



Planning & Urban Design Rationale

Part Lot 175
City of Niagara Falls

Prepared For
Rudanco Inc.

September 2022



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Job Number

21360

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This Planning and Urban Design Rationale report has been prepared in support of applications by Rudanco Inc. to amend the City of Niagara Falls Official Plan and Zoning By-law No. 79-200, as amended. The applications are required to permit the development of a two-tower residential building located on a 1.2425-hectare (3.07-acre) site at a gateway location at the entrance to Tourist Commercial mixed-use area in the City of Niagara Falls. The site does not have a municipal address but is located on the south side of Portage Road, just north of intersection of Marineland Parkway and Portage Road, and just south of McLeod Road and the Floral Showhouse.





1

Introduction

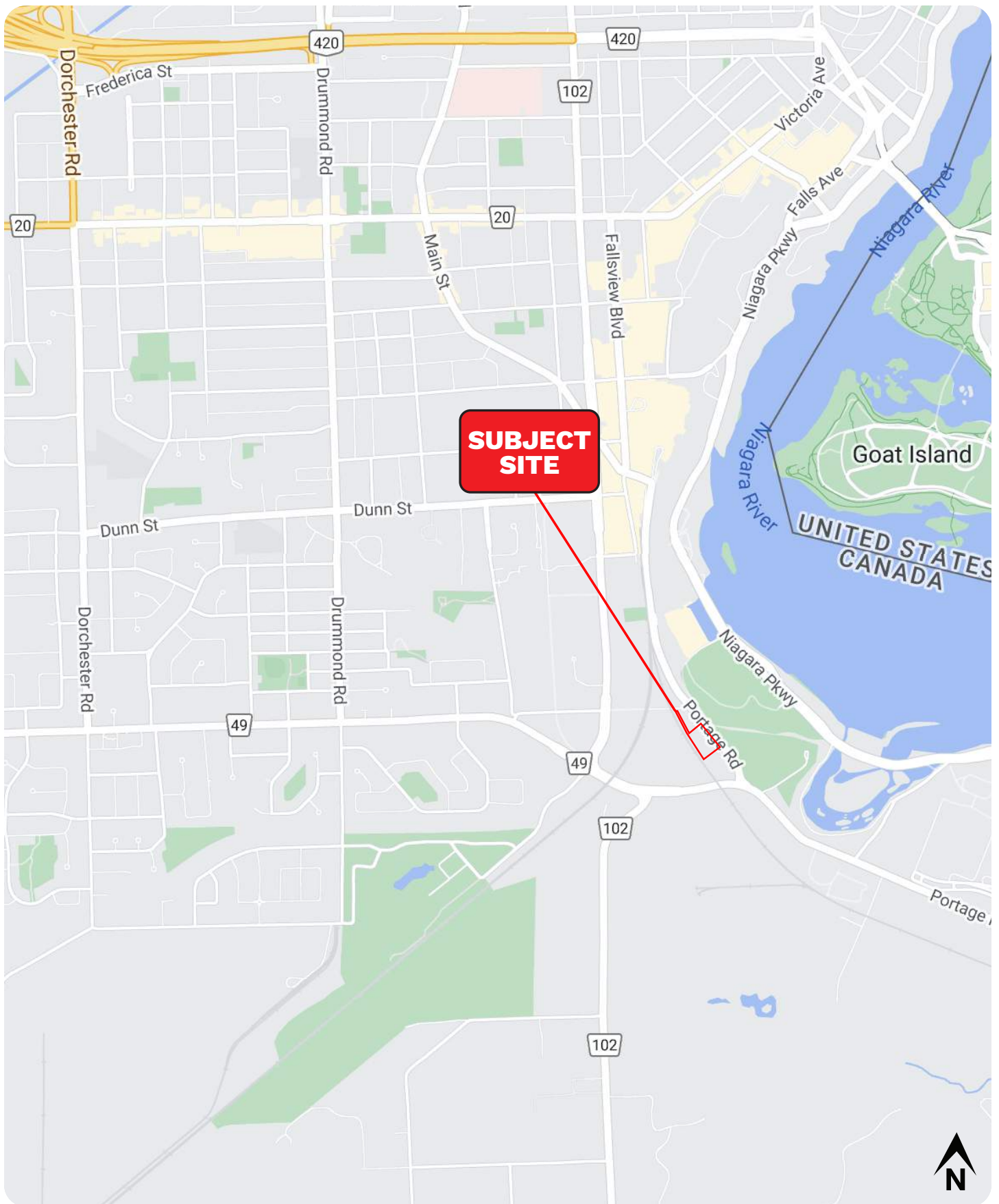


Figure 1 - Location Map

This Planning and Urban Design Rationale report has been prepared in support of applications by Rudanco Inc. to amend the City of Niagara Falls Official Plan and Zoning By-law No. 79-200, as amended (the "applications"). The applications are required to permit the development of a two-tower residential building located on a 1.2425-hectare (3.07-acre) site at a gateway location at the entrance to *Tourist Commercial* mixed-use area in the City of Niagara Falls. The site does not have a municipal address but is located on the south side of Portage Road, just north of intersection of Marineland Parkway and Portage Road, and just south of McLeod Road and the Floral Showhouse (the "subject site") (see **Figure 1**, Location Map).

The proposal is for a 35-storey (south tower) and 25-storey (north tower) residential apartment buildings connected by a tiered podium that ranges in height from 1- to 4-storeys and designed to blend into the natural landscape. In total the proposal will add 623 new residential apartment units made up of 108 studio units (17%), 342 one-bedroom units (55%), and 173 two-bedroom units (28%). The resulting density will be 501.4 units per hectare. The overall gross floor area ("GFA") is 50,330 square metres, resulting in a Floor Space Index ("FSI") of 4.05.

Recognizing the contextual importance of the subject site at the entrance to the Tourist Commercial District, the proposal seeks to introduce iconic and architecturally significant buildings that contributes to the ongoing development and evolution of the City's Tourist Commercial District with buildings that appropriately fit within the existing and planned tall building context in the surrounding area. The proposed development embodies a new vision for the subject site that will enhance the streetscape and implement the City's vision for a Grand Boulevard along Portage Road and an architectural approach that will establish a new landmark within the community, both at the street level and within the City's skyline.

The report concludes that the proposed development is in keeping with the planning and urban design framework established by the applicable planning documents, specifically the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, Niagara Region Official Plan and City of Niagara Falls Official Plan, as well as the relevant urban design guidelines.

From a land use perspective, the proposed development will contribute to the achievement of numerous policy directions promoting intensification and a range of housing choices on underutilized sites within built-up urban areas, particularly in locations that are well served by municipal infrastructure, including public transit. The subject site is located within the Tourist Commercial District, which is considered a *strategic growth area*. In this regard, the proposal is in keeping with Provincial and City policies, which provide strong support for intensification in the built-up area.

Furthermore, the subject site is located within walking distance of significant employment uses in the Tourist Commercial District and the surrounding employment areas, and is located within convenient distance of public transit. The proposal will result in the intensification of an underutilized site, and will beautify a site in need of revitalization. The introduction of residential apartments together with an enhanced streetscape, will contribute to the ongoing evolution of the City's Tourist Commercial District.

From a built form and urban design perspective, the proposal will complement and reinforce the urban structure of tall buildings in Tourist Commercial District and in the surrounding area, and animate the surrounding streets with a unique podium that blends into the surrounding natural landscape. Architecturally, the iconic new buildings will establish a new landmark within the neighbourhood that will create a gateway to the Tourist Commercial District.



Site & Surroundings

2.1 Subject Site

The subject site is located on the west side of Portage Road, just north of the intersection of Marineland Parkway and Portage Road. Contextually, the site is located in the southern end of the City's Central Tourist Area within the Queen Victoria neighbourhood of the City (see **Figure 2**, Context Map). The subject site has an area of about 1.24 hectares (3.07 acres) and is a flag-shaped lot with a developable area that is rectangular in shape along Portage Road. There is a narrow linear portion of the site that extends north to a small frontage along McLeod Road. The subject site has a frontage of approximately 135.5 metres on Portage Road and a frontage of 10.2 metres on McLeod Road.

The subject site is occupied by a small surface parking lot and a communications tower, while the remainder of the site is vegetated with groundcover and trees along the site's boundaries. The communications tower is located internal to the site and is currently part of a long-term lease to Bell Canada which is valid until 2027. There is a small surface parking area central to the site closer to the rail corridor along the southern lot boundary. The site and the parking lot is accessed by two driveways, which are both accessed off Portage Road. The driveways are paved and bisect the site in a north-south direction. The narrow portion of the site which extends north to McLeod Road is overgrown with mixed brush and trees.



Figure 2 - Context Map



View the subject site looking south from Portage Road



View of site looking west from Portage Road



View of site looking north-west from Portage Road



View of north end of site from Portage Road

2.2 Area Context

The subject site is in the Queen Victoria neighbourhood of the City of Niagara Falls, which is part of the Fallsview Central Tourist Subdistrict. The Fallsview Central Tourist Subdistrict forms part of a broader focal point for tourism activities in the City, with a wide variety of restaurants, entertainment, and attractions including the Fallsview Casino, Niagara Parks Power Station, Niagara Falls Convention Centre, Floral Showhouse, Journey Behind the Falls, Niagara Falls viewing areas, Fallsview Casino Entertainment Centre, Skylon Tower, and many more attractions and amenities. It is also the primary location for large scale accommodations, entertainment, retail and cultural attractions, and the primary location for high-rise hotels and multiple family residential developments in the Tourist Area. The neighbourhood is home to several of the City's tallest buildings, including a recently approved 72-storey mixed-use tower also owned by the applicant, and several tall hotels, including:

- Hilton Niagara (53 & 30 storeys);
- Embassy Suites (36-storeys);
- Fallsview Casino Resort (32 storeys);
- Niagara Falls Marriott on the Falls (32-storeys);
- Four Points by Sheraton (17-storeys);
- Oakes Hotel (21-storeys);
- Marriott Fallsview (20-storeys);
- Radisson Hotel (15-storeys); and
- Comfort Inn Fallsview (7-storeys):

In our opinion, the subject site's area is evolving with a variety of tall and super tall buildings existing and approved of up to 72-storeys. Most notably, the 72-storey permission at 6609 Stanley Avenue, is approximately 1.0-kilometre (straight-line distance) northeast of the subject site with other, similarly tall buildings, located closer to the site within a 10-minute walk (i.e., 800 metres). In this regard, the following table provides an overview of the surrounding development proposals and recent approvals within the Fallsview Central Tourist Subdistrict and approximately 1.0 kilometre or less of the site:

Table 1 - Nearby Development Applications

Address	Height	Distance & Direction from Site	Parking Ratio	Use / Units	Status
6680 Stanley Avenue	39, 45, and 60 Storeys	440 m, NW		Mixed-Use: 508 hotel rooms, 1,030 units.	Approved
6683 Stanley Avenue	3 x 30 Storeys	850 m, NW		Mixed-Use: 883 units.	Approved
6609 Stanley Avenue	72 Storeys	1,000 m, NW	1.25 space / unit	Mixed-Use: 456 hotel rooms, 275 units.	Approved
6740 & 6760 Fallsview Boulevard	25 storeys	722 m, N		Hotel: Addition of 5 additional storeys and extension of tower floorplate + 145 additional hotel rooms.	Under Review
5587, 5591, 5609, 5619, 5627 and 5637 McLeod Road	8-storeys (28m)			70 units, 8 storey apartment building.	Approved
The Mist Condos (South side of McLeod Rd, east of Ailanthus Avenue)	8 storeys			Residential Apartment and condominium townhouses.	Approved
5975 McLeod Road	7-storeys (23m)		1.18 spaces / unit	104-unit apartment building with 123 parking spaces	Approved

2.3 Immediate Surroundings

The subject site has frontage along Portage Road, which is classified as a major arterial road in the City of Niagara Falls Official Plan. The road runs from Chippewa in the south, through the City of Niagara Falls, to the Stamford neighbourhood of the city in the north. In addition to the site's proximity to several other amenities as listed above, the subject site is approximately 3.5 kilometres from the Queen Elizabeth Way, which provides a direct connection to the Greater Golden Horseshoe and the United States. Marine Land is also located approximately 600 metres to the southeast.

Although the subject site falls within the City's Tourist District, it is at the edge of it and part of an undeveloped gap on the west side of Portage Road that does not include any existing tourism uses. This area is surrounded by more dense and taller tourism uses to the north (including the Convention Centre and uses north of it), the natural embankment and garden areas to the east along Niagara Parkway, and Marineland in the south along Portage Road. The subject site and surrounding areas represent an opportunity to fill in the gap of undeveloped lands with higher density urban uses that will contribute to the Tourism District's vision of a dynamic mixed use area focussed on being a world class destination. It also presents an opportunity to create a gateway into the District, through the use of an elevated architectural expression.

As described in Sections 2.1 and 2.2 above, the subject site is located just south of an area of concentrated major tourist attractions and amenities including the Horseshoe Falls and other commercial businesses. These tourist commercial uses are broken up by existing residential uses to the west and northwest, and more recently, residential uses that are planned within tall mixed-use buildings scattered throughout the Tourist District. In our opinion, the recent addition of residential apartment uses to the Tourism District is part of a process of urbanization and intensification and an evolution of the District into a mixed-use community. The following section describes the adjacent land uses and their relationship to the subject site in greater detail.

North: Immediately north of the subject site is a vacant parcel of land which is occupied only by small brush and a scattering of small trees, with no registered municipal address. North of this parcel is McLeod Road, which is a small, paved road with gravel shoulders which dead-ends at the Subject Site's frontage. Historically, McLeod Road extended further east to Stanley Avenue and beyond, however the road was realigned to connect to Marineland Parkway to the south of the Subject site, leaving the former alignment un-used. The remains of the former alignment to the northwest of the subject site remain, largely over-grown, and closed for use by the general public.

North of McLeod Road are more vacant parcels, mixed brush, and a spur line of Canadian Pacific Railway, which travels southwards along the west lot line of the Subject Site. North of the site, the spur line meets another spur in a wye, where trains switch directions and travel to the southwest to CP's mainline.

The west side of this spur is occupied by more vacant lands, some of which are used for agricultural purposes, Stanley Avenue, a major north-south, 4 lane arterial road, and the Monastery of Mount Carmel Spiritual Retreat and Conference Centre. North of the monastery is the previously mentioned development site for 6608 Stanley Avenue, whereby several large buildings of up to 60 storeys in height are approved for development. To the north of this site is the wider Fallsview district, which includes a wide variety of hotels and amenities.



View of lands to the north at McLeod Road



View looking north along Portage Road



View looking north along Portage Road

East: Immediately to the east of the subject site is Portage Road. Portage Road is a 2-lane collector road with paved shoulders and no sidewalks. The opposite side of Portage Road is a small ridge which forms part of a treed moraine. The treed moraine drops steeply down to Queen Victoria Park, which includes the Niagara Parks Floral Showcase, Niagara Parks Power Station, and Niagara Parkway. A former access road down the ridge, known as Fraser hill, extends from immediately east of the subject site down the hill to the northeast. This access road is now closed to the public for vehicular and formal pedestrian use, though is still accessible for pedestrians through informal use to provide access down the hill to the amenities below.

Also, to the east, atop the ridge, is a large green open space area currently operated by Niagara Parks. This space is occupied by the Oak Hall Golf Course, a short, 9-hole course associated with the adjacent Oak Hall. Oak Hall is a large, ornate residence currently used by Niagara Parks for its administrative offices and as an event space.



View of Oak Hall looking east



View of Niagara Parks Commission looking east

South: To the immediate south of the subject site is a Hydro One electrical substation. The substation features an open gravel field where transformers and other various electrical equipment are located along Portage Road, as well as a large, 2-storey red-brick building on the western portion of the site.

South of the Hydro One Substation is Marineland Parkway, a 4-lane arterial road which connects to McLeod Road to the west. Marineland Parkway connects to Portage Road at a signalized T-intersection, east of which the road adopts the Portage Road name, extending east to Chippewa.

The south side of Marineland Parkway is occupied by Marineland itself, a large amusement park, which includes an abundance of theme park rides and marine animal attractions, including the "Sky Screamer®" ride, which is a 137.2-metre-tall tower-drop ride. The surface parking area and an access driveway are located immediately south of Marineland Parkway, with a wooded area south of that separating the Parkway from the primary amusement park areas.



View of hydro transformer south of site



View of Marineland from Portage Road



View of drop tower looking north

West: Immediately west of the subject site is the spur line, servicing an industrial customer for CP rail to the south in Chippewa. This single line rail spur is generally operated infrequently and at slow speeds.

West of the rail spur is a now abandoned parcel of land formerly used by Ontario Power Generation. This parcel has two large, red-brick buildings, which appear to have historically been related to one of the now-decommissioned hydroelectric facilities at Niagara Falls. A large, ruined cylindrical steel tower exists to the north of the site, along its frontage on the abandoned McLeod Road right of way.

West of these buildings are more wooded areas and mixed brush, as well as the other side of the rail spur, which changes directions in a wye to the north and travels south to the CP mainline. This western portion of the spur crosses Marineland Parkway in a grade-separated underpass. West of the spur is more vacant lands with scattered trees, and the 4-lane Stanley Avenue, which meets Marineland Parkway at a signalized intersection. The south side of the intersection is a private condominium road, servicing a residential development to the southwest. West of the intersection, Marineland Parkway becomes McLeod Road, extending to the west to the QEW and beyond. McLeod Road is lined by a variety of commercial and mid to high density residential developments and is a designated intensification corridor.



View of hydro corridor to west of site



View of Monastery Cellars



View of vineyard to west of site



View of Columbus Club to west of site

2.4 Transportation Network

Portage Road is identified as a *Collector Road* in the City of Niagara Falls Official Plan with a proposed right-of-way ("ROW") width of 26 metres

Policy 1.5.1 of the Official Plan provides that Transportation Corridors will consist of rail corridors, provincial highways and the arterials road system, and that these corridors are the primary conveyors of goods and people within, into and out of the City. Policy 1.5.17 of the Official Plan states that Collector Roads will function primarily to convey traffic and pedestrians to Transportation Corridors. They will accommodate moderate to high volumes of medium distance traffic between Arterial Roads and Local Roads (Policy 1.5.18.5).

The subject site is serviced by WEGO Bus 603 - Green Line (Niagara Parks) and by Niagara Falls Transit route 106 (From the Main St Hub in Drummondville to Chippewa via Stanley Avenue and Marineland Parkway), providing service at hourly frequencies. The closest bus stop is in front of Oak Hall, approximately a 300 metre walk to the southeast. From an active transportation perspective, bike lanes are located on Stanley Avenue to the west.

The subject site is also approximately 3.5 kilometres west of the Queen Elizabeth Way, accessed via McLeod Road.



Figure 3 - Transit Map



Proposal

3.1 Description of Proposal

The proposed redevelopment consists of two elegant high-rise residential apartment towers atop a shared and terraced podium, which is designed as part of the landscape. The south tower would consist of a 35-storey residential apartment tower atop a 3-storey podium with terraced levels on the 4th, 5th, and 6th floors. The north tower would consist of a 25-storey residential apartment tower atop a 2- to 3-storey podium containing amenity space and a potential community space, with terraced levels on the 2nd and 3rd floors (see **Figure 4**, Site Plan). The architectural design of the proposal is unique and elevated to address the site's gateway location. The podium is designed as a rolling green landscape with the two glass towers that grow out of it and anchor the entrance into the Tourist District.

