such services as waste collection and recycling.*
- g) *Provides an attractive, interconnected and active transportation friendly streetscape.*
- h) *Contributes to a sense of safety within the public realm.*
- i) *Balances the need for private and public space.*
- j) *Creates or enhances an aesthetically pleasing and functional neighborhood.*
- k) *Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play*

The proposed development plan is considered to conform with the relevant and applicable design criteria found in Section 11.2 of the Regional Official Plan. An overview of specific conformity is provided in the following paragraphs.

- The preliminary site development plan proposes a compact residential condominium site within an existing residential neighborhood. The location of the property is proximate to parkland, commercial development and schools. (Criteria (a))
- As proposed, the garages for the development will be recessed behind the front façade of the dwellings which provides better character along the private road and functional driveway parking. (Criteria (b))
- The entrances to the development will be from Montrose Road. As shown in the preliminary landscape plan included as **Appendix III**, this area will be landscaped to provide an inviting character, similar to the municipal roadways in the neighborhood that link to Montrose Road. (Criteria (c))
- Waste collection has been accommodated as curbside pickup. (Criteria (f))
- The proposed condominium development is considered to be well designed for vehicles and active transportation. Given the limited traffic within private road developments and the prohibition of parking, the interior driveway is a shared route for pedestrians, cyclists and vehicles. (Criteria (g))
- The public realm along the frontage of the development site will be supplemented and made attractive through the provision of landscaping and street trees. (Criteria (g))

Through the required Site Plan process more detailed plans for the design of landscaping, public realm and transportation can be explored.

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

The subject lands are designated as “Residential” on Schedule A of the City of Niagara Falls Official Plan, as outlined in **Figure 5**, below.

