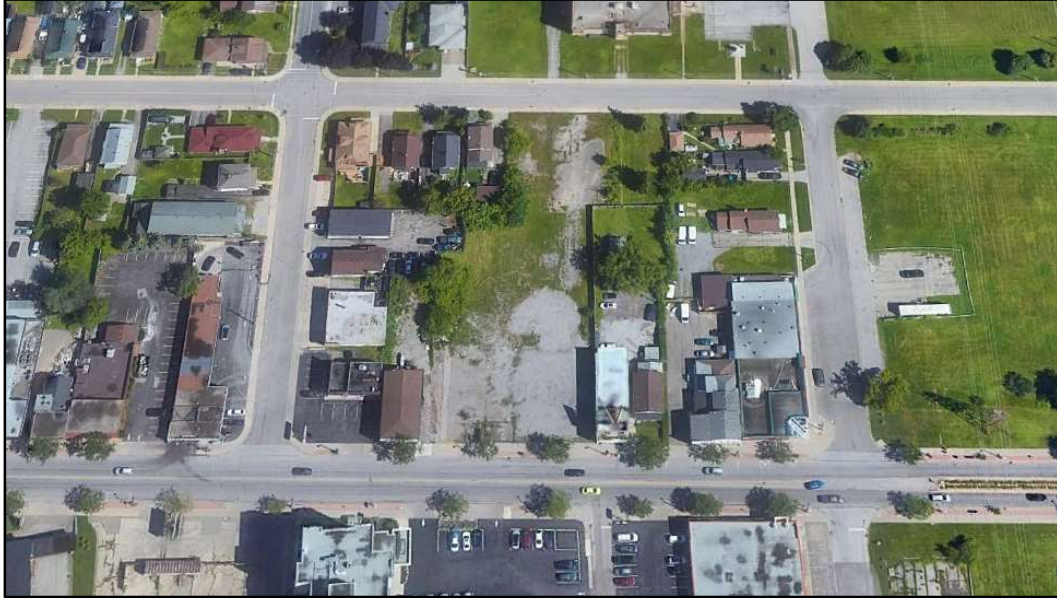

Planning Justification Report

Zoning By-law Amendment Application



For:

**5687 Ferry Street & 5660 Spring Street,
City of Niagara Falls**

Prepared for:

RKO Enterprises Inc.

Date

June 13, 2022

Prepared by

Liam Doherty, RPP, MCIP, CPT



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1. Introduction

Doherty Planning & Design was retained in May 2022 by the owner RKO Enterprises Inc. to provide professional planning services in conjunction with their proposed development at 5687 Ferry Street and 5660 Spring Street in the City of Niagara Falls. The owner is seeking Planning Act approvals to facilitate the consolidation of the lands and the development of an 8 storey mixed use building.

1.1. Purpose of this Report

The purpose of this report is to illustrate the proposed development form, to detail the proposed plans and amendments, and to evaluate these in the context of the current policy regime, including the Provincial Policy Statement, the Places to Grow Act, the Region of Niagara Falls Official Plan, the City of Niagara Falls Official Plan, the Historic Drummondville Community Improvement Plan, and the City of Niagara Falls Zoning By-law.

1.2. Chronology of Application

A Pre-Consultation meeting was held regarding the project on April 7, 2022.

2. Site and Community Context

The site is located in the historic Drummondville Area of Niagara Falls. The site has been vacant since 2003 when a one-storey commercial building (see Figure 1 below) was removed from the site. The site was the location of the Mid-Town Bowling from 1983 to 2003. Prior to that the land was occupied by detached dwellings.

Figure 1: Aerial of Block, 2002 (Google Earth) showing previous



2.1. Site Description

The subject lands are a through block with frontage on both Ferry Street and Spring Street. The lands consist of two separately addressed parcels. The subject lands are currently 0.3894 ha.

The irregular site has 100.5 metres in depth, with 42.6 metres of frontage along Ferry Street and 32.8 metres of frontage along Spring Street.

Figure 2: Aerial and Dimensions of Site with Municipal Mapping Measurements



The site is flat and devoid of notable vegetation, buildings or structures. The ground is a mixture of asphalt, gravel and weeds.

Figure 3: View of Site from Ferry Street (Google Earth).



Figure 4: View of Site from Spring Street (Google Earth)



2.2. Neighbouring Land Uses and Designations

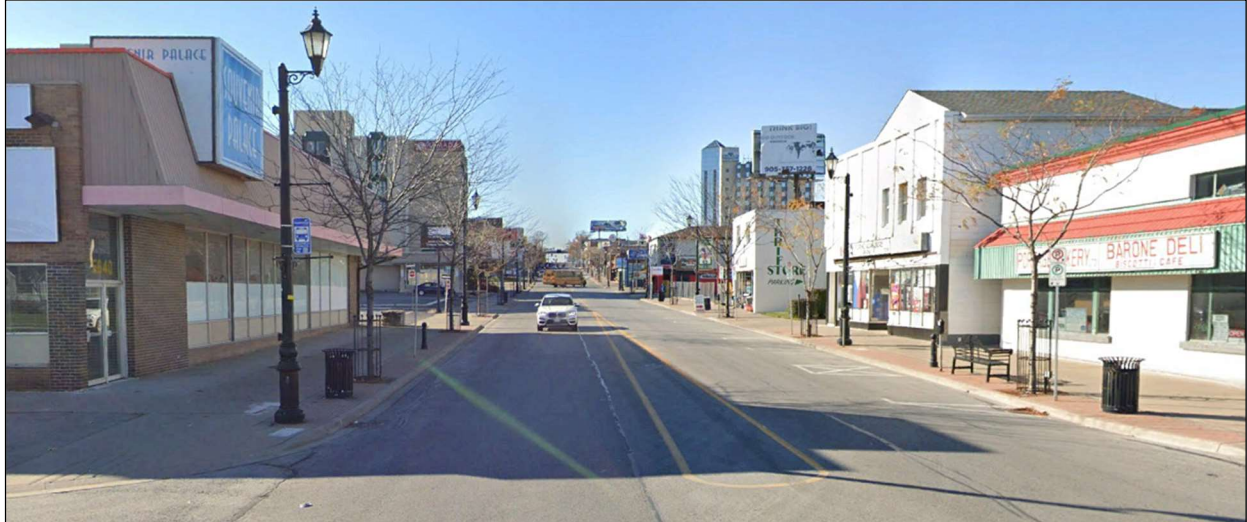
Ferry Street is an east-west commercial corridor with low density residential to the north and south. A utility corridor runs 120m to the east and a former school site neighbours the site to the north.

Figure 5: Aerial and Zoning Map of Surrounding Area



Ferry Street is a two-lane road with parking on either side and ample sidewalks allowing for pedestrian mobility. The City has invested in the streetscape, with trees along both sides of the road, bollards and benches, and aesthetically pleasing lighting.

Figure 6: View of Ferry Street facing West from Gladstone Avenue. (Google Earth)



The commercial development along Ferry Street is an eclectic mix of eras, architecture, and built form. Low-rise pre-1940 commercial is interspersed with utilitarian buildings and high-rise hotels.

Figure 7: Hotel located directly across Ferry Street from subject lands.

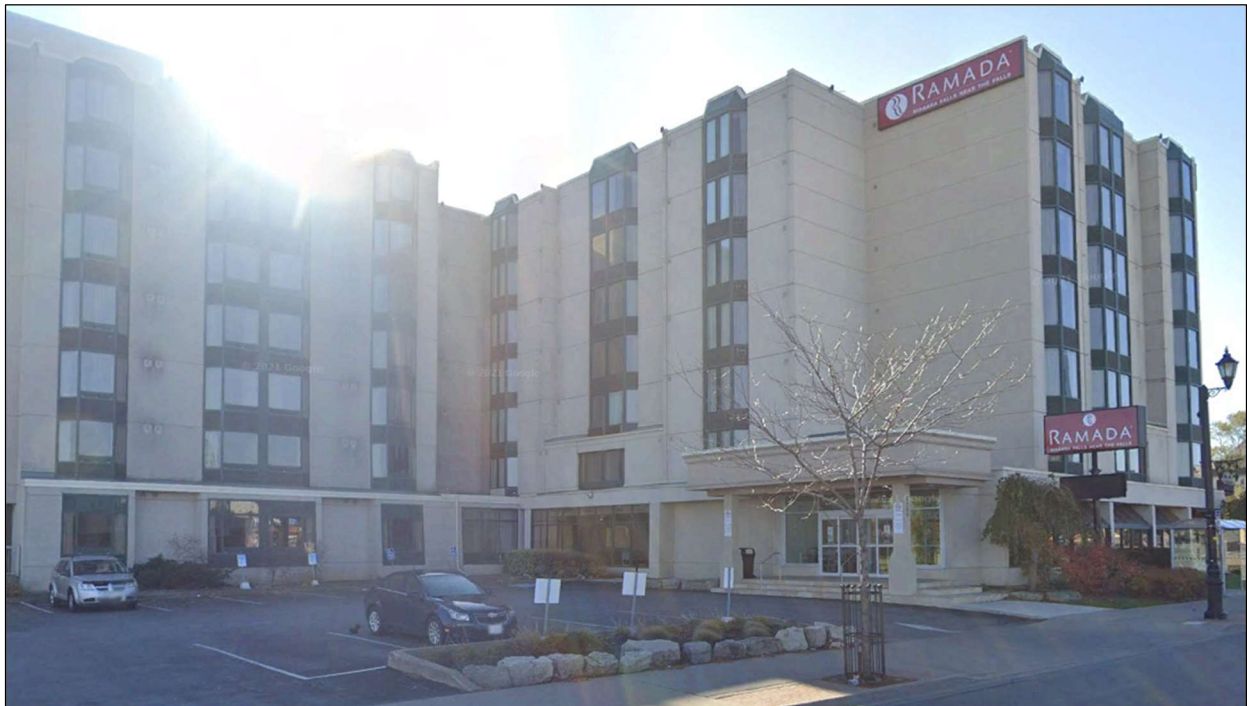
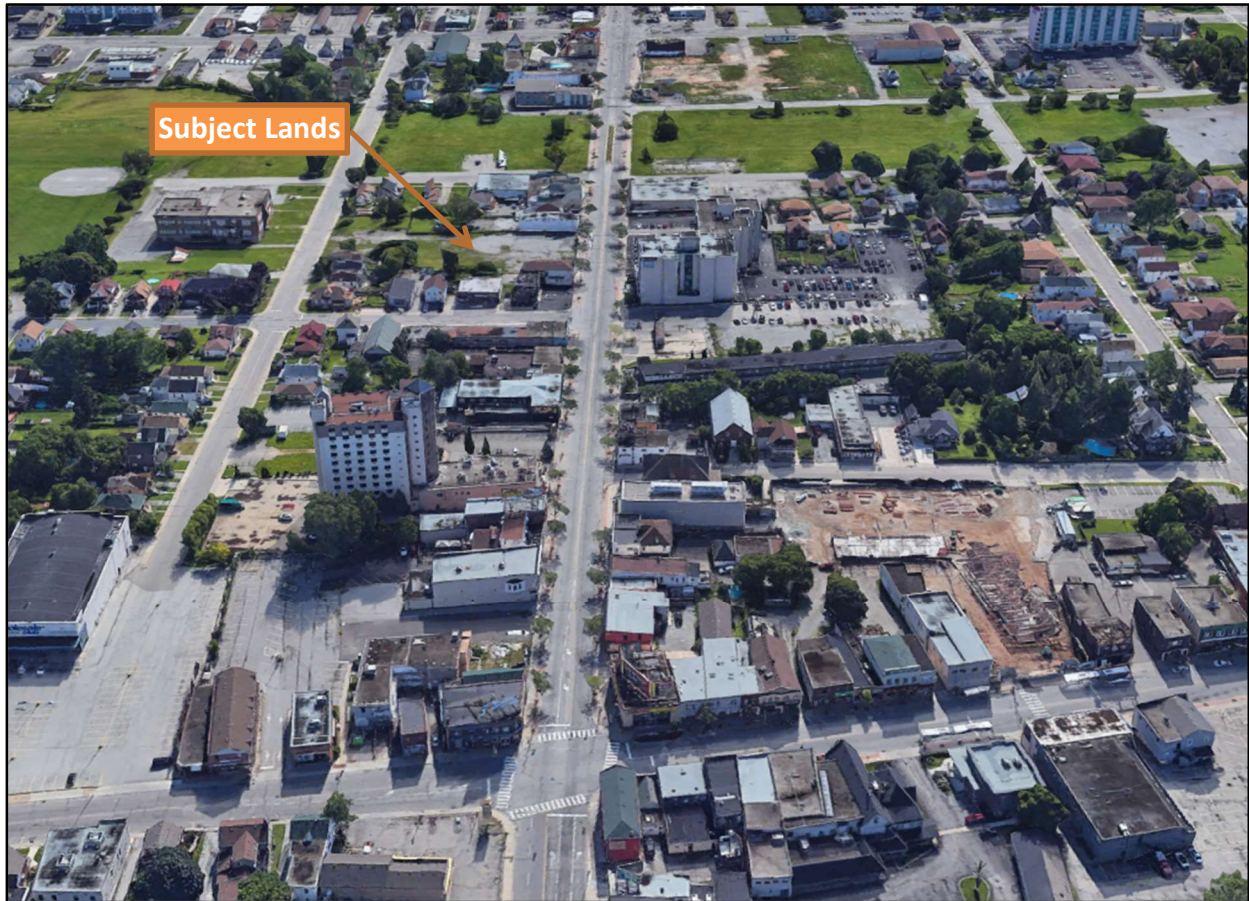
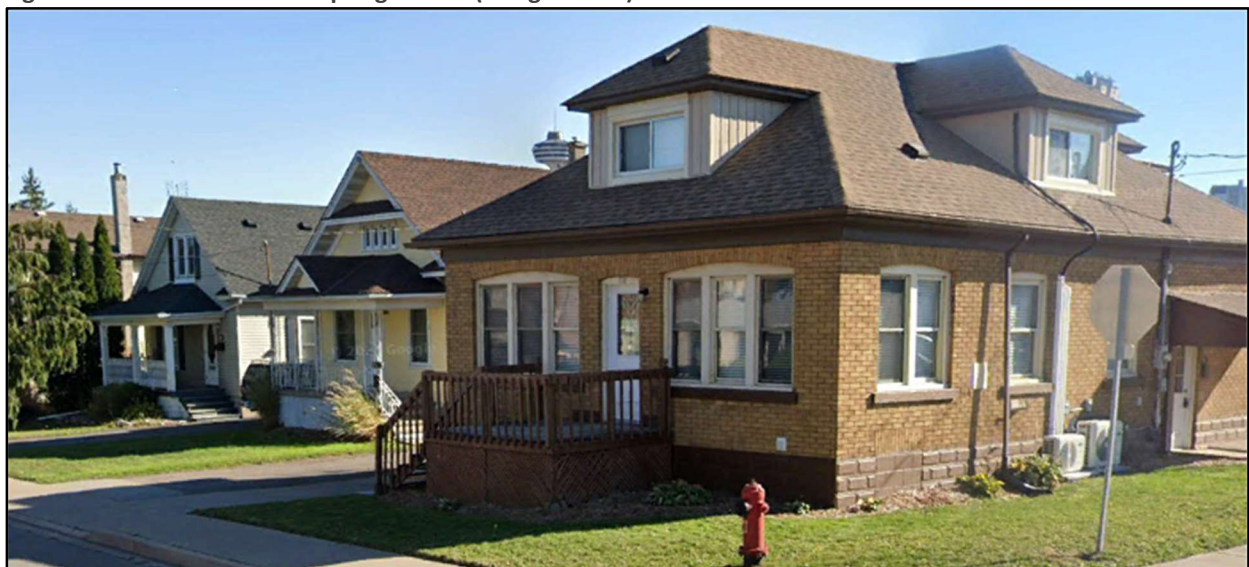


