

Planning Justification Report

7230 Lundy's Lane

Niagara Falls, ON

June 2024

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



UCC File No. 2019

Table of Contents

PREFACE	3
DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	4
THE PROPOSED DEVELOPMENT.....	6
REQUIRED APPLICATIONS	9
RELATED STUDIES AND REPORTS.....	12
PROVINCIAL LEGISLATION AND PLANS.....	15
PLANNING ACT (R.S.O. 1990)	15
2020 PROVINCIAL POLICY STATEMENT.....	21
2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE	27
NIAGARA OFFICIAL PLAN (2022).....	32
CHAPTER 2 – GROWING REGION	32
CHAPTER 3 – SUSTAINABLE REGION	36
CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended)	39
PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION	40
PART 2 – LAND USE POLICIES	49
URBAN DESIGN	64
Lundy’s Lane Urban Design Guidelines	64
CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)	73
PLANNING POSITION.....	79

List of Appendices

- Appendix I – Preliminary Site Plan
- Appendix II – Pre-Consultation Agreement
- Appendix III – Draft Official Plan Amendment
- Appendix IV – Draft Zoning By-law Amendment

PREFACE

Upper Canada Consultants has been retained by 1000462328 Ontario Limited to prepare a Planning Justification Report pertaining to a combined application for an Official Plan and a Zoning By-law Amendment on lands known municipally as 7230 Lundy's Lane, described legally as Part of Part 2, All of Part 3, Plan 59R-13448, Stamford Township Lot 141, City of Niagara Falls, Regional Municipality of Niagara.

The property owner is seeking to develop the northern portion of the property with two nine (9) storey apartment buildings containing twenty-five (25) residential units per building, yielding a total of fifty (50) units.

Under the City's Official Plan, the property is designated Tourist Commercial – Lundy's Lane Satellite District and Residential. An Official Plan Amendment is for the density and height of the proposed residential apartment buildings.

The Zoning By-law Amendment has been submitted to change the zoning of the lands from Tourist Commercial (TC) and Prestige Industrial (PI) Zones to a site-specific Tourist Commercial (TC-XX) Zone to facilitate the proposed development.

This Planning Justification Report provides an overview of how the application satisfies the requirements of the Planning Act, is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan of the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and the City of Niagara Falls Official Plan (as amended).

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

- Stage 1-2 Archaeological Assessment (Detritus Consulting Ltd);
- Preliminary Site Plan, Elevations and Floor Plans (Jason Pizzicarola Design – Architects Inc.);
- Updated Environmental Impact Study (Beacon Environmental);
- Phase 1 Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd);
- Updated Phase 1 Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd);
- Phase 2 Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd);
- Letter of Reliance (Soil-Mat Engineers & Consultants Ltd);
- Functional Servicing and Stormwater Management Report (Upper Canada Consultants);
- Updated Environmental Impact Study (Beacon Environmental);
- Noise & Vibration Study (Valcoustics);
- Tree Inventory Preservation Plan (Jackson Arboriculture)

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The combined Official Plan and Zoning By-law Amendment application pertains to a portion of a parcel of land known municipally as 7230 Lundy's Lane in Niagara Falls, and described legally as Part of Part 2, All of Part 3, Plan 59R-13448, Stamford Township Lot 141, City of Niagara Falls, Regional Municipality of Niagara.

The subject lands are shown in **Figure 1**, below.



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

Property Context

The entirety of the subject lands span 8.446 hectares. However, due to the nature and geometry of the site, the lands are to be developed as two separate sites; the northern portion, and southern portion.

The current proposal of the northern portion of the subject lands yield a developable area of 0.787 hectares and has a frontage along Lundy's Lane of 64.09-metres. This area excludes the road widening, and additional lands of the owner.

The lands are generally rectangular in shape and flat in grade.

The subject lands were previously occupied by a Dairy Queen and miniature golf facility which were removed from the property. The lands are currently vacant and contain a large gravel area, as well as a paved parking area that was associated with the property's former use. Review of historical aerial imagery indicates that the lands were first developed sometime in the 1950's.

A fragment of the southern portion of the lands are within proximity to the Region's Core Natural Heritage System, and this proposed development is to occur 10-metres outside of the established dripline. This dripline was established through woodlot staking with the Niagara Region on September 6th, 2023. Therefore, the southern boundary line is irregular as it has been determined by the woodlot buffer set out by the Niagara Region.

Adjacent Land Uses

The lands are located on the south side of Lundy's Lane, and are located within the defined urban boundary with existing urban land uses surrounding the property. These uses are outlined as follows;

- North:** Niagara Inn & Suites; Wind Japanese and Thai Restaurant; low-density residential beyond
- East:** Millennium Trail; Hydro One corridor; commercial and residential lands beyond
- South:** Significant woodlot; vacant lands for future residential development; Vaultra Storage (self-storage) facility beyond
- West:** Residential apartment building directly adjacent; Queen Elizabeth Way (QEW) and Canada One Outlet Mall just beyond

THE PROPOSED DEVELOPMENT

The property owner is seeking to develop the property with two (2) residential apartment buildings. These apartment buildings are proposed to be nine (9) storeys in height, yielding twenty-five (25) units each, for a total of fifty (50) residential dwelling units. The proposed development is visually represented in the Site Plan below, **Figure 2**, and attached as **Appendix I**.

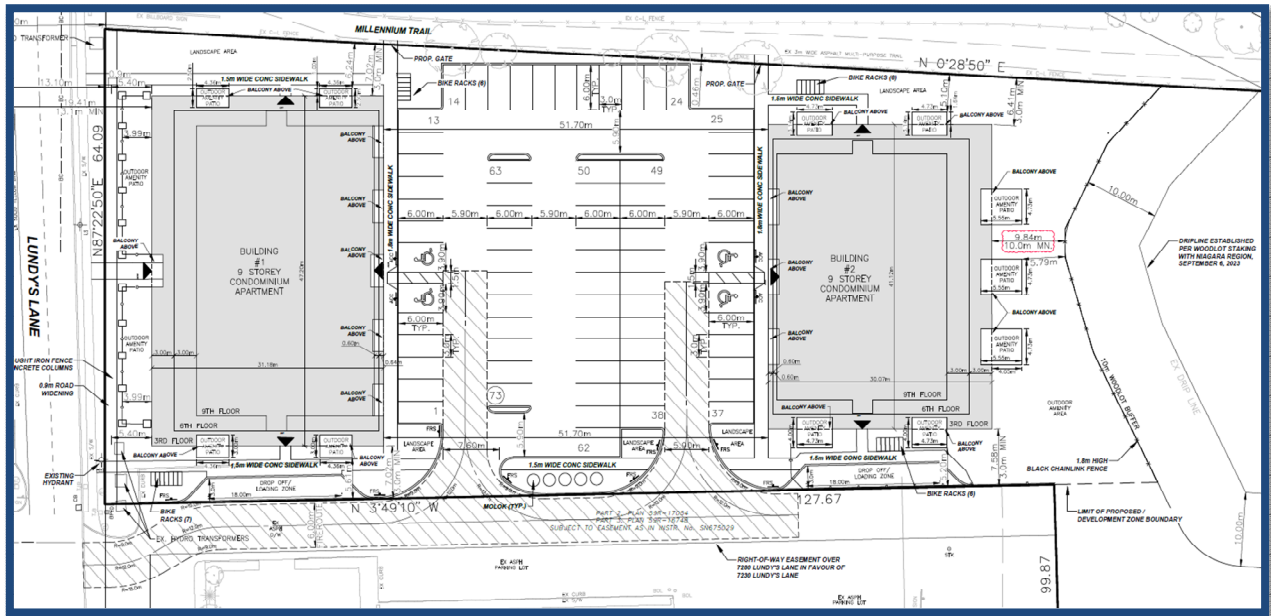


Figure 2 - Site Plan prepared by Upper Canada Consultants

As shown in **Figure 2**, one apartment building will front Lundy's Lane, and the other will be set back to the south, with a shared parking lot between the two structures. Seventy-three (73) parking spaces are provided and will be accessible by a single access from Lundy's Lane along the west side of the property. This access will be at the intersection of Royal Manor Drive and Lundy's Lane, which contains street lights. Access will be provided by a right-of-way easement over 7280 Lundy's Lane in favour of 7230 Lundy's Lane.

Proposed Elevations and Massing

Both buildings are aesthetically similar, with minor difference, being complementary to one another. The proposed building design includes a setback above the third storey, and an additional setback above the sixth storey for both buildings.

The building along Lundy's Lane has a minimal front yard setback as there are private outdoor amenity patios along the frontage to promote connectivity between the private and public realm. This building also has a larger building footprint than the building to the south.

A 3D perspective prepared by Jason Pizzicarola Design – Architect Inc. is provided as **Figure 3**. The apartment buildings and urban design aspects will be described in detail later on in this report.

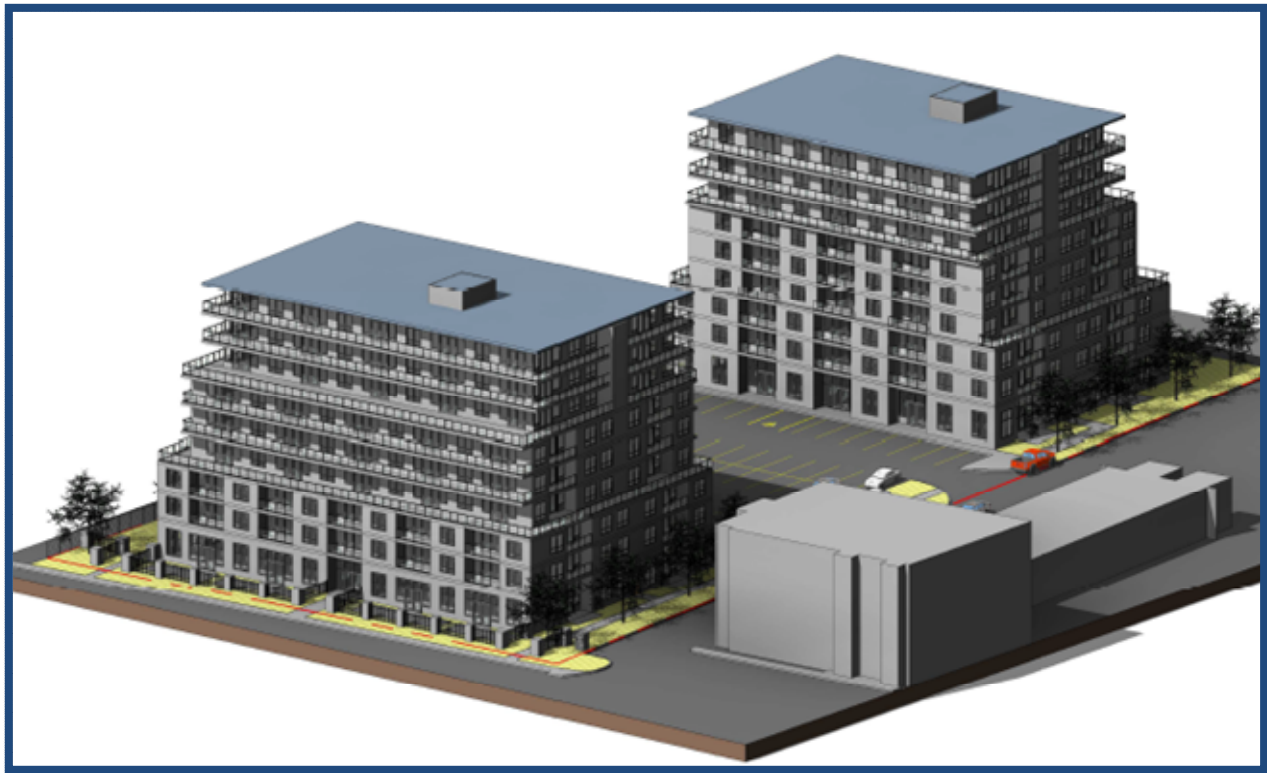


Figure 3 – 3D Perspective looking southeast

Residential Dwelling Units

The owner is proposing fifty (50) residential apartment dwellings within the building.

The units in Building 1 (fronting Lundy's Lane) range in size between 2,199 square feet and 7,446 square feet in area.

The units in Building 2 (to the south) range in size between 1,685 square feet and 6,151 square feet in area.

Both buildings provide at least two balconies or terraces per unit and will be accessible by elevator and stairs.

Access and Parking

On-site parking for the residential dwelling units will be provided through surface parking.

The seventy-three (73) parking spaces will be accessible from the intersection of Lundy's Lane and Royal Manor Drive. This access is provided through a right-of-way easement within the adjacent 7280 Lundy's Lane parking lot.

Four (4) barrier-free spaces are planned within the development, along with thirty-seven (37) bicycle parking spaces (25 outdoor, 12 indoor).

REQUIRED APPLICATIONS

A pre-consultation meeting pertaining to this development proposal occurred on February 2nd, 2023. City of Niagara Falls Planning Staff confirmed at that meeting that an application for a combined Official Plan Amendment and Zoning By-law Amendment is required to permit the proposed development.

Appendix II to this report contains a copy of the Pre-consultation Agreement.

The apartment buildings will be subject to future Site Plan Approval and Exemption of Draft Plan of Standard Condominium applications to confirm site design and establish tenure.

As requested by the City and review agencies, a complete application submission for the combined Official Plan Amendment and Zoning By-law Amendment must include:

- Stage 1-2 Archaeological Assessment
- Conceptual Site Plan (Site Plan, Colour Site Plan, Elevations & Survey)
- Updated Environmental Impact Study
- Phase 1 Environmental Site Assessment
- Phase 2 Environmental Site Assessment
- Updated Phase 1 Environmental Site Assessment
- Letter of Reliance
- Functional Servicing and Stormwater Management Report
- Noise & Vibration Study
- Planning Justification Report including Urban Design/Architectural Brief, draft Official Plan Amendment and Zoning By-law Amendment
- Tree Inventory Preservation Plan
- Urban Design/Landscape Plan

It is requested that the Ministry Acknowledgement Letter and Record of Site Condition be included as a condition of Site Plan Approval. As per discussions with the Niagara Region, the required Wind Study will be submitted at the Site Plan Approval stage.

The scope of the submitted application is as follows;

Official Plan Amendment

The subject lands are designated Tourist Commercial and Residential, and are within the Lundy's Lane Satellite District.

An Official Plan Amendment has been submitted to permit the height and density of the proposed residential buildings. The Tourist Commercial designation permits a height of 4-storeys and considers height up to 8-storeys through a Zoning By-law Amendment. The Residential designation permits a maximum of 6-storeys. A height of 9-storeys is proposed; therefore, an Official Plan Amendment is required. The permitted Residential density for buildings with a maximum of 6-storeys is 75 units per hectare to 100 units per hectare. The proposed development provides a density of 63 units per hectare; therefore, an Official Plan Amendment is required.

The Draft Official Plan Amendment is included as **Appendix III** to this report.

Zoning By-law Amendment

The lands are correspondingly zoned Tourist Commercial (TC) and Prestige Industrial (PI), as shown in **Figure 4**:

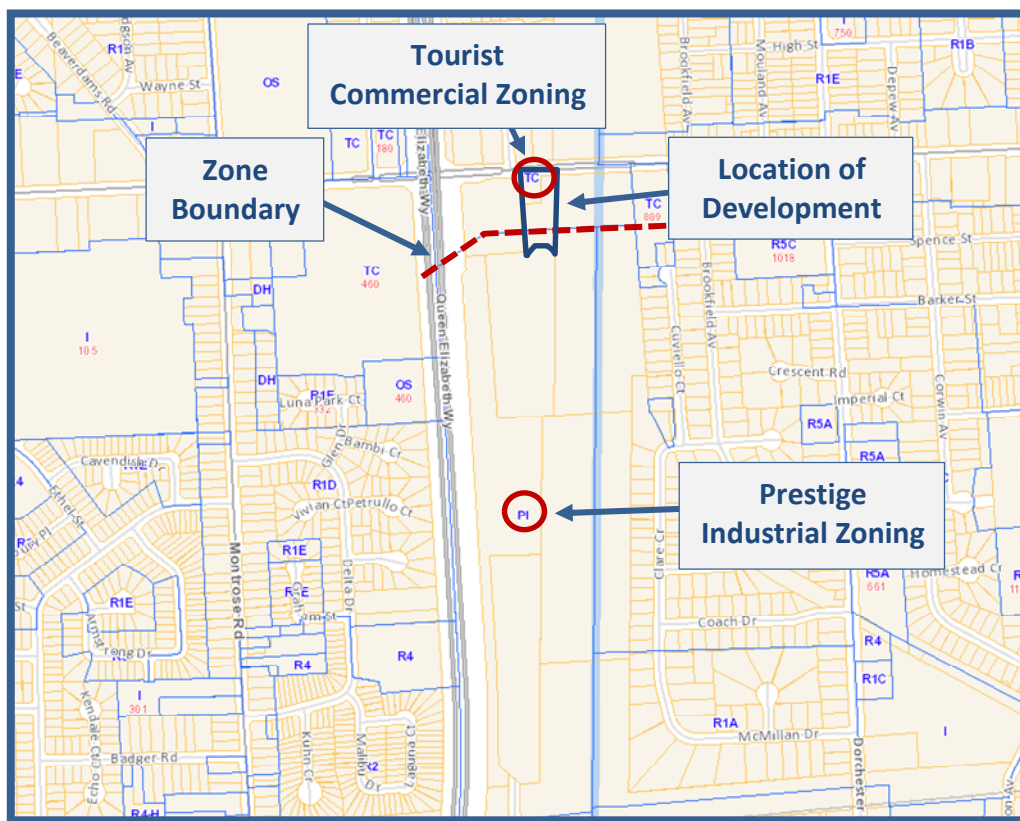


Figure 4 – Zoning Map from Zoning By-law No. 79-200

A Zoning By-law Amendment application has been submitted to align the Zoning with the proposed Official Plan designation and permit future implementation. It is proposed that the

zoning of the subject lands be amended from Tourist Commercial (TC) and Prestige Industrial (PI) to a site-specific Tourist Commercial (TC-XX) zone.

The proposed adjustment to the Prestige Industrial Zoning is included due to the small area of land being zoned, and is included in a technical nature as a result of the location of the woodlot area.

Site-specific relief is requested for the following:

- *Permitted Uses*
- *Minimum Rear Yard Depth*
- *Maximum Building Height*
- *Yard Requirements*

The Draft Zoning By-law Amendment is included as **Appendix IV** to this report.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation (see **Appendix II**), and in addition to this Planning Justification Report, several supporting reports and studies have been completed in relation to the combined application. A brief overview of their conclusions and recommendations are provided below. Please refer directly to the reports and studies for more details.

Stage 1-2 Archaeological Assessment (Detritus Consulting Ltd.)

A Stage 1-2 Archaeological Assessment was conducted by AMICK Consultants Limited to assess the archaeological potential of the subject lands.

As a result of the Stage 2 Assessment of the study area, no archaeological resources were encountered. Ministry Clearance will be provided through the Site Plan Approval Application process.

Environmental Impact Study (Beacon Environmental)

Beacon Environmental completed a Scope Environmental Impact Study for the subject lands in March 2024. This Study was prepared to characterize the natural heritage features and functions associated with the subject property based on background information and scoped field investigations, assess potential impacts on natural heritage features, and recommend appropriate mitigation measures to avoid, minimize, or off-set impacts to the natural heritage features and functions. It also examines the proposed development in the context of the applicable provincial and municipal natural heritage policies and regulations to ensure that the development is policy compliant.

The proposed development is confined to an existing disturbed area on the northern portion of the property. A 10-metre buffer was provided to the significant woodland to protect the feature and mitigate potential negative impacts.

Additional mitigation measures were recommended to avoid or minimize impacts on the woodland that will be incorporated and implemented.

Overall, the proposed re-development is not anticipated to negatively impact the natural heritage features and ecological functions associated with the subject property and is in conformity with natural heritage policies and legislation.

Phase 1 Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd.)

A Phase One Environmental Site Assessment was conducted by Soil-Mat Engineers & Consultants Ltd. in May of 2021. Based on the findings, it was concluded that the potential of Site contamination is considered medium, as four potentially contaminating activities (PCAs) were revealed, and recommended that additional investigations were required.

Phase 2 Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd.)

Due to the findings of the Phase 1 Environmental Site Assessment, Soil-Mat Engineers & Consultants Ltd. conducted a Phase 2 Environmental Site Assessment in October 2021.

Based on field observations and the laboratory analytical test results, all soil samples reportedly met the applicable Table 2 Residential/Parkland/Institutional Property use Site Condition Standards for the select tested contaminants of potential concern.

Updated Phase 1 Environmental Site Assessment (Soil-Mat Engineers & Consultants Ltd.)

An updated Phase 1 Environmental Site Assessment was prepared by Soil-Mat Engineers & Consultants Ltd., in March 2023, and is to be read in conjunction with the Phase 1 Assessment prepared in May 2021.

Site reconnaissance was carried out in February 2023, and it did not reveal any significant changes to the Site from that reported in 2021. To add, there were no significant changes to the adjacent lands or lands generally located within the study area that would warrant the need for new intrusive soil and/or groundwater sampling.

Overall, the potential of an adverse environmental impact to the site is to be considered low, and no additional investigations are required.

Functional Servicing and Stormwater Management Report (Upper Canada Consultants)

A Functional Servicing Report including a Stormwater Management Plan was prepared by Upper Canada Consultants in May 2024.

It was concluded that;

- The existing 200mm diameter municipal watermain on Lundy's Lane will have sufficient capacity to provide both domestic and fire protection water supply.
- The existing 225mm diameter sanitary sewer on Lundy's Lane and Royal Manor Drive will have adequate capacity for the proposed residential development.
- Stormwater quantity controls will not be required for this development as stormwater will ultimately be outletting to the Hydro Canal.

- Stormwater quality controls will be provided to MECP Normal Protection (70% TSS removal) levels before outletting from the site.
- This site stormwater overland route will ultimately convey stormwater flows to the Hydro Canal.

All-in-all there is adequate, existing municipal infrastructure that is available to service the proposed development.

Environmental Noise Feasibility Study

An Environmental Noise Feasibility Study was prepared by Valcoustics Canada Ltd. to assess the surrounding sound levels and noise mitigation measures required for the proposed development to comply with the applicable Ministry of the Environment, Conservation and Parks (MECP) noise guideline limits.

In order to meet the applicable transportation noise source guideline limits the following are required;

- Air conditioning;
- Exterior wall construction must meet a minimum STC rating of 54 (eg. Brick veneer);
 - Building 1 required exterior window construction up to STC 36;
 - Building 2 requires exterior window construction up to STC 34;
 - Final wall and window STC requirements are to be reviewed when detailed building plan and architectural drawings are available.

Station noise source guideline limits are expected to be met at the subject site without mitigation measures.

Tree Inventory and Preservation Plan Report (Jackson Arboriculture Inc.)

A Tree Inventory and Preservation Plan report was prepared by Jackson Arboriculture Inc. to complete a tree inventory and determine the impacts the proposed development will have on the trees included in the inventory.

Twelve (12) trees reside on the subject lands, on the neighbouring property within 6-metres and within the road allowance. No rare, threatened or endangered tree species were documented, and the trees included in the inventory appear to be comprised of landscape planting.

The results include the removal of nine (9) trees to accommodate the proposed development.

Tree preservation recommendations were provided to reduce the impacts to trees identified for preservation.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the City of Niagara Falls are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the submitted combined application satisfies 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 a), d), e), f), h), j), l), p), q) and r) are considered to be relevant to these applications, and are evaluated below.

- a) *the protection of ecological systems, including natural areas, features and functions;*

An Environmental Impact Study was completed by Beacon Environmental to assess the potential impacts associated with the construction of the proposed development, as well as the associated parking area on the subject lands.

The southern portion of the property contains identified natural features which are part of the Region's Core Natural Heritage System.

A 10-metre buffer has been included in the plan surrounding the signification woodlot dripline, as determined by the Niagara Region.

Based on the assessment, the development area will be located within the portion of the property that is currently vacant, and it was concluded that the development will not negatively impact the ecological functions of the woodland on the property. To assist with the avoidance of impacts to the woodland, recommended mitigation measures were provided to be implemented during the Site Plan Approval process and construction of the property.

- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

The Stage 1 & 2 Archaeological Assessment concluded that the subject lands are clear of any archaeological concerns and no further assessment of the study area is warranted.

There are no other features of significance on the subject lands or adjacent to the subject lands.

- e) *the supply, efficient use and conservation of energy and water;*

The proposed development will utilize readily available existing municipal services.

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

The subject lands are accessible from Lundy's Lane (Regional Road 20), and Royal Manor Drive (Local) and are currently serviced by municipal watermain, sanitary sewer and storm sewer. As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, the development will efficiently use these existing municipal services to support the development.

Waste management services will be considered through future approval and detailed design.

- 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 residential apartment dwellings. The proposed units can be supported by existing municipal services, are proximate public transportation, arterial roadways and highways, and are located within the tourism district which provides the most significant amount of employment in the City of Niagara Falls.

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

The application proposes fifty (50) new residential apartment dwelling units on the subject lands that are currently vacant. The unit count is encompassed in two (2) residential apartment buildings.

The immediate area would benefit from this form of housing, as the adjacent lands consist of commercial uses, a recently converted five (5) storey residential building, significant woodlands, and a hydro corridor. The area that surrounds Lundy's Lane is predominantly comprised of single-detached dwellings. The incorporation of apartment dwellings along Lundy's Lane will add variety to the housing choices in the area, while enhancing the streetscape. Generally, apartment dwelling units can be more affordable than detached dwellings, and when the supply of housing is increased, it allows for better affordability in the market.

To add, these apartment dwellings greatly range in size, adhering to a variety of demographics. Though some units are quite large, the anticipation is that these will be used as multi-generational housing.

- l) the protection of the financial and economic well-being of the Province and its municipalities;

The proposed development is beneficial for the financial and economic well-being of the Province and its municipalities as it introduces fifty (50) new homes into the City of Niagara Falls. By expanding housing capacity with the addition of these units, overall economic resilience and vitality of the area is increased. This development will also generate development charges and long-term property tax revenue. These economical and financial contributions support the sustainable growth and prosperity of the Region and municipality, which supports the local economy.

- p) the appropriate location of growth and development;

The subject lands are located within the City of Niagara Falls 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 criterion as they are within the Urban Area, Built-up Area and are provided with municipal services.

The subject lands are an appropriate location for higher-density residential development, as proposed through the subject application. The subject lands are fully serviced with municipal infrastructure and public service facilities, and have strong transportation connections, being located on a high-capacity Regional Road and along an existing public transportation route. The proposed development would optimize the efficient use of existing publicly-funded services and provides transit-supportive densities.

Further, the proposed apartment buildings will enhance the streetscape, and bring residents that will assist with sustaining the tourist commercial area through the off-season. These residents are also provided with services and necessity within walking distance, and can become employed in the area.

- 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 and underutilized 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 development contains an adequate balance of growth and natural environment that will support urban living.

The subject lands are located directly adjacent to a public transit stop that is located at the corner of Lundy's Lane and Royal Manor Drive, where the entrance of the proposed apartments will be.

The site is oriented to pedestrians as sidewalks are provided throughout the site and along Lundy's Lane, and all necessities are within walking distance. There is also direct access to Millennium Trail, that is to the east of the property.

- 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 built form exhibits good urban design principles and engages positively with the public realm along Lundy's Lane. The inclusion of urban elements will improve the visual condition of the property to benefit the surrounding land uses.

The proposed development will be well-designed and will add a new and vibrant built form into this area of the City. Although in transition, this portion of the Tourism District is characterized by a mix of older homes and commercial businesses.

The proposed development provides a sense of place through the utilization of street frontage that will provide building massing, glazing and interactive elements such as patios, doors and landscaping. These inviting spaces will supplement the private realm and serve as attractive and accessible gathering space for future residents.

Furthermore, the interface with the existing natural environment backdrop creates a high-quality public realm, enhancing the aesthetic appeal of the development and overall area. The natural backdrop also enhances the on-site amenity area in the rear of the subject lands.

The proposed development contributes to a harmonious mix of land uses as the surrounding development is comprised of complimentary commercial uses and low-density residential uses. To add, the adjacent former Days' Inn Motel that was converted into residential apartments. The subject lands are therefore an appropriate location to facilitate the type of mixed-use, transit-oriented complete community described in Provincial Land use documents.

Section 22 – Official Plan Amendments

Applications for Official Plan Amendments are considered under Section 22 of the Planning Act. Amendments to municipal by-laws are permitted, subject to the provisions of prescribed

information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

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.

2020 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS) (2020) provides policy direction on the matters of Provincial interest delineated under Section 2 of the Planning Act (R.S.O. 1990), and sets the policy framework for regulating the development and use of land. An overview of consistency to the applicable policies is provided below.

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

The policy direction under Section 1.1 of the Provincial Policy Statement (2020) (PPS) provides the overall planning framework for the development of healthy, livable and safe communities. In accordance with these objectives, the proposed residential apartment buildings achieve a compact and efficient development pattern that optimizes efficient infrastructure use and minimizes land consumption and servicing costs.

Section 1.1.3 outlines the policy direction for the Province's Settlement Areas. The subject lands are within a Settlement Area as defined by the PPS being located within the Niagara Falls Urban Area. Policy 1.1.3.1 of the PPS directs that growth and development is to occur primarily within Settlement Areas. The combined application is therefore consistent with the PPS in providing growth and development to the appropriate area.

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 proposed development is considered intensification in accordance with the PPS, as it represents the development of underutilized vacant urban lands at a higher density than what currently exists. Policy 1.1.3.4 encourages the implementation of appropriate development standards to facilitate intensification in a compact form.

Schedule A2 of the City of Niagara Falls Official Plan further identifies the lands as being within the Built-up Area. Policy 1.1.3.5 of the PPS directs planning authorities to implement minimum intensification targets for Built-up Areas. The City of Niagara Falls Official Plan identifies that 50% of residential development is to occur within the Built-up Area. The proposed development

supports the achievement of the City's intensification target through the provision of 50 dwelling units on a vacant parcel in the Built-up Area.

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.

Consistent with this overall policy direction, a pre-consultation meeting for the proposed development was held on February 2nd, 2023. The pre-consultation meeting allowed for the upper and lower-tier planning municipalities and other commenting agencies to review and comment on development proposals early in the process, in which no objections to the proposal in principle were received from staff.

This coordinated approach allows for appropriate consideration to be made during the planning stage to ensure that potential areas of concern are suitably addressed. Applications have been made pursuant to the complete application requirements outlined in the pre-consultation agreement.

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 (the upper-tier municipality) has prescribed that a minimum of 50% of growth and development within the City of Niagara Falls (the lower-tier municipality) is to occur by way of intensification within the Built-up Area. The proposed development supports the achievement of the minimum intensification target, both for the upper-tier and lower-tier municipality.

Housing (PPS 1.4)

The policy direction under Section 1.4 of the PPS mandates that a full range and mix of housing types and densities that meet current and future housing needs be provided to achieve complete communities and meet prescribed growth targets.

Table 2-1 of the Niagara Region Official Plan forecasts that Niagara Falls will have 141,650 people by 2051. Table 2-2 indicates that Niagara Falls will need to add 10,100 dwelling units between 2021 and 2051 to accommodate the expected growth.

Consistent with the PPS, the proposed residential apartment buildings incorporate a housing form that adds variety to the area. The apartment units offer a housing choice that reflects the range of housing needs and dwelling typologies that are needed to achieve a more integrated and complete community as encouraged through the PPS.

Overall, the application is consistent with Section 1.4 of the PPS and will assist in the provision of additional 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 subject lands are adjacent to the Millennium Trail and two direct accesses are proposed. The subject lands are also located approximately 290-metres away from Royal Manor Park along the Millennium Trail, 1-kilometre away from Brookfield Park Playground, and 1.3-kilometres from AG Bridge Park. Outdoor amenity space is also provided on the subject lands, in the rear of the southernmost building, adjacent to the significant woodlot.

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.

Sewage, Water and Wastewater (PPS 1.6.6)

Section 1.6.6 particularly considers sewage, water and stormwater servicing requirements. A Functional Servicing Report has been prepared by Upper Canada Consultants and submitted with the applications. The Report details how the proposed development will be serviced for sewage, water and stormwater. Site services will be connected to the readily available existing public infrastructure in Lundy's Lane that has sufficient capacity to accommodate the development. The proposed development is therefore suitable for, and makes efficient use of, existing public sewage, water and stormwater services as required in 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 multi-modal transportation options.

The subject lands are located along a Regional Road (Lundy's Lane), which is identified as an Arterial Road on Schedule C of the City of Niagara Falls Official Plan. Lundy's Lane provides convenient access to important Regional and local thoroughfares and the Highway/QEW. Opportunities for walking and cycling within adjacent neighbourhoods are abundant, as they contain sidewalks.

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, Policies 1.7.1 b), c), e), g) and h) are relevant to the applications.

Policy 1.7.1b) encourages 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 respond to housing needs by utilizing lands within the tourism area. The provision of higher density development is difficult in designated low-density residential areas where compatibility issues can emerge and land values are higher. By amending the permitted uses provision to permit two apartment buildings that are 100% residential, this site can be utilized for higher residential development potential.

