

Planning Justification Report

Official Plan Amendment &
Zoning By-law Amendment

Kalar Road – Lot 186, Niagara Falls

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1.0 INTRODUCTION

The Subject Lands, measuring approximately 5 hectares, consist of two parcels in the City of Niagara Falls, Regional Municipality of Niagara: the first parcel (“Parcel 1”) is municipally known as 7640 Kalar Road and legally described as Pt Two Lt 186 Stamford Pt 1, 59R2216, the second (“Parcel 2”) does not have a civic address but is located directly to the south of 7640 Kalar Road and is legally identified as Part Township Lot 186 Stamford, Parts 2 And 3 59R11893. Parcel 1 is owned by Gail McQueen and Parcel 2 is owned by 12778611 Canada Inc. NPG has been retained to provide professional planning advice on the proposed residential development to permit 92 back-to-back townhouse units and 7 regular townhouse units on the Subject Lands. Implementation of the proposed development requires an Official Plan Amendment and a Zoning By-law Amendment.

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

Sections 5.1, 5.2, 5.3 and 5.4 of this report presents an analysis of the applications in regard to provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformance with the general intent and objectives of the City’s OP. Section 6.0 of this report evaluates land use compatibility with the surrounding uses while Sections 7.0 and 8.0 describe and provide justification for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment respectively.

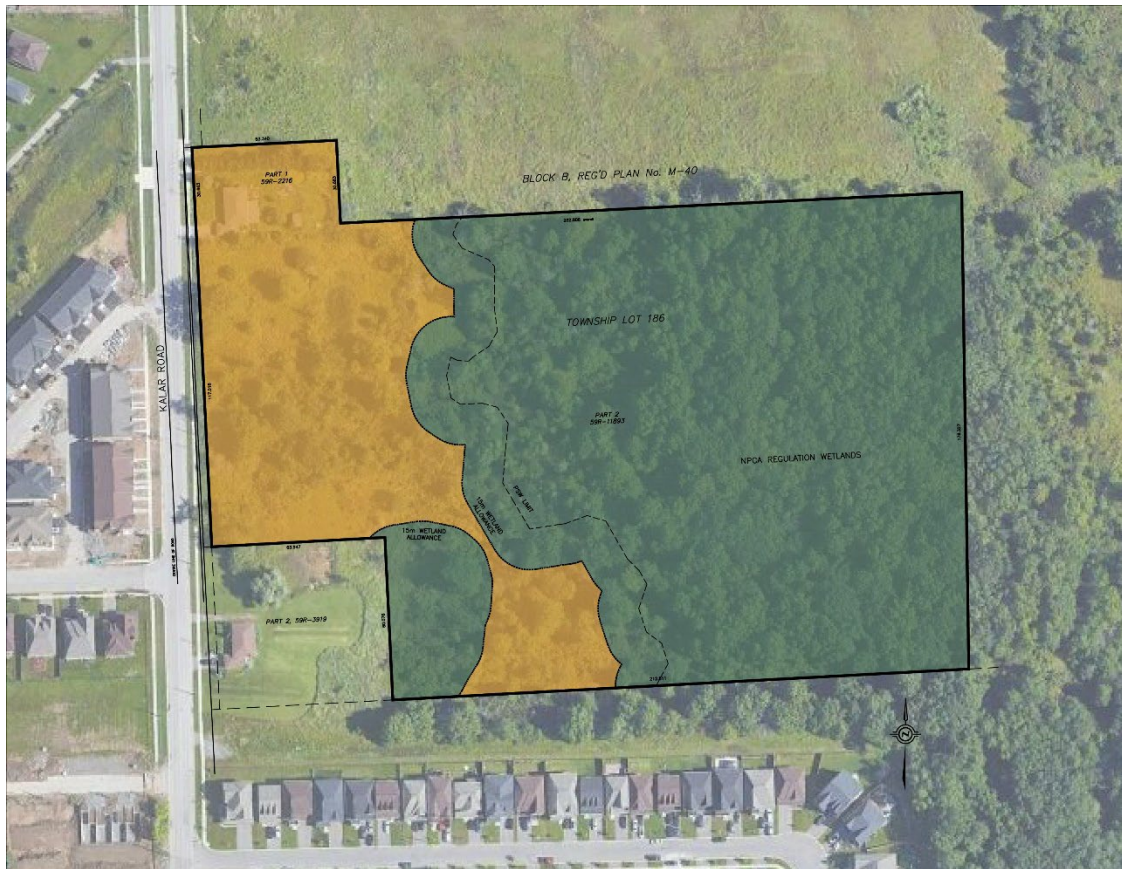
2.0 DESCRIPTION OF SUBJECT LANDS AND SURROUNDING AREA

The Subject Lands are located in the City of Niagara Falls along Kalar Road and bounded by Brown Road to the south and McLeod Road to the north (see **Figure 2 - Aerial Context**). The properties are currently owned by two owners but are intended to be under a single ownership, at which point the two properties would “merge in title” and become one property. The Subject Lands have a combined frontage of 147.6 meters on Kalar Road and a total (“gross”) area of 50,761 square metres. Kalar Road is classified as an arterial road in the City’s OP.

The Subject Lands contain designated natural heritage features on-site and on portions of adjacent lands. These natural heritage features include Provincially Significant Wetland (“PSW”) related to the Warren Creek PSW complex as well as Significant Woodland at the eastern portion of the Subject Lands. These natural heritage features are identified as Environmental Protection Areas (EPAs) in the Niagara Region Official Plan (NROP) and the City of Niagara Falls OP. The western limit of the Subject Lands is depicted as free of natural heritage features and constraints. In addition to these Natural Heritage Features, there is a small portion at the northwest corner of 7640 Kalar Road identified as being a regulated floodplain.

An Environmental Impact Study (EIS) was prepared by Myler Ecological Consulting, dated May 2022, to confirm the extents of the natural features. Please refer to the EIS enclosed with this submission for detailed mapping and supporting information related to the existing natural heritage features. Of note, the Significant Woodland limit is contained entirely within the PSW Limit. The EIS recommends a 15-metre buffer from the PSW boundary to limit potential impacts on the natural heritage features identified on the Subject Lands and their ecological functions. Figure 1, below, identifies the extent of the PSW as well as the required 15-metre buffer.

Figure 1 – Subject Lands – Wetland Allowance



The identified natural heritage features and their required 15-metre buffer account for approximately 4.1 hectares (41,124 square metres) of the Subject Lands. Development would not be permitted in these areas and consequently, the net land available for development is 9,637 square metres (0.96 hectares).

The surrounding land-uses include residential subdivisions with single-family dwellings located to the south and west of the Subject Lands, and woodlands to the north and east. There is a segment of historical hydroelectric corridor to the south of the Subject Lands. Please refer to **Photos 1 – 10** on the following pages for more details. The Warren Woods Trail is located immediately west of the Subject Lands, providing recreational opportunities throughout the neighboring subdivision. There are a few commercial uses located north and east of the Subject Lands along McLeod Road and consisting of fast-food establishments, shopping stores, and some institutional uses as shown in Figure 2. Part of the commercial establishment is the Niagara Square Plaza, west of the

QEW Highway and the Smart Centres Plaza on the east side of the QEW. Approximately 240 metres from the Subject Lands are offices and work yard of the Niagara Peninsula Energy Utility.

There is a municipal sidewalk present on the east side of Kalar Road, fronting the Subject Lands. There are two bus stops, one being north and the other being south of the Subject Lands, that are also within a 100-meter and 300-meter distance, respectively, servicing the weekday 105-bus route and the weekend 205-bus route from Canadian Drive Hub to Mt. Carmel Plaza. These routes are operated by Niagara Falls Transit, providing connections to commercial hubs in the community along with access to other transit routes throughout the Niagara Falls area. Please refer to **Figure 4 – Community Amenities** in the following section.

Figure 2 Aerial Context



North: Single-detached Dwelling; Vacant; Niagara Peninsula Energy Utility

South: Single-detached Dwellings

East: Vacant; Commercial

West: Single-detached Dwellings

Image 1. Looking north along Kalar Road. Subject Lands are located to the right.



Kalar Road (Lot 186) - Planning Justification Report

Image 2. Looking east from Kalar Road towards the Subject Lands



Image 3. Looking east along Kalar Road towards the Subject Lands



Kalar Road (Lot 186) - Planning Justification Report

Image 4. Looking west along Kalar Road towards Goldenrod Trail



Image 5. Looking west along Kalar Road towards a stacked townhouse development north of Mulberry Drive



Kalar Road (Lot 186) - Planning Justification Report

Image 6. Looking west down Mulberry Drive from Kalar Road. Mulberry Drive features single detached residential dwellings



Image 7. Looking south-east from Kalar Road towards the Subject Lands



Kalar Road (Lot 186) - Planning Justification Report

Image 8. Looking north-west from Kalar Road towards the Subject Lands. A vacant dwelling at 7640 Kalar Road can be seen in the background. This dwelling will be removed to facilitate the proposed development.



Image 9. Looking north-east towards the vacant residential dwelling adjacent to the Subject Lands.



Kalar Road (Lot 186) - Planning Justification Report

Image 10. Looking south along Kalar Road. Subject Lands are located to left



3.0 PROPOSED DEVELOPMENT

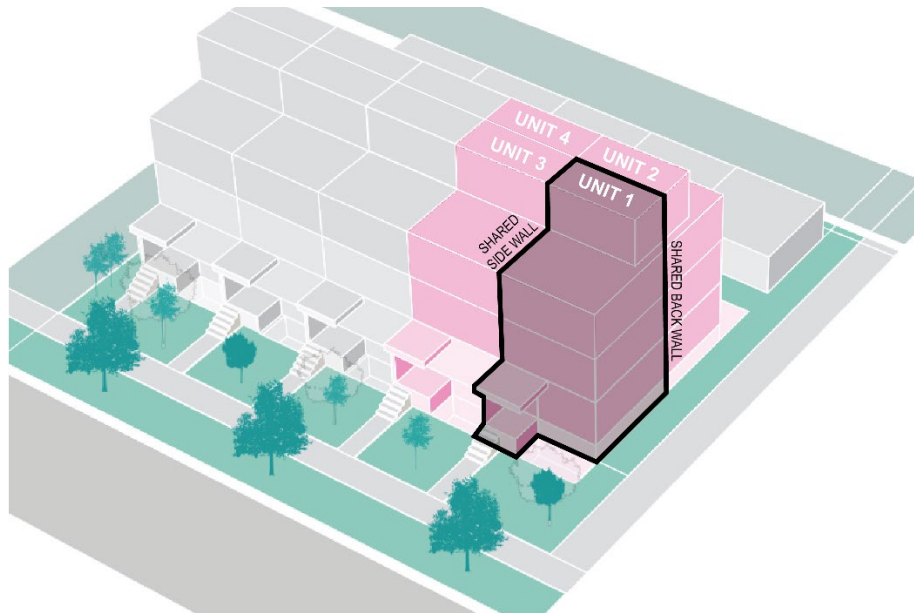
The applicant is proposing to develop the Subject Lands for eleven (11) townhouse blocks, consisting of 92 back-to-back and 7 regular townhouse units, totalling 99 units facing internal drive aisles. In order to facilitate the proposed development, Applications for Official Plan Amendment and Zoning By-law Amendment are required.

The proposed development provides seven (7) regular townhouse units via Blocks H and K (units with common sidewalls). The remaining blocks offer 92 back-to-back townhouse housing type (units with common sidewalls and rear walls). A visual of the product type is provided below. The proposal is a type of townhouse development that will have a lower building profile (4 storeys) while delivering a higher residential density of 103 units per hectare. Each unit will contain a covered garage and an entryway at-grade, and the three levels above will be used for residential purposes.

Lot coverage is proposed at approximately 45% of the net developable area. Landscaping is integrated throughout the development and is proposed to cover approximately 18% of the net developable area. Parking for the development will be provided at grade, at a rate of 1.21 spaces per dwelling unit, with a total of 120 parking spaces. Resident parking spaces will be via 99 garage spaces as part of each unit, and 21 surface parking spaces for visitors throughout the development. There is a retaining wall recommended, measuring 0.9 metres high, along the southern lot line to match the exiting grades along the property line.

Access to the Subject Lands is proposed via three access points along Kalar Road – which is an Arterial Road in the City of Niagara Falls.

Figure 3 Visual Illustration of Back-to-back Townhouse Model



**Base graphic retrieved from City of Guelph's Built Form Standards for Mid-Rise Buildings and Townhouses (April 2018), p.48*

The Subject Lands are identified as being within the City's Garner South Secondary Plan and designated Greenfield Area, Residential Medium and Environmental Protection Area (EPA).

Under the Residential Medium designation, townhouses and apartment buildings are an approved and encouraged housing form. As per 2.2.3 of the Garner South Secondary Plan, Residential, Medium Density areas shall be developed at a minimum density of 50 units per net hectare to a maximum of 75 units per net hectare. The Official Plan Amendment is required and is sought to permit an increase in the maximum density to 103 units per hectare. Overall, the proposal meets the general intent of the City Official Plan by facilitating a mix of housing options and densities. This mix would attract young families and promote age-in-place opportunities.

The application for Zoning By-law Amendment proposes to rezone the lands to a site-specific R5C Zone with a site-specific provision to permit townhouse dwellings. The City's Zoning By-law does not define back-to-back townhouse dwellings. The proposed back-to-back townhouse dwellings fit within the definition of apartment dwellings. Apartment dwellings are a permitted use in the R5C Zone, and site-specific provisions are not required to permit the back-to-back townhouse dwellings.

Townhouse dwellings is a defined use. The seven (7) regular townhouse units fit within the definition of townhouse dwellings, and do not fit within the definition of apartment dwellings. The R5C Zone does not permit townhouse dwellings. For this reason, a site-specific provision is required to the R5C zone to permit the townhouse dwellings.

A range of site-specific regulations is also proposed. Please refer to Section 8.0 and Appendix F for more information on the proposed Zoning By-law Amendment.

As per the Pre-Consultation Agreement form dated December 17th, 2020, the following documents are required for complete the Official Plan and Zoning By-law Amendment applications:

- Archaeology Assessment – Stage 1
- Environmental Impact Study
- Environmental Site Assessment/Record of Site Condition
- Municipal Servicing Study
- Sanitary Design Brief
- Parking Demand Analysis
- Planning Justification Report
- Stormwater Management Plan
- Tree Inventory Preservation Plan

4.0 SUPPORTING STUDIES REVIEW

4.1 ARCHAEOLOGICAL ASSESSMENT

A Stage 1-2 Archaeological Assessment was conducted by Detritus Consulting Ltd. and resulted in the identification and documentation of no archaeological resources. The report dated July 22nd, 2021, recommends that no further archaeological assessment of the Subject Lands is needed.

The report has been submitted to the Ministry of Tourism, Culture and Sport and Cultural Industries. An Acknowledgement Letter, that is anticipated to be issued by the Ministry will be submitted to the relevant commenting agencies when it is received.

4.2 MUNICIPAL SERVICING STUDY

S. Llewellyn & Associates (“SLA”) Limited has prepared a Functional Servicing and Stormwater Management Report (FSSMR) dated April 2022 to provide detailed information of the proposed stormwater management and functional servicing scheme for the proposed development. The following are summarized from the study:

- The post-development condition discharge rates to Kalar Road will not exceed the pre-development condition discharge rate during the 5-year storm event.
- Sufficient stormwater storage will be provided on-site required for the 5-year storm event.
- Adequate measures to ensure water quality control will be implemented.
- Appropriate measures to minimize erosion during construction will be implemented.

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

4.3 ENVIRONMENTAL SITE ASSESSMENT PHASE 1-2

A Phase 1 Environmental Site Assessment (ESA) is required to confirm the last use of the properties proposed for development. The Phase 1 and a Phase 2 ESA prepared by Hallex Engineering Ltd., identifies “residential use” for the parcel addressed 7640 Kalar Road and “agricultural land use” for the larger parcel at Lot 186 Kalar Road. The ESA also examines the likelihood of potential contaminants affecting the lands. The Phase 1 study resulted in no on-site findings of contaminants and recommended a scoped Phase 2 to determine the presence of contaminants resulting from adjacent Hydro Corridor.

The Reports concluded that the soil samples met the applicable standards of the Ministry of Environment, Conservation, and Parks (MECP) for the proposed use and would not require further environmental assessment.

In conclusion, no further environmental assessment work is required for the Subject Lands.

4.4 ENVIRONMENTAL IMPACT STUDY

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

The EIS noted that the limit of wetland on the Subject Lands are approximately consistent with the mapped limit of PSW of the Province. A minor difference in the mapped wetland boundary includes a “point” at the Subject Lands northern boundary that was found not to be wetland, requiring formal revision of the PSW boundary on the Provincial mapping. A submission will be

made by Myler Ecological Consulting to the Ministry of Natural Resources and Forestry (MNRF) to seek formal revision of the PSW boundary on Provincial mapping. The Significant Woodland limit is contained within the PSW limit such that the significant woodland would be both avoided by and adequately buffered from residential development of the site. There were also no observations of provincially rare, endangered species or species at risk identified on the Subject Lands.

To mitigate impacts, a 15-metre buffer width contiguous with the PSW boundary is recommended. This buffer will consist of a portion of the existing cultural meadow and cultural thicket that will provide a functional and robust buffer. The setback afforded by the 15-metre buffer will also mitigate the potential for minor light intrusion.

In considering the proposed development, the EIS noted that the proposed development is outside of identified wetland and woodland natural heritage features and their recommended buffers. In efforts to avoid negative impacts to natural heritage features, appropriate mitigation measures are suggested for implementation during site preparation and construction.

4.5 TREE INVENTORY AND PRESERVATION PLAN

A Tree Inventory and Preservation Plan was prepared by Jackson Arborculture Inc. to determine the status of the trees on the Subject Lands and preservation criteria. A site visit was conducted in December 2021 to complete the inventory which discovered that 133 trees currently reside on the Subject Lands. No rare, threatened or endangered tree species were documented in the tree inventory. 116 trees will be removed to accommodate the proposed development, allowing 17 trees to be preserved. Please see the attached Tree Inventory and Preservation Plan for more information.

4.6 Parking Study

A Parking Study was prepared by JD Northcote Engineering Inc. to estimate the parking demand and assess the suitability of the proposed parking supply for the Subject Lands. JD Northcote Inc investigated two proxy sites located further north along Kalar Road featuring townhouse developments. The analysis of the two proxy sites in contrast to the proposed development determined that the proposed parking supply is adequate to support the parking demand for the proposed development. Please see the attached Parking Study for more information.

5.0 PLANNING POLICIES

5.1 PROVINCIAL POLICY STATEMENT (2020)

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

5.1.1. Settlement Areas

The Subject Lands are within a Settlement Area as per the policies of the PPS. The PPS provides the following with respect to managing and directing land use within settlement areas:

POLICY

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote 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.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- 1. efficiently use land and resources;*
- 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- 4. support active transportation;*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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

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

1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Settlement Areas is defined as:

urban areas and rural settlement areas within municipalities (such as cities, towns, villages and hamlets that are:

- a) built-up areas where development is concentrated, and which have a mix of land uses; and*
- b) lands which have been designated in an official plan for development over the long-term planning horizon provided for in policy 1.1.2. In cases where land in designated growth areas is not available, the settlement area may be no larger than the area where development is concentrated.*

ANALYSIS

The Subject Lands are located within a Settlement Area outside of the Built-Up Area. However, the lands are located within the Urban Area Boundary of the Municipality of Niagara Falls, and in the Garner South Secondary Plan of the Niagara Falls Official Plan, meaning the lands have been designated for development and meet the Settlement Area definition as provided within the PPS.

As per policies 1.1.3.1 and 1.1.3.2 of the PPS, the proposed development would promote the efficient use of land within the Settlement Area by providing an appropriate density for the efficient use of municipal services. The Subject Lands are also located on a regional cycling network and a municipal transit corridor, helping promote active transportation options.

The Applications are also consistent with Policies 1.1.3.4 and 1.1.3.6 of the PPS by facilitating development within the Garner South Secondary Plan area, which is adjacent to the existing Built-Up area. The proposed back-to-back townhouse design would also be of a compact built form, promoting efficient use of land, infrastructure, and public service facilities.

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

5.1.2. Housing

Section 1.4 of the PPS provides policy direction regarding housing. The following policies are applicable to the proposal:

POLICY

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a. maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.*

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

- b. permitting and facilitating:*
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- d. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
- e. requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*

ANALYSIS

The proposed development is consistent with Policy 1.4.1 as it provides back-to-back townhouse design of the development will provide a high-density development with unique housing options to the Garner South Area of Niagara Falls. The Subject Lands front on Kalar Road, a municipally maintained road with servicing capacity suitable for the proposed development and the proposal will increase the supply of residential units through lands zoned for residential use.

Southern Ontario and the Niagara Region are currently experiencing a housing crisis. The proposed 99-unit townhouse development expands the existing housing stock of the City of Niagara Falls by providing a unique housing design to meet the social and economic needs of existing and future residents of the City of Niagara Falls, as stated in Policy 1.4.3(b). The high-density nature of the back-to-back townhouse design efficiently uses land and infrastructure within a transit-supportive area as required by Policy 1.4.3(d) and Policy 1.4.3(e).

5.1.3 Infrastructure and Public Service Facilities

Section 1.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

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

ANALYSIS

The Subject Lands are located on Kalar Road, a municipal road with existing municipal services. The proposed development would connect to this existing infrastructure, including municipal services. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas. Furthermore, as indicated in the Functional Servicing report prepared by S. Llewellyn & Associates, dated April 2022 existing municipal services have the capacity to service the proposed development. For these reasons proposed development is consistent with the above policies of the Provincial Policy Statement.

