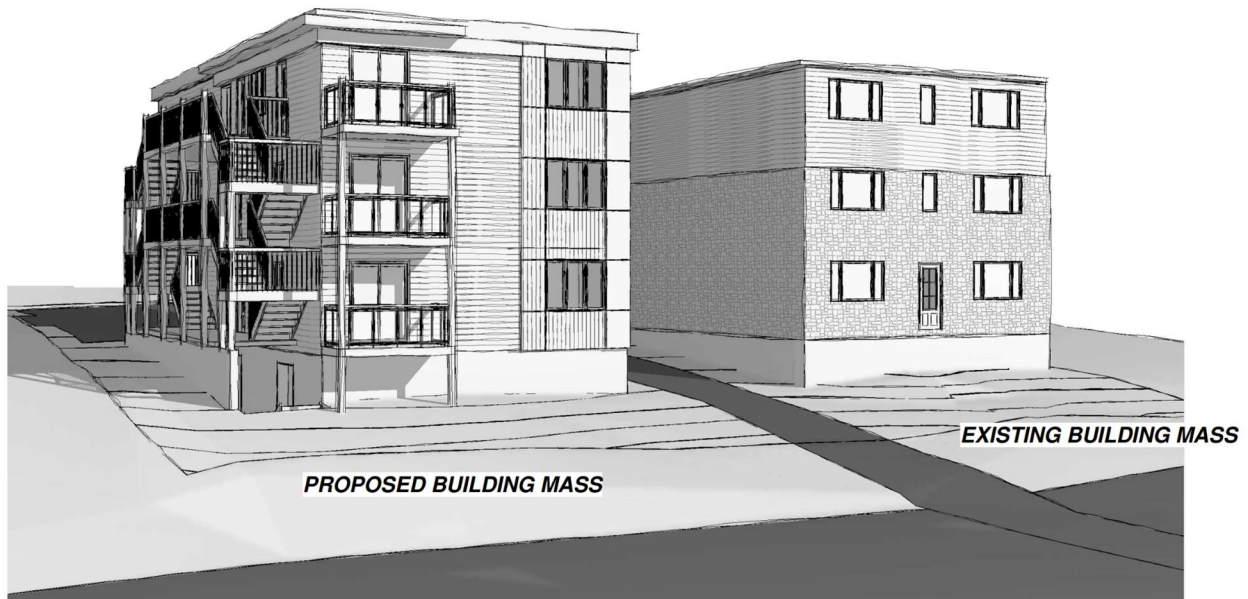


Official Plan Amendment & Zoning By-law Amendment

Lot 15 and Lot 16 (5567 Ontario Avenue) of Registered Plan No. 328



For: Dominic Spedaliere

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Date: February 12, 2024

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1.0 Introduction

NPG Planning Solutions Inc. (NPG) are planning consultants to Dominic Spedalieri, "Owner" of 1,158.94 square meters of land in the City of Niagara Falls, comprising Lot 15 and Lot 16 of Registered Plan No. 328. Mr. Spedalieri is the sole owner of Lot 15. Lot 16 is owned by DSV Capital Management Corp, of which Mr. Spedalieri holds the position of President. NPG has been retained to provide professional planning advice on the proposed development of a three-storey apartment building with eleven (11) market-based affordable rental units on Lot 15 of the Subject Lands. Implementation of the proposed development requires an Official Plan Amendment (OPA) and a Zoning By-law Amendment (ZBA), together known as the Applications. The OPA is needed to permit an increase in density. The ZBA is required for relief to several provisions under the City of Niagara Falls Zoning By-law No. 79-200. While no development will take place on Lot 16, the two sites will function as a singular site with shared parking. The Applications are proposed on Lot 16 to bring the existing multi-residential unit building into conformity with the Official Plan and Zoning By-law. The proposed site-specific regulations are noted in more detail in Section 7.0.

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), Growth Plan for the Greater Golden Horseshoe (Growth Plan), Niagara Official Plan (Region's Official Plan), the City of Niagara Falls Official Plan (City's Official Plan) and the City of Niagara Falls Zoning By-law No. 79-200.

Sections 5.1, 5.2, 5.3 and 5.4 of this report assess the proposed Applications against provincial and regional planning policies. Section 5.5 of this report discusses the proposal's conformity with the general direction established within the City's Official Plan while Sections 6.0 and 7.0 provide justification for approval of the Applications for OPA and ZBA, respectively.

2.0 Description of Subject Lands

The Subject Lands, as shown on **Figure 1 – Aerial Context** are located on the northwest side of Ontario Avenue, being a local road as per Schedule C "Major Roads Plan" in the City's Official Plan, and just east of Falls Avenue, (Regional Road 420).

The Subject Lands consist of both Lot 15 (southwest portion) and Lot 16 (northeast portion) of Registered Plan No. 328 of the City of Niagara Falls. Lot 16 is municipally addressed as 5567 Ontario Avenue, Niagara Falls, Ontario. Lot 15 does not have an assigned municipal address as the lands are currently vacant. The Subject Lands are rectangular in shape with a total of 30.46 metres of frontage on Ontario Avenue, a lot depth of 38.86 metres, and a total lot area of 1,158.94 square metres. Lot 16 contains an existing three-storey apartment building with seven (7) one-bedroom dwelling units and a rear detached garage. The existing three-storey multi-residential building is to be

retained; the detached garage will be demolished. From the road, the Subject Lands have a relatively steep slope along the frontage, and the grade gently levels out towards at the northwest (rear). No natural heritage features have been identified on the Subject Lands.

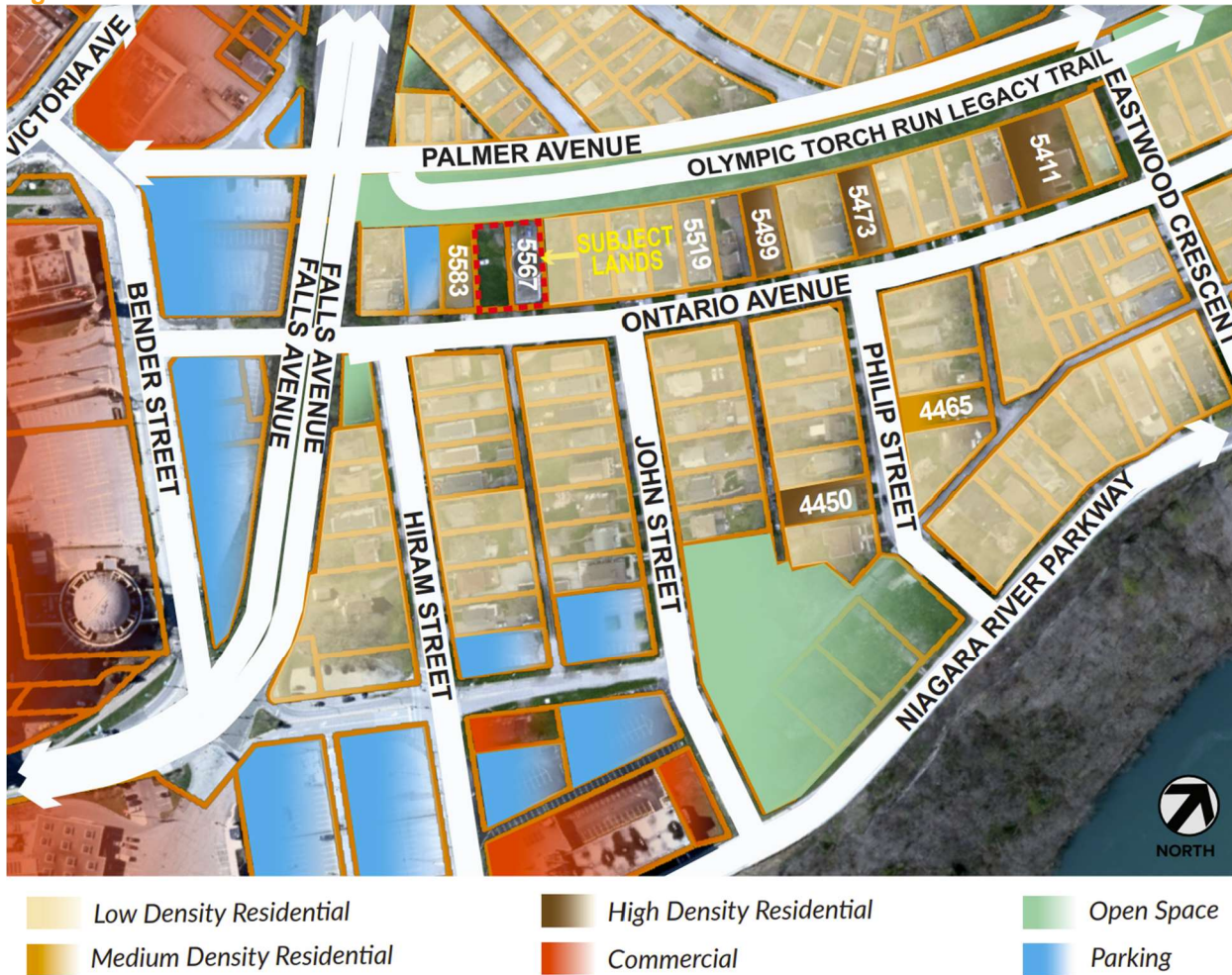
2.1 Neighbourhood Character

As shown in **Figure 1**, the area in which the Subject Lands are located is residential in nature, predominately characterized by low-density residential dwellings which include single-detached and duplex dwellings. There are also several examples of three-storey apartment buildings within the surrounding neighbourhood of the Subject Lands. **Table 1**, below, includes the addresses and descriptions of each of the medium density and high density multi-residential buildings in proximity to the Subject Lands. The descriptions of the properties are based of MPAC data which was accessed via Niagara Navigator. Recent pictures of each of the dwellings referenced in Table 1 is captured and included in Section 2.1 of this Planning Justification Report. **Figure 1**, also on the following page illustrates the locations of each residence within the context of the surrounding neighborhood.

Table 1 – Similar residential buildings within surrounding neighbourhoods

Address	Description – MPAC data accessed via Niagara Navigator	Image # for Reference (Section 2.1)
5583 Ontario Avenue	Converted Detached Dwelling with four self-contained units	5 / 6
5567 Ontario Avenue	Residential property with seven self-contained units	2
5519 Ontario Avenue	Rooming or boarding house – rental by room/bedroom, tenant(s) share a kitchen, bathroom and living quarters.	7
5499 Ontario Avenue	Residential property with six self-contained units	8
5473 Ontario Avenue	Residential property with six self-contained units	9
5411 Ontario Avenue	Residential property with six self-contained units	10
4450 Philip Street	Residential property with six self-contained units	11
4465 Philip Street	Residential property with four self-contained units	12

Figure 1 – Aerial Context



2.2 Community Amenities

Community amenities and active transportation facilities within a comparative 500-metre and 1-kilometre radius of the Subject Lands are depicted on **Figure 2**.