Policy 1.7.1c) states that optimizing the long-term availability and use of land, resources, infrastructure and public service facilities supports long-term economic prosperity. In accordance with this policy directive, the proposal represents the efficient use of vacant serviced residential land and increases the efficient use of the existing municipal services.

Policy 1.7.1e) encourages developments to emulate a sense of place by promoting well-designed built form. The proposed development scheme includes visually interesting architectural design and places emphasis on the relationship between the base of the building and Lundy's Lane. The inclusion of ground level glazing, variety of building materials, landscaping and patio space are an improvement of the existing character of the streetscape along Lundy's Lane.

Policy 1.7.1g) states that long-term economic prosperity is supported by providing for an efficient, cost-effective, reliable multimodal transportation system. The subject lands are located along an existing public bus route with the nearest stop located in front of the neighbouring property. The proposed development increases potential ridership along this existing public transit route, thus diluting the cost of providing this service.

Policy 1.7.1h) promotes opportunities for the development of sustainable tourism opportunities. The provision of housing within the tourism district allows for the improvement of accessibility for employees.

Energy Conservation, Air Quality and Climate Change (PPS 1.8)

Section 1.8 of the PPS directs planning authorities to prepare for impacts of a changing climate through the consideration of development that is compact, utilized multi-modal non-automobile modes, provides connectivity between and the integration of residential and employment uses.

The proposed development utilizes urban lands for residential development in a compact form. The provision of housing within the tourism area and in close proximity to public transit will provide an opportunity for improved accessibility between work and home, and support sustainability goals.

Natural Heritage (PPS 2.1)

Section 2.1 of the PPS limits development and site alteration within areas of natural heritage including significant wetlands and significant woodlands so as to ensure the long-term protection of these features.

In accordance with the PPS, the proposed development is located entirely outside of the identified significant woodland area to the rear of the development area, ensuring the long-term protection of the natural features and their functions.

Cultural Heritage and Archaeology (PPS 2.6)

Section 2.6 of the PPS requires that significant built-heritage resources and significant cultural heritage landscapes be conserved. Further to this, development shall not be permitted on lands that contain archeological resources or areas of archeological potential.

The Regional Municipality of Niagara has an Archeological Screening Tool that defines areas of the municipality that exhibit potential for archaeological resources. Schedule K of the Niagara

Official Plan (2022) shows the property being within an area of archaeological potential, which conformed the requirement for this study to be completed.

The subject lands were assessed for archaeological resources by Detritus Consulting Ltd. Through a Stage 1 and 2 investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ministry for review and approval.

Human-Made Hazard (PPS 3.2)

Policy 3.2.2 of the PPS requires that sites with contaminants in land and water are to be assessed and properly remediated. A Phase 1 Environmental Site Assessment (ESA) was conducted by Soil-Mat Engineers and Consultants which identified a number of potentially contaminating activities (PCA's) due to the property's former commercial use. A Phase 2 ESA was conducted and the laboratory analytical test results for the submitted soil samples all reportedly met the applicable Table 2 Residential/Parkland/Institutional Property Use Site Condition Standards for the select tested contaminants of potential concern. An updated Phase 1 ESA was also completed and this report concluded that there was no need for further investigations. The Record of Site Condition will be included at the Site Plan Approval stage.

2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Growth Plan for the Greater Golden Horseshoe informs decision-making regarding growth management and environmental protection in the Greater Golden Horseshoe through specific policies based on a 25-year planning horizon. The goal of the policies under the Growth Plan is to enable environmental, social and economic prosperity on a regional level.

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 submitted applications will facilitate the development of a residential development within the City's Settlement Area boundary. The proposed built form is appropriate to place along

Lundy's Lane, which is an important Arterial roadway that provides access through the City's Tourism Area and to interregional roadways. Developing dwelling units in this area will leverage existing assets such as commercial uses, highway access, public transit and employment opportunities.

Managing Growth (PTG 2.2.1)

Section 2.2.1.2 of the Growth Plan directs that a vast majority of growth is to occur within the Settlement Area, particularly within the delineated Built-up Area and in areas with planned or existing transit and public service facilities. The subject lands are located within the Niagara Falls Settlement Area and within the Provincially and Regionally established delineated Built-up Area. The subject lands have full access to municipal infrastructure and public services facilities including public transit. Therefore, the subject lands are an appropriate location for growth and development in accordance with the Growth Plan.

Policy 2.2.1.4 states that the Growth Plan's growth management policies seek to support the achievement of complete communities. Complete communities are defined under the Growth Plan as,

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

The subject lands are accessible by public transportation and the proposed development will integrate compatible residential development with existing commercial uses, thus supporting the achievement of complete communities as described in the Growth Plan.

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 50% for the City of Niagara Falls, as its contribution to growth.

The subject lands are identified as being within the delineated Built-up Area on Schedule B of the Niagara Official Plan. The development of the subject lands with residential apartment dwelling units will assist the City and Region in meeting prescribed minimum residential intensification targets, while limiting pressures for additional greenfield lands and urban boundary expansions.

Employment (PTG 2.2.5)

The subject lands are not within a Provincially-defined *employment area*, but are considered to be *employment lands* in accordance with the Growth Plan.

Policy 2.2.5.14 of the Growth Plan states: *“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.”*

The subject lands are currently vacant and have not hosted any commercial or employment-related activity since 2015. The proposed redevelopment of the land would establish an efficient use of a vacant serviced parcel in the urban boundary. The proposed residential use would support employment lands by providing a proximate customer base and employees for the surrounding commercial businesses.

Housing (PTG 2.2.6)

The policies under Section 2.2.6 of the Growth Plan support the achievement of complete communities through the provision of a full range of housing options and densities.

The proposed development will include fifty (50) new residential apartment dwelling units of varying sizes between two (2) apartment buildings. Residential apartments can be considered as a more attainable form of housing when compared to other housing forms such as detached dwellings and townhouses that require more land and individual infrastructure. The condensed urban form of an apartment building uses land more efficiently than traditional ground-based dwellings and in turn can reduce the overall cost of a dwelling unit, thus improving housing affordability.

Transportation (PTG 3.2.2)

Similar to infrastructure planning, transportation planning and investment must be coordinated with development. Within Urban environments, the primary goals of the Growth Plan are to provide connectivity amongst modes, provide balance in transportation choices, to be sustainable, to ensure multimodal access to housing, jobs and other community elements and to ensure safety.

The subject lands are accessible by multiple modes of transportation including public transit, walking, cycling, and private automobile. The proposed development will specifically increase potential ridership and the efficient use of the existing bus service.

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.

In conformity with this direction, the subject lands are serviced by proximate public transit routes and stops that are along the north and south side of Lundy's Lane at the Lundy's Lane and Royal Manor Drive intersection. The scale of the proposed development is considered to be transit supportive, and will provide additional ridership opportunities in the neighbourhood, which is promoted by and in conformity with the Growth Plan.

Water and Wastewater Systems (PTG 3.2.6)

Policy 3.2.6.2 of the Growth Plan requires that water and wastewater systems be planned and constructed to maximize functionality and efficient use so as to ensure that the municipality recovers the cost of providing water and wastewater infrastructure.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, it is confirmed that the existing water and waste water systems can adequately support the proposed development, and the proposed development would increase the efficient use of this existing infrastructure.

Stormwater Management (PTG 3.2.7)

Although prescribed by the Growth Plan, the City of Niagara Falls is one of many Niagara municipalities which does not have a Stormwater Management Master Plan. Nonetheless, Policy 3.2.7.2 requires that stormwater management strategies be developed prior to proposals for large-scale development, to ensure that stormwater can be managed on site with no impacts on the adjacent lands.

As outlined in the Functional Servicing Report prepared by Upper Canada Consultants, stormwater quantity controls will not be required for this development as stormwater will ultimately be outletting to the Hydro Canal. Stormwater quality controls will be provided to MECP Normal Protection (70% TSS removal) levels before outletting from the site.

Natural Heritage System (PTG 4.2.2)

The policies under this heading of the Growth Plan apply to features within the Natural Heritage System for the Growth Plan. Per the Regional comments on the pre-consultation agreement, the wooded area to the rear of subject lands is not identified as being within the Growth Plan's Natural Heritage System.

Nonetheless, the proposed development is consistent with the intent of these policies in protecting and preserving important natural features as the proposed development is located entirely outside of the wooded area on the property.

Cultural Heritage Resources (PTG 4.2.7)

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

As noted previously in this report, a Stage 1-2 Archeological Assessment was conducted by Detritus Consulting Ltd. No artifacts were encountered through this assessment and therefore, the applications have no impact on the conservation of cultural heritage resources. Ministry clearance is forthcoming.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) was approved by the Minister of Municipal Affairs and Housing in November 2022. It is the long-range, community planning document that is used to guide the physical, economic and social development of the Regional Municipality of Niagara to a planning horizon ending in 2051. The Official Plan's primary focus is implementing Provincial Policy and Plans, the Regional Growth Strategy and providing Regional-level land use planning direction on attributes and resources unique to Niagara.

As shown in **Figure 5**, the subject lands are located within the City of Niagara Falls Urban Area and delineated Built-up Area on Schedule B – Regional Structure of the Niagara Official Plan.

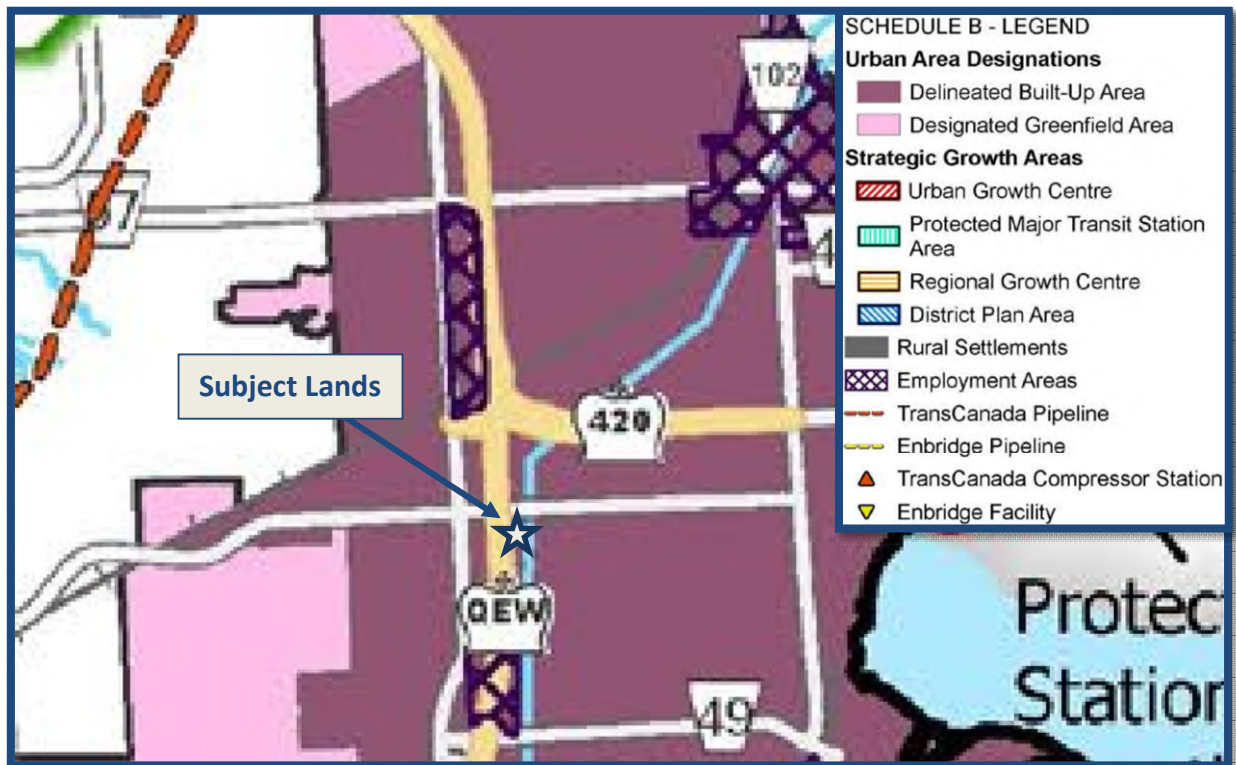


Figure 5 – Schedule B of the Regional Official Plan (Cropped Image)

CHAPTER 2 – GROWING REGION

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

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

2.1 – FORECASTED GROWTH

Per Section 2.1, the Plan directs that 60% of all residential units occurring annually within Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from the year 2021. These population and employment forecasts are further broken down by municipality in Table 2-1.

The subject lands are located within the Niagara Falls Urban Area (Settlement Area) and are within the Delineated Built-up Area on Schedule B of the NOP. Niagara Falls has a forecasted population of 141,650 people and 58,110 jobs by 2051, per Table 2-1 of the NOP. The required intensification target set by the Region for the City of Niagara Falls is 50% or 10,100 units, per Table 2-2 of the NOP.

The proposed development will contribute fifty (50) new dwellings into the City's housing supply. Therefore, the proposed development will assist in achieving the City's annual growth targets by incorporating greater housing options within the area.

2.2 – REGIONAL STRUCTURE

Section 2.2 establishes the Regional land use structure, based on Provincial directive, which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned. The Settlement Area is further broken down into the delineated Built-up Area and the designated Greenfield Area.

2.2.1 – Managing Urban Growth

Section 2.2.1 of the Niagara Official Plan contains policies pertaining to the management of urban growth. Generally, these policies direct growth to occur in a manner that supports the achievement of intensification targets, is compact and vibrant, is inclusive of a mix of land uses and housing forms, and efficiently utilizes existing services and transportation networks/services.

The applications conform with this policy direction through the provision of incorporating further residential development on urban, serviced land. The proposed development will round out available lands with a logical development pattern that will contain vibrant, compact housing with an attractive streetscape.

Per Policy 2.2.1.1 a), development in the Built-up Area is required to support the achievement of the Region's density targets.

Policy 2.2.1.1 b) states that development in urban areas should support a compact built form, a vibrant public realm, and a mix of land uses to support the creation of complete communities. The proposed development exemplifies these principles by offering a more compact built form compared to the surrounding area, allowing for a diverse range of residential housing types along side commercial uses, in turn supporting the creation of complete communities.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current market-based and affordable housing needs. The proposed development aligns with this policy by offering apartment dwelling units that greatly range in size. The integration of this housing type in the area improves and diversifies the housing available in the immediate area. It provides options for individuals based on factors such as household size including multi-generational needs, income levels, and housing preferences, ensuring a more inclusive and adaptable housing environment.

Policy 2.2.1.1 d) states that development in urban areas should support 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; a range of transportation options; affordable, locally grown food and other sources of urban agriculture; co-located public service facilities; the public realm, including open spaces, parks, trails and other recreational facilities. The proposed development is an ideal location to promote a better quality of life for people of all demographics. The proposed development is surrounded by beneficial land uses including open space (surrounding parks and the Millennium Trail), and commercial uses that can provide enjoyment, convenience for necessities, and job opportunities. The location allows for walking, cycling, private vehicles, and public transit accessibility.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, and reduce the cost of municipal water and wastewater systems and services. The proposed development represents a compact and efficient development that provides for the efficient use of land and infrastructure. The apartment buildings will be supported by existing municipal infrastructure that is available in Lundy's Lane (Regional Road No. 20). The provision of additional housing units on an underutilized vacant parcel, will help to optimize the efficient use of the existing municipal infrastructure.

Policy 2.2.1.1. g) states that that development in urban areas should support opportunities for intensification, including infill development. This development consists of urban lands that are

currently underutilized, surrounded by both residential and commercial uses, thus making for a practical use of existing land to intensify.

Policy 2.2.1.1 h) states that development in urban areas should support opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established neighbourhoods. The established neighbourhoods to the north, east and south west consist primarily of single detached dwellings. The proposed development is appropriate as it is directly adjacent to a recently converted apartment building, and commercial uses. The introduction of apartment dwelling units would be both appropriate and compatible, allowing for the integration of further density and a range of housing into the area.

Policy 2.2.1.1 k) states that orderly development in accordance with availability and provision of infrastructure should be accommodated within the urban area. The subject property has full municipal services, concluding that the proposed development will optimize the use and provision of infrastructure.

2.2.2 Strategic Intensification and Higher Densities

Policy 2.2.2.5 states that a Regional minimum of 60% of all residential units occurring annually will be within the Built-up Area. This property lies within the designated Built-up Area and as per Table 2-2 in the OP, Niagara Falls is to intensify at a rate of 50%, increasing their unit count by 10,100. Therefore, the proposed development contributes to the Town's intensification obligations as it contributes fifty (50) more units into the municipality and Region.

2.3 - HOUSING

The objectives of the policy direction under Section 2.3 of the NOP are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

2.3.1 – Provide a Mix of Housing Options

Policy 2.3.1.1 directs that a range and mix of densities, lots and unit sizes and housing types should be accommodated in the Settlement Area to meet housing needs at all stages of life.

The proposed development provides apartment dwellings that significantly range in size from 1,685 square feet to 7,446 square feet. This dwelling type and range in unit size contributes to

the diversification of housing supply in Niagara. Further, it improves accessibility and affordability for individuals as these dwellings will be rental units. By incorporating a wide range of unit size, this will allow for different opportunities of housing such as multi-generational housing. Therefore, this development effectively addresses the provision of diverse housing options and meets the needs of individuals at various stages of life, aligning with the goals outlined in this policy.

The applications will facilitate the provision of new apartment dwelling units amongst a mix of detached low-density housing and non-residential land uses. In comparison to detached dwellings, apartment dwellings can be relatively more affordable or attainable sub-let renters. The inclusion of purpose-built apartment rental units provides necessary supply and choice into the market.

CHAPTER 3 – SUSTAINABLE REGION

Chapter 3 of the NOP contains the policies pertaining to the natural environment hazards and natural resources. Specifically, these policies pertain to features shown on *Schedule C1 – Natural Environment System Overlay and Provincial Natural Heritage System* and *Schedule C2- Natural Environment System – Individual Components and Features*.

As shown on Schedule C1 of the NOP (**Figure 6**), the subject lands contain a Natural Environment System Overlay designation.

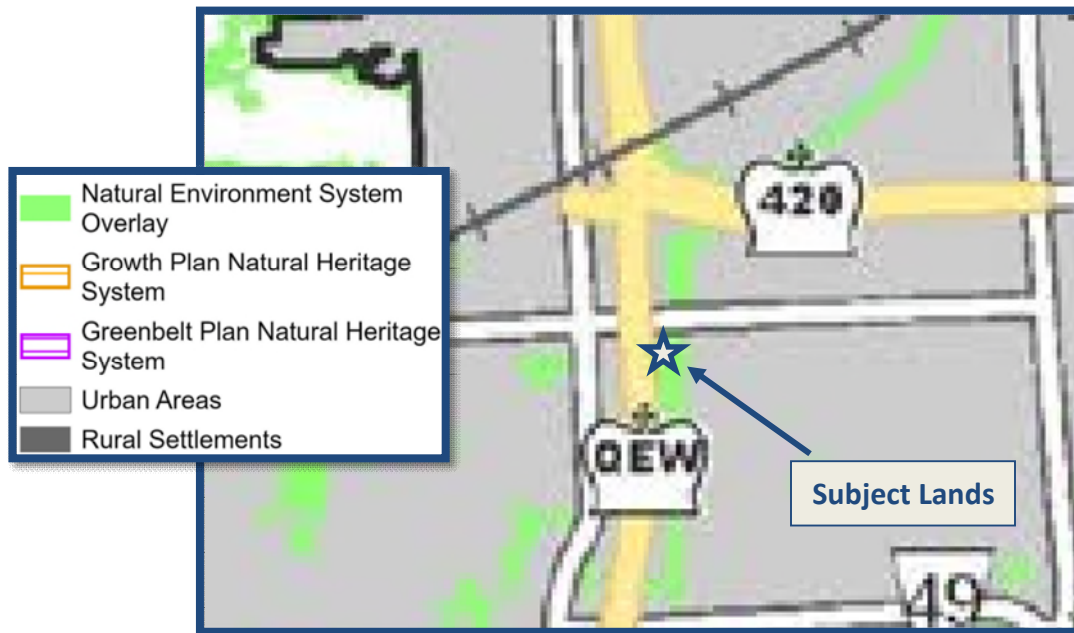


Figure 6 - Schedule C1 of the Niagara Official Plan (2022)

Policy 3.1.1 of the NOP outlines that the Natural Environment System (NES) is comprised of several features, which are listed in Schedule L of the Official Plan.

The NES includes Core Natural Areas which are classified as Environmental Protection Areas (EPA) and Environmental Conservation Areas (ECA). A portion of the subject lands have been identified as Environmental Protection Area due to the presence of a Significant Woodland.

The natural heritage features that were identified on a portion of the property include the following;

- Habitat for Threatened or Endangered Species;
- Significant Woodland;
- Potential Significant Wildlife Habitat; and
- Other Woodland.

Consistent with the Regional Official Plan policy 7.B.1.11, an Environmental Impact Study (EIS) was prepared in support of site alterations and development proposed within 50 metres of the Significant Woodland. Beacon Environmental was retained to prepare the EIS.

As noted above, the presence of these natural heritage features correlates with the “Significant Woodlands” feature shown on Schedule C2 of the Regional Official Plan. This feature is shown in **Figure 7**.

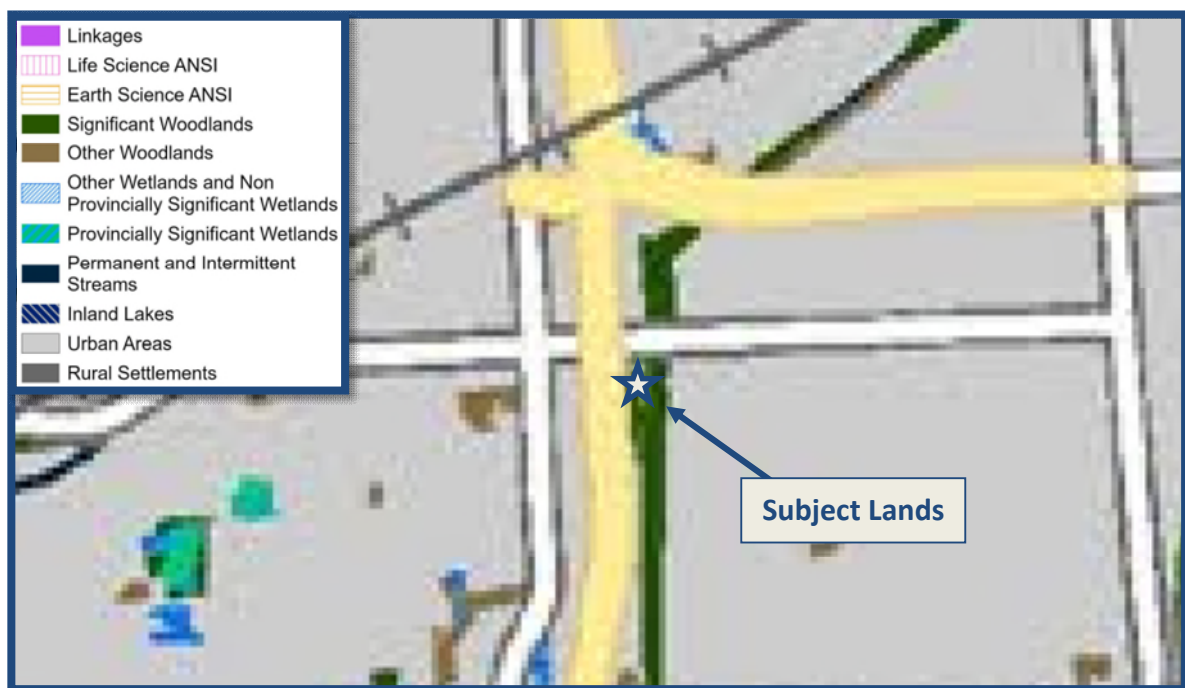


Figure 7 - Schedule C2 of the Niagara Official Plan (2022)

For this development, a 10-metre buffer was provided to the Significant Woodland. As the area is heavily urbanized, the 10-metre naturalized buffer along with other mitigation measures and best management practices are considered to be ecologically-appropriate for protecting the feature and its ecological functions from potential impacts.

As the natural heritage features will not be negatively impacted by the development and the ecological functions are not disrupted, the application conforms with the natural heritage policies of the Regional Official Plan.

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

The City of Niagara Falls Official Plan (OP) outlines the long-term objectives and policies of the City and is intended to guide growth and development to the year 2031. The population during this period is expected to reach 106, 800 with employment for 53, 640 people. The intention of the Official Plan is to focus new growth to accommodate these people and jobs in a sustainable way that makes for an orderly and effective use of land and infrastructure, creates compact, livable communities and protects the City's natural heritage and agricultural lands.

The northern portion of the subject lands is designated as "Tourist Commercial", while the balance of the lands is designated as "Residential" with "Environmental Conservation Area" overlay on Schedule A – Land Use Plan of the City of Niagara Falls Official Plan, as outlined in **Figure 8**, below. The proposed development is limited to the northern portion of the property, designated "Tourist Commercial" and "Residential."

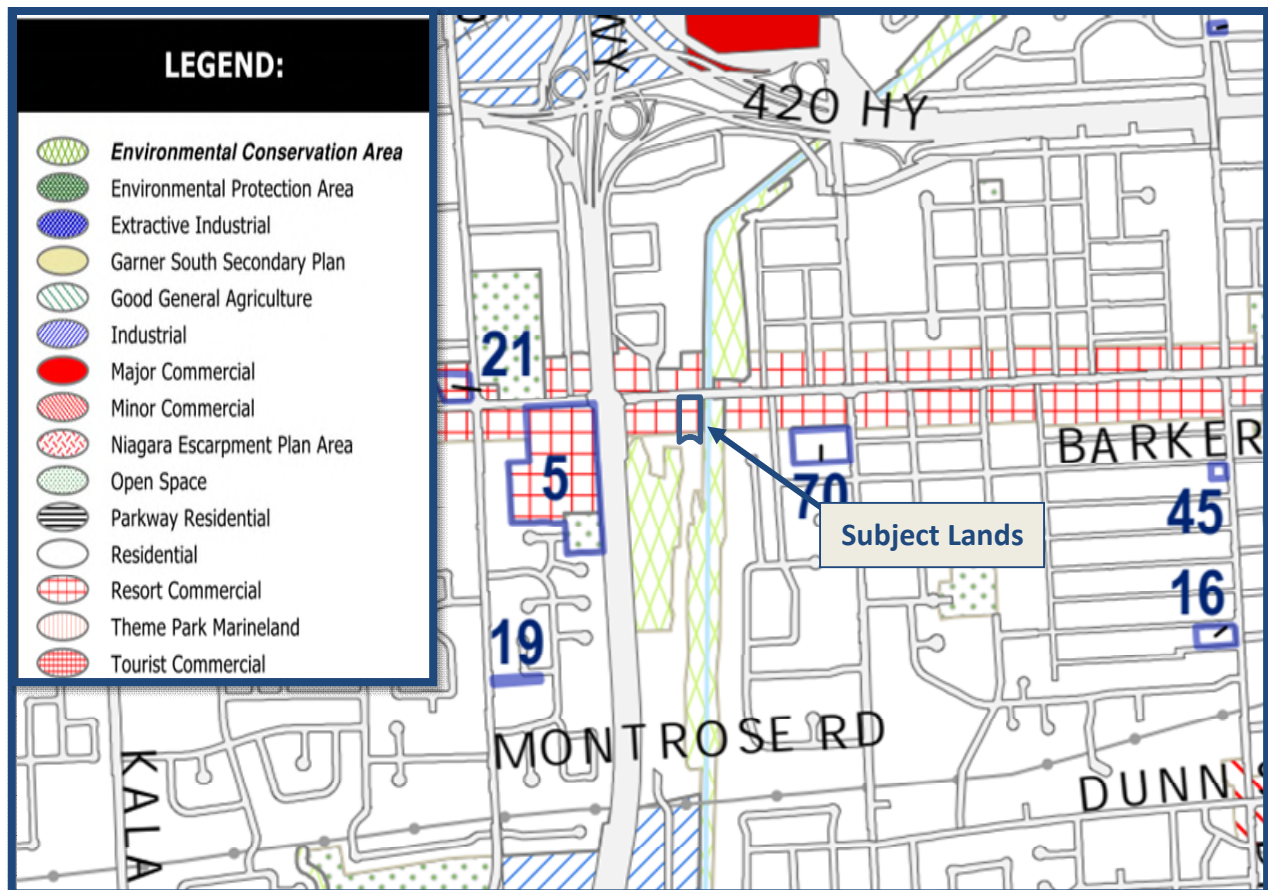


Figure 8 – Schedule A – City of Niagara Falls Official Plan

An Official Plan Amendment application has been submitted to establish the required land use permissions to facilitate the proposed development. An overview of how the proposed

development designation conforms to applicable land use objectives and policies under the Official Plan is provided below.

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

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

Section 2 – Strategic Policy Direction

The intent of the Official Plan is to guide land use and development in the City of Niagara Falls so as to ensure orderly and efficient growth while maintaining and protecting natural heritage and agricultural lands. The subject lands are a vacant, serviced parcel in the City's delineated Built-up Area. The proposed development represents efficient and orderly development on the subject lands which does not negatively impact natural heritage features.

Growth Objectives

The Official Plan outlines a series of Growth Objectives intended to facilitate the Plan's strategic direction. The following is an evaluation of the proposal's conformity to the applicable Objective with the Objected quoted verbatim and a demonstration of conformity provided below in *italics*.

1. To direct growth away from non-urban areas.

The subject lands are located within the Built-boundary of the City's Urban Area, which is the appropriate location for growth and development in accordance with higher level Provincial planning directive.

2. To protect Natural Heritage Areas and their functions.

The southern portion of the subject lands contain a wooded area identified as being an Environmental Conservation Area under the City's Official Plan. All of the proposed development is directed outside of the identified limits of the environmental area to ensure the protection of the natural features and their functions. This is ensured as a dripline was established with the Niagara Region on September 6th, 2023 and a 10-metre buffer from this area has been created which identifies the limits of the proposed development.

3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the Urban Area.

Conformity with Objective 3 is achieved as the applications propose development within the Built-up Area, which is a priority location for development and growth within the community.

The plan proposes a residential development density of 63.53 units per hectare on lands that are currently vacant. Though the proposed density is below the prescribed range in Section 1.10.5 of the Official Plan, the units are planned to adhere to a variety of end users, including multi-generational families. As such, there will be more people per unit than accounted for. The development site is supported by full urban services, existing public roadway frontage and utilities. The site is also situated adjacent to a transit route and is proximate to commercial uses and parkland.

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.
6. To accommodate growth in accordance with the household, population and employment forecasts of the Region's 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.

The development of fifty (50) dwelling units within the Urban Built-up Area will contribute to the City's ability to achieve growth targets prescribed in Provincial and Regional plans. The Niagara Region Official Plan has set the minimum intensification target for Niagara Falls at 50% from 2021-2051. The Region has also forecasted a population of 141,650 people and 58,110 jobs by 2051.

Higher density development is an efficient use of underutilized urban land and limits the need for future urban boundary expansions while protecting areas containing sensitive environmental features.

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

The development is along an Arterial road (Lundy's Lane) that supports public transit, walking and cycling. This area consists primarily of commercial and residential uses, promoting multi-modal transportation, as all necessities are within close proximity. The development plan contemplates sidewalks to provide access within the site and to all surroundings.

10. To plan for an urban land supply for 20 years and to maintain a minimum 10-year supply of land for residential growth through intensification or greenfield development.

The proposed development represents intensification within the Built-up Area. The efficient redevelopment and intensification of existing land limits the need to expand the urban boundary and allows for an adequate amount of land to be maintained within the existing limits of development to accommodate for future growth.

12. To protect prime employment lands for the long-term supply of employment in the Tourist Commercial and Industrial designations and to identify the Gateway Economic Zone.

Schedule G of the Niagara Official Plan identifies all of Niagara Falls as being part of the Economic Zone, and the subject lands as Urban Area.

The subject lands are within the Lundy's Lane Community Improvement Plan area, and the property is affected by the Official Plan's Tourist Commercial designation as identified on Schedule A of the Official Plan. The subject lands are currently vacant and have not supported any type of employment-related use for several years. The proposed residential development provides a proximate customer base for the surrounding commercial businesses, offering opportunity for income during times where there is inadequate tourism-related activity. In this way, compatible residential development interspersed within the Tourism Commercial Area is beneficial in supporting the long-term viability of commercial uses that are nominally dependant on tourism.

13. To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.

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

Policies

Contained under this heading are the policies related to the Growth Objectives outlined in the previous section. The following is an evaluation of the proposal's conformity to their policies, with the objectives quoted verbatim and an analysis of conformity provided in *italics*.

- 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.

The submitted applications implement Policies 2.1 and 2.2 of the Official Plan. With regard to limiting growth pressures on the agricultural area, the development will occur on underutilized urban lands that can accommodate additional, intensified residential growth. By allocating growth within the Urban Area and Built-up Area, pressures for expansion to the Urban Boundary into sensitive agricultural and natural areas is reduced.

