



**Official Plan and Zoning  
By-law Amendment**  
5584 Fraser St.  
City of Niagara Falls, Ontario

**Planning Justification Report**

April 2025

**CL PLANNING  
& DESIGN LTD.**



Table of Contents

1.0 Introduction.....

2.0 Planning Observations.....

3.0 Studies .....

4.0 Development Review Summary.....

5.0 Site Description .....

6.0 Proposed Site Plan .....

7.0 Proposed Official Plan Amendment .....

7.1 Proposed Zoning By-law Amendment .....

7.2 Special Zoning Provisions .....

8.0 Planning Review .....

8.1 Planning Act.....

8.2 Provincial Interest .....

8.3 Provincial Planning Statement (2024) .....

8.4 Niagara Region Official Plan.....

8.5 City of Niagara Falls Official Plan.....

8.6 City of Niagara Falls Zoning By-law .....

9.0 Prestige Industrial Zone Analysis .....

9.1 City-Wide Prestige Industrial Zoning Evaluation.....

10.0 Supporting Studies.....

10.1 Land Use Compatibility Assessment .....

10.2 Transportation Noise Assessment.....

10.3 Phase One and Two Environmental Site Assessments (ESA) .....

10.4 Functional Servicing Report .....

10.5 Stage 1 & 2 Archaeological Assessments .....

10.6 Parking Impact Analysis .....

10.7 Urban Design / Architectural Brief .....

10.8 Conceptual Site Plan, Elevations, Floor Plans .....

10.9 Summary of Studies .....

11.0 Conclusion .....

3

4

9

9

10

11

13

13

13

15

15

15

16

18

22

23

28

32

33

33

33

34

35

35

36

36

37

37

38

## List of Figures

**Figure 1 – Subject Lands**

**Figure 2 – Schematic View of Apartment Dwelling**

**Figure 3 – 1934 Aerial Photo**

**Figure 4 – 1954-55 Aerial Photo**

**Figure 5 – Current Land Use**

**Figure 6 – Community Amenities**

**Figure 7 – City of Niagara Falls Official Plan (Schedule A) Future Land Use (Adaptation)**

**Figure 8 – Site Plan**

**Figure 9 – Adjacent Uses**

**Figure 10 – Building Height and Context**

**Figure 11 – Parks, Open Space and Trail Network**

**Figure 12 – Lot Development Analysis in the PI Zone**

## Appendices

**Appendix A – Site Plan Concept, Elevations, Floor Plans**

**Appendix B – Planning Act – Section 2 Compliance**

**Appendix C – Provincial Planning Statement 2024 Policy Review**

**Appendix D – Niagara Region Official Plan Policy Review**

**Appendix E – Niagara Region Appendix 3 – Employment Land Conversion Criteria Review**

**Appendix F – City of Niagara Falls Official Plan Policy Review**

**Appendix G – Housing Impact Analysis**

**Appendix H – Prestige Industrial Zone Analysis Table**

**Appendix I – Draft Official Plan Amendment**

**Appendix J – Draft Zoning By-law Amendment**

**Appendix K – Neighbourhood Open House Summary**

**Appendix L – Pre-Consultation Checklist**



## 1.0 Introduction

On behalf of ACK Architects Studio inc. (the “applicant”) and Rita Visca (the “client”), CL Planning & Design Ltd. (the “Consultant”) has been retained to provide a professional planning opinion related to proposed amendments to the City of Niagara Falls Official Plan and Zoning By-law for 5584 Fraser Street, in the City of Niagara Falls (the “Subject Lands”). The intent of these amendments is to facilitate new residential rental accommodations, comprising a 4-storey residential apartment dwelling containing 18 residential dwelling units, and 18 parking spaces (16 interior, 2 outdoor). The dwelling is proposed to consist of 12 (1-bedroom) units and 6 (2-bedroom) units. The first floor will accommodate parking, with 6 units occupying each of the 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> floors. The unit sizes are proposed to range between 563 sq.ft. to 919 sq.ft. The lower square footage of these unit sizes will help contribute to the creation of affordable housing, 15% targeted as affordable. Refer to housing impact analysis (Appendix G).

As a result of the review and research, this Planning Justification Report (“PJR”) serves to demonstrate the appropriateness of the proposed amendments in consideration of Provincial, Regional and local policy.

*Figure 1 – Subject Lands*





Figure 2 below is a schematic representation of the proposed development. Each unit is provided with a balcony for personal private amenity space. The top of the building includes a small roofed sitting area (or terrace) and a larger uncovered amenity area.

**Figure 2 - Schematic View of Apartment Dwelling**

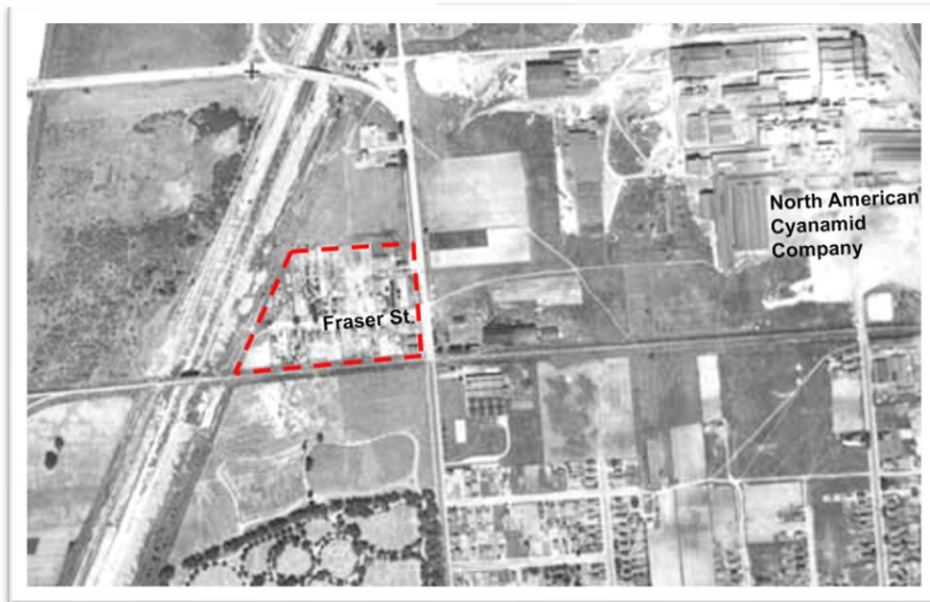


## 2.0 Planning Observations

The Official Plan for the City of Niagara Falls was approved by the Ministry of Municipal Affairs on October 6, 1993. The proposed development has been evaluated based on the office consolidation dated January 1, 2024.

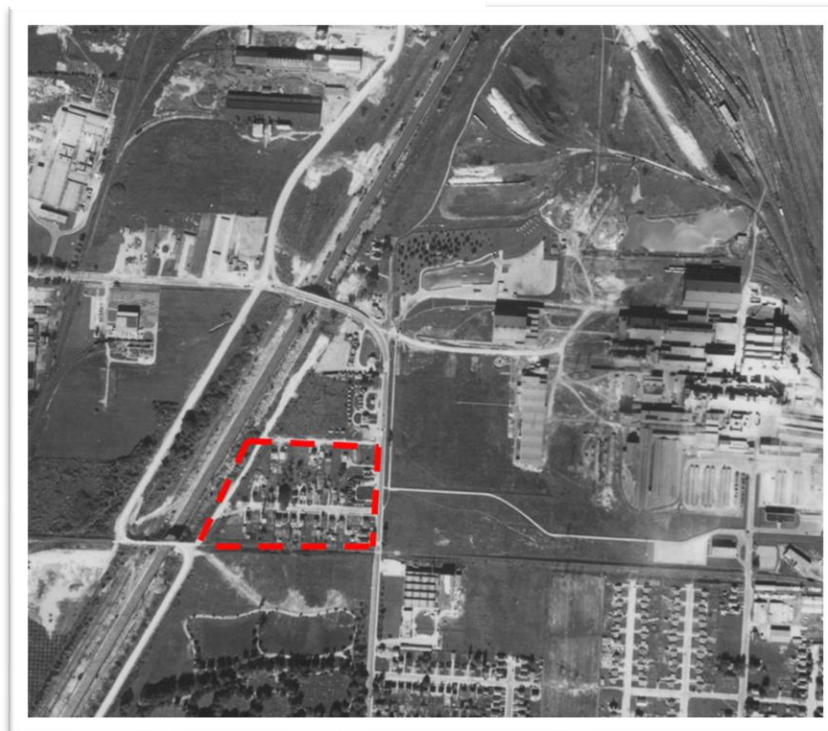
The subject lands fall within a long term established area primarily made up of single detached residential dwellings. This aerial photo from 1934 below suggests that the subject lands and Fraser St. initially developed as a residential area (small, single detached dwelling lots) that likely serviced the former Cyanamid plant, that was established in 1907:

**Figure 3 – 1934 Aerial Photo**



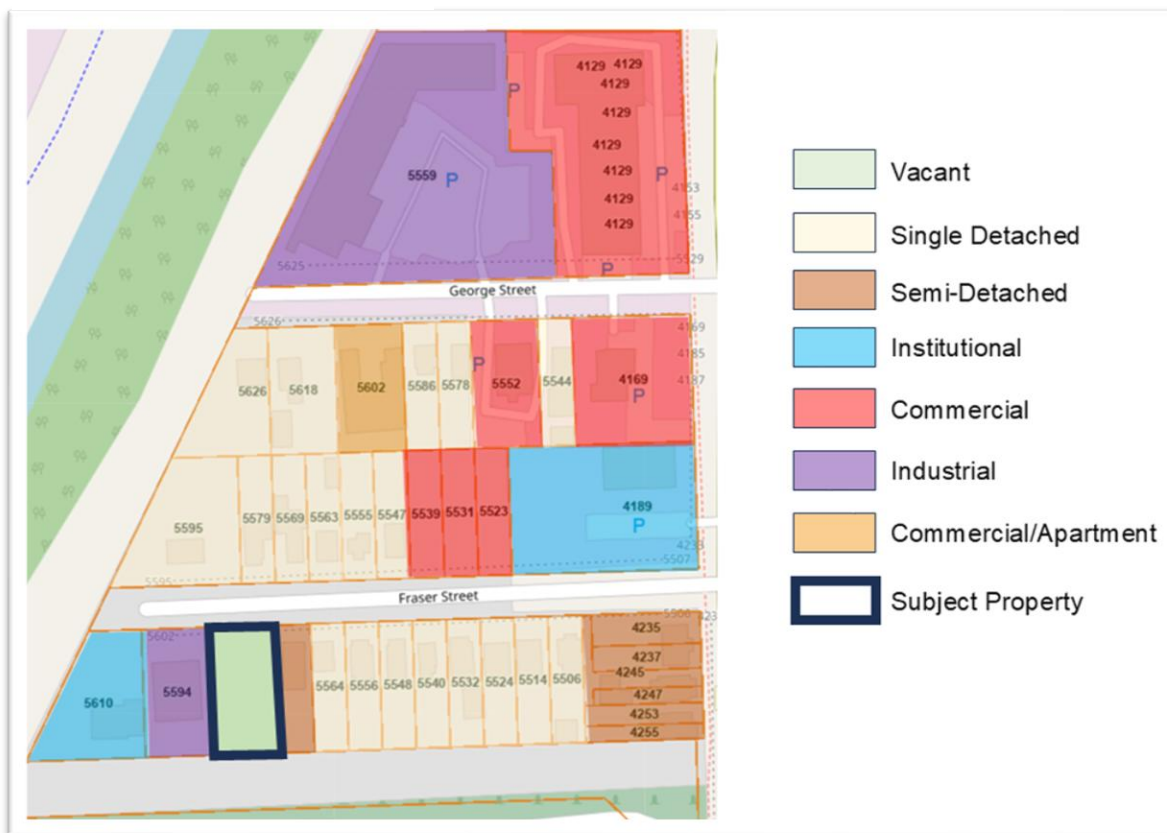
By 1954, Fraser and George Streets are more prominent, with commercial/retail uses flanking the west side of Stanley Ave. Industrial uses emerge north and west of the hydro canal (now Oleo Energies Inc.).

**Figure 4 – 1954-55 Aerial Photo**



Currently, this is a mixed-use neighbourhood, consisting of single and semi-detached dwellings; institutional, commercial and industrial type uses in the form of a commercial plaza and an automotive centre to the north.

**Figure 5 - Current Land Use**



There is a large separation distance between the subject property within the “Fraser/George neighbourhood” and the westerly industrial area currently operating as Oleo Energies Inc. (see Figure 6). Within this separation is a hydro canal, a railway that services Oleo for product transportation, and a multi-use trail known as the Millennium Recreational Trail.