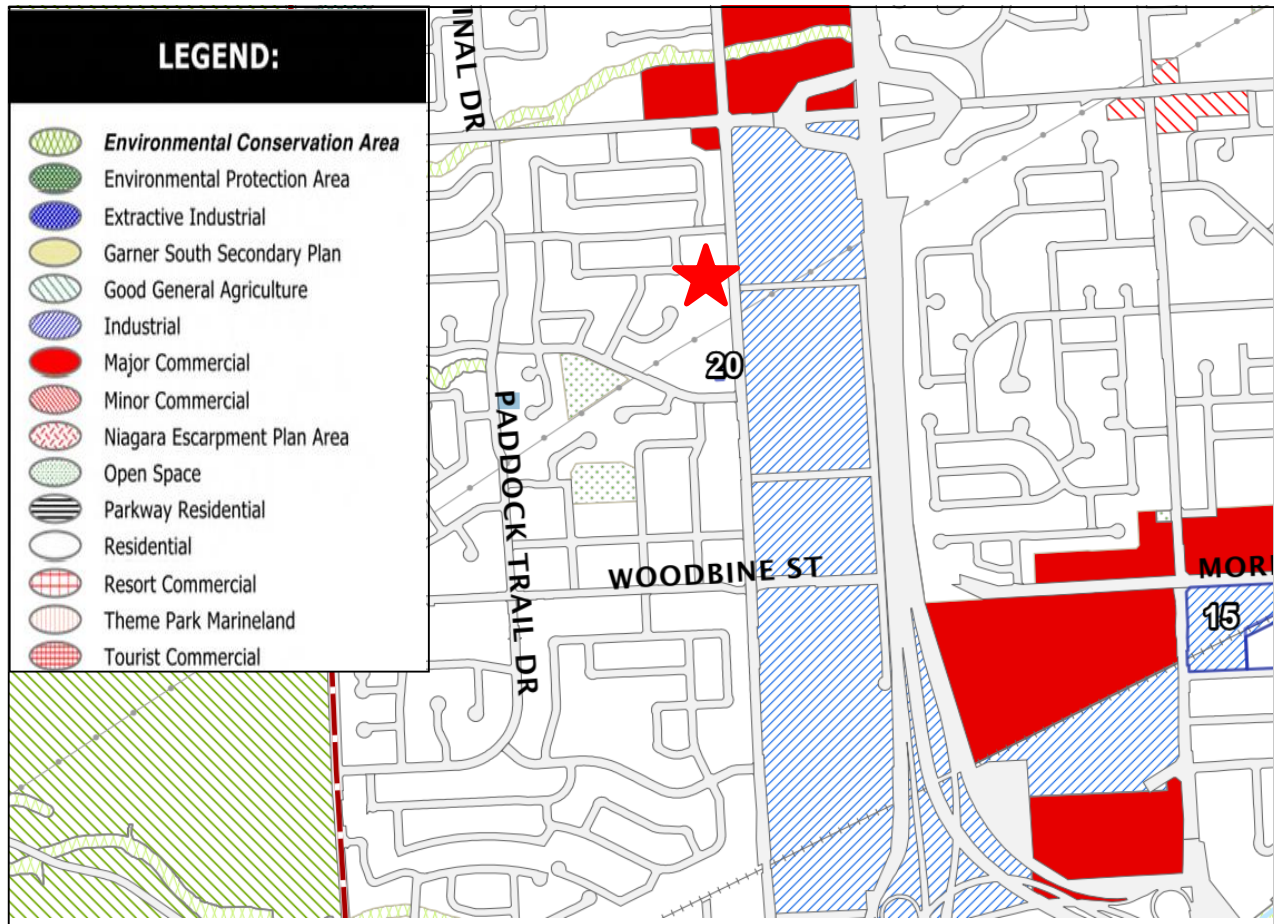


Figure 5 – Schedule A - City of Niagara Falls Official Plan (Cropped Image)

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

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

Part 1, Section 2 – Strategic Policy Direction

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

Specifically, the proposed development will contribute to the achievement of Objectives 1, 3, 5, 6, 7, 9 and 13 of the Official Plan, which include:

- To direct growth to the urban area and away from non-urban areas (Obj. 1)
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the Urban Area (Obj. 3)
- To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review. (Obj. 5)
- To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review: (Obj. 6)
- 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. (Obj. 7)
- To encourage alternative forms of transportation such as walking, cycling and public transit (Obj. 9)
- To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines. (Obj. 13)

The application conforms with Objective 1 as development is proposed within the Niagara Falls Urban Area.

Conformity with Objective 2 is achieved as the application proposes development within the Built-up Area, which is a priority location for development and growth in the community. The plan proposes a density that is generally consistent with the top end of the permitted residential density in residential Areas (at 20 units per hectare). The development site is supported by full urban services, existing public roadway frontage and utilities. The site is also situated along a transit route and is proximate to commercial and institutional land uses.

The development of 10 townhouse units within the Urban and Built-up Area will contribute to the City's ability to achieve growth targets prescribed in Provincial and Regional plans. Based upon forecasted person per unit densities (2021) and a work at home factor of five percent, the site would accommodate 25 persons and 1.2 jobs.

The 40% intensification target for Niagara Falls remains in effect currently and is likely to be increased through the Regional Municipality of Niagara's Municipal Comprehensive review and Official Plan update process. Regardless of the target, all units are counted as intensification.

The increased density proposed on the subject lands will be supported by existing public transit service and existing pedestrian and cycling infrastructure. Increases in residential density are desirable as they support increases in non-automobile portions of the modal share.

The development will contribute to the achievement of a transit supportive and pedestrian friendly community. The development of the land at a higher density is an efficient use of urban land and limits the need for future urban boundary expansions into areas containing sensitive environmental features and/or good agricultural lands.

Section 2 of Part 1 of the Official Plan also includes Growth Policies for the City of Niagara Falls. Objectives relevant to the application include

- 2.1 The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related policies.
- 2.2 The City shall protect its Natural Heritage Areas, their features, quality and functions, through the Environmental Protection Area land use designations and their related policies.
- 2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.
- 2.4 The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.
- 2.5 Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure.
- 2.6 The City shall utilize Secondary Plans wherever possible for development within its Greenfield areas to ensure the design of complete communities providing both employment and residential opportunities.
- 2.7 The City shall identify lands along the Queen Elizabeth Way to be protected for employment uses under the Gateway Economic Zone directive of the Province.
- 2.8 The City shall consider residential and employment growth in relation to Schedule “B” - Phasing of Development and the policies of Part 1, Section 3 of this Plan.

2.9 The City shall monitor growth within the urban area at 5-year intervals to measure compliance with targets of the Province’s Growth Plan and the Regional Niagara Policy Plan.

2.10 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.

2.11 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.

2.12 No new urban areas shall be created.

The submitted application conforms to the relevant Growth Policies of the Official Plan (Policies 2.1, 2.2, 2.3 and 2.5 in a variety of ways.

Part 1 Section 3 – Intensification.