Natural Heritage Features have been identified on the subject lands within the southern portion of the property including a Significant Woodland. An Environmental Impact Study was prepared which concluded that a 10-metre buffer from the dripline will ensure there are no negative direct or indirect impacts on this area.

- 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.

According to Table 1, the City of Niagara Falls is anticipated to have a population of 106,800 and 42,740 households. The proposed development will contain 50 units at a density of 63.53 units per hectare, which contributes to the projected housing, population and employment targets.

- 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.

Schedule A-2 identifies the City's intensification nodes and corridors. While the subject lands are not located within a delineated intensification area, the development leverages the benefits of intensification through the efficient use of land, infrastructure and public services.

- 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.

According the Schedule B of the Official Plan, the subject lands are located within the Existing Municipal Service Area. The proposed development therefore does not require the provision of new municipal services and increases the efficient use of existing infrastructure and services.

- 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.

Schedules G1 and G2 to the Region of Niagara Official Plan delineate the Employment and Rural Employment lands within the Gateway Economic Zone. Regional mapping does not identify the subject lands as being Employment or Rural Employment lands.

According to the City of Niagara Falls Official Plan, Schedule A-2 delineates the Gateway Economic Zone. The land designations identified on Schedule A-2 include Nodes, Corridors, the Brownfield Pilot Project Area, the Greenfield Area, the QEW Employment Corridor, and the Warren Woods Secondary Plan Area. The southern portion of the subject lands are shown as being impacted by the QEW Employment Corridor. The City's QEW Employment corridor mapping is inconsistent with the Region's Gateway Economic Zone mapping and is not to be considered.

- 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.

Schedule B of the Official Plan indicates that the subject lands are within the Existing Municipal Service Area. The proposed development of the land, therefore, does not require the provision of new infrastructure, which increases the efficient use of the existing infrastructure and services

- 2.11** No new urban areas shall be created.

The applications propose efficient land uses within the existing Urban Area, which mitigates pressures for Urban Boundary expansions.

Section 3 – Intensification

As required by the Niagara Official Plan (2022), intensification is required to represent a minimum of 50% 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, however intensification on lands not currently designated as residential may be considered. The subject lands are not currently designated residential; however, the existing Tourist Commercial zoning permits residential apartments as-of-right above ground based non-residential land uses.

The following is an evaluation of the proposal's conformity to the applicable Intensification Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

- 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. Proposals of sufficient land area shall be developed through plans of subdivision.

A combined Official Plan and Zoning By-law Amendment application has been submitted to establish the necessary land use permissions to facilitate the development of the subject lands.

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

The subject lands are designated Tourist Commercial and Residential, and a stand-alone residential use is proposed. The Official Plan and Zoning By-law Amendments are required to permit the proposed density and height. An overview of conformity with this Policy is provided further on in this report.

- 3.3** The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.

The subject lands are not within an Intensification Node or Corridor identified on Schedule A-2.

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

An overview of conformity with this Policy is provided further on in this report.

- 3.9** The portion of Lundy's Lane to the west of Montrose Road is identified as an intensification corridor on Schedule A-2 to this Plan as this section is characterized by large lots capable of supporting intensification at varying levels. Intensification may take the form of:

- a) tourist commercial redevelopment that capitalizes on, and expands upon, the existing tourism infrastructure. Uses that serve as attractors, as well as indoor and outdoor recreational facilities, are encouraged;
- b) local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road; and

c) residential uses in accordance with the policies of Part 2, Section 4.2.31. *Justification relative to this policy is required under Part 4, Section 4.2.27. This policy, and Schedule A-2 identify the lands west of Montrose Road as being an intensification corridor, while Part 4, Section 4.2.27 identifies the lands east of Montrose Road as being an intensification corridor.*

Item c) applies to residential uses and is therefore relevant to the subject applications. A demonstration of conformity to the policies of Part 2, Section 4.2.31 is provided under the applicable heading in this report.

Section 4 – Housing

Visions and Goals

The City of Niagara Falls housing policies that were approved by City Council via Official Plan Amendment No. 149 were prepared in response to the findings and directions of the City’s Housing Directions Study (2020). The policies were prepared to direct the municipality (corporation) and guide private applications with regard to housing affordability and supply within the City.

The overall vision new policy set is to ensure that within the City of Niagara Falls there is a safe, stable and appropriate range of housing choices and opportunities that meet residents’ physical and financial needs throughout a lifetime.

The goals that are used to implement this vision pertain to housing availability, diversification of supply, prices and tenure types, the removal of barriers for alternative housing forms, the commitment to monitoring of supply and to work with partners and agencies to advance actions set out in the housing strategy.

Policy Analysis

The submitted combined Official Plan and Zoning By-Law Amendment application will facilitate the redevelopment of a vacant parcel for higher density residential housing. The proposed development will create fifty (50) new dwelling units within Niagara Falls.

Policy 4.3 directs that opportunities for a choice in housing type, tenure, cost and location shall be provided within the City. To achieve this, the City will support:

- Multiple Unit Developments, smaller lot sizes and innovative housing forms.
- Development of vacant lands, and more efficient use of under-utilized parcels and existing housing stock.

- The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.
- Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.
- Accessory Dwelling units within ground based dwelling forms (i.e. singles, semis, townhouses).

The policies in this Section are designed to align with the 2022 Niagara Official Plan and to support the City's Housing Strategy in addressing housing needs. The proposed residential development adheres to Section 4.3 policies, which aim to increase housing diversity in terms of type, tenure, cost, and location. This development plans to offer rental apartments with a variety of unit sizes to suit different living arrangements. The larger units are specifically intended to support multi-generational living, which has become increasingly popular due to its numerous benefits.

Currently, the subject lands are vacant and under-utilized. The proposed project will develop these lands into two residential apartment buildings comprising fifty (50) dwelling units, with sizes ranging from approximately 1,685 square feet to 7,446 square feet.

Apartment buildings maximize land use efficiency and optimize the use of infrastructure and services. This comprehensive development is well-integrated with the surrounding area, which includes public transit services, pedestrian walkways, bicycle routes, and nearby commercial developments.

Policy 4.4 requires that applicants provide detailed information about new housing projects as part of applications for Official Plan Amendment, Zoning By-law Amendment and Draft Plans of Subdivision and Condominium. As the submitted application is an Official Plan Amendment and Zoning By-law Amendment, the following relevant criteria must be addressed:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;

As the subject lands are currently vacant, the proposed development represents a net increase of +50 new residential housing opportunities within the municipality.

Providing rental apartment units in a variety of sizes offers a valuable and necessary range of housing options. Although the exact number of bedrooms per unit will be finalized during the Site Plan Approval process, it will generally correspond to the unit's square footage. Specifically, there will be approximately one bedroom per 1,000 square feet, resulting in units with one to seven bedrooms.

- b) How the proposal contributes to achieving the City's annual housing targets as Outlined in Part 1, Section 4, Policy 4.8 a) and b);

Policy 4.8 a) and b) speak to affordable housing targets. The Niagara Region set its affordable housing minimum targets at 20% of all new rental housing, and 10% of all ownership dwellings to be affordable.

The City has aimed to exceed the minimum targets for affordable housing established by the Niagara Region, targeting 40% of all new units meeting the definition of "affordable." 135 dwelling units per year are targeted to be built at a purchase price or rental price at or below the Niagara Region's definition of affordable housing and 135 dwelling units to be built as affordable rental housing in the 30th percentile or lower based income levels in the City's annual housing monitoring report.

The addition of fifty (50) homes in Niagara Falls brings the municipality and Region closer to achieving their growth objectives. These objectives include ensuring housing is available throughout the City, diversifying the City's housing supply, and eliminating barriers through the creation of various housing types, and more.

The proposed units provide options for shared rental housing including multi-generational living which provides greater financial stability among other advantages. By increasing the housing supply and providing a mix of housing, the proposed residential development assists in addressing affordability.

- c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;

The proposed residential development will contribute fifty (50) new rental apartment units to the housing market. These buildings are distinctive in offering a variety of unit sizes, which will result in a range of rental rates.

Although the exact rental rates and the proportion of units that will meet the definition of affordable housing are currently unknown, the proposed units are expected to be more attainable than many ground-based dwellings in the municipality. This is due to the inclusion of smaller units and larger multi-generational living units. Affordability will continue to be a consideration during the detailed design phase, and there may be

additional opportunities for this development to further contribute to the annual affordable housing targets outlined in Policies 4.8 a) and b) of OPA 149.

PART 2 – LAND USE POLICIES

Part 2 of the City of Niagara Falls Official Plan contains policies for various land uses within the municipality. As shown in **Figure 7** the subject lands are affected by municipal land use designations including Tourist Commercial along the Lundy’s Lane frontage, and Residential with Environmental Conservation overlay on the rear (southern) portion of the property. Nonetheless, the proposed development is solely within the Tourist Commercial designation.

An Official Plan Amendment Application has been submitted to permit the proposed apartment buildings, as the maximum permitted height is 6-storeys, with consideration of 4 to 8-storeys, and 9-storeys is requested. This development is specifically related to Part 2, Section 4 (Tourist Commercial).

Section 1 - Residential

Although the portion of the subject lands that are proposed for development are not entirely designated as “Residential,” the proposed development will contain residential dwellings, therefore, it is considered appropriate to evaluate how the application and proposed development will satisfy and conform with overarching Residential land uses objectives and policies of the Official Plan.

General Policies

The subject Official Plan Amendment application seeks to establish the necessary permissions to establish the proposed residential uses for the subject lands. The following is an evaluation of the proposal’s conformity to the applicable General Policies for Residential areas, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

- 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, quadraplexis, townhouses, apartments, group homes and other forms of residential accommodation.

Through the subject application, apartment dwelling units are proposed. These proposed dwellings are permitted and add a mix of dwelling types within the immediate area, providing housing choice that caters to a wide range of individual housing needs.

1.2 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:

1.2.1 Multiple unit developments, smaller lot sizes and innovative housing forms.

In conformity with this policy, the proposed development provides multi-unit housing that greatly ranges in dwelling unit sizes. The surrounding residential land uses are comprised largely of freehold single-detached dwelling units and apartment dwellings will provide additional housing choice in dwelling typology.

1.2.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.

As stated above, the surrounding residential land uses are comprised primarily of freehold single detached dwellings. The subject applications propose a compact and efficient development of an under-utilized, vacant parcel in the Built-Up Area.

1.2.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.

A comprehensive development is facilitated through the use of an internal private road network which provides access to the property's interior, allowing for the efficient use of the lot depth. This access is provided by way of a right-of-way easement over 7280 Lundy's Lane indicating that there is shared access for the two sites. This allows the footprint of both proposed apartment buildings to span the entirety of the frontage of the subject lands.

1.2.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.

The subject lands are located within a strip of commercial development along Lundy's Lane and the establishment of a residential use on the subject lands provides for a walkable community reflective of a complete community described under Provincial land use planning documents.

1.5 The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community. Consents to sever individual parcels of land shall only be permitted when it can be demonstrated that a plan of subdivision is not necessary to implement the policies of this Plan or applicable secondary plan.

The proposed development requires future applications to establish the implementation and tenurship of the proposed development. This development includes rental residential dwelling units that vary in size, in order to foster the development of a complete community.

- 1.6** Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.

As the subject lands are within the Tourist Commercial designation area, four-storeys are permitted as per Section 4.4.2 and Council is to consider the allocation of additional building height through site-specific Zoning By-law amendments up to the maximum height set out in Section 4.4.3, which considers up to 8-storeys.

The subject property is within the Lundy's Lane Satellite District where height is preferred to be between 4 and 6-storeys, and not exceed 6-storeys, as per the Urban Design Guidelines.

The proposed building height of the two apartment buildings is 9-storeys, therefore a Zoning By-law Amendment is requested.

- 1.8** 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.

The subject lands are located in the Existing Municipal Servicing Area as outlined on the Official Plan's Development Phasing Schedule (Schedule B), indicating that the property has access to existing municipal services. As confirmed by the Functional Servicing Report prepared by Upper Canada Consultants the existing municipal infrastructure has sufficient capacity to service the proposed development. Please consult the Functional Servicing Report for more detailed information.

Built-up Area

Policies for lands identified as being in the Built-up Area on Schedule A-2 are found under Part 2, Section 1.10 of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable Built-up Area policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

1.10 It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:

1.10.1 The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.

The proposed development is adjacent to a 5-storey residential apartment building, it is along Lundy's Lane which is a major arterial roadway, there are commercial uses across the street, and no low-density uses are located directly adjacent to the subject lands. Therefore, there are no negative impacts on the surrounding uses, and the proposed development is considered to be compatible.

The proposed development has been designed to enhance the existing streetscape character of Lundy's Lane. These well-designed buildings are located close to the street and will include a strong connection between the private and public realm, incorporating landscaping and patio space along Lundy's Lane.

This development will set a precedent of attractive architecture and quality buildings. Nonetheless, the proposed development will fit in, and add to the surrounding character of the area.

1.10.2 A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low-rise dwellings in order to ensure a complementary arrangement of residential uses.

The adjacent property contains a former five-storey motel (Day's Inn) that has been converted into a residential apartment building. The buildings on the north side of Lundy's Lane are one- and two-storeys.

The applications propose a nine-storey apartment building along the Lundy's Lane street frontage and a nine-storey apartment building to the south, that is accessible by the private roadway at Royal Manor Drive and Lundy's Lane.

The site has been situated to adhere to the Lundy's Lane Satellite Urban Design Guidelines, that promotes the building to be situated parallel to the street to encourage interactions between the public and private realm. Further, the building

is set back above the third storey, and then again above the sixth storey. These step backs are complimentary to the surrounding buildings that vary in height.

The organization of the site further provides spatial separation from the low-density sites, that are on the other side of the major arterial roadway.

1.10.3 Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available which are suitable for different age groups, household sizes and incomes.

The residential neighbourhood to the north is predominately comprised of freehold single-detached dwellings. The adjacent five (5) storey building has been converted to an apartment building, and the proposal would further introduce this dwelling typology to the immediate area. More variety in housing choices that are reflective of the range of individual housing needs is desirable in this area.

1.10.4 The conservation and renewal of the existing housing stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law.

The subject property is vacant and no structures, residential or otherwise, are to be removed as a result of these applications.

1.10.5 Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:

(iii) Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads. Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following;

- Architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;
- Rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;
- Street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;
- Parking is to be encouraged to be located within parking structures that are integrated with the development; and
- Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscape perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.

The proposed development is located within the Urban Area Boundary and is identified within the Built-up Area as per Schedule A2 of the City of Niagara Falls Official Plan. The lands are also part of the Lundy's Lane Satellite District, which is envisioned to have tourist commercial development, local-servicing commercial uses and residential uses.

In conformity to this policy direction, the subject applications would provide a distinct dwelling typology to an area residentially characterized by a single detached built form. A 9-storey apartment building is proposed to be located along property's road frontage, which compliments the height and massing of the strip commercial development along this portion of Lundy's Lane. The neighbouring property to the west contains a five-storey apartment building and the commercial buildings on the north side of Lundy's Lane in the immediate vicinity of the subject property are one and two storeys. The proposed apartment buildings add height and dynamics to this area, setting a precedent for development moving forwards.

Part 1, Section 3.2 requires that redevelopment of lands designated as Tourist Commercial are to meet the density requirements under this policy. The proposed development achieves a net development density of 63.53 units per hectare which is below the minimum required 75 units per hectare in this policy.

The property is just east of the portion of Lundy's Lane that is identified as an intensification corridor which is subject to the density requirement for the Lundy's Lane Satellite District of 50 to 100 units per hectare as prescribed in Section 4.2.31.c of the Official Plan. As the proposed development density is within the

range permitted within the Lundy's Lane Tourist District, it is considered to be appropriate for the property. The proposed development includes larger apartment units as these units are intended to provide multi-generational housing, which allows for a greater number of people per unit, rather than greater number of units per hectare.

The proposed building along Lundy's Lane incorporates step back features to reduce massing when viewed from Lundy's Lane. There is a 3.0 metre step back beyond the third floor, and another 3.0 metre step back beyond the sixth floor. This is shown in **Figure 9** below. The southern building will have similar step backs, however from the rear of the building to the front.

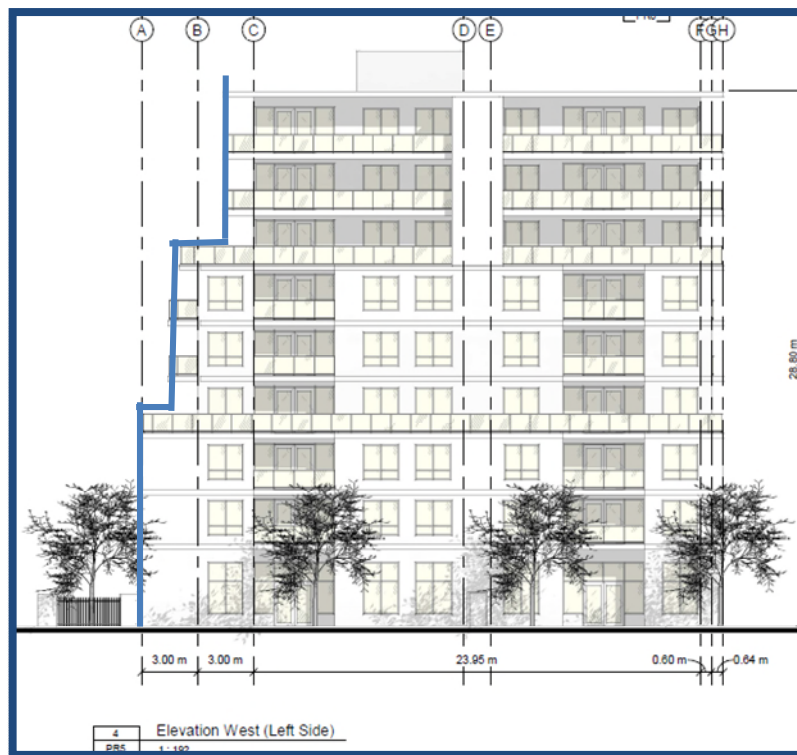


Figure 9 – West Elevation (Left Side) showing 3.0-metre step backs

The rear yard setback is minorly deficient, as it is dictated by the dripline around the identified significant woodlot. The interior side yards are appropriate as they exceed the required setbacks.

The street frontage will be inviting and engaging with landscape features and private outdoor amenity patio space as illustrated on the submitted Landscape Plan. The development is designed to create a street presence along Lundy's Lane, by orienting the building along the roadway, with municipal sidewalks and landscaping.

Parking is provided as surface parking in between the two proposed buildings. This allows for integrated parking between the two apartment buildings, and the building along Lundy's Lane hides the parking area from public view.

The proposed development makes efficient use of the land and provides a suitable amount of landscaped space while still maintaining space to accommodate the required parking. The height and the density of the proposed development is complimentary to the surrounding buildings to ensure a compatible built form along this portion of Lundy's Lane.

The subject lands are also located along an existing transit route with the nearest stop located in front of the neighbouring property to the west. The provision of 50 dwelling units on the subject lands increases potential transit ridership and provides a development density that supports the viability of existing public transportation services.

A majority of the developable portion of the subject lands is designated as Tourist Commercial. Schedule E of the Official Plan further identifies that the Lands are located in the Lundy's Lane Satellite District. The Official Plan permits complimentary residential development in the Tourist Commercial Area. The following is an evaluation of the proposal's conformity to the applicable Tourist Commercial Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

Section 4 – Tourist Commercial

General Policies

- 4.1.4** This Plan also recognizes that the tourism and accommodation sector is a major source of employment for residents of the City and the Region. As such, lands designated Tourist Commercial are considered to be employment lands and the policies regarding conversion of employment lands to non-employment uses contained in PART 4, Sections 2.9 and 2.10 apply except as provided for in this Plan.

Residential development is permitted within the Tourist Commercial designation and as such an employment lands conversion is not a requirement.

Tourist Districts

- 4.2.3** The Lundy's Lane Satellite District is a multi-functional commercial area catering to both City residents and tourists. A portion of the District also provides opportunities for cultural heritage preservation.

The proposed residential development reflects the multi-functional nature of the Lundy's Lane commercial area in providing residential development in conjunction with the existing commercial uses. The proposed development has been designed to be integrated with the existing built form to ensure that existing surrounding commercial uses and the proposed residential uses can function harmoniously.

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

The proposed development is strictly residential in order to assist in the creation of a complete community.

Lundy's Lane Satellite District

- 4.2.26** The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.

The proposed development does not inhibit the long-term function of the Lundy's Lane satellite district as a primarily tourist commercial corridor. The subject lands are vacant, meaning the proposed development does not necessitate the removal of an existing tourist commercial use. Compatible residential development in conjunction with commercial uses provides for a complimentary mix of land uses.

- 4.2.29** An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:

- a) a uniform building setback, closer to the street line with a consistent landscaped setback;
- b) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,
- c) front yard surface parking limited to one row, with additional parking provided to the rear of buildings.

The proposed site plan implements a building organization that ensures that the proposed development contributes positively to an attractive streetscape along this portion of Lundy's Lane.

The building is appropriately set back with large outdoor amenity patios along the frontage to engage the public and private realm. Parking will be provided between the two buildings, being screened by the building to the north along Lundy's Lane.

The design of the proposed buildings will be further described within the Urban Design review.

4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:

Though the proposed development is not within the intensification corridor, these policies remain relevant to the proposed residential intensification within the Lundy's Lane Satellite District.

- a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.

The applications propose the development of standalone residential buildings; that is, buildings that only contain residential uses as opposed to a mixed-use building. As previously noted, the site has been organized by orienting the proposed northern apartment building directly towards Lundy's Lane to enhance the existing streetscape, and the parking and site circulation has been designed to minimize traffic impacts on Lundy's Lane.

- b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.

The proposed site is situated with one building fronting Lundy's Lane and another building set back to the south, being separated by a shared parking lot. This allows for the property's street frontage to be defined and emphasized by the building facade rather than vehicle storage.

The building along Lundy's Lane has a positive street presence, as there is a public sidewalk, and two large outdoor amenity patios provided along the street. The provided front yard setback also provides for the opportunity to provide complimentary landscape plantings and the sidewalk connections, enhancing the interface between the private and public realms.

- c) Residential uses may develop to a maximum building height of six (6) storeys, with a maximum net density of 100 units per hectare and a minimum net density target of 50 units per hectare.

The proposed apartment buildings exceed the maximum building height, as 9-storeys are proposed. Nonetheless, both an Official Plan Amendment and Zoning By-law Amendment are requested.

The application proposes 50 dwelling units on 0.787 hectares of developable land, representing a net density of 63.53 units per hectare, which is within this 50 unit per hectare density range, however, the subject lands are not within the intensification corridor so must adhere to Section 1.10.5(iii) in which the permitted density range for residential uses is 75 units per hectare to 100 units per hectare.

- d) Building heights shall respect surrounding building heights site specifically by increasing separation distances from buildings of lower height and from public open spaces.

The surrounding buildings range in height from one (1) storey to five (5) storeys. Nonetheless, the proposed apartment buildings compliment the surrounding building heights. The apartment directly adjacent on the west side is five (5) storeys, and to the east is the hydro canal. Lundy's Lane is a four lane Arterial roadway, with a motel and restaurant to the north. The proposed apartment buildings will enhance the surrounding area and promote further growth and density.

- e) Buildings should be sited such that rear yard setbacks are equal to building height and interior side yards are appropriate for the building height proposed in relation to abutting land uses;

There are two nine-storey apartment buildings that are situated parallel to Lundy's Lane, with a shared parking lot between the two buildings. In the rear of the most southern building is a significant woodlot.

On the western side of the building will be sidewalks, loading zones, the private roadway, and a parking lot. Beyond this infrastructure is a five (5) storey apartment building.

To the east is the Millennium Recreational Trail and the hydro canal.

Therefore, there are appropriate setbacks from the proposed buildings and their surroundings.

- f) Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have active pedestrian uses or residential units when abutting street frontages.

Parking for the apartment buildings is provided in a common parking area, located between the apartment buildings, out of public view. Surrounding the parking lot are sidewalks that provide connectivity to the Millennium Trail system, the proposed buildings, and Lundy's Lane.

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

As noted, the parking area for the proposed apartment buildings is between the two buildings. As the buildings are situated parallel to Lundy's Lane, the parking area is appropriately hidden. Landscaping is also provided around the perimeter of the parking area.

- h) Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.

The required amount of parking per the Zoning By-law is provided and no reduction in parking is required.

- i) Developments should provide pedestrian connections to the surrounding neighbourhood where possible.

Sidewalks are proposed both throughout the site and along the Lundy's Lane frontage. The internal sidewalks will also lead to two Millennium Trail accesses.

- j) Amenity space is to be provided for residential uses and may take the form of:
- private on-site green space;
 - balconies and roof-top green space; or
 - public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.

Each apartment dwelling unit is provided with at least one balcony and/or private terrace. There is also outdoor amenity greenspace provided to the south of the second building.

Additionally, the subject lands are directly adjacent to Millennium Trail and in close proximity to several parks.

4.2.32 New developments within the Lundy's Lane Satellite District shall be consistent with Section 4.3.7 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's-built form.

Conformity to the referenced Official Plan policies is provided under the applicable headings in this report.

Building Heights

4.4.2 Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum height set out in Fig. 4 and Section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria;

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

The proposed height of 9-storeys for the two proposed residential apartment buildings exceeds the maximum permitted 6-storey height for the Lundy's Lane Satellite District. Therefore, an Official Plan Amendment is requested, and the proposed height will be implemented as per the requested amending site-specific Zoning By-law.

Both sidewalks and streetscape improvements will be incorporated with the proposed development.

As the building does not exceed 10-storeys, wind and shadow studies were not completed.

4.4.3 In order to provide reasonable flexibility in the regulation of building heights, general parameters for building heights will be established rather than strict height limits. In this regard, the following parameters will apply:

High-rise 13 To 30 storeys

Medium-rise 9 to 12 storeys

Low-rise 5 to 8 storeys

*The proposed 9-storey apartment buildings minorly exceed the height limits as per the height strategy shown below in **Figure 10**, and would be considered medium-rise.*



Figure 10 – Height Strategy (Page 2-38 of the City's Official Plan)

Massing of New Development

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

Per Section 4.4.3, the proposed buildings are not considered to be high-rise development and therefore the policies under this heading are not applicable to the subject applications.

Parking

4.5.3 With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:

- a) As parking areas are highly visible and tend to detract from the pedestrian environment, this Plan encourages active uses other than parking at the street level;

As previously noted, the site plan achieves a desirable public-private interface by orienting the parking between both proposed buildings. The building along Lundy's Lane will screen the parking lot from public view.

- b) Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping;

The at-grade parking is hidden from the street by the building proposed along Lundy's Lane and features a landscape buffer around its perimeter.

- c) Where structured parking is provided, publicly-accessible uses should be incorporated at grade level to enhance the street environment. Alternatively, setbacks and landscaping shall be provided to visually screen the parking structure; and

No parking structures are proposed.

- d) Parking lots and structures shall be designed in accordance with the City's Design Criteria for Parking Areas.

The parking area has been designed according to City Standards.

Zoning By-law Amendments

- 4.6.4** Given the focus of this Plan on built-form regulations and the greening of the Tourist Area, applicants for rezoning shall be required to submit a detailed set of prescribed information, describing the proposed building, site planning and landscaping. Council shall prepare a Rezoning Application Guide, which will set out in detail the full requirements of any applicant for rezoning in the Tourist Area.

The information included with the subject Official Plan and Zoning By-law Amendment applications was prescribed by the Planning Authority through the formal pre-consultation process.

The proposed development will be further subject to Site Plan Approval through which site details are reviewed by the City and other commenting agencies.

Site Plan Approval

- 4.6.6** The area comprising the Tourist Area, as shown on Schedule E, shall be designated as a site plan control area under Section 41(2) of the Planning Act.

Site Plan approval is required for the proposed development, pursuant to this policy.

URBAN DESIGN

Lundy's Lane Urban Design Guidelines

2.0 Purpose of the Urban Design Guidelines

Lundy's Lane Urban Design Guidelines are intended to provide private realm-built form design direction and streetscape relationship guidelines, and to support the design objectives set out for Lundy's Lane. These objectives include;

- Providing for and encouraging mixed-use development and a range of residential development within this designated area;
- Encouraging high quality-built form to support the streetscape through a combination of building setbacks, height and massing;
- Enhancing the pedestrian experience along the corridor and encouraging activity through pedestrian-scaled built form and additional connectivity;
- Addressing gateways and open space public areas through appropriate built form relationship;
- Providing sensitive transition of new built form with existing corridor development and adjacent residential uses;
- Accommodating the existing vehicular uses while providing support for active transportation;
- Supporting building façade and/or signage improvements;
- Supporting off-street parking area improvements along the corridor frontage

3.0 Private Realm Urban Design Guidelines

3.1 General Siting and Building Design Guidelines

3.1.1 Siting and Orientation of Buildings

The proposed development directly adheres to the following directions;

1. New buildings shall be oriented to address the street and provide clearly defined entrances that directly connect to the sidewalk along the frontage of the building.
2. Elevations oriented towards the street shall include active uses with clear fenestration to address Lundy's Lane and flankage elevations on corners. Back of house uses and/or their service door entrances shall not be permitted along street frontages.
3. To support the Lundy's Lane Streetscape Master Plan (LLSMP) and create more pedestrian friendly streetscapes, new buildings should be located close to the street edge. Colonnaded arcades are discouraged due to the narrow portions of the Lundy's Lane pedestrian boulevard.

4. To support street tree planting and outdoor uses (eg. Patio spaces) along Lundy's Lane, some added building setback is encouraged, up to 3.0m, where the pedestrian boulevard is too narrow as noted in the LLSMP.
7. Where increased front yard setbacks are sought they shall be used to increase pedestrian boulevards and allow for amenity/seating areas and/or landscaping.
9. Building frontage should wherever possible cover the full width of the property. Allowances will be made to accommodate driveway access to parking/service areas or mid-block pedestrian connections
10. On larger and/or deeper lots, where a development is proposed with multiple buildings, buildings behind the building fronting Lundy's Lane will be permitted where:
 11. There is appropriate separation between buildings which may include a minimum distance of 12.0m and/or the application of a 45-degree angular plane where a mix of taller, more than 4 storeys, and low-rise residential buildings are proposed;
 12. A pedestrian connection is provided from the buildings in the rear to the front building and/or to the sidewalk; and,
 13. Vehicular access and landscaped pedestrian access can both be accommodated on the site.

The siting and orientation of the proposed residential apartment buildings directly adhere to the overall objectives of improving streetscape quality, pedestrian activity, and mitigating built form impact on adjacent residential uses.

*As shown in the rendering below, **Figure 11**, the proposed development has an apartment building situated parallel to Lundy's Lane. This building is oriented to address the street and extends along the full width of the property, creating an active and engaging street front. This building provides a clearly defined entrance that directly connects to the sidewalk along the frontage of the building. The building is setback 5.40-metres from Lundy's Lane, and the entire frontage will be bound by a 1.2-metre high wrought iron fence with concrete columns and landscaping. Along the frontage is a substantial amount of clear fenestration and private outdoor patios will be on the ground floor to further the connection between the private and public realm.*

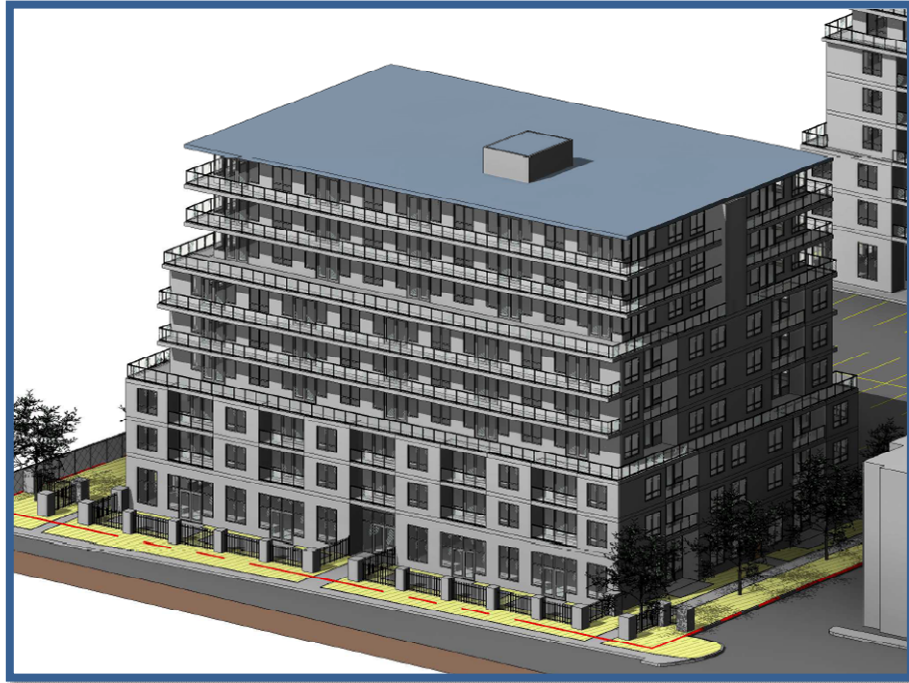


Figure 11 – 3D rendering of the proposed building fronting Lundy’s Lane

The proposed residential development includes a second apartment building to the south of the building fronting Lundy’s Lane.