The Subject Lands are located within the River Road Satellite (Tourism) District and within 100 metres from the Clifton Hill Central District, and approximately 1.5 kilometres from the Queen Street Commercial Area and Niagara Falls GO Train Station as per Schedule A and Schedule E of the City’s Official Plan (Refer to **Appendix C**). The River Road Satellite (Tourism) District functions primarily as an established residential area with some accommodations for tourists. The Clifton Hill Central District features a variety of commercial uses and employment opportunities, many of which cater to tourism.

Community amenities in proximity to the Subject Lands include Ontario Park within 500 metres (Refer to **Image 16**), a private secondary school within 500 metres, and two elementary schools within 500 metres to 1.5 kilometres.

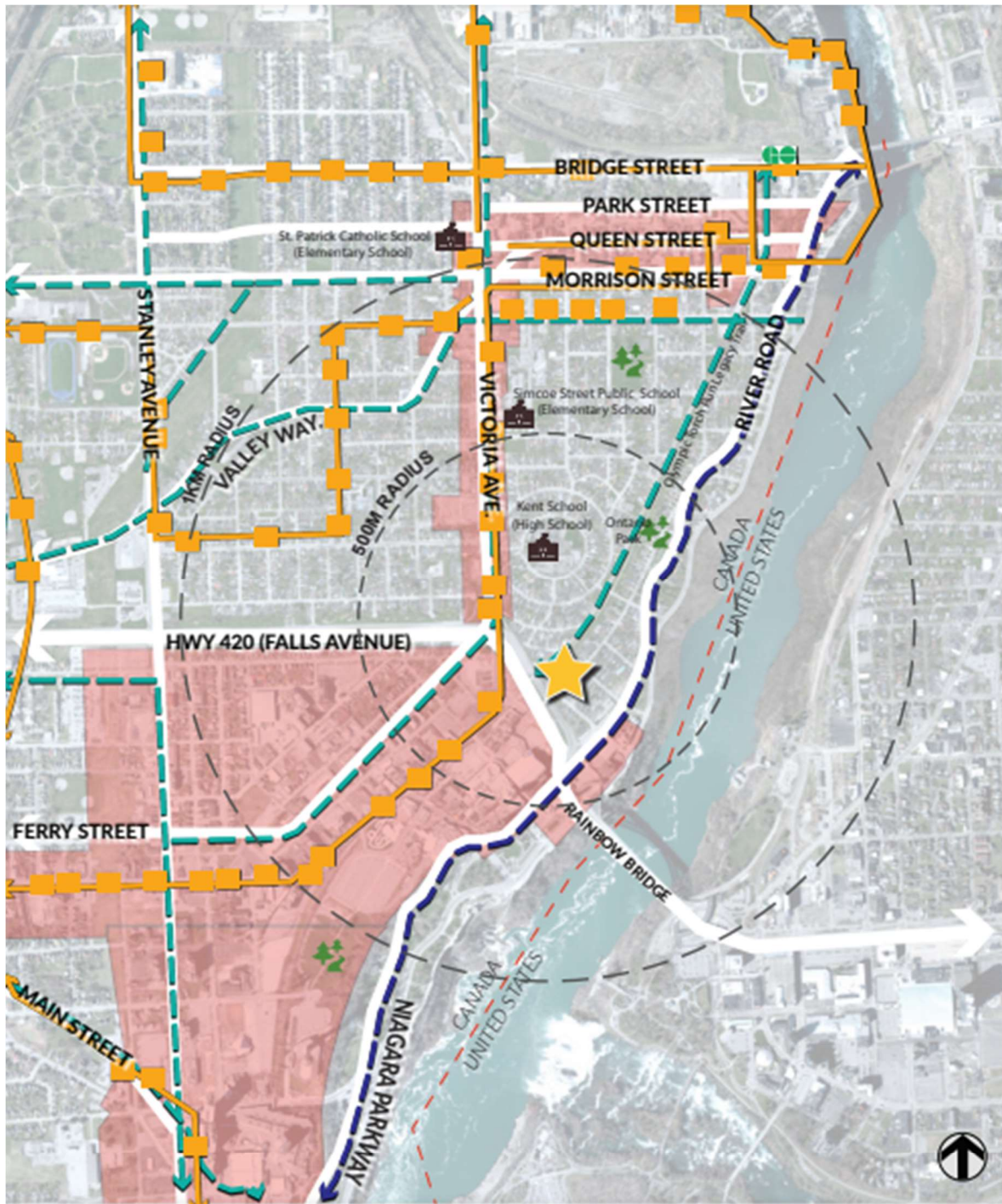
The Subject Lands benefit from convenient access to diverse transportation alternatives. Niagara Falls is serviced by Niagara Region Transit and the Subject Lands are within

proximity to several stops along the 104 line, which follows Victoria Avenue, a commercial corridor.

There are also a range of active transportation options within the vicinity of the Subject Lands including the Niagara Strategic Cycling Network (Refer to **Image 15**) which includes Victoria Avenue and the Olympic Torch Run Legacy Trail, and the province-wide Cycling Network represented by the Niagara River Parkway.

Please refer to images in Section 2.1 for visual context of the Subject Lands and its surrounding areas:

Figure 2 - Community Amenities Map



2.3 Site & Context Photos

Image 1 – Lot 15 (Subject Lands)



Image 2 – Lot 16 (Subject Lands, 5567 Ontario Avenue)



Image 3 – Shared Driveway Access on Lot 16 (Subject Lands)



Image 4 – Existing Parking Lot on Lot 16 (Subject Lands)



Image 5 –Proposed Parking Area (Lot 15) and rear of 5583 Ontario Avenue Beyond (Subject and Adjacent Lands)



Image 6 – Residence to South (5583 Ontario Avenue)



Image 7 – Three Storey Residential Structure in vicinity of Subject Lands (5519 Ontario Avenue)



Image 8 – Three Storey Residential Structure in vicinity of Subject Lands (5499 Ontario Avenue)



Image 9 – Three Storey Residential Structure in vicinity of Subject Lands (5473 Ontario Avenue)



Image 10 – Three Storey Residential Structure in vicinity of Subject Lands (5411 Ontario Avenue)



Image 11 – View North-East from Lot Frontage (4450 Philip Street)



Image 12 – View North-East from Lot Frontage (4465 Philip Street)



Image 13 – View towards North-East from Lot Frontage



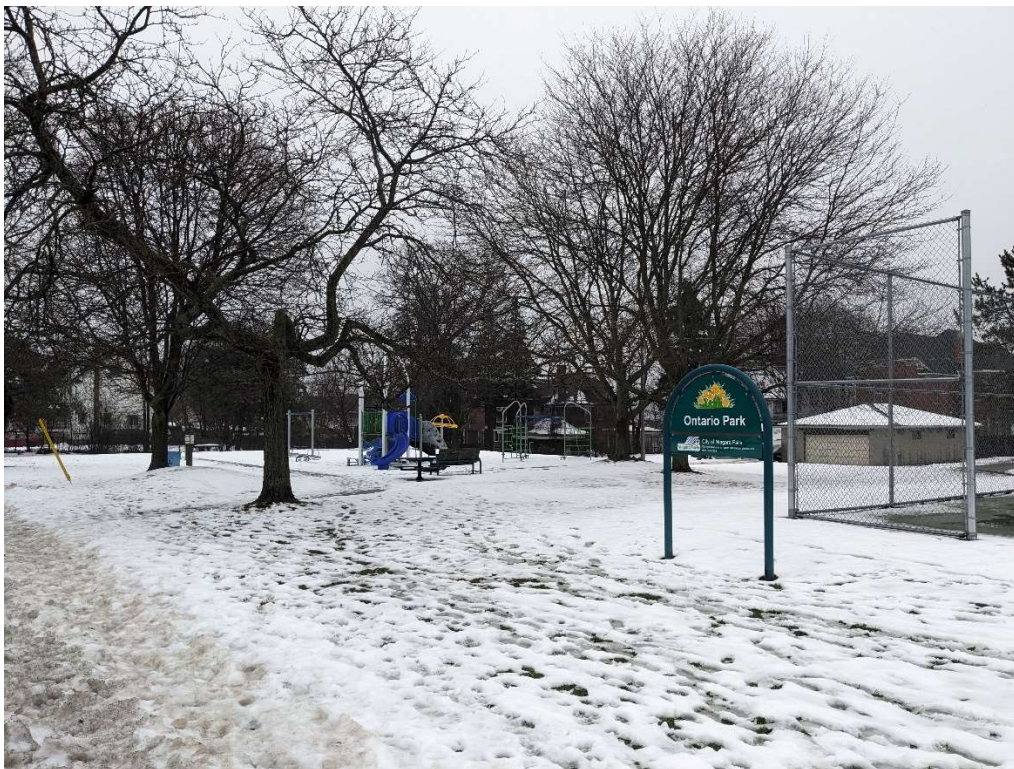
Image 14 – View towards South-West from Lot Frontage



Image 15 – Olympic Torch Run Legacy Trail



Image 16 – Ontario Park



3.0 Proposed Development

The Applications for OPA and ZBA are required to recognize the legal non-complying three-storey apartment building on Lot 16, and to facilitate the development of a second purpose-built, three-story apartment building exclusively featuring market-based affordable one-bedroom rental units on Lot 15 of Registered Plan No. 328 of the City of Niagara Falls. The Applications would facilitate the development of eleven (11) one-bedroom dwelling units on Lot 15 in addition to the existing seven (7) dwelling units currently located on Lot 16. The design of the proposed three-storey apartment building is shown in **Appendix A – Proposed Site Plan and Renderings**.

The unit distribution comprises three (3) units at ground floor level, four (4) units on the second floor level, and four (4) units on the third floor level. Private access is provided for each unit, with ground-level units featuring direct access at grade and upper-level units accessible by an exterior wooden stairwell.

A total of seventeen (17) parking spaces are proposed for the Subject Lands at a combined rate of 0.94 spaces per dwelling unit. These parking spaces are proposed to be located entirely in the rear yard of the existing and proposed apartment building through the westerly extension of the existing parking lot. Access to the shared-rear parking lot is provided via the continued use of the existing driveway connection from Ontario Avenue (**Refer to Image 3**). Refer to Section 7.0 for the detailed site-specific provisions requested as part of the ZBA.

Official Plan Amendment

The Subject Lands are designated "Residential" in the City's Official Plan. Part 2, Section 1.10.5(ii) of the City's Official Plan provides:

Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.

The OPA is required to permit the following changes:

- Increase the permitted density from a maximum of 75 units per hectare to approximately 191 units per hectare for Lot 15.
- Increase the permitted density from a maximum of 75 units per hectare to approximately 121 units per hectare for Lot 16.

