

Planning Justification Report
Official Plan and Zoning By-law Amendment

7701 Lundy's Lane
Niagara Falls, ON

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UCC Project No. 23141

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1.0 - PREFACE

Upper Canada Consultants has been retained by 10743186 Canada Corporation to prepare a Planning Justification Report in conjunction with applications for Official Plan and Zoning By-law Amendment made for the property municipally addressed as 7701 Lundy's Lane in the City of Niagara Falls, Regional Municipality of Niagara.

The applications propose the conversion of the existing motel on the property for 96 permanent residential dwelling units, and the construction of a new 6-storey building containing 42 residential apartment units, for a total of 138 residential dwelling units. The dwelling units will be affordable for low- and moderate-income households in accordance with the Niagara Official Plan direction, and the City of Niagara Falls' Housing Strategy.

The need for a Planning Justification Report was identified through the pre-consultation meeting held on June 20, 2024. The pre-consultation agreement is attached as **Appendix I**. The intent of this Report is to provide an overview of the proposal and the applications and to provide a planning rationale for the proposed development in accordance with applicable Provincial, Regional land use policies and regulations.

2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The subject lands are municipally addressed as 7701 Lundy's Lane in the City of Niagara Falls, being located in the northwest quadrant of the Lundy's Lane and Beaverdams Road intersection. The subject lands are approximately 0.7 hectares in area, and irregular in shape as a result of the geometry of Beaverdams Road. An aerial view of the subject lands is provided in **Figure 1**.



Figure 1 - Aerial View of the Subject Lands (Niagara Navigator, 2023 Imagery)

The subject lands are developed with a two-storey motel containing guest rooms, reception and administration areas, retail space and a wedding chapel. The structure approximately follows the perimeter of the property, with the balance of the property being occupied by an asphalt parking area, as well as a pool and some landscaping areas.

The City of Niagara Falls' Official Plan designates the subject lands as Tourist Commercial, and the lands are accordingly zoned as Tourist Commercial (TC) in accordance with Comprehensive Zoning By-law 79-200.

3.0 - PROPOSAL

The proposed development consists of the conversion of the existing motel for permanent residential accommodations, the construction of a new 6 storey apartment building, and some modifications to the outdoor parking and amenity areas. The development proposal is shown visually in **Figure 2**, and each element is described in further detail, below.

Motel Conversion

The conversion of the motel for permanent residential accommodations involves interior renovations to the existing motel units to make them suitable for permanent occupation in accordance with OBC requirements. The chapel and administration areas are also proposed to be renovated to convert them into residential units. The basement areas are proposed to be converted into amenity space.

In total, the motel is proposed to contain 96 apartment dwellings, and approximately 462 square meters of indoor amenity space.

New Apartment Building

A new 6 storey apartment building is proposed to be constructed in the southern portion of the property near Lundy's Lane. The new building is proposed to contain 42 dwelling units, in addition to indoor amenity and utility spaces (ie. mechanical room and bicycle parking room). The dwelling units are approximately 49 square meters (530 square feet) in area, with one bedroom, and a separate bathroom, kitchen and living area.

Parking and Amenity Area Modifications

The parking area modifications include the removal of a small landscaped island to provide for a more regular parking layout and to improve the functionality of the parking lot. The modified parking lot is proposed to contain 88 parking spaces.

An existing landscaped area within the parking lot is proposed to be retained. The landscape area currently contains an inground swimming pool. The swimming pool is proposed to be removed and replaced with alternative landscape and amenity space.



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4.0 - REQUIRED APPLICATIONS

The following Planning Act applications are required to facilitate the proposed development:

Official Plan Amendment

The submitted Official Plan Amendment seeks to permit a maximum development density of 203 units per hectare, whereas the Official Plan permits a maximum density of 100 units per hectare.

Zoning By-law Amendment

The Zoning By-law Amendment proposes to permit standalone residential buildings as a permitted use for the subject lands, while keeping the lands in the Tourist Commercial zoning category. Site-specific zoning provisions are also proposed for permitted uses, minimum front yard depth, minimum exterior side yard width, minimum rear yard depth, maximum height of a building or structure, minimum parking requirements, and minimum parking space and maneuvering aisle dimensions. The proposed Zoning is discussed and evaluated in greater detail under Section 8 of this report.

5.0 – SUPPORTING STUDIES AND REPORTS

A summary of key findings of the reports and studies which have been submitted for the subject applications is provided below. These summaries do not replace the analysis and findings of the original reports. The original report should be consulted for complete information.

Noise Feasibility Study (HGC Engineers)

The Noise Feasibility Study primarily assesses the impacts of road noise from the adjacent roads (ie. Lundy's Lane [RR. 20] and Beaverdams Road) on the proposed residential uses. The report recommends a number of mitigation measures to achieve conformity with MECP guidelines for acceptable noise levels for residential buildings. These include the provision of central air conditioning, upgraded building construction for the proposed building, and warning clauses.

The commercial uses in proximity to the proposed development were also considered in the Noise Feasibility Study. It was determined that anticipated noise impacts from these uses are within applicable noise guidelines limits of the MECP. A warning clause is recommended to inform future occupants of the building of the proximity to existing commercial uses.

Parking Study (Paradigm Transportation Solutions)

The Parking Study concludes that the proposed parking supply of 88 parking spaces - or 0.64 parking spaces per dwelling unit - is sufficient for the anticipated parking demand of the development. The report also confirms that vehicles can utilize the parking spaces, and circulate the parking lot without conflicting buildings or other on-site objects.

Wind Study (Gradient Wind)

The purpose of the Wind Study is to investigate pedestrian wind conditions for the subject site to determine whether mitigation measures are required to minimize wind impacts on pedestrian activities. The study concludes that all areas within and surrounding the subject site are predicted to experience conditions that are considered acceptable for the intended pedestrian uses throughout the year.

5.0 - PROVINCIAL PLANS

5.1 - PLANNING ACT

Section 2 – Matters of Provincial Interest

The Planning Act (R.S.O. 1990) prescribes the regulations for land use planning in Ontario. Section 2 of the Planning Act outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. These matters include:

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*
- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
 - 1. *the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;*
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- m) *the co-ordination of planning activities of public bodies;*
- n) *the resolution of planning conflicts involving public and private interests;*
- o) *the protection of public health and safety;*
- p) *the appropriate location of growth and development;*
- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
 - a) *is well-designed,*
 - b) *encourages a sense of place, and*
 - c) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

With respect to these matters, the subject applications pertain to (h) the orderly development of safe and healthy communities (j) the adequate provision of a full range of housing, including affordable housing and (p) the appropriate location of growth and development.

The applications support the orderly development of safe and healthy communities through compatible infill development within an intensification corridor with access to existing services and amenities. This type of development mitigates the rapid depletion of land to accommodate residential growth and reduces capital infrastructure costs required to service new residential lands.

The proposed development contributes to the provision of a full range of housing including affordable housing as the proposed apartment dwellings will be affordable for low- and moderate-income households.

The applications support the appropriate location of growth and development as the subject lands are located in an intensification corridor with access to infrastructure, services and amenities. There are no constraints to residential development on the site and the proposed development would increase the efficient use of municipal services.

Section 22 – Official Plan Amendments

Section 22 of the Planning Act Establishes the process and requirements to make an amendment to a local Official Plan. The submitted application has been made pursuant to the requirements under this section of the Act.

Section 34 – Zoning By-laws

Section 34 of the Planning Act grants municipal councils the authority to pass Zoning By-laws to regulate the use of the land within a municipality. Amendments to such By-laws are permitted pursuant to Section 34(10) of the Planning Act.

5.2 - 2024 PROVINCIAL PLANNING STATEMENT

The Provincial Planning Statement (PPS) (2024) provides policy direction on the matters of Provincial interest delineated under Section 2 of the *Planning Act* (R.S.O. 1990), and sets the policy framework for regulating the development and use of land. *The Planning Act* states that all planning decisions are required to be consistent with the Provincial Planning Statement. An overview of consistency to the applicable policies is provided below.

Chapter 2: Building Homes, Sustaining Strong and Competitive Communities

Chapter 2 of the PPS establishes the framework for growth and development in the province. Under the Provincial land use classification, the City of Niagara Falls is identified as a large and fast-growing municipality on Schedule 1 of the PPS. The subject lands are located within a settlement area, and are further identified as being within a strategic growth area, which are “nodes, corridors and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form.” The Niagara Falls Official Plan identifies the lands as being within the Lundy’s Lane corridor with specific policies to promote intensification which implement this vision.

Growth and development are focused to settlement areas in general, with strategic growth areas intended to accommodate higher density forms of intensification and development based on targets established by the local planning authority. The Niagara Region Official Plan has established a minimum intensification target of 60% for the City of Niagara Falls. The PPS encourages large and fast-growing municipalities to establish a minimum density target of 50 persons and jobs per hectare. The proposed development density of 203 people per hectare supports the intensification and minimum density targets established in the PPS and Niagara Official Plan, and conforms with the growth management vision for strategic growth areas.

The PPS encourages the provision of an appropriate range and mix of land uses which efficiently use land and infrastructure, and support active and multi-modal transportation options. The proposed development occurs within the existing built-up area and has access to municipal infrastructure and services, including public transportation service. The proposed development provides for the efficient use of this existing infrastructure, and the subject lands. The development supports multi-modal transportation options through the requested reduction in vehicular parking requirements which in turn encourages use of the existing transit service, as well as active transportation modes.

The PPS encourages the provision of an appropriate range and mix of housing options and densities to meet projected needs of current and future residents, including housing that is affordable, accessible, and equitable. In order to achieve this, the PPS encourages planning authorities establish and implement minimum targets for the provision of housing that is affordable to low and moderate income households; and to permit and facilitating all housing options required to meet such needs, and all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites for residential use, development and introduction of new housing

options within previously developed areas, and redevelopment, which results in a net increase in residential units. The proposed development is consistent with this policy as it proposes the redevelopment of an underutilized commercial property (motel) to provide for new affordable housing options within a previously developed area.

Chapter 3: Infrastructure and Facilities

The PPS encourages development patterns which enable the efficient provision and use of public infrastructure and services. In order to achieve this, the use of existing infrastructure should be optimized before consideration to develop new infrastructure. The subject lands are within the existing built-up area and have access to a full range of municipal infrastructure and services. The proposed development helps to optimize the efficient use of the existing infrastructure and services.

6.0 - NIAGARA OFFICIAL PLAN (2022)

The 2022 Niagara Official Plan (NOP) outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051.

CHAPTER 2 – GROWING REGION

Chapter 2 of the NOP contains the policy framework for the accommodation of the Region's projected population and employment growth.

2.1 – FORECASTED GROWTH

Per Section 2.1, the Region of Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000 people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1, wherein the City of Niagara Falls has a projected population of 141,650 people and 58,110 jobs.

2.2 – REGIONAL STRUCTURE

Section 2.2 establishes the regional land use structure, based on Provincial directives which dictate how the projected growth in the Region is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planned, and where a range of transportation options can be accommodated. The Settlement Area is comprised of the Delineated Built-up Area and the Designated Greenfield Area.

Schedule B of the Regional Plan indicates that the subject lands are the Delineated Built-up Area (see **Figure 3**, below). The subject lands are also serviced with existing water and wastewater systems and are therefore an appropriate location to accommodate prescribed growth.



Figure 3 - Excerpt from Region of Niagara Official Plan Schedule B - Regional Structure

2.2.1 – Managing Urban Growth

Per Policy 2.2.1.1 a), development in the Built-up Area is required to support the achievement of the Region’s intensification target. The Region’s intensification target is 60%, as stipulated in policy 2.2.2.5. Table 2-2 of the NOP further breaks down the intensification target by municipality. The City of Niagara Falls is assigned an intensification target of 50% translating to the construction of 10,100 new dwelling units within the existing Built-up Area by the year 2051. The proposed development contributes positively to the accommodation of prescribed residential growth in the City’s Built-up Area.

Policy 2.2.1.1 b) states that development in urban areas should support a compact built-form and a mix of land uses to support the creation of complete communities. The proposed development accommodates compact residential development in proximity to commercial and institutional uses, which contributes to the achievement of a complete community.

Policy 2.2.1.1 c) states that development in urban areas should accommodate a diverse range and mix of housing types, unit sizes and densities to accommodate future and current marked-based and affordable housing needs. The proposed development will contribute affordable apartment dwellings to the City’s housing stock.

Policy 2.2.1.1 e) states that development in the urban area should support built-forms, land use patterns and street configurations that minimize land consumption, reduce the cost of municipal water and wastewater systems and services. The subject lands have access to existing municipal services. The proposed development will increase the efficient use of the subject lands, as well as the municipal services.

Policy 2.2.1.1 g) states that development in urban areas should support opportunities for intensification including a mix of residential built-forms in appropriate locations to ensure compatibility with established residential areas. The proposed development provides intensified residential development that is reflective of and compatible with the surrounding area.

2.3 – HOUSING

The objectives of the policy direction under Section 2.3 of the NOP are to provide a mix of housing options to address current and future needs, to provide more affordable and attainable housing options, and to plan to achieve affordable housing targets through land use and financial incentive tools.

2.3.1 – Provide a Mix of Housing Options

Policy 2.3.1.1 directs that a range and mix of densities, lot and unit sizes and housing types, including attainable and affordable housing should be accommodated in the settlement area to meet housing needs at all stages of life. The proposed development provides additional single detached housing choice.

2.3.2 – Provide for Affordable and Attainable Housing

Policy 2.3.2.3 states that 20% of new rental housing is to be affordable. According to the Niagara Falls Housing Strategy, a rental price of \$2,400 per month or less is considered affordable for low- and moderate-income households.

The proposed units are anticipated to be rented at between \$1,000 and \$1,800 monthly. The proposed development contributes to the achievement of this target for the City of Niagara Falls.

2.3.2 – Planning Tools to Achieve Affordable and Attainable Housing

Policy 2.3.3.1 e. states that site standards to facilitate the development of additional residential units, such as reduced setbacks and reduced parking standards are appropriate tools to be utilized to support the development of affordable and attainable housing. The subject applications request consideration for site specific zoning provisions (eg. reduced setbacks and parking standards, increased height and density) which help to provide affordable rental housing.

7.0 - CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)

INTRODUCTION

The City of Niagara Falls Official Plan contains land use policies which implement the City's long-term growth management goals. Schedule A of the Niagara Falls Official Plan identifies that the subject lands are designated as Tourist Commercial (see **Figure 4**). Schedule A2 further identifies that the lands are in the Built-up Area, and are located along a "corridor".

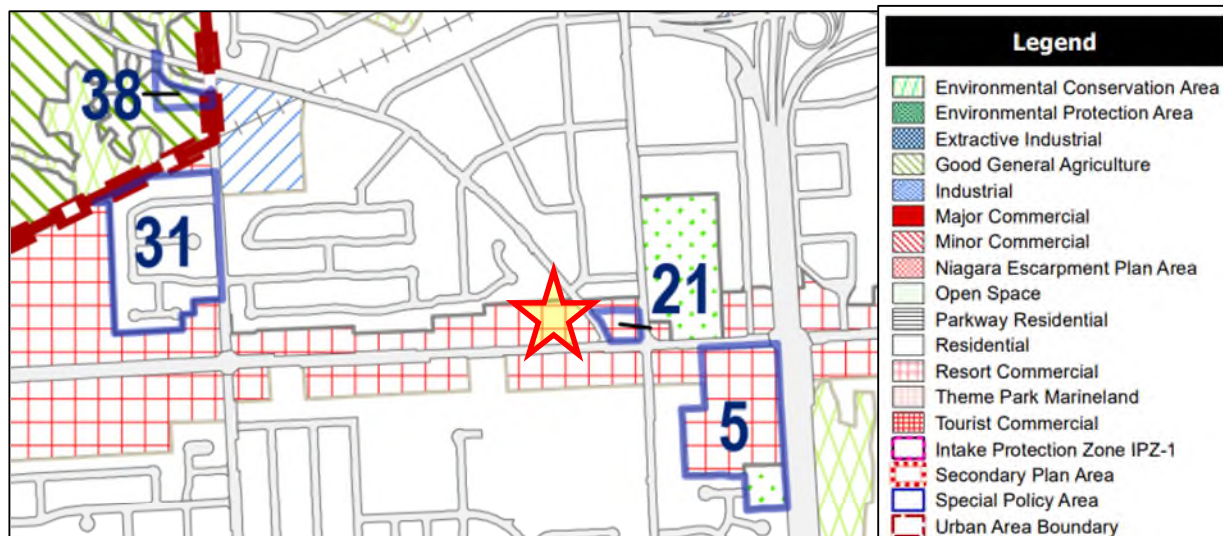


Figure 4 - Excerpt from Niagara Falls Official Plan, Schedule A

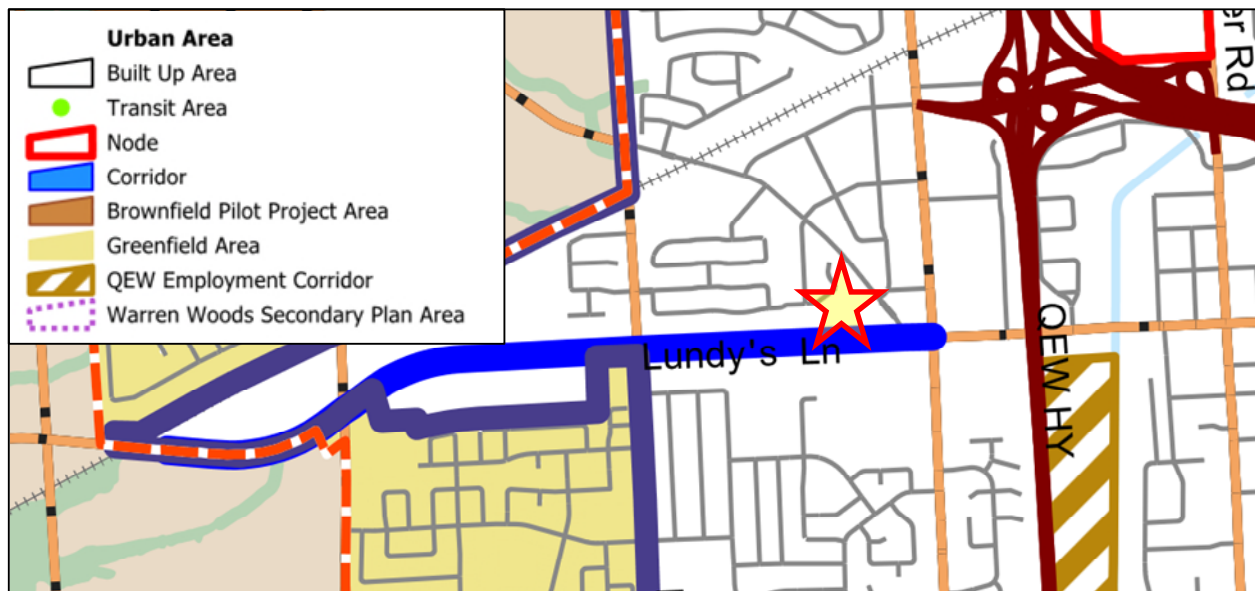


Figure 5 - Excerpt from City of Niagara Falls Official Plan, Schedule A2

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

Section 2 – Strategic Policy Direction

The intent of the Official Plan is to guide land use and development in the City of Niagara Falls so as to ensure orderly and efficient growth to meet Provincial and Regional growth targets while maintaining and protecting natural heritage and agricultural lands.