The buildings are appropriately separated by the shared surface parking lot. There are pedestrian connections provided by way of sidewalks from Lundy’s Lane, alongside the front building, to the rear building. Both vehicular access and landscaped pedestrian accesses are accommodated on site.

3.1.2 Building Height and Massing

The height and massing of buildings have a great impact on the quality of the streetscape, and play a large role in defining pedestrian experience.

Buildings are envisioned to be pedestrian scaled and articulated to support active and animated street edges along Lundy’s Lane.

The proposed development directly adheres to the following directions;

1. Building heights along Lundy’s Lane will have a minimum height of 2-storeys, with a preferred height of 4 to 6 storeys, but not exceeding a height of 6 storeys. Where heights exceed 3 storeys, a step back of 2.0m to 3.0m shall be provided, beginning with the 4th storey.

2. Where infill buildings exceed the height of adjacent existing buildings by at least 2-storeys or 7.5m, the additional infill building height should be stepped back from the street wall height a minimum of 3.0m.
4. Buildings will have articulated facades with a defined base, middle and building cornice or top.
5. Building massing should reinforce a continuous street wall frontage located close to the front property line to help frame the pedestrian boulevard.

The proposed residential apartment buildings measure 29-metres (9-storeys) in height. The Official Plan designation permits 8-storeys, while the zoning permits a height of 12-metres. In order to implement the proposed development, site-specific amendments to both the Official Plan and the Zoning By-law are required and requested.

Though the permitted height is exceeded, there are two 3.0-metre step backs at the 4th and 7th floors to decrease the building massing and provide a softer interface.

There are also no privacy concerns, as the adjacent five (5) storey building to the west does not have windows facing the proposed development. In the rear of this building are two (2) storey units that have entrances and balconies facing the subject lands, however, they are in line with the parking lot, and are appropriately set back from the property line.

There is differentiation between the first three (3) floors and the remaining floors, as the first three floors have balconies set into the building, while the upper floors have large, wrap around balconies.

3.1.3 Mechanical Equipment and Utilities

1. Rooftop mechanical equipment shall be screened from public view through location, integration into the architectural design or enclosures clad in complementary materials/colours to the building.
2. Wherever possible, transformers and other utilities should be located within the building, screened from public view or located inconspicuously within the property.

Rooftop mechanical equipment will be situated in the middle of the rooftop, screened from public view, and other mechanicals will be within the building.

3.2 Gateways, Enhanced Corners & Open Spaces

There are areas identified that are to have enhanced entry points and gateways, as well as a new parkette space east of the Canal overpass as well as trail head connections at the Canal that require buildings adjacent to these features to have specified architectural features.

The proposed development directly adheres to the following directions;

10. Buildings located adjacent to the proposed Canal parkette and the Canal trail heads shall address these spaces as follows:
 - a. Be oriented parallel to these features;
 - b. Provide extensive fenestration and/or balcony features to provide overlook opportunities and passive surveillance of these spaces;
 - c. Ensure materials and architectural details on these exposed elevations are consistent with those of the front elevation; and,
 - d. Articulate through architecture and fenestration of these building elevations to provide visual interest and address public views from Lundy's Lane. Long, blank uninterrupted wall faces shall not be permitted.

*The subject lands are directly adjacent to the Millennium Trail. As the buildings are situated parallel to Lundy's Lane, they are perpendicular to the Trail. As you can see in **Figure 12**, there are numerous windows and balconies that overlook the trail, providing passive surveillance. Architectural features and building materials are consistent throughout the entirety of the buildings and overall the architecture with extensive fenestration provides significant visual interest and addresses public views from Lundy's Lane.*

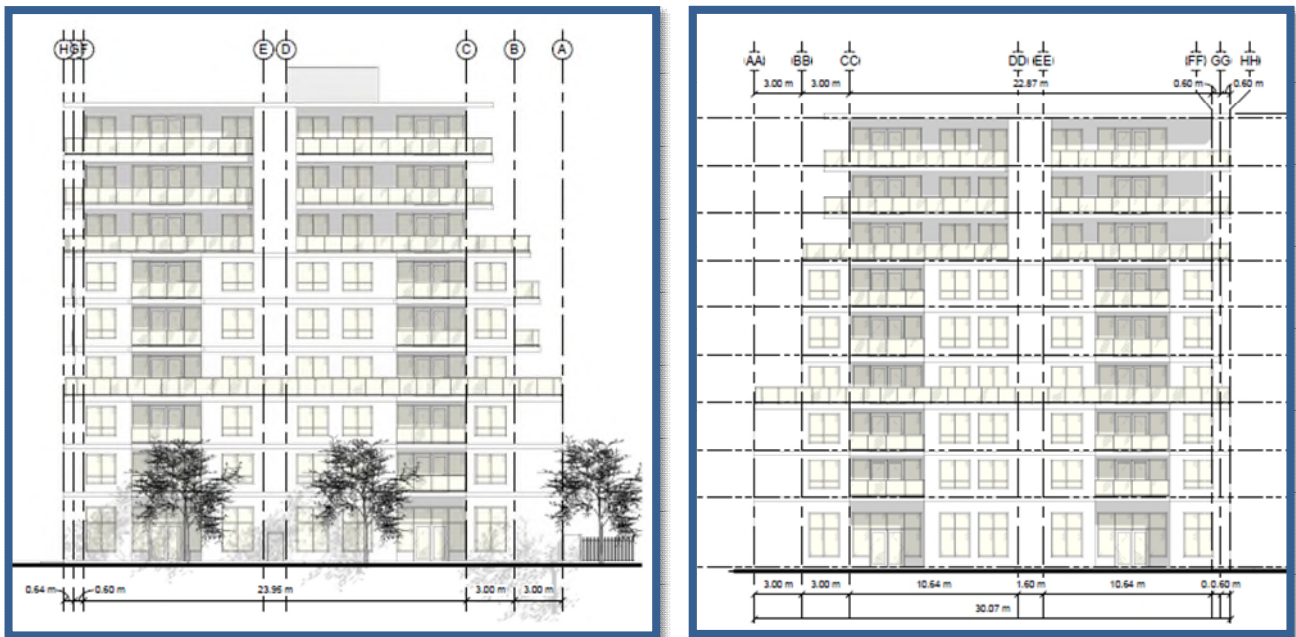


Figure 12 – Eastern Elevations of the two proposed buildings (Building 1 – Left; Building 2 – Right)

3.3 Private Realm Streetscape & Parking Areas

This section of the guidelines focuses in on the private realm frontages and parking areas. The objective is to achieve a continuous street edge through a combination of built form and hard and soft landscaping to define it, in order to support the evolution of making Lundy's Lane a more pedestrian friendly corridor.

3.3.1 Private Realm Streetscape Frontage

Building frontages and pedestrian boulevards are integral in creating a more pedestrian-friendly corridor.

The proposed development directly adheres to the following directions;

1. Where the public realm sidewalk boulevard is less than 3.0m in width, new buildings should include a ground floor setback of 2.0m to 3.0m from the front property line to provide a 5.0m to 6.0m boulevard width to accommodate landscaping street furniture, pedestrian circulation space and/or sidewalk patio spaces.

There is sufficient sidewalk boulevard width along the frontage of the proposed development, as the building is appropriately set back. There will be a wrought iron fence with concrete columns along the frontage, as well as landscaping and private outdoor amenity patios.

3.3.2 Parking, Driveway Access and Walkways

In order to improve streetscape quality and the experience along Lundy's Lane, it is important to minimize the visual impacts of large parking areas and better the quality of pedestrian circulation. To add, to further improve the quality of experience in the pedestrian boulevard and to limit potential conflicts with pedestrians, it is imperative to limit the number of driveway access points from Lundy's Lane.

The proposed development directly adheres to the following directions;

2. Where access to parking cannot be provided by a rear lane, property owners should be encouraged to consolidate parking areas across properties. A contiguous and connected parking area will provide better vehicle circulation and minimize the number of interruptions to the pedestrian boulevard.
4. For new developments, parking shall not be provided in front of buildings between the street right-of-way and building frontages. Parking areas and serving for new development shall be located in the rear of the development or, where possible, below grade.

6. No parking should be permitted at the front of buildings; all required parking should be accommodated through consolidated rear parking lots or within internal parking courtyards where screened by buildings fronting Lundy's Lane.
7. Where surface parking or service areas are exposed to public view, their visual impact shall be mitigated with landscaping and/or other design measures.
9. Where parking access can only be accommodated from Lundy's Lane, the driveway widths shall be kept to a minimum (7.0m maximum or minimum width permitted in the zoning by-law) to limit streetscape and pedestrian path interruption.
12. Defined walkways should be provided within new development to provide a safe connection between rear parking areas and rear entries to the building.
14. Pedestrian walkways and drive aisle crossings through parking shall be clearly demarcated and barrier-free for safe pedestrian movement within parking areas.

Access to the proposed development is provided by an existing access to the adjacent property. There will be a 6.0-metre right-of-way easement over 7280 Lundy's Lane in favour of 7230 Lundy's Lane, so there will be shared roadway access, and no new entrances created along Lundy's Lane, greatly contributing to the enhancement of the streetscape and the quality of experience for pedestrians.

There are walkways provided for safe connections between the buildings and the parking lot, as well as to the Millennium Trail. Further details will be determined through the Site Plan process.

Parking for the two proposed apartment buildings will be shared in the rear of the building fronting Lundy's Lane. It will be out-of-view from the street, as it is setback from the street, behind the building, and will have landscape buffers along the edges of the parcel.

3.3.3 Landscaping Within At-Grade Parking Areas

The proposed development directly adheres to the following directions;

2. Crime Prevention Through Environmental Design (CPTED) principles shall guide landscape design and landscaping should not obstruct sight lines for vehicles or pedestrians. To provide for visual surveillance and avoid the creation of hiding spaces hard and soft landscaping features should be specified or maintained so that they are no more than 0.8m in height.
4. The use of native tree and shrub species should be prioritized and be low maintenance, salt tolerant and able to survive urban stress conditions within a parking area. At least 75% of plantings should be native species.
8. Designated parking (eg. Accessible parking spaces, bicycles, and electric or energy efficient vehicles) should be located close to building main entrances.

Approximately 34% of the proposed development lands are landscaped area. The majority of the landscaping is provided around the perimeter, as well as on the south side of the rear building, where outdoor amenity space is provided.

As noted, native tree and shrub species will be prioritized, and resilient, aesthetic plantings will be selected. These detailed will be further determined through detailed landscaping design through the site plan approval process.

There will be planting along the frontage to enhance the streetscape and pedestrian experience, and will be chosen from specifications provided by the City and Region's planting guidelines. To add, along the frontage there will be a 1.2-metre high wrought iron fence with concrete columns. This adds interest and will be aesthetically pleasing for both the private and public realm.

Lastly, accessible parking spaces and bicycle parking spaces are strategically placed by the entrances of the buildings.

3.4 Built Form & Building Facades

3.4.2 Materials and Colours

1. Building materials and their finishes should be of high quality, durable, and sustainable and provide for ease of maintenance.
2. Façade materials are to be coordinated and complementary to each other and the architectural style of the building.
3. Building materials shall be consistent on all building elevations.
4. Building materials recommended for new construction includes brick, stone, wood, cementitious siding (eg. hardi-board), clear glass and pre-cast concrete. Other materials may be considered where they are more appropriate to the architectural style of the building proposed.
5. Building materials such as vinyl siding, plastic, plywood, concrete block, darkly tinted and mirrored glass and metal siding utilizing exposed fasteners shall be discouraged.
6. Where stucco is used, excluding openings (eg. Doors and windows), it shall not exceed 50% cladding of any façade and will be earth toned or a tone complementary with adjacent brick and stone clad buildings. A masonry base will be provided to assure durability of cladding at grade.
7. The number of main cladding materials should not exceed more than 3 types.
8. Earth-toned and muted colours are preferred to support a harmonious streetscape experiences as opposed to bold or bright colours. Bold colours may be considered façade details, door/window frames and signage.

The proposed apartment buildings have been intentionally designed to enhance the quality and character of the overall streetscape and neighbourhood. Building materials and finishes will be solidified through the detailed design stage through site plan approval, however, they will be made of high quality, durable and sustainable building materials.

The materials used will be consistent on both apartment buildings, and the façade materials will be complementary to each other, coordinating seamlessly to present aesthetically pleasing buildings.

The buildings will consist of earth tones, and suggested building materials, as well as a significant amount of fenestration to provide depth and interest.

Summary

Overall, the design of the proposed buildings is anticipated to be of high-quality and thoughtful design to ensure positive contribution to the aesthetic appeal of the area. The development is pedestrian oriented, and appropriately designed and setback from Lundy's Lane. Parking is behind the building that is parallel to Lundy's Lane, keeping it out of street view, and the interface between the public and private realm is enhanced by the building design and landscaping.

CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)

The subject lands are affected by two zoning categories. The northern portion of the property comprising a majority of the developable area is zoned as Tourist Commercial (TC) and remaining portion of the property is zoned as Prestige Industrial (PI) (see **Figure 13**).

The Tourist Commercial portion of the subject lands comprises a majority of the proposed development envelope. The former use of the property was for Tourist Commercial purposes; however, no such use has operated on the property since at least 2015, and the property is currently vacant.

A small area to the south of the subject lands is zoned as Prestige Industrial. The Prestige Industrial portion of the property is too small to be developed on its own and further does not have street frontage that is independent of the Tourist Commercial zoned area of the property. The balance of the Prestige Industrial zoned lands on the property are impacted by natural features resulting in the small area of developable Prestige Industrial lands. As it is not feasible to develop these lands on their own, it is appropriate to include them in the proposed development area to achieve a comprehensive and efficient development pattern. Overall, this amendment is a technical revision, and the boundary line of the proposed development is determined by the 10-metre buffer set from the dripline of the Significant Woodland.

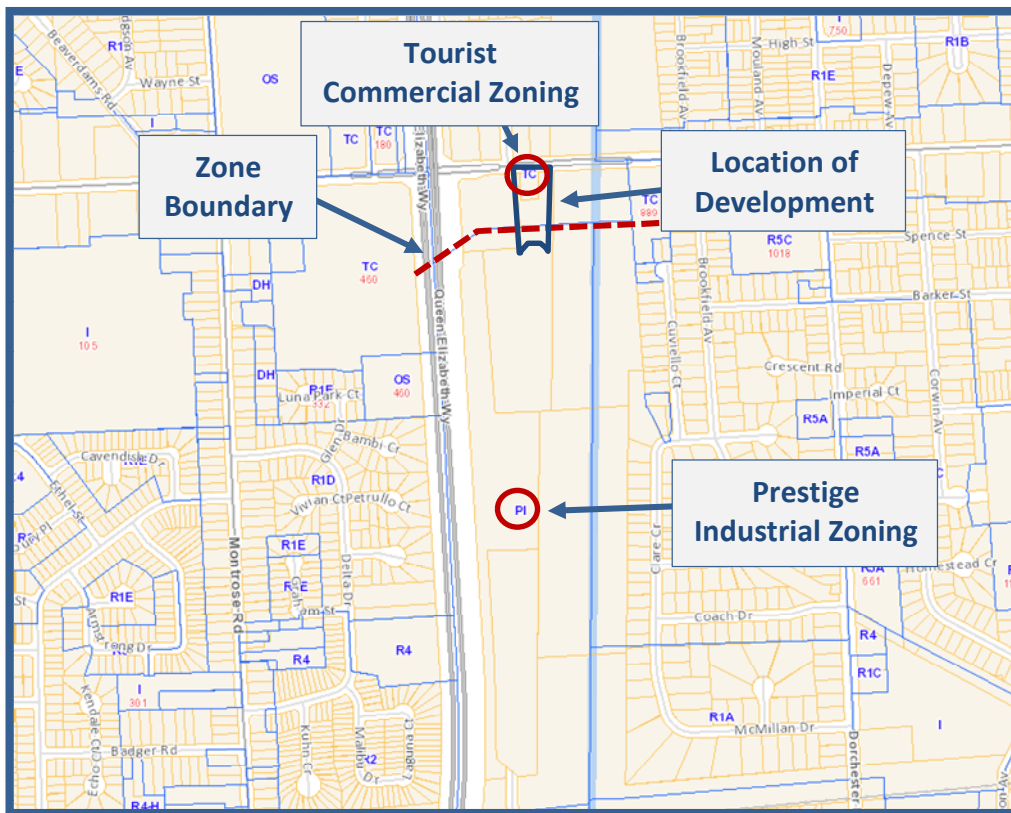


Figure 13 - Zoning Map from Zoning By-law No. 79-200

A Zoning By-law Amendment Application has been submitted to implement a site-specific Tourist Commercial (TC) zone on the subject lands in order to facilitate the proposed development. An overview of the proposed zoning, including the requested site-specific provisions is provided in **Table 1** and **Appendix IV**.

Table 1: Zoning Compliance Table		
Zoning By-law 79-200		
Tourist Commercial Zone (TC Zone)		
Section 8.6.1 Regulations	Required	Proposed
Permitted Uses	<p>PERMITTED USES: No person shall within any TC Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:</p> <ul style="list-style-type: none"> a) Art Gallery b) Assembly Hall c) Automobile Service Station d) Bake Shop e) Bank, Trust Company, Credit Union, Currency Exchange f) Beer, Wine Or Liquor Store g) Car Rental Establishment, Truck Rental Establishment h) Car Wash, Interior And Exterior Hand Car Cleaning i) Clothing Store j) Convention Centre k) Day Nursery l) Drive-In Restaurant m) Drug Store n) Exhibitions Of Wax Works, Automobiles, Handcrafts, Natural Or Artificial Curiosities, Freaks Of Nature o) Food Store p) Health Centre q) Hotel r) Motel s) Museum t) Parking Lot u) Personal Service Shop v) Photographer's Studio w) Place Of Entertainment x) Place Of Worship y) Private Club z) Public Garage, Mechanical aa) Recreational Uses bb) Restaurant cc) Service Shop dd) Sightseeing Tours Establishment, Sightseeing Tourist Information Centre 	<p>pp) Stand Alone Residential Dwelling Units</p>

	<p>ee) Souvenir Store</p> <p>ff) Tobacco Store</p> <p>gg) Tourist Home</p> <p>hh) Adult Store Provided The Adult Store Is Separated From Another Adult Store By A Minimum Distance Of 10- Metres And From An Adult Entertainment Parlour Or Body-Rub Parlour By A Minimum Distance Of 300 Metres</p> <p>ii) Dwelling Units In A Building In Combine With One Or More Of The Uses Listed in This Section, Provided That Not More Than 50% Of The Total Floor Area Of Such Building Is Uses For Dwelling Units And Further Provided That Such Dwelling Units Except Entrances Thereto Are Located Entirely Above The Ground Floor.</p> <p>jj) Gasoline Bar</p> <p>kk) Body-Rub Parlour</p> <p>ll) Timeshare Sales Office</p> <p>mm) Retail Store</p> <p>nn) Office</p> <p>oo) Outdoor Patio Which Is An Accessory Use To A Drive-In Restaurant, Hotel, Place Of Entertainment And A Restaurant, In Accordance With Section 4.25A.</p>	
Section 8.6.2 Regulations	Required	Proposed
a) Minimum Lot Frontage	6 metres	64.09 metres
b) Minimum Front Yard Depth	in accordance with sections 4.27.1, where applicable 13.1 m from right of way centerline of original road allowance	19.41 metres
c) Minimum Rear Yard Depth	(i) where any part of the building is used for residential purposes <i>10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1</i>	9.84 metres
	(ii) where no part of the building is used for residential purposes <i>3 metres (9.8 ft.) plus any applicable distance specified in section 4.27.1, provided that no rear yard is required where the rear lot line abuts a public land or a public parking lot</i>	N/A

d) Minimum Interior Side Yard Width	(i) where the side lot line does abut a residential, institutional or open space zone 3 metres (39.8 sq. ft)	6.41 metres
e) Minimum Exterior Side Yard Width	One Half the Height of the Building	N/A
f) Maximum Lot Coverage	70%	32.65%
g) Maximum Height of a Building or Structure	12 metres (40.0 ft.) subject to section 4.27	29 metres
h) Maximum Floor Area	Not Specified	-
i) Parking and Access Requirements	<u>Apartment Dwellings</u> 1.4 spaces per unit	73 spaces per unit
	<u>Commercial Unit</u> 1 space per 40.0 square metres	N/A
j) Loading Area Requirements	In accordance with sections 4.20 2 loading space required	4 spaces
k) Maximum Floor Area for each Retail Store	400 square metres	N/A
l) Maximum Floor Area of All Retail Stores per Property	3,530 square metres	N/A
Section 4.14 Yards	Required	Provided
Permitted Uses	<p>Every part of every front yard, side yard and rear yard required by the provisions of this By-law shall be open from the ground to the sky and no such yard shall be obstructed or occupied by any building, structure, accessory building, accessory structure or part thereof or projection there from except as follows:</p> <p>a) sills, belt courses, cornices, chimney breasts, bay windows, pilasters and similar architectural features and window air conditioning units may project into any required yard a distance of not more than 0.45 metres;</p> <p>b) unsupported canopies, eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.45 metres;</p> <p>c) open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45 metres;</p>	<p>Notwithstanding the requirements of Section 4.1.4 that the following encroachments be permitted:</p> <p>c) open balconies not covered by a roof or canopy or at grade patios may project into any required rear yard at a distance of not more than 4.05 metres</p>

	<ul style="list-style-type: none"> d) subject to Section 4.27.1, a roofed-over one storey porch may project into a required front yard, rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 2.5 metres provided however that (i) no enclosure of such porch, other than removable screens and storm sashes or awnings, shall be erected to a height of more than 1.0 metre above the floor of such porch, and (ii) in no event and subject to said Section 4.27.1 shall any part of such porch be closer than 1.5 metres from any street line; e) fire escapes may project into any required side yard or rear yard a distance of not more than 1.2 metres; f) accessory buildings and accessory structures where specifically permitted in a zone, may be erected in accordance with Section 4.13 and the other applicable provisions of this By-law; g) light standards, fuel pump islands and fuel pumps of automobile service stations may be erected in accordance with the applicable provisions of this By-law; h) subject to section 4.27.1, a deck may project into a required front yard a distance of not more than 2.5 metres and into a required rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 4 metres and in no event, and subject to said Section 4.27.1, shall any part of such deck be closer than 1.5 metres from any street line and closer to the interior and exterior side lot lines than the minimum interior side yard and exterior side yard widths of the specific zone. 	
--	--	--

Permitted Use

The proposed development contains 50 dwelling units, that account for 100% of the total floor area. Though the Zoning By-law permits not more than 50% of the total floor area to be dwelling units in a Tourist Commercial Zone, the requested increase in residential percentage can be supported.

The subject lands are in prime location for residential uses due to the walkability of necessities, access to public transit, open space, and more. This area requires more residents in order to support the commercial uses throughout the year. The area primarily consists of low-density residential, and introducing higher density housing is beneficial for both housing and support of commercial uses. To add, the Environmental Noise Feasibility Study confirmed that the proposed residential use is feasible with respect to the surrounding uses and that there are no significant concerns.

Minimum Rear Yard Depth

The property's rear lot line is formed by the required 10-metre buffer from the wooded area located in the southern portion of the property. The requested rear yard reduction therefore does not result in negative impacts on neighbouring properties and is appropriate for the proposed development.

Maximum Height

The as-of-right Tourist Commercial Zoning provisions permit a maximum height of 12 metres. The proposed zoning amendment requests that a maximum height of 29-metres/9-storeys be applied to the property. Part 2 Section 4.4.3 of the City's Official Plan permits up to 8-storeys (26-metres). Though this building height would be precedent setting, there is a 5-storey apartment building directly adjacent to the proposed development. The requested increase in height is appropriate as the development seeks for an additional storey through the proposed Official Plan Amendment, and this is a preferred location for growth.

The proposed building along the frontage of Lundy's Lane is proposed to be setback 3-metres above the third storey, and there is an additional step back provided above the sixth storey. This minimizes the massing along the streetscape and incorporates definition and interest in the built form. It further allows for a more sensitive transition among the surrounding buildings.

Yard Requirement

It is requested that at grade patios may project into any required rear yard at a distance of not more than 4.05 metres. There are patios on the ground floor of the southernmost apartment building that encroach into the required rear yard, however, the rear boundary line was established as it is 10-metres from the dripline of the significant woodland. Therefore, though the patio extends into the required rear yard, this boundary line is concaved and becomes greater towards the side yards, and these patios are the main outdoor amenity space these residents are provided with so it is beneficial to provide greater space for future residents.

PLANNING POSITION

A combined Official Plan and Zoning By-law Amendment application has been submitted to facilitate the development of the property known municipally as 7230 Lundy's Lane with two 9-storey residential apartment buildings, yielding a total of fifty (50) apartment dwelling units. A Draft Official Plan Amendment and Draft Zoning By-law Amendment are attached to this report as **Appendix III** and **Appendix IV**, respectively.

The subject lands are located within the City of Niagara Falls' Built-up Area. Provincial, Regional and local policies direct the efficient use and development of lands within the Built-up Area as the efficient use of lands and existing infrastructure supports both the physical and fiscal requirements of accommodating growth and is desirable for the long term social and economic health of the City. The provision of 50 apartment dwelling units on 0.787 hectares of developable lands achieves a net development density of 63.53 units per hectare, which represents the efficient use of the lands and supports the desired accommodation of growth through intensification.

The proposed development balances the accommodation of prescribed growth targets and respect for the character of the Lundy's Lane Satellite District, improves housing choices, and makes use of an underutilized parcel of land that can be supported by urban services, public roadways and parkland. It promotes compact intensification, public realm enhancements, and efficient land use while emphasizing high-quality urban design, and adhering to established guidelines and policies.

Based on the analysis of the Applications, preliminary Plans and Draft Amendments, it has been demonstrated that the applications:

- Have regard for, and satisfy the relevant sections of Section 2 of the Planning Act;
- Are consistent with the 2020 Provincial Policy Statement;
- Are in conformity with the 2020 Growth Plan of the Greater Golden Horseshoe;
- Are in conformity with the 2022 Niagara Official Plan;
- Area in conformity with the City of Niagara Falls Official Plan.

It is our opinion that the applications will facilitate an appropriate form of development that will contribute to the achievement of community goals and additional housing supply and forms. The applications are considered to be in the public interest and represent good planning.

Respectfully Submitted,



Chelsea Liotta
Planning Coordinator
Upper Canada Consultants

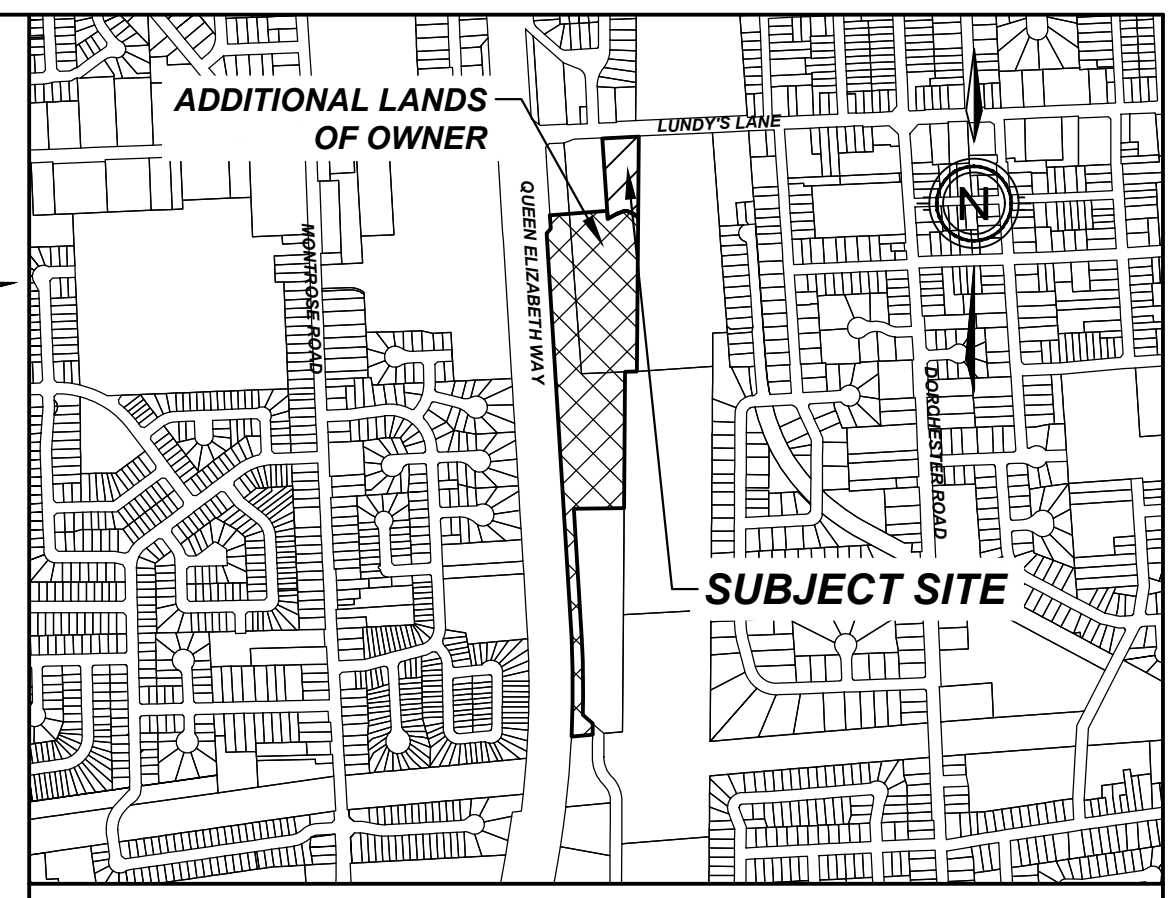
Reviewed By,



William Heikoop, BURPI, MCIP, RPP
Planning Manager
Upper Canada Consultants

Appendix I
Site Plan





KEY PLAN
N.T.S.