5.1.4. Transportation Systems

Section 1.6.7. of the PPS provides direction regarding transportation systems. The following policies apply to the proposal:

POLICY

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

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

ANALYSIS

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

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

5.1.5. Natural Heritage

Section 2.1 of the PPS establishes policies regarding natural heritage features. The following apply:

POLICY

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

2.1.4 Development and site alteration shall not be permitted in:

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

2.1.5 Development and site alteration shall not be permitted in:

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

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

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

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

ANALYSIS

Section 2.1 of the PPS provides policy guidance to protect and conserve natural heritage features. The eastern portion of the Subject Lands are designated Environmental Protection Area in the City's Official Plan. These lands constitute of Provincially Significant Wetland (PSW), Significant Woodland and lands adjacent to natural heritage features. An Environmental Impact Study was prepared by Myler Ecological Consulting recommending a buffer of 15 metres from the PSW boundary. This buffer will ensure that the natural features in the area will be protected and will retain their long-term ecological function.

The proposed development is located entirely outside of and buffered from the PSW. The assessment undertaken by Myler Consulting confirms that the proposed development is located entirely outside of the potential occurrence of habitat of endangered and threatened species within the PSW at the Subject Lands. No habitat of endangered and threatened species was discovered outside of the PSW on the culturally vegetated parts of the Subject Lands within which

development and establishment of a protective buffer are proposed. The supporting EIS documents the evaluation of ecological function of the adjacent lands and demonstrates through impact assessment and recommended avoidance and mitigation measures that the PSW and Significant Woodland will not negatively be impacted.

Provided that the required 15-metre buffer is from the PSW, the proposed development is consistent with the natural heritage policies of the PPS. Please refer to Section 4 of this report for a summary of the Environmental Impact Study.

5.1.6. Cultural Heritage and Archaeology

Section 2.6 of the PPS provides direction regarding cultural heritage and archaeology. The following applies to the proposal:

POLICY

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

ANALYSIS

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

5.1.7. Natural Hazards

Section 3.1 of the PPS provides policies pertaining to natural hazards. The following apply:

POLICY

3.1.1 Development shall generally be directed, in accordance with guidance developed by the Province (as amended from time to time), to areas outside of:

b) hazardous lands adjacent to river, stream and small inland lake systems which are impacted by flooding hazards and/or erosion hazards;

ANALYSIS

The NPCA Watershed Explorer mapping illustrates extent of Regulated Floodplains. As per Myler Consulting's observation, except for a small portion of floodplain that touches the northwest corner of the Subject Lands at 7640 Kalar Road parcel, the lands are free of constraints associated with Regulated Floodplain. Based on the concept plan, the proposed development appears to be located outside of the abutting Regulated Floodplain to the north of 7640 Kalar Road.

5.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE (Office Consolidation 2020)

A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan) (2020) outlines the provinces plan to promote economic growth, increase housing supply and build healthy and affordable communities for people of all ages.

5.2.1. Growth Management

Section 2.2.1 of the Growth Plan includes policies pertaining to growth management. The following policies apply to the proposal:

POLICY

2.2.1(2) a) the vast majority of growth will be directed to settlement areas that:

- i. have a delineated built boundary;*
- ii. have existing or planned municipal water and wastewater systems; and*
- iii. can support the achievement of complete communities;*

2.2.1(2) c) within settlement areas, growth will be focused in:

- i. delineated built-up areas;*
- ii. strategic growth areas;*
- iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
- iv. areas with existing or planned public service facilities*

2.2.1(4) Applying the policies of this Plan will support the achievement of complete communities that:

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
 - ii. public service facilities, co-located and integrated in community hubs;*
 - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
 - iv. healthy, local, and affordable food options, including through urban agriculture;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*

ANALYSIS

The Growth Plan defines settlement areas as “lands which have been designated in an official plan for development in accordance with the policies of this Plan. Where there are no lands that have been designated for development, the settlement area may be no larger than the area where development is concentrated”. The Subject Lands are within a settlement area of Niagara Falls, supported by existing municipal and wastewater infrastructure, that can support the achievement of complete communities.

The Subject Lands are within a Settlement Area, designated Greenfield Area as per Schedule 2 of the Growth Plan. The lands are serviced by existing municipal water and wastewater systems. The Subject Lands are also located adjacent to Kalar Road, being an arterial road serviced by Niagara Falls Transit as identified in Schedule C of the Niagara Falls Official Plan

(see **Appendix C** of this report). These are areas prioritized for development as per Policy 2.2.1(2) of the Growth Plan.

The proposed development will facilitate the creation of complete communities as it seeks to create a higher density residential development with a unique built form on lands that are currently vacant and in an area with a variety of land uses and services. As previously mentioned, there are several Niagara Falls Transit routes located within walking distance of the Subject Lands. The Niagara Region's Strategic Cycling Network runs along Kalar Road, helping promote active and public transportation options for the future residents of the development. There are elementary schools (Kate S Durdan Public School, Loretto Catholic School) and secondary schools (St. Michael's Catholic Secondary School) located within 1.5 kilometers of the proposed development. The Subject Lands are also located within 1 kilometer of the Niagara Square Shopping Centre which provides a variety of retail and banking services for residents. The MacBain Community Centre is located within 1 kilometer of the Subject Lands and includes a public library, gymnasium, indoor pool with a waterslide, walking track and an outdoor playground. Additionally, there are several publicly accessible parks within walking distance of the Subject Lands.

All these elements encourage residents to enjoy the public realm and explore the community. The range of land uses, and accessible active transportation options helps improve the overall quality of life for the residents of the proposed development. The proposed development will increase the overall housing stock of the Niagara Falls area by 99 units. These units will come in a range of styles and sizes encouraging a diverse housing at varied price points, which will accommodate the needs of people at all stages of life. The location of the Subject Lands in conjunction with the high-density design of the proposed development helps facilitate the goals of completing complete communities within a settlement area, as addressed in Policy 2.2.1(2)a) iii) and Policy 2.2.1(4).

5.2.2. Housing

Section 2.2.6 of the Growth Plan provides policy direction towards housing. The following policies apply:

POLICY

2.2.6(1) Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:

- a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:
 - i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents;**

2.2.6(2) Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6(1), municipalities will support the achievement of complete communities by:

- a) planning to accommodate forecasted growth to the horizon of this Plan;*
- b) planning to achieve the minimum intensification and density targets in this Plan;*
- c) considering the range and mix of housing options and densities of the existing housing stock; and*
- d) planning to diversify their overall housing stock across the municipality.*

2.2.6(3) To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.

2.2.6(4) Municipalities will maintain at all times where development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units. This supply will include, and may exclusively consist of, lands suitably zoned for intensification and redevelopment.

ANALYSIS

The proposal provides a unique built form within the area while increasing the overall housing stock by 99 units within the City of Niagara Falls. This will help to meet the projected needs of current and future residents, as per Policy 2.2.6(1). The townhouses will have a range of unit sizes, assisting with diversified housing options within Niagara Falls in accordance with Policy 2.2.6 (3)

The design of the proposed development will support the achievement of complete communities due to its unique built form which facilitates a higher density design. This design will diversify the Kalar Road area as the existing residential built form within the community is comprised nearly exclusively of single detached dwellings following Policy 2.2.6 (2).

5.2.3. Designated Greenfield Area

Section 2.2.7 of the Growth Plan provides policies pertaining to development within designated greenfield areas. As the Subject Lands are located within the designated greenfield area the following policies apply:

POLICY

2.2.7(1) New development taking place in designated greenfield areas will be planned, designated, zoned and designed in a manner that:

- a) supports the achievement of complete communities;*
- b) supports active transportation; and*
- c) encourages the integration and sustained viability of transit services.*

2.2.7(2) The minimum density target applicable to the designated greenfield area of each upper- and single-tier municipality is as follows:

- a) The Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will plan to achieve within the horizon of this Plan a minimum density target that is not less than 50 residents and jobs combined per hectare;*

ANALYSIS

The Subject Lands are located within the Designated Greenfield Area, as per Schedule 2 of the Growth Plan. The proposed development will support complete communities by facilitating the provision of a full range of housing. The Subject Lands are also located on a road that accommodates Transit, and is part of the Regions Strategic Cycling Network (as identified in Schedule E2 of the Region Official Plan, and is within a kilometer of a variety of commercial and institutional uses. These facilities would allow for the optimized use of active transportation and public transit infrastructure as encouraged by Policy 2.2.7(1).

Following Policy 2.2.7(2), the Subject Lands are within the Designated Greenfield Area, where Niagara Region is targeting a density of 50 jobs per hectare. The City of Niagara Falls through

Garner South Secondary Plan have developed detailed policies that establishes density targets on the Subject Lands, which is elaborated in the following sections of this report. The Secondary Plan adopted in September 2012 and is considered to conform with the policies of the Growth Plan with respect to jobs per hectare. Of note, the Garner South Secondary Plan intends to achieve an overall density target of 53 jobs and people per hectare. The Medium Density Residential Density has been instituted to implement this proposed density target. The proposed Official Plan Amendment would facilitate development that would exceed the anticipated density target of the Garner South Secondary Plan. By providing for a higher density of development, the proposed Official Plan Amendment would conform with the policies of the Growth Plan.

5.2.4. Natural Heritage System

Section 4.2.2 of the Growth Plan provides policies regarding natural heritage systems. The following policies apply to the proposal:

POLICY

4.2.2(3) Within the Natural Heritage System for the Growth Plan:

- i. a) new development or site alteration will demonstrate that: there are no negative impacts on key natural heritage features or key hydrologic features or their functions;*

ANALYSIS

As per Myler Consulting's EIS, the Subject Lands contain Provincially Significant Wetland (PSW) identified for protection. The proposed development implements a 15-metre buffer zone contiguous with the PSW boundary to prevent intrusion and protect the PSW from potential impacts of the development. This buffer ensures there will be no negative impacts on the existing natural heritage features. The lands also contain features considered to be Significant Woodland and its limit is contained within the PSW limit such that the Significant Woodland would be both avoided by and adequately buffered from development of the Subject Lands.

The Environmental Impact Study prepared by Myler Ecological Consulting concluded that the development will not present any negative impacts to natural features and will be in conformity with Policy 4.2.2(3)(a) i) of the Growth Plan.

5.3 NIAGARA REGION OFFICIAL PLAN (2014)

The Niagara Region Official Plan (NROP) is a long-range document that guides the physical, economic, and social development of the Niagara Region.

The following are the Growth Objectives for the Region relevant to the proposal:

Objective 4.A.1.1 Direct the majority of growth and development to Niagara’s existing Urban Areas.

Objective 4.A.1.6 Build compact, mixed use, transit supportive, active transportation friendly communities in the Built-up Area and in Designated Greenfield Areas.

Objective 4.A.1.7 Reduce dependence on the automobile through the development of compact, mixed use, transit supportive, active transportation friendly urban environments.

Objective 4.A.1.12 Direct growth in a manner that promotes the efficient use of existing municipal sewage and water services.

Relevant Policies and Analysis

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

| SCHEDULE | SUBJECT LAND DESIGNATION |
|---|--|
| A – Regional Structure | Designated Greenfield |
| C – Core Natural Heritage | A portion of the Subject Lands are designated Environmental Protection Area (EPA). |
| E2 – Strategic Cycling Network | Kalar Road, McLeod Road, and Brown Road are part of the Region’s Strategic Cycling Network |
| G1 – Niagara Economic Gateway | The Subject Lands are part of the Gateway Economic Zone. |
| G2 – Niagara Economic Gateway Employment Lands | The Subject Lands are designated Employment Lands |

5.3.1. Greenfield Development

Section 4.C of the Niagara Region Official Plan (NROP) provides policies pertaining to Greenfield Development. The following policies apply to the proposal:

POLICY

Policy 4.C.5.1 Designated Greenfield Areas will be planned as compact, complete communities by:

- a. Where permitted by scale, accommodating a range of land uses including residential, commercial, institutional, recreational, employment and other uses.*
- b. Where limited by scale or configuration, making a significant contribution to the growth of the respective Urban Areas as a complete community.*
- c. Providing opportunities for integrated, mixed land uses.*
- d. Creating street patterns that are fine grain and in grid pattern, supporting transit and active transportation within the area and to adjacent areas.*
- e. Ensuring that Greenfield development is sequential, orderly and contiguous with existing built-up areas.*
- f. Ensuring that the provision of municipal servicing is in accordance with the water and wastewater servicing master plans.*

Policy 4.C.6.1 The Region will require a minimum combined gross density target of 50 people and jobs per hectare across all Designated Greenfield Areas...

ANALYSIS

The Subject Lands are located within the Designated Greenfield within Schedule A of the Niagara Region Official Plan. The proposed development satisfies policies of the NROP requiring Greenfields to be planned as compact, complete communities by providing back-to-back and regular townhouses which is of a higher density than the surrounding lower density residential built form, and by also providing for an internal grid pattern. The development also supports active transportation facilities due to its location on Kalar Road, a road serviced by Niagara Falls Transit and is part of the Strategic Cycling Network (see Schedule E2).

With regards to Policy 4.C.5.1.e., the Subject Lands are surrounded by other residential developments in the area and is found to be a sequential and planned extension of the existing community. Lastly, the accompanying servicing drawings and report ensures there is adequate servicing capacity for the proposed development.

As stated in Policy 4.C.6.1, the Subject Lands are within the Designated Greenfield Area, where the Region is targeting a density of 50 jobs per hectare. The City of Niagara Falls through Garner South Secondary Plan have developed detailed policies that establishes density targets on the Subject Lands. As indicated, the Garner South Secondary Plan intends to achieve an overall density target of 53 jobs and people per hectare. The proposed Official Plan Amendment would facilitate development that would exceed the anticipated density target of the Garner South Secondary Plan, and consequently those established by the NROP as well.

For these reasons the proposal would conform with the Population and Intensification policies of NROP.

5.3.2. Urban Community Objectives

Section 4.G of the Niagara Region Official Plan provides objectives regarding urban communities in the region, as follows:

POLICY

Objective 4.G.1.2 Plan for all of Niagara's residents, both current and future, by promoting social inclusion, improved access to housing, commercial goods and services, job opportunities and social services.

Objective 4.G.1.3 Provide a policy direction for creating healthy, safe, vibrant, transit supportive, active transportation friendly, diverse, mixed use residential areas.

ANALYSIS

The proposed development will provide for new housing within 1.5 kilometers of a large commercial area, schools, parks, active and transit stops facilitating access to jobs and services in a healthy, safe and transit supportive environment, as desired in Objective 4.G.1.2 and Objective 4.G.1.3.

5.3.3. Development and Environmental Sustainability

The NROP encourages development that is environmentally sustainable, as follows:

POLICY

Policy 4.G.3.1 The Region encourages the local municipalities to establish official plan policies and other measures supporting development that addresses the principles of environmental sustainability including:

- a) Reducing energy demands;*
- b) Designing development to optimize passive solar energy gains;*
- e) Providing appropriate stormwater infiltration at source;*
- g) Providing for collection and storage of recyclable wastes on site;*
- h) integrating active transportation and transit into development plans; and*
- l) Maintaining and enhancing natural heritage and hydrological features and functions in accordance with Chapters 7 of this Plan.*

ANALYSIS

The proposed site design features a compact built form, efficient parking design and conserves energy. The design of the back-to-back blocks is such that the middle units will only have one side exposed to the elements and will inherently help to contain heat energy in the units. The compact footprint reduces the overall heating and cooling demands in comparison to a typical single-detached residence, thus promoting energy conservation throughout the development. Further, majority of the residential blocks are oriented with the longer axis along the east-west axis, which will maximize sun exposure and promote a reduction in the overall energy consumption of the residential units.

In accordance with Policy 4.G.3.1 e), the compact footprint allows for an increased surface for stormwater percolation and on-site landscaping. Majority of the parking spaces will be provided through garage spots within the back-to-back townhouse model. Such a design allows 18% of the development to be landscaped, which will provide surface for on-site stormwater infiltration.

The proposed development has considered waste management within its design and there will be storage of waste and recyclables within the proposed development as desired by Policy 4.G.3.1(g). These on-site waste receptacles will protect the streetscapes on Kalar Road and on the internal roads within the development by ensuring no waste will be concentrated on the street. Additionally, the waste stations have been strategically placed in areas where they will not be visible from Kalar Road.

The Subject Lands are located steps away from a municipal transit stop and is located on the Strategic Cycling Network. This proximity allows for the optimized use of transit and active transportation infrastructure.

Approximately 4.1 hectares of the Subject Lands contain natural heritage features. As development is not permitted in this area, the proposal will preserve and maintain the existing natural heritage and hydrological features and their functions in its natural state.

5.3.3. Natural Environment

Chapter 7 of the Region OP provides policies pertaining to the Natural Environment. Section 7.A provides policy direction to create healthy landscapes and Section 7.B provides direction regarding the core natural heritage system. The following policies are relevant to the proposal:

POLICY

Policy 7.A.2 Development should maintain, enhance or restore ecosystem health and integrity. First priority is to be given to avoiding negative environmental impacts. If negative impacts cannot be avoided then mitigation measures shall be required.

Policy 7.A.3 New development, including infrastructure, should be designed to maintain or enhance the natural features and functions of a site.

Policy 7.B.1.3 Environmental Protection Areas include provincially significant wetlands; provincially significant Life Science Areas of Natural and Scientific Interest (ANSIs); and significant habitat of endangered and threatened species.

Mapping of the significant habitat of endangered and threatened species is not included in the Core Natural Heritage Map although much of this habitat may be found within the Environmental Protection and Environmental Conservation areas shown on the Map. Significant habitat of endangered and threatened species will be identified through the Planning and Development review process. Where such habitat is identified development and site alteration shall be subject to the policies for Environmental Protection Areas.

Policy 7.B.1.4 Environmental Conservation Areas Include significant woodlands; significant wildlife habitat; significant habitat of species of concern; regionally significant Life Science ANSIs; other evaluated wetlands; significant valleylands; savannahs and tallgrass prairies; and alvars; and publicly owned conservation lands.

Policy 7.B.1.7 The boundaries of Core Natural Areas, Potential Natural Heritage Corridors and Fish Habitat are shown on Schedule C. They may be defined more precisely through Watershed or Environmental Planning Studies, Environmental Impact Studies, or other studies prepared to the satisfaction of the Region and may be mapped in more detail in local official plans and zoning by-laws. Significant modifications, such as a change in the classification of a Core Natural Area, or a significant change in the spatial extent or boundaries of a feature, require an amendment to this Plan unless otherwise provided for in this Plan. Only minor boundary adjustments to Environmental Protection Areas will be permitted without Amendment to this Plan. In considering both refinements and significant modifications to the mapping or classification of features shown on Schedule C the Region shall consult with:

- a) the Ministry of Natural Resources respecting changes to Environmental Protection Areas other than in the Greenbelt Natural Heritage System, where consultation shall only be required respecting those Environmental Protection Areas identified as Provincially*

Significant Wetlands or Provincially Significant Life Science Areas of Natural and Scientific Interest;

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

b) On adjacent lands to Environmental Protection and Environmental Conservation Areas as set out in Table 7-1 except for those lands within vegetation protection zones associated with Environmental Protection Areas in the Greenbelt Natural Heritage System.

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

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

Policy 7.B.1.19 Where development or site alteration is approved within the Core Natural Heritage System or adjacent lands as set out in Table 7-1 the applicant shall submit a Tree Saving Plan maintaining or enhancing the remaining natural features and ecological functions. The Plan shall be prepared in accordance with the Regional Forest Conservation By-law and the local tree conservation by-law as appropriate and its implementation monitored by a member of the Ontario Professional Forestry Association.

ANALYSIS

Part of the lands are designated Environmental Protection Area (“EPA”) in the NROP. This EPA designation is associated with the occurrence of PSW features on the Subject Lands as per Policy 7.B.1.3. The Significant Woodland is designated Environmental Conservation Area (ECA); however, the Significant Woodland at the Subject Lands are within the PSW’s EPA designated lands. Please refer to the enclosed Myler Consulting’s EIS for more information.

The EIS prepared by Myler Ecological Consulting Plan confirmed the limit of wetland on the site is approximately consistent with the PSW mapping, with minor differences that include a “point” at the site’s northern boundary that was found not to be wetland. This is proposed to be addressed through a requested revision to Provincial mapping. This minor difference would be permitted without an NROP Amendment.

The proposed residential development will be constructed entirely outside of the EPA lands, with a 15-metre buffer being implemented as recommended in the EIS. The EPA lands and recommended buffer will be retained as a single block, ensuring that the health and integrity of the ecosystem is maintained and there will be no significant negative impacts on identified natural heritage features, satisfying Policies 7.B.1.11 and 7.B.1.18 of the NROP.

Lastly, tree protection will be implemented on the Subject Lands as per the Tree Inventory and Preservation Plan prepared by Jackson Arboriculture. 17 trees will be preserved during the development stages through the use of tree protection fences which will be inspected by a Certified Arborist prior to and during construction to ensure the fencing remains in good condition during the stages of development.

Based on the analysis provided for Chapter 7 of the NROP, the proposed development conforms with the Natural Heritage policies.

5.3.4. Infrastructure

Chapter 8 of the Niagara Region Official Plan provides policies related to infrastructure and servicing. The following policies apply:

POLICY

Policy 8.B.9 Municipal sewage services and water services are the required form of servicing for development in Urban Areas.

ANALYSIS

The proposed development will be serviced by municipal sewage and water services from existing mains along Kalar Road and be constructed in accordance with the recommendations of the Functional Servicing & Stormwater Management Report, prepared by S. Llewellyn & Associates Ltd., dated April 2022.