The two towers would result in the provision of 623 new residential apartment units comprised of 108 studio units (17%), 342 one-bedroom units (55%), and 173 two-bedroom units (28%). The resulting density will be 501.4 units per hectare. The overall gross floor area ("GFA") is 50,330 square metres, resulting in a Floor Space Index ("FSI") of 4.05.

Parking will be provided both above-grade, within the podium, and in two levels below-grade, underneath the podium. A total of 779 parking spaces will be provided to service the development, resulting in an overall parking ratio of 1.25 spaces per dwelling unit. The parking has been further broken down to include 17 barrier-free spaces and 156 electric vehicle-ready spaces, otherwise referred to as Electric Vehicle Supply Equipment ("EVSE") spaces. Overall, the number of EVSA spaces represents just over 20% of the total provided parking spaces within the development. The intent of the EVSE spaces is to accommodate and plan for the future of vehicle ownerships, which is progressing towards an electrified, and more environmentally mindful future. Furthermore, a total of 364 bicycle parking spaces have been provided on site, comprised of 33 short-term spaces and 331 long-term spaces for residents.

As well, a major component of the design is the thoughtful integration of landscaping, built design elements, and green space. Both towers are proposed to have large green roofs, and the podium, which has

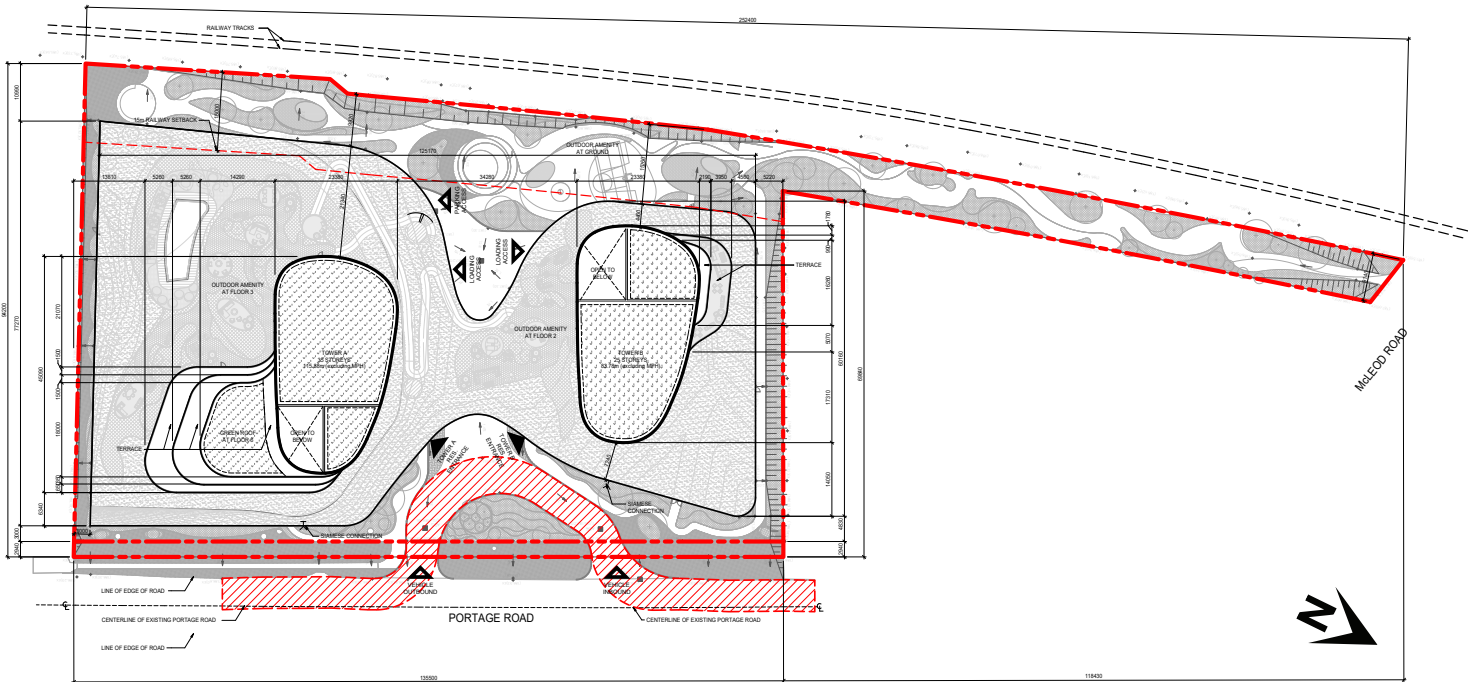


Figure 4 - Site Plan (Prepared by Giannone Petricone Associates)

been formed into a wave-like shape, has been designed to include a vast array plants. Much of the designed landscaping on site will be included atop the podium, which varies in heights as you move around the building. The landscaping will held lend to a naturalized area on top of the podium and on each of the terraced levels, creating a semi-green roof across many of the exposed surfaces at the lower levels. As well, the plan for the greenery extends beyond decorative elements atop the podium and terraces. The sides of the podium have been designed to slope downwards towards the ground level, again, varying in heights around the building. There are additional plantings proposed on these sloping sides, with the intent of creating a green wall and interface between the ground level and the upper levels of the podium. The effect from the street will create a blend between built and natural elements, making the towers appear as if they are rising out of the ground.

Overall, the landscaped area on site is approximately 39 percent of the total land area on site, not including the green roofs.

Building Height

The south tower is proposed to be 35 storeys (116 metres excluding mechanical penthouse) in height, with the north tower proposed to be 25 storeys in height (84 metres excluding mechanical penthouse).

Generally, the podium ranges in height from 2- to 3-storeys, and because of its wave-like shape, varies as in height as you move around the building.

Heights above the podium level include terraced floors for the south tower that range in height from 4- to 6-storeys, with similar, albeit smaller terracing, on the north tower at levels 2 and 3.

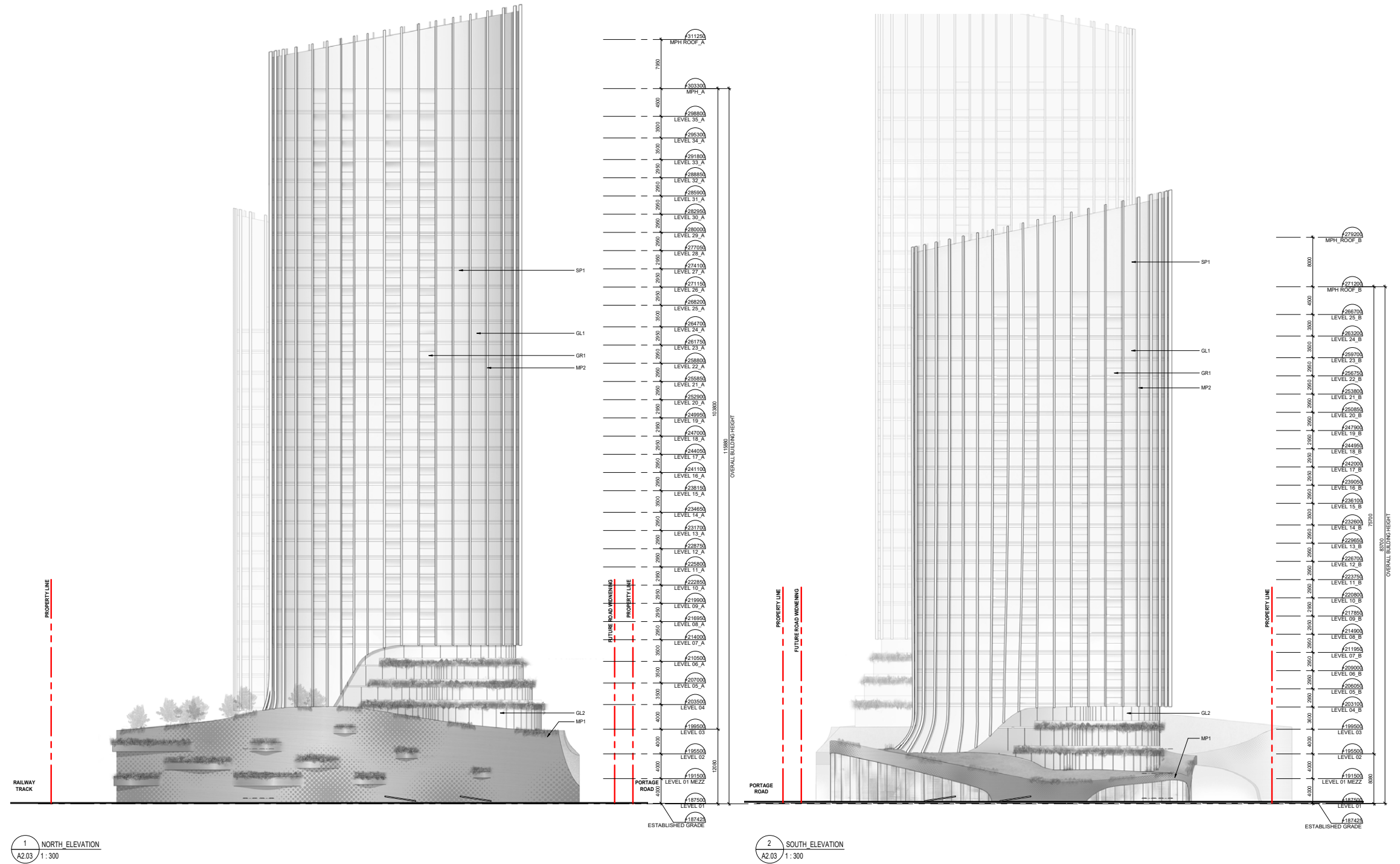


Figure 5 - Elevations (Prepared by Giannone Petricone Associates)

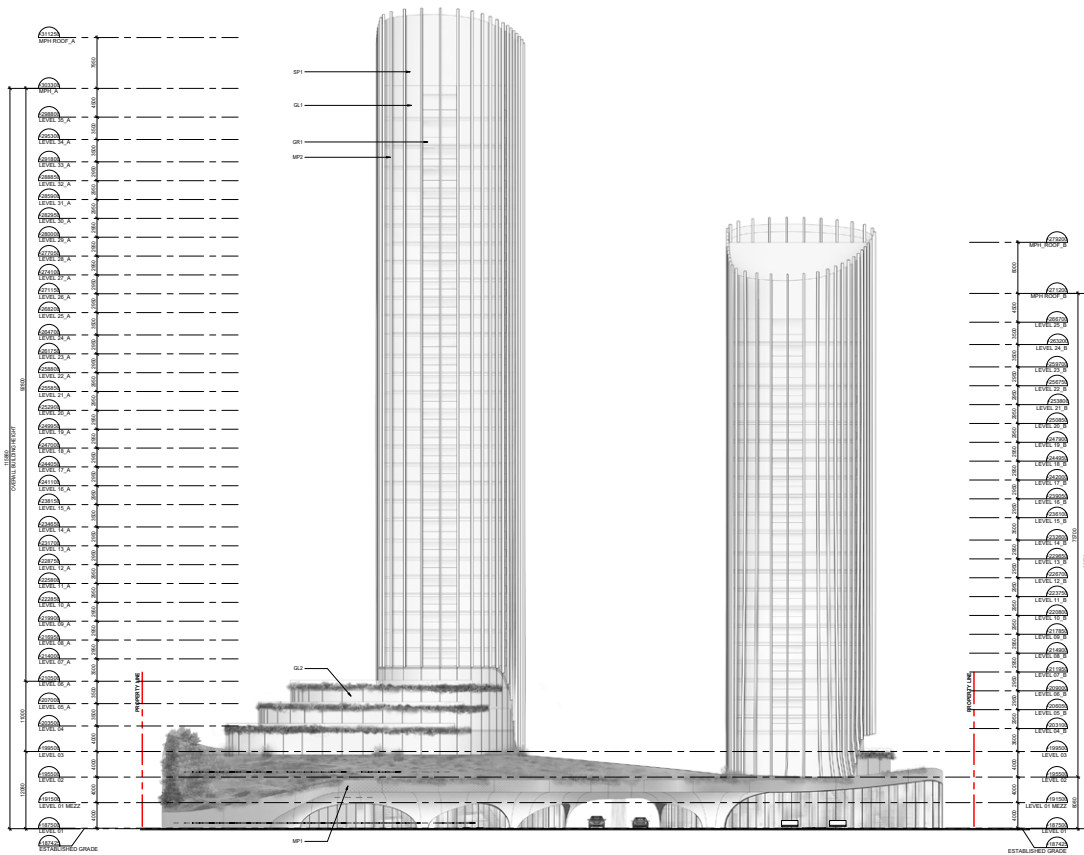


Figure 6 - East Elevations (Prepared by Giannone Petricone Associates)

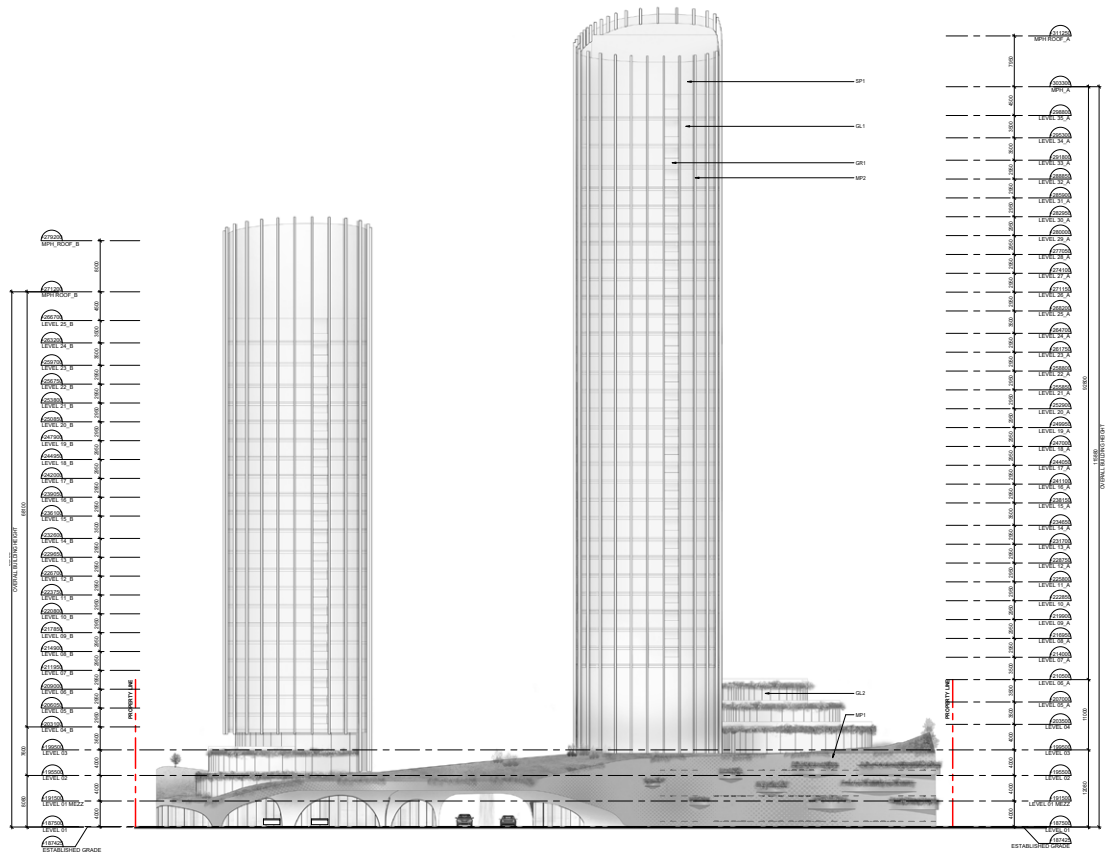


Figure 7 - West Elevations (Prepared by Giannone Petricone Associates)

Base Building

The base of the building has been designed to create interest along the street. The intent of the base was to create a built form that blends into its surrounding landscape. Generally, the base of building is asymmetrical with the primary opening oriented towards Portage Road, where the building opens inwards and forms a double helix shape to draw in residents and visitors. The entrance to the base of the building is planned via a crescent-shaped driveway off Portage Road, which brings traffic towards the middle of the podium but also circulates traffic back to the street. Where the crescent driveway peaks, a central driveway and wide walkways takes residents and vehicles west towards the centre of the site beneath the podium. At the ground level, and central to the building, the podium's double-helix shape is at its narrowest point and creates a breezeway between Portage Road and the rear of the site. The building once again opens as you move west towards the spur line, bringing residents and visitors into an open-air outdoor amenity space that has been purposefully designed to create an active recreation space while accommodating required setbacks and safety measures along the spur line.

Landscaping has been provided around and within the entire ground-level of the site, including extensive landscaped outdoor amenity spaces at grade and at several raised levels.

Each wing of the podium has been designed to function for different purposes. The south wing of the podium below the south tower, will accommodate all the site's above-grade parking, indoor amenity space, a lobby area, garbage room, elevator bank, loading space, stairwells, long-term bicycle storage, and an outdoor pool. The north wing of the podium includes an expansive amount of indoor amenity space, and similar lobby area, garbage room, elevator bank, loading space, stairwells, etc. Some indoor bicycle storage will also be provided within the north wing of the podium.

The podium is proposed to be clad in brown metal cladding and green walls to imitate an earth-form architectural expression, and to give the impression of the towers rising directly out of the ground. The intent of the design is to respond to the treed moraine and wider parks system to the east of the subject site.

The north tower features a similar architectural expression of brown metal cladding and green wall, with a large indoor space located along the Portage Road frontage, intended to create options for potential future commercial uses such as restaurant or daycare facility for example (pending market conditions).

The two buildings are connected by a common pedestrian bridge to provide access to the amenity areas in the north building. Both podiums are topped by organic building shaping to mimic the sloping hills of the surrounding natural areas, which creates a visual representation of the two building podiums being connected as one continuous building which rises from grade with a gap in the middle to provide site access.

Towers

The north and south towers have been designed in a manner which maximizes and capitalizes on the views of the Falls and the City's emerging skyline, while additionally creating an architecturally innovative and unique addition to the skyline. The shape and size of the two tower floorplates are similar above the podium elements (above the 5th level) and have a slender 753 square metre floorplate. The transition of the tower from the base maintains the illusion of rising directly from the ground. The terracing on levels 4 through 6 create stepping in the design which helps reduce the overall visual massing of the building from the street and allows for a wide 34-metre tower separation.

Generally, the towers themselves form an oblong of irregular oval circumference. This design was purposeful and achieves several goals: maximizing the views to Niagara Falls; minimizing shadow impacts; creating visual interest; reducing wind speeds; and lending to the City's objective of creating an internationally recognizable skyline. The towers are accentuated by vertical strips along their facades to create a unique vertical perception of slimness, and to help break up the façade, which in effect, also provides an element of bird-friendly design. The towers are topped by angled mechanical penthouses to create visual interest on the uppermost levels, and a green roof.