LEGAL DESCRIPTION

PART OF PART 2, ALL OF PART 3, PLAN 59R-13448
STAMFORD TOWNSHIP LOT 141
CITY OF NIAGARA FALLS
REGIONAL MUNICIPALITY OF NIAGARA

LEGEND

WV8	EX WATER VALVE
HYD	EX HYDRANT
CB	EX CATCHBASIN
MHC	EX MANHOLE
HP	EX HYDRO POLE
SIB	SHORT IRON BAR
LS	EX LIGHT STANDARD
LS	PROPOSED LIGHT STANDARD
□	PROPOSED WALL MOUNTED LIGHT
◀	PROPOSED DOOR
◀	PROPOSED FIRE EXIT
FRS	PROPOSED FIRE ROUTE SIGN
---	6.0m WIDE FIRE ROUTE
---	ACCESSIBLE PARKING SIGN
---	EXISTING CHAIN LINK FENCE
---	PROPOSED CHAIN LINK FENCE

ZONING MATRIX

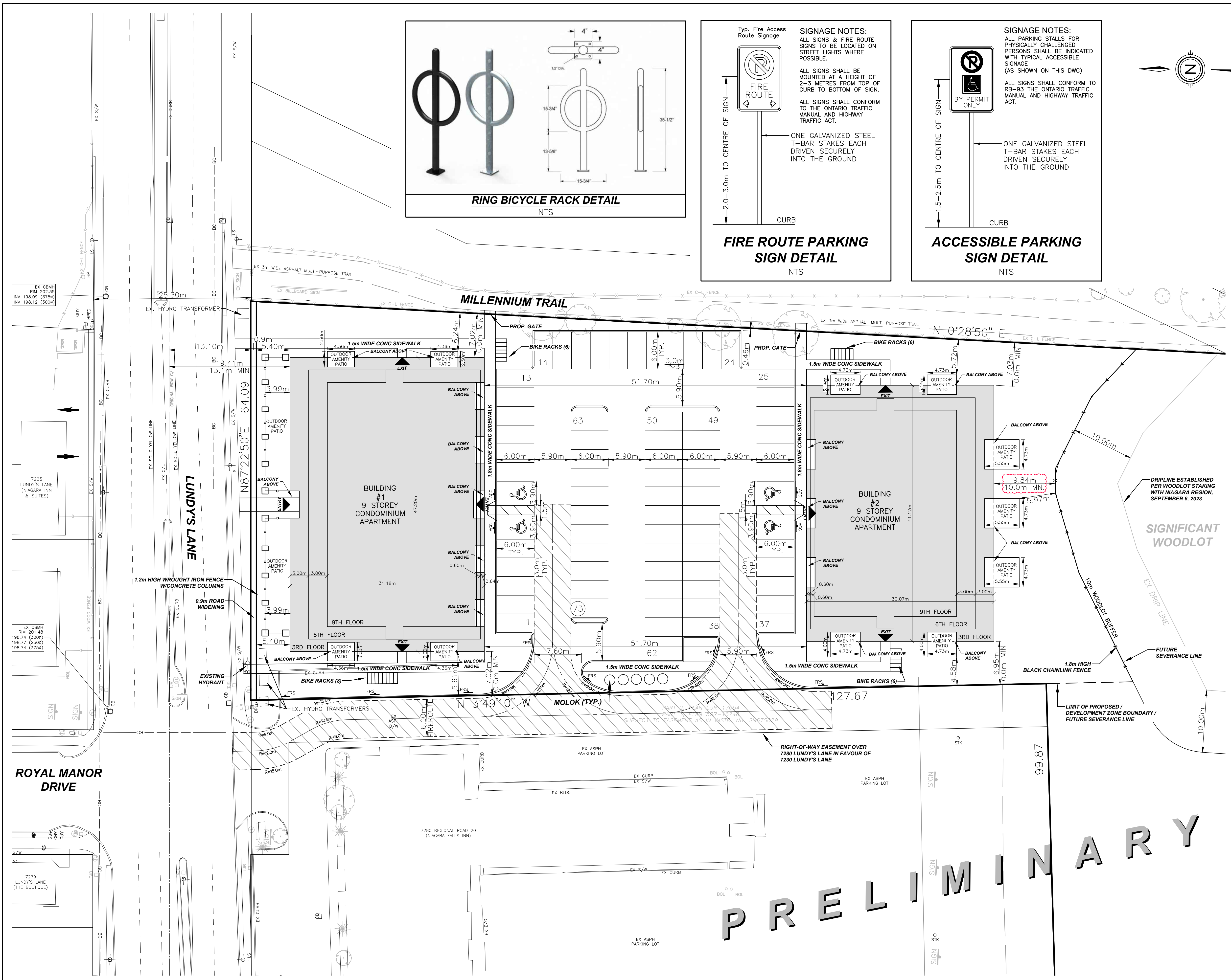
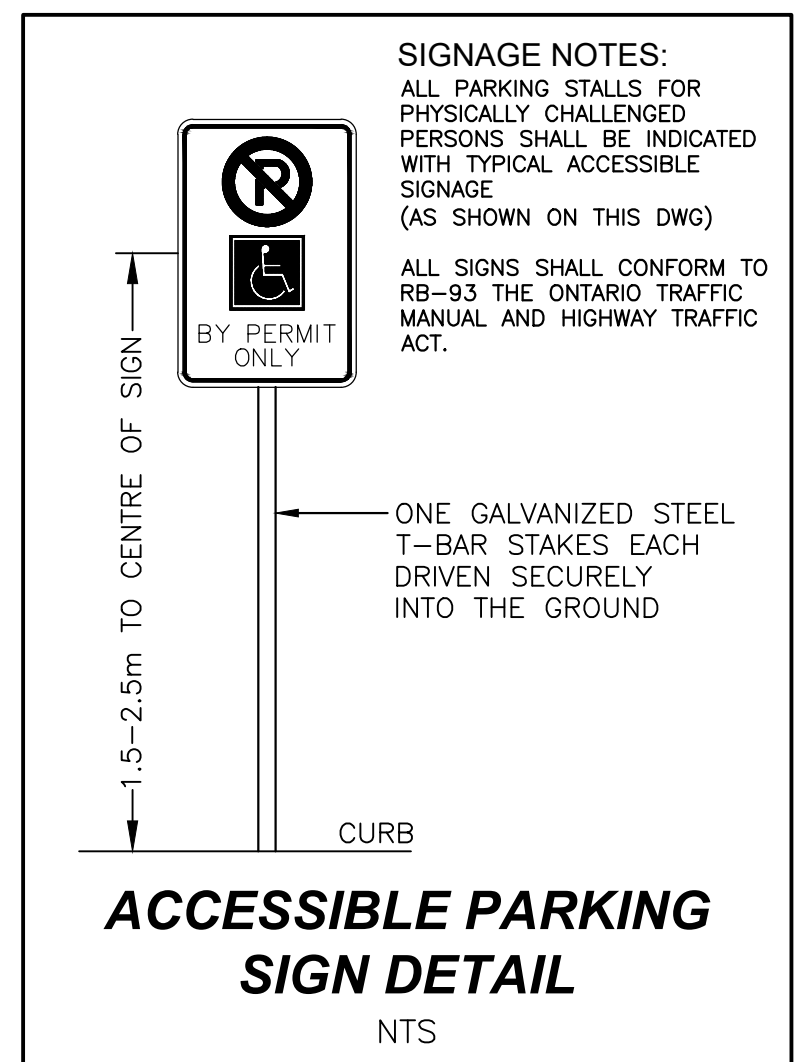
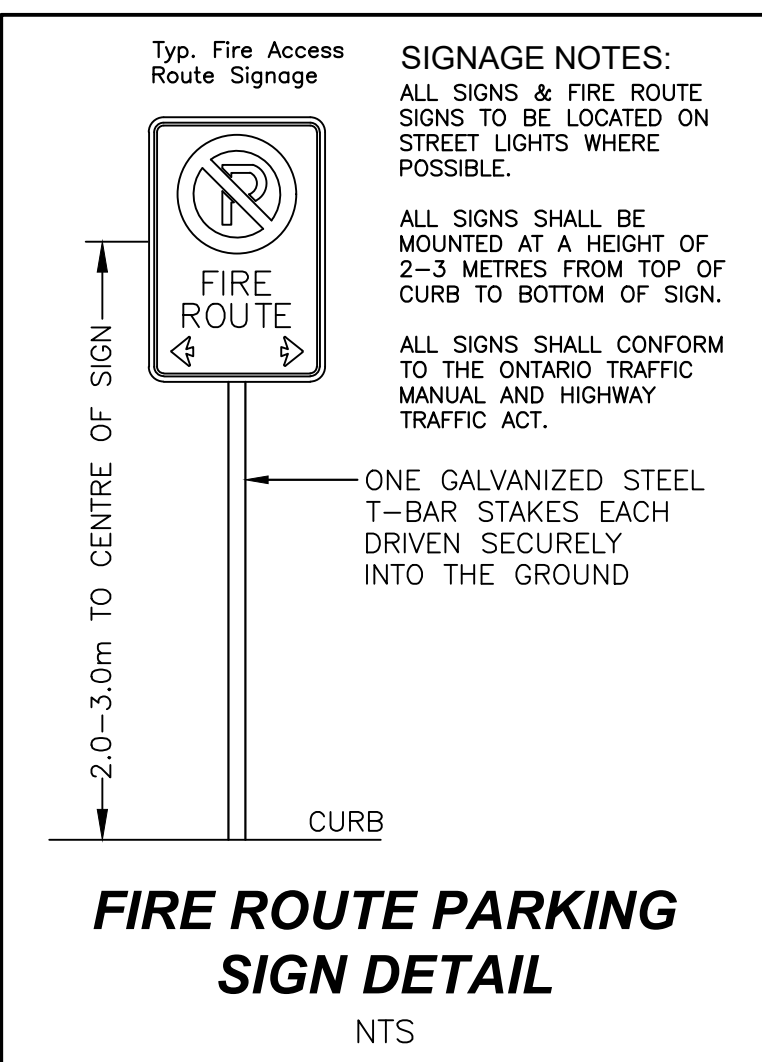
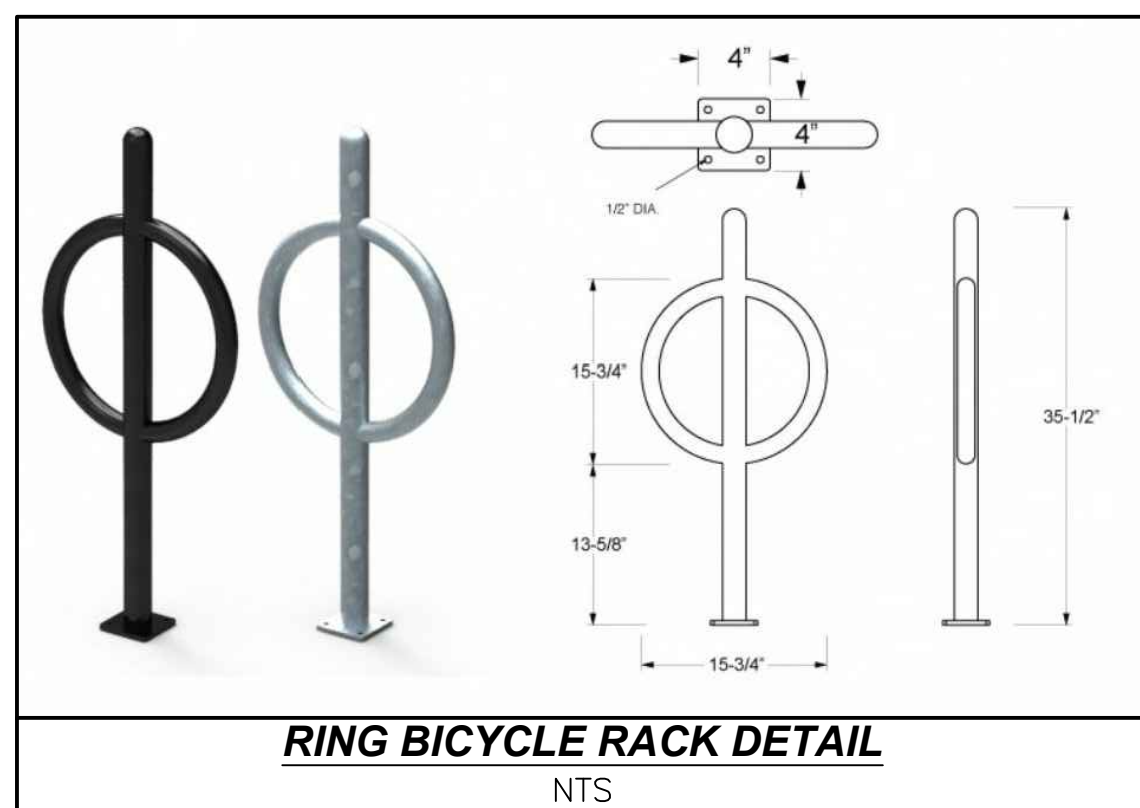
TOURIST COMMERCIAL SITE SPECIFIC - TC-XX

PROVISION	REQUIRED	PROVIDED
MIN LOT FRONTAGE	6.0m	64.09m
MIN FRONT YARD DEPTH	13.1m FROM R.O.W CENTERLINE OF ORIGINAL ROAD ALLOWANCE	13.1m
MIN REAR YARD DEPTH (i) WHERE ANY PART OF THE BUILDING IS USED FOR RESIDENTIAL PURPOSES	10.0m	9.84m
MIN INTERIOR SIDE YARD (ii) WHERE DOES NOT ABUT A RESIDENTIAL, INSTITUTIONAL OR OPEN SPACE ZONE	NON REQUIRED	6.95m
MIN EXTERIOR SIDE YARD	IN ACCORDANCE WITH 4.27.1, WHERE APPLICABLE	N/A
MAX LOT COVERAGE	70%	32.65%
MAX BUILDING HEIGHT	12.0m	29m
PARKING STATISTICS		
1.4 SPACE PER EACH DWELLING UNIT	50 UNITS x 1.4 = 70 70 SPACES REQUIRED	73 SPACES
LOADING AREAS FLOOR AREA OVER 9,300m ² ; 2 SPACES REQUIRED PLUS 1 ADDITIONAL LOADING SPACE FOR EACH 9,300m ² OF FLOOR AREA OVER INITIAL 9,300m ²	TOTAL FLOOR AREA = 10,634.39m ² 2 SPACES REQUIRED	0 SPACES
BARRIER FREE PARKING (13-100 SPACES)	4% OF THE TOTAL NUMBER OF PARKING SPACES (73 x 0.04 = 2.92) 3 SPACES REQUIRED	4 SPACES
BICYCLE PARKING	0.5 SPACES PER DWELLING UNIT (0.5 x 50 = 25) 25 SPACES REQUIRED	26 SPACES

LAND USE SCHEDULE

AREA	ha	% COVERAGE
BUILDING	0.257	(32.65%)
ROADWAY/PARKING	0.246	(31.26%)
LANDSCAPE	0.284	(36.09%)
SUBTOTAL FOR ZONING	0.787	(100%)
ROAD WIDENING	0.006	0.07
ADDITIONAL LANDS OF OWNER	7.654	90.62
TOTAL	8.446	100.00

50 UNITS
DEVELOPABLE AREA = 0.787 ha. (EXCLUDES ROAD WIDENING & ADDITIONAL LANDS)
DEVELOPABLE DENSITY = 63.53u/ha



PRELIMINARY

REVISION	DATE	INIT
0	ISSUED FOR REVIEW	2024-01-25 M.K
#	REVISION	DATE INIT

NOTES:

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

DRAFTING	M.K
DESIGN	M.K
CHECKED BY	W.H
APPROVED BY	W.H

UPPER CANADA CONSULTANTS
ENGINEERS / PLANNERS

30 Hanover Drive Unit 3
St. Catharines, Ontario
L2W 1A3
Phone: (905) 688-9400
Fax: (905) 688-5274

OWNER

1992336 ONTARIO LIMITED
5881 DUNN STREET
NIAGARA FALLS, ON
L2G 2N9

7230 LUNDY'S LANE
CITY OF NIAGARA FALLS

SITE PLAN

CONSULTANT FILE No. 2019
DATE 2023-06-06
PRINTED 2024-01-25
SCALE 1:300 m
REF No.
DWG No. **2019-SP** REV **0**

Appendix II
Pre-Consultation Notes





City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2022)

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

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

PRE-CONSULTATION- WAIVED BY DIRECTOR

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

Date:

Signature:

PRE-CONSULTATION

Day:

February 2, 2023

Time:

3:00pm

1. SUBJECT PROPERTY INFORMATION

Street Address:

7230 Lundy's Lane

Legal Description:

STAMFORD TWP PT LOT 141 RP; 59R13448 PT P

Land Area :

0.755ha (proposal) 8.44ha total

Lot Frontage :

63.34m

Municipal Land Involved: Yes No

2. CONTACT INFORMATION

Owner Information

Registered Owner:

1992336 Ontario Limited (Julia Fabiano)

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

5881 Dunn Street, Niagara Falls, ON, L2G 2N9

Phone Number:

905-651-8657

E-mail Address:

dsargeson@fallsviewgroup.com

Applicant/Agent Information (if applicable)

First and Last Name:

Jason Pizzicarola Design – Architects Inc. (David Robbins)

Mailing Address:

209 Road Road N, Ridgeway, ON, L0S 1N0

Phone Number:

905-894-8300

E-mail Address:

[drobbins@jpdesign.ca](mailto:d Robbins@jpdesign.ca)

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

3. PROPOSAL

2 9 storey apartment buildings with 25 residential units per building (50 units total)

4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area:

Building Height:
9 storeys

Dwelling Units: **50** # Hotel/Commercial Units:

Location:

Brownfield Greenfield Built-up
 Outside Urban Boundary NEP Area CIP Area

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

5. DESIGNATIONS

Regional Official Plan: Yes No

Niagara Escarpment Plan: Yes No
 N/A

City Official Plan: Yes No
 Tourist Commercial – Lundy’s Lane Satellite District

Secondary Plan: Yes No
 N/A

Zoning: Yes No
 TC & PI

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

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

7. REQUIRED INFORMATION AND STUDIES- To be submitted prior to and with Application(s).

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

OPA/ ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans (See notes for additional details)	Number of Copies		Notes
				Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality*			Peer review, at applicant’s cost.
		X	Archaeology Assessment- Please be mindful of your duty to consult obligations	X	1	Stage 1 & 2, Clearance Letter from Ministry

X			Conceptual Site Plan	X	10	<u>Official Plan/Zoning By-law Application</u> Site Plan, Coloured Site Plan, Elevations and submit CAD .dwg file or survey plan (.dwg file) to City projection standards.
		X		X	14	<u>Site Plan Application</u> Site Plan, Elevations (including floor plans)— optional , Landscape Plan (by OALA)— optional , Grading Plan, SWM Plan, Servicing Plan, STANDAs, STWMDA, Photometric, Zoning Chart, and CAD .dwg files to City projection standards of the site & servicing plans.
	X		Condominium Plan	X	10	<u>Condominium Application</u> Draft Plan of Condominium and submit CAD .dwg file to City projection standards.
			Cultural Heritage Impact Analysis			
X			Draft Local Official Plan Amendment	X	1	
			Draft Regional Policy Plan Amendment			
X			Environmental Impact Study	X	1	Updated Environmental Studies to be determined after site visit. Contact the Region for TOR and site visit.
			Environmental Planning Study/ Sub-Watershed Study			
X			Environmental Site Assessment/Record of Site Condition	X	1	
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X		X	Municipal Servicing Study	X	2	To review services and demonstrate capacity. Infrastructure modelling may be required—if required, at applicant's cost
X		X	Noise & Vibration Study	X	1	An updated detailed noise study may be required at future Site Plan.
			Other			
			Phasing Plan			
X	X		Planning Justification Report	X	1	Done by RPP, review and analyze applicable Provincial, Regional, and City policies. Discuss affordability policies and provide potential prices/rental rates. Discuss Lundy's Lane Satellite district policies. Provide draft OPA and Zoning By-law amendment.

			Risk Management Study			
X	X		Road Widening	X	1	0.9m – show on ZBA app, will be taken at SP
			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X		X	Stormwater Management Plan	X	2	Pre- to post, 5 year storm
			Transportation Impact Study/ Parking Impact Analysis			Terms of Reference- Region and City staff to be consulted.
X			Tree inventory Preservation Plan	X	1	
X			Urban Design Brief/Architectural Brief	X	1	Please include in your Planning Justification Report an Urban Design Brief addressing the Urban Design Guidelines for Lundy's Lane and how the proposal meets the guidelines. https://niagarafalls.ca/pdf/planning/lundys-lane-cip/urban-design-guidelines-final-smaller.pdf
X			Urban Design/Landscape Plans	X	1	Concept at OP/ZBA, detailed at SP
		X	Wind Study	X	1	Contact Region for TOR

8. COMMENTS

Planning Comments:

- OPA needed for height, maximum permitted height is 8 storeys, asking for 9
- The Lundy's Lane Urban Design Guidelines will need to be followed in the design of the buildings
- Setback of 3m is to be provided above the third storey. An additional step back should be provided above the sixth storey.
- Sidewalk connection should be provided from Building 2 to Lundy's Lane.
- An active use should be fronting Lundy's Lane (i.e. amenity space, lobby, commercial uses, etc).
- More density should be provided within the proposed footprint of the building provided the additional density can be accommodated on site.
- Amenity space will need to be provided on the property. This can be done in the form of balconies, roof-top garden (please note this would add an additional storey to the building and trigger the need for a wind study and shadow study and higher application fees), and usable greenspace.
- Pull back parking space along Millenium Trail for tree planting. Include connection from development to trail.
- Underground parking is preferred to increase landscape space and could provide opportunity for more density.
- Section 37 Community Benefits Charge will apply.
- Parkland is deferred for residential development in this CIP area. Please note that any commercial development will need to provide parkland dedication at a rate of 2%.
- Please note that a pre-consultation for site plan will be needed in the future.

Building Comments:

- Please see the attached comments.

Engineering Comments:

- Please see attached comments for details.

Fire Comments:

- Please see attached comments.

GIS (Addressing):

- Retire 7230 and issue a single new civic number for the whole of the property.
- At site plan stage, please submit a correlated plan of unique building/unit numbers with their associated legal unit descriptor.

Landscape Services:

- A tree survey plan will be required as part of the Site Plan submission and conform to the City of Niagara Falls Standards for Site Planning. The plan shall be developed by a certified professional. The tree survey plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent landowner(s). The recommendations of the tree survey plan shall be implemented in the Site Plan. This includes potential modifications to project layout and grading plans.
- We request consideration for incorporating an outdoor space for residents to access.
- The City would allow for an opening to be created in the existing fence to allow access to the Millennium Trail, to encourage connectivity.
- At time of future Site Plan application, a complete landscape plan will be required as part of the Site Plan submission and conform to the City of Niagara Falls Standards for Site Planning. The landscape plan shall be developed by an Ontario Landscape Architect. The design of the landscape plan shall have consideration for enhancing street frontage, improving walkability, winter snow storage, and reducing heat island effect of hard surface areas. The planting of native plant species is preferred. Further comments to be made at that time.
- We defer Parkland dedication for residential development in this designated CIP area. Should any commercial developments advance on the ground floor of the building, Parkland dedication would be required at a rate of 2%. Further comments to be made at the time of Site Plan application.

Transportation Comments:

- Lundy's Lane is a Regional road.
- The site abuts the Queen Elizabeth Way. Comments from the Ministry of Transportation should be acquired.
- The City does not require a traffic study.
- Staff recognizes that there is an existing easement on the adjacent lands that will enable access to/from the subject lands to the traffic signals at Lundy's Lane and Royal Manor Drive.
- The proposal consists of two 9-storey buildings, each comprising of 25 units. A 50-unit development requires 70 parking spaces, at a rate of 1.4 parking spaces per unit. There are 74 parking spaces proposed. If the applicant intends to license units to operate as Vacation Rental Units, then the parking requirement is 2.0 parking spaces per unit.
- The minimum number of accessible parking spaces is based on the parking lot capacity. A parking area having 74 parking spaces requires a minimum of three (3) accessible parking spaces and this is determined through the following formula for parking lots between 26 and 100 parking spaces: 4% of the total number of parking spaces, rounding up to the nearest whole number, thus $0.04 \times 74 = 2.96$, rounded up to 3 accessible parking spaces. Three (3) accessible parking spaces are noted. Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:
 - one authorized disabled parking sign on display;
 - one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
 - both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
 - be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
 - have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
 - shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
 - located on a level surface; and,
 - placed in a location as to minimize the distance to building entrances
- Staff recommends providing connective walkways between the buildings. As shown, someone in the southern building must walk through the parking lot to get to the northern building and Lundy's Lane. This can be addressed at site plan.
- The WEGO red line operates on Lundy's Lane. The closest bus stop (signed as a Niagara Falls Transit stop) is at Royal Manor Drive, in front of the existing Days Inn. In the summer, generally between Canada Day to Labour Day, buses in both directions will pass by every 15 minutes during the day between 10:00 a.m. and 7:00 p.m. and every 30 minutes from 6:00 a.m. to 10:00 a.m. and 7:00 p.m. to 12:30 a.m. During the shoulder season (Victoria Day long weekend to Canada Day, and Labour Day to Thanksgiving), buses operate on a 30-minute headway during the day and 60 minutes in the evening. In the winter between Thanksgiving and Victoria Day, buses operate on a 30-minute headway. Schedules can be downloaded from <http://www.wegoniagarafalls.com/routes/>
- A continuous municipal sidewalk abuts the development on the south side of Lundy's Lane. Access to the Millennium Trail directly abuts the proposed development to the east. The trail provides persons with a protected off-road path that connects to most major roads and other cycling routes in the City's core.

Zoning Comments:

- Please see attached comments and provide the requested zoning information with your submission.

Niagara Region:

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

Niagara Peninsula Conservation Authority:

- There are no regulated features on the property. As such the NPCA has no comments.

Ministry of Transportation:

- Appears to be within the MTO Permit Control Area. As such, an MTO Building & Land Use Permit will be required from MTO prior to any onsite construction/works.
- These comments are preliminary only. Prior to any MTO Permit applications being submitted, the MTO requests that the City circulate the Official Plan & Zoning By-law Amendment applications for review, where we will provide more detailed comments, including what materials will be required for review as part of the City's official Site Plan Approval circulation process. Please see the link for more information on the process: [Highway corridor management | ontario.ca](http://Highway_corridor_management|ontario.ca)

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

Application	City of Niagara Falls	Niagara Region	NPCA
Official Plan & Zoning By-law Amendment	\$14,600	\$5,340 + \$1,345	
Major Urban Design Review (at OP/ZBA stage)		\$640	
Site Plan + Standard Plan of Condominium	\$5,500 + \$3,000	\$4,010	
Stormwater Management Review Less than 5 ha (at SP)		\$650	
Total	\$23,100	\$11,985	

Notes:

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

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


Additional Agencies to be contacted:

MTO NPC NEC Hydro Pipeline CN/CP Other:

10. ATTENDEES

City	Applicant	Agency
Alexa Cooper acooper@niagarafalls.ca	Julia Fabiano – Applicant dsargeson@fallsviewgroup.com	Alexander Morrison (Region) Alexander.morrison@niagararegion.ca
Sue Scerbo (Zoning) sscerbo@niagarafalls.ca	David Robbins – Agent drobbins@jpdesign.ca	
Cesar Ramires (Building) cramires@niagarafalls.ca	Matthew Kernahan - Agent	
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca		
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
David Antonsen (Landscape) dantonsen@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		
Danaka Kimber (GIS/Addressing) dkimber@niagarafalls.ca		

Signatures

Planning Staff Alexa Cooper		Feb/10/23
Planning Staff		
Regional Planning Staff Alexander Morrison	Alexander Morrison	February 17, 2023
NPCA Staff		
Agent David Robbins (for JPD Architects)	David Robbins	February 21, 2023
Owner		
Owner		
Other		

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

Signature



11. NOTES

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

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

LUNDY'S LANE

PART OF TOWNSHIP LOTS 141, 148 & 157 GEOGRAPHIC TOWNSHIP OF STAMFORD
CITY OF NIAGARA FALLS REGIONAL MUNICIPALITY OF NIAGARA

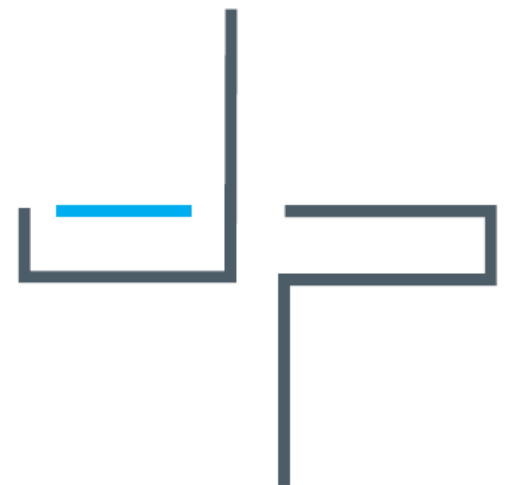
SUBJECT LANDS - 1.86 ACRES / .755 Ha

TOTAL PARCEL SIZE - 20.87 ACRES / 8.44 Ha

NORTH ➔



KEY PLAN
N.T.S



JASON PIZZICARELLA DESIGN - ARCHITECTS INC.
209 RIDGE ROAD N
RIDGEWAY, ONTARIO, L0S 1N0
T. 905-894-8300
e-mail: jpizzicarella@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

7230 Lundy's Lane Niagara Falls, ON

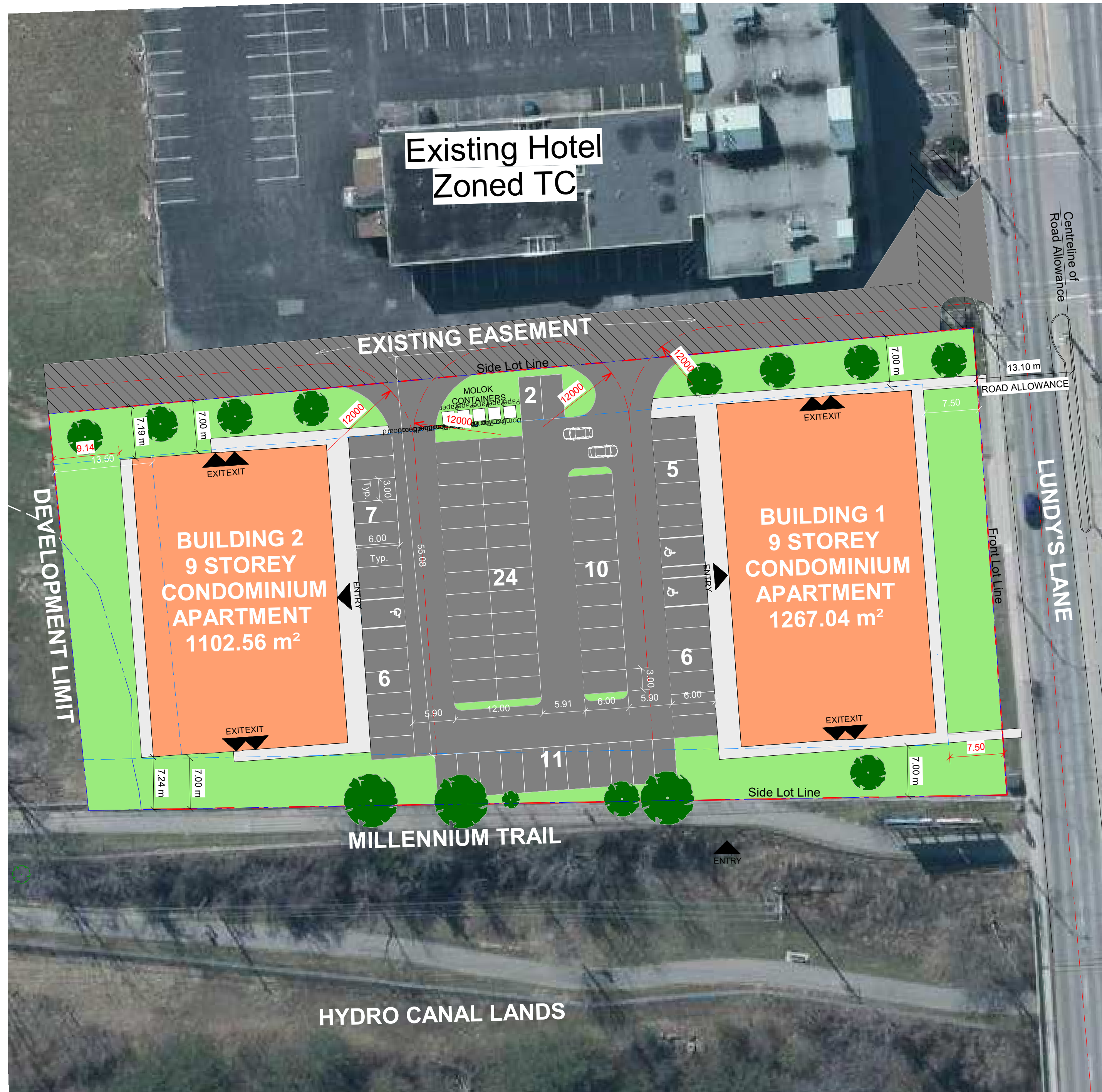
No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

SHEET TITLE:

Proposed

DRAWN BY: <i>Author</i>	DATE: 2023-01-10 3:23:22 PM
SCALE: 1 : 1500	JOB #: 22105
SHEET NO:	PRO



1 Proposed Site Plan
PR1 1:400



SITE STATISTICS

	Area ft²	Area m²
Lot Area	908,503 ft ²	84,400 m ²
Development Area	79,014.85 ft ²	7552.95 m ²
Proposed Building Area	26,052.21 ft ²	2420.25m ²
Proposed Building Coverage	+/- 32.97 %	

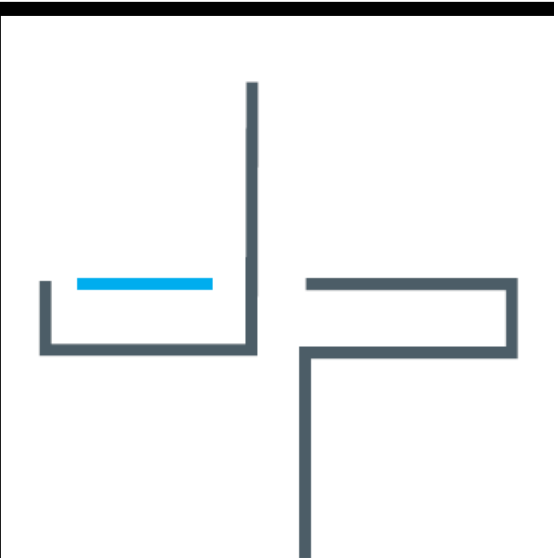
ZONING MATRIX

REGULATIONS	R5F REQ.	SUBJECT LANDS
Min Lot Area	57 sm/ dwelling unit	146.8 sm/ dwelling unit
Min Lot Frontage	45 m	64.34 m
Min Front Yard	7.5 m	7.5 m
Min Interior Side Yard	1/4 of Building height =7m	7.0 m
Min Exterior Side Yard	7.5 m	N/A
Min Rear Yard	Building height / 2 =14m	291.15 m
Max Lot Coverage	30 %	+/- 31.4 %
Max Building Height	28 m	28 m (9 storeys)
Number of Apartment Dwellings on one Lot	one only	2
Min Landscaped Area	55% of the Lot Area	2097.63 m ² = 27.8%
Parking and Access Requirements	In accordance with 4.19.1	71 Spaces + 3 Barrier Free

