



## **Planning Justification Report**

Official Plan Amendment, Zoning By-law Amendment, Consent Applications

**8055 McLeod Road, Niagara Falls**

For: Niagara Falls Non Profit Housing Corporation

By: NPG Planning Solutions Inc.  
4999 Victoria Avenue  
Niagara Falls, ON L2E 4C9  
T: 905 321 6743

Date: October 2024

**Table of Contents**

<b>1.0</b>	<b>INTRODUCTION</b>	<b>4</b>
<b>2.0</b>	<b>DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA</b>	<b>4</b>
2.1	Site Photos	10
<b>3.0</b>	<b>PROPOSED DEVELOPMENT</b>	<b>16</b>
3.1	Housing Affordability Threshold	17
<b>4.0</b>	<b>SUPPORTING STUDIES REVIEW</b>	<b>20</b>
4.1	ARCHAEOLOGICAL ASSESSMENT	21
4.2	ENVIRONMENTAL IMPACT STUDY	21
4.3	MUNICIPAL SERVICING AND STORMWATER MANAGEMENT STUDY	22
4.4	SHADOW STUDY	22
4.5	TREE INVENTORY & PRESERVATION PLAN	23
4.6	WIND STUDY	23
4.7	URBAN DESIGN BRIEF	23
4.8	NOISE STUDY	23
<b>5.0</b>	<b>PLANNING POLICIES</b>	<b>25</b>
<b>5.1</b>	<b>The Planning Act</b>	<b>25</b>
<b>5.2</b>	<b>PROVINCIAL PLANNING STATEMENT (2024)</b>	<b>26</b>
5.2.1.	Planning for People and Homes	26
5.2.2.	Housing	27
5.2.3.	Settlement Areas	28
5.2.4.	Transportation Systems	29
5.2.5	Infrastructure and Public Service Facilities	29
5.2.5.	Natural Heritage	30
5.2.6.	Cultural Heritage and Archaeology	31
5.2.7	Energy Conservation, Air Quality, and Climate Change	31
<b>5.3</b>	<b>Niagara Official Plan (2022)</b>	<b>32</b>
5.4.1	<i>Managing Urban Growth,</i>	32
5.4.3	<i>Housing</i>	33
5.4.2	<i>Economic Prosperity</i>	34
5.4.3	<i>Infrastructure</i>	35
5.4.4	<i>Built Form and Active Transportation</i>	35
5.4.4	<i>Natural Heritage System</i>	36
5.4.6	<i>Archaeology</i>	38
<b>5.4</b>	<b>City of Niagara Falls Official Plan</b>	<b>39</b>
5.5.1	<i>Growth Objectives</i>	39

## **8055 McLeod Road - Planning Justification Report**

5.5.2	Housing.....	40
5.5.3	Housing Impact Statement.....	41
5.5.4	Residential Land Use Policies.....	42
5.5.5	Environmental Policies.....	46
5.5.6	Environmental Protection Areas (EPA) and Environmental Conservation Areas (ECA) .....	47
5.5.7	Infrastructure.....	49
5.5.8	Transportation.....	49
5.5.9	Energy Conservation.....	50
5.5.10	Urban Design and Landscaping.....	51
5.5.11	Official Plan Amendment Policies.....	51
5.5.12	Consent Policies.....	52
<b>6</b>	<b>Urban Design Brief.....</b>	<b>53</b>
6.1	Niagara Region Model Urban Design Guidelines.....	53
6.1.1	Public Realm – Roads.....	54
6.1.2	Private Realm – High Rise Buildings.....	55
6.1.3	Private Realm – Off-Street Surface Parking.....	57
6.2	Niagara Falls Official Plan – Urban Design Strategy.....	59
6.2.1	Niagara Falls Official Plan – Urban Design Strategy.....	59
<b>7</b>	<b>Proposed Official Plan Amendment.....</b>	<b>61</b>
<b>8</b>	<b>Proposed Zoning By-law Amendment.....</b>	<b>61</b>
<b>9</b>	<b>Summary and Conclusion.....</b>	<b>65</b>
<b>10</b>	<b>Appendices.....</b>	<b>67</b>
	Appendix A – Site Plan.....	68
	Appendix B – Niagara Official Plan Schedules.....	70
	Appendix C – City of Niagara Falls Official Plan Schedules.....	75
	Appendix D – City of Niagara Falls Zoning By-law Map.....	82
	Appendix E – Draft Official Plan Amendment.....	84
	Appendix F – Draft Zoning By-law Amendment.....	87
	Appendix G – Municipal Correspondence.....	91
	Appendix H – Consent Sketch.....	93

## **1.0 INTRODUCTION**

The Subject Lands, measuring approximately 4.53 hectares (45,300 square metres), are municipally known as 8055 McLeod Road, City of Niagara Falls and are legally described as Part of Township Lot 170, Being Part 2, Plan 59R-7560 of the Township of Stamford. NPG has been retained to provide professional planning advice on the proposed residential development of a ten (10) storey apartment building consisting of 112 affordable housing units intended for older persons. Implementation of the proposed development requires an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA). An Official Plan Amendment is required to redesignate the Subject Lands to a Site Specific Residential designation to permit an apartment building over six (6) storeys in height. A Zoning By-law Amendment application is required to rezone the Subject Lands from a Transitional Residential Multiple (TRM) to a Residential Apartment 5F Density Zone with site specific provisions related to height, minimum parking requirements, bicycle parking requirements, minimum landscape open space and amenity space. A Consent application is proposed to sever the vacant area of the Subject Lands from the previously developed portion. Future applications for Site Plan Approval will occur after OPA/ZBA and Consent approval.

The “Owner” of the Subject Lands is the City of Niagara Falls Non-Profit Housing Corporation, a non-profit organization based in the City of Niagara Falls, that focuses on providing affordable housing solutions to residents in the community. The corporation manages and maintains housing units for individuals and families with low to moderate incomes across the City, ensuring they have access to safe, affordable, and well-maintained living environments. Their goal is to address the housing needs of the community by offering various housing options and supporting tenants in maintaining stable housing situations.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of applications for amendments to the Official Plan and Zoning By-Law when assessed against policies in the Provincial Policy Statement (“PPS”), Niagara Region Official Plan (“Region OP”), the City of Niagara Falls Official Plan (“City OP”) and the City of Niagara Falls Zoning By-law No. 79-200.

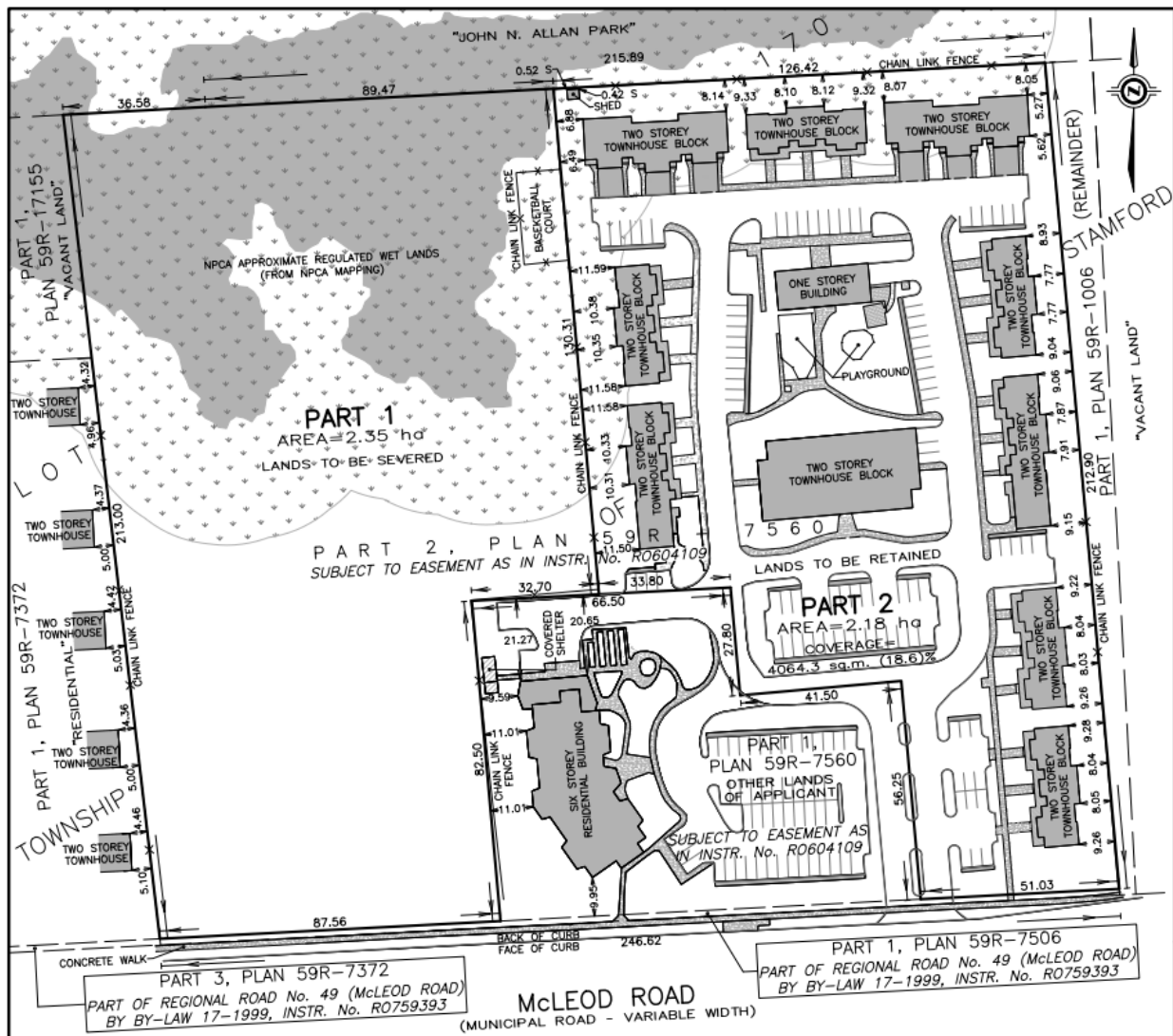
Sections 5.1, 5.2, and 5.3 of this report presents an analysis of the applications in regard to provincial and regional planning policies. Section 5.4 of this report discusses the proposal’s conformance with the general intent and objectives of the City’s OP. Section 6.0 of this report evaluates the urban design impacts of the proposed development while Sections 7.0 and 8.0 describe and provide justification for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment respectively.

## **2.0 DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA**

The Subject Lands are located in the City of Niagara Falls on the north side of McLeod Road between the intersections Kalar Road to the west and Montrose Road to the east (see **Figure 2 - Aerial Context**). The Subject Lands have a combined frontage of 138.59 metres on McLeod Road and an area of approximately 45,300 square metres (4.53

## 8055 McLeod Road - Planning Justification Report

hectares). McLeod Road is classified as an arterial road in the City's OP. The Subject Lands consists of two parts (as shown on the proposed consent sketch below). Part 2, located at the eastern portion of the Subject Lands consisting of an area of 2.18 hectares and 51.03 metres of frontage on McLeod Road, has been previously developed and features 72 townhouses units two storeys in height. Part 2 also features parking areas associated with the townhouses and a one storey daycare building with a playground. Part 1, located at the western portion of the Subject Lands consisting of an area of 2.35 and 87.56 metres of frontage along McLeod Road. Part 1 is vacant, consisting nearly exclusively of trees. Between Parts 1 and 2, along the McLeod Road frontage, is 8065 McLeod Road which is also owned by the Niagara Falls Non-Profit Housing Corporation. The lands at 8065 McLeod Road feature a six (6) storey apartment building consisting of 60 apartment dwelling units and associated parking areas.



**Figure 1. Proposed Consent Sketch**

An existing chain link fence separates Part 1 of the Subject Lands from Part 2 and 8065 McLeod Road. The proposed consent boundary follows this existing chain link fence. The



## 8055 McLeod Road - Planning Justification Report

zone boundaries of 8065 McLeod Road and Part 2 will be updated to reflect the new lot boundaries as the existing zone maps are inaccurate. Please see Section 8.0 of this report for more information regarding zoning.

The Subject Lands feature designated natural heritage features on-site via a portion of the Warren Creek Provincially Significant Wetland (PSW) at the northwest corner of the property (exclusively contained on Part 1). The PSW is designated as Natural Environment System in the Niagara Official Plan and as Environmental Protection Area (EPA) the City of Niagara Falls Official Plan. A small portion of significant woodland is located at the northwestern portion of Part 1, north of the PSW, which has been identified as Environmental Conservation Areas (ECA) and Significant Woodland in the City's Official Plan. The southern portion of Part 1 is recognized as being free of environmental constraints and is the intended location for the proposed development.

An Environmental Impact Study (EIS) was prepared by Ecological & Environmental Solutions, dated July 2024, to confirm the extents of the natural features. Please refer to the EIS enclosed with this submission for detailed mapping and supporting information related to the existing natural heritage features. The EIS supports a reduction from the 30-metre buffer to a 21-metre buffer from the PSW boundary to limit potential impacts on the natural heritage features identified on the Subject Lands and their ecological functions. Figure 1, below, identifies the extent of the PSW, its associated buffer with the proposed development overlay. Note, there is an existing basketball court located within Part 1 which infringes on the PSW boundary and its setbacks. Several two storey townhouse blocks located on Part 2 along the northern property line also infringe on the PSW buffer. These infringements are existing and the proposed development will not result in any further infringements into the PSW buffer.



**Figure 2. Natural Heritage Constraints Map with proposed development overlay (prepared by Ecological and Environmental Solutions).**

## ***8055 McLeod Road - Planning Justification Report***

The surrounding land-uses include residential, commercial and parkland uses. Immediately east of the Subject Lands is a large commercial area featuring a variety of uses including a Metro grocery store, RONA+ hardware store, financial institutions and dining options. Further east on the east side of Montrose Road is the MacBain Community Centre, a community centre featuring a library, sauna, gymnasium, meeting rooms, and café, all for community use. Immediately north of the Subject Lands is the John N Allen Park providing recreational uses for surrounding residential lands and features a cricket field, basketball court, and tennis courts, with low rise residential uses located further north. Immediately west of the Subject Lands are two storey residential townhouses known as Brookside Villages Co-Operative Homes. Further west, at the Kalar Road and McLeod Road intersection, zoning approvals have been received for the development of two residential buildings with maximum heights of 13 storeys. Immediately south of the Subject Lands are vacant lands. Zoning approvals have been received at 8056 McLeod Road for an apartment building with a maximum height of 39.5 square metres. Southeast of the Subject Lands is a Petro-Canada gas station, Tim Hortons, and the Niagara Square shopping centre which features a Costco Wholesale Warehouse, Cineplex movie theatre, a regional transit hub, and a variety of other commercial uses. The Queen Elizabeth Way highway is located approximately 1 kilometre east of the Subject Lands, with an interchange along McLeod Road. Approximately 240 metres south from the Subject Lands are offices and work yard of Niagara Peninsula Energy Inc. See Photos 1-9 below for further site context.

There is a municipal sidewalk present on the north side of McLeod Road, fronting the Subject Lands. There are two bus stops, one being along the frontage of the Subject Lands and the other being on the south side of McLeod Road, south of the Subject Lands. The Subject Lands are located within 500 metres of the Canadian Drive Hub, a transit hub providing connections to nine unique transit routes (101, 103, 103b, 105, 105b, 111, 112, 113, 113b) providing connectivity across the entire city. The Canadian Drive Hub also provides Regional transit routes providing direct routes to the Welland Bus Terminal and the Fort Erie Municipal Centre). All routes are operated by Niagara Region Transit. Please refer to **Figure 4 – Community Amenities** in the following section.

## 8055 McLeod Road - Planning Justification Report

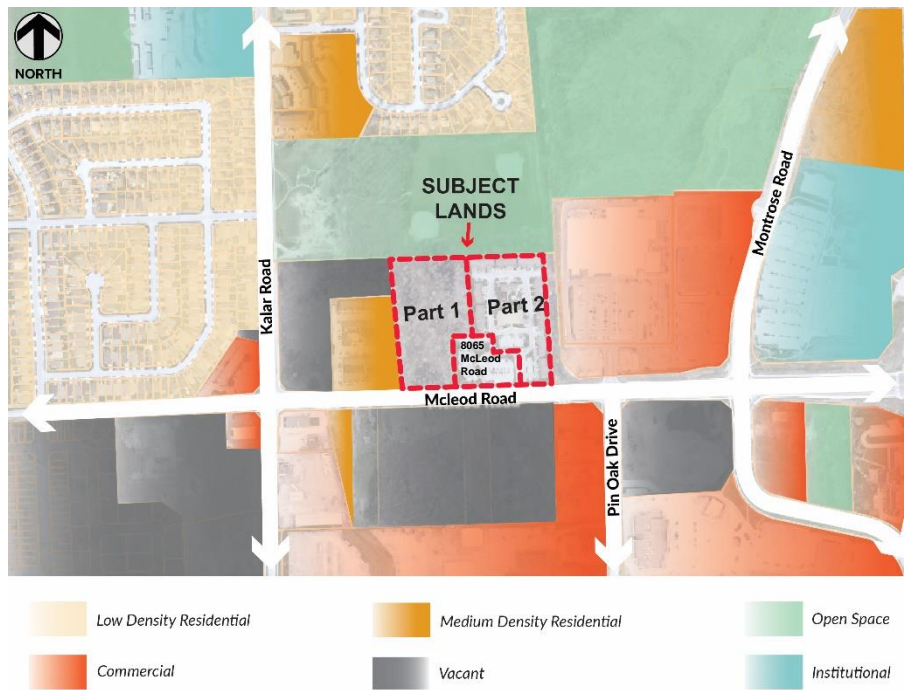


Figure 2 Aerial Context

### Surrounding Land Uses:

**North:** John N Allen Park

**South:** Vacant

**East:** Commercial

**West:** Residential



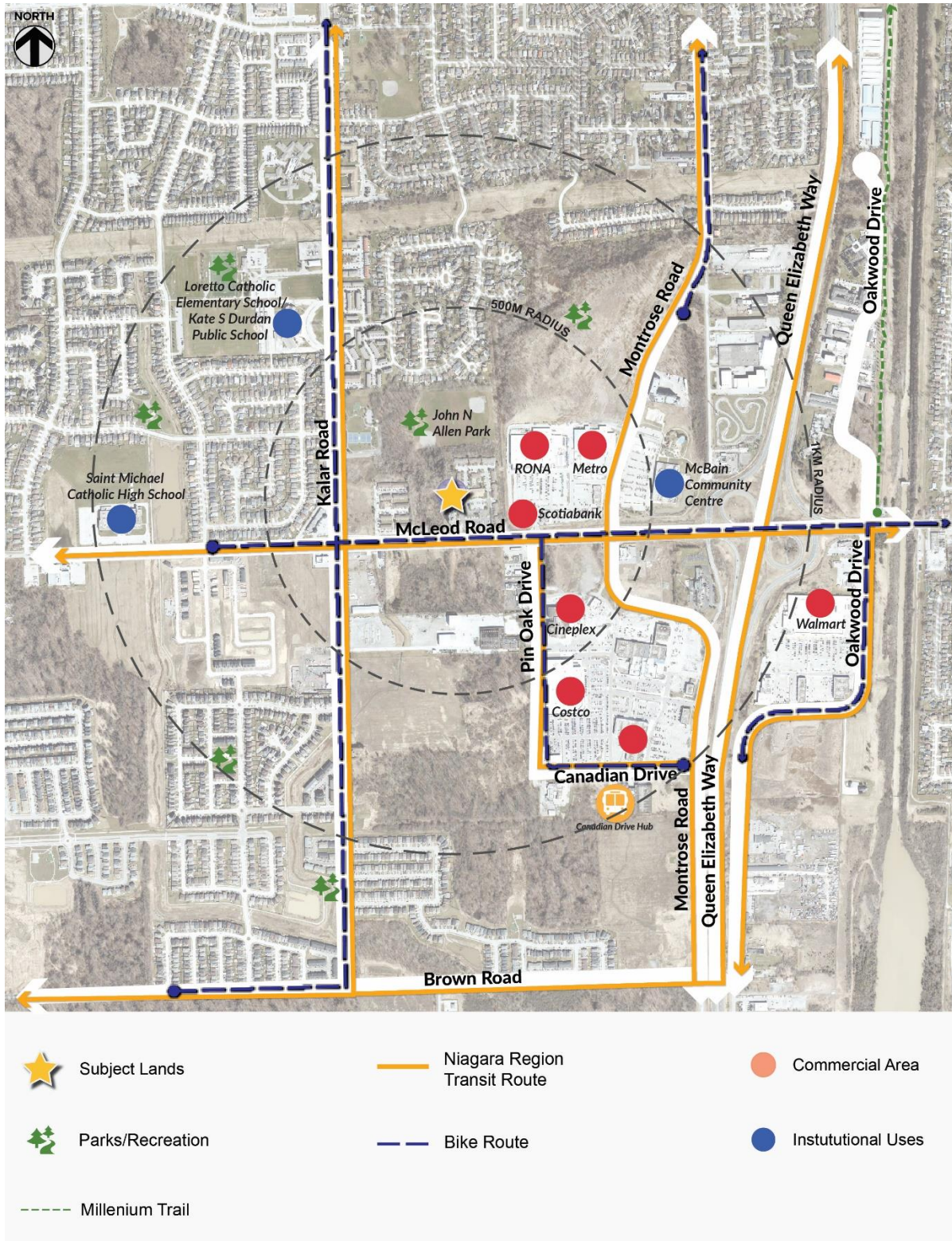


Figure 3 Community Amenities

## 2.1 Site Photos

The following section provides site photos of the Subject Lands. The photos were taken during a site visit on July 10, 2024.