Intensification is required to represent a minimum of 40% of residential development annually in the City of Niagara Falls. Consistent with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated Residential. Within the Urban Area, a system of intensification Nodes and Corridors have been identified that are priorities for intensification-based development. The subject lands are not located within a Node or Corridor, but are designated as residential.

Policy 3.4 of the Official Plan states that “The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan.” It appears that the policy is actually referring to Part 2, Section 1.1.5.5 as opposed to Section 2. An overview of conformity with this Policy is provided further on in this report.

PART 2 – LAND USE POLICIES

Part 2 of the City of Niagara Falls Official Plan contains policies for different land uses within the municipality. As noted, the subject lands are designated as “Residential” in the City’s Official Plan and in addition to general policies, the development is specifically subject to Part 2, Section 1 of the Plan.

Residential (Section 1)

The Residential land use designation is the general category within the Official Plan that applies to existing and planned residential areas in the City of Niagara Falls. The Official Plan requires that the City’s supply of residential lands is required to be sufficient to accommodate anticipated population growth and various housing types and densities. Residential developments are to be compatible with surrounding uses and include various amenities that benefit the community as a whole and ensure a high quality of life.

Within the Residential designation, all types of dwellings are permitted, with an additional emphasis placed on the provision of affordable housing. To achieve the housing goals set out in the Official Plan, the City encourages multiple unit developments on smaller lots, or innovative housing forms, development of vacant and underutilized lands, and the full utilization and consolidation of properties to achieve more comprehensive, residential community.

The application conforms with the Residential policies of the Official Plan by proposing a permitted housing form on urban lands. The Draft Plan of Condominium facilities a more intensive use of the lands that allows for greater density to be provided.

The physical context of the subject lands and surrounding area is also consistent with the traits that are identified as desirable for the City when contemplating new residential developments, such as frontage along an Arterial roadway, having municipal servicing connections available and being along public transit route.

Built Up Area

As shown on Schedule A2 of the City of Niagara Falls Official Plan (see **Figure 6**), the subject lands are identified as being within the Built-up Area.