2 - 9 STOREY BUILDINGS 25 UNITS /BUILDING 50 UNITS TOTAL

BUILDING 1			BUILDING 2		
GND. FLR.	LOBBY	844.84 SFT	GND. FLR.	LOBBY	844.97 SFT
	UNIT 1	2553.28 SFT		UNIT 1	2179.15 SFT
	UNIT 2	2354.79 SFT		UNIT 2	2388.46 SFT
	UNIT 3	3012.10 SFT		UNIT 3	2179.15 SFT
FLR. 2-6	UNIT 4	2823.18 SFT	FLR. 2-6	UNIT 4	2388.46 SFT
	UNIT 1	5573.63 SFT		UNIT 1	2756.85 SFT
	UNIT 2	2932.18 SFT		UNIT 2	4776.92 SFT
FLR. 7-9	UNIT 3	3400.44 SFT	FLR. 7-9	UNIT 3	2756.85 SFT
	UNIT 1	5592.10 SFT		UNIT 1	5513.70 SFT
	UNIT 2	6332.66 SFT		UNIT 2	4776.92 SFT

Note: Site Information Based on Plan of Survey Part of Township Lots 141,148 & 157 Geographic Township of Stamford By J.D. Barnes Limited Dated February 15, 2022



JASON PIZZICARELLA DESIGN - ARCHITECTS INC
209 RIDGE ROAD N
RIDGWAY, ONTARIO, L0S 1N0
T. 905-894-8300
e-mail jpizzicarella@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

7230 Lundy's Lane Niagara Falls, ON

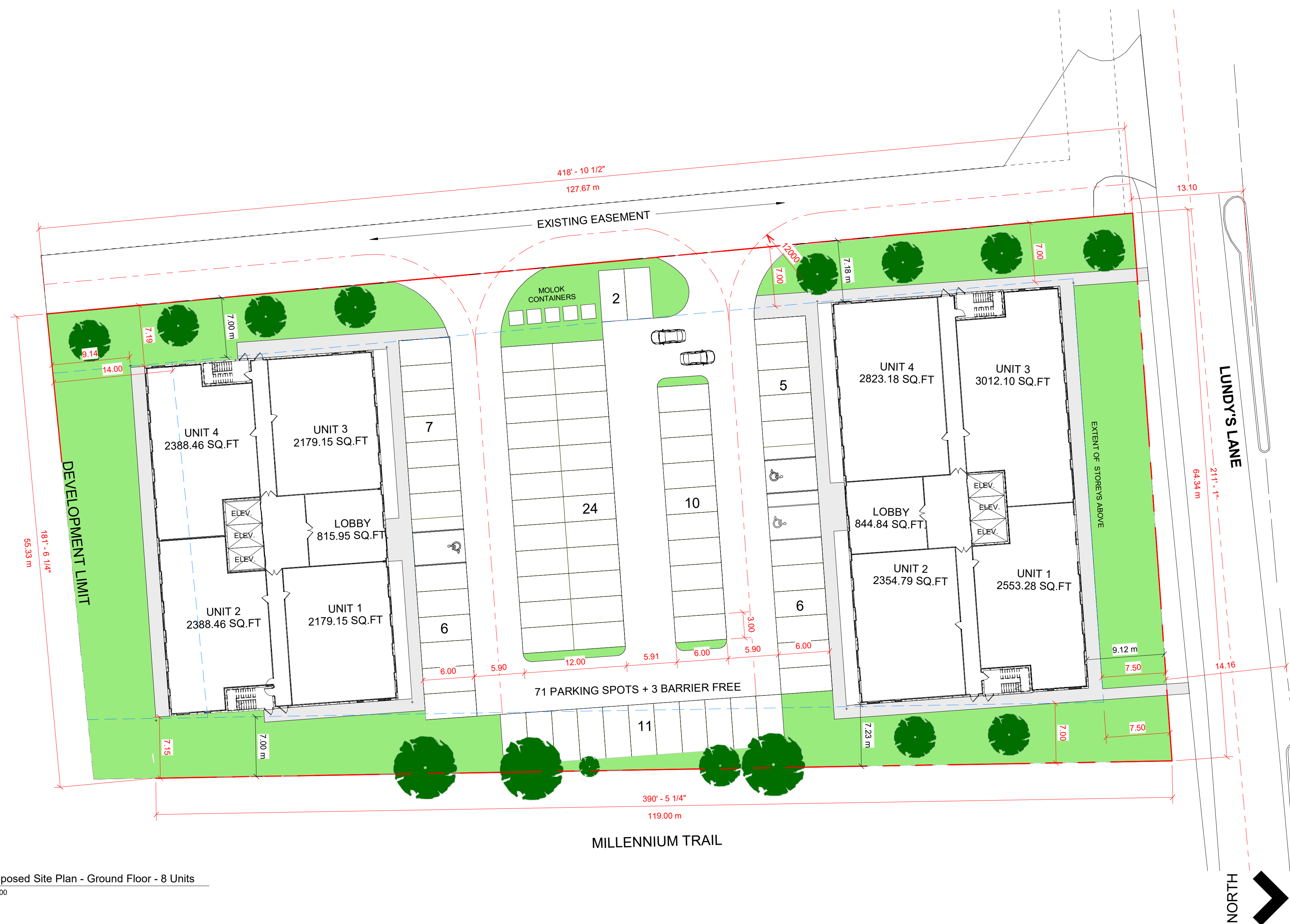
No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

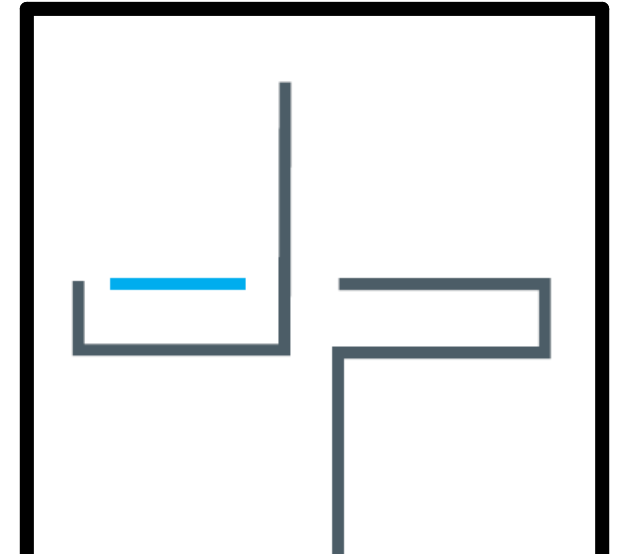
SHEET TITLE:

Proposed Site Plan

DRAWN BY: J.D.B.	DATE: 2023-01-10
SCALE: As indicated	JOB #: 22105
SHEET NO:	PR1



1 Proposed Site Plan - Ground Floor - 8 Units
 PR2 1 : 300



JASON PIZZICARELLA DESIGN - ARCHITECTS INC
 209 RIDGE ROAD N
 RIDGEWAY, ONTARIO, L0S 1N0
 T. 905-894-8300
 e-mail jpizzicarella@jpdesign.ca
 CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

7230 Lundy's Lane Niagara Falls, ON

No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

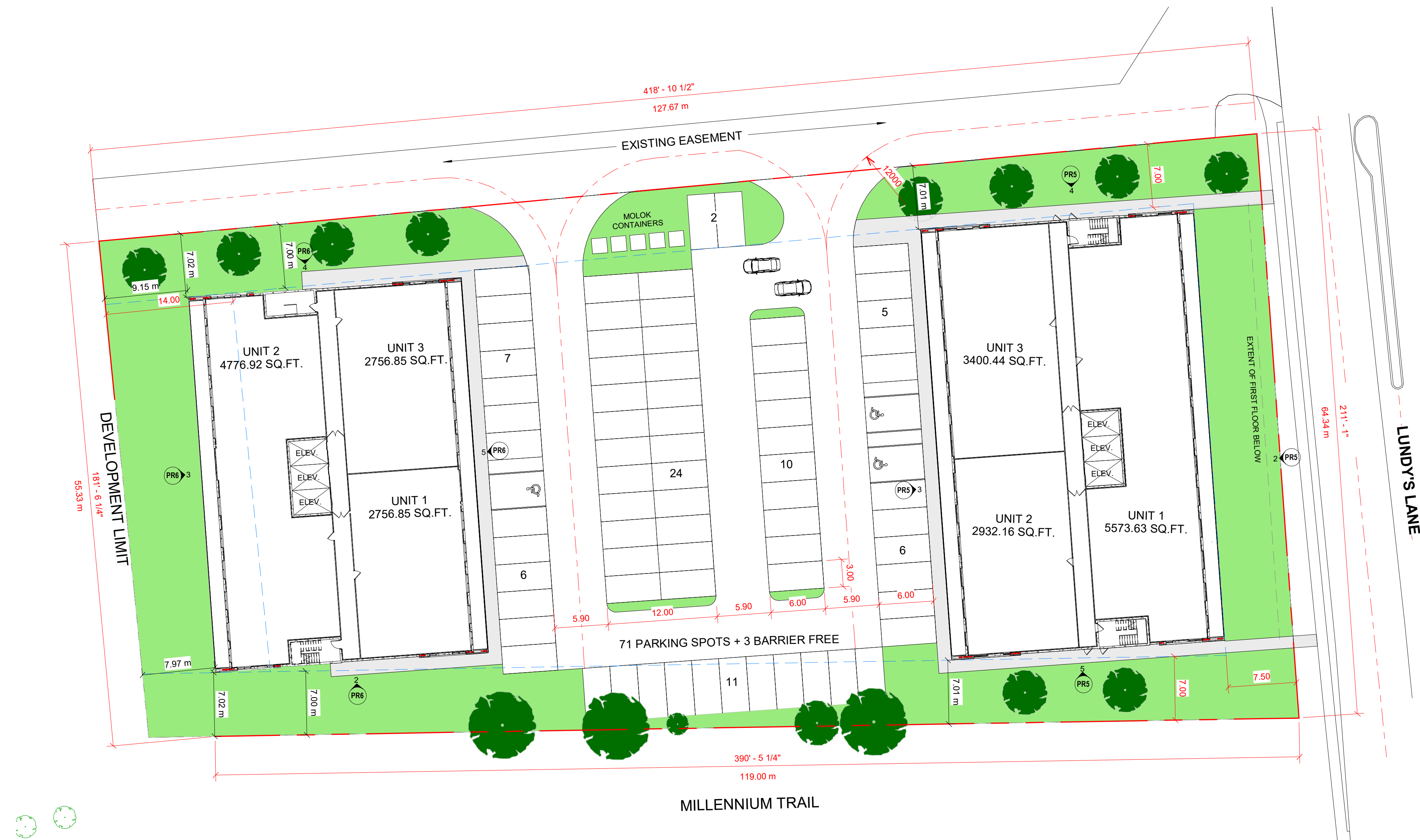
Planning

SHEET TITLE:

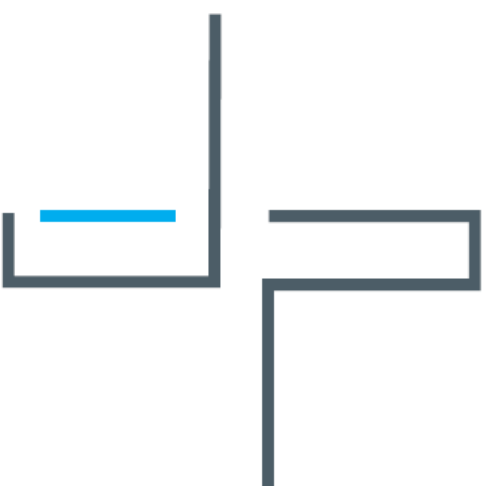
Proposed Site Plan - Ground Floor

DRAWN BY: *Author* DATE: 2023-01-10
 SCALE: 1 : 300 JOB #: 22105

SHEET NO. PR2



1 Proposed Site Plan-Second To Sixth Floors - 30 Units
 PR3 1 : 300



JASON PIZZICARELLA DESIGN - ARCHITECTS INC.
 209 RIDGE ROAD N
 RIDGEWAY, ONTARIO, L0S 1N0
 T. 905-894-8300
 e-mail jpizzicarella@jpdesign.ca
 CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

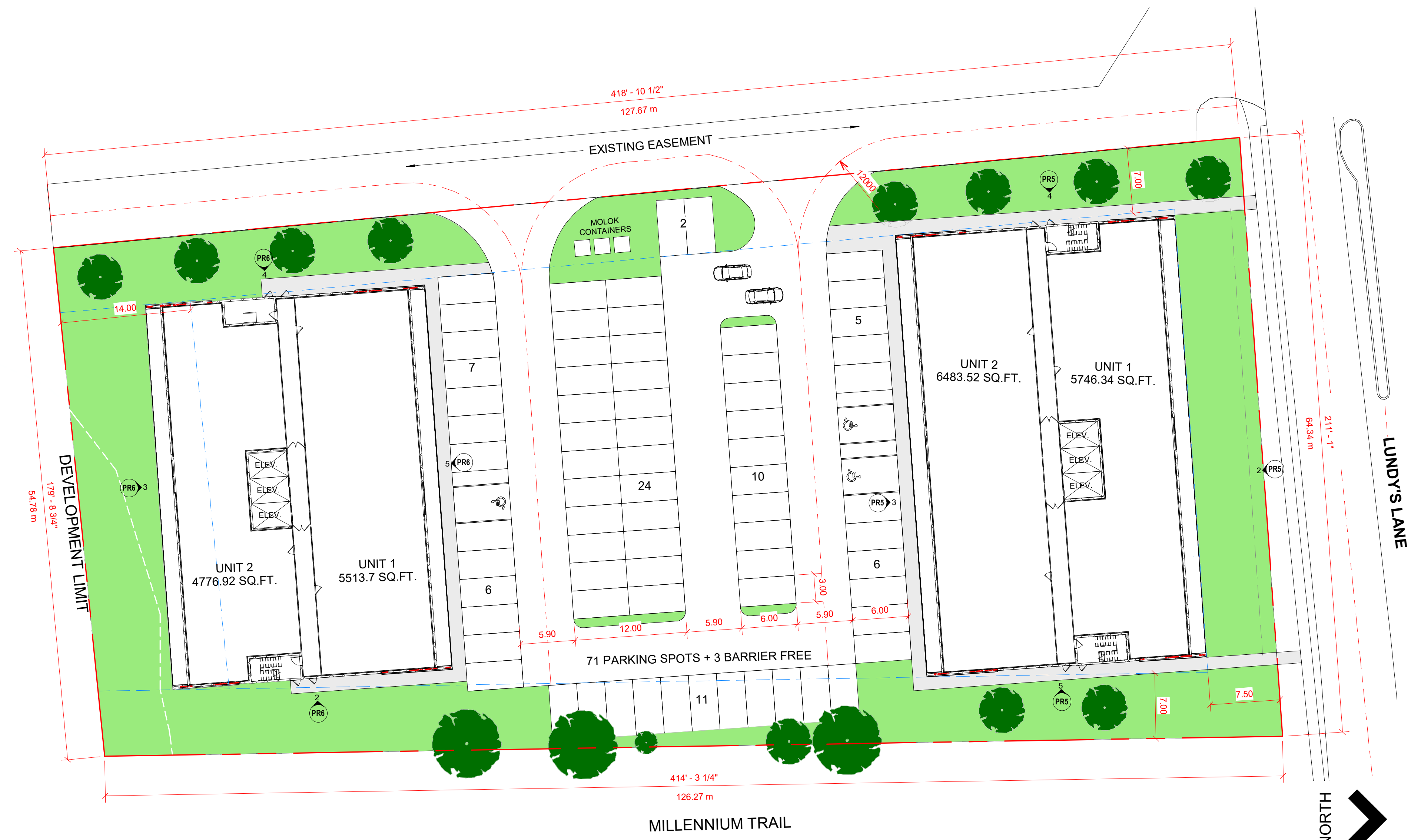
7230 Lundy's Lane Niagara Falls, ON

No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

SHEET TITLE:
**Proposed Site Plan -
 2-6 Floors**

DRAWN BY: <i>Author</i>	DATE: 2023-01-10
SCALE: 1 : 300	JOB #: 22105
SHEET NO:	PR3



1 Proposed Site Plan- Seventh To Ninth Floor - 12 Units
 PR4 1 : 300



JASON PIZZICARELLA DESIGN - ARCHITECTS INC
 209 RIDGE ROAD N
 RIDGEWAY, ONTARIO, L0S 1N0
 T. 905-894-8300
 e-mail jpizzicarella@jpdesign.ca
 CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

7230 Lundy's Lane Niagara Falls, ON

No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

SHEET TITLE:

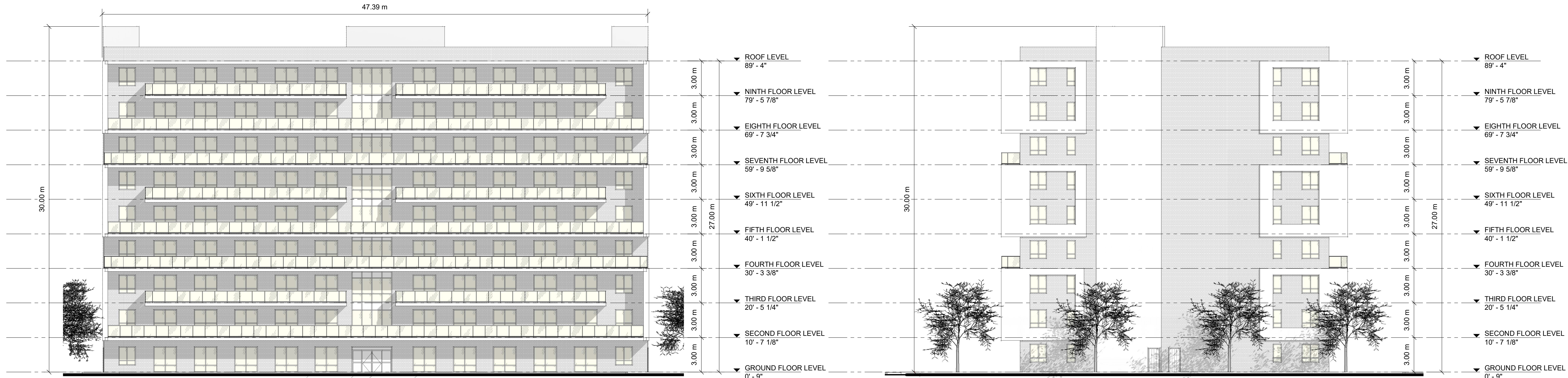
Proposed Site Plan -
 7-9 Floors

DRAWN BY: *Author* DATE: 2023-01-10-3:23:26
 SCALE: 1 : 300 JOB #: 22105

SHEET NO. PR4



1 Building 1 From South-West
PR5 1:1



3 Elevation South (Front)
PR5 1:192

4 Elevation West (Left Side)
PR5 1:192



5 Elevation East (Right Side)
PR5 1:192

2 Elevation North (Rear -Lundy's Lane)
PR5 1:192



JASON PIZZICAROLA DESIGN - ARCHITECTS INC
209 RIDGE ROAD N
RIDGWAY, ONTARIO, L0S 1N0
T. 905-894-8300
e-mail jpizzicarola@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

7230 Lundy's Lane Niagara Falls, ON

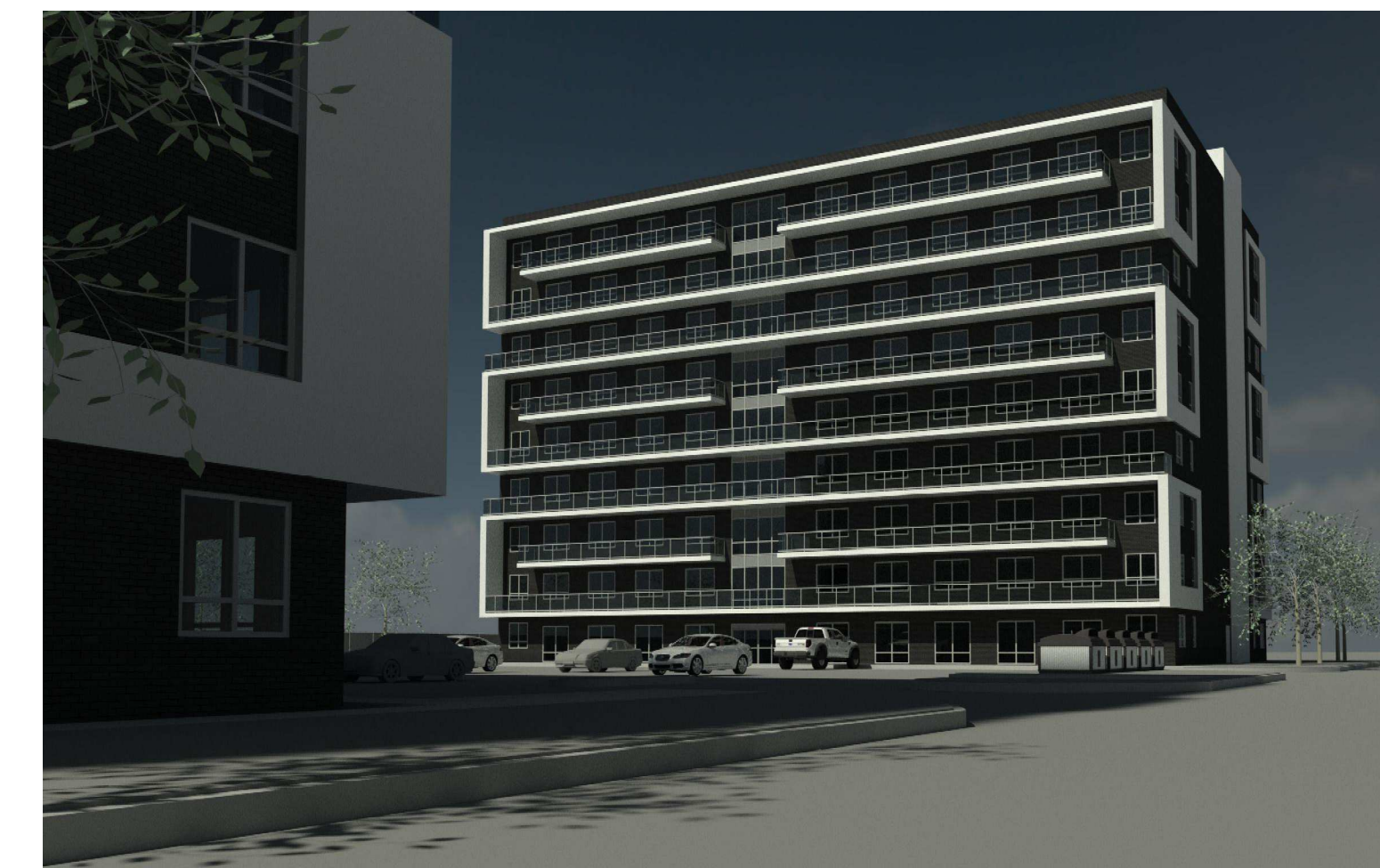
No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

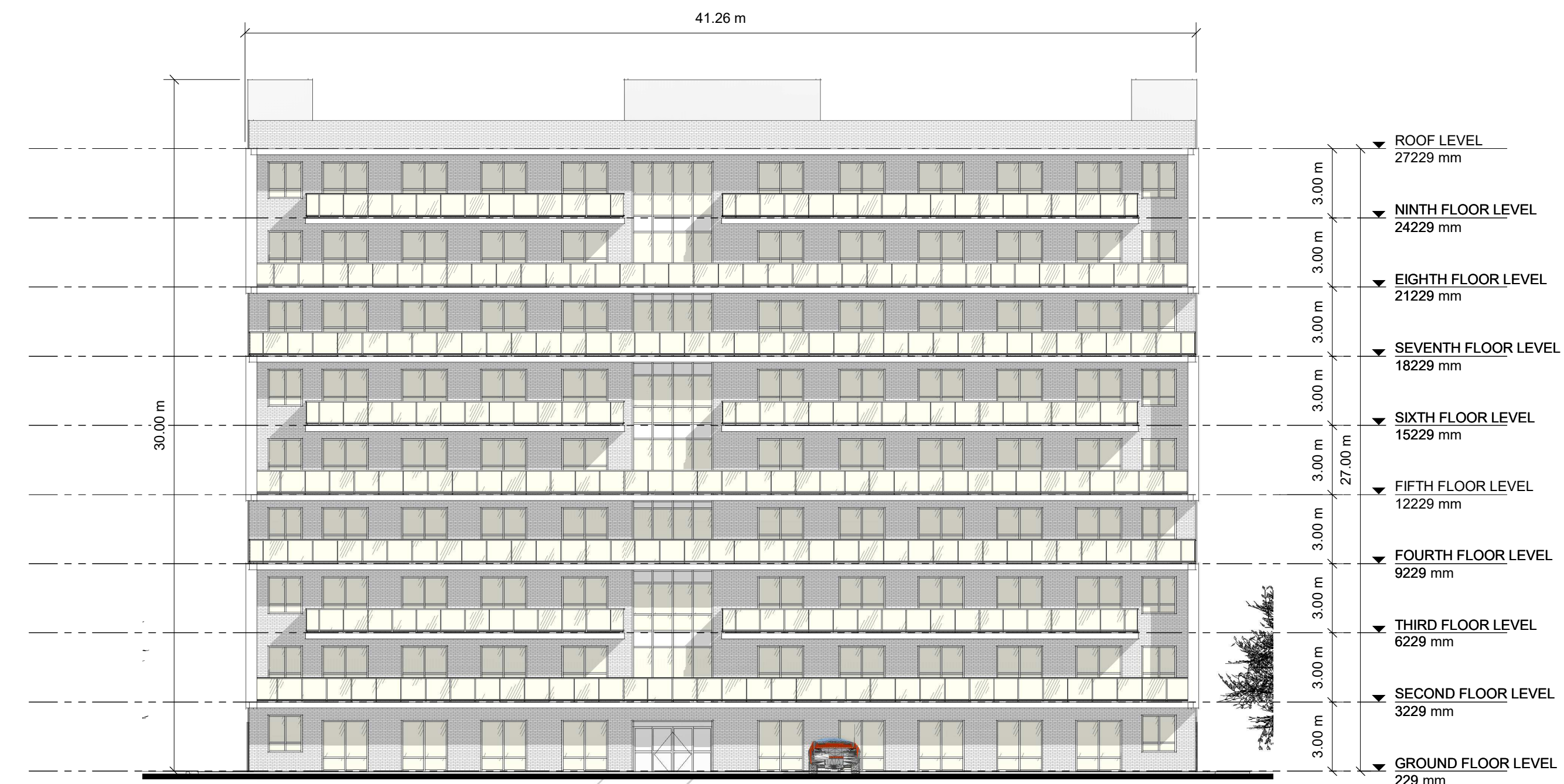
SHEET TITLE:

Proposed Elevations-
Building -1

DRAWN BY: <i>Author</i>	DATE: 2023-01-10
SCALE: As indicated	JOB #: 22105
SHEET NO:	PR5



1 Building 2_From Lundy's Lane Entrance
PR6 1:1



5 Elevation North (Front)
PR6 1:192



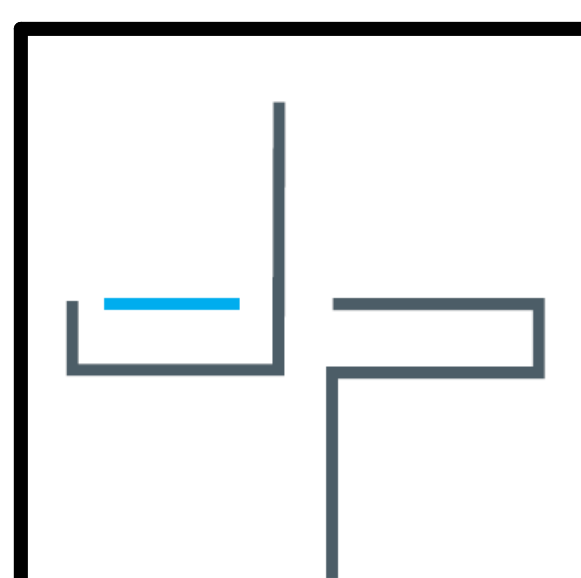
4 Elevation West (Right Side)
PR6 1:192



2 Elevation East (Left Side)
PR6 1:192



3 Elevation South (Rear)
PR6 1:192



JASON PIZZICAROLA DESIGN - ARCHITECTS INC
209 RIDGE ROAD N
RIDGEWAY, ONTARIO, L0S 1N0
T. 905-894-8300
e-mail jpizzicarola@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053

1992336 Ontario Limited.

7230 Lundy's Lane Niagara Falls, ON

No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

SHEET TITLE:

Proposed Elevations Building -2

DRAWN BY: J.P.R. DATE: 2023-01-10
SCALE: As indicated JOB #: 22105

SHEET NO. PR6

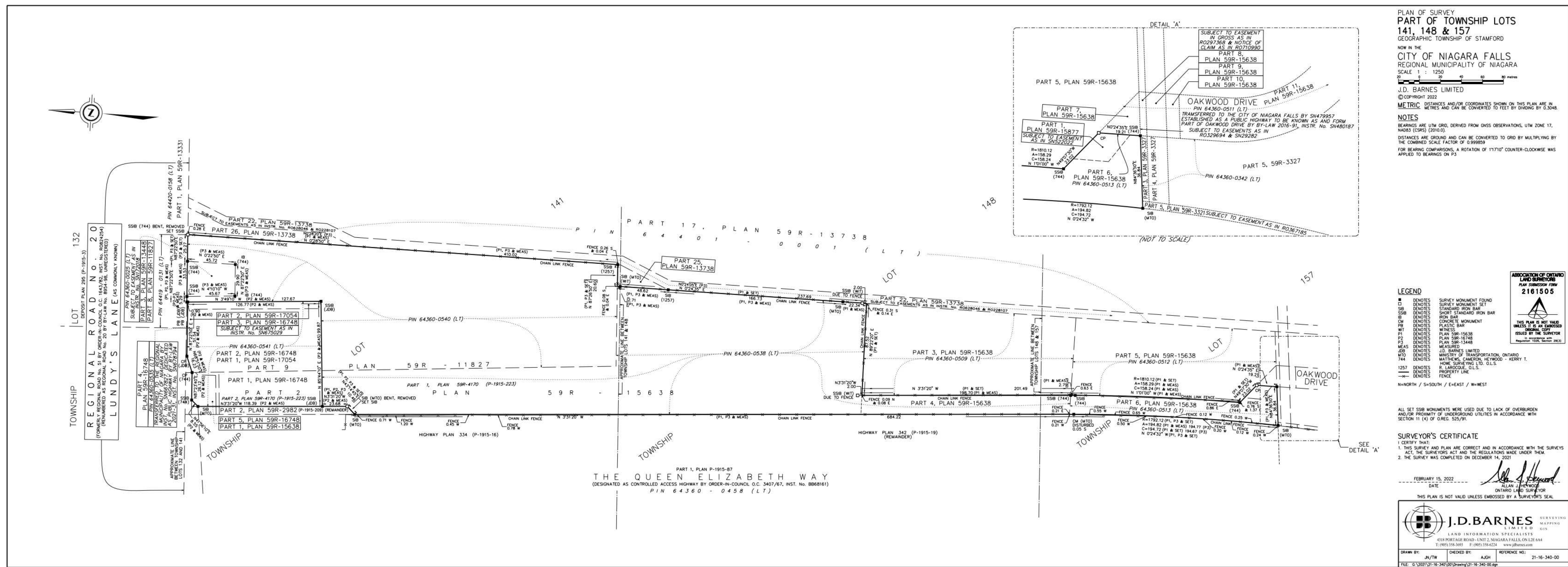


Image of Site Survey (Not to Scale 1:1250 as indicated on image)



JASON PIZZICCAROLA DESIGN - ARCHITECTS INC.
 209 RIDGE ROAD IN
 RIDGEWAY, ONTARIO, L0S 1N0
 T. 905-894-8300
 e-mail jpizziccarola@jpdesign.ca
CERTIFICATE OF PRACTICE : # 4053

PLAN OF SURVEY
**PART OF TOWNSHIP LOTS
 141, 148 & 157**
 GEOGRAPHIC TOWNSHIP OF STAMFORD
 NOW IN THE
CITY OF NIAGARA FALLS
 REGIONAL MUNICIPALITY OF NIAGARA
 SCALE 1 : 1250

J.D. BARNES LIMITED
 © COPYRIGHT 2022
 DISTANCES AND/OR COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048.

NOTES
 BEARINGS ARE UTM GRID, DERIVED FROM GNSS OBSERVATIONS, UTM ZONE 17, NAD83 (CSRS) (2010).
 DISTANCES ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.99989.
 FOR BEARING COMPARISONS, A ROTATION OF 117107° COUNTER-CLOCKWISE WAS APPLIED TO BEARINGS ON P3.

LEGEND
 ■ DENOTES SURVEY MONUMENT FOUND
 □ DENOTES SURVEY MONUMENT SET
 SSB DENOTES STANDARD IRON BAR
 SSB DENOTES SHORT STANDARD IRON BAR
 B DENOTES IRON BAR
 CM DENOTES CONCRETE MONUMENT
 PP DENOTES PLASTIC BAR
 WT DENOTES WOODEN TOWER
 P1 DENOTES PLAN 59R-15638
 P2 DENOTES PLAN 59R-15638
 P3 DENOTES PLAN 59R-15638
 P4 DENOTES PLAN 59R-15638
 MEAS DENOTES MEASURED
 J.D. DENOTES J.D. BARNES LIMITED
 MTO DENOTES MINISTRY OF TRANSPORTATION, ONTARIO
 744 DENOTES MATHEWS, CAMERON, NEWBOLD - KERRY T.
 S.L. DENOTES S.L. LANGLOIS, O.L.S.
 1253 DENOTES PROPERTY LINE
 --- DENOTES FENCE
 N-NORTH / S-SOUTH / E-EAST / W-WEST

ALL SET SSB MONUMENTS WERE USED DUE TO LACK OF OVERSIGHT AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF OREG. 325/91.
SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THE SURVEY WAS COMPLETED ON DECEMBER 14, 2021.

