



# BOUSFIELDS INC.

Project No. 21368

February 3, 2023

Julie Hannah  
Planning, Building, and Development  
City of Niagara Falls  
4310 Queen Street  
Niagara Falls, ON, L2E 6X5

AND

Alexander Morrison  
Planning and Development Services  
Niagara Region  
1815 Sir Isaac Brock Way  
Thorold, ON, L2V 4T7

Dear Julie and Alexander,

**Re: *Planning Addendum Letter Regarding Niagara 77***  
***City File: AM-2022-012***  
***Regional Files: D.10.04.OPA-22-0038 and D.18.04.ZA-22-0080***  
***Fudzi International Group Inc. (Pawel Fugiel)***

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As you know, we are the planning consultants for Fudzi International Group Inc., the “Owners” of the lands municipally addressed as 5602, 5582, and 5566 Robinson Street and 6158 Allendale Avenue, in the City of Niagara Falls (“subject lands”).

On behalf of the Owners, and in response to comments received from the City and Region, we are filing this letter, which along with the enclosed supporting materials, constitutes a formal response to all comments received to date on Official Plan and Zoning By-law Amendment Applications referenced above (“the Applications”).

The responses are provided in two ways. The first is a comprehensive comment and response matrix (enclosed), which provides a complete list of all comments received to date and a response from each responsible team next to each. In addition, this planning addendum letter provides for some background and a request for advancement of the Applications to Council for a decision.

The architectural plans have generally not been revised, save for some very minor refinements to implement comments received, such as the introduction of a daylight triangle at the corner of Robinson Street Allendale Avenue, and a rooftop feature. The revised architectural plans are enclosed with this resubmission.

## **Background**

As you also know, on May 6, 2022 we submitted applications for Official Plan and Zoning By-law Amendments on behalf of the Owners (i.e., “the Applicant”) to facilitate the redevelopment of the subject lands for a proposal which contemplates a 77-storey residential tower on the lands, marketed as “Niagara 77”.

On June 16, 2022 the Applications were deemed incomplete by the City, noting that additional supporting materials were required to be submitted prior to having the Applications deemed complete. These additional supporting materials included a completed Architectural Design Review checklist, and deeds and/or abstract PINs, and a completed wind tunnel test study to accompany the wind impact study. City planning staff also requested a meeting to discuss the proposed design and height of the building.

At the time of the original submission, our Planning and Urban Design Rationale Report relied on the desktop study and not on the wind tunnel testing, which was completed and submitted after our initial submission.

A meeting to discuss the proposed design and height of the building was held on Friday, August 5, 2022, and the additional supporting materials listed above were all filed to the City by September 21, 2022.

The Applications were deemed complete on October 4, 2022, and a Public Open House was held on November 1, 2022, which no members of the public attended.

Between November 2022 and January 2023, we were waiting on receipt of final comments on the Applications. The final set of comments were from the Region of Niagara dated November 4, 2022.

The Owners / Applicant has advised us that they would like to proceed with the original design filed with the Applications on May 6, 2022, and as such, no critical design changes or refinements have been made as part of this resubmission.

## **Additional Planning Rationale & Request to Advance Applications to Council**

Our responses to comments are based on the original design filed with the Applications on May 6, 2022, and now also rely on the Pedestrian Wind Study (Wind Tunnel Testing) dated August 26, 2022; feedback provided from RWDI with respect to wind conditions, public health and safety; and, the understanding that built form refinements must be made at the site plan stage as set out above.

According to comments received from the Region on November 4, 2022, it is our understanding that Regional staff have reviewed the Applications and are unable to confirm if the proposal is consistent with Provincial and Regional growth management policies until the time that revised materials are provided for review. Furthermore, Regional Urban Design staff have recommended that further urban design rationale be submitted.

In our opinion, the proposal and related Applications have had appropriate regard for the matters of Provincial interest set out in Section 2 of the Planning Act, is consistent with the 2020 Provincial Policy Statement and conforms to the 2019 Growth Plan for the Great Golden Horseshoe, as amended (i.e., Office Consolidation 2020) which provides strong support for intensification in Urban Areas.

As well, the Applications conform to the policies of the former 2014 Niagara Regional Official Plan (“2014 NROP”), as amended, which was in force and effect at the time the Applications were filed and implements components of the Regional growth management policies especially with respect to directing the majority of growth and development to Niagara’s existing *Urban Built-Up Areas* through intensification.

Since the Applications were filed in May 2022, the Province has approved, with modifications, the new Niagara Region Official Plan (“2022 NROP”) as of November 4, 2022. Regional staff are still in the process of preparing a consolidated version of the NROP which includes the modifications made by the Province.

We have reviewed the policies of the 2022 NROP. In our opinion, the 2022 NROP is relevant, but not determinative, as the policies therein were enacted after the City deemed the Applications complete. Notwithstanding, the 2022 NROP maintains similar policy direction as the 2014 NROP, as amended, with respect to growth being directed to the Region’s *Urban Built-Up Areas* for intensification, and generally, the efficient utilization of land.