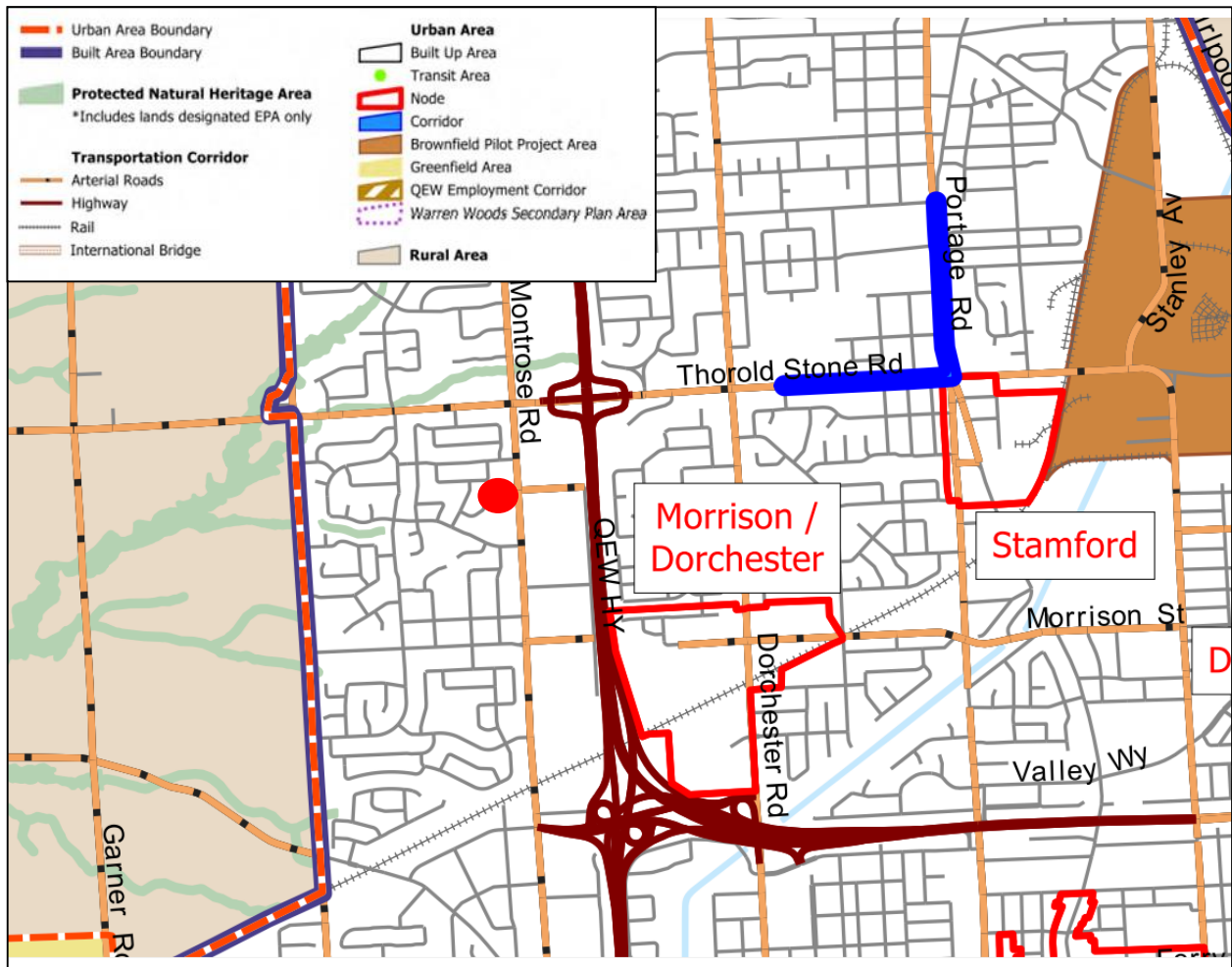


Figure 6 - Schedule A2 - City of Niagara Falls Official Plan

Within Part 2, Section 1, Policy 1.15 of the Official Plan there is a clear municipal position that opportunities currently exist throughout the Built-up Area to develop new housing units. These infilling and intensification opportunities are supported, but must integrate well into the surrounding neighborhood.

Section 1.15 of the Official Plan contains a policy subset that directs how development within the Built-up Area is to occur and contains the specific policy criteria that regulates intensification on land designated as Residential within the Built-up Area.

As the application proposes Block Townhomes, subsection (i) of Policy 1.15.5 is applicable. This policy states that:

1.15.5 Single detached housing is the dominant housing form in existing residential neighborhoods. Increasing the number of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within

all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:

- (i) Single and semi-detached dwellings, street townhouses, block townhouses and other compatible housing forms are to be developed to a maximum net density of 40 units per hectare with a minimum net density of 20 units per hectare and should generally be located on local or collector roads. New housing forms are to be of a height, massing and provide setbacks that are in character with the surrounding neighborhood.*

A development density of 20.8 units per hectare is contemplated for the site. This density is negligible and in conformity with the general intent and purpose of Policy 1.15.5 (i).

The proposed development form is compatible from a height, massing and design perspective. The townhomes will be one storey in height which is reflective of the existing housing forms located on the south side of Montrose Road, Donlee Drive and Chorozy Street also contains some one storey dwellings as well and bungalow detached dwellings.

PART 3 – ENVIRONMENTAL MANAGEMENT

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

Part 3, Section 1.2 – Water and Sanitary Sewage

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

Part 3, Section 1.3 – Storm Drainage

Policy 1.3.1 of Part 3 of the Official Plan requires that “all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.”

As outlined in the Functional Servicing Report prepared by William Mackay, and the Storm water management report prepared by Niagara Engineering Zak Ali; a storm connection is available along the property south limits via a city owned storm easement and 900mm storm outlet.

Part 3, Section 1.5 – Transportation

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

Part 3, Section 5 – Urban Design Strategy

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

PART 4 – ADMINISTRATION AND IMPLEMENTATION

Draft Plans of Condominium are considered under the same Planning Act framework as Plans of Subdivision. Policy 7.3 under Part 4 of the Official Plan requires that Plans of Subdivision be in conformity with nine items. An overview of conformity is provided below:

- 7.3.1 No development shall be permitted unless it complies with the policies of this Plan, the Regional Official Plan and the requirements of the Planning Act and any Provincial Plans. Prior to the registration of a subdivision plan or issuance of the Land Division Committee's certificate, the development must conform with the appropriate Zoning By-law.

As outlined in this report, the application is considered to be consistent with the 2020 Provincial Policy Statement and conform with the 2019 Growth Plan, Niagara Region Official Plan (as amended) and City of Niagara Falls Official Plan (as amended).

The concurrent Zoning By-law Amendment will establish the necessary zoning category, and site –specific provisions to implement the proposed Plan of Vacant Land Condominium.