Growth Objectives

Contained under this heading are the City's Growth Objectives which guide the subsequent policy direction for the land uses identified on Schedule A. The following is an evaluation of the proposal's conformity to the Growth Objectives, with the objectives quoted verbatim and an analysis of conformity provided in *italics*.

1. To direct growth to the urban area and away from non-urban areas.

The applications appropriately propose growth in the urban area.

2. To protect Natural Heritage Areas and their functions.

The subject lands are not impacted by Natural Heritage Areas.

3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.

Consistent with this objective, the proposal seeks to increase density on serviced urban lands. The proposed development increases the efficient use of the land and infrastructure.

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.

According to the Region of Niagara Official Plan (2022) the City of Niagara Falls is anticipated to have a population of 141,650 by 2051. The proposed development supports the accommodation of Niagara Falls' anticipated growth in accordance with Provincial, Regional and growth management directives.

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.

Per the most recent Regional Official Plan (2022), the City of Niagara Falls' intensification target is 50%. The proposed development supports the achievement of the City's intensification obligations.

9. To encourage alternative forms of transportation such as walking, cycling and public transit.

The proposed zoning amendment proposes a reduction in automobile parking for the development. Reducing parking supply encourages alternative modes of transportation including walking, cycling and use of public transit.

10. To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.

The proposed development represents intensification within the urban boundary. The efficient redevelopment and intensification of existing urban land limits the need to expand the urban boundary and allows for an adequate amount of land to be maintained to accommodate future growth.

11. To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.

Consistent with this objective, the subject lands are serviced urban lands and the proposed development would facilitate the intensification of the land.

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".

According to the Niagara Falls Housing Strategy, a rental price of \$2,400 per month or less is considered affordable for low- and moderate-income households. The proposed units are anticipated to be rented at between \$1,000 and \$1,800 monthly. The proposal therefore contributes to the supply of affordable rental housing.

Policies

Contained under this heading are the policies related to the Growth Objectives outlined in the previous section. The following is an evaluation of the proposal's conformity to these policies, with the objectives quoted verbatim and an analysis of conformity provided in *italics*.

- 2.3** The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.

According to Table 1, the City of Niagara Falls is anticipated to have a population of 106,800 in 42,740 households. The proposed development would increase the efficient use of existing residential lands to accommodate this anticipated growth.

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

The subject lands are located within the Lundy's Lane intensification corridor as identified on Schedule A2 of the Official Plan. The development provides for increased densities that make efficient use of the existing infrastructure and services, including public transportation service.

- 2.8** The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the policies of Part 1, Section 3 of this Plan.

Schedule B of the Official Plan indicates that the subject lands are within the Existing Municipal Service Area. The proposed development of the land does not require the provision of new infrastructure.

- 2.11** No new urban areas shall be created.

The applications propose the efficient and intensified use of lands within an existing urban area.

Section 3 – Intensification

The policies under this heading apply to applications for intensification including development on lands within the Built-up Area. The following is an evaluation of the proposal's conformity to the applicable Intensification Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

General Policies

- 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 publically assessed. Proposals of sufficient land area shall be developed through plans of subdivision.

A site-specific Zoning By-law Amendment application has been submitted to permit and regulate the proposed development.

While the Official Plan generally permits residential intensification to occur on the subject lands, an Official Plan amendment is required to permit the proposed density.

- 3.2** The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.15.5(iii).

The subject lands are designated as Tourist Commercial.

Part 2, Section 4.2.9 states that residential uses may be permitted throughout lands designated as Tourist Commercial either as standalone or mixed use buildings. The applications propose standalone residential buildings which are permitted according to this policy.

Policy 4.2.31 c) states that residential uses may develop to a maximum building height of 6 meters and to a maximum density of 100 units per hectare, and a minimum density of 50 units per hectare.

Part 2, Section 1.15.5 (iii) does not exist in the publicly available version of the City's Official Plan. It is assumed that this policy is meant to reference Part 2, Section 1.10.5 (iii) which outlines height and density requirements for apartment buildings. This policy permits apartments that are not more than 6 storeys to be developed up to a maximum density of 100 units per hectare, with a minimum permitted density of 75 units per hectare. These policies are generally consistent with the policies under Part 2, Section 4.2.31 c).

The proposed development conforms with the maximum building height of 6 storeys. The submitted Official Plan amendment seeks to permit an increase in density up to 203 units per hectare. The requested amendment is desirable as it allows for an efficient development density which enables the units to be offered at an affordable rental rate. The surrounding area is also conducive to supporting this density as the lands have access to commercial and service uses through multi-modal transportation modes, including public transit service, with a bus stop located immediately in front of the subject lands. The development will not significantly contribute to road traffic as the parking supply for the development has been limited in accordance with the recommendations of the Parking Study. Furthermore, the Functional Servicing Report submitted with the applications confirm that municipal infrastructure can support the proposed density.

- 3.3** The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.

The subject lands are shown to be within the Lundy's Lane intensification corridor on Schedule A2 of the Official Plan.

- 3.4** The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan.

The subject lands are designated as Tourist Commercial. This policy is therefore not applicable.

Intensification Corridors

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

The subject lands are located along the Lundy's Lane intensification corridor as shown on Schedule A2 of the City's Official Plan, and is therefore considered an appropriate location for the proposed intensification and residential uses.

- 3.9** The portion of Lundy's Lane to the west of Montrose Road is identified as an intensification corridor on Schedule A-2 to this Plan as this section is characterized by large lots capable of supporting intensification at varying levels. Intensification may take the form of:
- c) tourist commercial redevelopment that capitalizes on, and expands upon, the existing tourism infrastructure. Uses that serve as attractors, as well as indoor and outdoor recreational facilities, are encouraged;
 - d) local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road; and
 - e) residential uses in accordance with the policies of Part 2, Section 4.2.31.

The proposed development takes the form of residential uses as described under sub-heading e). Conformity to the requirements under Part 2, Section 4.2.31 is evaluated subsequently in this report. The submitted Official Plan amendment seeks to permit an increase in the maximum density permitted for the lands under that policy set.

SECTION 4 – HOUSING (HOUSING IMPACT STATEMENT)

The City's Official Plan requires that applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium are to include a housing impact statement, demonstrating how the proposal implements the City's Housing Strategy. This section of the Planning Justification Report addresses this requirement.

The proposed development will consist of 138 rental apartment units. The proposed 6-storey apartment building is proposed to contain 42 of these units, with the remaining 96 units being located in the existing structure. All of the units are proposed to contain one bedroom. A variety of unit layouts are proposed (refer to **Appendix V**).

The units within the proposed apartment building range from approximately 41 square meters (448 square feet) 44 square meters (474 square feet). The proposed units in the existing structure range from approximately 20 square meters (210 square feet) to 91 square meters (985 square feet).

The proponent has indicated that the anticipated rental rates will range from \$1,000 - \$1,800 per month, depending on factors such as unit size and the inclusion of dedicated parking for a unit.

The Official Plan requires that applications which result in the loss of 6 or more rental housing units will require a tenant relocation plan, and a description of how the units will be replaced. The current use of the property is for a motel. The proposal results in the creation of rental housing units.

Vision and Goals for Housing

The Official Plan contains the following vision for housing:

“All residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.”

The proposed development implements, or otherwise supports the following goals associated with this vision:

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).

Housing Policies

The following is an evaluation of how the proposal conforms with the applicable policies for housing under Part 1, Section 4 of the Official Plan

- 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.

4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.

4.3.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.

4.3.5 Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning By-law.

The proposed development reflects the development patterns described under Policy 4.3.1, being a multiple unit development with innovative housing forms. The proposed development also represents the efficient use of an underutilized parcel as described under Policy 4.3.2. Such development patterns are encouraged under the Official Plan.

- 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.

The proposal will contribute a variety of unit sizes which provides for a range of rental prices, contributing to the provision of affordable housing units.

- 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.
- 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.

The City’s Housing Strategy Report (January 2022) provides direction on these affordability targets. Action #1 provides that 270 units per year are to be built as affordable, with the following breakdown:

- 135 units per year to be built at a rental price at or below \$2,400 per month
- 135 units per year to be built as rental units, with a rental price at or below \$968 per month

As noted, the monthly rent for the proposed units is anticipated to be between \$1,000 and \$1,800 per month. The proposed rents fall below the target \$2,400 per month rent, required to achieve affordability in accordance with the Niagara Region’s definition for affordable.

Therefore, the proposed development on its own exceeds the City’s annual target for housing that is affordable according to the Region’s definition.

General Policies

The policies under this heading apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposal's conformity to the applicable General Policies, with the policies quoted verbatim and an analysis of conformity provided in *italics*.

Building Quality and the Emerging Skyline

- 4.1.23** The skyline of Niagara Falls shall continue to be characterized by the three existing viewing towers. New high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height shall be considered by zoning by-law amendment on a site specific basis.

The proposed Zoning By-law Amendment proposes a maximum building height of 6 storeys. The proposed building height does not detract from the existing skyline of Niagara Falls as defined by the 3 viewing towers.

- 4.1.24** A system of built-form regulations in the Tourist Area shall be established, based on the following principles:

- a) The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;

The proposed building height is significantly lower than those in the Central Tourism district.

- b) Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;

The subject lands are located within a Satellite District, and the proposed building is appropriately low-rise in nature.

- c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;

The subject lands abut commercial land uses. Overshadowing impacts on commercial uses are not considered under this policy.

- d) The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;

The above-noted policies are evaluated under the applicable section of this report.

- e) Council will consider the merits of development applications having regard to the policies of this Plan;

The proposed amendments have been submitted for Council's consideration and decision. This Planning Justification Report evaluates the merits of the applications against applicable planning policies.

- f) All applications for additional building heights will be treated on a quid pro-quo basis wherein the developer agrees to provide public realm improvements; and,

No public realm improvements were identified through the pre-consultation process.

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

As the building is less than 10 storeys in height, Architectural Peer Review is not applicable.

Tourism Districts

- 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.

The subject lands are within the Lundy's Lane Satellite Tourism District as delineated on Schedule E.

- 4.2.3** The Lundy's Lane Satellite District is a multi-functional commercial area catering to both City residents and tourists. A portion of the District also provides opportunities for cultural heritage preservation

The proposed development caters to residents. The proposed development does not impact any cultural heritage resources.

- 4.2.9** Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.

The proposed development consists of standalone residential uses, which are permitted under this policy.

Conformity to the policies under Part 1, Section 3 is evaluated previously in this report. As noted, the development generally conforms with the policies under this section. An Official Plan Amendment is required to permit the proposed density.

Lundy's Lane Satellite District

4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.

The proposed development is comprised of residential uses, as envisioned in this policy.

4.2.27 The portion of Lundy's Lane to the east of Montrose Road is intended to function primarily as a community serving and tourist commercial corridor. Residential intensification within this corridor shall be in accordance with Part 1, Section 3.9.

The subject lands are located to the west of Montrose Road. This policy is not applicable.

4.2.29 An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:

- h) a uniform building setback, closer to the street line with a consistent landscaped setback;
- i) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,
- j) front yard surface parking limited to one row, with additional parking provided to the rear of buildings.

4.2.30 The Lundy's Lane Satellite District interfaces primarily with residential lands north and south. To lessen potential land use conflicts with the residential lands, commercial development shall be designed in accordance with the following:

As the proposed development consists of residential uses, the design and compatibility considerations for commercial development are not applicable.

4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:

- a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.

The proposed development consists of standalone residential buildings, which are permitted under this policy.

- b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.

The proposed 6 storey apartment building has been located close to Lundy's Lane which helps to provide an activated and pedestrian friendly streetscape.

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

The proposed building is 6 storeys in height. The proposed development represents a development density of 203 units per hectare. An Official Plan Amendment has been submitted to permit the proposed development density. A Zoning By-law Amendment has been submitted to regulate the proposed height through zoning.

- d) Building heights shall respect surrounding building heights site specifically by increasing separation distances from buildings of lower height and from public open spaces.

The proposed building height of 6 storeys for the proposed apartment building is permitted under the previous Official Plan policy. The existing building is 2 storeys in height. The proposed development conforms with this policy as the 6 storey portion of the building is sufficiently separated from adjacent lands and does not create any incompatibilities.

- e) Buildings should be sited such that rear yard setbacks are equal to building height and interior side yards are appropriate for the building height proposed in relation to abutting land uses;

The rear yard setback for the proposed development consists of the rear yard setback for the existing building.

- f) Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have active pedestrian uses or residential units when abutting street frontages.

The development does not include a standalone parking structure, however the ground floor of the proposed building is proposed to contain covered parking. The parking is located at the rear of the building with the building maintaining an attractive street-facing façade.

- g) Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.

The proposed development generally maintains the existing parking location and layout which is located within a courtyard and is therefore separated from adjacent properties. Some improvements are also proposed to increase the amount of landscape space between the parking area and Lundy's Lane.

- h) Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.

A reduction in parking is proposed for the proposed development through the submitted Zoning By-law Amendment. The reduction is supported by a Parking Study.

- i) Developments should provide pedestrian connections to the surrounding neighbourhood where possible.

The proposed development includes sidewalk connections to the public sidewalk on Lundy's Lane.

- j) Amenity space is to be provided for residential uses and may take the form of:
- private on-site green space;
 - balconies and roof-top green space; or
 - public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.

Amenity space for the proposed development is provided by way of indoor amenity areas, outdoor amenity areas.

- 4.2.32** New developments within the Lundy's Lane Satellite District shall be consistent with Section 4.3.7 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form.

Conformity to these sections is demonstrated in this report.

- 4.2.33** A comprehensive Streetscape Master Plan for the Lundy's Lane Satellite District shall be undertaken, in cooperation with area BIA'S, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.

The Lundy's Lane Urban Design Guidelines have been prepared to address this policy.

High-Quality Private Development

- 4.4.1** High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built-form regulations consistent with Section 4.1.24 of this Plan.

The proposed development is subject to the Lundy's Lane Urban Design Guidelines. An Urban Design Brief has been prepared under a separate cover to demonstrate conformity to this document.

Building Heights

- 4.4.2** Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum height set

out in Fig. 4 and section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria:

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

Policy 4.2.31 c) of the Official Plan permits residential buildings in the Tourist Commercial Area to be a maximum of 6 storeys. The proposed building height of 6 storeys conforms with this policy.

A Zoning By-law Amendment application is required to permit the proposed building height. The application has been submitted with all materials requested through pre-con. Despite not exceeding 10 storeys in height, a wind study has been included with the rezoning submission. No public realm improvements were identified through the pre-consultation process.

- 4.4.3** In order to provide reasonable flexibility in the regulation of building heights, general parameters for building heights will be established rather than strict height limits. In this regard, the following parameters will apply:

High-rise 13 to 30 storeys

Medium-rise 9 to 12 storeys

Low-rise 5 to 8 storeys

In accordance with this policy, the proposed 6-storey building is considered to be "low-rise".

- 4.4.4** In approving zoning by-law amendments permitting increases in building heights, Council shall authorize the use of Section 37 of the Planning Act and enter into legal agreements under that Section to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture and the provision of landscaped open space.

The proposed building height is permitted under Official Plan policy 4.2.31 c) of the Official Plan. A Zoning By-law Amendment has been submitted to implement this height through Zoning. No public realm improvements were requested through the pre-consultation process.

- 4.4.5** By virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.

The application has been submitted with a wind study which concludes that the proposed 6 storey building does not create wind impacts which would impact pedestrian uses in proximity. The subject lands do not abut residential uses, and shadowing impacts are not considered.

Massing of New Development

- 4.4.6** High-rise developments shall not overwhelm the public realm, nor shall they collectively create a solid wall at the top of the escarpment. The intention is to permit tall buildings to be built but to reduce their massing and visual impact as they become taller and to provide appropriate gaps between them. At lower levels, buildings will be permitted to develop to the property line in order to enhance street level activities.

In accordance with Policy 4.4.3, the propose building is considered to be “low-rise”. The proposed building has been located close to the street in order to enhance the pedestrian realm, as envisioned in this policy.

- 4.4.7** Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.

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

These policies are not applicable as the proposed building is not a high-rise building.

- 4.4.8** Regulating the scale and massing of buildings, as described in policy 4.4.7, will be implemented through the adoption of site specific zoning provisions for individual development projects.

A site-specific Zoning By-law Amendment has been submitted for the proposed development.