In terms of their location on site, the towers are proposed to be located a minimum of 34 metres apart and set back more than 12 metres from the eastern lot line along Portage Road (including after road widening has been taken) and more than 15 metres on all other lot lines. These tower setbacks help to ensure adequate tower separation on site and between any future development on surrounding parcels. The towers are also slightly staggered to improve views between the buildings and to the Falls, which is assisted by their oblong shape.

Public Realm

The public realm along Portage Road is proposed to be significantly improved with new sidewalks and plantings to improve the public realm along the street. The open spaces on the subject site are proposed to feature attractive pedestrian paths, plantings, new trees, and upgraded landscaping treatments, including a new pedestrian path along the narrow portion of the subject site extending north to McLeod Road.



Figure 8 - Aerial View Toward Niagara Falls (Rendering by Giannone Petricone Associates)



Figure 9 - Aerial View From the East (Rendering by Giannone Petricone Associates)



Figure 10 - Pedestrian View Along Portage Road (Rendering by Giannone Petricone Associates)



Figure 11 - Pedestrian View at Main Entrance (Rendering by Giannone Petricone Associates)



Figure 12 - Podium Outdoor Amenity (Rendering by Giannone Petricone Associates)

Amenities

There is an extensive amount of amenity space provided both on site and inside of the buildings. Overall, indoor amenity will be provided at a rate of 4.9 square metres for every dwelling unit. As a comparison, the general indoor amenity area requirement for comparable new residential developments in Toronto is 2 square metres per dwelling unit. Outdoor amenity area will be provided at a rate of 4.2 square metres per dwelling unit, not including balconies or terraces, which has been calculated separately at 5 square metres per dwelling unit. Overall, the amenity space is extensive for a development like this.

In terms of areas, a total of 3,046 square metres of indoor amenity area will be provided, along with 2,623 square metres of outdoor amenity area, and 3,130 square metres of balcony space and terraces.

The indoor amenity areas are proposed to be located primarily within the podium of the north tower on the first and second levels, with direct access to outdoor amenity areas along the west side of the building. A large, 658 square metre amenity area is proposed on the ground floor of the north tower and 136 square metres

amenity area is proposed on the ground floor of the south tower, with a smaller 421 square metre amenity area proposed on the second level of the north tower, as well as a 212 square metre amenity area proposed on the second level of the south tower. Finally, a 471 square metre amenity area is proposed on the third floor of the north tower, as well as on the fourth floor of the south tower with direct access to outdoor amenity areas on the podium roofs of each building. A proposed pedestrian bridge on the second level across the driveway access to the site would connect the four amenity spaces as well as the two towers to allow for shared amenity areas between the two buildings.

Each tower will provide private balcony or terrace space for each of the units to create an outdoor living area.

The outdoor amenity space is proposed to be located at grade along the west side of the north tower, with potential spaces including a basketball half-court and children's playground proposed. An additional three outdoor amenity areas are proposed on the third level of the north tower and fourth level of the south tower, accessed from the indoor amenity space on the same level.

Parking, Servicing, And Access

Parking for the subject site will be accommodated in 3 levels of above ground parking within the podium of the south tower and 2 levels of underground parking beneath both buildings. A total of 779 parking spaces will be provided for residents. Access to the spaces is proposed via a new driveway accessed from Portage Road, which extends between the two buildings to a garage entrance at the rear of the south tower, providing direct access to the structured parking garage and underground parking levels. Within the garage an internal ramp providing access to the various parking levels.

Two loading spaces are also proposed, with a single loading space proposed for each of the two buildings. Both loading spaces would be enclosed within the buildings and accessed from the proposed driveway.

Both the north and south tower lobbies are proposed to face the proposed central driveway and Portage Road itself, providing an off-street layby area long the proposed driveway and strong pedestrian and visual connections to the street.

3.2 Key Statistics

Gross Site Area	12,823 m ²
Road Widening Area	398 m ²
Net Site Area	12,425 m ²
Total GFA (Excludes Above Grade Parking)	50,330 m ²
FSI (Net)	4.05
Height (Storeys)	35 & 25 Floors + MPH
Height (Metres)	116 m and 84 m
Total Residential Units	623
Studio	108 (17%)
1-Bedroom	342 (55%)
2-Bedroom	173 (28%)
Amenity Area	
Indoor Amenity	3,046 m ²
Outdoor Amenity	2,623 m ²
Parking	
Total Vehicle Parking Spaces	779 spaces (1.24/unit)
Barrier-Free Parking Spaces	17
EVSE Parking Spaces	156
Bicycle Parking	
Short-Term Bicycle Parking Spaces	33
Long-Term Bicycle Parking Spaces	331

3.3 Required Approvals

The proposal requires an amendment to the City of Niagara Falls Official Plan, as amended to increase the maximum building height. An amendment to the City of Niagara Falls Zoning By-law 79-200, as amended is also required to permit the proposed height, standalone residential use, and to revise other performance standards as necessary to accommodate the proposal.



4

Policy & Regulatory Context

4.1 Overview

As set out below, the proposal is supportive of the policy directions established for the subject site by the Provincial Policy Statement, the Growth Plan for the Greater Golden Horseshoe, the Niagara Region Official Plan, and the City of Niagara Official Plan, all of which promote and encourage intensification within built-up urban areas.

4.2 Provincial Policy Statement

On February 28, 2020, the Ministry of Municipal Affairs and Housing released the Provincial Policy Statement, 2020, which came into effect on May 1, 2020 ("PPS").

The PPS provides policy direction on matters of Provincial interest related to land use planning and development. In accordance with Section 3(5) of the Planning Act, all decisions that affect a planning matter are required to be consistent with the PPS. In this regard, Policy 4.2 provides that the PPS "shall be read in its entirety and all relevant policies are to be applied to each situation".

As compared with the 2014 PPS, the 2020 PPS places an increased emphasis on integrating land use planning, growth management, transit supportive development, intensification, and infrastructure planning to achieve cost effective development patterns, optimize transit investments, and minimize land consumption and servicing costs. Revised policies encourage both market based and affordable housing, an increase in the mix and supply of housing and preparing for the impact of climate change.

Part IV of the PPS sets out the Province's vision for Ontario, and promotes the wise management of land use change and efficient development patterns:

"Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that

increase the use of active transportation and transit before other modes of travel. They support the financial well-being of the Province and municipalities over the long term, and minimize the undesirable effects of development, including impacts on air, water, and other resources. They also permit better adaptation and response to the impacts of a changing climate, which will vary from region to region".

One of the key policy directions expressed in the PPS is to build strong communities by promoting efficient development and land use patterns. To that end, Part V of the PPS contains several policies that promote intensification, redevelopment and compact built¹ form, particularly in areas well served by public transit.

Section 1.1 of the PPS provides policy direction with respect to managing and directing land use to achieve efficient and resilient development and land use patterns in Ontario. In particular, Policy 1.1.1 provides that healthy, liveable and safe communities are to be sustained by promoting efficient development and land use patterns; accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs; and promoting the integration of land use planning, growth management, transit supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments and standards to minimize land consumption and servicing costs.

Policy 1.1.2 requires that sufficient land be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years, informed by provincial guidelines.

Section 1.1.3 of the PPS provides specific policy direction with respect to settlement areas in Ontario. Settlement areas are 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 25-year planning horizon.

¹ Compact Built Form: A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for infrastructure. Compact built form can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and active transportation, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage active transportation.

The subject site is located within a settlement area as defined by the PPS and within the built-up area of the City of Niagara Falls. In general, settlement areas are the focus of growth and development in Ontario.

Policy 1.1.3.3 requires planning authorities to identify 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 considering existing building stock or areas and the availability of suitable existing or planned infrastructure and public service facilities. In addition, Policy 1.1.3.4 promotes appropriate development standards, which facilitate intensification, redevelopment, and compact form, while avoiding or mitigating risks to public health and safety.

Section 1.3 of the PPS provides policy direction with respect to employment land in Ontario, which in the context of the PPS, includes both commercial and industrial uses. In this regard, Policy 1.3.1 requires planning authorities to promote economic development and competitiveness by providing an appropriate mix and range of employment and broader mixed uses to meet long term needs, and to encourage compact, mixed-use development that incorporates compatible employment uses that support livable and resilient communities while ensuring necessary infrastructure is provided to support current and projected needs.

Policy 1.3.1 states that planning authorities shall promote economic development and competitiveness by, among other approaches, providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long-term needs. It also encourages compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities.

Section 1.4 of the PPS provides policy direction with respect to housing in Ontario. In this regard, Policy 1.4.3 requires provision to be made 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 by, among other matters, permitting and facilitating all types of residential

intensification and redevelopment, promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities and support the use of active transportation and transit, requiring transit-supportive development and prioritizing intensification in proximity to transit, including corridors and stations.

Section 1.6 of the PPS provides policy direction with respect to infrastructure and public service facilities throughout Ontario. In particular, the efficient use of infrastructure, particularly public transit, is a key element of the PPS. Policy 1.6.3 states that the use of existing infrastructure and public service facilities should be optimized, wherever feasible, before consideration is given to developing new infrastructure and public service facilities. With respect to transportation systems, Policy 1.6.7.4 promotes a land use pattern, density and mix of uses that minimize the length and number of vehicle trips and support the current and future use of transit and active transportation.

Section 1.7 of the PPS provides policy direction with respect to Ontario's long-term economic prosperity. In this regard, Policy 1.7.1 of the PPS states that long-term prosperity should be supported through a number of initiatives including: encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and a range of housing options for a diverse workforce; optimizing the use of land, resources, infrastructure and public service facilities; maintaining and enhancing the vitality and viability of downtowns and main streets; encouraging a sense of place by promoting well-designed built form and cultural planning, and by conserving features that help define character, including built heritage resources.

For the reasons set out in Section 5 of this report, it is our opinion that the proposed development and the requested Zoning By-law and Official Plan Amendments are consistent with the PPS the policies relating to residential intensification and the efficient use of land and infrastructure.

4.3 A Place to Grow: Growth Plan for the Greater Golden Horseshoe

On May 16, 2019, A Place to Grow: Growth Plan for the Greater Golden Horseshoe ("Growth Plan") came into full force and effect, replacing the 2017 Growth Plan for the Greater Golden Horseshoe (GGH). Under Section 7 of the *Places to Grow Act*, all decisions affecting a planning matter must conform with Growth Plan. Amendment 1 (2020) to the Growth Plan for the Greater Golden Horseshoe 2019 has subsequently been approved and took effect on August 28, 2020. Accordingly, and for convenience an August 2020 office consolidation version of the 2019 Growth has now been issued.

The Place to Grow Plan builds upon the Growth Plan 2017, providing a framework for growth and development in the GGH until 2051 that supports the achievement of complete communities with access to transit networks, protected employment zones and a greater supply and variety of housing.

The Guiding Principles, which are important for the successful realization of A Place to Grow Plan are set out in Section 1.2.1. Key principles relevant to the Proposal include:

- Supporting the achievement of complete communities² that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime;
- Prioritize intensification and higher densities in *strategic growth areas* to make efficient use of land and infrastructure and support transit viability; and
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.

In accordance with Section 1.2.3, A Place to Grow Plan is to be read in its entirety and the relevant policies are to be applied to each situation.

The Growth Plan policies emphasize the importance of integrating land use and infrastructure planning and the need to optimize the use of the land supply and infrastructure. The Growth Plan includes objectives to

support the development of a complete community and promotes transit-supportive development. Section 2.1 of the Growth Plan states that:

"To support the achievement of complete communities that are healthier, safer, and more equitable, choices about where and how growth occurs in the GGH need to be made carefully. Better use of land and infrastructure can be made by directing growth to settlement areas and prioritizing intensification, with a focus on strategic growth areas, including urban growth centres and major transit station areas, as well as brownfield sites and greyfields. Concentrating new development in these areas provides a focus for investments in transit as well as other types of infrastructure and public service facilities to support forecasted growth, while also supporting a more diverse range and mix of housing options [...]"

Section 2.1 of the Growth Plan goes on to further emphasize the importance of optimizing land use in urban areas:

"This Plan's emphasis on optimizing the use of the existing urban land supply represents an intensification first approach to development and city-building, one which focuses on making better use of our existing infrastructure and public service facilities, and less on continuously expanding the urban area."

The subject site is uniquely situated in the Niagara Falls tourist commercial area and within the Niagara Region's Gateway Economic Zone and its development for residential purposes represent the intensification of an underutilized site within the urban area and a planned mixed use area. Further, the site is complementary to the other tourist attractions in the tourist commercial area of Niagara Falls and provides significant economic uplift for the municipality, particularly given that it is located within the Gateway Economic Zone, which travels from Fort Erie to Niagara Falls, as shown on Schedules 5 and 6 of the Growth Plan.

² Complete Communities Places such as mixed-use neighbourhoods or other areas within cities, towns, and settlement areas that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities. Complete communities are age-friendly and may take different shapes and forms appropriate to their contexts.

Policy 2.2.1(2) provides that:

- 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;
 [...] and
- b. within settlement areas, growth will be focused in:
 - iv. delineated built-up areas;
 - v. strategic growth areas;
 - vi. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - vii. areas with existing or planned public service facilities.

Policy 2.2.1(3)(c) requires that municipalities undertake integrated planning to manage this forecasted growth in a manner which provides direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors and to support the achievement of complete communities through a more compact built form.

Policy 2.2.1(4) states that applying the policies of the Growth Plan will support the achievement of complete communities in a number of ways, including: (a) featuring a diverse mix of land uses; (c) providing a diverse range and mix of housing options; (d) expanding convenient access to a range of transportation options; (e) ensuring the development of compact built form and a vibrant public realm; and (f) mitigating and adapting to climate change impacts and contributing to environmental sustainability.

The subject site is located within a *Settlement Area* and within a *Delineated Built-up Area* as defined by the Growth Plan (see **Figure 13** - Growth Plan Schedule 2: A Place to Grow Concept).

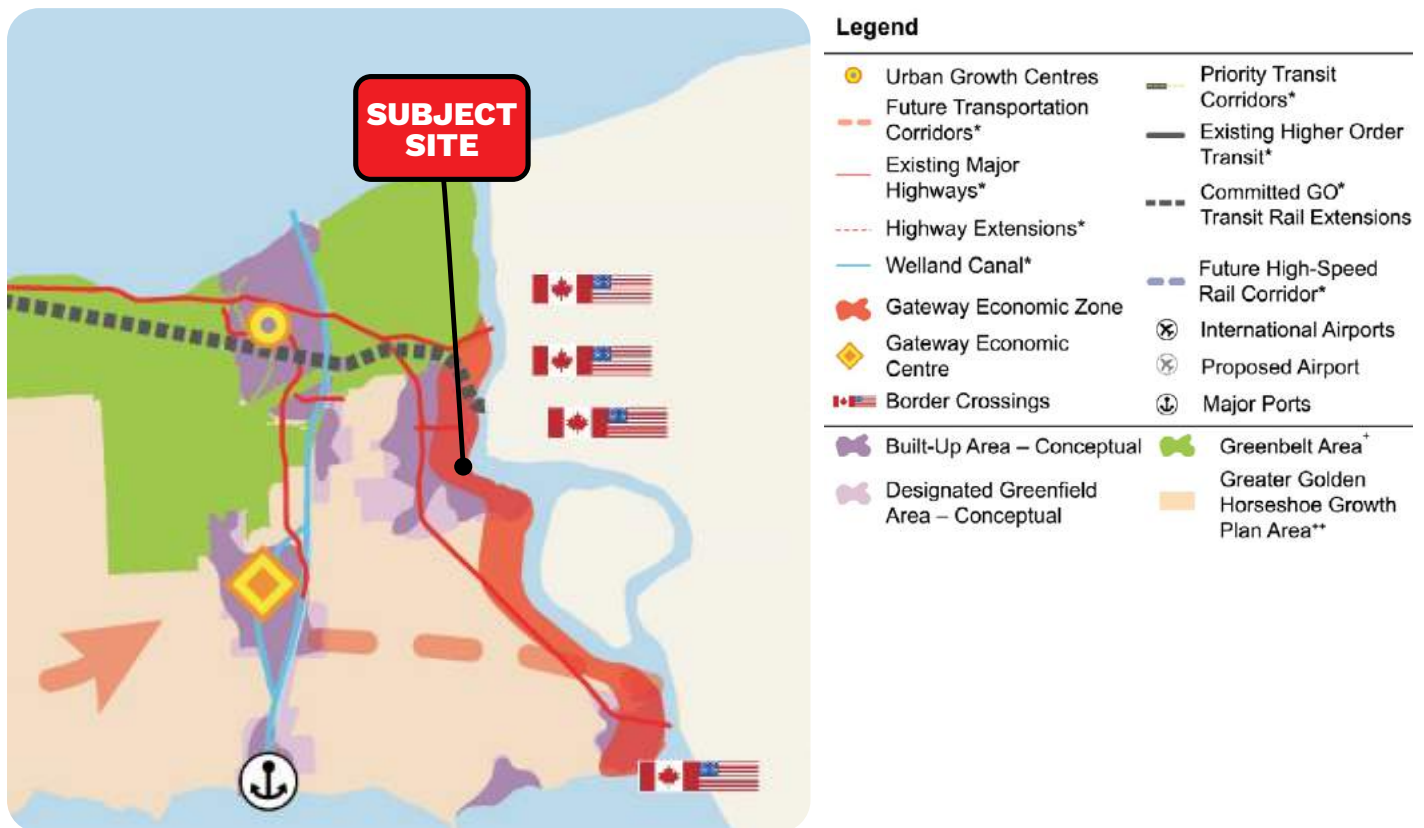


Figure 13 - Growth Plan Schedule 2: A Place to Grow Concept

Policy 2.2.2(3) provides that all municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:

- a. identify strategic growth areas to support achievement of the intensification target and recognize them as a key focus for development;
- b. identify the appropriate type and scale of development in strategic growth areas and transition of built form to adjacent areas;
- c. encourage intensification generally throughout the delineated built-up area;
- d. ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;
- e. prioritize planning and investment in infrastructure and public service facilities that will support intensification; and
- f. be implemented through official plan policies and designations, updated zoning and other supporting documents.

The subject site has characteristics of a "strategic growth area" pursuant to Growth Plan (i.e., a focus for accommodating intensification and higher-density mixed uses in a more compact built form). Strategic growth areas include urban growth centres, major transit station areas, and other major opportunities that may include infill, redevelopment, brownfield sites, the expansion or conversion of existing buildings, or greyfields. Lands along major roads, arterials, or other areas with existing or planned frequent transit service or higher order transit corridors may also be identified as strategic growth areas.

The subject site is located within the existing Tourist Commercial Area as identified in the City of Niagara Falls Official Plan; an area planned to be the centre of a world-class tourism destination in the form of a modern urban centre.

Policy 2.2.5(18) provides that in recognition of the importance of cross-border trade with the United States, this Plan recognizes a Gateway Economic Zone and Gateway Economic Centre near the Niagara-United States border. Planning and economic development in these areas will support economic diversity and promote increased opportunities for cross-border trade, movement of goods, and tourism. The subject site is identified as falling within the Gateway Economic Zone as shown on Schedule 2 of the Growth Plan.