***Photo 1. View looking west towards the existing 6 storey apartment building from the eastern portion of the Subject Lands.***



**8055 McLeod Road - Planning Justification Report**



***Photo 2. View looking north towards low-rise residential uses from the eastern entrance to the Subject Lands.***



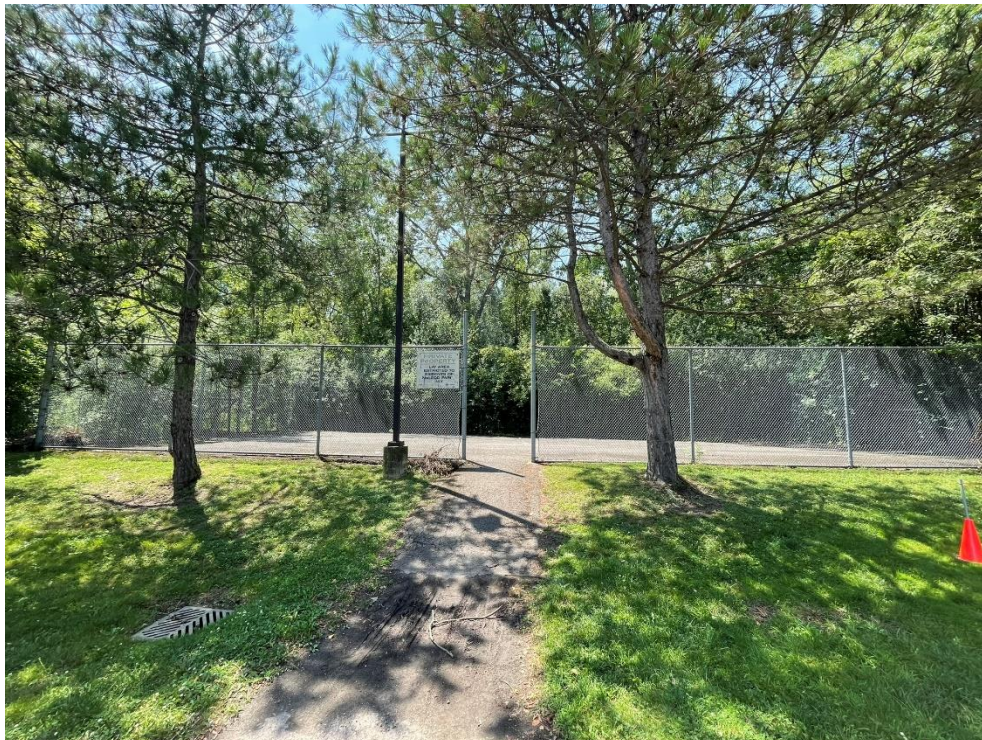
***Photo 3. View looking east towards the low rise townhouses near the entrance of the Subject Lands.***



**8055 McLeod Road - Planning Justification Report**



**Photo 4. View of the existing playground and daycare centre located centrally on the Subject Lands.**



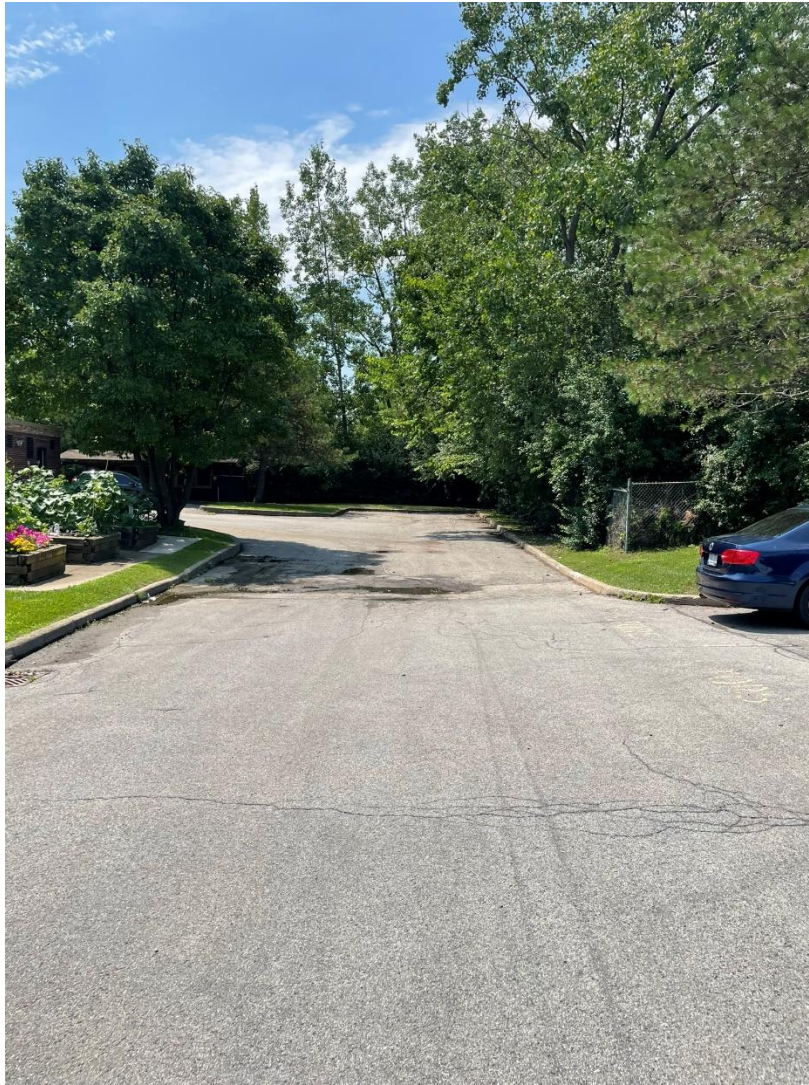
**Photo 5. View looking west towards the existing basketball court on the Subject Lands. The basketball court represents an existing encroachment into the PSW buffers.**





***Photo 6. View looking northwest towards the basketball court and PSW buffer area. The manicured area in the background represents an existing encroachment into the PSW buffer.***

**8055 McLeod Road - Planning Justification Report**



***Photo 7. View looking west towards the vacant portion of land. The roadway shown will be extended to connect to the proposed development.***



**8055 McLeod Road - Planning Justification Report**



***Photo 8. View looking southwest towards the existing six storey apartment building located at 8065 McLeod Road.***



***Photo 9. View looking northeast towards the frontage of the undeveloped portion of the Subject Lands (Part 1), from McLeod Road.***

### **3.0 PROPOSED DEVELOPMENT**

The applicant is proposing to develop the Subject Lands for a 10-storey apartment building consisting of 112 affordable housing units intended for older persons with respective parking and landscaping areas. Development is only proposed on Part 1. In order to facilitate the proposed development, Applications for Official Plan Amendment and Zoning By-law Amendment are required. An application for Consent is also proposed to sever the existing vacant lands from the developed portion of the site to the east.

As mentioned, the Consent application proposed to sever the existing vacant lands from the developed portion of the site resulting in the following lot configuration:



	Area	Frontage
<b>Part 1 (Vacant)</b>	2.35 hectares	87.56 m
<b>Part 2 (Townhouses)</b>	2.18 hectares	51.03 m

Following approval of the severance all parcels will retain frontage on McLeod Road.

The proposed development provides for one 10-storey residential building, with a floor area of 1,049 square metres, to be setback 9.73 metres from the front lot line. Entrances to the building are provided on all sides, with primary access to the building provided at the rear (northern side) via a covered drop off location. Terraces are located on the east side of the building with a patio and bicycle parking facilities along the south side of the building. The south side of the building also features a pedestrian walkway with direct connection to the existing concrete sidewalk along McLeod Road. On the west side of the building two loading zones are proposed, including earth bin waste receptacles and electrical equipment.

Two vehicular accesses are provided to McLeod Road, both 6 metres in width, located east and west of the proposed building. Parking for the proposed development is to be provided at grade and is located to the east and north of the building. A total of 129 parking spaces are proposed, at a ratio of 1.15 per dwelling unit. A total of 6 accessible spaces are provided along the eastern perimeter of the building, with 4 EV parking spaces provided further east. An additional 43 bicycle parking spaces are proposed within the parking area located north of the building.

All development proposed is located outside of the PSW and its respective buffer.

An application for Official Plan Amendment is required to redesignate the lands to a Special Policy Area designation to permit an apartment building 10 storeys in height. The application for Zoning By-law Amendment proposes to rezone the lands to a site-specific R5F Zone with a site-specific provisions related to height, parking, bicycle parking, amenity area, and landscaped open space. Please refer to Section 7.0 and Appendix F for more information on the proposed Zoning By-law Amendment.

### 3.1 Housing Affordability Threshold

The following section identifies anticipated rent prices for the proposed dwelling units as well as how the proposed development fits with Provincial, Regional and City definitions of “affordable:”

#### 3.1.1 Proposed Rental Rates

The applicant intends to implement the rental rates outlined in **Table 2**, although it's important to note that these figures represent an estimate and may be subject to change based on funding.

**Table 2 – Proposed Rent**

Unit Type	Proposed Rental Price
One-Bedroom (45 units)	\$770
One Bedroom + Den (29 units)	\$1,120

## 8055 McLeod Road - Planning Justification Report

Two-Bedroom (38 units)	\$1,610
Total units = 112	Average Rental Price = \$1,146

The applicant is targeting the funding from the following sources to assist in supplementing future housing costs:

- Canada Mortgage and Housing Corporation (CMHC) Affordable Housing Fund (grant up to \$75,000 per unit);
- Federation of Canadian Municipalities - Green Municipal Fund;
- Enbridge Savings by Design (capital grant program);
- Development Charge and Planning Fee waivers from Municipal and Regional governments;
- Capital Fundraising campaign;
- Niagara Region Rent Subsidy;
- Niagara Region Rent Geared to Income (RGI) Subsidy.

### 3.1.2 Defining Affordable

The City's Official Plan builds on the Niagara Region's definition of "affordable" for the purposes of determining conformity and for establishing housing targets.

The PPS and the Region's Official Plan delineate the criteria for defining "affordable" either based on average household incomes (income based) or market rates (market based). For rental housing, rates must align with the more stringent affordability criterion between the two. These are defined as follows:

**Income Based:** *a unit for which the rent does not exceed 30% of gross annual household income for low- and moderate-income households; or*

**Market Based:** *a unit for which the rent is at or below the average market rent of a unit in the regional market area.*

The City's Official Plan differentiates between affordability for low-income households and moderate-income households and includes targets for two (2) income-based thresholds. Part 1, Policy 4.8 of the City's Official Plan sets annual targets for affordable rental housing builds between 2021 and 2051, as follows:

- a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable (moderate-income households).*
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources (low-income households)*

### Income Based (Criteria #1)

The City of Niagara Falls Housing Strategy (January 2022) summarizes the average household income deciles in Niagara. The City has since adjusted this data for inflation from the 2021 Census, as shown in **Table 3**:

**Table 3 – Niagara Falls Lowest Six Income Deciles**

Decile	Gross Annual Household Income in Niagara Region <sup>1</sup>	Affordable Rental Rates
1 <sup>st</sup>	Less than \$23,868	Less than \$597
2 <sup>nd</sup>	\$23,869 to \$36,288	\$597 - \$907
3 <sup>rd</sup>	\$36,289 to \$48,924	\$907 - \$1,223
4 <sup>th</sup>	\$48,925 to \$64,800	\$1,223 - \$1,620
5 <sup>th</sup>	\$64,801 to \$84,132	\$1,620 - \$2,103
6 <sup>th</sup>	\$84,133 to \$103,572	\$2,103 - \$2,589

*Data provided by City of Niagara Falls, sourced from Statistics Canada*

A Low-Income Household is described as a household with annual income in the 1<sup>st</sup>, 2<sup>nd</sup> or 3<sup>rd</sup> decile. A moderate-income household is described as a household with annual income in the 4<sup>th</sup>, 5<sup>th</sup> or 6<sup>th</sup> decile.

The expected rents for the dwelling units are projected to exceed 30% of the gross annual household income for those households classified within the 1<sup>st</sup> decile of gross annual household income. However, the proposed rents fall within the affordability range for all other affordability deciles.

#### Market Based (Criteria #2)

The table below provides average market rent rates for units in the *regional market area* (Niagara Region) citing data from CMHC. This table assists in evaluating the second criterion of the Region’s definition.

**Table 4 – CMHC Average Market Rent in St. Catharines/Niagara (October 2023)<sup>1</sup>**

Unit Type	Average Market Rent in St. Catharines/Niagara
One-Bedroom	\$1,200
Two-Bedroom	\$1,317

CMHC data includes the average rents of old and new apartments, as well as occupied average rents. As occupied apartment units are subject to rent control, CMHC’s reported average rents are often lower than average market rents for current listings. In this instance, the City has included the average market rent data from Rentals.ca<sup>1</sup> in their Housing Needs and Supply Report as a point of comparison for understanding Niagara Region’s average market rents.

With this understanding, to obtain a more fulsome analysis, the most updated (July 2024) average market rents in Niagara Falls from Rentals.ca is reported in **Table 5**. Rentals.ca does not include data centric to the Niagara Region.

<sup>1</sup> [Rental Market Survey - St. Catharines-Niagara, 2023 - CMHC](#)

Table 5 – Rentals.ca Average Market Rent in Niagara Falls<sup>2</sup>

Unit Type	Average Market Rent in Niagara Falls
One-Bedroom	\$1,649
Two-Bedroom	\$2,013

The proposed rental rates are below both the CMHC average and the average market rents obtained from Rentals.ca.

## SUMMARY

Based on the analysis above, the proposed development aligns with both of the criterion of the Region's definition of affordability. The proposed rental rates are below the CMHC average market rent rates, and they fall below Rentals.ca average market rent rates for all unit types. The proposed development is projected to be affordable to those households categorized as low- and moderate-income households (a household in the 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, or 6<sup>th</sup> income decile). The Owner is targeting a minimum of 40% of units at or below 70% of the CMHC Median Market Rental level. Note, these numbers will need to be adjusted as the project progresses based on the cost of development and changes in funding sources.

## 4.0 SUPPORTING STUDIES REVIEW

The following section provides a summary of the supporting studies which have been outlined as submission requirements during the pre-consultation meeting held November 2, 2023.

As per the Pre-Consultation Agreement form dated November 2, 2023, the following documents are required for the complete Official Plan and Zoning By-law Amendment applications:

- Archaeology Assessment – Stage 1 & 2
- Environmental Impact Study
- Functional Servicing Report
- Noise Study
- Planning Justification Report
- Shadow Analysis
- Stormwater Management Plan
- Parking Analysis
- Tree Inventory Preservation Plan
- Urban Design Brief
- Wind Study

<sup>2</sup> [Rentals.ca - National Rent Report \(July 2024\)](#)



## **8055 McLeod Road - Planning Justification Report**

In discussions with City Staff, it was confirmed that a parking analysis would not be required if a parking ratio of 1.15 spaces per unit were maintained. The requirement for a noise study was also waived based on City's screening criteria for waiving noise studies. City Staff confirmed that a wind assessment opinion letter prepared by a qualified professional would be accepted in lieu of a full wind study. Based on the above, those studies have not been included as part of the application. Please see Appendix G – Municipal Correspondence for more information.

### **4.1 ARCHAEOLOGICAL ASSESSMENT**

A Stage 1-2 Archaeological Assessment was conducted by Archaeological Consultants Canada to investigate the archaeological potential of the Subject Lands. The entirety of the Subject Lands was assessed by test pit survey at 5 m intervals on August 19, 2024. No artifacts or other archaeological resources were identified during the Stage 2 archaeological assessment and no further archaeological assessment of the property is required.

### **4.2 ENVIRONMENTAL IMPACT STUDY**

An Environmental Impact Study (EIS) was prepared by Ecological & Environmental Solutions to confirm the extent of natural features and to identify policy-compliant measures for the proposed development to avoid, protect, and mitigate impacts on those features and their ecological functions.

The EIS noted that a portion of the Warren Creek PSW Complex is located in the northern portion of the Subject Lands and is mapped EPA. No other EPAs have been identified within the vicinity of the Subject Lands. The existing 30m buffer of the PSW has an abundance of invasive species. Surface drainage of the site tends to move south towards McLeod Road, but drainage from the PSW is impeded by the compacted fill material. The PSW contains breeding habitat for Western Chorus Frog and provides suitable foraging habitat for aerial insectivores such as Eastern Wood-pewee and Barn Swallow, which are both species at-risk (SAR). Neither species was observed breeding on the subject lands but benefited from the mature trees bordering the open parkland.

The Niagara Region has identified a woodland north of the Subject Lands as Environmental Conservation Area (ECA) with a portion of the woodland extending onto the Subject Lands and overlapping the EPA-designated wetland.

South of the wetland, the study area is a highly disturbed area, with compacted gravel soil and an abundance of invasive species. No SWH or SAR were observed in the southern portion of the site. The site supports very few species and has been heavily influenced by historic and current adjacent land uses.