*Hydro Canal*



*Millenium Trail and Railway*

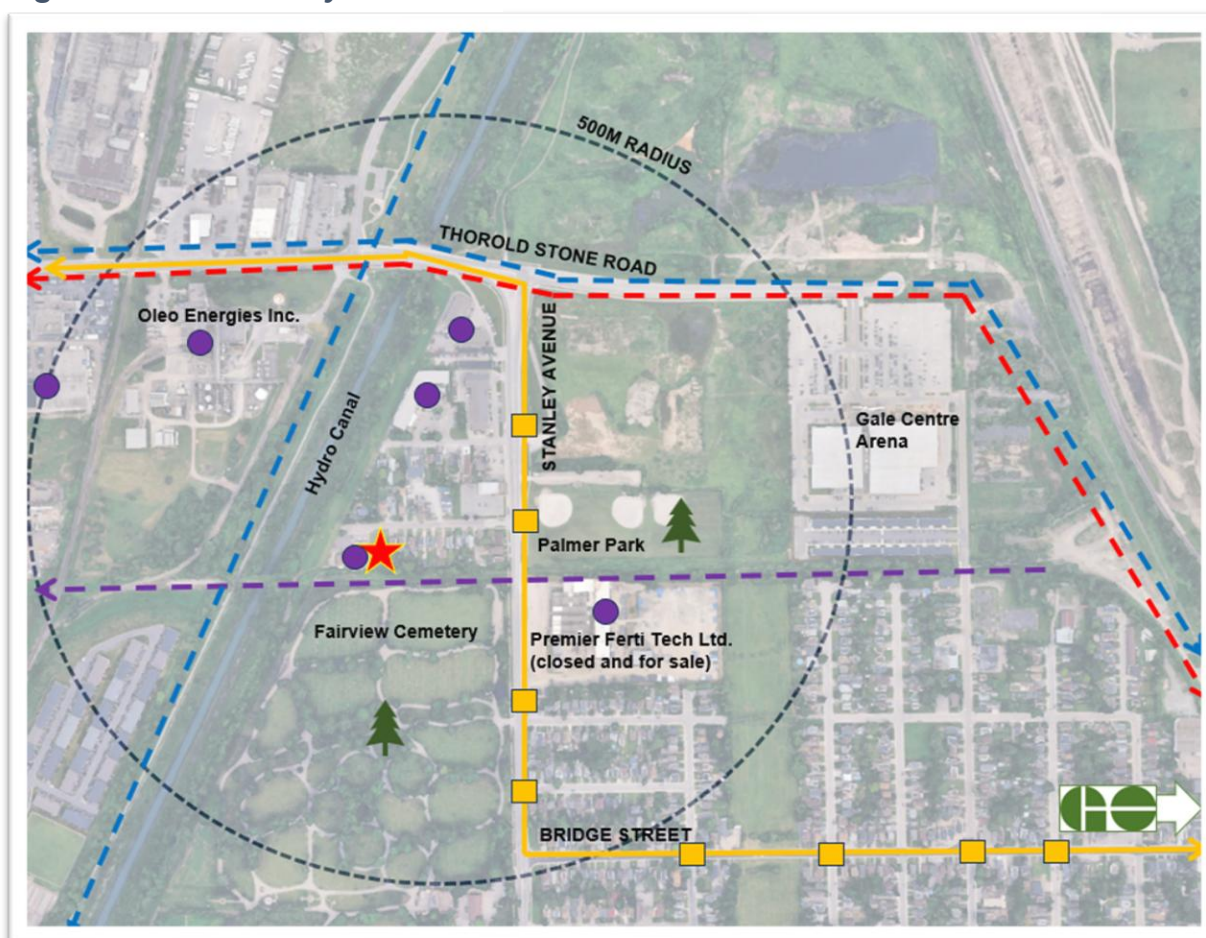


*Oleo Energies Inc.*



South of the local area is the Fairview Cemetery which can be accessed via sidewalk and the Stanley Avenue road network. Palmer Park is within immediate vicinity and used mainly for baseball. The Gale Centre Arena (with four pads of ice and community space) is 500m to the east and can be accessed via the Thorold Stone Road extension by walking, bicycle or vehicle. The Niagara Falls Go Station is less than 2km away. The surrounding area has an extensive trail network and two transit stops (at the intersection of Fraser/Stanley and George/Stanley) less than 150m from the subject lands.

**Figure 6 – Community Amenities**

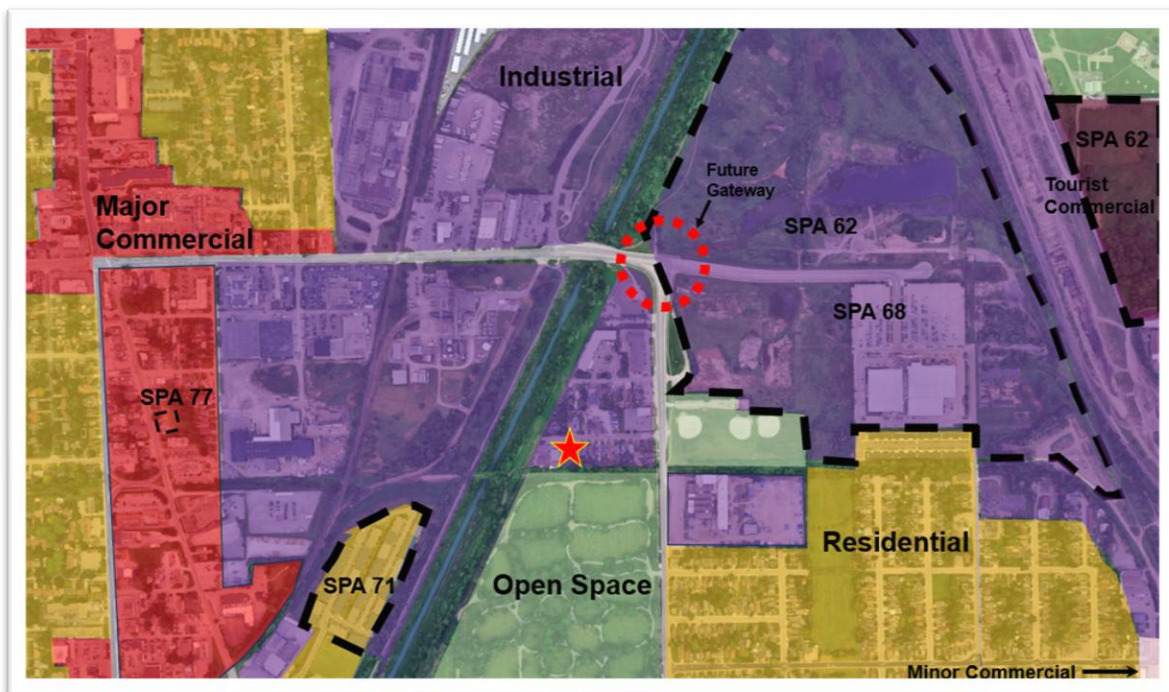


Grocery stores and various supporting commercial uses – in the nearby Stamford commercial district (designated Major Commercial in the Official Plan) and the downtown - provide convenient shopping, fast food, automotive services and other personal services all within a short commute, via public transit, bike ride or walk from the subject lands.

Both Thorold Stone Road and Stanley Avenue are classified as Arterial Roads in accordance with Schedule C, and the Elgin Community Improvement Area as shown on Appendix V to the City Official Plan, respectively. Schedule A identifies the area located to the east and northeast as Special Policy Areas 62 and 68. Special Policy Area 62 spans a large area (approx. 61 ha.) planned for a range of land uses including light industrial, employment, tourist commercial, residential and open space further to the east beyond the CN railway right of way. Despite the heavy industrial use (Cyanamid) of the past and the designation of the lands as 'Core Employment' within the NF-2 North Niagara Falls Secure Storage Employment Area in the Regional Plan, SPA 62 is anticipated to evolve as a comprehensively planned, mixed-use community:

*13.62.1.1 These lands are intended to develop for a broad range of employment activities including light industrial (activity primarily occurring within buildings and minimal outdoor storage); warehousing; office; laboratory and research facilities; automotive uses; service commercial uses such as restaurants, printing shops, fitness and recreation, convenience stores; and, institutional uses such as community centres, arenas, and churches. 13.62.1.2 Development of the Cytec land will occur by way of a plan of subdivision, condominium, site plan control, and/or any other planning process to establish a new street system and development parcels.*

**Figure 7 – City of Niagara Falls Official Plan (Schedule A) Future Land Use (adaptation)**



Further, a high quality of streetscape, site planning and building design is anticipated for the Cytec lands with the intersection of Thorold Stone Rd. and Stanley Ave. This major intersection is to be *designed to serve as a gateway to the area and the City's arena/recreation complex.* (13.62.1.5)

Special Policy areas 71 and 77 are located to the west of the hydro canal. Special Policy area 71 (5.1ha.) and 77 both permit residential or a mix of commercial and residential development.

### 3.0 Studies

Several studies have been undertaken to determine that the proposed development is feasible subject to various recommendations. An Environmental Impact Study has not been required by staff as the subject lands are removed from the Environmental Protection Area and the lands between are developed. The following studies are submitted in support of the application:

- Stage 1 & 2 Archaeological Assessment by Earthworks Archaeological Services Inc., October 11, 2024
- Functional Servicing Design Brief, Hallex Engineering Ltd., October 21, 2024
- Transportation Noise Assessment prepared by Gradient Wind, March 4, 2025
- Land Use Compatibility Assessment prepared by Gradient Wind, March 4, 2025
- Phase 1 Environmental Assessment prepared by Niagara Soils Solutions Ltd, January 12, 2023
- Phase 2 Environmental Assessment prepared by Niagara Soils Solutions Ltd., March 30, 2023
- Parking Impact Analysis prepared by NexTrans, February 28, 2025
- Urban Design Brief, prepared by CL Planning & Design Ltd, March 2025

### 4.0 Development Review Summary

The proposed development has a multitude of positive qualities and the ability to meet policy objectives. The following is a brief summary capturing some of these items:

- Implements Section 2 of the Planning Act;
- Is consistent with Provincial Policy;
- Implements the Vision and Strategy of the Niagara Region and City of Niagara Falls Official Plans;
- Complies with the intent of both Official Plans;
- Creates rental opportunities (15% affordable units) in a well-designed apartment building inclusive of private amenity spaces, supported by public transit, producing positive spin-off economic activities in the local commercial area;
- Implements smart-growth principles and tested urban design strategies and practices;
- Supported by functional serving and stormwater management analysis and other studies;
- Requires Site Plan approval.
- Represents good planning.



## 5.0 Site Description

The subject lands are approximately 0.11 hectares (0.30 acres) in area, rectangular in shape with 24.35m of frontage and 45.88m of lot depth. The lands are vacant, relatively flat, and generally devoid of vegetation, except at the rear lot line where it abuts the former NS&T railway corridor.



*Interior View of Subject Property*



*View Looking North from centre of Property*



*Adjacent Property to East (semi-detached dwelling)*

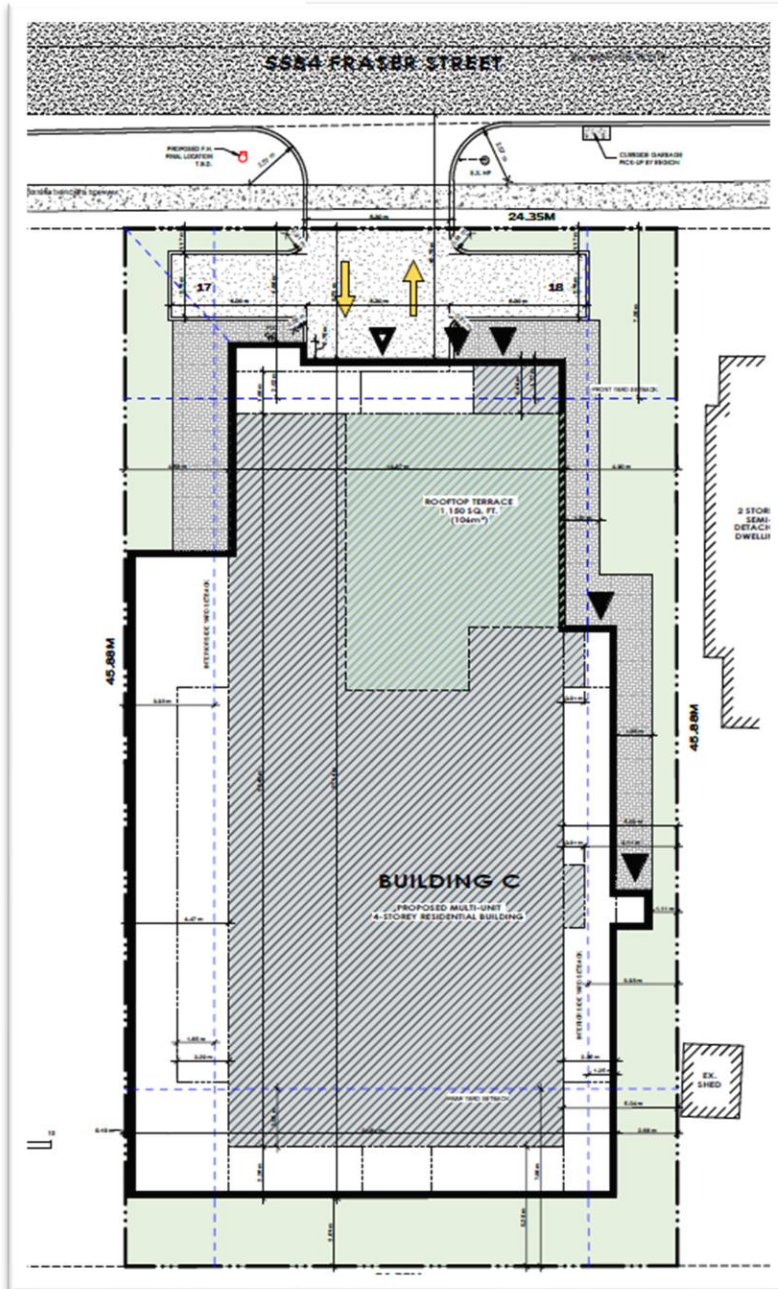


*Adjacent Property to West (Streamline Auto Industrial)*

## 6.0 Proposed Site Plan

The site will be accessed from Fraser Street, with the majority of parking (16 spaces) contained within a ground floor interior parking area concealed by decorative brick, a feature wall, façade treatments and indentations that will essentially hide the car from the public realm. Two front yard parking spaces are proposed which is consistent with front yard parking arrangements on adjacent parcels.

**Figure 8 – Site Plan**



- Vehicular access off Fraser St.
- Outdoor surface parking for 2 spaces
- Interior parking for 16 spaces
- Total of 1 parking space / unit
- Enclosed balconies on all sides of dwelling
- Curbside garbage/recycling pick-up to be arranged with Region





## Immediate surrounding uses include:

- **North**
  - Visca Electric;
  - Niagara Battery and Tire
  - Existing Residential
- **South**
  - Fairview Cemetery (Open Space)
- **West**
  - Streamline Auto & Marine Upholstery
  - Royal Canadian Legion Branch (former)
- **East**
  - Residential;
  - Place of Worship (Former restaurant)

## The area is comprised of:

- a mix of commercial and residential uses primarily made up of residential dwellings
- restaurants
- grocery
- beer and liquor stores
- general needs
- insurance broker
- household services
- limited industrial uses
- personal service shops
- fast food
- car dealers
- financial institutions
- Gale Centre (4 pad arena)
- Cemetery
- Recreational trail
- Hydro canal
- Retirement residence
- Schools
- shopping

All the above uses are within 1 kilometer of the property, as well as three (3) elementary schools to the south of the site along with Oakes Park and MF Ker Park to the northwest.