There are no increases regarding the number of storeys.

Zoning By-law Amendment

The Subject Lands are zoned "Residential Two Zone (R2)" via Zoning By-law No. 79-200. Section 7.7 of the Zoning By-law does not permit apartment buildings.

The ZBA would rezone the Subject Lands to "Residential Apartment 5B Density Zone (R5B Zone)" with the following additional site-specific provisions:

- Decrease the minimum lot area for each dwelling unit from 133 m², as currently required by the Zoning By-law to 52 m² for Lot 15.
- Decrease the minimum lot frontages for Lot 15 and Lot 16 to 15.0 metres from the current standard of 30 metres.
- Decrease the minimum front yard depth of Lot 15 from 7.5 metres to 6.0 metres.
- Decrease the minimum interior yard setbacks for Lot 15 from the current standard of 5 metres to 1.5 metres from the northeast lot line, 2.25 metres from the southwest lot line to proposed balcony/staircase and 4.5 metres from the south west lot line to the proposed building.
- Decrease the parking requirements for Lot 15 and Lot 16 from 1.4 spaces per dwelling unit to combined rate of 0.94 spaces per dwelling unit.
- Decrease the minimum landscaped open space from 35% of lot area to 19% of lot area for Lot 15 and Lot 16.
- Decrease the minimum amenity area for Lot 15 from 20 m² per dwelling unit to 8.0 m² per dwelling unit on the Subject Lands.
- Decrease the minimum site setbacks, lot coverages, lot areas and amenity area for Lot 16 from current zoning regulations to the existing site conditions.

Further details regarding the required site-specific regulations are included in Section 7.0 of this report.

Future Planning Applications

Following approval of the Applications, a Site Plan Application is anticipated to be required to proceed with the development of the proposed apartment building.

As the Subject Lands are separately conveyable parcels, a reciprocal access agreement will be required to permit the proposed shared access and parking arrangement.

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 a range and may be subject to change.

Table 2 – Proposed Rent

Unit Type	Proposed Rental Price
One-Bedroom	\$1,400 - \$1,500

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, Growth Plan, 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’s Lowest Six Income Deciles

Decile	Gross Annual Household Income in Niagara Region ¹	Affordable Rental Rates
1 st	Less than \$23,868	Less than \$597
2 nd	\$23,869 to \$36,288	\$597 - \$907
3 rd	\$36,289 to \$48,924	\$907 - \$1,223
4 th	\$48,925 to \$64,800	\$1,223 - \$1,620
5 th	\$64,801 to \$84,132	\$1,620 - \$2,103
6 th	\$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 1st, 2nd or 3rd decile. A moderate-income household is described as a household with annual income in the 4th, 5th or 6th decile.

The expected rents for the dwelling units are projected to exceed 30% of the gross annual household income for those households classified as low-income households. However, those rents fall within the affordability range for households categorized as Moderate-Income households. Consequently, the proposed dwelling units would satisfy the affordability criteria for moderate-income households but would not meet the threshold for low-income households.

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 Niagara

Unit Type	Average Market Rent in Niagara Region ²
One-Bedroom	\$1,200

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.caⁱ 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 (January 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.

¹ Data provided by City of Niagara Falls, sourced from Statistics Canada

² CMHC Rental Market Survey, October 2023

Table 5 – Rentals.ca Average Market Rent in Niagara

Unit Type	Average Market Rent in Niagara Falls ³
One-Bedroom	\$1,636

While the rental rates surpass CMHC average market rent rates, they fall below Rentals.ca average market rent rates for one-bedroom units.

SUMMARY

Based on the analysis above, the proposed development aligns with both of the criterion of the Region's definition of affordability. While the rental rates surpass CMHC average market rent rates, they fall below Rentals.ca average market rent rates for one-bedroom units. Although the proposed rental rates do not align with affordability for households categorized as Low-income households (a household in the 1st, 2nd, or 3rd income decile), the development is projected to be affordable to those households categorized as moderate-income households (a household in the 4th, 5th, or 6th income decile).

4.0 Supporting Studies Review

The pre-consultation notes indicated the following requirements for an OPA and ZBA:

- Archaeological Assessment
- Conceptual Site Plan
- Municipal Servicing Study and Stormwater Management Plan
- Planning Justification Report
- Parking Impact Analysis and Traffic Impact Brief
- Tree Inventory and Preservation Plan (at Site Plan Stage)

4.1 Archeological Assessment

A Stage 1-2 Archaeological Assessment of the Subject Lands dated October 4, 2023, was conducted by Amick Consultants Limited encountered no archaeological resources. Consequently, no further archaeological assessment of the study area was warranted.

4.2 Functional Servicing Design Brief

To satisfy the request for a Municipal Servicing Study and Stormwater Management Plan, Hallex Engineering Ltd. prepared a Functional Servicing Design Brief (FSDB), dated January 18, 2024, to determine the functional sizing of the proposed storm, sanitary and water services from the site.

The FSDB determined that:

³ <https://rentals.ca/national-rent-report#municipal-rental-rates>

A new municipal storm sewer would need to be extended from the 825 mm municipal storm sewer at the Ontario Avenue and John Street intersection.

- The post-development stormwater runoff for the subject site will increase by 7.0 L/s for the five-year storm from the maximum allowable flow from the site. As such, storm water detention will be required for the proposed development.
- A 100mm diameter sanitary lateral at 1.0% slope is recommended to be installed to convey sanitary flows to the existing 150mm diameter municipal sanitary sewer at Ontario Avenue.
- The domestic water demand for the existing building is determined to be 196.1 L/min and the proposed building is determined to be 228.8 L/min. A minimum 50 mm diameter domestic water service would be required to be installed to provide water supply to the proposed three-storey apartment building from the existing 150 mm diameter municipal watermain at Ontario Avenue.

4.3 Parking and Traffic Study

GHD prepared a traffic and parking brief dated January 18, 2024, in support of the proposed development of the Subject Lands. The brief determined:

- When the site is fully operational, with all 18 units occupied, there will be 7 total trips with 2 entering and 5 exiting during the AM peak hour and 9 total trips with 6 entering and 3 exiting during the PM peak hour.
- There are no issues with site access, sight lines, driveway access location and design and vehicular conflict.
- GHD completed site visits to determine the number of occupied parking spaces on three (3) Saturday (weekend) and three (3) Tuesday (weekday) time intervals being 7am, 12pm and 7pm. The number of occupied parking spaces was in all instances three (3) or four (4) spaces. Based on four (4) of the seven (7) units being occupied, the aggregate parking rate for the apartment building is 0.92 parking space per dwelling unit. Using the rate of 0.92 parking space per dwelling unit, there would need to be 17 parking spaces for both buildings.

5.0 Planning Policies

5.1 Planning Act, R.S.O. 1990, c. P.13

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.

Section 2 of the *Planning Act* (“the Act”) outlines the matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides

a summary of the provincial interests, along with an analysis as it relates to the proposed development and the subject Applications.

Table 6 - Analysis of Provincial Interest (Section 2 of Ontario Planning Act)

Section	Provincial Interest	Analysis
a)	<i>the protection of ecological systems, including natural areas, features and functions</i>	No ecological systems are present on the Subject Lands.
b)	<i>the protection of the agricultural resources of the Province</i>	No agricultural resources are present on the Subject Lands.
c)	<i>the conservation and management of natural resources and the mineral resource base</i>	The proposed development will not impact natural resources or mineral resources.
d)	<i>the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i>	A stage 1-2 archaeological assessment was completed by Amick Consultants Limited which encountered no archaeological resources on the Subject Lands. Furthermore, the Subject Lands do not contain architectural, cultural, historical, or scientific interest.
e)	<i>the supply, efficient use and conservation of energy and water</i>	The proposed development has a compact built-form and density that would contribute to the efficient use of municipal services and energy.
f)	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	The proposed development would optimize the use of existing municipal services which are in proximity to the Subject Land.
h)	<i>the orderly development of safe and healthy communities</i>	The Applications would facilitate appropriate development standards for intensification and redevelopment, while avoiding or mitigating risks to public health and safety, in accordance with policies contained within Section 1.0 of the PPS, regarding building strong healthy

Section	Provincial Interest	Analysis
		communities. This matter is discussed in Section 5.2 of this PJR.
j)	<i>the adequate provision of a full range of housing, including affordable housing</i>	The Applications will facilitate the development of a three-storey apartment building with market-based affordable rental units within the City of Niagara Falls. This is discussed in detail in Section 3.1 of this PJR.
l)	<i>the protection of the financial and economic well-being of the Province and its municipalities</i>	The efficient use of lands and compact built form allows for the efficient use of municipal water and sewage services and reduced on-going infrastructure maintenance costs.
o)	<i>the protection of public health and safety</i>	The Subject Lands are not impacted by any known hazards.
p)	<i>the appropriate location of growth and development</i>	The Subject Lands are located within the Urban Boundary of Niagara Falls on an underutilized portion of Land. The Lands are in proximity to a variety of commercial / employment uses and are accessible to various active transportation and transit options.
q)	<i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i>	<p>The Subject Lands are located near Victoria Avenue which is a key transportation corridor that is regularly served by Niagara Region Transit.</p> <p>The proposed density and compact built form support the achievement of development at a walkable scale.</p>
r)	<p><i>the promotion of built form that:</i></p> <ul style="list-style-type: none"> <i>i.) is well-designed</i> <i>ii.) encourages a sense of place</i> <i>iii.) provides for public spaces that are of high quality, safe, accessible,</i> 	The proposed development is appropriately designed within the fabric of its surrounding community. It features a low-rise apartment building, compatible with the existing built form.

Section	Provincial Interest	Analysis
	<i>attractive and vibrant</i>	
s)	<i>the mitigation of greenhouse gas emissions and adaptation to a changing climate</i>	In general, intensification and compact built-form as an alternative to sprawl, supports existing transit and active transportation options, reducing automobile dependence, and consequently the necessity to consume fossil fuels.

Subsection 3(5) of the *Planning Act* requires that decisions of Council shall be consistent with provincial policy statements and shall conform with provincial plans that are in effect.

Subsection 14.7(3) of the *Planning Act* requires a municipality to prepare and adopt an official plan. Section 22 of the *Planning Act* permits a person or public body to request an amendment to the official plan.

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.

SUMMARY

In summary, the proposed development and implementing Applications have regard for matters of public interest.

