

Planning Justification Report

4965-4981 Stanley Avenue and 5516 Morden Drive

Niagara Falls, ON

January 20, 2025

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PREFACE

Upper Canada Consultants has been retained by ACK to prepare a Planning Justification Report pertaining to an application for Official Plan Amendment and Zoning By-law Amendment on lands known municipally as 4965, 4971 & 4981 Stanley Avenue and 5516 Morden Drive in Niagara Falls.

The property known as 4965 Stanley Avenue currently contains a two-storey multiple residential unit containing 3 dwellings and the property known as 4971 Stanley Avenue currently contains a 1 ½ storey building also containing 3 dwelling units. The properties known as 4981 Stanley Avenue and 5516 Morden Drive currently each contains a 1 storey single detached dwelling. The applicant is proposing to demolish all existing buildings and redevelop the subject lands comprehensively with a six-storey (6) mixed-use building containing 73 residential apartment dwelling units, and ground floor commercial space fronting onto Stanley Avenue.

The Official Plan and Zoning By-law Amendment has been prepared to amend the Official Plan designation of the property to permit higher density, and Zoning of the property from Neighbourhood Commercial (NC) and Residential 1C (R1C) to a Site-Specific Residential 5 Zone (R5). Site-specific provisions generally pertaining to deemed yards, building height, parking, minimum landscaping, lot coverage, setbacks and encroachments are requested to facilitate the proposed building design.

This Planning Justification Report provides an overview of how the application satisfies the requirements of the *Planning Act*, is consistent with the Provincial Planning Statement (2024) and conforms with the Niagara Official Plan (2022) and City of Niagara Falls Official Plan (as amended).

This report should be read in conjunction with the following reports:

- Preliminary Site Plan, Elevations and Floor Plans prepared by ACK Architects Studio Inc.
- Shadow Study prepared by ACK Architects Studio Inc.
- Planning Justification Report and Urban Design Brief prepared by UCC
- Traffic Impact Study prepared by Paradigm
- Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd.
- Transportation Noise Feasibility Assessment prepared by Gradient Wind
- Pedestrian Level Wind Study prepared by Gradient Wind
- Functional Servicing Report prepared by Hallex Engineering Ltd.

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The submitted Official Plan and Zoning By-law Amendment application pertains to lands known municipally as 4965-4971 Stanley Avenue and 5516 Morden Drive in Niagara Falls. The lands are legally described as Lots 93 to 98 and Part of Lot 99, Registered Plan 75, City of Niagara Falls, Regional Municipality of Niagara.

The subject lands are visually shown in **Figure 1** within the red outline. The three parcels of land forming the subject lands are intended to be merged in title by the owner and will eventually become one property.



Figure 1 - Context Map – Cropped from Niagara Navigator (2023)

Location of the Subject Lands

The subject lands are located on the north-east corner of Stanley Avenue and Morden Drive with legal frontages along both Stanley Avenue and Morden Drive.

The existing frontages and cumulative area for the subject lands are as follows:

- Stanley Avenue – 84.43 metres
- Morden Drive – 60.91 metres
- Arthur Street – 45.72 metres
- Site Area – 0.45 hectares

The properties are located approximately 560 metres north of the intersection of Highway 420 and Stanley Avenue, and 320 metres north of the intersection of Valley Way and Stanley Street.

Existing Land Uses

The property known as 4971 Stanley Avenue consists of a one and half storey multi unit dwelling containing 3 units. The property known as 4981 Stanley Avenue currently consists of a single-detached house. The property known as 4965 Stanley Avenue currently contains a two-storey, multiple dwelling contains 3 units. The property known as 5516 Morden Drive contains a single-storey detached dwelling. The buildings are located at the eastern end of the Morden Drive and Arthur Street block, on the western side of Stanley Avenue.

The dwellings and structures will be demolished to facilitate the development.

Photographs of the subject lands and existing uses are included as **Figures 2, 3 and 4**.



Figure 2 – 4971 & 4965 Stanley Avenue



Figure 3 - 4981 Stanley Avenue



Figure 4 - 5516 Morden Drive

Adjacent Land Uses

The subject lands are located along Stanley Avenue which is a high-volume arterial roadway that conveys traffic from the Queen Elizabeth Way (QEW) and Highway 420 to the tourism district of Niagara Falls. Stanley Avenue north of the Highway 420 is characterized by a mix of land uses, including institutional, recreational, commercial and residential. The east side of Stanley Avenue primarily contains residential dwellings, while the west side is a mix of institutional, recreational, commercial and residential.

To the north of the subject lands is an existing park (Oakes Park Stadium), a community park with active playing fields including baseball, soccer and football, running track, playground and associated parking areas.

To the east of the subject lands are existing single detached dwellings on the east side of Stanley Avenue. There is also a hydro corridor to the south of the single detached dwellings.

To the south of the property is a one-storey single-detached dwelling and an auto repair business at the south-east corner of Stanley Avenue and Arthur Street.

To the west of the subject lands are a mix of one, one and a half, and two-storey single-detached dwellings.

Photographs of the adjacent land uses are included as **Figures 5 to 8** of this report.



Figure 5 – Oakes City Wide Park - Northwest Corner of Stanley Avenue and Morden Drive – North of Subject Lands



Figure 6 – Oakes City Wide Park - Morden Drive – North of Subject Lands



Figure 7 – 4970 & 4976 Stanley Avenue – East of Subject Lands



Figure 8 – 5526, 5536 and 5546 Morden Drive - West of Subject Lands

Transportation Network

The subject lands are located along an Arterial Road (Stanley Avenue) and are within proximity to key transportation routes including Lundy's Lane/Ferry Street, Highway 420/Falls Avenue, Thorold Stone Road and the Queen Elizabeth Way Highway (QEW).

The subject lands are accessible by private automobile and active transportation (walking, cycling). There are public transit stops on Stanley Avenue at Arthur and Stanley Avenue for southbound buses and at Stanley and Morden for northbound buses.

As outlined on the provided Preliminary Site Plan prepared by ACK Architects Studio Inc., road widenings and daylighting triangles are required to be dedicated along all public frontages of the site. In anticipating of these future dedications and to ensure future zoning conformity, all zoning provisions have been prepared on the assumption that these lands have been taken.

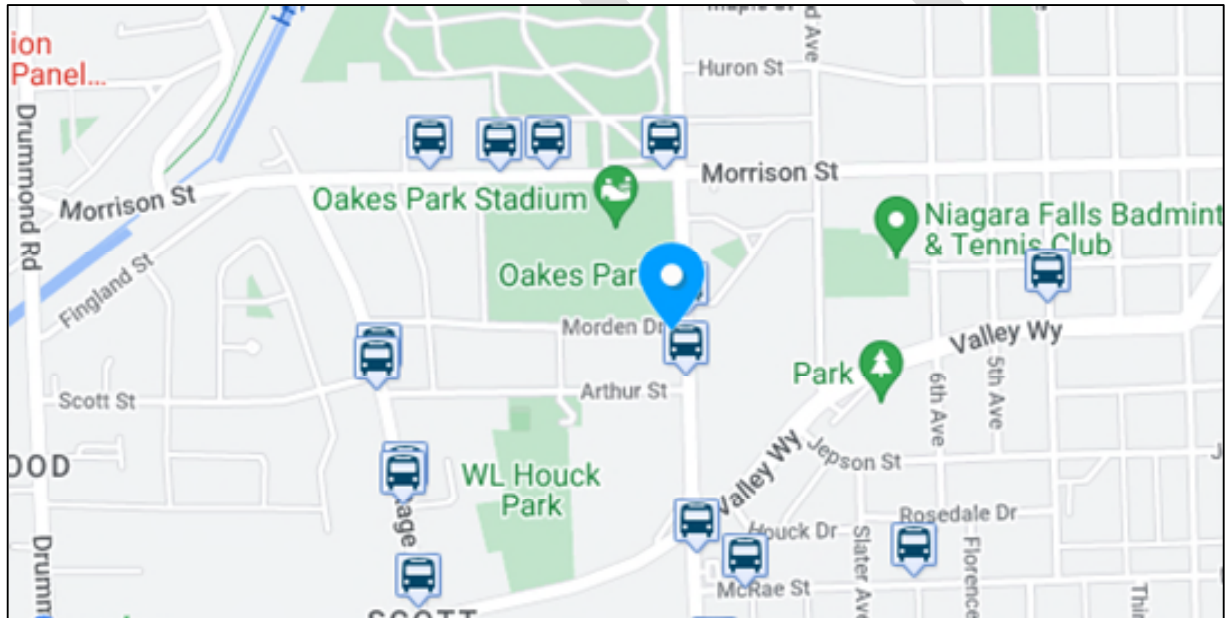


Figure 9 – Transit Stops Within Walking Distance of Subject Lands (Walkscore)

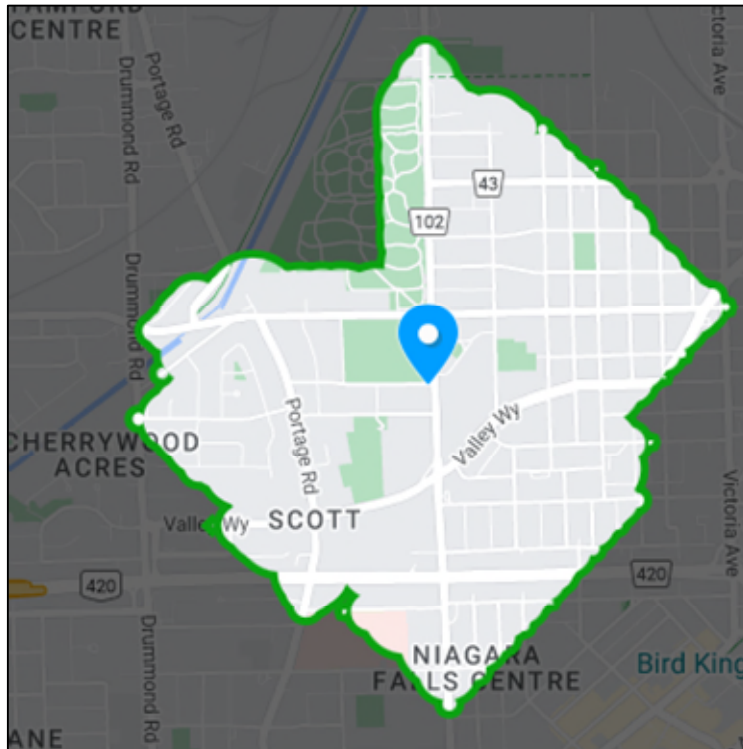


Figure 10 – 15-minute walk from subject lands (Walkscore)

Within a 15-minute walk of the subject lands there are the following lifestyle amenities:

- Oakes Park and Oakes Park Stadium;
- WL Houck Park
- Fairview Cemetery
- St. Andrew's United Church
- Niagara Falls Curling Club
- Town Centre Plaza, which has a number of convenience retail options including Tim Hortons, Avondale Food Store, Pharmasave, a Doctor's Office and a Sports Bar & Restaurant;

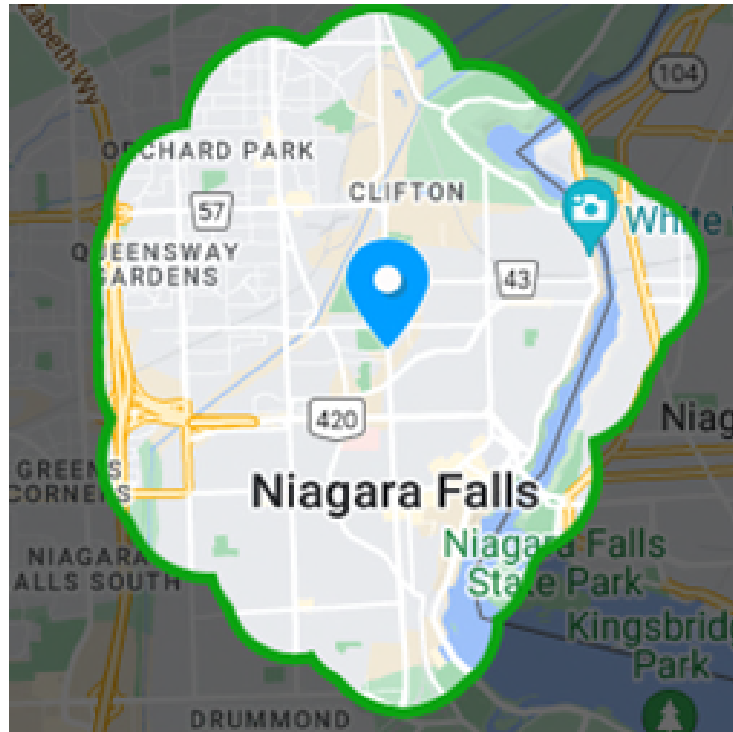


Figure 11 – 15-minute bike ride from subject lands (Walkscore)

Within a 15-minute bike ride of the subject lands include those listed within the 15-minute walk, as well as access to all basic lifestyle needs, including numerous restaurants, grocery stores, and Stamford Centre and Niagara Falls Centre.

