

# Planning & Urban Design Rationale

**5602, 5582, 5566  
Robinson Street and  
6158 Allendale Avenue  
City of Niagara Falls**

**Prepared For  
Fudzi International Group Inc.**

**May 2022**



Job Number  
21368

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This Planning and Urban Design Rationale report has been prepared in support of an application by Fudzi International Group Inc. for an amendment to the City of Niagara Falls Official Plan and Zoning By-law No. 79-200, as amended, in order to permit the development of a mixed-use high-rise building located on a 0.4637 hectare (1.145 acre) site located at corners of Robinson Street and Allendale Avenue in the City of Niagara Falls. The lands are municipally addressed as 5602, 5582, 5566 Robinson Street and 6158 Allendale Avenue.



An overhead view of a meeting around a table. Five people in business attire are gathered around a table covered with architectural blueprints, rolled-up documents, and various tools like a yellow T-square, a pencil sharpener, and a color palette. One person is pointing at a tablet displaying a bar chart. The scene is dimly lit with a blueish tint.

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# Introduction

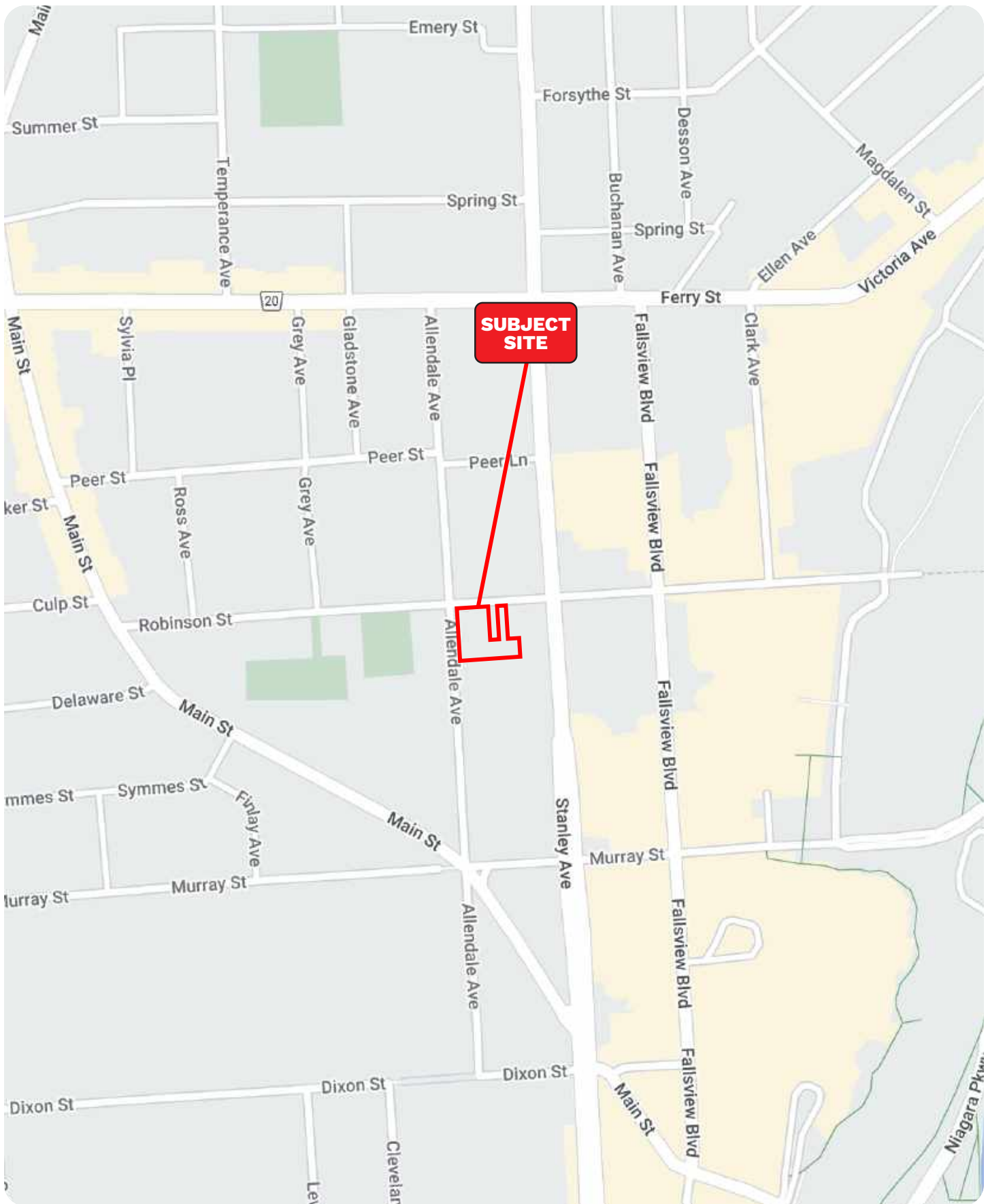


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of an application by Fudzi International Group Inc. for an amendment to the City of Niagara Falls Official Plan and Zoning By-law No. 79-200, as amended, in order to permit the development of a mixed-use high-rise building located on a 0.4637 hectare (1.145 acre) site located at corners of Robinson Street and Allendale Avenue in the City of Niagara Falls ("subject lands"). The lands are municipally addressed as 5602, 5582, 5566 Robinson Street and 6158 Allendale Avenue (see **Figure 1** - Location Map). The subject lands are generally rectangular in shape and have frontage along both streets (i.e., Robinson Street to the north and Allendale Avenue to the west). Although the subject lands have multiple addresses as described above and as illustrated in the report figures, the actual development and the proposed Official Plan and Zoning By-law Amendments apply to only the lands municipally addressed as 5602 and 5592 Robinson Street, and Part of 6158 Allendale Avenue (as illustrated in the draft by-laws submitted in support of the planning applications).

The subject lands are currently occupied by four structures and a surface parking lot. A significant portion of the subject lands are occupied by surface parking lot and paved areas. The proposed redevelopment is to demolish the existing structures and construct a new mixed-use high-rise building atop a 6-storey podium. The ground floor is proposed to consist of commercial uses along the corner of Allendale Avenue and Robinson Street, condominium lobby and related entrance features and a drop off facility. Access would be provided from Allendale Avenue to the south of the subject lands and Robinson Street to the east of the subject lands. The tower is 77-storeys and accommodates 955 units with additional street-level units along Allendale Avenue for a total of 962 dwelling units.

This Planning and Urban Design Rationale report concludes that the proposed development is in keeping with the planning and urban design framework established in the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Region of Niagara Official Plan, the City of Niagara Falls Official Plan and the applicable urban design guidelines.

From a land use planning perspective, the proposal is supportive of the policy directions promoting intensification within built-up urban areas, particularly in locations which are well served by municipal infrastructure, including public transit. The subject lands are in the *Fallsview Central Tourist Subdistrict* within the *Niagara Gateway Economic Zone* and are well served by existing and planned transit services, including WEGO

Bus service, which connects accommodations and tourism attractions throughout the City of Niagara Falls and Niagara Parks. The subject lands are close to major recreational, cultural and tourism uses. In this regard, the development will add a new residential condominium development in an immediate area that includes a wide range of existing commercial, entertainment, tourism, and hospitality uses. The proposed development will contribute to the revitalization of the Fallsview and greater Central Tourism area through the provision of a range and mix of new housing options for residents of Niagara Falls and through the provision of new tourist commercial and retail commercial uses within the *Tourist Commercial Area* of the City.

From a built form and urban design perspective, the proposal will contribute to the evolution and revitalization of the *Fallsview Central Tourist Subdistrict*. The new building will contribute to the enhancement of the public realm, through the intensification of an underutilized parcel with a vacant retail/commercial building and associated surface parking lot along a primary commercial street in the *Fallsviews Tourist District* and providing a widened sidewalk and active commercial uses and residential uses at grade. The development provides a significant opportunity to revitalize Robinson Street and provide greater densities to support area businesses and tourism activities.

The proposed 77 storey building will enhance the existing and planned context and relate to the broader city structure, which is characterized by taller buildings within the Tourist District. At the lower levels, the proposed buildings will establish a comfortable street-related scale and commercial character along Robinson Street while providing an appropriate, more residential scale and uses along Allendale Avenue. At the upper levels, the towers architectural expression will contribute positively to Niagara Falls' emerging skyline character. The urban design and architectural design of the proposed redevelopment conforms with the City's built form and public realm policies and appropriately responds to its design-related guidelines.



# Site & Surroundings



## 2.1 Subject lands

The subject lands are located on the south side of Robinson Street and the east side of Allendale Avenue (see **Figure 2**, Aerial Photo - Site Context). The subject lands have an area of 0.4637 hectare (1.145 acre) and the development portion generally forms a rectangular shape. The subject lands have a frontage of approximately 42.70 metres on Robinson Street and 71.87 metres on Allendale Avenue.

The subject lands are currently occupied by four structures and a surface parking lot. The first structure is a two-storey detached house at the corner of Robinson Street and Allendale Avenue. This structure, municipally addressed as 5602 Robinson Street, is listed on the City of Niagara Fall Heritage Register. A Cultural Heritage Impact Assessment (CHIA) was completed and determined that the structure did not demonstrate

cultural heritage value under O. Reg. 9/06 of the *Ontario Heritage Act*. The CHIA is discussed in further detail in Section 5.8. The second structure is further west along Robinson Street and consists of a two-storey mixed-use building that includes a dwelling and restaurant use with an addition to accommodate the restaurant use to the west. The third structure is also located further west on Robinson Street and consists of a one-storey residential house. The fourth building is located on Allendale Avenue and consists of a one-storey retail/commercial building with a rectangular shape that extends east. A surface parking lot is located on the west and south side of the retail/commercial building. A significant portion of the subject lands are occupied by surface parking lot and paved areas.



Figure 2 - Aerial Photo - Site Context



Subject Lands - Looking North



Subject Lands - Looking Southeast



Subject Lands - Panorama Looking Northeast



Subject Lands - Listed Heritage Property Looking East



Subject Lands - Looking East



Subject Lands - Listed Heritage Property Looking Northeast



Subject Lands - Listed Heritage Property Looking Southeast



Subject Lands - More Existing Single-Detached Dwellings



Subject Lands - Listed Heritage Property Looking South (Front Facade)



Subject Lands - Existing Commercial Business



Subject Lands - Existing Single-Detached Dwellings



Subject Lands - Looking South from Robinson St

## 2.2 Area Context

The subject lands are located in the Fallsview Boulevard neighbourhood of the City of Niagara Falls (see **Figure 3**, Aerial Photo - Area Context). The Fallsview Boulevard forms part of a broader focal point for tourism activities in the City, with a wide variety of restaurants, entertainment, and attractions along Stanley Avenue and Fallsview Boulevard. Further, the neighbourhood is home to several hotels, including the Hilton Hotel (53-storeys), Embassy Suites (43-storeys), The Oaks Hotel (20-storeys), Fallsview Casino Resort (32-storeys); The Tower Hotel (30-storeys) and Marriott (32-storeys).

Of particular note, the City of Niagara Falls have recently approved two development proposals in 2012 and 2017 which include 5383-5385 Robinson Street, permitting two 34-storey hotels and one 56-storey hotel, on a shared podium, and 5555, 5599, and 5651 River Road, 4369 Hiram Street and 5600 Blondin Avenue, which are approved for two (2) mixed-use towers in the range of 60- and 61-storeys including hotel and ancillary uses. Further, two other development application have been approved further south at 6880 Stanley Avenue with an approval for three (3) mixed-use towers in the range of 32-, 42- and 57-storeys, and at 6609 Stanley Avenue, which consists of a 72-storey mixed-use tower with hotel, residential, and entertainment uses.

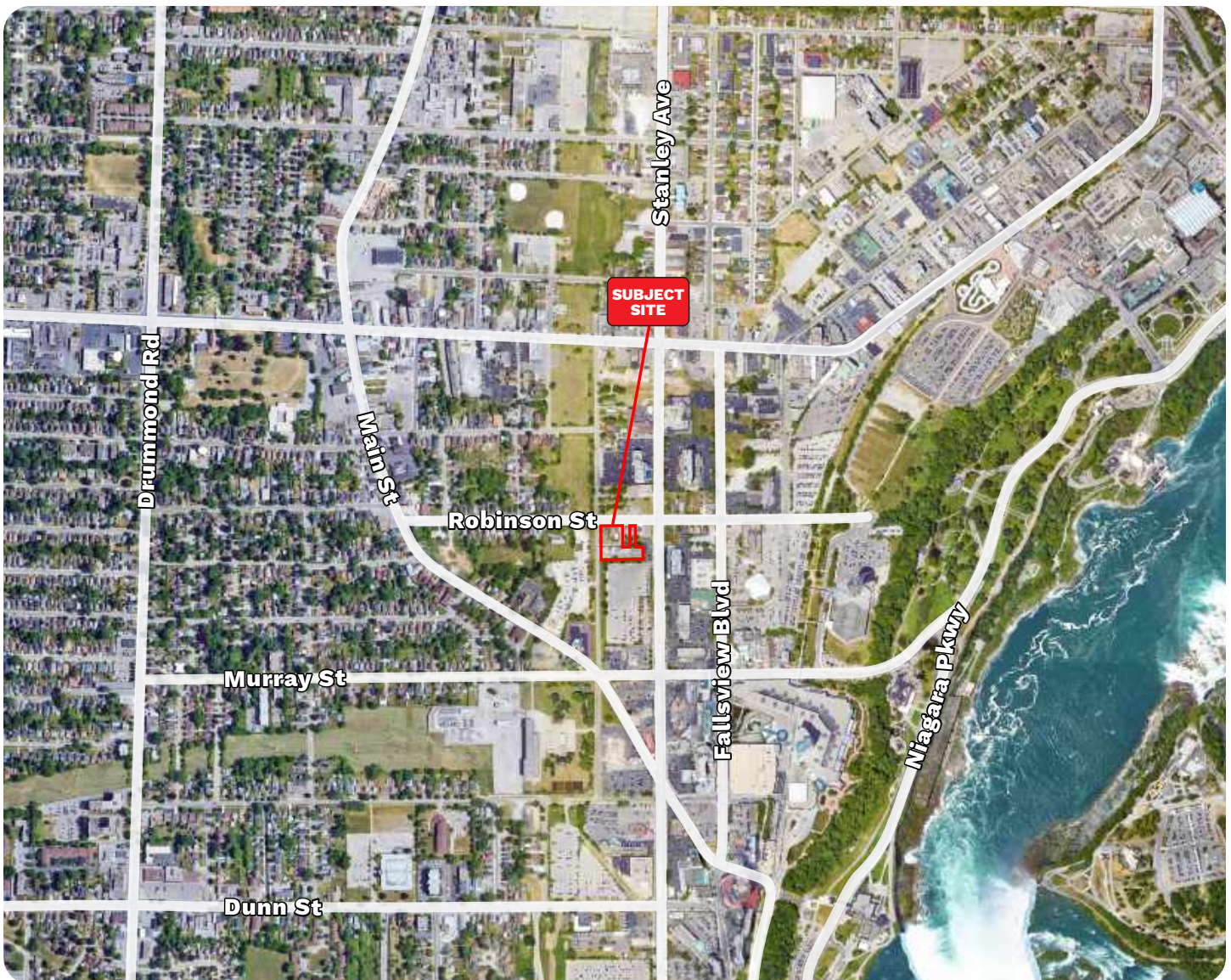


Figure 3 - Aerial Photo - Area Context

The subject lands directly front onto Robinson Street, a collector road that when combined with Stanley Avenue and Fallsview Road, serve as the hospitality, hotel, accommodation and entertainment area of the greater Niagara Falls tourism area. Attractions in the Fallsview District include, but are not limited to, Fallsview Casino, Scotiabank Convention Centre, Fallsview Casino Entertainment Centre, Skylon Tower, and several restaurant, bars and night clubs.