Consistency and conformity with Provincial, Regional and City policies are discussed in-depth in the subsequent sections of this report. 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 Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

5.2.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns Areas

Section 1.1 of the PPS provides the following policy direction with respect to managing and directing land use:

POLICY

- 1.1.1 *Healthy, liveable and safe communities are sustained by:*
- a) *promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
 - b) *accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
 - i) *preparing for the regional and local impacts of a changing climate.*
- 1.1.3.1 *Settlement areas shall be the focus of growth and development.*
- 1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
- a) *efficiently use land and resources;*
 - b) *are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - c) *minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - d) *prepare for the impacts of a changing climate;*
 - e) *support active transportation;*
 - f) *are transit-supportive, where transit is planned, exists or may be developed.*
- Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*
- 1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a*

significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

- 1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.*

ANALYSIS

The Subject Lands are located within a Settlement Area as defined by the PPS. The proposal contributes to intensification of an underutilized property, proposing a three-storey apartment building featuring market-based affordable rental units in an area primarily comprised of low-density residential housing. The Subject Lands are in proximity to the Clifton Hill Central District and the Victoria Avenue commercial corridor, increasing accessibility to a variety of commercial and employment opportunities.

5.2.2 Housing

Section 1.4 of the PPS provides policy direction regarding housing. The following apply to the proposed development:

POLICY

- 1.4.3 *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
- a) establishing and implementing minimum targets for the provision of housing which is affordable to low- and moderate-income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
 - b) permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
- f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

ANALYSIS

The Applications are consistent with the housing policies outlined in the PPS. The Applications would facilitate the development of a three-storey apartment building featuring market-based affordable rental units in proximity to a variety of employment opportunities and multimodal transit options. The proposal contributes to a diverse range of housing options within a community predominantly characterized by single-detached housing, catering to residents at various stages of life.

5.2.3 Municipal Servicing

With respect to municipal servicing, Section 1.6.6 of the PPS includes the following relevant direction:

POLICY

- 1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

ANALYSIS

The proposed development is a form of intensification that will make use of the City's existing municipal sewage and water services. Please refer to the FSDB included with the Applications.

5.2.4 Transportation Systems

Section 1.6.7 of the PPS provides the following relevant policies regarding Transportation Systems:

POLICY

1.6.7.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

ANALYSIS

Ontario Avenue, a local road per Schedule C of the City's Official Plan (**refer to Appendix C**), is closely linked to the Niagara Region's Strategic Cycling Network and Transit system (**see Schedule J2 of the Niagara Official Plan in Appendix B and Figure 2 Community Amenities Map** in this PJR), featuring multimodal transit options. A continuous public sidewalk along the south side of Ontario Avenue provides direct access to parks, the Olympic Torch Run Legacy Trail, and various transit stops. Intensifying in proximity to these active transportation amenities and transit stops supports the current and future use of such infrastructure.

SUMMARY

Due to the preceding analysis, the proposal is consistent with the policies and direction of the PPS.

5.3 Growth Plan for Greater the Golden Horseshoe (Office Consolidation 2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (the "Growth Plan") builds on the policies set out in PPS and must be read in conjunction with it.

Section 1.2.1 of the Growth Plan provides the following relevant principles to guide how land is developed, resources are managed and protected, and public dollars are invested:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

The Subject Lands are identified as being within the Built-up Area as per Schedule 2 of the Growth Plan.

5.3.1 Managing Growth

Section 2.2.1 of the Growth Plan provides the following applicable policies with respect to managing growth:

POLICY

2.2.1.2. *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

a) *the vast majority of growth will be directed to settlement areas that:*

i. *have a delineated built boundary;*

ii. *have existing or planned municipal water and wastewater systems; and*

iii. *can support the achievement of complete communities⁴...*

c) *within settlement areas, growth will be focused in:*

i. *delineated built-up areas;*

iii. *locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*

iv. *areas with existing or planned public service facilities...*

2.2.1.4. *Applying the policies of this Plan will support the achievement of complete communities that:*

a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*

b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*

c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*

d) *expand convenient access to:*

i. *a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*

⁴ Complete communities are: *Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.*

- ii. public service facilities, co-located and integrated in community hubs;*
- iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
- iv. healthy, local, and affordable food options, including through urban agriculture;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability.*

ANALYSIS

The Applications would facilitate intensification and increase the diverse range and mix of housing options within the built-up area, by permitting the development of a three-storey apartment building featuring market-based affordable rental units in an area of the community dominated by single-detached dwelling units increasing housing diversity. These Applications play a pivotal role in fostering complete communities and promoting compact built form, by supporting intensification in an area that provides convenient access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a variety of transportation options and public service facilities.

5.3.2 Delineated Built-up Areas

Section 2.2.2 Growth Plan provides the following policies regarding delineated built-up areas:

POLICY

- 2.2.2.1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:
 - a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area...**
- 2.2.2.2. Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*

2.2.2.3. *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will: ...*

c) encourage intensification generally throughout the delineated built-up area;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities; ...

f) be implemented through official plan policies and designations, updated zoning and other supporting documents.

ANALYSIS

The Applications would facilitate intensification within the delineated built-up area, and contribute to the achievement of complete communities through the provision of a full range of housing options in an area supported by convenient access to local stores, and services and multimodal transit options.

5.3.3 Housing

Section 2.2.6 of the Growth Plan provides policies with respect to housing. The following policies apply:

POLICY

2.2.6.1. *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and

ii. establishing targets for affordable ownership housing and rental housing;

2.2.6.2. *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1., municipalities will support the achievement of complete communities by:*

a) planning to accommodate forecasted growth to the horizon of this Plan;

b) planning to achieve the minimum intensification and density targets in this Plan;

- c) *considering the range and mix of housing options and densities of the existing housing stock; and*
- d) *planning to diversify their overall housing stock across the municipality.*

ANALYSIS

The Applications align with the housing policies of the Growth Plan by promoting a full range of housing options, through the development of a three-storey apartment building which includes market-based affordable rental units. The proposed development will contribute towards the achievement of affordable housing targets established by the City.

SUMMARY

Based on the foregoing, the Applications conform with and do not conflict with the Growth Plan.

5.4 Niagara Official Plan

The Niagara Official Plan (NOP) is Regional Municipality of Niagara's long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the Plan guide land use and development thereby influencing economic, environmental, and planning decisions to 2051 and beyond.

The following table identifies the Regional Schedules pertaining to the Subject Lands:

Table 7 – NOP Schedules and Designations of Subject Lands

No.	Schedule	Subject Land Designation
B	<i>Regional Structure</i>	Urban Area – Built Up Area
J1	<i>Transportation Infrastructure</i>	Falls Avenue located to the south of the Subject Lands is identified as a Regional Road. Falls Avenue connects to Highway 420 being a Provincial Road.
J2	<i>Strategic Cycling Network</i>	Victoria Avenue, River Road and Olympic Torch Run Legacy Trail are part of the Strategic Cycling Network.
K	<i>Areas of Archaeological Potential</i>	The Subject Lands are within the area of archaeological potential as mapped within the NOP.

5.4.1 Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

POLICY

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

- a) *the intensification targets in Table 2-2 and density targets outlined in this Plan;*
- b) *a compact built form, a vibrant public realm, and a mix of land uses, including residential 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 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;*

ANALYSIS

The Applications meet all the objectives outlined in the NOP. The Applications would facilitate intensification through the development of eleven (11) new market-based affordable rental units within a three-storey apartment building that is compatible with the scale of surrounding low density residential uses.

The proposed apartment building provides an opportunity for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods. While the proposed Residential Apartment 5B Density Zone (R5B Zone) with site-specific provisions would permit an apartment building, permissions regarding massing and setbacks would be similar to the prevailing Residential Two Zone (R2 Zone) that surrounds the Subject Lands. A comparison of zoning regulations regarding built-form between the R5B zone and R2 zone is included in Section 7.0 of this PJR. The proposed apartment building would also be similar in terms of built-form to apartment buildings that have been constructed in the neighbourhood as per the examples identified in Section 2.0 of this PJR.

The Subject Lands are also well-situated to accommodate the proposed level of density due to its proximity to several commercial and employment amenities associated with the Clifton Hill Central District and the Victoria Avenue Commercial corridor. This concentration of residential, commercial and employment uses, reduces automobile dependence including demand on municipal roads, and is consistent with the aim of establishing compact built-form and complete communities.

5.4.2 Strategic Intensification and Higher Densities

Section 2.2.2. of the NOP encourages intensification and states as follows:

POLICY

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

- b) *areas with existing or planned public service facilities;*
- c) *other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit...*

2.2.2.6 *Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 10,100 units and a 50% intensification rate for Niagara Falls).*

Note: Local Area Municipalities may plan for additional intensification units and higher intensification rates within built-up areas than those identified in Table 2-2 for infrastructure purposes as it reflects

development trends and land use permissions at the time of Local conformity.

2.2.2.9 *Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

2.2.2.10 *Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*

- a) *development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety...*
- c) *other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites...*

ANALYSIS

The Applications would facilitate intensification as promoted in the NOP and would contribute to meeting Regional intensification targets for the City. The Applications would facilitate appropriate development standards, consistent with the character of the surrounding area to support the achievement of complete communities and facilitate compact built form. For these reasons, the Applications conform with Section 2.2.2 of the NOP.

5.4.3 Housing

Section 2.3.1 of the NOP provides policy direction regarding housing needs within the region. The following policies apply:

POLICY

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

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...*

ANALYSIS

The Applications conform with the housing policies outlined in the NOP and would facilitate the development of eleven (11) market-based affordable rental units within a community in which single-detached housing types dominate. The proposed development contributes to the increased diversification of housing options in the settlement area.

5.4.4 Provide for Affordable and Attainable Housing and Planning Tools to Achieve Affordable and Attainable Housing

Policies pertaining to affordable and attainable housing are provided in Sections 2.3.2 and 2.3.3 of the NOP, as follows:

POLICY

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

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

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

- a. *in areas with existing or planned municipal water and wastewater services/systems and urban amenities;*
- b. *near existing or planned transit, including higher order transit and frequent transit service, and active transportation facilities; and*
- c. *near public service facilities, especially community hubs.*

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

- e. *site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards...*

ANALYSIS

The proposed apartment building would contribute to the affordable housing stock in the Niagara Region by facilitating the development of new market-based affordable rental units in a settlement area serviced by municipal water and wastewater and a variety of multimodal transit options. The proposed site-specific relief, including reduced parking requirements, as detailed in Section 7.0 of this PJR, are necessary to allow for the proposed number of dwelling units.

5.4.5 Economic Prosperity

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

POLICY

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;*
- ii. supporting the provision of affordable housing for workers across all sectors of Niagara's economy.*

ANALYSIS

The Applications conform with the above policies by ensuring an adequate supply of market-based affordable rental units in proximity to the Clifton Hill Central district and the Victoria Avenue commercial corridor, both of which feature a variety of commercial and employment opportunities.

5.4.6 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

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.*

5.2.5.1 *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 (FSDB) concludes that there is existing water and wastewater servicing available to service the proposed development. Stormwater management details are also included in the FSDB.