- 7.3.2 Access to Provincial Highways, Regional roads and the Niagara River Parkway must conform with access requirements of the Provincial Ministry of Transportation, the Regional Municipality of Niagara and Niagara Parks Commission.

The subject lands are accessible from Montrose Road, which is a Region-owned Arterial Roadway. This roadway connects to Lundy's Lane and Highway 420/QEW to the South

- 7.3.3 Any lot created shall have direct frontage on a public road of an acceptable standard of construction.

The subject lands have frontage on a public road. The private road proposed internal to the property will be built to municipal standards for private driveways and will have two accesses provided to Montrose Road (Public Road).

- 7.3.4 Development shall not create a traffic hazard.

The City of Niagara Falls did not request a transportation impact study to be provided in support of this development. The Road widening had already been taken. A 7.2m wide entrance "throat" to the development have been provided consistent with the requirements outlined in the pre-consultation agreement.

- 7.3.5 The applicant must prove to the appropriate authority that sufficient sewer and water services are available for the intended use of the land.

A Functional Servicing Report and storm water management report both prepared by a professional engineer have been submitted with the application. This report provides a qualified opinion that the site can be serviced using existing water and sanitary infrastructure.

- 7.3.6 Development shall be prohibited in significant wetlands and habitat of endangered or threatened species and discouraged in woodlots; and other natural resource areas. Development within or adjacent to a natural heritage resource area or other natural area may be restricted and will be subject to the policies of Part 2, Section 11. The City shall seek the protection of wetlands adjacent to plans of subdivision/condominium through the dedication of the wetland area to the City, Niagara Peninsula Conservation Authority or other public agency or land trust.

***The noted natural heritage features do not exist on, or adjacent to the subject lands.*

- 7.3.7 Extensions to linear or ribbon development along roadways are to be discouraged except within the Parkway Residential Area.

The development is not an extension of linear or ribbon development.

- 7.3.8 Development will be discouraged where a division of land would interfere with land assembly for the purpose of planned development.

The owner has assembled three parcels of land to facilitate this development. The approval of the application will not interfere with any land assembly activities for planned development.

- 7.3.9 Development will be discouraged when it does not comply with the staging policies of this Plan.

There are no staging policies associated with the subject lands.

Based on the analysis provided above, the Draft Plan application is in conformity with the policies of Section 7.3 of Part 4 of the Official Plan.

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

As shown on **Figure 7**, the subject lands are zoned Residential Apartment 5B Density Zone (R5B-630) within the City of Niagara Falls Zoning By-law 79-200. Site specific by-law 2003-131