## Appendices to this report include the following:

- Appendix A – Site Plan Concept, Elevations, Floor Plans
- Appendix B – Planning Act – Section 2 Compliance
- Appendix C – Provincial Planning Statement 2024 Policy Review
- Appendix D – Niagara Region Official Plan Policy Review
- Appendix E – Niagara Region Appendix 3 – Employment Land Conversion Criteria Review
- Appendix F – City of Niagara Falls Official Plan Policy Review
- Appendix G – Housing Analysis
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This application is submitted to include the information and material required under Section 34 (10.1) and Section 22 (4) of the *Planning Act* as part of a complete application.

## 7.0 Proposed Official Plan Amendment

This application proposes to redesignate the lands from Industrial to Residential with a Special Policy Area, recognizing a maximum density of 161 units/ha on a local road. Although, should staff agree that the Official Plan Policy Section 1.10.5 ii) which discusses that this form of development with this density 'should' rather than 'shall' be located on a collector road, does not explicitly require an Official Plan Amendment, it is requested that a special policy area for density not be required. The Draft Official Plan Amendment is included in Appendix I which includes the special policy area wording, which can be revised to omit this section of the draft.

### 7.1 Proposed Zoning By-law Amendment

This application also proposes to rezone the lands from Prestige Industrial (PI-392) to Residential Apartment 5F Density Zone (R5F) with special provisions. A site-specific Zoning By-law Amendment is required (see Appendix J).

#### Schedule "A" Key Map C3

An amendment to Schedule "A" Key Map C3 is required to change the zoning from PI-392 to R5F(XX).

### 7.2 Special Zoning Provisions

A Site Statistics and Zoning Conformity Table is provided below (in accordance with By-law 79-200), and outlined in detail in the Site Plan package contained under Appendix A.

Permitted Use: Apartment Dwelling			
Regulation:	Requirement	Proposed	Compliance
Minimum Lot Area	57 sq.m. for each dwelling unit	62.14 sq.m.	✓
Minimum Lot Frontage	45 m	24.35 m	No
Minimum Front Yard Depth	7.5 m plus any applicable distance specified in Section 4.27.1 (n/a)	4.98 m	No
Minimum Rear Yard Depth	One-half the height of the building (7.85m) or 10 m whichever is greater plus any applicable distance specified in Section 4.27.1	5.28 m	No

## Official Plan and Zoning By-law Amendment | Planning Justification Report

Minimum Interior Side Yard Width	One quarter the height of the building	1.11m (east side)	No
	(Height – 15.7m = 3.93m required)	0.1m (west side)	No
Minimum Exterior Side Yard Width	7.5 m plus any applicable distance specified in Section 4.27.1	N/A	✓
Maximum lot coverage	30%	71.2%	No
Maximum Height of Building or Structure	28 m subject to Section 4.7	15.7 m	✓
Number of apartment dwellings on one lot	One only	One only	✓
Parking and access requirements	In accordance with Section 4.19.1 (1.4 spaces/unit = 25 total) 1 barrier-free required	18 spaces 1 barrier-free provided	No
Accessory buildings and accessory structures	In accordance with Sections 4.13 and 4.14	None proposed	✓
Minimum landscaped open space	55% of the lot area	21.1%	No
Minimum amenity space for an apartment dwelling unit	In accordance with Section 4.44 (20sq.m./unit = 360sq.m. total)	24.7sq.m./unit = 445sq.m. total	✓
Maximum projection for a balcony into a required side yard (Section 4.14)	0.45 m	1.65m (west side)	No
		1.25m (east side)	No

Therefore, ten (10) special provisions or zoning standards are being requested as they do not conform to the requirements of the R5F zone:

- 1) Minimum Lot Frontage – 24.35m in place of 45m
- 2) Minimum Front Yard Depth – 4.98m in place of 7.5m
- 3) Minimum Rear Yard Depth – 5.28m in place of 10m

- 4) Minimum Interior Side Yard Depth – 0.1m (west side) in place of 3.93m
- 5) Minimum Interior Side Yard Depth - 1.11m (east side) in place of 3.93m
- 6) Maximum Lot Coverage – 71.2% in place of 30%
- 7) Parking – 18 spaces in place of 25
- 8) Minimum Landscaped Open Space – 21.1% in place of 55%
- 9) Maximum Projection of Balcony into a Required Side Yard – 1.65m (west side) in place of 0.45m and;
- 10) Maximum Projection of Balcony into a Required Side Yard - 1.25m (east side) in place of 0.45m.

The rationale for these special provisions is analyzed in greater detail under Section 8.6 and within the Urban Design Brief. On balance, the proposed special provisions are appropriate and desirable in achieving the most compatible, optimum design solution for the siting and orientation of the proposed apartment dwelling and related parking, loading, and access requirements.

## 8.0 Planning Review

The proposed Official Plan and Zoning By-law amendments were prepared considering several planning documents including the *Planning Act*, Provincial Planning Statement, Niagara Region Official Plan, City of Niagara Falls Official Plan and the City of Niagara Falls Zoning By-law Number 79-100.

### 8.1 Planning Act

Section 2	Lists matters of provincial interest to have regard to.
Section 3	Requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the Act and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”.
Section 22	Allows amendments to the Official Plan.
Section 34	Allows amendments to the Zoning By-law.

### 8.2 Provincial Interest

Section 2 of the Planning Act establishes matters of provincial interest. The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest. These matters are reviewed in Appendix B.

It is noted that these provincial interests are from the highest level of policy being the *Planning Act*; however, the intent of the owner’s application meets these interests and are demonstrated in this report.



Section 3 of the *Planning Act* requires that, in exercising any authority that affects a planning matter, planning authorities “shall be consistent with the policy statements” issued under the *Act* and “shall conform with the provincial plans that are in effect on that date, or shall not conflict with them, as the case may be”. Section 22 and 34 of the *Planning Act* allows for the consideration of amendments to the Official Plan and Zoning By-law, respectively.

### 8.3 Provincial Planning Statement (2024)

The subject land is identified as being within an Urban Settlement Area, according to the Provincial Planning Statement, 2024 (PPS). Details describing the applicable Provincial policies and how the application is consistent with the PPS are included in Appendix C.

The Provincial Planning Statement (PPS) is Ontario's key policy framework for guiding land use planning to promote efficient, sustainable, and equitable growth. It aims to encourage compact development, optimize the use of land and infrastructure, and create complete, inclusive communities with diverse housing, transportation, and employment options. The PPS also seeks to protect natural resources, mitigate environmental impacts, and ensure public health and safety. Additionally, it supports economic growth by safeguarding employment lands and promoting land use compatibility to prevent conflicts. Ultimately, the PPS balances Ontario's growth needs with long-term environmental, social, and economic sustainability.

#### Housing and Complete Communities (Sections 2.1 and 2.2)

- **Housing Options:** The development will provide additional residential units, contributing to housing attainability, especially for fixed-income individuals. The design will add to the diversity of housing options and densities in the area as per provincial goals for mixed-use communities.
- **Infrastructure Capacity:** The area has sufficient infrastructure, including water and sewage, which supports the development of the proposed residential units. This aligns with the provincial requirement for municipalities to maintain a supply of serviced land.
- **Transit and Active Transportation:** The development is near public transit (160 meters to a bus stop) and is in close proximity to existing sidewalks, supporting active transportation.

#### Settlement Area and Land Use Compatibility (Section 2.3)

- **Infill and Intensification:** The proposed development represents residential intensification. The proposed land use is compatible with existing surrounding uses, including nearby industrial, commercial, and residential lands.
- **Industrial Proximity:** Despite being near industrial lands, existing residential units are located even closer to these industrial areas. This suggests that the infill development will not negatively impact the industrial area's viability or freight operations. Similarly, the reverse is also reasonable to conclude.

#### Employment Areas and Transition (Section 2.8)

- **Compatibility with Employment Uses:** The area includes a mix of residential, commercial, institutional and industrial uses. The land use compatibility analysis suggests that the development will not affect the adjacent industrial area's operations. Physical separation of approximately 350 metres exists between the employment areas and the proposed residential development, mitigating concerns about conflicts between these uses. The closest industrial property (now obsolete and for sale) is approximately 140 metres from the closest property line. Oleo Industries is approximately 180 metres from the closest property line. (See Land Use Compatibility study prepared by Gradient Wind)
- **Removal of Employment Lands:** The proposed removal of employment lands has been evaluated in accordance with the criteria set out in Section 2.8.2.5 of the Provincial Planning Statement (PPS) 2024. The analysis confirms that the lands in question are not reasonable to be required for employment purposes over the long term, as the area is predominantly residential, with over 90% of the existing uses being legal non-conforming and unrelated to employment functions. The limited size of the lands, approximately 3 hectares, and their residential context present significant land-use compatibility challenges, rendering the area unsuitable for meaningful industrial or employment uses. Additionally, the area is already serviced for residential purposes, with no foreseeable need for employment infrastructure. It is further noted that the municipality should designate sufficient employment lands in more appropriate locations to accommodate projected growth to the planning horizon of the Official Plan. This analysis shows that the proposed removal aligns with the intent of the PPS 2024 and offers a practical solution that reflects the current and future use of the land.

### Infrastructure, Sewage, and Stormwater Management (Section 3.6)

- **Efficient Use of Municipal Services:** The development will connect to existing municipal sewage and water systems, optimizing their use. Water modeling confirms that the development can be sustained without impacting service capacity.
- **Stormwater Management:** The site design incorporates green infrastructure and minimizes stormwater runoff, aligning with best practices for sustainable stormwater management.

### Public Spaces and Active Communities (Section 3.9)

- **Recreation and Open Spaces:** The development is located near public recreational facilities, including baseball diamonds, the Gale Centre ice pads, and the cemetery. The area supports opportunities for active lifestyles, although the development itself is not directly providing new public spaces.

### Climate Change and Sustainability (Section 2.9)

- **Sustainability:** The development incorporates compact design and is transit-supportive being in close proximity to a bus stop, helping reduce greenhouse gas emissions. Existing local sidewalks and proximity to essential services will reduce reliance on private vehicles.

The proposed 18-unit infill development is largely compliant with the relevant policies outlined in the Provincial Planning Statement 2024. Given the immediate existing residential area, compatibility with the nearby industrial lands is unlikely to be an issue.

The development leverages existing infrastructure and supports provincial goals for intensification, transit-supportive communities, and sustainable land use practices.

### **8.4 Niagara Region Official Plan**

The Niagara Region Official Plan (ROP) serves as a strategic framework to guide growth and development in the region through to 2051, focusing on sustainability, inclusivity, and economic prosperity. A key priority of the plan is responsible growth management, emphasizing urban intensification and efficient land use. By targeting 60% of new residential units within built-up areas, the ROP ensures that existing infrastructure is utilized effectively while promoting compact development that enhances the character and vibrancy of communities.

The plan also places significant importance on diversifying housing options to meet the needs of a growing and diverse population. Policies support the creation of affordable and accessible housing, including tools like development incentives and flexible zoning. Furthermore, the ROP highlights the importance of healthy and inclusive communities, encouraging walkable, bikeable, and transit-accessible neighbourhoods that connect residents to parks, trails, and public spaces.

The ROP balances these goals with the thoughtful redevelopment of underutilized lands, such as transitioning industrial lands to residential uses where appropriate. This supports economic prosperity by aligning land use with community needs and ensuring compatibility with surrounding uses. Together, these policies aim to create complete, sustainable communities while protecting natural and cultural heritage, fostering resilience to climate change, and strengthening Niagara's economic and social fabric.

The lands are currently designated as delineated built-up area in accordance with the ROP. An amendment to this plan is not required to facilitate the development. A full range of residential, commercial, and industrial uses are generally permitted within the Built-Up Area under Provincial and Regional policies. The proposal will contribute to the City's intensification target of 50% as set out within Table 2-2 of the NOP.

#### **2.2.1 Managing Urban Growth**

The proposed development supports the objectives of the Niagara Region Official Plan by contributing to responsible growth management through residential intensification within an existing built-up area. The proposal achieves a compact built form and provides a greater mix of residential uses in a neighbourhood predominantly characterized by low-density, single-detached dwellings. The development is well-situated to take advantage of existing municipal infrastructure and proximity to public transit, recreational trails, parks, and other community amenities, thereby aligning with the Region's vision for complete communities. Furthermore, the proposed apartment building incorporates elements to mitigate and adapt to climate change impacts, such as energy-efficient building practices to be explored during detailed design.



## **2.2.2.5 Intensification Target**

The subject lands are located within the built-up area, and the proposed development directly contributes to the Regional target of accommodating 60% of all new residential units within built-up areas. This intensification policy ensures efficient land use and supports sustainable growth objectives within the Urban Area.

## **2.3.1 Provide a Mix of Housing Options**

The proposed apartment development significantly increases residential density and diversifies the housing stock in the area. The inclusion of multi-storey apartment units will address a range of housing needs, offering attainable and potentially up to 15% affordable housing options to support residents at all stages of life. The design of the building considers universal accessibility and sustainable construction practices, which align with the Official Plan's emphasis on creating adaptable and inclusive housing environments. The redesignation of the subject lands to permit residential uses will further support the Region's housing policy framework and address the growing need for higher-density residential forms.

### **2.3.3.1 Tools for Affordable Housing**

The proposal introduces purpose-built rental housing that contributes to housing attainability in the Region. By incorporating a mix of unit sizes and considering financial incentives such as development charge deferrals or grants, the development aligns with policies that promote affordability. Additionally, the proposed redesignation to a residential designation will enable compliance with the Official Plan's direction for intensification and affordable housing delivery. This is particularly critical given the existing legal non-conforming status of nearby dwellings within the Prestige Industrial zoning.