5.3.5. Transportation

Chapter 9 of the Niagara Region Official Plan provides policies related to transportation. The following policies apply:

POLICY

Objective 9.A.1 Promote and support for a multimodal transportation system to enable the movement of goods and people of all ages and abilities to jobs, housing, school, cultural destinations, public service facilities, recreational and tourist opportunities, and other major trip generators, especially in strategic growth areas.

Objective 9.A.2 Reduce single-occupant vehicle trips by enhancing opportunities for residents, workers, and visitors of all ages and abilities to walk, cycle, take transit and carpool.

Policy 9.C.3 The Niagara Region will leverage public transit to promote transit-supportive development.

Policy 9.C.8 The Niagara Region and its local municipalities should plan lands adjacent to or near existing and planned frequent transit or higher order transit facilities, including those within the Greenbelt Area where such lands have been approved through a Municipal Class Environmental Assessment, and where such lands are located within the settlement area boundary to:

- a) *provide transit-supportive uses that enable opportunities for improved transit service integration;*
- b) *facilitate multimodal connections that encourage a more evenly distributed modal share;*
and
- c) *support active transportation.*

ANALYSIS

The Subject Lands are along the Strategic Cycling Route as per Schedule E2 of the NROP (see **Appendix B** – Regional Schedules) and are also located in proximity to several transit stops, walking trails and cycling routes. These factors encourage residents to be less dependent on single-occupant vehicle trips utilize active transportation.

5.3.6. Archaeology

Policy 10.C.2.1.11 identifies instances in which archaeological assessments may be required, as follows:

POLICY

Policy 10.C.2.1.11 Where an Archaeological Management Plan has not been completed the Region and local municipalities will require applicants to submit an archaeological assessment, should it be determined that the site meets the provincial and federal criteria for determining areas of archaeological potential. Archaeological assessment reports prepared by licensed consultant archaeologists based on clear, reasonable and attainable standards and guidelines as set out by the Ministry of Tourism, Culture and Sport, as well as the terms and conditions of an archaeological license under the Ontario Heritage Act.

ANALYSIS

The Regional comments at the pre-consultation meeting, dated December 17, 2020, identified the Subject Lands as having high potential for archaeological resources due to its proximity to several watercourses and registered archaeological sites. A Stage 1-2 archaeological assessment has been completed by Detritus Consulting Ltd. for the portion of the Subject Lands proposed for development. There were no archaeological resources were found on the Subject Lands. The Archaeological Assessment report has been enclosed with this submission.

5.3.7. Housing and Community Services

Chapter 11 of the Niagara Region Official Plan provides policies related to housing and community services. The following policies apply:

POLICY

Policy 11.A.1 The Region encourages the provision of a variety of housing types within urban communities and neighbourhoods to serve a variety of people as they age through the life cycle.

Policy 11.A.2 The Region encourages the development of attractive, well designed residential development that:

- a) Provides for active transportation within neighbourhoods with connections to adjacent residential and commercial areas, parks and schools.*
- b) De-emphasizes garages, especially in the front yard.*
- c) Emphasises the entrance and points of access to neighbourhoods.*
- d) Is accessible to all persons.*
- e) Incorporates the principles of sustainability in building design.*
- f) Provides functional design solutions for such services as waste collection and recycling.*
- g) Provides an attractive, interconnected and active transportation friendly streetscape.*
- h) Contributes to a sense of safety within the public realm.*
- i) Balances the need for private and public space.*
- j) Creates or enhances an aesthetically pleasing and functional neighbourhood.*

- k) *Encourages a variety of connections based on transportation mode between land uses based on diverse transportation modes, allowing people to move freely between the places where they live, work and play.*

Policy 11.A.3 The Region encourages housing which allows people to work at home or in relatively close proximity to work.

ANALYSIS

The proposed residential development provides high quality residential urban design in compliance with Policy 11.A.2. The development provides access to several parks, commercial areas, and active transit routes within 1 kilometer of the Subject Lands. The diversity of transit options encourages residents and visitors to move freely between the places they live, work, and play. The development provides functional design promoting high density residential use including an attractive streetscape with many “eyes on the street” to facilitate a greater sense of safety for residents of the development.

The proposed development will provide an alternative housing model in the form of back-to-back townhouse units, which is compatible with neighbouring residences. The majority of the parking spaces are provided in garages under each unit, oriented and designed such that they are not visible from the main road. The proposed development includes functional designs for waste collection as the waste station will be distanced from the residential dwellings and will remain easily accessible.

5.3.8. Employment Areas

Chapter 3 of the Niagara Region Official Plan provides policies related to employment areas. The following policies apply:

POLICY

Section 3.A.3 Policies for the Niagara Economic Gateway

Policy 3.A.3.17 The conversion of Employment Areas lands shall only be considered through a municipal comprehensive review pursuant to the provisions of the Growth Plan for the Greater Golden Horseshoe. In the case of a downtown area or a regeneration area, conversions shall be considered through a comprehensive review pursuant to the provisions of the Provincial Policy Statement.

ANALYSIS

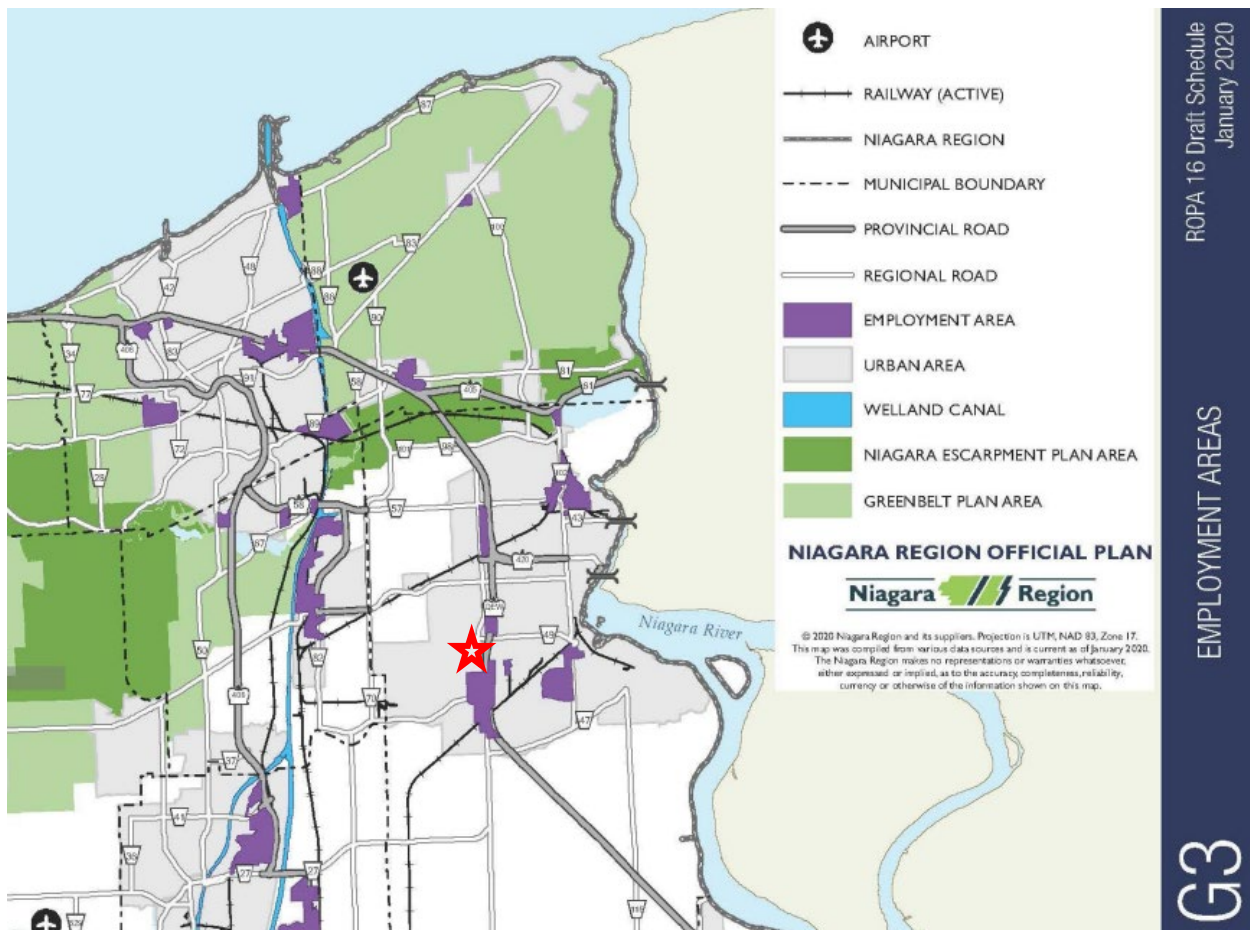
The proposed development is designated Employment Land (not employment areas) in Schedule G2 – Niagara Economic Gateway Employment Lands. A Recommendation Report (PDS 14-2020) was brought forward on May 13, 2020, setting out Region’s broader employment-related work plan. According to the report, the current NROP does not have any employment areas mapped and emphasizes importance of identifying them for long-term planning. Section 2.2 of the report lays out the relationship between Employment Lands and Employment Areas, as follows:

Employment lands are parcels designated for employment uses within a local municipal official plan and/or zoning by-law. The Region has a limited policy framework relating to employment lands since they have historically been primarily a local matter.

Employment areas are made up of employment lands, but not all employment lands are in employment areas. Employment lands located outside of employment areas typically have or are designated for employment uses that can be more easily integrated with other land uses.

The Subject Lands, although designated Employment Lands in the Regional OP, are not employment areas, and therefore, not subject to employment area conversion policy (Policy 3.A.3.17). Development of employment lands is a local matter, and accordingly Niagara Falls OP contemplates lands for residential purposes in the City's Garner South Secondary Plan.

In addition to the above, a Regional OP amendment ("ROPA 16") is currently under review. ROPA 16 establishes a schedule that shows the Region's identified employment areas. Although the new ROPA may not be approved in the next six months, the accompanying map (provided below) does not identify the Subject Lands as Employment Area.



5.4 CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 Consolidation)

The Niagara Falls Official Plan (NFOP) has a 20-year vision outlining long term objectives and policies of the City concerning the growth and development of urban lands and the provision of necessary infrastructure. It is the intent of this Plan to focus on new growth to accommodate people and jobs in a sustainable fashion that makes for an orderly and effective use of land and infrastructure and creates compact and livable communities.

The following are Growth Objectives for the City relevant to the proposal:

- *To direct growth to the urban area and away from non-urban areas.*
- *To protect Natural Heritage Areas and their functions.*
- *To phase infrastructure and development within Greenfield Areas in an orderly and efficient manner.*
- *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
- *To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review.*
- *To develop the Greenfield Areas shown on Schedule A-2 as compact, complete communities with a range of housing types, employment and public transit.*
- *To encourage alternative forms of transportation such as walking, cycling and public transit.*

Relevant Policies and Analysis

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

| SCHEDULE | SUBJECT LAND DESIGNATION |
|---|---|
| A – Future Land Use | Lands are within Garner South Secondary Plan, Within the Urban Area Boundary |
| A1 – Natural Heritage | A portion of the Subject Lands are designated Environmental Protection Area (EPA), and identified as Adjacent Land and to be within the Wetland Buffer Area |
| A2 – Urban Structure | Greenfield Area |
| A3 – Garner South Secondary Plan | Residential Medium, Environmental Protection Area, Provincially Significant Wetland 30m Buffer Area |
| B – Phasing Plan | Phase 1 |

| | |
|---|---|
| C – Roads | Kalar Road, McLeod Road, and Brown Road are Arterial Roads. |
| D – Communities | The Subject Lands are in the community of Westlane. |
| APPENDIX III – Natural Heritage | Wooded and Treed Sites |
| APPENDIX III-A – Inventory of Natural Heritage Features | Provincially Significant Wetlands, Regulated Floodplain |
| APPENDIX III-B – Adjacent Lands to the Inventory of Natural Heritage Features on App III-A | Adjacent Lands |
| Appendix III-C – Inventory of Natural Heritage Features | Significant Woodland |
| Appendix III-D – Adjacent Lands to the Inventory of Natural Heritage Features on App III-C | Adjacent Lands |
| APPENDIX VII-A – Garner South Concept Plan | A portion of the Subject Lands is envisioned for Medium density housing, Majority of the lands are Environmental Protection Area (OPA No. 99) |
| APPENDIX VII-B – Garner South Phasing Plan | Phase 3 |

The Subject Lands are located within the Urban Area Boundary and are identified within the Greenfield Area as per Schedule A2 – Urban Structure Plan of the Local Official Plan (see **Appendix C – City Schedules**). Per Schedule A3 – Garner South Secondary Plan, the Subject Lands are designated Residential Medium, in part and Environmental Protection Area, in part (see **Appendix C – City Schedules**). A site-specific amendment is being sought to increase the density cap on the Subject Lands.

5.4.1. Residential

Part 2 Section 1 of the NFOP provides policies related to residential uses. The following policies apply to the proposal:

POLICY

1.1 The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadrplexis, townhouses, apartments, group homes and other forms of residential accommodation.

1.6 Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well-designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.

1.8 All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.

1.9 Exposure of new residential development to less compatible land uses such as arterial roadways, highways or railway lines shall be minimized. In order to protect residential development from such uses, studies may be required and appropriate measures such as landscaping, berming or other buffering techniques may be required to determine impacts and recommend mitigation measures.

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

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

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

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

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

ANALYSIS

The proposed development is planned to achieve a density of approximately 103 units per hectare at a height of 4 storeys (12.5 metres) on lands that are allotted a maximum development density of 75 units per hectare and building heights not to exceed 4 storeys in the Garner South Secondary Plan. Detailed analysis of the suitability of the proposed density is provided in the following sections and implemented through the site-specific amendment. The proposed development fronts onto Kalar Road – arterial road (Schedule C – Roads, see **Appendix C** – City Schedules). The development is also assessed against other policy requirements of Section 1.15.5 (iii) as follows:

Architectural treatments: Building facades facing Kalar Road will be treated with varying architectural materials and fenestration which will enhance the streetscape along Kalar Road. Please see the enclosed preliminary renderings of the proposed development in Appendix A of this report.

Yard setbacks: The Subject Lands front yard is along Kalar Road (west lot line) where the buildings are set back 4.6 metres from the property line. A site-specific provision is requested from the provisions of the R5C zone regarding the City's requirement of 7.5 metres for front yard depth. The lands rear yard (east lot line) abuts environmentally designated lands. This portion of the Subject Lands is covered by designated natural features as described in previous sections of this report. There is no development proposed along the rear lot line of the Subject Lands. Its northern side yard contains lands planned for residential growth (currently vacant) with environmental features. There is a landscape strip and an access drive aisle provided between the north property line and the proposed Block A. As such, Block A is setback approximately 11 metres from this property line and is not anticipated to cause significant concerns for the future residential development on the lands to the north. Along the southern side yard there is a neighbouring residence at 7656 Kalar Road and a segment of the historical hydroelectric corridor. The development is not anticipated to cause significant privacy or shadowing issues to the existing residence. As such, the building facing this yard contains side elevations of the block (which do not contain balcony spaces) and is further buffered by parking spaces between the building and the south property line.

Street Frontage: The proposed design creates an attractive public realm along Kalar Road by designing Blocks A, B, D and F to have windows and varying materials. Block H is oriented towards the roadway. Both provide eyes on street benefits and creates a street presence along Kalar Road. It also adds to the streetscape by providing landscaping along the frontage.

Parking: Each unit will be provided with a garage space for parking. Due to the orientation of the blocks, majority of the garage spaces are not fronting Kalar Road. Further, there is room to provide landscaping along the frontage, which can reduce the visibility of such spaces from the street.

5.4.2 Residential - Greenfield Area

Part 2 - Section 1.16 of the NFOP provides that the Greenfield Area as shown on Schedule A-2 is to develop as complete communities at a small scale. Not more than 60% of new housing units are to be built in the Greenfield Area on an annual basis by the year 2015. Secondary planning shall be the primary implementation tool for the development of the Greenfield Area.

The NFOP provides that the following policies shall apply to the preparation of secondary plans and to subdivision proposals where secondary plans do not currently exist. The following policies are relevant to the proposal:

POLICY

1.16.1 The target density of development shall be no less than 53 people and jobs per hectare. The calculation shall be made over the gross developable land area, at a secondary plan scale, which is defined as total land area net of natural heritage areas identified for protection under this Plan, the Regional Policy Plan, any provincial plan or Niagara Peninsula Conservation Authority regulation.

1.16.2 A diverse range of uses is to be provided including neighbourhood, commercial facilities and community services and employment. These uses shall be located and designed such that they compatibly integrate with the built and natural environments

1.16.3 It is the intent of this Plan that the Greenfield Area develop with a mix of housing types and at transit-supportive densities in order to utilize urban land efficiently and support public transit. To accomplish this, a range of housing types is to be provided in terms of both form and affordability. Multiple unit housing developments are to be integrated into the form of the neighbourhood in accordance with the following:

(i) Steep gradients of building heights are to be avoided.

(ii) High density housing should be located within 250 metres of an arterial road.

(iii) High density housing should be designed to avoid undue microclimatic impacts on abutting lands.

1.16.4 Within the Garner South Secondary Plan Area, as shown on Schedule A2, the policies of PART 2, Section 13.56.6 of this Plan shall prevail. In addition, the Secondary Plan shall provide for a distribution and gradation of densities, heights and housing types where lower densities and heights are proximal to the 2km Cytec arc and higher densities are directed to the north and east quadrant of the Secondary Plan Area to assist in the strengthening of the Niagara Square Retail District.

ANALYSIS

As stated in Policy 1.16, Garner South Secondary Plan will be utilized to implement the proposed development and its policies have been analysed in the following sections of this report. The secondary plan sets a target density of 53 people and jobs, where at build-out the Secondary Plan Area is designed to accommodate, approximately 6,900 people, 2,700 dwelling units and 2,000 jobs. The City of Niagara Falls through Garner South Secondary Plan have developed

detailed policies that establishes density restrictions on the Subject Lands, which is elaborated in the following sections of this report.

The Subject Lands are designated primarily for residential purposes, which is achieved through the proposed development at a density of 103 units per hectare. An Official Plan Amendment is being sought to implement the increase in density. Higher density can be supported on the Subject Lands due to its frontage on the arterial – Kalar Road, in accordance with Policy 1.16.3. ii). The proposed back-to-back townhouse development will provide an alternate housing option to serve a range of household sizes and incomes. Development of the Subject Lands will support the achievement of a “complete community” vision within the area by providing homeownership options close to retail services, transit stops and neighbourhood facilities (parks, schools and recreational facilities), and assist in strengthening of the Niagara Square Residential District.

For these reasons, the Applications are considered to conform with the Greenfield policies of the NFOP.

5.4.2. Natural Heritage System Policies

The Subject Lands (eastern portion) is designated as Environmental Protection Area, as per Schedule A-1 Natural Heritage Plan of the NFOP. According to Appendix III – Natural Heritage, the Subject Lands are identified as Wooded and Treed Sites, PSWs and Significant Woodlands among other features such as buffer areas and adjacent lands to such features. Appendix III further indicates the presence of floodplain; however, per the EIS Report submitted as part of this application, the floodplain only affects a small portion of the Subject Lands at the northwest corner (near 7640 Kalar Road parcel). Please see Appendix C – City Schedules of this report to review all the schedules mentioned in this section. Part 2 Section 11 of the NFOP provides policies related to natural features. The following policies apply:

POLICY

11.1.5 When considering development or site alteration within or adjacent to a natural heritage feature, the applicant shall design such development so that there are no significant negative impacts on the feature or its function within the broader ecosystem. Actions will be undertaken to mitigate any unavoidable negative impacts.

11.1.17 An EIS shall be required as part of a complete application under the Planning Act for site alteration or development on lands:

- a) within or adjacent to an Environment Protection Area or Environmental Conservation Area as shown on Schedule A or A-1; or*
- b) that contain or are adjacent to a natural heritage feature.*

11.1.18 An EIS required under this Plan shall:

- a) include a Terms of Reference, reviewed by the City, Region and, where appropriate, the Niagara Peninsula Conservation Authority, that outlines the scope of the study;*
- b) be prepared and signed by a qualified professional;*

c) be to the satisfaction of the City of Niagara Falls, in consultation with the Region and the Niagara Peninsula Conservation Authority, for proposals within or adjacent to ECA within the Urban Area Boundaries; and

d) be to the satisfaction of the Region, in consultation with the City and the Niagara Peninsula Conservation Authority, for the remaining areas.

11.1.20 The City, in consultation with the Region and the Niagara Peninsula Conservation Authority, may require a scoped EIS in place of a full EIS for developments to address specific issues such as encroachment into a natural area, potential impact on a natural heritage feature or the degree of sensitivity of the natural area. A scoped environmental impact study is an area specific study that addresses issues of particular concern.

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

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

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

ANALYSIS

An Environmental Impact Study has been prepared by Myler Ecological Consulting based on an agreed Terms of Reference with the Region of Niagara to determine the extent of the natural features and identify policy-compliant measures to avoid, protect and mitigate impacts on those features and their ecological functions. As per the conclusions of Myler Ecologist Consulting's EIS report, the portion of the Subject Lands that is proposed for development is outside of the identified wetland and woodland natural heritage features and the recommended 15-metre vegetated buffer from the PSW. Overall, the proposal will preserve and maintain the existing natural heritage and hydrological features and their functions in its natural state.

