

UEM PROJECT NO.: 23-207

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PLANNING JUSTIFICATION REPORT PREPARED FOR:

2131595 ONTARIO INC.

**PLANNING JUSTIFICATION REPORT
OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT
7302 KALAR ROAD, NIAGARA FALLS**



UEM

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1.0 INTRODUCTION

1.1 PROPONENT AND AGENT

Urban & Environmental Management Inc. (UEM) was retained by the proponent to assist with an application for an Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) in support of the redevelopment of the property at 7302 Kalar Road in the City of Niagara Falls. The property is currently an industrially zoned property, however it is located within the Garner South Secondary Plan (GSSP) in the Niagara Falls Official Plan, which designates the area as residential. A high density, multi-unit residential development is proposed, with two apartment towers totaling 412 units.

1.2 PRE-CONSULTATION

A pre-consultation meeting was held with City of Niagara Falls Planning and Infrastructure staff, as well as Niagara Region Planning staff, on May 4, 2023. Formal minutes of the pre-consultation meeting were prepared and issued by the City. The required supporting studies identified at pre-consultation are identified below in Section 3.7.

1.3 APPLICATIONS TO BE SUBMITTED

An Official Plan Amendment and Zoning By-law Amendment application and supporting documentation are being submitted by the proponent to the City of Niagara Falls.

1.4 PURPOSE OF THE PLANNING JUSTIFICATION REPORT

The purpose of this Planning Justification Report is to analyze the proposed development in consideration of relevant Provincial, Regional, and Municipal planning documents and policies. The conformance of the proposed development is evaluated, and where deviations exist, justification is provided, or mitigation measures are proposed (as required).

2.0 SITE CONTEXT

2.1 SITE DESCRIPTION (EXISTING)

The subject property is located at 7302 Kalar Road in the City of Niagara Falls. The property is currently industrially zoned and used for several uses, including Coach Canada and Wajax Power Systems. The proponent is proposing to remove the existing structures and develop two apartment towers.

The property is located on the east side of Kalar Road. It is irregular in shape with a lot frontage of 123.79 m (406.14 ft), a lot depth of 91.53 m (300.3 ft) to 116.92 m (383.6 ft) and an area of 12,906.57 m² (138,925.2 ft²). This lot area represents the estimated size of the property following a road widening, which is required as part of the proposed development. The legal description of the property is PT TWP Lot 179.

Figure 2-1 shows the location of the Site and the approximate boundaries and dimensions of the property.



Figure 2-1: Site Location and Approximate Property Boundaries (Source: Niagara Navigator)

2.2 SURROUNDING LAND USES

Land uses surrounding the property are as follows:

- North – Immediately north of the subject property is a commercial plaza on an industrially zoned property at the corner of Kalar Road and McLeod Road. This property has entrances from both Kalar Road and McLeod Road and the commercial plaza fronts onto McLeod Road.
- East – Immediately east of the subject property is the rear of 8196 McLeod Road. This portion of the property is an Environmental Protection Area (EPA) and includes a drainage feature (tributary of Warren Creek). The front part of the property fronting on McLeod Road has been recently redeveloped for townhouses.
- South – Immediately south of the subject property is an industrial property on which the Hydro Electric Commission of Niagara Falls operates.
- West – Immediately west of the subject property is Kalar Road. Beyond Kalar Road is vacant land zoned Institutional and is identified by signage on the property as the future location of a DSBN elementary school.

2.3 IDENTIFICATION OF ANY CONSTRAINTS AFFECTING THE SITE

UEM and the proponent are not aware of any constraints affecting the subject property.

2.4 IDENTIFICATION OF ANY LANDS REGULATED BY NPCA

A Niagara Peninsula Conservation Authority (NPCA) regulated watercourse (tributary of Warren Creek) runs along the eastern property line abutting 8196 McLeod Road. A portion of the subject property along this eastern property line is designated EPA in the GSSP in the Niagara Falls Official Plan.

2.5 IDENTIFICATION OF ANY OTHER KNOWN DEVELOPMENT PROPOSALS

There are a number of development proposals along the south side of McLeod Road, east of Kalar Road. These include a townhouse development and higher density residential developments. These development proposals are similarly in the GSSP area where high-density development is desired by the City. The proposed development for 7302 Kalar Road is consistent with and compliments the other development proposals in the immediate area.

3.0 DESCRIPTION OF PROPOSAL

3.1 EXISTING AND PROPOSED LAND USES ON THE PROPERTIES

The property is currently being used for several uses, including Coach Canada and Wajax Power Systems operations. The proponent is proposing to remove all existing structures on the property and develop two apartment towers with a total of 412 residential units. The apartment towers are proposed to have a step-back design, with the west portion of each tower that fronts on Kalar Road being 3-storeys in height. The north tower will then increase to 13-storeys and the south tower will increase to 15-storeys.

The Conceptual Plan prepared in support of the OPA and ZBA application showing the proposed layout of the property is included in **Appendix A**.

3.2 PLANNING HISTORY OF THE SITE

The property is currently designated Residential and EPA in the Niagara Falls Official Plan, Mixed Use and EPA in the GSSP in the Niagara Falls Official Plan and zoned Light Industrial (LI) in the Niagara Falls Zoning By-law. This property is located in an area of the City that was originally planned to be industrial but was later redesignated (through the implementation of the GSSP) to be a predominantly residential area with some commercial uses. All the properties along Kalar Road and McLeod Road remained industrially zoned and all residential development proposals require a ZBA to be undertaken to amend the land use to a residential zoning. No further planning history for the property is known.

3.3 SITE SERVICING

Site servicing for the subject property includes:

- Municipal sewers and water
- Storm sewer
- Natural gas
- Electricity
- Communications (telephone and internet)

3.4 DESCRIPTION OF PREVIOUS CONSULTATIONS WITH RELEVANT AGENCIES

As noted, a pre-consultation meeting was held with City Staff on May 4, 2023. The history of any other previous consultations with City staff or relevant agencies regarding this property is unknown.

3.5 PROPOSED MODIFICATIONS TO OFFICIAL PLAN REGULATIONS

The property is currently designated as Mixed Use and EPA in the GSSP. The Mixed Use designation, though it does permit stand-alone residential or commercial developments, encourages mixed use developments that incorporate both residential and commercial. Further, it permits a maximum height of 6-storeys. An OPA to Residential, High Density is proposed for the multi-unit residential development. A reduction to the EPA designation is also being requested. Additionally, site-specific provisions are requested, as the proposed development's density and height exceeds the maximum provisions provided in the GSSP. The maximum density permitted under the Residential, High Density, designation is 125 units per hectare. The subject property is 1.29 hectares, therefore allowing up to 161 units, however 412 units are proposed. Additionally, the Residential, High Density, designation permits up to 8-storeys (though it states that up to 12-storeys may be considered). The proposed development proposes a maximum of 15-storeys for the south apartment tower and 13-storeys for the north apartment tower.

The property is partially designated EPA. This designation represents the floodplain for the drainage feature (tributary of Warren Creek) that runs along the eastern property line on the adjacent property. Several meetings, including an on-site meeting, occurred with NPCA staff to discuss the proposed development with respect to the EPA designation. The proponent was informed by the NPCA that the limit of the floodplain was an elevation of 181.49 metres above sea level (masl) and that development would need to maintain a 3-metre buffer from the floodplain to match the setback required by the recent townhouse development on the adjacent 8196 McLeod Road property. A topographic survey was completed to determine the extent of the floodplain on the subject property and the information was used to develop a site-specific floodplain map. The survey and floodplain map show that the floodplain area on the property is significantly smaller than the EPA designated area, localized along the eastern property line and confirms that the drainage feature is located entirely on the adjacent property to the east. The survey and floodplain map were provided to the NPCA and the NPCA provided further comments (via email July 26, 2023) indicating that they have no objections to the proposed development or the underground parking structure. The proposed development maintains a 3-metre buffer from the floodplain limit, as requested by the NPCA. Due to this, an EIS was not undertaken by the proponent for this OPA and ZBA application. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.

It is being requested as part of the OPA and ZBA that the EPA designated area be reduced to reflect the extent of the floodplain as determined by the property survey and as shown on the site-specific floodplain map.

These site-specific Official Plan modifications are further analyzed in **Section 4.4**.

3.6 PROPOSED MODIFICATIONS TO ZONING BY-LAW REGULATIONS

The property is currently zoned Light Industrial (LI), which does not permit any residential uses. Therefore, to permit the proposed multi-unit residential development, it is proposed that the subject property be rezoned to a site-specific Residential Apartment 5F Density (R5F) Zone. Site-specific provisions required include a reduced minimum lot area, reduced minimum rear yard depths, increased maximum building heights, increased number of buildings permitted per property, and reduced minimum landscaped open space.

These site-specific Zoning By-law modifications are further analyzed in **Section 4.5**.

3.7 TECHNICAL SUPPORTING STUDIES REQUIRED

At the pre-consultation meeting, the following studies were identified as being required in support of the OPA and ZBA:

- Conceptual Site Plan (included in Appendix A)
- Draft Official Plan Amendment
- Draft Zoning By-law Amendment
- Environmental Impact Study
- Environmental Site Assessment/Record of Site Condition
- Municipal Servicing Study, Sanitary Servicing Study and Stormwater Management Report (combined as one report in support of this OPA/ZBA application)
- Noise and Vibration Study
- Planning Justification Report
- Topographic Survey/Grading Plan showing elevations, including floodplain
- Traffic Impact Study
- Tree Inventory/Preservation Plan
- Landscape Plan
- Wind Study

A Geotechnical Investigation/Hydraulic Evaluation was also listed as potentially being required depending on the exact location of the proposed buildings on the property. The Geotechnical Investigation was indicated to be required at the Building Permit stage if determined that it was not required at the OPA and ZBA stage.

Additionally, as a result of the client's consultation with the NPCA regarding the floodplain, as detailed above in **Section 3.5**, and the proposal to reduce the EPA designation on the property, it was deemed by the proponent that an EIS would not be required and, therefore, was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.

4.0 POLICY AND PLANNING ANALYSIS

In support of the required OPA and ZBA, a summary and analysis of relevant planning documentation is provided. Planning guidance documents addressed include Provincial (i.e. *Provincial Policy Statement* and *Growth Plan for the Greater Golden Horseshoe*), Regional (*Niagara Region Official Plan*) and Municipal (*City of Niagara Falls Official Plan*, including the *Garner South Secondary Plan*, and *Niagara Falls Zoning By-Law*). The purpose of this review is to identify and consider relevant policies and discuss the appropriateness and conformity of the requested amendments with those policies.

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS, 2020) provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

The policies of the PPS may be complemented by Provincial Plans or by locally generated policies regarding matters of municipal interest. The Planning Act sets a minimum standard that requires all municipal planning decisions 'to be consistent with' the policies of the PPS. Together the PPS and Municipal Official Plans provide a framework for comprehensive, integrated and long-term planning.

4.1.1 ANALYSIS OF PROVINCIAL POLICY STATEMENT

In Part IV – Vision for Ontario’s Land Use Planning System the PPS states:

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public services. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

The proponent is proposing to provide new housing options in the form of apartment units. The development will efficiently develop the property and is located close to transit routes, which is consistent with the above PPS vision.

Table 4-1 provides an analysis of the proposed development in consideration of relevant PPS policies.

Table 4-1: Results of Review of the Provincial Policy Statement (PPS)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.1.1 a)	Healthy, liveable and safe communities are sustained by: a) Promoting efficient development and land use patterns which sustain the financial wellbeing of the Province and municipalities over the long term.	The proponent is proposing to redevelop the property more efficiently and will provide new housing stock in the form of apartment units to the City of Niagara Falls.
Section 1.1.1 b)	Healthy, liveable and safe communities are sustained by: b) Accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs.	The proposed redevelopment of the property will provide new housing stock in the form of apartment units to the City of Niagara Falls.
Section 1.1.1 c)	Healthy, liveable and safe communities are sustained by: c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.	As noted in Section 3.5 of this report, the proposed development maintains a 3-metre buffer from the limit of the floodplain, as it was surveyed, on the property, meeting the requirements of the NPCA. Additionally, a stormwater management report completed in support of the OPA/ZBA application indicated that stormwater can be appropriately managed without adverse effects to the environment.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.1.1 e)	Healthy, liveable and safe communities are sustained by: e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.	The subject property is already developed and serviced by municipal services. The proposed development will not consume any new greenfield land.
Section 1.1.1 g)	Healthy, liveable and safe communities are sustained by: (g) Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs	The subject property is currently and will continue to be serviced by municipal infrastructure.
Section 1.1.3.1	Settlement areas shall be the focus of growth and development.	The subject property is within the City of Niagara Falls urban area.
Section 1.1.3.2	Land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive.	The proposed development will more efficiently use the land to provide new housing stock to the City of Niagara Falls in the form of apartment units. The site is also located close to transit routes. Further, it will utilize existing municipal infrastructure.
Section 1.1.3.3	Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or	The proposed development will introduce a high density residential use on the property through redevelopment. This will provide new housing stock to the City of Niagara Falls. Further, it will utilize existing municipal infrastructure.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	planned infrastructure and public service facilities required to accommodate projected needs.	
Section 1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	The proposal is to redevelop the property to construct two residential apartment towers. The development of the two apartment towers supports intensification goals within the City’s urban boundary, is a compact form of development by going below grade for parking and multiple storeys for living space, and redevelops underutilized industrial lands.
Section 1.4.1 a)	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.</p>	The proposed development will result in a high density residential use on the property and will provide new housing stock to the City of Niagara Falls, contributing to the housing supply and accommodating residential growth.
Section 1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will utilize existing municipal infrastructure.
Section 1.6.6.7	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p>	Site servicing and stormwater management reports were completed in support of the OPA and ZBA application. The site servicing and stormwater reports indicate that the development can be supported by existing services and stormwater can be

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; e) maximize the extent and function of vegetative and pervious surfaces; and f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.	managed without creating adverse effects on the surrounding environment.

4.1.2 SUMMARY OF PPS ANALYSIS

The proposed development of the property at 7302 Kalar Road will result in a new high density residential use on the property through means of redevelopment of an existing property that is currently designated for residential development and zoned for industrial use. It will provide new housing stock to the City of Niagara Falls in the form of apartment units. Further, it will utilize existing municipal infrastructure, which has been shown to be able to accommodate the proposed development, and stormwater can be appropriately managed without adverse effects to the environment. Based on this, it is concluded that the project is consistent with the policies set out in the PPS (2020).

4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Province of Ontario’s *Growth Plan for the Greater Golden Horseshoe* (GGH) (updated August 2020) was developed to create more livable, sustainable, and efficient communities in conjunction with significant anticipated population and economic growth in the Province. The Growth Plan was prepared under the *Places to Grow Act, 2005*, and is a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the GGH. The Plan is intended to guide decisions on a wide range of issues including land-use planning, housing, and natural heritage and resource protection.