Figure 8: Aerial View of Ferry Street from the West. (Google Earth)



The residential areas to the north and south were developed prior to 1940, with the original built form typified of modest one and two storey homes without garages on larger lots.

Figure 9: View of 5710-5684 Spring Street. (Google Earth)



The former school building neighbouring the site to the north is currently partially used by the Royal Canadian Legion. The main part of the building appears to be boarded up and unoccupied.

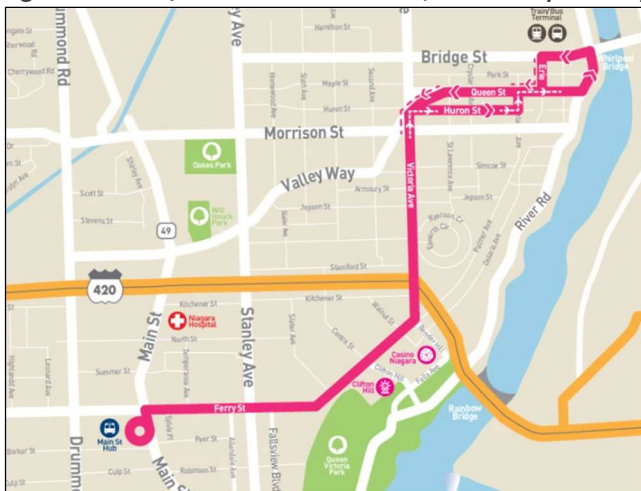
Figure 10: View of Canadian Legion.



Transportation Network

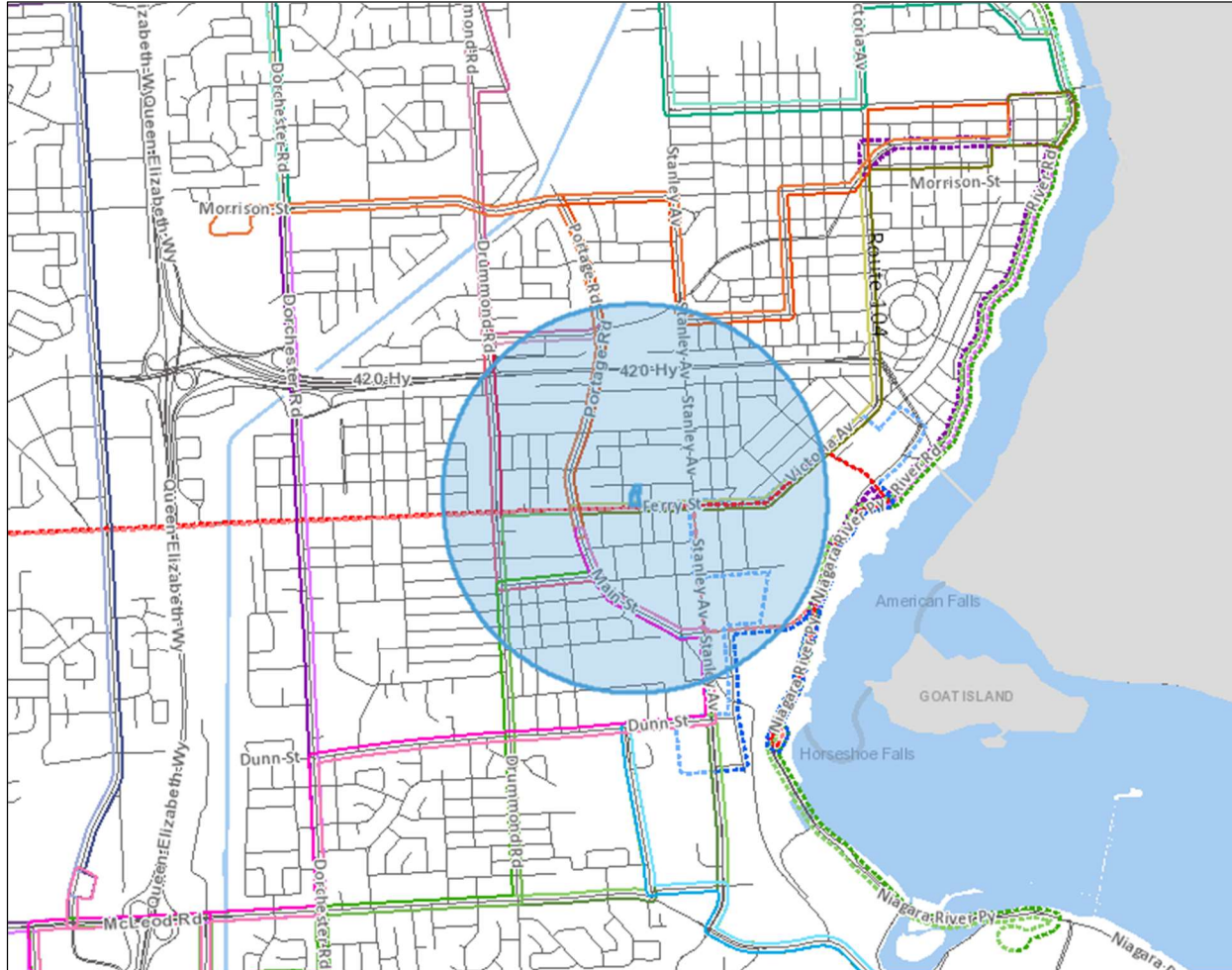
The site is located in the middle of the City of Niagara Falls Transit Network (see Figure 12), with a stop for the #104/204 route and the WEGO Red line directly in front of the site and stops for Routes #101, #101, #102, #103, #106/206, #107, #110, and #210 located within 350 metres of the site.

Figure 11: #104/204 Bus Transit Route, with a stop directly in front of the site.



The location has a high walkability score, with a large number of services, shopping, and recreational activities within a 1 kilometre radius or 15 minute walk of the site for the average adult.