In considering the proposed development, the EIS noted that the proposed development is outside of identified wetland and woodland natural heritage. A reduction to the wetland buffer is proposed in two locations, with a minimum setback of 21m between the wetland boundary and proposed parking lot and a maximum setback of 35m. This reduction in the wetland buffer is not anticipated to result in significant negative impacts. In efforts to avoid

negative impacts to natural heritage features, appropriate mitigation measures are suggested including the following:

- Vegetation removal should be timed to avoid impacts to breeding birds, avoiding removals between April 1 – September 30.
- Detailed grading plan should identify the location of the sediment and erosion control fencing and limit of disturbance fencing, which should be installed along the perimeter of the retained wetland buffer prior to any grade changes.
- Building design should consider bird-friendly design options, including minimizing the size of reflective surfaces and use of exterior lighting which directs light downward.
- Preparation of a Tree Preservation Plan to identify trees for preservation along the retained PSW buffer and along the perimeter of the proposed development.
- Use of native trees and shrubs in landscaping to enhance foraging for insects and birds.
- Lighting within the parking lot should include shields to direct light downward.

#### **4.3 MUNICIPAL SERVICING AND STORMWATER MANAGEMENT STUDY**

Halex Civil Engineering Ltd. prepared a Functional Servicing Design Brief (FSDB) dated October 1, 2024, to provide detailed information of the proposed stormwater management and functional servicing scheme for the proposed development. The following are summarized from the study:

- The post-development storm water runoff for the subject site will be 15.3 L/s lower than the maximum allowable peak flow rates for the five-year storm;
- Stormwater quality controls will achieve a total suspended solids removal of at least 82%, greater than the required 'Enhanced' treatment of 80% as indicated in the MOE Stormwater Management Planning and Design Manual;
- Adequate measures to ensure water quality control will be implemented;
- A minimum 200mm diameter watermain is proposed to be installed to provide water supply to the proposed ten-storey apartment building from the existing 300mm PVC municipal watermain at McLeod Road;
- A fire hydrant is proposed for the development in accordance with Ontario Building Code requirements.

Please refer to the servicing report prepared by Halex for additional information.

#### **4.4 SHADOW STUDY**

A shadow study was prepared by ACK Architect Studios in accordance with the City of Niagara Falls Sun/Shadow Study Terms of Reference. The shadow study determined:

- The low-rise buildings to the west will not experience any shadowing between the hours of 10am to 6pm at any time of year.
- The low-rise buildings to the east will feature mild shadowing between the hours of 2pm-3pm on December 21.

## 8055 McLeod Road - Planning Justification Report

- The western exterior wall of the existing 6-storey residential building to the east will experience shadowing between the hours of 4pm-6pm on April 21, 5pm-6pm on June 21, 3pm-6pm on September 21, and 3pm-4pm on December 21.

Shadowing impacts on the surrounding low-rise residential uses are temporary and infrequent and are not anticipated to result in significant impacts for residents. Shadowing is experienced on the 6-storey residential building to the east. The proposed development mitigates impacts by providing for an adequate separation between the two mid-rise buildings. Despite the proposed development casting a shadow on the western side of the 6-storey building, residents will still experience significant sunlight during the morning and afternoons with approximately 60 minutes of shadowing prior to sunset. This is not anticipated to result in significant impacts for residents.

### 4.5 TREE INVENTORY & PRESERVATION PLAN

A Tree Saving Plan (TSP) was prepared by Ecological & Environmental Solutions. The TSP noted that a total of 310 trees were identified outside of the EPA lands. Of the 310 trees identified, 243 will be removed to accommodate the proposed development, while 67 will be maintained. Recommendations are provided within the report for trees that have been identified for preservation. Please see the TSP for the recommendations and more information.

### 4.6 WIND STUDY

A letter of opinion was prepared by RWDI to comment on the expected wind conditions related to the proposed development. The letter provided the following conclusions:

- The proposed canopies are anticipated to mitigate any significant wind impacts near entrances.
- Additional landscaping measures are anticipated to be required at the southwestern amenity area.
- Additional landscaping measures are anticipated to be required at the northwest and southeastern tower corners.
- Suitable wind conditions are anticipated within the proposed parking lots.

### 4.7 URBAN DESIGN BRIEF

An Urban Design Brief is included as Section 6.0 of this Report. Please see that section for design analysis.

### 4.8 NOISE STUDY

The City of Niagara Falls Noise Impact and Vibration Study Terms of Reference (August 2022) permits staff to waive the requirement of a Noise Impact Study where it has been determined that specific criteria has been met. Analysis of the waiving criteria has been included below in lieu of a Noise Impact and Vibration Study.

Criteria	Justification
<b>Inclusion of enhanced building materials, such as brick or</b>	These building materials are standard for high-rise residential towers and will be implemented.

**8055 McLeod Road - Planning Justification Report**

<p><b>equivalent, double pane windows;</b></p>	<p>More information will be provided by the Architect in this regard.</p>
<p><b>Inclusion of provision to require central air conditioning so that windows and exterior doors can remain closed to ensure indoor sound levels are met;</b></p>	<p>This is standard for high-rise residential towers and will be implemented.</p>
<p><b>Installation of noise attenuation fencing constructed of any wood, metal or masonry construction with a minimum surface density of 20 kilograms per square metre and should be free of holes or gaps within or below its extent;</b></p>	<p>NPG has reviewed noise studies which were prepared by qualified professionals in support of development applications in proximity to the Subject Lands. In reviewing the <i>Environmental Noise Assessment - 7449 Montrose Road</i> and its addendum it was determined no noise mitigation was required for at grade Outdoor Living Areas (OLAs) internal to the site. This would be a similar condition of any OLAs on the Subject Lands, internal to the site.</p> <p>At the Site Plan Agreement stage for the proposed development, any common patios or terraces will either be located at the side or rear of the building, away from road traffic, or will contain noise attenuation fencing per the guidelines along with the appropriate warning clauses. At-grade terrace and patio locations are conceptual at this stage.</p> <p>Proposed unit balconies are not considered to be OLAs as they are less than 4 metres in depth.</p>
<p><b>Agreement from applicant to the inclusion of the applicable warning clauses in all Agreements of Purchase and Sale or Lease or Occupancy and all development agreements;</b></p>	<p>No objection regarding the inclusion of warning clauses. This will be within the Site Plan Agreement.</p>
<p><b>Inclusion of the requirement for the owner/applicant to implement the above noted requirements.</b></p>	<p>There is no objection for this to be within the Site Plan Agreement</p>

## 5.0 PLANNING POLICIES

### 5.1 The Planning Act

Section 2 of the *Planning Act* identifies matters of provincial interest for which Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Included in these matters are:

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,
  - (i) is well-designed,*
  - (ii) encourages a sense of place, and*
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;**
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

Section 3(5) provides:

*A decision of the council of a municipality, a local board, a planning board, a minister of the Crown and a ministry, board, commission or agency of the government, including the Tribunal, in respect of the exercise of any authority that affects a planning matter,*

*(a) subject to a regulation made under subsection (6.1), shall be consistent with the policy statements issued under subsection (1) that are in effect on the date of the decision; and*

*(b) shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be..*

Matters of provincial interest are articulated in Provincial, Regional, and City planning documents, and discussed throughout this Planning Justification Report. In summary, the Applications provide for an appropriate location for growth and development, including the provision of a full range of housing by permitting a purpose-built rental apartment building which contains attainable housing units, affordable to nearly all low- and moderate-income households. The compact form and location of the development along a commercial corridor within proximity to existing transit routes supports public transit,

walkability, and reduced automobile reliance, while making efficient use of an under-utilized property through intensification.

Subsection 3(5) of the Planning Act requires that decisions of Council shall be consistent with policy statements and shall conform with provincial plans that are in effect. Consistency and conformity with Provincial, Regional and City policies are discussed in-depth in the subsequent sections of this report.

Subsection 24(1) of the Planning Act requires that by-laws passed by Council shall conform to official plans that are in effect. Section 34 of the Planning Act permits councils of local municipalities to pass and/or amend zoning by-laws for such purposes as may be set out in the by-law, and for regulating construction and land use within the municipality.

For these reasons, subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

## **5.2 PROVINCIAL PLANNING STATEMENT (2024)**

The Provincial Planning Statement (2024), hereinafter referred to as PPS, is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019 while building upon housing-supportive policies from both documents. The PPS will come into effect October 20, 2024.

In anticipation that decisions concerning the proposed Applications will be made after the PPS comes into effect, this PJR will discuss the proposed development's consistency with this policy statement.

### **5.2.1. Planning for People and Homes**

Section 2.1 of the PPS provides direction policies related to managing and directing land use. The following policies apply to the proposal:

#### **POLICY**

---

*2.1.6 Planning authorities should support the achievement of complete communities by:*

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

#### **ANALYSIS**

---



The Subject Lands are within a settlement area of Niagara Falls, supported by existing municipal and wastewater infrastructure, that can support the achievement of complete communities.

The proposed development will facilitate the creation of complete communities as it seeks to create a higher density residential development with a unique built form on lands that are currently vacant and in an area with a variety of land uses and services. There are several Niagara Region Transit routes located within walking distance of the Subject Lands. The Subject Lands are also located within walking distance to a variety of commercial and personal service uses. Including the Niagara Square Shopping Centre which provides a variety of retail and banking services for residents and the MacBain Community Centre. Additionally, there are several publicly accessible parks within walking distance of the Subject Lands.

The range of land uses, and accessible active transportation options helps improve the overall quality of life for the older persons of the proposed development.

### 5.2.2. Housing

The PPS provides the following policies with respect to housing:

#### **POLICY**

---

*2.2.1 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;*

*c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and*

*d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.*

#### **ANALYSIS**

---

The proposed development facilitates a mix of housing through the development of affordable apartment dwelling units targeted for older persons in an area easily accessible via transit. The City of Niagara Falls features a total of 37,795 private dwelling units, of which 24,990 are single detached dwellings (66%).<sup>3</sup> The proposed development

---

<sup>3</sup> [Profile table, Census Profile, 2021 Census of Population - Niagara Falls, City \(CY\) \[Census subdivision\], Ontario \(statcan.gc.ca\)](#)

represents a type of housing density, built form, and tenure that is not common in the City of Niagara Falls, adding to the housing stock, diversity, choice, and affordability in the area.

### 5.2.3. Settlement Areas

The PPS provides the following policies with respect to settlement areas:

#### **POLICY**

---

*2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.*

*2.3.1.2 Land use patterns within settlement areas should be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate; and*
- e) are freight-supportive.*

*2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.*

Settlement Areas is defined as:

*urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets). Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.*

Settlement areas 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 long-term.*

#### **ANALYSIS**

---

The Subject Lands are located within a Settlement Area within the Built-Up Area.

The proposed development would promote the efficient use of land within the Settlement Area by providing an appropriate density for the efficient use of municipal services. The Subject Lands are also located on a regional cycling network and a municipal transit

corridor, helping promote active transportation options. The Subject Lands are also in proximity to a range of commercial and personal service uses ensuring accessibility for future residents.

The proposed 10-storey apartment building will be of a compact built form, promoting efficient use of land, infrastructure, and public service facilities.

For these reasons, the Applications are consistent with the Settlement Area policies of the PPS.

#### 5.2.4. Transportation Systems

Section 3.2. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

#### **POLICY**

---

*1.6.7.2 Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

#### **ANALYSIS**

---

The proposed development, fronting on McLeod Road – an arterial road, will sufficiently utilize the existing road infrastructure. Arterial roads are typically designed for higher volumes of traffic and the proposed residential use and density will be adequately accommodated by this road.

Further, the proposal will be supported by existing sidewalk access and transit routes, and bicycle infrastructure that will provide convenient connections to important destinations necessary for daily living.

#### 5.2.5 Infrastructure and Public Service Facilities

Section 3.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

#### **POLICY**

---

*3.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

#### **ANALYSIS**

---

The Subject Lands are located on McLeod Road, a municipal road with existing municipal services. The proposed development would connect to this existing infrastructure, including municipal services. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas. Furthermore,

as indicated in the Municipal Servicing Study prepared by Hallex Engineering, dated July 4, 2024, existing municipal services have the capacity to service the proposed development. For these reasons proposed development is consistent with the above policies of the Provincial Policy Statement.

#### 5.2.5. Natural Heritage

Section 4 of the PPS establishes policies regarding natural heritage features. The following apply:

### **POLICY**

---

*4.1.1 Natural features and areas shall be protected for the long term.*

*4.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.*

*4.1.4 Development and site alteration shall not be permitted in:*

*a) significant wetlands in Ecoregions 5E, 6E and 7E1; and*

*4.1.5 Development and site alteration shall not be permitted in:*

*b) significant woodlands in Ecoregions 6E and 7E (excluding islands in Lake Huron and the St. Marys River)<sup>1</sup>;*

*unless it has been demonstrated that there will be no negative impacts on the natural features or their ecological functions.*

*4.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.*

### **ANALYSIS**

---

Section 4.1 of the PPS provides policy guidance to protect and conserve natural heritage features. The northern portion of the developable area are designated EPA in the City's Official Plan. These lands constitute of PSW and Significant Woodland. An Environmental Impact Study was prepared by Ecological & Environmental Solutions recommending a buffer of 21 metres from the PSW boundary. This buffer will ensure that the natural features in the area will be protected and will retain their long-term ecological function.

The proposed development is located entirely outside of and buffered from the PSW. The assessment undertaken by Ecological & Environmental Solutions confirms that the proposed development is located entirely outside of the potential occurrence of habitat of endangered and threatened species within the PSW at the Subject Lands. No habitat of endangered and threatened species was discovered outside of the PSW. The supporting EIS documents the evaluation of ecological function of the adjacent lands and

demonstrates through impact assessment and recommended avoidance and mitigation measures that the PSW and Significant Woodland will not negatively be impacted.

Provided that the required 21-metre buffer is from the PSW, the proposed development is consistent with the natural heritage policies of the PPS. Please refer to Section 4 of this report for a summary of the Environmental Impact Study.

#### 5.2.6. Cultural Heritage and Archaeology

Section 4.6 of the PPS provides direction regarding cultural heritage and archaeology. The following applies to the proposal:

#### **POLICY**

---

*4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

#### **ANALYSIS**

---

The Subject Lands are not located in an area of archaeological potential. Despite this, a Stage 1 Archaeological Assessment was completed by **Archaeological Consultants Canada to evaluate the archaeological potential on the Subject Lands. There were no archaeological findings, and no further archaeological assessment is recommended.** Please see Section 4.1 of this report for more information.

#### 5.2.7 Energy Conservation, Air Quality, and Climate Change

Section 2.9 of the PPS provides policies regarding Energy Conservation, Air Quality, and Climate Change. The following policy applies to the proposed development:

#### **POLICY**

---

*2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and preparing for the impacts of a changing climate through approaches that:*

- a) support the achievement of compact, transit-supportive; and complete communities;*
- e) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.*

#### **ANALYSIS**

---

The proposed development is a compact built form that promotes appropriate density in the neighborhood. Its location along a commercial corridor and linkages to existing transit and nearby commercial uses promotes walkability, active transportation, and public transit, helping reduce greenhouse gases.

#### **ANALYSIS**

---

Based on the above the proposed development is consistent with the PPS.

### 5.3 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is intended “to guide the physical, economic and social development of the Regional Municipality of Niagara”. It contains objectives, policies and mapping that implement the Region’s approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

The Subject Lands are located within the Region’s Delineated Built-Up Area. **Table 8** below identifies the land-use designations that are applicable to the Subject Lands.

**Table 6 – NOP Schedules**

<b>NIAGARA OFFICIAL PLAN SCHEDULES (see Appendix B)</b>	
<b>Schedule B – Regional Structure</b>	<i>Delineated Built-up Area</i>
<b>Schedule J1 – Transportation Infrastructure</b>	<i>Local Road</i>
<b>Schedule J2 – Strategic Cycling Network</b>	<i>On Strategic Cycling Network</i>

#### 5.4.1 Managing Urban Growth,

Section 2.2.1 of the NOP provides general direction with respect to managing growth.

### **POLICY**

---

#### **Section 2.2.1 – Managing Urban Growth**

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

- a) the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:
 
  - i. a range of transportation options, including public transit and active transportation**
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*



- f) *opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) *opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- h) *opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;*
- i) *the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*
- k) *orderly development in accordance with the availability and provision of infrastructure and public service facilities; and*
- l) *mitigation and adaptation to the impacts of climate change by:*
  - iii. *promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.*

## **ANALYSIS**

---

The Subject Lands are located within the Region's Delineated Built-Up Area. The proposed development is for a purpose-built rental apartment building intended for older persons, providing affordable housing options for residents of Niagara Falls.

The proposed development is located along a transit route and a key commercial corridor, with existing sidewalks on McLeod Road, and proposed walkways from the development to the municipal sidewalk. The proposed development represents a transit-supportive development with an efficient land-use pattern, located in proximity to commercial uses and a transit hub to support the achievement of complete communities. Furthermore, the proposed development will utilize existing municipal services, optimizing existing infrastructure capacity.

### **5.4.3 Housing**

Section 2.3.1 contains the Region's housing policies. The following apply:

## **POLICY**

---

### **Section 2.3.1 – Provide a Mix of Housing Options**

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

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

- a) *facilitating compact built form;*

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

### **Section 2.3.3 – Planning Tools to Achieve Affordable and Attainable Housing**

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

*d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;*

## **ANALYSIS**

---

The City of Niagara Falls features a total of 37,795 private dwelling units, of which 24,990 are single detached dwellings (66%).<sup>4</sup> The proposed development represents a type of housing density, built form, and tenure that is not common in the City of Niagara Falls, adding to the housing stock, diversity, choice, and affordability in the area. The proposed development represents a compact built form that makes an efficient use of land, with design features such as walkways and elevators that promote accessibility throughout the development and to the public realm. Furthermore, the proposed development will contain a mix of one-bedroom and two-bedroom units. Varying unit sizes from 650 square feet to 1,020 square feet are proposed and will contribute to affordable housing, as defined by the NOP.

### **5.4.2 Economic Prosperity**

Section 4.5.2 of the NOP consolidates policy direction from the Plan supporting economic prosperity through land use planning.

## **POLICY**

---

### **Section 4.5.2 – Economic Prosperity through Land-Use Planning**

**4.5.2.1** *This section consolidates policy direction integrated throughout this Plan that supports economic prosperity. The Region will endeavour to:*

*a) attract employers and workers to the region by:*

*i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;*

## **ANALYSIS**

---

The proposed development contributes to the supply of rental housing in the neighborhood. The configuration of one-bedroom and two-bedroom units will provide housing opportunities for older persons in proximity to a range of commercial uses and

---

<sup>4</sup> [Profile table, Census Profile, 2021 Census of Population - Niagara Falls, City \(CY\) \[Census subdivision\], Ontario \(statcan.gc.ca\)](#)

personal services, thereby supporting economic prosperity in the Region through the provision of attainable housing.

#### **5.4.3 Infrastructure**

Section 5.2 of the NOP includes policies which ensure the region's existing and future development is supported by infrastructure that is planned, constructed and managed in an integrated, efficient and environmentally sustainable manner.

### **POLICY**

---

#### **Section 5.2.2 – Municipal Water and Wastewater Servicing within Urban Areas**

*5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.*

*5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.*

*5.2.2.2 Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.*

*5.2.2.4 Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.*

#### **5.2.5 – Stormwater Management and the Planning Process**

*5.2.5.1 All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.*

### **ANALYSIS**

---

The Functional Servicing Design Brief concludes that there is existing water and wastewater servicing available to serve the development. Stormwater management details are also included in the report. Please see Section 4.3 for more information.

