

Planning Justification Report

7737 Lundy's Lane
Official Plan Amendment and Zoning By-law Amendment Applications
September 30, 2024



Prepared for 1000977112 Ontario Inc.

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September 2024

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Introduction

Fotenn Planning + Design has been retained by the Applicant, 1000977112 Ontario Inc., to prepare this Planning Justification Report in support of applications for Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) for 7737 Lundy's Lane ("the subject site"). The subject site is comprised of an irregular shaped parcel with a lot area of ±0.72 hectares and with ±60 metres of frontage on Lundy's Lane, west of the Queen Elizabeth Highway (QEW).

The proposal is to redevelop the existing Travelodge into a mixed-use development by converting the existing guest suites into 118 residential dwelling units, of which 25% (30 units) are to be affordable, as per the Canada Mortgage Housing Corporation (CMHC) definition of affordable housing. CMHC defines affordable housing as housing that costs less than 30% of a household's before-tax income. It includes all forms of housing tenure: rental, ownership and co-operative ownership, as well as temporary and permanent housing.

Residential uses are proposed on all three floors of the building with ±570 metres squared of commercial uses on the ground floor, and 93 parking spaces. As part of the conversion process, building upgrades will be incorporated to improve the building's energy efficiency. No changes to the footprint or massing of the existing building are proposed. All renovations will be internal to the building, where required.

A Preliminary Meeting was held on August 8th with City staff where the applicant team learned an OPA and ZBA are required. During this meeting City staff confirmed that they would consider 100% residential at this site through the rezoning process. They also confirmed that a reduction to the parking rate would be supported.

A Pre-Consultation Meeting was held on September 5th, 2024 with City staff to discuss the proposed development and to identify required supporting materials to be included as part of a complete application under the *Planning Act*. Staff confirmed an application checklist for an OPA and ZBA. In addition to this Planning Justification report and per the Pre-Consultation Checklist provided by the City of Niagara Falls on September 17, 2024, the following supporting materials are included in the submission package:

- / Draft Local Official Plan Amendment
- / Functional Servicing Brief
- / Noise Impact Brief
- / Parking Demand Study
- / Phase 1 Environmental Assessment (ESA) and Letter of Reliance (note: correspondence with Niagara Region has been included in this submission which confirms the Phase I ESA can be provided after the submission, once it is completed. A preliminary Phase I ESA will be submitted in the interim).

At the Site Plan Control stage, a Landscape Plan and Tree Inventory and Preservation Plan are anticipated to be required.

The purpose of this report is to assess the appropriateness of the proposed development from a land use planning perspective against the applicable planning policy framework.

Section 1 of this report provides an introduction to the proposed development and required applications; Section 2 of this report provides an overview of the subject site, neighbourhood context and project history to date; Section 3 summarizes details of the proposed development; Section 4 provides a detailed review of the applicable provincial and municipal planning policy documents; Section 5 summarizes the supporting technical studies submitted concurrently with the subject application; and Section 6 provides concluding remarks and a professional opinion regarding the appropriateness of the proposed development from a land use planning perspective.

1.1 Development Applications

The subject property is designated as Tourist Commercial in the City of Niagara Falls Official Plan. Specifically, the subject property is within the Lundy's Lane Satellite District which is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses (4.2.26). Residential uses may develop to a maximum building height of six (6) storeys, with a maximum density of 100 units per hectare and a minimum net density target of 50 units per hectare (4.2.31c). The subject site is ± 0.72 hectares, allowing for a maximum of 72 units as per the Official Plan. The hotel has 118 units that would result in a density of 164 units per hectare. Accordingly, the proposed OPA seeks to permit a maximum density of 164 units per hectare (118 dwelling units).

The subject property is zoned Tourist Commercial (TC) in City of Niagara Falls Zoning By-law 79-200. The TC Zone permits a range of commercial uses. Dwelling units are permitted in a building in combination with one or more commercial uses, provided that not more than 50% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor (8.6.1(ii)). Additional performance standards related to setbacks and parking are also applicable in the TC Zone. Accordingly, the ZBA application seeks to establish a site-specific Tourist Commercial (TC-XX) Zone, which does not limit the total floor area of residential dwelling units, permits residential dwelling units on the ground floor, permits a decreased minimum parking requirement, adds "Convenience Store" and Food Premise to the permitted uses and adds the definition of Food Premise to Section 2 – Definitions.

2.0 Site Context

The subject site is an irregular shaped lot located on the north side of Lundy's Lane, west of Montrose Road in the Hodgson neighbourhood in Niagara Falls (see Figure 1).



Figure 1: Subject Site Map for 7737 Lundy's Lane

The subject site has a lot area of ± 0.72 hectares and has frontage on Lundy's Lane (± 60 metres) and Beaverdams Road (± 25 metres). The existing three-storey building is an irregular, with building frontage onto Lundy's Lane and the bulk of the building along the western edge and rear of the site. The site has 93 existing surface level parking spaces. The building is currently occupied by a Travelodge. Uses in the immediate area are as follows (see in Figure 2):

North:	Residential
South:	Commercial
East:	Commercial
West:	Commercial



Figure 2: Surrounding Context Map for 7737 Lundy's Lane

A variety of restaurants, convenience stores and some grocery stores are in an immediate range of the subject site. There are public schools, elementary schools and Places of Worship within 500 metre walking distance. Transit services are available within 200 metres on Montrose Road and 700 metres on Kalar Road which connect to other transit lines throughout the City.

Schedule C of the Official Plan identifies Lundy's Lane as an Arterial Road and this portion of Lundy's Lane is identified as an Intensification Corridor. The Official Plan states that Intensification Corridors contain lands that front onto arterial roads and have attributes conducive to supporting medium or high-density residential development over the long term. Lands with frontage directly onto these corridors may be considered for residential use (3.5). City Arterial Roads accommodate two to four lanes of traffic (in the case of Lundy's Lane, four lanes) and have a general road allowance width of 26 metres. The road allowance may accommodate transit routes with bus lay-bays and shelters and or/ bicycle facilities.

3.0 Proposed Development

The proposed mixed-use development seeks to permit the adaptive reuse and internal conversion of the existing three-storey building on the subject site, from a Travelodge to an apartment dwelling containing 118 residential units with 1,563 square metres of commercial floor space on the first floor. All units will be purpose-built rental units, 25% of which will be affordable (30 units), as discussed later in this report.

The commercial component is broken down into the following: the pool will be sublet to a local swimming club with optional access to the tenants, and the existing kitchen will be converted into a convenience store or food premise for tenants and the public.

The proposed development will include a range of amenity areas for the tenants, including a gym facility and office/study room in the basement and an outdoor amenity area in the central courtyard. The total area of the proposed amenity areas in the basement and outdoors are 1,316 metres squared.

The market rental units (88 units) will be \$1,200.00 per month including internet. The affordable units (30 units) will be \$1,045.00 per month including internet.

The bachelor units will have a sleeping/ living area, three-piece bathroom, kitchen area with an induction cooking top and a microwave with a charcoal filter vent, AC unit, and in some cases, a balcony. As part of the proposed conversion to residential, the Applicants intend to invest in building upgrades to improve energy efficiency. Following conversion of the building, the site will be managed by a property manager.

No changes to the footprint or overall massing of the existing building are proposed. The proposed conversion will generally maintain the existing floorplan of the building. A total of 93 parking spaces (0.79 spaces per unit) are proposed within the existing surface parking lot. As a result of required road widenings along Lundy's Lane and Beaverdam's Road, three (3) parking spaces have been eliminated. A Parking Demand Study is submitted with this application and a summary is provided below.

Waste collection will be provided by a private contractor, as noted in the Niagara Region requirements. Curbside collection will be provided.

The proposed development is subject to two (2) road widenings: a regional widening on Lundy's Lane and a municipal widening on Beaverdams Road. Following the road widenings, the site area is reduced from 0.73 hectares to 0.72 hectares, as noted throughout this report. The road widenings are noted on the Site Plan (see Figure 3 below).

- The subject site has frontage along Regional Road 20 (Lundy's Lane) and a Regional road widening of approximately 1.22 metres is required to be established parallel to the existing road limit.
- The subject site has frontage on Beaverdams Road, which is a city collector. A 1.44 metre road widening is required to establish a 11.5 metre setback from the original centre line of Beaverdams Road.