The Environmental Impact Study recommended the implementation of tree protection measures for trees to be retained/protected adjacent to the site. A Tree Inventory and Protection Plan was prepared by Jackson Arboriculture for the proposed development. Trees will be retained/protected where possible as per the recommendations the plan. As mentioned, 17 trees will be protected during the development stages, meaning 117 trees will be removed. No trees located in the PSW will be altered and no rare, threatened or endangered tree species were documented in the tree inventory.

5.4.3 Environmental Protection Areas (EPA) and Environmental Conservation Areas (ECA)

Section 11.2 of the NFOP provides policies regarding Environmental Protection Areas and Environmental Conservation Areas. The following apply:

POLICY

11.2.2 *In considering the creation of a new lot, a change in land use, or the construction of buildings and structures requiring approval under the Planning Act on lands adjacent to an EPA or an ECA designation, Council will require the proponent to prepare and submit an Environmental Impact Study as outlined in Policies 11.1.17 to 11.1.22. Adjacent lands are illustrated on Schedule A-1 to this Plan, except for areas within the Urban Area Boundary where lots have been developed or have received final approval through a Planning Act process.*

11.2.3 *The limits of the EPA and ECA designations and their adjacent lands may be expanded or reduced from time to time as new environmental mapping and studies are produced by the Ministry of Natural Resources or the Niagara Peninsula Conservation Authority or through site specific applications where produced by qualified environmental consultants and approved by the appropriate authority...*

11.2.6 *Where permitted elsewhere in this Plan, new lots adjacent to an EPA or ECA designation shall not extend into either the area to be retained in a natural state or its buffer area as identified and approved through an Environmental Impact Study. The natural heritage features and buffer areas are to be maintained as a single block and zoned appropriately in the City's Zoning Bylaw.*

ENVIRONMENTAL PROTECTION AREAS (EPA)

11.2.13 *The EPA designation shall apply to Provincially Significant Wetlands, NPCA regulated wetlands greater than 2ha in size, Provincially Significant Life ANSIs, significant habitat of threatened and endangered species, floodways and erosion hazard areas and environmentally sensitive areas.*

11.2.16 *A minimum vegetated buffer established by an Environmental Impact Study (EIS) shall be maintained around Provincially Significant Wetlands and Niagara Peninsula Conservation Area Wetlands greater than 2 ha in size. A 30m buffer is illustrated on Schedule A-1 for reference purposes. The precise extent of the vegetated buffer will be determined through an approved EIS and may be reduced or expanded. New development or site alteration within the vegetated buffer is not be permitted...*

ANALYSIS

The EIS prepared by Myler Ecological Consulting Plan confirmed the limit of wetland on the site is approximately consistent with the PSW mapping, with minor differences that include a “point” at the site’s northern boundary that was found not to be wetland. This difference is proposed to be addressed through a request for revision to Provincial mapping. According to Policy 11.2.3, minor reductions to the limits of EPA or its adjacent lands could be made without amendment to the NFOP. The EIS confirms minor reduction to the extent of the EPA designation on Schedule A. As recommended by the EIS, a 15-metre-wide buffer comprised of existing cultural thicket and

cultural meadow vegetation is included. Development would be located entirely outside the EPA and its recommended buffer.

5.4.4. Infrastructure and Servicing

Part 3 Section 1 of the NFOP provides policies related to municipal infrastructure and servicing. The following policies apply:

POLICY

1.1.1 Schedule B illustrates the Phasing Plan for the City. Lands shall be brought into the development stream in accordance with Schedule B and the policies of this section. Moreover, plans for expansion of existing services, or for new services are to serve growth in a manner that supports the achievement of the greenfield density target and the intensification target of this Plan.

1.1.2 Greenfield Area

1.1.2.1 The development of lands in the Greenfield Area shall proceed in an orderly and efficient manner.

1.1.2.2 New development should occur as a logical extension of preceding development.

1.2.4 Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available.

ANALYSIS

The Subject Lands are within the Phase 1 Service Area of the City of Niagara Falls (see **Appendix C – City Schedules**) and are in proximity to lands that have been developed for residential use to the south and west. The Subject Lands also front and would be serviced by existing municipal water and sanitary services along Kalar Road, as identified in the Functional Servicing Report prepared by S. Llewellyn & Associates (SLA). Existing development in proximity to the Subject Lands and the availability of municipal services, makes the proposed development a logical extension of preceding development.

5.4.5. Transportation

Part 3 Section 1.5 of the NFOP provides policies related to transportation. The following policies apply:

POLICY

1.5.18.4 Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City

City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres. Direct access to adjoining properties and on-street parking will be restricted as much as possible to enhance the free flow of traffic. The road allowance may accommodate transit routes with bus lay-bays and shelters and/or bicycle facilities such as bike lanes, shared use lanes and paved shoulders. The use of shared driveways to larger development projects will be encouraged in the urban areas. Regional and certain City roadways that function as arterial roads, primarily in the tourist core area, are subject to the policies described in the “tourist commercial roads” classification.

1.5.33 Where land for road widening is required as a condition of site plan control or lot creation, such land shall be acquired equally from both sides of the road as measured from the centreline wherever feasible. Where topography, existing or proposed development, utilities or other constraints, necessitate a larger widening on one side, no more than 50 percent of the required widening shall be acquired through the planning application. Additional land may be acquired by other means.

1.5.34 The proposed widths of roads are as follows:

| Road | From | To | City Arterial |
|-------------------|--------------------|-------------------|----------------------|
| <i>Kalar Road</i> | <i>McLeod Road</i> | <i>Brown Road</i> | 26 |

ANALYSIS

Schedule C Major Road Plan of the NFOP (see **Appendix C – City Schedules**) designates Kalar Road as a City Arterial Road. As per the Table under 1.5.34, Kalar Road is required to have a road width allowance of 26 metres. Currently, there is approximately 17 metres width between the street centreline and the west property line. On this basis, additional lands are not required for road widening. This conclusion is confirmed in the Pre-Consultation notes with respect to the proposed development.

5.4.6. Energy Resources

Part 3 Section 3 of the NFOP provides policies related to energy resources. The following policies apply:

POLICY

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

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

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

3.1.2.2 Building orientation and design that maximizes exposure to sunlight.

ANALYSIS

The proposal aims to increase energy efficiency, conserve water, and promote retention of green spaces throughout the development in the following manner:

- Proposed site design achieves a residential density of 103 units per hectare on lands envisioned for development. The compact building footprint reduces the overall heating and cooling demands when compared to a typical low density built form.
- 7 of the 11 back-to-back townhouse blocks face north or south. These townhouse blocks will have consistent access to sunlight during the day providing opportunities for passive solar heating.
- As previously mentioned, the back-to-back design of the townhouse blocks means the middle units will only have one side exposed to the elements which will help to contain heat energy in the units, reducing consumption of energy.

5.4.7. Urban Design

Part 3 Section 5 of the NFOP provides policies related to urban design. The following policies apply:

POLICY

5.1 New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.

5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.

5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.

5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.

5.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.

5.1.7 The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.

5.3 Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.

5.4 Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.

5.4.1 Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.

5.4.2 Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.

5.6.1 Individual subdivisions and rezoning developments are to be coordinated through applicable secondary plans to ensure appropriate aesthetic qualities are attained.

5.6.2 Aspects such as the arrangement of uses and densities, road layout and orientation, lotting schemes, parks, pedestrian and cycling routes, tree planting, landscaping and services shall all be addressed as design elements within secondary plans and plans of subdivision.

ANALYSIS

Part 3 Section 5 of the NFOP provides urban design strategies, and the proposed development's design is evaluated against the relevant policies of this section.

- As previously noted, lands north and south of the development are designated for medium and low-density residential development, respectively. There is an existing single-detached dwelling at 7656 Kalar Road, south of the Subject Lands, and the remainder of the lot line is abutted by a segment of a historical hydroelectric corridor. The proposed development is consciously designed to achieve a compatible relationship with adjacent lands with regards to its height, massing, and siting. Block A, closest to the north property line is setback approximately 11 metres, while Block H & I, close to the south property line are setback 7 metres.
- The proposed Site Plan contains back-to-back townhouse blocks oriented towards the internal roads. Due to its unique housing form, the blocks contain front and side walls only

– no rear walls. The block façade facing Kalar Road are side elevations, which will contain fenestration and architectural details to integrate with the streetscape.



- Units along Kalar Road will have architectural treatments that will add to the existing streetscape. In addition, these units will provide 'eyes-on-street' benefits, which will enhance the overall pedestrian experience from the existing condition. Each unit features at-grade garages spaces. These spaces are not directly visible from Kalar Road as they are setback from the exterior building profile. Further, a 4.6-metre-wide planting strip along the front yard will provide landscaped enhancements.
- Majority of the surface parking are provided along the interior side yard and rear yard in efforts to avoid visibility from the main street. There is adequate landscaping around the 21 surface parking spaces to curb visibility from the main street, without affecting its functionality and safety, as recommended by Policy 5.4.1.
- The proposal provides three access driveways from Kalar Road – City-designated arterial road, which is acceptable as the site frontage is roughly 147 metres.



The proposed back-to-back townhouse development will add to the mix of housing, provides adequate height transition, and respects the character of the surrounding neighbourhood.

5.4.8. Official Plan Amendment Policies

Part 4 Section 2 of the NFOP provides policies related to Official Plan Amendments. The following policies apply:

POLICY & ANALYSIS

| Policy | Analysis |
|---|---|
| <p>2.6.1 The conformity of the proposal to the general objectives of this Plan.</p> | <p>Based on the analysis undertaken in Section 5.5 – City of Niagara Falls Official Plan of this report, the proposed development is found to conform with the general objectives of this Plan.</p> |
| <p>2.6.2 Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.</p> | <p>The Subject Lands are part of the Garner South Secondary Plan, as per Schedule A of the NFOP, and are designated for residential growth as per Part 5 Section 2.2 of the NFOP. There is no change in use that is being proposed. As per the NFOP, higher density housing is encouraged to be located in proximity to arterial roads.</p> |
| <p>2.6.5 The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.</p> | |

| | |
|---|---|
| <p>2.6.3 Compatibility of the proposed use with adjacent land use designations and natural resources.</p> | <p>The EIS undertaken by Myler Ecological Consulting recommends a 15-metre vegetated buffer from between the existing PSW boundary and the development limit. The report also recommends mitigation measures to protect the natural features. The Subject Lands are also surrounded by lands designated for future growth and development. Detailed analysis of the compatibility of the proposed use to the adjacent uses is provided in the policy analysis of Part 1 Section 3 and Part 3 Section 5 of the NFOP.</p> |
| <p>2.6.4 The need for and market feasibility of the proposed use.</p> | <p>The proposed development will contain a unique housing form – back-to-back townhouse models that promote compact design, increased density and will provide homeownership options for a variety of households in the City.</p> |
| <p>2.6.6 The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.</p> | <p>As indicated in S.Llewellyn & Associates' Functional Servicing Report, the proposed development can be accommodated by the existing municipal services, subject to the conditions outlined in the report.</p> |
| <p>2.6.7 The financial implications of the proposed development.</p> | <p>The proposed development relies on existing municipal infrastructure for its servicing needs and does not require new municipal services. Further, adding dwellings to this area of Niagara Falls supports the existing commercial establishments and increases tax base for the Municipality.</p> |
| <p>2.6.8 The protection of specialty crop land as defined in the Provincial Policy Statement from development.</p> <p>2.6.9 Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.</p> | <p>These policies are not applicable to the proposed development.</p> |
| <p>2.6.10 Compliance with a Comprehensive Review prepared by the City when considering the</p> | <p>This policy is not applicable to the proposed development. Please refer to policy analysis for 3.A.3 Policies for the Niagara Economic</p> |

conversion of employment areas including an area of employment, to another land use category, except where the conversion is proposed within an area identified as a Community Improvement Plan Area in this Plan in which case a Comprehensive Review as defined by the Provincial Places to Grow Growth Plan has been initiated or adopted by the City.

Gateway under Section 5.3 of this report for more information.

5.4.9. Garner South Secondary Plan (GSSP)

5.4.9.1 GSSP – Residential Policies

Part 5 Section 1 of the NFOP provides policy direction for the Garner South Secondary Plan (GSSP). Subsection 2.2 provides policies related to residential land uses. The following policies apply:

POLICY

2.2 Residential, Medium Density

Lands designated Residential, Medium Density are integrated throughout the Secondary Plan Area, as shown on Schedule A-3 and the Concept Plan, so as to allow for a mix of housing types in the Secondary Plan Area. These lands are generally in proximity to the Open Space System in order to provide residents easy access to this public amenity space and commercial areas.

2.2.1 Residential, Medium Density areas shall provide for on-street and block townhouses, including stacked townhouses, and apartment buildings. Notwithstanding this Policy, single detached dwellings can be developed in a 5.02 hectare area on the north side of Brown Road, east of Kalar Road in accordance with subsection 2.2.3.1.

2.2.3 In order to meet the greenfield density target, Residential, Medium Density areas shall be developed at a minimum density of 50 units per net hectare to a maximum of 75 units per net hectare.

2.2.3.2 Brownfield sites may be developed at densities higher than 75 units per hectare, without amendment to this Plan, but should be of a scale and massing that is generally consistent with the Residential, Medium Density designation.

2.2.4 Building heights shall not exceed 4 storeys,

2.2.5 Buildings are encouraged to be designed with a street frontage that is pedestrian-oriented. To achieve this, buildings should be located close to the street. Exterior pedestrian access to individual dwelling units encouraged. Parking areas should be located within rear yards or interior side yards.

Landscape buffers along any property line shall be of sufficient depth and intensity so as to provide appropriate levels of screening.

2.2.6 Block townhouses shall be designed so as to integrate with the streetscape by facing the street. More specifically, reverse lot frontage is discouraged.

ANALYSIS

The western portion of the Subject Lands identified for development within the Garner South Secondary Plan is designated medium density, as per Schedule A-3 of the NFOP being the Garner South Secondary Plan. The proposed development conforms with the permitted uses and all policies regarding the medium density residential designation in the Garner South Secondary Plan, except for policy 2.2.3. The proposed development will provide dwellings at a density of 103 units per hectare, and a site-specific Official Plan Amendment is being sought to reflect the density increase. The proposed Official Plan Amendment to increase density can be supported for the following reasons:

- The proposed development would be consistent and in conformity with all remaining Provincial, Regional and City policies and plans including the remaining land use policies of the Garner South Secondary Plan; and
- The buildings would be appropriately setback from adjacent residential uses, which would provide sufficient mitigation on adjacent uses.

5.4.9.2 GSSP – Environmental Policies

Subsection 2.9 of the GSSP provides policies related to Environmental Protection Areas. The EPA policies within the Garner South Secondary Plan are identical to those of Part 2 Section 11 of the NFOP, except that the Part 2 wetland buffer policy contains additional explanation of the conceptual character of the 30m buffer (shown on Schedule A-1) that is not reproduced in the corresponding, more briefly written Secondary Plan policy. As described in Section 5.4.3 of this report, the Applications conform with the Environmental Protection Area policies of the Official Plan.

5.4.9.3 GSSP – Transportation Policies

Subsection 2.12 provides policies related to residential land uses. The following policies apply:

POLICY

Part 5 Section 1 Garner South

2.12 Transportation

2.12.4.2 Driveways access to arterial roads shall be minimized. On corner lots, driveway access shall only be provided on the lesser order road frontage.

2.12.4.4 Developments along any arterial road, shall provide generously landscaped open space adjacent to the arterial frontage, save and except for any driveway or sidewalk access.

ANALYSIS

There are three driveway accesses proposed for the development from Kalar Road. This is appropriate as the frontage is approximately 145 metres long. Internal connections would be

Kalar Road (Lot 186) - Planning Justification Report

provided to the individual dwelling units. Additionally, a planting strip measuring 4.6 metres in width will be provided along the frontage to enhance the arterial road streetscape.

6.0 Land Use Compatibility Analysis

The surrounding commercial/industrial uses must be assessed for the potential impacts on the proposed residential development. The following sections include compatibility analysis of the regulatory framework to ensure the safety of the future residents and the long-term viability of the existing major facilities.

1. REGULATORY FRAMEWORK WITH RESPECT TO INDUSTRIAL FACILITIES

D-SERIES GUIDELINES

The Ministry of the Environment, Conservation and Parks (MECP) Guideline D-1 series is intended to apply when a change in land use is proposed and further states that *“if a proposed use is permitted in the official plan, but rezoning is required, or if both redesignation and rezoning are required, then this guideline shall apply”*. The D-6 sets out recommendations intended for the *“land use planning process to prevent or minimize future land use problems due to encroachment of sensitive land uses and industrial uses on one another”*.

The Subject Lands has two designations: Residential Medium and Environmental Protection Area, as per the City’s Official Plan (see Schedule A3 – Garner South Secondary Plan in **Appendix C**). An Official Plan Amendment is required to recognize the density increase on the residentially designated portion of the Subject Lands. In addition, a rezoning is required to facilitate residential development on the Subject Lands.

POLICY

Sensitive land uses (1.2.1)

For the purposes of this guideline, (i.e. where industry is concerned) sensitive land use may include:

- any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.*

Note: Residential land use shall be considered sensitive 24 hours/day.

Application (3.0)

The information set out Section 2.0 of Guideline D-1, “Land Use Compatibility” shall apply for this guideline also.

D-1 Land Use and Compatibility: Compliance with Existing Zoning and Official Plan Designation (2.3.2)

This guideline does not normally affect a change in land use, an expansion, or new development, for either a facility or a sensitive land use which is in compliance with existing zoning, and the official plan designation, except for plans of subdivision and condominium and/or severances. In these exceptional

situations, Ministry staff may require studies(see Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses, Sections 4.6, "Studies and 4.7, "Mitigation"), and the identification of any necessary mitigative measures to prevent or minimize any potential 'adverse effects'.

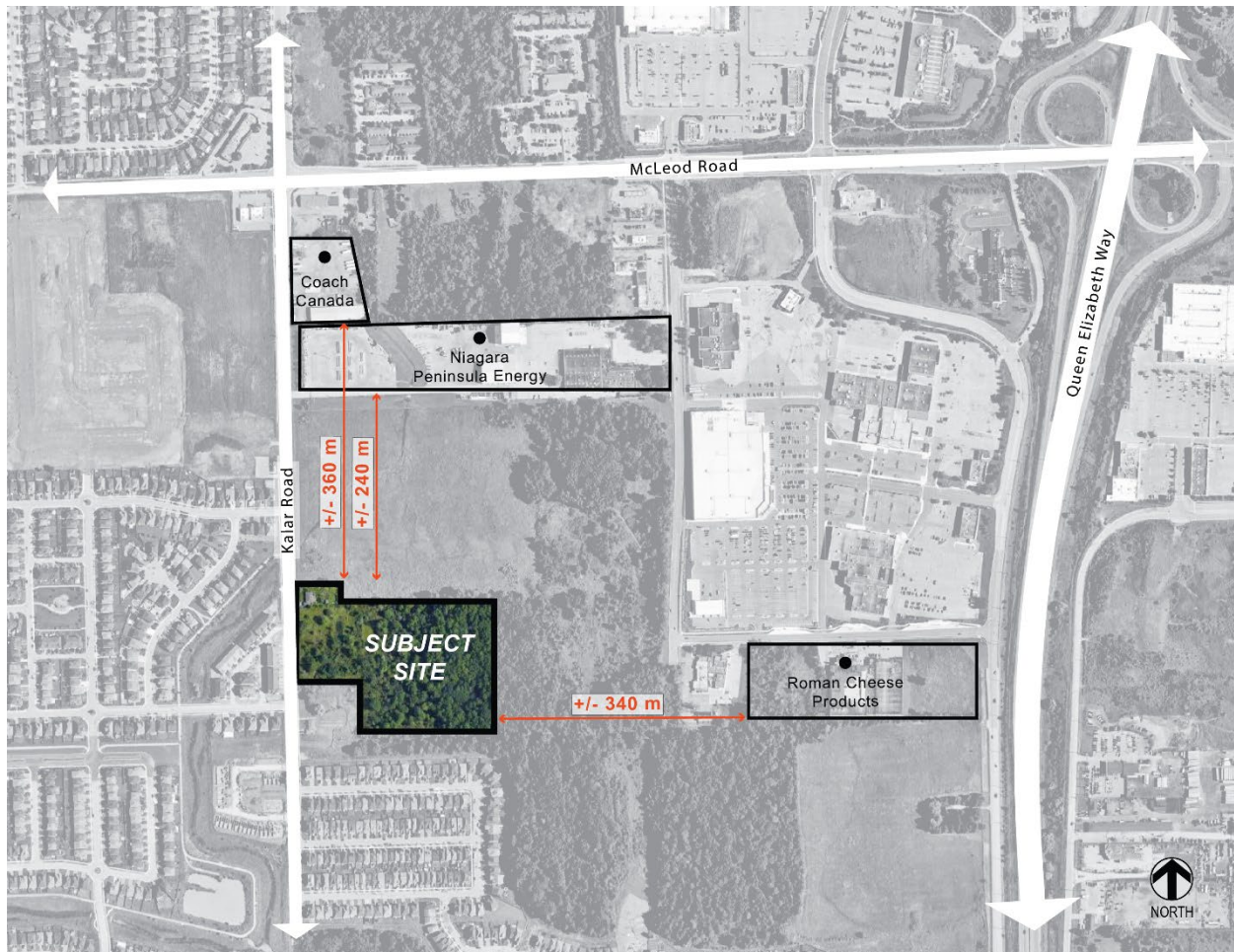
If a proposed use is permitted in the official plan, but rezoning is required, or if both redesignation and rezoning are required, then this guideline shall apply.