THE PROPOSED DEVELOPMENT

The owner has proposed to redevelop the subject lands as a six-storey (6) mixed use building consisting of 73 residential apartment and a 454.88 sqm (4896.24 square foot) commercial space on the ground floor. An image showing the preliminary Site Plan prepared by ACK Architects Studio Inc. is included below as **Figure 8** and as **Appendix I** to this report.

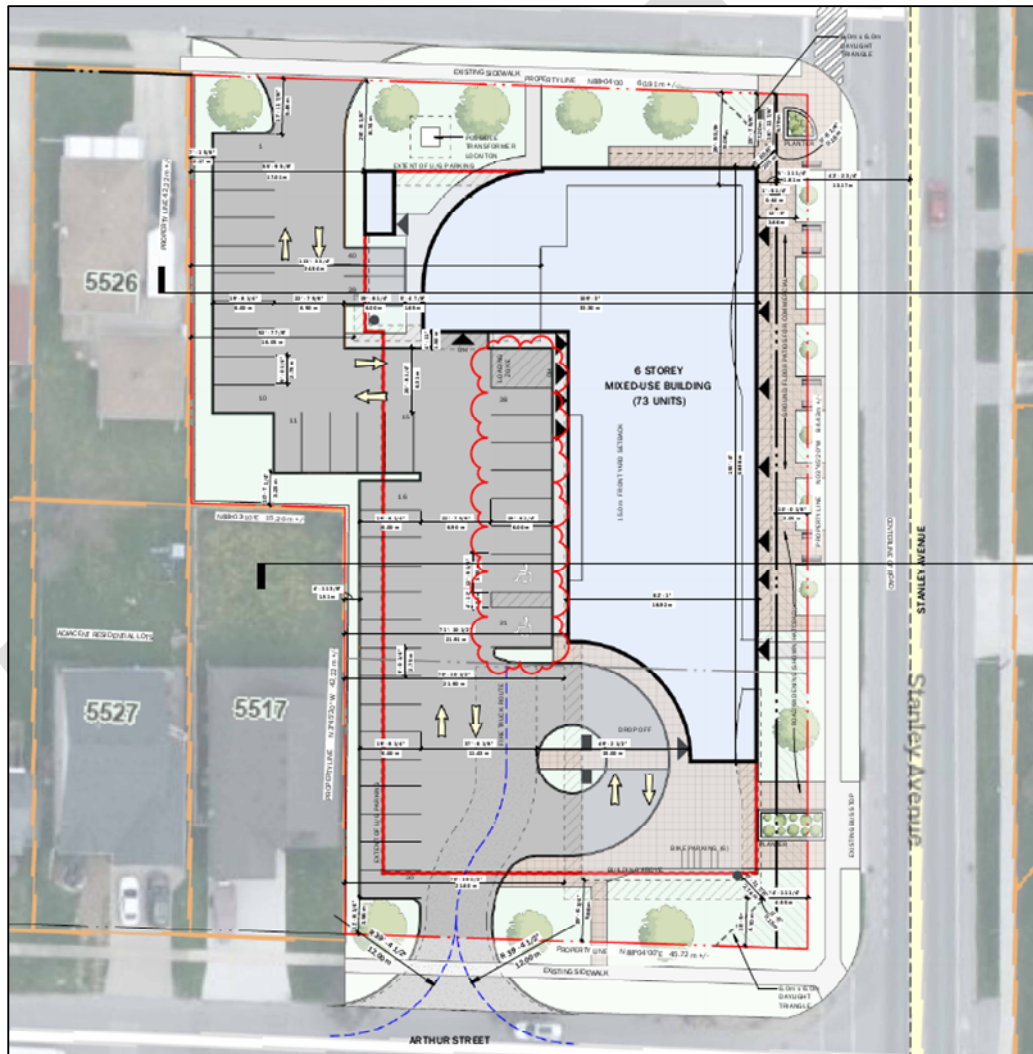


Figure 12 – 5526, 5536 and 5546 Morden Drive - West of Subject Lands

Proposed Elevations and Massing

The proposed building design will be a mid-rise with minimal setbacks along Stanley Avenue.

The tallest portion of the building will be located at the frontage of Stanley. This façade will extend to 6 storeys, balconies along the eastern façade, and at grade access points along the western façade of the building. Two vehicular accesses are provided, one from Morden Drive at the northernmost point of the property, and the other from Arthur Street, at the southernmost point of the property.

The Morden Drive interface will include three storeys of massing with two floors of units and vehicular access to the underground parking area. This stepping back is desirable as the western end of the building interfaces with existing low-density residential development and will help to abate overlook and shadow impacts.

Along Arthur Avenue will be the side flankage of the south side of the building. This portion will have five storeys of massing, with the first floor being cantilevered above grade to provide a covered drop-off.

Conceptual Elevations prepared by ACK Architects Studio Inc. are provided as **Figures 12-15** of this Report and in **Appendix 1**.



Figure 13 - Stanley Street Elevation (West)



Figure 14 - Rear Elevation (East)



Figure 15 – Morden Drive Elevation (North)



Figure 16 – Arthur Street Elevation (South)

Commercial Use

At the ground level purpose-built commercial use is proposed. The commercial use area measures approximately 454.88 square metres (4896.24 square foot) in floor area and will be accessible from Stanley Avenue. The commercial use will be one floor. It is intended that lands on-site and within the municipal boulevard will be utilized as a patio. The fit-out for the commercial use is dependent upon prospective tenants, but can be unitized as separate units or kept as one larger unit depending on demand.

Residential Dwelling Units

The owner is proposing 73 residential condominium apartment dwellings within the building. The 73 residential units will range in size between 48 square metres (526.1 square feet) and 95 square metres (1026 square feet) in area. Each unit will have its own balcony and will be accessible by elevator.

Building Amenities

The proposed building will include a mix of dedicated common amenity areas and private amenity areas for the residential portion of the building.

Common elements for all residents will include:

- Amenity Space (1st floor)
- Rooftop Terrace (4th floor)

All residential dwelling units will be provided with a terrace or balcony depending on their location in the building. These areas will be exclusive for the tenants of each unit.

Parking

On-site parking for the commercial unit and residential dwellings units will be provided through a mix of surface parking and underground garage parking.

The forty (40) surface parking spaces and loading area will be accessible from Morden Drive and Arthur Street. These parking spaces are intended to be used primarily for visitors or customers.

The underground garage will contain fifty-seven (57) spaces. The underground garage will be accessible from a ramp at the northern end of the property.

Four (4) barrier-free spaces are contemplated within the development, as well.

REQUIRED PLANNING ACT APPLICATIONS

A pre-consultation meeting pertaining to this development proposal occurred on April 18th, 2024. City of Niagara Falls planning staff confirmed at that meeting that an application for Zoning By-law Amendment is required to permit the proposed development.

The mixed-use building will be subject to future Site Plan and Draft Plan of Condominium applications to confirm site design and establish tenure.

As requested by the City and review agencies, a complete application submission for Zoning By-law Amendment must include:

- Conceptual Site Plan, Elevations and Landscape Plan
- Planning Justification Report
- Functional Servicing Design Brief
- Transportation Noise Feasibility Assessment
- Shadow Study
- Tree Preservation Plan
- Pedestrian Level Wind Study
- Traffic Impact Study

These required materials are provided with the Application submission. A copy of the pre-consultation agreement is included as **Appendix III** to this report.

Zoning By-law Amendment

An Application for Zoning By-law Amendment is proposed to amend the zoning of the subject lands from Neighbourhood Commercial (NC) and Residential 1C (R1C) to a Site-Specific Residential 5 F Zone (R5F). Site-specific relief is requested for the following:

- Deeming of Front, Rear and Exterior Yards;
- Increased permitted building height from 12.0 metres to 23.02 metres.
- Increased percentage of a building that can be used for Dwelling Units;
- Reduced Front, Rear and Exterior Side Yard Setbacks;
- Permitted Encroachments (Balconies, Patios, Ornamental Projections);
- Reduced Parking Ratio for Apartment Dwelling Units from 1.4 to 1.15 spaces per unit, and
- Reducing a pinch-point for a drive aisle from 6.9 to 6.3 metres.

A copy of the Draft Zoning By-law Amendment is included as **Appendix II** to this report.

RELATED STUDIES AND REPORTS

Consistent with the submission requirements outlined during pre-consultation, and in addition to this Planning Justification Report, several supporting reports and studies have been completed in relation to the application. A brief overview of the purpose, findings and conclusions of these reports and studies are provided below.

Functional Servicing Design Brief prepared by Hallex Engineering Ltd.

The Functional Servicing Design Brief contains an overview of existing site servicing, available municipal infrastructure and proposed servicing methods for the development.

Stormwater Management

The Hallex report identifies that the existing site currently drains from the northwest to the southeast side of the property via overland flow. The report further states that the existing site is not currently serviced with a storm lateral connection, as the sites drain via overland flow. However, there is existing drainage infrastructure of a 450mm PVC municipal storm sewer which drains easterly towards Stanley Avenue. The existing drainage infrastructure at Stanley Avenue consists of a 1050mm reinforced concrete municipal storm sewer which drains southerly to Valley Way.

Sanitary Service

With regard to sanitary service, the Hallex report notes that the existing site is currently serviced with a 100mm and a 150mm sanitary lateral connection to Stanley Avenue. Aside from this, the size and location of other existing sanitary laterals are unknown. The existing sanitary infrastructure at Morden Drive consists of a 300mm concrete municipal sanitary sewer which drains easterly towards Stanley Avenue. The existing sanitary infrastructure at Arthur Street consists of a 250mm asbestos cement municipal sanitary sewer which also drains easterly towards Stanley Avenue. The existing drainage infrastructure at Stanley Avenue consists of a 675mm reinforced concrete municipal storm sewer which drains southerly to Valley Way. The report recommends that all existing sanitary laterals are to be located, capped and abandoned, and a new 200mm sanitary lateral at 1% be proposed from the building to the existing 300mm concrete municipal sanitary sewer at Morden Drive.

Water Service

With regard to water service, the Hallex Report notes that the existing site is currently serviced with a 16mm copper water service connection to Stanley Avenue, a 25mm water service connection to Morden Drive, and a water service connection to Arthur Street. The report further identifies that the size and location of other existing water service connections are unknown. The existing watermain infrastructure at Morden Drive consists of a 200mm cast iron municipal

watermain. The existing watermain infrastructure at Arthur Street consists of a 150mm cast iron municipal watermain. The existing watermain infrastructure at Stanley Avenue consists of a 150mm PVC municipal watermain and a 450mm hyprescon regional watermain. The report recommends that a minimum 150mm diameter water service be installed to provide water supply to the proposed six-storey apartment building from the existing 200mm cast iron municipal watermain at Morden Drive. The waterline is to be separated at the property line with a 100mm diameter domestic water service and a 150mm fire protection service.

Transportation Noise Feasibility Assessment prepared by Paradigm

A detailed noise assessment was requested to be submitted with the Zoning Application by Niagara Region to evaluate potential impacts from transportation noise sources that include Stanley Avenue.

The owner retained Gradient Wind to complete the required assessment in 2024. Based on the analysis completed of the noise levels, the consultant has recommended upgraded building components and the provision of air conditioning for all units, so that windows can remain closed. A detailed noise assessment during site plan approval is required to ensure detailed mitigation measures are implemented. Additionally, the following Type D Warning clause is also recommended to be included in all offers of purchase, sale or lease:

“This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment.”

Traffic Impact Study prepared by Paradigm

A Traffic Impact Study has been prepared by Paradigm to estimate and evaluate potential traffic generation under current and future traffic conditions associated with the proposed development. The study has estimated the trip generation for the development at peak hours and also evaluated levels of service and intersections that include:

- Stanley Avenue and Morden Drive
- Stanley Avenue and Arthur Drive
- Arthur Drive and Site Driveway
- Morden Drive and Site Driveway

The results of the trip generation study indicate that approximately 53 new vehicle trips during the AM hours and 65 new vehicle trips during PM peak hours. The trip generation is also considered conservative, as the report authors did not factor in modal split, such as cycling or walking. The report concludes that with these projected trip volumes, all intersections evaluated will continue to operate at appropriate standards under existing and future traffic conditions,

with no movements identified as critical. Recommendations are made for northbound auxiliary left-turn lanes on Stanley Avenue based upon PM peak hour times.

Pedestrian Level Wind Study prepared by Gradient Wind

As required for developments exceeding 5-storeys, a pedestrian level wind study was commissioned by the owner from Gradient Wind.

The scope of this study was a computer modelled assessment using a simulation of wind speeds for selected directions in a three-dimensional model. The intent of this analysis was to assess pedestrian wind comfort and safety within and surrounding the subject site.