Section 2.2.6 of the Growth plan provides policy direction with respect to housing within the Greater Golden Horseshoe. In this regard, Policy 2.2.6(1) requires municipalities to support housing choice through the achievement of the minimum intensification and density targets in Growth Plan by, among other things, identifying a diverse range and mix of housing options and densities, including second units and affordable housing to meet projected needs of current and future residents (a). This housing strategy is to be implemented through Official Plan policies and designations and zoning by-laws(d). Notwithstanding Policy 1.4.1 of the PPS, Policy 2.2.6(2) states that municipalities will support the achievement of complete communities by: planning to accommodate forecasted growth (a); planning to achieve the minimum intensification and density targets (b); considering the range and mix of housing options and densities of the existing housing stock (c); and planning to diversify the overall housing stock across the municipality (d).

Generally, the infrastructure policies set out in Chapter 3 of Growth Plan place an enhanced emphasis on the need to integrate land use planning and investment in both infrastructure and transportation. Policy 3.2.2(1) provides that transportation system planning, land use planning and transportation investment will be coordinated to implement Growth Plan. Policy 3.2.2(2) states that the transportation system, which includes public transit, will be planned and managed to, among other matters:

- provide connectivity among transportation modes for moving people and goods (a);
- offer a balance of transportation choices that reduces reliance upon the automobile and promotes transit and active transportation (b); and,
- offers multimodal access to jobs, housing, schools, cultural and recreational opportunities, and goods and services (d).

Policies 3.2.3(1) and 3.2.3(2) state that public transit will be the first priority for transportation infrastructure planning and major transportation investments, and that decisions on transit planning and investment will be made according to a number of criteria including prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels, and increasing the capacity of existing transit systems to support strategic growth areas.

Section 4 of the Growth Plan, entitled "Protecting What is Valuable", includes policies designed to protect valuable provincial resources (which include the Natural Heritage System, Key Hydrologic Features, Key Natural Heritage Features, Public Open Space, the Agricultural System and Mineral Aggregate Resources) and promote a culture of conservation. A cornerstone of Section 4 is the policies regarding climate change. Policy 4.2.10(1) requires that municipalities identify in their Official Plans actions that will reduce greenhouse gas emissions and address climate change adaptation goals. These are to include supporting the achievement of complete communities as well as the minimum intensification and densification targets in the Growth Plan (a), reducing dependence on the automobile and supporting existing and planned transit and active transportation systems (b).

Policy 4.2.10(1) requires that municipalities identify in their Official Plans actions that will reduce greenhouse gas emissions and address climate change adaptation goals. These are to include supporting the achievement of complete communities as well as the minimum intensification and densification targets in the Growth Plan (a) and reducing dependence on the automobile and supporting existing and planned transit and active transportation systems (b).

In planning to reduce greenhouse gas emissions and address the impacts of climate change Policy 4.2.10(2) encourages municipalities to develop strategies to reduce greenhouse gas emissions and improve resilience through the identification of vulnerabilities to climate change, land use planning, planning for *infrastructure*, including transit and energy.

Policy 5.2.5(1) clearly states that the targets set out in the Growth Plan are minimum intensification and density targets and encourages municipalities to go beyond these minimum targets, where appropriate, except where doing so would conflict with any policy of the Growth Plan, the PPS, or any other provincial plan. Policy 5.2.5(3) identifies the areas which should be delineated by municipalities in official plans in order to implement the minimum intensification and density targets, including major transit station areas (c) and strategic growth areas (d). Within each delineated area the minimum density targets are to be implemented by such measures as outlined in Policy 5.2.5(5) including zoning all lands in a manner that would implement the official plan policies (c).

For the reasons outlined in Section 5 of this report, it is our opinion that the proposed development and the proposed Official Plan Amendment and Zoning By-law Amendment conforms with the Growth Plan. In particular, the development conforms with policies promoting growth and intensification within settlement areas and the development of complete communities.

4.4 Region of Niagara Official Plan

The Region of Niagara Official Plan, office consolidation 2014 ("ROP") was adopted by Regional Council in November 1991 and was modified and approved by the Minister of Municipal Affairs in 1994. A five-year scoped review was conducted in 2013, resulting in the 2014 office consolidation.

The Region of Niagara Falls is currently in the process of preparing a new Official Plan, with draft policies released for review on May 12, 2021, with the new plan being approved by Niagara Regional Council on June 23, 2022. The plan remains under review by the Ministry of Municipal Affairs and Housing, and as a result is not yet in full force and effect. As a result, the 2014 consolidation continues to remain in full force and effect and applies to the subject applications.

The Strategic Objectives of the Official Plan, set out in Chapter 2, include recognizing the diversified opportunities and needs in Niagara Region by balancing both urban development and the conservation of natural resources facilitating and maintaining a pattern of distinctive and identifiable urban communities, and improving regional self-reliance through long-range economic development planning and economic diversification.

As per policy 2.A.1.1, tourism and recreation related development are recognized as one of the core components of Niagara's economy, and as per policy 2.A.1.2, the Region supports and encourage the continued expansion and development within Settlement Areas of opportunities related to tourism and recreation. The Region seeks to promote innovation and excellence by building on Niagara's economic strengths and creating partnerships with institutes of higher education, the private sector and the investment community, as set out in policy 2.E.2.1.

The subject site is identified as being within the Gateway Economic Zone on Schedule G1—Niagara Economic Gateway (Figure 14 - NROP - Schedule G1). The objectives for Niagara Economic Gateway, set out in policy 3.A.2, include attracting private sector investment, promoting the efficient use of infrastructure, and promoting appropriately located tourism facilities. As stated in Policy 3.A.3.24, tourism uses, and economic development are a priority for the Niagara Economic Gateway zone.

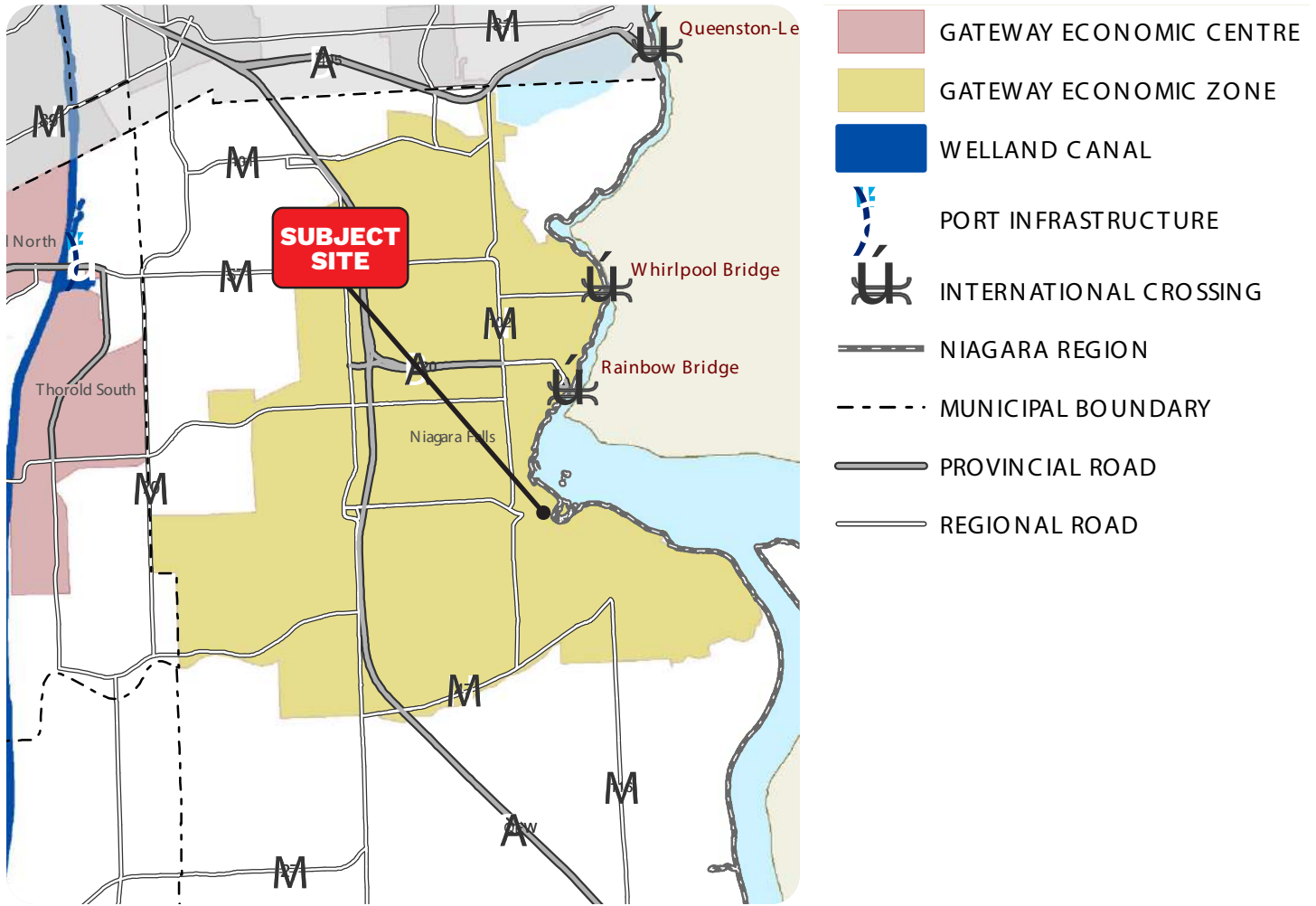


Figure 14 - NROP - Schedule G1

Schedule A – Regional Structure designates the subject site as Built-Up Area, located within the urban boundary (**Figure 15** - Schedule A). Objective 4.A.1.2 provides that a significant portion of the Region’s future growth will be directed to the Built-Up Areas through intensification. Compact, mixed-use, transit supportive development, as set out in objective 4.A.1.6. Policy 4.C.1.1 provides that intensification includes all forms of development that occur within the Built-Up Areas. As per policy 4.G.7.2, Urban Areas are the focus of the Region’s long-term growth and development, and as per Policy 4.G.8.1 Built-Up Areas, located within the Urban Areas, will be the focus of residential and employment intensification and redevelopment within the Region over the long term. Additionally, as per Table 4-1, the Region of Niagara is required to accommodate a total of 218,000 jobs by 2031, with Niagara Falls forecasted to accommodate a total of 43,640 jobs.

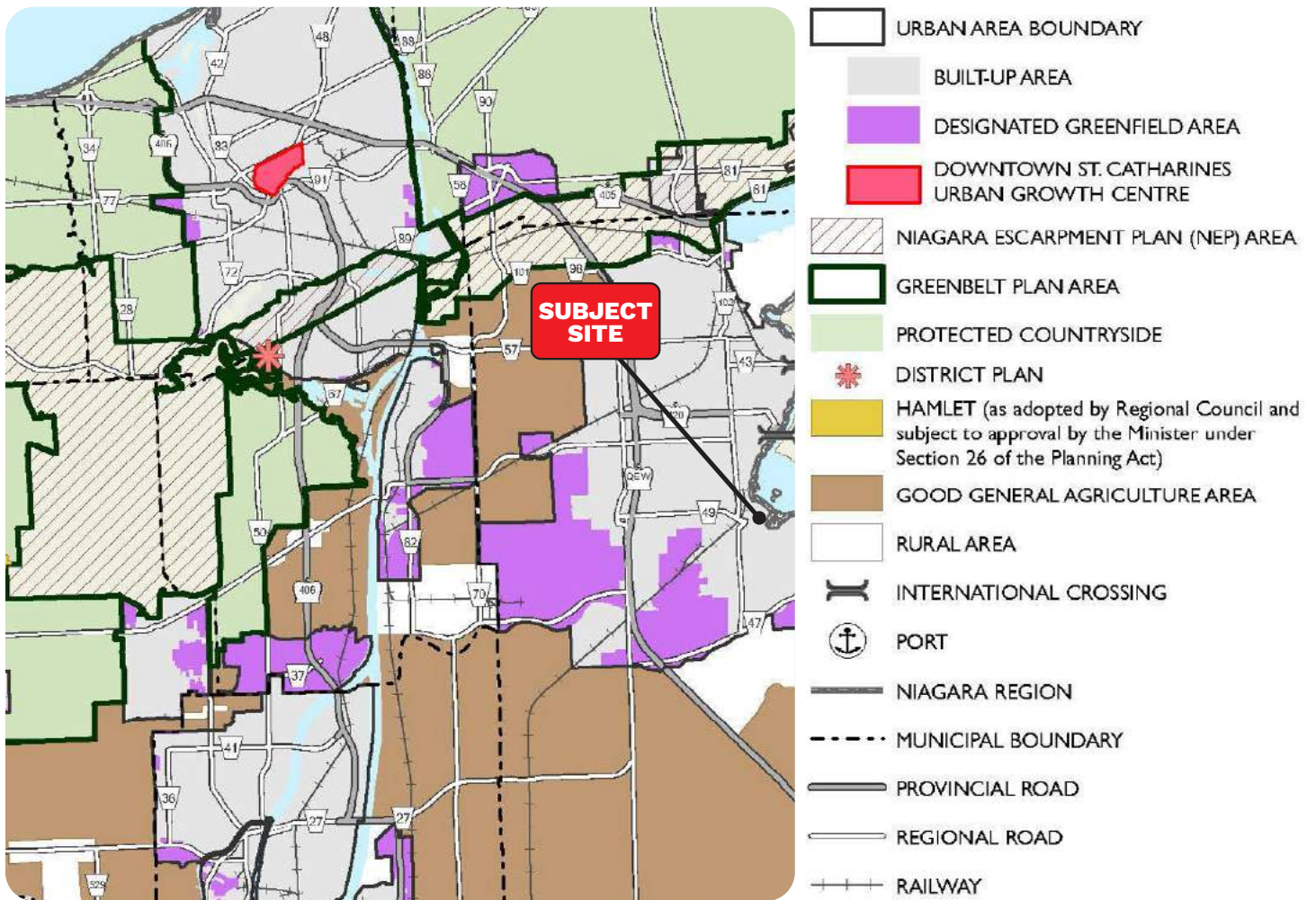


Figure 15 - NROP - Schedule A, Regional Structure

4.5 New Niagara Region Official Plan

Chapter 11 of the NROP provides policy direction with respect to housing and community services in Niagara Region. In this regard, Policy 11.A.1 provides that “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”. Furthermore, Policy 11.A.2 states that 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.

For the reasons set out in Section 5.0 of this report, it is our opinion that the proposal conforms with the Region of Niagara Falls Official Plan.

On June 23, 2022, Regional Council approved By-law 2022-47 adopting the new Niagara Regional Official Plan (“New ROP”). The adopted plan has been sent to the Province of Ontario’s Ministry of Municipal Affairs and Housing for approval.

The New ROP is a long-term land use planning document that shapes and defines our community for future generations through policies that set out what we protect, where and how the region will grow, and policy tools for success. The New ROP is the first comprehensive review since the original policy plan was approved in 1973. Once approved by the Province, the New ROP will replace the existing ROP.

Under the New ROP, the subject site is identified within the *Urban, Delineated Built-Up Area* of the Region on Schedule B - Regional Structure (see **Figure 16**).

According to Section 2.2 of the New ROP, most development is planned to occur in urban areas, where municipal water and wastewater systems/services exist or are planned, and a range of transportation options can be provided. Specifically, proposed Policy 2.2.2.1 provides that:

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

- a. strategic growth areas, including:
 - i. Downtown St. Catharines urban growth centre;
 - ii. protected major transit station areas;
 - iii. regional growth centres; and
 - iv. district plan areas identified in Section 6.1;
- b. areas with existing or planned public service facilities;
- c. other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and
- d. local growth centres and corridors, as identified by Local Area Municipalities

With respect to forecasted population growth, the minimum residential intensification targets for the City is established at 10,100 new units or a 50% intensification rate between 2021-2051.

The subject site is located within the *Urban, Delineated Built-Up Area* of Niagara Falls, and is within an area that has existing public service facilities and existing and planned transit. Furthermore, the City of Niagara Falls requires intensification, setting a target rate of 50% until 2051. In this regard, and for the reasons set out in Section 5.0 of this report, we are of the opinion that the proposed development will conform to the New ROP once approved by the Province.

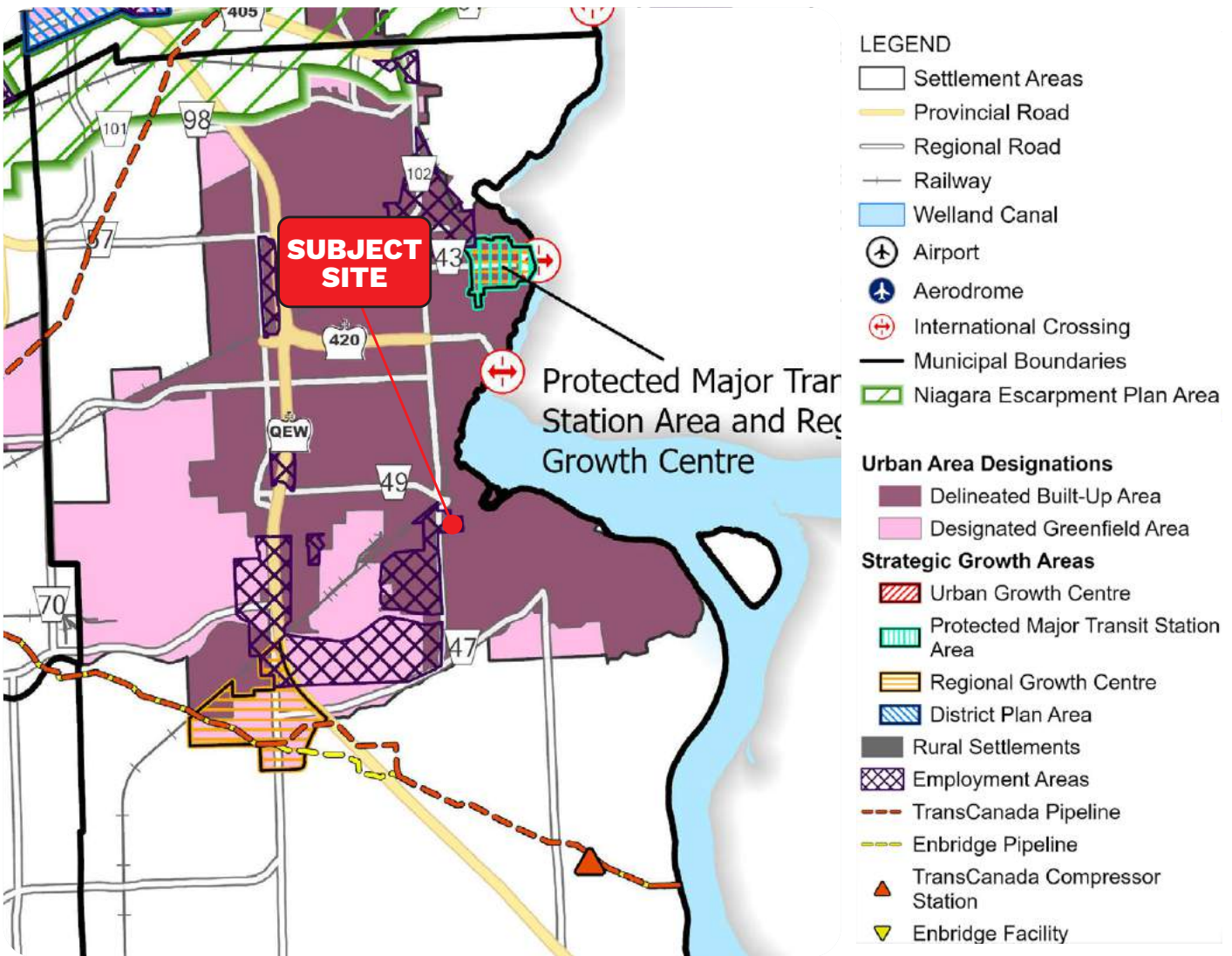


Figure 16 - New NROP Schedule B - Regional Structure

4.6 City of Niagara Falls Official Plan

The Niagara Falls Official Plan, as amended ("OP"), office consolidation 2015, was approved on October 6, 1993, by the Ministry of Municipal Affairs. The OP is intended to guide growth and development to the year 2031. The OP is a planning policy document with a 20-year vision outlining long-term objectives and policies of the City with respect to the growth and development of urban lands, the protection of agricultural lands and the conservation of natural heritage areas, and the provision of necessary infrastructure.