The Growth Plan builds on other key government initiatives including the Greenbelt Plan, Planning Act reform and the Provincial Policy Statement. The Growth Plan does not replace Municipal Official Plans but works within the existing planning framework to provide growth management policy direction for the GGH.

4.2.1 ANALYSIS OF GROWTH PLAN POLICIES

The subject property is within the City of Niagara Falls Urban Boundary, which is considered to be a “Settlement Area” in the Growth Plan. There are several components of the Growth Plan that provide guidance for this project. **Table 4-2** includes review of relevant policies in the Growth Plan in relation to the proposed development.

Table 4-2: Results of Review of the Growth Plan for the Greater Golden Horseshoe (GGH)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.2	<p>Vision for the GGH states:</p> <p><i>The GGH will have sufficient housing supply that reflects market demand and what is needed in local communities. Thriving, livable, vibrant, and productive urban and rural areas will foster community health and individual well-being. The region will be supported by modern, well-maintained, sustainable, and resilient infrastructure built in accordance with a broad plan for managing growth. Residents will have easy access to food, shelter, education, health care, arts and recreation, and information technology.</i></p>	<p>The proposed development will provide new apartment units that will contribute to the housing supply in the City of Niagara Falls. Further, it will utilize existing municipal infrastructure.</p>
Section 1.2.1	<p>Guiding Principles indicate the following should be prioritized:</p> <p><i>Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.</i></p>	<p>The proposed development will provide new housing stock in the form of apartment units to the City of Niagara Falls. The development will include a mix of one and two bedroom units.</p>
Section 2.2.1	<p>Managing Growth states that:</p> <p>Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> i. have a delineated built boundary; ii. have existing or planned municipal water and wastewater systems; and iii. can support the achievement of complete communities. <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> i. delineated built-up areas; ii. strategic growth areas; <p>a) iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and iv. areas with</p>	<p>The subject property is located within the Urban Boundary of the City of Niagara Falls.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	existing or planned public service facilities.	
Section 2.2.5	<p>9. The conversion of lands within employment areas to non-employment uses may be permitted only through a municipal comprehensive review where it is demonstrated that:</p> <ul style="list-style-type: none"> a) there is a need for the conversion; b) the lands are not required over the horizon of this Plan for the employment purposes for which they are designated; c) the municipality will maintain sufficient employment lands to accommodate forecasted employment growth to the horizon of this Plan; d) the proposed uses would not adversely affect the overall viability of the employment area or the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan; and e) there are existing or planned infrastructure and public service facilities to accommodate the proposed uses. 	<p>The property is currently designated Residential in the Niagara Falls Official Plan, designated Mixed Use in the Garner South Secondary Plan, and zoned Light Industrial in the Niagara Falls Zoning By-law.</p> <p>The City of Niagara Falls has expressed that more high-density residential developments are required to meet housing targets. The proposed OPA and ZBA will result in the property being redesignated in the Garner South Secondary Plan to Residential, High Density and rezoned to a residential apartment zone.</p> <p>An Employment Land Conversion Calculation was completed (Appendix F), which determined that the proposed development has the potential to generate 71 jobs due to residents working from home. This is only slightly less than the calculated maximum potential of 81 jobs for the current designation/zoning and use of the property. Therefore, the forecasted employment growth is generally still met.</p> <p>Lastly, the proposed development will utilize existing municipal infrastructure.</p>
Section 2.2.5	<p>10. Notwithstanding policy 2.2.5.9, until the next municipal comprehensive review, lands within existing employment areas may be converted to a designation that permits non-employment uses, provided the conversion would:</p> <ul style="list-style-type: none"> a) satisfy the requirements of policy 2.2.5.9 a), d) and e); b) maintain a significant number of jobs on those lands through the establishment of development criteria; and 	<p>The property is currently designated Residential in the Niagara Falls Official Plan, designated Mixed Use in the Garner South Secondary Plan, and zoned Light Industrial in the Niagara Falls Zoning By-law.</p> <p>The City of Niagara Falls has expressed that more high-density residential developments are required to meet housing targets. The proposed OPA and ZBA will result in the property being redesignated in the Garner South Secondary Plan to Residential, High</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>c) not include any part of an employment area identified as a provincially significant employment zone unless the part of the employment area is located within a major transit station area as delineated in accordance with the policies in subsection 2.2.4.</p>	<p>Density and rezoned to a residential apartment zone.</p> <p>An Employment Land Conversion Calculation was completed (Appendix F), which determined that the proposed development has the potential to generate 71 jobs due to residents working from home. This is only slightly less than the calculated maximum potential of 81 jobs for the current designation/zoning and use of the property. Therefore, the forecasted employment growth is generally still met.</p> <p>Lastly, the subject property is not located within a significant employment zone.</p>
Section 2.2.5	<p>14. Outside of employment areas, development criteria should be established to ensure that the redevelopment of any employment lands will retain space for a similar number of jobs to remain accommodated on site.</p>	<p>An Employment Land Conversion Calculation was completed (Appendix F), which determined that the proposed development has the potential to generate 71 jobs due to residents working from home. This is only slightly less than the calculated maximum potential of 81 jobs for the current designation/zoning and use of the property. Therefore, the forecasted employment growth is generally still met.</p>
Section 2.2.6	<p>Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:</p> <p>a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:</p> <p>i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs</p>	<p>The proposed development of two high density apartment towers will provide new housing stock to the City of Niagara Falls that will help the City achieve intensification and density targets.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	of current and future residents; and ii. establishing targets for affordable ownership housing and rental housing.	

4.2.2 SUMMARY OF GROWTH PLAN ANALYSIS

The proposed redevelopment of 7302 Kalar Road will provide new housing stock in the form of apartment units to contribute to the City of Niagara Falls’ housing supply and to reaching the City’s intensification and density targets. It is estimated to generate only a slightly fewer number of jobs compared to the current maximum potential of the property, and as such the forecasted employment growth target is still met. It will also utilize existing infrastructure, which has been shown to be able to accommodate the proposed development. It is concluded that the proposed development satisfies the objectives of the Growth Plan for the Greater Golden Horseshoe.

4.3 NIAGARA REGION OFFICIAL PLAN

The property is located within the “Delineated Built-Up Area” of Niagara Region’s Urban Area for the City of Niagara Falls as identified on Schedule B of the Niagara Region Official Plan (2022). Development proposals within Urban Areas are subject to the availability of adequate municipal water, sanitary sewer, stormwater and road services.

4.3.1 ANALYSIS OF NIAGARA REGION OFFICIAL PLAN POLICIES

The Niagara Region Official Plan has two basic functions: first to provide guidelines for the location and type of development in both urban and rural areas and second, to identify the environmental resources of the Region and to develop measures for their protection and management. **Table 4-3** summarizes the review of applicable Niagara Region Official Plan policies with respect to this proposed development.

Table 4-3: Summary of Applicable Regional Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
2.1.1.1	Population and employment forecasts listed in Table 2-1 are the basis for land use planning decisions to 2051.	An Employment Land Conversion Calculation was completed (Appendix F), which determined that the proposed development, though residential, has the potential to generate 71 jobs due to residents working from home. This is only slightly less than the calculated maximum potential of 81 jobs for the current designation/zoning and use of the property. Therefore, the proposed development will contribute to meeting the forecasted employment growth for the Niagara Region.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
2.2	<p>The objectives of this [Regional Structure] section are as follows:</p> <p>a) manage growth within urban areas; b) accommodate growth through strategic intensification and higher densities.</p>	<p>The proposed development is within the existing urban boundary. The proposal supports intensification goals and is for a high density apartment development.</p>
2.2.1	<p>Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:</p> <p>a) the intensification targets in Table 2-2 and density targets outlined in this Plan; c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.</p>	<p>The proposed development will provide new housing stock in the form of apartment units through the redevelopment of the subject property for two high density apartment towers. This development alone will contribute over 4% of the new housing stock required to meet the intensification target for the City of Niagara Falls of 10,100 units between 2021 and 2051. The development will also include a mix of one and two bedroom units.</p>
2.2.2.1	<p>Within urban areas, forecasted population growth will be accommodated primarily through intensification in built-up areas with particular focus on the following locations:</p> <p>areas with existing or planned public service facilities.</p>	<p>The subject property is within an urban area, supports intensification goals and will utilize existing municipal infrastructure.</p>
2.3.1.3	<p>The forecasts in Table 2-1 will be used to maintain, at all times:</p> <p>a) the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development.</p>	<p>The proposed development will provide new housing stock in the City of Niagara Falls in the form of apartment units in two high density towers. The apartment units will contribute to accommodating residential growth and the Region's population forecasts.</p>
2.3.1.5	<p>New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.</p>	<p>The two towers and the apartment units will be designed appropriately to meet universal design standards.</p>
5.2.2.12	<p>Within urban settlement areas full municipal services are the preferred form of servicing.</p>	<p>The proposed development will utilize existing full municipal infrastructure.</p>

4.3.2 SUMMARY OF NIAGARA REGION OFFICIAL PLAN ANALYSIS

The Niagara Region Official Plan policies require consideration related to growth in built-up urban areas and to achieving intensification objectives and density targets. The proposed redevelopment of the property at 7302 Kalar Road in the City of Niagara Falls meets the intent of these policies, as the property is located in a Built-Up Area in the urban area of Niagara Falls. It will contribute to meeting the forecasted employment growth, as well as provide new housing stock in two high density apartment towers in the City, which will contribute to the housing supply and meeting the City’s intensification target. Existing municipal infrastructure will be utilized.

4.4 CITY OF NIAGARA FALLS OFFICIAL PLAN

The Official Plan for the City of Niagara Falls outlines the long-term objectives and policies of the City with respect to the growth and development of urban lands, the protection of agricultural lands, the conservation of natural heritage areas, and the provision of the necessary infrastructure.

4.4.1 ANALYSIS OF CITY OF NIAGARA FALLS OFFICIAL PLAN POLICIES

The property is designated Residential and EPA in the City of Niagara Falls Official Plan. The Residential designation permits a variety of residential uses, including the proposed apartment towers. The EPA designated area restricts development due to environmental features. The property is also located in the GSSP area and is more fully analyzed relative to GSSP policies in **Section 4.4.3. Table 4-4** provides an analysis and justification of the proposed development relative to the relevant policies of the City of Niagara Falls Official Plan.

Table 4-4: Summary of Applicable City of Niagara Falls Official Plan Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Schedule A – Land Use Plan	Subject property is identified as “Residential.”	The property is currently used for several automotive/commercial/industrial uses. The proposed development will convert the property to a residential use, which is consistent with the Residential designation of the property in the Official Plan.
Part 1, Section 2 – Growth Objectives	<ol style="list-style-type: none"> 1. To direct growth to the urban area and away from non-urban areas. 2. To protect Natural Heritage Areas and their functions. 3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area. 5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review. 	<p>The property is located within an urban area in the City of Niagara Falls.</p> <p>The property is currently designated Residential, however is used for various industrial/commercial uses. The proposed development of two apartment towers with 412 dwelling units will intensify the intended residential use of the property. This will accommodate growth forecasts for the City of Niagara Falls and contribute to meeting intensification, density and housing targets for the City.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>6. To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review.</p> <p>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.</p> <p>9. To encourage alternative forms of transportation such as walking, cycling and public transit.</p> <p>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.</p> <p>11. To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.</p>	<p>An Employment Land Conversion Calculation was completed (Appendix F), which determined that the proposed development has the potential to generate 71 jobs due to residents working from home. This is only slightly less than the calculated maximum potential of 81 jobs for the current designation/zoning and use of the property. Therefore, the proposed development will contribute to meeting the forecasted employment growth for the City of Niagara Falls.</p> <p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>The policies of the Growth Plan for the Greater Golden Horseshoe was analyzed with regard to the proposed development in Section 4.2 of this report. The analysis determined that the proposed development is consistent with the policies of the Growth Plan.</p> <p>The subject property is located in close proximity to public transit routes. Essential services (i.e. commercial goods at the nearby Niagara Square plaza, grocery stores, etc.) can be easily accessed through the means of alternative forms of transportation.</p> <p>Further, the property will continue to use existing municipal infrastructure.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Part 1, Section 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.	As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.
Part 1, Section 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.	The property is located within the urban area and the proposed development will contribute to the City achieving its housing targets.
Part 1, Section 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.	The proposal is for two high density apartment towers, which will utilize existing municipal infrastructure.
Part 1, Section 3 – Intensification	The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit within the Residential land use designation. However, opportunities for residential intensification on lands not currently designated Residential may also be considered.	The subject property is designated Residential in the Niagara Falls Official Plan, however it is currently used for various industrial/commercial uses. The proposed development would intensify the property and establish the intended residential use by developing two apartment towers.
Part 1, Section 3.1 – Intensification General Policies	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.	The proponent is proposing to redesignate the land from Mixed Use and EPA to Residential, High Density. The EPA designated area is also proposed to be reduced to reflect the true extent of the floodplain as determined through surveying and new site-specific floodplain mapping. It is also being requested to rezone the property from Light Industrial (LI) Zone