SUMMARY

Based on the foregoing, the Applications conform with the Niagara Official Plan.

5.5 Niagara Falls Official Plan

The City's Official Plan provides policy direction for development. The City's Official Plan designations for the Subject Lands are provided in the following table:

Table 8 - City's Official Plan Schedules

No.	Schedule Title	Subject Designations
A	<i>Future Land Use Plan</i>	Residential
A-2	<i>Urban Structure Plan</i>	Built-up Area.
B	<i>Phasing Plan</i>	Within the Existing Municipal Services Area
C	<i>Roads</i>	Frontage adjacent to Local Road
D	<i>Official Plan Community Planning Districts</i>	Located in the Elgin Community Planning District
E	<i>Tourism Map</i>	Located in the River Road Tourism District

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

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.*
7. *To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015.*
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 Applications align with the above objectives and policies of the City's Official Plan. In particular, the proposed development would facilitate intensification of an underutilized parcel of land through the introduction of market-based affordable rental units which have access to existing municipal infrastructure and multimodal transportation options.

5.5.2 Intensification

Part 1, Section 3 of the City's Official Plan provides strategic direction for increased densities within the Built Area Boundary. The following policies are relevant to the proposal:

OBJECTIVES

- 3.1 *Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site-specific zoning by-law amendment whereby individual proposals can be publicly assessed...*
- 3.4 *The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5(iii) of this Plan.*

ANALYSIS

The applicant is proposing amendments to the Official Plan and the Zoning By-law to facilitate the construction of the three-storey apartment building on underutilized land.

5.5.3 Housing

Part 1, Section 4 of the City's Official Plan provides policies related to housing. The following applies to the Applications:

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.*
- 4.6 *The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.*
- 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, as discussed in Section 3.1 of this PJR.

5.5.4 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 the housing impact statement:

POLICY & ANALYSIS

Table 9 – Housing Impact Statement Criteria

Section	Policy	Analysis
4.4 a)	<i>The proposed housing mix by dwelling type and number of bedrooms, as applicable;</i>	Eleven (11) one-bedroom, apartment dwelling units are proposed.
4.4 b)	<i>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);</i>	The proposed development will contribute eleven (11) units to the annual target of 135 units as outlined in criterion (a) where each unit is constructed with a purchase or rental price at or below the specified threshold for affordability, as per the criteria outlined in the Niagara Region's definition of affordable housing. The proposed development would not contribute to criterion (b).
4.4 c)	<i>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;</i>	The estimated rents of the individual units will be between \$1,400-\$1,500. According to Rentals.ca, the average rental price for a one-bedroom unit is \$1,636. Refer to Section 3.1.2. for further detail.
4.4 d)	<i>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;</i>	Not applicable, all construction to occur in one phase.

4.4 e)	<i>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.</i>	This policy is not applicable regarding the proposed development.
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5.5.5 Residential

Part 2, Section 1, Policy 1.1 of the City's Official Plan provides that 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, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.

Part 2, Section 1, Policy 1.10 provides that the following be considered in the design of residential development, intensification, and infilling:

POLICY & ANALYSIS

Table 10 – Considerations for Design of Residential Development, Intensification and Infilling

Section	Policy	Analysis
1.10.1	<i>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.</i>	<p>The Subject Lands are predominantly a low-rise, low density residential neighbourhood. However, there is an existing three-storey apartment building located on the Subject Lands and several examples of three-storey apartment buildings located in proximity to Subject Lands.</p> <p>The surrounding neighbourhood is primarily zoned Residential Two Zone (R2 Zone) with instances of site-specific exemptions. Section 7.0 includes a comparison of the R2 and the proposed Residential Apartment 5B Density Zone (R5B Zone) category. As demonstrated, massing, height and setbacks of the proposed apartment building is similar to that permitted for the surrounding R2 Zone.</p>
1.10.2	<i>A gradation of building heights and densities will be encouraged together with sufficient horizontal separation</i>	There is no increase in height proposed from either the existing R2 Zone or the proposed R5B

	<i>distances between taller buildings and low-rise dwellings in order to ensure a complementary arrangement of residential uses.</i>	Zone. The proposed apartment building also provides a gradual increase in density from the two adjacent apartment buildings (5583 Ontario Avenue and Lot 16 of the Subject Lands) being 69 and 121 units per hectare, respectively.
1.10.3	<i>Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.</i>	The proposed development introduces an increased density compared to the surrounding area while satisfying the affordability criteria outlined in Section 3.1 of this report. This proposal aims to cultivate a more inclusive community by offering a variety of housing types that cater to individuals at every stage of life.
1.10.5	<p><i>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:</i></p> <p><i>ii) Stacked townhouses, apartments, and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where</i></p>	The Applications support the construction of a three-storey apartment building in a neighborhood predominantly characterized by single-detached dwelling units. An OPA is necessary to increase the permitted density included in this plan. Site-specific zoning regulations and their intended analysis are included within Section 7.0 of this report.

	<p><i>abutting lands are zoned for single or semi-detached dwellings.</i></p>	
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5.5.6 Tourist Districts

Part 2, Section 4.2 of the City’s Official Plan contains policies relevant to Tourist Districts. The following policies are applicable:

POLICY

4.2.1 *Land Uses in the Tourist Commercial designation shall be organized in a complementary fashion. To this end, a hierarchy of tourist districts will be established, consisting of a Central Tourist District and four Satellite Districts as delineated on Schedule E.*

4.2.5 *The River Road Satellite District shall continue to function as an established residential area with many older homes offering Bed & Breakfast facilities. Alternative accommodations of this nature are appropriate for this area providing the residential character of the neighbourhood is maintained.*

Satellite Districts

4.2.25 *Satellite Districts shall each have a particular characteristic and tourism focus which attracts specific market segments. In order to enhance the quality of the visitor experience within the individual Satellite Districts, clearly defined roles and functions need to be established. The following policies provide this direction.*

River Road Satellite District

4.2.37 *The River Road Satellite District shall function as a residential area where Bed & Breakfast(s) are permitted so long as the residential character of the area is maintained.*

ANALYSIS

The Subject Lands are located within the River Road Satellite District. The proposed use is complementary of the surrounding residential character and is appropriate for the River Road Satellite District.

5.5.7 Municipal Infrastructure

Part 3, Section 1 of the City's Official Plan includes policies that deal specifically with municipal infrastructure. Relevant policies to the proposal are included below:

POLICY

- 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.*
- 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.

5.5.8 Energy Conservation

Part 3, Section 3.1 of the City's Official Plan includes the following policies to promote opportunities for energy efficiency, with particular emphasis on development designs which minimize energy consumption:

POLICY

- 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.*

ANALYSIS

The proposed development conforms with the above policies of the City's Official Plan, by intensifying in proximity to transit routes, and several commercial and employment opportunities. Intensifying in proximity to transit and a mix of land uses is an energy efficient form of development, as it is anticipated to reduce automobile-dependence.

5.5.9 Urban Design and Landscaping

Part 3, Section 5 of the City's Official Plan includes the following policies regarding Urban Design:

POLICY

- 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.*

ANALYSIS

The Applications conform with all of the above urban design policies of the City's Official Plan. The proposed building is designed to complement the existing apartment building located on the Subject Lands, not only in building massing but also in use, orientation, and setback from the public street. The proposed apartment building is in general alignment with permissions for surrounding lands regarding height, setbacks, massing, and siting, as analyzed in Section 7.0 of this PJR. Parking is also proposed to be located entirely within the rear yard and accessed via a shared access to mitigate the impacts of hardscaping on the streetscape.

SUMMARY

To summarize, the Applications conform with the overarching vision set forth in the City's Official Plan. The proposed development actively contributes to the City's intensification objectives and enhances the supply of market-based affordable rental units through a well-designed, compact, walkable, and transit-oriented development. The Applications facilitate increased housing diversity in the City of Niagara Falls and adhere to urban design principles. While the proposed development represents an increase in density compared to the surrounding properties, it's noteworthy that several three-storey apartment dwellings exist on or within the surrounding neighbourhood. This precedent ensures that the proposed Applications would not facilitate development out of character with the surrounding neighbourhood context.

6.0 Official Plan Amendment

The Owner is proposing an OPA to facilitate the proposed development. A site-specific OPA is needed to permit increased density on the Subject Lands. As indicated above, Part 2, Section 1.10.5(ii) of the City's Official Plan provides:

Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.

The specific amendment proposed to the City's Official Plan, applicable to the Subject Lands is as follows:

1. Notwithstanding Policy 1.10.5(ii) of the Official Plan for the City of Niagara Falls, the maximum density for an apartment dwelling shall be 191 units per hectare on Lot 15 and 121 units per hectare on Lot 16.

Policy 2.6 in Part 4, Section 2 of the City’s Official Plan establishes the matters that Council shall take into account when considering an OPA. **Table 11** below outlines the criteria and analysis of the proposed development.

Table 11 – OPA Criteria Assessment for Proposed Development

Section	Criteria	Proposed Development
2.6.1	<i>The conformity of the proposal to the general objectives of this Plan.</i>	The proposed development conforms with the general objectives of the City’s Official Plan, as it is an appropriate form of infilling and intensification on an under-utilized property with existing municipal services. Moreover, the proposal contributes to the City’s initiative to increase the availability of affordable housing. The Applications would intensify in proximity to commercial and employment opportunities, transit routes, and active transportation amenities.
2.6.2	<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>	The Subject Lands are well-suited for the proposed development, as it represents an under-utilized parcel designated for residential use. The Subject Lands are also conveniently located in proximity to commercial and employment opportunities, and accessibility by transit and active transportation options, supporting higher density forms of development.
2.6.3	<i>Compatibility of the proposed use with adjacent land use designations and natural resources.</i>	There are no known natural resources located on the Subject Lands, with the surrounding areas predominantly designated for residential use. The proposed development is consistent in terms of planned building heights and the proposed increase density is not anticipated to result in development out of character when compared to surrounding lands.
2.6.4	<i>The need for and market feasibility of the proposed use.</i>	Section 5.5 of the PJR discusses how the proposed development is needed to contribute to the City’s intensification targets and provide for a variety of housing forms and tenures to meet the

Section	Criteria	Proposed Development
		goals and policies in the City's Official Plan. There is a demonstrated need for affordable housing in the City, as well as rental apartments.
2.6.5	<i>The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.</i>	The Subject Lands are designated Residential in the City's Official Plan, which contemplates apartment as a predominant use. The River Road Satellite (Tourism) District, in which the Subject Lands fall, is anticipated to remain largely as a residential area.
2.6.6	<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>	There are available municipal services to support the proposed development; please refer to the Functional Servicing Design Brief prepared by Hallex Engineering for more details. The Traffic and Parking Brief completed by GHD concluded that there are no issues with site access, sight lines, driveway access location and vehicular conflict.
2.6.7	<i>The financial implications of the proposed development.</i>	No direct financial implications are expected except for an increase in assessment and tax revenue.
2.6.8	<i>The protection of specialty crop land as defined in the Provincial Policy Statement from development.</i>	Not applicable. The Subject Lands are not specialty crop land.
2.6.9	<i>Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.</i>	There are no cross-jurisdictional issues.
2.6.10	<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</i>	Not applicable.