In addition to the lands' proximity to several other amenities as listed above, the subject lands are approximately 425 metres to Highway 20 (Lundy's Lane), which provides connection into and out of the

Downtown area. Highway 420 is located approximately 1.2 kilometres away and provides a direct connection to the provincial freeway network, and the Rainbow Bridge, which provides access to Niagara Falls, New York. Queen Victoria Park and associated viewing platforms are located approximately 450 metres to the west, providing direct access to the parks gardens and views of the American Falls and Horseshoe Falls. Other amenities such as Clifton Hill, Niagara SkyWheel, Casino Niagara, and Fallsview Indoor Waterpark are 1 to 1.5 kilometres to the north.



Subject Lands and Surrounding Lands - Looking North (Source Google Earth)



Subject Lands and Surrounding Lands - Looking South (Source Google Earth)



Subject Lands and Surrounding Lands - Looking East (Source Google Earth)



Subject Lands and Surrounding Lands - Looking West (Source Google Earth)

## 2.3 Immediate Surroundings

As described in Sections 2.1 and 2.2 above, the subject lands are located strategically within an area concentrated with major entertainment and hospitality amenities and in close proximity to the American and Horseshoe Falls. The following section describes the adjacent land uses and their relationship to the subject lands in greater detail.

**North:** Immediately north of the subject lands are Robinson Street, a collector road with a designated 23 metre right of way. The north side of Robinson Street is currently occupied by a vacant lot and a single-detached dwelling. Further north, along Stanley Avenue, is a two-storey restaurant, eight-storey hotel and restaurant with associated surface parking, and more single detached dwellings of varying sizes. To the northeast, along Fallsview Boulevard is a 20-storey hotel (Double Tree), a series of surface commercial parking lots, a 3-storey hotel, and several one and two storey restaurant buildings.

**East:** Immediately east of the subject lands a two-storey single detached dwelling and a one-storey retail/commercial plaza and an associated surface parking lot. Further east is Stanley Avenue, an Arterial Road which serves as a major access street for the City of Niagara Falls. Stanley Avenue is predominantly a four-lane roadway with an additional turning lane at significant intersections, including Stanley Avenue and Murray Street. A bus stop, servicing the Niagara Falls Transit municipal transit service and WEGO tourism focused transit service, is located on Robinson Street to the east, on the east side of Stanley Avenue. On the east side of the Stanley Avenue is nine-storey hotel and associated surface parking lot. Surface parking lots extend further east, beyond Fallsview Boulevard. Continuing east, along Robinson Street, is Queen Victoria Park with associated surface parking lots and park access trails.



Surrounding Lands - North along Allendale Ave



Surrounding Lands - North of Subject Lands along Robinson St



Surrounding Lands - North at Intersection of Allendale Ave & Robinson St



Surrounding Lands - Looking East along Robinson St

**South:** To the immediate south of the subject lands is a surface parking lot. Further south, north of Murray Street, is a two-storey hotel with associated pool and surface parking lot and a one-storey restaurant with a drive-thru and surface parking lot. South of Murray Street is the Niagara Freefall and Interactive Centre and associated restaurant and surface parking lot. Surface parking lots continue further to the south of Murray Street to Main Street through to Dixon Street. To the southeast of the subject lands are the Fallsview Casino Entertainment Centre, a large complex with integrated hotels, restaurant and other retail/commercial uses. Further to the southeast is the Fallsview Casino Resort, which includes a casino, hotel and restaurants.

**West:** Immediately west of the subject lands is Allendale Avenue, a local two-lane roadway. Further west, on the westside of Allendale Avenue, is a surface parking lot and hydro-corridor which spans across the surface parking lot. Further west is a three-storey church (All Saint Anglican Church) and cemetery, single detached residential dwellings, and a public park (Grey Robinson Park). Single detached residential dwellings continue west until Main Street. To the immediate northwest of the intersection of Robinson Street and Allendale Avenue is a surface parking lot and the continuation of the hydro-corridor. Further to the northwest are single detached dwellings that extend to Peer Street. To the immediate southwest is the continuation of the surface parking lot and hydro corridor. Further to the southwest is another three-storey church (Nativity of the Holy Mother of God) and a two-storey hotel/lodge with an outdoor swimming pool and surface parking lot.



Surrounding Lands - South along Allendale Ave



Surrounding Lands - North at Intersection of Allendale Ave & Robinson St



Subject Lands - Looking South from Robinson St



Surrounding Lands - Looking West along Robinson St

## 2.4 Transportation Network

Robinson Street and Allendale Avenue are identified as Collector Roads with a proposed right-of-way ("ROW") width of 20 metres, on Schedule C – Major Roads Plan of the City of Niagara Falls Official Plan. Additionally, Stanley Avenue is identified as an Arterial Road with a proposed right-of-way width of 26 metres, and as a Transportation Corridor on Schedule A2 – urban Structure of the Official Plan.

Policy 1.5.1 of the Official Plan provides that Transportation Corridors will consist of rail corridors, provincial highways and the arterials road system, and that these corridors are the primary conveyors of goods and people within, into and out of the City. Arterial Roads are designed to accommodate large volumes of traffic between major land use areas in the City. Collector Roads on the other hand, as identified in Policy 1.5.17 of the Official Plan will function primarily to convey traffic and pedestrians to Transportation Corridors. They will accommodate moderate to high volumes of medium distance traffic between Arterial Roads and Local Roads (Policy 1.5.18.5).

The subject lands are serviced by the nearby WEGO bus service Blue Line – Fallsview Clifton Hill which services Robinson Street, Stanley Avenue, Murray Hill and Falls Avenue. The subject lands are also serviced by the WEGO bus service Red Line – Lundy's Lane which services Stanley Avenue, Clifton Hill, Clark Street and Lundy's Lane. WEGO bus service provides transit access to popular attractions throughout the tourist areas of the city.

Further, the subject lands are also serviced by Niagara Falls Transit route 101 (Dunn Street – Main Street and Ferry Street), and Routes 106 and 206 (Stanley Industrial Park – Main Street and Ferry Street), providing service at 30-minute frequencies. In addition to local transit service, the Niagara Region offers inter-regional transit service which has stops at major hubs, and GO Transit offers train and bus service to the Greater Toronto and Hamilton Area from Niagara Falls GO Station, approximately 3 kilometres to the north.

From an active transportation perspective, the subject lands are served by sidewalk networks on both Robinson Street and Stanley Avenue. The sidewalk network provides pedestrian connections to the Queen Victoria Park Grounds and immediate hospitality and restaurant uses located to the east.

The subject lands are located approximately 425 metres to Highway 20 (Lundy's Lane), which provides connection into and out of the Downtown area. Highway 420 is located approximately 1.2 kilometres away and provides a direct connection to the provincial freeway network, and the Rainbow Bridge, which provides access to Niagara Falls, New York.

Furthermore, a major transit station area is planned for the City which is located approximately 2.8 kilometres from the lands to the northeast. This new Niagara Falls GO Transit Station will receive expanded GO Rail Service to Niagara Falls by 2023 by the Province of Ontario, and will expand upon the connections to other municipalities, between Niagara Falls.





3

Proposal

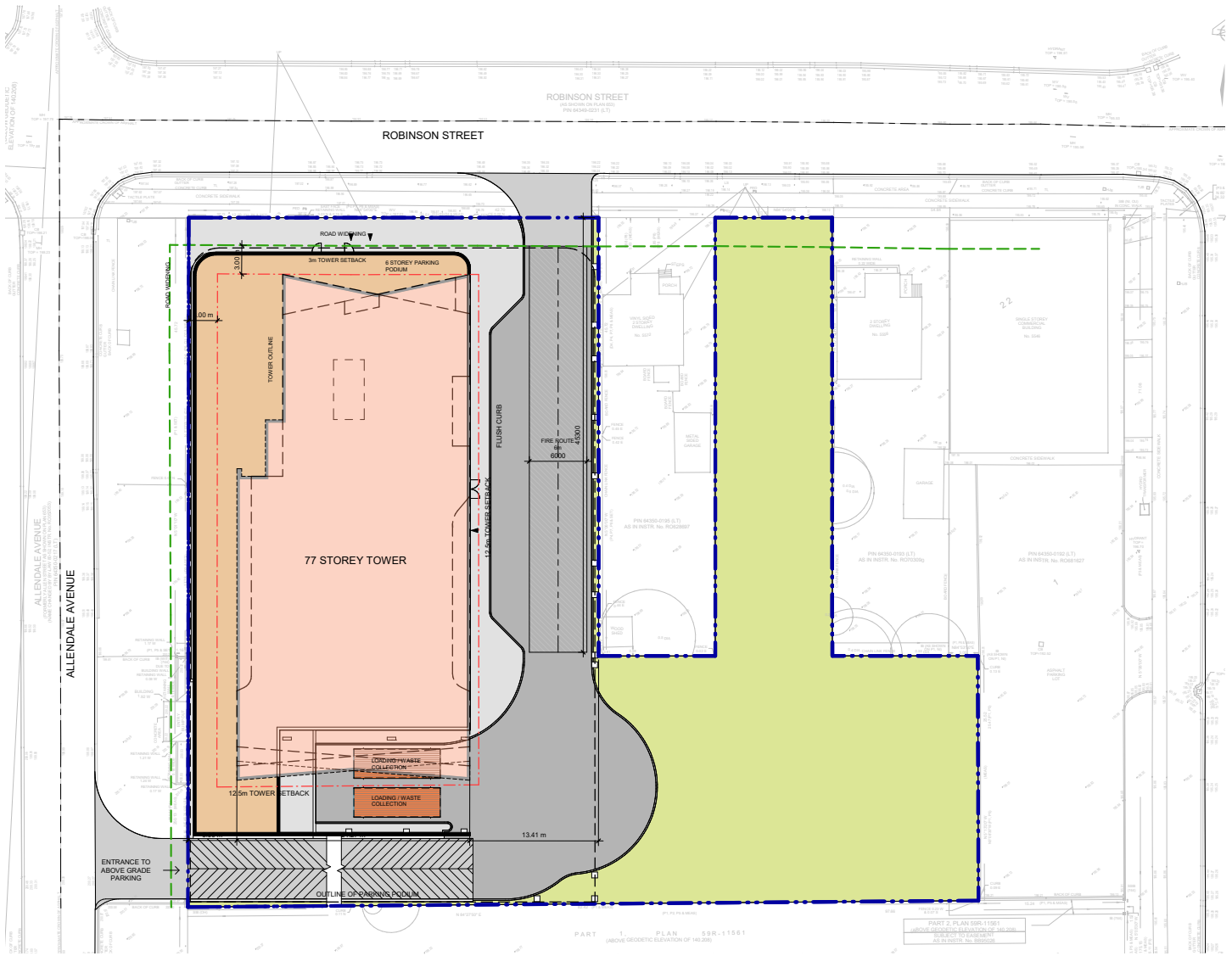


Figure 4 - Site Plan (Prepared by Chamberlain Architect Services Limited)

### 3.1 Description of Proposal

The proposed development would result in the construction of a new mixed-use high-rise building on the subject lands consisting of a 77-storey hotel tower along Robinson Street and Allendale Avenue, built atop a 6-storey podium (see **Figure 4**, Site Plan). The condominium development would result in the provision of 955 new residential units comprised of 235 one-bedroom units (24%), 309 one-bedroom + den units (32%), 305 two-bedroom units (32%), 103 two-bedroom + den units (11%), 3 penthouse units (<1%), and 7 street-level housing along Allendale Avenue (1%).

With 962 new residential units, the gross density of the redevelopment will be 2,078 units per hectare. The gross density calculation includes the outdoor landscaped area located to the east. The overall gross floor area ("GFA") is 72,300 square metres, resulting in a Floor Space Index ("FSI") of 15.6. A total of 713 parking spaces will be provided to service the overall development with 395 spaces being provided below grade and 320 provided above grade, including 2 loading spaces. A total of 368 indoor bicycle parking spaces are to be provided at grade.

#### Building Height

The building is designed in a high-rise-built form atop a 6-storey podium and will extend to 77 storeys to a maximum height of 244.10 metres. The podium is established at 6 storeys and will serve to activate the street frontages along Robinson Street by housing new commercial units at grade and providing access to the lobby and pick-up/drop-off area and Allendale Avenue by housing an additional commercial unit at grade along with the provision of street level townhouses (see **Figure 5** – Elevations).

#### Ground Level

Robinson Street and Allendale Avenue are City of Niagara-owned roads, and the planned right of way ("ROW") width is 20 metres. The actual width varies and is deficient in width, in order to bring Robinson Street and Allendale Avenue to the planned width of 20 metres, an approximate 13 metre widening is required from Robinson Street and 11.5 metre widening is required from Allendale Avenue frontages to bring both roads into the planned ROW width. Therefore, widening is proposed along the north side of the subject lands, along Robinson Street, and along the west of the subject lands, along Allendale Avenue, adjacent to the building's retail façade, that will facilitate streetscape improvements, such as wider sidewalks, street trees and landscaping, benches, and other related improvements (including achieving the planned ROW width) and will help to animate the site's frontage and side yard.

#### Building Base (Podium)

The building base or "podium" of the proposed development is intended to anchor the tower and define the pedestrian experience on all sides of the site. The podium is proposed at 6 storeys in height. Its location and height have been designed to frame Robinson Street and Allendale Avenue and will create a positive relationship to both the streets abutting the subject lands and to the eastern and southern flanks that pedestrian interactions within the site have been contemplated through the introduction of new commercial and outdoor landscaped open space.

The podium has been carefully designed, and includes a mix of horizontal and vertical elements, to reinforce the human scale of the street. The arrangement of internal uses will create a visual connection between the public and private realm, while promoting vibrancy and activity throughout the day. In addition, the building materials will create a unique visual element to the podium and encourage viewership from those in proximity to the podium.