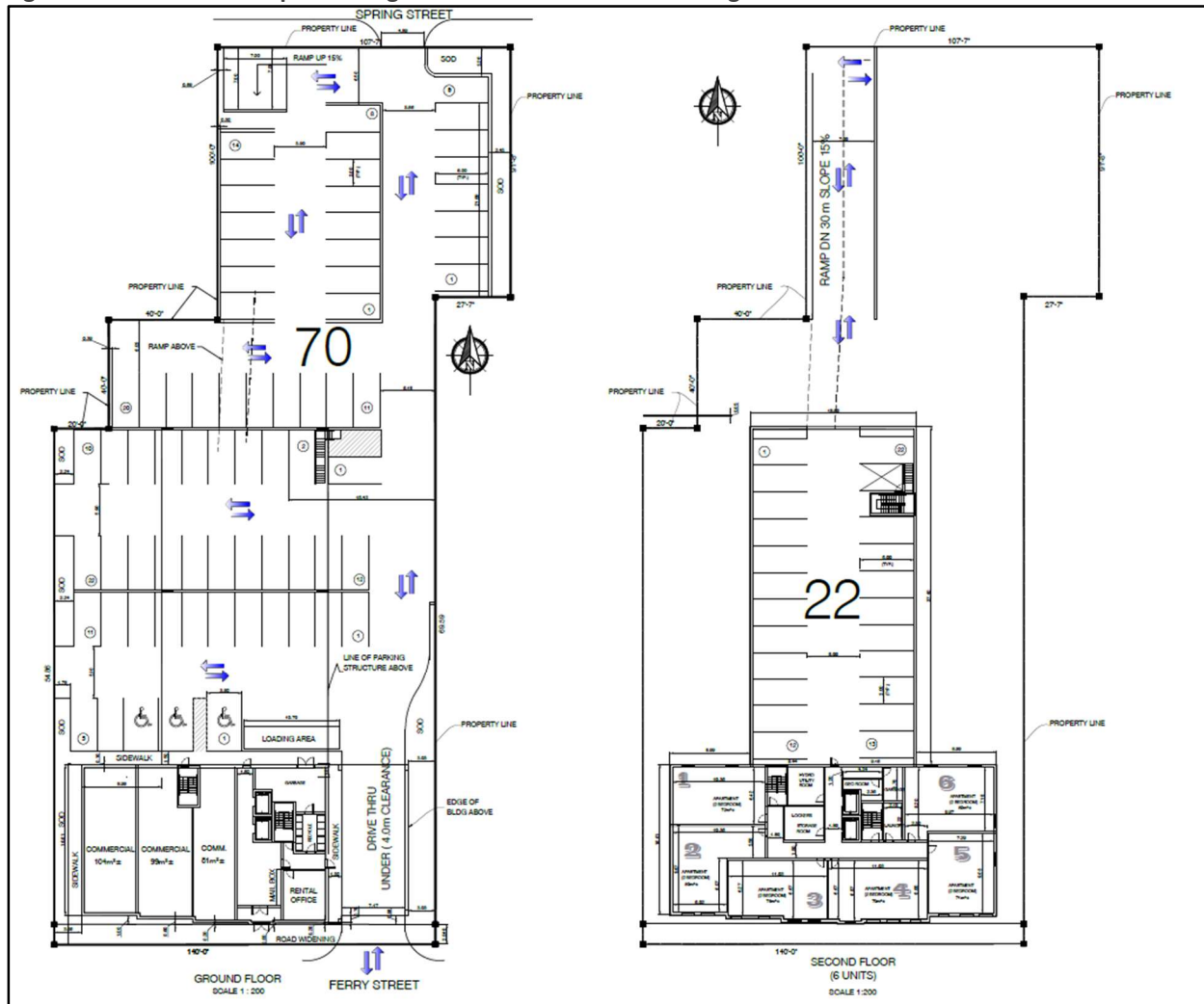
Figure 12: City of Niagara Falls Transit Network (colour lines) and 1 km/15 minute walking radius.



3. Proposed Development Description

The project proposed to develop the site with an eight-storey multi-use building. The building will be massed fronting onto Ferry Street with vehicular access from both Ferry and Spring Streets. The ground floor will have three commercial units with individual direct access to Ferry Street. Above 77 residential units will be divided among 7 floors. 92 parking spaces, including 3 accessible parking spaces, are to be provided on site.

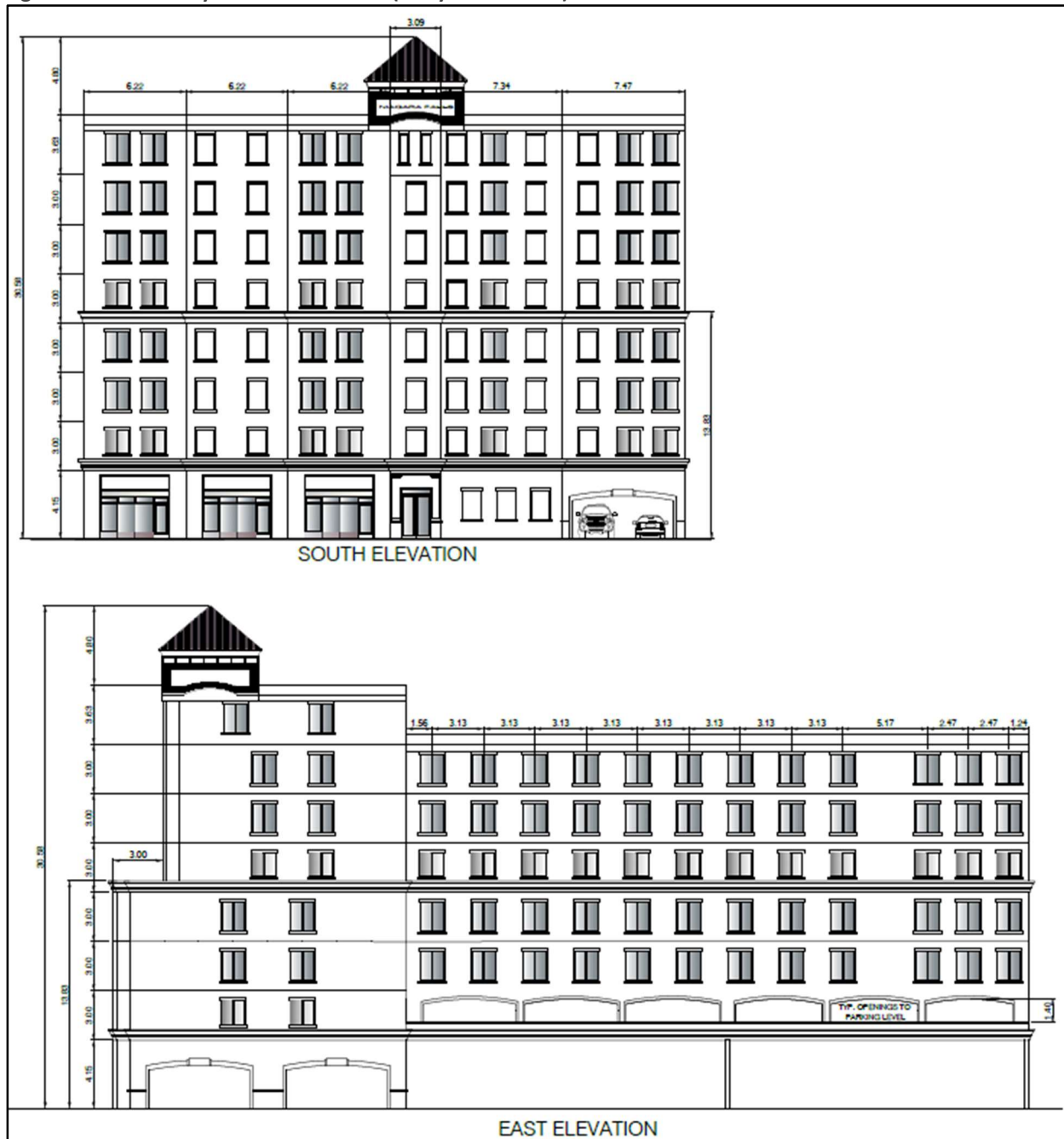
Figure 13: Site Plan Concept Showing 1st and 2nd Floors with Parking.



3.1. Proposed Built Form and Use

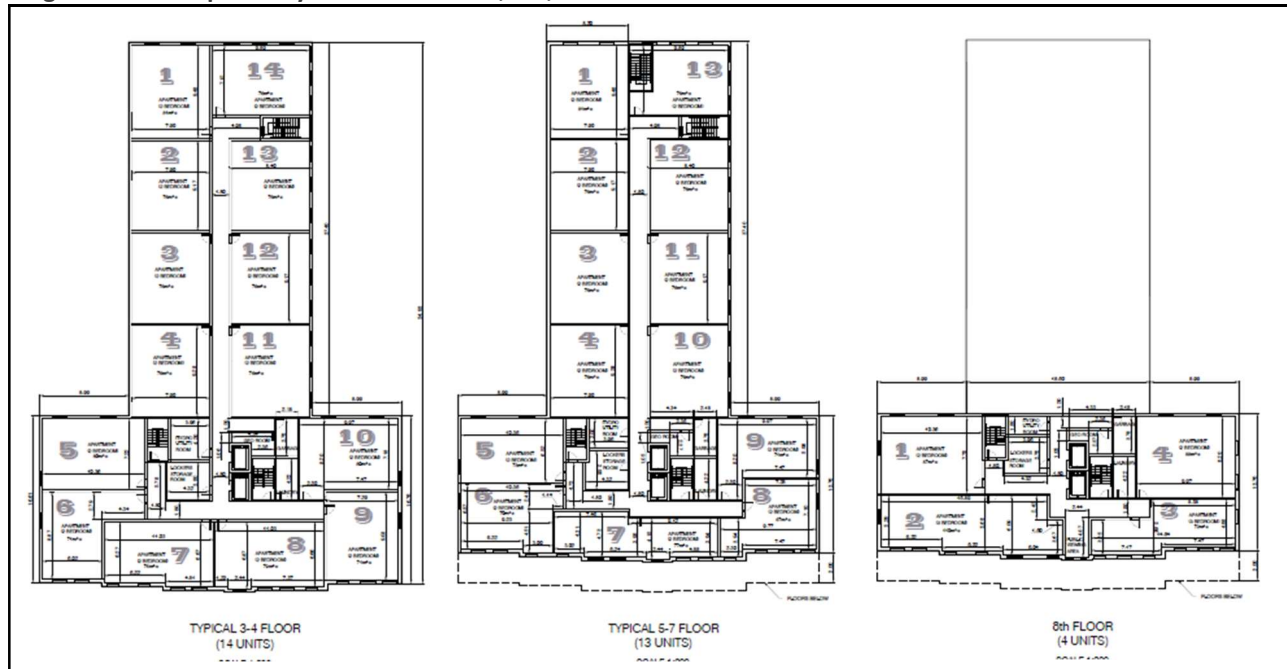
The project proposed to develop the site with an eight-storey T-shape building. The wider part will stretch along most of the Ferry Street frontage, providing approximately 85% of continuous façade. A ground-level vaulted underpass will allow vehicles to access the rear of the site. The top four floors will be stepped thru back by 3 metres.

Figure 14: Preliminary Elevations - South (Ferry Street View) and East.



The narrow section of the building will run through the middle of the site, allowing for greater separation from the neighbouring parcels. This section will be seven storeys, with ground level and the second floor used for parking.

Figure 15: Conceptual Layouts of Floors 3-4, 5-7, and 8.



3.2. Required Planning Act Applications

The Pre-Consultation identified four applications required for Planning Act approvals. Subsequent changes to the design reduced the number of units and bringing the proposed density into conformity with the Official Plan.

Zoning By-Law Amendment Application

The site was rezoned in 2002 prior to the demolition of the previous structure on the site. The rear of the site, known as 5660 Spring Street, was restricted to solely being a parking area. The main part of the site was given site specific provisions to allow a 14.5-metre-high commercial building. The site was never developed following the re-zoning.

An amendment to City of Niagara Falls Zoning By-law No. 79-200 is required to rezone the Site from General Commercial Zone (GC), 590 to General Commercial Zone (GC), Exemption to facilitate the development of the lands as proposed. The amendment will remove all of the provisions of Exemption 590. The amendment will add exemptions to permit a increase in permitted percent of residential floor space, an increase in permitted height, a reduced side yard to a parking structure, a reduced minimum front yard depth, an increase of the maximum height, and a reduction in the parking requirements.

Site Plan Approval Application

A Site Plan Approval application is required prior to development. This will allow a more detailed examination of the proposed construction from technical and functional perspectives by the City.

Standard Draft Plan of Condominium Application

A Draft Plan of Condominium Application is required to allow the transfer of ownership of the individual units to the purchasers, if desired.

3.3. Supporting Technical Studies

The Pre-consultation identified several reports that were required to be submitted as part of a complete application. Some of those reports are summarized here.