#### **5.4.4 Built Form and Active Transportation**

Sections 6.2 and 6.3 of the NOP include urban design and healthy community policies to be considered in planner matters.

### **POLICY**

---

#### **Section 6.2.1 – Excellence in Urban Design**

**6.2.1.8** *The Region shall promote:*

- a) *the creation of liveable and vibrant urban areas and streets;*
- b) *community design that:*
  - i. *offers a range of transportation options, including public transit and active transportation;*
  - i. *offers a range of transportation options, including public transit and active transportation;*
  - ii. *respects the complete streets approach by creating safe and attractive interconnected streets; and,*
  - iii. *encourages a mix of land uses, a vibrant public realm and compact built form;*
- d) *well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;*

### **Section 6.3.1 – Plan Healthy and Safe Communities**

#### **6.3.1.1 The Region shall support healthy communities by:**

- a) *creating built form that provides healthy living;*
- b) *planning for all ages, incomes, abilities and populations; and,*
- c) *supporting walkable and bikeable neighbourhoods through active transportation.*

## **ANALYSIS**

---

The proposed development is an example of compact built form which features landscaping and amenity areas along the McLeod Road frontage including a patio area and a variety of exterior cladding materials across the façade. The façade is comprised of different building materials that create visual interest and contributes to an attractive built form. Balconies are proposed to support the creation of a vibrant streetscape with “eyes-on-the-street”. Building articulation is achieved through the strategic use of materials, openings, and balconies. Outdoor amenity and landscaped areas along the McLeod Road frontage contribute to a vibrant public realm, offering residents the opportunity to engage with the public realm and activate the streetscape. Proposed pedestrian pathways from the development connect to the municipal sidewalk, providing ease of access to and from the development. The proposed development’s location along a commercial corridor with an existing transit route supports the achievement of walkable and bikeable neighborhoods by promoting active transportation. These elements altogether enhance the streetscape and contributes to the Region’s goal of urban design excellence and healthy communities.

### **5.4.4 Natural Heritage System**

Section 3.1.30 of the NOP includes transition policies from the previous Niagara Region Official Plan, 2014 Office Consolidation (2014 NROP), relating to approved natural heritage studies, approved development and effective pre-consultation meeting

requirements. Per the Niagara Region's pre-consultation meeting comments for the proposal, it has been confirmed that the transition policies of the 2022 NOP have been met in this instance, and that the 2014 NROP policies on natural heritage are applicable to the development proposal. The following policies of the 2014 NROP therefore apply, as detailed in the submitted EIS

## **POLICY**

---

*7.B.1.3 Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of endangered and threatened species. In addition, within the Greenbelt Natural Heritage System, Environmental Protection Areas also include wetlands; significant valleylands; significant woodlands; significant wildlife habitat; habitat of species of concern; publicly owned conservation lands; savannahs and tallgrass prairies; and alvars.*

*7.B.1.10 Notwithstanding Policies 7.B.1.15 and 7.B.1.20 and the Policies in Chapter 7.A.2, within Environmental Protection Areas, within Fish Habitat in the Greenbelt Natural Heritage System, within key hydrologic features within the Unique Agricultural Areas, and within any associated vegetation protection zones in the Greenbelt Area, development and site alteration shall not be permitted except for the following:*

- a. forest, fish and wildlife management;*
- b. conservation and flood or erosion control projects where it has been demonstrated that they are necessary in the public interest and other alternatives are not available; and*
- c. small scale, passive recreational uses and accessory uses such as trails, boardwalks, footbridges, fences, docks and picnic facilities that will have no significant negative impact on natural features or ecological functions of the Core Natural Heritage System.*

*Where such uses are proposed, the proponent shall be required to prepare an Environmental Impact Study (EIS) to the satisfaction of the Region in accordance with Policies 7.B.2.1 to 7.B.2.5.*

*7.B.1.11 Development and site alteration may be permitted without an amendment to this Plan:*

*a) In Environmental Conservation Areas;*

*If it has been demonstrated that, over the long term, there will be no significant negative impact on the Core Natural Heritage System component or adjacent lands and the proposed development or site alteration is not prohibited by other Policies in this Plan. The proponent shall be required to prepare an Environmental Impact Study (EIS) in accordance with Policies 7.B.2.1 to 7.B.2.5.*

## **8055 McLeod Road - Planning Justification Report**

*Where it is demonstrated that all, or a portion of, an Environmental Conservation Area does not meet the criteria for designation under this Plan and thus the site of a proposed development or site alteration no longer is located within the Environmental Conservation Area or adjacent land then the restrictions on development and site alteration set out in this Policy do not apply.*

*7.B.1.18 Where development or site alteration is approved in or adjacent to the Core Natural Heritage System new lots thus created shall not extend into either the area to be retained in a natural state as part of the Core Natural Heritage System or the buffer zone identified through an Environmental Impact Study prepared in accordance with Policies 7.B.2.1 to 7.B.2.5. The lands to be retained in a natural state and the adjacent buffer zone shall be maintained as a single block and zoned to protect their natural features and ecological functions. The Region shall encourage the local municipalities, the Conservation Authority and other appropriate public and private conservation organizations to assume ownership of these lands.*

### **ANALYSIS**

---

An EIS was prepared to analyze the impacts of the proposed development on the PSW complex. To facilitate the proposed development, a reduction of the wetland buffer is required in two locations, with a minimum setback of 21 metres to the PSW.

The EIS concluded that the development is not anticipated to present any negative impacts to natural features subject to mitigation measures included within the EIS to ensure the long-term protection of the natural heritage features. Please see Section 4.2 of this report for more information.

A concurrent consent application is proposed to sever Part 1, the vacant lands, from Part 2, the developed lands. It is noted the proposed lot line between the two Parts infringes into the PSW buffer. However, the proposed lot line follows the existing developed boundary between the two Parts and no new development will extend further into the core heritage system and the PSW will not be fragmented, therefore conforming to Policy 7.B.1.18.

#### **5.4.6 Archaeology**

Sections 6.4 of the NOP include policies related to archaeology. The following apply:

### **POLICY**

---

*6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province*

### **ANALYSIS**

---



An Archaeological Assessment was completed by Archaeological [Consultants Canada](#) to evaluate the archaeological potential on the Subject Lands. There were no archaeological findings, and no further archaeological assessment is recommended. Further details on conclusions and recommendations can be found in the Stage 1-2 Archaeological Assessment enclosed with this submission. The Applications are therefore consistent with the Archaeological Policies of the NOP.

## **SUMMARY**

Based on the foregoing, the proposed development conforms with the policies of the Niagara Official Plan by providing attainable housing in a built-up area which supports a walkable and transit-oriented neighborhood and contributes to urban design excellence.

### **5.4 City of Niagara Falls Official Plan**

The City of Niagara Falls Official Plan (“City OP”) provides policy direction for development of the City. The Subject Lands are designated Residential and located along the McLeod Road Corridor. **Table 7** below identifies the applicable land-use designations for the Subject Lands.

**Table 7 – Niagara Falls OP Schedules**

<b>CITY OF NIAGARA FALLS OFFICIAL PLAN SCHEDULES (see Appendix C)</b>	
<b>Schedule A – Future Land Use</b>	<i>Residential</i>
<b>Schedule A2 – Urban Structure Plan</b>	<i>Arterial Road</i>
<b>Schedule B – Phasing</b>	<i>Within the Existing Municipal Services Area</i>
<b>Schedule C – Major Roads Plan</b>	<i>Arterial Road: McLeod Road</i>

#### **5.5.1 Growth Objectives**

Part 1, Section 2 of the City’s Official Plan provides objectives and policies to guide growth within the City. The following are relevant to the proposal:

## **OBJECTIVES**

### **Part 1, Section 2 – Growth Objectives**

1. *To direct growth to the urban area and away from non-urban areas.*
3. *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
5. *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
6. *To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review:*

9. *To encourage alternative forms of transportation such as walking, cycling and public transit.*
14. *To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”*

## **POLICY**

---

- 2.4 *The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.*

## **ANALYSIS**

---

The proposed development is in the Built-Up section of the City’s urban area. It is in an appropriate location to support higher density on an under-utilized parcel of land with existing municipal infrastructure and transit along McLeod Road. The proposed development’s location along an arterial road with an existing transit route and proximity to commercial uses promotes active transportation and reduces reliance on automobiles. Given the foregoing, the proposed development supports the growth objectives of the City’s Official Plan.

### *5.5.2 Housing*

Part 1, Section 4 of the City’s Official Plan provides goals and policies related to housing. The following apply:

## **GOALS**

---

1. *Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.*
2. *Diversify the City’s housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).*
3. *Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.*

## **POLICY**

---

- 4.1 *The City supports a range of housing uses and built form types, including housing that is affordable. To achieve this the City shall:*
  - *Provide opportunities for the development of affordable housing across the municipality*
  - *Promote a greater diversity of housing types*
  - *Ensure a healthy supply of rental units*

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

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

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

**4.8** *Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.*

*As such, the City has set an annual target of 40% of all new units meeting the definition of “affordable”. In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown:*

- a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region’s definition of affordable (moderate-income households).*
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City’s annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region’s Consolidated Housing Master Plan and dependent on available resources (low-income households).*

## **ANALYSIS**

---

The Applications conform with the goals and policies of the housing goals of the City’s Official Plan by contributing to the range of unit types and unit sizes in the City. The proposed units are also anticipated to be affordable to low- and moderate-income households, contributing to the City’s affordable housing targets.

### **5.5.3 Housing Impact Statement**

Part 1, Section 4, Policy 4.4 requires the submission of a housing impact statement to be included with an application for OPA and ZBA. The following is an analysis of the information required to be submitted with a housing impact statement:

## **POLICY & ANALYSIS**

---

Section	Policy	Analysis
---------	--------	----------

## 8055 McLeod Road - Planning Justification Report

<b>4.4 a)</b>	The proposed housing mix by dwelling type and number of bedrooms, as applicable;	The Applications will facilitate the development of 56 one bedroom units, 18 one bedroom plus den, and 38 two bedroom units for a total of 112 units.
<b>4.4 b)</b>	How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);	The Applications will facilitate the development of 112 affordable housing units contributing to the City's annual target of 135 units with a rental price at or below the Regional threshold of affordable, as outlined in criterion (a). The proposed housing is anticipated to be affordable to nearly all low-income deciles. See Section 3.1 of this report for more information.
<b>4.4 c)</b>	The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;	The anticipated rental prices are as follows: 1-Bedroom (45 units): \$770 1-Bedroom (29 units): \$1,120 2-Bedroom (38 units): \$1,610
<b>4.4 d)</b>	Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable;	Not applicable, all construction to occur in one phase.
<b>4.4 e)</b>	The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.	This policy is not applicable regarding the proposed development.

### 5.5.4 Residential Land Use Policies

Part 2, Section 1 of the City's Official Plan provides policies related to residential land uses in the City. The following apply:

#### **POLICY**

---

#### **Part 2, Section 1 – General Residential**

**1.1** *The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes,*

## **8055 McLeod Road - Planning Justification Report**

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

- 1.2** *Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:*
  - 1.2.1** *Multiple unit developments, smaller lot sizes and innovative housing forms.*
  - 1.2.2** *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
  - 1.2.3** *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
  - 1.2.4** *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*
- 1.6** *Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well-designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.*
- 1.8** *All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.*

## **ANALYSIS**

---

The Subject Lands are designated Residential in **Schedule A – Future Land-Use** of the City's Official Plan and is intended for a wide range of residential uses per Policy 1.1. The proposed development is a permitted housing form that will make efficient use of vacant lands in the built-up area. The proposal is for a purpose-built rental apartment building which would contribute to the housing mix and variety in the neighborhood and provide for greater housing choice while supporting the City's affordable housing goals. Furthermore, the proposed development is in proximity to commercial uses along an existing transit route on McLeod Road, which promotes walkability and active transportation and contributes to the achievement of complete communities. The proposed development will utilize existing municipal services to optimize existing infrastructure.

The vacant lands (Part 1) abut a 6 storey mid-rise apartment building to the east (8065 McLeod Road) and low-rise townhouses to the west. The proposed 10 storey dwelling is setback 20.9 metres from low-rise uses to the west, providing adequate separation and space for landscaping elements to mitigate impacts. The Subject Lands are located on an arterial road with existing transit, the preferred location for higher density residential development.

## **POLICY**

---

### **Part 2, Section 1.15 – Built-Up Area**

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

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

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

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

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

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

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;*
- rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*



## **8055 McLeod Road - Planning Justification Report**

- *parking is to be encouraged to be located within parking structures that are integrated with the development; and*
- *where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*

### **ANALYSIS**

---

The proposed development is a form of infilling and intensification on an under-utilized property in the City's built-up area. The surrounding neighborhood is generally comprised of low-rise townhouses and mid-rise apartment buildings, Policy 1.15.5 directs that a mix of housing types should be provided through intensification and infilling, subject to the applicable criteria in Policy 1.15.5 (iii). The proposed development is for a 10-storey apartment building with 112 affordable housing units with a density of 92 units per hectare over the developable area, located along McLeod Road, an arterial road, in accordance with Policy 1.15.5 (iii).

The proposed development employs various exterior cladding materials, including a combination of brick and glass to create visual interest and mitigate potential impacts of the proposed height on the surrounding streetscape and surrounding uses. The proposed development is sited close to the frontage to support the development of an active streetscape along McLeod Road. The proposed density is suitable as it is located along an arterial road which supports the existing transit route along McLeod Road and contributes to a lively streetscape while sited away from adjacent low-density built forms. The building will have an interior side yard setback of 20.9 metres to the west and interior side yard of 27.94 metres to the east. These are appropriate setbacks that will effectively mitigate any impacts on adjacent properties and provide a gradual transition in height and density.

Parking for the development is proposed through surface parking spaces located to the rear (north side) and side (east side) of the building. This effectively integrates the parking into the building and reduces the visual impacts on the surroundings. Accessible parking spaces are provided east of the building to be as close to the building as possible. Parking islands are proposed to break up the parking areas and provide opportunities for landscaping. Planting strips are proposed as a buffer to reduce impacts on adjacent uses and the streetscape. Additionally, fencing is proposed along the northern and western property lines between the parking spaces to further mitigate impacts on the neighboring properties.

Overall, the proposed development meets the general intent and purpose of the built-up area residential policies and represents good planning. The proposed OPA increases the maximum permitted height on the lands to 10 storeys and is discussed in detail within Section 7 of this Report.

### **5.5.5 Environmental Policies**

The northern portion of the Subject Lands are designated as EPA, as per Schedule A-1 Natural Heritage Plan of the City's OP. According to Appendix III – Natural Heritage, the Subject Lands are identified as Wooded and Treed Sites (Appendix III), PSW (Appendix III-A), Significant Woodland (Appendix III-C) among other features such as buffer areas and adjacent lands to such features. An EIS was conducted to analyze the extent of the environmental features on the Subject Lands which has been summarized in Section 4.2 of this report. Please see Appendix C – City Schedules of this report to review all the schedules mentioned in this section.

Part 2 Section 11 of the City Official Plan provides policies related to natural features. The following policies apply:

#### **POLICY**

---

- 11.1.5** *When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.*
- 11.1.17** *An EIS shall be required as part of a complete application under the Planning Act for site alteration or development on lands:*
- a. within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A or A-1; or*
  - b. that contain or are adjacent to a natural heritage feature.*
- 11.1.18** *An EIS required under this Plan shall:*
- a. include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;*
  - b. be prepared and signed by a qualified professional;*
  - c. be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA within the Urban Area Boundaries; and*
  - d. be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for the remaining areas.*
- 11.1.20** *The City, in consultation with the Region and the Niagara Peninsula Conservation Authority, may require a scoped EIS in place of a full EIS for developments to address specific issues such as encroachment into a natural area, potential impact on a natural heritage feature or the degree of sensitivity of the natural area. A scoped environmental impact study is an area specific study that addresses issues of particular concern.*

**11.1.40** *The City shall endeavour to meet forest cover and vegetative buffer targets set through watershed studies and environmental impact studies by including minimum vegetative setbacks from all order streams under the Environmental Conservation Area designation. The protection of land adjacent to woodlands, water features and other natural heritage features by retaining the buffer in a natural state shall also be undertaken through these policies.*

**11.1.41** *All development is to be designed in a sensitive manner having regard to the environmental, social and aesthetic benefits of trees, hedgerows and woodlands through the following:*

*(i) The retention and protection, to the greatest extent possible, of the existing tree cover, recognizing its environmental and aesthetic importance...*

## **ANALYSIS**

---

An EIS was prepared by Ecological & Environmental Solutions to determine the extent of natural features and investigate any impacts the proposed development would have on the natural heritage features located within the Subject Lands. A Terms of Reference was confirmed with the Niagara Region on June 20, 2022.

It was determined the Subject Lands contain portions of the Warren Creek PSW and a Significant Woodland. As per the conclusions of the EIS, a reduction in the 30 metre regulated buffer is proposed in two locations, with a minimum setback of 21 metres between the wetland boundary and the proposed parking area. The existing buffer is characterized by a dense thicket dominated by invasive shrubs, and no SAR or SWH have been identified on the property. Within the southern portion of the Part 1 there are no regulated features which provide constraints to development.

The EIS recommended the implementation of several mitigation measures to reduce the anticipated impacts of the development on the PSW. These mitigation measures include the preparation of a Tree Preservation Plan to identify trees for preservation along the PSW buffer, the preparation of a detailed grading plan to identify the location of erosion control fencing to be installed along the wetland buffer, the use of bird-friendly building design options and more.

### **5.5.6 Environmental Protection Areas (EPA) and Environmental Conservation Areas (ECA)**

Section 11.2 of the City's Official Plan provides policies regarding Environmental Protection Areas and Environmental Conservation Areas. The following apply:

## **POLICY**

---

**11.2.2** *In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study as outlined in Policies 11.1.17 to 11.1.22. Adjacent lands are illustrated on*

## **8055 McLeod Road - Planning Justification Report**

*Schedule A-1 to this Plan, except for areas within the Urban Area Boundary where lots have been developed or have received final approval through a Planning Act process.*

- 11.2.3** *The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority...*
- 11.2.6** *Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning Bylaw.*

### **ENVIRONMENTAL PROTECTION AREAS (EPA)**

- 11.2.13** *The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.*
- 11.2.16** *A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. A 30m buffer is illustrated on Schedule A-1 for reference purposes. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not be permitted...*

### **ANALYSIS**

---

The EIS prepared by Ecological & Environmental Solutions determined that a reduction in the 30 metre regulated buffer is supportable based on the existing conditions of the PSW and the buffer. The buffer will be expanded in areas to a maximum of 35 metres. No development is proposed within the boundaries of the PSW or buffer and the proposed Official Plan Amendment and Zoning By-law Amendment applications will reflect the updated PSW mapping and buffers within their schedules.

A concurrent consent application is proposed to sever Part 1 from Part 2. It is noted the proposed lot line between the two Parts infringes into the PSW buffer. However, the proposed lot line follows the existing developed boundary between the two Parts and no new development will extend further into the PSW buffer, therefore conforming to Policy 11.2.16.

### **5.5.7 Infrastructure**

Part 3, Section 1 of the City's Official Plan provides policies related to municipal infrastructure. The following apply:

#### **POLICY**

---

##### **Part 3, Section 1.2 – Water and Sanitary Sewage**

**1.2.4** *Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.*

##### **Part 3, Section 1.3 – Storm Drainage**

**1.3.1** *It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.*

#### **ANALYSIS**

---

The Functional Servicing Design Brief concludes that there is existing water and wastewater servicing available to serve the development. Stormwater management details are also included in the report. Please see Section 4.3 for more information.