## **4.2.4 Employment Lands**

The subject lands are currently designated Industrial in the City OP; however, their existing use as a residential neighbourhood predates this designation. The proposed residential intensification reflects the established character of the area and is consistent with the broader land use context. Compatibility with adjacent industrial lands has been addressed through adherence to Ministry of Environment, Conservation and Parks (MECP) compatibility standards, ensuring that the proposed use does not constrain existing or future industrial operations. The transition between the residential and industrial areas to the west is appropriate, though limited separation exists to the east. The analysis of Appendix 3 - Employment Land Redevelopment Criteria Guideline is included in Appendix E of this report.

## **4.2.5 Redevelopment of Employment Lands**

The area is predominantly residential and has not functioned as employment lands, despite its industrial designation. The existing presence of primarily residential land uses, the unlikelihood of assembling lands and establishing compatible industrial development, confirms that the area is not intended for and not comprised of employment uses. There are more appropriate locations for employment uses in the City. As such it is impractical to assume that jobs related to the unlikelihood of establishing new employment uses should be

retained on site. The proposed redevelopment facilitates residential intensification without impacting the viability of nearby industrial operations. This aligns with the Region's policy direction for thoughtful redevelopment in areas where industrial uses are no longer appropriate or viable.

The analysis of NOP Appendix 3 - Employment Land Redevelopment Criteria Guideline is favourable and concludes the conversion is appropriate.

### **4.5.2 Economic Prosperity through Land Use Planning**

By introducing additional purpose-built rental housing, the proposal enhances the Region's housing supply and diversity, supporting economic prosperity and providing housing opportunities for workers across various sectors. The redesignation of these lands from Industrial to Residential is critical to achieving a more appropriate and functional land use designation, reflecting the area's established character and demand for residential accommodation.

### **6.3.1 Plan Healthy and Safe Communities**

The proposed apartment building contributes to a vibrant, walkable, and bikeable community. The location promotes active transportation, access to public transit, and proximity to parks, recreational trails, and open spaces. These attributes support physical activity, social cohesion, and mental health, aligning with the Region's objective to foster healthy and inclusive communities. The building's design accommodates residents of varying abilities and incomes, further advancing equity and accessibility.

### **7.4.1 Local Official Plan Conformity**

The City of Niagara Falls' Official Plan has not yet been updated to conform to the Niagara Region Official Plan. However, the proposed development is consistent with the Region's policies for residential intensification within the Urban Area and outside Employment Areas. By facilitating the redesignation and rezoning of the lands, the proposal will align the existing and future land uses with the updated Regional policy framework, supporting orderly and sustainable growth.

## **Appendix 3 – Employment Land Redevelopment Criteria Guideline**

The proposed applications comply with the Employment Land Redevelopment Criteria (Appendix 3) of the Niagara Region Official Plan (ROP), which provides guidelines for transitioning employment lands to non-employment uses. The analysis demonstrates that the site's long-standing residential character, fragmented ownership, small parcel sizes, and lack of industrial demand make it unsuitable for meaningful employment development. The proposed residential use will not negatively impact the operational viability of nearby industrial lands, as the redevelopment adheres to Ministry of Environment compatibility standards and maintains appropriate separation from industrial activities. By repurposing these lands for medium-density residential use, the proposal ensures a more functional and compatible land use in alignment with Appendix 3's emphasis on mitigating land-use conflicts.

The redevelopment aligns with Regional objectives for efficient land use and intensification, particularly in achieving the 60% residential growth target within built-up areas. The proposal supports a compact and sustainable built form that integrates well with the surrounding residential neighbourhood and existing infrastructure. By addressing the criteria in Appendix 3, the development demonstrates that the conversion of these lands to residential use is appropriate, viable, and beneficial, fulfilling the intent of the Region's policies for employment land redevelopment while promoting complete and livable communities. This transition represents sound land use planning and ensures that the lands are utilized in a way that meets the present and future needs of the community.

### **Overall Summary of the Regional Policy Analysis**

The proposed redevelopment of the subject lands to accommodate a purpose-built apartment dwelling aligns with the strategic vision and policy framework of the Niagara Region Official Plan. Despite the current municipal designation of the lands for employment purposes, the long-standing residential character of the neighbourhood demonstrates the necessity for a more appropriate land use designation. This application responds to the Region's objectives for residential intensification, efficient land use, and the creation of complete communities by introducing a compact, multi-unit development within the Urban Area.

The proposal contributes to Regional intensification targets, particularly the goal of accommodating 60% of residential growth within built-up areas. The development provides much-needed diversity in housing types and densities, addressing the demand for attainable and affordable rental housing while promoting social equity and accessibility. The inclusion of purpose-built rental units supports Regional goals to expand the supply of attainable and affordable housing, particularly in locations with access to public transit, community amenities, and active transportation infrastructure.

From a land use compatibility perspective, the proposal respects adjacent industrial uses by adhering to Ministry standards for sensitive land uses, ensuring that the viability of surrounding employment lands is not adversely impacted. The introduction of higher-density residential development does not compromise the existing or planned function of industrial operations in the area, particularly given the area's historical and predominant residential character.

The proposal also advances the Region's goals for fostering healthy and inclusive communities. It enhances opportunities for active transportation, facilitates access to open spaces and recreational amenities, and better utilizes existing infrastructure and community services. The design and layout consider accessibility, further reinforcing the development's alignment with contemporary community planning principles.

While the current designation of the lands reflects an outdated planning context, this application demonstrates the importance of redesignation and rezoning to align with actual and anticipated land use patterns. The proposal leverages existing municipal infrastructure, ensuring cost-effective growth while supporting the Region's broader objectives for sustainable and resilient development.



In this instance, the proposed apartment building represents good planning and is consistent with the principles of the Niagara Region Official Plan, and sound land use planning practices. By addressing intensification, affordability, compatibility, and sustainability, the development contributes to a more equitable and vibrant community, reinforcing the Region's commitment to managing growth strategically and responsibly. The approval of this application will facilitate the transition of these lands to an appropriate use and support the Region's long-term planning goals.

### **8.5 City of Niagara Falls Official Plan**

The City of Niagara Falls Official Plan (NFOP) designates the lands as Industrial. An official plan amendment is required to redesignate the lands from Industrial to Residential, and may require a Special Policy Area for increased density on a local road. In order to redesignate the lands, the Official Plan has several policies that must be considered in order to justify the proposal. Appendix F represents a policy analysis of the City's Official Plan in consideration of the proposed development.

#### **Strategic Policy Direction**

The proposed development aligns with the Official Plan's strategic objectives by directing growth to the urban area and increasing residential densities in a built-up section while making efficient use of existing infrastructure. The plan supports intensification and alternative transportation options, with the subject site benefiting from proximity to transit, sidewalks, and recreational trails. While the Official Plan seeks to protect industrial lands for long-term employment opportunities, the analysis confirms that the subject site is unlikely to support future industrial uses due to surrounding residential development. Converting the site to residential use is a logical and appropriate response to existing land use patterns and market conditions.

#### **Housing Policy Compliance**

The proposed apartment development contributes to the City's housing diversity by adding much-needed rental units in an established residential neighbourhood. It supports the City's objectives of providing a mix of housing types, increasing rental housing supply, and encouraging intensification within the built-up area. The development introduces affordable rental housing opportunities (15% of units) to the area and offers a range of rental price points. The project also aligns with housing policies aimed at maximizing the efficient use of vacant or underutilized parcels and integrating new residential development within existing neighbourhoods.

#### **Residential Land Use Policies**

The proposal is consistent with the intent of residential land use policies by facilitating appropriate intensification and increasing housing supply while maintaining compatibility with the surrounding neighbourhood. The building height, setbacks, and design elements have been carefully considered to ensure integration with existing residential dwellings, including strategic placement of landscaping and fencing to mitigate impacts. The development supports walkability and transit access, further enhancing neighbourhood connectivity. Overall, the

project exemplifies well-planned residential intensification within the built-up area, contributing to a complete and livable community.

### **Industrial Land Use Policies and Conversion Justification**

The analysis confirms that the site is not viable for future industrial development due to its location within an established residential area and the absence of large contiguous parcels for industrial use (see Section 9.0). Additionally, industrial uses permitted under the current designation would likely be incompatible with surrounding residential properties. The Official Plan's criteria for employment land conversion are met, particularly with respect to addressing long-standing land use incompatibility and contributing to a diverse housing supply. Given these factors, the proposed conversion of the site from industrial to residential is a reasonable and justified land use change.

### **Urban Design and Site Planning**

The proposed development adheres to the City's urban design policies by enhancing streetscape aesthetics, incorporating high-quality landscaping, and ensuring pedestrian-friendly site design. The building massing, setbacks, and façade articulation are designed to minimize potential impacts on adjacent properties. Parking is hidden from the public realm and appropriately placed within the interior of the building, adequately buffered from neighboring residences to the east and north. The project's design elements contribute to a visually appealing and well-integrated addition to the neighbourhood while maintaining a strong relationship with the public realm.

### **Overall Conclusion**

The proposed Official Plan amendment and rezoning to facilitate the development of an 18-unit apartment building in place of an industrial designation align with the City's strategic goals, housing policies, and urban design principles. The conversion is justified based on the lack of viability for industrial use, the surrounding residential context, and the benefits of increased housing supply in a built-up area. The project represents a well-considered intensification initiative that will enhance neighbourhood livability while efficiently utilizing existing infrastructure. Given the policy compliance and broader community benefits, the application represents good planning in the context of the Official Plan.

### **8.6 City of Niagara Falls Zoning By-law**

The application proposes to rezone the lands from Prestige Industrial (PI-392) to Residential Apartment 5F Density Zone (R5F) with special provisions.

The site-specific zoning amendment is R5F – Special Provision (XXX). Refer to Appendix J for the Draft Zoning By-law Amendment.

To reiterate, the following zoning requirements are proposed to be modified:

- 1) Minimum Lot Frontage – 24.35m in place of 45m
- 2) Front Yard Depth – 4.98m in place of 7.5m
- 3) Minimum Rear Yard Depth – 5.28m in place of 10m
- 4) Minimum Interior Side Yard Depth – 0.1m (west side) in place of 3.93m
- 5) Minimum Interior Side Yard Depth - 1.11m (east side) in place of 3.93m
- 6) Maximum Lot Coverage – 71.2% in place of 30%
- 7) Parking – 18 spaces in place of 25
- 8) Minimum Landscaped Open Space – 21.1% in place of 55%
- 9) Maximum Projection of Balcony into a Required Side Yard – 1.65m (west side);
- 10) Maximum Projection of Balcony into a Required Side Yard - 1.25m (east side)

## Proposed Use (Permitted):

Apartment dwelling

## Units, Lot Area and Density

18 units are proposed at a density of 66 units/ac., or 161 units/ha. The proposed density exceeds the density limit specified under Section 1.10.5 of the Official Plan, which permits apartments and other multiple housing forms with building heights of not more than 4 storeys to a maximum of 75 units/ha in existing residential neighbourhoods. Although apartments with densities that exceed 75 units/ha. should be located on

collector roads, it is not a definitive policy requirement. Local conditions and proposed site design measures contribute to the appropriateness of this location for a 4-storey apartment dwelling.

The requested density is over double the policy requirement but consistent with the Region's Model Urban Design Guidelines (4a.2), identifying target net densities of over 25 units/acre for apartments and up to 40

**Figure 9 – Adjacent Uses**





units/acre for townhouses. Density should be increased at appropriate locations to promote transit use. These appropriate locations include areas that benefit from increased population including proximity to transit facilities and major transit corridors. The proposed development is 160m from Stanley Ave. (transit corridor and stop). Its location near the end of Fraser St., adjacent to an existing industrial use (Streamline Auto), former NS&T railway corridor and Fairview Cemetery (rear yard), a well screened single detached dwelling across the street, and a semi-detached dwelling (east yard) should have minimal impacts resulting from density.

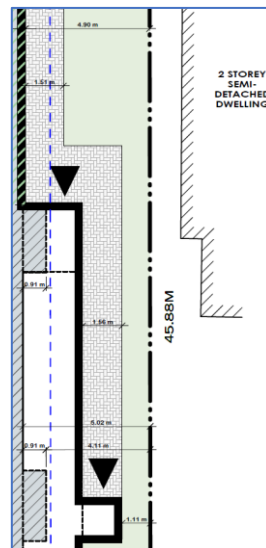
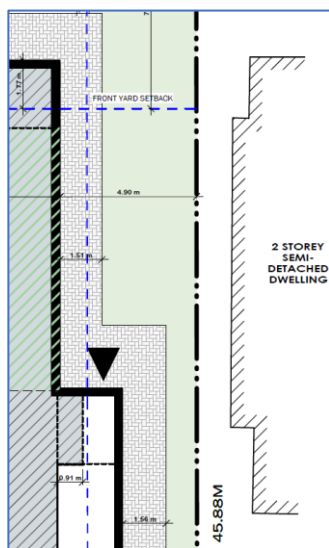
It is a small lot however the placement of parking within the interior of the building reduces the imposition of the automobile and eliminates impacts associated with large outdoor parking surfaces (e.g. lighting, privacy, and noise) that are typical of traditional apartment building developments.

### Frontage

The lands have 24.35m of frontage along the north side of Fraser St., which is just over half of what the by-law requires (45m). Orienting the building to take advantage of its lot depth (45.9m) offsets the frontage deficiency.

### Setbacks

The front yard setback is proposed to be modified from 7.5m to 4.98m. This reduced setback is consistent with the range of setbacks in the Fraser / George neighbourhood (5-8m), and will create a more aesthetic and inviting streetscape. The rear yard depth is proposed to be reduced from 10m to 5.28m which should not impact adjacent uses to the south (former railway corridor and Fairview Cemetery). A reduced interior side yard (west) is proposed adjacent to an existing industrial use. The most sensitive adjacent land use is the semi-detached dwelling at 5570-5572 Fraser St. In this regard, compliance with the by-law requirement (3.93m) is generally achieved with a 4.90m setback (below photo, left) where the apartment building is aligned with the windows of the semi-detached dwelling. The 1.11m setback is required for an entranceway into the ground floor parking garage, abutting the rear yard of 5570-5572 Fraser, far beyond the location of the semi-detached building itself (below photo, right).