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		to a site-specific Residential Apartment 5F Density (R5F) Zone, to permit the development of two apartment towers. This will intensify the intended residential use of the property.
Part 1, Section 3.4 – Intensification General Policies	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.	The proposed development complies with the specified policies of Section 2, 1.10.5, as demonstrated below.
Part 1, Section 4.3 – Vision and Goals for Housing	<p>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:</p> <p>4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.</p> <p>4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.</p> <p>4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.</p>	The proposed development will redevelop a residentially designated property that is not currently used for the intended use. The development will efficiently utilize the property to construct two high density apartment towers that will contribute to the housing stock in the City of Niagara Falls, thus supporting one of the City’s housing goals for multiple-unit developments.
Part 2, Section 1.1 – Residential General Policies	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.	The proposed development is for two residential apartment towers.
Part 2, Section 1.5 – Residential General Policies	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	An increase to the maximum permitted building height is being requested as part of this application. Two apartment towers (The north tower 13-storeys and the south tower 15-storeys) are proposed.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	these height guidelines through an implementing zoning bylaw amendment.	
Part 2, Section 1.7 – Residential General Policies	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 proposed development will utilize existing municipal infrastructure.
Part 2, Section 1.10 – Built Up Area	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 proposed development will provide a new housing stock in the form of apartment units. The proposed development is consistent with other high-density residential developments in the area on McLeod Road.
Part 2, Section 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 area surrounding the subject property is undergoing continued development as the area transitions from vacant/industrial land to residential neighbourhoods. The proposed development will be designed to be consistent with the appearance of the nearby new buildings, including other proposed high-density residential developments on McLeod Road.
Part 2, Section 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 area surrounding the subject property is undergoing continued development as the area transitions from vacant/industrial land to residential neighbourhoods. The proposed development will be designed with appropriate separation distances taken into account to accommodate the taller building heights as well as step-back features within the design of the buildings.
Part 2, Section 1.10.3	Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built Up Area so that at any one time a variety of housing types will be available suitable	The proposed development includes two high density apartment towers. Additionally, the property is located in the Built Up Area.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	for different age groups, household sizes and incomes	
Part 2, Section 1.10.5	<p>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:</p> <p>(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.</p> <p>Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:</p> <ul style="list-style-type: none"> • 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 	<p>The proposed development is for two apartment towers with heights of 13-storeys and 15-storeys. They are proposed to be developed to a density of 319 units per hectare, resulting in 412 units for this property. An OPA is being requested to accommodate these increases to the maximum building height and density.</p> <p>The subject property is located in close proximity to both public transit routes and the Niagara Square plaza, which provides access to a number of commercial stores.</p> <p>The apartment towers have been designed with a step-back feature, where the portion of the towers that front onto Kalar Road will be 3-storeys before increasing in height. Parking is to be provided both on the surface of the property and in an underground parking structure. Surface parking is located in the interior of the property between the two towers.</p> <p>Zoning provisions, including rear yard setbacks, are analyzed in further detail below in Section 4.5.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>structures that are integrated with the development; and</p> <ul style="list-style-type: none"> • 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. 	
<p>Part 2, Section 11.1.5 – Environmental Policies, General Policies</p>	<p>When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>
<p>Part 2, Section 11.1.17 – Environmental Policies, Environmental Impact Studies</p>	<p>An EIS shall be required as part of a complete application under the Planning Act for site alteration or development on lands:</p> <p>a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A or A-1; or</p> <p>b) that contain or are adjacent to a natural heritage feature.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.
Part 2, Section 11.1.18 – Environmental Policies, Environmental Impact Studies	<p>An EIS required under this Plan shall:</p> <p>a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;</p> <p>b) be prepared and signed by a qualified professional;</p> <p>c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA within the Urban Area Boundaries; and</p> <p>d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for the remaining areas.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.</p>
Part 2, Section 11.1.19 – Environmental Policies, Environmental Impact Studies	An EIS required under this Plan shall be prepared in accordance with the Environmental Impact Study Guidelines adopted by Regional Council.	As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		<p>appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.</p>
<p>Part 2, Section 11.2.1 – EPA and ECA, General Policies</p>	<p>Development and site alteration, where permitted under the following designations, shall be subject to the natural heritage system policies of Section 11.1.</p> <p>a) The policies of sections 11.1 and 11.2 shall not apply to the development of those lands subject to the provisions of Section 12.34 of this Plan.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.</p>
<p>Part 2, Section 11.2.3 – EPA and ECA, General Policies</p>	<p>The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.</p> <p>Where an Environmental Impact Study has concluded that an expansion to the EPA designation or its adjacent lands is warranted by the identification of a significant natural feature/function or habitat, the Official Plan shall be amended to appropriately reflect the areas to be protected. Minor reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A may be made without amendment to this Plan.</p>	<p>the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.</p>
<p>Part 2, Section 11.2.13 – EPA and ECA, EPA</p>	<p>The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.</p>	<p>The EPA portion of the subject property is identified as a Regulated Floodplain in Appendix III-A of the Niagara Falls Official Plan.</p> <p>The property was surveyed and it was determined that the portion of the property below 181.49 masl (the limit of the floodplain) is smaller than the existing EPA designated area. Due to this, as part of the proposed OPA, it is being requested that the EPA area be reduced.</p>
<p>Part 2, Section 11.2.18 – EPA and ECA, Hazard Lands</p>	<p>Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By-law. Development and site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map produced.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	approval from the Niagara Peninsula Conservation Authority.	
Part 3, Section 1.2.4 – Water and Sanitary Sewage	Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.	The proposed development will utilize existing municipal water and sanitary sewer infrastructure, which has been confirmed to be able to accommodate the development.
Part 3, Section 1.3.1 – Storm Drainage	It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.	<p>A stormwater management report was completed in support of the OPA/ZBA application. The report indicates that the proposed development will increase stormwater runoff by 7.7 L/s for the two year storm, 9.9 L/s for the five year storm, 12.5 L/s for the ten year storm, 13.1L for the twenty five year storm and 15.7 L/s for the one hundred year storm. Due to this, quantity control will be utilized in the form of an orifice plate within a cast-in-place stormwater management tank. This will control stormwater runoff to pre-development levels. Stormwater will ultimately be pumped from the cast-in-place stormwater management tank to the existing tributary of Warren Creek east of the site.</p> <p>Additionally, a Hydrodome HD12 will be utilized to control stormwater quality prior to it being discharged to the tributary of Warren Creek.</p>
Part 3, Section 6.2 – Environmental Quality	In order to minimize the effects of development or redevelopment from an environmental perspective, Council may, in consultation with the appropriate public agency, require the proponent to undertake various studies by a qualified professional to ensure protection of the	Due to the proposal to redevelop the property from an existing industrial use to a residential use, an Environmental Site Assessment (ESA) and Record of Site Condition (RSC) were identified as required supporting studies during the pre-consultation process.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>environment and the quality and quantity of surface and ground water features.</p>	<p>Phase I and II ESAs were completed by Oakhill Environmental Inc. (January 2024), which found soil contamination at depths ranging from 0.61 to 1.22 metres below ground, and that there may be groundwater contamination on the subject property.</p> <p>A Supplemental Phase II ESA was undertaken by Oakhill Environmental Inc. (March 2024) to further delineate the extent of the soil contamination on the property. Six contamination plumes were identified. Further delineation work is recommended by Oakhill and will be undertaken to determine the full vertical and lateral extent of the contamination plumes. The Supplemental Phase II ESA did confirm that there was no groundwater contamination.</p> <p>These studies are being/have been completed in support of obtaining an RSC prior to development.</p>
<p>Part 3, Section 6.7 – Environmental Quality</p>	<p>The following list of general uses represents some current or past activities on a property that may be causing or may have caused environmental contamination:</p> <p>6.7.1 activities involved with the elimination of waste and other residues, including, but not limited to, landfill sites, settling ponds and waste disposal areas;</p> <p>6.7.2 industrial, commercial or agricultural activities involving the storage and/or use of hazardous substances, including, but not limited to, fuels, oils, chemicals, paints or solvents;</p> <p>6.7.3 railway lands, which include private lands where railway spur lines have been located; and</p> <p>6.7.4 lands that may be potentially impacted by the migration of potentially</p>	<p>Due to the proposal to redevelop the property from an existing industrial use to a residential use, an RSA and RSC were identified as required supporting studies during the pre-consultation process.</p> <p>Phase I and II ESAs were completed by Oakhill Environmental Inc. (January 2024), which found soil contamination at depths ranging from 0.61 to 1.22 metres below ground, and that there may be groundwater contamination on the subject property.</p> <p>A Supplemental Phase II ESA was undertaken by Oakhill Environmental Inc. (March 2024) to further delineate the extent of the soil contamination on the property. Six contamination plumes were identified. Further delineation work is recommended by Oakhill and will be undertaken to determine the full vertical and lateral extent of the</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	contaminated ground or surface water emanating from other sites.	contamination plumes. The Supplemental Phase II ESA did confirm that there was no groundwater contamination. These studies are being/have been completed in support of obtaining an RSC prior to development.
Part 3, Section 6.9 – Environmental Quality	<p>For properties that have been identified as potentially contaminated, and where there is a proposed change in land use to a more sensitive use, the City shall:</p> <p>6.9.1 require verification to the satisfaction of the City and the Region from a Qualified Person as defined by provincial legislation and/or regulations, that the property or properties in question do not require remediation in accordance with provincial legislation and regulations, or the property or properties in question have been remediated and made suitable for the proposed use in accordance with provincial legislation and regulations, including where required by City policies or provincial legislation and/or regulations, filing by the property owner of a Record of Site Condition (RSC) signed by a Qualified Person in the Environmental Site Registry, and submission by the owner to the City and the Region of proof that the Ministry of Environment (MOE) has acknowledged receipt of the RSC. 3-33 City of Niagara Falls Official Plan</p> <p>6.9.2 not consider an RSC as acknowledged by the MOE for the purposes of Policy 6.9.1 until either:</p> <ul style="list-style-type: none"> a) the MOE has confirmed that the RSC will not be audited; or b) the MOE has confirmed that the RSC has passed the audit. <p>6.9.3 in order to ensure that satisfactory verification of suitable environmental site conditions is received in accordance</p>	<p>Due to the proposal to redevelop the property from an existing industrial use to a residential use, an RSA and RSC were identified as required supporting studies during the pre-consultation process.</p> <p>Phase I and II ESAs were completed by Oakhill Environmental Inc. (January 2024), which found soil contamination at depths ranging from 0.61 to 1.22 metres below ground, and that there may be groundwater contamination on the subject property.</p> <p>A Supplemental Phase II ESA was undertaken by Oakhill Environmental Inc. (March 2024) to further delineate the extent of the soil contamination on the property. Six contamination plumes were identified. Further delineation work is recommended by Oakhill and will be undertaken to determine the full vertical and lateral extent of the contamination plumes. The Supplemental Phase II ESA did confirm that there was no groundwater contamination.</p> <p>These studies are being/have been completed in support of obtaining an RSC prior to development.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	with Policy 6.9.1, Council shall utilize Holding provisions, pursuant to the provisions of the Planning Act, in any amending zoning by-law. Where a Zoning By-law amendment is not required, Council shall attach appropriate conditions to draft approval of an application for subdivision.	

4.4.2 SUMMARY OF CITY OF NIAGARA FALLS OFFICIAL PLAN ANALYSIS

The subject property is currently designated Residential and EPA in the Niagara Falls Official Plan. The proposed redevelopment of the property to construct two apartment towers with a total of 412 units will provide new housing stock within the Built-Up Area of the City of Niagara Falls, which is consistent with the Residential designation of the property in the City of Niagara Falls Official Plan. The development will intensify the intended residential use of the property and increase the density. It will also contribute to meeting employment growth through work from home jobs. An OPA is being requested to accommodate the proposed increases to maximum building height and property density. Further, the property will continue to utilize existing municipal infrastructure, which has been confirmed to be able to accommodate the development. Stormwater quantity and quality will be managed on site to ensure stormwater runoff flows and quality meet pre-development criteria before it leaves the property.

As part of the OPA application, it is being requested that the EPA designated area on the property be reduced. This is following consultation with the NPCA and surveying of the property and preparation of new, site-specific floodplain mapping that indicates that the limit of the floodplain is much smaller than the existing EPA area and is localized along the eastern property line. Due to the consultation with the NPCA and meeting of their requirements for the property, an EIS was deemed by the proponent not to be required and therefore, was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.

Phase I and II ESA investigations were completed for the subject property, which identified soil and possible groundwater contamination on the property. A Supplemental Phase II ESA was undertaken, which identified six distinct contamination plumes on the property. The Supplemental Phase II ESA confirmed that there was no groundwater contamination. Further delineation work is recommended in the Supplemental Phase II ESA and the owner will undertake the studies to determine the full vertical and lateral extent of the soil contamination plumes. The ESAs and additional testing are being/have been completed in support of obtaining an RSC prior to development.

Therefore, it is concluded that the proposed redevelopment of the subject property is consistent with the City of Niagara Falls Official Plan and, where it is not, a site-specific OPA is being requested.

4.4.3 ANALYSIS OF THE GARNER SOUTH SECONDARY PLAN POLICIES

The subject property is located within the GSSP area within the Niagara Falls Official Plan. It is designated Mixed Use and EPA in the GSSP. The Mixed Use designation in the GSSP, though it does permit stand-alone residential uses in some scenarios, does not encourage them. Additionally, the permitted building height and density of the Mixed Use designation are lower than those of the proposed development. Therefore, an OPA is being requested to amend the GSSP designation for the property to a site-specific Residential, High Density, designation and EPA designation. **Table 4-5** provides an analysis and justification of the proposed development relative to the relevant policies of the GSSP.