ANALYSIS

As per Section 1.2.1 of the D-6 Guidelines, residential use is classified as a sensitive land use (i.e. where industry is concerned). Section 2.3.2 of the D-1 guidelines indicates that where a proposed use is permitted in the official plan, but rezoning is required then this guideline shall apply. The preferred approach under the guidelines for addressing future land use compatibility issues is separation of incompatible land uses based on the potential influence area of an industrial facility and recommended minimum separation distance from it.

Industrial uses are classified in the D-6 guidelines as Class I, II or III Industry based on their scale, operation intensity and the likelihood and frequency of adverse effects from noise, dust, odour and vibration (Appendix A of the D-6 Guidelines). **Figure 5** – Facilities close to the subject lands shows the location of the facilities around the proposed development.

Figure 5. Facilities close to the Subject Lands



Appendix C of the D-6 MOE guidelines provide potential influence area for industrial land uses. It also recommends minimum separation distance in which incompatible development should not normally take place. The influence area and separation distances are tabulated below:

| INDUSTRY CLASS | POTENTIAL INFLUENCE AREA | RECOMMENDED MINIMUM SEPARATION DISTANCE |
|------------------|--------------------------|---|
| Class I | 70 m | 20 m |
| Class II | 300 m | 70 m |
| Class III | 1000 m | 300 m |

The following table provides the distance between the industrial uses and the proposed development. Technical Studies were not required to confirm the industrial classifications of uses in proximity to the Subject Lands. However, based on D-6-1 Industrial Categorization Criteria it appears that uses fall within a Class II designation at worst case scenario. As indicated above, all of the industrial facilities in proximity to the Subject Lands are setback greater than the distances outlined in Guideline D-6 for Class II land uses. Therefore, the Applications are in compliance with the D-6 Guidelines for minimum separation distances.

Table 1. Provided Separation Distance (D-6-3)

| SURROUNDING INDUSTRIAL AND COMMERCIAL USE | DISTANCE FROM THE PROPOSED DEVELOPMENT |
|---|--|
| Niagara Peninsula Energy Inc. (Hydro-corridor) | 340 m |
| Coach Canada (Transportation Service) | 360 m |
| Roman Cheese Products | 255 m |

The existing residential development west of Kalar Road was constructed around 2013-2015 timeframe based on the aerial imagery. The surrounding industrial uses predates the existing residential development. It is expected that the industries would comply with the existing residential development through its prior approval process. These residential uses are in closer proximity to the industries than the Subject Lands. It is therefore expected that compliance will be achieved at the Subject Lands also.

CONCLUSION

Kalar Road (Lot 186) - Planning Justification Report

The Subject Lands are designated for residential growth through the Garner South Secondary Plan. In reviewing the adjacent land uses, the proposed residential development is sufficiently buffered from the industrial uses, as the Subject Lands exceed the minimum separation distance required in the D-6 Guidelines.

7.0 Proposed Official Plan Amendment

An Official Plan Amendment (OPA) is needed to permit the development of the 99 townhouse units on the Subject Lands. This section of the report provides an analysis of the proposed development with respect to the relevant matters to determine the appropriateness of the proposed OPA, as outlined in the City's OP.

The specific changes to the Official Plan are as follows:

1. That the Subject Lands be developed for a back-to-back and block townhouse development, and the maximum density shall be 103 units per hectare.

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

- The proposal is consistent with the Provincial Policy Statement and conforms with A Place to Grow (Growth Plan for the Greater Golden Horseshoe), and the Niagara Region Official Plan.
- The proposal implements the policies of the Niagara Region Official Plan and the City of Niagara Falls Official Plan in that the Subject Lands are located within the Greenfield Area. It would facilitate the development generally in accordance with the Garner South Secondary Plan.
- The proposal creates new housing in the City of Niagara Falls contributing to a more diversified housing mix; and,
- The proposal provides residential uses on lands designated for growth and development and achieves the land use compatibility requirements for an Official Plan Amendment, in accordance with the City's Official Plan. The proposal adequately addresses the requirements of Part 4 Section 2 Official Plan Review and Amendments of the City Official Plan.

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

8.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Light Industrial in accordance with Zoning By-law No. 79-200 (See **Appendix D – City Zoning By-law Map**). In order to facilitate the proposed development, the owner is proposing to change the current zoning as described above, to a site-specific Residential Apartment 5C Density Zone (R5C-XX). Site-specific provisions are proposed to permit townhouses, and pertaining to minimum lot area, minimum front yard, minimum rear yard, minimum interior side yard width, maximum lot coverage, number of apartment dwellings on one lot, parking requirements, accessory buildings and accessory structures and minimum landscaped open space. For the purposes of determining compliance with zoning provisions depths have been calculated to the nearest of lot lines and the recommended 15-metre PSW buffer. The net developable area has been taken into consideration for the purposes of calculating lot coverage and lot area. This approach allows but does not require the separation of the environmental block through the condominium process, if considered to be appropriate and necessary.

A Draft Zoning By-law has been prepared and can be found in **Appendix F – Draft Zoning By-law Amendment** of this report.

| REGULATION | R5C ZONE REQUIREMENT | PROPOSED | COMPLIANCE |
|--|--|---|------------|
| Permitted Uses | (a) An apartment dwelling | Apartment Dwelling (Back-to-back townhouse) | Yes |
| | | Regular townhouses | No |
| Minimum lot area | 100 square metres for each dwelling unit (Required = 100 x 99units = 9900 sqm) | 97 sqm for each dwelling unit (Developable area = 9,637 sqm) | No |
| Minimum lot frontage | 30 metres | More than 30 m | Yes |
| Minimum front yard depth | 7.5 metres plus any applicable distance specified in section 4.27.1 (Required minimum distance from Kalar Rd centreline = 13 m) | 4.6 m + 17.6 m from Kalar Road Centreline | No |
| Minimum rear yard depth | one-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1 (Required = 10 m) | 0.779 (measured from wetland buffer) | No |
| Minimum interior side yard width | one-half the height of the building (Required = 12.5m/ 2 = 6.25 m) | 7 m (from Block H to south lot line) 2 m (from Block K to wetland allowance) | No |
| Minimum exterior side yard width | 7.5 metres plus any applicable distance specified in section 4.27.1 | N/A | N/A |
| Maximum lot coverage | 30% | 44.6% (measured over net developable area) | No |
| Maximum height of building or structure | 19 metres subject to section 4. 4.7 HEIGHT EXCEPTION: The height regulations of | 12.5 m | Yes |

| | | | |
|--|--|--|-----------|
| | <p>this By-law shall not apply to church spires, belfries, chimneys, water tanks, elevator or mechanical penthouses, flag poles, clock towers, radio, telephone, television or telecommunication towers and antennae, tents and mechanical amusement rides or devices in any Zone except as hereinafter provided or to farm buildings and farm structures (which shall not include buildings or structures to be erected or used for the purpose of human habitation in an A Zone, an R Zone or an OS Zone and shall not apply to the following types of structures and buildings in HI Zones.</p> | | |
| Number of apartment dwellings on one lot | One only | More than one | No |
| Parking and access requirements | Dwelling containing 3 or more dwelling units save and except an on street townhouse dwelling: 1.4 parking space for each dwelling unit (Required = 139 spaces) | 120 spaces | No |
| Accessory buildings and accessory structures (Section 4.13) | <p>(a) Except as otherwise specifically permitted in this By-law, no accessory building or accessory structure shall be erected in a front yard, a rear yard or a side yard.</p> <p>(c) An accessory building or accessory structure may be erected in an interior side yard provided that it is distant not less than 1.2 metres (3.94 ft.) from the side lot line.</p> <p>Notwithstanding the foregoing, common semi-detached private garages may be centred on the mutual lot line if erected</p> | Waste station area is less than 0.45 m from the wetland buffer | No |

| | | | |
|--------------------------------------|---|---|------------|
| | <p>simultaneously on two abutting lots and as one building. 2016-03</p> <p>(d) subject to section 4.27.1, an accessory building or accessory structure may be erected in a rear yard of a lot provided that it shall not be less than 0.45 metre from any lot line and no overhanging roof, eaves or gutter shall project more than 0.3 metre into any required yard or be less than 0.15 metre from any lot line. 2016-03</p> | | |
| | <p>(e) An attached private garage or carport which is erected as part of the main building shall not be deemed an accessory building or accessory structure and shall comply with all yard requirements for the main building.</p> | Noted | Yes |
| | <p>(f) except as otherwise specifically permitted in this by-law, no person shall, in any residential zone, DH zone, A zone, R zone, DC zone or DTC zone, erect any accessory building or accessory structure having a greater height than 3 metres, provided that an accessory building with a pitched roof may be erected to a height not exceeding 4.6 metres but in no event shall any part of the walls or supporting posts excluding any gable or dormer exceed 3 metres in height.</p> | Height less than 3 m | Yes |
| Minimum landscaped open space | 40% of the lot area | 18.4 % (measured over net developable area) | No |
| Section 4. General Provisions | | | |

| | | | |
|---|--|---|-------------------|
| <p>Screening Device (Section 4.16)</p> | <p>No person shall use, for any non-residential purpose, any lot which has any side lot line of an interior lot or any rear lot line that abuts land in a residential zone unless they erect and maintain a close-board type fence or decorative wall with a minimum height of 1.8 metres abutting the side lot line and the rear lot line, save and except where the lot line abuts the front yard of a residentially zoned lot.</p> | <p>Southern lot line abuts a Residential zone. A 1.8 m high fence will be implemented at the site plan stage of the application</p> | <p>Yes</p> |
| <p>Parking Areas (Section 4.19)</p> | <p><u>Table 2 Surface Parking Area</u> Dimensions: 2.75 m (min) x 6 m Aisle width: 6.9 m</p> | <p>2.75 m x 6 m x 7.5 m (min)</p> | <p>Yes</p> |
| | <p><u>Table 3 Building or Structure Parking Area</u> Dimensions: 2.75 m (min) x 6 m Aisle width: 6.3 m</p> | <p>2.75 m x 6 m x 6.3 m</p> | <p>Yes</p> |
| <p>Parking in Yards (Section 4.19.4)</p> | <p>Within the R4, R5A, R5B, R5C, R5D, R5E, and R5F zones, no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless a decorative wall and landscaped strip or a landscaped berm, as hereinafter specified, is provided and maintained along all that part of every front lot line and side lot line of such lot which is a boundary between such front yard and an abutting street, except that part thereof crossed by an access ramp or sidewalk. (i) The height of such decorative wall or</p> | <p>A landscape strip of 4.6 m is provided along the front lot line</p> | <p>Yes</p> |

| | | | |
|--|---|--------|------------|
| | <p>landscaped berm shall be 1 metre above the average level of the parking area in such front yard.</p> <p>(iii) any such decorative wall shall be located 1 metre inside the abutting street line or street lines and the strip between such decorative wall and the abutting street line or street lines shall be planted with shrubs, flower beds, grass or a combination thereof.</p> <p>(iv) Subject to subclause</p> <p>(v) any such landscaped berm shall have a minimum width of 1.5 metres measured from the abutting street line or street lines and shall be planted with shrubs, flower beds, grass or a combination thereof.</p> <p>(vi) Where a daylighting triangle is required pursuant to this By-law, no such decorative wall or landscaped berm shall be located within such daylighting triangle.</p> | | |
| <p>Road Allowance Requirements (Section 4.27)</p> | <p>Kalar Road (between McLeod Road & Brown Road): 13 m</p> | 17.9 m | Yes |
| <p>Special Building Setback (Section 5.7)</p> | <p>Notwithstanding the yard requirements of this By-law but subject to section 4.27.1, in any residential zone where a proposed building or structure is to be erected on an interior lot between 2 existing buildings or structures on lots which have their front lot lines on the same street and in the same block and are distant from each other not more than 45 metres, no part of such proposed building or structure shall</p> | N/A | N/A |

| | | | |
|--|--|--|--|
| | <p>be erected on such interior lot closer to the front lot line thereof than the average of the shortest distance between the nearest main wall of each such existing building or structure and the front lot line of the lot on which such existing building or structure is located.</p> | | |
|--|--|--|--|

Permitted Use

Currently, the City’s Zoning By-law does not define the proposed housing typology – back-to-back townhouse. In correspondence with staff, it was determined that because each of the back-to-back townhouse block contains more than 4 units, it will be considered as an apartment use. An apartment use is permitted in the R5C parent by-law and an amendment to the zoning bylaw is not required on this matter.

There are two blocks (Block H and K) that are designed as regular townhouses. Block H contains 3 units and Block K comprises 4 units. Of the total 99 units proposed, only 7 units have a regular townhouse built form. The proposed zoning amendment identifies regular townhouses as a permitted use.

Minimum lot area

The proposed development will provide a lot area of approximately 97 square metres for each dwelling unit and is a reduction with respect to the City’s Zoning By-law requirement of 100 square-metres for each dwelling unit. The provided density and lot area are appropriate for the development of the Subject Lands, and the requested lot area per dwelling unit are supportable for the following reasons:

- The Subject Land is part of the Greenfield Area identified for development through the Garner South Secondary Plan. Higher density housing is supported to utilize urban lands efficiently and more specifically in this locality to strengthen the Niagara Square Retail District.
- The proposal is at a walkable distance to a variety of neighbourhood facilities. The proposal encourages residents to use these nearby facilities for socializing, exercising and playing.
- The proposed development will be built on consolidated land parcels to allow for back-to-back townhouse development, and the residential density will promote walkability and add to the mix of uses in the neighbourhood.

The requested variance conforms with the City’s policies and can be supported.

Minimum front yard depth

The front yard depth for the development is proposed at 4.6 metres, which falls short of the City’s requirement of 7.5 metres. Blocks A-B-D-F and H are located closest to the front property line. By allowing the development to be located closer to the street, it provides convenient access to

municipal sidewalk and transit services, and passive surveillance benefits to the neighbourhood. In addition, the proposal will provide landscaping along the Kalar Road frontage to foster a pedestrian-friendly environment along the existing municipal sidewalk. For these reasons, the proposed front yard setback is anticipated to complement the character of the streetscape and can be supported.

Minimum rear yard depth

The City's Zoning By-law defines rear yard depth as *"the least horizontal dimension between the rear lot line of a lot and the nearest part of the main building or structure on such lot"*. Based on this definition, the proposed development exceeds the minimum rear yard requirement by providing over 170 metres between Block K and the east lot line (where Zoning By-law 79-200 requires 10 metres).

However, through this Zoning by-law Amendment application, the natural heritage features and buffer areas are to be maintained as a single block and zoned as Environmental Protection Area. For this reason, a site-specific provision has been requested to permit a rear yard setback that relates to the dividing line between the developable lands and the environmental block. The environmental block constitutes the PSW, the 15-metre buffer from the PSW, and the Significant Woodland. The proposed setback to the environmental block for the development is 0.7 metres (at Block K), and can be supported for the following reasons:

- The dividing line is a haphazard line tracing the edges of the natural heritage features. The resulting yard setback varies from 0.7 metres to 17.6 metres along the rear yard.
- Typically, larger setbacks are established at the rear to alleviate any shadowing or privacy-related concerns to abutting residential neighbours. In this case, there are no residential uses along the rear that could be affected by shadowing or lack of privacy due to the proposed development.
- The proposal is at a walkable distance to Warren Woods Trail that connects to Warren Woods Park. It is also in proximity to other parks and open spaces. The proposal encourages residents to use these nearby facilities for socializing, exercising, and playing.

Minimum interior side yard width

The City's Zoning By-law defines side yard depth as *"the least horizontal dimension between the side lot line of a lot and the nearest part of the main building or structure on such lot"*. The proposed development provides side yard measuring 4.7 metres (at Block A to nearest east lot line).

However, similar to the above, a site-specific provision has been requested to permit a rear yard setback that relates to the environmental block. The haphazard line created by the dividing line results in pinch points along the side yard, especially along the southern lot line. The proposed development is setback 2 metres at Block K to the south dividing line, where the requirement is half the height of the building (6.25 metres). The reduced side yard setback can be supported for the following reasons:

- The development abuts an environmental block and will not result in shadowing or other concerns typically associated with abutting a residential development.
- The side yard width between Block A and the nearest east lot line, measuring 4.7 metres is supportable as it is buffered by a landscape strip and is not anticipated to cause

significant shadowing impacts. Additionally, the building's side elevation interfaces with this yard reducing privacy impacts with potential future development.

- As such, where the Subject Lands are intended to abut residential uses (current and future), setbacks of the range of 7 metres – 11 metres are established (except for Block A at 4.7 metres), which is more than the minimum requirement.

Maximum lot coverage

Lot coverage has been measured over the entire developable portion of the Subject Lands, which excludes the area containing natural heritage features and systems. The proposal is to provide an increased lot coverage of approximately 45%, where the City's Zoning By-law allows only up to 30%. The increase can be supported for the following reasons:

- The proposed lot coverage is based on the developable portion of the Subject Lands. 4.1 hectares of lands would be retained in a natural state due to the presence of natural heritage features. These lands have not been included as part of the lot coverage calculation.
- The Subject Lands have frontage on Kalar Road – an arterial, where higher density housing is promoted by the Secondary Plan. Increasing lot coverage ensures the developable portion of the lands is being efficiently utilized.

Number of apartment dwellings on one lot

The proposal would provide for 99 dwelling units through 11 residential blocks, where the City's Zoning By-law allows only one apartment block on one lot. The proposed development promotes a unique housing form – back-to-back townhouses that will add to the City's housing mix. It provides dwelling units without negatively impacting the surrounding low-density residences.

The proposed housing form is an innovative townhouse type, whereas the requested R5C zoning regulation is more applicable for apartment use. As such, there are no zoning regulations in the City's Zoning By-law that pertain to the proposed housing form. The requested relief can be supported as it is appropriate for the development of the Subject Lands.

Parking and access requirements

The proposed zoning amendment seeks to provide 120 parking spaces, which is at a rate of 1.21 spaces per unit. The City's Zoning By-law requires a rate of 1.4 spaces per unit for residential uses. The reduction can be supported because:

- The proposed resident parking ratio of 1 space per unit can be considered appropriate for the development based on the review undertaken by the Traffic Study prepared by JD Engineering.
- The proposed visitor parking rate of 0.21 spaces per unit is sufficient to accommodate the expected parking demand based on proxy survey results in JD Engineering's parking Study.
- The Subject Lands are located along existing transit routes (weekday route #105 and weekend route #205) and are serviced by bus stops at a walkable distance. The reduced parking rate is also consistent with the City's Transportation Demand Management objective to improve the efficiency of the City's transportation system.
- The proposed development includes 99 residential units with one garage space available per unit. Lowering the resident parking supply, can increase development

efficiency, reduce the cost to buy or rent the unit, and provide a form of transportation demand management

Accessory buildings and accessory structures

A minimum setback of 0.45 metres is required from any lot line for accessory structures according to Section 4.13 of the Zoning By-law. The proposed development provides multiple waste stations located less than 0.45 metres (close to 0 metres) from the wetland buffer.

This is supportable as the proposed development aims to utilize private waste collection services such as Moloks or Earth bins that do not require a traditional enclosed shed for waste storage. These are in-ground waste bins that are designed to save space, be visually less intrusive, contain odour and reduce GHG emissions from the trash.

Minimum landscaped open space

The proposed landscaped coverage for the developable lands is approximately 18%. The proposal will provide a planting buffer along the west property line, and pockets of landscaping throughout the development.

The requested reduction accommodates the needs of future residents and is appropriate for the development of the Subject Lands, and can be supported for the following reasons:

- It promotes residential development in an area planned by the Municipality for future growth through the Garner South Secondary Plan.
- Approximately 80% of the Subject Lands is intended to be preserved for protecting the existing natural features. The proposed amount of landscaped open space can be supported as it promotes sustainable growth on lands available for development.
- As previously mentioned, the proposal is at a walkable distance to Warren Creek Trail and nearby parks, which will encourage residents to use these spaces for socializing and spending time outdoors.
- The reduction in landscaped area can lead to a decrease in maintenance fees for future residents that will ultimately result in an overall reduction in the cost of an accommodation.

9.0 Summary and Conclusion

The proposed development of back-to-back townhouses is within the existing settlement area and will provide for the development of 99 residential units in the Town, through the construction of seven (7) regular townhouse units and 92 back-to-back townhouse. It is our opinion the proposed Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest and should be approved for the following reasons:

- The proposed development is consistent with the Provincial Planning Policy Statement (2020) and is in conformity with the Growth Plan, Region of Niagara Official Plan, and the City of Niagara Falls Official Plan.
- The Subject Lands are located within proximity to commercial nodes and transit facilities and supports the vision of building a walkable and bikeable community.
- The proposed development will facilitate the vision of complete communities within the area as there are sufficient availability of amenities such as grocery stores, public schools, parks and open spaces near the Subject Lands.
- The proposed units will contribute to diversify the existing housing mix in the neighbourhood. The proposed development is appropriately distanced from the established lower-density areas to the west.
- The proposal is an example of efficient use of lands.
- The proposal is supported by reports prepared by qualified professionals, subject to relevant recommendations, that confirm that no significant environmental or servicing impacts as a result of the development.
- The proposed development increases the housing stock within the City of Niagara Falls by facilitating residential dwellings in a greenfield area.
- The proposal ensures the protection of environmentally sensitive lands through a 15-metre development buffer.
- The surrounding area is characterized by residential uses to the south and west, with commercial and retail uses to the north-east. The proposed residential development is adequately setback from environmentally sensitive lands. As such, the proposal is compatible with the surrounding land uses.