Policy 1.10.5(ii) states that setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached housing. Despite the presence of the adjacent semi-detached dwelling at 5570-5572 Fraser St., it is zoned Prestige Industrial (PI), which does not permit single or semi-detached housing types. Furthermore, the PI zone permits building heights of 40ft. which is consistent with the height of the proposed apartment dwelling.

### Lot Coverage

The proposed lot coverage is 71.2%, which is over double the 30% maximum requirement. This is desirable in terms of hiding the vehicle in favour of high-quality built form. It will ensure better site performance and the internal functioning of the apartment dwelling.

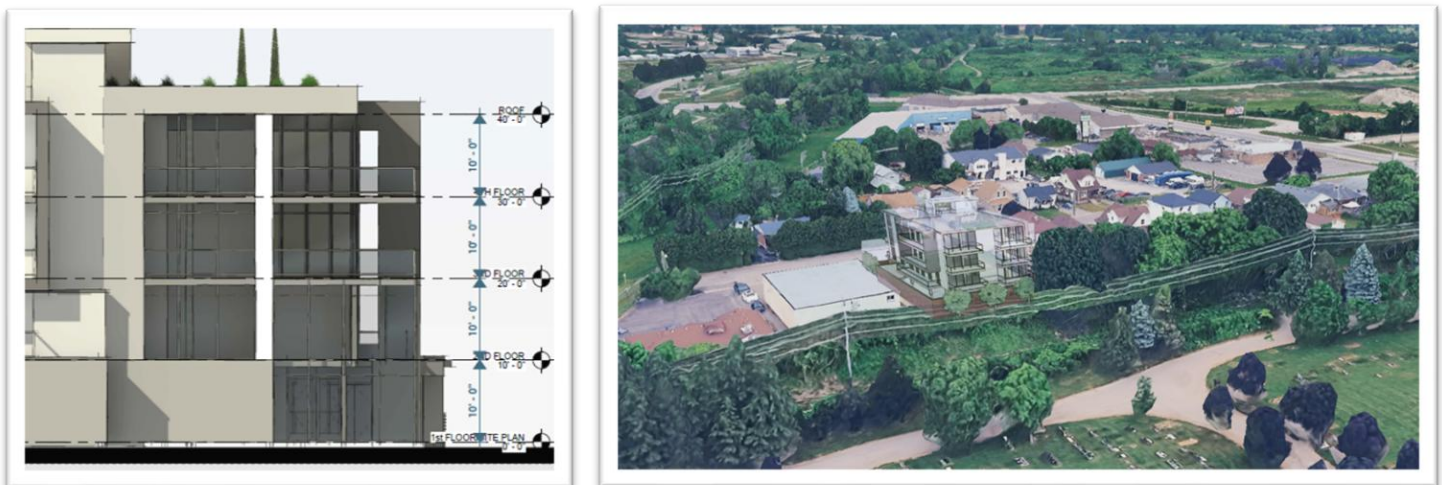
### Landscaped Open Space

The open space requirement is 55%, whereas 21.1% is proposed. The building comprises a significant majority of the lot coverage which doesn't leave a lot of space for landscaped open space, apart from the required landscaping strips around the perimeter of the property. In lieu of this, individual amenity areas in the form of balconies and a common rooftop terrace and amenity area are proposed. A larger building footprint will allow for a reduced building height (see below) which on balance, is more desirable than providing more on-site open space.

### Building Height

The permissible height in the R5F zone is 28m, whereas 15.7m is proposed which is attributable to the rooftop terrace. The actual roofline of the 4<sup>th</sup> floor is 40ft. (or 12.2m) which is identical to the maximum height permitted by the existing PI zoning.

**Figure 10 – Building Height and Context**





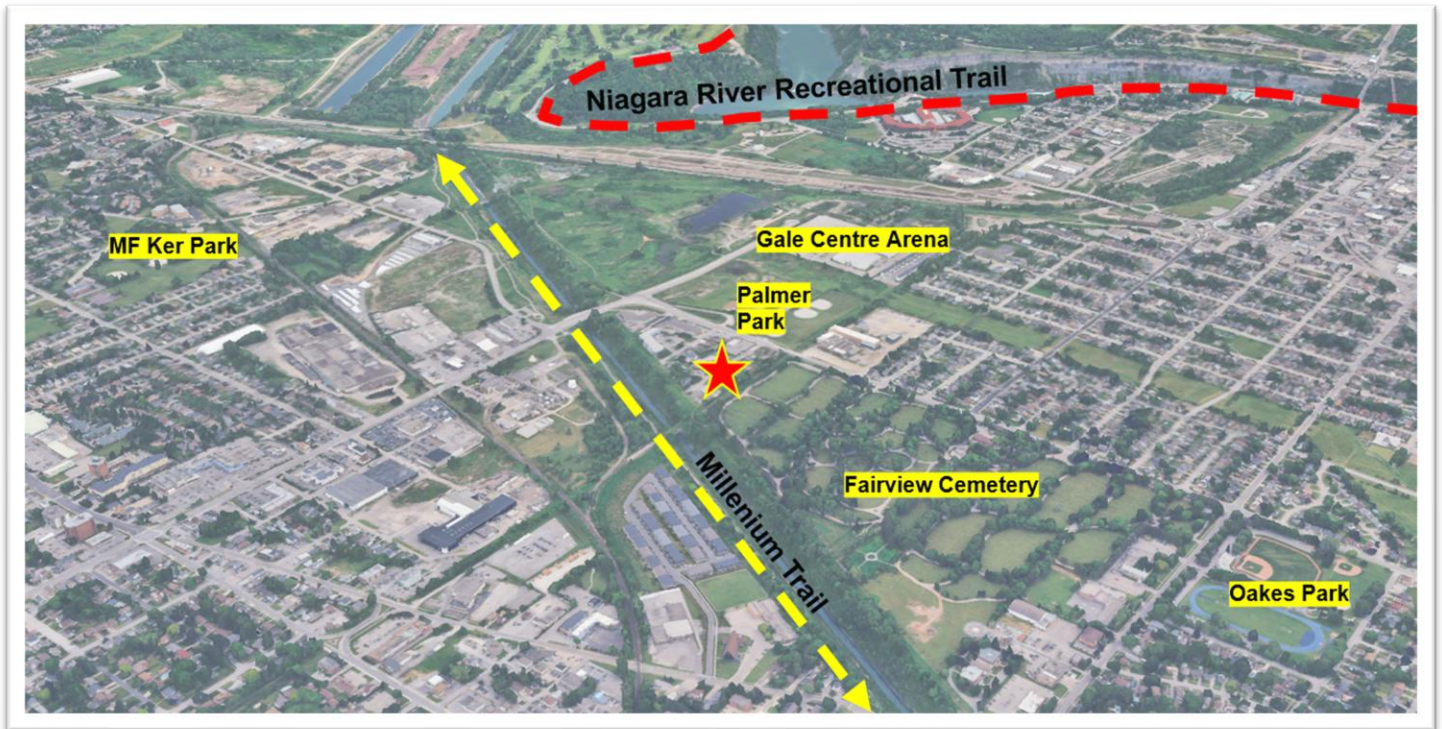
### Amenity Space

The required amenity space for an apartment dwelling unit is 20 sq.m., whereas 24.7 sq.m. is proposed. This includes the combined area of the individual balconies and the 106 sq.m. (1150 sq.ft.) rooftop terrace.

Ample amenity space is proposed for residents which reduces the impact of a higher lot coverage and a lower amount of landscaped open space. Furthermore, the proposed development is in proximity to an abundance of designated Open Space, nearby parkland (Palmer Park, Oakes City-Wide Park), the Gale Centre, and the extensive City, Regional and Provincial trail system that surrounds the neighbourhood. Palmer Park is located 100m from the subject property, Gale Centre 500m, and Oakes Park 1km. The below figure doesn't show the Regional trail system (see Figure 6) which includes the former NS&T railway corridor, Thorold Stone Rd. and Stanley Ave., but does identify a short distance to the Niagara River Recreational Trail, which forms part of the provincial trail network. Close proximity and exposure to passive open space (Fairview Cemetery) has also been shown to play a significant role in stress reduction and promoting mental well-being. Although this area of the City is planned for significant change (e.g. SPA 62), Fairview Cemetery is an established and designated use that will remain over the long-term.



**Figure 11 – Parks, Open Space & Trail Network**



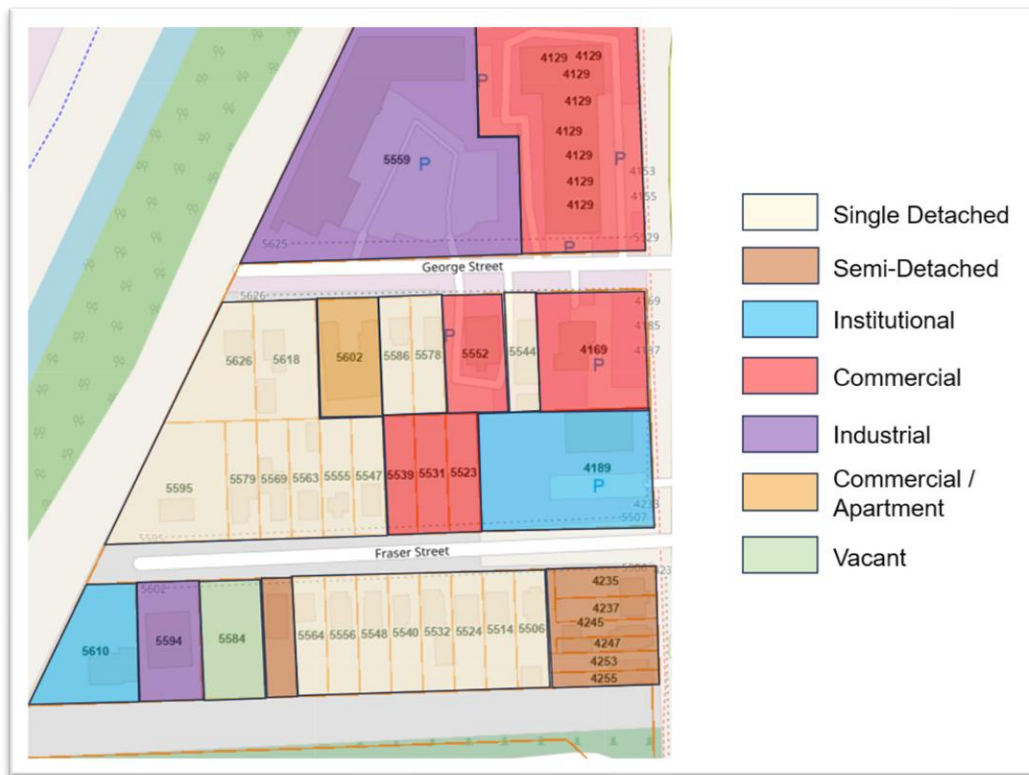
## Parking

The By-law requires 1.4 parking spaces / unit (or 25 spaces). The site is able to achieve 18 spaces, which equates to 1 space / unit. Sixteen (16) of the parking spaces are proposed to be located on the ground floor of the apartment dwelling, with 2 more sited in the front yard. This parking plan will reduce the impact of the vehicle on the public realm, and eliminate impacts associated with large outdoor parking areas. The parking justification analysis confirms that 18 parking spaces are sufficient to support the proposed development. In fact, there will be a surplus of 1 parking space, based upon projected usage.

## 9.0 Prestige Industrial Zone Analysis

The Fraser/George neighbourhood can be characterized as a small pocket of land that has been zoned Prestige Industrial for a considerable period of time. A historical review of this neighbourhood (Section 2.0) suggests that this area established itself (dating to 1934) with residential land uses and this has not changed, despite policy and zoning directives that guide Prestige Industrial uses to this area. To reiterate, the current land use is:

## Current Land Use



The only “Prestige Industrial” use in this area (apart from automotive uses and Visca Electric) is Streamline Auto & Marine Upholstery.

Streamline Auto is located on a double lot (24m) sandwiched between the former Royal Canadian Legion Branch (institutional) and the subject property (vacant lot) at 5584 Fraser St. In this particular instance, impacts on existing land uses is minimal given the specific nature of the Streamline Auto industrial use, which does not require an ECA approval.





Even with a double lot, parking appears to be constrained, confined to the front yard and boulevard. There is very little space for outdoor storage. (The PI zone requires 67% of the front yard as landscaped open space).



### Probability of Establishing Prestige Industrial Uses

Using Streamline Auto as a case study helps illustrate the issues and challenges of establishing prestige industrial uses within the larger neighbourhood context.

The following are some of the major factors reviewed:

#### Lot frontage and lot area:

The existing lot fabric (primarily 12m lots) is not conducive to establishing prestige industrial uses as the minimum lot frontage requirement in the PI zone is 30m. Even a double-wide lot (e.g. the subject property at 5584 Fraser St.) does not meet the minimum requirement.

The minimum lot area required is 2000sq.m. The majority of existing lots along Fraser and George Sts. are only 540sq.m. (1/4 the required size). The subject property is 1119sq.m., about half the required lot area.

In order to meet the minimum lot frontage requirement, 3 lots would need to be assembled, and 4 lots would be required to satisfy the lot area requirement. In order to consider the potential for establishing such uses, land assembly must occur.