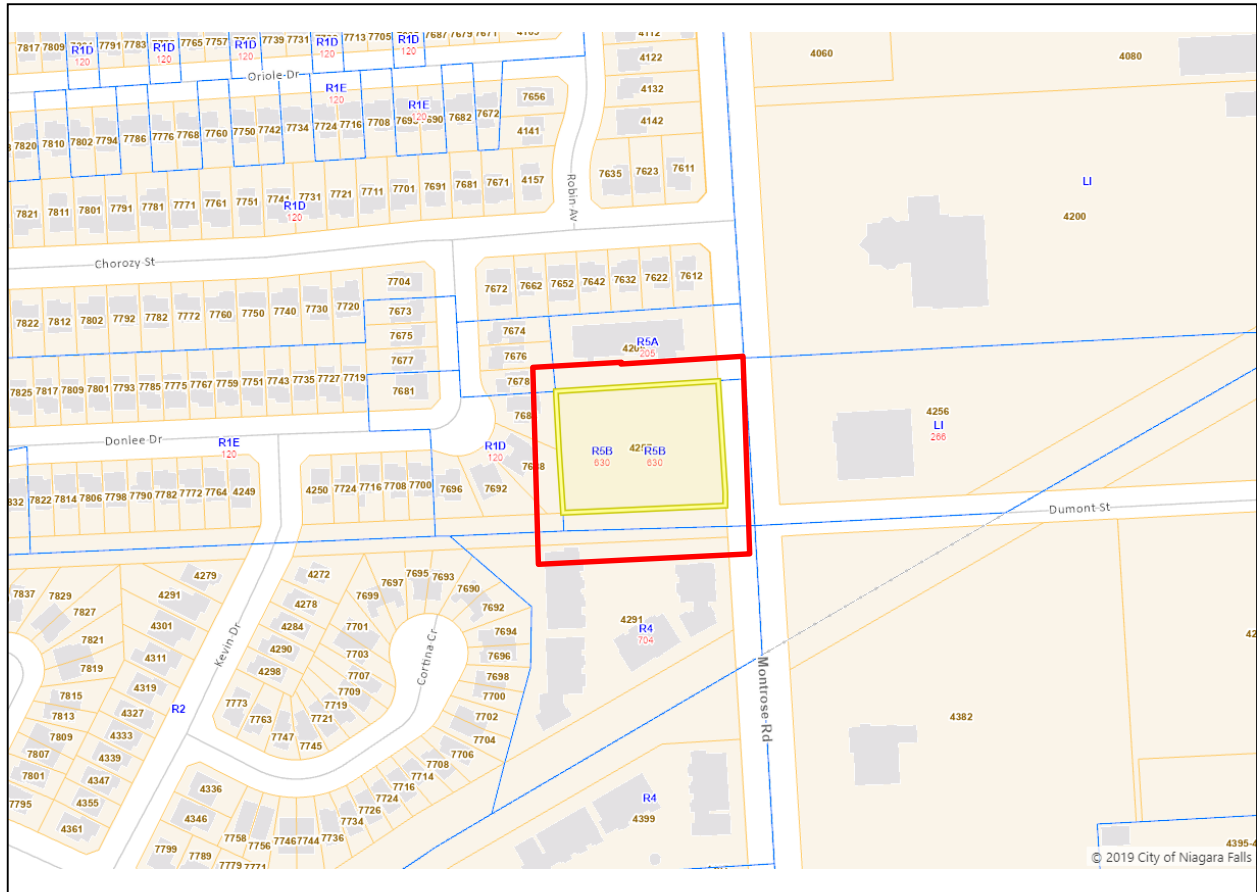


Figure 7 - Zoning By-law 79-200

The current zoning of R5B-630 has a site-specific by-law no. 2003-131 that permitted a 32-unit - 3 storey apartment dwelling. In order to facilitate the redevelopment of the property as a condominium with Block Townhomes, a change in Zoning to the Residential Low Density, Grouped Multiple Dwellings Zone (R4) is required.

The R4 Zone permits townhouse dwellings, apartment dwellings, group dwellings, accessory buildings and structures. Home Occupations are permitted in the R4 Zone as well but not in Townhomes.

Site-specific provisions are requested to support the development design, as proposed. Justification of these departures from the Zoning By-law are provided below:

Minimum Front Yard Depth for Townhouse dwelling

5.07m (*Taken at Unit 5*) (Note: Road widening allowance already taken) provided whereas 6m + 13.1m from the original centerline of Montrose Road is required.

The 0.93m shortfall is minor in nature and not be discernable from the public realm, The HGC noise study and its mitigation measures would provide the added potential traffic noise reduction from Montrose Road. The Montrose Road Boulevard is relatively wide given the already taken road widening allowance. The added boulevard trees would provide the added privacy attenuation from Montrose Road.

The intent of the Front Yard setback provision is to ensure separation from a roadway to the front of a dwelling. The Zoning By-law requires a front yard setback of 6.0m, in this case, to be taken from Montrose Road.

As shown on the provided elevations, the owner is proposing some enhanced architectural features along Montrose Road units 5 and 10. Due to the road widening requirement, 13.1m from the original centerline of Montrose Road had already been taken from the property.

The provision of enhanced architectural detailing along the street frontage at Units 5 and 10 is desirable from an urban design perspective and the requested reduction is considered appropriate.

Minimum Rear Yard Depth for a townhouse dwelling

5.37m (*Taken at Unit 6*) provides whereas 7.5m is required.

The 2.13m shortfall is minor in nature, as there is adequate separation of these block rear yards to the abutting neighbors' homes to the west with a tall spruce tree line providing further adequate screening and buffering to the rear yards of the two blocks. Unit 6 backs onto the Hydro corridor and storm easement. This rear yard reduction will not impact the ability to provide sufficient amenity area separation, protect and retain mature trees and provide landscaping or necessary drainage infrastructure.

Maximum Lot Coverage

45.2% provided whereas 35% is required. (*Units 1-5 and 6 to 10*)

The 10 percent overage was required to make the bungalow unit sizes marketable and fit to the site geometry, provision for parking and site roadway.

Minimum Privacy Yard Depth for each townhouse dwelling unit

6.74m to rear wall of dwelling units whereas 7.5m is required (*taken at Unit 6*)

The intent of the minimum privacy yard requirement is to ensure that sufficient amenity space is provided for dwelling units. A reduction in the required privacy yard is requested to facilitate the proposed development layout.