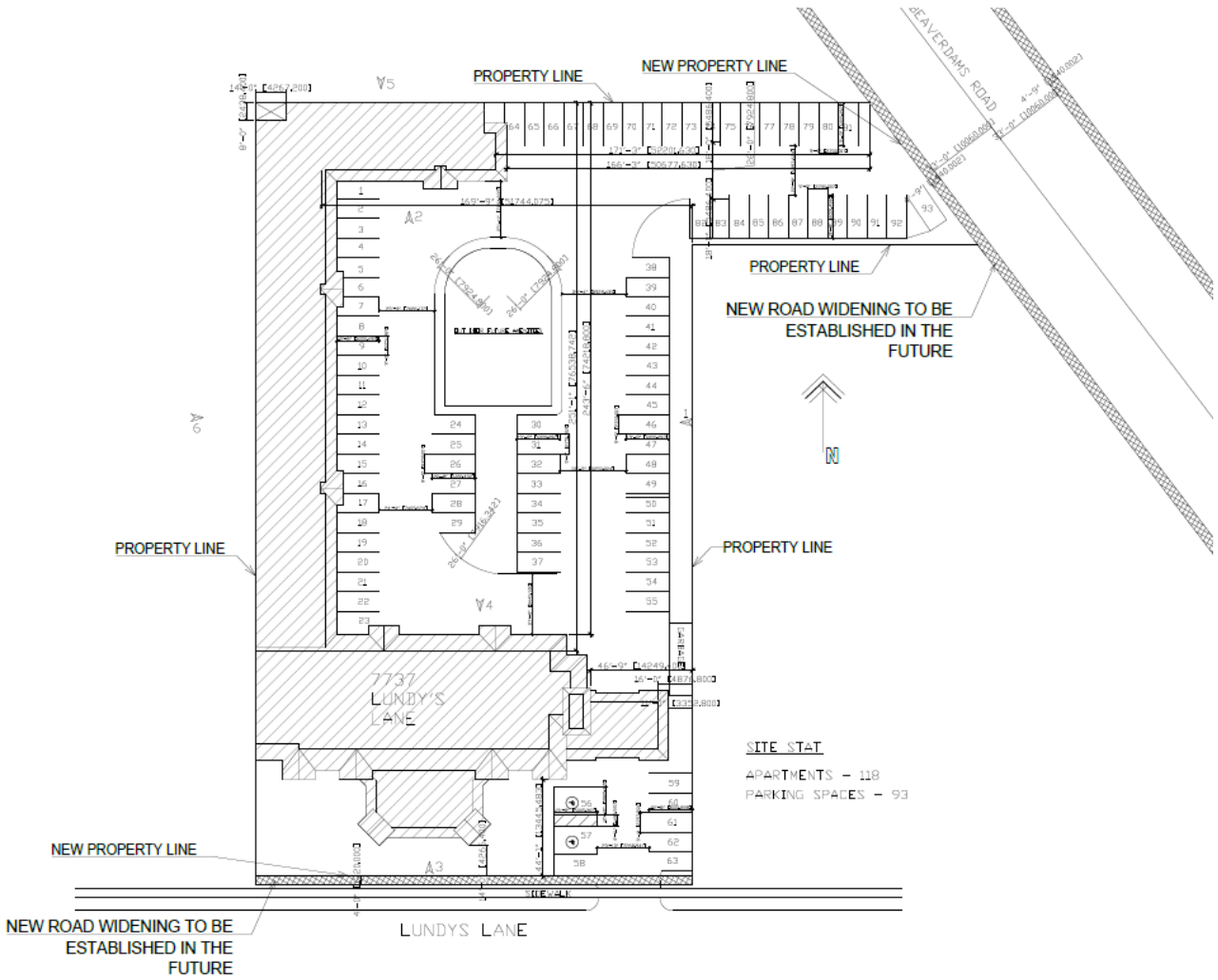


Figure 3: Site Plan for 7737 Lundy's Lane. Prepared by Benan Hanoudi Architect Inc.

The uses and unit mix proposed on each floor is as follows:

- Basement: Amenity, Mechanical
- First Floor: Residential, Amenity, Commercial
- Second Floor: Residential
- Third Floor: Residential



Figure 4: Elevation - South façade (Benan Hanoudi Architect Inc)

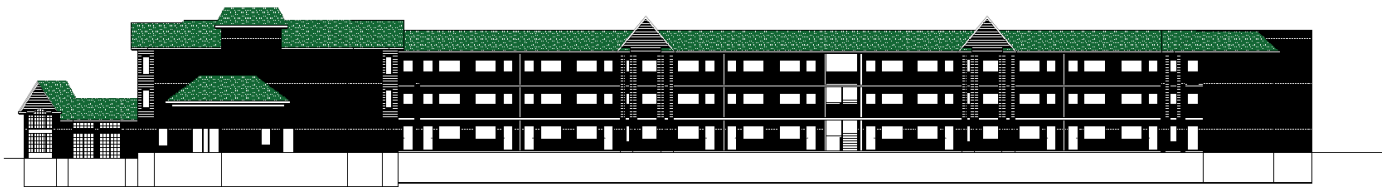


Figure 5: Elevation - East façade (Benan Hanoudi Architect Inc)



Figure 6: Cross section - South façade (Benan Hanoudi Architect)

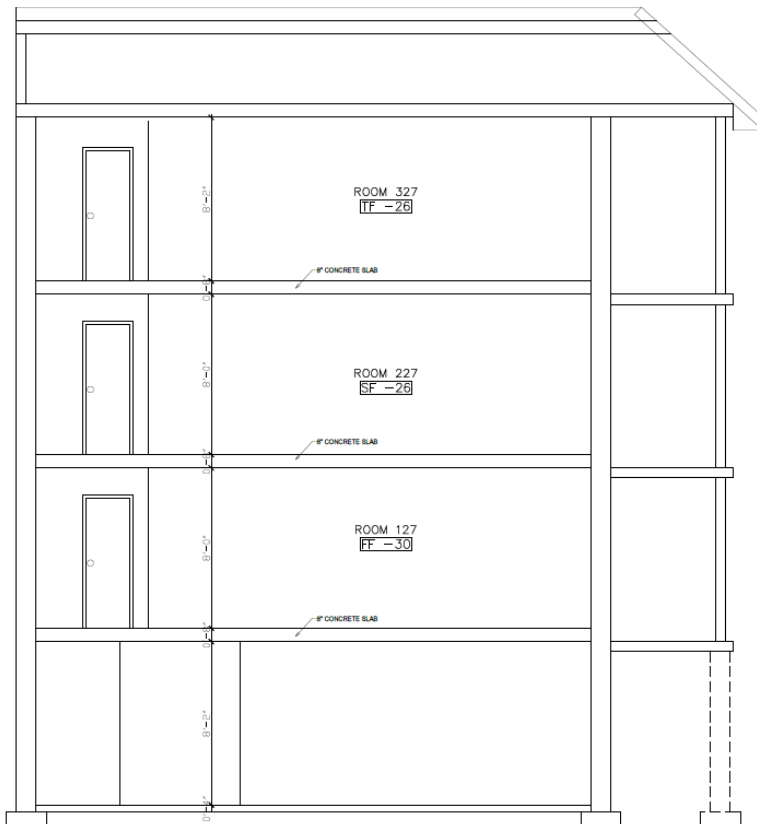


Figure 7: Cross section - West façade (Benan Hanoudi Architect)

3.1 Housing Impact Statement

In accordance with Section 4.4 of Part 1 of the City of Niagara Falls Official Plan, the following Housing Impact Statement has been prepared. The proposed development includes 118 purpose-built rental housing units, of which 25% (30 units) are proposed to be affordable, as discussed above. The Applicant anticipates that market rental units (88 units) will be \$1,200.00 per month, including internet, in accordance with the latest known market rental rates. The affordable units (30 units) will be \$1,045.00 per month including internet.

In March 2022, City Council endorsed the Housing Directions Strategy. This Strategy sets a goal of having 40% of the units constructed in the City (projected to be 270 units annually) to be affordable to the bottom 60% household income percentiles, with a further goal of half of these units (135) to be affordable rental units to the bottom 30% household income percentiles. The respective monthly rents for these household percentiles at the time of the study (2022) was \$2,400 and \$968. The proposed affordable units, having a monthly rent of \$1045, is within the above noted household income percentiles, and will assist the City in meeting the goals of providing necessary affordable housing to residents.

Affordable housing units will be secured through funding agreements with the CMHC, provided all necessary planning approvals are secured within the required timelines by the CMHC.

4.0 Supporting Technical Studies

4.1 Parking Justification Study

A Parking Justification Study was completed by C. F Crozier & Associates Inc. (“Crozier”) in September 2024 related to the proposed mixed-use development for the subject site. The study noted that per Zoning By-law 79-200, 170 parking spaces are required and the proposed development proposes 93. The conclusion of this report is that the reduced parking supply is supportable as parking will be unbundled from the apartment unit rental and will be leased on a first come, first served basis. The reduced parking supply can also be supported by the ITE Parking Generation Manual and surrogate site survey conducted. A peak parking demand of 72 spaces, inclusive of tenant and visitors, are estimated using the ITE ParkGen Manual’s rate conducted for the report.

Based on the surrogate site survey conducted at 550-560 North Service Road in the Town of Grimsby, a parking rate of 0.85 spaces per dwelling unit is observed. Applying the peak parking demand rate to the proposed development, a peak parking demand of 100 spaces is forecasted. However, it is noted that the results from this study can be considered conservative as many dwellings at 550-560 North Service Road have more than one bedroom. When compared to the bachelor only apartment proposed herein, the one-and multi-bedroom dwellings are expected to generate a higher vehicle parking demand. It is also noted that none of the units at the surrogate site were for affordable housing.

In conclusion, Crozier found that the proposed residential development can be supported from a parking justification perspective.