#### Assembly of lands:

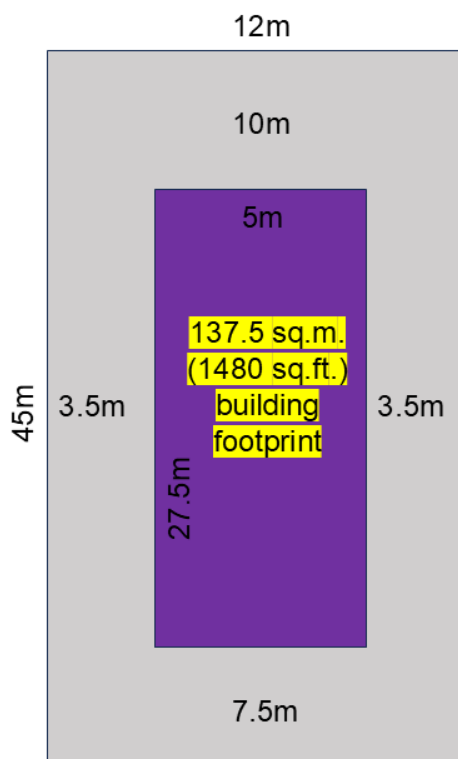
The majority of properties in the neighbourhood are residential. The likelihood of an investor or industry owner to assemble lands to a scale conducive to operate prestige industrial uses is very low. Lands are too expensive, and there are too many properties where all owners would need to agree to sell their lands. It would be more likely that such investors and business owners will look elsewhere for more appropriate lands (see Section 9.1).

### Front, Rear and Interior Side Yards:

Lot depths in the neighbourhood are 45m. In the PI zone, the front yard requirement is 10m; rear yard 7.5m and interior side yard 3.5m.

Without land assembly, Figure 12 identifies that only a 137.5sq.m. (1480sq.ft.) building footprint for a prestige industrial use would be achieved when adhering to the yard requirements of the PI zone:

***Figure 12 – Lot Development Analysis in the PI Zone***



### Land Use Compatibility:

Even if lands could be assembled successfully, the nature of the prestige industrial use must not have impacts on the existing residential community. Based on the list of permitted uses, many of them are land extensive or require significant space to store or park vehicles. Uses include manufacturing, car rental, car wash, car agency, nurseries, used car lots, warehouses, and adult entertainment parlours. The Ministry D-series guidelines would most likely discourage many of the prestige industrial uses due to incompatibility challenges. For example, spray booths would be common amongst the permitted uses in the PI zone, and would require Environmental



Compliance Approval (ECA). Investment to improve compatibility may be financially unfeasible due to the close proximity of existing adjacent residential land uses.

In addition to the D-Series guidelines, any planning approvals (e.g. variances) for deficiencies with respect to yards, parking, storage, loading, etc., would be subject to public hearing. This presents uncertainty and another potential deterrent to an investor or industry owner from pursuing property in this neighbourhood to establish an industrial use.

### 9.1 City-Wide Prestige Industrial Zoning Evaluation

Rather than pursuing property or land assembly within the Fraser/George neighbourhood, it is more likely that an investor or industry owner would seek alternative locations, and there is an abundance of more feasible land in the City for prestige industrial uses.

Appendix H provides a table of all the PI zoned parcels in the City of Niagara Falls. This desktop review identifies addresses, Official Plan designations, current land uses, approximate lot sizes, and observations related to potential development or redevelopment.

#### Summary:

Approximate total of 1,368,410 sq.m. of PI zoned lands in the City of Niagara Falls

- This equates to 338.1 acres, or 136.8 hectares
- There are 142 individual properties with PI zoning of which at least half can be developed / re-developed.
  - Of these 142 parcels, 6 can be considered immediately undevelopable as they are either MTO corridor lands or lands associated with the power canal
  - 40 of these properties are vacant and devoid of existing buildings (some have environmental constraints such as an ECA designation in the Official Plan, which would need to undergo further study)
  - Another 25 of these properties (smallest being 4000sq.m.) have an existing dwelling or small industrial building on site with the balance of the property vacant and developable
  - A number of these properties are currently listed for sale
- Average sized parcel is 10,445.9 sq.m., or **2.6 acres**

Conversely, the majority of properties in the Fraser/George neighbourhood are fully developed, single or semi-detached dwelling parcels, only 550 sq.m. (or 0.05 ha., or 0.13 acres) with lot frontages of only 12m (40ft.)

**Summary:** This analysis demonstrates the unrealistic expectations of the Official Plan and Zoning By-law to develop lands within the Fraser/George residential area for industrial purposes. It is suggested that alternative residential land use permissions be considered during the City of Niagara Falls Official Plan update.

## 10.0 Supporting Studies

The following supporting technical studies were identified in the Pre-Consultation Record to support proposed applications for Official Plan and Zoning By-law Amendments for the proposed apartment dwelling development. These are summarized as follows:

### 10.1 Land Use Compatibility Assessment

The Land Use Compatibility Assessment was prepared by Gradient Wind in consideration of the proposed development. The study evaluates the potential impacts of surrounding land uses, including commercial and industrial operations, on the proposed development, considering factors such as air quality, noise, vibration, dust, and odour. The assessment was completed in accordance with the Ontario Ministry of Environment, Conservation and Parks (MECP) Land Use Compatibility Guidelines (D-Series) and other relevant regulations. A review of the site's surroundings identified one Class II facility within the potential influence area; however, as it exceeds the minimum required separation distance of 70 metres, no significant impacts are anticipated. Other Class I and II facilities were identified in the broader area but do not fall within the defined influence zones under MECP's Guideline D-6: Compatibility Between Industrial Facilities and Sensitive Land Uses. The study concludes that no adverse effects from emissions, noise, vibration, or odour are expected at the subject site.

The report further confirms that the proposed development will not impose any additional constraints on existing industrial operations as there are existing sensitive land uses in the form of residential dwellings surrounding the site in all directions. Additionally, the primary transportation noise source, Stanley Avenue, has been assessed separately, and no mitigation is required to meet provincial noise guidelines. There are no major roadways adjacent to the site that would contribute significant emissions, and the potential for air quality concerns from transportation sources is deemed negligible. In conclusion, the proposed residential development is considered compatible with existing land uses, and no further land use compatibility measures are required. Recommendations include adhering to standard building construction and engineering practices to maintain acceptable indoor air quality and noise levels.

### 10.2 Transportation Noise Assessment

The Transportation Noise Assessment report was prepared by Gradient Wind in consideration of the proposed development. The study evaluates the impact of transportation noise from nearby sources, primarily Stanley Avenue, and assesses compliance with applicable Ministry of the Environment, Conservation and Parks (MECP) and Ministry of Transportation of Ontario (MTO) guidelines. A CN main rail line is located approximately 400 meters west of the site, with a spur line approximately 200 meters west. Both exceed the minimum noise influence distances of 300 meters for main lines and 75 meters for spurs, making vibration and noise impacts from rail sources negligible. The assessment is based on theoretical noise predictions using future vehicular traffic volumes from Niagara Open Data 2020 Regional Road Traffic Volumes and architectural drawings prepared by ACK Architects Studio Inc.

The analysis determined that daytime noise levels at the site will range between 42 and 50 dBA, while nighttime levels will range between 35 and 44 dBA, with the highest exposure (50 dBA) occurring at the south façade which is most exposed to Stanley Avenue. These levels fall below the thresholds requiring mandatory noise mitigation under MECP guidelines. As a result, noise control measures such as enhanced building components or central air conditioning are not required, and Ontario Building Code (OBC)-compliant building materials will be sufficient. Additionally, no stationary noise sources were identified as affecting the site. In addition, there are no existing sources of stationary noise impacting the site. Gradient Wind conducted a survey of the study site, using the satellite view of the area. This survey revealed that the large mechanical equipment serving the surrounding buildings is either already in enclosed areas or more than 100 metres away.

The mechanical system for the development will be designed to comply with NPC-300 sound level limits, with a review by an acoustic specialist recommended once the specific equipment is determined. Overall, the study concludes that the proposed development is compatible with existing transportation noise sources, and no further mitigation measures are required.

### **10.3 Phase One and Two Environmental Site Assessments (ESA)**

The Phase One and Two ESAs were prepared by Niagara Soils Solutions Ltd. in consideration of the proposed development to assess potential environmental risks associated with past and present land uses. The study included a review of historical records, site reconnaissance, and interviews to identify potentially contaminating activities (PCAs) and areas of potential environmental concern (APECs).

The subject property is situated between commercial businesses to the west and residential properties to the north and east. The property boundary to the south is characterized by a deep vegetated swale, with historical records identifying the swale location as the Niagara, St, Catharines and Toronto [NS & T] historical railway corridor that was in use from 1899 to the early 1950's. South of the railway track is Niagara Fall's Fairview Cemetery. Historical documents depict the Phase One Property with a dwelling or structure built or documented on-site dating from 1934 to approximately 2000. Currently the subject property is a vacant parcel of land covered with manicured landscaped grass. The south portion of the property has successional vegetation growth that extends into the adjacent swale and remnant train tracks. The Phase One property has a raised central elevation that slopes downwards towards Fraser Street to the north and a steeper decline to the created railway swale at the south. The Phase One ESA identified twenty-one [21] Potentially Contaminating Activities [PCAs] that resulted in two [2] on-site Areas of Potential Environmental Concern [APEC]. Based on the Phase One ESA research, a Phase Two ESA was recommended to assess the potential environmental impacts to the study site's soil from deposition of fill material at the site and the adjacent historic railway.

The Phase Two ESA was completed in general accordance with Ontario Regulation 153/04, as amended, and was supervised by a Qualified Person [QPESA] to support a filing of a Record of Site Condition [RSC] with the Ministry of the Environment, Conservation and Parks. The scope of work and findings for the Phase Two ESA investigation are as follows:

- Five [5] boreholes were drilled across the study site within the identified APEC areas.

- Seven [7] select soil samples were submitted for analytical testing at AGAT laboratories Ltd.
- Fill material was encountered in all five [5] boreholes.
- One [1] exceedance to Metals [Lead] was identified at BH3-1 within the fill material.
- Subsequently, four [4] delineation samples were taken from the same sampling depth and within 2.0 metres of the original BH3-1 sample, north, south, east, and west.
- All delineation samples met Table 3 Full Depth Generic Site Condition Standards in a Non-Potable Ground Water Condition for Residential/Parkland/Institutional property use, coarse-textured soils.

Based on the soil testing results, Niagara Soils Solutions Ltd. opined that no further environmental investigations or work is required at this time across the Phase Two ESA property. The lands are considered suitable for residential land use.

### **10.4 Functional Servicing Report**

The Functional Servicing Report (FSR) was prepared by Hallex Engineering Ltd. to assess the feasibility of new storm, sanitary, and water services for the development, which involves the construction of a four-storey residential apartment building. The assessment evaluates existing municipal infrastructure, site drainage, and servicing needs, ensuring that the proposed development integrates effectively with the existing municipal stormwater, sanitary sewer, and water distribution systems.

The report concludes that the proposed development will require new servicing infrastructure, including stormwater management measures to control quantity and quality, a new sanitary lateral to the municipal combined sewer along Fraser St., and a new water service connection. The post-development stormwater flow is calculated to be higher than pre-development levels, necessitating on-site detention and quality control measures. The proposed sanitary sewer system will adequately handle projected flows from the development, and the municipal water supply is deemed sufficient to meet both domestic and fire protection demands. The findings confirm that the development can be serviced within the capacity of the existing municipal systems, with minor upgrades recommended to maintain regulatory compliance and operational efficiency. The FSR has been submitted to the City for modeling analysis, with results anticipated in the very near future.

### **10.5 Stage 1 & 2 Archaeological Assessments**

Earthworks Archaeological Services Inc. was retained to conduct a Stage 1 & 2 archaeological assessment of the 0.11 hectare property located at 5584 Fraser Street. The study area contains evidence of archaeological potential. The location of the study area within 210 metres of a historic unnamed creek connected to the Niagara River indicates the potential for recovering Pre-Contact Indigenous archaeological material. Based on the Stage 1 review, a Stage 2 archaeological assessment was determined to be required in order to identify and document any archaeological material that may be present. The Stage 2 assessment of the study area was conducted on September 23, 2024, through a test pit survey. No archaeological material was identified during the course of the survey. The study area is considered to be free of archaeological material, and no additional archaeological assessments are required. The Ministry of Citizenship and Multiculturalism has been requested to review the



report and provide a letter indicating their satisfaction that the fieldwork and reporting for this archaeological assessment are consistent with the Ministry's 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences, and to enter this report into the Ontario Public Register of Archaeological Reports.

Receipt of the letter from the Ministry is anticipated in the near future.

### 10.6 Parking Impact Analysis

The Parking Analysis was completed by NexTrans in February 2025 to evaluate the proposed reduction of 25 required parking spaces (1.4 spaces/unit) to 18 spaces (1 space/unit). The analysis concluded that this reduction was justified based on the following three (3) factors: 1) Proxy Site Parking Utilization Rates; 2) City of Niagara Falls Official Plan; and 3) Transportation Demand Management (TDM).

Based on a review of parking survey data previously collected, the peak resident rate observed at any of the proxy sites was 0.90 spaces per unit, whereas the peak visitor rate observed was 0.03 spaces per unit. The subject site is currently subject to the City of Niagara Falls' Zoning By-law No. 79-200, which requires a highly conservative rate of 1.4 spaces per unit. Based on the collected parking survey data, it is Nextrans' opinion that a more reasonable parking rate captured in the proxy surveys is sufficient to accommodate peak parking demands for the proposed development. In comparing the proposed parking supply of 18 spaces with the proxy parking survey rate, the subject site will have a surplus of one (1) parking space. As such, it is NexTrans opinion that the proposed supply of 18 parking spaces is sufficient to accommodate the expected parking demands of the proposed development. A parking rate of 0.93 spaces per unit (0.90 resident spaces and 0.03 visitor spaces per unit) is recommended and sufficient to accommodate all proposed uses on-site.

This recommendation is aligned with Official Plan growth objectives which encourage alternative forms of transportation including walking, cycling and public transit and to develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.

TDM measures that encourage transit usage, walking, and cycling (including the provision of short and long-term bicycle parking) will further justify the proposed provision of 18 on-site parking spaces.

### 10.7 Urban Design / Architectural Brief

The Urban Design Brief was prepared by CL Planning & Design Ltd. in March 2025. The Brief illustrates the design aspects of the proposed development and demonstrates site design, connectivity, public realm and built form compatibility both within the site and surrounding area. The vision advanced is as follows:

*"The proposed development is envisioned to create a compatible new infill dwelling that enriches the existing character of the surrounding neighbourhood, stimulate the public realm and provide affordable high-quality rental housing within close vicinity to parkland, open spaces and trails as well as surrounding community services and public facilities."*

In support of this vision, design objectives and key principles were addressed in the evaluation of the proposed site design, conceptual building plans and elevations. The proposed development is found to conform with applicable planning and urban design policies, including the PPS, Regional Plan, City of Niagara Falls OP, and the Region's Model Urban Design Guidelines.