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10.0 Appendices

Appendix A – Site Plan & Renderings

Appendix B – Niagara Region Official Plan Schedules

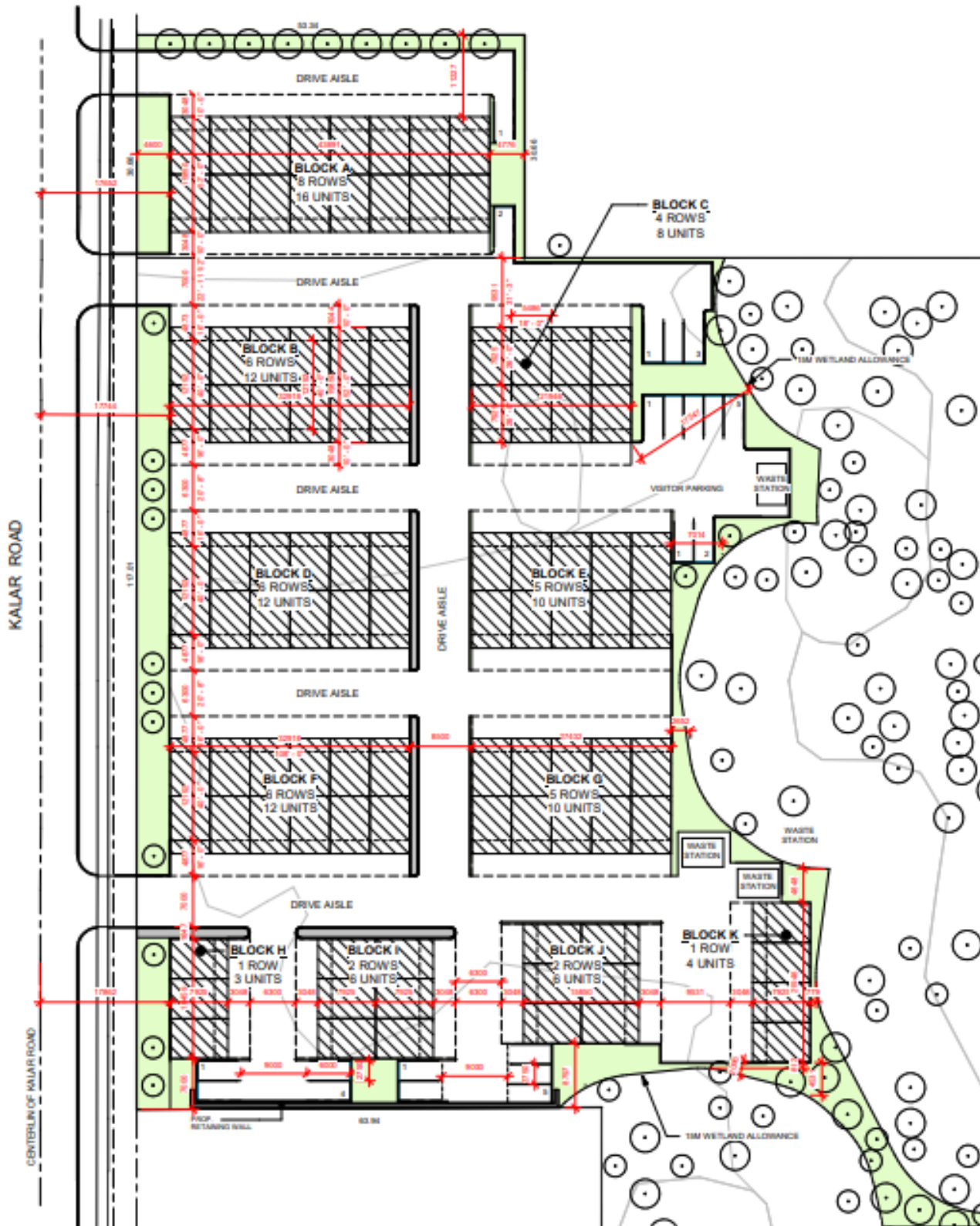
Appendix C – City of Niagara Falls Official Plan Schedules

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

Appendix E – Draft Official Plan Amendment

Appendix F – Draft Zoning By-law Amendment

Appendix A – Site Plan



1 Site
1 : 400

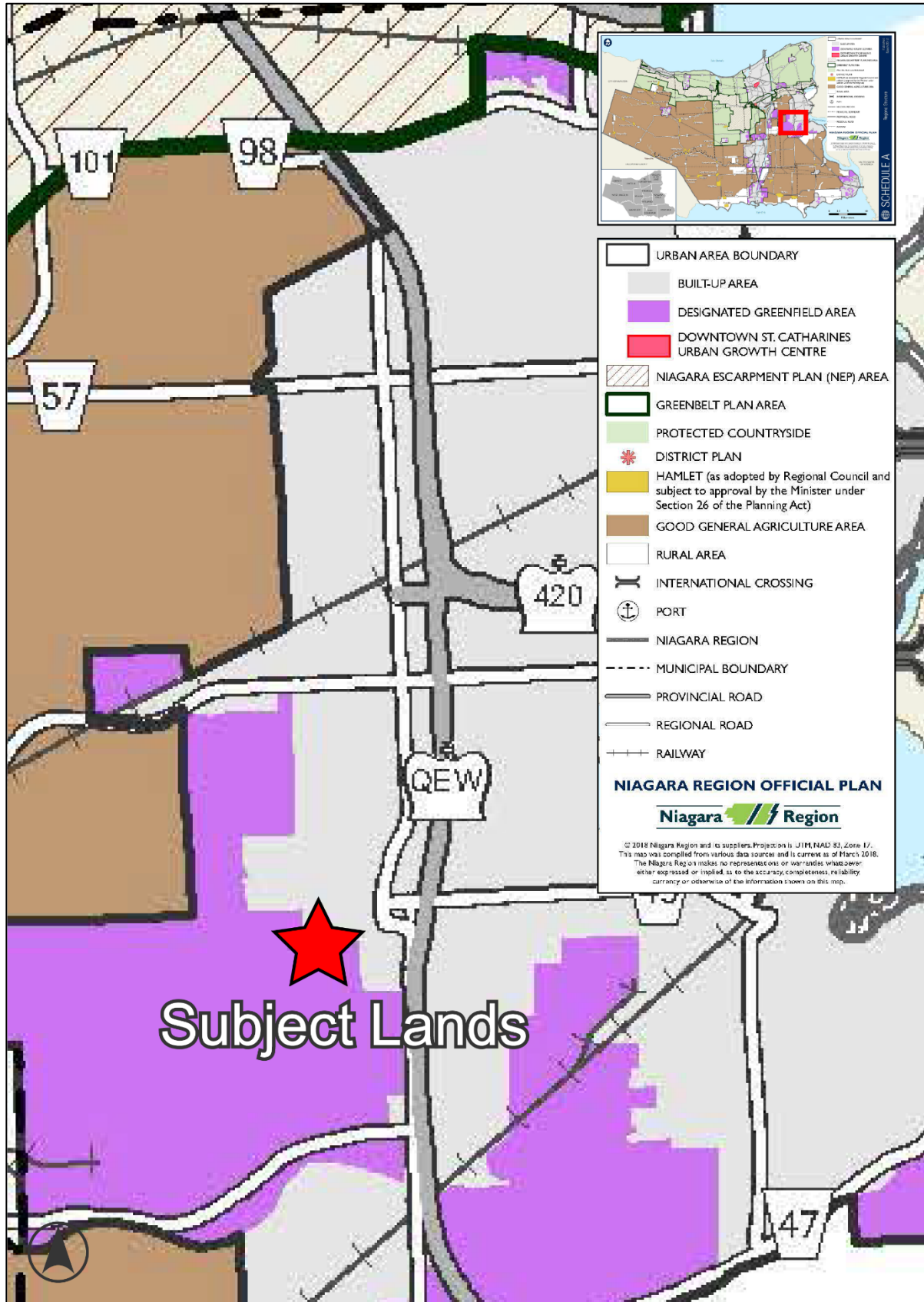
CONCEPTUAL SITE STATISTICS

LOT AREA (TOTAL): 50,761 SQ.M. (5,076 HECTARES)
 LOT AREA (ENVIRONMENTAL): 41,124 SQ.M. (4,112 HECTARES)
 TOTAL BUILDABLE AREA: 9,637 SQ. M. (9,637 HECTARES)

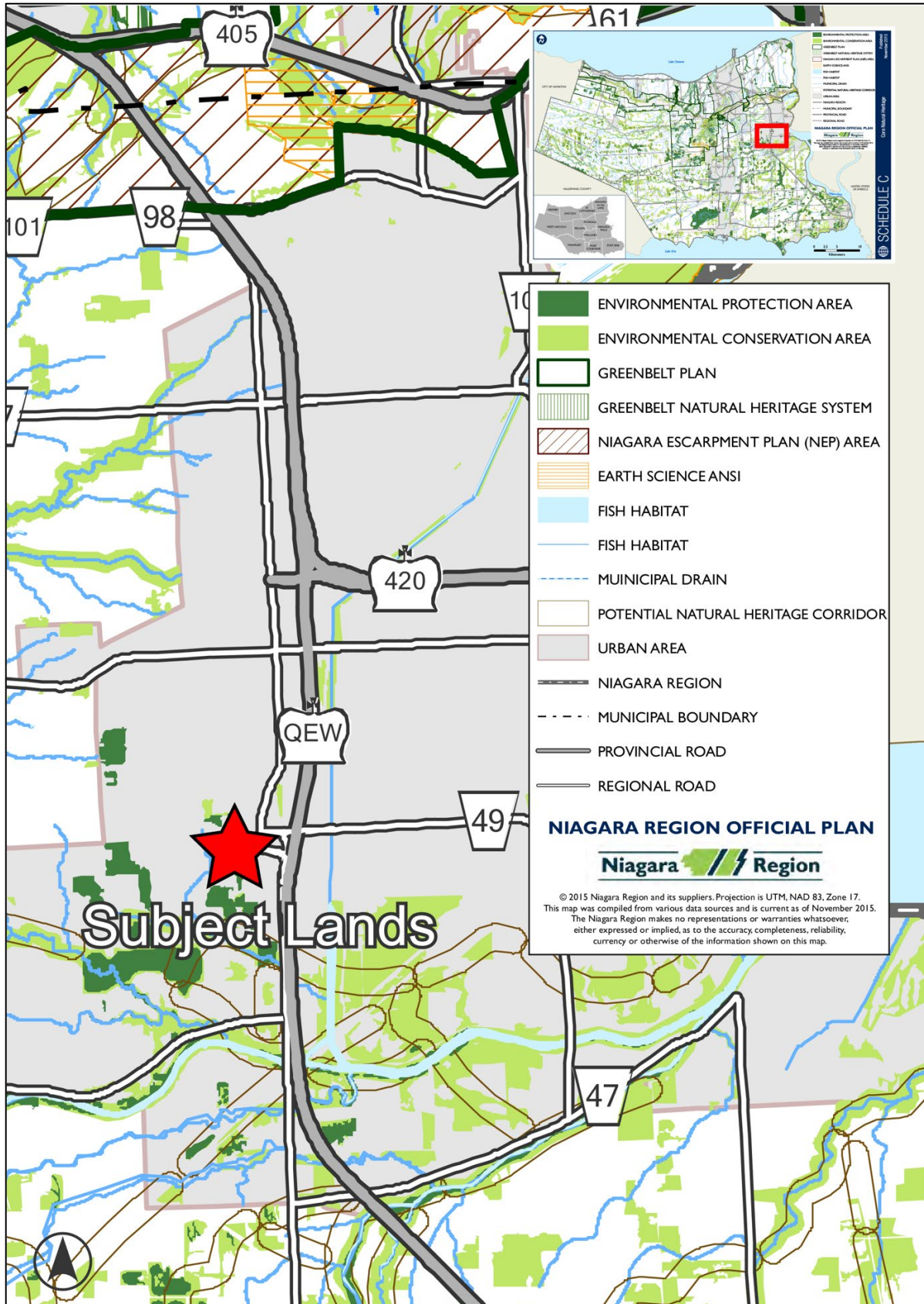
TOTAL LOT COVERAGE 44.6% (4,304 SQ. M.)
 LANDSCAPING 18.4% (1,782 SQ. M.)
 BUILDING HEIGHT 12.5m
 PROPOSED DENSITY 103 UNITS/HECTARE
 PROPOSED PARKING 21 SPACES (VISITOR)
 PROPOSED UNITS 99 DWELLINGS