The subject site is located within the "Built-Up Area" of the City as identified on Schedule A-2 - Urban Structure Plan of the OP and form a part of the City's "Urban Area" (see Figure 17 - Schedule A-2 - Urban Structure).

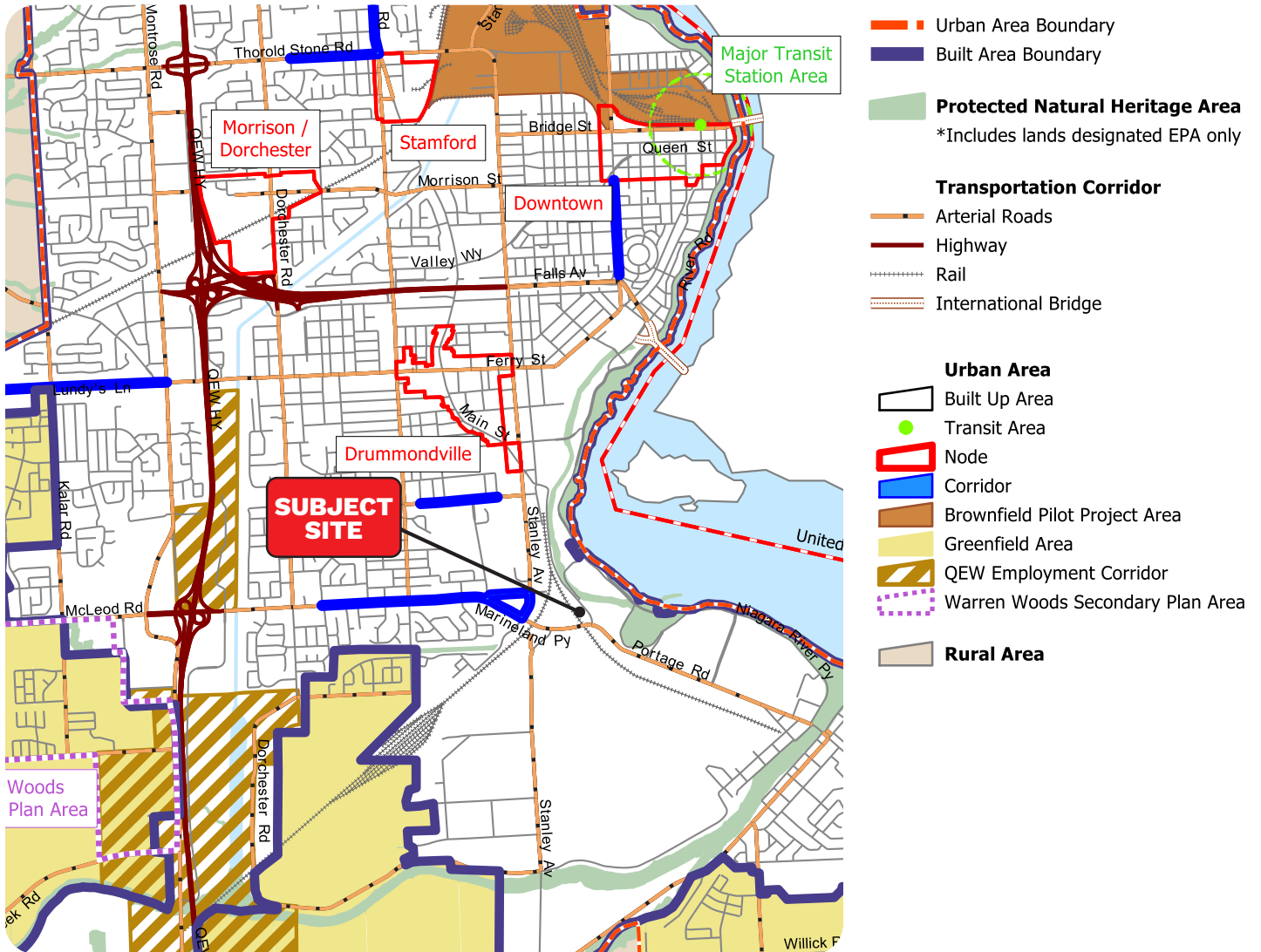


Figure 17 - NFOP Schedule A-2 - Urban Structure

The growth objectives of the Plan, set out in Part 1, Section 2, include directing growth to the urban area, protecting Natural Heritage Areas, supporting increased densities, and ensuring the efficient use of infrastructure. The subject site is also identified as being within the existing municipal service area, as set out in Schedule B – Phasing of Development (see **Figure 18**). As per policy 2.4, opportunities for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit. As provided for in Table 1 – Forecast of Households, Population and Employment, a total of 53,360 jobs are to be accommodated in Niagara Falls by 2031.

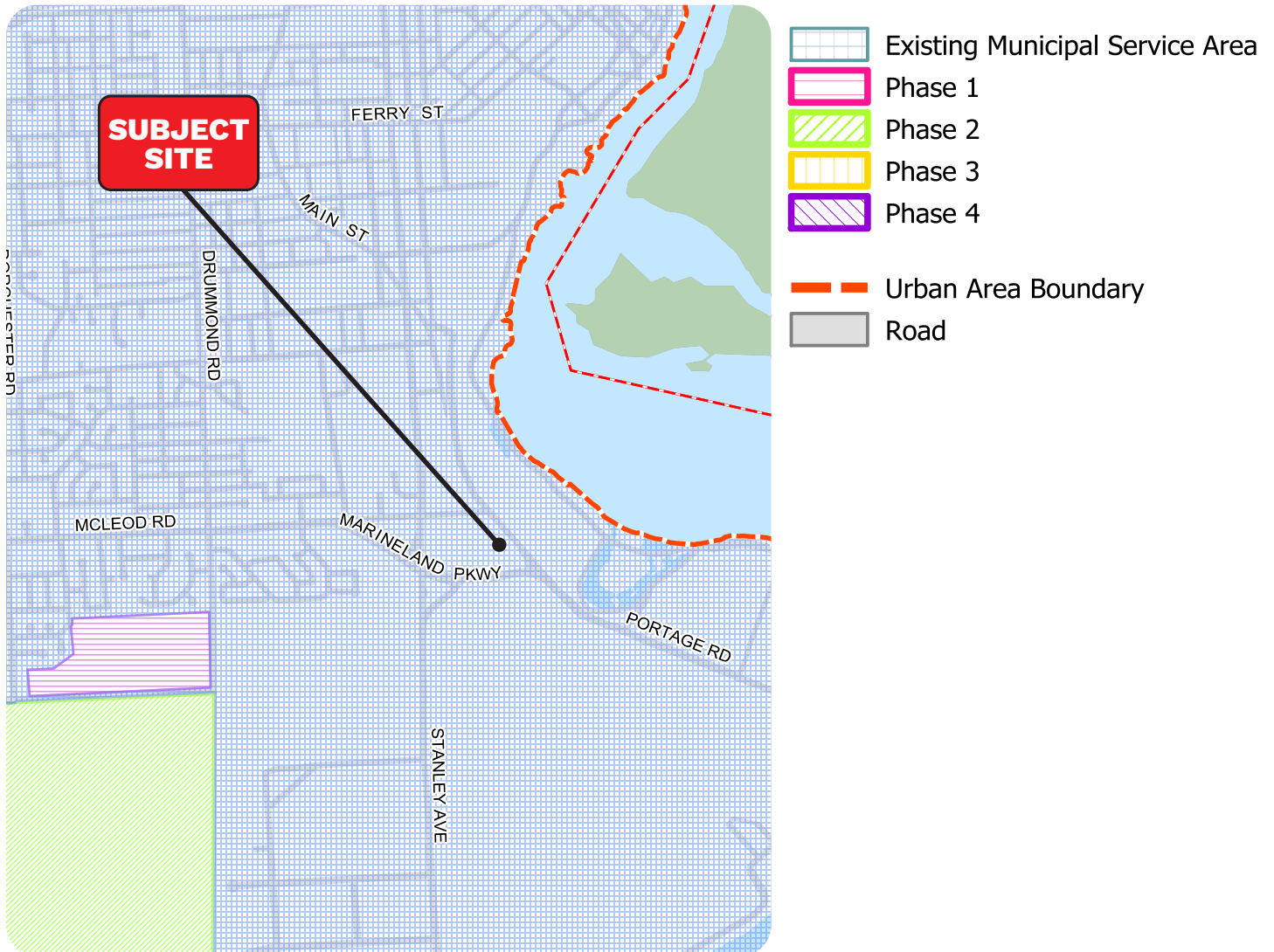


Figure 18 - NFOP Schedule B – Phasing of Development

Tourist Commercial

The subject site is designated as "Tourist Commercial" on Schedule A – Future Land Use of the OP (see **Figure 19**), is located within the "Queen Victoria" community planning district of the City as identified on Schedule D – Communities and is within the "Fallsview" Central Tourist District on Schedule E - Tourism Map of the OP (see **Figures 20 and 21**).

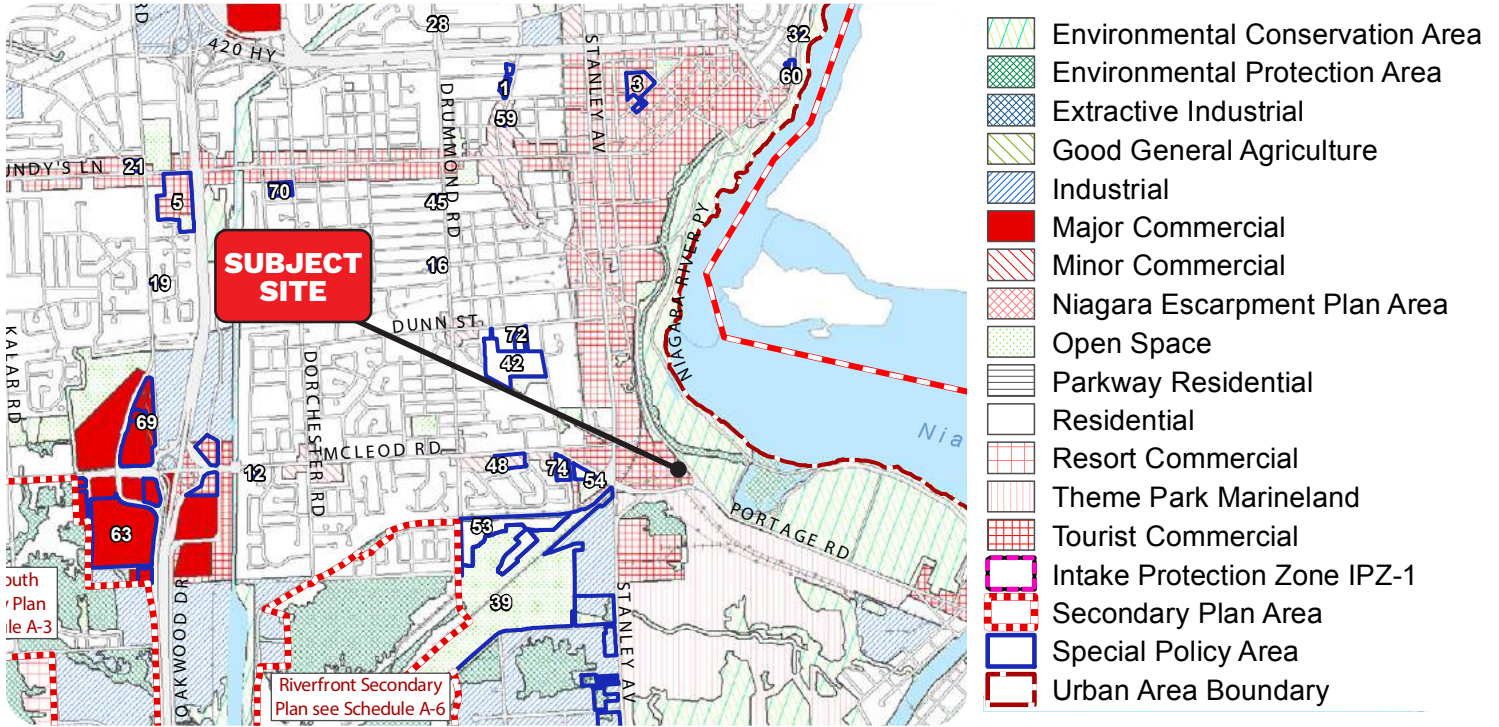


Figure 19 - NFOP Schedule A – Future Land Use

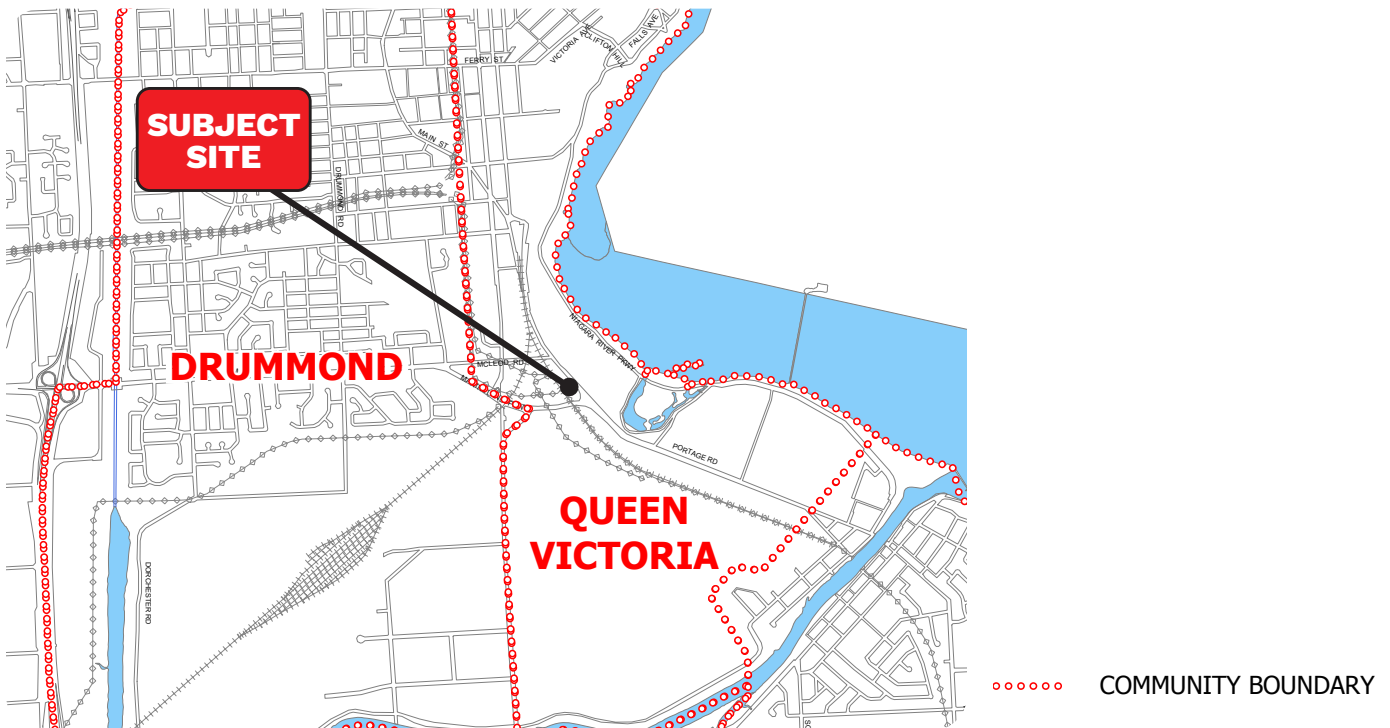


Figure 20 - NFOP Schedule D - Communities

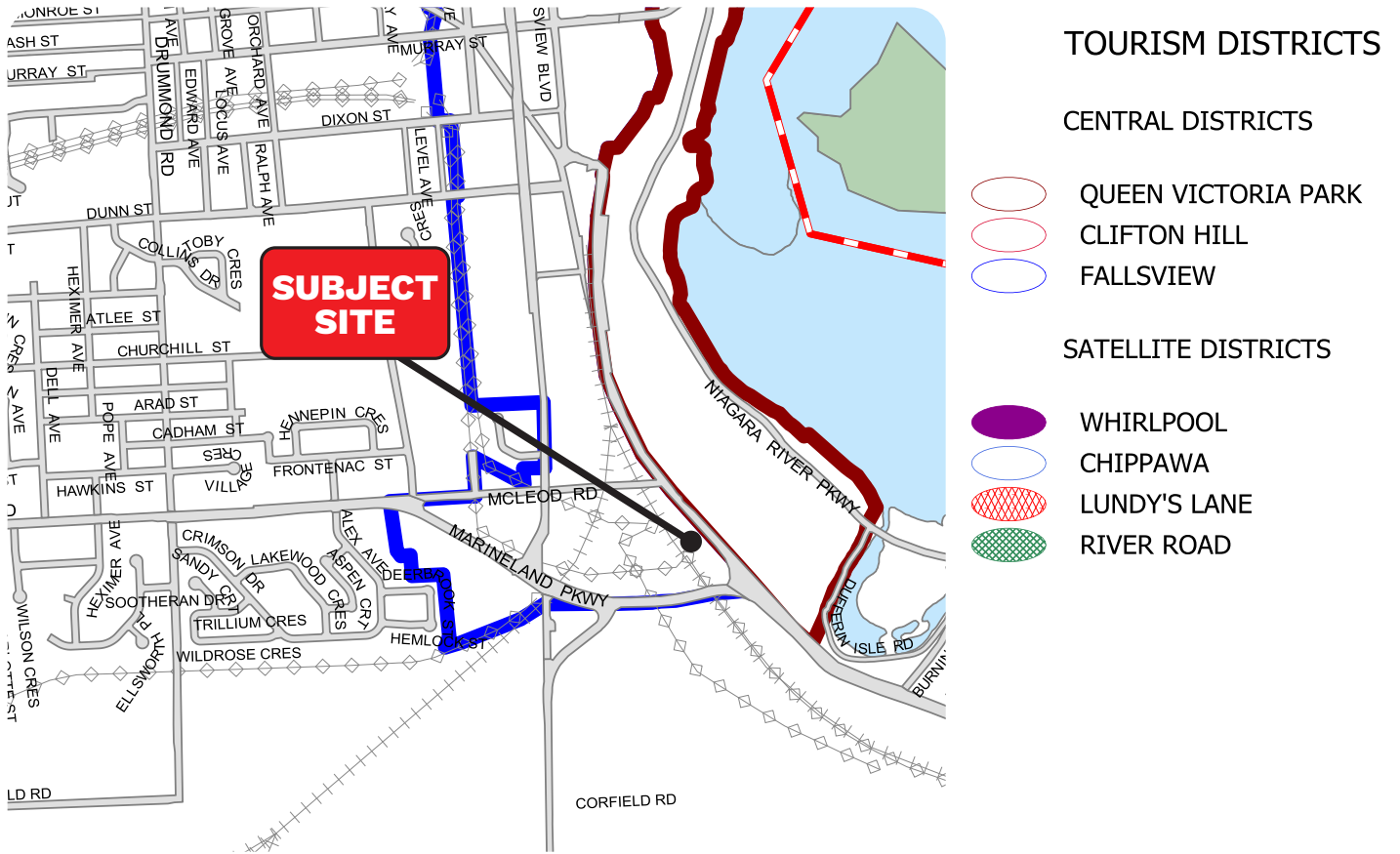


Figure 21 - NFOP Schedule E - Tourism Map

Part 2.0, Section 4.0 of the OP provides policy direction for lands designated Tourist Commercial. The preamble provides the following objectives of the Tourism Commercial designation:

- to preserve and protect the primary tourism resource - the Falls, and the quality of its viewing experience;
- to ensure that future development builds upon and complements existing good tourism development and respects the built and natural heritage of the Tourist Area;
- to establish Tourist Districts which complement and support each other;
- to ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;
- to ensure that the new Casino Development supports the objectives of this Plan and enhances the existing tourism product;
- to ensure that the People Mover system supports the objectives of this Plan, enhances the existing tourism product, and is constructed in a manner which improves future development opportunities; and,
- to ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighbourhoods.