The modelling completed by Gradient Wind produced the following findings:

- All grade-level areas within and surrounding the subject site are predicted to experience conditions that are considered acceptable for the intended pedestrian uses throughout the year.
 - Conditions over surrounding sidewalks, transit stops, proposed surface parking, drop-off and loading zones, and around access points are considered acceptable.
- Conditions over the amenity terrace at Level 4 is considered acceptable.
 - Mitigation recommended inboard of the terrace perimeter and targeted around sensitive areas in combination with wind screens to at least 1.8 metres above local walking surface to shield against direct winds. Inboard mitigation can be wind screens or raised planters with dense arrangements of coniferous plantings.

Overall, the report concludes that wind impacts on the preliminary design will be minimal, save minor mitigation measures recommended for the amenity terrace.

Stage 1 & 2 Archaeological Assessments prepared by Detritus Consulting Ltd.

The completion of an Archaeological Assessment of the subject lands was requested by the Regional Municipality of Niagara due to the property being considered to have Archaeological Potential. The Owner retained Detritus Consulting Ltd. to carry out the necessary review and site investigations.

The Stage 1 Assessment, which consists of background research, concludes that the subject lands exhibit a moderate to high potential for the discovery of archeological resources. Accordingly, a Stage 2 Assessment was required and carried out in August 2024.

The Stage 2 field work noted and documented the previously disturbed areas of the site and the remainder of the site was assessed by typical test pit survey at 5 metre spaced intervals. The site

investigation yielded no finds and the Archaeologist has recommended no further assessment be required.

The Archaeologists Report has been provided to the Provincial Ministry of Citizenship and Multiculturalism for review and approval. Once the Letter of Concurrence is received from the Ministry, it shall be forwarded to the City and Region.

Shadow Analysis

ACK prepared a multi-season shadow study to demonstrate potential shadow impacts caused by the proposed building on adjacent residential lands. As shown on the completed diagrams prepared by ACK included as **Appendix V** to this Report, the shadow impacts are limited on the adjacent residential neighbourhood for most of the day, with the most “significant” impacts during the winter season when the sun is lowest in the sky. It is noted that people tend to spend a greater amount of time indoors versus using their outdoor amenity areas during the winter months. During warmer seasons where outdoor amenity and sunlight is most enjoyable, the shadow impacts are shown to be less intrusive with a smaller geographic area of impact that is considered to be acceptable.

PROVINCIAL LEGISLATION AND PLANS

Development applications within the City of Niagara Falls are subject to the Ontario *Planning Act* (R.S.O. 1990), and 2024 Provincial Planning Statement. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

PLANNING ACT (R.S.O. 1990)

The *Planning Act* regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to follow when making or considering applications for development.

Section 2 – Matters of Provincial Interest

Section 2 of the *Planning Act* outlines matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

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

- r) the promotion of built form that,
- (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;
- s) the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.

Clauses f), h), j), p), q) and r) are considered to be relevant to these applications, and are evaluated below.

- f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

The subject lands are accessible from three municipal roadways (Stanley Avenue, Morden Drive and Arthur Street) and are currently serviced by municipal watermain, sanitary sewer and storm sewer. As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd., the development will efficiently use these existing municipal services to support the development.

- h) the orderly development of safe and healthy communities;

The orderly development of safe and healthy communities is achieved through the development of the subject lands with a mix of commercial and small-scale office uses and residential apartment dwellings. The proposed units can be supported by existing municipal services, proximate public transportation, arterial roadways and highways, and are located in close proximity to the tourism district which provides the most significant amount of employment in the City of Niagara Falls.

- i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;

The subject lands are located approximately 2-kilometres of three elementary schools;

- Valley Way Public School
- Simcoe Street Public School
- St. Mary Catholic Elementary School

Additionally, the area is well-serviced by parks, including Oakes Park directly north, WL Houck Park, which is approximately one-block south-west, FH Leslie Park and Municipal Pool

which is approximately one block south-east, and Fair View Cemetery which is approximately one-block north.

- j) the adequate provision of a full range of housing, including affordable housing;

The application proposes 73 new residential apartment dwelling units on the subject lands. Currently, the property yields only 8 residential units being 2 single detached dwellings and 2 multi-unit dwellings each containing 3 units.

The surrounding area is predominantly comprised of single detached dwellings on large urban lots. The introduction of apartment dwellings will add variety to the housing choices in the immediate area. Generally, apartment dwelling units can be more affordable than detached dwellings, and when supply of housing is increased, it allows for better affordability in the market.

- k) the adequate provision of employment opportunities;

The proposed commercial use will generate some small-scale employment on site. This will be an increase over the current employment yield.

- p) the appropriate location of growth and development;

The subject lands are located within the City of Niagara Falls Settlement Area Boundary and Provincially delineated Built Boundary. As outlined in the Regional Official Plan, the vast majority of growth is to be directed to Settlement Areas, and within those Settlement Areas, to Built-up Areas and lands with available municipal services.

The subject lands satisfy this criterion as they are within the Urban Area, Built-up Area and are currently provided with municipal services. The subject lands are also located in proximity to public transit stops, and are within a short walk, cycle or drive of commercial and employment uses, Regional roads and provincial highways, and employment opportunities.

The strategic integration of additional housing, commercial and employment opportunities will assist in transitioning the existing area into a complete community.

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

Existing transit stops are located along the Stanley Avenue frontage of the subject lands. The proposed additional residential units will support the existing public transit service serving

the area. The site design is such that accommodates pedestrian movements on the site through the provision of sidewalks and walkways.

The site is located within a walkable neighbourhood with pedestrian connections available to adjacent streets and general area.

- r) the promotion of built form that,
 - (i) is well-designed,
 - (ii) encourages a sense of place, and
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

The proposed architecture is well-designed and adds new and vibrant built form into this area of the City. This portion of the residential area is characterized by a mix of older homes, community and local parks and local serving commercial businesses.

The proposed development provides a sense of place through the utilization of three (3) street frontages that will provide building massing, glazing and interactive elements such as patios, doors. Pedestrian pass throughs and landscaping. These inviting spaces will supplement the public realm and serve as attractive and accessible gathering and living spaces for existing and future residents in the area.

*Preliminary design elevations have been provided with the application (see **Appendix I**) that show high quality architectural design and efforts to ensure additional architectural interest along Stanley Avenue, Morden Drive and Arthur Street which improve the public realm.*

Section 34 – Zoning By-laws and Amendments

Applications for Zoning By-law Amendments are considered under Section 34 of the *Planning Act*. Amendments to municipal by-laws are permitted, subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

2024 PROVINCIAL PLANNING STATEMENT

The overarching purpose of the Provincial Planning Statement (2024) (PPS) is to provide policy direction to planning authorities on land use planning, guiding municipal official plans, zoning, and development by-laws to meet the needs of a growing population, and enhance the quality of life for all Ontarians. In support of these goals, the PPS promotes the increase in the supply and mix of housing options, supporting a strong and competitive economy, and the protection of natural and cultural resources.

Building Homes, Sustaining Strong and Competitive Communities (PPS Chapter 2)

2.1 Planning for People and Homes, 2.2 Housing

As outlined in Policy 2.1 and 2.2 of the PPS, planning authorities are to provide for a range and mix of housing options and densities required to meet project requirement of current and future residents. Additionally, planning authorities are to support the achievement of complete communities by accommodating an appropriate range and mix of housing options. This is to be achieved through establishing targets for affordable, to low and moderately priced homes, including all forms of residential intensification, and second units.

The applications facilitate the development of 73 new residential purpose-built apartment dwelling units in the City of Niagara Falls. As the subject lands are generally bounded by a mix of older single detached dwellings and local commercial land uses, the introduction of new dwelling and tenure forms contribute to the range and mix of housing options prescribed by the PPS as well as the Regional and City Official Plans.

Overall, the application is consistent with Section 2.1 and 2.2 of the PPS, and will assist in the provision of additional housing in the City and represents appropriate intensification within an existing built-up area that is serviced by public transit.

2.3 Settlement Areas and Settlement Area Boundary Expansions

Under Policy 2.3, municipalities are to direct growth and development within settlement areas. The subject lands are located within the Niagara Falls Urban Area, which is delineated in both the 2022 Niagara Official Plan and City of Niagara Falls Official Plan. The Niagara Falls Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2020). Policy 2.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. The application is consistent with PPS policy as the subject lands are located within a Settlement Area boundary and will accommodate residential and job growth.

As outlined in Policy 2.3.1 of the PPS, within Settlement Areas, development is to proceed in a manner that efficiently uses land and resources, optimizes existing and planned infrastructure and public service facilities, supports active transportation options and is transit supportive and freight supportive. Land use patterns are to be based on a mix of uses and densities that support opportunities for intensification and redevelopment that support the achievement of complete communities.

The application is consistent with this policy direction as it proposes the consolidation, redevelopment and intensification of urban, serviced lands. The proposed development can be supported by existing municipal services and infrastructure and served by public transit and key municipal roadways and highways. The compact nature of the development is desirable and efficiently uses land to facilitate growth and compatibly scaled commercial opportunities in the area.

2.8 Employment

Under Policy 2.8.1, the PPS requests that planning authorities promote economic development and competitiveness by encouraging intensification and compact, mixed-use development to support the achievement of complete communities. The application is consistent with this policy direction, as it will generate 73 condominium units with 454.88 square metres (4896.24 square foot) of gross leasable commercial on the ground floor. The location and siting of the mixed-use development is sensitively scaled to transition to the character of the surrounding sensitive land uses and supports the achievement of a complete community.

2.9 Energy Conservation, Air Quality and Climate Change

Under Policy 2.9, the PPS directs planning authorities to prepare for impacts of a changing climate through the consideration of development that is compact, transit supportive and complete communities and support energy conservation and efficiency. The proposed development utilizes urban lands for mixed use development in a compact form that supports existing transit and active transportation opportunities in the area. This provided mix of employment generating elements within a predominantly residential building will implement and achieve the appropriate range and mix of uses and compact design function directed by the PPS. The building design will also take into consideration matters of energy conservation and efficiency.

Chapter 3: Infrastructure and Facilities

3.1 General Policies for Infrastructure and Public Service Facilities

Policies within Chapter 3 of the PPS support that urban development is to occur on urban services, and that existing infrastructure should be capitalized upon before undue expansions are considered. The proposed development optimizes existing infrastructure and provides for redevelopment in an area that is supported by existing infrastructure and public service facilities.

3.3 Transportation and Infrastructure Corridors

The Policies under Section 3.3 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and supports public transit.

The subject lands are located along Regional Road 102 (Stanley Avenue), which is identified as an Arterial Road on Schedule C the City of Niagara Falls Official Plan. Stanley Avenue provides convenient access to important Regional and local thoroughfares and Provincial Highway 420/Falls Avenue and the QEW. Opportunities for walking and cycling within adjacent neighbourhoods are abundant, as they contain sidewalks, tree lined boulevards and lower volumes of traffic.

3.6 Sewage, Water and Stormwater

Water and Sanitary Services

As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd., the site will use existing services. The proposed development will use a new water service from the building to the existing 200mm cast iron municipal watermain at Morden Drive. It is also proposed that a new sanitary lateral from the building to the existing sanitary sewer at Morden Drive.

The utilization of urban services within Settlement Areas is a requirement of the PPS and the preferred method for accommodating growth in communities to mitigate risks to public health and safety

Stormwater Management

The site currently drains by overland flow from the northwest to the southeast side of the property. The development proposes a new storm sewer that will discharge to an existing municipal storm sewer at Stanley Avenue as the stormwater outlet for the development. To

control stormwater quality and quantity, best practices including on-site storage and on-site treatment will be utilized. Such methods are supported by the PPS.

3.9 Public Spaces, Recreation, Parks, Trails and Open Space

The PPS directs planning authorities to promote healthy and active communities through the detailed planning of streets, spaces and facilities that are safe, foster social interaction and facilitate active transportation and community connectivity. To achieve this, Policy 3.9.1 of the PPS requires that a full range and equitable distribution of publicly accessible spaces for recreation be provided such as parks, trails, as well as access to shorelines for public enjoyment.

The subject lands are located in an area that is serviced by parks with direct access to sidewalks on the municipal road network. The lands are across the street from a municipal community park being Oakes Park and Stadium. To supplement public parkland, the preliminary development plan has proposed the provision of individual balconies as well as a common outdoor amenity area, and an indoor amenity room.

Chapter 4: Wise Use and Management of Resources

4.6 Cultural Heritage and Archaeology

Section 4.6 of the PPS requires that protected heritage property that contains built-heritage resources and cultural heritage landscapes be conserved. Further to this, development shall not be permitted on lands that contain archeological resources or areas of archeological potential.

The Regional Municipality of Niagara has an Archeological Screening Tool that defines area of the municipality that exhibit potential for archaeological resources. Schedule K of the Niagara Official Plan (2022) shows the property being within an area of archaeological potential, which conformed the requirement for this study to be completed.