Appendix B – Niagara Region Official Plan Schedules

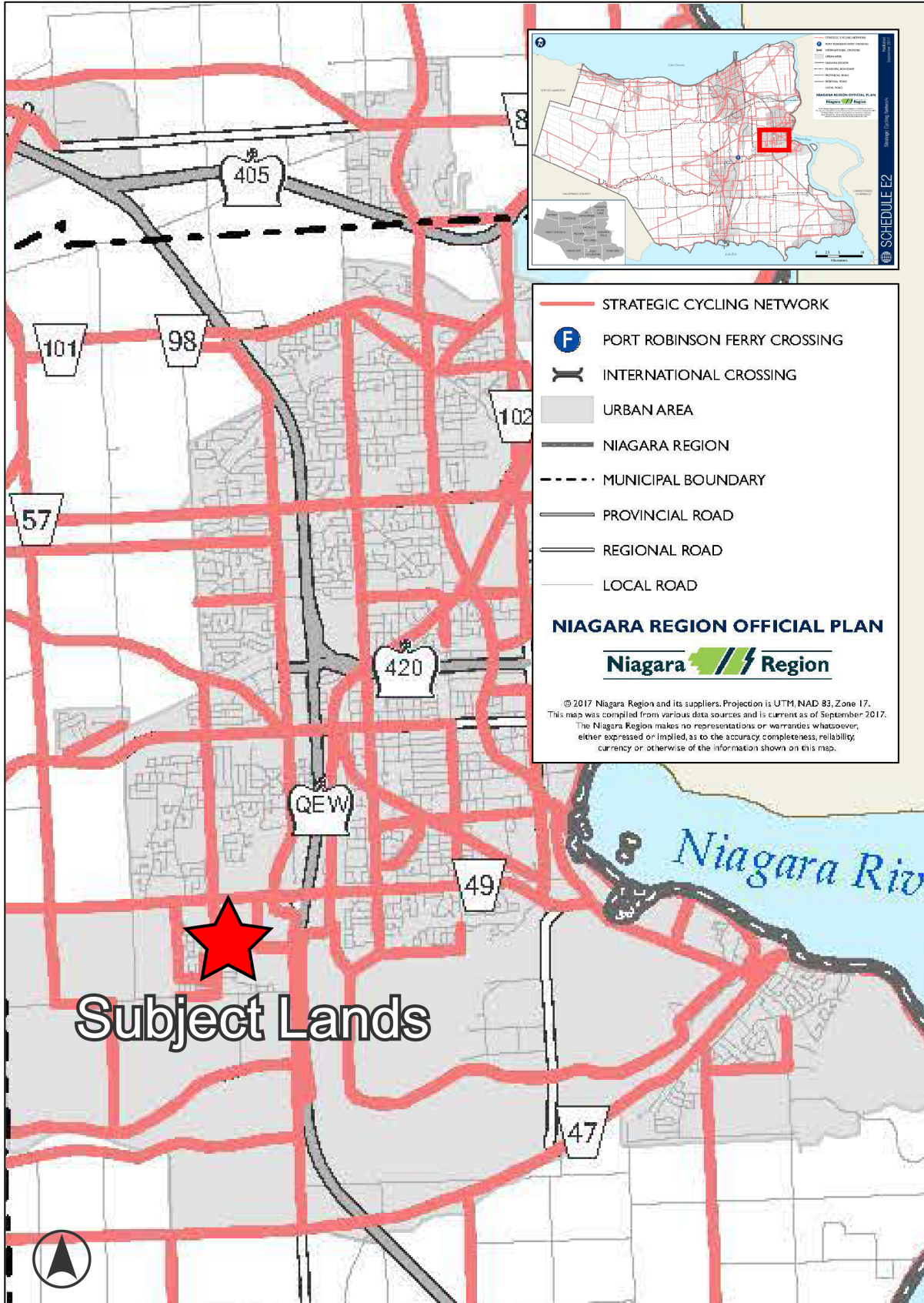
Schedule A: Regional Structure



Schedule C: Core Natural Heritage



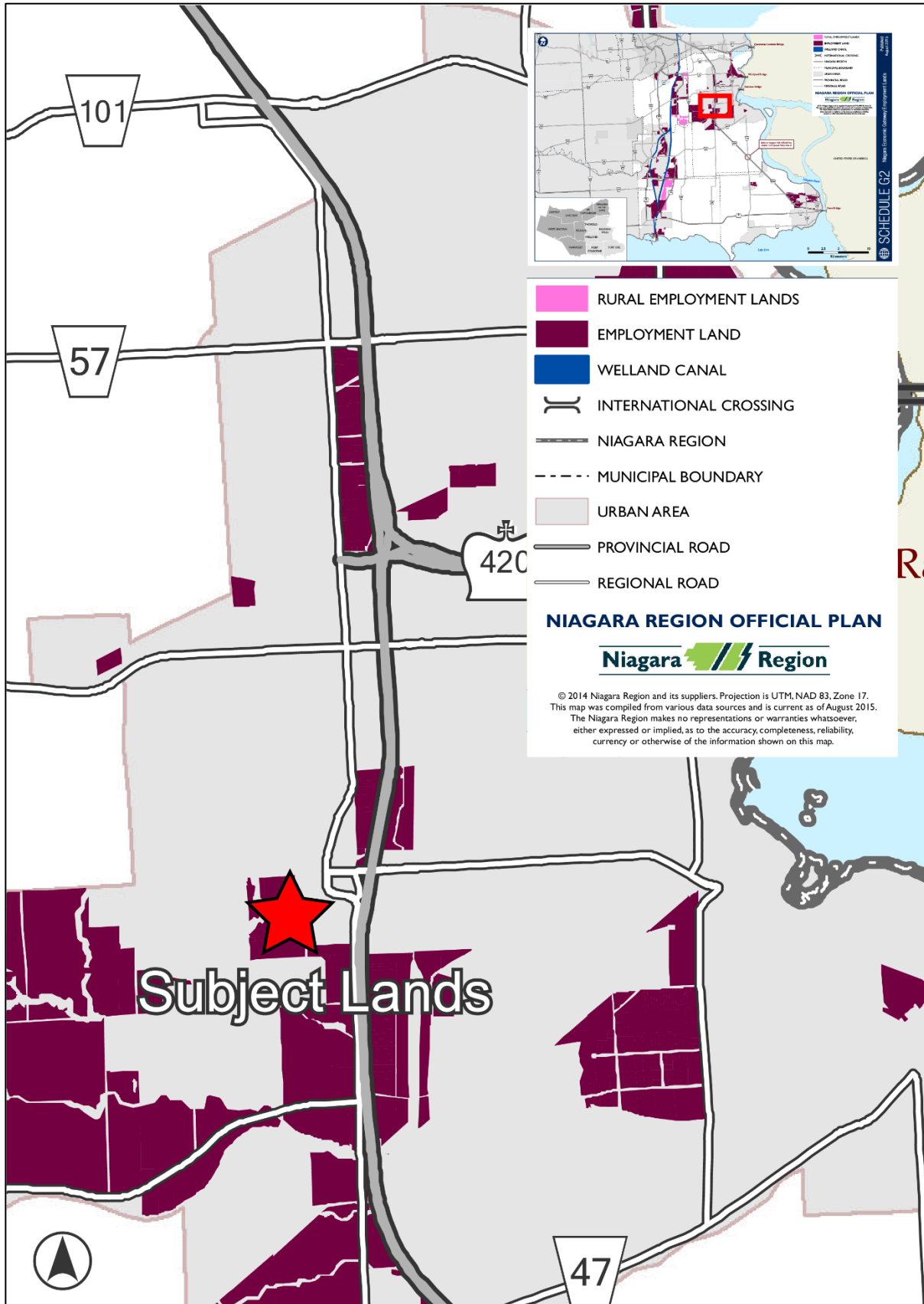
Schedule E2: Strategic Cycling Network



Schedule G1: Niagara Economic Gateway

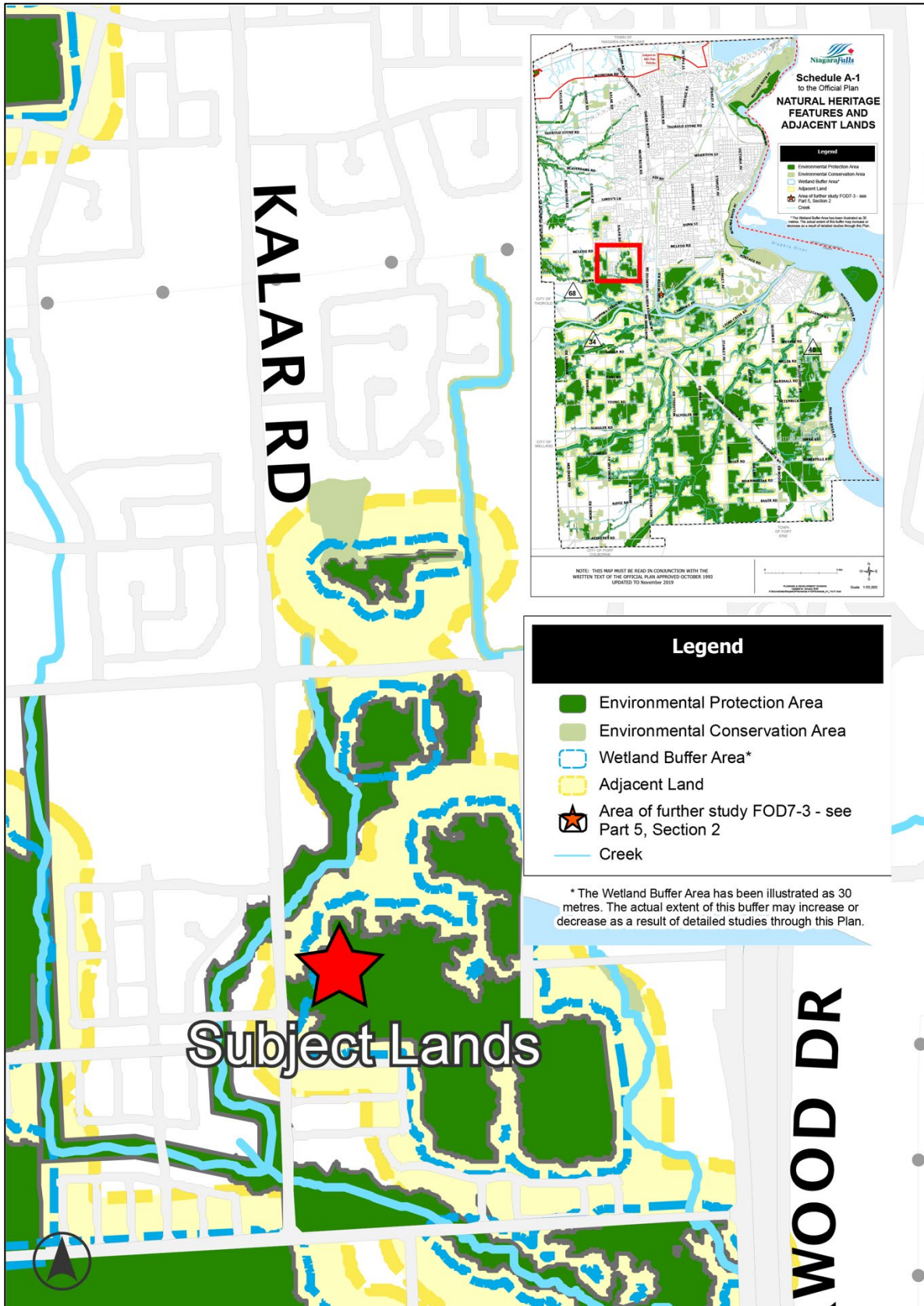


Schedule G2: Niagara Economic Gateway Employment Lands

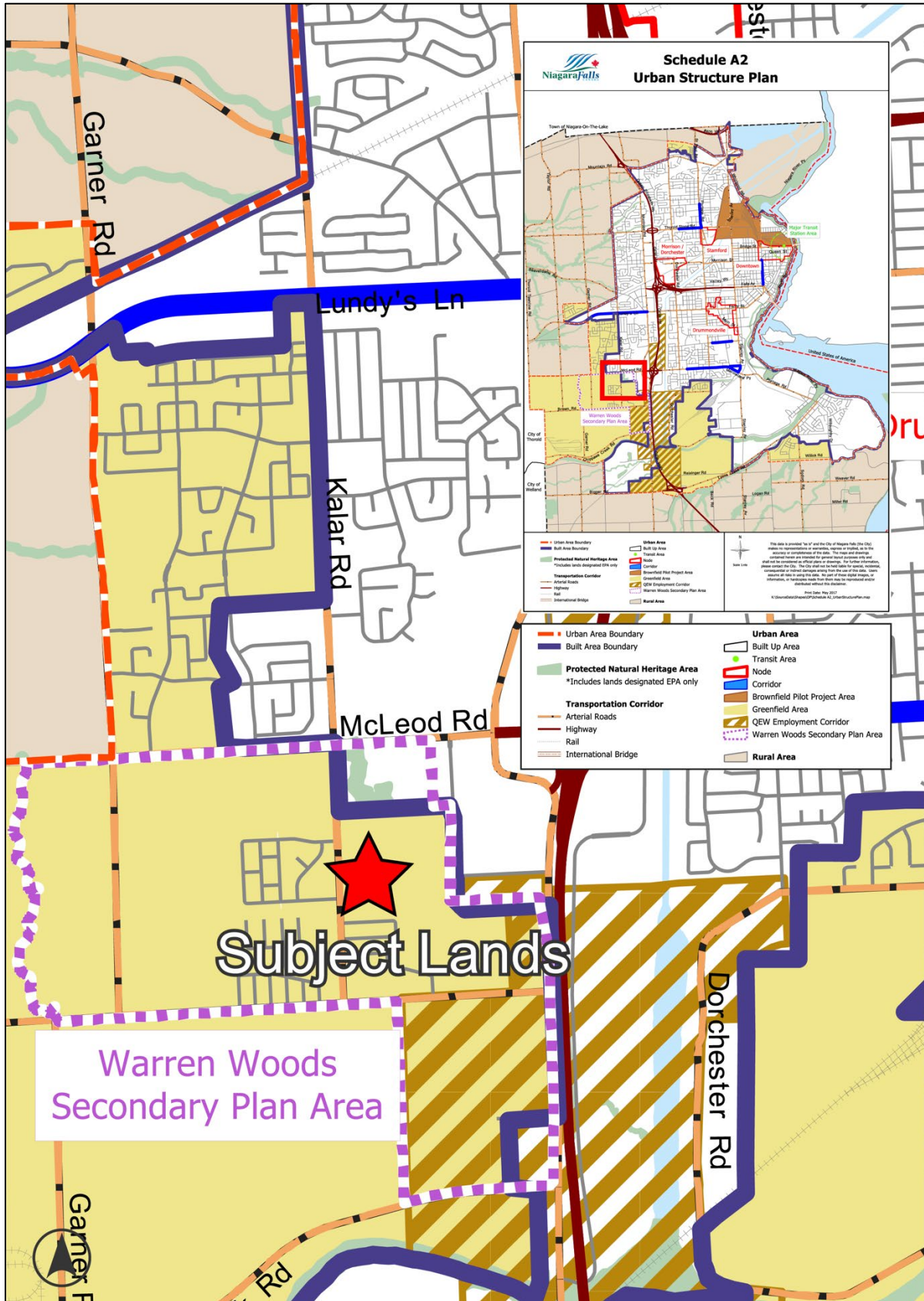


Appendix C – City of Niagara Falls Official Plan Schedules

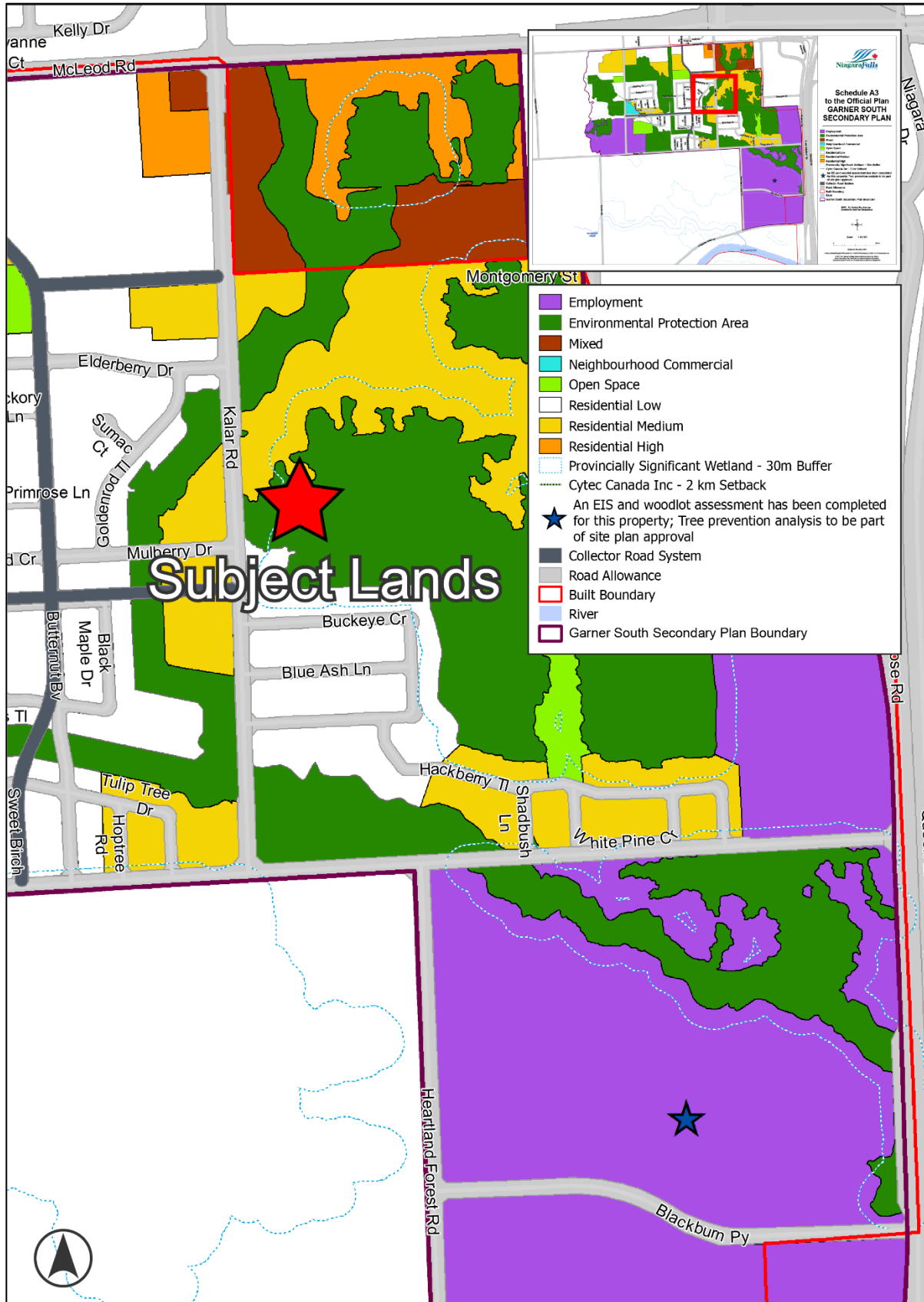
Schedule A1: Natural Heritage



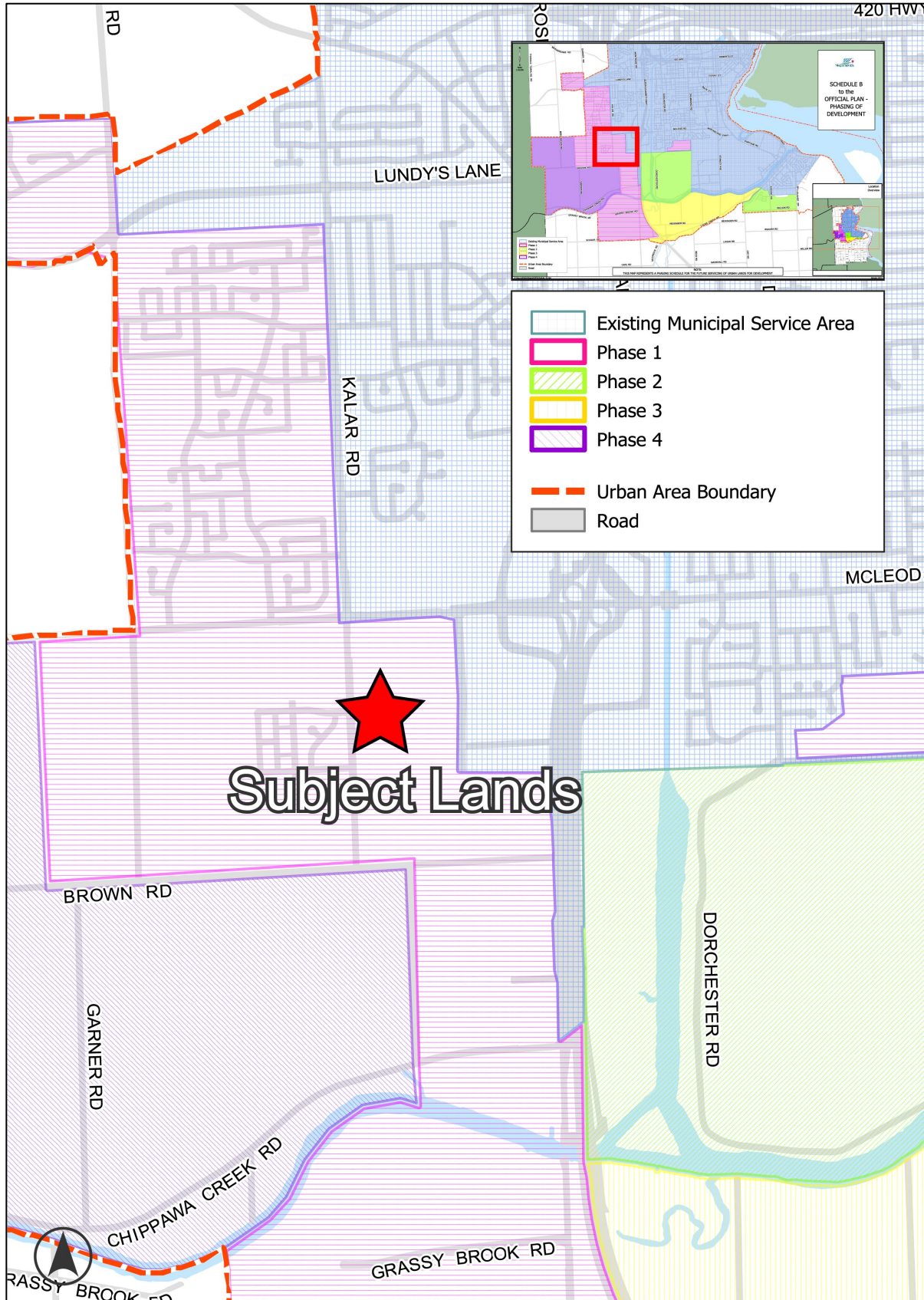
Schedule A2: Urban Structure



Schedule A3: Garner South Secondary Plan



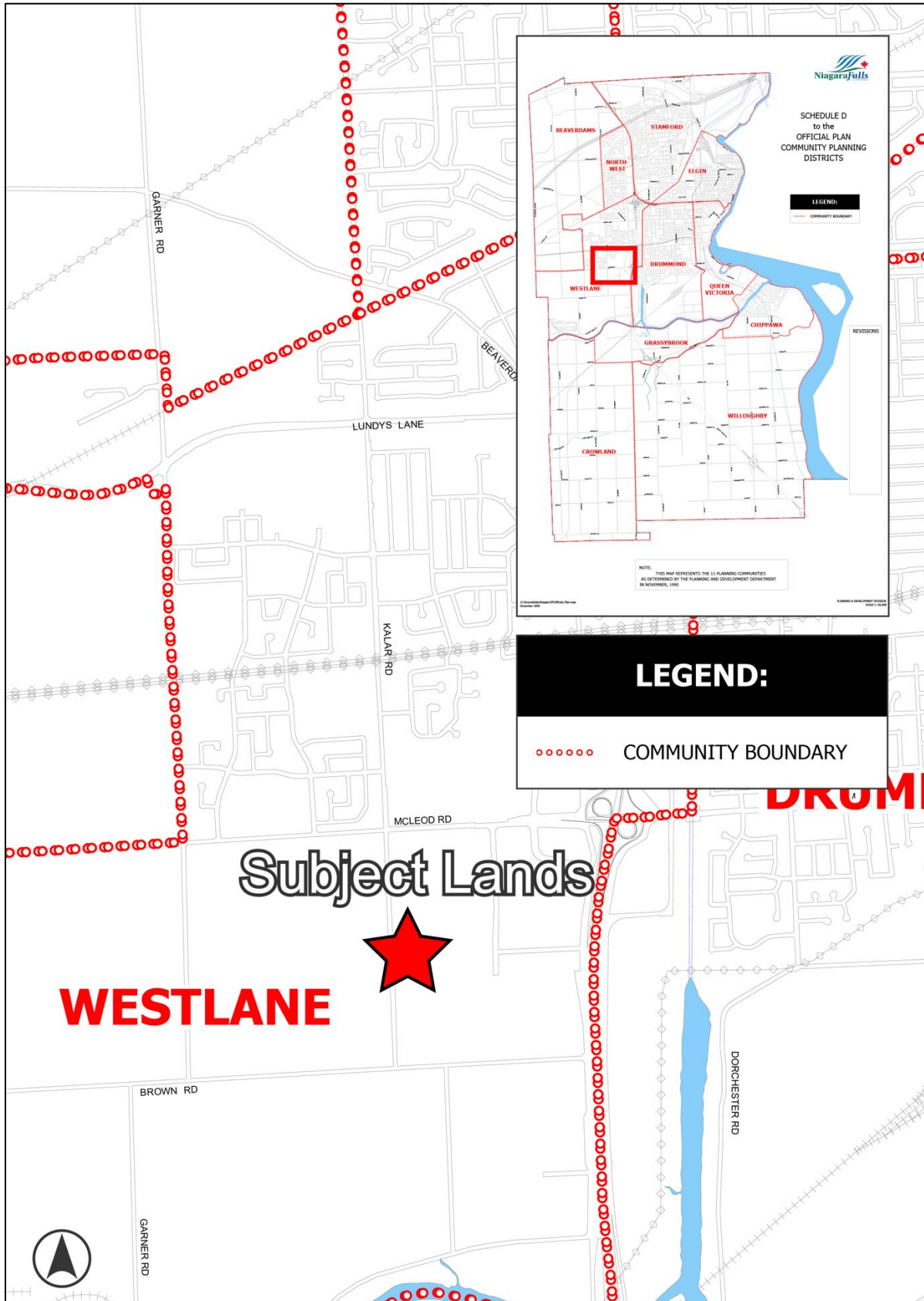
Schedule B: Phasing Plan



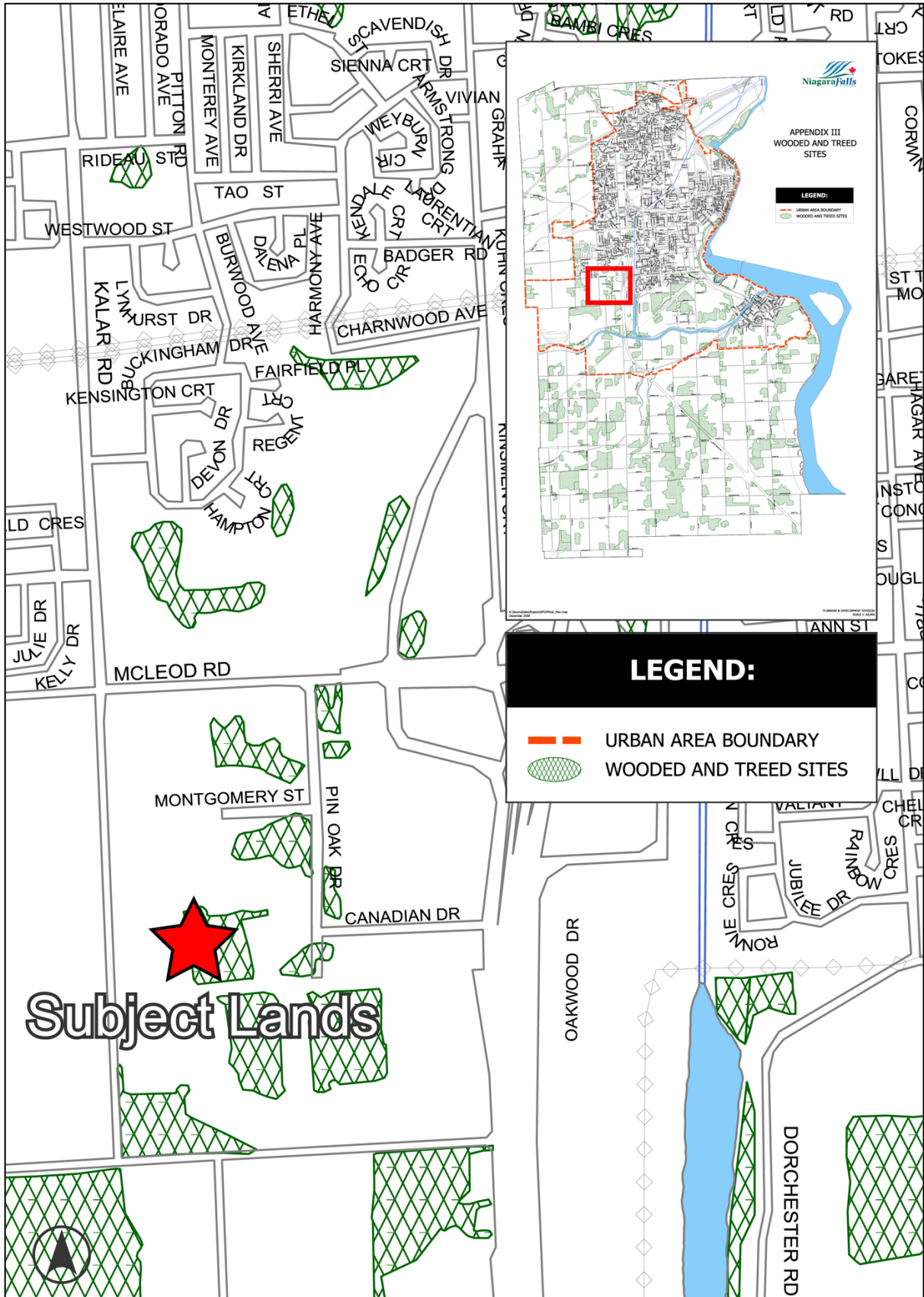
Schedule C: Roads



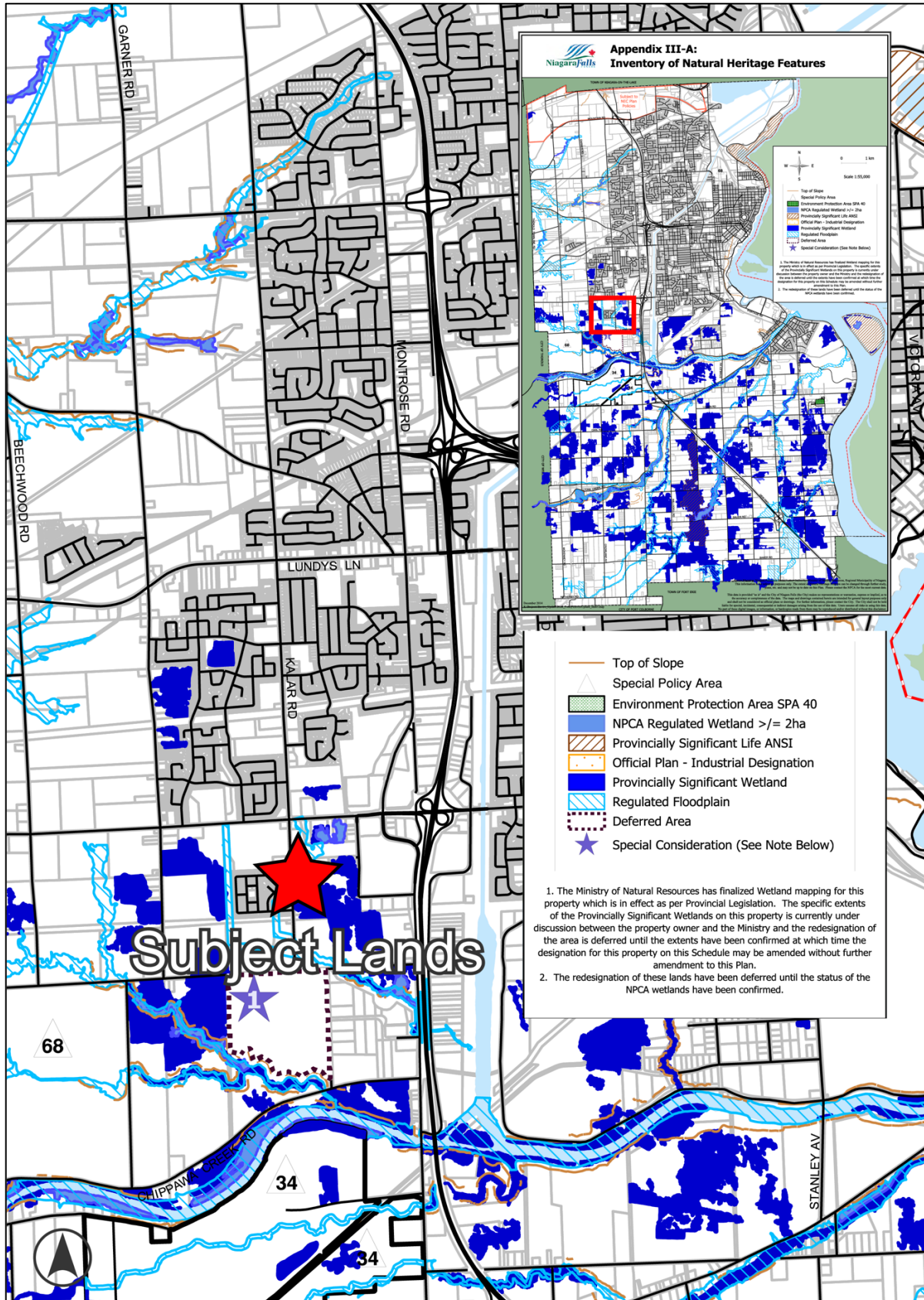
Schedule D: Communities



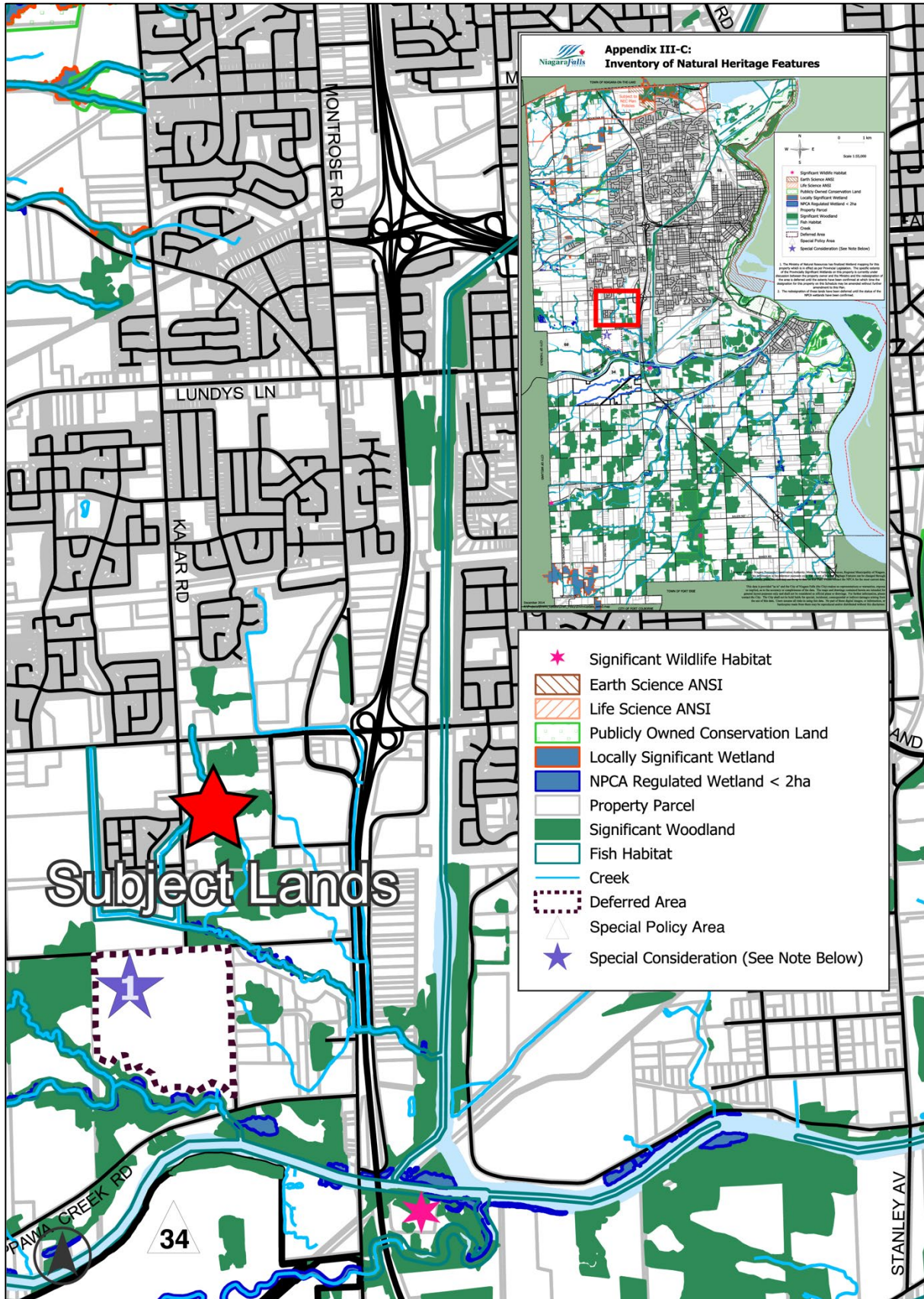
APPENDIX III – Natural Heritage



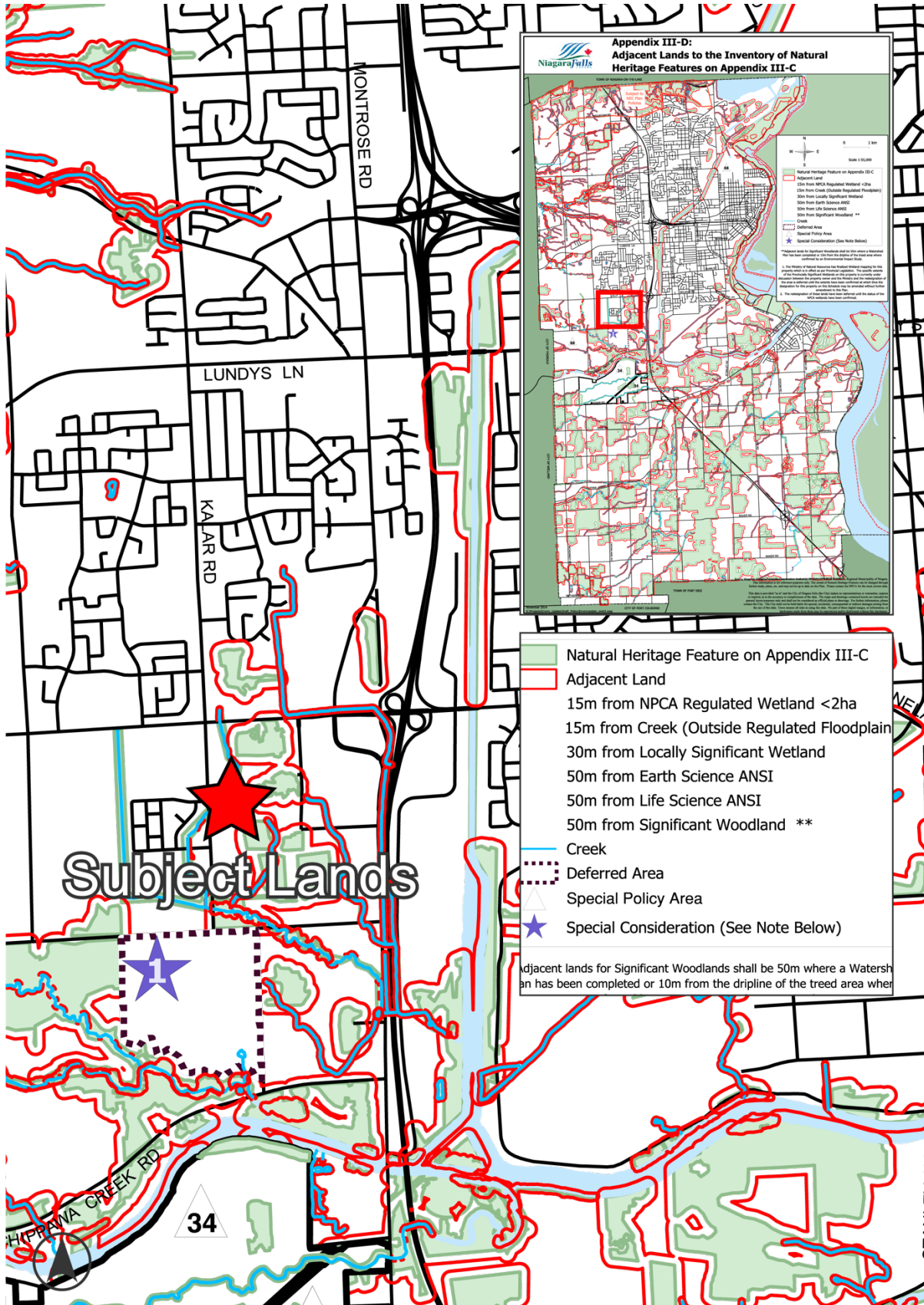
APPENDIX III-A – Inventory of Natural Heritage Features



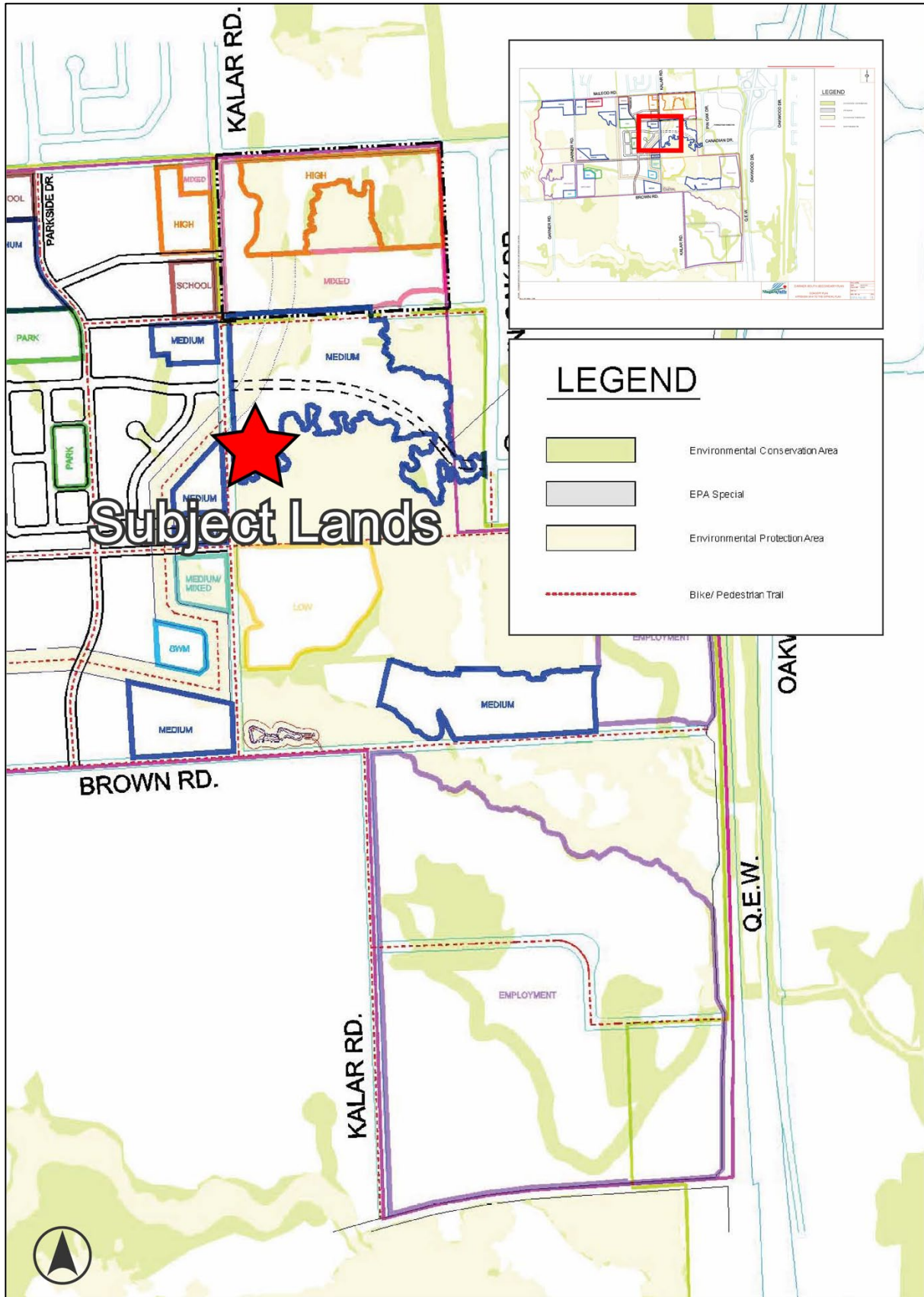
APPENDIX III-C – Inventory of Natural Heritage Features



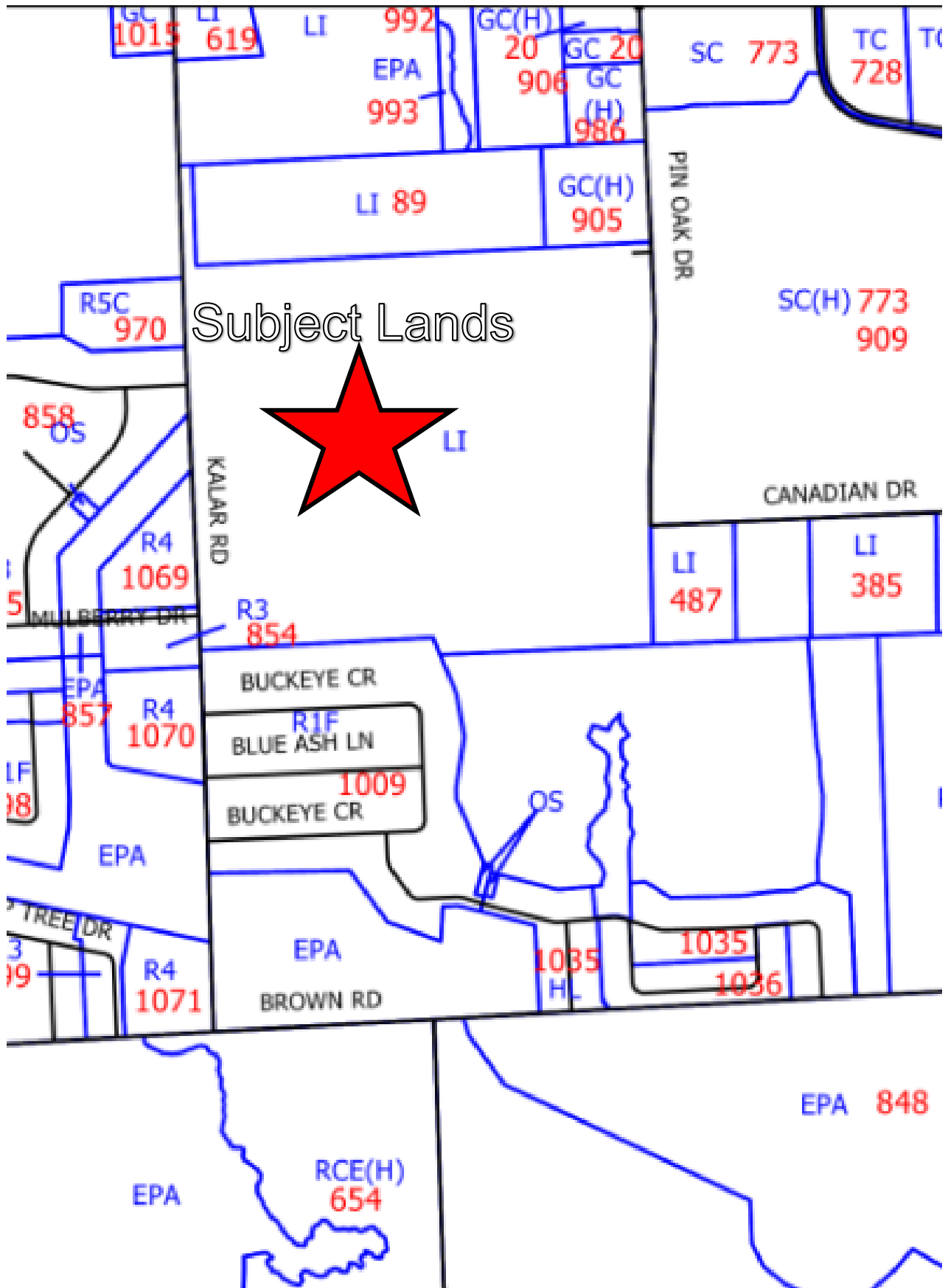
APPENDIX III-D – Inventory of Natural Heritage Features



APPENDIX VII-A – Garner South Concept Plan



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



Appendix E – Draft Official Plan Amendment

PART 2 - BODY OF THE AMENDMENT

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

DETAILS OF THE AMENDMENT

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

1. MAP CHANGE

Schedule "A3" to the Official Plan – Garner South Secondary Plan, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, from Residential Medium, in part and Environmental Protection Area, in part to Residential Medium, in part and Environmental Protection Area inclusive of a 15-metre wetland allowance, in part as Special Policy Area "YY".

2. TEXT CHANGE

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