FEBRUARY 15, 2022
 DATE
 ALAN J. BARNES
 ONTARIO LAND SURVEYOR
 THIS PLAN IS NOT VALID UNLESS EMBOSSED BY A SURVEYOR'S SEAL

J.D. BARNES SURVEYING
 LIMITED
 LAND INFORMATION SPECIALISTS
 418 POWERAGE ROAD UNIT 2, NIAGARA FALLS, ON L2E 4A4
 T. (905) 338-3300 F. (905) 338-4224 www.jdbarnes.com
 DRAWN BY: A/JTW CHECKED BY: AGH REFERENCE NO.: 21-16-340-00
 FILE: G:\2021\21-16-340\00\Drawings\21-16-340-00.dwg PLOTTED: 2/15/2022

1992336 Ontario Limited.
 7230 Lundy's Lane Niagara Falls, ON

No.	Description	Date
A	Issued For Pre-Con.	2023-1-05
B	Re-issued For Pre-Con	2023-1-10

Planning

SHEET TITLE:
 Survey Image

DRAWN BY: Author DATE: 2023-01-10
 SCALE: 1:1250 JOB #: 22105
 SHEET NO.: PR11

Inter-Departmental Memo

To: Alexa Cooper, BURPI
Planner 2
Ext 4246

From: Cesar Ramires
Senior Building Examiner
Ext. 4344

Date: February 10, 2023

Re: Preconsultation – Official Plan & Zoning By-Law Amendment, Site Plan,
Standard Plan of Condominium
7230 Lundy's Lane
Owner: 1992336 Ontario Limited
Agent: David Robbins, Jason Pizzicarola Design
Proposal: Two 9-storey apartment towers of 25 residential
condominium units each

I have reviewed the submitted documents and offer the following comments for the applicant:

1. All required Building Permits and Demolition Permits to be obtained prior to commencement of any construction/demolition in accordance with the Ontario Building Act, to the satisfaction of the Building Services Division and the Fire Prevention Division.
2. City, Regional and Education Development Charges (not excluding Parkland Dedication Fee, if applicable) will be assessed during the review of the Building permit(s) application submission.
3. Fire Prevention Division requires to assess the proposal as it relates to on-site fire-fighting practices, i.e. private fire-route accesses, fire-hydrant locations (private and/or public), fire-department connection(s), etc....
4. Building application submission; spatial-separation fire-protection review shall be conducted.
5. Geotechnical Report (not excluding any seismic data/recommendation) shall be provided at building application submission.

6. Ministry of Transportation approval is required due to proximity to the QEW Highway.

Pre-Consultation Meeting - February 2, 2023 - Item #3 - Alexa Cooper

3:00 p.m.

Proposed: Official Plan & Zoning By-law Amendments, Site Plan, Standard Condominium
Applicant: LL Properties Inc
Agent: Brent Larocque
Property: 7230 Lundy's Lane
Proposal: Two 9-storey apartment towers of 25 residential condominium units each.

NOTE: Previous pre-consultation meeting on December 17, 2020

NOTE: Previous application AM-2021-022

Lundy's Lane is a Regional Road (#20)

Existing infrastructure on Lundy's Lane: 500mmØ CI Watermain (Regional) (1951)
225mmØ CONC Sanitary Sewer (1958)
375mmØ CONC Storm Sewer (Regional) (1964)

Existing infrastructure on Royal Manor Drive: 200mmØ CI Watermain (1948)

Official Plan & Zoning By-law Amendment Requirements:

- Functional Servicing Report identifying and ensuring that the municipal infrastructure will adequately service the development as proposed. This is to include all necessary supporting documentation.
- Detailed Stormwater Management Report balancing post- to pre-development for the 5-year minor storm event contained and controlled on-site and directed to a suitable outlet. Major storm events may be directed overland and directed to an acceptable outlet. The report should also address stormwater quality control measures, if applicable.
- As the site fronts onto a Regional Road, Region Stormwater Management requirements will also apply.
- Third party infrastructure modelling at applicants' expense to verify available infrastructure capacities. Fees are in accordance with the City's Schedule of Fees.
- Engineering drawings of existing underground infrastructure are available upon request from Brian Kostuk - bkostuk@niagarafalls.ca.

Site Plan and Standard Condominium Requirements:

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero trespass to neighbouring properties.
- Road Occupancy Permit for service connections to be obtained through Sam Mirabelli - (905) 356-7521 ext. 4260.
- Regional Permits required for any work within Regional road allowance.

Landscape Services Requirements:

- A tree survey plan will be required as part of the Site Plan submission and conform to the City of Niagara Falls Standards for Site Planning. The plan shall be developed by a certified professional. The tree survey plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent landowner(s). The recommendations of the tree survey plan shall be implemented in the Site Plan. This includes potential modifications to project layout and grading plans.
- We request consideration for incorporating an outdoor space for residents to access.
- The City would allow for an opening to be created in the existing fence to allow access to the Millennium Trail, to encourage connectivity.

- At time of future Site Plan application, a complete landscape plan will be required as part of the Site Plan submission and conform to the City of Niagara Falls Standards for Site Planning. The landscape plan shall be developed by an Ontario Landscape Architect. The design of the landscape plan shall have consideration for enhancing street frontage, improving walkability, winter snow storage, and reducing heat island effect of hard surface areas. The planting of native plant species is preferred. Further comments to be made at that time.
- We defer Parkland dedication for residential development in this designated CIP area. Should any commercial developments advance on the ground floor of the building, Parkland dedication would be required at a rate of 2%. Further comments to be made at the time of Site Plan application.

FIRE DEPARTMENT COMMENTS PRE-CONSULTATION MEETING

DATE: February 2, 2023

OFFICER: Ben Trendle

EMAIL: btrendle@niagarafalls.ca

PHONE: 905-356-1321 ext. 2211

AGENDA ITEM #3

ADDRESS: 7230 Lundy's Lane

APPLICATION TYPE: Official Plan, Zoning By-law Amendment, Site Plan, Standard Condominium

COMMENT(S): Official Plan

1. The Fire Department has no comments or concerns with respect to the official plan amendment.

COMMENT(S): Zoning By-law Amendment

1. The Fire Department has no comments or concerns with respect to the zoning by-law amendment.
2. A copy of the existing easement shall be provided at time of application.

COMMENT(S): Site Plan

1. A complete building code matrix is required to be submitted at time of site plan application.
2. The site plan must demonstrate conformance with the requirements of Subsection 3.2.5. of the Ontario Building Code.
3. An adequate water supply for firefighting shall be provided for every building.

COMMENT(S): Standard Condominium

1. The shared/combined fire protection and life safety systems will be considered 'common element' and will be the responsibility of the condominium corporation to maintain in accordance with the requirements of the Ontario Fire Code.

Niagara Region – Development Services Division

Pre-Consultation Notes

7230 Lundy's Lane, Niagara Falls

February 2, 2023

Attendees: Alex Morrison (Region); Carling MacDonald (Region); Alexa Cooper (City); Brian Kostuk (City); John Grubich (City); Ben Trendle (City); Danaka (City); Nick Alkema (City); Sue Scerbo (City); Matt Kernahan (Agent); David Robbins (Applicant); Frank Cristofano (Applicant); Brittany (Applicant); Jason (Applicant).

Application Types: Local Official Plan & Zoning By-law Amendments, Site Plan & Standard Condominium

Application Description

- Two 9-storey apartment towers of 25 residential condominium units each.
 - An OPA is need to address an exceedance to permitted height (8-storeys).

Provincial and Regional Land Use Designations

Provincial Policy Statement (PPS): Settlement Area.

Growth Plan: Delineated Built-Up Area.

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

Planning Comments

- Regional staff does not object to the proposal, in principle, as the proposed development is permitted within Provincial and Regional Urban Area policies.
- The site has existing urban servicing and will make better use of an underutilized property. The development will contribute to the diversification of Niagara's housing supply (apartment units) and will support the City in achieving its annual intensification target (50%) as set out within the NOP.

Urban Design

- The landscape design should demonstrate how the interface between the proposal and the Regional Road enhances the condition of the Regional Road. It appears that the proposal includes residential units at-grade. The design of these landscaping should be layered to provide residents of grade units with privacy. The use of terraces, low walls, grade separation and landscaping can enhance the at-grade residential condition and the experience of the Regional Road. The proposal might consider commercial uses at grade facing the Regional Road as Lundy's Lane is a tourist destination. The proposal is beside a busy trail and can provide uses that entice trail goers to stop in.
- It appears that the development comprises large apartment units. If these units are associated with an upscale development, then the proposal might consider the use of underground parking as typical with such developments.
- Please submit the following:
 - At OPA / Zoning stage: Site Plan Drawing, Building Facades (facing Regional Road), Landscape Architectural Concept.
 - At Site Plan stage: Site Plan Drawing, Building Facades (facing Regional Road), Landscape Architectural Plan, and Pedestrian Wind Assessment (using Niagara Region's ToR - attached).
 - Please contact the Manager of Urban Design, Khaldoon Ahmad (Khaldoon.Ahmad@niagararegion.ca) for questions.
- For information: the north bridge over the Hydro Canal is being replaced by the Niagara Region. The streetscape alongside the bridge will receive enhancements in consultation with the City and the BIA. These enhancements have yet to be determined.

Niagara Region – Development Services Division

Pre-Consultation Notes

7230 Lundy's Lane, Niagara Falls

February 2, 2023

- Lundy's Lane is undergoing an EA that will consider additional cycling facilities and enhanced pedestrian environment along with motorized transportation improvements. It is suggested that the proposal is informed by the Lundy's Lane Urban Design Guidelines and the Region's Model Urban Design Guidelines.

Environmental Comments

- The property is impacted by the Region's Natural Environment System (NES), consisting of significant woodland. NOP Policy 3.1.9.7 requires the completion of an Environmental Impact Study (EIS) when development or site alteration is proposed within 120 m of significant woodland. The EIS must demonstrate that there will be no negative impact on the features or their ecological function. Within settlement areas, a mandatory buffer from significant woodland is required. The width of the mandatory buffer is determined through the EIS.
- Staff require a site visit to determine our requirements. Based on the site visit, staff will determine if an EIS is required or if the EIS can be scoped to other supporting studies.

Land Use Compatibility – Noise

- The property is adjacent to the QEW and Lundy's Lane, which are two major sources of transportation noise. The PPS requires that major facilities (including transportation infrastructure and corridors as well as industrial uses) and sensitive land uses be planned to “*ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety...*”. Further, the Regional Road Traffic Noise Control Policy (PW5.NO1.0) requires that all development applications for sensitive uses along existing Regional Roads be considered for noise abatement features. As the proposal includes a noise sensitive land use under NPC-300.
- A Noise Impact Study, prepared in accordance with the Ministry of Environment, Conservation and Park (MECP) Noise Guidelines (NPC-300) and the Regional Road Traffic Noise Control Policy (PW5.NO1.0) is required for the Amendment Applications. The Study will need to assess nearby noise sources and recommend site and building design mitigation measures and warning clauses that are necessary to meet the Provincial sound level thresholds.
 - An Updated Detailed Noise Impact Study may be required at future Site Plan stage in order to address and consider any potential changes to the development and its surrounding context since the OPA / Zoning Application.

Site Condition

- The lands are “Vacant Commercial Land” in accordance to MPAC data. A review of aerial photography, indicates that the property is currently used for a parking lot and had previously occupied a mini-putt course. A change from commercial use to residential use requires filing a Record of Site Condition (RSC) on the MECP's Brownfields Environmental Site Registry in accordance with the Environmental Protection Act and O/Reg. 153/04.
- A Phase One Environmental Site Assessment (ESA), plus any subsequent recommended ESA work (and a Letter of Reliance for the ESA work) is required with the Amendment Applications. Remediation work and the required RSC can be managed through a condition of future Site Plan Agreement.

Niagara Region – Development Services Division

Pre-Consultation Notes

7230 Lundy's Lane, Niagara Falls

February 2, 2023

Archaeological Resources

- The subject lands are mapped within the Region's "Area of Archaeological Potential" as set out in Schedule K of the NOP. Staff have reviewed previous files associated to this property and note that a Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd. (dated May 20, 2020) was previously completed for the property.
- Staff requests that the Applicant provide a copy of the outstanding Letter of Acknowledgement from the Ministry of Citizenship and Multiculturalism with respect to the filing of the Stage 1-2 Assessment. This requirement can be addressed through a condition of the future Draft Plan / Site Plan Agreement.

Transportation / Roads

- Royal Manor Drive (Local).
- Lundy's Lane (Regional Road 20).

Road Widening Requirements

- This section of Regional Road has a substandard road allowance. The required road width allowance as set out in the NOP is 26.2 m. Therefore, the following widening is to be granted gratuitously to the Region as part of future Planning Act (i.e., Site Plan / Draft Plan) Applications for the property:
 - A 0.9 m road allowance across the Regional Road 20 (Lundy's Lane) frontage of the property in order to achieve 13.1 m from the original centerline of the Regional Road allowance.
- Region staff acknowledge that a previous widening was granted along the Regional Road 20 (Lundy's Lane) frontage of the adjacent property to the west. The road widening was transferred to Niagara Region as part of a previous Consent Application. The current property is subject to those same road widening requirements and will need to show the required Regional road widening across the subject property frontage.
- Please note that the actual width of the required widening would need to be confirmed by an Ontario Land Surveyor as the information provided is only an approximation of the requirement (see sketch).

Regional Road Reconstruction

- There are capital projects planned for the reconstruction of Regional Road 20 (Lundy's Lane), from Highland Avenue to Regional Road 98 (Montrose Road). Construction is currently scheduled for 2025 subject to that year's annual budget approval.
 - Info on this project is online at: <https://www.niagararegion.ca/projects/lundys-lane/default.aspx>
 - Detailed design is still preliminary. Please contact Manager, Capital Projects, Graeme Guthrie (graeme.guthrie@niagararegion.ca) for more info.
- The existing entrance that is not being used will need to be closed and barrier curb at boulevard to be reinstated to regional standards (<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>).

Servicing

- Water: 500 D CI – Regional – Lundy's Lane.
- Sanitary: 225 D CON – Local – Lundy's Lane.
- Storm – 375 D UNK – Regional – Lundy's Lane.
 - An updated FSR will need to indicate stormwater drainage for the site.
- Water: 200 D UNK – Local – Royal Manor Drive.

Niagara Region – Development Services Division

Pre-Consultation Notes

7230 Lundy's Lane, Niagara Falls

February 2, 2023

Regional Watermain

- There is an existing 500 mm diameter Regional trunk watermain located along this section of Regional Road 20 (Lundy's Lane). This watermain shall not to be damaged or disturbed during any future construction works for the proposed development. Any crossings of the main with servicing will require plan and profiles to be submitted to the Region for review and approval. Any connection to the Regional watermain should utilize the prior existing service lateral to the property.
- Alternatively, there is a 200mm diameter watermain providing water service to the residential development on Royal Manor Drive. It is proposed to construct a 200mm diameter water service connected to the existing 200mm diameter watermain on Lundy's Lane (Regional Road 20) to provide domestic and fire protection water supply for the buildings on this site. An existing fire hydrant fronting the proposed development as well as a proposed private hydrant within the development will provide adequate fire protection for the condominium block.
- It is requested that detailed plan and profile drawings showing the crossing of the 500mm D Regional watermain be provided for review and approval by Regional staff to ensure the protection of the Regional Infrastructure. It is also requested that a note be added to the servicing drawing that 72 hours in advance of construction beginning that the contractor will contact:
 - Peter Paget, Area 1 Water Maintenance Manager – NFWTP (905) 658-8976.

Stormwater Management

- At the time of future Planning Act Application (i.e. Draft Plan / Site Plan), a Stormwater Management Report will be required. The following comments are provided by information purposes to assist the applicant with the preparation of a detailed site plan:
 - That stormwater runoff from the development be collected and treated to an Enhanced protection (i.e. 80% long-term suspended solids removal) prior to discharge from the site.
 - That Lundy's Lane (Regional Road 20) shall not be negatively affected as a result of the development. The Region normally requires post-development flows be controlled to pre-development level for all storms (2-year up to and including the 100-year storm) if a development will discharge onto a Regional Road.
 - That a Stormwater Management Report (with review fee) be submitted that indicates in detail how the above noted criteria will be achieved and including a section of inspection and maintenance requirements of stormwater management measures for the future Owner.
 - That prior to construction, that detailed grading, servicing and construction erosion/sediment control plans be submitted to the Region for review and approval.

Waste Collection

- Recycling blue / grey carts – no limit (collected weekly).
- Organic green carts – no limit (collected weekly).
- Garbage bags or cans – 12 maximum (collected every-other-week).
- Curbside collection only.
- The concept plan indicates that the development is proposing to utilize in-ground Molok waste containers. Be advised that this method of waste storage is not eligible for Regional collection and waste collection for the subject property will be the responsibility of the Owner through a private waste collection contractor and not the Niagara Region.

Niagara Region – Development Services Division

Pre-Consultation Notes

7230 Lundy's Lane, Niagara Falls

February 2, 2023

Regional Development Charge Exemption Program

- The site is located within a Designated Exemption Area as per Schedule E of the Regional Development Charge (RDC) By-law 2017-98 and may be eligible for the Region's Smart Growth Development Charge (DC) Reduction Program. The project may be eligible for a rebate of up to 50% of the RDCs paid, subject to meeting the requisite number of Smart Growth Design Criteria under this program. More information is online at: <https://www.niagararegion.ca/business/property/reductions.aspx>
 - The webpage may be temporarily unavailable, as it's in the process of being updated.
- The Smart Growth RDC Reduction Program has been extended until October 1, 2024; however, Schedule E of By-law 98-2017 states that the Smart Growth Design Criteria may be amended or eliminated at the discretion of Regional Council, in which case the development charge reductions granted under this Schedule may also be amended or eliminated without amendment to this by-law. Note that the construction and assessment must be complete by October 1, 2024.
- Please contact Katie Young (Katie.Young@niagararegion.ca) for any questions about this Program.

Required Studies & Materials for Regional Review

- Planning Justification Report (prepared by a RPP) – at OPA / Zoning.
- Letter of Acknowledgement for the completed Stage 1-2 Archaeological Assessment – at Site Plan.
- Noise Impact Study – at OPA / Zoning, and Site Plan.
- Phase One Environmental Site Assessment (plus any other recommended ESA work) and Letter of Reliance from a Qualified Professional for the ESA work – at OPA / Zoning.
 - Remediation work and RSC can be managed through a condition of Site Plan Approval.
- Urban Design Materials:
 - At OPA / Zoning: Site Plan Drawing, Building Facades (facing Regional Road), Landscape Architectural Concept.
 - At Site Plan: Site Plan Drawing, Building Facades (facing Regional Road), Landscape Architectural Plan, and Pedestrian Wind Assessment.
- Updated Environmental Studies (to be determined after site visit) – at OPA / Zoning.
- Updated Functional Servicing Report – at OPA / Zoning, and Site Plan.
- Stormwater Management Report, with detailed grading, storm servicing, stormwater management, and construction sediment control drawings – at Site Plan.

Regional Review Fees

The Region's Fee Schedule is available at: https://www.niagararegion.ca/business/fpr/forms_fees.aspx.

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

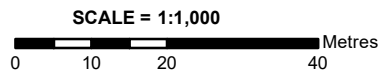
- Environmental Review (to be determined after site visit).
- Major Urban Design Review (\$640) – at OPA / Zoning.
- Minor Local Official Plan Amendment Review (\$5,340).
- Zoning By-law Amendment Review (\$1,345).
- Stormwater Management Review less than 5 hectares (\$650) – at Draft Plan / Site Plan.
- Combined Standard Condominium & Site Plan Review (\$4,010).

7230 & 7280 Lundy's Lane.



**ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED ROAD WIDENING
ALONG REGIONAL ROAD No.20 (LUNDY'S LANE)
CITY OF NIAGARA FALLS**

- LEGEND:**
- DENOTES TERANET MAPPING
 - DENOTES PROPOSED WIDENING



- CAUTION:**
- This is not a Plan of Survey
 - The proposed widened limits have been compiled from office records and the shown measurements are approximate.
 - The final extent of the widening will be established through field survey by an Ontario Land Surveyor.



DISCLAIMER
This map was compiled from various sources and is current as of 2019
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,
as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.
© 2019 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Airphoto (Spring 2015)

**Transportation Services
Surveys & Property Information
IR-19-187 Date: 2019-05-16**

PEDESTRIAN LEVEL WIND STUDY TERMS OF REFERENCE GUIDE

PREPARED BY:

Urban Design and Landscape Architecture Planning and Development Services, Niagara Region

IN COLLABORATION WITH:

RWDI



TABLE OF CONTENTS

1	DESCRIPTION.....	1
2	RATIONALE	1
2.1	Height Triggers.....	1
2.2	Additional Triggers.....	2
3	REQUIREMENTS.....	2
3.1	Who Can Conduct a Wind Study?	2
3.2	Types of Pedestrian Level Wind Studies.....	2
3.3	Technical Requirements.....	3
4	APPLICATION PROCESS	4
4.1	Communication with the Region and/or Local Municipality.....	4
4.2	Official Plan and Zoning By-Law Amendment (OPA/ZBA)	4
4.3	Site Plan Control Application (SPA).....	4

LIST OF APPENDICES

Appendix: Methodology and Specifications

1 DESCRIPTION

Pedestrian Level Wind Study (hereafter called 'Wind Study') is a technical report that provides a model and written description that is to deliver consistent and fulsome wind analysis as a result of a development proposal. The Wind Study will determine the wind impact of a development, inform and direct the development design to be wind responsive, and ensure that wind conditions on and around the development are adequate at various times of the year. This document provides Terms of Reference for Wind Studies required as part of the planning applications of development proposals for 12 municipalities in the Region of Niagara.

Wind is a crucial parameter that defines human comfort. The mechanical force of wind on people can impact daily common activities in varying levels. Typically, the higher the wind speed, the greater the wind force on a person; the more active a person is in an instance, the greater the wind speed one can tolerate. The Pedestrian Level Wind Study - Terms of Reference deals with the wind effects on people and how conducive it is to pedestrian use of outdoor areas.

2 RATIONALE

With increasing urbanization expected to occur within the Region of Niagara, it is critical to create a set of standards in which the 12 municipalities can consistently apply. These standards are intended to reduce undesirable wind activity, and to create comfortable spaces that align with outdoor pedestrian usage throughout the year.

Properties or circumstances of a project, such as the scale, shape, height, location, density of surroundings, proximity to important areas, etc. that, through precedents, are known to be causative factors for noticeable wind impacts around the project are referred to as "triggers". If the project meets the specifications under the following triggers, then a wind assessment would be required for the project.

Note, wind assessments are required for habitable buildings, and do not apply to structures such as farm buildings, communication towers, etc.

2.1 Height Triggers

Low Trigger: A Qualitative Wind Assessment may be required for a development that is at least 16 m or 5 storeys.

High Trigger: A Quantitative Wind Assessment may be required for a development that is at least 40 m or 12 storeys.

Note, a Quantitative study may be required for lower building heights at the discretion of the authority requesting the wind study.



2.2 Additional Triggers

A Quantitative Wind Assessment (High Trigger) is required for a proposed development if it is at least 16 m or 5-storeys and is:

- Located within 2.5 km of Lake Ontario or Lake Erie due to increased exposure to lake-effect winds.
- Comprised of two or more buildings as multiple buildings in close proximity typically results in higher wind activity.

3 REQUIREMENTS

3.1 Who Can Conduct a Wind Study?

A Wind Study must be prepared by a qualified microclimate professional. The studies are to be signed and sealed by a Professional Engineer. If a Wind Study is prepared by an individual or company that does not have extensive experience in pedestrian level wind evaluation, an independent peer review may be required at the expense of the applicant.

3.2 Types of Pedestrian Level Wind Studies

Depending on the Trigger Level, the Region of Niagara accepts two types of wind studies:

1. **Qualitative Wind Study:** A desktop assessment using computational fluid dynamics (CFD).
2. **Quantitative Wind Study:** A scale model study using a boundary-layer wind tunnel.

Requirements for the application process for the two Trigger Levels and the types of study required are described in Table 1.



TABLE 1: APPLICATION PROCESS AND WIND STUDY TYPE		
The methodology and specifications for each study type is described in the Appendix.		
Trigger Level	Low	High
OPA/ZBA Application	Qualitative Assessment (i.e., Desktop assessment using computational fluid dynamics, CFD)	Quantitative Assessment (i.e., Wind tunnel study)
SPA Application	<ul style="list-style-type: none"> • If the project did not go through an OPA/ZBA process or it went through an OPA/ZBA process, but there have been significant changes (i.e., revisions to built form height and massing), wind impacts of the new design should be confirmed using the same type of wind study conducted for the final OPA/ZBA submission. • If the project went through an OPA/ZBA process, and there have been no significant changes, an additional wind study is not required upon the confirmation of wind consultant. • The type of wind study required is at the discretion of the authority requesting the wind study. 	

3.3 Technical Requirements

The following is a summary of the technical requirements for a Wind Study. Detailed information is provided in the Appendix.

- The use of long-term wind data can be obtained from the following approved airports (refer to Image 1 in the Appendix for their geographic locations):
 - **Niagara International Airport, Niagara Falls, New York** (for the Municipalities in the Northern Region, purple area in Image 1)
 - **Niagara Central Dorothy Rungeling Airport, Pelham, Ontario** (for the Municipalities in the Southern Region, green area in Image 1)
- The Wind Study should use the pedestrian wind criteria to evaluate wind comfort and safety as outlined in this document (Table 2 in Appendix).
- To determine the wind impact associated with a new development, the predicted wind conditions should be related back to the Existing Scenario. Note that the Existing Scenario should include both existing buildings as well as approved planning applications for new buildings surrounding the property. Additional Scenarios may be evaluated as required.
- Based on the Trigger Level, a Qualitative Assessment using computational fluid dynamics or a Quantitative Assessment using a boundary-layer wind tunnel should be pursued. The specific requirements for each study type are outlined in the Appendix.
- Potential wind mitigation solutions and/or recommendations for revised building massing should be detailed in the Wind Study.

4 APPLICATION PROCESS

4.1 Communication with the Region and/or Local Municipality

- Prior to applying, the Applicant shall consult with the authority requesting the study and attend a pre-consultation meeting where the requirements will be determined based upon the triggers described in this document.
- Prior to applying, wind measurement locations or influence areas should be discussed and confirmed with the authority requesting the study. General guidelines for areas of interest are described in the Appendix.
- To confirm the accuracy of the scale model for the wind tunnel study, the Applicant may be asked to submit test scenarios for review by the authority requesting the study, prior to any wind testing or simulation.
- If the wind study indicates that the proposed development is predicted to produce wind conditions that are considered unsafe or unacceptable, the authority requesting the study shall be consulted to discuss potential wind mitigation strategies going forward.

4.2 Official Plan and Zoning By-Law Amendment (OPA/ZBA)

The submission to the Region and/or local municipality should include a wind study report that shows satisfactory wind conditions on and around the project. If needed, wind control measures should be implemented, and their effectiveness demonstrated through additional studies.

4.3 Site Plan Control Application (SPA)

A wind study is required if significant design changes have been made since the previous submission to evaluate the project's performance and ensure it continues to satisfy the recommended wind criteria. The consultant's professional opinion regarding the changes is to be presented in writing to inform this decision. The Region and/or local municipality, at their discretion, may ask for additional studies.

Examples of significant design changes are described in the Appendix (Section A.6.2). The design submitted should incorporate all recommendations from previous submissions.

APPENDIX

APPENDIX: METHODOLOGY AND SPECIFICATIONS

A1 Meteorological Data

Long-term wind data recorded in major airports are often used in the prediction of pedestrian wind conditions. In the Niagara Region, wind climate is affected by the adjacent Lake Ontario and Lake Erie and wind data obtained from the following two airports can be used to conduct pedestrian wind studies:

- Niagara International Airport, Niagara Falls, New York for the northern region (purple area in Image 1)
- Niagara Central Dorothy Rungeling Airport, Pelham, Ontario for the southern region (green area in Image 1)

The selection of these two airports is based on their proximity to the lakes as well as quality and duration of wind records. Image 1 illustrates the northern and southern regions as well as the locations of the corresponding airports listed above .

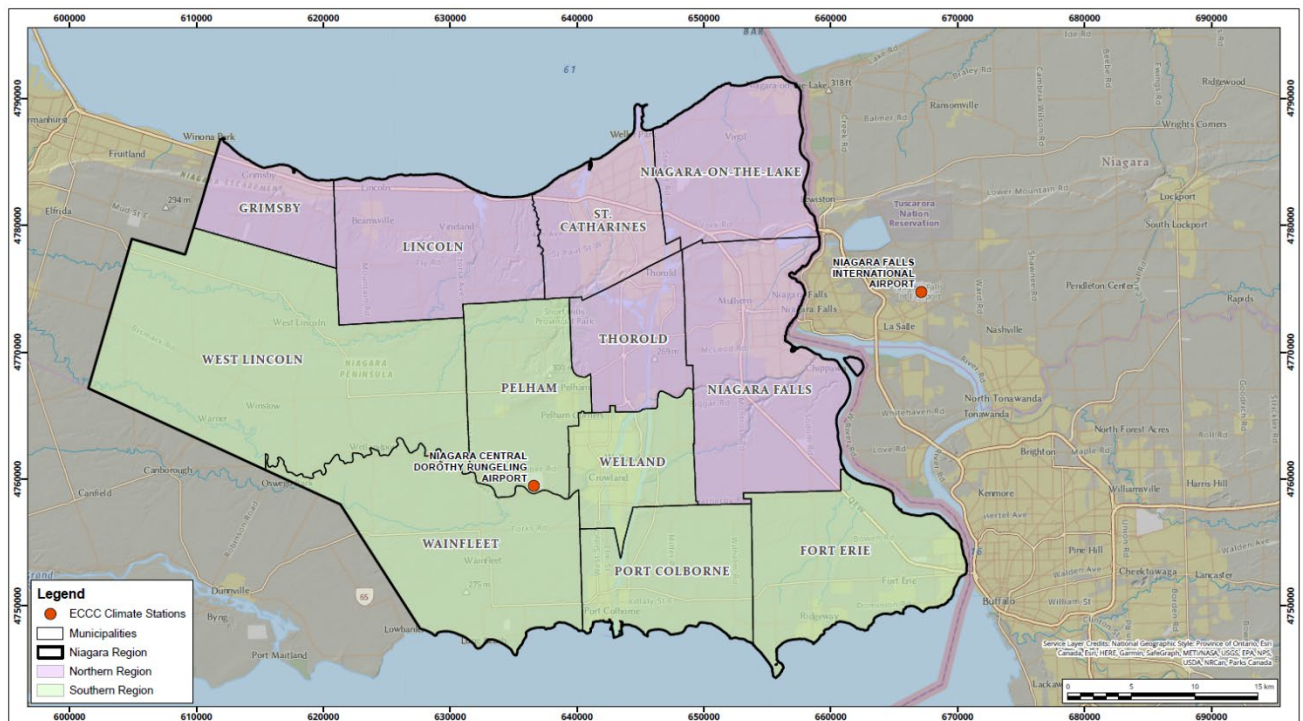
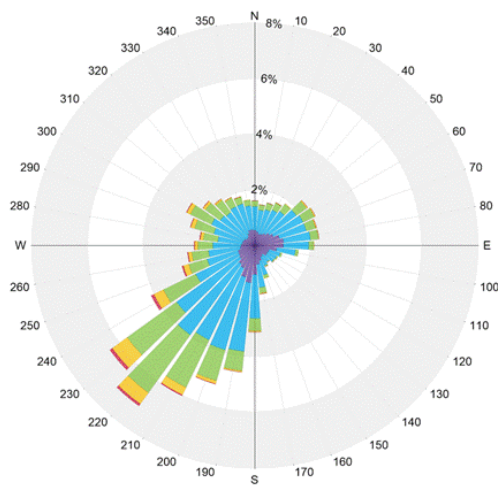
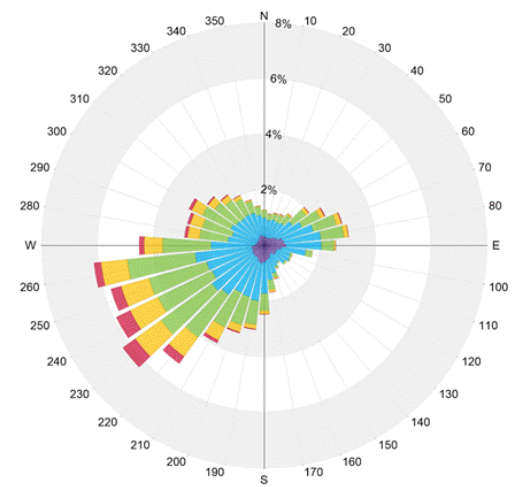


Image 1: Location of Approved Meteorological Stations

Wind data should be presented on a two-season basis: Summer (defined as May through October), and Winter (defined as November through April). Appropriate hours of pedestrian usage for a typical project (i.e., between 06:00 and 23:00) should be used for wind comfort, while data for 24-hours should be used to assess pedestrian wind safety. The wind roses obtained from each meteorological station is provided in Images 2 and 3 for both seasons.