Table 4-5: Summary of Applicable Garner South Secondary Plan Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Schedule A-3 – Garner South Secondary Plan	Subject property is identified as “Mixed Use” and “Environmental Protection Area.”	<p>The proponent is proposing to redevelop the property to construct two residential apartment towers. This use is not permitted under the Mixed Use designation in the GSSP. Therefore, an OPA is being requested to redesignate the property to a site-specific Residential, High Density, designation and EPA designation.</p> <p>Site-specific provisions required in addition to the redesignation include:</p> <ul style="list-style-type: none"> • An increase in the maximum density of the property from 125 units per hectare to 319 units per hectare. • An increase in the maximum height of a building to 15-storeys. <p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
<p>Part 5, Section 1 – Principles and Objectives</p>	<p>1. Principle - Foster a Sense of Place</p> <p>Development is to create a community feel and identity through a strong pedestrian realm and integration of the re-channeled Warren Creek as a naturalized open space.</p> <p>Objectives</p> <ul style="list-style-type: none"> • to create an urban form together with an interconnected street system that is transit-supportive, comfortable and engaging for the pedestrian as well as effectively transporting people and vehicles; • to create a community with a system of paths and walkways that allows for convenient walking and cycling; • to integrate the re-channeled Warren Creek into the design of open space and residential areas; and • to include natural heritage features in the community design as aesthetic amenities and provide for vistas and viewsheds in order to assist in the creation of a sense of place. 	<p>The proposed development is located adjacent to the Warren Creek tributary, and is also in close proximity to a number of open space areas and parklands, which will contribute to developing a sense of community.</p> <p>Additionally, the subject property is in close proximity to the Niagara Square Plaza, located just under one kilometer away by road, and close to other convenience services along McLeod Road and Kalar Road. This nearby access to retail and indoor amenities will strengthen the pedestrian realm and add a community feel.</p>
<p>Part 5, Section 1 – Principles and Objectives</p>	<p>2. Principle - To Create a Diverse Residential Community</p> <p>The Secondary Plan Area is to provide housing over a 10- to 15-year term and shall be developed with a mix of housing types that allows for a range of affordability levels.</p> <p>Objectives</p> <ul style="list-style-type: none"> • to ensure that a variety of housing types are integrated into the Secondary Plan Area; • to ensure a compatible arrangement of housing types so as to avoid land use conflicts; • to provide a range of affordability, consistent with targets established by Regional Niagara; and 	<p>The proposed development will provide new housing stock in the form of apartment units through the redevelopment of the subject property for two high density apartment towers, which will contribute to the housing stock in the GSSP area. The development will also include a mix of one and two bedroom units.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<ul style="list-style-type: none"> to provide for schools, neighbourhood commercial uses, retirement residences and other community facilities. 	
<p>Part 5, Section 1 – Principles and Objectives</p>	<p>3. Principle - Protect Natural Heritage Features</p> <p>The Secondary Plan Area has a large number of wetlands, woodlands as well as two creek systems. These natural heritage areas are to be protected and, if possible, enhanced.</p> <p>Objectives</p> <ul style="list-style-type: none"> to ensure that development does not negatively impact on natural heritage features by providing appropriate separation distances and buffers; to contain storm water through a system of storm water management ponds that are integrated with Warren Creek and Thompson Creek; to maintain the hydrology of wetlands at a quantity and quality that will ensure the long term preservation of the wetland; and to preserve woodlands to the greatest extent possible and to integrate the built environment with them. 	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>
<p>Part 5, Section 1 – Principles and Objectives</p>	<p>4. Principle - Development of an Integrated Trails and Open Space System</p> <p>Recreational trails and open space increase the quality of life for residents. When integrated into a design that functions with the built and natural environments, a trail and open space system provides an amenity for the community.</p> <p>Objectives</p> <ul style="list-style-type: none"> to utilize Warren Creek and hydro transmission corridor as key lineal 	<p>The proposed development will not limit or detract in any way from the trail system or open space network proposed for the Secondary Plan Area.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>open space elements that link to community;</p> <ul style="list-style-type: none"> • to integrate schools and parkland with Warren Creek and the hydro transmission corridor; • to provide public open space close to medium and high density developments; and • to integrate open space with the natural heritage features. 	
<p>Part 5, Section 1 – Principles and Objectives</p>	<p>5. Principle - Create Employment Opportunities</p> <p>The creation of employment opportunities within the Secondary Plan Area is essential to the development of a complete community.</p> <p>Objectives</p> <ul style="list-style-type: none"> • to retain lands along the QEW in the eastern part of the Plan Area being the lands west of Montrose Road; and also to retain lands within a 2km radius of the Cytec phosphine plant for employment designations together with a Neighbourhood Commercial designation located at the north eastern part of the radius as shown on Schedule A-3; • to achieve an overall density of 30 jobs per hectare on employment lands; • to provide for live/work land uses within the eastern part of the Plan Area; • to allow for a variety of employment uses throughout the community in order to provide opportunities for employment close to home; • to achieve high quality urban design on employment lands; and • to provide connectivity between employment and residential areas supporting alternative modes of 	<p>Though the proposed development is requesting the property be redesignated from Mixed Use and EPA to Residential, High Density, and EPA, there is still potential for employment.</p> <p>An Employment Land Conversion Calculation was completed (Appendix F), which determined that the proposed development has the potential to generate 71 jobs due to residents working from home. This is only slightly less than the calculated maximum potential of 81 jobs for the current designation/zoning and use of the property. Therefore, the proposed development will contribute to meeting the forecasted employment growth for the City of Niagara Falls and results in an employment density of 55 jobs per hectare.</p> <p>Further, the subject property is well connected via public transit and pedestrian sidewalks to numerous employment areas.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	transportation (such as pedestrian, cycling or public transit)	
Part 5, Section 1.2 – Garner South, General Policies	<p>The following land use policies and designations are established for the Secondary Plan Area only and are shown on Schedule A-3. Any changes in land use designation from that shown on Schedule A-3 shall require an amendment to this Plan, save and except for revisions to the boundaries of the limits of the EPA and ECA designations as set out in policy 2.9.2.3.</p> <ul style="list-style-type: none"> • Residential, low density; • Residential, medium density; • Residential, high density; • Neighbourhood Commercial; • Mixed Use; • Employment; • Open Space; • Environmental Protection and Environmental Conservation Areas 	<p>The proponent is proposing to redevelop the property to construct two residential apartment towers. This use is not permitted under the Mixed Use designation and the EPA designation in the GSSP. Therefore, an OPA is being requested to redesignate the property to a site-specific Residential, High Density, designation and EPA designation.</p> <p>Site-specific provisions required in addition to the redesignation include:</p> <ul style="list-style-type: none"> • An increase in the maximum density of the property from 125 units per hectare to 319 units per hectare. • An increase in the maximum height of a building to 15-storeys. <p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>
Part 5, Section 2.3.1 – Residential, High Density	Residential, high density areas shall provide for apartment buildings.	<p>A site-specific OPA is being requested to redesignate the property to Residential, High Density, to permit the proposed apartment towers and EPA to reflect the amended EPA component of the property.</p> <p>Site-specific provisions required in addition to the redesignation include:</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		<ul style="list-style-type: none"> • An increase in the maximum density of the property from 125 units per hectare to 319 units per hectare. • An increase in the maximum height of a building to 15-storeys.
Part 5, Section 2.3.3 – Residential, High Density	<p>In order to meet the greenfield density target, Residential, high density areas shall be developed at a minimum density of 75 units per net hectare to a maximum of 125 units per net hectare. Despite Policy 2.3.1, lower density housing types may be permitted on a site specific basis:</p> <p>(a) within a development to provide for a mix of housing if the overall density for the development meets the minimum for this designation; or</p> <p>(b) where justified by market conditions and the overall density target for the Plan Area is not jeopardized.</p>	<p>A site-specific OPA is being requested to increase the maximum permitted density on the property from 125 units per hectare to 319 units per hectare, which will accommodate the proposed 412 units.</p> <p>The higher than permitted density is due to the relatively small size of the property. The site is able to accommodate the proposed development through architectural design and the provision of two storeys of underground parking.</p>
Part 5, Section 2.3.4 – Residential, High Density	<p>Unless otherwise stated, building heights shall not exceed 8 storeys for apartment buildings and 2 storeys for long term care facilities in the Secondary Plan Area. Despite this, in order to capitalize on this area’s proximity to the Niagara Square Retail District, lands east of Kalar Road are intended to develop as a high-rise node. As such, densities may exceed 125 units per net hectare and building heights up to 12 storeys may be considered without amendment to this Plan.</p>	<p>A site-specific OPA is being requested to increase the maximum permitted building height from 8-storeys to a maximum of 15-storeys. The height and density are required to make efficient use of the subject property. To minimize the impact of the height of the buildings on the streetscape, a step-back design is proposed. The front of each apartment tower closest to the street is 3-storeys, which increases to 13-storeys and 15-storeys at the rear of the building, thereby reducing any ‘massing’ which could be perceived from the street.</p>
Part 5, Section 2.3.6 – Residential, High Density	<p>Buildings shall be designed facing the street in order to be pedestrian-oriented. Apartment dwellings should be located such that front and exterior side yards are generously landscaped to complement the streetscape or with podiums set close to the street. Lower density housing forms may be utilized</p>	<p>The apartment towers are designed with a step-back feature which is oriented towards Kalar Road. The portion of the towers that front onto Kalar Road will be 3-storeys before increasing in height.</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	along street frontages in combination with higher density apartment dwellings located internally.	
Part 5, Section 2.3.7 – Residential, High Density	Parking areas should be located within rear yards or interior side yards. Landscape buffers along all property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening. Where a rear or exterior lot line or the rear or side building facade abuts a public road, enhanced landscaping and building treatments should be employed to ensure that building facades and servicing areas are attractive and/or appropriately screened from view.	The majority of the parking is to be provided in an underground parking structure. There will be some surface parking, primarily for visitors. Surface parking is located in the interior of the property between the two towers. Landscaped buffers are provided along all lot lines.
Part 5, Section 2.3.8 – Residential, High Density	Although lands designated as Residential, High Density are shown on Schedule A-3, applications to amend this Secondary Plan to permit high density housing on lands not so designated shall be considered, provided such lands front on McLeod Road, or provided such lands are located adjacent to or in proximity to the Niagara Square Retail District, and provided such lands are not in proximity to employment lands based on the following, in addition to the policies of this section noted above: 2.3.8.1 Lands should have frontage on an arterial road. 2.3.8.2 Lands should be close to: <ul style="list-style-type: none"> • public open space or parkland; or • commercial services. 	The subject property fronts onto Kalar Road, approximately 80 metres south of McLeod Road. The property is also in close proximity to the Niagara Square Plaza, located just under one kilometer away by road, and close to other convenience services along McLeod Road and Kalar Road. Additionally, the subject property is also located close to several public parks and recreational sites. John N Allan Park is located approximately 400 m north on Kalar Road, Garner Park and Kalar Sports Park are both located approximately 800 m from the site on McGarry Drive and Kalar Road, respectively, and the MacBain Community Centre is located approximately 1 km away on Montrose Road.
Part 5, Section 2.3.9 – Residential, High Density	Lands are to be of sufficient area and frontage to provide appropriate setbacks and landscaping.	Zoning provisions, including lot area, frontage, setbacks and landscaping, are analyzed in further detail below in Section 4.5.
Part 5, Section 2.9.1.3 – EPA and ECA Areas	Land owners shall be encouraged to consult with the Ministry of Natural Resources, Niagara Peninsula Conservation Authority and the Region	As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>of Niagara prior to commencing work of any kind on or adjacent to an area containing natural heritage resources in order to determine the means by which to avoid or minimize negative impacts.</p>	<p>and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>
<p>Part 5, Section 2.9.1.4 – EPA and ECA Areas</p>	<p>When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>
<p>Part 5, Section 2.9.1.9 – EPA and ECA Areas</p>	<p>An Environmental Impact Study (EIS) shall be required as part of a complete application under the Planning Act for site alteration or development on lands:</p> <ul style="list-style-type: none"> (a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A 3; or (b) that contain or are adjacent to a natural heritage feature. 	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
		discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.
Part 5, Section 2.9.1.10 – EPA and ECA Areas	<p>An EIS required under this Plan shall be prepared in accordance with the EIS Guidelines adopted by Regional Council and:</p> <p>(a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;</p> <p>(b) be prepared and signed by a qualified professional;</p> <p>(c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA; and</p> <p>(d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to EPA.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.</p>
Part 5, Section 2.9.2.3 – EPA and ECA Areas	<p>The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority.</p> <p>Where an Environmental Impact Study has concluded that an expansion to the</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>EPA designation or its adjacent lands is warranted by the identification of a significant natural feature/function or habitat, the Official Plan shall be amended to appropriately reflect the areas to be protected. Minor reductions or minor expansions to the limits of EPA or its adjacent lands on Schedule A may be made without amendment to this Plan.</p>	<p>managed without adverse effects to the environment.</p> <p>As a result of the client’s consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property, an EIS was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.</p>
<p>Part 5, Section 2.9.3.1 – EPA and ECA Areas</p>	<p>The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life Science ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.</p>	<p>The EPA portion of the subject property is identified as a Regulated Floodplain in Appendix III-A of the Niagara Falls Official Plan.</p> <p>The property was surveyed and it was determined that the portion of the property below 181.49 masl (the limit of the floodplain) is smaller than the existing EPA designated area. A new site-specific floodplain map was prepared. Due to this, as part of the proposed OPA, it is being requested that the EPA area be reduced.</p>
<p>Part 5, Section 2.9.3.6 – EPA and ECA Areas</p>	<p>Natural hazard lands, including floodplains and erosion hazards, are included within the EPA designation because of their inherent risks to life and property. Natural hazard lands where identified by the Niagara Peninsula Conservation Authority or any study required under this Plan, shall be placed within an appropriate zoning category in the City's Zoning By law. Development or site alteration may be permitted within or adjacent to floodplains or erosion hazards subject to written approval from the Niagara Peninsula Conservation Authority.</p>	<p>As noted in Section 3.5 of this report, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property and it was determined that the proposed development maintains the required 3-metre buffer from the limit of the floodplain as it was surveyed and a new site-specific floodplain map was prepared. Additionally, a stormwater management report completed in support of the OPA/ZBA indicated that stormwater can be appropriately managed without adverse effects to the environment.</p>
<p>Part 5, Section 2.10.1 – Stormwater Management</p>	<p>2.10.1.1 A combination of piped storm sewers and overland drainage systems will be employed due to the generally flat topography of, and the shallow</p>	<p>A stormwater management report was completed in support of the OPA/ZBA application. The report indicates that the proposed development will increase</p>

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>drainage courses that flow through, the Secondary Plan Area.</p> <p>2.10.1.2 Overland and piped storm water flows will not be directed outside of the respective watershed.</p> <p>2.10.1.3 Storm drainage for the lands within the Warren Creek Watershed will be conveyed to the re-channeled Warren Creek in accordance with the provisions of the Warren Creek Watershed Plan and Implementation Plan.</p>	<p>stormwater runoff by 7.7 L/s for the two year storm, 9.9 L/s for the five year storm, 12.5 L/s for the ten year storm, 13.1L for the twenty five year storm and 15.7 L/s for the one hundred year storm. Due to this, quantity control will be utilized in the form of an orifice plate within a cast-in-place stormwater management tank. This will control stormwater runoff to pre-development levels. Stormwater will ultimately be pumped from the cast-in-place stormwater management tank to the existing tributary of Warren Creek east of the site.</p> <p>Additionally, a Hydrodome HD12 will be utilized to control stormwater quality prior to it being discharged to the tributary of Warren Creek.</p>
<p>Part 5, Section 2.10.2 – Sanitary and Water Services</p>	<p>2.10.2.1 Sanitary services will be constructed in accordance with the recommendations of the Garner/Southwest Sanitary Service Area Municipal Class EA. This shall not preclude the extension of sanitary and water services through private lands to service lands within the northwest quadrant of the Secondary Plan Area.</p>	<p>Existing municipal sanitary services will be utilized for the proposed development. A servicing report was completed in support of the OPA/ZBA application, which indicates that the existing services have the capacity to support the proposed development. Additionally, a 200 mm diameter sanitary sewer is recommended on site to connect to the existing municipal sewer. This will be designed in further detail at the detailed design stage and take the recommendations of the Garner/Southwest Sanitary Service Area Municipal Class EA into consideration.</p>
<p>Part 5, Section 2.12.2 – Transportation</p>	<p>Right-of-way widths for all roads shall be in accordance with PART 3, Section 1.4.19 of this Plan.</p>	<p>Section 1.4.19 of the Niagara Falls Official Plan indicates a road right-of-way of 26 metres for this section of Kalar Road. As part of this application, the City has requested that the road right-of-way in front of the subject property be widened to achieve the width established in the Official Plan.</p>

4.4.4 SUMMARY OF GARNER SOUTH SECONDARY PLAN ANALYSIS

The subject property is currently designated Mixed Use and EPA in the GSSP. The proposed site-specific OPA to redesignate the property to Residential, High Density, and EPA will permit the development of two apartment towers on the property. This will provide new high density housing units within the Garner South area. The development, though residential, will also contribute to employment growth in the form of work from home jobs. Further, the property will continue to utilize existing municipal infrastructure, which has been confirmed to be able to accommodate the development. Stormwater quantity and quality will be managed on site to ensure stormwater runoff flows and quality meet pre-development criteria before it leaves the property.