13.YY **SPECIAL POLICY AREA "YY"**

Special Policy Area "YY" applies to 5.1 hectares of land on the east side of Kalar Road, being comprised of Part of Township Lot 186, in the City of Niagara Falls. Notwithstanding the policies of Part 5, Section 2.2 Residential, Medium Density, the land may be developed for back-to-back and regular townhouse dwellings, and the maximum density shall be 103 units per hectare.

Appendix F – Draft Zoning By-law Amendment

CITY OF NIAGARA FALLS

By-law No. 2021-XX

A by-law to amend By-law No. 79-200 to rezone the Lands to Residential Apartment 5C Density Zone (R5C-XXXX) site-specific zone.

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
 - (a) The uses permitted in a R5C zone
 - (b) A townhouse dwelling
5. The regulation governing the permitted use of the Lands shall be:

| | |
|--|--|
| (a) Minimum lot area | 95 square metres for each dwelling unit |
| (b) Minimum front yard depth | 4.6 m from west lot line |
| (c) Minimum rear yard setback from the environmental block | 0.5 metres |
| (d) Minimum interior side setback from the environmental block | 2.0 metres (from Block K to wetland allowance) |
| (e) Maximum lot coverage for the net developable area | 45% |

- | | | |
|-----|--|---|
| (f) | Number of apartment dwellings on one lot | More than one |
| (g) | Parking and access requirements | 120 total spaces (1.21 spaces per unit) |
| (h) | Accessory building and accessory structure setback | 0 metres (from waste station area) |
| (i) | Minimum landscaped open space for the net developable area | 18% of the lot area |
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 B6 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from LI and numbered 854, to R5C and numbered XXXX.
10. Section 19 of By-law No. 79-200 is amended and adding thereto:
19.1.XXXX Refer to By-law No. 2022-XX.

Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2022.

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

.....
JAMES M. DIODATI, MAYOR

SCHEDULE 1