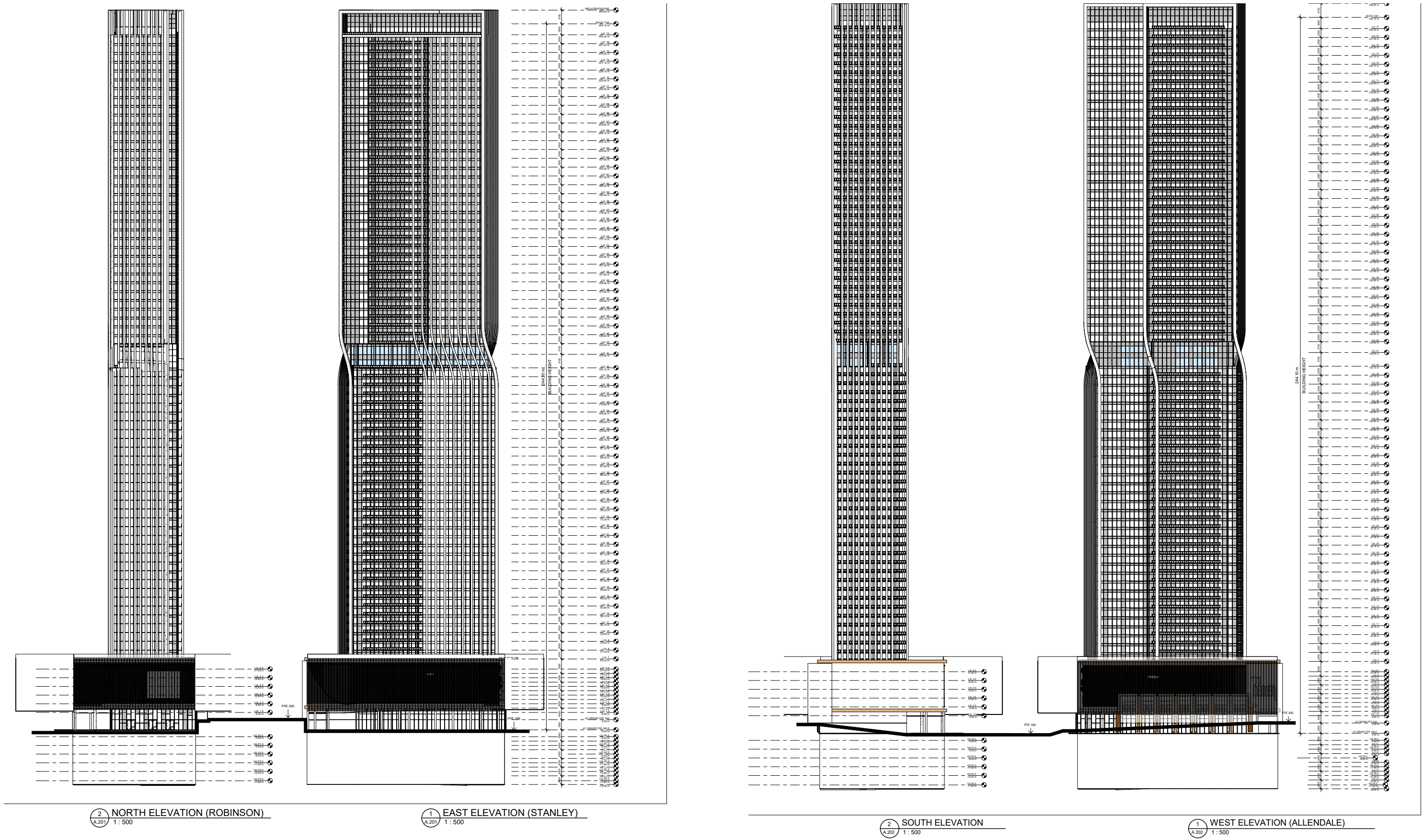


Figure 5 - Elevations (Prepared by Chamberlain Architect Services Limited)

## Tower

The majority of level 1 of the podium will feature at grade commercial uses towards the intersection of Robinson Street and Allendale Avenue, along the building's northern and western flanks, with parking accesses directed to the south and east of the podium base, away from the commercial component. The location for commercial uses has been thoughtfully considered to mitigate conflict points between vehicle access and ensure a new pedestrian-level interface with a definitive street edge that occupies the frontage. The at grade commercial uses wrap around the northwest corner of the podium and provide additional commercial options for the development along the northern street edge. The outer edges of the podium include commercial, residential and pedestrian access areas to ensure an active street edge is promoted.

The western half of the podium on level 1 and 2 is comprised of seven townhouse units with access directly from Allendale Avenue. These proposed at grade residential uses will assist in animating the street edge along Allendale Avenue and reflect the residential character of the surrounding neighbourhood. A service and loading corridor is proposed at the southwest portion of the podium, adjacent to the at grade townhouse units and vehicle ramp to service the above grade parking proposed for the development.

Commercial uses wrap around the northeast corner of the podium, adjacent to the vehicle access aisle provided from Robinson Street. Further along the eastern flank of the podium is a commercial lobby, proposed at a mid-podium section, which can be accessed via the drive aisle and pedestrian sidewalk from the street. Further to south of the eastern flank is a loading/garbage area and a vehicle ramp to access the 6 levels of underground parking. A drop-off area is provided for pedestrian and vehicles along the eastern flank, internal to the podium design. This covered area extends from the ground floor to the second storey of the podium and provides a 'weather protective' space for residents, guests and pedestrians.

As noted, above grade parking is proposed for the development on part of level 2 of the podium and the entirety of floors 3 through 6. On level 6, the podium has generally reached its functional peak. However, the roof of level 6 has been designed as outdoor amenity area in the stepback provided for the building tower. The tower starts from this point upwards.

The proposed 71-storey tower component will have a slender design with a fanned floorplate. The north and south walls of the tower are angled to create an easterly sightline to the south and westerly sightline to the north on levels 7 through 39. On levels 42 through 77, the north and south walls shift orientation to create an easterly sightline to the north and westerly sightline to the south.

The irregularly shaped tower floorplate will have a stepback of 3 metres to the north, 12.5 metres to the east, 12.5 metres to the south and 3.0 metres to the west. The proposed stepbacks create an appropriate separation distance to the neighbouring land uses and respects the future development of adjacent lands.

Levels 7-77 form the tower component of the development and what is often referred to as the "middle". The tower is the most substantial and impactful component to the development, and has been designed as well-articulated, slender landmark, that will visually distinguish the Fallsview neighbourhood. The construction will result in the addition and enhancement to the City's skyline and will stand as a landmark for the City of Niagara Falls. The design and massing of the tower recognizes and reflects this important role and has been designed to minimize impacts on adjacent uses and surrounding open spaces, including Horseshoe Falls. The tower has been designed to maximize sky and fall views and access to sunlight through a slender floorplate and spacious stepback from the podium base.

Levels 7 through 39 and 42 through 76 consist of residential units with a mix of one bedroom (235 units), one bedroom + den (309 units), two bedroom (305 units) and two bedroom + den units (103 units). Level 77 consists of the three penthouse units.

Level 40 and 41 consist of indoor amenity space, a mechanical area and outdoor amenity area that wraps around the southeast portion of the tower. These levels provide a transition in building form and assist in delineating the massing of the building at roughly the midpoint. Levels 40 and 41 will provide unobstructed panoramic views of the City of Niagara Falls, Horseshoe Falls, American Falls and the Niagara River.

With respect to materiality, the use of glass for the proposed tower creates a lightness that reduces the overall building mass. The external architectural features, particularly the building 'twist' between the 39th and 42nd levels, create visual interest in the skyline.

## Building Top

The top of the proposed tower helps define the tower itself and will contribute to a unique and interesting skyline for the City of Niagara Falls. Specifically, a variety of elements, including material variations, lighting, and other architectural elements have been adopted to reinforce a strong presence at the top of the building. Structural elements, such as the mechanical penthouse and elevator shafts will not be visible from ground level.

The mechanical penthouse has been deliberately situated within a building crown, which caps the towers and adequate screening from the pedestrian realm and minimize visual impacts. Mechanical components and the heating ventilation and air conditioning system components will be stepped back towards the centre of the roof, ensuring that they are screened from view.

The roof design and tower articulation provide for a unique addition to Niagara Falls' skyline. The design provides a clear differentiation between the crown and the body of the tower. The mechanical penthouses are located at the top of the tower and provide a clear culminating point with a much smaller footprint. Similar building materials and design transitions assist in deafferenting the tower component from the crown and effectively obscure all roof top mechanical equipment. Given the proposed height of the tower, it is not expected that the penthouse will be visible from close-by and street level views.

## Amenities

A total of 1,117.97 square metres of indoor amenity area (1.2 square metres per unit) and 10,407.25 square metres of outdoor amenity area (10.8 square metres per unit) is proposed to service the residential condominium units.

At level 7, the rooftop of the base building provides outdoor amenity space for residential uses. At level 40, indoor amenity space (4,671 square feet) and outdoor amenity space (1,368 square feet) is provided. Floor 41 also includes indoor amenity space (7,362 square feet) and outdoor amenity space (2,025 square feet) is provided. The indoor and outdoor spaces located on floors 40 and 41 are contiguous and offer access for all residential units.

## Parking, Services and Access

Parking for the subject lands will be accommodated in 6 levels of underground parking and 6 levels of above ground parking within the podium. A total of 713 parking spaces will be provided to service the overall development with 395 spaces being provided below grade and 320 provided above grade. Two (2) loading spaces are provided at grade.

Servicing and back-of-house functions will be limited to the south-easterly portion of the subject lands for loading, garbage, and storage operations. Access to this servicing area will be provided via the internal road network, connecting to Robinson Street.

Located at the far southern portion of the podium base, a series of vehicle ramps are provided for access to underground and aboveground parking. The entrance for underground parking is provided within the internal site road network from Robinson Street. The entrance for above ground parking is provided from Allendale Avenue.

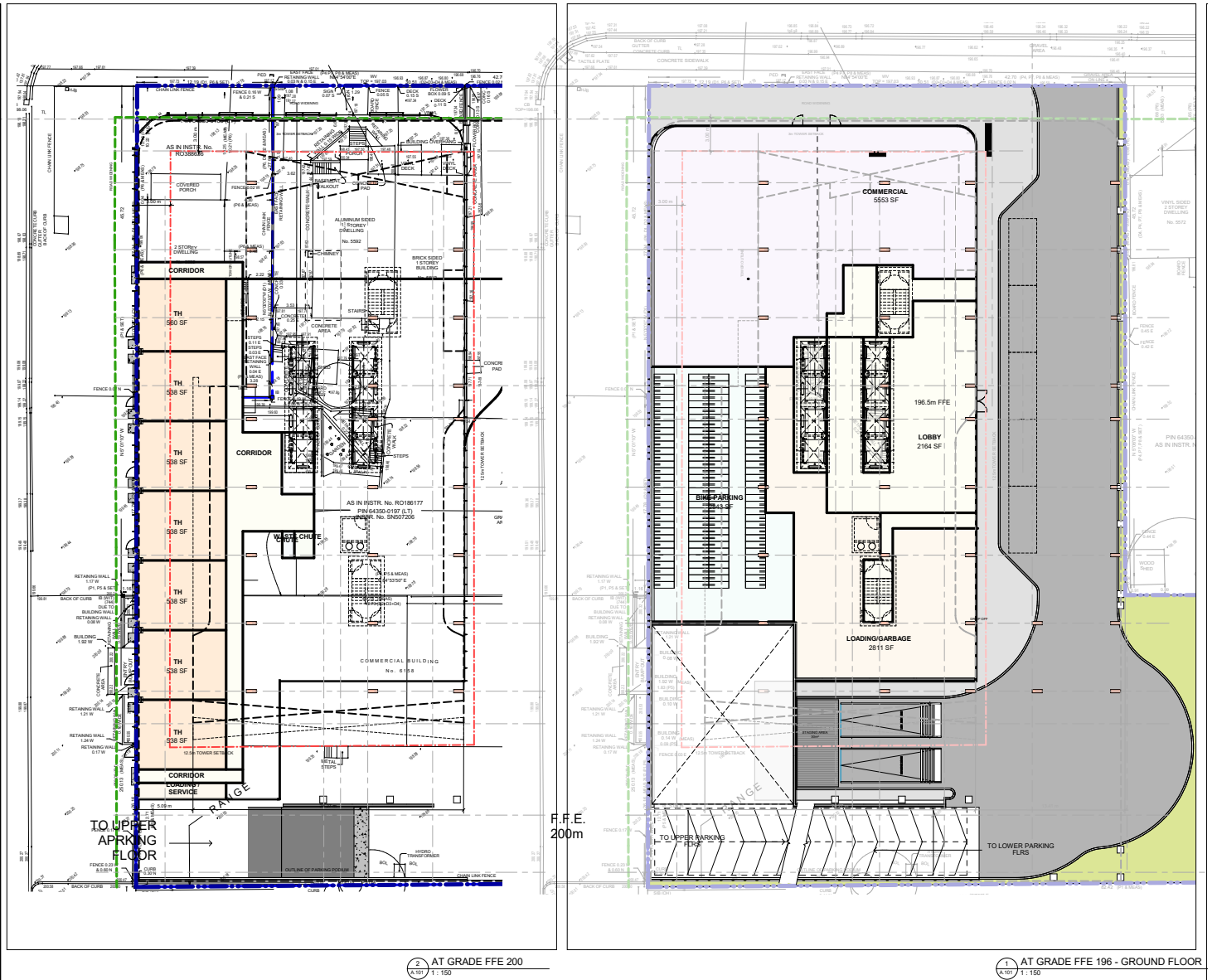


Figure 6 - Ground Floor Plan (Prepared by Chamberlain Architect Services Limited)

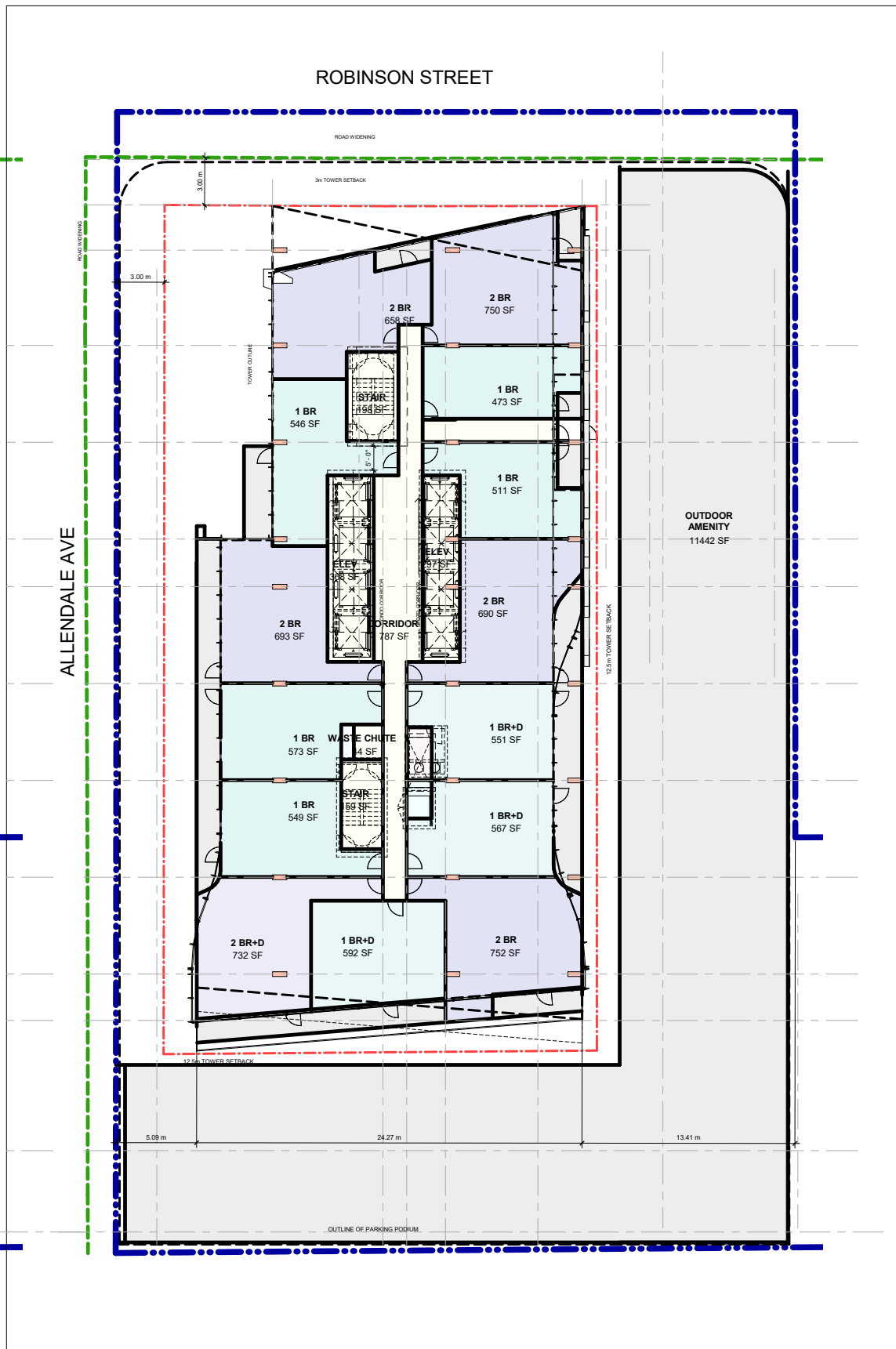


Figure 7 - Level 7 Floor Plan (Prepared by Chamberlain Architect Services Limited)