Section	Criteria	Proposed Development
	<i>to Grow Growth Plan has been initiated or adopted by the City.</i>	

The proposed OPA meets the above criteria for considering an OPA.

A draft of the OPA is provided in **Appendix E**.

7.0 Proposed Zoning By-law Amendment

The Subject Lands are zoned Residential Two (R2 Zone) in accordance with Zoning By-law No. 79-200. The ZBA proposes to change the existing R2 zoning designation on the Subject Lands to a Residential Apartment 5B Density Zone (R5B Zone), incorporating site-specific regulations to facilitate the proposed development. These specific zoning regulations pertain to the following:

- Minimum Lot Area
- Minimum Lot Frontage
- Minimum Front Yard Depth
- Minimum Interior Side Yard depth
- Minimum Parking Requirement
- Minimum Landscaped Open Space
- Minimum Amenity Area

The R5B zone was selected due to the established precedence within the City of Niagara Falls for apartment dwellings similar to the proposed development. An example of this is located at 5459 Ontario Avenue, which underwent a Zoning Amendment to establish a site specific R5B zone, to permit the conversion of the existing dwelling into a 4-unit apartment dwelling.

The R5B zone would also permit similar massing, scale and built form as the prevailing R2 zone, as shown in **Table 12** below:

Table 12 – Zoning Regulations

Regulations	R2 Required (metres ²)	R5B Required (metres ²)
Minimum front yard depth	<i>6 metres</i>	7.5 metres
Minimum rear yard depth	<i>7.5 metres</i>	10 metres
Minimum interior side yard width	<i>1.2 metres</i>	One half the height of building = 5.0 metres
Maximum lot coverage	<i>45%</i>	30%
Maximum height of building or structure	<i>10 metres</i>	10 metres
Minimum landscaped open space	<i>30% of lot area</i>	35% of lot area

A Draft ZBA is provided in **Appendix F – Draft Zoning By-law**.

Table 13 below provides an overview of compliance with the following applicable sections of the Zoning By-law:

- Section 7.11 (*Residential Apartment 5B Density Zone*);
- Section 4.42 (*Amenity Areas for Apartment Dwellings*); and
- Section 4.19.1 (*Parking Areas*);

Table 13 – Zoning Regulations

Section	Regulations	Required (metres ²)	Proposed (Lot 15)	Proposed (Lot 16)	Compliance
7.11.1	Permitted Uses	(a) <i>An Apartment Dwelling</i> (b) <i>Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14</i>	An Apartment Dwelling	As Existing	Yes
7.11.2	Minimum Lot Area	<i>133 m² for each dwelling unit</i>	52 m ² for each dwelling unit	As Existing	No
	Minimum Lot Frontage	<i>30 m</i>	15.0 m	As Existing	No
	Minimum Front Yard Depth	<i>7.5 m plus any applicable distance in section 4.27.1</i>	6.0 m	As Existing	No
	Minimum Rear Yard Depth	<i>One-half the height of the building or 10 metres, whichever is greater plus any applicable distance in section 4.27.1 (5.0 m)</i>	13.35 m	As Existing	Yes
	Minimum Interior Side Yard Width	<i>One-half the height of the building (5.0 m)</i>	<ul style="list-style-type: none"> • N-E Lot Line: 1.5 m • S-W Lot Line to Exit landing / Staircase: 2.2 m 	As Existing	No

Section	Regulations	Required (metres ²)	Proposed (Lot 15)	Proposed (Lot 16)	Compliance
			• S-W Lot Line to Bldg: 4.5 m		
	Minimum Exterior Side Yard Width	<i>7.5 m plus any applicable distance in section 4.27.1</i>	N/A	N/A	
	Maximum Lot Coverage	30%	29.74%	As Existing	Yes
	Maximum Height of Building or Structure	<i>10 m subject to section 4</i>	9.98 m	As Existing	Yes
	Number of Apartment Dwellings on One Lot	<i>One only</i>	One	One	Yes
	Parking and Access Requirements	<i>In accordance with section 4.19.1</i>			
	Minimum Landscaped Open Space	<i>35% of the lot area</i>	19% of the lot area	19% of the lot area	No
4.42	Minimum Amenity Area per Unit	<i>20 m² per dwelling unit (1,000 m² total)</i>	8.0 m ² per dwelling unit	As Existing	No
4.19.1	Dwelling containing 3 or more dwelling units...	<i>1.4 parking spaces for each dwelling unit*</i>	0.94 parking spaces per dwelling unit	0.94 parking spaces per dwelling unit	No

Minimum Lot Area

Required: 133 m² for each dwelling unit

Proposed (Lot 15): 52 m² for each dwelling unit

Proposed (Lot 16): As existing

The required lot area per dwelling unit for Lot 15 is proposed to be decreased from 133 m² to 52 m². The lot area per dwelling unit would recognize the existing conditions for lot 16. Relief from this regulation is required to maximize the amount of dwelling units that can be constructed on the Subject Lands, lowering the overall cost for development, and

likely increasing the affordability of the units. Despite the site-specific relief sought, the proposed apartment building would continue to be compatible regarding mass and scale as there is not further relief required respect lot coverage or height.

Minimum Lot Frontage

Required: 30 metres

Proposed (Lot 15): 15 metres.

Proposed (Lot 16): 15 metres.

The requested lot frontage reflects an existing condition. The intent of requiring a minimum 30 metre lot frontage is to ensure that there is available space to ensure that the proposed apartment building can be appropriately sited to mitigate impacts to adjacent uses. As shown in **Appendix A – Proposed Site Plan and Renderings** significant impacts on abutting residential uses will be mitigated by providing appropriate setbacks from the adjacent southwest lot line to the habitable portion of the apartment building.

Minimum Front Yard Depth

Required: 7.5 metres

Proposed (Lot 15): 6.0 metres.

Proposed (Lot 16): As existing.

The reduced setback is essential to align the proposed apartment building with the existing three-storey apartment building situated on the Subject Lands, as well as permitted setbacks for dwellings in the neighbourhood in the R2 Zone. The proposed front yard setback appears to be aligned with setbacks for dwellings along Ontario Avenue.

Minimum Interior Side Yard Depth

Required: 5.0 metres

Proposed S-W Lot line to Exterior Stairwell and Landing (Lot 15): 2.2 metres

Proposed S-W Lot Line to Apartment Building (Lot 15): 4.5 metres

Proposed N-E Lot line (Lot 15): 1.5 metres

Proposed (Lot 16): As existing

The purpose of the reduced interior side yard setbacks is to ensure sufficient space between the proposed development and neighboring structures to ensure that significant impacts are avoided. The habitable portion of the apartment building would be significantly setback from the adjacent residential lot to the southwest. The proposed staircases and landings would be uncovered and are anticipated to be used exclusively for ingress and egress into the dwelling units rather than amenity space for residents to

congregate, ensuring that significant impacts regarding shadowing and overlook are avoided.

Minimum Landscaped Open Space

Required: 35% of lot area

Proposed (Lot 15, 16): 19% of lot area

The requested reduction in landscaped open space is appropriate for the proposed development of the Subject Lands, and can be supported for the following reasons:

- Reductions in the amount of landscaped open space are required to accommodate surface parking. The surface parking would be located at the rear of the apartment building.
- A landscape plan will be developed as part of a future Site Plan Application to ensure that the proposed apartment building enhances the character of the streetscape.
- There are no concerns regarding stormwater management. The waterflow from the site is planned to be directed towards a proposed manhole situated on Ontario Avenue. It will then discharge into the existing municipal sewer at the intersection of Ontario Avenue and John Street. Please refer to the Functional Servicing Design Brief prepared by Hallex Engineering, dated January 18th, 2024, for more details.

Minimum Amenity Area per Unit

Required: 20 m² per dwelling unit for a total of 360 m²

Proposed (Lot 15): 8.0 m² per dwelling unit for a total of 88.9 m²

Proposed (Lot 16): As existing

Reductions in the required amount of amenity area is necessary to facilitate the proposed number of dwelling units, together with on-site parking. The proposed amendment is deemed fitting for the proposed development, supported by the following rationale:

- Three (3) dwelling units will feature private balconies or terraces, affording residents individualized spaces for personal use and enjoyment.
- The Subject Lands are in proximity to various recreational trails, as described in Section 2.2 – Community Amenities ensuring that residents have convenient access to an appropriate range of leisure and recreational opportunities.
- The reduced outdoor amenity area is necessary to reduce the overall cost of the development, thereby, improving its affordability. This approach conforms with the direction established in the NOP and the City's Official Plan which contemplate flexibility to facilitate housing choice.

Minimum Parking Per Unit

Required: 1.4 parking space per unit

Proposed (Lot 15, Lot 16): 0.94 parking spaces per unit

The minimum number of parking spaces is proposed to be applied to the summation of lands. The reduced parking rate is considered acceptable as the proposed development is conveniently located near a variety of public and alternative transportation options which minimize the need for private vehicles. According to GHD's Traffic and Parking Brief, a parking rate of 0.92 spaces per dwelling unit is deemed sufficient for the proposed development on the Subject Lands. Refer to the TIS report for further details.

8.0 Summary and Conclusion

It is our opinion the proposed OPA and ZBA represent good land use planning, are in the public interest and should be approved for the following reasons:

1. The Applications are consistent with the Provincial Policy Statement (2020) and in conformity with the Growth Plan, Niagara Official Plan, and the City of Niagara Falls Official Plan;
2. Community amenities including transit, active transportation options and a variety of commercial, employment and recreational opportunities support higher residential density forms of development;
3. The proposed apartment building will provide eleven (11) market-based affordable rental units and increase diversity of housing choice in the City of Niagara Falls.
4. The proposed development will optimize the use of land and existing municipal services and facilities; and
5. Relief sought to the Zoning By-law has been carefully contemplated to ensure that the proposed development is compatible with the prevailing built-form, minimizes any negative impacts on adjacent land-uses and contributes to a well-designed streetscape.

Report prepared by:



Robert Smit
Planner
NPG Planning Solutions Inc.

Report reviewed and approved by:



Jesse Auspitz, RPP
Senior Planner, Niagara
NPG Planning Solutions Inc.