Ten (10) special provisions are being sought by the requested Zoning By-law Amendment. The Design Brief reviews the appropriateness of these, concluding they are desirable and appropriate in achieving the optimum design solution for the subject lands.

### **10.8 Conceptual Site Plan, Elevations, Floor Plans**

The Conceptual Site Plan, elevations and floor plans were prepared by ACK Architects Studio Inc.

### **10.9 Summary of Studies**

The technical studies supporting this application confirm that the proposed development is feasible, well-integrated, and compatible with surrounding land uses:

- **Land Use Compatibility:** No significant impacts from adjacent commercial or industrial uses. The proposed development will also not impose any additional constraints on existing industrial operations as there are existing sensitive land uses in the form of residential dwellings surrounding the site in all directions.
- **Transportation Noise:** Noise levels remain within acceptable limits, requiring no additional mitigation.
- **Environmental Considerations:** No immediate concerns. Record of Site Condition (RSC) in the process of being filed.
- **Archaeological Considerations:** No concerns. Stage 2 Assessment completed and submitted to Ministry. Awaiting acknowledgement letter from Ministry.
- **Servicing Capacity:** The FSR confirms that stormwater, sanitary, and water services are sufficient to accommodate the development.
- **Parking Analysis:** The provision of eighteen (18) parking spaces (or 1 space / unit) is justified.
- **Urban Design:** The proposed site design, elevations and development achieve fit and compatibility, representing an optimal site design for the lands.

These findings reinforce the planning rationale for the project, demonstrating that the development is technically sound, environmentally responsible, and aligned with municipal and provincial policies.

## 11.0 Conclusion

The proposed development of the subject lands to accommodate an 18-unit purpose-built rental apartment dwelling represents a thoughtful and well-justified intensification initiative that aligns with provincial, regional, and municipal planning policies. This Planning Justification Report has demonstrated that the proposed amendments to the Official Plan and Zoning By-law are consistent with the Provincial Planning Statement (PPS) 2024, conform to the Niagara Region Official Plan, and support the City of Niagara Falls' planning vision for sustainable, compact, and transit-supportive development.

The proposed development integrates well within the existing built-up area, leveraging existing municipal infrastructure and ensuring efficient use of services such as water, sewage, and stormwater management. The Functional Servicing Report (FSR) confirms that the site can be adequately serviced through existing municipal infrastructure with minor upgrades, ensuring no undue burden on the stormwater, sanitary sewer, and water distribution systems. Stormwater management measures have been incorporated to mitigate runoff impacts, while water demand and fire flow requirements can be met without impacting municipal capacity.

From a land-use compatibility perspective, the proposed development appropriately balances residential intensification with surrounding land uses, including nearby commercial and industrial properties. A Land Use Compatibility Assessment has been undertaken to evaluate potential conflicts, and the findings indicate that the separation from industrial operations is sufficient to prevent adverse impacts. This ensures that both the proposed residential use and adjacent employment areas can coexist without undue constraints on either function.

The project also advances Niagara Region's intensification targets, aligning with objectives to accommodate 60% of new residential growth within built-up areas. By introducing multi-unit rental housing, the proposal contributes to the creation of a complete community, enhancing accessibility to transit, active transportation networks, and essential services. This location offers proximity to commercial amenities, schools, parks, and community facilities, reducing reliance on private vehicles and supporting the PPS's goals for sustainable urban growth. Additionally, the development will enhance attainable and potentially affordable housing supply and diversity, providing rental accommodations with the goal of meeting the needs of a growing population.

The conversion from Industrial to Residential has been thoroughly evaluated. The analysis confirms that the subject lands have long been functionally residential, with limited viability for future industrial uses due to fragmented ownership, small parcel sizes, and incompatibility with surrounding residential areas. The Niagara Region Official Plan's Employment Land Redevelopment Criteria have been met, demonstrating that this transition will not negatively impact the overall supply of employment lands in Niagara Falls.

Urban design considerations have also been incorporated to ensure the project enhances the streetscape and maintains compatibility with the surrounding neighbourhood. The building massing, setbacks, and amenity

provisions have been carefully designed to integrate well with adjacent properties while fostering an inviting and livable environment.

The proposed Official Plan and Zoning By-law Amendments are well-founded, consistent with good planning principles, and represent an appropriate, compatible, and sustainable form of intensification. The application demonstrates policy alignment at all levels of government, reinforces the City's objectives for residential intensification, and contributes to the broader housing strategy for the Region. The proposed development supports economic growth, environmental sustainability, and community well-being, making it a logical and beneficial addition to the City of Niagara Falls' urban fabric.

In this instance, the policy compliance analysis, infrastructure capacity, and land-use compatibility considerations outlined in this report, are favourable. As such, it is recommended that the proposed amendments are appropriate and should be approved.

**Report jointly Prepared and Reviewed by:**



Cam Lang, MES  
Principal Planner/Urban Designer

and



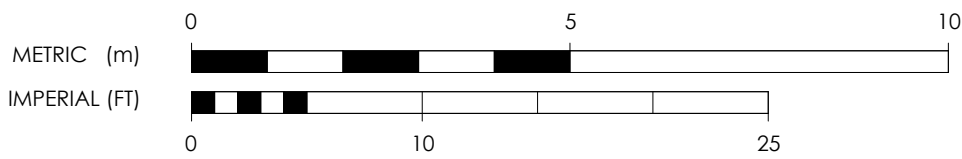
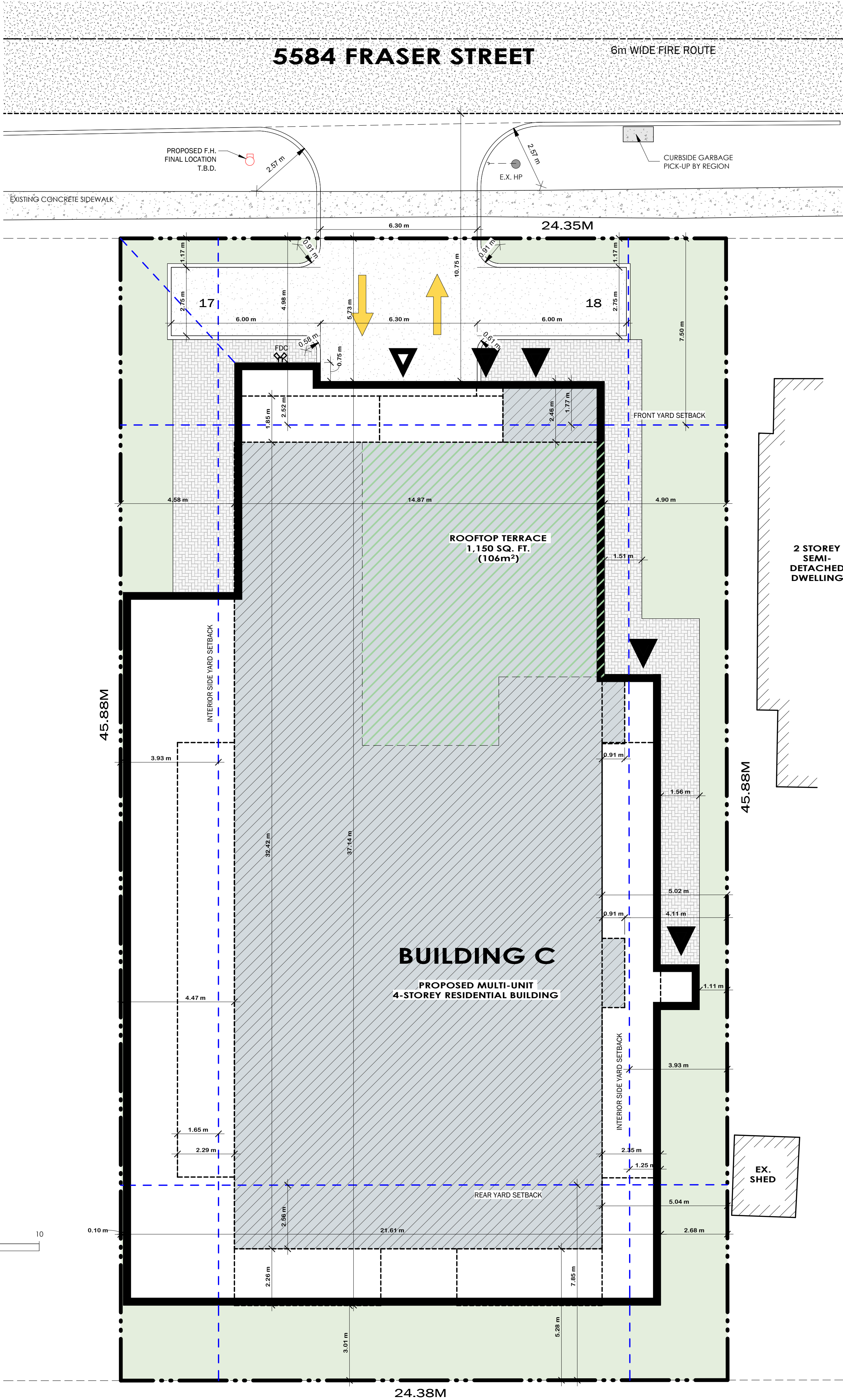
Eldon Darbyson, BES, MCIP, RPP  
Director of Planning



# APPENDICES

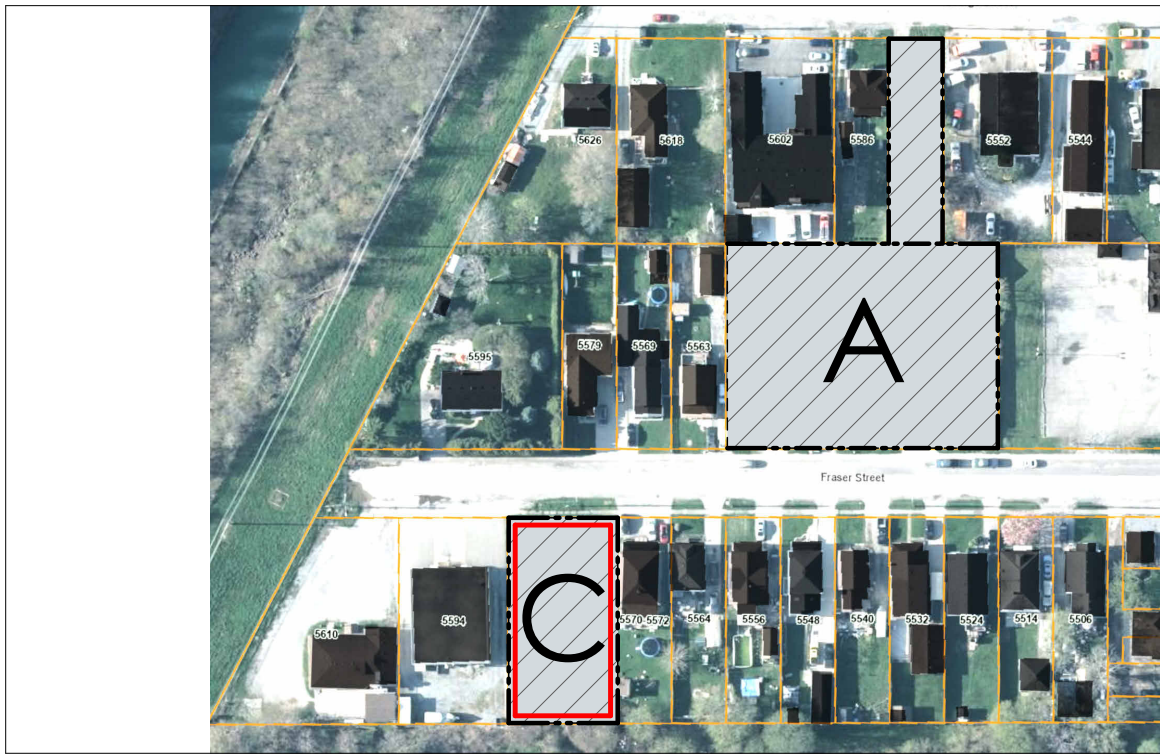
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# Appendix A