The vision of the Niagara Falls Tourist Area is set out in Section 4.1 and includes directives that speak to the creation of a world-class tourism destination in the form of a modern urban centre located within the area's landscape and natural features. The vision recognizes the importance of creating a high-quality tourism environment, through excellence in development and design, and the role tourism plays as a major employer.

Policies 4.1.23 to 4.1.24 of Part 2.0, Section 4.0 provides policy direction with respect to building quality and the City's emerging skyline. Policy 4.1.23 of the OP provides that the skyline of Niagara Falls must continue to be characterized by the three existing view towers, and that new high-rise buildings must be of variable heights and mass and not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height will be considered by Zoning By-Law amendment on a site-specific basis.

Furthermore, Policy 4.1.24 provides several principles that are intended to establish a system of built-form regulations for the tourist area of the City. These principles include the following:

- a. The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;
- b. Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;
- c. Residential and institutional uses will be protected from the overshadowing effects of tall buildings;
- d. The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;
- e. Council will consider the merits of development applications having regard to the policies of this Plan;
- f. All applications for additional building heights will be treated on a quid-pro-quo basis wherein the developer agrees to provide public realm improvements; and,
- g. Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.

Section 4.2 of Part 2 of the OP provides policy direction with respect to development in the tourist districts. As per Policy 4.2.2, the Central Tourist District is identified as the focal point for tourism activities in the City, and is comprised of the Queen Victoria Park, Clifton Hill and Fallsview Subdistricts. A wide mix of tourist attractions, accommodations and services are permitted within the Fallsview Central Tourist Subdistrict. According to Policy 4.2.8, lands designated as Tourist Commercial are intended for compact growth and servicing aimed at realizing the full potential of each tourist district.

Policy 4.2.9 provides that residential uses may be permitted throughout lands designated Tourist Commercial as standalone or mixed-use buildings in order to assist in creating a complete community in accordance with the Intensification policies of the Niagara Falls Official Plan.

Central Tourist District & Fallsview Sub-District

Schedule E – Tourism Districts identifies the subject site as being located within the Fallsview Tourism District, a sub-district within the Central Tourism District. As per policy 4.2.2, the Central Tourist District and its subdistricts shall continue to be the focal point for tourism activities in the City, including tourist attractions, accommodations, and services. Reiterated in policy 4.2.10, the Central District and its sub-districts shall be the primary attraction area for Niagara Falls visitors.

Policy 4.2.21 provides that the Fallsview Subdistrict shall function as the primary location for large scale accommodations, entertainment, retail, and cultural attractions. It is also the primary location for high-rise hotels and multiple – family residential developments in the Tourist Area.

Policy 4.2.22 provides that The Fallsview Subdistrict shall be better connected to Queen Victoria Park through new and improved pedestrian connections from the top of the escarpment into the park and enhanced pedestrian designs along the east west streets in the subdistrict for the purpose of encouraging movement to and from the park.

Policy 4.2.23 provides that new developments within the Fallsview Subdistrict shall be consistent with Sections 4.3.6 through 4.3.10 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form. Policy 4.2.24 provides that A comprehensive Streetscape Master Plan for the Fallsview Subdistrict shall be undertaken, in cooperation with the area BIA, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, to implement the policies of this Plan.

The Public Realm

Section 4.3 of Part 2 of the OP provides policies relating to the Public Realm within the Niagara Fall tourist area.

Policy 4.3.5 identifies that Streets are a vital part of the public open space system. Streetscape improvements shall be used to create a high-quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development. Policy 4.3.6 directs that the Grand Boulevard Concept, which includes Portage Road along the Subject Site. Council shall ensure that public improvements and new developments along this new public street are consistent with the Design Criteria for the new Grand Boulevard.

Policies 4.3.7, 4.3.8 and 4.3.9 provide policies relating to Entry Corridors and Retail streets, and Falls Access Streets, of which the three designations do not apply to the Subject Site. Policy 4.3.10 provides that Council shall ensure that public improvements and new developments abutting all streets in the Tourist Area not otherwise designated on Fig. 2, help improve the physical setting of the Tourist Area through streetscape improvements such as reconstructed sidewalks, the planting of street trees, and landscaping treatment. The details of these improvements shall be outlined in Streetscape Master Plans

Policy 4.3.12 directs that a continuous publicly accessible landscaped trail shall be created along the top of the escarpment from Clifton Hill to the southern end of Fallsview. Policy 4.3.13 directs that new and improved pedestrian connections shall be developed between Queen Victoria Park and the top of the Escarpment.

As per policy 4.3.15, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces, pursuant to section 42(6) of the Planning Act, and as per policy 4.4.1, high-quality private developments which complement and enhance the public realm shall be encouraged.

The Grand Boulevard

Portage Road is designated as a "Grand Boulevard" in the OP and has several policies relating to the development of the street. Policy 4.1.13 directs that the Grand Boulevard is a concept aimed at improving linkages between Tourist Districts, creating street frontages for large development sites and eliminating barriers which restrict the movement and circulation of visitors. Policy 4.1.15 directs that the new Grand Boulevard shall provide for a comfortable and animated public street featuring wide sidewalks and a variety of activities and amenities for pedestrians.

High-Quality Private Development

Section 4.4 of Part 2 of the OP provides policy direction with respect to private developments on and designated Tourist Commercial in the City. Generally, the City's directive is to encourage high-quality private developments on lands designated Tourist Commercial which also complement and enhance the public realm.

Building Heights

As per policy 4.4.2, building heights in the tourist area are restricted to four storeys, in accordance with the provisions of the Zoning By-law. Allocation of additional building height will be considered through site-specific zoning by-law amendments, up to the maximum height set out in Figure 4 – Height Strategy, of the Official Plan (see **Figure 22** below). Maximum heights established in the high-rise strategy area permit buildings up to 30-storeys tall.

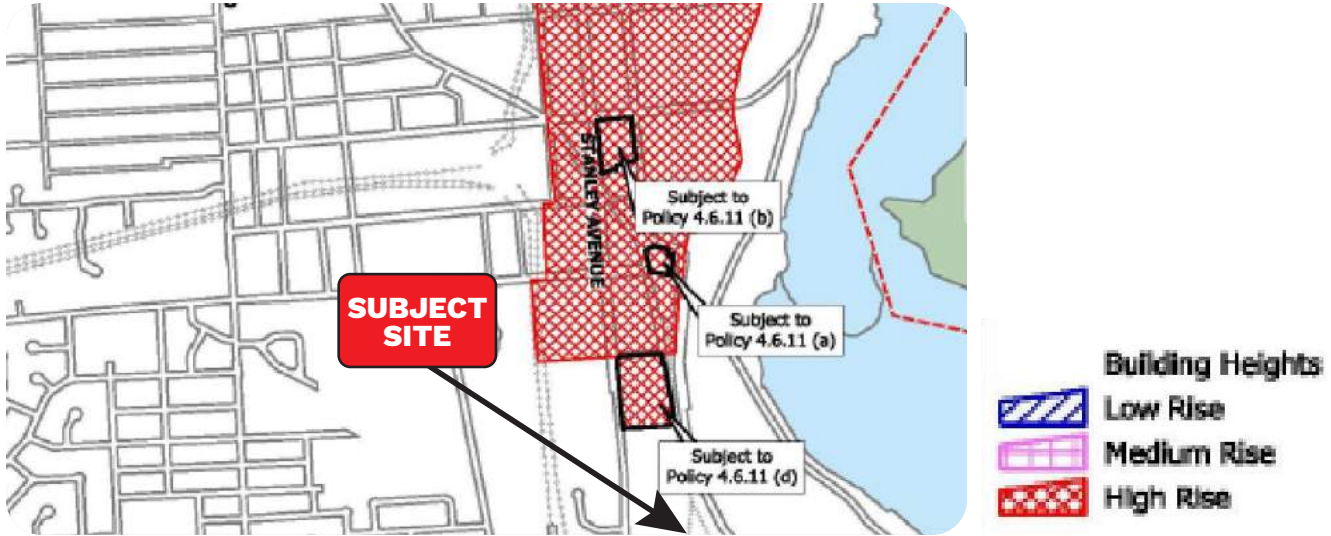


Figure 22 - NFOP – Figure 4, Height Strategy

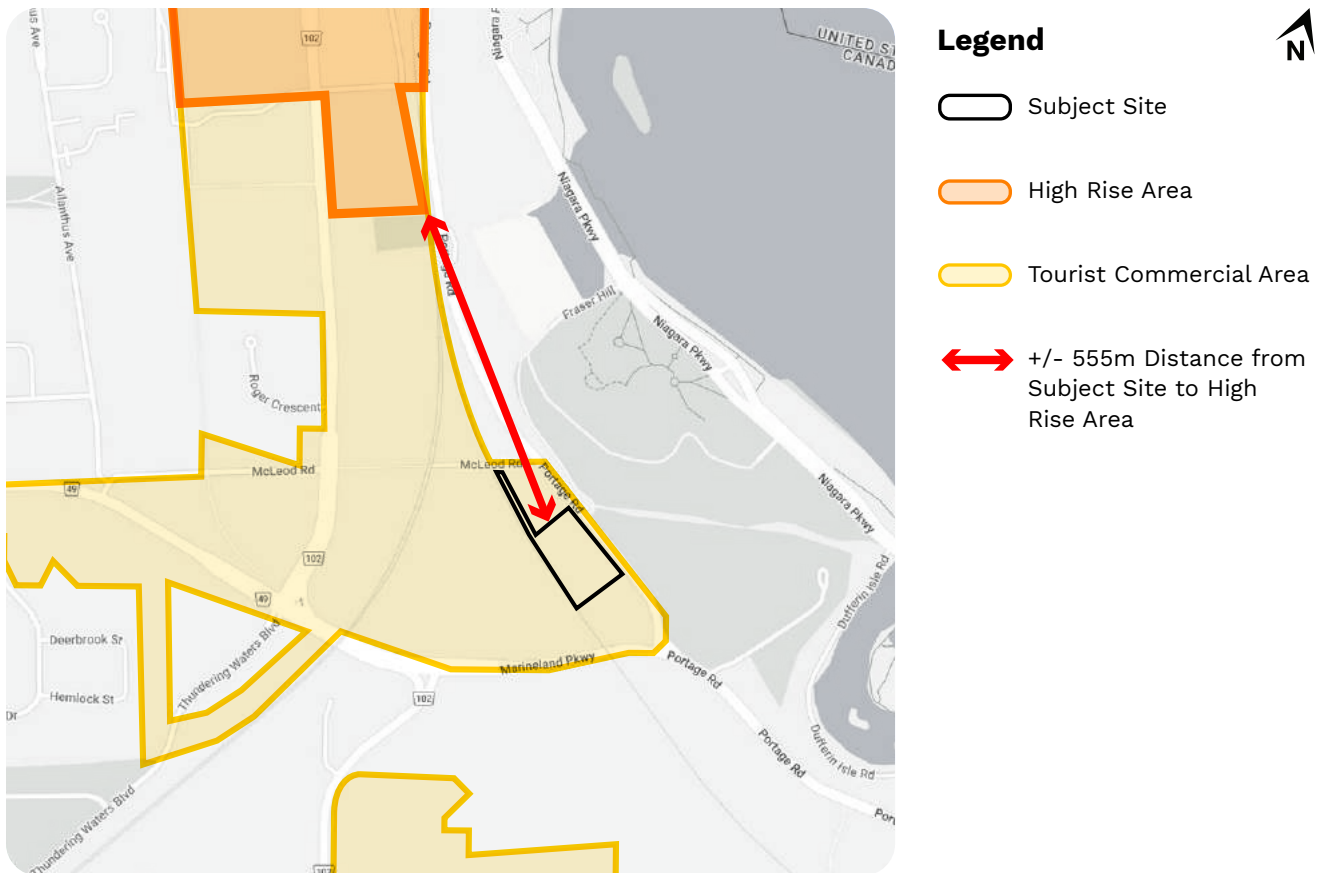


Figure 23 - Height Strategy Context Map

The subject site is not located within the *High-Rise Strategy Area*. However, the site is located approximately 555 metres to the south of the *High-Rise Strategy Area* and is within the *Fallsview Central Tourist Subdistrict*. In this regard, the subject site is within an area of the City intended as the primary location for high-rise multiple-family residential developments.

In terms of building heights, the high-rise strategy area has recently seen approvals for heights well beyond the 30-storey mark, including recently approved developments at 6680 Stanley Avenue, just around 440 metres to the northwest (60 Storeys), and 6609 Stanley Avenue just 1 kilometre to the northwest (72-storeys). Therefore, at 25 and 35-storeys, the proposed development will start to fill in the tall building gap at the south end of the City forming the southern extent of where high-rise buildings have been planned.

As set out in policy 4.4.2, the maximum heights identified on the Height Strategy map are allocated if a proposed development meets the following criteria

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

Reference is made to Policy 4.4.4 above, which speaks to Council's right to authorize the use of Section 37 agreements in approving increased height permissions to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture, and the provision of landscaped open space.

We note that the City is in the process of approving a Community Benefits Charges ("CBC") By-law, which will supersede the previous Planning Act permissions for a Section 37 Agreement. Under the new CBC regime, developers will need to pay Community Benefits Charges in the amount of 4% of the Value of the Land that is the subject of a development or redevelopment on the day

before the first building permit is issued in respect of the development or redevelopment in return for the increase in height. Alternatively, also under the CBC regime, the Community Benefits Charge otherwise payable would be reduced on a proportionate basis based on the percentage of the building comprised of the Gross Floor Area for the types of development or redevelopment set out in section 1 of Ontario Regulation 509/20 to the Planning Act.

The mechanism for getting the increase in height and density will, therefore, be determined later in the application process by City staff.

Furthermore, the City also allows high-rise buildings on lands designated Tourist Commercial, so long as various design controls have been established and implemented. According to Policy 4.4.5, this is to ensure that high-rise buildings do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level.

Policy 4.6.11 states that applications will be considered for Official Plan Amendments for proposed developments in excess of the 30-storey height limit set out in the Official Plan, where the proposal demonstrates that no adverse impacts will be created due to the additional height.

Massing

Policy 4.4.6 provides that high-rise developments are not to overwhelm the public realm or create a solid wall at the top of the escarpment. Tall buildings should reduce their massing and visual impact and provide appropriate gaps between buildings. As per policy 4.4.8, the regulations for scale and massing will be implemented through site specific zoning provisions for individual development projects.

According to Policy 4.4.7 of the OP, additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, design criteria for high rise buildings must be implemented for all development projects over four storeys in height based on the following principles:

- a. to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;

Parking

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

Furthermore, Policy 4.4.8 of the OP, the regulations for scale and massing will be implemented through site specific zoning provisions for individual development projects.

For the local business community to realize the full benefits of tourism, an integrated visitor circulation system needs to be established. Such a system should be designed to accommodate large numbers of visitors who have parked their cars for the day to explore the City as pedestrians. In this regard, the subject site is located just outside the area identified as being subject to Policy 4.5.2.3 on Figure 5 – Parking of the OP (see **Figure 24**). As a part of the proposed Official Plan Amendment, the subject site would be brought into this area. Accordingly, Policy 4.5.2.3 states that:

While it is the intent of this Plan to ensure that adequate off-street parking is provided for all development, consideration may be given to the elimination of parking requirements for non-accommodation uses within the area shown on Figure 5. Exemption from parking requirements shall be implemented through an amendment to the Zoning By-law.