4.2 Phase 1 Environmental Site Assessment

Pinchin Ltd. (“Pinchin”) was retained in June 2024 to conduct a Phase I Environmental Site Assessment (Phase I ESA) for the subject site. This Phase I ESA was solely for acquisition and financing. The purpose of the Phase I ESA was to assess potential issues of environmental concern in relation to the subject site. It did not result in the recommendation of a Phase II ESA.

Correspondence with Pinchin has indicated that another Phase I ESA appropriately scoped for a Record of Site Condition is required to fulfill this requirement. The applicant team has confirmed with Katie Young at Niagara Region that given sensitive timelines, this can be submitted once it is complete and will not hold up acceptance of the ZBA/ OPA application.

The appropriately scoped Phase I ESA is currently being prepared and will be submitted to Niagara Region, along with a Letter of Reliance, when it is available. In the interim, the existing Phase I ESA will be submitted with the OPA/ ZBA application.

4.3 Functional Servicing Report

N Engineering Inc. was retained in September 2024 to conduct a feasibility study for the provision of water, sanitary sewer, and storm sewer services in relation to the proposed change in building usage. The study analyzes water demand and sewage flow for both the current and proposed conditions at the site. According to drawings obtained from Niagara Region, the subject site is serviced by a storm sewer, sanitary sewer and watermain from Lundy’s Lane.

Regarding Waste Water Discharge, the post-development conditions were found to be lower than their corresponding values under pre-development conditions. Consequently, the findings indicate that the current infrastructure is adequate to handle the anticipated flows following development.

Regarding Domestic Water Demand, the calculations indicate the estimated water demand in the post-development condition is lower than that of the pre-development condition. As a result, no upgrades or modifications to the water connection are required to accommodate the post-development demand. Regarding Fire Water Demand, given that the ground floor areas will remain unchanged between the pre-development and post-development conditions other than use, there will be no change in the fire water demand.

Regarding Stormwater Management, as there will be no modifications to land use, and therefore no changes in runoff, no additional stormwater mitigation measures are required for the proposed development.

Regarding Service Connection, the analysis confirms that stormwater is directed into the storm sewer within the Lundy's Lane Right-of-way. As such, no modifications are necessary for the existing stormwater and sanitary servicing infrastructure, ensuring compliance with current regulations and maintaining the integrity of the systems in place.

The findings of this Functional Servicing Report indicate that no changes are required to support the proposed development.

4.4 Noise Impact Brief

JJ Acoustic Engineering Ltd. ("JJA") was retained to complete a Road Traffic and Stationary Noise Impact Study ("the Study") in September 2024. The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Parks NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources-Approval and Planning". Road traffic noise control requirements for the site were determined based on road traffic volumes provided by Niagara Region and forecasted to 20 years from the date of the Study.

The Study has determined that the potential environmental noise impact from the road traffic noise is significant (above NPC 300 requirements). The proposed development will require the following noise mitigation measures: central air-conditioning/ ventilation requirements, special building components, and noise warning clauses for each unit, as described further in the report.

The stationary noise impacts from the neighbouring buildings to the subject site were evaluated and the sound level predictions were determined to be below the noise limits for all facades. The noise from the subject site to the neighbouring buildings could not be accounted for because the site has not undergone mechanical design yet. An addendum to this report should be completed once a mechanical design is done to account for noise from the subject site to the neighbouring building.

The results of the study indicate that with the above noted mitigation measures, there will be minimal noise impact from the neighbouring buildings to the subject site.

5.0 Planning Policy and Regulatory Framework Analysis

The following sections review the applicable land use planning policy and regulatory framework for the subject site, identifying how the proposed development satisfies applicable planning policies and/or identifying where site-specific amendments may be required.

5.1 Provincial Policy Statement (2020) & A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020)

The Provincial Policy Statement (2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2020) remain in effect until October 20th, 2024. It is anticipated the decision for this application will be made following that

date, rendering the 2024 Provincial Planning Statement the appropriate policy context for review. Our report therefore focuses its review on the incoming Provincial Planning Statement (2024).

Nonetheless, we have reviewed the policies of the 2020 PPS and the Growth Plan (2020). With regards to the subject site, the general policy direction of both the 2020 PPS and the Growth Plan (2020) is similar to the policy direction outlined in the 2024 Provincial Planning Statement, which is reviewed in detail below. The proposed development is consistent with the 2020 PPS and the Growth Plan (2020) in so far as it positively contributes towards density targets within the City's urban boundary, introduces new and affordable rental housing options within an established neighbourhood, improves the quantity and diversity of housing options available, efficiently utilizes existing building resources and infrastructure, and supports the efficient delivery of active transportation and public transit services through increased residential density in the area.

It is our opinion that the proposed development is consistent with the 2020 PPS and the Growth Plan (2020).

5.2 Provincial Planning Statement (2024)

The 2024 Provincial Planning Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development in Ontario municipalities. As a key part of Ontario's policy-led planning system, this document sets the policy foundation for the development and use of land. As discussed above, the 2024 PPS is not yet in effect, but is anticipated to come into force on October 20th, 2024.

Following October 20th, 2024, decisions of municipal councils must be consistent with the 2024 PPS, which provides direction for issues such as the efficient use of land and infrastructure, the protection of natural and cultural heritage resources, maintaining a housing stock that appropriately addresses the demographic and economic diversity of households, and preserving natural resources for their future use. Concerning the proposed development, the 2024 PPS includes the following considerations:

5.2.1 Section 2.1 Planning for People and Homes

6. *Planning authorities should support the achievement of complete communities by:*
 - a. *Accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
 - b. *Improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
 - c. *Improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

The proposed mixed-use development seeks to add 118 rental units to the City of Niagara Falls, a municipality where long-term growth is anticipated to be accommodated. Of the 118 rental units, 25% (30 units) are proposed to be affordable. This contributes to an appropriate range and mix of housing options in an established neighbourhood with a mix of other uses supportive of a complete community. The tenure and level of affordability proposed contributes to improving social equity and quality of life for equity-deserving groups. The subject site is located in proximity to multi-modal transit options, various institutional uses, parks, and commercial uses, which will help meet the long-term needs of residents. In addition to purpose-built rental, the proposed development includes commercial components which contributes to a mix of land uses supportive of a complete community.

5.2.2 Section 2.2 Housing

1. *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*
 - a. *Establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
 - b. *Permitting and facilitating:*
 1. *All housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional housing needs and needs arising from demographic changes and employment opportunities; and*
 2. *All types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;*
 - c. *Promoting densities for new housing which effectively use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*
 - d. *Requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

The proposed development seeks to add 118 rental units to the housing stock, 25% of which being affordable. By converting an underutilized commercial use into rental housing, 118 new housing units will be introduced which help to address the local demand for housing and help to improve the housing affordability overall in the City. This contributes to meeting housing, health, economic and well-being needs for current and future residents.

5.2.3 Section 2.3 Settlement Areas and Settlement Area Boundary Expansions

2.3.1 General Policies for Settlement Areas

1. *Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*
2. *Land use patterns within settlement areas should be based on densities and a mix of land uses which:*
 - a. *Efficiently use land and resources;*
 - b. *Optimize existing and planned infrastructure and public service facilities;*
 - c. *Support active transportation;*
 - d. *Are transit-supportive, as appropriate; and*
 - e. *Are freight-supportive.*
3. *Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

The City of Niagara Falls is identified as a large and fast-growing municipality in Schedule 1 of the PPS. Large and fast-growing municipalities are encouraged to plan for a target of 50 residents and jobs per gross hectare in designated growth areas. The proposed development represents a net density of 164 units per hectare, which will add new higher density housing to an established neighbourhood within a settlement area. The proposed development will efficiently

utilize available land and resources, provide for a greater range and mix of housing options and support active transportation.

5.2.4 Section 2.9 Energy Conservation, Air Quality and Climate Change

1. *Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:*
 - a. *Support the achievement of compact, transit-supportive, and complete communities;*
 - b. *Incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;*
 - c. *Support energy conservation and efficiency*
 - d. *Promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and*
 - e. *Take into consideration any additional approaches that help reduce greenhouse gas emissions and built community resilience to the impacts of a changing climate.*

The proposed development contributes to the achievement of compact and complete communities by adding purpose-built rental and affordable housing into an existing community with a range of services, amenities and infrastructure. As part of the conversion, the proposed development will be investing in building upgrades to improve the building's energy efficiency and supportive energy conservation and efficiency. Furthermore, by converting an existing underutilized commercial building into residential housing, the proposal represents a low impact development which protects the environment and improves air quality by eliminating the demolition and construction phases normally required for new housing developments.

5.2.5 Section 3.6 Sewage, Water and Stormwater

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.*

The proposed development will utilize municipal sewage and water services, contributing to the efficient use and optimization of existing municipal systems.

It is our opinion that the proposed development is consistent with the 2024 Provincial Planning Statement in so far as it represents an efficient redevelopment of underutilized lands for affordable and market-based rental housing within the settlement area.

5.3 Niagara Official Plan, 2022

The 2022 Niagara Official Plan (hereafter referred to as "the Regional OP") replaces the 2014 Office Consolidation of the Regional Official Plan.