### **5.5.8 Transportation**

Part 3, Section 1.5 of the City's Official Plan provides policies related to transportation. The following apply:

#### **POLICY**

---

##### **Part 3, Section 1.5 – Transportation**

**1.5.2** *The corridors within the City's jurisdiction shall be of the width provided for in this Plan and should contain sidewalks and bicycle lanes of sufficient width to safely accommodate users.*

**1.5.4** *Access ramps from private developments should be minimized and amalgamated with adjoining properties where possible.*

**1.5.23** *The dedication of land for roads and rights-of-way improvements will conform to prescribed Provincial and Regional standards. Where lands are required for road construction or widening, such lands shall be conveyed to the appropriate public body as a condition of site plan control, consent to sever or plan of subdivision and*



## 8055 McLeod Road - Planning Justification Report

when such road construction or widening is contemplated on a City-owned road within a five year time space. Road widenings, as identified in Policy 1.5.19, may be required to expand the width of the travelled portion of the roadway, or for servicing locations, including ditches and drains.

**1.5.34** The proposed widths of roads are as follows:

Road	From	To	City Arterial
McLeod Road	Thorold Townline	Montrose Road	30

### ANALYSIS

---

The proposed development fronts onto McLeod Road, a City arterial road. Two accesses are proposed to provide efficient internal traffic circulation and a separation from loading uses and residential uses. There are existing municipal sidewalks on McLeod Road with proposed pathways from the development that connect to the street to facilitate a pedestrian-oriented design.

A road widening of 5.18 metres was acquired by the City in 1991 and the property is 15.24 metres from the original centreline of McLeod Road, therefore no additional road widenings are required.

#### 5.5.9 Energy Conservation

Part 3, Section 3 of the City's Official Plan provides policies related to energy resources. The following apply:

### POLICY

---

#### Part 3, Section 3.1 – Energy Resources

**3.1.1** *The City shall encourage an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. A complementary arrangement and mix of uses which minimizes land use conflicts but also allows for integration shall be encouraged. This approach is advocated by the Future Land Use Schedule "A" and may be further refined through secondary plans. In order to achieve energy efficiency, the following shall be considered.*

**3.1.1.1** *A compact and contiguous pattern of urban growth shall be promoted, including the intensified use of land and higher densities of residential development, where appropriate.*

**3.1.2** *Access to direct sunlight shall be protected in order to provide opportunities for passive solar heating thereby reducing consumption of energy resources. This may be achieved through consideration of the following.*

**3.1.2.1** *Zoning provisions regulating such matters as building height, setbacks and accessory structure locations.*

### ANALYSIS

---

## 8055 McLeod Road - Planning Justification Report

The proposed development is a compact built form, located along an existing transit route and in walking distance to commercial uses and community facilities, which encourages walkability and active transportation. The location is appropriate for supporting a higher density given the existing commercial uses and transit route along McLeod Road, and its walkability contributes to energy efficiency and reduces reliance on automobiles. Also, the building has been located south near the McLeod Road frontage, maximizing sunlight during the day providing opportunities for passive solar heating to reduce heating costs.

### 5.5.10 Urban Design and Landscaping

Part 3, Section 5 of the City's Official Plan provides policies related to Urban Design and Landscaping. Please see Section 6.2.1 of this report for Urban Design analysis.

### 5.5.11 Official Plan Amendment Policies

Part 4, Section 2 of the City's Official Plan provides policies related to Official Plan Amendments. The following apply:

## POLICY & ANALYSIS

Policy	Analysis
<b>2.6 When considering an amendment to the Official Plan, Council shall consider the following matters</b>	
<b><i>The conformity of the proposal to the general objectives of this Plan.</i></b>	The proposal conforms to the general objectives of the City Official Plan as described in Section 5 of this report.
<b><i>Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.</i></b>	The Subject Lands are the preferred location for the proposed development as they are located on an arterial road, with existing transit infrastructure in an area desired for higher density development evident via the approvals received at 8100 McLeod Road and at the northeastern corner of the McLeod Road and Kalar Road intersection. The Subject Lands contain environmental features which will be protected during development.
<b><i>Compatibility of the proposed use with adjacent land use designations and natural resources.</i></b>	The proposed development has incorporated large setbacks to ensure compatibility with surrounding residential uses.
<b><i>The need for and market feasibility of the proposed use.</i></b>	The proposal will create 112 affordable housing units in the City of Niagara Falls. The City of Niagara Falls is currently experiencing a housing affordability crisis and approval of the subject application will assist in combatting this crisis.
<b><i>The extent to which the existing areas of the City designated for the proposed</i></b>	The Subject Lands are a vacant parcel within the Urban Area which is designated for residential development.

<i>use are developed or are available for development.</i>	
<i>The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.</i>	The proposed development will optimize existing municipal services and will support the existing transportation infrastructure along McLeod Road. The environmental features existing on the Subject Lands will be protected as a result of the proposed development.
<i>The financial implications of the proposed development.</i>	The proposed development will increase the tax base for the City.
<i>The protection of specialty crop land as defined in the Provincial Policy Statement from development.</i>	The proposed development will not impact specialty crop lands.
<i>Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.</i>	Regional policies and interests have been addressed in Section 5.3 of this report.
<i>Compliance with a Comprehensive Review prepared by the City when considering the conversion of employment areas including an area of employment, to another land use category, except where the conversion is proposed within an area identified as a Community Improvement Plan Area in this Plan in which case a Comprehensive Review as defined by the Provincial Places to Grow Growth Plan has been initiated or adopted by the City</i>	Not applicable.

**5.5.12 Consent Policies**

Part 4, Section 8 of the City’s Official Plan provides policies related to Consents to sever. The following apply:

**POLICY**

---

**8.1 CONSENT POLICIES FOR URBAN AREAS**

- 8.1.1** *Consents may be permitted on an infilling basis. The size of any parcel of land created should be appropriate for the use proposed considering the public services available and conformity to the provisions of the Zoning By-law.*
- 8.1.2** *Consents may be permitted for a minor boundary adjustment, easement or right-of-way.*

- 8.1.3** *Consents will only be permitted when the land fronts on a public road which is of an acceptable standard of construction.*
- 8.1.4** *In no case should the future development of rear lands be prejudiced as a result of a severance. Regard should be had to servicing requirements and for the need to reserve adequate future street access points to rear lands.*
- 8.1.5** *Wherever possible, natural heritage features shall be utilized as lot boundaries in the creation of new lots in order to avoid any negative impact of fragmented ownership on the natural heritage system. Where this is not possible, the severance of land will create a building envelope which will not interfere with wetlands, watercourses, valleylands and their adjacent tablelands, or drainage systems. Efforts should be made to avoid locating development which could impact on woodlot areas. The City may require an EIS as outlined in Part 2, Section 11 - Natural Heritage System for lands located within or adjacent to a designated natural heritage resource is required*

## **ANALYSIS**

---

A consent application is proposed to sever the vacant lands from the developed portions of the Subject Lands. The proposed consent severs the lot in a manner which avoids fragmentation. The entirety of the PSW and its buffer will be maintained under one ownership, on Part 1. As discussed, the proposed lot line matches the established divide between the existing development (Part 2) and the natural heritage features on Part 1. Approval of the proposed severance will not result in any additional infringement into the PSW or its buffer. Further, following approval, both lots will retain frontage on McLeod Road

## **SUMMARY**

---

Based on the foregoing, the proposed development conforms with the general intent and policies of the City's Official Plan by contributing to the City's affordable housing targets through a compact, walkable, and transit-oriented development that promotes housing diversity and excellent urban design principles.

## **6 Urban Design Brief**

This Urban Design section discusses the various design aspects of the proposed development and provides a detailed explanation on how the proposed development is compatible with the surrounding neighborhood and addresses the relevant design policies and guidelines. This section will analyze the proposed development against the Niagara Region's Model Urban Design Guidelines and Section 3, Policy 5.7 of the City's Official Plan.

### **6.1 Niagara Region Model Urban Design Guidelines**

The Niagara Region Model Urban Design Guidelines (MUDG) was adopted as part of the Region's Smart Growth Agenda to implement the ten Smart Growth principles for development and redevelopment through the Region. The MUDG outlines guidelines for



the public realm and private realm. Section 4A outlines urban design guidelines for residential developments.

The Region's Smart Growth principles emphasize the creation of complete communities through walkability, sustainability, and cost-effective development, whereas the design principles for residential developments delve into creating a high-quality architecture design that enhances the surrounding neighbourhood, is appropriate for the immediate context, provides a variety of housing options for residents and fosters non-residential opportunities.

### 6.1.1 Public Realm – Roads

Section 3b of the Niagara Region's MUDG provide design principles related to the public realm and roads. The following are relevant to the proposed applications:

## **PRINCIPLE**

---

### **3b.1 General Principles**

1. *Equitable: In order to encourage alternative modes of transportation and provide options to driving, streets should be designed to accommodate multiple modes of movement, including pedestrians, transit services, bicycles, passenger cars, and trucks on an equal basis. Transit facilities should be incorporated in the design of all roads to encourage high levels of ridership and cost-efficient operation.*
4. *Living Streets: Street trees should be a major component of the design of all streets. Tree-lined streets provide an evolving and lasting impression of the street, and provide physical buffering between the pavement, the sidewalk and private dwellings. The shading effects of mature street trees have a significant mediating effect on summer sunlight, reducing glare and the urban 'heat island' effect.*

### **3b.2 Road Hierarchy & Road Functions**

1. *Arterial Roads: Arterial Roads provide long-range and efficient access between the Region's communities and serve a range of travel modes, including passenger vehicles, trucks, and transit.*

### **3b.3 Arterial Road Guidelines**

a) *A key design objective for Arterial Roads is to balance safety, visual amenity and pedestrianism, with a wide variety of functions including:*

- *Large volume transport corridor.*
- *Transit.*
- *Gateways and entrances to town centres and neighbourhoods.*
- *Connections to Collector Roads.*

c) *The design of Arterial Roads should consider the following variables:*

- *Sidewalks: Sidewalks should always be provided on both sides of the street and be at least 1.5m wide. This width should be increased to accommodate snow storage and landscaping where required.*

## **8055 McLeod Road - Planning Justification Report**

- *Bicycle infrastructure: Due to the anticipated level of traffic, bicycle infrastructure should preferably be located adjacent to the sidewalk or the boulevard. Bicycle lanes should be clearly identified with signage and or pavements and be 0.75m ~ 1.5m wide.*
- e) *Private driveway access should be avoided on arterial roads. Where private driveways currently exist, vehicular movements should be limited to 'right-in, right-out'. A centre median can be used to eliminate illegal turns.*

### **ANALYSIS**

---

The portion of McLeod Road which the Subject Lands features frontage is a municipal arterial road, suitable for high traffic volumes and higher density development. The above noticed guidelines are intended for Regional arterial roads, however they still provide urban design guidance for municipal arterial roads. The proposed development incorporates sidewalks and street trees, with a direction pathway to the proposed development, helping foster a pedestrian friendly and active streetscape. Two accesses are proposed to McLeod Road. These accesses help to provide ease of access and efficient traffic flow internally to the site.

#### **6.1.2 Private Realm – High Rise Buildings**

Section 4d of the MUDG provide design principles related to the high rise development. As the proposal is 10 storeys, it is subject to the high rise guidelines. The following are relevant to the proposed applications:

### **PRINCIPLE**

---

#### **4d.1 Design Principles**

1. *Human Scale: The human scale should be reinforced through appropriate building height, mass and architectural design.*
2. *Minimum Impact: The impact of high rise buildings on open spaces and adjacent properties should be minimized through adequate height and mass transition, separation, and landscaping.*
3. *Relate to Street: High rise buildings should have a strong relationship to the street, both by use and form.*
4. *Mixed Use: Retail Commercial uses are encouraged at-grade, especially for buildings with a total height of 5 storeys or greater. Office and/or Residential uses are encouraged above at-grade commercial.*

#### **4d.3 General Location & Orientation**

- a) *Generally, high rise buildings should be located at major road intersections or neighbourhood 'nodes' and preferably adjacent to public open space. High rise buildings should reinforce the prominence of these locations through appropriate massing, setbacks, building design, and open space treatments.*
- c) *Active facades and ground level uses such as retail commercial or habitable living areas should be provided.*

- d) *Entrances should be oriented directly to the street and be accessible from public sidewalks*
- f) *Parking areas should be located underground wherever possible. Surface parking should be limited and located to the rear of buildings.*

#### **4d.4 Height, Mass and Transitions**

- a) *The design of high rise buildings should respect potential negative impacts on adjacent properties, including overshadowing, overlooking and wind-tunnel effects. Therefore, building height and mass should be appropriate to the type and nature of adjoining development*
- b) *Nodes and major intersections are the appropriate locations for the tallest / highest buildings*
- c) *Wherever possible, high rise buildings greater than 5 storeys should extend vertically with small footprints and include a base height of 3 to 5 storeys.*

#### **4d.6 Parking Areas**

- a) *Parking areas as part of high rise buildings should be located underground, integrated within the building, or structured parking.*
- b) *Access to underground or structured parking should be provided at the interior of the lot - not at the corner.*
- d) *Surface parking must not be located between the public ROW and the front of the adjacent primary building.*
- e) *Where surface parking areas are required, design guidelines outlined in Section 4e should apply.*

## **ANALYSIS**

---

### **Location**

The proposed building is located close to the street to create a strong relationship with the streetscape. The building is proposed to be setback approximately 13.88 metres from the McLeod Road lot line, which is similar to the setback of the existing townhouses to the west and the 6-storey apartment building to the east. The proposed setback will allow a continuation of mass planting in the front yard along with patios and walkways activating the street. Parking for the building has been located to the rear to protect the McLeod Road streetscape.

Being an arterial road, McLeod Road is the preferred location for higher density development, such as the proposed. Approval of the proposed applications will support existing public transit infrastructure.

### **Massing**

A mix of low rise (1-2 storey) and mid-rise (6 storey) residential uses exist to the west and east of the developable area. The proposed development will feature a height of 37.7 metres in height are setback approximately 5 metres from the Killaly Street Road allowance. Based on this, the mid-rise buildings are proposed to be setback

approximately 13.88 metres from the front lot line. The proposed building will be setback approximately 20.9 metres from west lot line and 25.5 metres from the east lot line. These setbacks are sufficient and will provide for an urban streetscape with minimal shadowing impacts to the adjacent dwellings. The Subject Lands are also in an evolving area, with approvals received at the northeastern corner of the intersection of Kalar and McLeod for a 13 storey development and a 7 storey development at 8100 McLeod Road. The massing of the proposed development is consistent with the surrounding approvals. A shadow study was conducted which determined shadowing on adjacent lands will be temporary and infrequent. A letter of opinion from a wind professional has been included with this submission which determined that there are no major wind impacts to the development or surrounding lands are anticipated. Landscaping features will be provided along the frontage of the McLeod Road streetscape in accordance with a future landscaping plan to foster a pedestrian friendly environment and mitigate any further concerns related to massing. As discussed above, being an arterial road McLeod Road is the preferred location for larger scale development.

Due to the sufficient setbacks to nearby properties and absence of shadowing concerns are not proposed for the mid-rise building.

## **Parking**

All parking is located to the rear of the buildings. Connections will be provided to the adjacent housing development to the east, improving traffic circulation on the Subject Lands.

### **6.1.3 Private Realm – Off-Street Surface Parking**

Section 4f of the MUDG provide design principles related to off-street surface parking areas. Surface parking areas are proposed to the rear of the proposed mid-rise building. The following are relevant to the proposed applications:

#### **PRINCIPLE**

---

##### **4f.1 Design Principles**

- 1. Pedestrian Friendly Access: Off-Street Surface Parking should incorporate walkway infrastructure as an integral element of the design to safely separate pedestrian and vehicle movements.*
- 2. Positive Appearance: Off-Street Surface Parking should be designed to provide a strong visual quality through the use of high quality landscaping, lighting, and pavement materials.*

##### **4f.2 Layout & Orientation**

- a) No more than 50% of the total off-street parking area for 'large format' development (10% for all other non-residential), should be located between the front façade of the principal buildings and the adjacent public street. Parking should be located at the rear or behind buildings.*



## **8055 McLeod Road - Planning Justification Report**

- c) Internal vehicular routes should be clearly defined by raised and curbed landscape islands planted with trees and low level vegetation. Internal drive aisles should be a minimum 6.0m wide. Parking bay dimensions should comply with municipal standards.*
- d) Parking aisles should not exceed 30 contiguous spaces in length and should have a consistent design angle perpendicular to primary building entrances.*
- g) Designated handicapped and mobility impaired parking spaces should be located as close as possible to building entrances and be clearly identified by signs or markings.*

### **4f.3 Landscape Buffers**

- b) The property setback of all parking areas should provide a landscaped area a minimum of 3.0m wide.*
- c) Trees at the perimeter of parking areas should be planted every 6 to 9.0m on centre.*

### **4f.4 Pedestrian Access**

- a) Pedestrian walkways should be contiguous to main drive aisles opposite primary building entrances to enable safe and direct pedestrian movements.*
- d) Walkways should include pedestrian-scaled amenities wherever possible, such as benches, trash receptacles and lighting.*

### **4f.5 Internal Landscaping**

- b) A landscaped island should be located at each end of every parking aisle. Landscaped islands should be a minimum width of 2.5m wide and include one tree per parking row.*
- c) A landscaping island should be provided at the mid point of the parking aisle, and/or every 13 ~ 15 parking bays (whichever provides a greater number of islands). The landscaping island should be a minimum width of 2.5m and include one tree per parking row.*

## **ANALYSIS**

---

All surface parking is proposed to the east and rear of the mid-rise building. Pedestrian walkways are provided from the building to access the parking area with landscaped blocks and snow storage areas also provided to reduce heat-island effects. A future landscaping plan will confirm which types of trees and vegetation will be implemented in these areas. All accessible parking spaces are located close to the rear entrances of the buildings and are adjacent to pedestrian walkways, providing for safe and quick access to the buildings. For surface parking, no parking aisle exceeds 30 contiguous spaces, maintaining pedestrian safety and visibility. Sufficient landscaping buffers are provided.

## **6.2 Niagara Falls Official Plan – Urban Design Strategy**

Section 5 of the City's OP provides urban design policies to help guide the City's civic image and economic potential. These policies are relevant to both public and private sector development. The following apply to the proposal:

### **6.2.1 Niagara Falls Official Plan – Urban Design Strategy**

Part 3, Section 5 of the City's Official Plan provides the following policies for consideration of urban design:

## **POLICY**

---

### **Part 3, Section 5 – Urban Design Strategy**

- 5.1** *New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.*
- 5.1.1** *The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*
- 5.1.2** *Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*
- 5.1.5** *Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or side yards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*
- 5.1.6** *Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.*
- 5.1.7** *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.*
- 5.3** *Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.*

## **8055 McLeod Road - Planning Justification Report**

- 5.3.1** *The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.*
- 5.3.5** *The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.*
- 5.4** *Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*
- 5.4.1** *Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.*
- 5.4.2** *Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.*

### **ANALYSIS**

---

The proposed development is for a 10-storey apartment building surrounded by predominantly low-density uses and a mid-rise building. It has been noted approvals have been received at the northeastern intersection of Kalar and McLeod for a 13 storey development and 8100 McLeod Road for a 7 storey development. The proposed building is sited as close to McLeod Road as possible, employing substantial side and rear yard setbacks to mitigate impacts on adjacent land-uses and provide an appropriate buffer and transition from these low-density built forms. The building facades include different building textures and materials, along with a range of window types and balconies to create visual interest and an attractive built form while also providing for natural light within the units.