Phase 1 and 2 Record of Site Condition

The owner of the lands initiated a Phase 1 Record of Site Condition, conducted by Hallex Environmental Inc. A further study was warranted, leading to the discovery and removal of contaminated soil from the site.

Following further testing a Phase 1 Record of Site Condition was issued and filed with the Ministry. It states that “the contaminated soil was disposed of at an MECP licensed landfill and following confirmatory verification results, the excavation was backfilled and compacted with Granular A material. Hallex therefore concludes that the soil conditions at the study site meet applicable MECP Site Condition Standards. No further environmental assessment work is considered necessary and the results as of March 25th, 2019 justify filing a record of site condition for a change to residential land use.”

The subject lands should be considered suitable for development and human occupation.

Parking Requirements Analysis

The development concept submitted as part of the pre-consultation did not provide the amount of parking as required under the standard provisions of the zoning by-law. A Parking Requirements Analysis report was required and undertaken by Urban & Environmental Management Inc. for the owner. This study was based on the provision of only 70 parking spaces on site. The current development concept has 92 parking spaces.

Currently, By-law No. 79-200 requires 1.4 parking spaces per dwelling unit in an apartment building and 1 space per 25 square metres of gross retail floor space. The concept design would

require 11.4 parking spaces for 284 metres square of retail floor space and 107.8 spaces for 77 residential units, for a total requirement of 119 spaces.

The report examined factors that would affect the demand for parking on the site. These factors include that a transit stop was located directly in front of the property, the changing demographics of the City, the amount of amenities within walking distance, bicycle parking and the supply of rental vehicles. The size of the units, which include a number of bachelor and 1-bedroom units, was also considered.

The report also examined 9 other locations within the City which received similar reductions in parking requirements and the outcomes. The report concluded that given the factors present at the development site and the functionality of similar development that a reduction in the parking requirement for a apartment development would be justified.

4. Planning Policy Analysis

4.1. Provincial Policy Statement

The Provincial Policy Statement (PPS) sets the policy foundation for regulating the development and use of land. Land Use planning decisions must be consistent with the Provincial Policy Statement. Part V Section 1 sets out the policies for planning regulation, stating “Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth.”

These are the broad principles of what the province wishes to achieve. The principles of the path the province wishes to achieve these goals are set out in the policies of the PPS. Specific sections of the PPS that are pertinent to these planning applications are reviewed here.

Section 1.1.1 states that: *“Healthy, livable and safe communities are sustained by:*

<i>b) accommodating an appropriate affordable and market-based range and mix of residential types ..., employment ... and other uses to meet long-term needs;</i>
The development proposed will bring both space for small businesses and cost-effective housing in a pedestrian and transit friendly location.
<i>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</i>
The development is located within designated employment land within the urban boundary. The proposed design incorporates elements for pedestrian and vehicular safety.
<i>e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;</i>
The proposed intensification of this parcel will meet the goals of providing transit supportive development within a cost effective pattern that does not require extending current service and servicing networks.
<i>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</i>
Accessibility considerations are included throughout the design.
<i>g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;</i>
The proposed development site is a long-vacant parcel located directly on the existing major infrastructure (roads, sewers, etc.) and services (transit, parks, etc.) network of the City.

Section 1.1.3 Settlement Areas states that *“It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote*

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green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.”

1.1.3.1 Settlement areas shall be the focus of growth and development.

The subject lands are within the designated Settlement Areas.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

The subject lands are within an area that has been identified by the City of Niagara Falls for intensification and redevelopment.

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

The proposed zoning by-law amendment will allow a more compact and dense form than is currently permitted by the current provisions. These modifications do not pose a risk to public health and safety.

The subject lands are in a commercial corridor and the development will provide new commercial space. Section 1.3 Employment, Section 1.3.1 states that: *“Planning authorities shall promote economic development and competitiveness by:*

a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs

The development facilitated by the applications will mix-use building providing employment space on the ground level and housing above to serve the long-term needs of the community.

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses.

d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities

The proposed zoning will facilitate a mixed-use development form that provides small street-level commercial units on a pedestrian-oriented commercial corridor and providing new residential spaces above.

e) ensuring the necessary infrastructure is provided to support current and projected needs.

The necessary infrastructure capacity to properly service the proposed development has been demonstrated to be in place and available.

The proposed zoning by-law amendment and the development it will facilitate should be considered consistent with the principles and provisions of the Provincial Policy Statement to create compact complete communities.

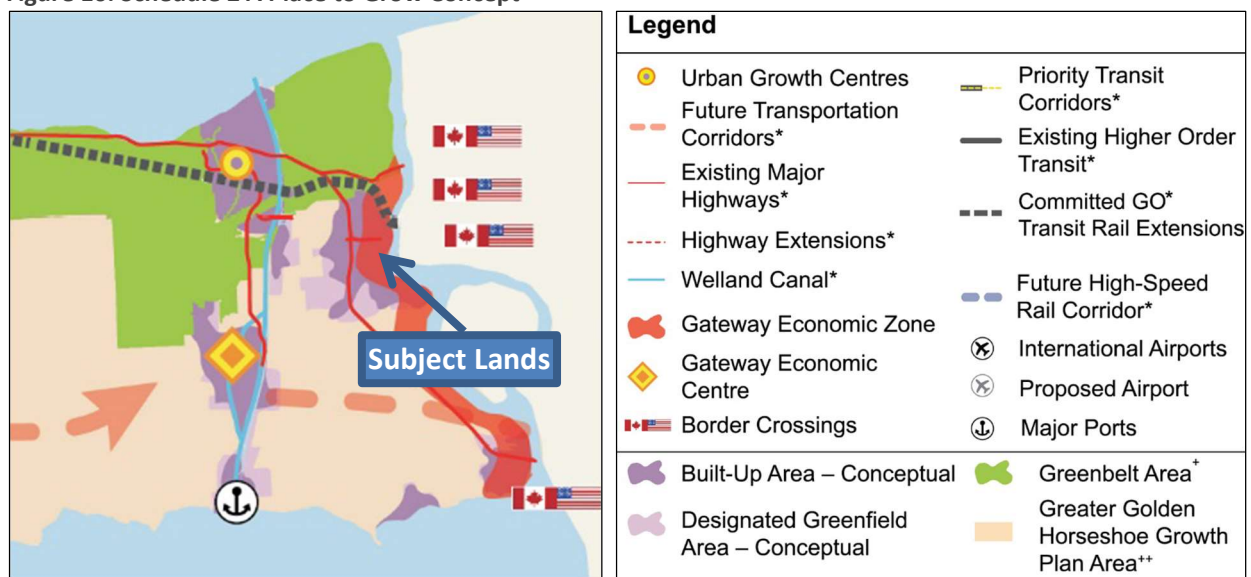
4.2. Growth Plan for the Greater Golden Horseshoe

The Growth Plan (2020 consolidation) is a regional document to guide urban development in the densely populated region. The Plan focuses on and promotes the development of complete communities, higher densities, infrastructure efficiency, housing supply, and transit while protecting natural and cultural heritage features as well as agricultural areas.

These principles are realized in the policies set out in Section 2 Where and How to Grow. Specific sections of the Growth Plan that are pertinent to these planning applications are reviewed here.

The area around the subject lands is identified as being Built-Up Area (dark purple) and Gateway Economic Zone (red) on Schedule 2 (see Figure 16). It is near an Existing Major Highway and a future Go Transit Rail Extension. It is outside from identified Urban Growth Centres, Greenbelt lands or other higher order features.

Figure 16: Schedule 2 A Place to Grow Concept



Section 2.2.1 Managing Growth, Subsection 4 – *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) *improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:*

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<p><i>i. range of transportation options, including options for the safe, comfortable and convenient use of active transportation;</i></p> <p><i>ii. public service facilities, co-located and integrated in community hubs;</i></p> <p><i>iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and</i></p> <p><i>iv. healthy, local, and affordable food options, including through urban agriculture;</i></p> <p><i>e) provide for a more compact built form and a vibrant public realm, including public open spaces;</i></p> <p><i>f) mitigate and adapt to the impacts of a changing climate, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and</i></p> <p><i>g) integrate green infrastructure and appropriate low impact development.</i></p>
--

The Plan goes on to define a Compact Built Form, referred to in point e, as having mixed land uses within one neighbourhood, including apartments above retail.

The development facilitated by the applications will contribute to achieving these goals as it will provide diversity to the land use, provide housing that is walkable to stores, grocery, employment, transit and parks, in a compact built form within the built-up Area.

The proposed zoning by-law amendment and the development it will facilitate should be considered consistent with the principles and provisions of the Growth to create compact complete communities.

4.3. Niagara Peninsula Conservation Authority

The subject lands are outside of the limit of NPCA regulation lands.

4.4. Region of Niagara Official Plan (2022 Draft)

Niagara Region is bringing forward a updated Official Plan on June 15, 2022, which is about 5 days after this report is complete. This report shall use the Recommend Plan as the basis of its review. The general area around the subject area is designated as Urban Area – Delineated Built-up Area. Ferry Street/Lundy's Lane is a Regional Road.