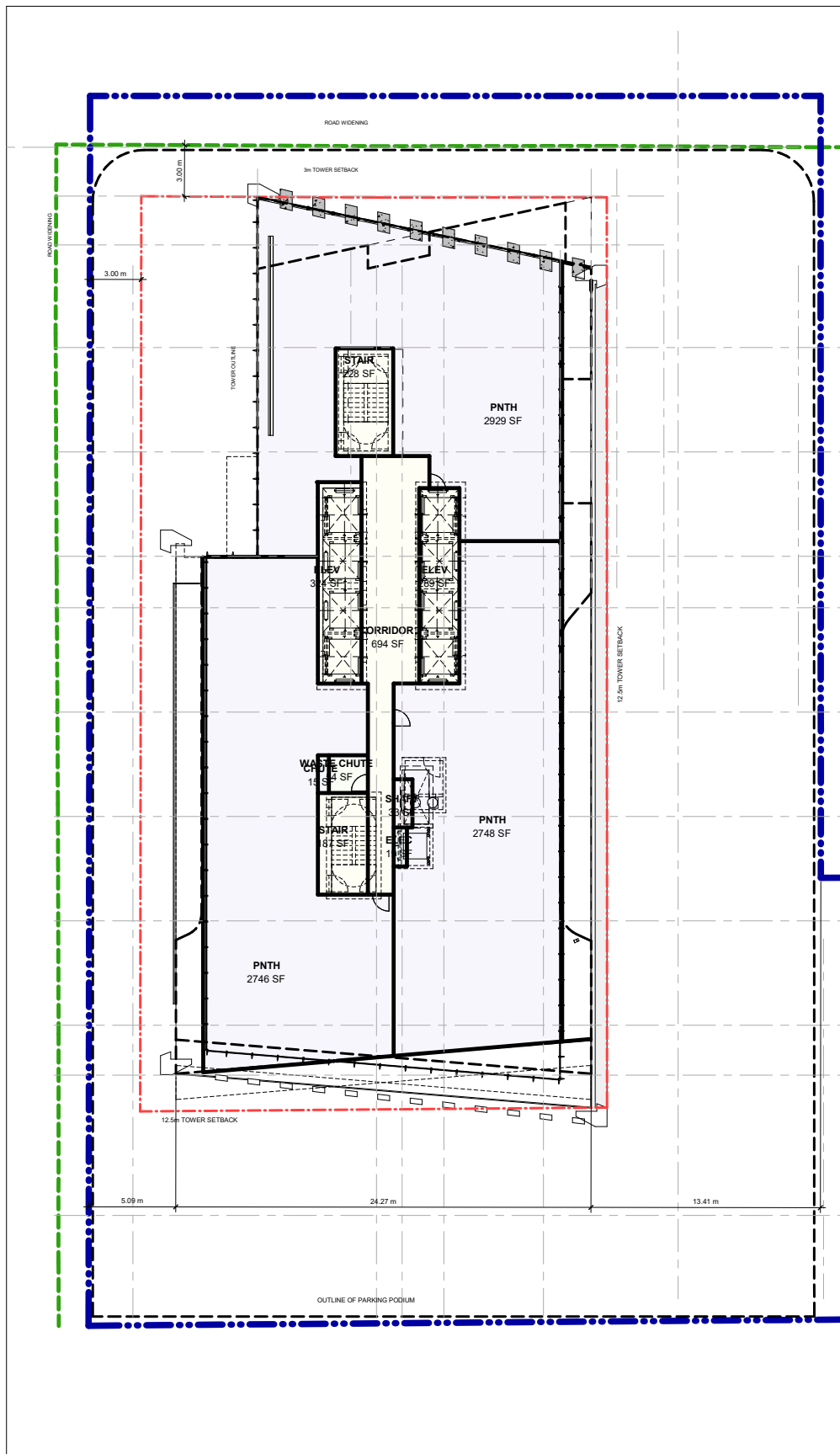


Figure 8 - Level 77 Floor Plan (Prepared by Chamberlain Architect Services Limited)

### 3.2 Key Statistics

Site Area	4,637.56 m <sup>2</sup>
<b>TOTAL GFA (excludes above grade parking)</b>	<b>72,300 m<sup>2</sup></b>
Residential GFA	71,784 m <sup>2</sup>
Commercial GFA	516 m <sup>2</sup>
Height	77 Floors
<b>TOTAL RESIDENTIAL UNITS</b>	<b>962</b>
1-Bedroom	235 (24%)
1-Bedroom + Den	309 (32%)
2-Bedroom	305 (32%)
2-Bedroom + Den	103 (11%)
Bachelor	3 (<1%)
At-grade Townhouses	7 (1%)
<b>AMENITY AREA</b>	
Indoor Amenity	1,117.97 m <sup>2</sup>
Outdoor Amenity	10,536 m <sup>2</sup>
<b>TOTAL PARKING SPACES</b>	<b>713</b>

Table 1 - Key Statistics

### 3.3 Required Approvals

The proposal requires an amendment to the City of Niagara Falls Official Plan in order to increase the maximum building height beyond 30-storeys and allow the City to secure the bonusing resources contained in section 4.6.11 of the Official Plan. An amendment to the City of Niagara Falls Zoning By-law 79-200 is also required to permit the proposed height and to revise other performance standards as necessary to accommodate the proposal.



# Policy & Regulatory Context

## 4.1 Overview

As set out below, the proposal is supportive of the policy directions established for the subject lands by the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Region Official Plan, and the City of Niagara Official Plan, all of which promote and encourage intensification within built-up urban areas.

## 4.2 Provincial Policy Statement (2020)

On February 28, 2020, the Ministry of Municipal Affairs and Housing released the Provincial Policy Statement, 2020, which came into effect on May 1, 2020 ("PPS").

The PPS provides policy direction on matters of Provincial interest related to land use planning and development. In accordance with Section 3(5) of the Planning Act, all decisions that affect a planning matter are required to be consistent with the PPS. In this regard, Policy 4.2 provides that the PPS "shall be read in its entirety and all relevant policies are to be applied to each situation".

As compared with the 2014 PPS, the 2020 PPS places an increased emphasis on integrating land use planning, growth management, transit supportive development, intensification, and infrastructure planning to achieve cost effective development patterns, optimize transit investments, and minimize land consumption and servicing costs. Revised policies encourage both market based and affordable housing, an increase in the mix and supply of housing and preparing for the impact of climate change.

Part IV of the PPS sets out the Province's vision for Ontario, and promotes the wise management of land use change and efficient development patterns:

*"Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. 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. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water, and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region".*

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, Part V of the PPS contains a number of policies that promote intensification, redevelopment and compact built form, particularly in areas well served by public transit.

Section 1.1 of the PPS provides policy direction with respect to managing and directing land use to achieve efficient and resilient development and land use patterns in Ontario. In particular, Policy 1.1.1 provides that healthy, liveable and safe communities are to be sustained by promoting efficient development and land use patterns; accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs; and promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

Policy 1.1.2 requires that sufficient land be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

Section 1.1.3 of the PPS provides specific policy direction with respect to settlement areas in Ontario. Settlement areas are urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets) that are: a) built-up areas where development is concentrated, and which have a mix of land uses; and b) lands which have been designated in an official plan for development over the 25-year planning horizon.

The subject lands are located within a settlement area as defined by the PPS and are located within the built-up area of the City of Niagara Falls. In general, settlement areas are the focus of growth and development in Ontario.

Policy 1.1.3.3 requires planning authorities to identify 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 and the availability of suitable existing or planned infrastructure and public service facilities. In addition, Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.3 of the PPS provides policy direction with respect to employment land in Ontario, which in the context of the PPS, includes both commercial and industrial uses. In this regard, Policy 1.3.1 requires planning authorities to promote economic development and competitiveness by providing an appropriate mix and range of employment and broader mixed uses to meet long term needs, and to encourage compact, mixed-use development that incorporates compatible employment uses that support livable and resilient communities while ensuring necessary infrastructure is provided to support current and projected needs.

Policy 1.3.1 states that planning authorities shall promote economic development and competitiveness by, among other approaches, providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long-term needs. It also encourages compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Section 1.4 of the PPS provides policy direction with respect to housing in Ontario. In this regard, Policy 1.4.3 requires provision to be made for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents by, among other matters, permitting and facilitating all types of residential intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit, requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations.

Section 1.6 of the PPS provides policy direction with respect to infrastructure and public service facilities throughout Ontario. In particular, the efficient use of infrastructure, particularly public transit, is a key element of the PPS. Policy 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

Section 1.7 of the PPS provides policy direction with respect to Ontario's long-term economic prosperity. In this regard, Policy 1.7.1 of the PPS states that long-term prosperity should be supported through a number of initiatives including: encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and a range of housing options for a diverse workforce; optimizing the use of land, resources, infrastructure and public service facilities; maintaining and enhancing the vitality and viability of downtowns and main streets; encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources.

For the reasons set out in Section 5 of this report, it is our opinion that the proposed development and, in particular, the requested Zoning By-law and Official Plan Amendments are consistent with the PPS, in particular, the policies relating to residential intensification and the efficient use of land and infrastructure.

### 4.3 A Place to Grow: Growth Plan For The Greater Golden Horseshoe

On May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan") came into full force and effect, replacing the 2017 Growth Plan for the Greater Golden Horseshoe (GGH). Under Section 7 of the Places to Grow Act, all decisions affecting a planning matter must conform with Growth Plan. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 has subsequently been approved and took effect on August 28, 2020. Accordingly, and for convenience an August 2020 office consolidation version of the 2019 Growth has now been issued.

The Place to Grow Plan builds upon the Growth Plan 2017, providing a framework for growth and development in the GGH until 2041 that supports the achievement of complete communities with access to transit networks, protected employment zones and a greater supply and variety of housing.

The Guiding Principles, which are important for the successful realization of A Place to Grow Plan are set out in Section 1.2.1. Key principles relevant to the Proposal include:

- Supporting the achievement of complete communities<sup>1</sup> that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability; and
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

In accordance with Section 1.2.3, A Place to Grow Plan is to be read in its entirety and the relevant policies are to be applied to each situation.

<sup>1</sup> Complete Communities Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning and the need to optimize the use of the land supply and infrastructure. The Growth Plan includes objectives to support the development of a complete community and promotes transit-supportive development. Section 2.1 of the Growth Plan states that:

*"To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options [...]"*

Section 2.1 of the Growth Plan goes on to further emphasize the importance of optimizing land use in urban areas:

*"This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area."*

Although the subject lands are not considered an "intensification area" by virtue of being located within an urban growth centre, major transit station area, or an intensification corridor as per the local Official Plan, it is uniquely situated in the core of the Niagara Falls tourist district and within the Niagara Region's Gateway Economic Zone. Further, the site is complementary to the other tourist attractions in the tourist core of Niagara Falls and provides significant economic uplift for the municipality, particularly given that it is located within the Gateway Economic Zone, which travels from Fort Erie to Niagara Falls, as shown on Schedules 5 and 6 of the Growth Plan.

Policy 2.2.1(2) provides that:

- a. the vast majority of growth will be directed to settlement areas that:
  - i. have a delineated built boundary;
  - ii. have existing or planned municipal water and wastewater systems; and
  - iii. can support the achievement of complete communities;[...] and
- b. within settlement areas, growth will be focused in:
  - i. delineated built-up areas;
  - ii. strategic growth areas;
  - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
  - iv. areas with existing or planned public service facilities.

The subject lands are located within a Settlement Area and within a Delineated Built-up Area as defined by the Growth Plan.

Policy 2.2.1(3)(c) requires that municipalities undertake integrated planning to manage this forecasted growth in a manner which provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors and to support the achievement of complete communities through a more compact built form.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities in a number of ways, including: (a) featuring a diverse mix of land uses; (c) providing a diverse range and mix of housing options; (d) expanding convenient access to a range of transportation options; (e) ensuring the development of compact built form and a vibrant public realm; and (f) mitigating and adapting to climate change impacts and contributing to environmental sustainability.

Policy 2.2.2(3) provides that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development (a);
- identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas (b);
- encourage intensification generally throughout the delineated built-up area (c);
- ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities (d);
- prioritize planning and investment in infrastructure and public service facilities that will support intensification (e); and
- be implemented through official plan policies and designations, updated zoning and other supporting documents (f).

The subject lands have characteristics of a “strategic growth area” pursuant to Growth Plan (i.e., a focus for accommodating intensification and higher-density mixed uses in a more compact built form<sup>2</sup>). Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

The subject lands are located on Victoria Avenue, an arterial road, and is located within the existing *Tourist Commercial Area* as identified in the City of Niagara Falls Official Plan, an area planned to be the centre of a world-class tourism destination in the form of a modern urban centre.

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<sup>2</sup> Compact Built Form A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

Policy 2.2.5(18) provides that in recognition of the importance of cross-border trade with the United States, this Plan recognizes a Gateway Economic Zone and Gateway Economic Centre near the Niagara-United States border. Planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism. The Subject lands are identified as falling within the Gateway Economic Zone as shown on Schedule 2 of the Growth Plan.

Section 2.2.6 of the Growth plan provides policy direction with respect to housing within the Greater Golden Horseshoe. In this regard, Policy 2.2.6(1) requires municipalities to support housing choice through the achievement of the minimum intensification and density targets in Growth Plan by, among other things, identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents (a). This housing strategy is to be implemented through official plan policies and designations and zoning by-laws(d). Notwithstanding Policy 1.4.1 of the PPS, Policy 2.2.6(2) states that municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth (a); planning to achieve the minimum intensification and density targets (b); considering the range and mix of housing options and densities of the existing housing stock (c); and planning to diversify the overall housing stock across the municipality (d).

Generally, the infrastructure policies set out in Chapter 3 of Growth Plan place an enhanced emphasis on the need to integrate land use planning and investment in both infrastructure and transportation. Policy 3.2.2(1) provides that transportation system planning, land use planning and transportation investment will be coordinated to implement Growth Plan. Policy 3.2.2(2) states that the transportation system, which includes public transit, will be planned and managed to, among other matters:

- provide connectivity among transportation modes for moving people and goods (a);
- offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and active transportation (b); and,
- offers multimodal access to jobs, housing, schools, cultural and recreational opportunities, and goods and services (d).

Policies 3.2.3(1) and 3.2.3(2) state that public transit will be the first priority for transportation infrastructure planning and major transportation investments, and that decisions on transit planning and investment will be made according to a number of criteria including prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels, and increasing the capacity of existing transit systems to support strategic growth areas.

Section 4 of the Growth Plan, entitled "Protecting What is Valuable", includes policies designed to protect valuable provincial resources (which include the Natural Heritage System, Key Hydrologic Features, Key Natural Heritage Features, Public Open Space, the Agricultural System and Mineral Aggregate Resources) and promote a culture of conservation. A cornerstone of Section 4 is the policies regarding climate change. Policy 4.2.10(1) requires that municipalities identify in their official plans actions that will reduce greenhouse gas emissions and address climate change adaptation goals. These are to include supporting the achievement of complete communities as well as the minimum intensification and densification targets in the Growth Plan (a), reducing dependence on the automobile and supporting existing and planned transit and active transportation systems (b).

Policy 4.2.10(1) requires that municipalities identify in their official plans actions that will reduce greenhouse gas emissions and address climate change adaptation goals. These are to include supporting the achievement of complete communities as well as the minimum intensification and densification targets in the Growth Plan (a) and reducing dependence on the automobile and supporting existing and planned transit and active transportation systems (b).

In planning to reduce greenhouse gas emissions and address the impacts of climate change Policy 4.2.10(2) encourages municipalities to develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for infrastructure, including transit and energy.



Policy 5.2.5(1) clearly states that the targets set out in the Growth Plan are minimum intensification and density targets and encourages municipalities to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS or any other provincial plan. Policy 5.2.5(3) identifies the areas which should be delineated by municipalities in official plans in order to implement the minimum intensification and density targets, including major transit station areas (c) and strategic growth areas (d). Within each delineated area the minimum density targets are to be implemented by such measures as outlined in Policy 5.2.5(5) including zoning all lands in a manner that would implement the official plan policies (c).