8.0 - CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)

Existing Zoning

The subject property is currently zoned as Tourist Commercial (TC) in accordance with the City's Comprehensive Zoning By-law (79-200), as shown in **Figure 5**, below.

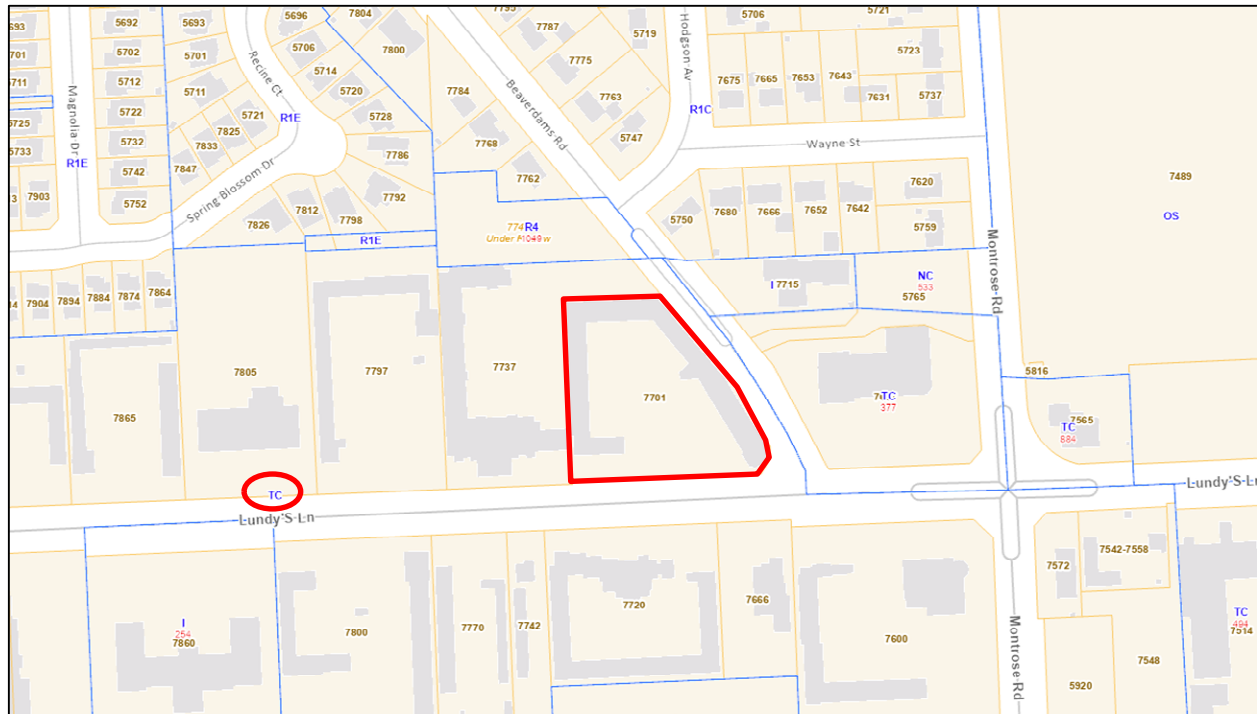


Figure 7 - Existing Zoning Information (cropped from Niagara Falls Viewer - Land Regulation)

Proposed Amendment

The Zoning By-law Amendment proposes the inclusion of site-specific provisions for the existing Tourist Commercial zone in order to implement the proposed development, as well as to recognize some existing zoning deficiencies.

A zoning matrix is included in **Table 1** which demonstrates where zoning relief is required. An evaluation of each site-specific provision is provided below **Table 1**. A Draft Zoning By-law Amendment is included as **Appendix III**.

Table 1 – Zoning Conformity**Zoning By-law 79-200****Section 8.6 Tourist Commercial Zone (TC)**

Provision	Required	Provided	Proposed Provision
8.6.1 – Permitted Uses			
Various commercial uses; dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 50% of the total floor area of such a building is used for dwelling units, and further provided that such dwelling units except entrances thereto are located entirely above the ground floor.		Standalone Residential Uses	Add: Standalone Residential Uses
8.6.2 – Regulations			
a) Minimum lot frontage	6 meters	91.48 meters	No Change
b) Minimum front yard depth	13.1 meters from the centreline of the original Lundy's Lane road allowance	12.38 to the proposed building	12.3 meters to the centreline of the original Lundy's Lane road allowance
c) Minimum rear yard depth (residential building)	10 meters	1.7 meters (existing building)	1.7 meters
d) Minimum interior side yard (abutting a commercial zone)	None	0 meters (existing building)	No Change
e) Minimum exterior side yard	11.5 meters from the centreline of the original Beaverdams Road road allowance	10.92m to centreline of original Beaverdams Road road allowance (existing building)	10.9 meters to the centreline of the original Beaverdams Road road allowance
f) Maximum lot coverage	70%	41.1%	No Change
g) Maximum height of building or structure	12 meters	18.37 meters to the top of the roof deck 22.08 meters to the top of the mechanical penthouse (mechanical penthouses exempt from height requirement per Section 4.7)	18.5 meters
h) Maximum floor area	None	N/A	No Change
i) Parking and access	In accordance with Section 4.19.1	See below	
j) Loading area requirements	In accordance with Sections 4.20	None	No Change
k) Maximum floor area for each retail store	400 square meters	N/A	No Change

l) Maximum floor area of all retail stores per property		3,530 square meters	N/A	No Change
4.19 Parking Areas				
Minimum Parking Space Requirements		1.4 parking space per dwelling unit	0.64 spaces per dwelling unit	0.64 spaces per dwelling unit
Parking Space Dimensions	More than 60 degrees and up to 90 degrees	2.75m x 6m	2.5m x 6.0m (existing) 2.75m x 6.0m (proposed)	No Change
	More than 45 degrees and up to 60 degrees	2.75m x 6.4m	2.3m x 6.0m (existing)	2.3m x 6.0m for existing spaces No Change for proposed spaces
Maneuvering Aisle Width	More than 60 degrees and up to 90 degrees	6.9 meters	4.14 meters (existing) 7.0 meters (proposed)	4.1 meters for existing maneuvering aisle
	More than 45 degrees and up to 60 degrees	5.2 meters	4.14 meters (existing)	

Requested Site Specific Relief

Permitted Uses

The proposed Zoning By-law Amendment seeks to add standalone residential uses as a permitted use for the subject property, whereas residential uses in the Tourist Commercial Zone must be in conjunction with a permitted commercial use, must be located on the second floor and must not occupy more than 50% of the floor area of a building. The requested provision is desirable and appropriate as it contribute to the provision of affordable housing units in the City. The subject lands will retain the balance of the permitted tourist commercial uses.

Minimum Front Yard Depth

The front yard depth requirement for the subject lands under the Zoning By-law is 13.1 meters to the centreline of the original Lundy's Lane road allowance. A minimum setback of 12.3 meters to the centreline of the original Lundy's Lane road allowance is requested for the proposed development.

The requested variance is desirable as it enables the proposed apartment building to be located closer to the sidewalk which helps to achieve an activated and pedestrian-friendly streetscape.

Furthermore, the reduced front yard setback does not impact the planned width of Lundy's Lane as the road already achieves the ultimate planned width. The reduced front yard setback also does not impact traffic site lines as the Niagara Region has already acquired a 6m x 6m daylight tringle at the intersection of Lundy's Lane and Beaverdams Road.

Minimum Exterior Side Yard Depth

The front yard depth requirement for the subject lands under the Zoning By-law is 11.5 meters to the centreline of the original Beaverdams Road road allowance. A minimum setback of 10.9 meters to the centreline of the original Beaverdams Road road allowance is requested for the proposed development.

The site-specific provision is requested to recognize the existing exterior side yard depth for the existing building. The proposed apartment building exceeds the required setback under the Zoning By-law.

Minimum Rear Yard Depth

The requested site-specific minimum rear yard depth seeks to recognize the existing rear yard depth of the existing structure.

Maximum Height of a Building or Structure

A maximum height of 18.5 meters is requested for the proposed apartment building. The requested height in meters translates to a total of 6 residential storeys. Policy 4.2.31 c) under Part 2 of the Official Plan permits residential buildings in the Tourist Commercial Area to be a maximum of 6 storeys. The proposed building height therefore conforms with the Official Plan, and the requested site-specific provision implements this permission.

The increased building height does not cause negative impacts on adjacent uses. A Wind Study has been submitted with the Zoning By-law Amendment which concludes that all areas within and surrounding the subject site are predicted to experience conditions that are considered acceptable for the intended pedestrian uses throughout the year.

With regards to shadow impacts, the adjacent lands are occupied by commercial uses. Shadowing impacts are only considered for residential uses in accordance with the Official Plan. Nevertheless, given the distance from the proposed building on adjacent land uses, the proposed building is not anticipated to cause shadow impacts on adjacent properties.

Minimum Parking Requirements

The proposed Zoning Amendment requests a parking ratio of 0.64 parking spaces per dwelling unit, whereas a minimum of 1.4 parking spaces per dwelling unit are required under the Zoning By-law.

The proposed parking ratio is supported by the Parking Study which provides the following justification for a reduced parking supply:

- All-day parking utilization surveys were conducted for comparable low/moderate-income apartments (7280 Lundy's Lane and 8004 Lundy's Lane). The data set compiled utilizing the highest parking demand observed at each site shows that the maximum parking demand ranges from 0.51 to 0.58 parking spaces per unit.
- As 7701 Lundy's Lane has a proposed parking supply of 0.64 parking spaces per unit, the development exceeds the maximum parking demand observed.

- Based on the survey data, 7701 Lundy's Lane is estimated to have weekday parking demands of 81 parking spaces. Therefore, the proposed supply of 88 parking spaces is sufficient for the 138 units.
- Metrolinx's 2041 Transportation Plan highlights the need for better parking management in land use planning, as current zoning by-laws insufficiently address vehicle dependency in future developments. It advocates for prioritizing parking management by aligning off-street parking supply with transit expansion and promoting alternatives to driving.
- The Growth Plan for the Greater Golden Horseshoe directly calls for a shift away from automobile travel and towards more sustainable forms of transportation, including transit and active transportation. The Provincial Policy Statement contains several policies which promote efficient development and the optimization of land and infrastructure and call for a reduction in parking rates. The development adheres to the policy framework by providing a parking supply that will meet the expected demand while not oversupplying.
- In 2021, Ontario appointed a Housing Affordability Task Force to recommend improving market housing supply and affordability. Their report identified that costly parking stall requirements hinder affordable housing projects, even when not needed.
- Recent societal changes have made car ownership less necessary. Online shopping and delivery services for groceries and household items have reduced the need for a car for errands. The popularity of vehicles-for-hire and bicycles has increased, and the future arrival of automated vehicles is expected to decrease personal automobile ownership further. These changes will reduce the demand for vehicle parking.

Parking Space Dimensions

The Zoning By-law Amendment seeks a reduction in parking space dimensions for spaces at an angle of between 45 and 60 degrees, from 2.75 x 6.4 meters, to 2.3 x 6.0 meters. The requested zoning relief applies to several of the existing angled parking spaces located between the existing building and the amenity area. All of the proposed parking spaces meet the minimum parking space dimensions.

The Parking Study submitted with the application includes an Autoturn analysis which confirms that all of the parking spaces are functional, and can accommodate a parked vehicle, which is confirmed by their present use.

Maneuvering Aisle Width

An associated reduction in maneuvering aisle width is also requested for the existing maneuvering aisle serving the existing angled parking spaces. The Autoturn analysis included in the Parking Study also confirms that the maneuvering aisles are functional which is also confirmed by their present use. The maneuvering aisle only permit traffic circulation in one-direction.

9.0 - PLANNING POSITION

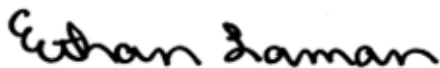
The submitted Official Plan and Zoning By-law Amendment applications propose the creation of 138 affordable rental apartment dwellings through the conversion of an existing motel and the construction of a new 6-storey apartment building at 7701 Lundy's Lane in Niagara Falls.

The applications represent good planning for the following reasons:

- The applications appropriately direct significant growth and development to a strategic growth area within the City of Niagara Falls;
- The development will contribute to the provision of land use patterns that efficiently use land and infrastructure;
- The development contributes to the provision of a range and mix of land uses that help to achieve complete communities.
- The proposed development is consistent with the minimum growth target for large and fast-growing municipalities in the PPS, and contributes to the minimum intensification target for the City of Niagara Falls established in the Niagara Official Plan.
- The proposed development density, and requested reduction in vehicular parking requirements support the use of multi-modal transportation options, including the use of the existing public transit service
- The proposed development helps to support the City's Housing strategy by contributing to the supply of housing that is affordable for low- and moderate-income households.

In my opinion, the requested amendments should be supported as they are consistent with the Provincial Planning Statement, and conform with the Niagara Official Plan.