Figure 17: Inset of Draft Revision of Schedule B - Regional Structure, 2022

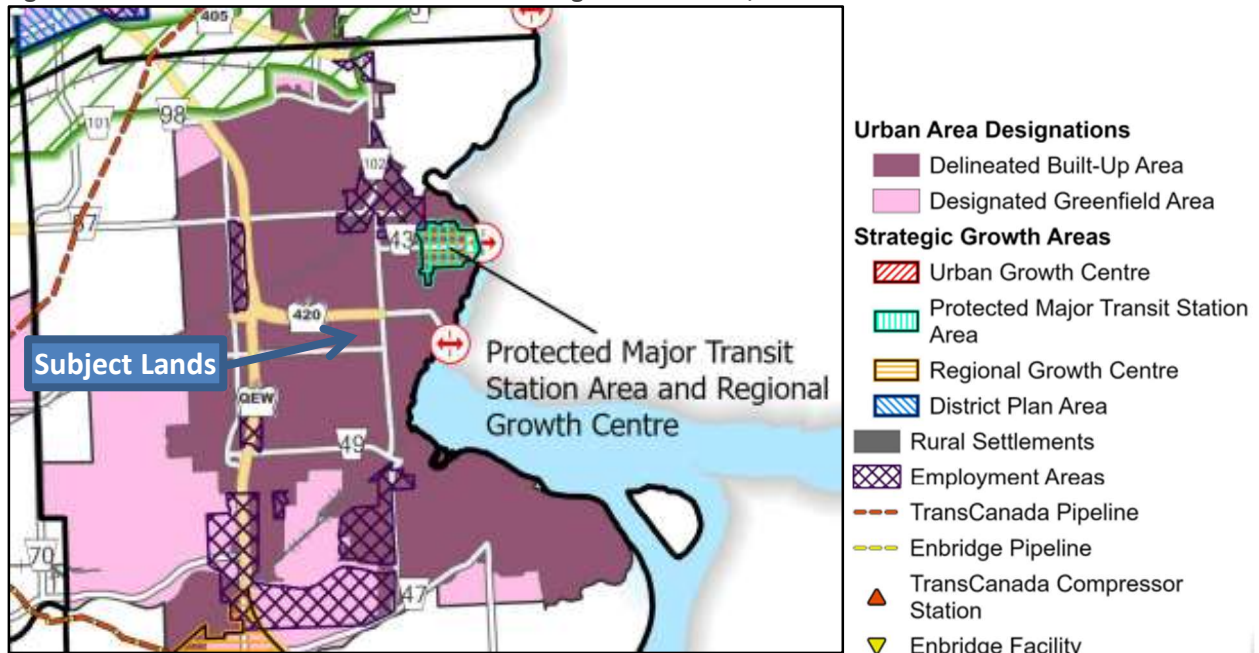
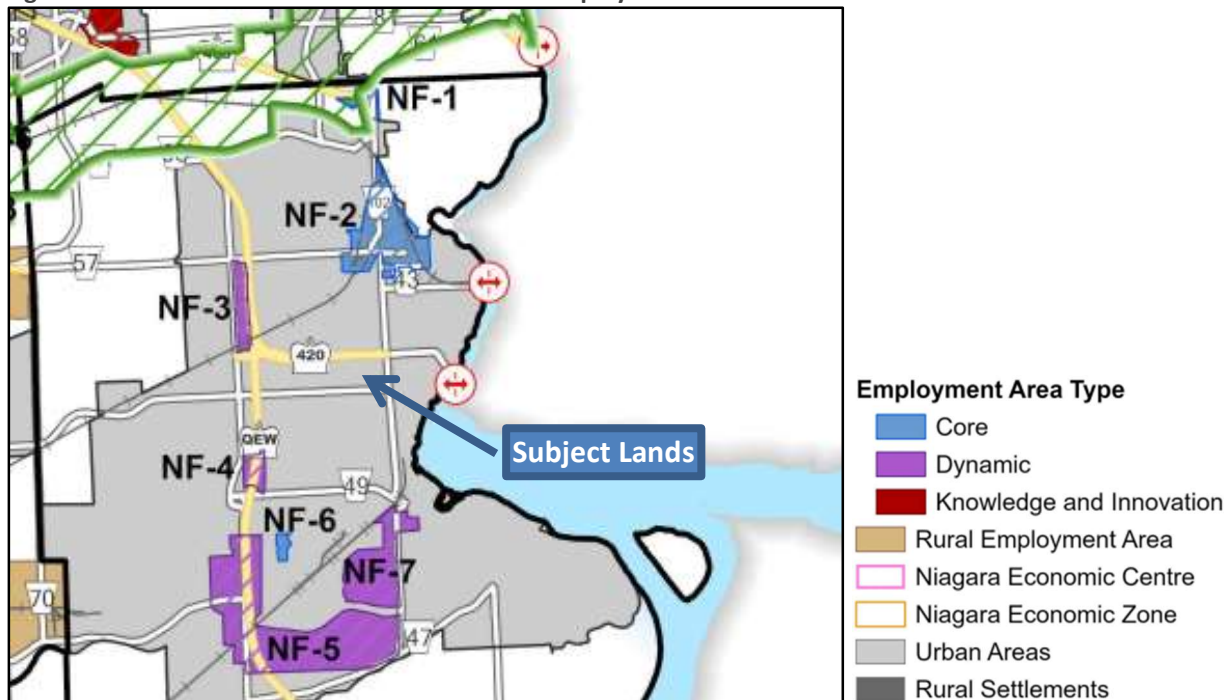


Figure 18: Inset of Draft Revision to Schedule G - Employment Areas 2022



The Niagara Region Official Plan follows the direction of the Growth Plan in promoting the development of compact complete communities to “accommodate growth through strategic intensification and higher densities”.

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Section 2.2.1 Managing Urban Growth, Subsection 2.2.1.1 states “*Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) opportunities for transit-supportive development*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*
- i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;*

The subject lands are vacant lots within a commercial corridor situated on the exiting network of municipal services. The development facilitated by the applications will contribute to achieving the goals of the Plan as it will provide diversity to the land use; provide housing that is walkable to stores, grocery, employment, transit and parks; in a compact built form within the built-up Area.

The proposed zoning by-law amendment and the development it will facilitate should be considered consistent with the principles and provisions of the Region Official Plan to create compact complete communities.

4.5. City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan (NFOP), 2019 Office Consolidation, is a policy document guiding the long-term development and growth of the City under the authority of Provincial and Regional policies. The Plan’s objectives are sustainable growth, the effective use of infrastructure, the protection of natural heritage, and the creation of compact liveable communities.

The subject lands located within a Node inside the Built-Up Area as illustrated on Figure 20: Schedule A2 Urban Structure Plan. The lands are designated Tourist Commercial area as illustrated on Figure 19: Schedule A Future Land Use. Ferry Road is designated as an Arterial Road as illustrated on Figure 21: Schedule C Major Roads Plan.

Figure 19: Schedule A Future Land Use

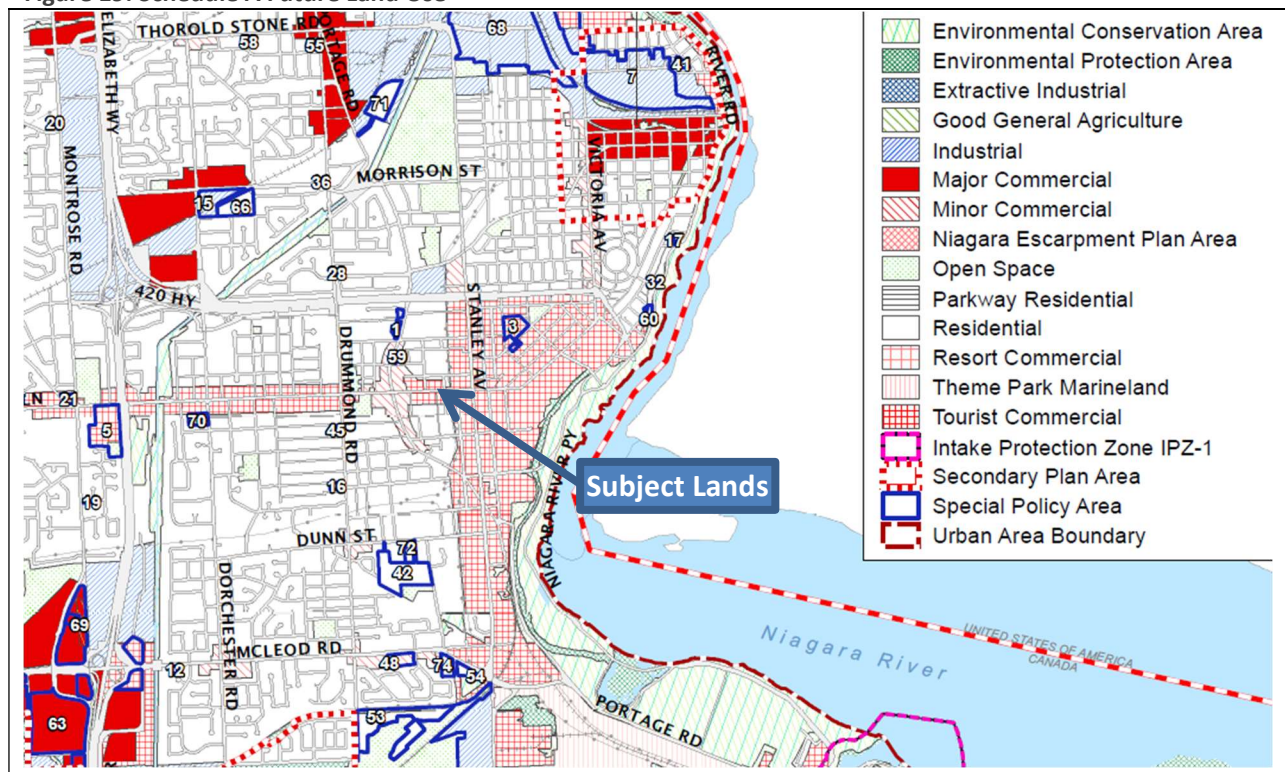


Figure 20: Schedule A2 Urban Structure Plan

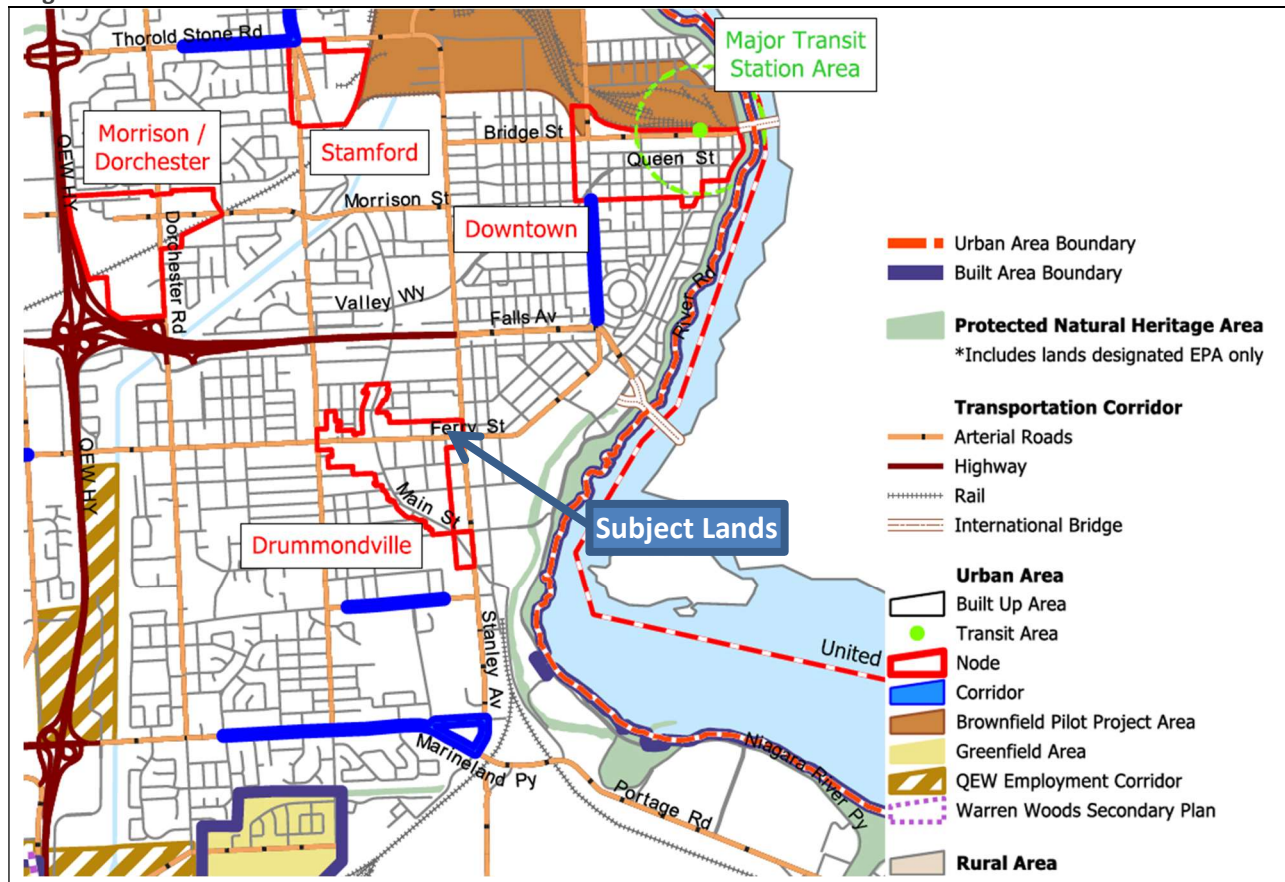
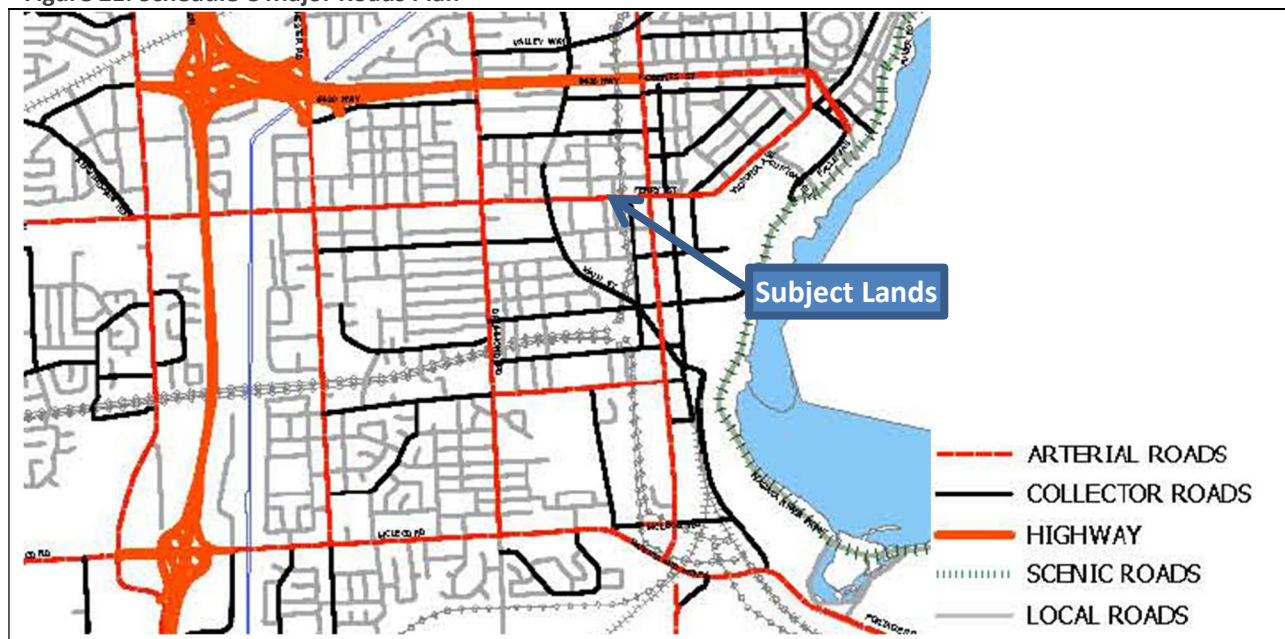