Parking is located in the rear and side yard, with landscaping space throughout the development to buffer the building and shield parking areas from the street. The proposed development features an at-grade patio along McLeod Road, which interfaces with the street and contributes to a vibrant public realm. Pedestrian pathways throughout the development connect the building and parking areas to the municipal sidewalk. The connectivity throughout the development and building orientation towards McLeod Road fosters a pedestrian-friendly environment that further contributes to a vibrant streetscape.

Landscaping is provided throughout the development along the perimeters of the property and in between parking and pedestrian pathways. The proposing landscaping and plantings interface with the street, providing a buffer between parking and the public realm, while contributing to the streetscape. An outdoor patio and amenity area is proposed at-grade, fronting McLeod Road. This amenity area features sufficient space

for landscaping and plantings along the perimeters of the patio to buffer noise from the street, with pedestrian pathways that connect to the street and the primary building entrance. This area provides an opportunity for residents to interact with and contribute to the streetscape and a vibrant public realm. More detailed design such as paving materials, detailed planting, fencing, and lighting will be provided at the Site Plan approval stage.

## **7 Proposed Official Plan Amendment**

An Official Plan Amendment (OPA) is needed to permit increases to height from 6 storeys to 10 storeys

The specific changes to the Official Plan are as follows:

1. That the Subject Lands be developed for an apartment building 10 storeys in height.

The Official Plan Amendment can be supported for the following reasons:

- The proposal is consistent with the Provincial Policy Statement (2024) and conforms with the Niagara Official Plan.
- The proposal implements the policies of the Niagara Official Plan and the City of Niagara Falls Official Plan in that the Subject Lands are located within the Urban Area and fronts an arterial road, the preferred location for higher density development;
- The proposal creates new housing in the City of Niagara Falls contributing to a more diversified housing mix; and,
- The proposal provides residential uses on lands designated for growth and development and achieves the land use compatibility requirements contained in the City's Official Plan. **The proposal adequately addresses the requirements of Part 4 Section 2 Official Plan Review and Amendments of the City Official Plan.**

The text of the Official Plan Amendment is found in **Appendix X – Draft Official Plan Amendment** to this report.

## **8 Proposed Zoning By-law Amendment**

Part 1 of the Subject Lands are presently zoned Transition Residential Multiple Zone in accordance with Zoning By-law No. 79-200 (See **Appendix D – City Zoning By-law Map**).

In order to facilitate the proposed development, the owner is proposing to change the current zoning as described above, to a site-specific Residential Apartment 5F Density Zone (R5F-XX). Site-specific provisions are proposed for: maximum building height, parking ratio, minimum landscaped open space, bicycle parking and minimum amenity area. The proposed Draft Zoning By-law Amendment will also include updated mapping to ensure the zoning boundaries of Part 1 and Part 2 reflect their use (R5C-XX and R4-268 respectively).



## **8055 McLeod Road - Planning Justification Report**

For the purposes of determining compliance with zoning provisions depths have been calculated to the proposed lot lines related to the associated consent application and the recommended PSW buffer. The net developable area has been taken into consideration for the purposes of calculating lot coverage and lot area.

A Draft Zoning By-law has been prepared and can be found in **Appendix X – Draft Zoning By-law Amendment** of this report. The Draft Zoning By-law contained within Appendix F of this report includes updated zone boundaries for both the Subject Lands and 8065 McLeod Road. Upon a zoning review, it was noted that the existing zone boundaries contained within By-law 90-222 do not accurately reflect the development boundaries of the land uses at 8065 McLeod Road. For example, the frontage of Part 2 and 8065 McLeod Road (the developed areas) is 159.06 metres where as By-law 90-222 provides 161.49 metres The Draft Zoning By-law Schedule provided seeks to resolve this issue.

**Table 8. Zoning Analysis R5F Zone**

REGULATION	R5F ZONE REQUIREMENT	PROPOSED	COMPLIANCE
<b>Permitted Uses</b>	(a) An apartment dwelling	Apartment Dwelling	<b>Yes</b>
<b>Minimum lot area</b>	57 square metres for each dwelling unit	12,292/112 = 109.75 sqm	<b>Yes</b>
<b>Minimum lot frontage</b>	45 metres	87.56 m	<b>Yes</b>
<b>Minimum front yard depth</b>	7.5 metres plus any applicable distance specified in section 4.27.1 (Required minimum distance from Kalar Rd centreline = 13 m)	9.73 + 15 m from Kalar Road Centreline	<b>Yes</b>
<b>Minimum rear yard depth</b>	one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1 (Required = 37.7/2= 18.85 m)	157.85 to rear lot line  More than 65 m to PSW buffer	<b>Yes</b>
<b>Minimum interior side yard width</b>	One-quarter of the height of the building  (Required = 37.7/4 = 9.42 m)	20.9 m (to west) 25.5 m (to east)	<b>Yes</b>
<b>Maximum lot coverage</b>	30%	10.6%	<b>Yes</b>
<b>Maximum height of building or structure</b>	28 metres	37.7 metre	<b>No</b>
<b>Number of apartment dwellings on one lot</b>	One only	Only one	<b>Yes</b>

## 8055 McLeod Road - Planning Justification Report

<b>Parking and access requirements</b>	Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling: 1.4 parking space for each dwelling unit (Required = 157 spaces)	129 spaces 1.15 spaces per unit	<b>No</b>
<b>Accessory buildings and accessory structures</b> (Section 4.13)	In accordance with Section 4.13 and 4.14	No accessory building is proposed	<b>Yes</b>
<b>Minimum landscaped open space</b>	55%	46.3 % (measured over net developable area)	<b>No</b>
<b>Section 4. General Provisions</b>			
<b>Parking Areas</b> (Section 4.19)	<u>Table 4 Surface Parking Area</u> Dimensions: 3 m (min) x 6 m Aisle width: 5.9 m	2.75 m x 6 m x 6 m (min)	<b>Yes</b>
<b>Bicycle Parking</b> (Section 4.39)	Long term: Bicycle parking shall be provided at a rate of 0.5 spaces/dwelling unit for apartment dwellings and 1 space/500m <sup>2</sup> of floor area for non-residential uses. (Required = 112 x 0.5 = 56) Short Term: Short-term bicycle parking shall be provided at a rate of 2 spaces per apartment dwellings with 20 units or less, and at a rate of 6 spaces per apartment dwelling having more than 20 dwelling units. (Required = 6)  Total required = 62	56	<b>No</b>
<b>Amenity Areas for Apartment Dwellings</b> (Section 4.44)	Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones a minimum amenity area of 20 square metres per dwelling unit shall be provided.  (Required = 112 x 20 =	2,112.0 sqm or 18.9 sqm per unit	<b>No</b>

	2,240)		
--	--------	--	--

### **Maximum Building Height**

The apartment building features a proposed height of 37.7 metres, an increase from the 28 metre height permitted within the R5F zoning. This increase in height can be supported as:

- The increase in height supports the creation of additional floors and additional affordable housing units, helping the City achieve their affordable housing goals;
- The increase in height supports the efficient use of lands within the urban area with frontage along an arterial road, where higher density development is desired;
- A shadow study was prepared which demonstrates there are minimal shadowing impacts on adjacent lands.
- The proposed development features appropriate setbacks ensuring no land use compatibility conflicts.

### **Parking and access requirements**

The proposed zoning amendment seeks to provide 129 parking spaces, which is at a rate of 1.15 spaces per unit. The City's Zoning By-law requires a rate of 1.4 spaces per unit for residential uses. The reduction can be supported because:

- The Subject Lands are located along existing transit routes serviced by bus stops at a walkable distance. The Subject Lands are also located in proximity to the Canadian Drive Transit Hub providing connectivity to various routes across the City. The reduced parking rate is also consistent with the City's Transportation Demand Management objective to improve the efficiency of the City's transportation system;
- The Subject Lands are located within walking distance to a variety of commercial and personal service uses, reducing vehicular reliance for residents;
- Niagara Falls Non-Profit has provided the following statistics related to other affordable housing apartments geared to older persons that they operate within the City:
  - 8065 McLeod Road: 60 units and 45 stalls (0.75/unit)
  - 5440 Drummond Road: 44 units and 32 stalls (0.73/unit)

The proposal provides for 1.15 spaces per unit, a ratio significantly greater than the comparable sites which have operated with no known negative impacts.

### **Minimum landscaped open space**

The proposed landscaped coverage for the developable lands is approximately 46.9%, where the zoning by-law requires 55%. The requested reduction can be supported for the following reasons:

## ***8055 McLeod Road - Planning Justification Report***

- Approximately 46% of the Subject Lands is intended to be preserved for protecting the existing natural features. This is not included within the above minimum landscaped open space calculation. The proposed amount of landscaped open space can be supported as it promotes sustainable growth on lands available for development;
- The Subject Lands is within walking distance to John N Allen Park which will encourage residents to use these spaces for socializing and spending time outdoors;
- Significant landscaped amenity space and a patio will be provided within the front yard of the building, amplifying the landscaping space proposed.

### **Bicycle Parking**

The proposed development provides for 56 bicycle parking spaces, where the zoning by-law requires 62 bicycle parking spaces. This reduction can be supported as the Subject Lands are located on an existing transit route and within walking distance to a variety of commercial uses. A reduction of 6 spaces is not anticipated to result in any significant negative impacts.

### **Amenity Area**

The proposed development provides for 2,112 square metres of amenity area, where the zoning by-law required 2,240 square metres. This reduction can be supported as:

- The proposed 6% reduction in amenity area can be considered minor and is not anticipated to result in any significant negative impacts;
- The Subject Lands is within walking distance to John N Allen Park which will encourage residents to use these spaces for socializing and spending time outdoors;
- Each unit will feature a private balcony amenity area in addition to a community room and patio, providing for a variety of amenity spaces.

## **9 Summary and Conclusion**

The proposed development is within the existing settlement area and will provide for the development of 112 residential units in the City. It is our opinion the proposed Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

- The proposed development is consistent with the Provincial Planning Statement (2020) and is in conformity with the Region of Niagara Official Plan, and the City of Niagara Falls Official Plan, subject to the proposed Official Plan Amendment.
- The Subject Lands are located within proximity to commercial nodes and transit facilities and supports the vision of building a walkable and bikeable community.
- The proposed development will facilitate the vision of complete communities within the area as there are sufficient availability of amenities such as grocery stores, public schools, parks and open spaces near the Subject Lands.



**8055 McLeod Road - Planning Justification Report**

- The proposed units will contribute to diversify the existing housing mix in the neighbourhood.
- The proposal will add to the affordable housing stock in the City of Niagara Falls
- The proposal is an example of efficient use of lands.
- The proposal is supported by reports prepared by qualified professionals, subject to relevant recommendations, that confirm that no significant environmental or servicing impacts as a result of the development.
- The proposal ensures the protection of environmentally sensitive lands through a 21-metre development buffer.

**Report prepared by:**



**Max Fedchyshak, MCIP, RPP**

Intermediate Planner

*NPG Planning Solutions Inc.*

**Report reviewed and approved by:**



---

**Aaron Butler, MCIP RPP**

Principal Planner

*NPG Planning Solutions Inc.*

## **10 Appendices**

Appendix A – Site Plan & Renderings

Appendix B – Niagara Region Official Plan Schedules

Appendix C – City of Niagara Falls Official Plan Schedules

Appendix D – City of Niagara Falls Zoning By-law Map

Appendix E – Draft Official Plan Amendment

Appendix F – Draft Zoning By-law Amendment

Appendix G – Municipal Correspondence

Appendix F – Consent Sketch

Appendix A – Site Plan

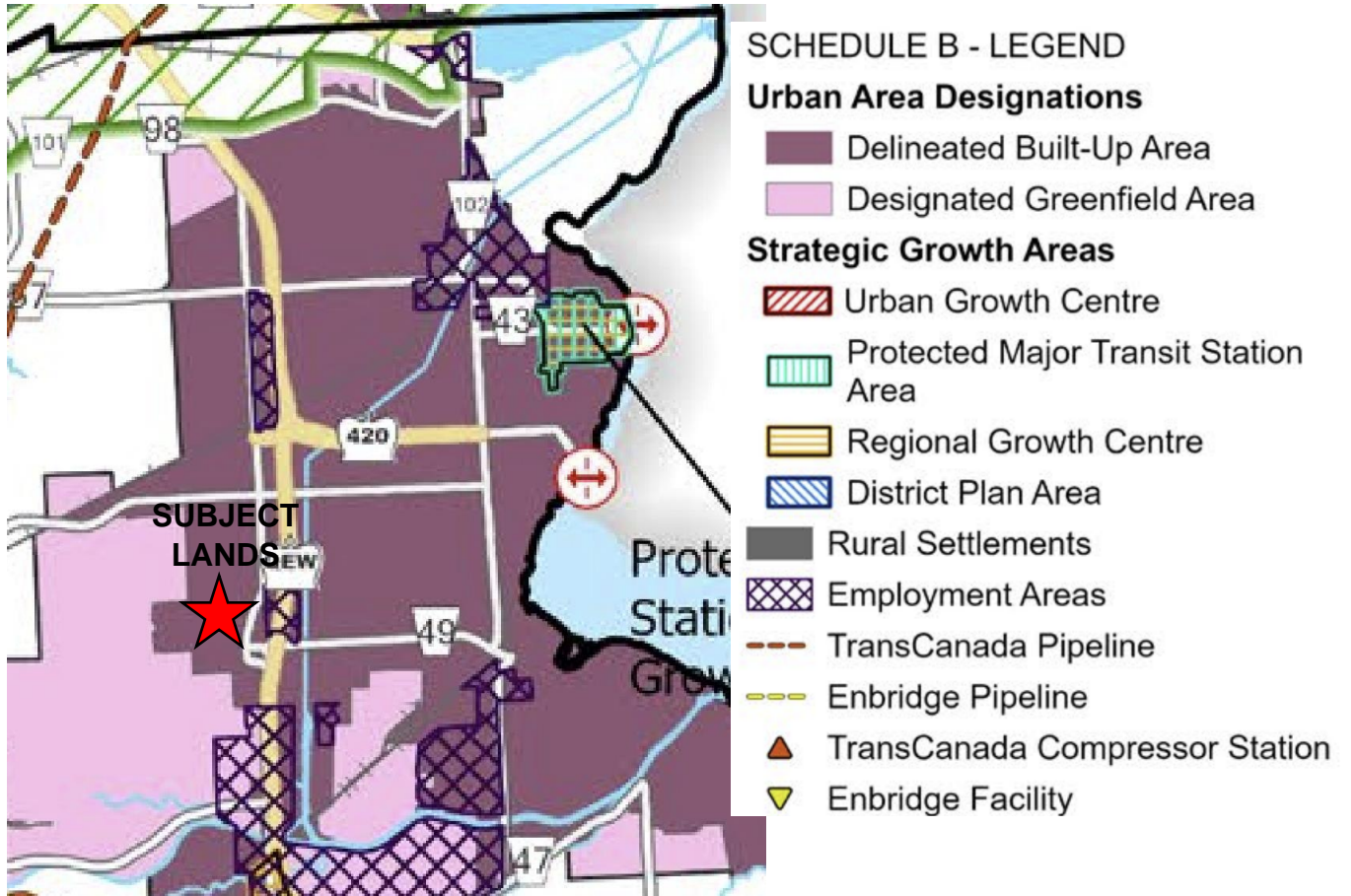




## Appendix B – Niagara Official Plan Schedules

8055 McLeod Road - Planning Justification Report

Schedule B – Regional Structure



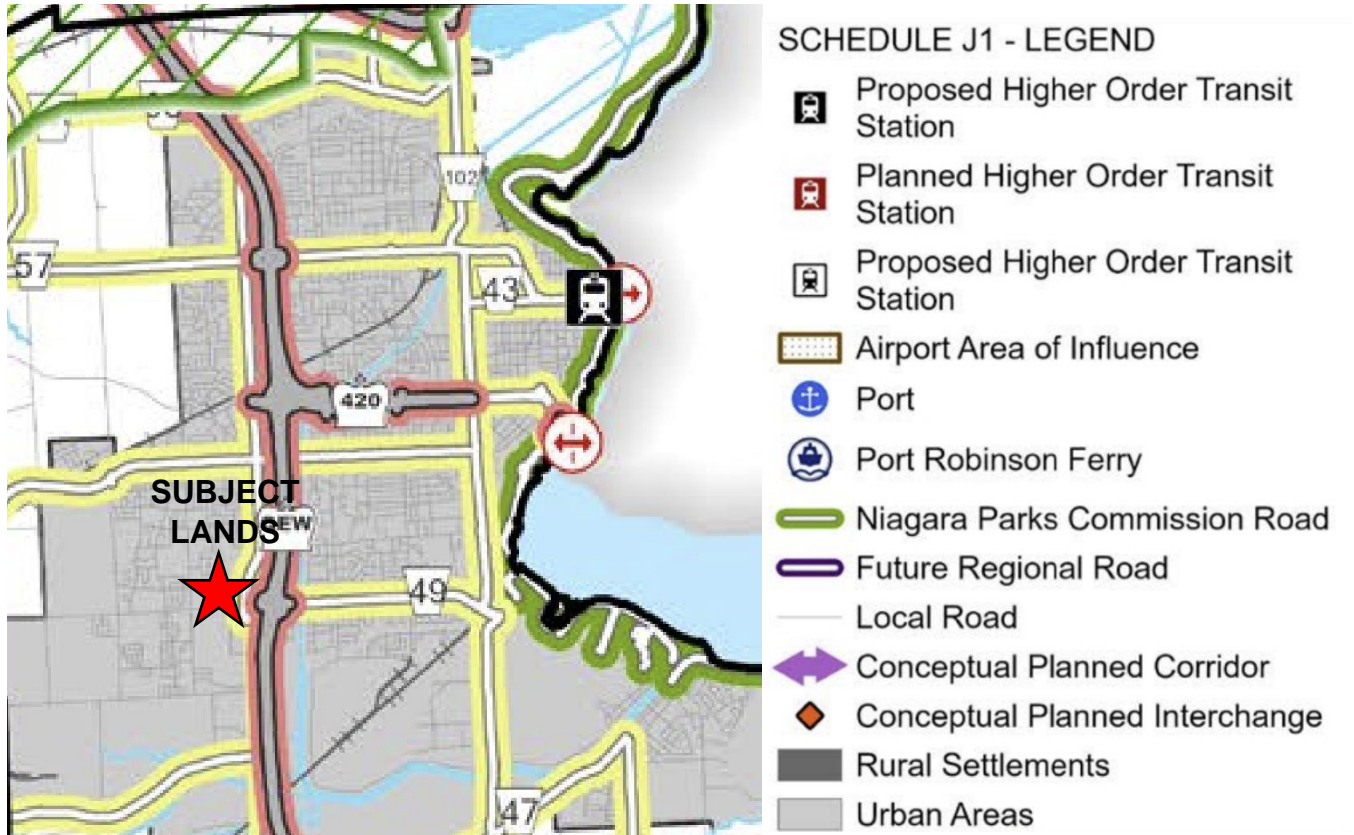
**8055 McLeod Road - Planning Justification Report**