Prepared and submitted by,



Ethan Laman, BURPL., MCIP, RPP
Senior Planner
Upper Canada Consultants

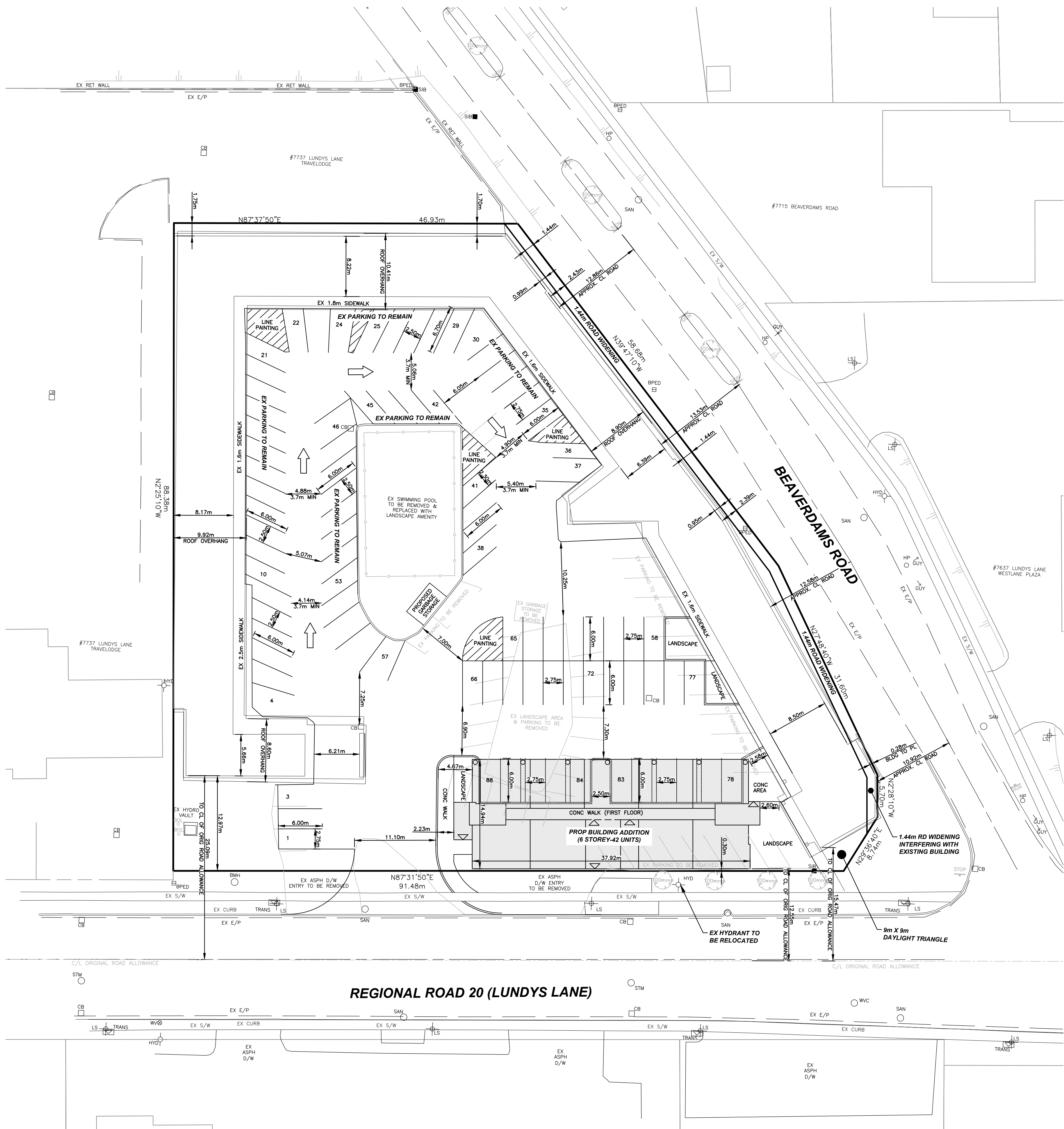
Appendix I

Site Plan

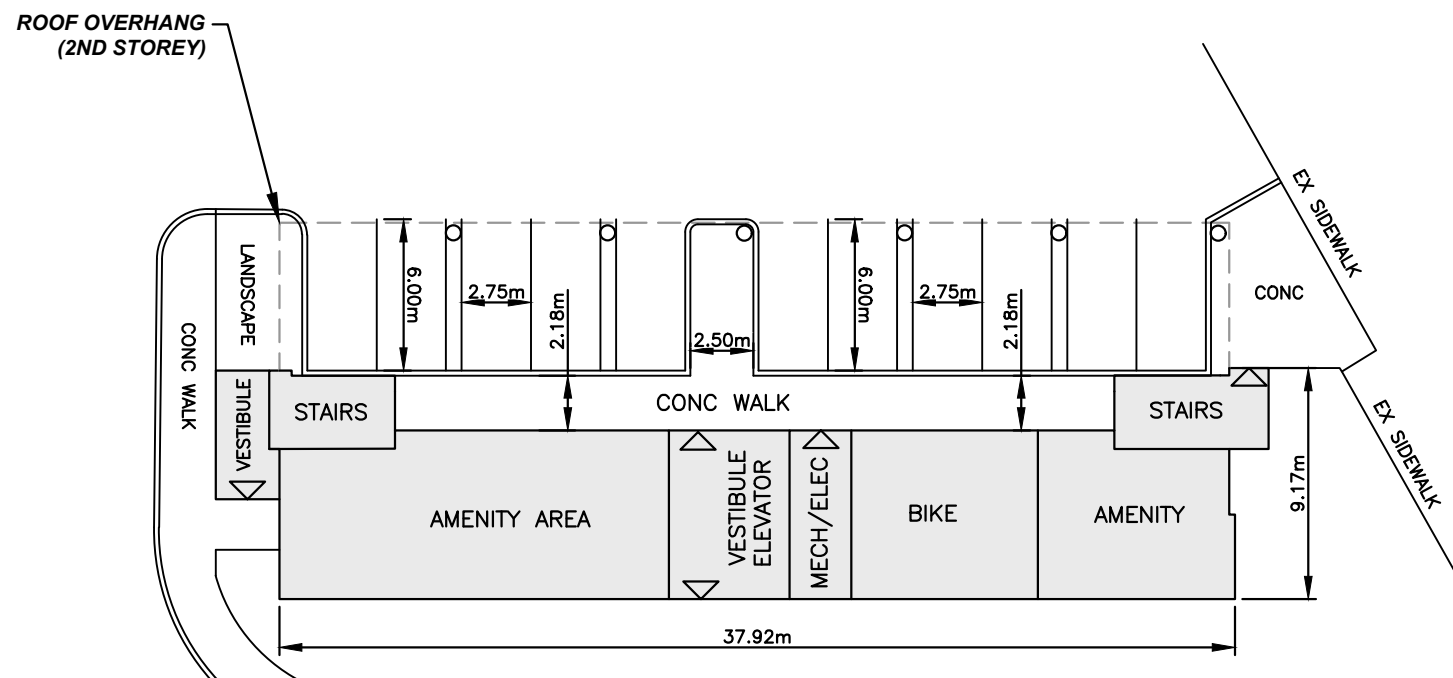


7701 LUNDY'S LANE

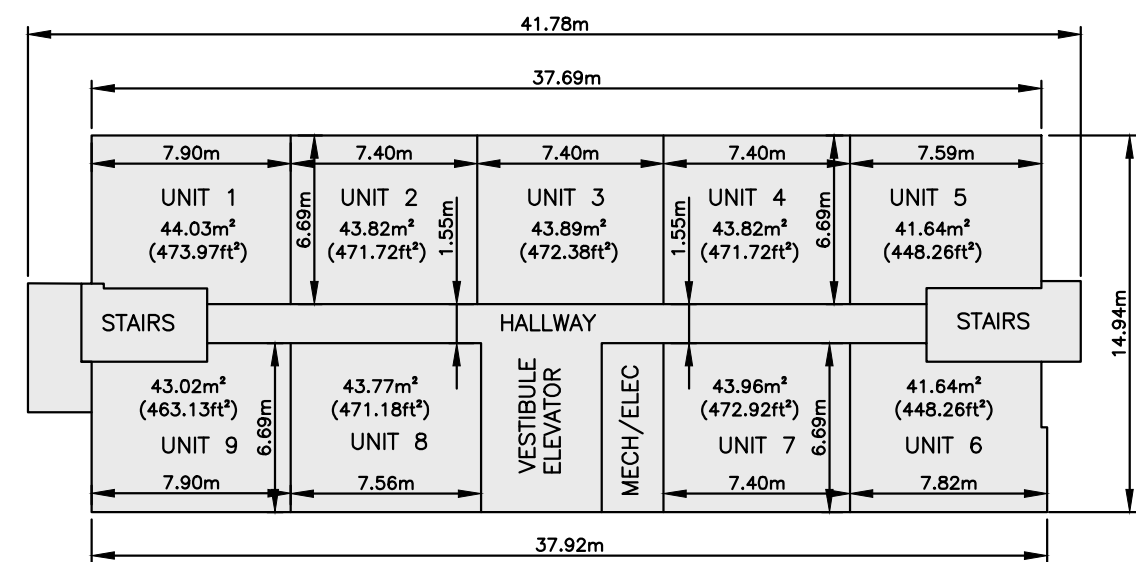
NIAGARA FALLS



MAIN FLOOR LAYOUT
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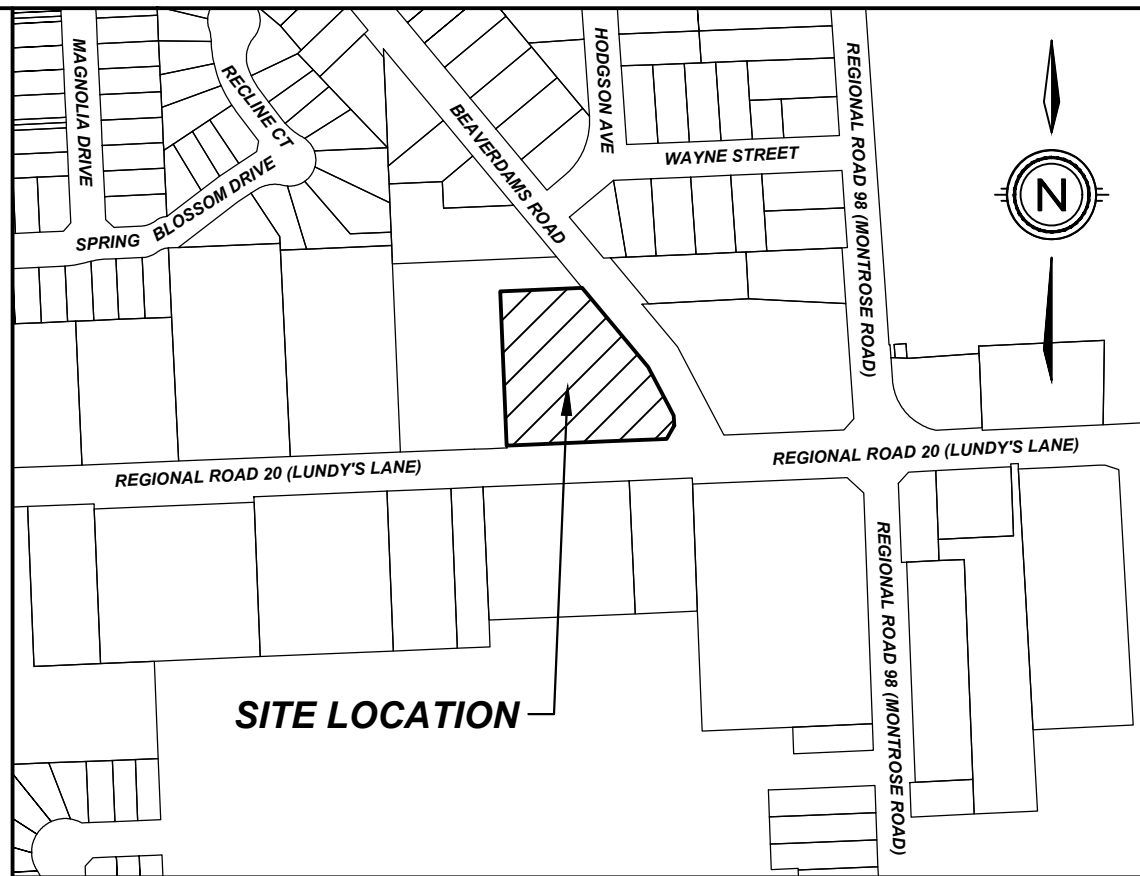
2nd to 6th FLOOR LAYOUT
1:300



**** FLOOR LAYOUT FOR DEMONSTRATION ONLY**
PLEASE REFER TO FLOOR PLANS PREPARED BY MZE ARCHITECTS**

ZONING REQUIREMENTS

Tourist Commercial (TC)		
PROVISION	REQUIRED	PROVIDED
PERMITTED USES	Various commercial uses; dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 50% of the total floor area of such a building is used for dwelling units, and further provided that such dwelling units except entrances thereto are located entirely above the ground floor	Standalone residential uses
MINIMUM LOT FRONTAGE	6 meters	91.48 meters
MINIMUM FRONT YARD DEPTH	13.1 meters from the centreline of the original Lundy's Lane road allowance	12.55 meters (proposed building)
MINIMUM REAR YARD DEPTH	10 meters	1.7 meters (existing building)
MINIMUM INTERIOR SIDE YARD WIDTH (not abutting a residential, institutional or open space zone)	none required	0 meters (existing building)
MINIMUM EXTERIOR SIDE YARD WIDTH	11.5 meters from the centreline of the original Beaverdams Road road allowance	10.9 meters to the centreline of the original Beaverdams Road road allowance (existing building)
MAXIMUM LOT COVERAGE	70%	41.26%
MAXIMUM HEIGHT OF A BUILDING OR STRUCTURE	12 meters	18.37 meters to the top of the roof deck 22.08 meters to the top of the mechanical penthouse
PARKING AND LOADING		
PROVISION	REQUIRED	PROVIDED
APARTMENT	1.4 spaces per dwelling unit	0.64 spaces per dwelling unit
PARKING SPACE DIMENSIONS	More than 60 degrees and up to 90 degrees	2.75 meters x 6.0 meters (existing) 2.75 meters x 6.0 meters (proposed)
	More than 45 degrees and up to 60 degrees	2.75 meters x 6.4 meters (existing)
	More than 60 degrees and up to 90 degrees	4.14 meters (existing) 7.0 meters (proposed)
MANEUVERING AISLE WIDTH	More than 60 degrees and up to 90 degrees	6.9 meters
	More than 45 degrees and up to 60 degrees	5.2 meters



KEY PLAN
N.T.S.

CONCEPT PLAN

SITE STATISTICS

AREA	ha	% COVERAGE
BUILDING	0.281	41.26
ROAD/DRIVEWAY/PARKING	0.317	46.56
LANDSCAPING	0.083	12.18
TOTAL	0.681	100.00

PARKING STATISTICS

EXISTING APARTMENT/MOTEL = 96 units
PARKING PROVIDED (0.64 spaces per unit) = 61 spaces
PROPOSED APARTMENT EXPANSION = 42 units
PROPOSED PARKING REQUIRED (0.64 spaces per unit) = 27 spaces
TOTAL UNITS = 138 units @ 0.64 SPACES PER UNIT = 88 REQUIRED
TOTAL PARKING PROVIDED = 88 SPACES

← DIRECTION OF TRAFFIC FLOW

ISSUED FOR DISCUSSION	2024-11-01	TA
REVISION	DATE	INIT

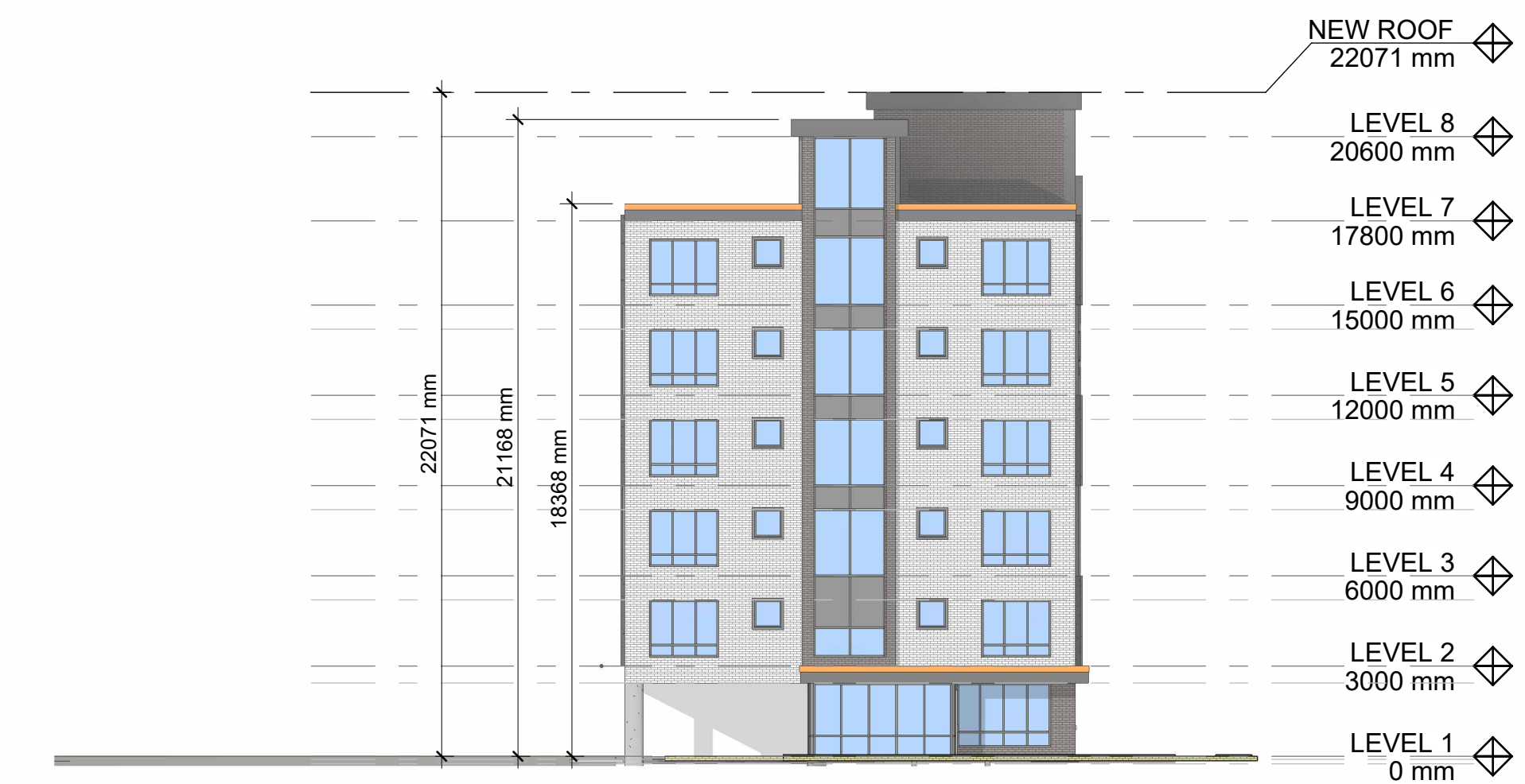
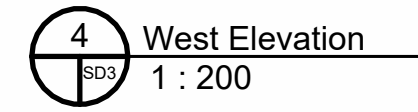
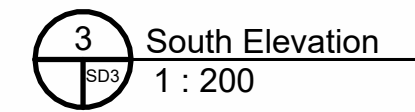
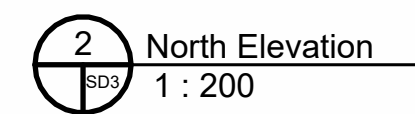


DRAWING TITLE	DRAFTING	TA
7701 LUNDY'S LANE SITE PLAN	DATE	NOVEMBER 1, 2024
	PRINTED	NOVEMBER 1, 2024
	SCALE	1:300
	DWG No.	23141-SP
	REV	0

Appendix II

Architectural Elevations and Floor Plans





architecture design inc
96 Church St. / St. Catharines / Ontario / L2R 3C8 / 905.685.8467
info@mzarchitects.com / www.mzarchitects.com

[illegible]

File No:	23-28
Scale:	1 : 200
Drawn By:	MZE/a+d
Plot Date:	8/21/2024 2:33:40 PM
Issue Date:	04/10/2024

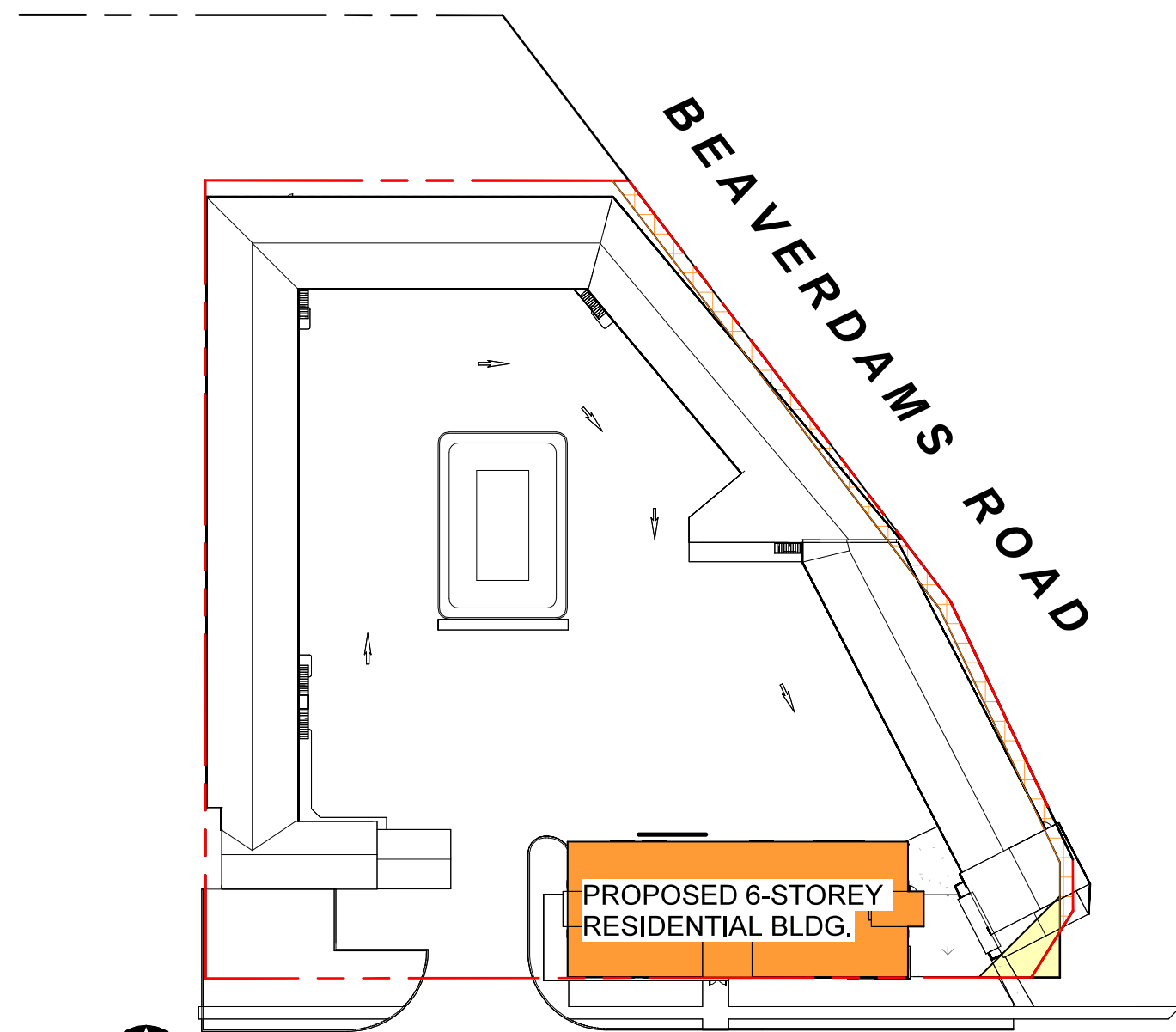
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GATTA HOMES INC.