For the reasons outlined in Section 5 of this report, it is our opinion that the proposed development and the proposed Official Plan Amendment and Zoning By-law Amendment conforms with the Growth Plan. In particular, the development conforms with policies promoting growth and intensification in settlement areas.

## **4.4 Region of Niagara Official Plan**

The Region of Niagara Official Plan, office consolidation 2014 ("NROP") was adopted by Regional Council in November 1991 and was modified and approved by the Minister of Municipal Affairs in 1994. A five-year scoped review was conducted in 2013, resulting in the 2014 office consolidation.

The Region of Niagara Falls is currently in the process of preparing a new Official Plan, with draft policies released for review on May 12, 2021. As the new official Plan is not yet finalized or approved by Regional Council, the 2014 consolidation continues to remain in full force and effect for this application and is the plan for which the review of the subject application must be held against.

The Strategic Objectives of the Official Plan, set out in Chapter 2, include recognizing the diversified opportunities and needs in Niagara Region by balancing both urban development and the conservation of natural resources facilitating and maintaining a pattern of distinctive and identifiable urban communities, and improving regional self-reliance through long-range economic development planning and economic diversification.

As per policy 2.A.1.1, tourism and recreation related development are recognized as one of the core components of Niagara's economy, and as per policy 2.A.1.2, the Region supports and encourage the continued expansion and development within Settlement Areas of opportunities related to tourism and recreation. The Region seeks to promote innovation and excellence by building on Niagara's economic strengths and creating partnerships with institutes of higher education, the private sector and the investment community, as set out in policy 2.E.2.1.

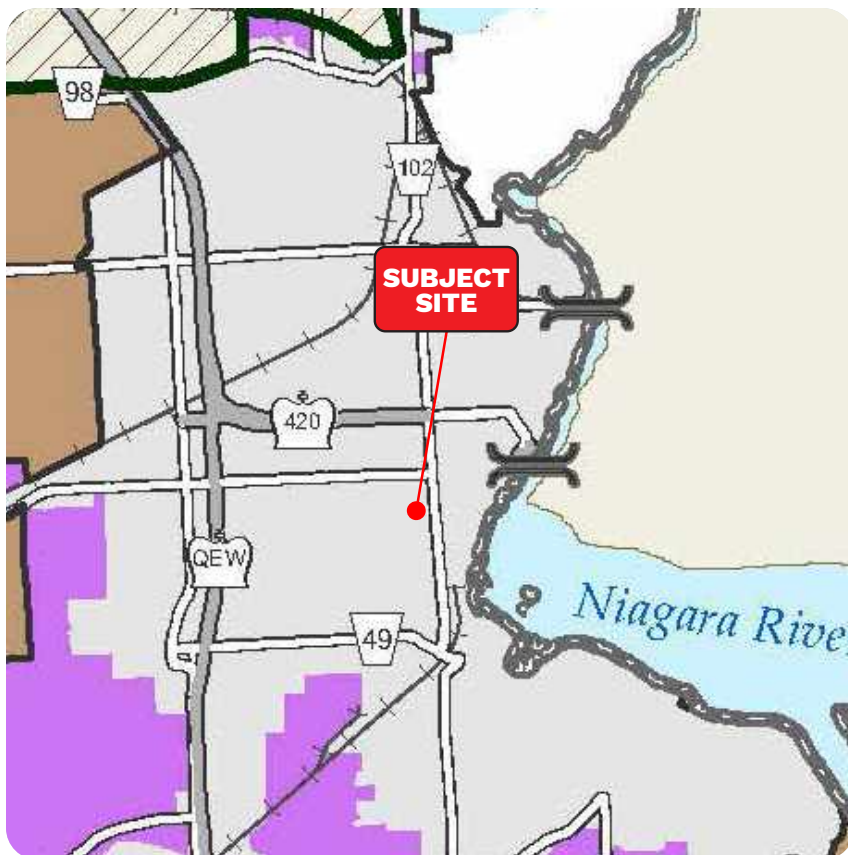
The subject lands are identified as being within the Gateway Economic Zone on Schedule G1—Niagara Economic Gateway (**Figure 9** – Schedule G1). The objectives for Niagara Economic Gateway, set out in policy 3.A.2, include attracting private sector investment, promoting the efficient use of infrastructure, and promoting appropriately located tourism facilities. As stated in policy 3.A.3.24, tourism uses, and economic development are a priority for the Niagara Economic Gateway zone.

Schedule A – Regional Structure designates the subject lands as Built-Up Area, located within the urban boundary (**Figure 10** – Schedule A). Objective 4.A.1.2 provides that a significant portion of the Region's future growth will be directed to the Built-Up Areas through intensification. In particular, compact, mixed-use, transit supportive development, as set out in objective 4.A.1.6. Policy 4.C.1.1 provides that intensification includes all forms of development that occur within the Built-Up Areas. As per policy 4.G.7.2, Urban Areas are the focus of the Region's long term growth and development, and as per Policy 4.G.8.1 Built-Up Areas, located within the Urban Areas, will be the focus of residential and employment intensification and redevelopment within the Region over the long term. Additionally, as per Table 4-1, the Region of Niagara is required to accommodate a total of 218,000 jobs by 2031, with Niagara Falls forecasted to accommodate a total of 43,640 jobs.



- GATEWAY ECONOMIC CENTRE
- GATEWAY ECONOMIC ZONE
- WELLAND CANAL
- ⚓ PORT INFRASTRUCTURE
- ⌋ INTERNATIONAL CROSSING
- NIAGARA REGION
- MUNICIPAL BOUNDARY
- PROVINCIAL ROAD
- REGIONAL ROAD

Figure 9 - Region of Niagara Official Plan - Schedule G1



- URBAN AREA BOUNDARY
- BUILT-UP AREA
- DESIGNATED GREENFIELD AREA
- DOWNTOWN ST. CATHARINES URBAN GROWTH CENTRE
- NIAGARA ESCARPMENT PLAN (NEP) AREA
- GREENBELT PLAN AREA
- PROTECTED COUNTRYSIDE
- ✳ DISTRICT PLAN
- HAMLET (as adopted by Regional Council and subject to approval by the Minister under Section 26 of the Planning Act)
- GOOD GENERAL AGRICULTURE AREA
- RURAL AREA
- ⌋ INTERNATIONAL CROSSING
- ⚓ PORT
- NIAGARA REGION
- MUNICIPAL BOUNDARY
- PROVINCIAL ROAD
- REGIONAL ROAD
- RAILWAY

Figure 10 - Region of Niagara Official Plan - Schedule A

Chapter 11 of the NROP provides policy direction with respect to housing and community services in Niagara Region. In this regard, Policy 11.A.1 provides that “the Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle”. Furthermore, Policy 11.A.2 states that the Region encourages the development of attractive, well designed residential development that:

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

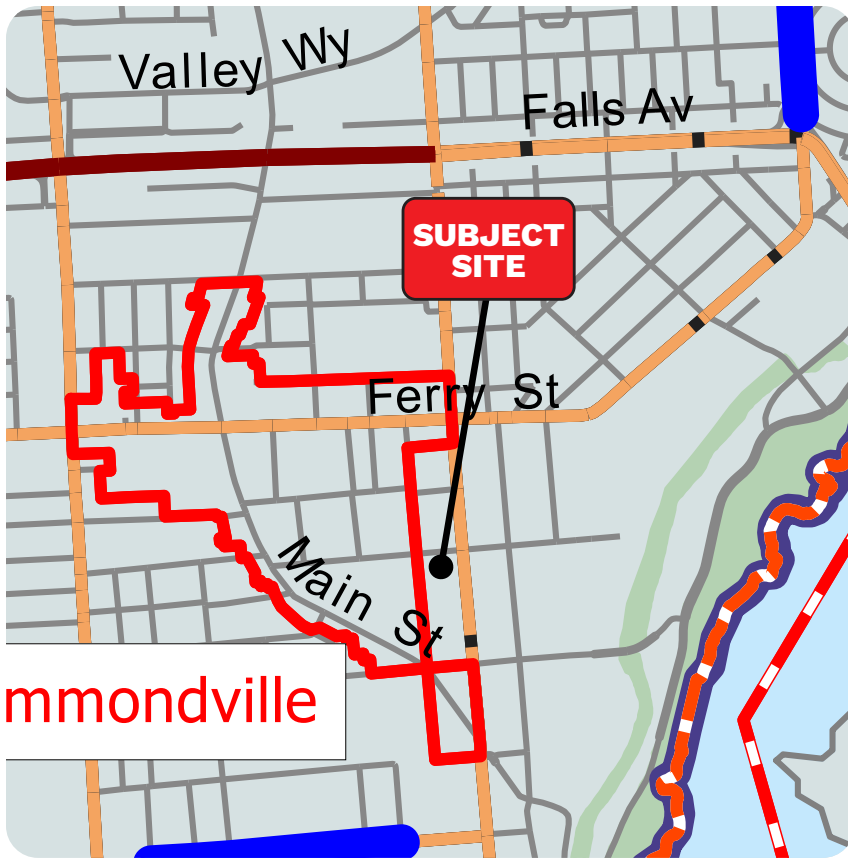
For the reasons set out in Section 5 of this report, it is our opinion that the proposal conforms with the Region of Niagara Falls Official Plan.

## 4.5 City of Niagara Falls Official Plan

The Niagara Falls Official Plan (“NFOP”), office consolidation 2015, was approved on October 6, 1993 by the Ministry of Municipal Affairs. The Niagara Falls OP is intended to guide growth and development to the year 2031. The NFOP is a planning policy document with a 20-year vision outlining 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.

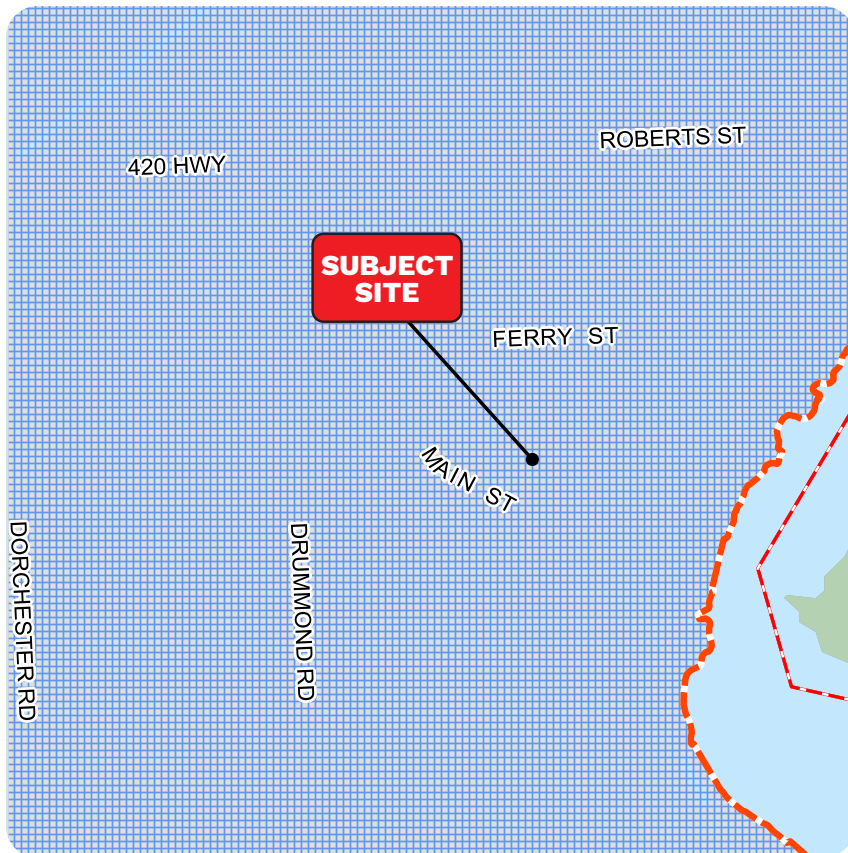
The subject lands are located within the “Built- Up Area” of the City as identified on Schedule A-2 - Urban Structure Plan of the NFOP and form a part of the City’s “Urban Area” (see **Figure 11** - Schedule A2).

The growth objectives of the Plan, set out in Part 1, Section 2, include directing growth to the urban area, protecting Natural Heritage Areas, supporting increased densities and ensuring the efficient use of infrastructure. The subject lands are also identified as being within the existing municipal service area, as set out in Schedule B – Phasing of Development (see **Figure 12** – Schedule B). As per policy 2.4, opportunities for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit. As provided for in Table 1 – Forecast of Households, Population and Employment, a total of 53,360 jobs are to be accommodated in Niagara Falls by 2031.



- Urban Area Boundary
- Built Area Boundary
- Protected Natural Heritage Area**  
\*Includes lands designated EPA only
- Transportation Corridor**
  - Arterial Roads
  - Highway
  - Rail
  - International Bridge
- Urban Area**
  - Built Up Area
  - Transit Area
  - Node
  - Corridor
  - Brownfield Pilot Project Area
  - Greenfield Area
  - QEW Employment Corridor
  - Warren Woods Secondary Plan Area
- Rural Area**

Figure 11 - NFOP Schedule A-2 - Urban Structure Plan



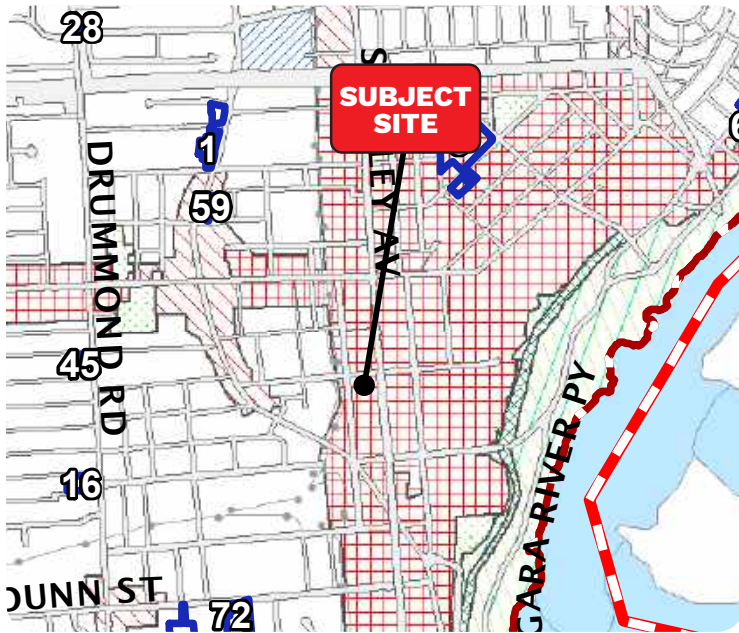
- Existing Municipal Service Area
- Phase 1
- Phase 2
- Phase 3
- Phase 4
- Urban Area Boundary
- Road

Figure 12 - NFOP Schedule B - Phasing Plan

## Tourist Commercial

The subject lands are designated as "Tourist Commercial" on Schedule A – Future Land Use of the NFOP (see **Figure 13**). Furthermore, the subject lands are located within the "Queen Victoria" community planning district of the City as identified on Schedule D – Communities and are within the "Fallsview" Central Tourist Area on Schedule E - Tourism map of the NFOP (see **Figure 14 and 15**).

The vision of the Niagara Falls Tourist Area is set out in Section 4.1 and includes the creation of a world-class tourism destination in the form of a modern urban centre located within the area's landscape and natural features. The vision recognizes the importance of creating a high-quality tourism environment, through excellence in development and design, and the role tourism plays as a major employer.