Niagara Region is formed of twelve Local Area Municipalities, comprising urban and rural communities, with a growing population of over 450,000 people (Section 1.2.2). The Region of Niagara Official Plan ("the Region Plan") was adopted by Regional Council on June 23, 2022. The Province is the approval authority of this Plan. Under the Planning Act, the Region is the approval authority for local official plan conformity. To assist Local Area Municipalities, such as Niagara Falls, in updating their official plans for conformity, the Region will develop guidelines. Within this framework, local official plans are to provide the detailed community planning goals,

objectives, and policies that implement this Plan in a manner that reflects unique local needs and circumstances.

Land use planning is a shared responsibility between the Region and Local Area Municipalities, in this case, Niagara Falls. The responsibility is grounded in the idea that citizens are best served by effective Regional and Local municipal partnerships and collaboration, including the development and review of their respective official plans. This Region Plan builds upon the policy foundation provided by the Provincial legislation and provides additional and more specific land use planning policies to address issues facing Niagara (1.2.2).

5.3.1 Chapter Two – Growing Region

Chapter Two of the Region Plan identifies how and where growth and development are to occur within Niagara (1.4.2). It identifies population and employment forecasts, land needs and the distribution of forecasted growth, as well as Niagara's growth strategy. This chapter contains general policies that support residential intensification, redevelopment, and other enhancements to the supply of housing to address affordability in Niagara.

The Niagara Region is planning to accommodate a minimum population of 694,000 people and 272,000 jobs by 2051 (2.1). This represents an increase of over 200,000 people and 85,000 jobs compared to 2021. Effective and appropriate growth management is needed to ensure there is appropriate housing, employment and infrastructure available to support Niagara's growth (2.1). By 2051, the Niagara Falls population is forecasted to be 141,650 and employment to be 58,110 (Table 2-1). The Niagara Region Minimum Intensification Targets for Niagara Falls from 2021-2051 are 10,100 units at a rate of 50% (Table 2-2).

The policies in this section establish a regional structure that directs forecasted growth to settlement areas. Settlement areas are comprised of both urban areas, which include built-up areas, designated greenfield areas and strategic growth areas, as well as rural settlements, otherwise known as hamlets. Most development will occur in urban areas, where municipal water and wastewater systems/ services exist or are planned and a range of transportation options can be provided.

2.2.1 Managing Urban Growth

Policy 2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- a. The intensification targets in Table 2.2 and density targets outlined in this Plan;*
- b. A compact built form, a vibrant public realm, and a mix of land uses, including residential, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c. A diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;*
- d. Social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:

 - i. A range of transportation options, including public transit and active transportation;**
- e. Built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/ services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f. Opportunities for transit-supportive developments pursuant to Policies 2.2.2.17, 2.2.2.18 and 2.2.2.19;*
- g. Opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*

- i. *The development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- k. *Orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l. *Mitigation and adaptation to the impacts of climate change by:*
 - vi. *Where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and*
 - vii. *Promoting built forms, land use patterns and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

The proposed development is located within the Delineated Built-Up Area as per Schedule B of the Region Plan. The proposed development will contribute 118 rental units to the 10,100-unit target by 2051 for Niagara Falls. By proposing purpose-built rental and affordable units into an area served by a variety of amenities and services, the development will contribute to a compact built form and a mix of land uses in close proximity to transit to support the creation of complete communities. It contributes to gentle density and a mix and range of housing types, options, unit sizes and densities in an existing neighbourhood. As an infill development, it is a low impact development that reduces greenhouse gas emissions. It will be serviced by existing municipal infrastructure.

Policy 2.2.2 Strategic Intensification and Higher Densities

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

- a. *Strategic growth areas, including:*
 - i. *Downtown St. Catharines urban growth centre;*
 - ii. *Protected major transit station areas;*
 - iii. *Regional growth centres;*
 - iv. *District plan areas identified in Section 6.1;*
- b. *Areas with existing planned public service facilities;*
- c. *Other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit service; and*
- d. *Local growth centres and corridors, as identified by Local Area Municipalities.*

Policy 2.2.2.5 *A Regional minimum of 60 percent of all residential units occurring annually will be within built-up areas.*

The proposed development will contribute 118 rental units, and 30 affordable units, to the built-up area and to an intensification corridor, as outlined on Schedule C of the City of Niagara Falls Official Plan, which are considered priority areas for development. As an infill development in the built-up area, it aligns with Regional direction for intensification within built-up areas and will contribute toward the Regional residential unit minimum of 60% annually to occur in built up areas.

Policy 2.3.1 Provide a Mix of Housing Options

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

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

- a. Facilitating compact built form; and*
- b. Incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.*

Policy 2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

Policy 2.3.1.6 Coordination with Provincial and Federal governments and agencies, including the Canada Mortgage and Housing Corporation, will be undertaken to advocate for sustained Provincial and Federal funding that:

- a. Promotes the development of residential intensification, brownfield redevelopment, and affordable and attainable housing options, including community housing and purpose-built rental units; and*
- b. Supports energy efficiency and sustainable housing design for new and existing residential units.*

The proposed development contributes to a mix of housing options, providing 118 rental bachelor units, 30 of which being affordable, within the settlement area. As a low impact development, it contributes to the mitigation and adaptation to the impacts of climate change. It will incorporate AODA standards to meet a range of housing needs. The proposed development is coordinating funding with the CMHC to promote affordable and attainable housing options and purpose-built-rental units.

Policy 2.3.2 Provide for Affordable and Attainable Housing

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

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

Policy 2.3.2.5 Affordable housing, specialized housing needs, and community housing should be located:

- a. In areas with existing or planned municipal water and wastewater services/ systems and urban amenities;*
- b. Near existing or planned transit, including higher order transit and frequent transit service, and active transportation facilities; and*

The Regional minimum target is for 20 percent of all new rental housing to be affordable. The proposed development provides 25 percent affordable housing, as per CMHC's and the City's definition, exceeding the Regional target. The proposed development is within an area with existing municipal water and wastewater services/ systems and urban amenities. It is near four bus lines, which service Montrose Road and Kalar Road at Lundy's Lane.

Policy 2.3.3 Planning Tools to Achieve Affordable and Attainable Housing

Policy 2.3.3.1 The following tools will be considered to support the development of affordable and attainable housing:

- a. *Flexibility in the scale, form and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;*
- b. *Streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing, with a priority for developments receiving time-sensitive government funding;*
- c. *Financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing;*
- d. *The inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*
- e. *Site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards;*
- f. *Inclusionary zoning provisions within protected major transit station areas and/or areas with an approved Community Planning Permit System, subject to the preparation of an assessment report as described in the Planning Act and Ontario Regulation 232/18; and*
- g. *Demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without replacement of the same number or higher number of rental units.*

The proposed development is an appropriate development for the consideration of tools to support the development of affordable and attainable housing, which include: streamlining planning approvals for the development of affordable and attainable housing, with a priority for developments receiving time-sensitive government funding and financial incentive programs such as development charge deferrals and property tax reductions that promote affordable housing options, including purpose-built rental housing.

5.3.2 Chapter Three – Sustainable Region

Chapter Three outlines the policy framework that will enhance the sustainability and resilience of the Region's built and natural environment (1.4.3). Policies and schedules for the integrated natural environment system and watershed planning provide for the protection of environmental features and ecological functions from adverse impacts. The policies of this chapter also give direction for climate change mitigation and adaptation, although climate change is also addressed throughout the Plan.

Policy 3.5.3 Support the Transition to Net-Zero Communities

Policy 3.5.3.1 The Region will endeavor to:

- a. *Support built form and land use patterns that use land efficiently and reduce transportation emissions by:*
 - i. *Requiring compact built form to minimize land consumption and increase the densities required to support transit ridership;*
 - ii. *Promote a mix of land uses to shorten commute journeys and support the creation of complete communities;*
 - iii. *Planning to achieve minimum intensification and density targets which meet or exceed provincial requirements;*
 - vi. *Prioritizing transit and supporting active transportation to reduce single-occupant vehicle trips;*
- b. *Support conservation and energy reduction by:*

- i. *Designing infrastructure and public works projects to reduce energy consumption and use recycled construction materials, where feasible;*
- iv. *Encouraging opportunities for conservation, energy efficiency and demand management within existing and planned development;*
- vi. *Promoting reduction, reuse and recycling objectives, diversion techniques, including reuse and recycling of construction materials, and opportunities for energy generation from waste.*

The proposed development contributes to a compact built form which minimizes land consumption and increases the densities required to support transit ridership. It will contribute to the minimum intensification and density targets for Niagara Falls to meet or exceed provincial requirements. It introduces purpose-built rental housing to an area supported by transit. It promotes reuse objectives by adaptively reusing the existing building and minimizing waste generation.

5.3.3 Chapter Four – Competitive Region

Chapter Four focuses on the importance of a vital, competitive, and diverse economy, and a sound tax base to position Niagara for economic prosperity (1.4.4). Agricultural policies direct the protection and enhancement of Niagara's vital agri-food sector. Employment policies identify and protect employment areas, establish density targets for employment areas and provide evaluation processes for converting existing or establishing future employment areas.