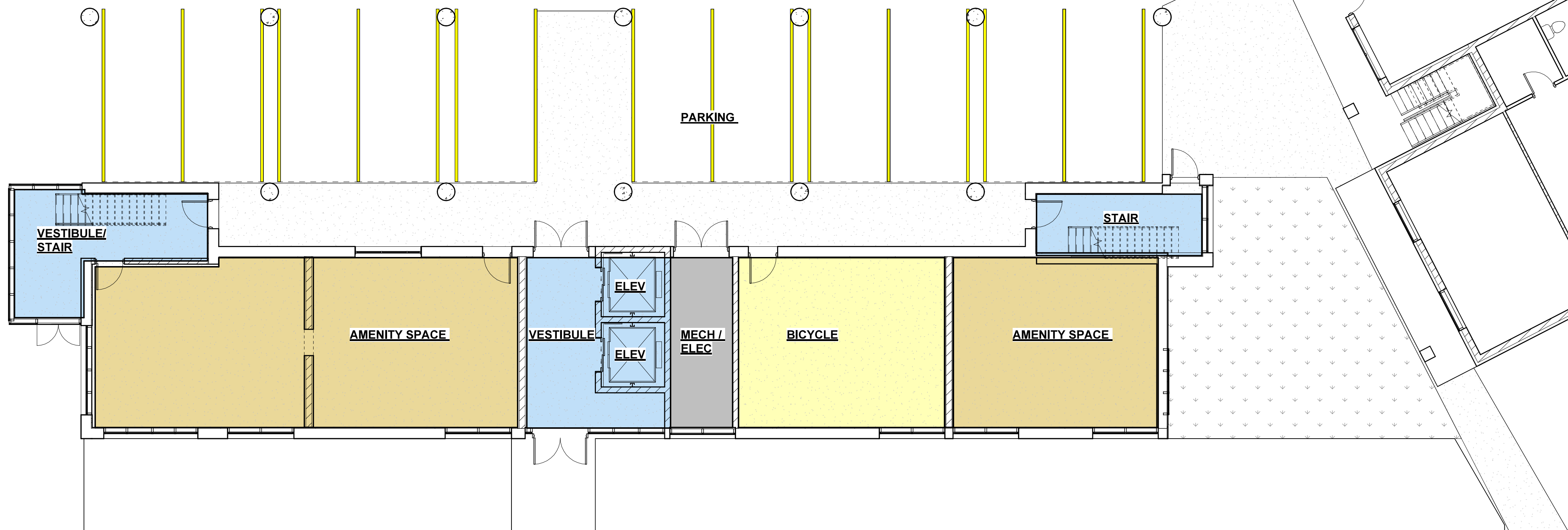
77701 Lundy's Lane, Niagara Falls ON.

SD - PROPOSED ELEVATIONS

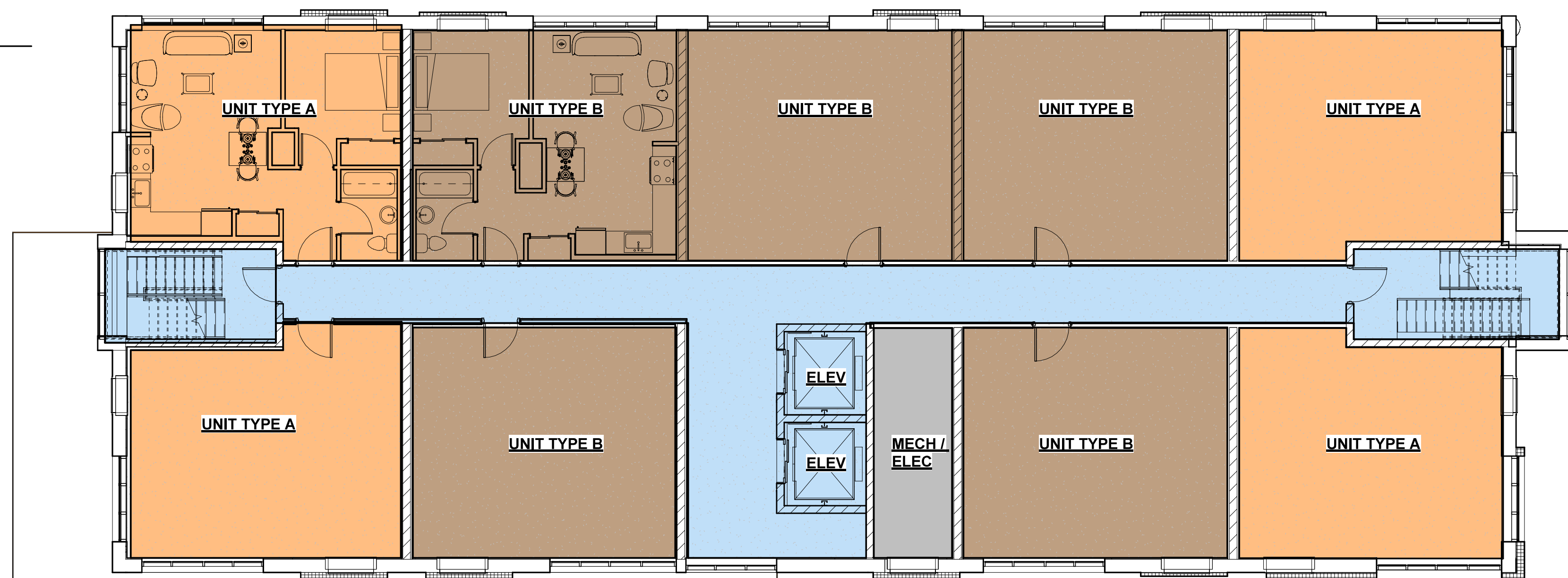
SD3



3 SD - SITE PLAN
1" = 60'-0"



1 SD - GROUND FLOOR PLAN
1/8" = 1'-0"



2 SD - SECOND FLOOR PLAN
1/8" = 1'-0"

TYPICAL 3, 4, & 6 FLOOR PLANS

ADAPTIVE REUSE RESIDENTIAL
GATTA HOMES INC.

7701 Lundy's Lane, Niagara Falls ON.

SD - PROPOSED FLOOR PLANS

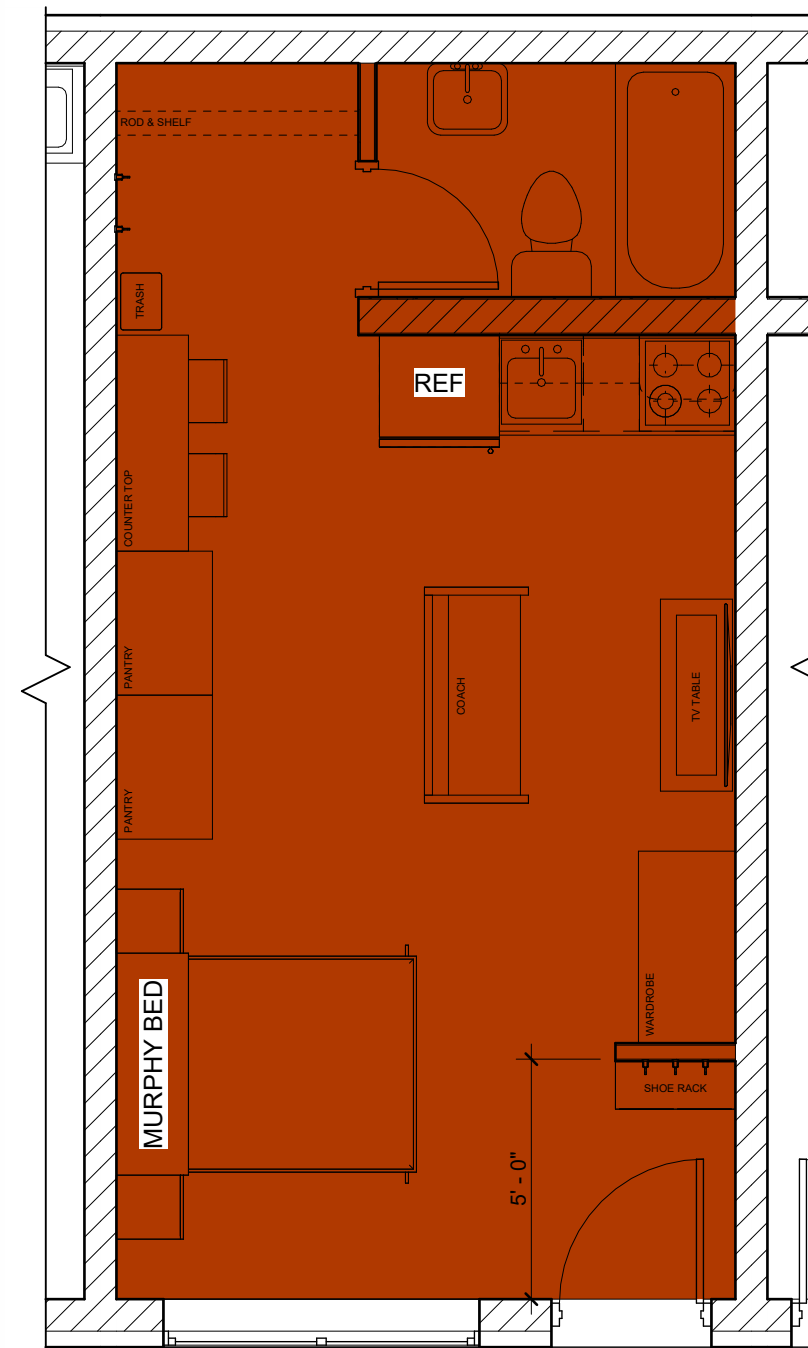
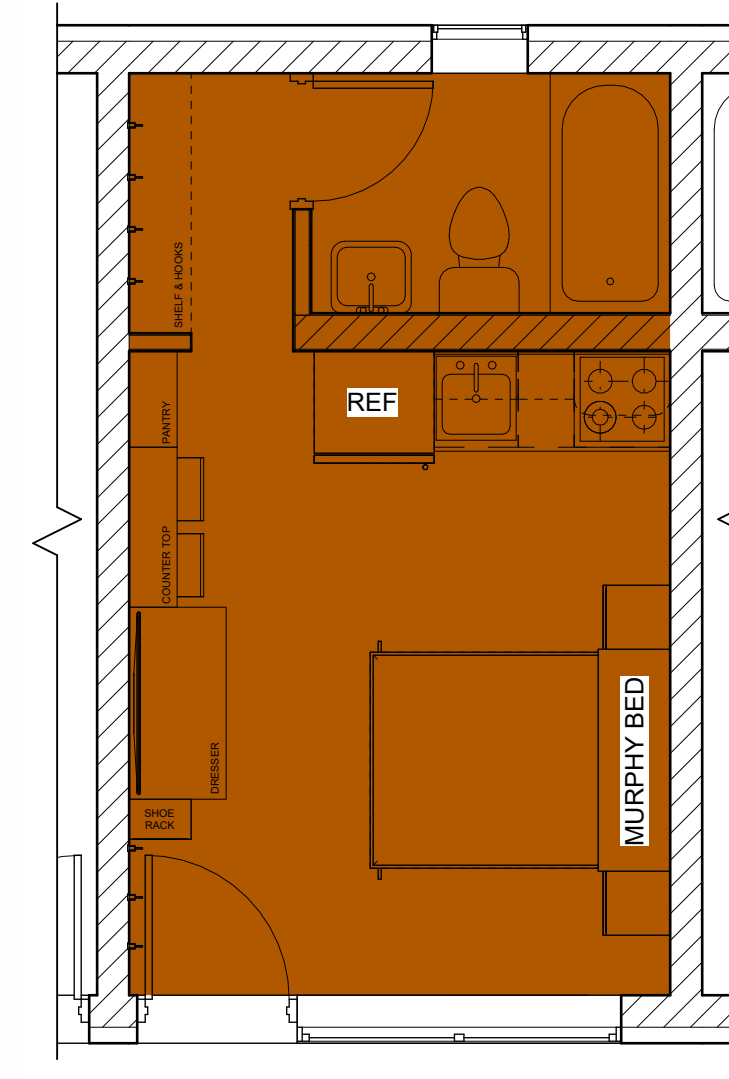
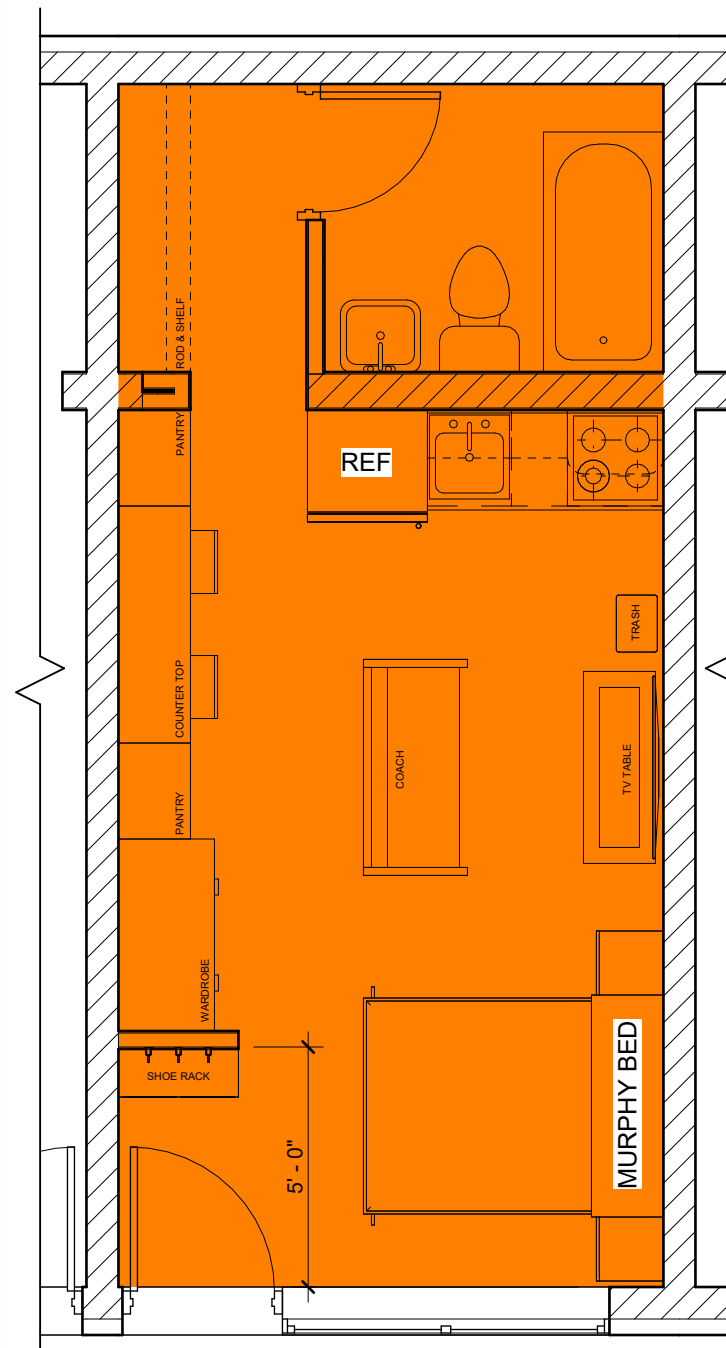
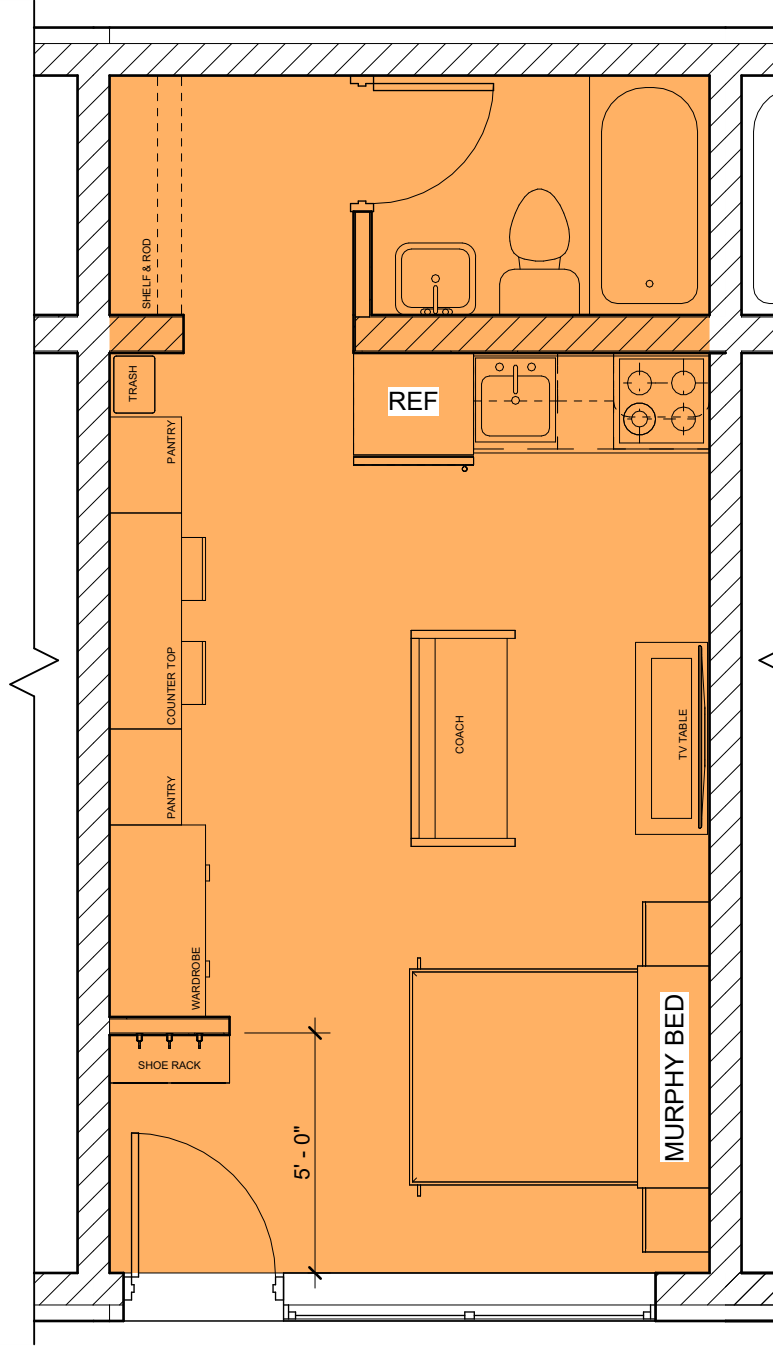
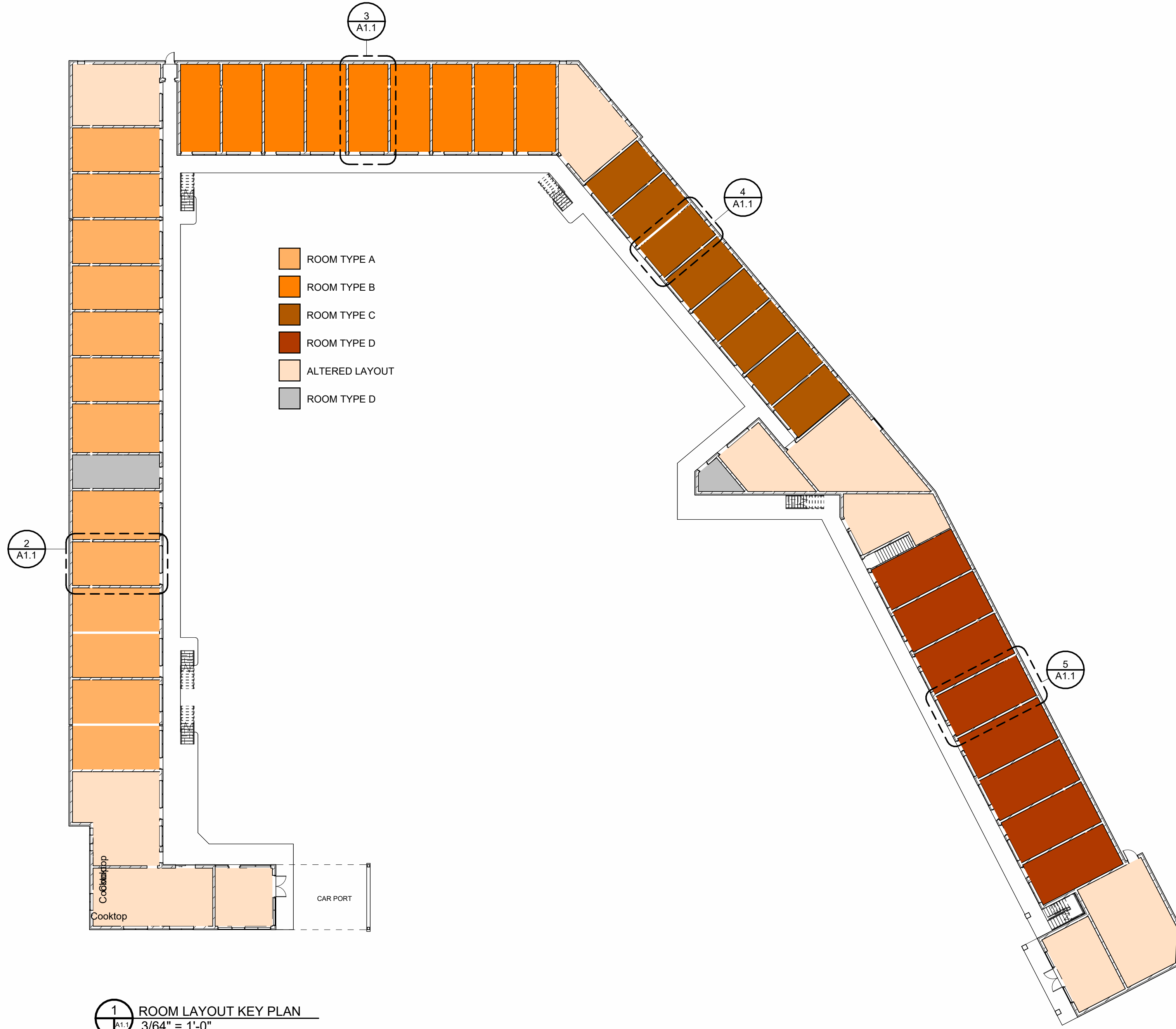
OWNERSHIP AND USE OF
DRAWINGS
These drawings are prepared by
MZE Architecture + Design Inc. for
the use of the owner for the project
described herein. They are not to be
used for any other project or purpose
without the written authorization of
MZE Architecture + Design Inc.