The subject lands are not considered to be a protected heritage property. The lands were assessed for archaeological resources by Detritus Consulting Ltd. Through Stage 1 and 2 investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry Citizenship and Multiculturalism for review and approval. The Ministry's Letter of Concurrence has not yet been issued.

Chapter 6: Implementation and Interpretation

6.2 Coordination

Section 6.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration is given to all relevant matters including, but not limited to, natural environment, infrastructure, hazards, employment and housing.

Section 6.2.4 of the PPS requires that upper tier municipalities provide planning direction on allocations of population and employment, preferred growth areas, targets for intensification and transit supportive development. The Regional Municipality of Niagara is the upper tier government body that manages and monitors growth within the Region. In conformity with the Growth Plan, Regional level policy direction requires a minimum annual residential intensification rate of 60% to the year 2051. The applications are consistent with these requirements, as all residential units will be counted towards the annual intensification target of 50% for Niagara Falls.

Through the pre-consultation process, the planning authority and other review agencies provided direction on required studies and information needed to process the application. This comprehensive approach was used to ensure that all matters of Provincial, Regional and local interest are identified. The requisite studies and materials have been provided with the submitted application.

NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan provides a comprehensive and long-range planning vision for the Regional Municipality of Niagara. The Official Plan's primary focus is implementing Provincial Policy and Plans, the Regional Growth Strategy and providing regional-level land use planning direction on attributes and resources unique to Niagara.

The subject lands are located within the Niagara Falls Urban Area and the Built-Up Area on Schedule B of the Niagara Official Plan (see **Figure 12**).



Figure 17 – Schedule A of the Regional Official Plan (Cropped Image)

Growing Region (Chapter 2)

The Niagara Official Plan (NOP) contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The NOP directs the majority of anticipated growth development to occur in settlement areas where full urban services are available as well as public transit, community and public services and employment opportunities. The Plan directs that 60% of all residential units occurring

annually within Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

The subject lands are located within the Niagara Falls Urban Area (Settlement Area) and are within the Delineated Built-up Area on Schedule A of the NOP. Niagara Falls has a forecasted population of 141,650 people and 58,110 jobs by 2051, per Table 2-1 of the NOP. The required intensification target set by the Region for the City of Niagara Falls is 50% or 10,100 units, per Table 2.2 of the NOP.

The objectives of Section 2.2 of the NOP are generally to manage and accommodate growth in settlement areas through strategic intensification, promote transit supportive development

The proposed development will contribute 73 new apartment dwellings into the City's housing supply within the Settlement Area Boundary. The subject lands are a suitable location for compact residential development as they can be efficiently developed with higher density, are accessible by existing municipal/Regional roadways and can be supported by existing municipal infrastructure. The subject lands are also located along a public transit service route that will benefit from higher densities within the catchment area. The proposed development will assist the City in accommodating forecasted growth and the achievement of its 50% minimum annual residential intensification target.

Section 2.3 of the NOP contains objectives and policies that pertain to the provision of housing. The NOP's housing objectives are to provide a mix of housing options to address current and future needs, provide more affordable and attainable housing options and to plan to achieve affordable housing targets through land use and financial tools.

The applications will facilitate the provision of new apartment dwelling units amongst a mix of existing detached low-density housing and non-residential land uses. In comparison to detached dwellings, apartment dwellings can be relatively more affordable or attainable for purchasers or sub-let renters. The inclusion of purpose built-apartment units provides necessary supply and choice into the market.

CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended)

The subject lands are designated as “Residential” on “Schedule A – Land Use Plan” of the City of Niagara Falls Official Plan, as outlined in **Figure 13**, below.

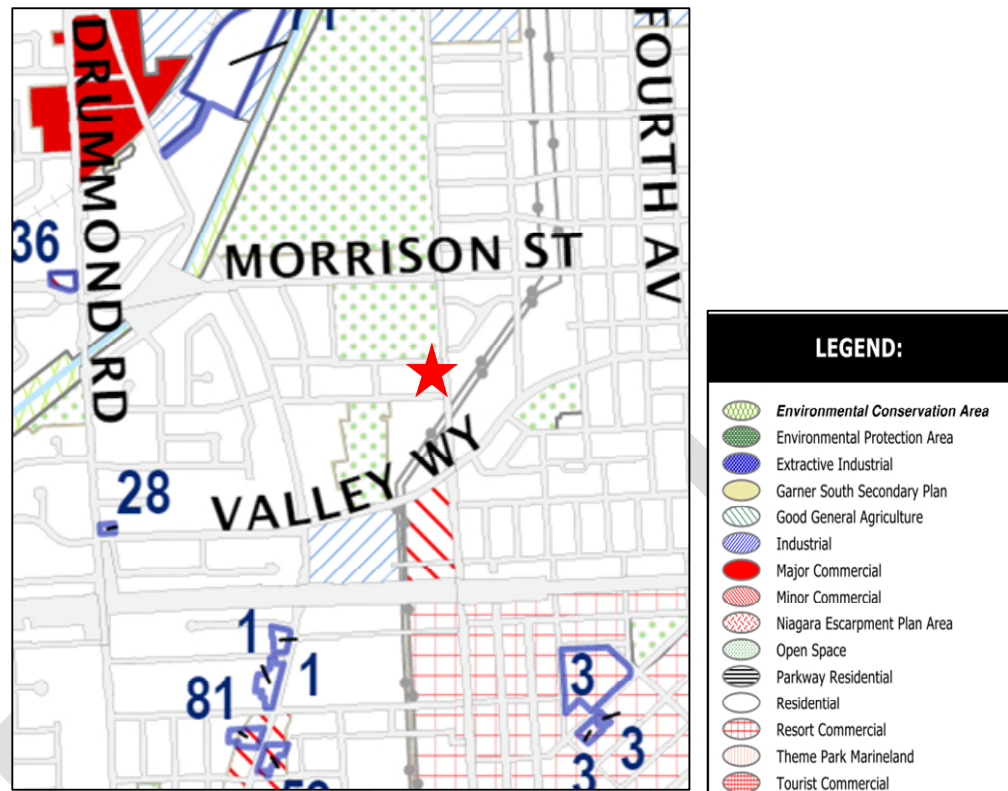


Figure 13 – Schedule A - City of Niagara Falls Official Plan (Cropped Image)
Subject lands Delineated with a Red Star

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

Part 1 of the City of Niagara Falls Official Plan describes the purpose, legislative basis, format, and interpretation of boundaries of the Official Plan as well as the period during which the Plan is to apply. This Part of the Official Plan also outlines the Strategic Policy Direction of the City to accommodate future growth through land use planning and intensification.

Part 1, Section 2 – Strategic Policy Direction

Part 1, Section 2 of the Niagara Falls Official Plan contains the growth objectives for the municipality that pertain to lands within the municipality both within and outside the Urban Area. These objectives range in focus between development, employment, tourism and the environment.

Specifically, the proposed development will contribute to the achievement of Objectives 1, 3, 5, 6, 7, 9 and 13 of the Official Plan, which include:

- To direct growth to the urban area and away from non-urban areas (Obj. 1)
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the Urban Area (Obj. 3)
- To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review. (Obj. 5)
- To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review: (Obj. 6)
- To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015. (Obj. 7) (Note the 40% intensification target has now been increased to 50% by the Region of Niagara Official Plan.)
- To encourage alternative forms of transportation such as walking, cycling and public transit (Obj. 9)
- To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines. (Obj. 13)

The application conforms with Objective 1 as development is proposed within the Niagara Falls Urban Area (Settlement Area).

Conformity with Objective 3 is achieved as the application proposes development within the Built-up Area, which is a priority location for development and growth in the community. The development site is supported by full urban services, existing public roadway frontages and utilities. The subject lands are situated along an arterial roadway and are along a public transit service route which are preferable locational characteristics for intensification-based developments.

Objectives 5, 6 and 7 are satisfied through the development of residential apartment units within the Urban and Built-up Area. This proposed growth will assist the City in achieving growth targets prescribed in Provincial and Regional plans and the Provincially allocated housing commitment of 10,000 units. A 50% annual residential intensification target for Niagara Falls is prescribed in the Niagara Official Plan (2022). The proposed development will contribute residential units towards this minimum target, as well.

The increased density proposed on the subject lands will be supported by proximate public transit service and existing pedestrian and cycling infrastructure in the general area. Increases in residential density are desirable as they can support increases in non-automobile portions of the modal share.

Section 2 of Part 1 of the Official Plan contains Growth Policies for the City of Niagara Falls, which include:

- 2.1 The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related policies.*
- 2.2 The City shall protect its Natural Heritage Areas, their features, quality and functions, through the Environmental Protection Area land use designations and their related policies.*
- 2.3 The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.*
- 2.4 The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.*
- 2.5 Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure.*
- 2.6 The City shall utilize Secondary Plans wherever possible for development within its Greenfield areas to ensure the design of complete communities providing both employment and residential opportunities.*
- 2.7 The City shall identify lands along the Queen Elizabeth Way to be protected for employment uses under the Gateway Economic Zone directive of the Province.*
- 2.8 The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the policies of Part 1, Section 3 of this Plan.*
- 2.9 The City shall monitor growth within the urban area at 5-year intervals to measure compliance with targets of the Province's Growth Plan and the Regional Niagara Policy Plan.*
- 2.10 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of*

the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.

2.11 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.

2.12 No new urban areas shall be created.

Objective 2.4 is relevant to the submitted application and requires the achievement of increased densities within the Built Area Boundary that make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.

Although the subject lands are not within or along any designated nodes and corridors in the Official Plan, the locational characteristics of the site (i.e. fully serviced, available transit, in proximity to employment and services) qualify the subject property as a preferred candidate for intensification from a land use planning perspective.

Part 1 Section 3 – Intensification.

As required by the recently approved Niagara Official Plan (2022) intensification is required to represent a minimum of 50% of residential development annually in the City of Niagara Falls.

Consistent with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated Residential, however intensification on lands not currently designated as residential may be considered. The A portion of the subject lands are residential, while the balance are zoned currently designated residential and neighbourhood commercial which permits mixed-use, which permits residential apartments as-of-right above ground based non-residential land uses.

The General Policies for Intensification in the City of Niagara Falls include:

3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site-

specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.

- 3.2 *The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high-density development as permitted in Part 2, Section 1.15.5(iii).*
- 3.3 *The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.*
- 3.4 *The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5 of this Plan.*

Policy 3.4 pertains to Section 2 1.10.5 of the Official Plan, specifically that intensification is encouraged to provide for an overall mix of housing forms within all communities and is to be a minimum of 75 units per hectare. The subject application addresses these policies, by introducing a 6-storey building at an arterial road which is an appropriate location for intensification that has been sensitively scaled to the surrounding neighbourhood, and which has ample green spaces to support the use.

PART 2 – LAND USE POLICIES

Part 2 of the City of Niagara Falls Official Plan contains policies for various land uses within the municipality. As noted, the subject lands are designated as “Residential” in the City’s Official Plan.

Part 2, Section 1 – Residential

The subject lands are designated as “Residential” and will contain predominantly residential dwellings and conform with overarching Residential land uses objectives and policies of the Official Plan. Although housing is the primary focus of this land use designation, other compatible land uses that serve local residents and enhance the surrounding residential environment are encouraged and permitted to create a complete community.

General Policies

General Policy 1.1 permits that permitted uses within the Residential designation can be a range of typologies, including apartments. Policy 1.2 further requires that opportunities for

housing choice be provided to meet the changing needs of households in both the Built-up Area and Greenfield Area. To achieve these opportunities the Policy indicates the City will support:

1. *Multiple unit developments, smaller lot sizes and innovative housing forms.*
2. *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
3. *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
4. *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*

The applications will facilitate the development of multiple residential units through the redevelopment of an underutilized parcel of land within the Built-up area. The development also includes a small-scale commercial element that will support the proposed residential units and adjacent homes in the surrounding neighbourhood.

General Policy 1.6 provides a mechanism to provide taller building heights that prescribed in the Official Plan through the consideration of a zoning by-law. Minor increases in height are also permitted to be considered through Policy 1.6.

General Policy 1.9 cites that residential development that is exposed to less compatible land uses such as arterial roadways should be minimized, and where proposed, studies may be required. Strategically, the provision of high-density development on arterial roads is desirable, especially when in compact form like a single building and near public transit service. Necessary compatibility studies including a noise study and pedestrian wind analysis have been completed and demonstrate that road/traffic related impacts can be mitigated.

Built Up Area

As shown on Schedule A2 of the City of Niagara Falls Official Plan (see **Figure 14**), the subject lands are identified as being within the Built-up Area.



Figure 4 - Schedule A2 - City of Niagara Falls Official Plan – Subject Lands Shown with a Red Star

Within Part 2, Section 1, Policy 1.10, there are guidelines that direct intensification and maximization of density, while integrating into the surrounding neighbourhood.