The required 7.5m setback is provided for Units 1-5 and 6-10. Relief from 7.5m to 6.74m is requested along the perimeter of the site due to augmentation in the lot line, and site geometry. The resultant privacy yards are considered to be sufficient to provide necessary the amenity area and opportunities for covered decks.

This reduction will not impact the ability to provide sufficient amenity areas, landscaping or necessary drainage infrastructure.

Maximum Height of Structures

8.5m whereas 10m required.

The Townhouse development only being of the bungalow variety cannot meet the 10m height requirement to the top of the roof pitch. The Development proportion and scale is well suited to the area and parallels the character of a similar development to the south of the subject lands.

The Maximum Projection into the rear yard amenity space for a “covered deck” and/or seasonal sun room

3m or (10ft) whereas 2.5m encroachment or (8'-4”) is required.

The 0.5m extended projection into the rear yards will not impact the provision for sufficient amenity area, landscape or necessary drainage in the rear yard

A copy of the Draft Zoning By-law is provided as **Appendix V** to this report.

TABLE 1: ZONING COMPLIANCE TABLE – RESIDENTIAL LOW DENSITY, GROUPED MULTIPLE DWELLINGS ZONE (R4 ZONE).

Section 7.9 Residential Low Density, Grouped Multiple Dwellings Zone (R4 Zone).	REQUIRED	PROPOSED	EXPLANATION
7.9.1 Permitted Uses	<p>PERMITTED USES: No person shall within any R4 Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:</p> <ul style="list-style-type: none"> (a) A townhouse dwelling containing not more than 8 dwelling units (b) An apartment dwelling (c) Group dwellings, provided that no townhouse dwelling in the group dwellings contains more than 8 dwelling units (d) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14. (e) A Home Occupation in a detached dwelling, or a dwelling unit of a semidetached dwelling or a duplex dwelling, subject to the provisions of section 5.5. 	No Change Proposed	The uses proposed through the applications are permitted by the Official Plan and Zoning By-law.

Section 7.9.2 Regulations	REQUIRED	PROPOSED	EXPLANATION
(a) Minimum Lot Area	For a Townhouse Dwelling 250 sq. m	For a Townhouse Dwelling 475.87 sq. m	475.87sq.m. x 10 units = 4758.7 sq.m of lot area
(b) Minimum Lot Frontage	(i) for a townhouse dwelling or an apartment dwelling containing more than four dwelling units 30m	No Change Proposed.	The cumulative lot frontage is 60.897m, which greatly exceeds the minimum requirement.
(c) Minimum Front Yard Depth	(i) for a townhouse dwelling 6m plus any applicable distance specified in Section 4.27.1	5.07m plus any applicable distance specified in Section 4.27.1 road widening was already taken	Units 5 is the closest dimension to the property line. The intent of the Front Yard setback provision is to ensure separation from a roadway to the front of a dwelling. The Zoning By-law requires a front yard setback of 6.0m, in this case, to be taken from Montrose Road. As shown on the provided elevations, the

			<p>owner is proposing some enhanced architectural features along Montrose Road units 5 and 10..</p> <p>The provision of enhanced architectural detailing along the street frontage at Units 5 and 10 is desirable from an urban design perspective and the requested reduction is considered appropriate.</p>
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Section 7.9.2 Regulations	REQUIRED	PROPOSED	EXPLANATION
(d) Minimum Rear Yard Depth	(i) for a townhouse dwelling 7.5m plus any applicable distance specific in Section 4.27.1	5.37m taken at unit 6 block 2	The 2.13m shortfall is minor in nature, as there is adequate separation of these block rear yards to the abutting neighbors' homes to the west with a tall spruce tree line providing further adequate screening and buffering to the rear yards of the two blocks. Unit 6 backs onto the Hydro corridor and storm easement. This rear yard reduction will not impact the ability to provide sufficient amenity area separation, protect and retain mature trees and provide landscaping or necessary drainage infrastructure.
(e) Minimum Interior Side Yard Setback	One Half the Height of the Building (10 m maximum building height = 5m minimum interior side yard)	No Change Proposed	The minimum side yard setbacks provided are greater than the maximum required (4.62m)

(f) Minimum Exterior Side Yard Setback	(i) for a townhouse dwelling 4.5m plus any applicable distance specified in Section 4.27.1	No Change Proposed.	There is no exterior side yard.
(g) Maximum Lot Coverage	35 %	45.2%	A lot coverage of 45.2% is proposed, which is exceeded. The 10 percent overage was required to make the bungalow unit sizes marketable and fit to the site geometry, provision for parking and site roadway.
(h) Maximum Height of a Building of Structure	10m, subject to Section 4.7	No Change Proposed	The buildings are proposed to be no more than 8.5m in height, which is less than the 10m maximum.