Policy 4.5.2 Economic Prosperity through Land Use Planning

Policy 4.5.2.1 The Region will endeavour to:

- a. *Attract employers and workers to the region by:*
 - i. *Planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara.*
 - ii. *Supporting the provision of affordable housing for workers across all sectors of Niagara's economy.*

The proposed development will supply purpose-built rental housing to support opportunities to live, work and study in Niagara and proposes 30 affordable housing units which can support workers across all sectors of Niagara's economy. The remaining 88 market rental units will also contribute towards introducing a greater supply of housing options, which will assist in the reducing housing costs by increasing housing availability in the City.

5.3.4 Chapter Five – Connection Region

Chapter Five addresses Niagara's infrastructure, transportation, services and trails and open spaces for existing and future needs (1.4.5). Policies direct for integrated planning and development and ensure capacity to support forecasted population and employment growth, financial sustainability and climate change resiliency. Transportation policies prioritize investment in public transit, the design and construction of complete streets, and active transportation.

Lundy's Lane is identified as a Regional Road on Schedule J1. The Regional Road allowance for Lundy's Lane at the subject site is 26.2 metres, requiring a road widening of 1.22 metres to meet this width.

Policy 5.1.3 Interconnected Active Transportation System

Policy 5.1.3.2 Implementation of the Strategic Cycling Network as identified in the Region's Transportation Master Plan will be prioritized to advance the implementation of the Niagara Bikeways Master Plan as shown in Schedule J2.

Policy 5.1.3.3 The Region will support Local Area Municipalities in implementing sections of the Strategic Cycling Network that are within their jurisdiction.

The proposed development fronts onto Lundy's Lane, which forms part of the Strategic Cycling Network on Schedule J2 of the Official Plan. By introducing higher density development, the proposed development will help to support the ongoing use of the network.

Policy 5.1.5 Ensure Regional Roads Accommodate Future Growth and Support Diverse Forms of Transportation

Policy 5.1.5.1 As conditions of the approval of a development application under the Planning Act:

- a. The Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrances, encroachment, and improvements unless otherwise agreed to by the Region; and*
- b. The Region shall be provided with a certificate of an Ontario land Surveyor noting that all legal survey documentation on the widened road allowance is in place.*

Policy 5.1.5.2 The conveyance of land shall be required at no cost to the Region as a condition of the approval of a development application, beyond the designated road allowance widths identified in Schedule M, to accommodate items such as sight triangles, turning lanes, channelization, grade separations, traffic control devices, rapid transit, public transit facilities and rights-of-way, active transportation, cuts, fills and storm drainage requirements, as required to meet accepted engineering design standards. These do not require an amendment to his Plan.

Policy 5.1.5.5 Land for Regional Road widenings will be required equally from both sides of the centreline of the designated Regional Road unless existing land uses, topographic features or other physical or environmental constraints necessitate taking greater widening on one side than the other.

Based on the Pre-Consultation meeting held on September 5, 2024 and the formal checklist provided September 17, 2024, Lundy's Lane and Beaverdams Road are road allowances. The proposed development is required to convey a road widening of 1.22 metres along the Lundy's Lane frontage and 1.44 metres along Beaverdams Road.

Policy 5.1.5.7 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.

A noise study has been completed as part of this application, which found that the proposed conversion to residential uses can be accommodated on the subject site, provided certain conditions are satisfied.

5.3.5 Chapter Six – Vibrant Region

Chapter Six focusing on elevating the livability of Niagara's communities and introduces policies related to creating vibrant urban and rural places (1.4.6). District plans and secondary plans are identified as important tools to effectively and proactively manage growth through coordinated and comprehensive growth management planning within these defined areas. Urban design policies assist the Region in achieving a high-quality built environment through the design of the built form and mobility networks.

Policy 6.3 Healthy Communities

Policy 6.3.1.1 The Region shall support healthy communities by:

a. *Planning for all ages, incomes, abilities and populations*

The proposed development supports healthy communities by providing purpose-built rental housing for a range of incomes.

The proposed development conforms with the policies of the Region Plan in so far as it is ideally located to accommodate purpose-built rental and affordable housing opportunities and makes efficient use of available land and servicing resources. The proposed development supports the broad objectives and principles outlined in the Region Plan. It is therefore our professional planning opinion that the proposed development conforms with the general intent of the Niagara Official Plan.

5.4 City of Niagara Falls Official Plan (2023 Consolidation)

The City of Niagara Falls Official Plan (hereafter referred to as “the OP”) was approved by the Ministry of Municipal Affairs on October 6, 1993. The most recent and publicly available version of the OP is the August 1, 2023, office consolidation. The OP is a document outlining the long-term objectives and policies of the City with respect to the growth and development of urban lands; the protection of agricultural lands and the conservation of natural heritage areas; and the provision of necessary infrastructure (Section 1). The OP document consolidates OPA 149 into the existing document.

The subject property is designated as Tourist Commercial and is located within the Lundy’s Lane Satellite District. An OPA is required to permit an increased maximum density of 164 units per hectare (118 dwelling units), whereas Section 4.2.31(c) of the OP only permits a maximum density of 100 units per hectare.

5.4.1 Part One – Plan Overview and Strategic Direction

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

Part One, Section Two outlines the Strategic Policy Direction. The OP is intended to guide growth and development to the year 2031. The population during this planning period is expected to reach 106,800 with employment for 53,640 people. It is the intent of this Plan to focus new growth to accommodate these people and jobs in a sustainable fashion that makes for an orderly and effective use of land and infrastructure, creates compact, livable communities and protects the City’s natural heritage and agricultural lands. Growth objectives include:

1. To direct growth to the urban area and away from non-urban areas.
3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.
6. To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review.
7. To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2 by the year 2015.
14. To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable” [OPA 149].

Schedule A-2 to this Plan illustrates the City as being divided into three areas: the Urban Area, the non-urban area and the Natural Heritage Areas. The subject site is within the Urban Area. Relevant policies for the proposed development include:

- Policy 2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.*
- Policy 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 proposed development for purpose-built rental is located within the Urban Area Boundary and Built Area Boundary. The proposed development supports the City's objectives of meeting projected housing, population and employment targets of Table 1, which forecasts 42,740 total households by 2031.

Section Three states that opportunities for residential intensification on lands not currently designated Residential may be considered. The City has identified specific intensification areas which have the potential to accommodate higher density development over the long term as nodes and corridors on Schedule A-2. The nodes and corridors may contain a mix of land use designations and will be subject to the following policies.

- Policy 3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.*
- Policy 3.2 The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.10.5 (iii)(iii).*

The proposed development is seeking a ZBA to permit greater residential intensification of the subject lands. The proposed development meets Policy 4.2.9 which states that residential uses may be permitted in the Tourist Commercial designation either as standalone or mixed-use buildings. Part 2, Section 1.10.5 (iii) does not apply to the subject site as the proposed development is not greater than 6 storeys.

- Policy 3.5 Intensification Corridors contain lands that front onto arterial roads and have the attributes conducive to supporting medium or high-density residential development over the long term. Lands with frontage directly onto these corridors may be considered for residential use.*

The proposed development is within the Lundy's Lane Intensification Corridor and fronts onto Lundy's Lane, which is an arterial road. 7737 Lundy's Lane has frontage directly onto these corridors and as such may be considered for residential use.

- Policy 3.9 The portion of Lundy's Lane to the west of Montrose Road is identified as an intensification corridor on Schedule A-2 to this Plan as this section is characterized by large lots capable of supporting intensification at varying levels. Intensification may take the form of:*
- c. Tourist commercial redevelopment that capitalizes on, and expands upon, the existing tourism infrastructure. Uses that serve as attractors, as well as indoor and outdoor recreational facilities, are encouraged.*

- d. *Local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road.*
- e. *Residential uses in accordance with the policies of Part 2, Section 4.2.31.*

The proposed development capitalizes and expands on existing infrastructure and building resources. The proposed development includes a commercial swimming pool and convenience store which may serve as attractors and indoor recreational facilities.

Policy 4.1 The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this, the City shall:

- *Provide opportunities for the development of affordable housing across the municipality;*
- *Establish targets for affordable housing;*
- *Promote a greater diversity of housing types;*
- *Ensure a healthy supply of rental units;*
- *Increase public awareness about housing and provide advocacy for partnerships;*
- *Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing; and*
- *Monitor and report on an ongoing basis to measure the efficacy of implementation of the City's Housing Strategy, address emerging housing needs and ensure actions are met within the stated time frames.*

Policy 4.3 Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households, throughout the Built-Up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:

Policy 4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.

Policy 4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.

The proposed development will contribute to opportunities for a choice of housing to meet the changing needs of households by converting an existing building into a multiple unit development. This represents a more efficient use of a currently underutilized parcel, replacing a commercial use with rental housing stock.

Policy 4.4 Applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large-scale projects, or as a section within a planning justification report for small-scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:

- a) *The proposed housing mix by dwelling type and number of bedrooms, as applicable;*
- b) *How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);*
- c) *The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;*

- d) *Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable; and*
- e) *The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain long-term affordability of units, where applicable.*

A Housing Impact Statement has been prepared and included in Section 3.1 of this Report.