As part of the OPA application, it is being requested that the EPA designated area on the property be reduced. This is following consultation with the NPCA and surveying of the property that indicates that the limit of the floodplain is smaller than the existing EPA area and is localized along the eastern property line. A new site-specific floodplain map for the property was prepared. Due to the consultation with the NPCA and meeting of their requirements for the property, an EIS was deemed by the proponent not to be required and therefore, was not completed. A summary of discussions with the NPCA and the process for preparation of the updated floodplain delineation (P. Lesdow Architect, April 23, 2024) is included in a separate letter report with this submission.

Based on this analysis, it is concluded that the proposed development is consistent with the intentions of the GSSP.

4.5 CITY OF NIAGARA FALLS ZONING BY-LAW

4.5.1 EXISTING ZONING

The entire property is currently zoned Light Industrial (LI) as identified in the City of Niagara Falls Zoning By-law 79-200. This zoning permits various industrial and commercial uses, including the existing commercial/automotive uses on the property.

4.5.2 PROPOSED ZONING

The proposal is to amend the current Light Industrial (LI) Zone to a site-specific Residential Apartment 5F Density (R5F) Zone, which permits the proposed apartment towers. **Table 4-6** summarizes the proposed site-specific zoning regulations for the proposed development relative to the R5F regulations.

Table 4-6: Proposed Zoning Regulations for 7302 Kalar Road

Parameter	R5F Regulations	Proposed Dimensions	Meets Requirement?
Minimum Lot Area	57 m ² (613.5 ft ²) per dwelling unit 23,484 m ² (252,762.0 ft ²) required for this property based on 412 proposed dwelling units	12,906.57 m ² (138,925.2 ft ²), which is equivalent to 31.33 m ² per dwelling unit Requesting 31 m ² per dwelling unit	No – Site-specific ZBA required
Minimum Lot Frontage	45 m (147.6 ft)	123.79 m (406.14 ft)	Yes
Minimum Front Yard Depth	7.5 m (24.61 ft) plus any applicable distance specified in section 4.27.1	7.90 m (25.92 ft) 7.90 m + 13.0 m = 20.9 m (68.57 ft) from	Yes

Parameter	R5F Regulations	Proposed Dimensions	Meets Requirement?
	13 m from Original centreline of Kalar Road	centreline of Kalar Road	
Minimum Rear Yard	One-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1 North Tower half-height = 20.2 m (66.27 ft) South Tower half-height = 23.25 m (76.28 ft)	North Tower: 15.52 m (50.92 ft) Requesting 15.4 m South Tower: 19.51 m (64 ft) Requesting 19.2 m	No – Site-specific ZBA required No – Site-specific ZBA required
Minimum Interior Side Yard	One-quarter the height of the building North Tower quarter-height = 10.1 m (33.14 ft) South Tower quarter-height = 11.63 m (38.17 ft)	North Tower: 9.43 m (30.94 ft) Requesting 9.25 m South Tower: 9.94 m (32.61 ft) Requesting 9.75 m	No – Site-specific ZBA required No – Site-specific ZBA required
Minimum Exterior Side Yard	7.5 m (24.61 ft) plus any applicable distance specified in section 4.27.1	N/A	N/A
Maximum Lot Coverage	30%	30.2% Requesting 30.5 m	No – Site-specific ZBA required
Maximum Height of Building or Structure	28 m (91.9 ft) subject to section 4.7	North Tower: 40.40 m (132.55 ft) Requesting 41.0 m South Tower: 46.50 m (152.56 ft) Requesting 47.0 m	No – Site-specific ZBA required No – Site-specific ZBA required
Number of Apartment Dwellings on One Lot	One Only	Two	No – Site-specific ZBA required
Parking and Access Requirements	In accordance with Section 4.19.1	518 total parking spaces	No – Site-specific ZBA required

Parameter	R5F Regulations	Proposed Dimensions	Meets Requirement?
	<p>1.4 parking spaces required x 412 units = 577 spaces required</p> <p>Per By-law 2019-44 - Accessible parking spaces required = 2 + 0.02*577 = 13.54, rounded to 14</p> <p>However, during pre-consultation, City staff identified that 1.25 parking spaces per unit is an accepted variance to the parking space requirements per dwelling unit, due to the location of the property. Therefore, 1.25 spaces per unit is utilized for this project</p> <p>1.25 parking spaces per unit x 412 units = 515 spaces required</p> <p>Per By-law 2019-44 - Accessible parking spaces required = 2 + 0.02*518 = 12.36, rounded to 13</p>	<p>1.25 parking spaces per unit requested</p> <p>13 accessible spaces</p>	No – Site-specific ZBA required
Accessory Buildings/Structures	In accordance with sections 4.13 and 4.14	N/A	N/A
Minimum Landscaped Open Space	55% of the lot area	40.3% Requesting 40.0%	No – Site-specific ZBA required
Minimum Amenity Space for an Apartment Dwelling Unit	<p>In accordance with section 4.44:</p> <p>Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones a minimum amenity area of 20 m² per dwelling unit shall be provided</p> <p>20 m² x 412 units = 8,240 m²</p>	9,437.48 m ² or 22.9 m ² per dwelling unit	Yes

4.5.3 RATIONALE FOR SITE-SPECIFIC PROVISIONS

The proponent is proposing a Site-Specific Residential Apartment Density 5F (R5F) Zone to allow for the development of two apartment towers with a total of 412 units. The following site-specific zoning regulations are requested with regards to the apartment towers:

- Reduced minimum lot area from 57 m² per dwelling to 31.0 m² per dwelling unit.
- Reduced minimum rear yard setback from one-half the height of the building (equal to 20.2 m for the north tower and 23.25 m for the south tower) to 15.4 m for the north tower and 19.2 m for the south tower.
- Reduced interior side yard setback from one-quarter the height of the building (equal to 10.1 m for the north tower and 11.63 m for the south tower) to 9.25 m for the north tower and 9.75 m for the south tower.
- Increase maximum lot coverage from 30% to 30.5%.
- Increased maximum height of building from 28 m to 41.0 m for the north tower and 47.0 m for the south tower.
- Increased maximum number of apartment buildings per property from one to two buildings.
- Reduced parking spaces required from 1.40 parking spaces/unit to 1.25 parking spaces/unit (i.e. reduced from 577 to 518 total parking spaces) and reduced accessible parking spaces required from 14 to 13 (calculated based on reduction in total number of parking spaces required).
- Reduced minimum landscaped open space from 55% to 40.0%.

The proposed development is consistent with and compliments other similar high-density development proposals in the immediate area along Kalar Road and McLeod Road in the GSSP area. The City of Niagara Falls has also encouraged higher-density residential developments in the City to aid in meeting housing, density and infilling targets. The site-specific provisions requested will allow for the development of the proposed high-density apartment towers on the property at 7302 Kalar Road.

4.6 EMPLOYMENT LAND CONVERSION

As calculated in the supporting Employment Land Conversion Calculation (**Appendix F**), the total number of potential jobs that could occur on the property if it remained an industrial (LI) zone is 81.05 jobs, rounded down to 81 jobs. Calculating the potential work from home jobs for the proposed 412-unit apartment development, the total number of potential jobs that could occur on the property is 70.95 jobs, rounded up to 71 jobs. This is a slight reduction of 12 jobs for the subject property, and is still a similar number to the current maximum potential of 81 jobs for the property zoned industrially. Further, the number of work from home jobs is anticipated to increase in the future given general employment trends. Therefore, the conversion to a residential use from a light industrial use should, in the near future, result in more jobs than under the current industrial use. Lastly, the current Light Industrial zoning of the property is not compatible with the Residential Official Plan designation and the Mixed Use Garner South Secondary Plan designation of the property

4.7 SUPPORTING STUDIES

The following summarizes required specialist studies completed in support of the OPA and ZBA application as identified during pre-consultation. The reports are also provided separately with the OPA and ZBA application submission.

4.7.1 URBAN & ARCHITECTURAL DESIGN BRIEF

An Urban & Architectural Design Brief was completed by Peter J. Lesdow Architect (January 23, 2024) for the proposed development. The Design Brief outlines how the proposed design of the development meets the urban and architectural design objectives of the Niagara Region's Model Urban Design Guidelines (April 2005). The Model Urban Design Guidelines outlines design considerations affecting the quality of a community's built environment in support of ten smart growth principles. Specific to this proposal, the Design Brief demonstrates that objectives are met for this residential apartment development, including that it meets the design objectives related to design principles, building variation and density, the public realm and specifically sidewalks, streetscaping and street trees, as well as those components of the development visible from the public realm (building massing, height, facades, parking, entranceways and driveways).

4.7.2 SERVICING BRIEF

A Functional Servicing Design Brief was completed by Hallex Engineering Ltd. (October 12, 2023). The study indicated that the proposed development would result in an increase in stormwater flows post-construction, but concluded that stormwater quantity and quality could be appropriately managed on site to meet pre-development flows. Stormwater quantity would be controlled through the use of an orifice plate within a cast-in-place stormwater management tank and stormwater quality would be controlled through the use of a Hydrodome HD12 prior to its discharge to the existing tributary of Warren Creek adjacent to the site.

The study concluded that the municipal sanitary and water services have the capacity to support the proposed development. A minimum 200 mm diameter sanitary sewer, water service and fire protection service are recommended to be installed to connect to the existing municipal services.

4.7.3 NOISE AND VIBRATION STUDY

A Noise Feasibility Study was prepared in support of the proposed development by Howe Gastmeier Chapnik Limited (December 4, 2023). The study concluded that the proposed apartment towers meet the minimum Ontario Building Code requirements and will provide appropriate acoustical insulation indoors. Forced air ventilation systems will be required for all units within the buildings and will need to be sized for future installation of central air conditioning.

Sound level predictions based on future traffic levels indicate that noise levels will exceed MECP guidelines at the development location. Additionally, there are also stationary noise sources in the surrounding area (adjacent commercial and industrial uses). These stationary sources do not exceed MECP guidelines. Warning clauses will be required regarding the traffic and stationary noise sources in all property and tenancy agreements, as well as offers of purchase and sale.

4.7.4 TRAFFIC IMPACT STUDY

A Traffic Impact Study was completed by TraffMobility Engineering Inc. (April 25, 2024) in support of the OPA/ZBA application. The study indicated that the proposed development will generate 109 new bi-directional auto trips during the weekday AM peak hour and 130 new bi-directional auto trips during the weekday PM peak hour. The study concluded that all traffic movements at the Kalar Road and McLeod Road intersection will continue to operate at an acceptable Level of Service (LOS) post-construction of the proposed development. Several mitigation measures were recommended for future (2025 and 2030) background and total conditions, which are as follows:

- Under 2025 background conditions:
 - Increase the cycle length from 107.1 seconds to 140 seconds during the weekday AM and PM peak hours
 - Add a dedicated northbound right turn lane with a storage length of 60 metres
- Under 2025 total conditions:
 - Modify the westbound left turn phase from permissive to protected/permissive during the PM peak hour
 - Increase the storage length for the dedicated northbound right turn lane from 60 metres to 75 metres
- Under 2030 background conditions:
 - Modify the westbound left turn phase from permissive to protected/permissive during the PM peak hour
 - Increase the storage length for the dedicated northbound right turn lane from 60 metres to 70 metres
- Under 2030 total conditions:
 - Implement the mitigation measured identified for the 2030 background conditions
 - Additionally, increase the storage length for the dedicated northbound right turn lane from 70 metres to 90 metres

4.7.5 TREE INVENTORY PRESERVATION PLAN

Arborwood Tree Services Inc. was retained to complete an Arborist Report for the subject property (August 17, 2023). Twenty-five trees were identified on or bordering the subject property. The Tree Inventory and Preservation Plan indicated that six of the trees were to be preserved, eleven trees required removal and eight were likely to be injured as a result of the proposed development. Tree protection fencing would be required to be installed and remain in place during demolition, construction and any other site disturbance.

4.7.6 WIND STUDY

RWDI Inc. completed a Pedestrian Wind Study in support of the OPA/ZBA application (December 13, 2023). The study found that wind conditions for the site post-development are anticipated to be suitable in all locations during the summer and most locations during the winter. There may be some uncomfortable channelized wind between the two towers and around some corners during winter. Wind speeds on balconies above ground level will be acceptable during the summer. Speeds may be higher during the winter, but use of the balconies is anticipated to be shorter during this season. The pedestrian wind safety criterion is met at all locations.

4.7.7 ENVIRONMENTAL SITE ASSESSMENT

Phase I and Phase II ESAs were completed concurrently by Oakhill Environmental Inc. (January 2024) in support of the proposed development and the requirement to obtain a Record of Site Condition. These are in addition to previous studies completed for the subject property, including a Phase I ESA completed by EON in August 2023, soil sampling completed by Hallex Environmental Ltd. in 2020, and a Phase II ESA completed by EXP Services Inc. in 2011.

The Phase I ESA investigation by Oakhill Environmental identified 15 potentially contaminating activities (PCAs) and 12 areas of potential environmental concern (APECs) as a result of past industrial uses, which were further investigated in the Phase II ESA.

During the Phase II investigation, 10 test pits and 10 boreholes were dug on the subject property, with three boreholes having water monitoring wells subsequently installed. A total of 21 soil samples were sent for laboratory testing, which found exceedances of petroleum hydrocarbons, barium and cobalt in

the soil at depths ranging from 0.61 to 1.22 metres below ground surface, as well as a possible exceedance of cobalt in the groundwater.

A Supplemental Phase II ESA was recommended to determine the full vertical and lateral extent of the contaminated areas, which was completed by Oakhill Environmental Inc. from February to March 2024. As part of the supplemental testing, 7 soil samples were collected from 18 test pits and 5 boreholes, ranging in depth from 1.22 to 2.44 metres below ground surface. Laboratory results of the soil sample analysis identified exceedances of barium, cadmium, cobalt, lead and zinc. The supplemental testing determined that there are 6 distinct soil contamination plumes on the property. The supplemental tests also confirmed that there is no groundwater contamination on the property. Further delineation work is recommended by Oakhill to determine the full vertical and lateral extent of the 6 contamination plumes, which the property owner will be undertaking.

4.7.8 ENVIRONMENTAL IMPACT STUDY

As indicated in Section 3.5, the NPCA was consulted with regard to the EPA designated area (floodplain of Warren Creek tributary) on the property. The NPCA indicated that the limit of the floodplain is 181.49 masl. The property was surveyed and a new site-specific floodplain map for the property was prepared. It was determined that the floodplain area on the property is significantly smaller than the existing EPA designated area and is localized along the eastern property line. It was also determined based on the survey and new floodplain map that the proposed development maintains the required 3-metre buffer from the limit of the floodplain provided by the NPCA. Further comments from the NPCA (via email July 26, 2023) provided no objections to the development and indicated that underground parking would be permitted within the floodplain as long as safe access was available. A summary of the discussions and consultations with the NPCA and process for preparation of the updated floodplain delineation for the property is included in a separate letter report (P. Lesdow Architect, April 23, 2024) included with this submission.