- 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

Figure 13 - NFOP Schedule A - Land Use Plan

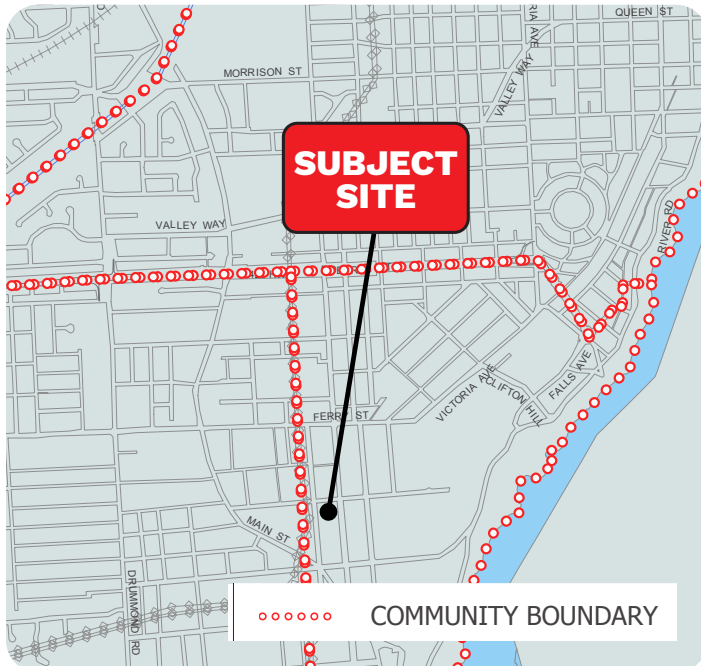


Figure 14 - NFOP Schedule D - Communities

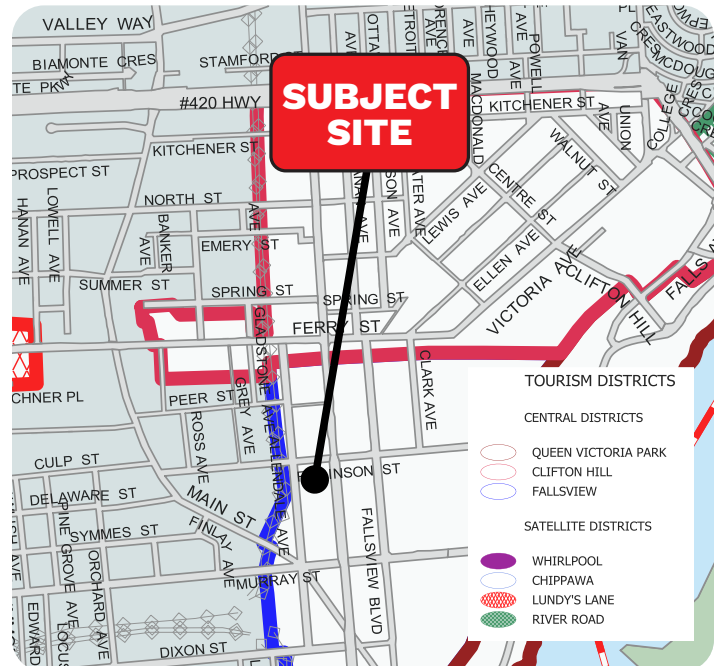


Figure 15 - NFOP Schedule E - Tourism Districts

Part 2.0, Section 4.0 of the NFOP provides policy direction for lands designated Tourist Commercial. According to that section, building quality and the emerging skyline are two priorities for new development within the City. The vision of the Niagara Falls Tourist Area is set out in Section 4.1 and includes directives that speak to the creation of a world-class tourism destination in the form of a modern urban centre located within the area's landscape and natural features. The vision recognizes the importance of creating a high-quality tourism environment, through excellence in development and design, and the role tourism plays as a major employer.

Policies 4.1.23 to 4.1.24 of Part 2.0, Section 4.0 provides policy direction with respect to building quality and the City's emerging skyline. Policy 4.1.23 of the NFOP provides that the skyline of Niagara Falls must continue to be characterized by the three existing view towers, and that new high-rise buildings must be of variable heights and mass and not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height will be considered by Zoning By-Law amendment on a site-specific basis.

Furthermore, Policy 4.1.24 provides several principles that are intended to establish a system of built-form regulations for the tourist area of the City. These principles include the following:

1. The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;
2. Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;
3. Residential and institutional uses will be protected from the overshadowing effects of tall buildings;
4. The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;
5. Council will consider the merits of development applications having regard to the policies of this Plan;
6. All applications for additional building heights will be treated on a quid-pro-quo basis wherein the developer agrees to provide public realm improvements; and,

7. Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.

Section 4.2 of Part 2 of the NFOP provides policy direction with respect to development in the tourist districts. As per Policy 4.2.2, the Central Tourist District is identified as the focal point for tourism activities in the City, and is comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. A wide mix of tourist attractions, accommodations and services are permitted within the Clifton Hill Central Tourist Subdistrict.

As per Policy 4.2.2, the Central Tourist District shall continue to be the focal point for tourism activities in the City, including tourist attractions, accommodations and services. According to Policy 4.2.8, lands designated as Tourist Commercial are intended for compact growth and servicing aimed at realizing the full potential of each tourist district.

### **Central Tourist District and Fallsview Sub-District**

As mentioned previously, the subject lands are located within the "Fallsviews" Central Tourist Subdistrict on **Schedule E** – Tourism map of the NFOP. As per policy 4.2.2, the Central Tourist District and its subdistricts shall continue to be the focal point for tourism activities in the City, including tourist attractions, accommodations, and services. Reiterated in policy 4.2.10, the Central District and its sub-districts shall be the primary attraction area for Niagara Falls visitors.

Schedule E – Tourism Districts identifies the subject lands as within the Fallsview Tourism District, A sub-district within the Central Tourism District (see **Figure 15** – Schedule E). As per policy 4.2.2, the Central Tourist District and its subdistricts shall continue to be the focal point for tourism activities in the City, including tourist attractions, accommodations, and services. Reiterated in policy 4.2.10, the Central District and its sub-districts shall be the primary attraction area for Niagara Falls visitors.

Policy 4.2.21 provides that the Fallsview Subdistrict shall function as the primary location for large scale accommodations, entertainment, retail and cultural attractions. It shall be the primary location for high-rise hotels and multiple family residential developments in the Tourist Area.

Policy 4.2.22 provides that the Fallsview Subdistrict shall be better connected to Queen Victoria Park through new and improved pedestrian connections from the top of the escarpment into the Park and enhanced pedestrian designs along the east west streets in the subdistrict for the purpose of encouraging movement to and from the Park. The Fallsview Subdistrict shall also be better connected to the Clifton Hill Subdistrict and Lundy's Lane Satellite District through the new Grand Boulevard and the extension of Ferry Street.

Policy 4.2.23 provides that new developments within the Fallsview Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form.

Policy 4.2.24 provides that a comprehensive Streetscape Master Plan for the Fallsview Subdistrict shall be undertaken, in cooperation with the area BIA, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.

As per policy 4.3.15, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces, pursuant to section 42(6) of the - Planning Act, and as per policy 4.4.1, high-quality private developments which complement and enhance the public realm shall be encouraged.

## High-Quality Private Development

Section 4.4 of Part 2 of the NFOP provides policy direction with respect to private developments on and designated Tourist Commercial in the City. Generally, the City's directive is to encourage high-quality private developments on lands designated Tourist Commercial which also complement and enhance the public realm.

## Building Heights

As per policy 4.4.2, building heights in the tourist area are restricted to four storeys, in accordance with the provisions of the Zoning By-law. Allocation of additional building height will be considered through site-specific zoning by-law amendments, up to the maximum height set out in Figure 4 – Height Strategy of the Official Plan (see **Figure 16**). Figure 4 designates the subject lands as "High Rise". As set out in policy 4.4.3, the High-Rise designation permits a range of 13 to 30 storeys.

As set out in policy 4.4.2, this additional height will be allocated, if the following criteria is met:

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

Reference is made to Policy 4.4.4 above, which speaks to Council's right to authorize the use of Section 37 agreements in approving increased height permissions to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture, and the provision of landscaped open space.

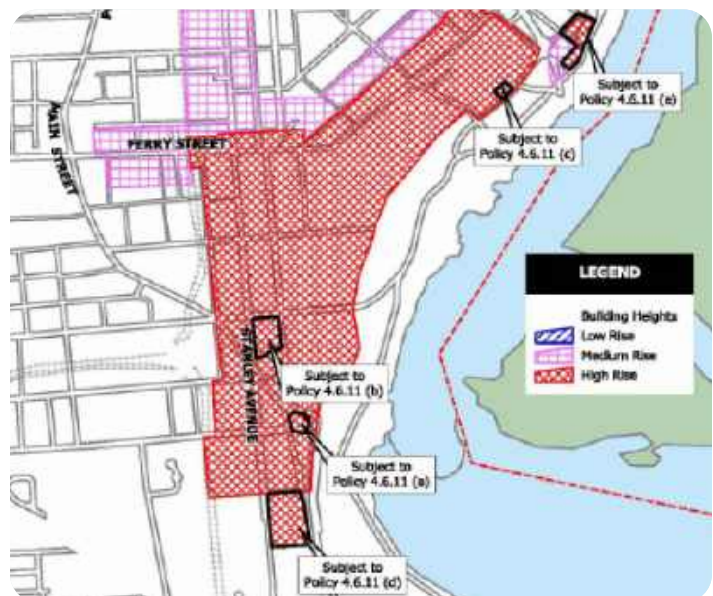


Figure 16 - NFOP Figure 4 - Height Strategy

Furthermore, the City also allows high-rise buildings on lands designated Tourist Commercial, so long as various design controls have been established and implemented. According to Policy 4.4.5, this is to ensure that high-rise buildings do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level.

Policy 4.6.11 states that applications will be considered for Official Plan Amendments for proposed developments in excess of the 30-storey height limit set out in the Official Plan, where the proposal demonstrates that no adverse impacts will be created due to the additional height.

## Massing

Policy 4.4.6 provides that high-rise developments are not to overwhelm the public realm or create a solid wall at the top of the escarpment. Tall buildings should reduce their massing and visual impact and provide appropriate gaps between buildings. As per policy 4.4.8, the regulations for scale and massing will be implemented through site specific zoning provisions for individual development projects.

According to Policy 4.4.7 of the NFOP, additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, design criteria for high rise buildings must be implemented for all development projects over four storeys in height based on the following principles:

- to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;
- to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design;
- to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;
- to ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings;
- to minimize adverse impacts on residential areas.

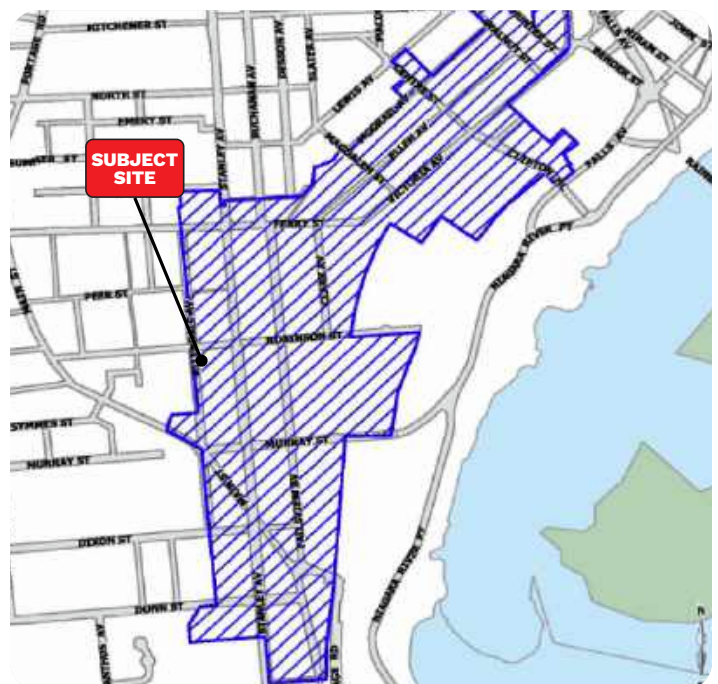
Furthermore, Policy 4.4.8 of the NFOP, the regulations for scale and massing will be implemented through site specific zoning provisions for individual development projects.

## Parking

The subject lands are located within the area identified as being subject to Policy 4.5.2.3 on Figure 5 – Parking of the NFOP (see **Figure 17**). Accordingly, Policy 4.5.2.3 states that:

*While it is the intent of this Plan to ensure that adequate off-street parking is provided for all development, consideration may be given to the elimination of parking requirements for non- accommodation uses within the area shown on Figure 5. Exemption from parking requirements shall be implemented through an amendment to the Zoning By-law.*

Furthermore, Policy 4.5.3 identifies that the parking facilities be designed in an aesthetically pleasing manner with an emphasis on improving the public realm. Policy 4.5.3 a) encourages active uses other than parking at the street level. Policy 4.5.3 c) further states that where structured parking is provided, publicly-accessible uses should be incorporated at grade level to enhance the street environment. Alternatively, setbacks and landscaping shall be provided to visually screen the parking structure. Additionally, Policy 4.5.3 d) states that parking lots and structures shall be designed in accordance with the City's Design Criteria for Parking Areas.



**Figure 17** - NFOP Figure 5 - Parking



## Roads

Schedule C – Major Roads Plan identifies Allendale Avenue and Robinson Street as City Collector Roads and Stanley Avenue as an Arterial Road (see **Figure 18** – Schedule C). Robinson Street transitions to a local road west of Allendale Avenue.

As set out in Part 3, Policy 1.5.18.5, Collector Roads include all roadways under the City’s jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads. Collector roads are generally designed to accommodate two lanes of traffic and have a general road allowance width of 20 metres to 23 metres which allow for turning lanes, bicycle paths, bus shelters, landscaping, sidewalks and utility corridors. Direct access to adjoining properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted.

As set out in Part 3, Policy 1.5.18.4, Arterial Roads include all roadways under the Region’s and City’s jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. City Arterial roads are specifically designed to accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic.

Local Roads are intended to provide access to abutting properties and carry traffic predominantly of a local nature. Typically, roadways in this section carry low volumes of traffic short distances.

Policy 1.5.25 identifies the required sight triangles at major intersections, requiring a 5x5 metre sight triangle for local to collector roads and local to arterial roads.

Policy 1.5.26 details that all new development abutting Arterial Roads shall provide adequate offsite loading and unloading facilities located in such a manner to minimize the detrimental impact by vehicles using such facilities.

Policy 1.5.34 identifies specific road right of way width requirements, identifying Allendale Avenue for a 23 metre right of way and Robinson Street for a 26 metre right of way. While not directly abutting the subject lands, Stanley Avenue is identified for a 30.5 metre right of way.



Figure 18 - NFOP Schedule C - Roads

## Urban Design

It is the intention of the Plan to create compact, interconnected, pedestrian-oriented and transit-supportive communities, through the built environment, which consists of public and private properties designed to work harmoniously together.

Policy 5.1 of Section 3 provides that new development and redevelopment shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City. Development should integrate and be compatible with the surrounding area, including natural and cultural heritage features. Additionally:

- The design of new development shall address height, setbacks, massing, siting, and architecture of existing buildings, to ensure compatibility (5.1.1)
- Development shall be designed and oriented to pedestrians, and here a development includes multiple buildings, the buildings should be designed to allow pedestrians to move between buildings with minimal interference from traffic (5.1.2)
- Development shall be designed to minimize microclimatic impacts (5.1.3)
- New development should be designed and sited to minimize the obstruction of scenic view and vistas (5.1.4)
- Parking areas should be minimized within the front yard of development sites, and should be located in rear of side yards of development, with sufficient landscaping to buffer (5.1.5)
- Parking structures or underground parking are encouraged for large tourist commercial and high-density residential development (5.1.6)
- The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways. (5.1.7)

## 4.6 City of Niagara Falls Zoning By-law 79-200

Pursuant to Zoning By-law 79-200, the subject lands are zoned Tourist Commercial "TC" with Special Provision 19.1.75 ("TC-75") (see **Figure 19** – Zoning). The underlying TC (Tourist Commercial) zone permits a wide range of entertainment, retail and service commercial uses, restaurants, convention centres, hotels, motels and tourist businesses. The maximum permitted height is 12 metres and the maximum lot coverage is 70%. There is no maximum floor area. A maximum floor area of 400 square metres per retail unit applies, with a total maximum retail store area of 3,530 square metres. A minimum rear yard of 10 metres applies.