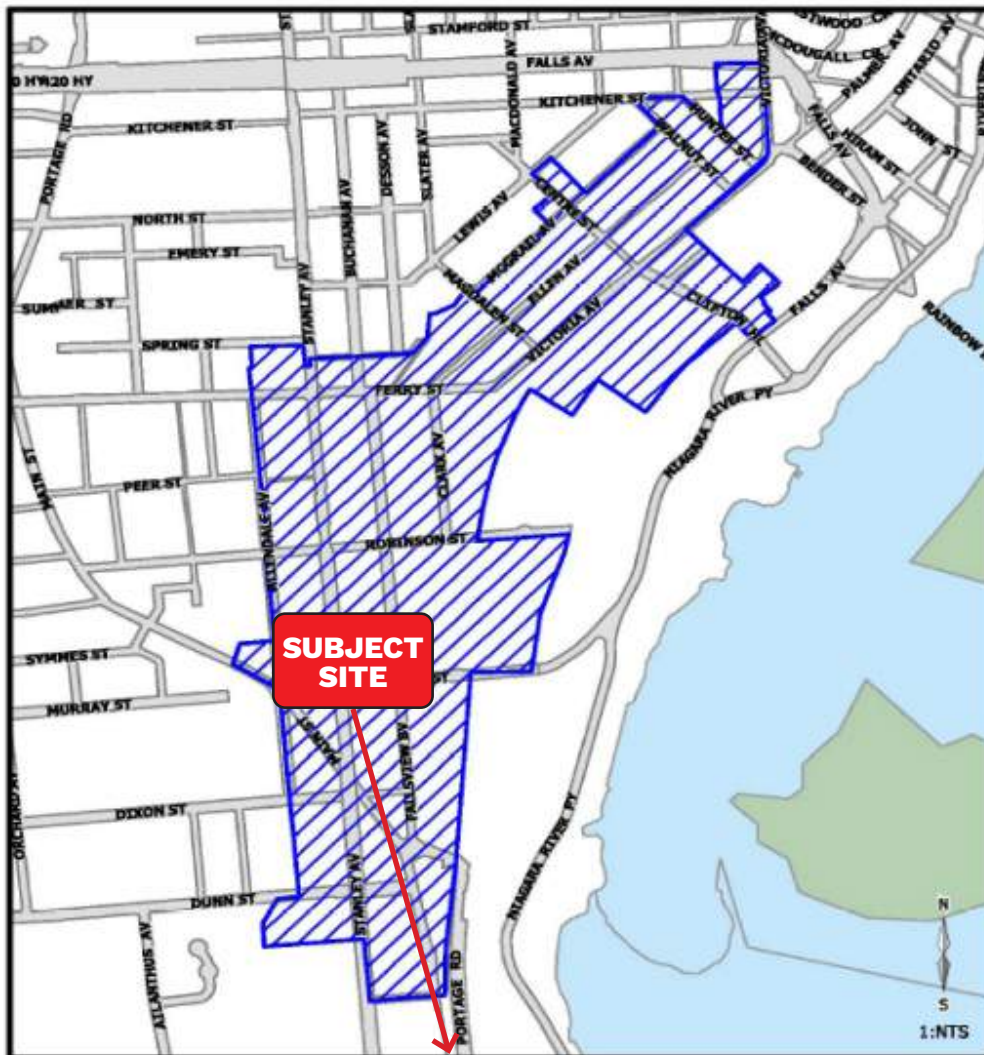


Figure 24 - NFOP Figure 5 – Parking

Roads

Schedule C – Major Roads Plan identifies both Portage Road and McLeod Road as City Collector Roads (**Figure 25** - Schedule C). As set out in Part 3, Policy 1.5.18, Collector Roads include all roadways under the City’s jurisdiction that are designed to accommodate moderate to high volumes of medium distance traffic between the Arterial Road and Local Roads. The roadways in this classification are generally undivided with two lanes which will allow the addition of turning lanes, bicycle paths, bus lay-bays and shelters, landscaping, sidewalks and utility corridors. Traffic and parking controls should be considered. Access to abutting properties should be regulated to ensure that the normal flow of traffic and pedestrian safety is not adversely impacted.

Policy 1.5.27 provides policy direction with respect to Collector Roads and says that direct frontage development may be permitted but all points of access to such roads are to be in accordance with requirements of the City. Access may be permitted to Local Roads, subject to the approval of the City.

Policy 1.5.34 identifies specific road right of way width requirements, identifying Portage Road for a 26 metre right of way. The portion of McLeod Road adjacent to the subject site is not specifically identified in the policy. Accordingly, the proposal has accounted for equal road widening along the Portage Road frontage.

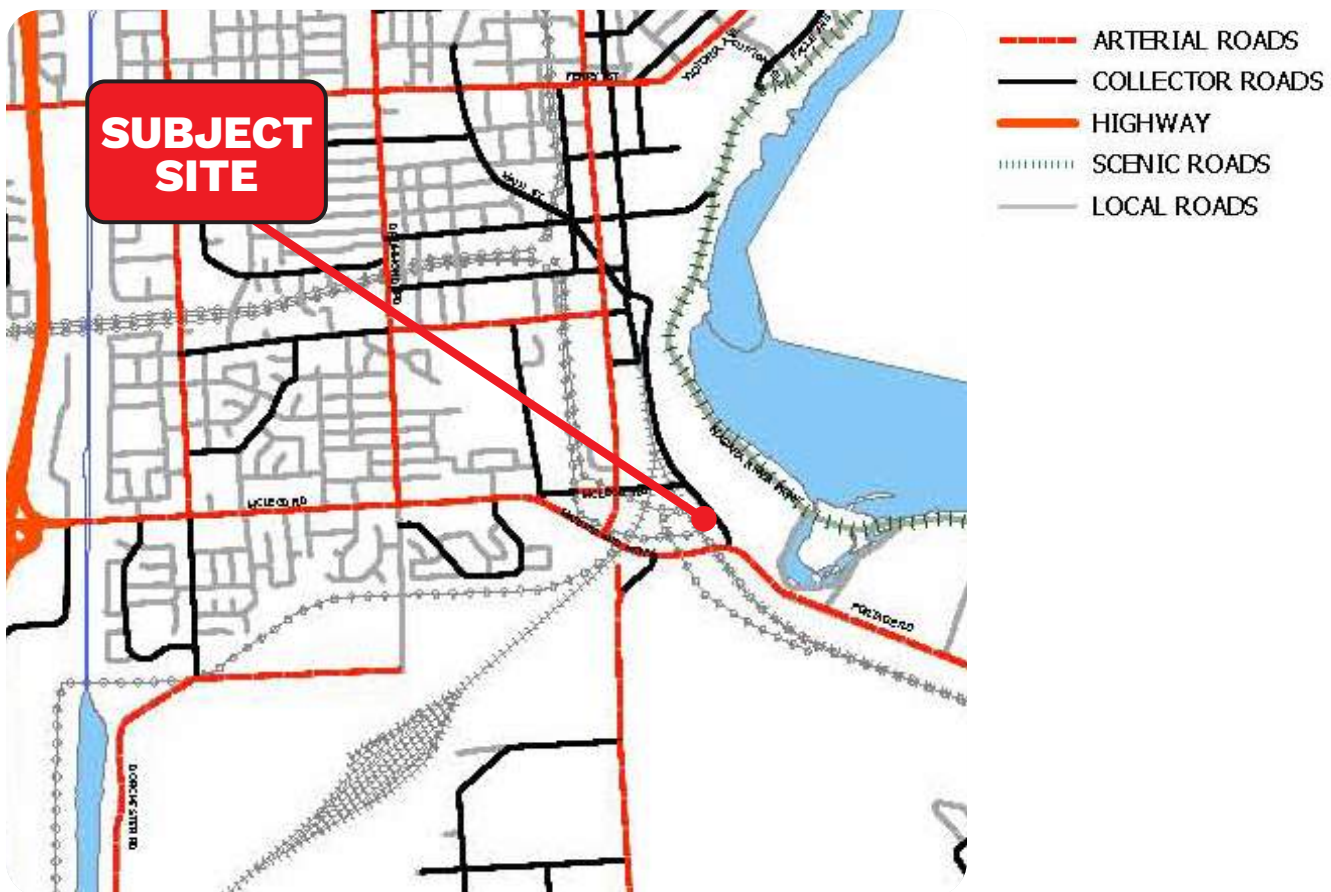


Figure 25 - NFOP Schedule C – Major Roads

Urban Design

It is the intention of the OP to create compact, interconnected, pedestrian-oriented and transit-supportive communities, through the built environment, which consists of public and private properties designed to work harmoniously together.

Policy 5.1 of Section 3 provides that new development and redevelopment shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City. Development should integrate and be compatible with the surrounding area, including natural and cultural heritage features. Additionally:

- The design of new development shall address height, setbacks, massing, siting, and architecture of existing buildings, to ensure compatibility (5.1.1)
- Development shall be designed and oriented to pedestrians, and here a development includes multiple buildings, the buildings should be designed to allow pedestrians to move between buildings with minimal interference from traffic (5.1.2)
- Development shall be designed to minimize microclimatic impacts (5.1.3)
- New development should be designed and sited to minimize the obstruction of scenic view and vistas (5.1.4)
- Parking areas should be minimized within the front yard of development sites, and should be in rear of side yards of development, with sufficient landscaping to buffer (5.1.5)
- Parking structures or underground parking are encouraged for large tourist commercial and high-density residential development (5.1.6)
- The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be encouraged. Access points shall be oriented toward major roadways. (5.1.7)

4.7 City of Niagara Falls Zoning By-law 79-200

Pursuant to Zoning By-law 79-200, as amended, the subject site is zoned Tourist Commercial "TC" on Sheet D5 of Schedule "A" (see **Figure 26** - Zoning By-Law 79-22 - Sheet D5).

The TC (Tourist Commercial) zone permits a wide range of entertainment, retail and service commercial uses, restaurants, convention centres, hotels, motels, and tourist businesses. Notably, apartment dwellings are not permitted. The maximum permitted height is 12 metres, which is roughly equivalent to 4-storeys, and the maximum lot coverage is 70%. There is no maximum floor area. A maximum floor area of 400 square metres per retail unit applies, with a total maximum retail store area of 3,530 square metres. A minimum rear yard of 10 metres applies. Finally, parking is required to be provided at A rate of 1.4 parking spaces per residential dwelling unit.



Figure 26 - Zoning By-Law 79-22 - Sheet D5

4.8 City of Niagara Falls Tourist Area Design Guidelines

The City of Niagara Falls Tourist Area Design Guidelines are the primary implementation tool of the Tourist Commercial policies of the Official Plan. It includes a merger of two previous documents, the Tourist Area Development Application Guide and the Implementation Handbook, both of which contain urban design guidelines and implementation policies. The Design Guidelines are comprised of two parts: Part 1 – Development Review Process, and Part 2 – Architectural Design Guidelines and Review. The purpose of the Tourist Area Design Guidelines is to provide a comprehensive reference manual to urban design principles that will be used to evaluate future development proposals in the City's Tourist areas.

The Official Plan requires the Architectural Design Review be prepared by the project architect for buildings greater than 4 storeys in height to include an explanation of how each design criteria have been met or an explanation of the deviation from the criteria outlined in the review and how mitigation measures will be applied.



5

Planning & Urban Design Analysis



5.1 Intensification

The proposed development and intensification of the subject site is supportive of policy directions articulated in the Provincial Policy Statement, the Growth Plan, the Region of Niagara Official Plan, and the City of Niagara Falls Official Plan, all of which promote directing intensification to sites within the built-up area that are well served by municipal infrastructure.

The intensification proposed for the subject site is in keeping with the intensification policies of both the Provincial Policy Statement and the Growth Plan for the Greater Golden Horseshoe. The Growth Plan encourages intensification generally throughout the built-up area.

Policies in both the Regional and Local Official Plan also set out provisions for intensified development, for sites such as this that are located within the Built-Up Area, are designated for intensified development, and are well serviced by existing infrastructure. The Region's Built-Up Areas are expected to accommodate a significant portion of the Region's future and long-term population and employment growth, particularly through intensification, as per policies 4.A.12, 4.A.1.6, 4.C.1.1, 4.G.7.2, and 4.G.8.1. This is carried forward in the New NROP, which sets even more rigorous targets for growth. In this regard, the proposed development will help accommodate the Region's forecasted population growth to the year 2051 while alleviating some of the intensification pressure in the Region.

This directive for intensification on site is further reinforced in the City of Niagara Falls Official Plan, where opportunities for increased densities within the built boundary must be provided to make efficient use of existing infrastructure. In particular, lands designated as *Tourist Commercial* are intended for compact growth to realize the full potential of each tourist district, as set out in Part 2 (Land Use Policies), Section 4 (Tourist Commercial), and specifically Policy 4.2.8 of the OP.

In this context, the current use of the Subject site, being primarily vacant, represents a considerable underutilization of land and infrastructure within an area intended for growth and intensification. The proposed development is appropriate and consistent with the City's vision for the creation of a world-class tourism destination in the form of a modern urban centre in proximity to impressive natural features.

The OP also acknowledges that consideration for development proposals for increases in height and density beyond what is currently permitted is necessary and desirable in order to achieve economic goals and utilize land, services and infrastructure efficiently. While the Official Plan restricts building heights in the tourist area to four storeys, Part 2, Section 4, Policy 4.4.2 provides that sites designated as "High Rise" are eligible for additional building height of up to 30 storeys, considered through site-specific zoning by-law amendments.

While the subject site is not within the "High-Rise" area, it is directly south of such an area and would form the natural southern limit of where high-rise built forms have been planned. We believe that developing the site for a high-rise built form, is not only appropriate for the site, but makes for a logical extension of the tall building forms in the City's *Central Tourist District*, while making significantly better use of a vacant parcel within the *Urban, Built-Up Area* of the City.

From an evolutionary standpoint, the Central Tourist District of Niagara Falls has started to see approvals for buildings much taller than 30 storeys. In this regard, building approvals just northwest of the subject site have seen recent height permissions of up to 60 and 72-storeys. In our opinion, the proposed development would not only intensify the site from an efficiency perspective but would provide intensification at heights appropriate to their surrounding context, forming a logical increase in height as you move from the site to the north.

Overall, the proposed development represents an opportunity for increased density within the Built Area Boundary, thereby making more efficient use of existing land, infrastructure, buildings, and available transit.

5.2 Land Use

The applications will permit the transformation of the subject site from its current use as an underutilized vacant lot with undesirable surface parking and outdoor storage, to a compact, pedestrian-oriented development which will accommodate over 600 new residential units, all focused around an attractive and unique podium and outdoor amenity space that blends into the surrounding natural landscape. The resulting new residential units will contribute to the City's housing stock, help to accommodate some of the City's forecasted population growth, make the Tourist District a more complete community, and create a landmark development at a key gateway location into the Tourist District.

The proposed residential uses are permitted by the applicable regional and local Official Plan policies, including the Tourist Commercial land use designation. Specifically, Part 2, Section Policy 4.2.9 of the OP states that standalone residential uses are a permitted use within the *Tourist Commercial* Designation, which help in creating a complete community.

In this regard, the development of the site for high-rise residential uses is part of a desirable process of urbanization that will result in a more intensive form of transit-supportive development and contribute to a more animated and pedestrian-oriented urban streetscape along Portage Road. It will also create a gateway into the Tourist District through an elevated architectural design with elegant towers. The proposed building heights and massing are much lower and less dense than those to the north, deeper into the Fallsview District. This is achieved through a shorter podium and larger separation distances between the towers and from the towers to the street edge and surrounding sites. From a land use perspective, the addition of residential uses at the edge of the Tourist Commercial designation is appropriate and desirable and will achieve numerous policy objectives including:

- Intensification of an underutilized site with transit-supportive densities.
- The creation of new apartment housing in the Queen Victoria Neighbourhood.
- Provision of additional ridership to support Niagara Falls Transit Services.
- Contribution to meeting the population forecasts and intensification targets in the Growth Plan, ROP, and OP.
- Improvements to grade-level conditions and pedestrian amenities along Portage Road, including the implementation of the City's Vision for a Grand Boulevard.
- The creation of an attractive new development at a gateway location into the City's Tourist District.

The proposed residential uses are supported by amenities including commercial amenities such as retail, service commercial and restaurants, employment uses in the Tourism District and employment lands to the south, schools in the Drummond Heights neighbourhood to the west, entertainment uses in the Tourist District, and numerous recreational facilities adjacent to the site within the Niagara Parks Commission lands to the north and east. Some of the public service facilities that would be utilized by the residents of the subject site include: Queen Victoria Park to the east; the Thundering Waters Golf Club to the west; Heximer Avenue, James Morden, and Princess Margaret Public Schools and Stamford Collegiate to the west and northwest.

Based on the foregoing, it is our opinion that the proposed residential apartment land use is appropriate, desirable and conforms with the land use permissions in the ROP and OP.

5.3 Height, Massing and Density

In our opinion, and as noted in Section 5.1 above, the subject site is an appropriate location for intensification from a land use policy perspective. From a built form perspective, it is our opinion that the proposed building heights and massing would “fit” harmoniously with other existing buildings in the vicinity of the subject site and within the Central Tourist District.

The subject site is near several recently approved high-rise buildings directly to the northwest at 6680 Stanley Avenue, where buildings of up to 60 storeys in height have been approved, and at 6609 Stanley Avenue where a maximum building of up to 72 storeys has been approved. The heights of existing and proposed buildings within the Fallsview Subdistrict are provided below, which is a reduced version of the Table 1 above:

Table 2 - Approved Building Heights within Surrounding Context

Address	Height	Status
6680 Stanley Avenue	39, 45, and 60 Storeys	Approved
6683 Stanley Avenue	3 x 30 Storeys	Approved
6609 Stanley Avenue	72 Storeys	Approved
6740 & 6760 Fallsview Boulevard	25 storeys	Under Review
5587, 5591, 5609, 5619, 5627 and 5637 McLeod Road	8-storeys (28m)	Approved
The Mist Condos (South side of McLeod Rd, east of Ailanthus Avenue)	8 storeys	Approved
5975 McLeod Road	7-storeys (23m)	Approved

The subject site is located within the *Fallsview Central Tourist Subdistrict*, which is the primary location for high-rise multiple family residential developments in the Tourist District (see Policy 4.2.21 of the OP).

In this regard, it is our opinion that the site is an appropriate location of additional height given its location within the *Fallsview Central Tourist Subdistrict*, its location at a gateway location at the entrance into the Tourist District, its location on the principal “Grand Boulevard” and collector road, the site’s size and shape that can comfortably accommodate the proposed towers, and its ability to mitigate any potential built form impacts.

In our opinion, the proposed development represents an opportunity to develop a site at a gateway location into the Tourist Commercial District. The development will more efficiently utilize a vacant parcel of land within the Built-Up Area of the City and introduce a unique and interesting built form into an area that blends into its surrounding natural landscape. The built form adopts an exceptionally well-design-built form that will enhance the streetscape with a unique podium and elegant towers that anchor the entrance into the District. In our opinion, the proposal directly responds to Policy 4.1.2 of the OP, which directs that the Central Tourist Area will achieve a high-quality tourist environment which promotes high standards of building design. The proposed building features an innovative, high quality building design which will promote this vision and create an attractive addition to the Niagara Falls skyline.

Policy 4.1.23 of the OP directs that new high-rise buildings shall be of variable heights and mass, and the proposed buildings provide this variety by providing lower building heights than those proposed to the north and significant variance in height between the two proposed towers on the subject site (25 & 35 storeys). The proposed building heights also support Policy 4.1.24 b), by providing a transition of building heights from the tallest buildings to the north within the Tourist Core to the mid-rise scale buildings proposed along McLeod Road to the southwest of the Subject Site. The proposed towers and their associated heights are generally lower in scale than existing and proposed buildings to the north, reflecting the sites location at the edge of the District. In doing so, the proposed height will provide a gateway into the Tourist District and blend into the surrounding natural landscape with generous setbacks to the surrounding lands, all while accommodating a significant amount of residential intensification within the Central Tourist Zone and *Fallsview Central Tourist Subdistrict* as envisioned in the OP.

The proposed podium levels provide for an interesting a pedestrian-scale height ranging from the street level to 3 storeys. Further, the podium levels and above-grade parking structure are proposed to be clad in an innovative living wall and green roof, minimizing the visual impact of the podium, and creating an illusion of two towers rising from the edge of the escarpment when viewed from the opposite side of the Niagara River or from Queen Victoria Park (see **Figure 27**).

Not only will the buildings create an interesting and unique design for the site, but they will contribute to the creation of the City's internationally recognizable skyline, which steps up to the centre of the Tourist District. This innovative, high quality architectural design also integrates the proposed development with the natural areas near the site while shielding the proposed parking uses within the podium levels and creating an attractive urban form and unique architectural design in line with the objectives of the OP for the *Fallsview Central Tourist Subdistrict*. The proposed towers are slender and 753 square metres and are well separated from each other, the street, and interior property lines.