As a result of the client's consultation with the NPCA regarding the floodplain and the proposal to reduce the EPA designation on the property as part of the OPA/ZBA application, an EIS was not completed.

5.0 SUMMARY AND CONCLUSIONS

5.1 CONCLUSIONS

Based on the analysis of relevant planning documentation in this Planning Justification Report, the Conceptual Site Plan prepared in support of the Zoning By-Law Amendment application, and supporting studies completed, the following is concluded with respect to the proposed OPA and ZBA for 7302 Kalar Road in the City of Niagara Falls.

- The proposed development meets the intent of the Provincial Policy Statement, as it will contribute to the housing stock in the area and will utilize existing municipal infrastructure.
- The proposal meets the intent of the Growth Plan for the Greater Golden Horseshoe because the subject property is within an urban area and will aid in accommodating future residential growth within the urban area.
- The proposed development supports the policies within the Niagara Region Official Plan, as the subject property is located within the Built-Up Area of Niagara Falls, will contribute to the housing stock in the City of Niagara Falls, will offer a mix of one and two-bedroom apartments and will utilize existing municipal infrastructure.
- The proposed development is consistent with the City of Niagara Falls Official Plan Residential and EPA designation, as it will intensify the intended residential use of the property, increase the density, provide new housing stock and offer a mix of one and two-bedroom apartments. Further,

existing municipal infrastructure will be utilized. Stormwater will be managed on-site to ensure pre-development stormwater flows when stormwater is discharged to the adjacent tributary of Warren Creek. Additionally, it is being requested to reduce the EPA designated area on the property. The proposed development will be setback 3 metres from the floodplain as it was surveyed, meeting NPCA requirements and ensuring the existing floodplain is not negatively impacted. An OPA is being requested to accommodate the higher building height and property density being proposed.

- An OPA is being requested to change the designation of the property in the GSSP from Mixed Use and EPA to Residential, High Density, and EPA with site-specific provisions to accommodate the higher building height and property density being proposed. The proposed development is consistent with the applicable policies in the GSSP as it will provide new high-density housing to the secondary plan area and will utilize existing municipal infrastructure. Stormwater will be managed on-site to ensure pre-development stormwater flows when stormwater is discharged to the adjacent tributary of Warren Creek. Additionally, it is being requested to reduce the EPA designated area on the property. The proposed development will be setback 3 metres from the floodplain as it was surveyed, meeting NPCA requirements and ensuring the existing floodplain is not negatively impacted.
- The proposed rezoning of the subject property from Light Industrial (LI) to site-specific Residential Apartment Density 5F (R5F) will permit the proposed development of two apartment towers with a total of 412 units, which is supported by the planning policies analyzed in this Planning Justification Report. Site-specific zoning requirements are as follows:
 - Reduced minimum lot area from 57 m² per dwelling to 31.0 m² per dwelling unit.
 - Reduced minimum rear yard setback from one-half the height of the building (equal to 20.2 m for the north tower and 23.25 m for the south tower) to 15.4 m for the north tower and 19.2 m for the south tower.
 - Reduced interior side yard setback from one-quarter the height of the building (equal to 10.1 m for the north tower and 11.63 m for the south tower) to 9.25 m for the north tower and 9.75 m for the south tower.
 - Increase maximum lot coverage from 30% to 30.5%.
 - Increased maximum height of building from 28 m to 41.0 m for the north tower and 47.0 m for the south tower.
 - Increased maximum number of apartment buildings per property from one to two buildings.
 - Reduced parking spaces required from 1.40 parking spaces/unit to 1.25 parking spaces/unit (i.e. reduced from 577 to 518 total parking spaces) and reduced accessible parking spaces required from 14 to 13 (calculated based on reduction in total number of parking spaces required).
 - Reduced minimum landscaped open space from 55% to 40.0%.
- The potential jobs that can be produced by the proposed development is 71, which is similar to the current maximum potential of 81 jobs as an industrial property.
- The supporting studies indicate that the proposed development can be constructed on the subject property without adverse effects to the surrounding environment, pedestrians, traffic, services, etc.

5.2 RECOMMENDATIONS

Based on the analysis presented in the Planning Justification Report, it is recommended that City of Niagara Falls Council approve the Official Plan Amendment and Zoning By-Law Amendment application to permit the proposed development of two apartment towers at 7302 Kalar Road in the City of Niagara Falls.

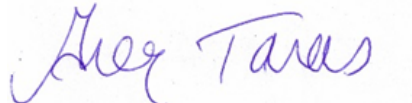
URBAN & ENVIRONMENTAL MANAGEMENT INC.

Report Prepared By:



Samantha Beam
Planner

Report Reviewed By:



Greg Taras, RPP
Senior Planner

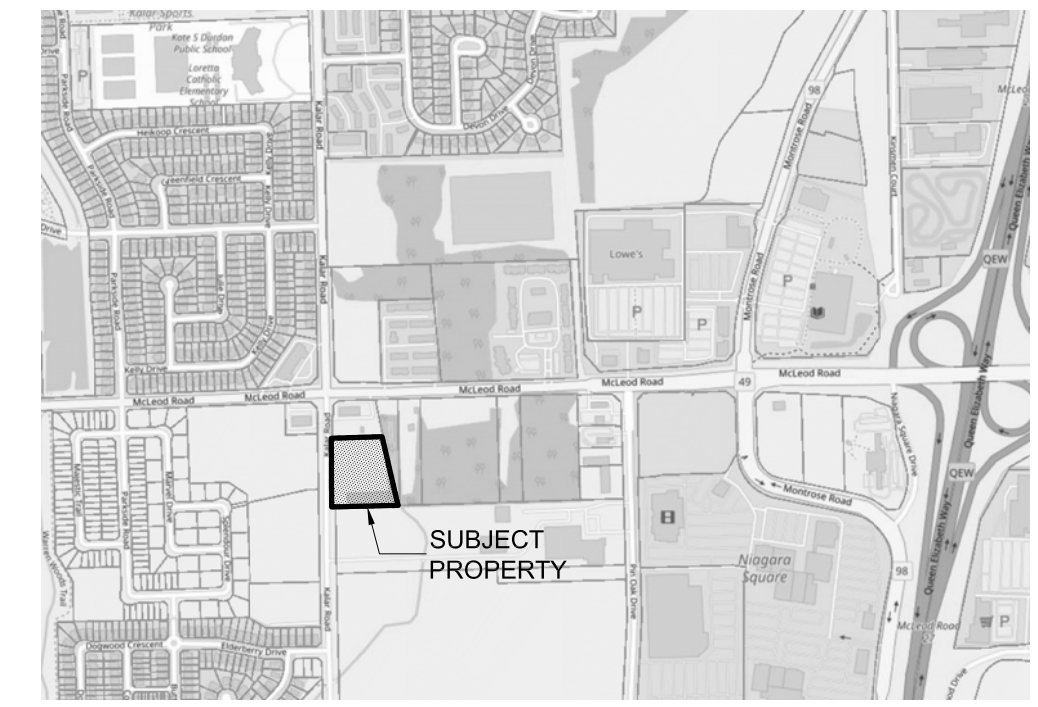
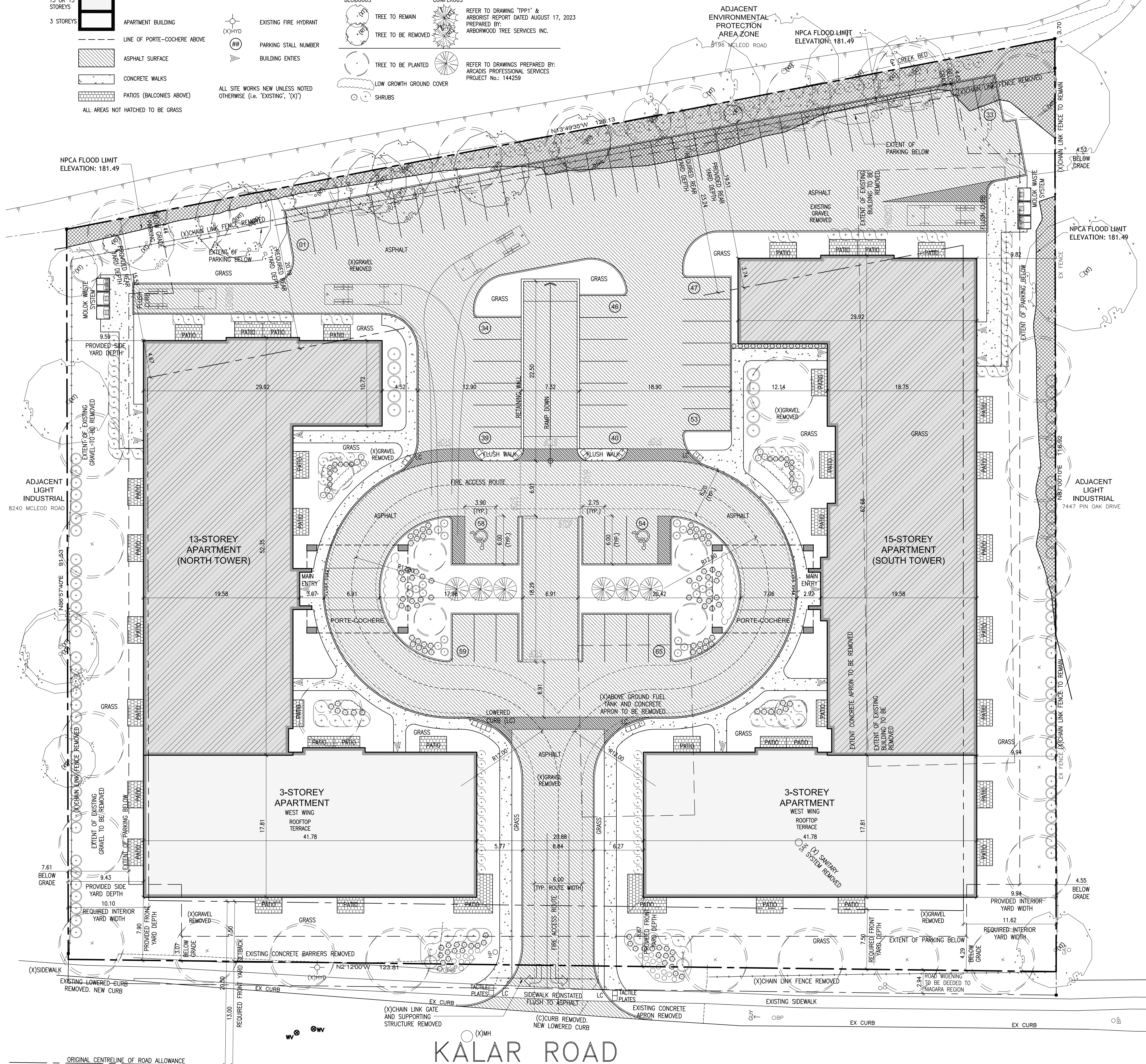
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Appendix A

Conceptual Site Plan

LEGEND

- 13 OR 15 STOREYS: APARTMENT BUILDING
- 3 STOREYS: APARTMENT BUILDING
- LINE OF PORTE-COCHERE ABOVE
- ASPHALT SURFACE
- CONCRETE WALKS
- PATIOS (BALCONIES ABOVE)
- ALL AREAS NOT HATCHED TO BE GRASS
- EXISTING FIRE HYDRANT (X)HYD
- PARKING STALL NUMBER (#)
- BUILDING ENTRIES
- ALL SITE WORKS NEW UNLESS NOTED OTHERWISE (i.e. 'EXISTING', '(X)')
- DECIDUOUS TREE TO REMAIN (TYP)
- DECIDUOUS TREE TO BE REMOVED (TYP)
- DECIDUOUS TREE TO BE PLANTED (TYP)
- LOW GROWTH GROUND COVER
- SHRUBS
- CONIFEROUS TREE TO REMAIN (TYP)
- CONIFEROUS TREE TO BE REMOVED (TYP)
- CONIFEROUS TREE TO BE PLANTED (TYP)
- REFER TO DRAWING 'TPP1' & ARBORIST REPORT DATED AUGUST 17, 2023 PREPARED BY: ARBORWOOD TREE SERVICES INC.
- REFER TO DRAWINGS PREPARED BY: ARCADIS PROFESSIONAL SERVICES PROJECT No.: 144259



KEY PLAN

SCALE: Not to Scale

SITE STATISTICS

LOT AREA	12,906.57 m ²
BUILDING GROUND COVER	
North Tower 14.4% of Lot Area	1,858.61 m ²
South Tower 15.2% of Lot Area	2,044.50 m ²
TOTAL	3,903.11 m ²
ASPHALT AREA	3,799.38 m ²
LANDSCAPED AREA	5,204.08 m ²

DWELLING UNITS

BUILDING	FLOORS	ONE BEDROOM	TWO BEDROOM
NORTH TOWER (13 Storeys)	2-3	10	9
	4-13	2	10
SOUTH TOWER (15 Storeys)	1	10	11
	2-3	6	16
	4-15	2	12
TOTAL DWELLING UNITS	APARTMENTS	ONE BEDROOM	TWO BEDROOM
NORTH TOWER	42	137	
SOUTH TOWER	233	46	187
DEVELOPMENT	412	88	324

PARKING REQUIREMENTS (As Per City of Niagara Falls By-Law 79-20)

DWELLING containing more than 3 Dwelling Units
 1.25 Parking Spaces per Dwelling Unit (1.25 x 412) = 515 Spaces
 TOTAL PARKING REQUIRED = 577 Spaces

PARKING REQUIREMENTS (Acceptable Variance of 1.25 Spaces per Dwelling Unit)

DWELLING containing more than 3 Dwelling Units
 1.25 Parking Spaces per Dwelling Unit (1.25 x 412) = 515 Spaces
 TOTAL PARKING REQUIRED = 515 Spaces

REQUIRED DESIGNATED ACCESSIBLE PARKING = 13 Spaces

PARKING PROVIDED

AT GRADE = 65 Spaces
 P1 BASEMENT = 321 Spaces
 P2 BASEMENT = 132 Spaces
 TOTAL PARKING PROVIDED = 518 Spaces