Accordingly, and given that there are no critical design changes to the proposal, we maintain that the Applications are consistent with the Provincial Policy Statement (2020), conform to the relevant policies of A Place to Grow: Growth plan for the Greater Golden Horseshoe (Office Consolidation 2020), and conform to the 2014 NROP. Detailed rationale with respect these policies has been provided in our original Planning and Urban Design rationale report.

With respect to urban design, the 2014 NROP generally established that excellence in urban design is promoted throughout the Region, but that capturing good urban design is largely a local planning exercise through the adoption of the Region’s Model Urban Design Guidelines or similar community design guidelines. In this regard, we looked to the City of Niagara Fall’s urban design policies and guidelines for direction

on supporting the development of a strong sense of place and an overall approach to development which considers design at a broader neighbourhood and/or community scale.

Accordingly, our original Planning and urban Design rationale report provides a basis for the applicable design guidelines and policies in the City and provided rationale with respect to the proposed design. As well, the architects on this file (Chamberlain) have completed and submitted the required Architectural Design Review form which outlines the design objectives that must be considered in the design of buildings within the City's central tourist districts. We would direct your final review to that form, given that there are no design refinements proposed.

#### Wind Conditions

Our analysis and rationale on whether the Applications can be supported is rooted in policy. Specifically, the Planning Act tells us that we must have regard to, among other things, matters of provincial interest such as, the orderly development of safe and healthy communities; the protection of public health and safety; and the promotion of built form that is well-designed and provides for public spaces that are safe.

These matters of provincial interest are carried forward into the Provincial Policy Statement ("PPS"), which Applications must be consistent with, and the A Place to Grow: Growth plan for the Greater Golden Horseshoe ("Growth Plan"), which Applications must conform to. Accordingly, both the PPS and the Growth Plan seek to provide for appropriate development that also protects public health and safety.

Specifically, Policy 1.1.1 states that healthy, liveable, and safe communities are sustained by avoiding development and land use patterns which may cause environmental or public health and safety concerns, among other things. A similar theme is carried out in several other policies of the PPS including 1.1.3.4, 1.4.3, and generally in Section 3.0 "Protecting Public Health and Safety".

Ontario's long-term prosperity, environmental health and social well-being depend on reducing the potential risk to Ontario's residents from natural or human-made hazards. Development is directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety.

Similarly, the 2014 and the 2022 NROP provide policy direction that must be conformed to. Within those documents, a similar theme of ensuring public health and safety is required.

In the City of Niagara Falls Official Plan, any application to amend the Zoning By-law must conform to the policies of the City Official Plan, the Regional Policy Plan, and

any applicable Provincial Plans. As a result, the theme of ensuring public health and safety is again carried forward at the local level.

On Monday, January 16, 2023 we circulated a formal letter to the Applicant and the wind consultant (RWDI) informing them that the wind concerns resulting from the proposed design could not be supported until a commitment to make design refinements was confirmed, or an understanding of the required built form changes and timing was established internally. In this regard, we received correspondence back from RWDI on January 25, 2023 stating that refinements made at the detailed design stage, including (but not limited to) changes to the external building geometry, orientation of the building on the site, and certain hard and soft landscaping elements, can mitigate or resolve wind related concerns.

If the wind safety concerns can be mitigated at the site plan stage through built form refinements including (but not limited to) changes to the external building geometry, orientation of the building on the site, and certain hard and soft landscaping elements, then we can support the proposal, at a high level, from a public health and safety standpoint.

### **Conclusions**

Detailed and comprehensive responses to the comments received to date are provided, in part, in the above, and in the comment matrix enclosed with this letter.

With respect to wind conditions and public health and safety, we acknowledge that the wind assessment identified concerns related to post-development wind conditions that are not safe under some specific circumstances. Accordingly, in order to mitigate those concerns, design refinements will need to be made at the site plan to ensure there are no longer any concerns for public health and safety.

Given that the design is not being refined for this resubmission, our rationale of local and Regional policies on growth management and urban design continue to be addressed in our original Planning and Urban Design rationale Report and in the completed the Architectural Design Review form, to which we would direct your attention as the basis for your final recommendation. Additional rationale is provided for in the enclosed comment matrix.

We kindly request that you advance the Applications and your recommendations to Council for a decision. Our position remains as follows:

From a land use policy perspective, the site is well suited for intensification, 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, both the 2014 and the 2022 Niagara Region Official Plans, and the City of Niagara Falls Official Plan.

From an urban design perspective, the development will contribute to the creation of an internationally recognizable skyline in a location within the City intended and planned for the tallest buildings, will create a contemporary, high-quality built form, and will contribute to the vitality and livability 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 which is evolving into taller built form at transit supportive densities. 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.

Lastly, the Applications will facilitate the redevelopment of the subject lands for a new high-rise residential tower. The resulting building will add over 950 new residential dwelling units, thereby contributing to the range and mix of housing options for the City.

Accordingly, it is our opinion that the proposed development is appropriate and desirable, and we recommend approval of the Official Plan and Zoning Bylaw Amendment Applications.

Yours very truly,  
**Bousfields Inc.**



**David Falletta, MCIP, RPP**  
Partner