Figure 21: Schedule C Major Roads Plan



NFOP Part 1 Section 2 Strategic Policy Direction

Section 2 of the Plan sets out the Growth Objectives for the City. These broad objectives include:

- 3. To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area;*
- 7. To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2*
- 9. To encourage alternative forms of transportation such as walking, cycling and 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.*
- 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.*
- 12. To protect prime employment lands for the long term supply of employment in the Tourist Commercial and Industrial designations and to identify the Gateway Economic Zone.*

An individual project should be considered in how it's form and use is consistent with these objectives. The planning applications facilitate the higher density use in a location identified for such, within the Built-up Area without requiring new infrastructure. It will provide residential units within this area on a pedestrian and transit corridor. Approval will provide serviced land for intensification and provide pedestrian-oriented employment land within the Tourist Commercial designation. This individual project can be considered consistent with the Strategic Policy Direction of the City.

NFOP Part 1 Section 3 Intensification

The Plan explicitly promotes compact development within the existing built-up area, adding that "*opportunities for residential intensification on lands not currently designated Residential may also be considered.*" These opportunities include nodes identified on Schedule A2, including the Drummondville Node in which the subject lands (also designated Tourist Commercial) are found. General Policies include:

- 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).**
- 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 minimum density requirement policy referenced, Part 2, Section 1.15.5(iii), is 75 units per hectare. The proposed development is 198 residential units per hectare.

**The limit of the height strategy for the subject lands is 6-13 storeys. The proposed development is an 7-8 storey building.

The general assessment criteria for intensification nodes are set out in Section 3.10. It states that the intention of the Plan is *“to provide guidance for long-term compatible co-existence of residential and non-residential uses within these nodes”*, adding that *“Where commercially designated lands are in excess of demand, zoning by-law amendments for medium and high density apartments as a form of residential intensification may be considered provided the following general criteria are satisfied together with the policies for each node.”* Given that the subject lands have sat vacant since 2002 it is reasonable to conclude that the demand for these lands for an intensive commercial use is not in demand.

3.10.1 Intensification is to be consistent with the height and density parameters for each node.

3.10.2 Development will be arranged in a gradation of building heights and densities.

3.10.3 The proposed development is designed to be compatible with commercial development in the surrounding area.

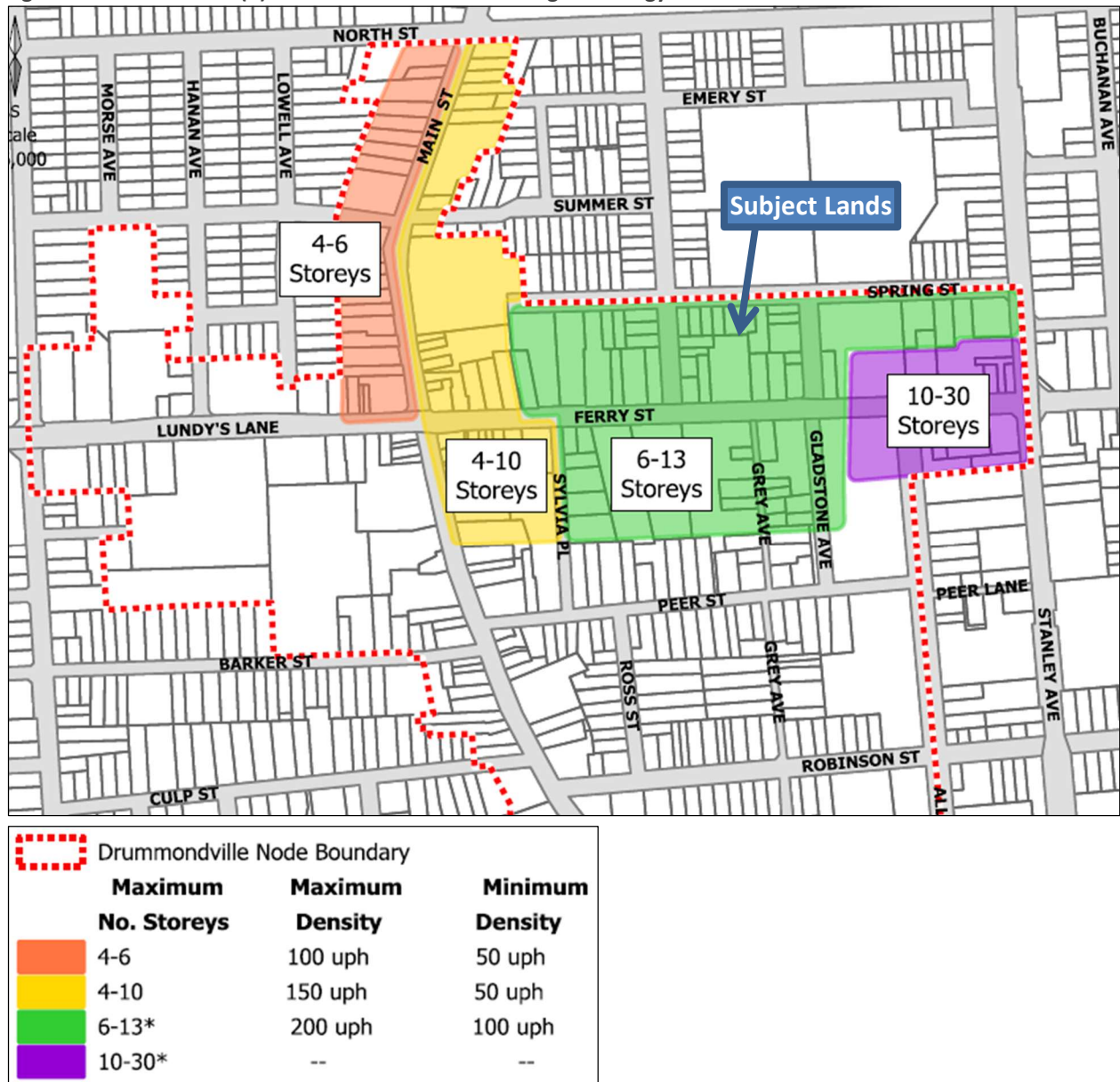
3.10.4 The development provides adequate landscaping and separation distances to ensure privacy and overall pleasant living environment.

3.10.5 The proposal does not hinder commercial traffic patterns.

The height and density parameters are defined in Figure 22: Schedule A.2 (b) - Drummondville Node - Height Strategy. The subject lands are designated to have a maximum height between 6 to 13 storeys, the proposal is for 8 for the front and 7 in the rear. Density is prescribed to be between 100 and 200 units per hectare, the proposal is for 197.7 residential units per hectare. The proposed form will provide a near-continuous streetwall consisting of commercial units (including the rental office of the residential building). The proposed massing includes a setback for the upper floors and pedestrian pathways on either side. The Ferry Street façade will fill most of the width of the parcel, whereas the wing behind will run down the middle with 12 metre setbacks to the side lot line. The rear of the lands adjacent to existing two storey dwellings is proposed for ground level parking, removing the overlook concern while these properties await land assembly for development in keeping with the Official Plan. The site will be designed (through the Site Plan Approval process) to facilitate the efficient movement of commercial vehicles onto the existing road network.

The proposed zoning by-law amendment and the facilitated development is consistent with these criteria for development within a node.

Figure 22: Schedule A.2 (b) - Drummondville Node - Height Strategy



Section 3.13 provide policies specific to the Drummondville Node:

- residential uses may develop as part of a multiple use building or as stand-alone buildings;
- new development and/or redevelopment shall respect the existing built form of 4 storeys while allowing for intensification.
- additional building height may be allocated in accordance with Schedule A-2 (b);

The policies allow for multiple-use buildings, as proposed, and increased height allocation as per Schedule A.2b, as proposed. The side design will respect the existing built form by putting

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the mass of the building to the Ferry Street frontage and away from the low-rise residential to the north.

The Urban Design policies for the Drummondville Node found in Section 3.14 shall be addressed in full in the Architectural Brief. One section related to the proposed zoning provision is examined here.

3.14.1 j) shared parking arrangements and reductions to parking requirements may be considered on a site specific basis. Proposals for either may be required to be supported by a Parking Demand Analysis to the satisfaction of the Director of Transportation Services and the Director of Planning, Building and Development.

The applications are to facilitate the development of a mixed use building located on a transit route in an intensification node. The proposed design requires a reduced parking requirement which is supported by the Parking Demand Analysis.