PROVIDED STANDARD SPACES (2.76m x 6.00m TYPICAL) = 505 Spaces
 PROVIDED DESIGNATED ACCESSIBLE PARKING = 13 Spaces

BUILDING AREA SUMMARY

Floor	North Tower	South Tower	Shared
P1 Basement			4,927.12 m ²
P2 Basement			10,674.32 m ²
Ground	1,858.61 m ²	2,044.50 m ²	
Two	1,852.90 m ²	2,036.63 m ²	
Three	1,852.90 m ²	2,036.63 m ²	
Four	1,097.53 m ²	1,281.04 m ²	
Five	1,097.53 m ²	1,281.04 m ²	
Six	1,097.53 m ²	1,281.04 m ²	
Seven	1,097.53 m ²	1,281.04 m ²	
Eight	1,097.53 m ²	1,281.04 m ²	
Nine	1,097.53 m ²	1,281.04 m ²	
Ten	1,097.53 m ²	1,281.04 m ²	
Eleven	1,097.53 m ²	1,281.04 m ²	
Twelve	1,097.53 m ²	1,281.04 m ²	
Thirteen	1,097.53 m ²	1,281.04 m ²	
Fourteen	-	1,281.04 m ²	
Fifteen	-	1,281.04 m ²	
Sub-Total	16,539.71 m ²	21,490.24 m ²	15,601.44 m ²
Total Construction Area			53,631.39 m ²

ZONING CHANGE

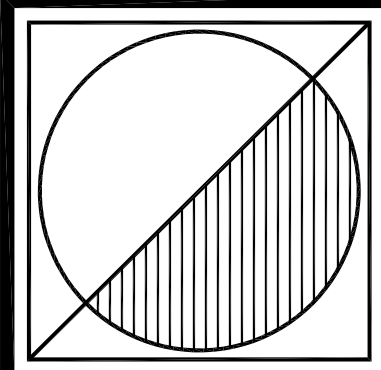
Change Zoning from Light Industrial to an RSF Zone

RSF ZONING RELIEF TABLE

BY-LAW 7.15.2	BY-LAW REQUIREMENT	PROVIDED	BY-LAW REQUESTED
a) Minimum Lot Area	412 x 57 m ² (per Dwelling Unit) = 23,484 m ²	12,906.57 m ² / 412 = 31.33 m ² per Dwelling Unit	31 m ² per Dwelling Unit
b) Minimum Lot Frontage	45 m	123.79 m	None
c) Minimum Front Yard Depth	7.5 m plus 13.0 m from Original Centreline of Kalar Road	7.90 m + 13.0 m	None
d) Minimum Rear Yard Depth	one-half building height or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1		
e) Minimum Interior Side Yard Width	One-Quarter the height of the building	North Tower = 20.19 m South Tower = 23.24 m	15.52 m 19.51 m
f) Minimum Exterior Side Yard Width	Not Applicable		
g) Maximum Lot Coverage	30% or 3,871.97 m ²	30.2% or 3,903.11 m ²	30.5% or 3,936.8 m ²
h) Maximum Building Height	26.0 m subject to section 4.7	North Tower 40.40 m South Tower 46.50 m	41.0 m 47.0 m
i) Number of Apartment Dwellings on One Lot	One Only	Two Buildings	Two Buildings
j) Parking and Access Requirements	In Accordance with Section 4.19.1		1.25 Spaces per Unit
k) Accessory Buildings and Accessory Structures	In Accordance with Sections 4.13 and 4.14		None
l) Minimum Landscaped Open Space	55% of Lot Area = 7,098.61 m ²	40.3% or 5,204.08 m ²	40% or 5,162.6 m ²
m) Minimum Amenity Space for an Apartment Dwelling Unit	In accordance with section 4-42.4.44 20 m ² per dwelling unit = 8,240 m ²	9,437.48 m ² / 412 = 22.9 m ² per dwelling unit	None

SITE PLAN

SCALE: 1:250



Peter J. Lesdow
architect



SITE PLAN

DATE	REVISIONS
Apr. 06 / 23	PRE-CONSULTATION APPLICATION
Jul. 05 / 23	EXISTING SITE OVERLAY
Feb. 27 / 24	FOR ZONING AMENDMENT APP.

KALAR APARTMENTS
7302 Kalar Road
Niagara Falls, ON

DATE: Mar. 23 / 23
SCALE: AS NOTED
DRAWN BY: MRW
CHECK BY: PJL

23 - 05

A-1

Appendix B

Official Plan Maps

B.1 – Niagara Falls Official Plan Future Land Use Map

B.2 – Garner South Secondary Plan Map

Schedule A to the Official Plan FUTURE LAND USE

Transit Stat on
Secondary Plan
see Schedule A-5

Legend

- Environmental Conservation Area
- Environmental Protection Area
- Extractive Industrial
- Good General Agriculture
- Industrial
- Major Commercial
- Minor Commercial
- Niagara Escarpment Plan Area
- Open Space
- Parkway Residential
- Residential
- Resort Commercial
- Theme Park Marineland
- Tourist Commercial
- Intake Protection Zone IPZ-1
- Secondary Plan Area
- Special Policy Area
- Urban Area Boundary

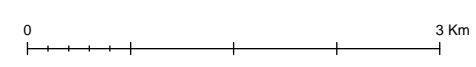
Urban Area Expansion as per the 2022 Niagara Region Official Plan, for illustration only. Implementation of the boundary will require an approved Secondary Plan

CITY OF THOROLD

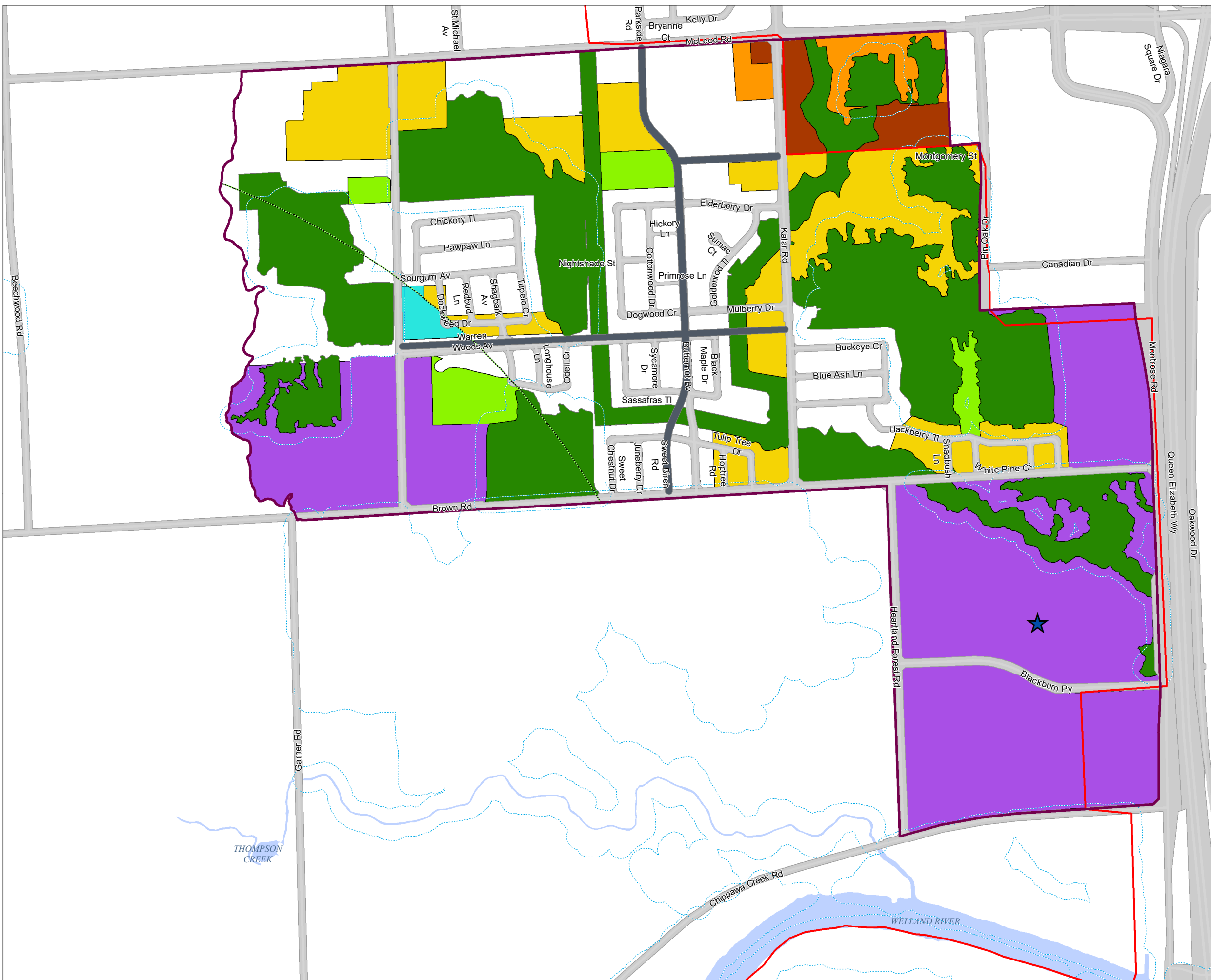
CITY OF WELLAND

















TOWN OF FORT ERIE

NOTE: THIS MAP MUST BE READ IN CONJUNCTION WITH THE WRITTEN TEXT OF THE OFFICIAL PLAN APPROVED OCTOBER 1993 UPDATED TO January 2024



Schedule A3 to the Official Plan GARNER SOUTH SECONDARY PLAN

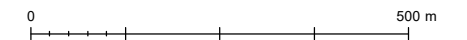


-  Employment
-  Environmental Protection Area
-  Mixed
-  Neighbourhood Commercial
-  Open Space
-  Residential Low
-  Residential Medium
-  Residential High
-  Provincially Significant Wetland - 30m Buffer
-  Cytec Canada Inc - 2 km Setback
-  An EIS and woodlot assessment has been completed for this property; Tree prevention analysis to be part of site plan approval
-  Collector Road System
-  Road Allowance
-  Built Boundary
-  River
-  Garner South Secondary Plan Boundary

NOTE: For Outside Plan Area see Schedule for Land Use Designations



Scale 1:10,000



Updated to: December 2019

K:\SourceData\Shapes\OP\Schedule A3 - GSSPI\OP\ScheduleA3_GSSP_11x17Landscape.mxd

NOTE: The Natural Heritage areas located outside of the Garner South Secondary Plan Area have not been included for illustration purposes only and should not be interpreted as a land use designation.

Appendix C

Zoning By-law Maps

Appendix D

Email Correspondence with Client and NPCA

Samantha Beam

From: Greg Taras
Sent: January 2, 2024 2:15 PM
To: Samantha Beam
Subject: FW: Kalar & McLeod Niagara Falls

From: Terry Graham <graham.tb53@gmail.com>
Sent: Tuesday, May 30, 2023 8:42 AM
To: Greg Taras <gtaras@uemconsulting.com>; James Torpey | VPH <j.torpey@vph.lt>; terry graham <trrgraham4@gmail.com>
Subject: Kalar & McLeod Niagara Falls

Good Morning Greg,

Hope all is well. I spoke with Danny the owner of the Kalar site a few times last week and he spoke with the NPCA. They (npca) have no problem with development on the property as long as the land is above their requirement of 181.49 feet above sea level. The good news is, that the actual level of the land is higher than that.

Danny is having a new Topographical Survey of the property done and will show the level is higher, it will be completed next week. He also has an Environmental Phase 1 & 2. After the Topo is completed Danny will be getting you to complete the items from the minutes of the Pre Consultation meeting...Planning Justification Report etc; to get the zoning.

Jamie is back from Europe and we wondered if we could have a conference call with you in regards to the next steps.

Thanks Greg.

Best Regards

Terry

705-994-3485

Click [here](#) to report this email as spam.

Samantha Beam

From: Greg Taras
Sent: January 2, 2024 2:15 PM
To: Samantha Beam
Subject: FW: Kalar and McLeod Niagara Falls

From: Terry Graham <graham.tb53@gmail.com>
Sent: Tuesday, May 30, 2023 3:00 PM
To: James Torpey | VPH <j.torpey@vph.lt>; Dan.PERRI@eiffage.com; Peter Lesdow <plesdow@cogeco.net>; Greg Taras <gtaras@uemconsulting.com>; terry graham <trrgraham4@gmail.com>
Subject: Kalar and McLeod Niagara Falls

Hi Greg,

Nice speaking with you today. I just spoke with Danny and he is available for a zoom meeting on Thursday June 1st at 1:30pm. with You, Jamie, Peter, Danny and I. He is going to go to Peter's office for the zoom meeting. I have ccd everybody in this email.

Danny now has a new Topo Survey for the property showing that all areas of the property are above the NPCA's minimum requirement of 181.49 above sea level. And he is getting it Engineered stamped for NPCA's review.

So Danny need's Your's and Peter's professional help to get to the next stage. We can discuss the next steps on Thursday with Peter and the guys.

Can you please email us a Zoom Meeting invite for Thursday.

Thanks Greg

Terry

Click [here](#) to report this email as spam.

Samantha Beam

From: Greg Taras
Sent: January 2, 2024 2:17 PM
To: Samantha Beam
Subject: FW: 7302 Kalar Road, Niagara Falls
Attachments: 2197-ECP_R0.pdf

From: Terry Graham <graham.tb53@gmail.com>
Sent: Tuesday, June 13, 2023 8:53 AM
To: Greg Taras <gtaras@uemconsulting.com>; James Torpey | VPH <j.torpey@vph.lt>; Peter Lesdow <plesdow@cogeco.net>; terry graham <trrgraham4@gmail.com>; Dan.PERRI@eiffage.com; Terry Perri <terryperri@gmail.com>
Subject: Fwd: 7302 Kalar Road, Niagara Falls

Hi Greg,

Please find enclosed the new Topographical Survey for Kalar Road Development Property. Looks really good and the Engineer has moved the Flood Plain to the boundary line, so we will be in good shape. I just spoke with Danny and he will be available for a team telephone conference this coming Friday June 16th to discuss the Topo before we email it to the NPCA for their review.

I had an email from Meagan at NPCA and she will meet with Danny, Peter and I on site Wednesday June 21st at 9am. Jamie will be in Europe, but if you can make it Greg, that would be great.

Best Regards

Terry

----- Forwarded message -----

From: Terry Perri <terryperri@gmail.com>
Date: Tue, 13 Jun 2023 at 07:48
Subject: Fwd: 7302 Kalar Road, Niagara Falls
To: Terry Graham <graham.tb53@gmail.com>

Sent from my iPhone

Begin forwarded message:

From: Terry Perri <terryperri@gmail.com>
Date: June 13, 2023 at 6:48:48 AM EDT
To: Peter Lesdow <Plesdow@cogeco.net>
Subject: Fwd: 7302 Kalar Road, Niagara Falls

Sent from my iPhone

Begin forwarded message:

From: "PERRI Dan [EIFFAGE INFRASTRUCTURES]" <Dan.PERRI@eiffage.com>
Date: June 13, 2023 at 6:48:01 AM EDT
To: "Terry Perri (terryperri@gmail.com)" <terryperri@gmail.com>
Subject: Fwd: 7302 Kalar Road, Niagara Falls

Sent from my Bell Samsung device over Canada's largest network.