Exception 75 (19.1.75) was implemented through By-law Nos. 2012-60 and 2012-61, and provides that, notwithstanding the provisions of section 4.49.1 or of clause i of section 8.6.2 or section 19, a parking area to the extent prescribed in section 4.19.1 is not required with respect to the following parts of a new building containing uses permitted by the applicable designation:

- Each of the first two storeys above the basement, provided that the whole of each storey contains a permitted use and that the basement is not used for any permitted use other than storage in connection with the uses operating above.
- The basement if it is used for a permitted use other than storage in connection with uses operating above, and the first storey above the basement, provided that it contains a permitted use.
- Any dwelling unit on the one storey which is immediately above the upper storey described in either of the above scenarios.

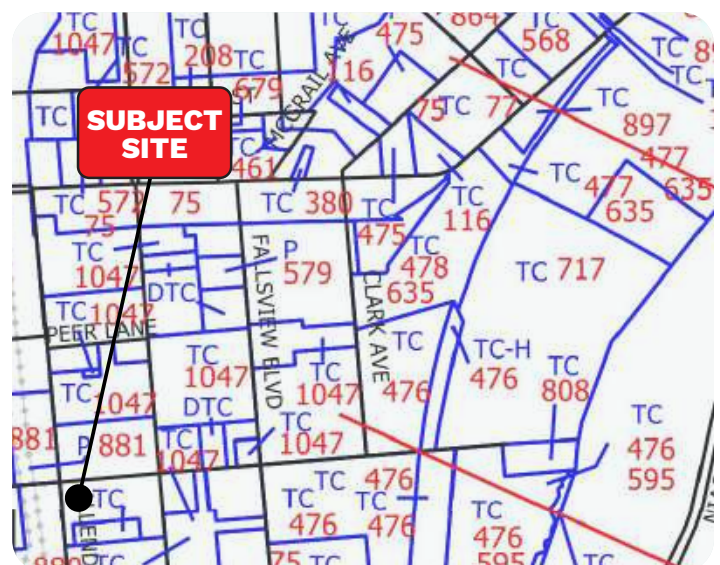


Figure 19 - Zoning

Further, a parking area must be provided for the remainder of the building, in accordance with the requirements of section 4.19.1.

Zoning By-Law Amendment 2061-61 came into effect on July 24, 2012 and implements a site-specific Exception No. 75 which applies to the subject lands. Exception No. 75 states that parking provisions for specific uses, primarily retail and commercial uses, do not apply. These uses include:

- Art gallery
- Bake shop
- Banks
- Beer or liquor store
- Clothing store
- Day nursery
- Drug store
- Exhibits
- Food store
- Health centre
- Museum
- Personal service shop
- Photographer’s studio
- Place of entertainment
- Place of worship Private club
- Recreational uses
- Service shop
- Sightseeing tour
- Souvenir store
- Tobacco store
- Retail store
- Dwelling units<sup>3</sup>

Because of the above noted exception, parking is therefor required to be provided at the rates stated below for the proposed uses:

Use	Required Parking Spaces
Dwelling Unit	1.4 spaces per unit
Commercial / Retail	None (requirement removed by site specific exception)

## 4.7 City of Niagara Falls Tourist Area Design Guidelines

The City of Niagara Falls Tourist Area Design Guidelines are the primary implementation tool of the Tourist Commercial policies of the Official Plan. It includes a merger of two previous documents, the Tourist Area Development Application Guide and the Implementation Handbook, both of which contain urban design guidelines and implementation policies. The Design Guidelines are comprised of two parts: Part 1 – Development Review Process, and Part 2 – Architectural Design Guidelines and Review. The purpose of the Tourist Area Design Guidelines is to provide a comprehensive reference manual to urban design principles that will be used to evaluate future development proposals in the City’s Tourist areas.

The Official Plan requires the Architectural Design Review be prepared by the project architect for buildings greater than 4 storeys in height to include an explanation of how each design criteria has been met or an explanation of the deviation from the criteria outlined in the review and how mitigation measures will be applied.

<sup>3</sup> 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.

A photograph of two people, a woman on the left and a man on the right, in an office setting. They are looking down at a document or a tablet. The woman is wearing a striped shirt, and the man is wearing a light blue button-down shirt. The background shows office shelves and a window with blinds. The image is overlaid with a semi-transparent blue filter.

5

# Planning & Urban Design Analysis

## 5.1 Intensification

The proposed development and intensification of the subject lands are supportive of policy directions articulated in the Provincial Policy Statement, the Growth Plan, the Region of Niagara Official Plan, and the City of Niagara Falls Official Plan, all of which promote directing intensification to sites within the built-up area that are well served by municipal infrastructure.

The intensification proposed for the subject lands are in keeping with the intensification policies of both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. The Growth Plan encourages intensification generally throughout the built-up area.

Policies in both the Regional and Local Official Plan also set out provisions for intensified development, for sites such as this that are located within the Built-Up Area, are designated for tourism development and are well serviced by infrastructure. The Regional Official Plan supports the continued expansion and development of tourism opportunities within Settlement Areas, while the Niagara Economic Gateway designation prioritizes tourism and economic development, as per policy 3.A.3.24. The Region's Built Up Areas are expected to accommodate a significant portion of the Region's future and long-term population and employment growth, particularly through intensification, as per policies 4.A.12, 4.A.1.6, 4.C.1.1, 4.G.7.2, and 4.G.8.1. This is reinforced in the City of Niagara Falls Official Plan, where opportunities for increased densities within the Built Area Boundary shall be provided to make efficient use of existing infrastructure, as per policy 2.4. In particular, lands designated as *Tourist Commercial* are intended for compact growth and servicing in order to realize the full potential of each tourist district, as set out in policy 4.2.8. In this context, the current use of the subject lands, the four structures and surface parking lot, represents a considerable underutilization of land and infrastructure. The proposed development is appropriate and consistent with the City's vision for the of a transit and pedestrian friendly, sustainable and livable City that can accommodate projected housing needs through intensification.

The City of Niagara Falls Official Plan also acknowledges that consideration for development proposals for increases in height and density beyond what is currently permitted is necessary and desirable in order to achieve economic goals and utilize land, services and infrastructure efficiently. While the Official Plan restricts building heights in the tourist area to four storeys, policy 4.4.2 provides that sites designated as "High Rise" are eligible for additional building height of up to 30 storeys, considered through site-specific zoning by-law amendments. Further, policy 4.6.11 states that applications will be considered for Official Plan Amendments for proposed developments in excess of the 30-storey height limit, where the proposal demonstrates that no adverse impacts will be created due to the additional height. In our opinion, the applicable official plan policy framework encourages intensification and optimization of density in the *Tourist Commercial* District, including high rise buildings of 30-storeys or greater, subject to conformity with the urban design policy framework.

In addition, the Region of Niagara is also required to accommodate a total of 218,000 jobs by 2031, with Niagara Falls forecasted to accommodate 43,640 jobs. The proposed intensification will result in a significant amount of tourism jobs consistent with vision of the NROP and the NFOP, which will assist in achieving employment targets. In addition, the Growth Plan projects a significant amount of population and employment growth to the Region. In our opinion, the subject application will accommodate a significant amount of population in the proposed 962 residential apartments and new tourism jobs in the proposed 5,553 square feet of commercial space at-grade.

## 5.2 Land Use

The proposed multiple family residential and commercial uses are permitted by both the Regional Official Plan's *Niagara Economic Gateway* and City of Niagara Falls designations.

The proposed mixed-use development is an appropriate and desirable use of the subject lands, which will be compatible with surrounding urban and natural heritage uses, while providing an attractive residential development that will support local and tourism businesses in the Fallsviews Subdistrict, the Central Tourist District, and Niagara Region more widely. The proposed residential uses will contribute to the mix of uses in the area as well as the available housing supply in the area. In this regard, it is our opinion that the addition of a permanent residential population to the *Tourist Commercial* District is a desirable evolution that will achieve the Region's and City's vision of a compact mixed-use area that is a major source of employment. In this regard, the addition of a permanent residential population will locate residents near major employment uses (tourism uses) and other commercial, entertainment and recreational amenities that will reduce commute times and encourage alternative forms of transportation, including walking, cycling and public transit.

As per the City of Niagara Falls Official Plan Policy 4.2.21, the Fallsview Sub-district is the primary location for large-scale accommodations, entertainment, retail, and cultural attractions, and in particular high-rise hotels and multiple family residential developments. In this regard, the proposed ground floor commercial and multi-family apartment uses implement and conform to policy 4.2.21. Furthermore, the significant scale will assist in accommodating a significant population to the sub-district and provide a new form of housing in an area that is dominated by grade related housing. In our opinion, the proposal not only conforms to the City's Official Plan, but advances its policy objectives that seek to establish multi-family apartment uses to the district, which will increase the housing mix and supply, while creating a mixed use area where residents can live, work and play in close proximity.

## 5.3 Height and Massing

In our opinion, and as noted in Section 5.1 above, the subject lands are an appropriate location for intensification from a land use policy perspective. From a built form perspective, it is our opinion that the proposed building heights and massing would "fit" harmoniously with other existing buildings in the vicinity of the subject lands and within the Central Tourist District.

With respect to broad urban structure considerations, heights generally step down from the Central Tourist District, in particular the Fallsview and Clifton Hill Districts to the north, where the built form context consists of high- to mid-rise built form transitioning to a low-rise form. The subject lands are located within the Fallsview Central Tourist District which varies significantly in respect to building heights with high-rise hotel towers in the range of approximately 20- to 53-storeys along Clifton Hill and Falls Avenue and more prominently east of Stanley Avenue between Livingstone Street in the south, Portage Road/Niagara Parkway in the east, and Robinson Street in the north. Beyond the hotel tower sites, found along Fallsview Avenue the built form ranges between mid-rise and low-rise buildings consisting mostly of hotels/motels, retail stores, restaurants, tourist attractions, and personal service uses.

Additionally, and as mentioned in Section 2.2 of this Report, the City of Niagara Falls recently approved two development proposals in 2012 and 2017 which include 5383-5385 Robinson Street, permitting two 34-storey hotels and one 56-storey hotel, on a shared podium, and 5555, 5599, and 5651 River Road, 4369 Hiram Street and 5600 Blondin Avenue, which are approved for two (2) mixed-use towers in the range of 60- and 61-storeys including hotel and ancillary uses. Further, two other development application have been approved further south at 6880 Stanley Avenue with an approval for three (3) mixed-use towers in the range of 32-, 42- and 57-storeys, and at 6609 Stanley Avenue, which consists of a 72-storey mixed-use tower with hotel, residential, and entertainment uses.

Although the as-of-right Official Plan policies and existing Zoning By-law provisions (TC-506) permit a maximum height of up to 30-storeys, the vast majority of recent developments in the Fallsview Central Tourist District have proceeded with height increases beyond what the policy and regulatory framework originally contemplated. Part of this explanation can be attributed to Niagara Falls' continues success as an internationally renowned destination and the addition of large-scale, regional and international attractions along with economic development and investment have bolstered the need for high-quality residential housing types.

The proposed building height would be in keeping with the role of the Central Tourist District and would contribute to an internationally recognizable skyline. Figure 18 – Height Map, provides an illustration of the varying heights in the surrounding area. In particular, the proposed building fits with the surrounding hotels, including the 53-storey Hilton Hotel and 43-storey Embassy Suites. The approved 32-, 42- and 57-storeys at 6880 Stanley Avenue and 72-storey mixed-use tower with hotel at 6609 Stanley Avenue is also in the Fallsview area, providing a height peak for the area for which the proposed transitions to. Further, the proposed building is also compatible with the building heights of City-Approved hotel buildings at 5383 and 5385 Robinson Street which contemplates building heights of 38 and 56 storeys.

In reviewing the pattern of tall buildings in Niagara Falls' Central Tourist District, there does not appear to be any specific patterns governing how tall buildings are proposed and constructed other than maximizing the views of the American and Horseshoe Falls while taking strategic advantage of being in close proximity to the central tourist activities in the area. In this regard, previous developments have generally occurred when large parcels could accommodate them. The proposed development takes advantage of a strategic location which contributes to the tourist core activities, contributes to an internationally recognized skyline, and redevelops an underutilized site as an iconic landmark.

From a massing perspective, the proposed building design is appropriate given the range of building forms in the surrounding area. As suggested in the City's design guidelines, the building provides a functional podium base facing Robinson Street and Allendale Avenue and a tower body that frames the street frontage and intersection.

Consistent with Policies 4.4.6 and 4.4.7 of the Official Plan, the proposed building massing is designed to reduce impacts on the at-grade public realm, mitigate against a solid wall of development at the top of the escarpment, and ensure proper building stepbacks are provided at various levels of the base and tower components.





VIEW OF EAST ELEVATION



VIEW OF EAST ELEVATION FROM NORTH-EAST



VIEW OF NORTH-EAST CORNER



VIEW OF NORTH ELEVATION AT GROUND LEVEL



VIEW OF NORTH-WEST CORNER



The following table provides a list of all existing hotels in the Clifton Hill and Fallsview Central Tourist Districts which have been constructed and approved over several decades:

Site	Storeys	Constructed
6609 Stanley Avenue	72**	---
Corner of Walnut, Victoria, and Ellen	35 & 36 **	---
5555, 5599, and 5561 River Road, 4369 Hiram Street and 5600 Blondin Avenue Luxury Hotel Resort	60/61**	---
6880 Stanley Avenue – Loretto Fallsview – Tower 1 (hotel)	57**	---
6880 Stanley Avenue – Loretto Fallsview – Tower 2 (hotel/condo)	42**	---
6880 Stanley Avenue – Loretto Fallsview – Tower 3 (hotel/condo)	32**	---
5383 and 5385 Robinson Street Tower 1 (hotel)	38**	---
5383 and 5385 Robinson Street Tower 2 (hotel)	38**	---
5383 and 5385 Robinson Street Tower 3 (hotel)	56**	---
6361 Fallsview Boulevard – Hilton Tower 2	53	2009
5200 Robinson Street – Skylon Tower	45*	1965
6700 Fallsview Boulevard – Embassy Suites	36	2003
5705 Falls Avenue – Casino Niagara Tower	33*	1964
6361 Fallsview Boulevard – Hilton Tower 1	33	2000
6380 Fallsview Boulevard – Fallsview Casino Resort	32	2004
6755 Fallsview Boulevard – Marriott on the Falls	32	1990
6732 Fallsview Boulevard – Tower Hotel	31*	1962
5875 Falls Avenue – Sheraton Fallsview	23	2000
6546 Fallsview Boulevard – Oakes Hotel	21	2003
6740 Fallsview Boulevard – Marriott Fallsview Hotel	20	1998
6455 Fallsview Boulevard – Fallsview Plaza Hotel	17	1985
6039 Fallsview Boulevard – DoubleTree Resort and Spa	18	2004
5685 Falls Avenue – Crowne Plaza Hotel	12	1929

\* Towers without contiguous floors. The number of storeys has been estimated from their height in metres (3m=1 storey)

\*\* Approved/Not Constructed

**Table 2 -** List of Existing Hotels in Clifton Hill and Fallsview Central Tourist Districts

## Shadow Impact

At 53-storeys, the Hilton Tower 2 is the tallest existing building in the City and it is significantly taller than its surrounding context. Similarly, the pattern of building heights throughout the Tourist Commercial District is varied and scatters existing and approved tall and the tallest buildings across the district, some in low-, mid- or tall building contexts. In our opinion, this is a desirable pattern of development that creates varied heights and a diverse skyline. The evolving pattern of development within the district also allows for an enhanced streetscape with podiums that create streetwalls that are active and animate streets. In this regard, the proposed development follows this pattern of development and includes a tall building in a context that is planned to include mid- and high-rise buildings. It also provides active residential uses along Allendale Avenue and commercial uses along Robinson Street. At 77-storeys, it is significantly taller than the existing context, but is consistent with the pattern of developments in the district and will fit harmoniously with the planned context of mid- and high-rise buildings.