5.4.2 Part Two – Land Use Policies

Part Two of the OP establishes twelve land use designations with preambles which highlight the intention of the land use designations and policies which describe permitted uses and various physical development guidelines.

The Official Plan establishes policies for the Tourist Commercial Area which emanate from the Niagara Falls Tourist Area Development Strategy and public consultation. The subject site is within the Lundy's Lane Satellite District. The following policies apply:

- Policy 4.2.3 The Lundy's Lane Satellite District is a multi-functional commercial area catering to both City residents and tourists. A portion of the district also provides opportunities for cultural heritage preservation.*
- Policy 4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.*
- Policy 4.2.27 The portion of Lundy's Lane to the east of Montrose Road is intended to function primarily as a community serving and tourist commercial corridor. Residential intensification within this corridor shall be in accordance with Part 1, Section 3.9.*

The proposed development is located on Lundy's Lane east of Montrose Road. Part 1, Section 3.9 has been reviewed above. Section 3.9 requires conformity with Policy 4.2.31, as outlined below.

- Policy 4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:*
 - a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.*
 - b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.*

The proposed development is in the form of a standalone building. As an existing building, it will does not have an opportunity to be located and designed in a specific way, however it currently conforms with the surrounding built form in the area and does not interrupt the continuity of the existing tourist commercial development. The proposed development has a porte cocheres, landscaping, and a proposed swimming pool at the frontage of the site.

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

The proposed development is three-storeys with a maximum net density of 164 units per hectare, representing a total of 118 dwelling units. Accordingly, an application for an OPA is required to allow a site-specific exception for increased residential density.

- g) *Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*
- h) *Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.*
- j) *Amenity space is to be provided for residential uses and may take the form of:*
 - *Private on-site green space;*
 - *Balconies and roof-top green space; or*
 - *Public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.*

The proposed development has some surface parking located at the front and exterior side yards of the site, however the majority is located at the rear and interior side yard of the site, nested behind the principal building and the porte cocheres. Where parking is located in the front or exterior side yards, this represents an existing condition. The concurrent ZBA application seeks a reduction to the minimum parking standards, to recognize the existing location and orientation of the building and parking spaces. Amenity space in the form of an internal courtyard will be provided, as well as internal private and communal amenity spaces.

An Official Plan Amendment is required to allow for a maximum net density of 164 units per hectare, with 118 units on the site. It is our opinion the proposed amendment is appropriate for the subject site, as it supports many of the City's housing goals including the provision of affordable rental housing, residential intensification within a designated growth area, and the adaptive reuse of existing building stock.

5.5 City of Niagara Falls Zoning By-law 79-200

The subject lands are zoned "TC", Tourist Commercial in the City of Niagara Falls Zoning By-law 79-200 (see Figure 7). Section 8.6.1 in the Zoning By-law permits dwelling units in a building in combination with one or more of the uses listed in the section, provided not more than 50% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor. Other permitted uses include food store, restaurant, service shop, and retail store, among others.

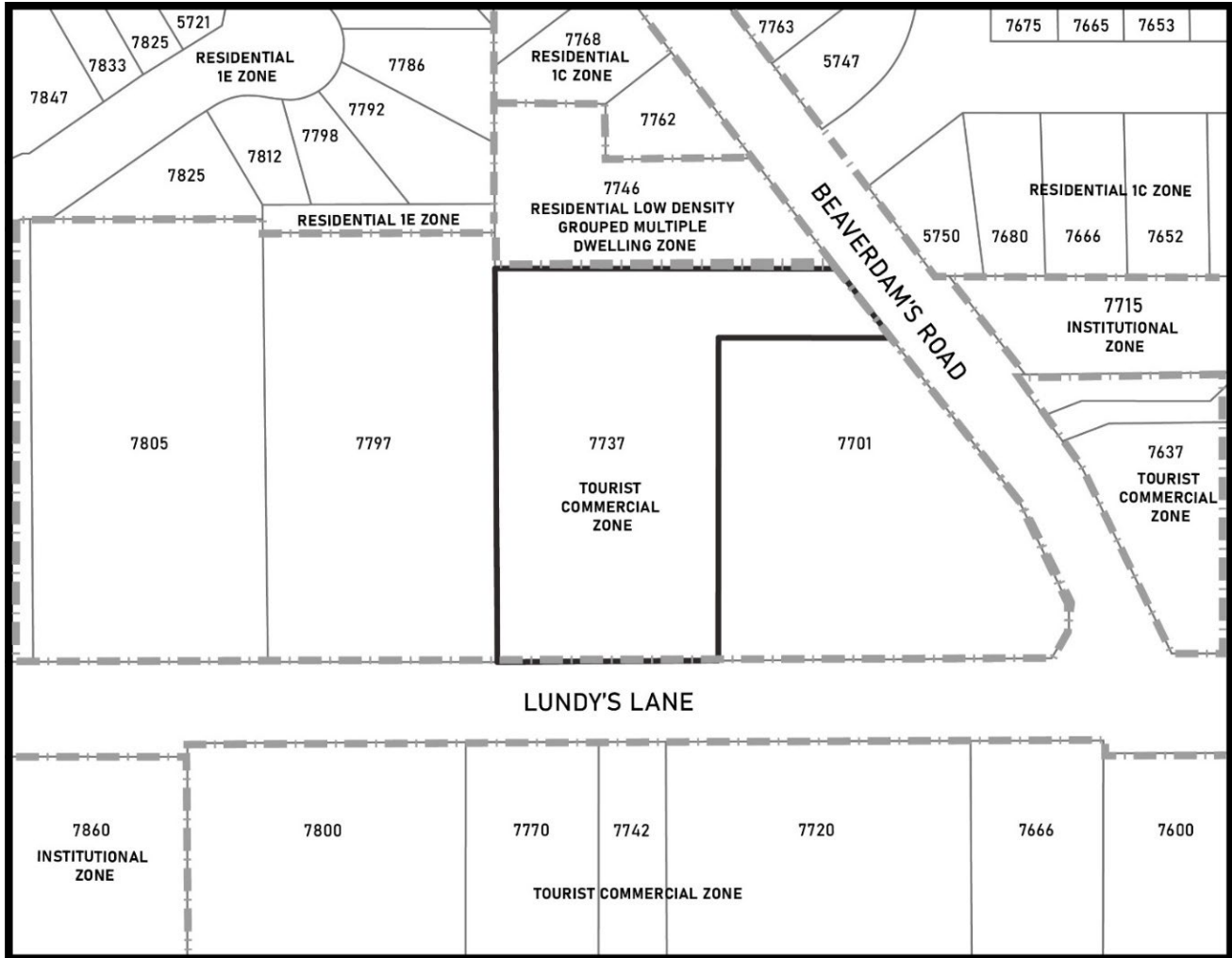


Figure 8: Zoning By-law Map

The proposed development includes dwelling units on all three storeys of the building, at a rate higher than 50%. Accordingly, a ZBA application is required to permit the proposed development and establish appropriate site-specific performance standards. A comprehensive zoning matrix which examples the compliance of the proposed development against zoning provisions is provided below (see Table 1).

Table 1: Zoning Matrix

Permissions for Tourist Commercial ("TC") Zone	Performance Standard	Proposed Development	Compliance
Section 8.6.1 – Tourist Commercial Zone			
Permitted Uses	(ii) Dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 50% of the floor area of such building is used for dwelling	Residential GFA: 5,265 m ² (90.2%), not including basement Residential on Ground Floor: 1,482 m ²	No

	<p>units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor.</p> <p>GFA: 5832 m² Permitted Residential GFA: 2916 m² Permitted Residential on Ground Floor: 0</p>	<p>Additional uses to be added:</p> <p>Convenience Store; and</p> <p>Food Premise</p>	
Section 8.6.2 – Tourist Commercial Zone			
Minimum lot frontage	6 metres	60 metres	Yes
Minimum front yard depth	<p>In accordance with section 4.27.1, where applicable</p> <p>Yard requirements shall be measured a minimum distance from the centreline of the original road allowance.</p> <p>Minimum distance from Centreline of Original Road Allowance (Garner road- main street on Lundy's Lane)</p> <p>13.1 metres</p>	<p>Building to property line: 4.3 metres</p> <p>Building to centreline: 15.6 metres</p>	Yes
Minimum rear yard widths	<p>(i) where any part of the building is used for residential purposes</p> <p>10 metres plus any applicable distance specified in section 4.27.1</p>	0 metres	No
Minimum interior side yard width	<p>(ii) Where the sided lot line does not abut a residential, institutional, or open space zone</p> <p>None required</p>	n/a	Yes
Minimum exterior side yard width	<p>In accordance with Section 4.27.1, where applicable</p> <p>Yard requirements shall be measured a minimum distance from the centreline of the original road allowance.</p> <p>Minimum distance from Centreline of Original Road Allowance (Garner road- main street on Lundy's Lane)</p>	60+ metres	Yes

	13.1 m		
Maximum lot coverage	70%	27%	Yes
Maximum height of building or structure	12 metres (40.0 ft) subject to section 4.7	10.9 metres	Yes
Maximum floor area	Not specified	n/a	n/a
Section 4.19 – General Provisions (Parking)			
Parking and access requirements	In accordance with section 4.19.1 Dwelling containing 4 or more dwelling units save and except an on-street townhouse dwelling: 1.4 parking space for each dwelling unit = 165.2 required Restaurant if not part of a motel or hotel, adult entertainment parlour: 1 parking space for each 5 seats	93 spaces	No
Minimum parking stall width	2.75 metres	2.75 metres	Yes
Minimum parking stall length	6.0 metres	6.0 metres	Yes
Minimum maneuvering aisle	6.9 metres	7.4 metres	Yes
Loading area requirements	In accordance with section 4.20.1	n/a	n/a

Based on the foregoing zoning matrix, site-specific amendments to the permitted uses, rear yard depth, and minimum parking requirements of the TC Zone are proposed. The following section includes a brief rationale regarding each of these amendments:

Permitted Uses

Section 8.6.1 of the Zoning By-law permits a wide range of commercial uses. Residential dwelling units are permitted in a mixed-use building, provided that not more than 50% of the floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor. The proposed amendment seeks to introduce additional commercial uses, as well as to permit residential dwelling units in either a standalone or mixed-use building with no restrictions regarding maximum floor area or location of such uses.