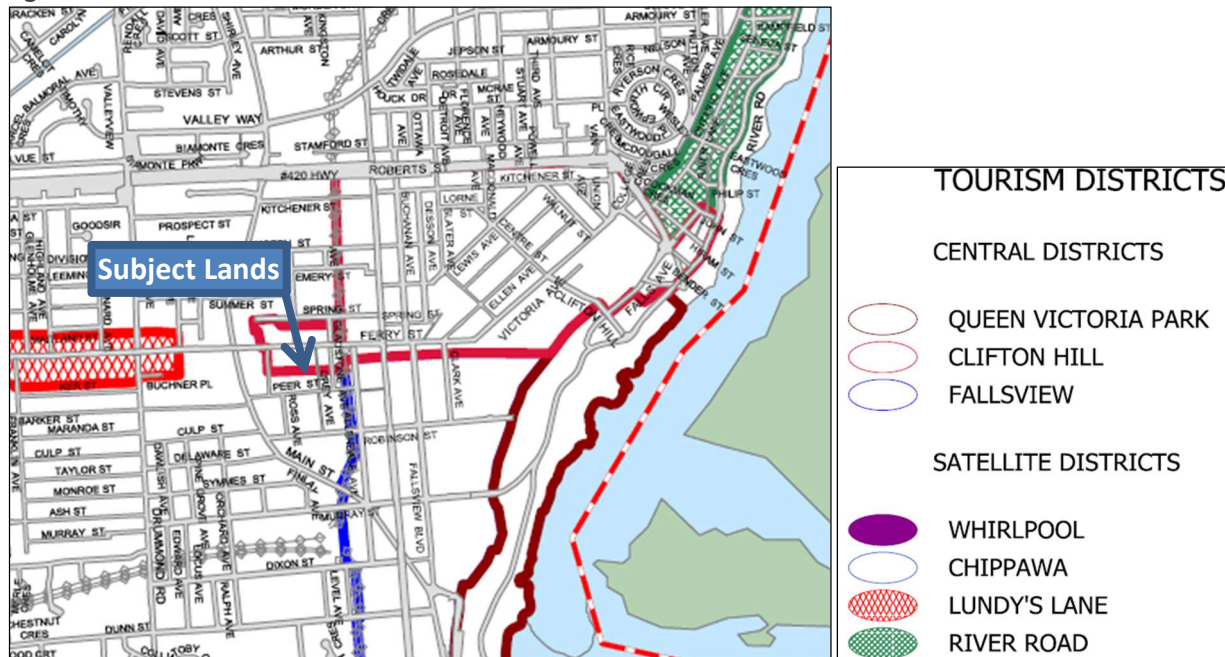
The proposed application should be considered consistent with the Official Plan and its intensification objectives.

NFOP Part 2 Section 4 Tourist Commercial

The Official Plan identifies the *“overall emphasis of that strategy is to improve the physical setting of the Tourist Area, creating a world-class tourist destination which fosters increased visitor spending, lengthens visitor stays and extends the tourist season.”*

The subject lands are designated as Tourist Commercial on Figure 19: Schedule A Future Land Use and identified as part of the Clifton Hill – Central Tourist District per Figure 23: Schedule E Tourism Districts.

Figure 23: Schedule E Tourism Districts



Section 4.1.24 focuses on the built-form of the tourist area.

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;*
- 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;*
- c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*
- 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;*
- e) Council will consider the merits of development applications having regard to the policies of this Plan;*

The height of the proposed building, 8 storeys, is deemed low-rise per Section 4.4.3. The highest buildings referenced are in the area of 30 storeys. The site is located towards the periphery of the tourist core, and the 8 storey height is consistent with reducing height to respect the scale and character of the abutting neighbourhood.

4.2 TOURIST DISTRICTS

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.

CLIFTON HILL SUBDISTRICT

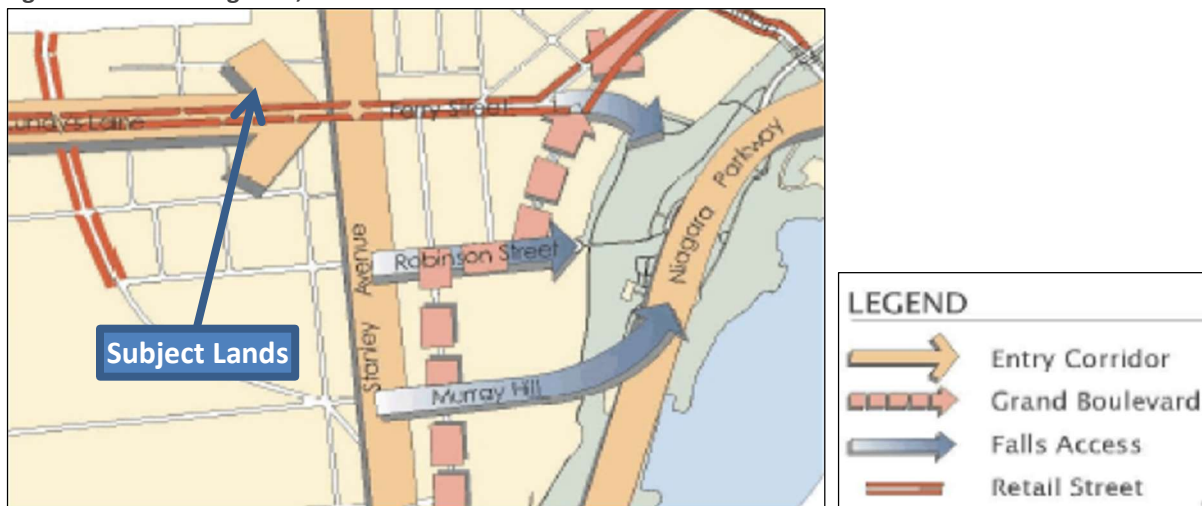
4.2.18 New developments within the Clifton Hill Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 of this Plan with respect to the development's built form.

There are some inconsistencies in the Official Plan as it pertains to this specific location. Schedule A.2 (b) designates a maximum height of 6-13 storeys, whereas Part 2 Section 4.4 Figure 4 designates the area as Medium Rise with a general height limit of 9-12 storeys as per Section 4.4.3. The proposed form would be classed as a Low-rise development. Regardless, the proposed development is compliant with both regulations. The policies of Section 4.4.6, 4.4.7, and 4.4.8 do not apply to a building of this size.

4.3 THE PUBLIC REALM

4.3.8 Retail Streets, as identified on Fig. 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with the Design Criteria for Retail Streets.

Figure 24: Inset of Figure 2, Section 4.3 Public Realm



Ferry Street is identified as a Retail Street and an Entry Corridor to the Tourist Central core. The proposed design is consistent with the applicable design criteria. The design will provide a near continuous façade along the street that is right to the front of the property. Small commercial spaces that are pedestrian oriented are provided. The front façade will have setbacks for higher floors to increase light and openness.

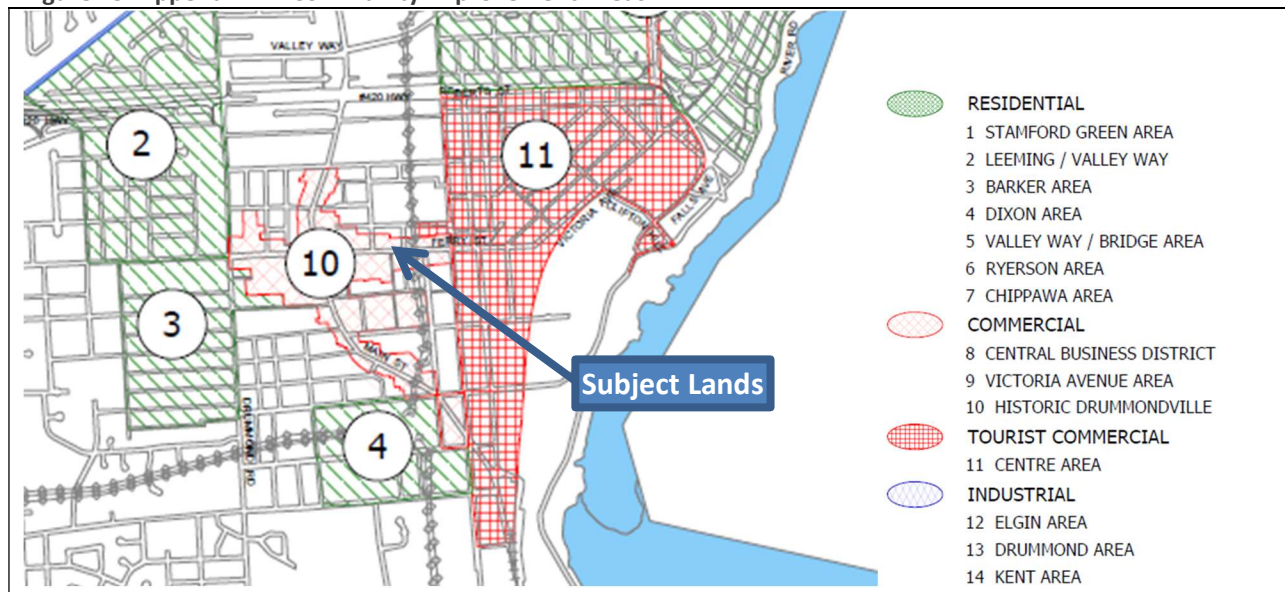
The subject lands are outside of the Parking policy area of Section 4.5.2.3.

The proposed application should be considered consistent with the Official Plan and its Tourist Commercial policies.

Historic Drummondville Community Improvement Area

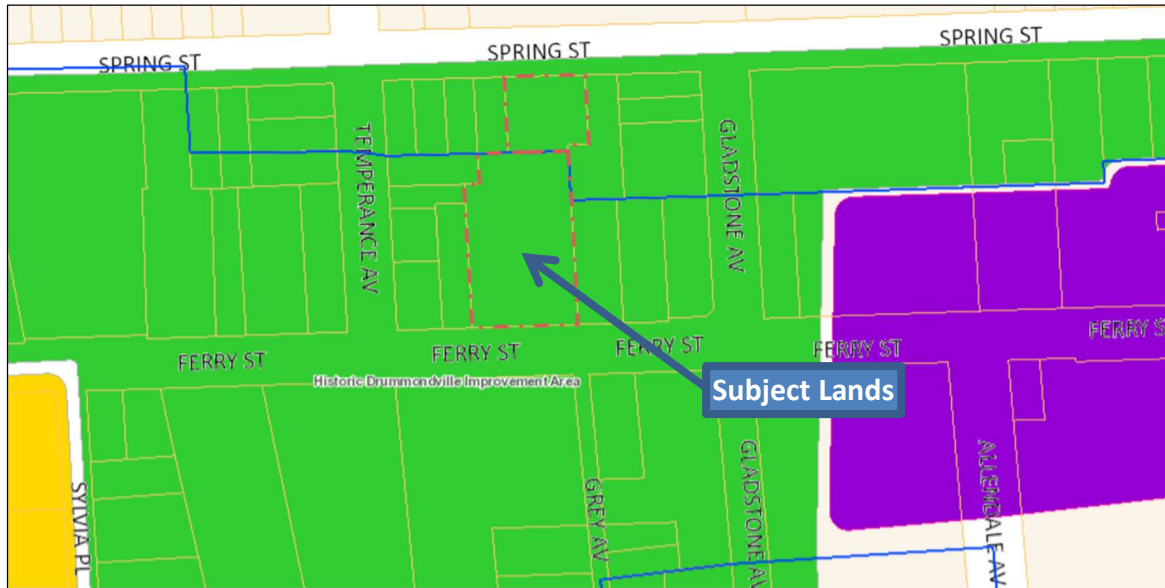
The City of Niagara Falls prepared a Community Improvement Plan for the area, as shown in Figure 25: Appendix V – Community Improvement Areas. This plan was prepared to “provide the opportunity for and guide revitalization in Historic Drummondville”.

Figure 25: Appendix V – Community Improvement Areas



It should be noted that the Historic Drummondville Community Improvement Area boundary differs from the Drummondville Node boundary. The subject lands are wholly within the Drummondville Node and only the 5687 Ferry Street parcel is within the CIP as shown on Figure 26: Overlay of Drummondville CIP (blue line) and Drummondville Node.