In our opinion, the built form impacts created from the subject proposal will be minimal in this case given the separation distance of the proposed building from neighbouring buildings and land uses. The proposal is largely surrounded by parking lots to the east, south and west and where it adjoins other buildings or sensitive land uses (i.e. residential to the east), built form impacts are addressed through building design, siting, and orientation.

Furthermore, it is our opinion that the proposed development provides an appropriate transition and relationship to the planned context for the residential lands to the west. In addition, the proposal has been designed with a low-rise podium that includes grade-oriented townhouses along Allendale Avenue, which in our opinion, provides an appropriate relationship and context. The taller building elements are pulled back from the podium, which reinforces the grade-oriented streetscape character and provide an appropriate transition and relationship.

The lands to the east, south and north of the subject lands all share the same official plan designation as the subject lands of high-rise Tourist Commercial. The proposal has been designed to establish an appropriate relationship with the surrounding lands and protect for their future development in accordance with Official Plan. In this regard, the proposal creates an appropriate podium that will enhance the surrounding streetscapes and locates the tower elements a minimum of 12.5 metres from the interior side yard in order to protect for future tower developments on abutting lands.

A Shadow Study was prepared by Chamberlain Architect Services Limited from March to December to assess the shadow impact of the proposed development. Shadows produced are most pronounced in: March in the afternoon; in June during the evening; in September in the afternoon; and in December during the morning hours of sun. While there is new shadowing on neighbouring land uses, shadows produced from the proposed development fluctuate daily and throughout the year and seem to be most prevalent during the afternoon and evening hours of some months. In addition, the majority of shadowing is produced atop existing non-sensitive lands uses including commercial hotel buildings and parking lots. Where the shadow impact existing sensitive residential uses, they are limited in their mostly to afternoon and evening hours, thereby providing for sufficient levels of sun exposure throughout much of the day.

From a policy perspective, the NFOP Policy 4.4.5 provides that design controls need to be established to ensure high-rise buildings do not create extensive shadowing on residential areas, public streets and open spaces, and the encroachment on the views of other landowners. In addition to the above noted policies, Policy 3.1.2.3 provides that high-rise developments will be located to minimize the physical extent and duration of shadows on surrounding land uses, particularly with respect to lower density residential areas, pedestrian corridors, open space, and amenity areas.

In terms of shadow impact on existing residential areas, including lower density residential areas, to the west of the subject lands, the shadows created by the proposed development are limited to the early morning hours, in March, June, September and December. In our opinion, the shadow impacts on the surrounding residential areas are not extensive and adequately limited, providing for greater than 8 hours of sunlight access throughout the day from March to September. As it relates to shadow impacts on the public streets, incremental shadow impact is created in the morning hours for Allendale Avenue and the afternoon hours Robinson Avenue and Stanley Avenue from March to September.

This shadow impact is created by the orientation of the site. In this regard, the shadows created by the podium element are similar to those created by the as-of-right zoning permissions, which create shadow within the majority of the Allendale Avenue and Robinson Street right-of-way throughout the day from sunrise to approximately 5:50pm in March, June and September. The additional shadow created by the tower elements are slender and fast moving, which in our opinion are not extensive and adequately limited.

## Wind Impact

Rowan Williams Davies & Irwin Inc. ("RWDI") was retained to conduct a qualitative assessment of the pedestrian wind conditions expected around the proposed project. This effort was intended to inform good design and has been conducted in support of Zoning By-Law Amendment Application for the project.

RWDI found that the proposed building is significantly taller than buildings in the existing surroundings, and therefore will cause an increase in wind speeds around it. The building design incorporated several wind-responsive features which will moderate the potential wind impacts on the surroundings.

They noted that wind conditions on and around the proposed project are expected to exceed the recommended criteria for pedestrian safety at the building corners.

However, in general conditions on the majority of sidewalks and other public areas on and around the proposed buildings are expected to be suitable for strolling and walking use in the winter. Wind conditions near the entrance and drop-off area are expected to be suitable throughout the year due to the sheltering provided by the building and overhang. Further wind speeds at the commercial entrances are suitable during the summer but higher than desired during the winter.

Additionally, wind speeds on the Level 7 outdoor amenity area are predicted to be unsuitable for passive use in the summer and the comfort and safety limits might be exceeded at multiple areas of these outdoor amenity spaces.

Following review of the findings of this assessment and incorporation of the recommendations into the design, quantitative testing of the proposed development using wind tunnel testing would be recommended to quantify the level and frequency of high wind activity, confirm the need for wind control measures and to optimize mitigation efforts.

## Noise and Vibration Impact

Rowan Williams Davies & Irwin Inc. ("RWDI") was retained to conduct a noise and vibration impact study. This effort was intended to inform good design and has been conducted in support of Zoning By-Law Amendment Application for the project.

The study included the use of MECP Guideline D-6 (MOE, 1995) as a tool to classify the identified industries and assess their potential influence on the proposed development. They identified that no facilities within the 1000 metre radius of the proposed development were identified as Class III. Further, one industry is within the 1000 metre area surrounding the proposed development and was classified as Class II. However, it is not within the potential influence area of 300 metre from the proposed development. Additionally, there are several industries within 1000 metres surrounding the proposed development that have been classified as Class I. However, none of these facilities are located within the potential influence area of 70 metre from the proposed development.

RWDI identified that based on the predicted plane of window sound levels, a sufficient level of sound reduction would be achieved for all residential and commercial spaces of the proposed development. Regarding ventilation recommendations, RWDI determined that due to the transportation sound levels at the plane of the façade, central air conditioning is recommended to allow for windows and doors to remain closed as a noise mitigation measure. RWDI also identified that due to exposure to transportation sources, the predicted sound levels in outdoor living areas are predicted to be elevated. To reduce the transportation sound levels in outdoor living areas to meet the applicable criteria, noise barriers are recommended.

They also determined that the proposed development is not anticipated to infringe on the compliance of any commercial or industrial operations with environmental noise permits or cause infractions against the local or regional noise by-laws. As such, the land use compatibility of the proposed development with respect to the nearby industries is considered acceptable from the noise impact perspective.

RWDI found that the noise impact from stationary sources of sound was evaluated. The Study identified that based on noise modeling results and setback distances, the land use compatibility of the proposed development with respect to the nearby industrial land-uses is considered acceptable from the noise impact perspective.

The study identified that on-site stationary noise sources for the development are expected to consist of HVAC-related equipment on the roof-top mechanical penthouse as well as various exhaust fans and that further consideration should be given to control airborne and structure-borne noise generated within the proposed development. Within the development, the main sources of noise include the mechanical systems. Additionally, the potential noise impact of the commercial component of the development is recommended to be reviewed during detailed design, to ensure the applicable criteria will be met.

To address stationary noise, RWDI recommends warning clauses NPC-300 Type A, NPC-300 Type D, and NPC-300 Type E be included for the proposed development.

Following review of the findings of this study, the proposed building design should be reviewed to ensure the applicable sound level criteria will be achieved.

## 5.4 Urban Design

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the City of Niagara Falls Official Plans as well as the Tourist Area Design Guidelines. The development proposal is supportive of creating compact, interconnected, pedestrian-oriented and transit-supportive communities, and places emphasis on maintaining a harmonious balance between private and public lands. The proposed mixed-use development is consistent with the Official Plan in that it contributes to the surrounding built environment by creating a compact, interconnected, pedestrian-oriented, and transit-supportive community, which consists of public and private properties designed to work harmoniously together.

Consistent with Policy 5.1, the proposed building utilizes streetscaping and landscape design to improve the built and social environment particularly in the Fallsview Central Tourist District where there is a focus on a pedestrian-oriented activities. In this regard, the proposal includes the creation of a pedestrian street along Allendale Avenue and Robinson Street.

Consistent with Policies 5.1.1 and 5.1.2 of the Official Plan, the proposed building height of 77 storeys is compatible with other existing high-rise buildings or structures in the area (as shown in Section 5.3 above) and its massing and siting have been sensitively designed to avoid a continuous wall at the street edges and to contribute to a well-designed and internationally recognized skyline.

Policy 5.1.4 of the Official Plan provides that new development should be designed to minimize the obstruction of views and vistas. The proposal also includes several terraces and view points throughout the building to provide views of the Falls and the Niagara River. The existing base structure is generally built out to the north, west and south property lines, however a greater setback is provided to the east to mitigate any impacts on adjacent buildings or land uses.

Given the sites location, parking is proposed underground and within the building podium to maximize pedestrian access and integration with the streetscape.

## 5.5 Transportation

Paradigm Transportation Solutions Limited ("Paradigm") was retained to conduct a Transportation Impact Study and Parking Study for the proposed redevelopment. The purpose of the study was to determine the net impacts of the development traffic on the surrounding road network, document the adequacy of the proposed parking supply, and identify any improvements, if needed, to support the development of the subject lands. Detailed traffic analysis was conducted for each of the study area intersections under Base traffic conditions and 2031 Background and Total traffic conditions.

### Transportation Impact Study

The proposed development is projected to generate approximately 269 new vehicle trips during the weekday AM peak hour and 310 new vehicle trips during the weekday PM peak hour. The capacity analysis showed that the study area intersections would experience localized traffic congestion from background traffic growth in the PM peak hour. The study identified some capacity constraints related to the Stanley Street and Ferry Street, Stanley Street and Robinson Street, and Allendale Avenue and Ferry Street intersections. The study recommends a series of intersection and road network improvements to occur within the 2031-time horizon. The sensitivity analysis completed identified that the study area intersections are expected to operate with considerable improvements with the proposed improvements identified in the study.

## Parking Study

Parking requirement for the development under the City of Niagara Falls Zoning By-Law is 1,347 spaces; equating to a parking rate of 1.4 spaces per residential unit. The proposed site provides for a total of 715 parking spaces; equating to a parking ratio of 0.74 spaces per unit.

The City of Niagara Falls requires on average 35% more parking to be provided for the residential component of this development than would be required by the Town of Oakville, City of Welland and City of Hamilton that have adopted new parking requirements.

A parking supply of 0.74 spaces per residential unit is appropriate and supportable for the proposed development. Per the current development plan, 715 parking spaces are provided for the overall development. Based on the imperial data collected as part of the parking study, it is evident that parking demand at typical apartments are significantly lower than the rates stipulated in the City's Zoning By-law and supports a parking supply of 715 spaces as sufficient for the development.

The proposed parking supply is supported through a robust Transportation Demand Management (TDM) program that includes bicycle parking, active uses at grade, car share vehicles, and unbundled parking.

## 5.6 Servicing

MTE Consultants Inc. ("MTE") were retained to complete the site grading, servicing, stormwater management design as well as the Municipal Servicing Study for the proposed development. The conclusions from MTE's Municipal Servicing & Stormwater Management Report are presented below:

### Stormwater

Stormwater will be collected by an internal storm piping system within the building that will capture and convey flows to the existing 900mm diameter storm sewer along Robinson Street. A proposed storm tank complete with orifice controls within the underground level of the proposed building will be constructed to control the proposed condition 5-year discharge rate to the existing condition 5-year release rate.

A proposed 300mm diameter private storm service at a slope of 0.5% will outlet into the existing 900mm diameter sewer within the Robinson Street ROW. The proposed storm service will have a full flow capacity of approximately 68.3L/s which is greater than the proposed 5-year controlled peak discharge rate of 17L/s from the proposed orifice. Therefore, the proposed storm service will have sufficient capacity to convey the proposed 5-year controlled peak flow from the site.

### Water Quality Control

Due to grading constraints and the nature of the proposed development with the building consisting of the majority of the subject lands, there are limited opportunities for proposed low impact development (LID) features on the site.

The majority of the site is covered with building roof area. Stormwater runoff generated from rooftops can generally be considered clean. Additionally, there are landscaped areas and pedestrian walkways north of the building that generate clean runoff. As such, no water quality controls are proposed for this site as the development will have a negligible impact on water quality for downstream receivers.

## Sediment and Erosion Control

Sediment and erosion control measures will be implemented on site during construction and will conform to the Erosion & Sediment Control Guideline for Urban Construction.

Sediment and erosion control measures will include:

- installation of silt control fencing at strategic locations around the perimeter of the site where feasible;
- Preventing silt or sediment laden water from entering inlets (catch basins / catch basin manholes) by installing silt sacks;
- Construction of 7m x 14m mud mat at the exit from the site to Robinson Street to mitigate the transportation of sediments to the surrounding roads; and,
- Maintaining sediment and erosion control structures in good repair (including periodic cleaning as required) until such time that the Engineer or City of Niagara Falls approves their removal. Erosion control measures to be inspected daily and after any rainfall event.

Additional details will be provided on the engineering drawings at the time of detailed design.

## Sanitary Servicing

The proposed building will be serviced by a 200mm diameter sanitary service at 2.0% slope with a full flow capacity of 46.3 L/s that will connect to the existing 250mm diameter sanitary sewer within the Robinson Street ROW. The calculated sanitary peak discharge rate of 30.63 L/s (per Table 3.2) is less than the capacity of the existing 250mm diameter sewer (68.23 L/s).

## Water Servicing

The water service for the site will connect to the existing 150mm watermain within the Allendale Avenue ROW. The services for the proposed building will split into a dual 150mm diameter fire service and 100mm diameter domestic service at the western property line. At the detailed design stage, the Mechanical consultant will confirm the watermain size requirements. The City of Niagara Falls requires water distribution systems to maintain a minimum residual pressure of 140kPa (20psi) when subject to fire flow demands and 275kPa (40psi) when subject to normal operating conditions. A hydrant flow test will be required during detailed design to confirm that the available system pressure meets these requirements.

MTE concluded that the development can be constructed to meet the requirements of the City of Niagara Falls and Niagara Region.

## 5.7 Heritage

A Cultural Heritage Impact Assessment was completed by Wood Environment & Infrastructure (Wood) for 5602 Robinson Street, which is listed on the City of Niagara Falls Heritage Register. The property includes a small lot on the southeast corner of Robinson Street and Allendale Avenue and includes a two-storey, Four-Square Plan type residence.

The heritage evaluation completed determined that 5602 Robinsons Street does not have cultural heritage value or interest (CHVI) under *Ontario Regulation 9/06 (O. Reg. 9/06)* of the *Ontario Heritage Act*. Based on this evaluation, Wood recommends that:

1. No further cultural heritage assessment should be required for the Study Area, and,
2. This report should be circulated to the MHSTCI, City of Niagara Falls, and Niagara Falls Municipal Heritage Committee for review and comment.



# Conclusion

The proposed redevelopment of the site at 5602, 5582, 5566 Robinson Street and 6158 Allendale Avenue will result in a high-rise mixed-use building that is compatible with the existing and planned built form context and will appropriately intensify an underutilized site.

From a land use policy perspective, the site is well suited for intensification in the form of hotel, commercial, and residential uses, given that it is situated in Niagara Falls' Central Tourist District in proximity to transit and other municipal infrastructure. Intensification of the site with the proposed uses is supportive of overarching policy directions established in the Provincial Policy Statement, the Growth Plan, the Niagara Region Official Plan, and the City of Niagara Falls Official Plan.

From an urban design perspective, the development will fit harmoniously within the surrounding built form context. The design will also create a contemporary, high-quality building that will contribute to the vitality and liveability of the area. The building will be a notable landmark in the skyline of the City of Niagara Falls and contributing to the overall built form pattern. The proposed development has been designed to be in keeping with the Official Plan's urban design policies and achieves the intent and objectives of the Tourist Area Design Guidelines.

Accordingly, it is our opinion that the proposed development is appropriate and desirable, and we recommend approval of the Official Plan and Zoning By-law Amendment applications.