9.0 Appendices

Appendix A – Proposed Site Plan and Renderings

Appendix B – Niagara Official Plan Schedules

Appendix C – City of Niagara Falls Official Plan Schedules

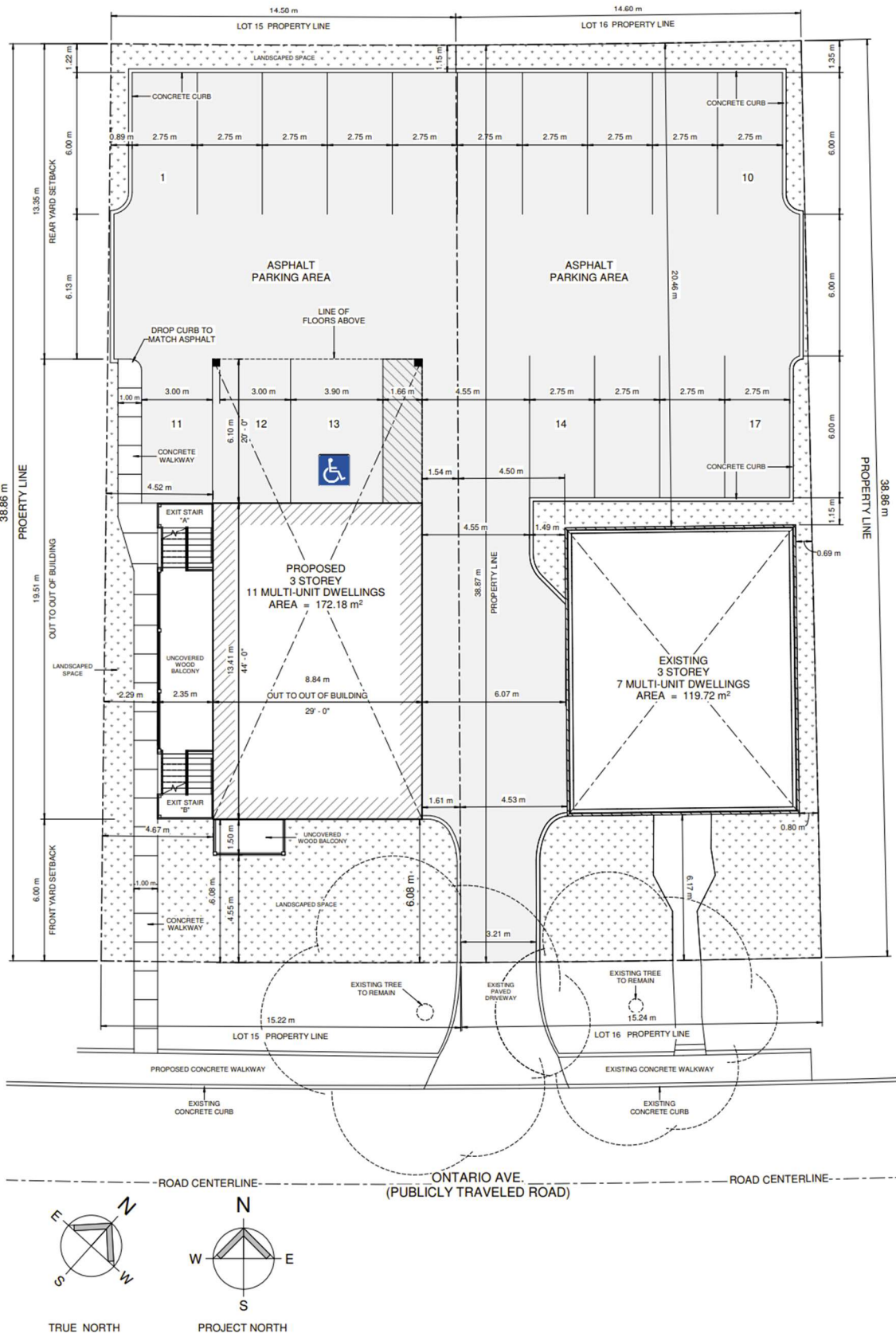
Appendix D – City of Niagara Falls Zoning By-law 79-300