**Schedule C1 – Natural Environment System Overlay Natural Environment System  
Overlay and Provincial Natural Heritage Systems**



**8055 McLeod Road - Planning Justification Report**

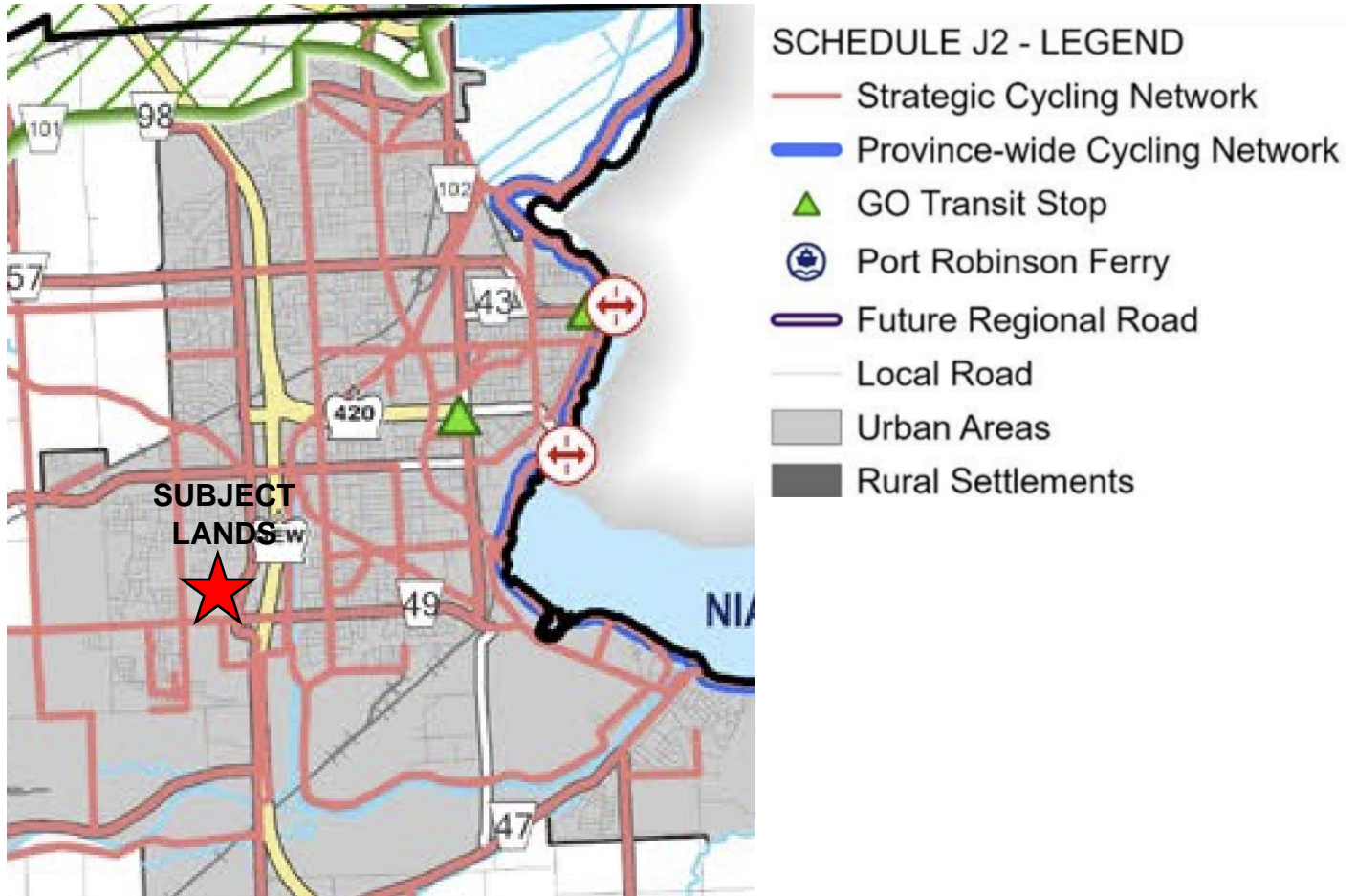
**Schedule J1 – Transportation Infrastructure**





**8055 McLeod Road - Planning Justification Report**

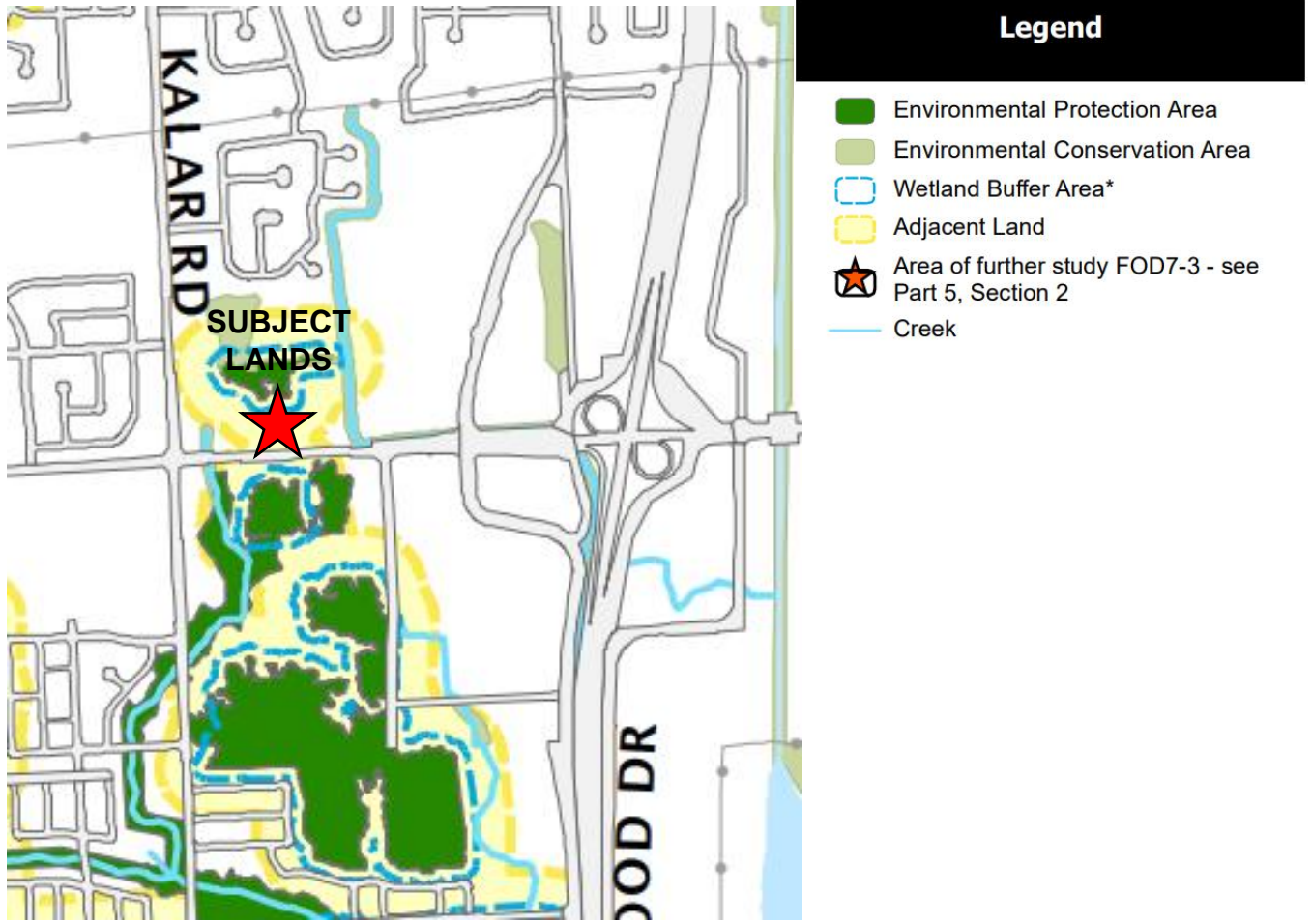
**Schedule J2 – Strategic Cycling Network**



Appendix C – City of Niagara Falls Official Plan Schedules

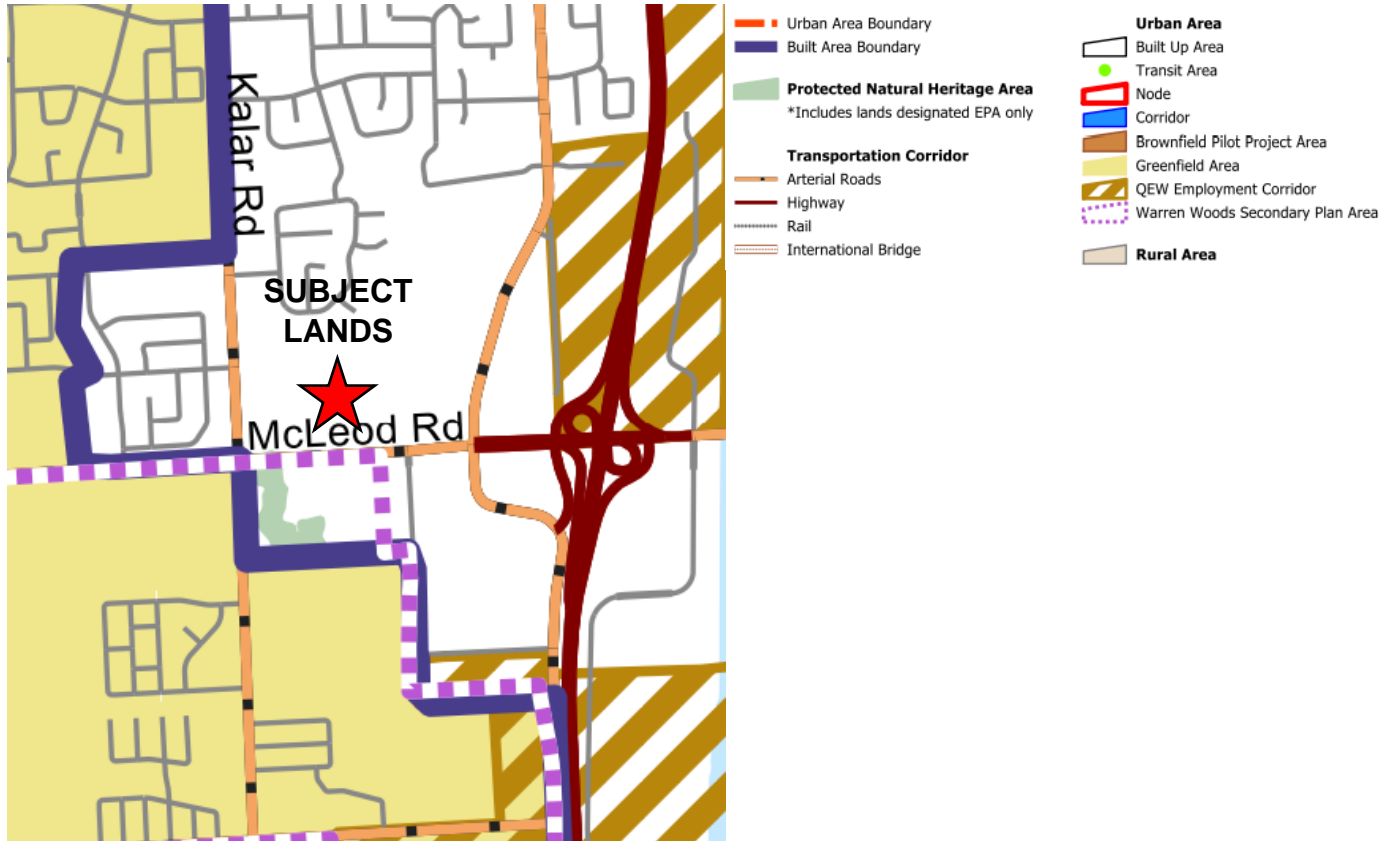
**8055 McLeod Road - Planning Justification Report**

**Schedule A1: Natural Heritage**



# 8055 McLeod Road - Planning Justification Report

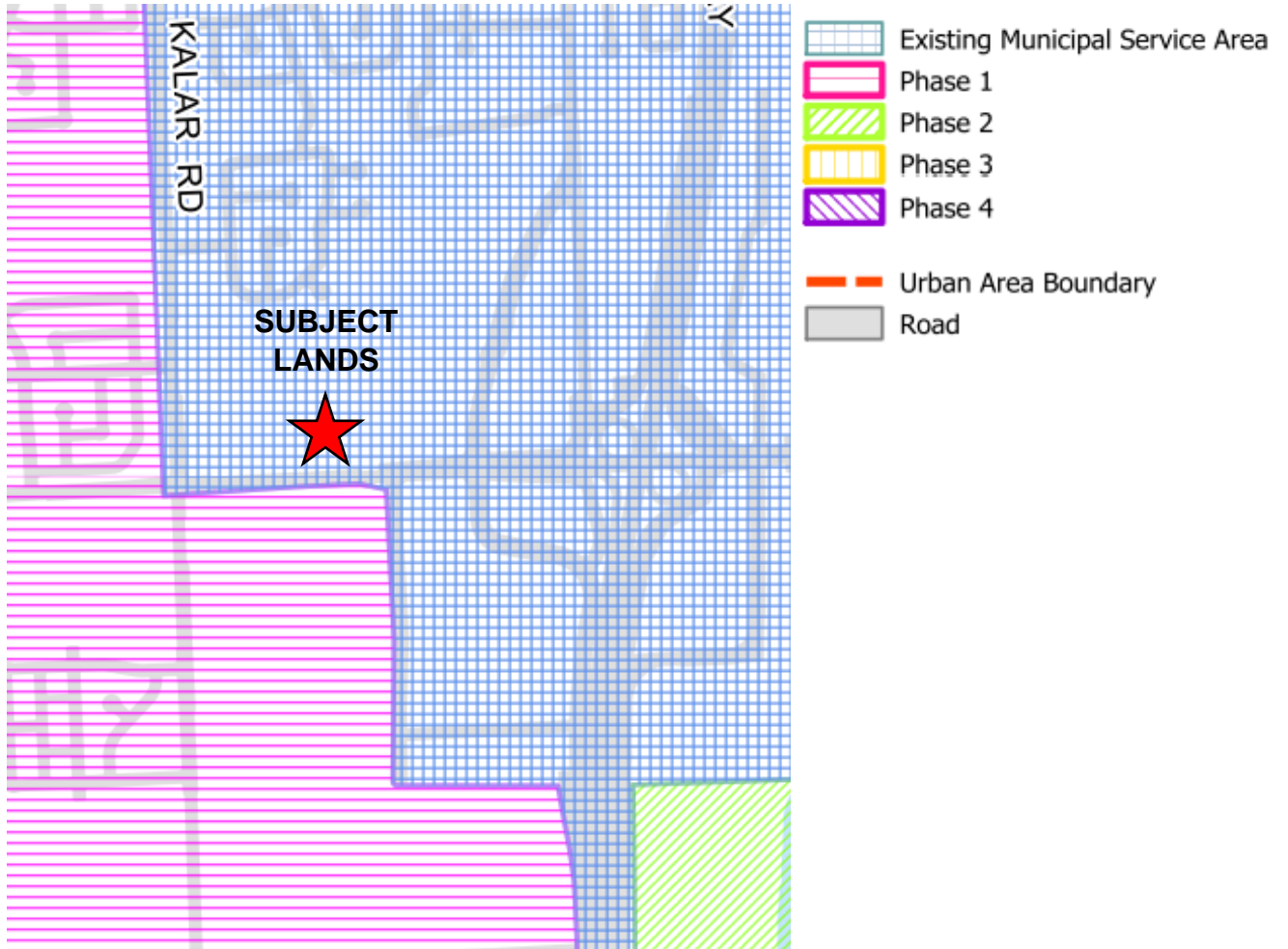
## Schedule A2: Urban Structure





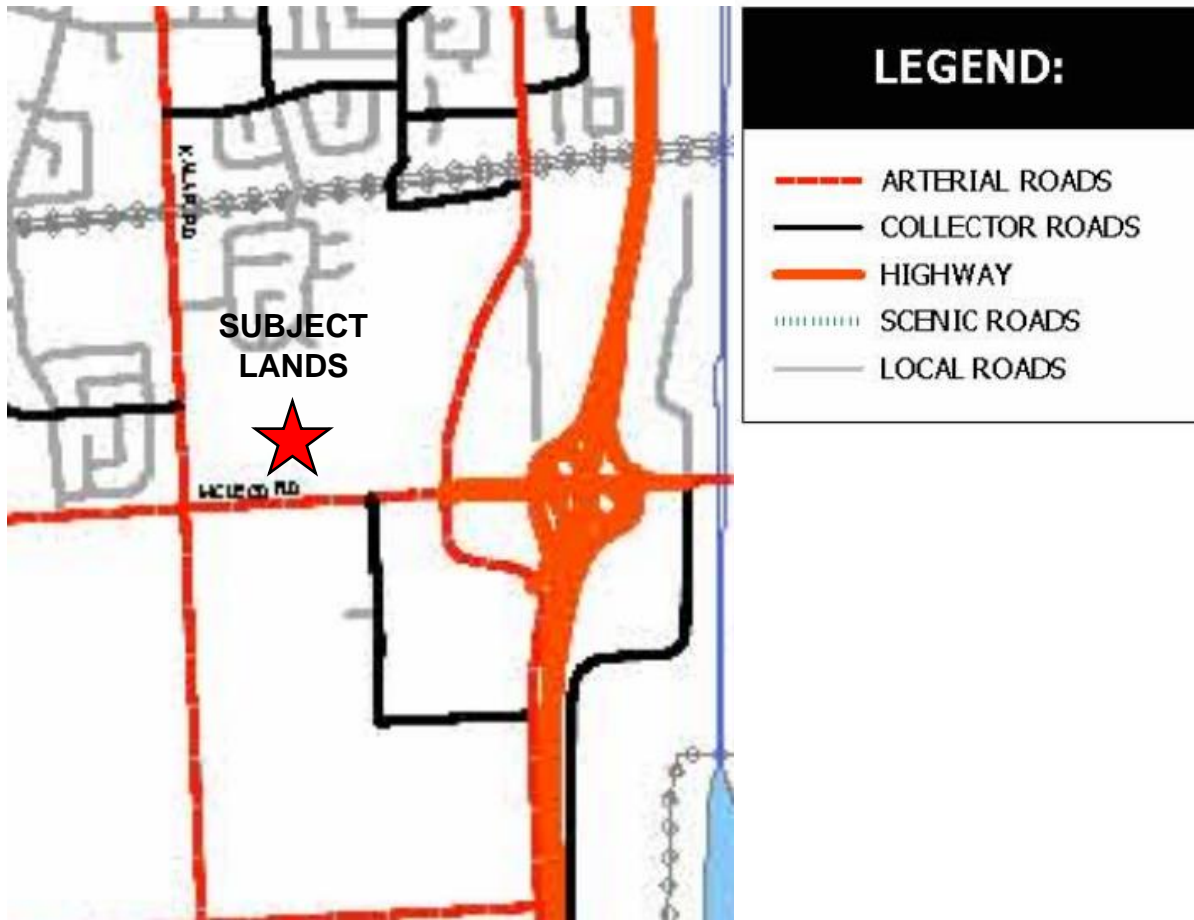
**8055 McLeod Road - Planning Justification Report**