Policies 1.10.10, 1.10.2, and 1.10.3, 1.10.5 direct that:

- *Existing character is to be retained*
- *A gradation of building heights and densities is encouraged with sufficient horizontal separation distances*
- *Development within the Build-up Area is to be a higher density than what exists in the neighbourhood*
- *Various forms of housing through intensification and infilling are to be arranged with sensitivity to surrounding uses, by locating apartments with building heights of not more than 6 storeys with a maximum net density of 100 units per hectare, to front onto arterial roads.*

The application meets the above policies, as the building is a gradual higher-density transition from the low-density residential uses, and is an appropriate scale and massing to front onto an arterial road. The western portion of the building that flanks the existing residential uses is three stories, with appropriate buffering and separation through perimeter landscaping and parking to the residential uses further west. The building's height and massing are directed towards Stanley Avenue, which will create an attractive and visually engaging street wall that will benefit the public realm with an animated commercial ground floor.

Within Part 2, Section 1, Policy 1.10 of the Official Plan there is a clear municipal position that opportunities currently exist throughout the Built-up Area to develop new housing units – including in those areas not designated as “Residential”. These infilling and intensification opportunities are supported by the Official Plan, but must integrate well into the surrounding neighbourhood.

Section 1.10 of the Official Plan contains a policy subset that directs how certain forms of residential development within the Built-up Area are to occur and function.

As the application proposes a high-density mixed-use building with residential apartments, subsection (iii) of Policy 1.15.5 is applicable. This policy states that:

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

Development shall comply with the following:

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should be employed to lessen the impacts of taller buildings;*
- rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
- street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;*
- parking is to be encouraged to be located within parking structures that are integrated with the development; and*
- where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped*

perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.

The applications conform with Policy 1.10.5 (iii) as the property has frontage on an arterial road (Stanley Avenue), is in proximity to public transit service, is near to and will contain commercial uses and has a projected development density of 173.57 units per hectare, which exceeds the minimum density requirement of 75 units per hectare. However, an amendment is required as the maximum density for this designation is 100 units per hectare.

More specifically, the applications and proposed design have a mix of cladding materials and a flat roof is being proposed to cap the height. The street frontage will be engaged with a commercial use with proposed spillover areas, and the frontage will feature balconies that provide visual interest. The development engages the streetscape often through the proposed inclusion of patio, street-level retail and office, ground level windows and doorways and balconies. Opportunities for landscaping on site and in the municipal boulevard can be explored through the Site Plan review process.

The functional rear yard setback will be close to the building height of 23.02 metres. The northerly 3-storey wing is 17 metres from the property line which exceeds the height of this section, while the 6-storey portion exceeds the 6-storey building height at 33.30 metres setback from the property line. Similarly, the southerly wing of the building is 21.91 metres setback from the property line, which is less than the height, however the submitted shadow study and wind study, proposed landscaping, and 45-degree angular plane diagram demonstrate that there is to be no negative impact from this setback reduction, and also maximizes the development potential of the land, thus improving housing affordability.

Additionally, parking is integrated within the development, with the majority of parking within an underground structure, while surface parking is buffered with perimeter landscaping.

Parking for the proposed development is located interior to the site, shielded from public view at grade, and underground in a two-level structure. The proposed method of providing parking limits impacts on the public realm and on adjacent streets.

Part 2, Section 4 - Housing

HOUSING IMPACT STATEMENT

Under Policy 4.4 of the City's Official Plan, applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium are to include a housing impact statement. The following section is written to address the City's requirement for a Housing Impact Statement.

As outlined under 4.4, the purpose of the housing impact statement is to implement the City's Housing Strategy. A housing impact statement is to include the following:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;*
- b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);*
- c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;*
- d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's and the City's definition of affordable to be provided per phase, where applicable;*
- e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.*

Policies 4.4 a), b) & c) are relevant to this application and are addressed as follows:

- a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;*

The proposed housing mix is a 6-storey building with 73 units of condominium tenure units on the upper 5 floors. There are approximately 17 units per floor. The units will range in size from approximately 709-1020 square feet for two-bedroom units, to below 700-526 square feet for one-bedroom units.

- b) How the proposal contributes to achieving the City's annual housing targets as outlined in Part 1, Section 4, Policy 4.8 a) and b);*

Part 1, Section 4, Policy 4.8 a) and b) is as follows:

4.8 Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable. As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure below provides an illustration of this for further clarity):

a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable.

b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.

The Provincial Planning Statement (2024), defines 'affordable' to mean that the purchase price in annual accommodation does not exceed 30 percent of gross income for low-and-moderate income households. Using the most up-to-date data from the City of Niagara Falls, and their "Phase 2: Housing Strategy" report to Council on March 22, 2022, this means that affordable for low-and-moderate income households are those that earn \$45,300 to \$95,000 respectively.

The report notes that based on projections it is expected that 20,200 new residential units will be built in the City between 2021 and 2051, which is an average of 674 units per year. In implementing this goal, it is recommended in the Housing Strategy Report that 40% of the new housing (270 units per year) to be built to be affordable to households earning \$95,891 per year, which means that the sale price of units would need to be at or below \$499,400 per year.

c) The estimated rents and/or sales prices of the development, indicating where they are either above or below the threshold for affordable as defined by the Niagara Region and the City;

As noted above, the price for new sale units would need to be at or below a \$499,400 benchmark per year. The subject development is allocating 5 units total, or one unit per floor, to meet this affordability threshold. The 526.1 square foot units are intended to be sold at or below this target sale price. This will contribute 6.8% of the total units as affordable by the City's definition.

In accordance with policy 4.8 based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable. As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown:

a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region's definition of affordable.

b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.

In summary, the proposal will contribute to the City's goals outlined in the Housing Strategy Report with a contribution of 5 affordable units to the 674 units per year.

PART 3 – ENVIRONMENTAL MANAGEMENT

Part 3 of the City of Niagara Falls Official Plan contains policy direction on phasing, infrastructure, transportation and the public realm.

Part 3, Section 1.2 – Water and Sanitary Sewage

Policy 1.2.4 of Part 3 of the Official Plan requires that development within the Urban Area be provided with full municipal water and sanitary services. Consistent with this requirement, the proposed development is located within the Urban Area will be serviced by the existing watermain on Morden Drive and the existing sanitary sewer on Morden Drive.

Part 3, Section 1.3 – Storm Drainage

Policy 1.3.1 of Part 3 of the Official Plan requires that *"all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system."*

As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd., the proposed development will outlet stormwater to the existing storm sewer in Stanley Avenue. On-site detention will be used to control stormwater quantity provided with an oil/grit separator.

Part 3, Section 1.5 – Transportation

The subject lands have frontage along three public roadways including Stanley Avenue (Regional Road 102), Morden Drive and Arthur Street.

Stanley Avenue is classified as an arterial roadway on Schedule C of the City of Niagara Falls Official Plan. Arterial Roadways include all thoroughfares that are owned by the City and Region that are designed to accommodate large volumes of traffic between major land uses in the City.

As cited previously, the stretch of Stanley Avenue between Highway 420 and Ferry Street carries large amounts of vehicular traffic to the tourism district from other higher order roadways.

In accordance with Regional requirements, 5 metre by 5 metre daylight triangles are provided at the corner of Stanley Avenue and Morden Drive and Stanley Avenue and Arthur Street. These dedications, including required road widenings, are shown on the preliminary Site Plan drawing prepared by ACK Architects Studio Inc.

Morden Drive and Arthur Street are classified as local streets in the City's Official Plan. It is expected that a portion of both Morden Drive and Arthur Street will see some increase in traffic volume due to the provision of the driveway access to the site. The TIS completed by Paradigm has indicated that there will be no negative impact to the current level of service.

Policy 1.5.29 requires that plans for development and redevelopment shall have regard for impacts on existing road networks. The TIS concludes that the proposed development will generate 39 new vehicle trips during peak a.m. hours and 76 new trips during the p.m. peak hours. The TIS states that this increase in traffic will not result in the exceedance of the theoretical capacity for each vehicle movement and therefore do not result in any negative impacts or the need for improvements to existing roadways.

Policy 1.5.31 requires the completion of a detailed noise study where development is contemplated in proximity to major roads. Stanley Avenue is an Arterial Road and therefore noise impacts from the street onto the proposed development were conducted by Gradient Wind. The completed evaluation concludes that the projected noise impacts could be sufficiently mitigated through the use of typical building materials and air conditioning.

The applications conform with overarching transportation policies of the City of Niagara Falls Official Plan by providing opportunities for the development to leverage existing road networks, transit services and being in proximity to adjacent active transportation/pedestrian routes.

Part 3, Section 5 – Urban Design Strategy

The Urban Design Strategy set out in the Official Plan generally seeks to ensure that development and redevelopment is of a high architectural quality, evokes a sense of place, is compatible with surrounding development and contemplates and provides for appropriate opportunities for pedestrian scaled development and robust landscaping.

The proposed redevelopment of the subject lands as a mixed-use building provides opportunities for enhancing the existing streetscapes and public realm, particularly along Stanley Avenue which is a primary gateway route into the tourism district.

The proposed built form is pedestrian oriented with appropriate building setbacks along Stanley Avenue, at grade commercial use to animate the street, patios/sidewalk space, landscaping and multiple building access points. The proposed built form is a significant improvement over the current built condition and will provide for significant reinvestment in properties in an established residential area.

Micro-climatic impacts from the redevelopment including shadowing and wind have been reviewed in accordance with Policy 5.1.3 of the Official Plan. The shadow diagrams and wind study have shown no significant impact on adjacent lands, or the public realm.

On-site parking has been accommodated in accordance with the requirements of Policies 5.1.5, 5.1.6 and 5.1.7 by shielding the surface parking area from public view and providing an underground garage for the residential units. Vehicle access to the site has also been removed from Stanley Avenue, to be located on Morden Drive and Arthur Street. The surface parking area will also be appropriately screened from view from the adjacent residential uses.

At this preliminary stage the provided architectural and site plans demonstrate a desire to provide patios, landscaping and improvements along Stanley Avenue. Such improvements should be more closely evaluated and designed through the Site Plan process. The redevelopment of the subject lands is considered an appropriate opportunity to introduce public realm improvements on the site consistent with the policies of the Official Plan and City's Urban Design Strategy.

Official Plan Amendment

The purpose of density maximum is to control urban growth, management infrastructure demand, and enhance quality of life. The suggested amendment to 1.10.5 (iii) to increase density from 100 to 174 units per hectare is fitting, as the infill opportunity at the site enables the City to further its objectives for increased intensification within the urban boundary. The Development supports mixed-use structure that will foster a more complete community and improve the urban design of Niagara Falls, and as shown in the Urban Design Brief, is scaled to minimize negative impacts to the surrounding neighbourhood. Also, as demonstrated in the submitted materials, particularly the TIS and FSR, the site has adequate capacity for the development from a transportation network and infrastructure perspective.

URBAN DESIGN BRIEF

The City of Niagara Falls Requested an Urban Design Brief as part of a complete application. The below section is written in fulfillment of that requirement.

SECTION 1 - VISION & PRINCIPLES

Vision Statement

The vision for the six-storey mixed-use apartment is to create a vibrant building that provides an attractive and seamless transition from Stanley Avenue into the established residential neighbourhoods on Arthur Street and Morden Drive. The building will feature contemporary architecture that prioritizes community and connectivity, through the provision of ground-floor commercial with option for proposed patio spaces to activate the street frontage, and generous balconies that add animation and activity to the street edge. The project will enhance its corner location and act as a gateway and edge to the adjoining mature neighbourhood west of the site, and a gradation in form and massing south into downtown Niagara Falls. This development will create a place that is not only functional and aesthetically pleasing, but will also elevate the design standard along this section of Stanley Avenue by providing an attractive, animated street edge that encourages interaction with the public realm.

Design Principles

The following are the identified design principles that were used to guide urban design decisions throughout the design process. These principles are interdependent and support a cohesive vision.

1. Respect and Enhance the Unique Neighbourhood Character
2. Compact Built Form
3. Mix of Uses to Support Vibrant and Complete Communities

SECTION 2 - POLICY CONTEXT & SITE ANALYSIS

Response to Policy Documents

The proposal aligns with Part 1 Section 3 “General Policies” and Part 2 Section 1 “Residential policies, and which are discussed in greater detail above. The site conforms to prevailing policies supporting intensification and infill development where it is contextually appropriate, in this case along an arterial corridor making optimal use of underdeveloped lands.

Site Analysis: Opportunities and Challenges

The site has opportunities with respect to under-utilized land, and challenges related to the pre-existing low-density built form. It is necessary to ensure that development is sensitive to the prevailing land forms, while also creating high-quality modern development that contributes to a complete community for the neighbourhood.

Area Context - Existing topography, vegetation, and environmental features

The area is flat with no significant environmental features, and the vegetation that exists is manicured lawns and two mature trees in the rear yard of 4981 Stanley Avenue that appear to be around 50-70 years in age, one of which has been badly trimmed over the years and an unkept hedgerow of ornamental shrubs along the property line between 4971 and 4981 Stanley Avenue. The area is well serviced by parks and open space.