Section 7.9.2 Regulations	REQUIRED	PROPOSED	EXPLANATION
(i) Deleted by By-law No 2011.136	-	-	
(j) Number of Dwellings on One Lot.	Subject to compliance with Section 7.9.3, more than one dwelling is permitted on one lot.	No Change Proposed.	10 Units are proposed on one lot. This provision facilitates the application.
(k) Parking and Access Requirements	<p>In accordance with Section 4.19.1 of By-law No. 79-200</p> <p>Dwelling containing 3 or more dwelling units save and except an on-street townhouse dwelling.</p> <p>1.4 Parking Spaces for Each</p> <p>(10 units x 1.4 = 14)</p>	No Change Proposed.	40 spaces are provided in total, 20 in garages and 20 in the driveways Parking stall widths, stall lengths and maneuvering isle comply
(l) Accessory Buildings and Accessory Structures	In Accordance with Section 4.13 and 4.14	No Change Proposed	No accessory structures are proposed through this application. They will likely be prohibited by the Condominium Agreement.
(m) Minimum Landscaped Open Space	45 sq for each dwelling unit (45 x 10 = 450 sq. m)	No Change Proposed	In total 1689 sq.m. of landscaping is provided, which represents 186.93 sq.m. of landscaped open space per unit.

Section 7.9.2 Regulations	REQUIRED	PROPOSED	EXPLANATION
(n) Minimum Privacy Yard Depth For Each Townhouse Dwelling Units, As Measured From The Exterior Rear Wall Of Every Dwelling Unit.	7.5m	6.74m for units at south property line 6.75m for units along north property line	A reduction in setback is required all units.
(m) The Maximum Projection into the rear yard amenity space for a “covered deck” and/or seasonal sun room	2.5m	3m is proposed	An increased encroachment of 0.5m is required.

PLANNING OPINION

Constantino Construction Ltd. has submitted applications for Zoning By-law Amendment and Draft Plan of Vacant Land Condominium pertaining to lands known municipally as 4257 Montrose Road in the City of Niagara Falls.

Together, the applications will facilitate the construction of a 10-unit private road development containing Block Townhomes.

The subject lands are located within the Niagara Falls Urban Area and the Provincially established Built-Up Area. These areas are identified in Provincial and Regional Plans and policies as the primary location for growth and intensification. The City of Niagara Falls has similar policy direction in the Official Plan.

The Official Plan designates the lands as “Residential”. This designation permits all forms of residential dwellings, including Townhomes. The proposed development plan is in close conformity with the requisite density range of 25-40 units per hectare for Residential lands. The applications conform to all other applicable policies of the Official Plan.

The change in zoning is appropriate for the property as it will facilitate the development of new, compatible forms of dwellings, additional housing supply and site-specific provisions that allow for the efficient use of urban, serviced land. The subject lands are located in a desirable location for additional density and growth due to their proximity to Provincial Highway access, Regional Roads, commercial uses and employment. The subject lands are also located along a public transit route.

Through professional study, the development has been confirmed to be able to be serviced by municipal water, sanitary and storm infrastructure.

An evaluation of the existing trees on the property was completed by a landscape Architect, Don Martin. The findings of the assessment indicate that there are no sensitive species on site, and that the trees can be removed from the site to facilitate the development, subject to prescribed mitigation measures noted on his drawings. The Nosie study prepared by HGC has provide measures to be implemented related to units 5, 6 and 10 as outlined in their study.

For these stated reasons, we consider the submitted application to be consistent with the 2020 Provincial Policy Statement and conform to the 2019 Growth Plan for the Greater Golden Horseshoe, Regional Official Plan, and the City of Niagara Falls Official Plan.

It is in our professional opinion that the applications represent a compatible and efficient use of urban land that will assist in the achievement of growth and intensification targets, additional housing supply and, good planning and are in the public interest.

Sincerely Submitted,



Emilio Raimondo, Architect
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B.Arch., B.E.S.
Architect
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