Appendix E – City of Niagara Falls Draft Official Plan Amendment

Appendix F – City of Niagara Falls Draft Zoning By-law Amendment

Appendix G – Endnotes

Appendix A – Proposed Site Plan



Appendix B – Niagara Official Plan Schedules

SCHEDULE B – REGIONAL STRUCTURE, *Delineated Built-Up Area*



SCHEDULE J1 – TRANSPORTATION INFRASTRUCTURE

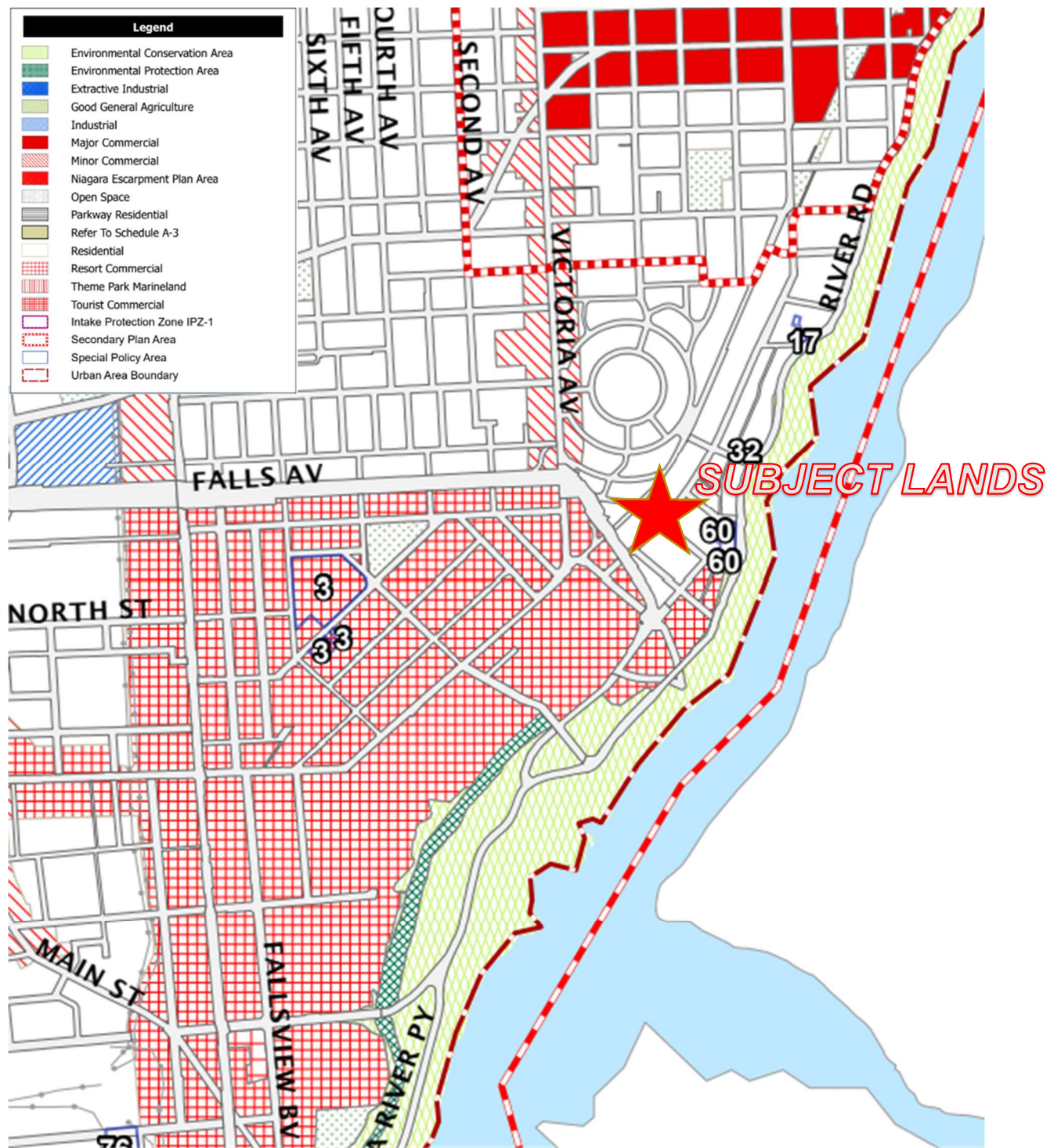


SCHEDULE J2 – STRATEGIC CYCLING NETWORK

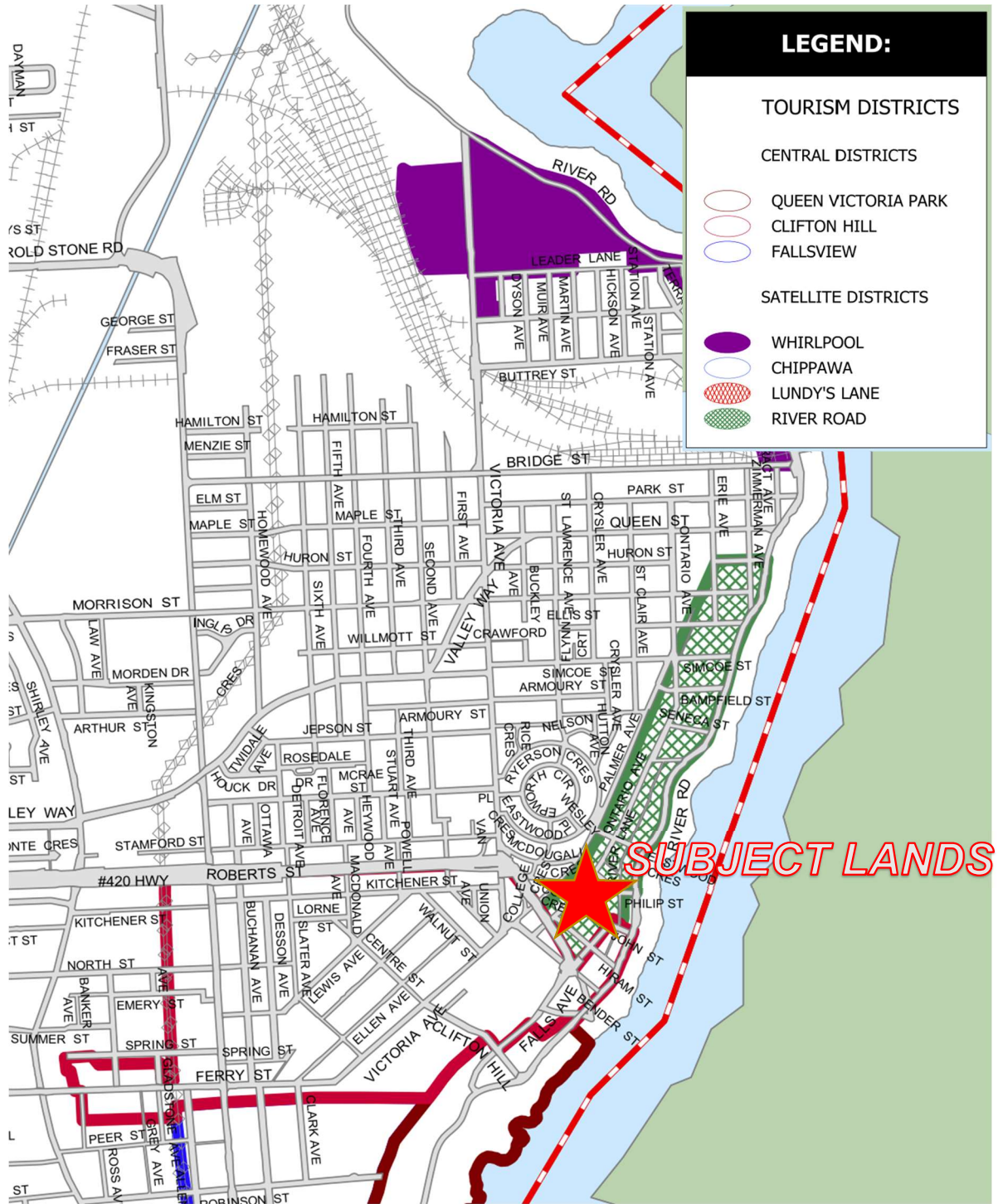


Appendix C – City of Niagara Falls Official Plan Schedules

SCHEDULE A – LAND USE PLAN, *Residential*

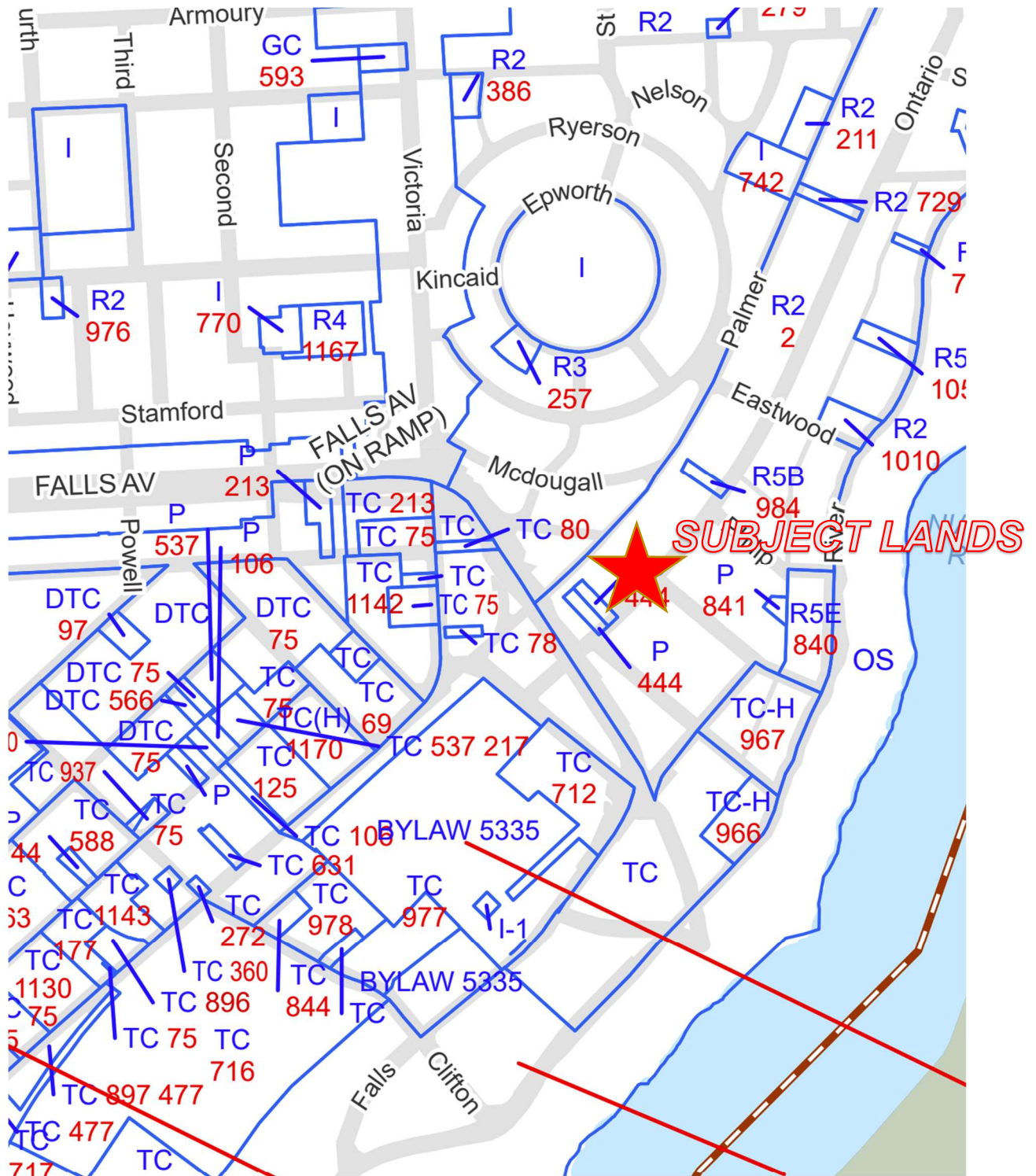


SCHEDULE E – TOURISM MAP, *River Road Tourist District*



Appendix D – City of Niagara Falls Zoning By-law 79-300

SHEET D4 – ZONING MAP



Appendix E – City of Niagara Falls Draft Official Plan Amendment

PART 2 - BODY OF THE AMENDMENT

All parts of this document consisting of the following text entitled PART 2 – BODY OF THE AMENDMENT, 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, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, as Residential 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 0.1158 hectares of land on the north side of Ontario Avenue, being comprised of Lots 15 to 16 of Registered Plan No.328 of the City of Niagara Falls. Notwithstanding Policy 1.10.5(ii) of the Official Plan for the City of Niagara Falls, the maximum density for an apartment dwelling shall be 191 units per hectare on Lot 15 and 121 units per hectare on Lot 16.

SCHEDULE A TO OFFICIAL PLAN AMENDMENT



Residential Special Policy Area "YY"

Appendix F – City of Niagara Falls Draft Zoning By-law Amendment

**CITY OF NIAGARA FALLS
BY-LAW NO. 2022-XX**

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO REZONE THE LANDS TO RESIDENTIAL APARTMENT 5B DENSITY (R5B-XXXX) AND (R5B-YYYY) 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 as described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The Lands shall be identified as two parcels, known as Parcels R5B-XXXX, and R5B-YYYY.
3. The purpose of this by-law is to amend the provisions of By-law 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.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
5. The permitted uses for Parcels identified as R5B-XXXX, and R5B-YYYY shall be the uses permitted in the R5B Zone.
6. The regulations governing the permitted uses on Parcel R5B-XXX shall be:
 - (a) Minimum Lot Area 52 m² for each dwelling unit
 - (b) Minimum Lot Frontage 15 metres
 - (c) Minimum Front Yard Depth 6.0 metres
 - (d) Minimum Interior Side Yard Depth
 - (i) Between points A & B
 - From lot line to building: 4.5 metres
 - From lot line to unenclosed staircase and landing: 2.2 metres
 - (ii) Between points C & D 1.5 metres
 - (e) Minimum Landscaped Open Area 19%
 - (f) Minimum Amenity Area Per Unit 8.0 m² per dwelling unit

7. The regulations governing the permitted uses on Parcel R5B-YYYY shall be:

- | | | |
|-----|----------------------------------|-------------|
| (a) | Minimum Lot Area | As existing |
| (b) | Minimum Lot Frontage | As existing |
| (c) | Minimum Front Yard Depth | As existing |
| (d) | Minimum Interior Side Yard Depth | As existing |
| (e) | Minimum Landscaped Open Area | 19% |
| (f) | Minimum Amenity Area Per Unit | As existing |

8. The regulation governing the permitted uses on Parcel R5B-XXXX and R5B-YYYY shall be:

Notwithstanding provision of Section 4.19.1 of the City of Niagara Falls Zoning By-law, 0.94 parking spaces shall be required for each dwelling containing 3 or more dwelling units. In lieu of the requirement to maintain the required number of parking spaces on the same lot occupied by such building or structure, the required number of parking spaces is required to be maintained on the summation of lands identified in Schedule 1 to this Zoning By-law.

9. All other applicable regulations set out in By-law No.79-200 shall continue to apply to govern the permitted uses of the Lands.

10. No person shall use the Lands for a use that is not a permitted use.

11. No person shall use the Lands in a manner that is contrary to the regulations.

12. The provisions of this By-law shall be shown on Sheet D4 of Schedule "A" of By-law No.79-200 by redesignating the Lands from R2 to R5B-XXXX and R5B-YYYY.

**Read a first, second and third time; passed, signed, and sealed in open Council
this _____ DAY OF _____, 2024.**

CITY CLERK

JAMES M. DIODATI, MAYOR

SCHEDULE B TO ZONING BY-LAW AMENDMENT



**Rezone from R2 to Site Specific R5B-XX Zone
and Site Specific R5B-YY Zone**

Appendix G – Endnotes

ⁱ **Rentals.ca Data:** The data used in this analysis is based on monthly listings from the Rentals.ca Network of Internet Listings Services (ILS). This data differs from the numbers collected and published by the Canada Mortgage Housing Corporation (CMHC).

The Rentals.ca Network of ILS's data covers both the primary and secondary rental markets and includes basement apartments, rental apartments, condominium apartments, townhouses, semi-detached houses, and single-detached houses. CMHC's primary rental data only includes purpose-built rental apartments and rental townhouses. CMHC also collects data on secondary market rentals, but this is reported separately.

CMHC's rental rates are based on the entire universe of purpose-built rental units (rental stock), regardless of rental tenure. CMHC rental rates are reflective of what the average household spends on rental housing and not the current market rents for vacant units. The data used in the Rental.ca report is based on the asking rates of available (vacant) units only and reflect on-going trends in the market. This covers a smaller sample size but is more representative of the actual market rent a prospective tenant would encounter. The Rentals.ca Network of ILS's data typically provides much higher rental rates compared to CMHC, as vacant units typically reset to market rates when not subject to rent control.

The average and median rental rates in this report can also skew higher than CMHC's data for the following reasons: the inclusion of larger more expensive unit types such as single-family homes, townhouse units, and large luxury condominium units; the presence of duplicate or multiple listings at the same property and the survivorship bias where more expensive or over-priced units take longer to lease and remain in the sample longer.

Properties listed for greater than \$5,000 per month, and less than \$500 per month are removed from the sample. Similarly, short-term rentals, single-room rentals, and furnished suites are removed from the sample when identifiable.