The permitted uses shall be:

- a) *All uses in the TC Zone;*
- b) *Convenience Store;*

- c) *Residential dwelling units within a standalone or mixed-use building, having no restrictions to location or maximum floor area for such uses; and*
- d) *Food Premise.*

Traditionally, the intent of limiting the total floor area of dwelling units to 50% and restricting dwelling units to upper floors is to protect the commercial function along specific corridors. However, given the ongoing province-wide housing crisis and current policy context, eliminating these restrictions on residential dwelling units is appropriate for the subject site. By eliminating the restrictions to dwelling units for the subject site, a total of 118 rental dwelling units (25% of which are affordable) will be introduced on the subject site. The proposed intensification supports many of the growth and housing related objectives of the City of Niagara Falls, as well as Niagara Region. The site will continue to function as a mixed-use site, however the proposed amendment will allow for a higher density and more efficient use of the subject lands.

The proposed commercial uses include a Convenience Store and Food Premise. These uses are generally consistent with the type and variety of commercial uses permitted within the TC Zone and will help support the creation of complete communities by providing valuable services to the area. The additional proposed uses are appropriate for the subject site and will allow for greater long-term viability of the site by allowing a greater range of potential uses.

A Food Premise is not a defined term within the Zoning By-law. A Food Premise is a flexible use, where food can be prepared solely for delivery of online ordering. This is a relatively new but increasingly popular trend in urban areas, with such uses often referred to as “ghost kitchens”. The following definition is drawn from the City of Toronto’s definition of Food Premise, which responded to a new kind of commercial uses catering to online food ordering. A Food Premise is required to comply with the building code, municipal licensing and standards, and a number of other regulatory boards.

Food Premise: A building or part thereof where food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale.

Rear Yard Depth

Section 8.6.2 of the Zoning By-law requires a minimum rear yard width of 10 metres where any part of the building is used for residential purposes. The existing building has a zero-metre rear yard width. As such, an amendment is required to permit a zero-metre rear yard width.

This is a technical amendment to recognize the location of the existing building. No external changes are proposed to the existing building. Although the building is being converted to residential uses, the historic use as a hotel means that there will be very little change in terms of the functional operation of the building or it’s relation to adjacent lots to the rear. All dwelling units are oriented to face inwards to the courtyard. There are no windows along the rear (north) or side (west) facades of the building. As such, there are no negative impacts anticipated for adjacent properties.

Minimum Parking Space Requirements

Section 4.19 of the Zoning By-law requires a minimum of 1.4 parking spaces per unit, plus additional parking for commercial uses. The commercial parking rate varies depending on the specific use. The subject site has 100 existing surface parking spaces. However, required road widening conveyances along Lundy’s Lane and Beaverdams Road have resulted in the loss of seven (7) parking spaces. A total of 93 parking spaces (0.79 spaces per unit) remain available on the subject site.

Accordingly, an amendment is proposed to reduce the minimum required parking to 93 spaces in aggregate for all uses on the subject site. There are no opportunities to provide additional parking. The Parking Justification Study completed by Crozier concluded that 93 parking spaces is supportable for the proposed mixed-use development. The proposed reduction to the required parking is consistent with recent approvals elsewhere along Lundy's Lane to permit reduced parking rates of 0.8 spaces per unit (7034 Lundy's Lane) and 0.62 spaces per unit (8004 Lundy's Lane).

The site is well located in proximity to public transit services, active transportation infrastructure, and a variety of local amenities and services within walking distances.

6.0 Conclusion

The proposed development consists of the conversion of an underutilized hotel into 118 purpose-built rental units, 25% (30 units) of which will be affordable. No changes to the footprint or massing of the existing building are proposed.

The proposed development is consistent with the Provincial Planning Statement (2024), the Niagara Region Official Plan and the City of Niagara Falls Official Plan. The proposed development is within a designated settlement area, built-up area, and intensification corridor. The Tourist Commercial designation in the Official Plan contemplates residential uses at the site, as does the TC zone in Zoning By-law 79-200.

The subject applications for Official Plan Amendment and Zoning By-law Amendment are appropriate for the subject site and will facilitate the proposed development. The proposed Official Plan Amendment is required to allow a maximum 164 units per hectare on the site. The proposed Zoning By-law Amendment is required to allow for dwelling units on the ground floor and to exceed 50% of the building floor area, as well as to establish appropriate site-specific performance standards.

Notwithstanding the required amendments to the local Official Plan and Zoning By-law, it is our opinion that the proposed development supports the policy objectives outlined in the City of Niagara Official Plan in so far as it represents the creation of new affordable rental housing stock, intensification of underutilized lands, and adaptive reuse of existing building stock.

Various supporting studies have been prepared, in addition to this Planning Justification Report, to support the OPA and ZBA applications. The findings of those studies demonstrate the appropriateness of the proposed development on the subject site.

It is our professional opinion that the proposed development represents good land use planning and should be approved. Should you require any additional information, please do not hesitate to contact the undersigned at 416.789.4530 x 115.

Respectfully,



Claire Stevenson-Blythe, MCIP RPP
Planner
Fotenn Planning + Design



Miles Weekes, MCIP RPP
Senior Planner
Fotenn Planning + Design

APPENDIX A – Draft OPA By-law

City of Niagara Falls

By-law No. 2024-XXX

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

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

1. Amendment No. XXX 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 ____ day of ____, 2024.

Bill Matson, City Clerk

James. Diodati, Mayor

Official Plan Amendment No. XXX**PART 1 – PREAMBLE****(i) Purpose of the Amendment**

The purpose of the amendment is to allow for the conversion of an existing commercial building into a mixed-use building, containing a total of 118 dwelling units.

(ii) Location of the Amendment

The amendment applies to lands shown as Special Policy Area XX on Schedule “A” to the Official Plan.

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

MAP 1 – Schedule “A” to the Official Plan – Tourist Commercial designation with Special Policy Area XX.

Text Changes

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

(iv) Basis of the Amendment

The subject lands are designated Tourist Commercial as shown on Schedule “A” to the Official Plan. The applicant proposes to convert the existing three-storey commercial building to a mixed-use building containing a total of 118 rental dwelling units and various commercial uses. Of those 118 units, 30 units (25%) are proposed to be affordable. The proposal is located within the Built-Up Area and within the Lundy’s Lane Satellite District. Residential intensification is encouraged within these areas in either standalone or mixed-use buildings. The proposal will result in an increase to the maximum permitted net residential density, from 100 units per hectare to 164 units per hectare. The proposal is compatible within the context of the surrounding area, with nearby access to public transit, parks and open spaces, and various institutional and commercial uses. The development will contribute towards the establishment of a complete community and will reuse the existing building on the subject site. Transportation and municipal infrastructure will have adequate capacity to accommodate the proposal.

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. XXX 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. 170", shall be identified as Special Policy Area 98 on Schedule "A" to the Official Plan.