Summer (May to October)



Winter (November to April)

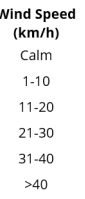
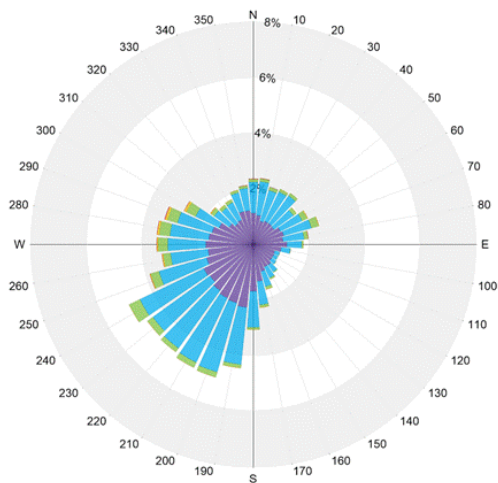
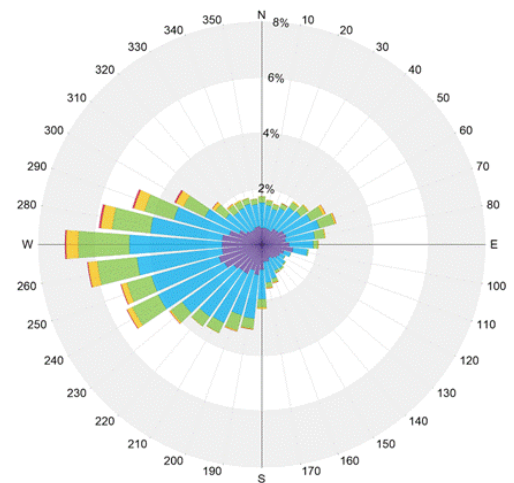


Image 2: Directional Distribution of Winds Approaching Niagara Falls International Airport (1991 to 2020)



Summer (May to October)



Winter (November to April)

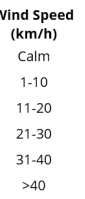


Image 3: Directional Distribution of Winds Approaching Niagara Central Dorothy Rungeling Airport (2006 to 2020)

A.2 Wind Criteria for Pedestrian Comfort and Safety

The public realm, streetscapes and public/private outdoor open spaces related to the existing and proposed buildings are to be comfortable for their intended use. Table 2 describes the minimum criteria for specific locations. The criteria deal with comfort and safety of pedestrians:

Comfort: Commonly experienced wind speeds have been categorized into ranges based on the activity level of a person that the winds would be conducive to. Lower wind speeds are desirable for passive activities and active pedestrians would be tolerant of higher wind speeds.

Safety: It is important to assess wind conditions in the pedestrian realm from a safety perspective as strong wind gusts can deter safe pedestrian use of outdoor spaces. Wind speeds associated with wind gusts are infrequent but deserve special attention due to their potential impact on pedestrian safety.

Comfort Category	GEM Speed (km/h)	Minimum Occurrence (% of Time)	Description	Area of Application
Sitting	≤ 10	80	Light breezes desired for outdoor seating areas where one can read a paper without having it blown away.	Park benches, restaurant and café seating, balconies, amenity terraces, children's areas, etc. intended for relaxed, and usually seated activities.
Standing	≤ 15	80	Gentle breezes suitable for passive pedestrian activities where a breeze may be tolerated	Main entrances, bus-stops, dog areas, and other outdoor areas where seated activities are not expected.
Walking	≤ 20	80	Relatively high speeds that can be tolerated during intentional walking, running and other active movements.	Sidewalks, parking lots, alleyways, and areas where pedestrian activity is primarily for walking.
Uncomfortable	> 20	20	Strong winds, considered a nuisance for most activities.	Not acceptable in areas with pedestrian access

NOTES:

- 1) Gust Equivalent Mean (GEM) speed = maximum of either mean speed or gust speed/1.85. The gust speed can be measured directly from wind tunnel or estimated as mean speed + (3 x RMS speed).
- 2) Comfort calculations are to be based on wind events recorded between 6:00 and 23:00 daily.

Safety Criterion	Gust Speed (km/h)	Minimum Occurrence Annual	Description	Area of Application
Exceeded	> 90	0.1% (9 hours in a year)	Excessive gust speeds that can adversely affect a pedestrian's balance and footing. Wind mitigation is typically required.	Not acceptable in any area of interest

NOTES:

- 3) Safety calculations are to be based on wind events recorded for 24 hours a day

A.3 Configurations

A Wind Study report should present the following scenarios:

- **Existing Scenario:** Existing site and all existing surrounding buildings, significant topographic features, developments under construction and projects that were approved for construction in the last 5 years.
- **Proposed Scenario:** Proposed project in place of existing site.
- **Mitigation Scenario(s), if warranted:** Undesirable wind conditions can be mitigated through various measures ranging from building massing changes to landscaping elements. Where mitigation is required to achieve acceptable pedestrian wind comfort levels, mitigation measures should be implemented in the Proposed configuration scenario to demonstrate the benefits of the mitigation strategies.
- **Phasing Scenario(s), if applicable:** Where the site construction is phased, there is a need to assess interim scenarios, as well as scenarios that may create adverse conditions before subsequent buildings are added to the site. The region and/or local municipality may ask for the study of different site scenarios.

A.4 Areas of Interest

Wind studies will focus on the public realm and shared open space(s) on the site and adjacent to the site including:

- Sidewalks (public and private) adjacent to the development, building entrances and building perimeters on the site and adjacent to the site,
- Privately Owned Public Spaces (POPS) on site and on adjacent sites,
- Public parks, recreational areas, school yards, ravines, and other recreational areas on or adjacent to the site,
- Above-grade pedestrian locations, including outdoor shared amenity space, roof terraces, for the building and adjacent to the site, and
- Region and/or local municipality staff may ask for additional areas of interest for the wind assessment.

A.5 Specifications for Wind Studies

A.5.1 Qualitative Assessment

As outlined in Table 1, a Qualitative Assessment may be conducted as a Desktop Assessment using computational fluid dynamics (CFD).

A Desktop Assessment is based on CFD simulations the existing and proposed configurations, together with the wind consultant's experience and professional judgement. Example computational fluid dynamics simulation results is shown in Image 4.

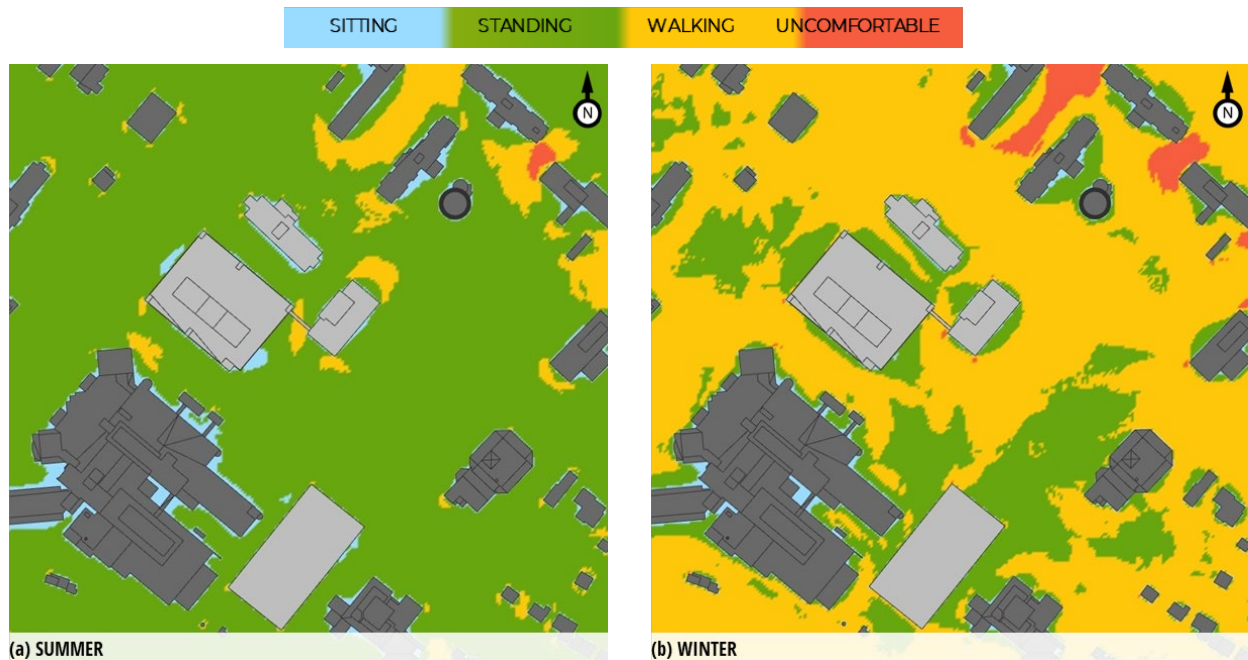


Image 4: Example Computational Fluid Dynamics Simulation Results

Requirements for a Desktop Assessment:

- A prediction of wind speeds at critical locations around a proposed development, while acknowledging the primary wind directions and frequencies of strong wind events.
- The use of the standard wind comfort and safety criteria and the meteorological data outlined in this document.
- Where wind conditions are considered unacceptable for the intended pedestrian usage, mitigation concepts and recommendations should be presented to improve wind conditions.

CFD is a numerical modelling technique for simulating wind flow in complex environments. For wind modelling, CFD techniques are used to generate a virtual wind tunnel where flows around the site, surroundings and the study building are simulated at full scale. The computational domain that covers the site and surroundings is divided into millions of small cells where calculations are performed, allowing for results to be presented in high spatial resolution. There are no limitations to the number of points of measurement and results can be obtained from any data point in the computational domain even after the simulation is over. CFD allows for the “mapping” of wind conditions across the entire study-domain.

CFD excels as a tool for wind modelling for providing early design advice, resolving complex flow physics, and helping diagnose problematic wind conditions. It is useful for the qualitative assessment of complex buildings and contexts and provides a visual representation of the potential wind conditions which makes it easy to judge or compare designs and site scenarios. CFD is not suited to predicting wind patterns for safety-based design issues on buildings. It struggles to accurately predict flow separation, turbulent eddies (circular movement of air) and gusts (brief but strong rush of wind). It is these types of flow behaviour that can cause pedestrian discomfort and safety concerns.

Requirements for a CFD Study:

- Software
 - The CFD software used should follow the COST 732 Best Practice Guideline for CFD Simulations.
 - The CFD simulation should appropriately represent the atmospheric boundary layer for winds approaching the project.
 - The user or the Consultant should be confident with the results produced and ensure that it is technically correct.
- A minimum of sixteen (16) wind directions at equal intervals, as follows, shall be simulated.
- Analysis and Results
 - Wind speeds shall be presented in km/h.
 - Assessment should be done for all areas of interest.
 - The processing of results should consider the probability of all wind directions simulated using meteorological data as described in the Appendix.
 - The results shall be presented for all areas of interest in the form of wind speed contours at a horizontal plane approximately 1.5 m above grade or the concerned level.
 - The results for seasonal comfort should be based on the wind comfort and safety criteria. Compliance with the annual safety criterion may be assessed numerically or using experience-based methods and areas where the criterion is assessed to be exceeded should be indicated graphically.

A.5.2 Quantitative Assessment

Wind tunnel testing is the established tool used for modelling wind flow around buildings and structures in order to quantify and assess wind conditions, among other types of assessments. A scale model of the study area and surroundings are placed in a wind tunnel, instrumented appropriately for wind speed measurements, and subjected to wind flows physically simulated to represent winds approaching the actual site (Image 5). In general, such modelling provides a quantified representation of both mean and gust effects and the transient behavior of wind. It is a complex tool and requires experience and expertise to produce useful information and to interpret data, and therefore are accessible only through consultants and universities that specialize in wind engineering.



Image 5: Example Study Model in a Boundary-Layer Wind Tunnel

- The wind simulation facility must be capable of simulating the earth's atmospheric boundary layer and appropriate wind speed and turbulence profiles for each of the wind directions tested.
- Wind Speed Measurement
 - 36 wind directions at equal intervals shall be tested
 - Sensors shall be omni-directional and shall measure the magnitude of horizontal wind speeds.
 - The measurements should represent the wind speed at a full-scale height of approximately 1.5 m above local grade.
 - Sensors and instrumentation should be capable of measuring mean wind speed and wind speed fluctuations with time, including peak gusts of three to ten second duration. Peak gusts can be directly measured from wind tunnel testing or estimated by "Mean + 3*RMS" wind speeds.
 - Sampling time in the wind tunnel shall represent a minimum of one hour of full-scale time and sampling frequency a minimum 1 Hz in full scale.
- Sensor Placement
 - Sensors shall be placed at a full-scale interval of approximately 10 m along street frontages of the project buildings and at all locations where pedestrians will gather. The interval may be increased farther away from the project site.

- Locations to capture all areas of interest as described in Section A.4. Generally, it should include entrances to the project building(s) and major entrances to buildings across the street from the project in all directions, sidewalks, seating areas, bus stops, plazas, etc.
- A typical development project would require a minimum of 50 sensor locations on and around the proposed development to provide adequate coverage.
- Analysis and Results
 - Wind speeds shall be presented in km/h.
 - The analysis should consider the probability of all wind directions tested using meteorological data.
 - The results shall be presented in both tabular and graphic forms for all the test scenarios, with seasonal comfort data and annual safety data.
 - The table of results must include wind speed and associated wind speed category at each measurement location.

A.6 Wind Responsive Design Guidelines

A.6.1 Basic Flow Patterns

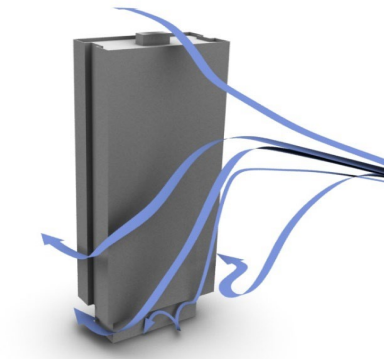
Wind speed increases with elevation; wind typically flows unobstructed and at high speeds over areas of uniform height (built structures or natural terrain). Short buildings typically do not deflect winds to a level that would result in adverse wind impacts. Wind, when obstructed by a structure such as a building, will find the path of least resistance to continue its motion, in the process, creating zones of high-wind activity around the building. The following is an overview of some of the common wind flow mechanisms seen in the built environment. One or a combination of such mechanisms could result in undesirable wind activity in the pedestrian realm, depending on the local climate, building form and its exposure to winds and the surrounding terrain.

Consider a tall building with the broad façade facing a strong wind stream. When the stream is intercepted by the building, some of the flow moves upward and over the building, but much of the stream is redirected downward (**Downwashing**) and around the lower portion of the building.

The flow attaches to the building, and then separates at the edges creating high wind activity at the corners (**Corner Acceleration**). This effect could be intensified if a short building is located upwind, because of the air pressure differential between the top and bottom of the building. The area between the buildings could be very windy as a result. However, strategic master planning uses this arrangement to an advantage as locating shorter buildings upwind of taller ones reduces the exposure of the taller and more impactful buildings to wind, thereby reducing the potential for adverse wind impacts.

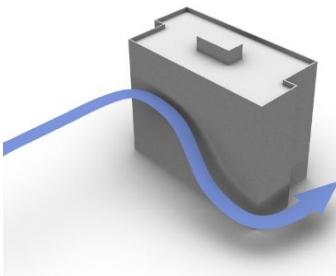
When gaps between buildings, that are narrow relative to the building heights, are aligned with the prevailing winds, wind accelerates in the gaps because of what's commonly called **Venturi effect**. A similar acceleration is also common under bridges and in underpasses as the air is forced to go through a narrow passage.

Typically, wind interacts with multiple buildings and the resulting flow is much more complex. Depending on the wind-rearrangement caused by building groups (or a single building on its own), the causative flow mechanisms involved and design flexibility, the choice between “spot-treatments” and measures that have a large-scale impact becomes critical.



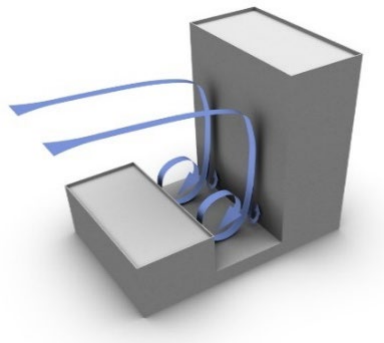
Downwashing Flows

Tall buildings tend to intercept the stronger winds at higher elevations and redirect them to the ground level. This is often the main cause for wind accelerations around large buildings at the pedestrian level.



Corner Acceleration

When winds approach at an oblique angle to a tall façade and are deflected down, a localized increase in the wind activity or corner acceleration can be expected around the exposed building corners at pedestrian level.



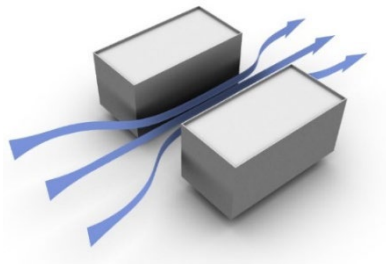
Short Building Upwind of Tall Building

Shorter adjacent buildings have the potential to capture and accelerate downwashed winds.



Short Buildings Upwind Reduce Wind-Exposure of Downwind Buildings

Potential wind impacts would be moderated by stepped massing of the building as its location adjacent to shorter buildings or lower roofs of the neighbouring buildings disrupting downwash.



Venturi/Channelling Effect

When two buildings are situated side by side, wind flow tends to accelerate through the space between the buildings due to channelling effect caused by the narrow gap.

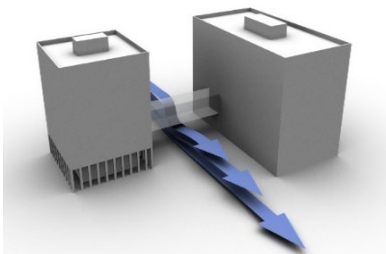


Image 6: Examples of Common Wind Flows

A.6.2 Wind Control Strategies

The most effective wind control measures involve adjustments to the building early in the design process and relate to the location, orientation, height, massing, and form of buildings. Such adjustments are more responsive to the local wind climate. These large-scale modifications can be assisted by features like tower setbacks, large podiums, tower shapes, corner articulations, colonnades/arcades, etc.

A description of three levels of wind control strategies, moving from large-scale to small-scale features, is provided following this section.

Building Form

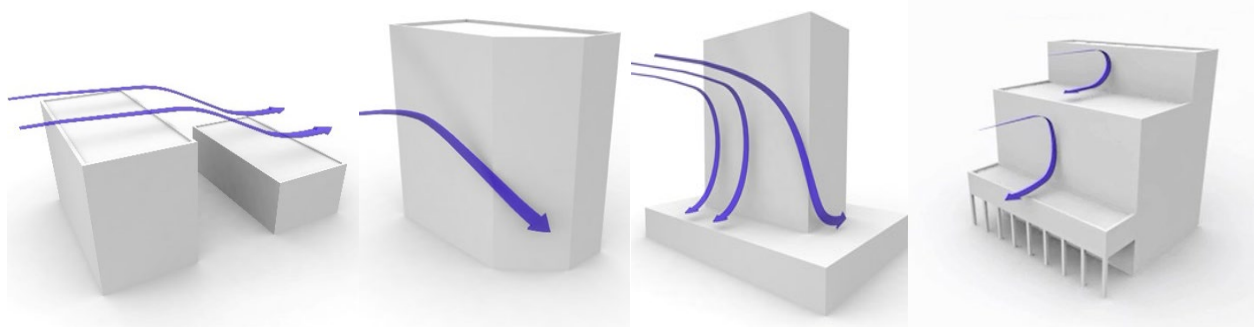


Image 7: Examples of Building Form Details for Wind Control

Strategic reshaping of the building can allow wind flow around it to be either more streamlined (chamfered or rounded corners) or diffused at the corners (stepped or re-entrant corners) (Image 7). Low buildings may also be designed with a stepped form to achieve a similar wind speed reduction. This approach is considered a large-scale solution that would lower the potential for severe wind impact at grade and has a large area of influence.

Architectural Details

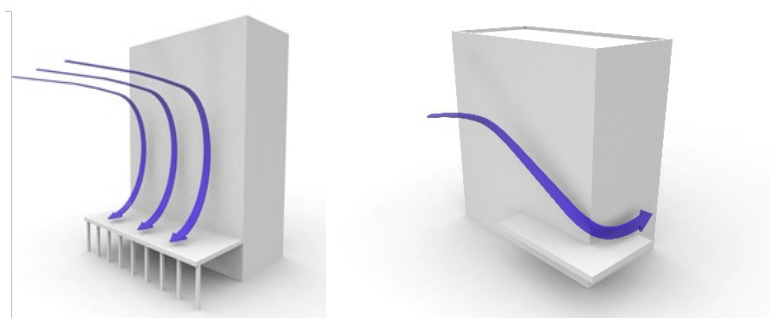


Image 8: Examples of Architectural Details for Wind Control

Features such as façade articulations, canopies, covered walkways and recessed entrances are effective solutions for localized wind mitigation (Image 8). Recessed walls create areas that will be protected from ambient wind activity. If entrances are in such recessed areas, it also creates a waiting area for patrons using the entrance, as well as a transition zone for patrons exiting to get acclimatized to the ambient conditions. Covered walkways, similarly, provide a protected area for pedestrians at the base of tall towers that are prone to downwashing impacts.

Localized Accessory Elements

Smaller-scale measures such as wind screens, trellises, street art, landscaping and other localized features can be considered at an advanced design stage, after all possible large-scale measures have been considered and implemented, for area-specific wind speed reductions and refinements. The impact of these features is typically limited to a small area around them.

Wind screens may be placed on both sides of entrances, on private sidewalks and other amenity spaces on private lands to create localized low wind areas. It is recommended that wind screens be at least 2 m tall and approximately 30% open/porous for good wind control efficacy. Landscaping elements, especially coniferous and marcescent species, are commonly used to improve wind conditions to appropriate levels, all year round. Deciduous landscaping is most effective during the summer months. The use of landscaping as part of a mitigation strategy is acceptable but should be selected and sized to be effective at the time of installation. Landscaping can only be recommended as a mitigation measure, where the wind conditions are suitable for it to thrive and for its maintenance. See photos in Image 9 for examples.

Note, localized accessory elements must be located on private lands of the development parcel and not placed within the public realm or road allowance.

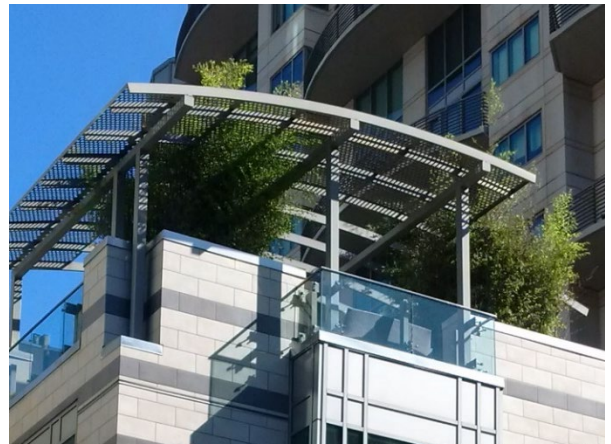


Image 9: Examples of Effective Localized Accessory Elements

Appendix III
Draft Official Plan Amendment



CITY OF NIAGARA FALLS

By-law No. 2024 - _____

A by-law to provide for the adoption of Amendment No. _____ to the City of Niagara Falls Official Plan (OPA #_____).

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

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

Passed this _____ day of _____, 2024.

WILLIAM G. MATSON, ACTING CITY CLERK

JAMES M. DIODATI, MAYOR

First Reading:
Second Reading:
Third Reading:

OFFICIAL PLAN AMENDMENT NO. ____

PART 1 – PREAMBLE

(i) Purpose of the Amendment

The purpose of the amendment is to allow for the proposed standalone residential development, which has a density of 63 units/hectare and shall not exceed 9-storeys, in the Lundy's Lane Satellite District.

(ii) Location of the Amendment

The subject lands are approximately 0.787 hectares in size and are located on the south side of Lundy's Lane, east of the Queen Elizabeth Way.

(iii) Details of the Amendment

Text Changes

That the following policy be applied to the subject lands:

Notwithstanding the provisions of Part 2, Section 1.10.5(iii) and Part 2, Section 4.4.3, two apartment buildings with a density of 63 units/hectare and maximum height of 9-storeys will be permitted on the south side of Lundy's Lane, east of the Queen Elizabeth Way (QEW).

(iv) Basis of the Amendment

The applicant proposes to utilize an area of 0.787 hectares for a residential development of two 9-storey apartment buildings on the south side of Lundy's Lane, east of the Queen Elizabeth Way (QEW).

The subject lands are designated Tourist Commercial and Residential as shown on Schedule A – Land Use Plan of the City's Official Plan.

The amendment meets the intent of the Official Plan, as it is in an area that is suitable for intensification.

The application has demonstrated that there will be no extensive impacts on the surrounding area and no unacceptable built form impacts on the subject lands or surrounding properties.

PART 2 - BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 – Body of the Amendment, consisting of the following text and attached map, constitute Amendment No. X to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

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

1. MAP CHANGE

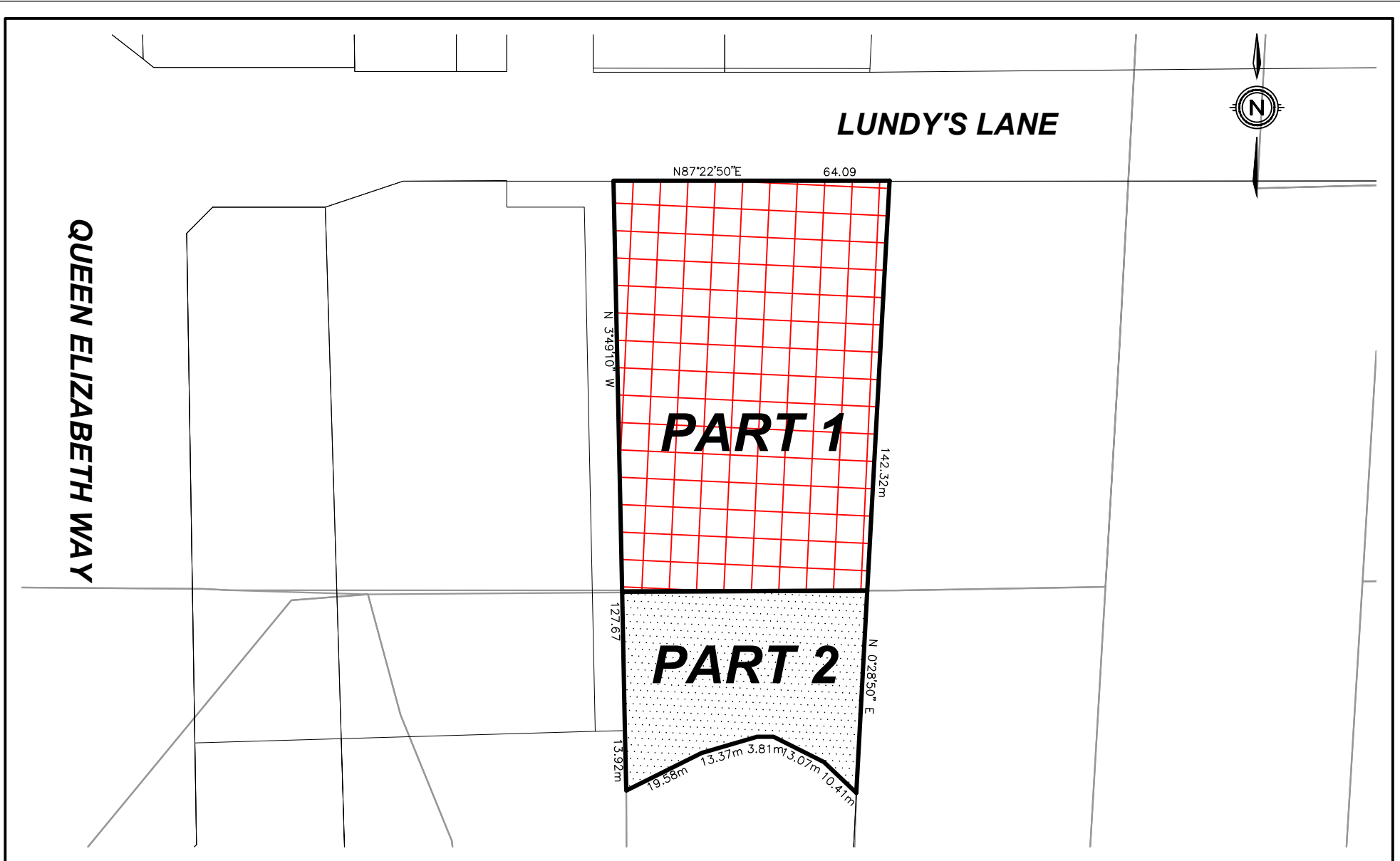
Schedule “A” to the Official Plan – Future Land Use, is hereby amended by designating the lands identified on Map 1 attached hereto, and forming part of the amendment, from Tourist Commercial to Tourist Commercial as Special Policy Area “X” and Residential to Residential as Special Policy Area “X”.

2. TEXT CHANGE

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

13.X SPECIAL POLICY AREA “X”

Special Policy Area "X" applies to approximately 0.787 hectares of land with 64 metres of frontage on the south side of Lundy’s Lane, known as 7230 Lundy’s Lane. Notwithstanding the policies of Part 2, Section 1.10.5(iii) and Part 2, Section 4.4.3, the land may be developed with a minimum density of 63 units per net hectare with a maximum height of 9-storeys.



LEGEND



PART 1 - FROM TOURIST COMMERCIAL TO TOURIST COMMERCIAL SPECIAL POLICY AREA "X"



PART 2 - FROM RESIDENTIAL TO RESIDENTIAL SPECIAL POLICY AREA "X"

7230 LUNDY'S LANE
SCHEDULE 'A' TO OFFICIAL PLAN AMENDMENT No. _____

MAYOR: _____

CLERK: _____



Appendix IV
Draft Zoning By-law Amendment



Draft Zoning By-law Amendment

Schedule X

7230 Lundy's Lane

THE CORPORATION

OF THE

CITY OF NIAGARA FALLS

BY-LAW NO.

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate Part of Lots 141 and 148, Geographic Township of Stamford, Historical County of Lincoln, now the Region of Niagara, Ontario

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the zoning on the subject lands from "Tourist Commercial" (TC) and "Prestige Industrial" (PI) to Site-Specific Tourist Commercial (TC-X), to permit the lands to be developed in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provision of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on any of the Lands.
4. Notwithstanding Section 8.6.1(ii), the following provision shall also be applicable:

Stand Alone Residential Dwelling Units are to be included as permitted uses.

5. Notwithstanding the Regulations of Section 8.6.2 of the Zoning By-law that the following provisions shall be applicable:

Tourist Commercial – Site Specific Zone (TC-XX)

Minimum Rear Yard Setback *9.84 metres*

Maximum Building Height *29 metres*

6. Notwithstanding the requirements of Section 4.14 that the following encroachments be permitted:

c. *Open balconies not covered by a roof or canopy may project into any required rear yard at a distance of not more than 4.05 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 for a use that is not a permitted use.

9. No person shall use the Lands in a manner that is contrary to the regulations.

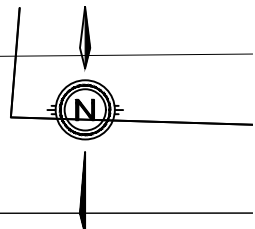
10. The provisions of this by-law shall be shown on Sheet B6 of Schedule “A” of By-law No. 79-200 by re-designating the Lands from TC and PI to TC-_____.

Passed this ____ day of _____, 2024.

READ A FIRST, SECOND AND THIRD TIME THIS _____ DAY OF _____, 2024.

MAYOR

CITY CLERK



LUNDY'S LANE

QUEEN ELIZABETH WAY

N87°22'50"E 64.09

N 3°49'10" W

PART 1

142.32m

127.67



PART 2

N 0°28'50" E

13.92m

19.58m 13.37m 3.81m 3.07m 10.41m

LEGEND

-  PART 1 - FROM TOURIST COMMERCIAL (TC) TO SITE SPECIFIC TOURIST COMMERCIAL (TC-X)
-  PART 2 - FROM PRESTIGE INDUSTRIAL (PI) TO SITE SPECIFIC TOURIST COMMERCIAL (TC-X)

7230 LUNDY'S LANE
SCHEDULE 'A' OF ZONING BY-LAW AMENDMENT No. _____

MAYOR: _____

CLERK: _____