From: Jason Schooley <JSchooley@ucc.com>
Sent: Monday, June 12, 2023 6:12:18 PM
To: PERRI Dan [EIFFAGE INFRASTRUCTURES] <Dan.PERRI@eiffage.com>
Cc: MHLOPHE Moe [EIFFAGE INFRASTRUCTURES] <Moe.MHLOPHE@eiffage.com>;
GARY RUSSELL <russellrts43@gmail.com>
Subject: 7302 Kalar Road, Niagara Falls

Dan/Moe,

Please find attached our Existing Conditions Plan showing the flood plain limits as requested.

If you have any questions or concerns, please contact our office immediately to discuss.

Jason Schooley, P.Eng.

Upper Canada Planning & Engineering Ltd.

3-30 Hannover Drive

St. Catharines, Ontario, L2W 1A3

Tel: (905) 688-9400 x502

Mob: (905) 651-2616

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Samantha Beam

From: Greg Taras
Sent: January 2, 2024 2:18 PM
To: Samantha Beam
Subject: FW: 7302 Kalar Road Niagara Falls
Attachments: PERMIT APPLICATION PACKAGE 2023 (CSD Appendix D).pdf

From: Terry Graham <graham.tb53@gmail.com>
Sent: Wednesday, July 26, 2023 11:28 AM
To: Peter Lesdow <plesdow@cogeco.net>; PERRI Dan [EIFFAGE INFRASTRUCTURES] <Dan.PERRI@eiffage.com>; James Torpey | VPH <j.torpey@vph.lt>; Greg Taras <gтарas@uemconsulting.com>; terry graham <trrgraham4@gmail.com>
Subject: Fwd: 7302 Kalar Road Niagara Falls

Hi Guys,

I just received the enclosed email from Meagan Doan at NPCA 30 minutes ago. Great news they have no objections to Danny's project !! And no objections to underground parking !! We will of course have to do a detailed Grading Plan before construction and construction sediment control drawings before constructions. So very good news!! I just spoke with Danny and yes we will have our regular zoom meeting Thursday August 3rd and get the other Studies and Reports rolling, that we need for Rezoning approval.

Best Regards

Terry

----- Forwarded message -----

From: Meagan Doan <mdoan@npca.ca>
Date: Wed, 26 Jul 2023 at 11:09
Subject: RE: 7302 Kalar Road Niagara Falls
To: Terry Graham <graham.tb53@gmail.com>, PERRI Dan [EIFFAGE INFRASTRUCTURES] <Dan.PERRI@eiffage.com>, terry graham <trrgraham4@gmail.com>

Hi Terry,

I received the following comments from technical engineering staff:

Underground parking structures are permitted in the floodplain provided safe access is available, as this is true NPCA has no objection to the proposed development in principle.

NPCA does note any grading completed in the floodplain will require NPCA policy 6.2.8 or 6.2.11 to be fulfilled.

Prior to construction, NPCA will require detailed grading, and construction sediment control drawings be circulated to this office for review and approval.

Please note any planning applications must be completed prior to a work permit being issued by the NPCA.

I have attached the permit application package when you are ready to submit along with the requested documents above.

If you have any questions, please let me know.

Thanks,

Meagan



Meagan Doan

Watershed Planner, Planning and Permits

Niagara Peninsula Conservation Authority (NPCA)

250 Thorold Road West, 3rd Floor | Welland, ON L3C 3W2

905.788.3135 Ext 228

www.npca.ca

mdoan@npca.ca

NPCA Watershed Explorer

Due to the COVID-19 pandemic, the NPCA has taken measures to protect staff and public while providing continuity of services. The NPCA main office is open by appointment only with limited staff, please refer to the [Staff Directory](#) and reach out to the staff member you wish to speak or meet with directly.

Updates regarding NPCA operations and activities can be found at [Get Involved NPCA Portal](#), or on social media at [NPCA's Facebook Page](#) & [NPCA's Twitter page](#).

For more information on Permits, Planning and Forestry please go to the Permits & Planning webpage at <https://npca.ca/administration/permits>.

For mapping on features regulated by the NPCA please go to our GIS webpage at <https://gis-npca-camaps.opendata.arcgis.com/> and utilize our Watershed Explorer App or GIS viewer.

To send NPCA staff information regarding a potential violation of Ontario Regulation 155/06 please go to the NPCA Enforcement and Compliance webpage at <https://npca.ca/administration/enforcement-compliance>

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From: Terry Graham <graham.tb53@gmail.com>

Sent: Tuesday, July 25, 2023 1:13 PM

To: Meagan Doan <mdoan@npca.ca>; PERRI Dan [EIFFAGE INFRASTRUCTURES] <Dan.PERRI@eiffage.com>; terry graham <trrgraham4@gmail.com>

Subject: 7302 Kalar Road Niagara Falls

Hi Meagan,

Hope all is well. Thanks again for sending Amy Parks for our site visit at Kalar Road , it was easy to show her that the dry drainage ditch is on the other abutting property.

I also see where Peter's office emailed you the new Topographical Survey and Site Plans for our Kalar Road project on June 23rd for circulation in your office.

We are moving forward with all the Reports and Studies and just wondered how you are making out at NPCA? Thanks again Meagan.

Best Regards

Terry

The information contained in this communication, including any attachment(s), may be confidential, is intended only for the use of the recipient(s) named above. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure of this communication, or any of its contents, is prohibited. If you have received this communication in error, please notify the sender and permanently delete the original and any copy from your computer system. Thank-you. Niagara Peninsula Conservation Authority.

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Appendix E

Draft Official Plan and Zoning By-law Amendment

CITY OF NIAGARA FALLS

By-law No. 2024-xxxx

A by-law to provide for the adoption of Amendment No. xxxx to the City of Niagara Falls Official Plan (AM-2024-xxxx).

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

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

Read a First, Second and Third time; passed, signed and sealed in open Council this xxxx day of xxxx, 2024.

.....
BILL MATSON, CITY CLERK

.....
JAMES M. DIODATI, MAYOR

OFFICIAL PLAN AMENDMENT NO. xxxx

PART 1 – PREAMBLE

(i) **Purpose of the Amendment**

The purpose of the amendment is to redesignate the property from Mixed Use and Environmental Protection Area in the Garner South Secondary Plan to Residential, High Density and Environmental Protection Area.

(ii) **Location of the Amendment**

The amendment applies to lands located at 7302 Kalar Road within the Garner South Secondary Plan area.

(iii) **Details of the Amendment**

Map Changes

MAP 1 – Schedule “A” to the Official Plan – Future Land Use has been amended to show the Residential and Environmental Protection Area designation with Special Policy Area xx.

MAP 2 – Schedule “A-3” to the Official Plan – Garner South Secondary Plan has been amended to show the subject property designated as Residential, High Density and Environmental Protection Area.

Text Change

PART 2, SECTION 13 – SPECIAL POLICY AREAS, is amended by the addition of Subsection xxxx.

(iv) **Basis of the Amendment**

The applicant proposes to develop two apartment buildings on the subject property with a total of 412 units.

The subject lands are designated Residential and Environmental Protection Area as shown on Schedule A – Future Land Use of the City’s Official Plan.

The subject lands are also designated Mixed Use and Environmental Protection Area as shown on Schedule A-3 – Garner South Secondary Plan of the City’s Official Plan.

Part 2, Section 1, as well as Part 5, Section 1, of the Official Plan provides policies to guide new Residential development in the City and, further, within the Garner South Secondary Plan. The amendment meets the intent of these policies as follows:

- The subject property is located near land that is intended for higher-density residential development. It is also well situated to provide access to nearby public transit and commercial operations.
- The development will contribute new residential dwellings to the housing stock within the City.
- The development will utilize existing municipal infrastructure.
- Relief from the policies within Part 2, Section 1 is requested to allow for an increase in the maximum building height and density for the property. A maximum building height of 15-storeys and density of 319 units per hectare are requested. Relief is also requested from the policies within Part 5, Section 1 to redesignate the property to Residential, High Density.

Part 2, Section 11, as well as Part 5, Section 2, of the Official Plan includes policies that aim to protect Natural Heritage Features within the City. The amendment meets the intent of these policies as follows:

- The existing floodplain on the subject property, designated as Environmental Protection Area, is located outside of the development area, as determined by a topographic survey.
- Relief is requested from the policies of Part 2, Section 11 and Part 5, Section 2 to reduce the Environmental Protection Area designation on the subject property to match the limits of the floodplain as it was surveyed.

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. xxxx to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT

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

1. MAP CHANGE

The "Area Affected by this Amendment", shown on the map attached hereto, entitled "Map 1 to Amendment No. xxxx", shall be identified as Special Policy Area xxx on Schedule A – Future Land Use of the Official Plan.

The "Area Affected by this Amendment", shown on the map attached hereto, entitled "Map 2 to Amendment No. xxxx", shall be identified as Special Policy Area xxx on Schedule A-3 – Garner South Secondary Plan.

2. TEXT CHANGE

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

13.92 SPECIAL POLICY AREA “xxxx”

Special Policy Area “xxxx” applies to approximately 1.29 hectares of land bounded by 8240 Montrose Road to the north, 8192 Montrose Road to the east, Kalar Road to the west, and 7447 Kalar Road to the south. Notwithstanding the permitted uses provisions of Part 5, Policy 2.3, two apartment buildings with heights of 13-storeys and 15-storeys are permitted on the subject lands at a density of 319 units per hectare.

Z:\UEM\Projects\2023\200\23-207 7302 Kalar Road Multi-Unit Planning Services - OPA & ZBA\PJR\App E - ZBA and OPA\Draft OPA.docx

DRAFT

CITY OF NIAGARA FALLS

By-law No. 2024- xxxx (DRAFT)

A by-law to amend By-law No. 79-200, to permit the use of the lands for the development of two residential apartment buildings. (AM-2024-xxxx).

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 Lands shall be identified as a parcel, known as Parcel R5F- xxxx.
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by this by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
5. The permitted uses shall be:
 - (a) For Parcel R5F-xxxx, the uses permitted in the R5F zone.
6. The regulations governing the permitted uses on Parcel R5F–xxxx, shall be:

(a) Minimum lot area	31.0 square metres per dwelling unit
(b) Minimum rear yard	North Tower: 15.4 metres South Tower: 19.2 metres
(c) Minimum interior side yard	North Tower: 9.25 m South Tower: 9.75 m
(d) Maximum lot coverage	30.5%
(e) Maximum height of building or structure	North Tower: 41.0 m South Tower: 47.0 m
(f) Number of apartment dwellings on one lot	Two

- (g) Parking and Access Requirements 1.25 parking spaces per dwelling unit
- (h) Minimum landscaped open space 40.0%
- (i) The balance of the regulations specified for a R5F use.

- 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 redesignating the Lands from LI to R5F and numbered xxxx.
- 11. Section 19 of By-law No. 79-200 is amended by adding thereto:
 - 19.1. xxxx Refer to By-law No. xxxx

Read a First, Second and Third time; passed, signed, and sealed in open Council this xxxx day of xxxx 2024.

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

.....
 JAMES M. DIODATI, MAYOR

Appendix F

Employment Land Conversion Calculation

Employment Land Conversion Calculation

During the pre-consultation meeting on May 4, 2023, the Niagara Region identified an Employment Land Conversion Calculation as required in support of the Official Plan Amendment and Zoning By-law Amendment. The following details the calculation for the proposed apartment development on the subject property:

Step #1

“Based on the City’s existing Zoning By-law, use the maximum lot coverage (in %) to calculate the full potential build out (building envelope) of the site to determine its maximum potential employment square footage.

Once maximum potential square footage established, then calculate how many jobs this results in based on the City’s employee density assumptions* for non-residential square footage estimates as specified within the Development Charges Background Study.”

Calculation:

- Property size: 138,925.2 ft²
 - This size assumes that any new/expanded development on the property, whether commercial/industrial or residential, would require a site plan amendment and therefore, the road right-of-way widening would be required, which reduces the developable portion of the property.
- Zoned: Light Industrial, which permits 70% maximum lot coverage.
- Maximum potential employment square footage = 70% x 138,925.2 ft² = 97,247.64 ft².
- Employee density assumption for industrial = 1,200 ft² per employee.
- $97,247.64 \text{ ft}^2 / 1,200 \text{ ft}^2 = 81.04 \text{ jobs}$.

Step #2

“Next, by referencing the City’s Zoning By-law provisions that are currently applicable to the site (i.e., setbacks, parking, etc.), determine a realistic development coverage (in %) of the site and calculate its employment square footage based on the DC Background Study estimates.

Once the square footage is known, its job yield can be calculated by using the same DC Background Study considerations as provided in Step 1.”

Calculation:

- Proposing to rezone the property from Light Industrial (LI) to Residential Apartment Density 5F (R5F) to permit residential apartment buildings.
- Maximum lot coverage is 30%.
- $30\% \times 138,925.2 \text{ ft}^2 = 41,677.56 \text{ ft}^2$.
- The Region’s Development Charges Background Study (2022) has no metric for employee density assumption for residential use.
- Therefore, assumed 0 jobs.

* The Niagara Falls Development Charges Background Study and By-law (2019) do not contain the required employee density assumptions or employment percentages. Therefore, the Region’s documents (2022) were utilized for the employee density assumptions (page 3-11 of the Region’s Development Charges Background Study (2022)).

Step #3

“Next, calculate the number of “Work from Home” jobs that can be accommodated on the site. “Work from Home” jobs can be calculated by multiplying the total proposed residential units for the site by the work from home ratio or percentage** specified in the City’s DC By-law.

These “Work from Home” jobs can be added to the realistic coverage job total calculated in Step 2 to help justify a similar number of jobs based on the full potential build out of the site calculated in Step 1.

Please note that any temporary jobs created through construction or brownfield remediation should not be included in the calculation / justification, as they will not remain accommodated on site.”

Calculation:

- A total of 412 units are proposed.
- Statistics Canada 2021 employment dataset indicates 17.22% of workers in Niagara Falls worked at home (6,150 worked at home out of a total 35,720 in the census).
- Therefore, assumed 17.22% to calculate total work from home jobs for the proposed development.
- $17.22\% \times 412 = 70.95$ jobs.

Step #4

“Lastly, please provide a short breakdown / summary of the total number of proposed jobs accommodated on the site as calculated through Steps 1-3.”

A breakdown of the calculation has been included in Section 4.6 of the Planning Justification Report.

**Statistics Canada (2021 place of work status by occupation broad category) was utilized for the work from home percentage for the City of Niagara Falls.