2. TEXT CHANGE

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

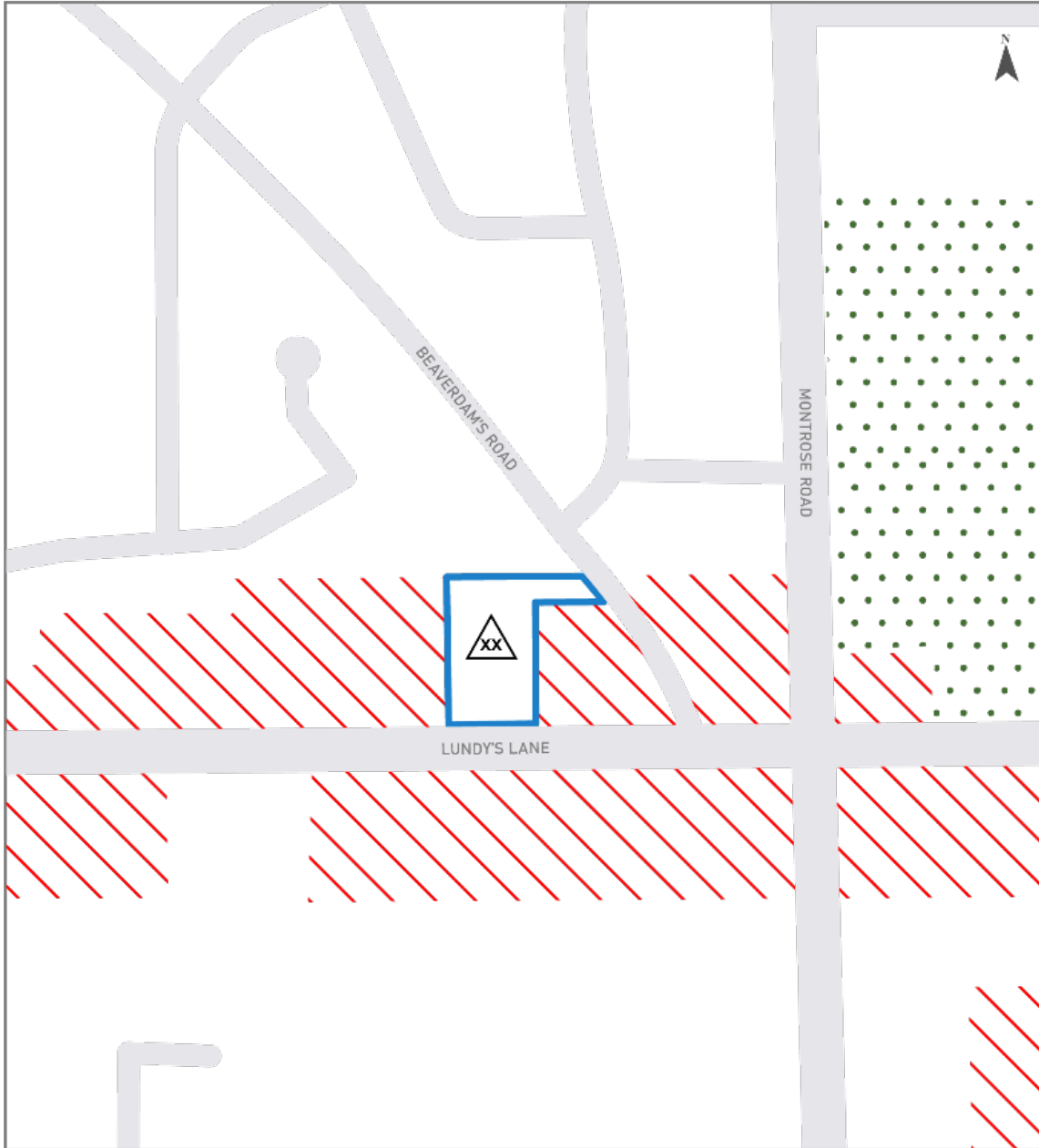
13.XX SPECIAL POLICY AREA "XX"

Special Policy Area "XX" applies to approximately 0.72 hectares of land located north side of Lundy's Lane between Beaverdam's Road and Kalar Road. These lands are designated Tourist Commercial on Schedule "A" to the Official Plan. Notwithstanding section 4.2.31(c) the maximum net density for residential uses shall be 164 units per hectare in the Tourist Commercial designation. The amending zoning by-law shall regulate the development in terms of permitting the proposed residential and commercial uses, eliminating maximum floor area requirements for residential uses, setbacks and parking.

MAP 1 TO AMENDMENT NO. XX SCHEDULE A TO THE OFFICIAL PLAN

Area Affected by this Amendment 

Proposed Change to: Add SPECIAL POLICY #XX



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



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

APPENDIX B – Draft ZBA By-law

CITY OF NIAGARA FALLS

By-law No. 2024-XXX

A by-law to amend By-law No. 79-200, to permit the use of the lands for the development of a mixed-use building containing 118 dwelling units and various commercial uses (_____).

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the 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.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
 - a. All uses in the TC Zone;
 - b. Convenience Store;
 - c. Residential dwelling units within a standalone or mixed-use building, having no restrictions to location of maximum floor area for such uses;
 - d. Food Premise
5. The regulations governing the permitted uses shall be:
 - a) For the purposes of the lands zoned TC-XXXX, a "Food Premise" shall mean a building or part thereof where food is manufactured, processed, prepared, stored, handled, displayed, distributed, transported, sold or offered for sale.
 - b) Minimum rear yard depth, where any part of the building is used for residential purposes 0 metres
 - c) Minimum parking space requirements for all uses, in aggregate 93 spaces
6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

- 7. No person shall use the Lands for a use that is not a permitted use.
- 8. No person shall use the Lands in a manner that is contrary to the regulations.
- 9. The provisions of this by-law shall be shown on Sheet B4 of Schedule "A" of Bylaw No. 79-200 by adding exception number XXXX to the lands zoned TC.
- 10. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.XXXX Refer to By-law No. XXX

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

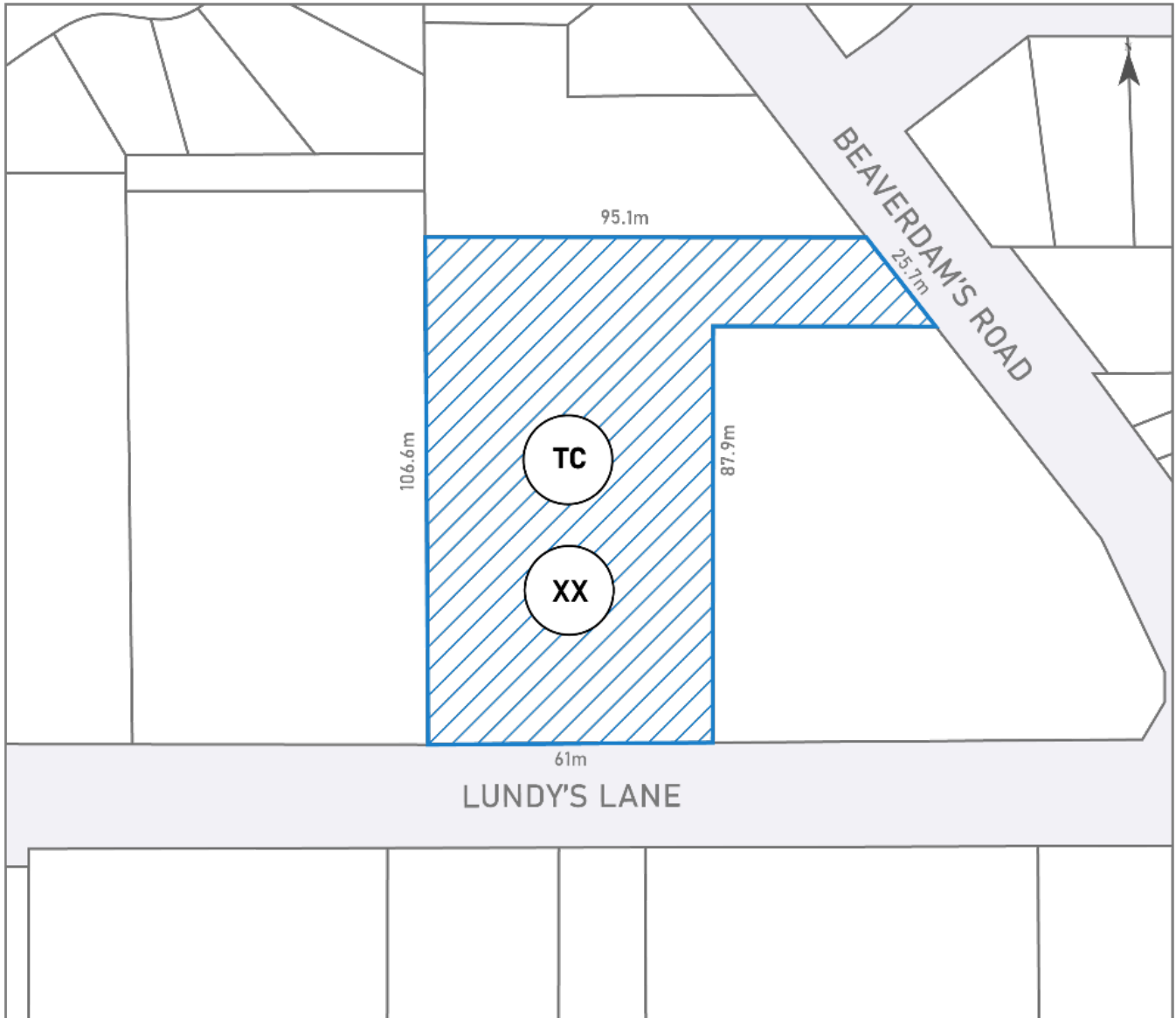
Bill Matson, City Clerk

James. Diodati, Mayor



SCHEDULE 1 TO BY-LAW NO. 2024-XX

Area Affected by this Amendment



Amending Zoning By-law No. 79-200

Description: Part of Township Lot 133, in the former Township of Stamford, now in the City of Niagara Falls, in the Regional Municipality of Niagara.

Applicant: 1000977112 Ontario Inc

Assessment: 27250900050600000000