Figure 20 – Subject Lands 400m Radius (Google Maps)

Built Form Character/Surrounding Land Uses

The immediate area is predominantly characterized by post-war designs trends, with that era's preferences for low-density, low-rise development. Many of the homes are single-detached 1 or 1 ½ storeys, with some that are 2 storeys. There are two apartment buildings in the area, including the Laura Secord apartment at 5611 Valley Way which exceeds 2 storeys.

Representative photos are shown below. The single-detached buildings in this area have peak roofs, and are typically brick, vinyl sided, or with brick veneer, with concrete or block foundations. The landscaping is generally grass, with some mature trees, either on the public

right-of-way, or on private property. Parking is accommodated through single or double side driveways.



Figure 21 – 5682 and 5694 Arthur Street



Figure 22 – 5661 and 5651 Arthur Street



Figure 23 – 5682 and 5694 Arthur Street

Lot Fabric – General Street/Block Pattern

The area is characterized by what could be considered standard suburban lot fabric, with approximately 15 metre frontages, and 40 metre lot depths. The general street and block pattern are a loose grid, with some loops and organic/non-parallel street that appear to have formed to accommodate older area characteristics, such as Portage Road, the hydro corridor, and Valley Way which was designed and built following the former path of Muddy Run Creek.



Figure 24 – Subject Lands – Lot Fabric (Niagara Navigator)

The immediate blocks of Arthur Street and Morden Drive are approximately 460 metres in length, and 95 metres in width.

Spatial Analysis

The public realm is characterized by large open spaces, and intermittent trees lining the local streets, but with very little trees along Stanley Avenue. The houses are generally setback around 7-9 metres from the road allowance on all roads.



Figure 25 – Subject Lands – Lot Fabric (Niagara Navigator)

On the Arthur Street/Morden Drive block, Stanley Avenue has no defined edge. From an urban design standpoint, the subject lands are characterized by a predominance of negative space, featuring large setbacks that are around 9 metres. There is minimal landscaping except for manicured lawn, lacking elements that add visual interest or enhance the public realm.



Figure 26 – 4971 Stanley Avenue



Figure 27 – Street Edge – Stanley Avenue and Arthur Street, Facing North

Immediately across the street is low-rise housing and an empty hydro corridor, which also weakens the street edge and takes away from a sense of enclosure to the street.



Figure 28 – Street Edge – Stanley Avenue, Facing East



Figure 29 – 4970 and 4976 Stanley Avenue

The street edge dissolves as you move south of the site, and the hydro corridor opens further into view.



Figure 30 – Stanley Avenue Looking North towards Arthur Street Edge

However, the site itself has a unique view and vista of the Niagara Falls skyline, as well as the surrounding tree-lined streets and park.



Figure 31 – Stanley Avenue Looking South Towards Fallsview

SECTION 3 – DESIGN CONSIDERATIONS

Site Design

The subject lands hold a clear opportunity for enhancement of both the site itself as well as the public realm. The weak street edge along Stanley Avenue lends itself to improvement through the proposed building, which will create a new contemporary street wall, with commercial uses that spill out into the public realm. The ground floor ceiling height is 4.5 metres, which creates a human-scaled dimension to the building at the street level while creating flexibility of the commercial use over time. The site will function as an enhancement of the corner, and also act as an edge to the western neighbourhood.



Figure 32 – South Perspective (ACK)

The building is situated on the lot to transition the massing to be sensitive to the established neighbourhood residential uses to the west, by including a wing of the building at 3 storeys, which is 17 metres from the property line at 5526 Morden Drive, while the 6-storey wing of the building is setback 33 metres from the property line at 5526 Morden, and 21.91 metres from the property line at 5517 Arthur Street.

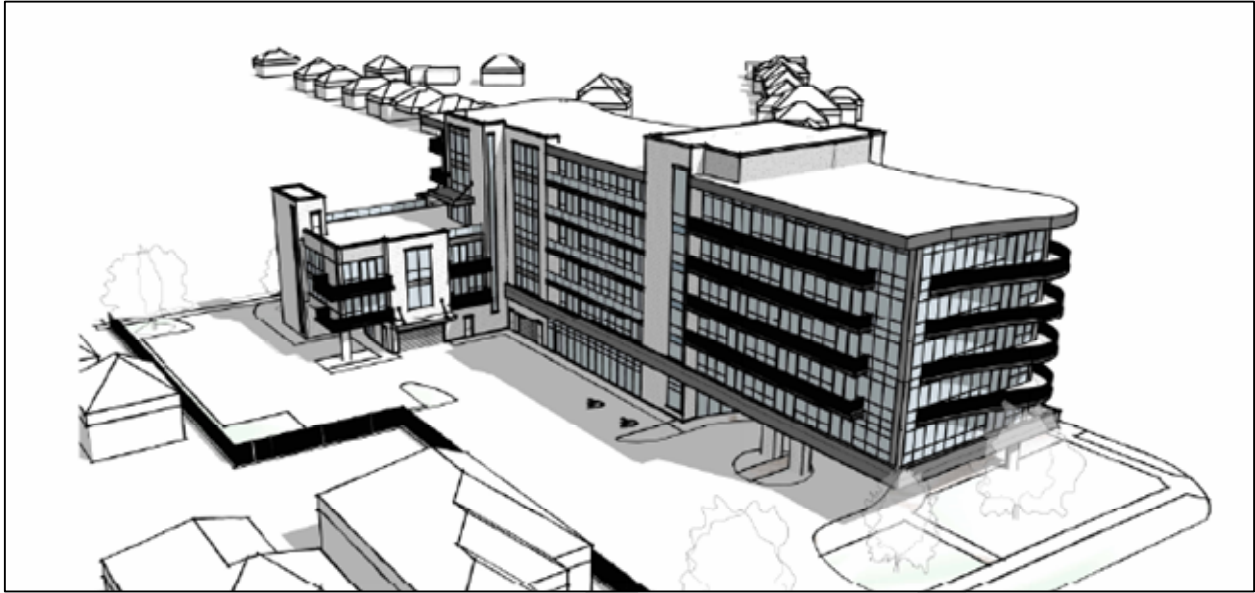


Figure 33 – South-West Perspective (ACK)

As shown in the “Transportation Network” section above, the site is well-served by transit options, and the quiet, tree-lined local roads are suitable for cycling. The site provides a total of 6 exterior bicycle parking spaces, and 26 interior spaces.

The site has two access points, one on Arthur and one on Morden, to provide optimal circulation and ease-of-access to and through the site. There is a ramp to underground parking on the northern portion of the site. This circulation will also facilitate ease of movement for garbage collection. The layout reduces the visual impact of surface parking from the street level along Stanley Avenue while perimeter landscaping buffers the parking area at the rear. The intended layout makes best use of the full, proud frontage along Stanley Avenue for the prominence of the building.

Regarding suitable site and building design elements, the building will be crafted with a focus on energy efficiency, utilizing advanced construction materials, high-quality insulation, and enhanced glazing technologies which will enhance the sustainability of the project.

The intent for lighting for both the building is that it will harmonize with the surrounding environment, ensuring the importance of safe movement throughout the area while also being considerate of the nearby homes.

The conceptual landscape plan demonstrates the intent of the landscaping for the site, with a mix of deciduous, coniferous and perennials to provide seasonal variety and interest throughout the site and along Stanley Avenue, while also providing appropriate and aesthetic buffers

between the site and the adjacent low-density uses to the west. The fencing will be solid screen wood fence in accordance with City standards.

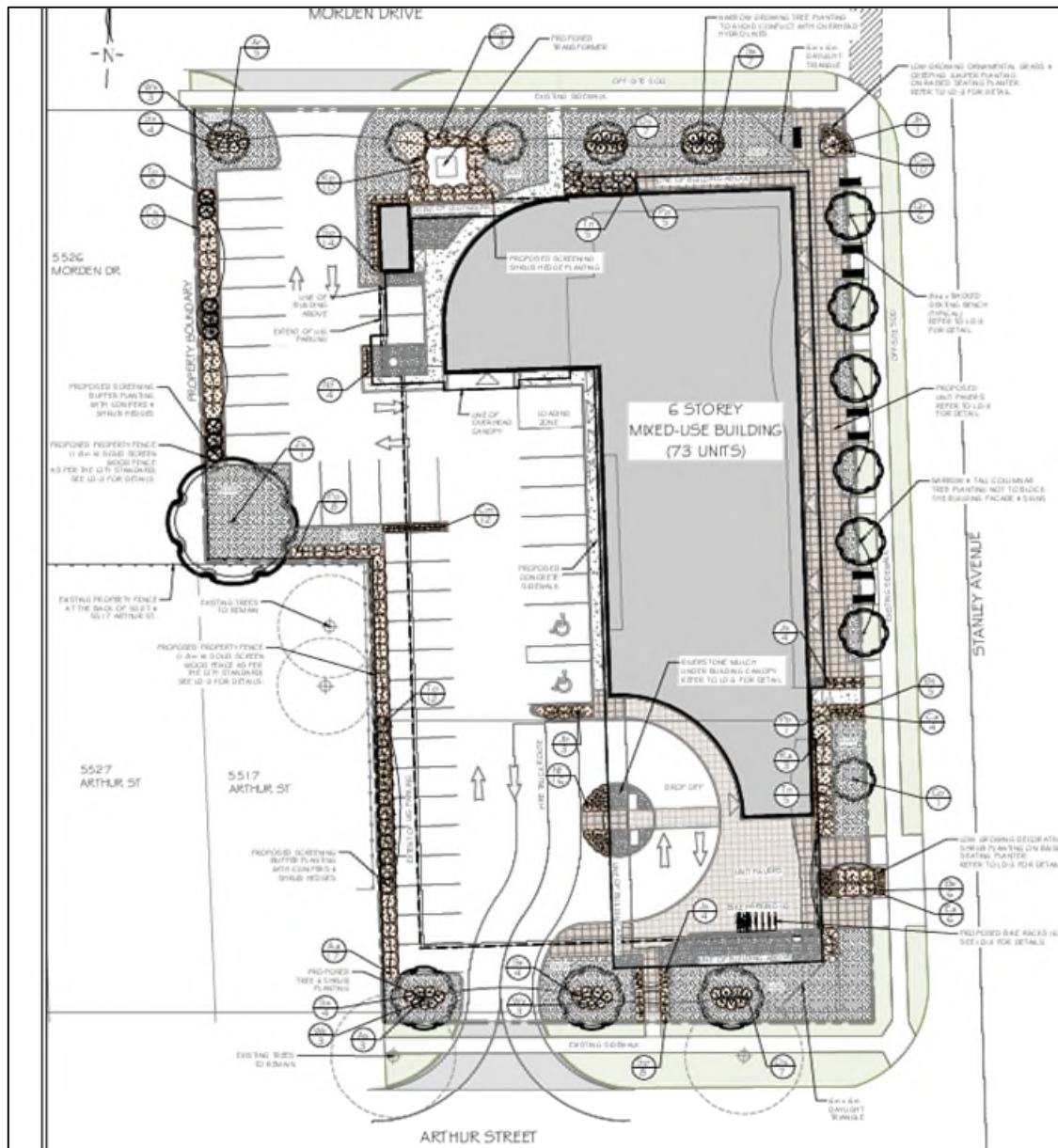


Figure 34 – Conceptual Landscape Plan (Landmark Environmental Group, LTD)

Built Form Massing

The building is six storeys, however as shown in the image below, building massing has been stepped back away from the rear property line to provide a buffer against the low-density residences in the R1C zone to the west, and simultaneously provides an attractive urban design element by giving the building full prominence and a street wall along Stanley Avenue. The 45-degree angular plane diagram demonstrates that the building will soften the transition from the

building to adjacent low-density uses, and maintain access to sunlight, open space and prevent overlook from the subject building onto private amenity spaces.