architecture design inc.
96 Church St. / St. Catharines Ontario / L2R 3C9 / 905.665.6467
info@mzearchitecture.com / www.mzearchitecture.com

No.	Revisions:	Date:

File No:	23-28
Scale:	As indicated
Drawn By:	MZE/ard
Plot Date:	5/07/24 8:53:48 AM
Issue Date:	94/10/2024

SD2



Appendix III
Draft Zoning By-law Amendment



**THE CORPORATION
OF THE
CITY OF NIAGARA FALLS
BY-LAW NO. [REDACTED]**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to facilitate the development of the lands with six single-detached dwellings (_____).

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Scheduled 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 Parcel TC-[REDACTED].
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on any of the Lands.
 - a. Apartment dwellings;
 - b. The balance of uses permitted in the TC Zone.
5. The regulations governing the uses permitted on Parcel TC-[REDACTED] shall be as follows:

TC-XXX Zone Provisions	
a) Minimum Front Yard Depth	12.3 meters to the centerline of the original Lundy's Lane road allowance
b) Minimum Rear Yard Depth	1.7 meters
c) Minimum Exterior Side Yard	10.9 meters to the centerline of the original Beaverdams Road road allowance
d) Maximum Height of a Building or Structure	18.5 meters
e) Minimum Parking Space Requirements	0.64 spaces per dwelling unit
f) Parking Space Dimensions – more than 45 degrees and up to 60 degrees	2.3 metres x 6.0 meters
g) Maneuvering aisle width – more than 45 degrees and up to 60 degrees	4.1 meters

6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this by-law shall be shown on Sheet X of Schedule "X" of By-law No. 79-200 by re-designating the Lands from the Tourist Commercial (TC) zone to Tourist Commercial site-specific (TC-XXX) Zone.

Passed this ____ day of ____, 2024.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF ____, 2024.

MAYOR

CITY CLERK

Draft

Appendix IV
Draft Official Plan Amendment



CITY OF NIAGARA FALLS

By-law No. 2024-

A by-law to provide for the adoption of Amendment No. X to the City of Niagara Falls Official Plan

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

1. The attached text and map constituting Amendment No. X to the City of Niagara Falls Official Plan is hereby adopted.

Passed this X day of X, 2024.

.....
CITY CLERK

.....
MAYOR

First Reading:
Second Reading:
Third Reading:

OFFICIAL PLAN AMENDMENT NO. XX

PART 2 - BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 - Body of the Amendment, consisting of the following text and attached map, constitute Amendment No. X to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT The Official Plan of the City of Niagara Falls is hereby amended as follows:

1. MAP CHANGE

The "Area Affected by this Amendment", shown on the map attached hereto, entitled "Map 1 to Amendment No. X", shall be identified as Special Policy Area "X" on Schedule "A" to the Official Plan.

2. TEXT CHANGE

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

13.X SPECIAL POLICY AREA "X"

Special Policy Area "X" applies to approximately 0.681 hectares of land which has frontage on Lundy's Lane and Beaverdams Road.

Notwithstanding anything to the contrary, this land may be developed with residential uses to a maximum density of 203 units per hectare.

Appendix V
Pre-consultation Agreement



Persons intending to make an application for a proposed development are required to consult with planning staff prior to submitting an application. A pre-consultation meeting will identify what is required to be submitted for a complete application and will provide the opportunity to discuss:

- the nature of the application;
- development and planning issues;
- fees;
- the need for information and/or reports to be submitted with the application;
- the planning approval process;
- other matters, as determined.

Pre-consultation Meeting

Date: June 20/2024

Time: 3:15 pm

Attendance:

Municipal Staff	Owner/Agent/Other	Phone #/E-mail
Brian Kostuk, Marcus Eng-	Ethan Laman	ethan@lurc.com
Dean Spinnello-Bus Dev-	Upper Canada Consultants	(905) 688-9400 ext 505
Cesar Building, John-transportation		(289) 228-5879
Water-Region, Olivia-Landscape	Gatta-applicant	
Abby-First Nation,		

Pursuant to Section 4 of By-law No. 2009-170 being a by-law to require pre-consultation for certain applications under the Planning Act, the Director of Planning, Building & Development may waive the requirement for a formal consultation meeting. I hereby waive the requirement for a formal consultation meeting on the proposal detailed herein.

Date:

Signature:

Property Details

Location of property:	(address) 7701 Lundy's Lane
	(legal description) PT Lot 133 S 42 R 43 11 P 101, 59 R 46 04 P 15 01, 02
Area (ha): 0.68 ha-	Frontage (m): 91.48 m
Site Drawing Attached <input checked="" type="checkbox"/>	
Municipal land involved: No <input type="checkbox"/> Yes <input type="checkbox"/> (legal description)	

Proposal

Brief description of proposal: To convert the existing 96-unit motel to dwelling units and construct 6-storey, 42 unit apartment dwelling

	1 st Phase	2 nd Phase	Other
gross floor area	-	-	-
building height	2 storey + 6 storey		-
# of dwelling/hotel/commercial units	138 residential units		-

Location

☐ Brownfield
☐ Greenfield
☒ Built-up
☐ NEP
☐ Outside Urban Boundary

Designations		Conformity
Regional Policy Plan	BuiltUp	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Niagara Escarpment Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Official Plan Designation	Tourist Commercial (TC)	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No density
Secondary Plan		<input type="checkbox"/> Yes <input type="checkbox"/> No
Zoning	TC zone in accordance Zoning By-law No. 79-200, as amended	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No rezone

Proposed Application(s) (check all applicable)

<input type="checkbox"/> Regional Policy Plan Amendment	<input checked="" type="checkbox"/> Zoning By-law Amendment (site specific)	<input type="checkbox"/> Land Division
<input type="checkbox"/> Niagara Escarpment Commission o Amendment o Development Permit	<input type="checkbox"/> Subdivision Approval	<input type="checkbox"/> Condominium Approval o Vacant Land o Common Element o Conversion
<input checked="" type="checkbox"/> Official Plan Amendment (density)	<input type="checkbox"/> Site Plan Approval	

Required Information and Studies to be submitted with the Application(s). Studies identified with an asterisk* will likely require a peer review at the cost of the developer.

Local	Region	NPCA	Reports, Studies, Plans (See Notes for additional details)	Number of		Notes
				Elect Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality			
			Archaeology Assessment			
			Conceptual Site Plan, Subdivision Plan			
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			
			Environmental Planning Study/Sub-Watershed Study			
	X		Environmental Site Assessment/Record of Site Condition			Phase One
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X			Municipal Servicing Study			FSR Report
X	X		Noise & Vibration Study			
X	X		Other - Landscape Plan Concept			
			Phasing Plan			
X	X		Planning Justification Report			
			Risk Management Study			
X			Road Widening			1.44m - Beaverdams

			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X			Stormwater Management Plan			Brief
X			Transportation Impact Study/Parking Impact Analysis			
			Tree inventory Preservation Plan			
			Urban Design Brief/Architectural Brief			
			Urban Design/Landscape Plans			
X	X		Wind Study			

Public Consultation

Is a neighbourhood pre-consultation meeting planned?

☒ Yes

☐ No

☐ Unknown

(Note: One is required to be held by the City prior to the public meeting required by the Planning Act for subdivisions, condo conversions, official plan amendments and zoning by-law amendments.)

Other Issues

katie-Region-intensification, PTR-Landscape Plan, wind analysis, more details

stephan- Landuse - Noise impact study - Phase 1-environmental, No requirements

standard warning clause, waste collection, enhanced collection- 5storey

abbey- First Nations- no comments or concerns

John-same comments- 1-25 rate, parking justification report,

Olivia- Landscape, urban design, urban design, pedestrian access, screening

parking area, screening back area along beaverdams, new building with

existing should be compatible, urban design brief- parkland 5% - tree preservation

plan trees along Windy Island

marcus- City Engineering- FSR- SWM brief, post development flows

Site Visit

Is a site visit necessary to assess the proposal?

☒ Yes

☐ No

Does the owner consent to a site visit?

☒ Yes

☐ No

Incentive Program

Are there any incentive programs?

☐ Yes

☐ No

What are the details?

Summary of Issues

3party modelling - site plan, and additional

Cesar- building, standard comments, proximity new building, windows, glazing

new building and existing building, concern wall construction, have designer

review separations- no basement slab on grade

usama Ali -outside

Please see City's Building, Fire, Zoning, Landscape, Engineering

Transportation, GIS, *(third party modelling send first to

Engineering to complete - before formal submission)

make sure to discuss affordability in the PJR

PLANNING & DEVELOPMENT DIVISION APPLICABLE FEES

CHECK APPLICABLE BOX	APPLICATION	FEES
<input type="checkbox"/>	Official Plan Amendment Application:	12,200.00
	Zoning Amendment Application:	
<input type="checkbox"/>	• for high-rise hotels	14,500.00
<input type="checkbox"/>	• complex	12,200.00
<input type="checkbox"/>	• standard	5,600.00
	Official Plan and Zoning Amendment Application (combined):	
<input checked="" type="checkbox"/>	• combined	\$21,630.00
<input type="checkbox"/>	•	
	Site Plan Application:	
<input type="checkbox"/>	•	
<input checked="" type="checkbox"/>	• all other lands (including Testamentary Devise)	8,520.00
<input type="checkbox"/>	•	
	Plan of Subdivision Application:	
<input type="checkbox"/>	• Residential Plan	13,500.00
<input type="checkbox"/>	• Modifications to Draft Plan Approval	2,500.00
<input type="checkbox"/>	• Extension to Draft Plan Approval	1,000.00
	Plan of Condominium:	
<input type="checkbox"/>	• Vacant Land	10,000.00
<input type="checkbox"/>	• Conversion	2,500.00
<input type="checkbox"/>	• Standard	1,500.00
<input type="checkbox"/>	• Extension of Draft Plan	1,000.00
<input type="checkbox"/>	• Modification of Draft Plan - Vacant Land Condo	2,500.00
<input type="checkbox"/>	• Modification of Draft Plan - Standard/Conversion	1,225.00
	Removal of Part Lot Control:	
<input type="checkbox"/>	• Separation of Semi-detached/On-street Townhouse Units	1,500.00
<input type="checkbox"/>	• Deeming By-law	1,500.00
<input type="checkbox"/>	• Property Relotting	3,400.00
	Public Renotification:	
<input type="checkbox"/>	• Mailing Renotification	300.00
<input type="checkbox"/>	• Reassessment Requiring a further report	400.00
<input type="checkbox"/>	• Newspaper Renotification (\$600 deposit payable with application)	Actual Cost
	Committee of Adjustment:	
<input type="checkbox"/>	• Severance/Consent Application	3,400.00
<input type="checkbox"/>	• Change of Conditions	200.00
<input type="checkbox"/>	• Minor Variance Application	2,100.00
<input type="checkbox"/>	• Renotification/Rescheduling (Consent/Minor Variance)	200.00

ADDITIONAL FEES:

City Fees (cheque payable to the City of Niagara Falls):

Peer Review
 ☐ \$

Legal Fees
 ☐ \$
 (Agreements & Registration of by-law)

Agency Fees (cheques payable to applicable agency):

Regional Fees
 ☒ \$
 NPCA Fees
 ☐ \$

Regional Health
 ☐ \$
 Other (describe)
 ☐ \$

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Pre-consultation Notes

7701 Lundy's Lane, Niagara Falls

June 20, 2024

Region Contact: Katie Young

Local Contact: Nick DeBenedetti

Proposal Description: To convert the existing 96-unit motel to dwelling units and construct a new 6-storey, 42-unit apartment dwelling.