**Schedule B: Phasing Plan**

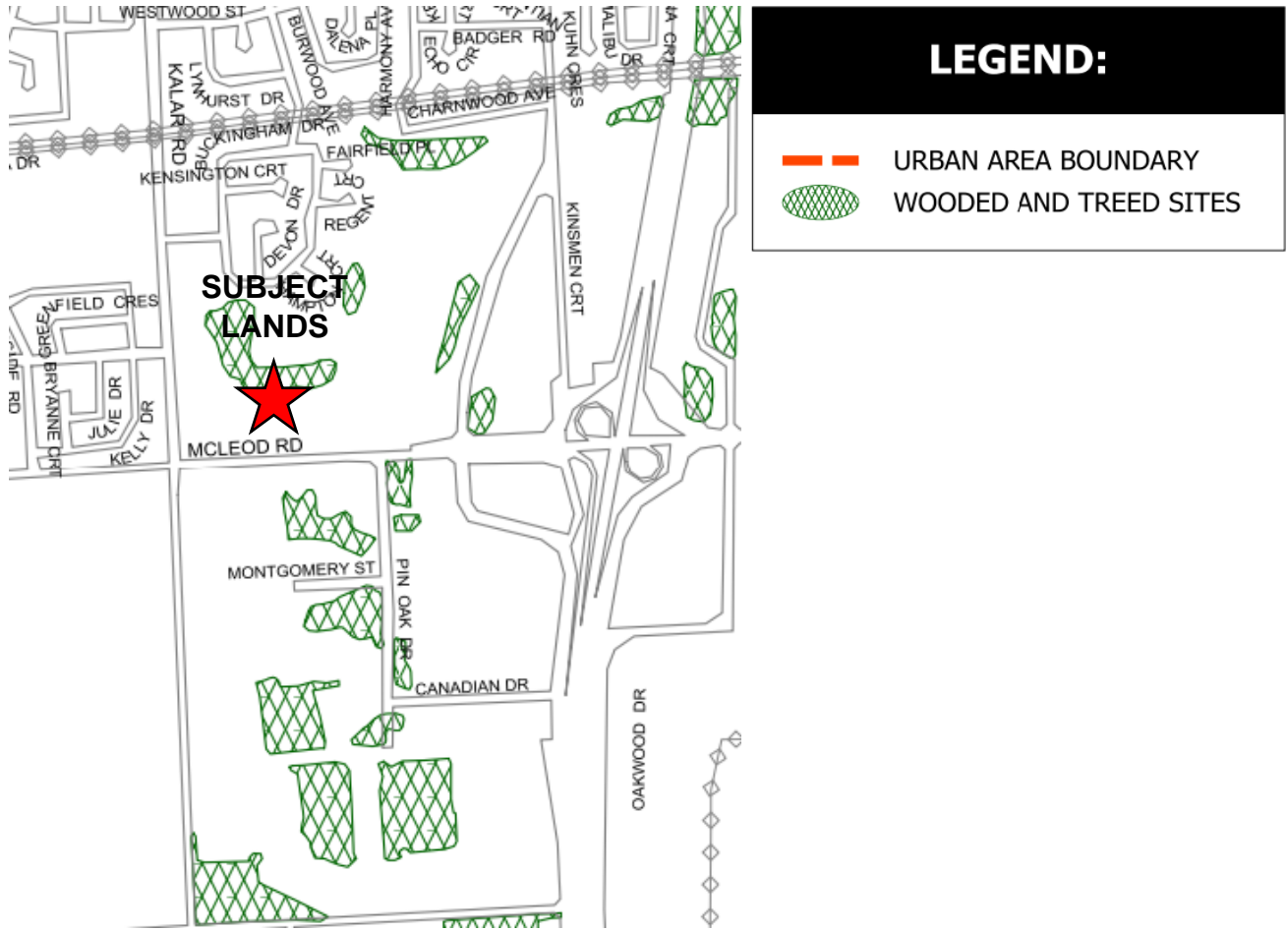


**8055 McLeod Road - Planning Justification Report**

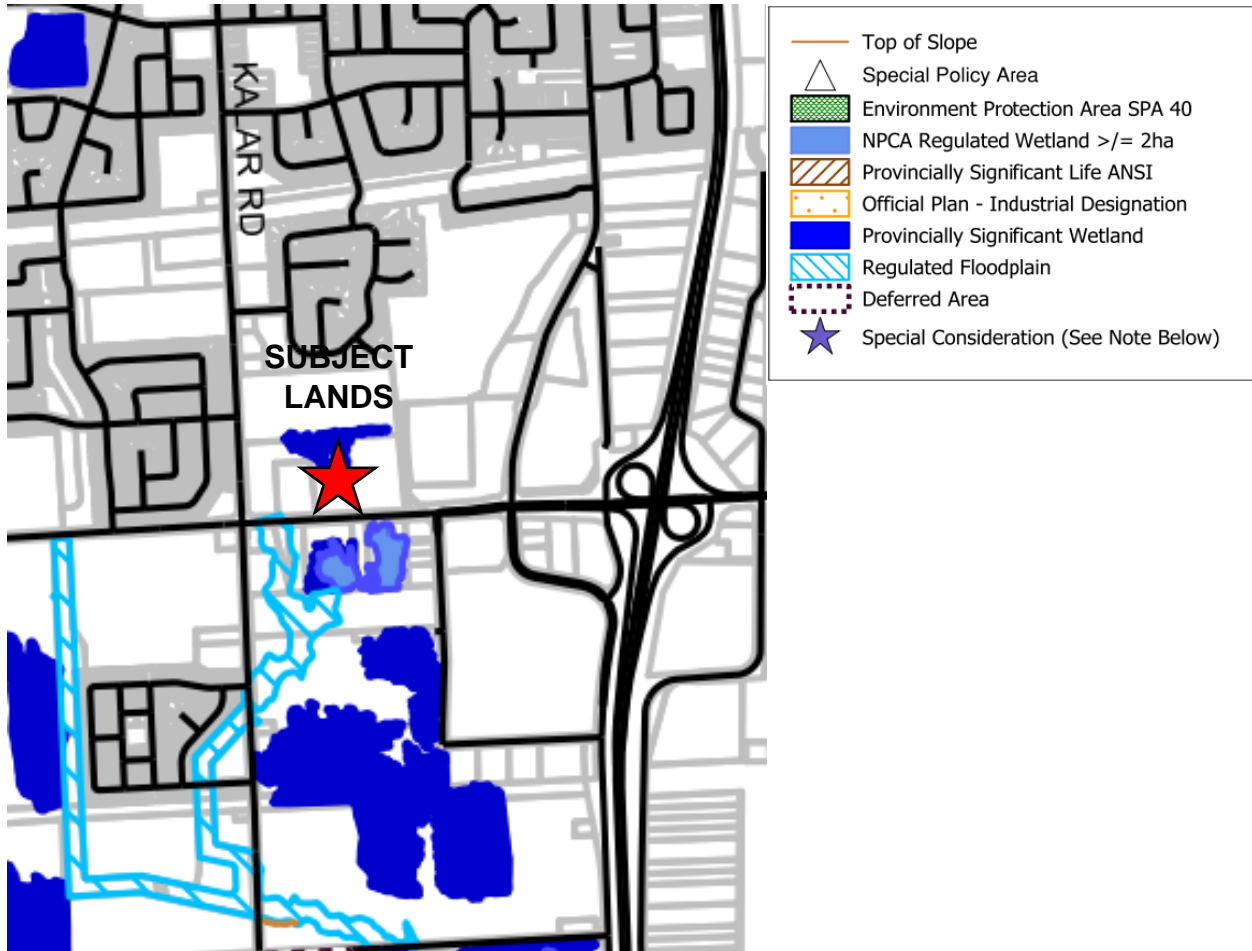
Schedule C: Roads



APPENDIX III – Natural Heritage



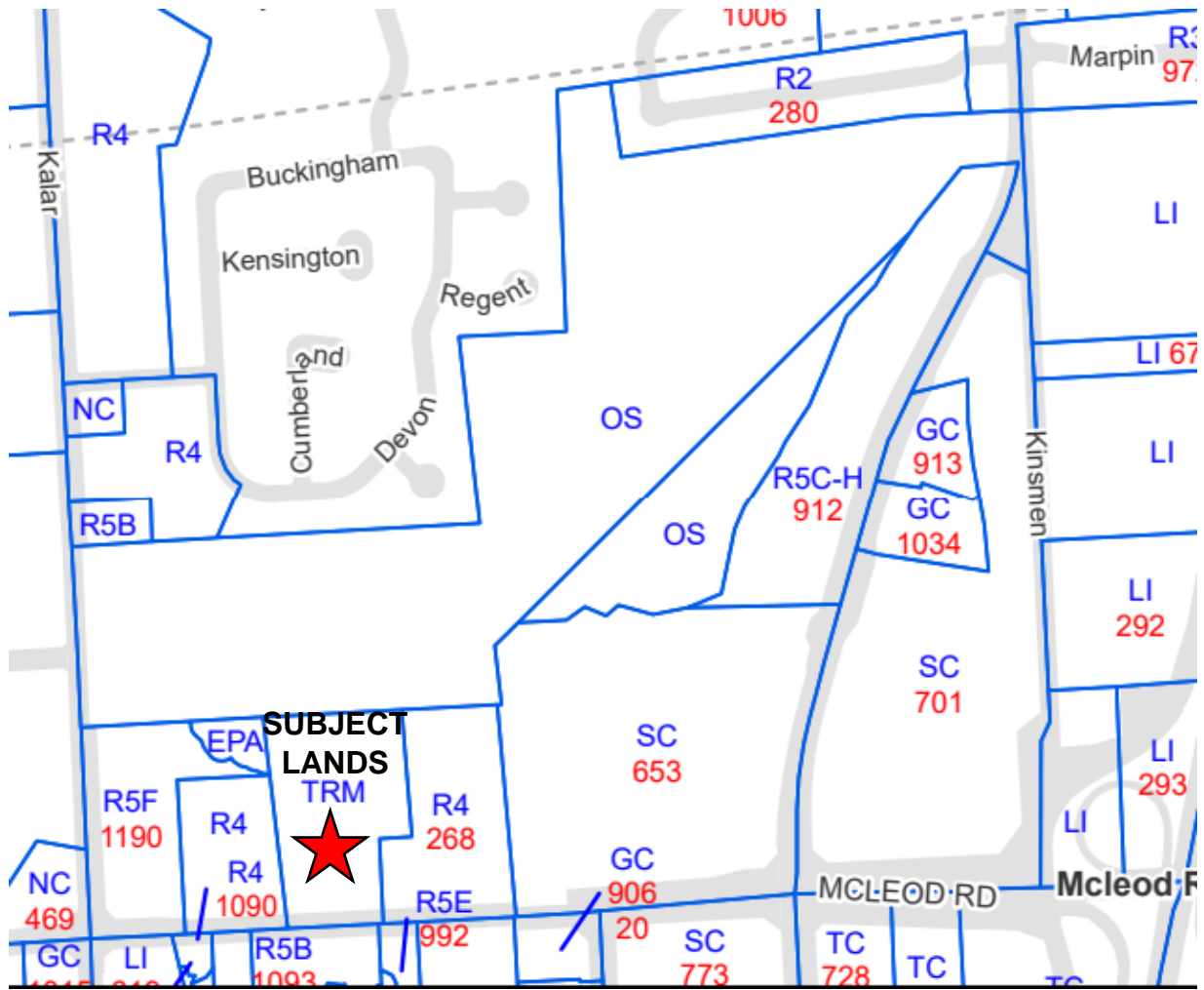
APPENDIX III-A – Inventory of Natural Heritage Features



Appendix D – City of Niagara Falls Zoning By-law Map



8055 McLeod Road - Planning Justification Report



Appendix E – Draft Official Plan Amendment

**PART 2 - BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. XX to the Official Plan of the City of Niagara Falls.

**DETAILS OF THE AMENDMENT**

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

**1. MAP CHANGE**

Schedule "A" to the Official Plan – Future Land Use Plan, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, from Residential, in part and Environmental Protection Area, in part to Residential, in part and Environmental Protection Area inclusive of a 21-metre wetland allowance, in part as Special Policy Area "YY".

**2. TEXT CHANGE**

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

13.YY           SPECIAL POLICY AREA "YY"

Special Policy Area "YY" applies to 2.3 hectares of land on the north side of McLeod Road, being comprised of Part of Township Lot 170, Being Part 1 and Part 2 of Plan 59R-7560 in the Township of Stamford, in the City of Niagara Falls. Notwithstanding the policies of Part 2, Section 1.10.5, Residential, the land may be developed for apartment building with a height of 10 storeys and a maximum density of 100 units per hectare with a minimum density of 75 units per hectare.

# MAP 1 TO OFFICIAL PLAN AMENDMENT ##



EPA



Site Specific Residential - XXX

Appendix F – Draft Zoning By-law Amendment



**CITY OF NIAGARA FALLS**

**By-law No. 2024-XX**

A by-law to amend By-law No. 79-200 to rezone the Lands to Residential Apartment 5F Density Zone (R5F-XXXX) site-specific zone.

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
  - (a) The uses permitted in a R5F zone
5. The regulation governing the permitted use of the Lands shall be:

(a)	Maximum height of building or structure	38 m
(b)	Parking and access requirements	1.15 spaces per unit
(c)	Bicycle Parking (Section 4.39)	For the purposes of this By-law no short term bicycle parking will be required.
(d)	Minimum landscaped open space	45%
(e)	Minimum amenity area	2,100.0 sqm or 18.75 sqm per unit
6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

**8055 McLeod Road - Planning Justification Report**

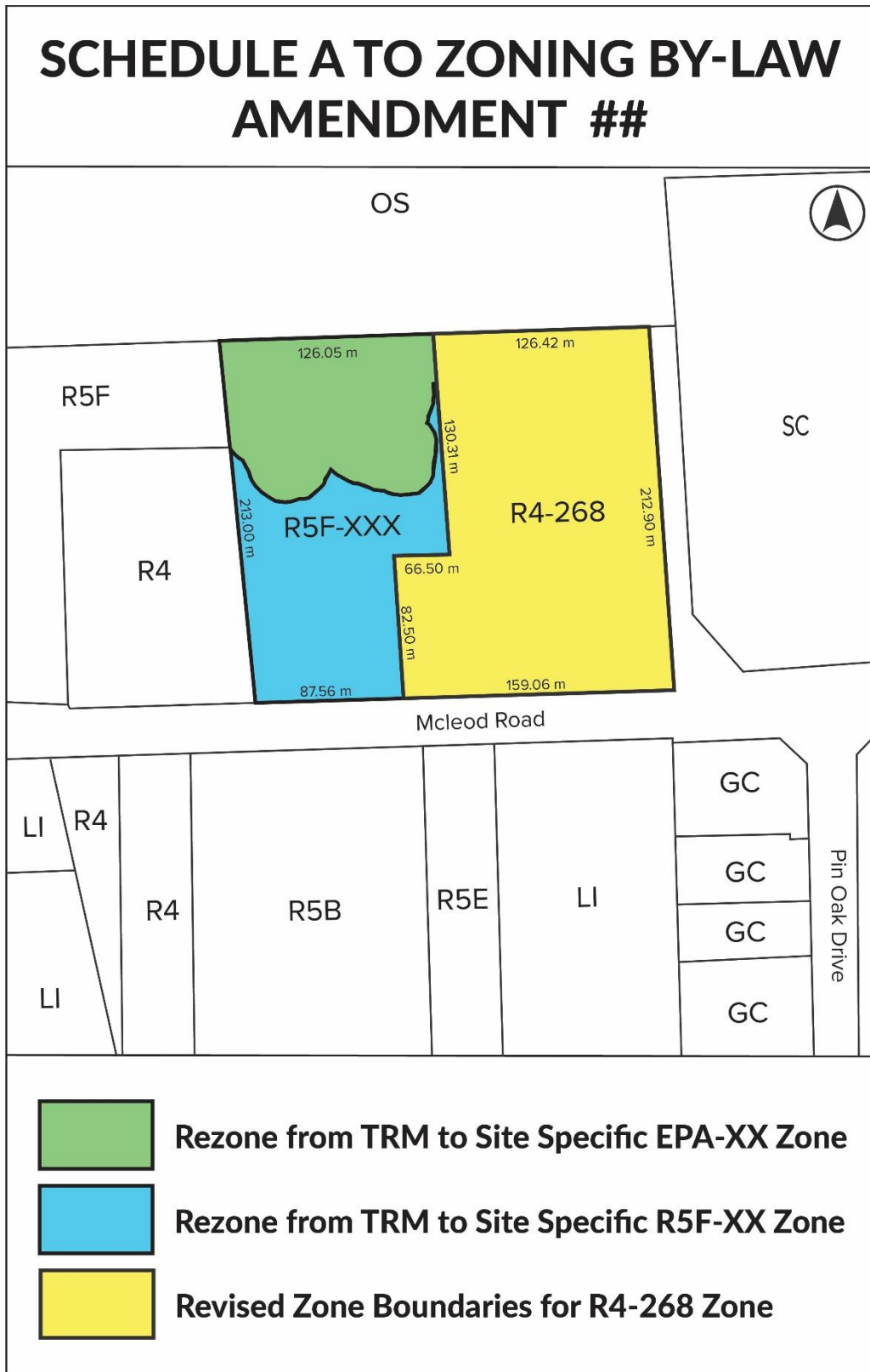
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this By-law shall be shown on Sheet B6 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from TRM to R5C and numbered XXXX.
10. Section 19 of By-law No. 79-200 is amended and adding thereto:  
19.1.XXXX Refer to By-law No. 2024-XX.

Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2024.

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

.....  
JAMES M. DIODATI, MAYOR

SCHEDULE 1



Appendix G – Municipal Correspondence

**Max Fedchyshak**

---

**From:** Mackenzie Ceci <mceci@niagarafalls.ca>  
**Sent:** June 19, 2024 5:14 PM  
**To:** Max Fedchyshak; Kira Dolch  
**Cc:** Szaszi, Gordon; Aaron Butler  
**Subject:** RE: 8055-8065 McLeod Road OPA/ZBA - Supporting Studies

**Importance:** High

Hi Max,

Thanks very much for your patience. Please see my responses below:

**Noise Study**

Based on the information provided, I am comfortable waiving the requirement for a Noise Study.

**Wind Study**

In order to waive the requirement for a Wind Study, we would still need something in writing from a qualified professional indicating that, in this case, is it appropriate to reference/extrapolate the results of the other Wind Study for the purpose of this application. Further, we would need them to corroborate the proposed mitigation / anticipated impacts.

**Archaeological Assessment**

The Stage 1 Archaeological Assessment is a requirement of the Mississaugas of the Credit First Nation (MCFN) – not the City or Region. As such, we do not have the ability to waive their requirement. However, we would be happy to facilitate a meeting between you and MCFN to see if they would be willing to waive the requirement. Please let me know if this is something of interest.

**Shadow Study**

Yes, the Shadow Study is required to conform to the [Sun/Shadow Terms of Reference](#) dated December 2023.

Kind regards,

**Mackenzie Ceci, MSc PI, MCIP, RPP** | Acting Senior Manager of Current Planning | Planning, Building, and Development | City of Niagara Falls  
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4364 | Fax 905-356-2354 | [mceci@niagarafalls.ca](mailto:mceci@niagarafalls.ca)

**We have moved!** Effective April 15, 2024, Planning and Building staff are now located at the Wayne Thomson Building, 4343 Morrison Street, Niagara Falls

Our new online portal can be found at: <https://niagarafalls.ca/services/cityview.aspx>



Appendix H – Consent Sketch