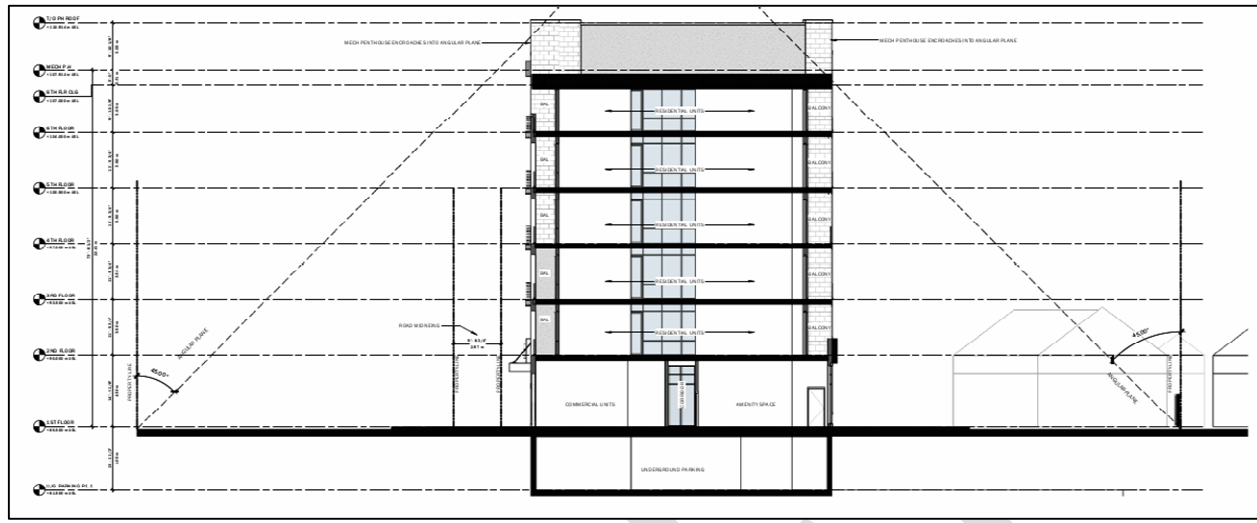


Figure 35 – 45° Angular Plane Section A (ACK)

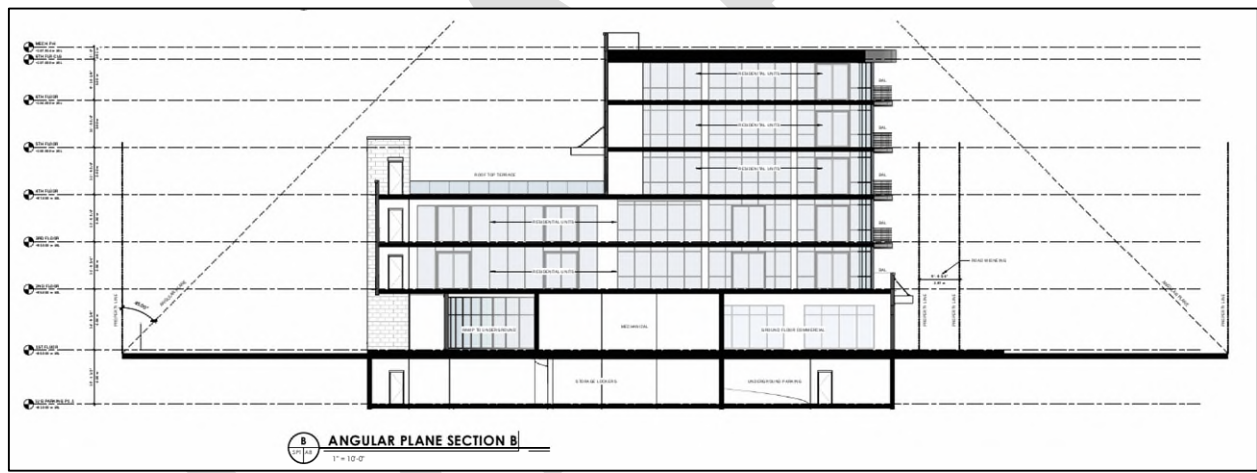


Figure 36 – 45° Angular Plane Section B (ACK)

As discussed under “Related Reports and Studies”, the results of the Wind Study prepared by Gradient Wind, and the Shadow Study, prepared by ACK, conclude that the building will not have any negative impacts on microclimatic considerations.

The floor plate has been designed to provide an elegant and climate-shielded drop-off area, that provides coverage from the elements, while also having enhanced visual interest and giving a sense of lift and lightness to the building’s foundation.

Building and Architectural Design

The architectural style of the building will be in a contemporary style, featuring glass and curved walls. The flowing contours are paired with sleek metal railing, which create inviting balcony spaces that are spacious and functional for the use, while also aesthetic and attractive from the street. The entire façade of the building has been designed to captivate and provide visual appeal at each elevation.

The building is situated on the corner of Stanley Avenue and Morden Drive and Arthur Street to enhance the corner location, and elevate the architectural standard in the neighbourhood, and direction to future intensification opportunities along Stanley Avenue.



Figure 37 – Conceptual Drawing, Stanley Avenue (ACK)

The building will feature a natural palette of light beige and gray, complemented by dark window frames and metal balconies, creating an attractive look that harmonizes with the surrounding neighborhood. Thoughtful lighting will be installed around the site to illuminate entrances and exits, ensuring easy access for residents. The parking lot will also be well-lit to provide safe passage throughout the site. Given the building's proximity to Stanley, Arthur, and Morden, street lighting will further enhance its visibility.

The roof will be designed to prioritize efficient water flow management and will incorporate low-VOC materials, reinforcing the building's commitment to sustainability. The terrace on the lower fourth floor will act as a communal area for residents, complete with landscaped features and green spaces to create a welcoming outdoor atmosphere.

The ground floor will include commercial space designed for spill-out activities that enrich the public realm, such as patio areas and seating. The commercial space will have large areas of

glazing to encourage pedestrian interaction and enhance safety. Ample signage at pedestrian level will improve visibility for commercial tenants, while clear indicators will differentiate the residential entrance from the storefronts and effectively mark the building's address.

Summary

The proposed development achieves the intended urban design principles through the following means:

1. Respect and Enhance the Unique Neighbourhood Character

The building proposes a 6-storey addition to the neighbourhood that is sensitively scaled to low-density residential uses to the west. The building is stepped back from the property line, and the height of the building is more than the setback to the property line, and the 45-degree angular plane, wind study, and shadow study demonstrate that the building has taken every opportunity to reduce and mitigate negative impacts on neighbouring uses, while also presenting a modern, contemporary building style that elevates the neighbourhood and provides an attractive street wall and contribution to the public realm through the building setback, street level commercial uses with spill over components, such as patio areas and seating.

2. Compact Built Form

In support of Provincial, Regional and municipal policies, the building makes highest best use of the property, through efficient and thoughtful building site access, and the addition of 73 units on serviced land. The building has been designed to achieve both private and shared amenity space for each unit, but that also capitalizes on the ample supply of open space in the surrounding neighbouring.

3. Mix of Uses to Support Vibrant and Complete Communities

The proposed development helps contribute to the complete community of the surrounding area, by providing a high-quality mixed-use building with commercial aspects that can service the surrounding area.

In summary, the development will enhance the area with high-quality urban design that is sensitively scaled to the existing content, while also helping Niagara Falls transition to a compact, complete communities.

CITY OF NIAGARA FALLS ZONING BY-LAW (By-law No. 79-200)

As shown on **Figure 18**, the subject lands are zoned as “Residential 1C” (R1C) and “Neighbourhood Commercial” (NC) within the City of Niagara Falls Zoning By-law 79-200. The R1C Zone applies to the dwelling on Morden Avenue (5516 Morden Drive) and the NC Zone applies to 4956, 4971 & 4981 Stanley Avenue.

To facilitate the proposed development, the applicant has proposed a site-specific R5F Zone for the entirety of the subject lands.

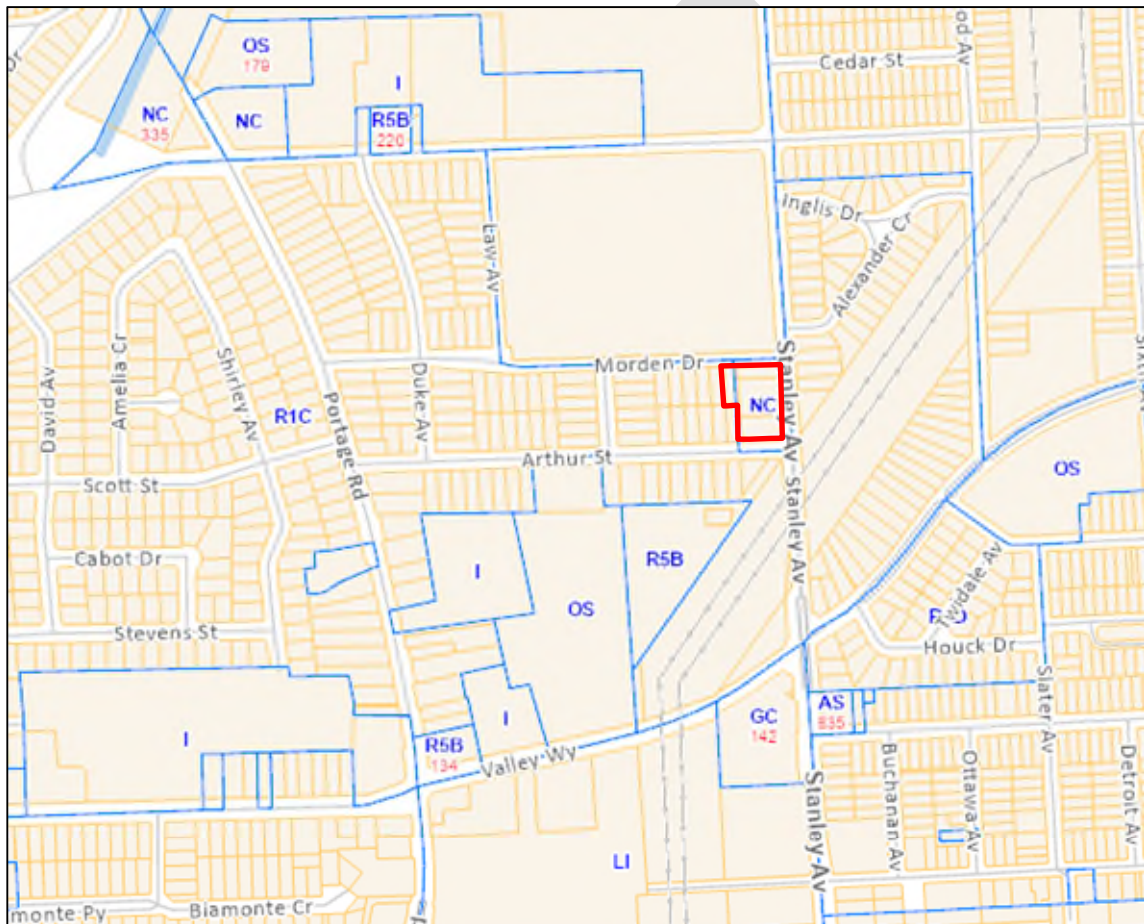


Figure 5 - Zoning By-law 79-200 – City Online Zoning Map Viewer

Neighbourhood Commercial (NC) and Residential 1C (R1C)

As shown in **Figure 18**, the properties known as 4965, 4971 and 4961 Stanley Avenue, are zoned as Neighbourhood Commercial (NC), and the property known as 5516 Morden Drive is designated Residential 1C (R1C). The intent and purpose of the Neighbourhood Commercial (NC) zone is to serve as a transitional zoning that recognizes existing land uses in proximity to Stanley Avenue, which is an arterial road abutting an established residential zone. The intent and purpose of the R1C zone is to permit existing single detached dwellings which are found within the older, established residential neighbourhoods located in close proximity to the subject lands.

The establishment of a mixed-use apartment building requires a change in zoning from NC and R1C to a site-specific Residential 5 F (R5F). The R5F Zone is proposed to be utilized as the new base zone for the entirety of the subject lands.

Residential Dwelling Units

The proposed building is primarily residential in composition and will contain 73 apartment dwelling units and 455.69 square metres (4,905 square feet) of dedicated ground floor commercial area along the eastern flank of the building. The zoning is to tailor the R5F zone to the specifics of the proposed architectural design.

Commercial Units

Dedicated ground floor commercial is proposed within the building, including proposed retail, office and restaurant. This area will be located at the eastern side of the building along Stanley Avenue.

SITE SPECIFIC PROVISIONS

The following section described the requested site-specific provisions requested through the Zoning By-law Amendment.

Deemed Yards

The subject lands have frontage along three (3) municipal roadways including Stanley Avenue, Arthur Street and Morden Drive, which classifies the subject lands (as consolidated) as a corner lot under the Zoning By-law. As the development and commercial use fronts onto Stanley Avenue, this is requested to be deemed the front yard.

To provide clarity for the implementing Zoning By-law Amendment, the yards for the development are proposed to be deemed as follows:

- Front Yard – Stanley Avenue
- Exterior Side Yard – Morden Drive
- Exterior Side Yard – Arthur Street
- Rear Yard – Property Line Abutting 5526 Morden Drive
- Interior Side Yard – Property Line Abutting 5517 Arthur Street

Maximum Building Height

The R5F Zone limits height to 28 metres, and permitted uses to an apartment dwelling, a stacked townhouse dwelling and accessory buildings or structures.

The building height conforms with height requirement of the R5F Zone at 25.41m to the top of the penthouse roof and is deemed to be acceptable based on the alignment with and satisfaction of the related Official Plan policies and that there will be minimal shadow or wind impacts on adjacent lands.