Applicant/Owner/Agent: 1000706636 Ontario Inc. (Applicant); Ethan Laman (Agent- UCC)

Application Type:

- ☒ Local Official Plan Amendment (density)
- ☒ Zoning By-law Amendment
- ☒ Site Plan

Site Designation:

Provincial Policy Statement (PPS)- Settlement Area

Provincial Growth Plan- Delineated Built-Up Area

Niagara Official Plan (NOP)- Delineated Built-Up Area

Planning Comments

- A full range of residential uses are generally permitted within the built-up area in the NOP, subject to adhering to other applicable Provincial and Regional policies. The proposed conversion and new apartment dwelling will contribute to the City's intensification target of 50% as set out within Table 2-2 of the NOP.
- In alignment with NOP policy 2.3.1.1, staff encourage the development of a range and mix of unit sizes and housing types, including affordable and attainable housing throughout the urban area to meet housing needs at all stages of life.
- Regional staff will require the submission of a **Planning Justification Report** by a Registered Professional Planner with the submission of the OPA/ZBA applications to address relevant Provincial and Regional policies.

Urban Design

- At the Zoning Stage Urban Design staff request a **Landscape Plan Concept** demonstrating the interface between and within the development and the Regional Road. The landscape plan should demonstrate conceptually, the streetscape design showing paving, street trees, and the interface with the private realm.
- Staff also request the preparation of a **Pedestrian Level Wind Analysis** as the development is above 5 storeys. A ToR for this study is attached.
- At the Site Plan Stage, Urban Design staff request a **Detailed Landscape Plan** demonstrating the landscape enhancement to the Regional Road through street trees, grassed boulevards, landscape spaces, and showing the landscaping in the private realm that interfaces with the regional road.
- At this early-stage, staff suggest that the architectural design of the ground floor facade facing Lundy's Lane includes ample areas of glazing to activate the streetscape and provide transit users with passive surveillance.

Land Use Compatibility

- Regional staff note that the property is along Regional Road 20 (Lundy's Lane), which has a high Average Annual Daily Traffic Count (AADT) of over 20,000 vehicles (double the Regional threshold for triggering a Noise Study), is within 500 m of the QEW and within close proximity to commercial uses.
- Staff will require the submission of a **Noise Impact Study** to assess transportation noise sources from the surrounding Regional Roads and QEW, as well as any stationary noise sources from surrounding commercial uses in order to determine whether any noise abatement features should be incorporated into the existing building and new proposed apartment building.
- Regional staff has a Terms of Reference available for Noise Impact Studies which is attached. Traffic volumes must be projected out 20 years in accordance with the Region's Traffic Noise Control Policy (PW5.NO1.0).

Site Condition

- The subject lands are currently used as a motel, which is considered a commercial use as defined by Ontario Regulation 153/04, as amended, under the *Environmental Protection Act*. O.Reg 153/04 requires that a Record of Site Condition (RSC) be filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry (ESR) prior to any change in land use to a more sensitive use (i.e. commercial to residential).
- Accordingly, staff require the submission of at least a **Phase One Environmental Site Assessment** in order to file a **RSC**. A **Letter of Reliance** shall be submitted with all ESA work to Niagara Region.

Archaeological Potential

- The property is located outside of the Region's mapped area of archaeological potential on Schedule K of the NOP. Staff recommend the inclusion of standard archaeological warning clauses in the site plan agreement should any resources be unexpectedly uncovered through construction works.

Environmental Comments

- The property is located outside of the Region's Natural Environment System. Accordingly, there are no environmental planning comments or requirements.

Transportation / Roads

- Lundy's Lane – Regional
- Beaverdams Road – Local
- Staff note that the entrance has been modified to show one entrance. This will need to meet current standards for entrances.
- Parking it so be located the required clear throat length from the entrance in accordance with TAC guidelines.

Road Widening / Daylight Triangle

- At 7701 Lundy's Lane the width of RR20 from centerline of the ROW is at 13.1m, half of the ROP required 26.2m and the daylight at the corner with Beaverdams meets the NOP required 6.0m x 6.0m for urban non-signalized intersections.
- No widening is required.

Regional Permit Requirements

- Require Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline on Lundy's Lane.
- Permit link: <https://www.niagararegion.ca/living/roads/permits/default.aspx>
- Restoration is to be to Regional standards :
<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Servicing Comments

- Region staff wish to advise the applicant that there is an existing 500 mm diameter Regional watermain located along this section of Regional Road 20 (Lundy's Lane).

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

- The Regional watermain is not to be damaged or disturbed during any future construction works for the proposed development. Any crossings of the watermain with servicing will require plan and profiles to be submitted to the Region for review and approval.

Stormwater Management Comments

- The site **Grading/Servicing and Sediment/Erosion Control Plans** be circulated to this office. Water quality treatment should be provided if there will be installation or alteration of storm sewers.

Waste Collection

- Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:
 - Blue/grey – no limit (weekly)
 - Green – no limit (weekly)
 - Waste – 2 bag/can limit per unit to a max of 24 bags/cans per building (bi-weekly)
 - Curbside collection only
 - Enhanced collection is available in NF – trucks must be able to enter the site and approach the area head on, trucks cannot back up more than 15m.
- Future submissions are to include intention for collection.

Required Studies for Regional Review

- Planning Justification Report – OPA/ZBA
- Noise Impact Study – OPA/ZBA
 - Detailed Study - Site Plan
- Phase One Environmental Site Assessment (at minimum), Letter of Reliance, RSC – OPA/ZBA
- Pedestrian Level Wind Analysis – OPA/ZBA
- Landscape Plan Concept – OPA/ZBA
 - Detailed Landscape Plan – Site Plan
- Grading/Servicing and Sediment Erosion Control Plans – Site Plan

Required Fees

The Region's 2024 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

Development Application Review Type	Fee Amount
Official Plan Amendment	\$5,695
Zoning By-law Amendment	\$1,440
Major Urban Design Review	\$685
Site Plan Review	\$1,440

Noise Impact and Vibration Study Terms of Reference

Description

A technical report that provides a written description of the impact of noise generated by a proposed development on the surrounding environment, the impact of noise and/or vibration from the surrounding environment on the proposed development, both stationary and mobile sources, and the impact of noise from the proposed development on itself as well as mitigation measures to reduce any negative impacts.

In addition to a Noise Study there maybe a requirement for a Vibration Study. The Vibration Study would be combined with the Noise Study.

The Noise Impact Study or Noise and Vibration Study is to be prepared by a Consultant that is either an accredited Acoustic expert or a qualified Professional Engineer.

When Required

Noise Impact (Feasibility and/or Detailed Assessment) Studies may be required to support the following applications for developments:

- Zoning By-law Amendment
- Site Plan Control
- Plans of Subdivision
- Consent to Sever

A Noise Study is normally required, when a noise-sensitive development is proposed adjacent or in close proximity to the following potential noise sources:

- Within 500 m of a Provincial Highway/Freeway;
- Within 250 m of a Regional Road whose future traffic volume may be greater than 10,000 vehicles/day;
- Within 500 m of a railway ROW;
- Within the 25 NEF contours of an Airport;
- Within the potential zone of influence, as defined in MOE documents D-1 and D-6, of a Stationary Source of noise (industrial/commercial/institutional); a detailed noise study is required for developments within the potential influence area of stationary sources;
- Within 500 m of extensive commercial operations (loading docks of supermarkets, large commercial buildings with prominent ventilation and air conditioning equipment, automatic car washes, etc.);
- Within 500 m of aggregate operations (pits, quarries, etc.); or
- Any other noise sources not mentioned above.

A vibration study is required for all proposed developments within 75 metres of a rail corridor.

The requirement for a Noise Impact Study may be a condition of initial approval of the proposed development.

Rationale

A Noise Impact Study or Noise and Vibration Impact Study will help in assessing the compatibility of the proposed development with the existing and/or future land uses in the surrounding area as it relates to transportation and stationary noise both on site and off site.

Required Contents

During pre-application consultation, it will be determined if a report is required and, if so, the specific requirements of the Study, based on the nature of the proposed application and the context of the study area. Ultimate traffic data must be obtained from the Region and/or Local Municipality when analyzing transportation noise from Regional and Local roads. The Noise or the Noise and Vibration Study should include the following components, but is not necessarily limited to:

Introduction

- Description of the subject site and the proposed development;
- Location/context map;
- Identification of the noise source(s); and
- Description of the sound level guidelines/standards applied (methods).

Environmental Noise (and Vibration) Assessment

- Identify all stationary and transportation (road, rail, air) noise sources, including data collection and methods;
- Assessment procedure and methodology should clearly be outlined;
- Provide predicted noise level forecasts without mitigation;
- Environmental noise guidelines;
- Noise impact assessment (including low frequency noise impacts); and
- Vibration assessment, if applicable

Noise (and Vibration) Mitigation Recommendations

- Indoors: architectural requirements, ventilation requirements;
- Outdoors: at source requirements, sound barrier requirements;
- Provide tables and figures to support the recommendations of the report; and
- Warning clauses;
- Proposed mitigation measures will need to adhere to any engineering or policy guidelines that a municipality may have; and
- If a Class 4 designation is recommended the report shall discuss the mitigation measures that would be required to satisfy Class 1 or 2 standards and why the required mitigation is not feasible. Rationale must be provided for recommending a Class 4 designation.

Conclusions

Appendix A – Base Noise Level Calculations (Noise Source Data)

Appendix B – Ministry of Environment Noise Guidelines

Appendix C – Sample Sound Exposure Calculation

Nick DeBenedetti

From: Abby LaForme <Abby.LaForme@mncfn.ca>
Sent: Thursday, June 20, 2024 3:42 PM
To: Nick DeBenedetti
Cc: Planning Emails; Mark LaForme; Craig King
Subject: [EXTERNAL]-7701 Lundy's Lane, Niagara Falls
Attachments: Comment Response Letter 7701 Lundy's Lane, Niagara Falls, June 20, 2024.pdf

Good Afternoon Nick,

Please see the attached comment letter regarding 7701 Lundy’s Lane, Niagara Falls.

Thank you

Abby (LaForme) Lee
Consultation Officer



Mississaugas of the Credit First Nation (MCFN)
Department of Consultation & Accommodation (DOCA)
4065 Highway 6, Hagersville, ON N0A 1H0
Ph: (905) 768 – 4260
Email: Abby.LaForme@mncfn.ca

Please Note- If a digital copy of your notification has been sent, please be environmentally conscious and do not send a physical, copy. Thank you!

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June 20, 2024

Nick DeBenedetti
Planner 2
City of Niagara Falls

RE: 7701 Lundy's Lane, Niagara Falls

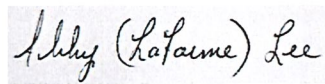
Dear Nick,

The Mississaugas of the Credit First Nation (MCFN), Department of Consultation and Accommodation (DOCA) submit the following comments:

The Mississaugas of the Credit First Nation hereby notify you that we are the Treaty Holders of the land on which the re-development of an existing motel into a 42-unit apartment building will be taking place. This project is located on the Mississaugas Treaty at Niagara of 1781.

Therefore, the MCFN Department of Consultation and Accommodation (DOCA) has no comments or concerns at this time. Please notify MCFN DOCA if the scope of the project changes.

Thank you



Abby (LaForme) Lee
Consultation Officer, MCFN DOCA- Abby.LaForme@mncfn.ca

Cc: Mark LaForme, Director, MCFN DOCA – Mark.LaForme@mncfn.ca
Cc: Craig King, Consultation Officer, MCFN DOCA- Craig.King@mncfn.ca



DEPARTMENT OF CONSULTATION AND ACCOMMODATION

Mississaugas of the Credit First Nation
4065 Hwy #6, Hagersville, Ontario N0A 1H0



Phone: (905) 768-4260



PLANNING, BUILDING & DEVELOPMENT

Inter-Departmental Memo

To: Nick DeBenedetti, Planner 2

From: Sue Scerbo, Senior Zoning Administrator

Date: June 20, 2024

Re: Proposed Zoning By-law Amendment, Official Plan Amendment & Site Plan Control
7701 Lundy's Lane
To convert the existing 96-unit motel to dwelling units and construct a new 6-storey, 42-unit apartment dwelling

Summary:

The applicant is proposing to construct a 6 storey 42-unit apartment dwelling and convert the existing 96 unit motel into dwelling units.

The subject property is zoned Tourist Commercial (TC) in accordance with Zoning By-law No. 79-200, as amended.

The following table compares the standards of the TC zone with what is proposed:

Provision	Requirement	Proposal	Comply
Permitted Uses	The uses permitted in the TC zone	Apartment dwelling(s)	No
Minimum lot frontage	6 metres	91.48 metres	Yes
Minimum front yard depth	In accordance with section 4.27.1 13.1 metres from the original centreline of Lundy's Lane (from Garner Road to Main Street)	To the proposed apartment dwelling: 0 + 12.38 metres to the original centreline of Lundy's Lane To the existing building: Not noted 12.97 metres + 12.08 metres to the original centreline of Lundy's Lane	No (protected road widening) Information required No (protected road widening)
Minimum rear yard depth where any part of the building is	10 metres plus any applicable distance	1.7 metres	No

used for residential purposes	specified in section 4.27.1		
Minimum rear yard depth where no part of the building is used for residential purposes	3 metres provided that no rear yard is required where the rear lot line abuts a public lane or a public parking lot	n/a	n/a
Minimum interior side yard width where the side lot line abuts a residential, institutional or open space zone	3 metres	n/a	n/a
Minimum interior side yard width where the side lot line does not abut a residential, institutional or open space zone	None required	None	Yes
Minimum exterior side yard width	In accordance with section 4.27.1 11.5 metres from the original centreline of Beaverdams Road (from Kalar Road to Lundy's Lane)	0.28 metres + 10.64 from the original centreline of Beaverdams Road	No (protected road widening)
Maximum lot coverage	70%	Not noted	Information required
Maximum height of building or structure	12 metres	Not noted	No (proposed) Information required Please provide building height of proposed and existing
Maximum floor area	Not specified	n/a	n/a
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces for each dwelling unit: 138 dwelling units x 1.4 = 193 parking spaces	0.65 parking spaces for each dwelling unit: 138 dwelling units x 0.65 = 89 parking spaces	No

A Great City ... For Generations To Come

Minimum parking stall width	2.75 metres	2.3 metres	No
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	6.9 metres (for stalls more than 60 degrees up to 90 degrees) 3.7 metres (for stalls more than 30 degrees up to 45 degrees)	6.3 metres 4.14 metres	No Yes
Loading area requirements	In accordance with section 4.20.1	n/a	n/a
Maximum floor area for each retail store	400 square metres	n/a	n/a
Maximum floor area of all retail stores per property	3,530 square metres	n/a	n/a

Comments:

- Additional information is required as noted above to ensure zoning compliance.

SS:
S:\PRECONSULTATION\2024\06.20.24\LUNDYS LANE 7701\ZONING COMMENTS.DOCX

GIS comments

- there will be no need to change the civic address
- each building and unit will need its own unique identifier across the entire property
- we will require a spatial unit plan before registration of the site plan

Nick DeBenedetti

From: Marcus Wahrstaetter
Sent: Tuesday, July 9, 2024 1:27 PM
To: ethan@ucc.com
Cc: Nick DeBenedetti
Subject: RE: [EXTERNAL]-Region Pre-con Notes - 7701 Lundy's Lane

Hey Ethan,

In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of modeling fees are required. Fees to be in accordance with the City’s Schedule of Fees at time of application. Current 2024 fee is \$7,910.00 which includes HST.
Please contact mwdev@niagarafalls.ca to arrange for payment.

Basically, we just need an acceptable FSR and payment which can be submitted via cheque or paid online (via credit card), let me know the preferred payment method.
To note, there is an online fee of 2% on the amount paid which goes directly to Paymentus.

Thanks,

Marcus Wahrstaetter, C.E.T., PMP | Development Technologist | Municipal Works - Development | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4217 | Fax 289-296-0048 | mwahrstaetter@niagarafalls.ca

From: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Sent: Tuesday, July 9, 2024 11:51 AM
To: Brian Kostuk <bkostuk@niagarafalls.ca>
Cc: Jessica Brownlee <jbrownlee@niagarafalls.ca>; Ethan Laman <ethan@ucc.com>; Marcus Wahrstaetter <mwahrstaetter@niagarafalls.ca>
Subject: FW: [EXTERNAL]-Region Pre-con Notes - 7701 Lundy's Lane

Hello Brian,

Can you help Ethan regarding the third-party modelling requirements. Recently did a pre-con meeting for the above noted address.

Thank You

Nick DeBenedetti, MCIP, RPP| Planner 2 | Planning, Building & Development | City of Niagara Falls

Mailing Office: 4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 Ext. 4233 | Fax 905-356-2354 | ndebenedetti@niagarafalls.ca
Office Address: 4343 Morrison Street | Niagara Falls, ON L2E 6Z9

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

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Engineering Comments

Official Plan Amendment and Zoning By-law Amendment Requirements:

- Functional Servicing Report which identifies the existing and proposed servicing characteristics of the development, as well as the existing municipal infrastructure available for connection, to the satisfaction of Engineering staff. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request from mwdev@niagarafalls.ca.
- The Functional Servicing Report should also identify whether any stormwater outlets (e.g., roof leaders, drains, catch basins, etc.) are connected to the municipal sanitary sewer and plans for disconnection, if necessary.
- Stormwater Management Brief providing an overview of how post-development flows for the 5-year minor storm event will be contained and controlled on-site to the pre-development level, to the satisfaction of Engineering staff. Municipal storm design criteria are available upon request from mwdev@niagarafalls.ca.
- Third party infrastructure modelling for large scale development is required to verify available sanitary sewer capacity, at the applicant's expense. In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of modeling fees are required. Fees to be in accordance with the City's Schedule of Fees at time of application. Current 2024 fee is \$7,910.00 which includes HST. Please contact mwdev@niagarafalls.ca to arrange for payment.