Figure 27 - View 2 from the VIA (Prepared by Giannone Petricone Associates)

5.4 Built Form Impacts

From a massing perspective, the proposed building design is appropriate given the range of building forms both existing and approved for the area to the north and forming a logical extension of heights which get reduced toward the site as the southern periphery. As well, there are no concerns with overshadowing, as all residential and institutional uses are far enough away from the site, that they will be protected from the effects of their height.

Consistent with Policies 4.4.6 and 4.4.7 of the Official Plan, the proposed building massing is designed to reduce impacts on the at-grade public realm, mitigate against a solid wall of development at the top of the escarpment, and ensure proper building step backs are provided at various levels of the base and tower components.

From a density perspective, it is our opinion that the proposed density of 4.05 FSI and 501.4 units per hectare is appropriate and desirable. Firstly, it is appropriate and desirable from a planning policy perspective to optimize density on the subject site, given its location within the *Fallsview Central Tourist Subdistrict*, where the highest densities are directed, its access to transit and its surrounding land uses. Accordingly, it is reasonable to establish appropriate densities for the subject site based on specific built form design, context and urban structure considerations, rather than on the basis of density numbers alone. In this regard, Policy 3.2 of Part I of the OP states that development or redevelopment in the Tourist Commercial District shall meet the **minimum density requirements** (our emphasis added) for a high density development as permitted in Part 2, Section 1.15.5(iii), which establishes a minimum net density of 75 units per hectare. It is our opinion, that the OP purposely does not establish a maximum density for any development in the Tourist Commercial District as it seeks to optimize development and encourages the intensification of the District for residential purposes in order to expand the range of uses and add a permanent population.

Light, View and Privacy (LVP) impacts are generally dealt with through a combination of spatial separation, orientation, and mitigating measures between buildings. In our opinion, although the proposed buildings fall outside of the area identified for additional building heights in the high-rise strategy area of the OP, the LVP impacts are acceptable for the proposed buildings.

The proposed development is generally surrounded by non-residential uses today, with a hydro substation located to the south, a spur line rail corridor and abandoned hydro buildings to the west, vacant land to the north, and Queen Victoria Park, the Floral Showhouse, and a golf course to the east. The vacant parcel, abandoned hydro infrastructure, and hydro substation are not sensitive to LVP impacts at this time, and are likely to be redeveloped at some point in the future with similarly scaled uses to what are proposed on the Subject Site. The closest residential uses are located to the southwest, and adequate distance is provided between the subject site and the residential uses to assure adequate access to light, views, and privacy.

Further, given the relatively green immediate context of the proposed development, particularly the golf course and Floral Showhouse and treed moraine to the east of the site, the podium has been designed to be respectful of those features. Using features such as a living wall and green roof system to provide a "green" architectural expression, this innovative design scheme will create strong references to the natural context around the subject site while also create a strong visual connection and transition to these sensitive natural features.

As a matter of good urban design practice, a minimum distance of 11 metres is generally used as an appropriate separation distance between main windows of low- and mid-rise residential buildings (or 5.5 metres to side and rear property lines). For tall buildings, a separation distance of 25 metres between tower faces, measured to the external walls of the building (i.e. balconies are permitted within this setback zone) is generally used as an appropriate separation distance. In this regard, the proposed buildings significantly exceed these standards and include setbacks in excess of 15 metres from the occupied mid-rise elements to side and rear lot lines, while the towers are pulled far apart (34 metres) from each other and include significant (37 and 31 metres for one tower and 15.7 and 19.8 metres for the other) setbacks that provide large tower separation distances. Accordingly, it is our opinion that the proposed buildings have been organized in a manner that will provide adequate separation distances to adjacent buildings.

Views

Policy 4.1.23 of Part 2 of the OP states that “new high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls”. In order to analyze the proposal against the aforementioned policy, a Cultural Heritage Impact Assessment was prepared by MHBC, dated August 2022 (the “CHIA”), and includes photos of the site and surrounding area from several vantage points including views from Queen Victoria Park, the U.S. side and the City side of the falls. These photos have stitched in a massing of the proposal in order to analyze the potential view impact. The CHIA concluded that the proposed development will contribute to the growing skyline of Niagara Falls and will not form a continuous wall and will not create a significant impact to views. We agree with the CHIA’s findings and will add that the proposal does not interfere with the natural landscape of the escarpment and will instead create new tower elements projecting behind and above the escarpment. This is consistent with other views further to the north and within the Tourist Commercial District.

Shadow Impact

In order to assess shadow impacts of the proposed development, a Shadow Study was prepared by Giannone Petricone Associates Inc. Architects. The Shadow Study illustrates the shadow impacts for June 21 and September 21 at the hours of 10:00 am, 12:00 pm, 2:00 pm, and 4:00 pm to assess the incremental shadow impact of the proposed buildings. From a policy perspective, the OP provides that within the Tourist Area residential and institutional uses will be protected from the overshadowing effects of tall buildings (Policy 4.1.24 c), extensive shadowing on residential areas, public streets and open spaces/green spaces (Policies 4.4.5 and 4.6.11), excessive shadowing on City streets (Policy 4.4.7), high-rise developments located to minimize physical extent and duration of shadows on surrounding land uses (Policy 3.1.2.3).

In this regard, the Shadow Study shows that there would be no impact on residential land use. Regarding public streets, new shadows are cast from the proposed development onto the Portage Road right-of-way beginning at 10:00 am. These shadows are thin and fast moving, given the slender tower floor plates of the proposed towers. Accordingly, it is our opinion that the shadows created by the proposed development are not extensive nor excessive, since they do not create

shadows for long periods of the day in the same location. Similarly, the nearby open space and green spaces to the east (escarpment and Niagara Parks Commission lands) will have thin shadows starting at 2:00 pm on September 21st and moving quickly through the remainder of the day. It is our opinion that these shadows are adequately limited and do not create extensive shadows on open and green spaces. Finally, with respect to the surrounding land uses, it is our opinion that the shadows cast from the proposed development are minimized and will not create any unacceptable impacts. In this regard, the lands to the south are not impacted by the shadows produced from the subject site and the vacant lands to the west and north are limited to shadows occurring for short periods of time (before noon for lands to the west and between noon and 2pm for lands to the north).

Wind and Mist

Rowan Williams Davies & Irwin Inc. (“RWDI”) was retained to conduct a qualitative assessment of the pedestrian wind conditions expected around the proposed project, and on the mist implications of erecting two high-rise buildings in proximity to the falls.

Wind

The wind assessment was based on wind-tunnel testing conducted for the proposed development site under the existing and proposed configurations of the site and surroundings. The intent of the wind study was to understand the effect that the development proposal would have on wind conditions both pre and post development in terms of pedestrian safety and comfort.

Under existing conditions, RWDI found that wind speeds at all locations are expected to meet the pedestrian wind safety criterion, and that most of the locations tested were expected to be comfortable for strolling or walking during the summer. During the winter season, uncomfortable conditions are already present on and around the site.

Under the proposed configuration, RWDI found that wind speeds at most locations will meet the pedestrian wind safety criterion, while some safety exceedances are expected in the areas between the towers, and at the northern corners of Tower B podium. As well, some uncomfortable wind conditions were predicted in these areas during the summer, with additional uncomfortable locations during the winter, including the southern corners of Tower A podium and several off-site locations.

However, the potential wind impact of the proposed project is found to be localized to on-site areas and no significant wind impact is expected for off-site areas. The uncomfortable and unsafe wind conditions are primarily caused by local wind climate and site exposure.

To improve these wind conditions, RWDI has recommended potential wind control measures that may include:

- Re-configuration of the breezeway between the towers so that it is not aligned with the prevailing southwest winds;
- Locate the main entrances to sheltered/recessed areas where lower wind speeds are expected;
- Consider local wind screens and trellises for entrances, pick-up/drop-off, and other pedestrian areas; and
- Include landscaping or other features around the southern corners of Tower A podium and the northern corners of Tower B podium to keep pedestrians away from these windy areas.

The recommended wind control measures should be applied at the required site plan control stage.

5.5 Urban Design

In our opinion, the proposed building design and site organization conforms with the applicable built form and urban design policies of the City of Niagara Falls Official Plans as well as the Tourist Area Design Guidelines. The development proposal is supportive of creating compact, interconnected, pedestrian-oriented and transit-supportive communities. Further, the proposed development builds on the Official Plan's goals of creating a modern urban centre located within the area's landscaped and natural features while building on the Central Tourism district's role as the focal point for tourism activities in the city.

Consistent with Policy 4.3.5 and 4.3.10, the proposed development will implement an improved public realm along its Portage Road frontage, introducing new sidewalks and landscaping. These improvements are in line with the OP's vision for the Grand Boulevard, helping to improve the linkages between Tourist Districts, creating a prominent street frontage and ensuring there are no barriers which restrict the movement and circulation of visitors. Furthermore, the unique podium design will further enhance the "Grand Boulevard" concept at a gateway location.

The proposed development creates a strong architectural statement, supportive of policy 4.4.1 of the OP, which directs for high-quality private developments which complement and enhance the public realm. The unique cladding system proposed on the podium levels integrate the proposed development with the surrounding landscape and public realm, while accommodating for anticipated future growth in the area which will create a more urban environment in the fullness of time.

Consistent with Policy 5.1 of Section 3 of the OP, the proposed building utilizes streetscaping and landscape design to improve the built and social environment of the Fallsview Subdistrict.

Consistent with Policies 5.1.1 and 5.1.2 of Section 3 of the Official Plan, the proposed building heights of 25 and 35 storeys is compatible with other existing high-rise buildings or structures in just to the north, transitioning upwards towards the core. The proposed cladding of the podium attempts to integrate the building into the surrounding natural environment, and the podium height up to 3 storeys is respective of a pedestrian scale.

Over time, it is anticipated the more of the underutilized parcels surrounding the subject site will intensify and urbanize, developing in a manner like the proposal with a higher and more dense urban built form that continues the Grand Boulevard concept with a green corridor.

The proposed development's massing and siting has been sensitively designed to avoid a continuous wall at the escarpment edges by providing setbacks to the podium and extensive setbacks to the tower above the podium and separating the building podium into the double helix shape, connected by a common amenity bridge. The proposed development will also contribute to a well-designed and internationally recognized skyline with its unique architectural design, including the earth-form podium levels, distinct oblong tower forms, vertical strips to express the tower's verticality, angled roofline, and high quality of landscape design.

As addressed in section 5.3 of this report, the proposed development is expected to produce satisfactory wind conditions on and adjacent to the site, satisfying the requirement for of minimizing impacts on microclimatic conditions in Policy 5.1.3 of Section 3 of the OP, with limited refinements to the design at the future site plan control stage.

Policy 5.1.4 of Section 3 the OP provides that new development should pay special attention to high quality design and landscaping in gateway locations and be designed to minimize the obstruction of views and vistas. The proposed development features a strong, iconic architectural expression which well serves its location along the southern portion of the *Fallsview Central Tourist Subdistrict*, close to Marineland Parkway, a designated gateway to the wider Central Tourist District. Further, the proposed cladding on the podium and orientation of the towers to be narrower on the east and west building faces, minimizing the visual impact when viewed from Queen Victoria Park, or from the United States. Overall, the design of the building allows it to integrate with the surrounding environment.

As parking within the proposed development is proposed to be located within an underground parking structure and aboveground garage which will be appropriately shielded from the public realm, the proposed development satisfactorily addresses the requirement of Policies 5.1.5 and 5.1.6 of Part 3 of the OP to minimize the impact of parking areas on the public realm.

Giannone Petricone Associates Inc. have completed the architectural design review form, which demonstrates how the proposed development conforms to the City's Tourist Area Design Guidelines.

5.6 Transportation

Paradigm Transportation Solutions Limited ("Paradigm") was retained to conduct a Transportation Impact Study and Parking Study for the proposed redevelopment. The purpose of the study was to determine the net impacts of the development traffic on the surrounding road network, document the adequacy of the proposed parking supply, and identify any improvements, if needed, to support the development of the Subject Site. Detailed traffic analysis was conducted for each of the study area intersections under Base traffic conditions and 2031 Background and Total traffic conditions.

Transportation Impact Study

The proposed development is projected to generate approximately 156 new vehicle trips during the weekday AM peak hour, 185 new vehicle trips during the weekday PM peak hour and 217 new vehicle trips during the Saturday peak hour. The capacity analysis showed that the study area intersections are not expected to experience significant impacts to operations as a result of the proposed development.

Overall, the study found that the intersections will operate with acceptable levels of service with spare capacity available and off-site mitigation measures are not required to facilitate the development proposal.

Parking Study

Parking requirement for the development under the City of Niagara Falls Zoning By-Law requires a rate of 1.40 spaces per unit, which equates to 858 spaces. The proposed site provides for a total of 779 parking spaces, equating to a parking ratio of 1.25 space per unit.

The City of Niagara Falls requires on average 35% more parking to be provided for the residential component of this development than would be required by the Town of Oakville, City of Welland and City of Hamilton that have adopted new parking requirements.

A parking supply rate of 1.25 spaces per residential unit, for a total of 779 parking spaces is appropriate and supportable for the proposed development. Data extracted from the Transportation Tomorrow Survey (TTS) indicate vehicle ownership rates for apartment dwellers is 0.74 vehicles per household. This suggests an occupant parking supply of 461 would be sufficient. With 779 spaces proposed, the forecasted demand is less than the proposed supply.

Further, Proxy site survey data suggests a parking demand rate of 0.90s paces per unit. The forecast parking demand for the subject site is 561 spaces. With 779 spaces proposed, the forecasted demand is less than the proposed supply. As a result, the study concludes that the 779 spaces proposed are adequate to accommodate the forecasted parking demand.

Based on the findings of the study, and upon full build-out of the proposed development, the following recommendations were made to accommodate the proposed development:

- The site's TDM program be implemented and monitored overtime to help manage the site's transportation and parking impacts.
- It is recommended that signage and pavement markings be provided on the driveway approaches to identify the one-way travel directions.
- The road authorities should continue to monitor and adjust traffic control signal timings to reflect changes in real world traffic volumes.

5.7 Servicing

MTE Consultants Inc. ("MTE") were retained to complete the site grading, servicing, stormwater management design as well as the Municipal Servicing Study for the proposed development. The conclusions from MTE's Municipal Servicing & Stormwater Management Report are presented below:

Stormwater

The proposed condition drainage area is delineated by four (4) catchment areas. Since the proposed building comprises the majority of the site, stormwater will be collected by area drains and an internal storm piping system within the building that will capture and convey flows to the existing 300mm diameter storm sewer along Portage Road. A proposed storm tank complete with a pump within the underground level of the proposed building will be constructed to control the proposed conditions 100-year discharge rate to the existing 5-year release rate.

The 100-year proposed condition peak discharge rate draining to Portage Road is less than the allowable 5-year release rate. The 100-year proposed condition peak discharge rate draining to the railway lands, is also less than the existing 5-year release rate. Therefore, the overland sheet flow to the railway lands will not detrimentally impact the railway lands and improves the existing condition.

The analysis indicates the following:

- The total proposed condition 100-year storm peak discharge rate to Portage Road is less than the existing condition 5-year storm event peak discharge rate;
- The total proposed condition 100-year storm peak discharge rate to the railway lands is less than the existing condition 5-year storm event peak discharge rate; and

- Sufficient storage volume is provided within the underground storm tank to contain the 100-year storm event for the contributing catchment area. The final storage volume provided will be refined in the detailed design stage.

Water Quality Control

Stormwater quality control for the site will be provided by a Stormceptor oil-grit separator (OGS) unit (or approved equivalent) and that will be installed to treat the runoff produced from the asphalt surfaces that vehicles drive on. The OGS unit is to be installed prior to stormwater entering the underground stormwater tank within the building basement. The building roof, landscape and sidewalks that are used for foot traffic can generally be considered clean.

The analysis indicates that a Stormceptor EF04 will provide 96% TSS removal. Due to grading constraints and the nature of the proposed development with the underground parking and building covering the majority of the subject site, there are limited opportunities for proposed low impact development (LID) features on the site.

Sanitary Servicing

The proposed building will be serviced by a 250mm diameter sanitary service at 1.0% slope with

a full flow capacity of 59.5 L/s that will connect to the proposed 250mm diameter sanitary sewer within the Portage Road ROW. The proposed sanitary sewer designed within Portage Road have slopes of 0.5% and 0.35% with full flow capacities of 42.0 L/s and 35.2 L/s respectively. The existing pipe downstream of MHJ servicing the Oak Hall property is a 250mm diameter sanitary sewer at 0.40% with a full flow capacity of 37.6 L/s. The calculated sanitary peak discharge rate of 18.78 L/s (per Table 3.2) is about 50% of this pipe's capacity and it is likely the Oak Hall site generates far less than 50% of the flows. Therefore, we believe the existing infrastructure beyond MHJ has the capacity to accept the flow from this development. As with previous projects in the City of Niagara Falls, it is understood that the City will provide these flow rates to their consultant to input into the City wastewater model and verify capacity. The proposed alignment was discussed with City staff as a potential connection location during various consultation meetings.

Water Servicing

The water service for the site will connect to the existing 150mm watermain within the Portage Road ROW. The services for the proposed building will split into a dual 150mm diameter fire service and 100mm diameter domestic service at the eastern property line. At the detailed design stage, the Mechanical consultant will confirm the watermain size requirements. The City of Niagara Falls requires water distribution systems to maintain a minimum residual pressure of 140kPa (20psi) when subject to fire flow demands and 275kPa (40psi) when subject to normal operating conditions. A hydrant flow test will be required during detailed design to confirm that the available system pressure meets these requirements.

However, we note a consultant specializing in testing water infrastructure and experienced in the City of Niagara has expressed concerns of the age of this cast iron watermain and that its capacity has likely been significantly reduced by internal corrosion. The consultant also suggested it may be difficult to perform a test on a hydrant of this era for fear of it falling apart during testing. As such, the 150mm diameter watermain within Portage Road ROW will potentially need to be replaced or permission from the Region is required to connect to the 675mm diameter watermain to ensure the site can be serviced adequately.



Conclusion

For the reasons set out in this report, it is our opinion that the proposed development will contribute in a positive manner to the ongoing growth and evolution of the City's Tourist District.

From a planning policy perspective, the subject site is an appropriate location for residential intensification, given its location within the Fallsview Central Tourist Subdistrict, a mixed-use area planned to higher density residential uses. The proposal conforms to the OP, which permits the proposed residential apartment uses in a high-density form.

From an urban design perspective, the towers will appropriately anchor the gateway location into the Tourist District and will significantly improve the Portage Road Streetscape and implement the City's vision of a Grand Boulevard including the addition of an interesting green podium that blends into the surrounding natural landscape. The proposed heights and form will fit into the broader urban structure of tall towers Tourist District and will have no unacceptable built form impacts on adjacent properties and public areas.

Accordingly, it is our opinion that the proposed development is appropriate and desirable and we recommend approval of the Official Plan and Zoning By-law Amendments.