Minimum Yard Setback (Front, Rear and Exterior)

The purpose of the front and exterior side-yard setback provisions are to create a balanced and functional urban environment, that supports a quality public realm, privacy, and safety and access between buildings and for pedestrians and vehicles. The proposed building will be located 1.8 metres inside the ultimate property boundary along Stanley Avenue for the subject lands after road widenings are taken. The resultant road widening will still ensure that sufficient public realm and road expansion area is able to be provided between the building and the existing curb line. The setback is appropriate because the building is set at an ideal distance from an urban design perspective to create an animated and visually appealing street wall. The exterior side-yard setback to Morden Drive is 7.20 metres, which is appropriate because there are no negative impacts to neighbouring properties. Similarly, the building setback to the daylight triangle at Arthur Street is 5.96 metres. These setbacks will create a visually compelling corner presence to the building, with no negative impacts with respect to shadowing, overlook, or 45-degree angular plane.

Parking

The proposed development will contain 73 residential dwellings units and one commercial unit.

The applicable parking ratio for apartment units, per section 4.27 of Zoning By-law 79-200 is 1.4 spaces per unit. Based on the 73 units proposed, the minimum amount of required parking would be 102.2 (102) parking spaces.

The commercial use to occupy the one commercial unit is not yet determined. As such, the basic commercial parking ration of 1 space for every 40 square metres of floor area was utilized. The 455.68 square metre unit would therefore require 11.39 (11) spaces.

In total, the site is able to accommodate 96 parking spaces on site representing eleven (11) spaces for commercial and 85 spaces for residential.

The requested reduction will result in a residential parking ratio of 1.16 spaces per unit. Although below 1.4 spaces per unit, other Niagara municipalities employ more modern ratios of 1.0 (Welland) or 1.25 (St. Catharines) spaces per unit for apartments – the proposed is appropriate as the site is serviced by transit, and has walkable and bikeable amenities that support a reduction. It is also noted that there have been several instances of parking reductions that have been granted within the Tourism Area at value at or below 1.25 spaces per unit in recent years.

Given the findings of the TIS and that the ratio of parking sits above most modern zoning requirements for apartment dwelling units in similar municipalities, the request parking ratio reduction is considered to be appropriate for the subject lands.

Additionally, the requested relief for bicycle parking can be considered appropriate, as there will be optional bicycle parking in storage lockers, or in the residential suites to accommodate additional parking if the prospective unit dweller requires it.

Minimum Amenity Area Per Dwelling Unit

The minimum amenity area requirement is meant to ensure that high-density buildings are designed with consideration for people's daily needs for access to sunshine, open air, recreational and social activities. The reduction in the 20 square metre requirement is appropriate, as each unit will have private balcony space, as well as access to an interior amenity room. In addition, the neighbourhood is well-supplied with open space areas that are within a short walk to the proposed apartment. The reduction amounts to 19.93 square metres per dwelling unit instead of 20 square metres, and can therefore be considered minor and appropriate.

Encroachments into Required Yard

The purpose of the encroachment provision is to prevent intrusion into the public realm, and avoid overlook and privacy concerns. The requested encroachments for balconies, canopies and patios are proposed to allow them to project to the front lot line and into the noted yards.

The provision of balconies, patios and canopies is beneficial from an aesthetic perspective - providing visual interest, built form variation and opportunities for social interaction to occur. It

is therefore appropriate and beneficial to the design of the site that the requested encroachments be permitted.

Zoning Conformity Matrices are included as **Tables 1, 2 and 3** of this Report showing the requested departures from the base R5F Zone and General Provisions of By-law 79-200.

Lot Coverage

The intent of the City's lot coverage maximums is to ensure that the lot has sufficient open space, that there is sufficient room for lot functionality including managing stormwater, servicing, utilities and infrastructure, that there is sufficient access and egress, and that the building maintains neighbourhood character. The requested relief from the lot coverage provision is appropriate, as the proposed development is an urban infill project that adds needed density and enables the transition of the neighbourhood to a complete community, while maintaining no negative impact to neighbouring properties, and maintain full site functionality.

Minimum Landscaping

The purpose of the landscape provision in the zoning by-law is to enhance aesthetics, provide green space for recreation and community well-being, provide buffering and screening to neighbouring properties, and improve environmental aspects such as air quality and heat reduction. The reduction of landscaping requirements for the subject lands is appropriate, because the area is supplied with ample parks and open space. The site will still be landscaped to create an aesthetic buffer for surrounding uses as well as enhancing the urban design along the frontages of Stanley, Arthur, and Morden.

Minimum Perpendicular Width of Manoeuvring Aisle

The purpose of the minimum width is to ensure vehicle access and safety. The requested reduction is to accommodate a small pinch point in the manoeuvring aisle at one section of the site access. This portion of the drive aisle only has single-loaded parking, and is not a fire route, therefore the reduction is minor and the width is sufficient to accommodate traffic.

TABLE 1: ZONING COMPLIANCE TABLE – BICYCLE PARKING

Section 4.39	REQUIRED	PROPOSED
Bicycle Parking	<p>a) BICYCLE PARKING: bicycle parking enclosures shall only be required for buildings or portions of buildings that were not existing on the effective date of the By-law and shall be provided in accordance with the following: (2021-40)</p> <ul style="list-style-type: none"> i. Bicycle parking shall be provided at a rate of 0.5 spaces/dwelling unit for apartment dwellings and 1 space/500m² of floor area for non-residential uses. (36.5 spaces + 0.96 spaces = 37 spaces) ii. Short-term bicycle parking shall be provided at a rate of 2 spaces per apartment dwellings with 20 units or less, and at a rate of 6 spaces per apartment dwelling having more than 20 dwelling units. Non-residential uses shall provide 1 space/500m² of gross leasable floor area. iii. A bicycle parking space shall be located within a building, structure, enclosure and/or bicycle locker. iv. A bicycle parking space shall be a minimum of 1.8 metres in length, a minimum of 0.6 metres in width, and overhead clearance in covered spaces shall be a minimum of 2.1 metres. 	<p>a) i. 0.34 per unit (Residential) = 25 spaces</p> <p>1 space/500 m² of floor area for non-residential uses (1 space) = 1 space</p> <p>ii. 6 spaces per dwelling have more than 20 dwelling units (6 spaces)</p>

Section 4.39	REQUIRED	PROPOSED
	<p>v. Notwithstanding subsection (iii) above, where a bicycle parking space provides for vertical storage of a bicycle, the minimum length may be reduced to 1.2 metres.</p> <p>vi. Notwithstanding subsections (i) and (iii), where a bicycle parking space is located within a bicycle locker, overhead clearance shall not be required.</p> <p>A bicycle parking space shall abut an access aisle which shall be a minimum of 1.5 metres in width.</p>	

TABLE 2: ZONING COMPLIANCE TABLE – R5F

Section 7.15.1	REQUIRED	PROPOSED
(a) Minimum Lot Area	57 square metres (613.5 sq. ft.) for each dwelling unit 4,161 square metres	4,499.35 square metres
(b) Minimum Lot Frontage	45 metres	85.35 metres (Stanley Avenue to be Deemed Front Yard)
(c) Minimum Front Yard Depth	7.5 metres in accordance with sections 4.27.1, where applicable	1.8 metres (Stanley Avenue)
(d) Minimum Rear Yard Depth	One-half the height of the building or 10 metres whichever is greater plus any applicable distance specified in section 4.27.1	17 metres (Property Line Abutting 5526 Morden Drive deemed to be the rear lot line)

(e) Minimum Interior Side Yard Width	One-quarter the height of the building	21.91 metres (Property Line Abutting 5517 Arthur Street)
(f) Minimum Exterior Side Yard Width	7.5 metres (24.61 ft.) plus any applicable distance specified in section 4.27.1	5.96 metres (Arthur Street) 7.2 metres (Morden Drive) Morden Drive to be Deemed Exterior Side Yard Arthur Street to be Deemed Exterior Side Yard
(g) Maximum Lot Coverage	30%	44%
(h) Maximum Height of a Building of Structure	28 metres (91.9 ft.) subject to section 4.7	23.02 metres
(i) Number of apartment dwellings on one lot	one only	one only
(j) Parking and Access Requirements	in accordance with section 4.19.1 <u>Residential</u> Apartment 1.4 spaces per unit (102 spaces) <u>Commercial</u> Office - 1 space per 25 square metres (5 spaces) Restaurant – 1 Space Per 5 Seats (4 spaces) Retail – 1 space per 25 square metres (4 spaces)	Apartment Dwellings 1.15 spaces per unit (83 spaces) Commercial Unit 13 spaces

	Retail Storage – 1 space per 90 square metres (0 spaces)	
(k) Accessory buildings and accessory structures	in accordance with sections 4.13 and 4.14	n/a
(l) Minimum landscaped open space	55% of the lot area	21%
(m) Minimum amenity space for an apartment dwelling unit	in accordance with section 4.44 1460 square metres	1455.08 square metres

TABLE 3: ZONING COMPLIANCE TABLE – GENERAL PROVISIONS

Section 4.14 Yards	REQUIRED	PROPOSED
4.14 Permitted Uses	<p>Every part of every front yard, side yard and rear yard required by the provisions of this By-law shall be open from the ground to the sky and no such yard shall be obstructed or occupied by any building, structure, accessory building, accessory structure or part thereof or projection there from except as follows:</p> <p>a) sills, belt courses, cornices, chimney breasts, bay windows, pilasters and similar architectural features and window air conditioning units may project into any required yard a distance of not more than 0.45 metres;</p>	<p>Notwithstanding the requirements of Section 4.14 that the following encroachments be permitted:</p> <p>c) open balconies not covered by a roof or canopy may project into any required front yard to the lot line, and any other required yard a distance of not more than 2.0 metres;</p>

Section 4.14 Yards	REQUIRED	PROPOSED
	<p>b) unsupported canopies, eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.45 metres;</p> <p>c) open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45 metres;</p> <p>d) subject to Section 4.27.1, a roofed-over one storey porch may project into a required front yard, rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 2.5 metres provided however that (i) no enclosure of such porch, other than removable screens and storm sashes or awnings, shall be erected to a height of more than 1.0 metre above the floor of such porch, and (ii) in no event and subject to said Section 4.27.1 shall any part of such porch be closer than 1.5 metres from any street line;</p> <p>e) fire escapes may project into any required side yard or rear yard a distance of not more than 1.2 metres;</p>	

Section 4.14 Yards	REQUIRED	PROPOSED
	<p>f) accessory buildings and accessory structures where specifically permitted in a zone, may be erected in accordance with Section 4.13 and the other applicable provisions of this By-law;</p> <p>g) light standards, fuel pump islands and fuel pumps of automobile service stations may be erected in accordance with the applicable provisions of this By-law;</p> <p>h) subject to section 4.27.1, a deck may project into a required front yard a distance of not more than 2.5 metres and into a required rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 4 metres and in no event, and subject to said Section 4.27.1, shall any part of such deck be closer than 1.5 metres from any street line and closer to the interior and exterior side lot lines than the minimum interior side yard and exterior side yard widths of the specific zone.</p>	

Section 4.44	REQUIRED	PROPOSED
4.44.1 Permitted Uses	<p>Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones a minimum amenity area of 20 square metres per dwelling unit shall be provided.</p>	<p>Within the R5F zone a minimum amenity area of 19.93 square metres shall be provided.</p>

PLANNING OPINION

ACK has submitted an Official Plan and Zoning By-law Amendment application to the City of Niagara Falls pertaining to lands known as 4965-4981 Stanley Avenue and 5516 Morden Drive. The subject lands are currently zoned Neighbourhood Commercial (NC) and Residential 1C (R1C) to a Site-Specific Residential 5F Zone (R5F).

The application has been submitted to facilitate the development of a 6-storey mixed use building containing ground-floor commercial space and seventy-three (73) residential apartment dwelling units. The proposed use of the lands for mixed-use is permitted by the City's Official Plan and Zoning By-law.

The Official Plan Amendment is required to permit an increase in density. The Zoning By-law Amendment is required to facilitate an increase in building height and the proposed apartment use. The Amendment also proposes site-specific departures from the base provisions of the R5F Zone to deem yards, facilitate setbacks and permit building projections to the lot line. The requested zoning relief will have no significant impacts on adjacent lands and will provide opportunities for enhanced design and better integration between the private and public realm along Stanley Avenue.

Supporting studies pertaining to traffic/parking, wind and shadow impacts have demonstrated minimal impacts to adjacent properties and municipal roadways as a result of the requested zoning provisions and residential building density. Additional studies including stage 1-2 archaeological assessment, transportation noise feasibility assessment, functional servicing report have similarly outlined no significant impacts or concerns and that development can be supported.

Upon review and analysis of applicable plans, policies and supporting documentation it is my professional opinion that the applications satisfy the requirements of the Planning Act, are consistent with 2024 Provincial Planning Statement and conform to the 2022 Niagara Official Plan, and the City of Niagara Falls Official Plan (as amended).

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nicholas Godfrey', written in a cursive style.

Nicholas Godfrey, MA, MCIP, RPP
Senior Planner
Upper Canada Consultants