Site Plan Requirements:

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, erosion and sediment control plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- As the site fronts onto a Regional Road, Region Stormwater Management requirements will also apply.
- Regional Permits required for any work within the Regional road allowance.
- Road Occupancy Permit for work within the City's road allowance and/or connection to the City's infrastructure to be obtained through Josh Caughell - (905) 356-7521 ext. 4549. Further information can be found on the City's website at the following address: <https://niagarafalls.ca/city-hall/municipal-works/road-occupancy-permit.aspx>
- Engineering drawings of existing underground infrastructure are available upon request from mwdev@niagarafalls.ca.

Building comments:

1. A Site Servicing Permit shall be obtained to construct site services.
 - a. Private water supply pipes shall be designed and installed according to MOE PIBS 68813, "Design Guidelines for Drinking-Water Systems".
 - b. Private sewers shall be designed and installed according to MOE PIBS 6879, "Design Guidelines for Sewage Works".
2. A building permit shall be obtained if granted approval. Standard requirements for architectural/structural drawings apply and include plumbing/mechanical drawings. This does not exclude pre-engineered systems, shop drawings, material specifications, fire alarm/sprinkler drawings and structural engineering etc. Contact extension 4001 for permit requirements.
3. All further detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process.
4. Applicant to provide a detailed Ontario Building Code Matrix reviewed sealed and signed by an architect at either Zoning by-law amendment application or Site Plan Application.

Note: Applicant to be informed that due the proximity of the New Apartment building to the Existing Motel Building attention to spatial separation requirements under Section 3.2.3 of Ontario Building Code may have a significant impact on the proposed spatial distances between the two buildings (i.e. Wall Construction assembly, Fire Resistance Ratings and amount of allowable unprotected openings.

Specifically the required 3 m limiting distance for the open air storage garage beneath the second floor overhang of the proposed Apartment Building per Ontario Building code requirement 3.2.3.10.(1)
5. All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.
6. Municipal, Regional, Educational Developments Charges and Community Benefits Charges will be assessed at time of building permit review. (appraisal report required for calculation of Parkland and Community Benefits Charges).
7. Signs are to be in accordance with municipal sign-bylaw and may be subject to separate sign permit application. Contact extension 4001 for permit requirements.
8. A geotechnical report/subsurface investigation shall be provided at building permit application submission. (For Proposed Apartment Building)
9. All other applicable law approvals to be obtained prior to building permit application.
10. The owner/applicant may apply for permits after the project has received registration.
11. Fire Prevention to assess the site proposal as it relates to on-site fire-fighting practices, i.e., private fire-route accesses, fire-hydrant locations (private and / or public), fire-department connection(s), etc

Nick DeBenedetti

From: Ben Trendle
Sent: Friday, June 21, 2024 12:34 PM
To: Mackenzie Ceci; Tyler Galloway; Chris Roome; Nick DeBenedetti.
Subject: Fire Department Pre-Con Meeting Comments - June 20 2024.pdf
Attachments: Fire Department Pre-Con Meeting Comments - June 20 2024.pdf

Good afternoon Planning Department folks!

Attached are the Fire Department comments for yesterday’s pre-con meeting.

Please do not hesitate to contact me or have the applicants contact me should there be any questions or concerns.

Have a great weekend!

Ben Trendle | Chief Fire Prevention Officer | Fire Department | City of Niagara Falls
5809 Morrison Street | Niagara Falls, ON L2E 2E8 | (905) 356-1321 ext 2211 | Fax 905-356-1583 | btrendle@niagarafalls.ca

We value and respect flexible work arrangements. Although I have sent this at a time that is convenient for me, it is not my expectation that you read, respond or follow up on this email outside of your work hours.

FIRE DEPARTMENT COMMENTS PRE-CONSULTATION MEETING	
DATE: June 20, 2024	OFFICER: Ben Trendle
EMAIL: btrendle@niagarafalls.ca	PHONE: 905-356-1321 ext. 2211
AGENDA ITEM #4	
ADDRESS: 7701 Lundy's Lane	APPLICATION TYPE: Official Plan Amendment, Zoning By-law Amendment, Site Plan Control
COMMENT(S): Official Plan Amendment	
1. The Fire Department has no comments or concerns with respect to the official plan amendment.	
COMMENT(S): Zoning By-law Amendment	
1. The Fire Department has no concerns with respect to the zoning by-law amendment.	
2. The proposed development will require a change of use/building permits from the City of Niagara Falls Building Department. All required permits shall be obtained prior to the commencement of any construction.	
3. Compliance with the Ontario Fire Code is required at all times in buildings that are occupied. This includes but is not limited to the maintenance of fire alarm systems, sprinkler systems, standpipe systems, fire department connections, fire access routes, exits (means of egress), fire hydrants and access to them.	
COMMENT(S): Site Plan Control	
1. A complete building code matrix is required to be submitted at the time of site plan application.	
2. The site plan must demonstrate conformance with the requirements of Subsection 3.2.5. of the Ontario Building Code. (Access for firefighting)	
3. Compliance with the Ontario Fire Code is required at all times in buildings that are occupied. This includes but is not limited to the maintenance of fire alarm systems, sprinkler systems, standpipe systems, fire department connections, fire access routes, exits (means of egress), fire hydrants and access to them.	
Should the existing building remain occupied during construction of the new building, all items listed above must be maintained. Failure to remain in compliance with the Ontario Fire Code will result in enforcement action.	

Transportation comments:

Lundy's Lane is a Regional road (RR #20).

The side of the subject lands front onto Beaverdams Road. Beaverdams Road is a City collector road. It has a planned 23.0m right-of-way. Beaverdams Road is 20.12m wide. A 1.44m road widening would be required as a condition of the site plan application. It appears the existing building may be within the protected area. A survey that shows the building location is requested. If the building is within the requested widening, the road widening will then only apply to the lands not encumbered by the building.

The request is to convert the 98-unit existing motel to residential units to long term residency and to construct a 6-storey apartment consisting of 42 units. In total, the site will have 140 dwelling units. A total of 89 parking spaces are shown, resulting in a parking rate of 0.64 parking spaces per unit. It was noted in the previous pre-consultation that the existing retail space and pool area for the motel will be converted to amenity space. The residential rate in the City's Zoning Bylaw is 1.40 parking spaces per unit, but Transportation Staff have supported a 1.25 parking space per unit rate for residential developments serviced by direct transit. Moreover, Staff supported a 0.62 parking space per unit rate for a similar motel conversion to a lower income long term residential for a nearby use. Is this a planned affordable development? Will the proposed apartment offer the same rental price as the former motel units, and if so, what guarantees will be provided to ensure this remains in place for the long term.

A separate parking demand study from the one that is/was done for the motel is required to justify that the proposed parking for the apartment is appropriate for this site. The applicant's traffic consultant is requested to contact City Transportation Staff to get a term of reference approved prior to starting their study.

Staff strongly suggest that the parking layout be revised to provide a simpler parking layout, make better use of the property, and conform with fire route requirements. This may entail reconfiguring/removing the landscaped area in the middle of the parking area.

Given that the motel building is existing, a minimum of one (1) accessible parking space is required, for parking lot having between 50 and 99 parking spaces. Accessible parking for the proposed apartment will be calculated separately, in accordance with the updated Accessible Parking By-law requirements, which will be 4% of the parking supply. Each accessible parking space shall consist of the following signing and marking requirements:

- a. one authorized disabled parking sign on display;
- b. one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
- c. both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
- d. be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;

e. shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;

f. located on a level surface; and,

g. placed in a location as to minimize the distance to building entrances.

A garbage storage area is noted at the south end of the amenity area. Garbage truck drivers must be able to navigate the site so that they only enter and exit the site in a forward direction. Truck turning templates to be applied at the site plan stage.

Pedestrian connectivity from the municipal sidewalk along Lundy's Lane to the two building ends closets to the road is recommended.

The site is serviced by the WEGO red line which operates on Lundy's Lane. The closest bus stop is in front of the subject lands.

Pre-Consultation Notes

To: Nick DeBenedetti, Planner 2

From: Olivia Fraser, Urban Designer/Landscape

Date: JUNE 20, 2024 – PRE-CONSULTATION (PLPCA20240380)

Re: TO CONVERT THE EXISTING 96-UNIT MOTEL TO DWELLING UNITS AND
CONSTRUCT A NEW 6-STOREY, 42-UNIT APARTMENT DWELLING

General Comments

- The design of the site’s re-development should reflect Lundy’s Lane Urban Design Guidelines and Regional Model Urban Design Guidelines.
- Identify areas where pedestrian walkways cross vehicular lanes with signage, bollards, or different paving materials. Please create a pedestrian connection from Lundy’s Lane to the entrance of the existing motel building.
- Screening will be required around the existing hydro vault and proposed garbage storage unless the garbage storage can be moved inside somewhere. The parking should be screened from the road with landscape treatment.
- Screening along the exterior of the building that backs onto Beaverdam’s Road is strongly recommended, with options to integrate some public art or landscaping as a screen upon further discussions (dependent on space option to include columnar trees or just solely public art – such as a mural wall)



- The proposed six-storey building should be compatible with the existing area, specifically complimentary to the existing motel, using the exterior building materials. If the alternative is to change the material/colouring of the existing building, further discussions to be had. Please see the precedent images below for ideas.



- Please include a secure bike parking area for residents and visitors.
- Additionally, parkland dedication shall be provided as a Cash-in-lieu payment for residential units at the current prescribed rate of 5% for residential uses.

Plans and Studies

At the OPA/ZBA stage, the requested plans and studies are as follows:

Conceptual Site Plan Drawing Set

The conceptual site plan drawing set is requested as part of the OPA/ZBA application. The conceptual site plan drawing set includes the following:

- Site Plan (with zoning matrix/site statistics)
- Coloured Site Plan
- Elevations
- Floor Plans
- CAD .dwg files of the conceptual site plan to City projection standards.

Landscape Plan

A Landscape Plan is requested as part of the application and must conform to the City's Standards for Site Planning. The Plan shall be prepared and stamped by an Ontario Landscape Architect. The design of the Landscape Plan shall have consideration for enhancing street frontage improving walkability, supporting active transportation and sustainability, and reducing the heat island effect of hard surface areas. The planting of native plant species is preferred. Further comments are to be made at the Site Plan Control stage.

Tree Preservation Plan & Inventory

A Tree Inventory and Preservation Plan will be required as part of the OPA/ZBA application. The plan shall be developed by a certified/licensed professional arborist. The plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by the adjacent landowner(s). The recommendations of the plan shall be implemented at the Site Plan Control application stage. This includes potential modifications to the project layout, site servicing, site grading and photometric plans.

Urban Design Brief

The Urban Design Brief is a tool to review and evaluate such matters as the arrangement and design of the buildings, site and landscape design, compatibility with adjacent land uses, accessibility and safety, function and design of the building and its adjacent streetscapes and public spaces, as well as mitigation of negative impacts on the surrounding area to ensure high-quality design of the public and private realm. Furthermore, the Urban Design Brief should demonstrate that the functional needs of the users of the site will be met over the long term. For further details, please refer to the City of Niagara Terms of Reference: Urban Design Brief Guidelines.

At the Site Plan stage, the requested plans and studies are as follows:

Site Plan Drawing Set

The site plan drawing set is requested as part of the site plan application. Please refer to other departments for the other studies to be included in the set. The development design shall consider enhancing street frontage (in compliance with the City's Urban Design Guidelines), improving walkability, supporting active transportation and sustainability, and reducing the heat island effect of hard surface areas. The planting of native plant species is preferred. The Urban Design and Landscape requirements for the site plan drawing set include the following:

- Site Plan
- Elevations
- Floor Plans
- Landscape Plan and Details (by OALA)
- Landscape Itemized Cost Estimate
- CAD .dwg files of the conceptual site plan to City projection standards.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Pre-consultation Notes

7701 Lundy's Lane, Niagara Falls

June 20, 2024

Region Contact: Katie Young

Local Contact: Nick DeBenedetti

Proposal Description: To convert the existing 96-unit motel to dwelling units and construct a new 6-storey, 42-unit apartment dwelling.

Applicant/Owner/Agent: 1000706636 Ontario Inc. (Applicant); Ethan Laman (Agent- UCC)

Application Type:

- ☒ Local Official Plan Amendment (density)
- ☒ Zoning By-law Amendment
- ☒ Site Plan

Site Designation:

Provincial Policy Statement (PPS)- Settlement Area

Provincial Growth Plan- Delineated Built-Up Area

Niagara Official Plan (NOP)- Delineated Built-Up Area

Planning Comments

- A full range of residential uses are generally permitted within the built-up area in the NOP, subject to adhering to other applicable Provincial and Regional policies. The proposed conversion and new apartment dwelling will contribute to the City's intensification target of 50% as set out within Table 2-2 of the NOP.
- In alignment with NOP policy 2.3.1.1, staff encourage the development of a range and mix of unit sizes and housing types, including affordable and attainable housing throughout the urban area to meet housing needs at all stages of life.
- Regional staff will require the submission of a **Planning Justification Report** by a Registered Professional Planner with the submission of the OPA/ZBA applications to address relevant Provincial and Regional policies.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Urban Design

- At the Zoning Stage Urban Design staff request a **Landscape Plan Concept** demonstrating the interface between and within the development and the Regional Road. The landscape plan should demonstrate conceptually, the streetscape design showing paving, street trees, and the interface with the private realm.
- Staff also request the preparation of a **Pedestrian Level Wind Analysis** as the development is above 5 storeys. A ToR for this study is attached.
- At the Site Plan Stage, Urban Design staff request a **Detailed Landscape Plan** demonstrating the landscape enhancement to the Regional Road through street trees, grassed boulevards, landscape spaces, and showing the landscaping in the private realm that interfaces with the regional road.
- At this early-stage, staff suggest that the architectural design of the ground floor facade facing Lundy's Lane includes ample areas of glazing to activate the streetscape and provide transit users with passive surveillance.

Land Use Compatibility

- Regional staff note that the property is along Regional Road 20 (Lundy's Lane), which has a high Average Annual Daily Traffic Count (AADT) of over 20,000 vehicles (double the Regional threshold for triggering a Noise Study), is within 500 m of the QEW and within close proximity to commercial uses.
- Staff will require the submission of a **Noise Impact Study** to assess transportation noise sources from the surrounding Regional Roads and QEW, as well as any stationary noise sources from surrounding commercial uses in order to determine whether any noise abatement features should be incorporated into the existing building and new proposed apartment building.
- Regional staff has a Terms of Reference available for Noise Impact Studies which is attached. Traffic volumes must be projected out 20 years in accordance with the Region's Traffic Noise Control Policy (PW5.NO1.0).

Site Condition

- The subject lands are currently used as a motel, which is considered a commercial use as defined by Ontario Regulation 153/04, as amended, under the *Environmental Protection Act*. O.Reg 153/04 requires that a Record of Site Condition (RSC) be filed on the Ministry of Environment, Conservation and Parks (MECP) Environmental Site Registry (ESR) prior to any change in land use to a more sensitive use (i.e. commercial to residential).
- Accordingly, staff require the submission of at least a **Phase One Environmental Site Assessment** in order to file a **RSC**. A **Letter of Reliance** shall be submitted with all ESA work to Niagara Region.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Archaeological Potential

- The property is located outside of the Region's mapped area of archaeological potential on Schedule K of the NOP. Staff recommend the inclusion of standard archaeological warning clauses in the site plan agreement should any resources be unexpectedly uncovered through construction works.

Environmental Comments

- The property is located outside of the Region's Natural Environment System. Accordingly, there are no environmental planning comments or requirements.

Transportation / Roads

- Lundy's Lane – Regional
- Beaverdams Road – Local
- Staff note that the entrance has been modified to show one entrance. This will need to meet current standards for entrances.
- Parking it so be located the required clear throat length from the entrance in accordance with TAC guidelines.

Road Widening / Daylight Triangle

- At 7701 Lundy's Lane the width of RR20 from centerline of the ROW is at 13.1m, half of the ROP required 26.2m and the daylight at the corner with Beaverdams meets the NOP required 6.0m x 6.0m for urban non-signalized intersections.
- No widening is required.

Regional Permit Requirements

- Require Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline on Lundy's Lane.
- Permit link: <https://www.niagararegion.ca/living/roads/permits/default.aspx>
- Restoration is to be to Regional standards :
<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Servicing Comments

- Region staff wish to advise the applicant that there is an existing 500 mm diameter Regional watermain located along this section of Regional Road 20 (Lundy's Lane).

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

- The Regional watermain is not to be damaged or disturbed during any future construction works for the proposed development. Any crossings of the watermain with servicing will require plan and profiles to be submitted to the Region for review and approval.

Stormwater Management Comments

- The site **Grading/Servicing and Sediment/Erosion Control Plans** be circulated to this office. Water quality treatment should be provided if there will be installation or alteration of storm sewers.

Waste Collection

- Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Waste Collection Policy. The subject property is eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick up day, and that the following limits are met:
 - Blue/grey – no limit (weekly)
 - Green – no limit (weekly)
 - Waste – 2 bag/can limit per unit to a max of 24 bags/cans per building (bi-weekly)
 - Curbside collection only
 - Enhanced collection is available in NF – trucks must be able to enter the site and approach the area head on, trucks cannot back up more than 15m.
- Future submissions are to include intention for collection.

Required Studies for Regional Review

- Planning Justification Report – OPA/ZBA
- Noise Impact Study – OPA/ZBA
 - Detailed Study - Site Plan
- Phase One Environmental Site Assessment (at minimum), Letter of Reliance, RSC – OPA/ZBA
- Pedestrian Level Wind Analysis – OPA/ZBA
- Landscape Plan Concept – OPA/ZBA
 - Detailed Landscape Plan – Site Plan
- Grading/Servicing and Sediment Erosion Control Plans – Site Plan

Required Fees

The Region's 2024 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

Growth Strategy and Economic Development

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

Development Application Review Type	Fee Amount
Official Plan Amendment	\$5,695
Zoning By-law Amendment	\$1,440
Major Urban Design Review	\$685
Site Plan Review	\$1,440