Figure 26: Overlay of Drummondville CIP (blue line) and Drummondville Node (Green, Yellow and Purple)



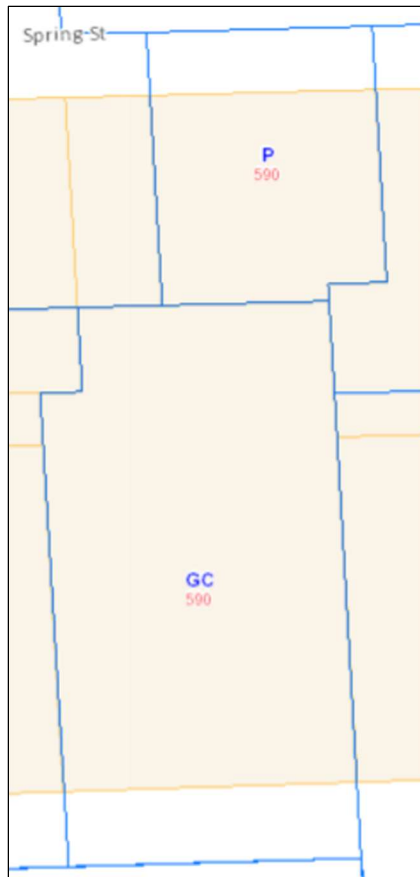
The entirety of the proposed building will be within the Historic Drummondville CIP. The CIP project included the creation of Conceptual Urban Design Guidelines, the bulk of which will be addressed by the Architectural Brief. Those that are pertinent to the proposed Zoning By-law Amendment will be examined in this report.

In Section 3.3 Streetscape Design, the document recommends that for Ferry Street “*the streetscape should be designed in such a way as to allow future buildings to be built right next to the sidewalk. A continuous, pedestrian related street frontage of shops and other active uses will be the best way of enlivening the street environment and creating a people place that is distinct from the arterial commercial nature of Lundy’s Lane and the entertainment and tourism focus of Victoria Ave. This pattern will also heighten the importance of open spaces that will remain such as the hydro corridor landscaping, the former Town Hall for court and Drummond hill open space.*”

The zoning provides for massing next to the sidewalk and protects the ground floor for commercial uses that are oriented to the pedestrian zone. The proposed application should be considered consistent with the Official Plan and Historic Drummondville Community Improvement Plan.

4.6. City of Niagara Falls Zoning By-Law 79-200

Figure 27: Zoning Designations of Subject Parcels



The subject parcel is dual zoned, being General Commercial GC 590 for the main portion fronting onto Ferry Street (known as 5687 Ferry Street) and Parking P 590 for the smaller portion fronting onto Spring Street (known as 5660 Spring Street).

The special exemption #590 allowed a maximum height of 12 metres on the lands zoned GC and restricted the permitted uses to solely parking on the lands zoned P. The proposed development will not utilize these exemptions and they may be removed without effect on this project.

The General Commercial Zone (GC Zone) provisions are found in Section 8.2 of the By-law. The proposed development form will require several special exemptions from the standard GC zone provisions.

Required Special Exceptions

The project, as presented in the preliminary site and building plans, requires 3 Special Exceptions from the standard GC zone provisions: Percentage of Residential Floor Area; Maximum Height; and Minimum Parking Requirements.

The General Commercial zone permits dwelling units located above the ground floor.

8.2.1 (nn) dwelling units in a building in combination with one or more of the uses listed in this section provided not more than 66% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor.

The portion of the building floor area occupied by dwelling units is restricted to 66% of the total floor area of the building. The proposed development will have approximately 96% of the total floor area as residential (including rental office, utility rooms, hallways, elevators and such). The floor area total of just the dwelling units will be lower but still above 80%.

The standard zoning was crafted for buildings that were three or possibly four storeys in elevation. In such a building a restriction of 66%, or two thirds, made sense to protect the ground level commercial use.

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The current zoning provision for maximum dwelling floor space percentage is not consistent with the current Official Plan, which permits mix-use buildings such as proposed with a maximum height of 13 storeys. The proposed exemption should be considered consistent with the Official Plan.

The Maximum Height of a Building or Structure is similar in its intent for 3-4 storey buildings.

8.2.2 (g) Maximum height of building or structure: 12 metres (39.37 ft.).

This restriction is not consistent with the Official Plan, particularly its Height Strategy for the Drummondville Node. The exemption from this provision should be considered consistent with the Official Plan.

The third exemption is for a reduction in the amount of parking required, as specifically required to be considered by policy Part 1, Section 3.14.1 j).

Figure 28: Excerpt of Table 1, Section 4.19 Parking Areas, By-law 79-200

<i>CLASS OF USE, BUILDING OR STRUCTURE</i>	<i>MINIMUM PARKING SPACE REQUIREMENTS</i>
<i>Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling</i>	<i>1.4 parking space for each dwelling unit</i>
<i>Retail store, adult store, tattoo studio, dancing studio, laundromat and personal service shop up to and including a gross leasable floor area of 450 square metres</i>	<i>1 parking space for each 25 square meters of gross leasable floor area plus 1 parking space for each 90 square metres of floor area devoted to storage</i>

A Parking Demand Analysis was prepared in support of this application. The report supported a reduction in the parking requirement. The proposed design has 77 dwellings, 3 commercial units, and 92 parking spaces.

The following parking standard would allow the proposed development design with 92 parking spaces while providing clear requirements for any change to the design:

- 1 space per residential dwelling unit; plus
- 1 space per each 25 square meters of commercial gross leasable floor area (15 spaces minimum) to be provided as joint visitor parking and commercial parking.

This exemption, supported by the parking analysis, would be consistent with the provisions of the Official Plan.

Two additional provisions should be considered to ensure that the proposed zoning amendment is consistent with Official Plan and its policies for the Drummondville Node. These

would be a 3-metre setback for floors 4 and above, and a prohibition on parking between the Ferry Street streetline and the building. (The development parcel is a through parcel. This wording avoids a debate as to the front versus rear lot lines.)

5. Summary and Conclusion

The purpose of the application is to change the zoning designation of the lands zoned GC-590 to a new General Commercial GC Special Exemption Zone. The Special Exemptions will increase the permitted percentage of residential floor space, increase the maximum height, and decrease the required parking. The exemptions will also incorporate an upper-level setback and a prohibition on front yard parking.

The proposed amendment is consistent with the broad focus policies of the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, and the Niagara Region Official Plan. The planned development is:

- Within the Urban Boundary
- Within the Built-Up Area
- Located on existing transportation and servicing infrastructure
- Compact in form
- Increases density at a central location
- Provides both employment and housing, particularly attainable housing near a major employment node.

The proposed zoning amendment is consistent with the defined and detailed focus of the City of Niagara Official Plan and the Historic Drummondville Community Improvement Plan. The amendment will facilitate:

- a building form and massing in line with the Height Strategy for the area
- a form consistent with the desired pedestrian-oriented streetscape for Ferry Street
- adding high-visibility commercial space for small businesses on a retail street
- adding density to an identified density node
- adding attainable residential dwellings near the tourist commercial employment area
- improving the viability of the transit system
- adding to the critical mass of pedestrians for Ferry Street
- reducing the need to extend the servicing network of the City

The current zoning is not consistent with the Official Plan policies for height and intensification of use desired for this location and designation. The amendment will make the zoning for the lands more consistent with the Official Plan.

Figure 29: Aerial of area around the site with 500 metre and 1-kilometre radii.



The development will have many benefits for the City, bringing a high-value use to a vacant parcel, bringing new commercial space to a growing shopping district, and bringing needed residential dwellings to a transit friendly location. The site is located within walking distance of the tourist commercial district and its employment opportunities.

This application represents good planning, it serves the public interest, and it is recommended for approval by the City.

Respectfully submitted,

M. Liam Doherty, RPP MCIP CPT
Principal Planner
Doherty Planning & Design

Appendix 1. Draft Zoning By-law Amendment

1. Notwithstanding 8.2.1.nn, there are no restrictions on the percentage of floor spaces used for residential units above the ground floor.
2. Notwithstanding 8.2.2.g, the maximum building height is 8 storeys and a maximum peak height of 31 metres and.
3. Notwithstanding 8.2.2.i and 4.19.1, parking shall be provided at a minimum of
 - 1 space per residential unit plus
 - 1 space per each 25 square meters of gross leasable floor area for commercial uses to be used as joint visitor parking and commercial parking. A minimum of 15 such spaces shall be provided on site.
4. In addition to 8.2.2 (b), a minimum front yard depth of 3 metres to the portion of a building that is above 15 metres in elevation from grade.
5. In addition to 8.2.2, parking may not be located in the yard abutting Ferry Street.

Appendix 2. Letters of Support



Wayne Gates MPP, NIAGARA FALLS

Rocco Oliverio
RKO Enterprises
1489 Upper Gage St.
Hamilton, ON
L8W 1E6

Re: RKO Enterprise Development

Rocco,

I am pleased to offer you this letter of support regarding a proposed mixed income housing development in Niagara Falls. The proposed build would create an additional 100 housing units for our community.

After meeting to discuss this development, I'm excited with the prospect of this project being completed. Building affordable housing is a process that I am passionate about, as I believe that everyone, regardless of income level, deserves a place to live.

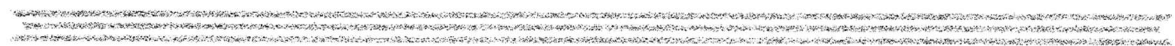
We need to take every measure to ensure that everyone, not just in Niagara, but also across this province have a roof over their heads. This investment in our community will create inclusive and accessible housing where this community needs it most.

I am supportive of this project and I look forward with great enthusiasm to its completion.

Should you require any additional information, feel free to contact my office.

Warm Regards,

Wayne Gates, MPP Niagara Falls



Niagara Falls

6716 Morrison Street, Unit 4
Niagara Falls, ON L2E 6Z8
Tel: 905-357-0881
Fax: 905-357-9456
wgates-qp@ndp.on.ca

Fort Erie

Douglas Heights Senior Centre
265 High St.,
Fort Erie, ON L2A 3R4
Tel: 905-871-8868
Fax: 905-871-4717

Niagara-on-the-Lake

NOTL Public Library
10 Anderson Lane
Niagara-on-the-Lake, ON L0S 1H0
Tel: 289-241-2238
Fax: 905-357-9456

Queen's Park Office

Room 361, Main Legislative Building,
Queen's Park, Toronto, ON M7A 1A5
Tel: 416-212-6102
Fax: 416-212-6166
wgates-qp@ndp.on.ca





Economic Development

1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-688-5907
www.niagararegion.ca www.niagaracanada.com

Rocco Oliverio
RKO Enterprises
1489 Upper Gage St.
Hamilton, ON
L8W 1E6

Rocco,

We are pleased to provide you with this letter, regarding the mixed-use development that would include 105 apartments. We met and discussed this project to construct an eight-story building at 5687 Ferry Street, Niagara Falls, Ontario, L2G 1S5. The proposed location of the building is located in the southern area of the city where there is an identified need for the development of new affordable housing. We have already identified that this project would qualify for development charge grants at both the municipal and regional level to encourage the development of new housing.

We understand that the development itself will be built to a LEED standard using state-of-the-art geothermal technology for cooling and heating as well as other energy efficient equipment and construction materials. As a result this development will exceed existing mandatory building requirements and will support the development of a greener Niagara by reducing the building's need for electricity and therefore creating a smaller carbon foot print.

The building itself will also be accessible with the use of underground parking, ramps and lifts to facilitate movement throughout the building. The developer intends to market the building to seniors who are looking for an affordable and safe housing. The addition of new rental units on a major public transportation corridor, which will help residents get to work and access local amenities. The investment in the area will also help create inclusive and accessible communities by building housing where it is needed most.

The Niagara Economic Development Department support the construction of housing that meets the Affordability Criteria as defined the CMHC. Should you require additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "K. Scholtens".

Ken Scholtens
Manager, Business Development & Expedited Services
Niagara Region
1815 Sir Isaac Brock Way, Thorold L2V 4T7
Phone: 905-980-6000 ext. 3710 Cell: 905-401-8209