SITE PLAN - BUILDING C

1 : 100



5584 FRASER STREET, NIAGARA FALLS, ON			
ZONED PRESTIGE INDUSTRIAL IN ACCORDANCE WITH ZONING BY-LAW NO.79-200			
ZONING CHART			
PROVISION	REQUIREMENT	PROPOSAL	COMPLY
MIN. LOT AREA	57 m <sup>2</sup> FOR EACH DWELLING UNIT 57 m <sup>2</sup> X 18 UNITS = 1,026 m <sup>2</sup>	62.14 m <sup>2</sup> X 18 UNITS 1,118.6 m <sup>2</sup>	YES
MV 1 MIN. LOT FRONTAGE	45 m	24.35 m	NO
MV 2 MIN. FRONT YARD DEPTH	7.5 m	4.98 m	NO
MV 3 MIN. REAR YARD DEPTH	ONE-HALF THE HEIGHT OF THE BUILDING, OR 10 m, WHICHEVER IS GREATER PROPOSED BLD. HEIGHT: 15.7 m / 2 = 7.85 m	5.28 m	NO
MIN. INTERIOR SIDE YARD WIDTH	ONE-QUARTER THE HEIGHT OF THE BUILDING PROPOSED BLD. HEIGHT: 15.7 m / 4 = 3.93 m	4.47 m 5 m	YES
MIN. EXTERIOR SIDE YARD WIDTH	7.5 m	N/A	N/A
MV 4 MAX. LOT COVERAGE	30%	71.2%	NO
MAX. HEIGHT OF BUILDING OR STRUCTURES	28 m, SUBJECT TO SECTION 4.7	15.7 m	YES
NUMBER OF APARTMENT DWELLINGS ON ONE LOT	1 ONLY	1	YES
MV 5 PARKING AND ACCESS REQUIREMENTS	IN ACCORDANCE WITH SECTION 4.19.1 1.4 PARKING SPACES PER DWELLING UNIT 1.4 X 18 UNITS = 25.2 SPACES	18 PARKING SPACES 1 BARRIER FREE PARKING PROVIDED (1 REQUIRED)	NO
MIN. PARKING STALL WIDTH	2.75 m	2.75 m	YES
MIN. PARKING STALL LENGTH	6 m	6 m	YES
MANEUVERING AISLE WIDTH	6.3m	6.3 m	YES
ACCESSORY BUILDINGS AND ACCESSORY STRUCTURES	IN ACCORDANCE WITH SECTIONS 4.13 AND 4.14		
MV 6 MIN. LANDSCAPED OPEN SPACE	55% OF THE LOT AREA	21.1%	NO
MIN. AMENITY SPACE FOR AN APRATMENT DWELLING OR STACKED TOWNHOUSE DWELLING	360 m <sup>2</sup>	445 m <sup>2</sup>	YES
MAX. PROJECTION FOR A BALCONY INTO A REQUIRED FRONT YARD	1.8 m	1.77 m	YES
MV 7 MAX. PROJECTION FOR A BALCONY INTO A REQUIRED SIDE YARD	0.45 m	1.65 m 1.25 m	NO
PARKING IN YARDS	WITHIN THE R4, R5A, R5B, R5C, R5D, R5E AND R5F ZONES NO PERSON SHALL USE ANY PORTION OF THE FRONT YARD OF ANY LOT FOR THE PARKING OR STORING OF ANY MOTOR VEHICLE UNLESS EITHER A LANDSCAPED OPEN SPACE STRIP OR A DECORATIVE WALL OR DECORATIVE FENCE, AND A LANDSCAPED OPEN SPACE STRIP IS PROVIDED AND MAINTAINED ALONG THE PART OF EVERY FRONT LOT LINE AND SIDE LOT LINE WHICH ABUTS A STREET, EXCEPT THAT PART THEREOF CROSSED BY AN ACCESS DRIVEWAY OR SIDEWALK, AN IN ACCORDANCE WITH THE FOLLOWING REGULATIONS:  IF ONLY A LANDSCAPED OPEN SPACE IS PROVIDED SUCH LANDSCAPED OPEN SPACE STRIP SHALL HAVE A MINIMUM WIDTH OF 3 METRES, UNLESS A DECORATIVE WALL OR DECORATIVE FENCE IN ACCORDANCE WITH SUBSECTION (II) IS PROVIDED; IN WHICH CASE THE LANDSCAPED OPEN SPACE STRIP SHALL HAVE A MINIMUM WIDTH OF 1.5 METRES.  THE HEIGHT OF A DECORATIVE WALL OR FENCE SHALL BE A MINIMUM OF 1 METRE ABOVE THE AVERAGE LEVEL OF THE PARKING AREA IN THE FRONT YARD.  ANY SUCH DECORATIVE WALL OR FENCE SHALL BE LOCATED A MINIMUM OF 1 METRE INSIDE THE ABUTTING STREET LINE.  WHERE A DAYLIGHTING TRIANGLE IS REQUIRED, NO SUCH DECORATIVE WALL OR DECORATIVE FENCE SHALL BE LOCATED WITHIN SUCH DAYLIGHTING TRIANGLE.	TWO PARKING SPACE IS LOCATED WITHIN THE FRONT YARD 1m WIDE LANDSCAPING STRIP	YES

C

KEY PLAN:

- PROPERTY LINE
- 6m FIRE ACCESS ROUTE
- GARBAGE TRUCK ROUTE
- LANDSCAPED AREA
- ROOF TERRACE
- LANDSCAPE PAVERS
- SIDEWALK
- BUILDING ENTRANCE

UNIT INFO.

BUILDING C

UNIT STATISTICS (FINAL UNIT COUNTS AND SQUARE FOOTAGES TO BE DETERMINED AT DESIGN DEVELOPMENT STAGE)

1ST FLOOR	PARKING
2ND FLOOR	6 UNITS
3RD FLOOR	6 UNITS
4TH FLOOR	6 UNITS

TOTAL UNITS: 18 UNITS

6 - 2 BEDROOM UNITS  
12 - 1 BEDROOM UNITS

ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF THE WORK. THIS DRAWING NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY FORBIDDEN WITHOUT WRITTEN CONSENT. DRAWINGS TO BE FOR THE PURPOSE FOR WHICH THEY ARE ISSUED.

No.	DATE:	DESCRIPTION:	BY:
1	MARCH 12/25	ZBA SUBMISSION	CH

COMMISSION: 2016-146

VISCA RESIDENTIAL DEVELOPMENT

5584 FRASER STREET, NIAGARA FALLS, ON

PROJECT TRUE N

A · C · K architects STUDIO INC.

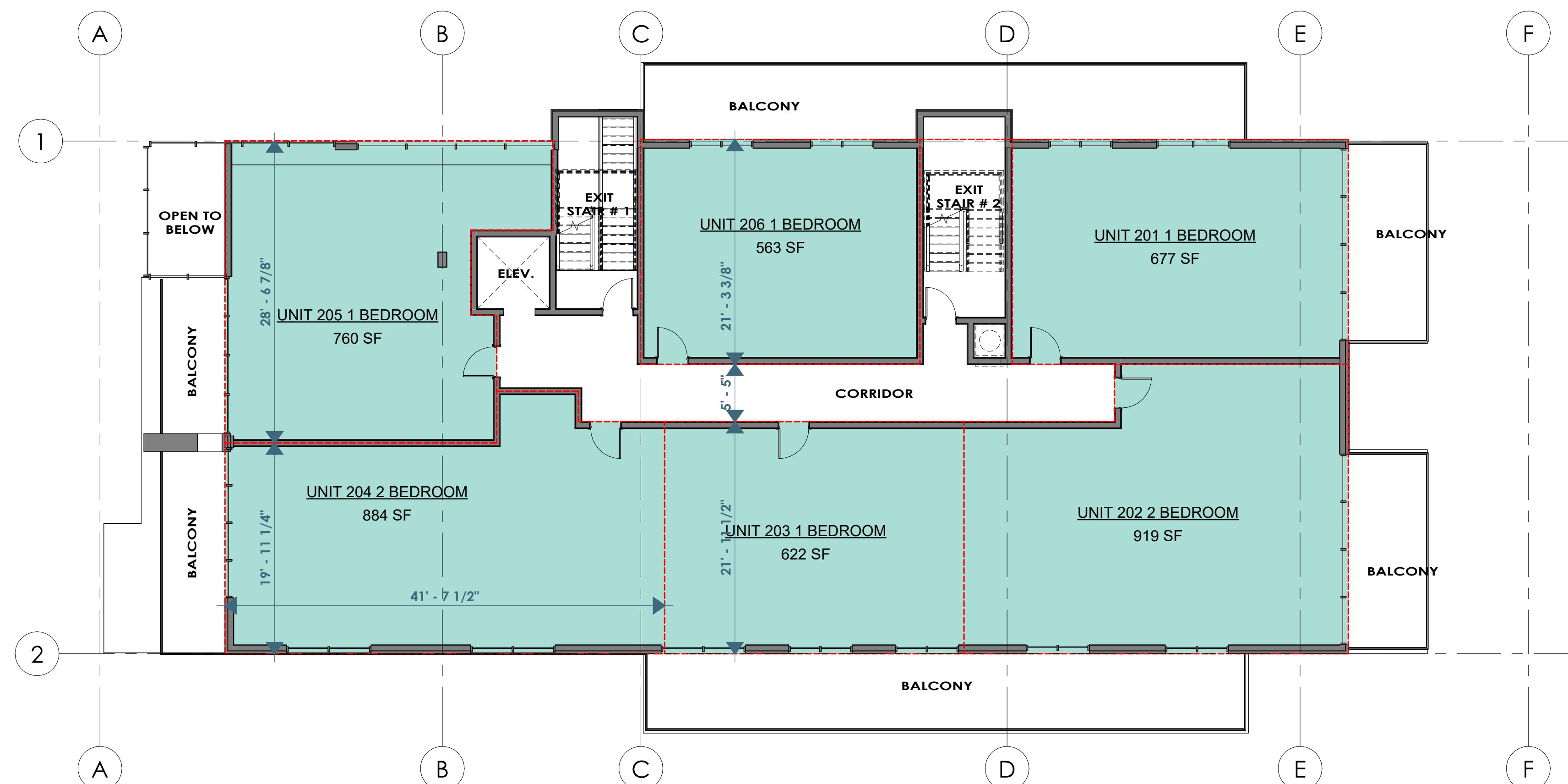
Architectural Office:  
290 Glendale Ave., St.Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

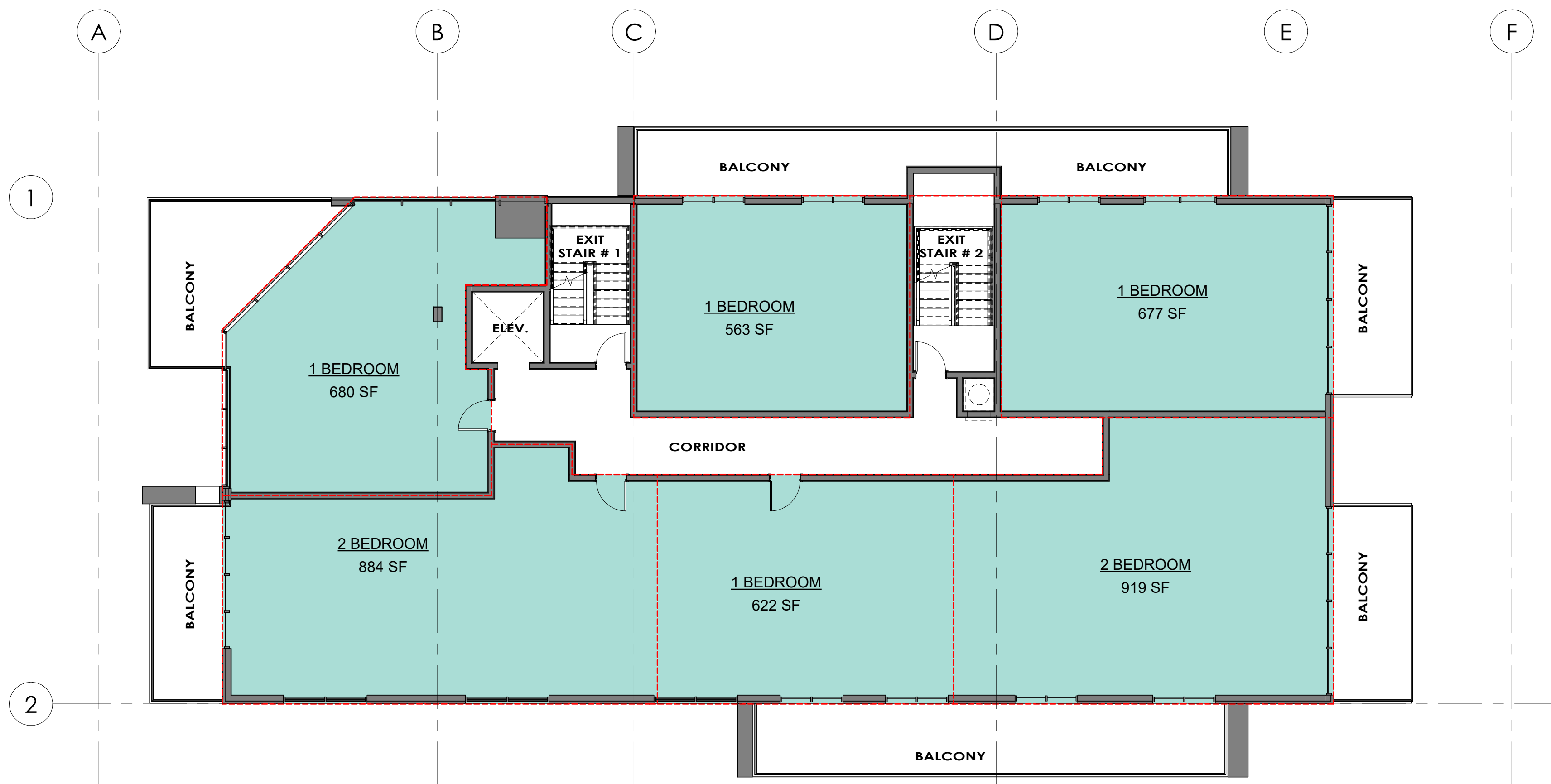
SITE PLAN BUILDING C

DRAWN BY:	JMR/CH	DRAWING No.:
CHECKED BY:	MDA	SP c
DATE ISSUED:		
PROJECT No.:	2016-146	



**BUILDING C 2ND FL. PLATE**

1 : 100

**BUILDING C 3RD - 4TH FL. PLATE**

1 : 100

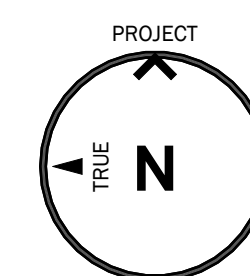
UNIT STATISTICS  
(FINAL UNIT COUNTS AND SQUARE  
FOOTAGES TO BE DETERMINED AT  
DESIGN DEVELOPMENT STAGE  
DETAIL SEE SITE PLANS)

**DISCLAIMER:**  
: RENDERINGS/FLOORPLANS ARE ARTISTS  
CONCEPTIONS. ALL FLOOR PLANS ARE APPROXIMATE  
DIMENSIONS. ACTUAL USABLE FLOOR SPACE MAY  
VARY FROM THE STATED FLOOR AREA. ALL PLANS MAY  
BE SUBJECT TO MIRRORING. DESIGN TO BE CONFIRMED  
WITH ACTUAL ZONING BY-LAW FOR SUBJECT LOTS ONCE  
AN ACTUAL PARCEL AND MUNICIPALITY HAS BEEN  
CONFIRMED BY THE CLIENT

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1	MARCH 12/25	ZBA SUBMISSION	CH

COMMISSION: 216-146

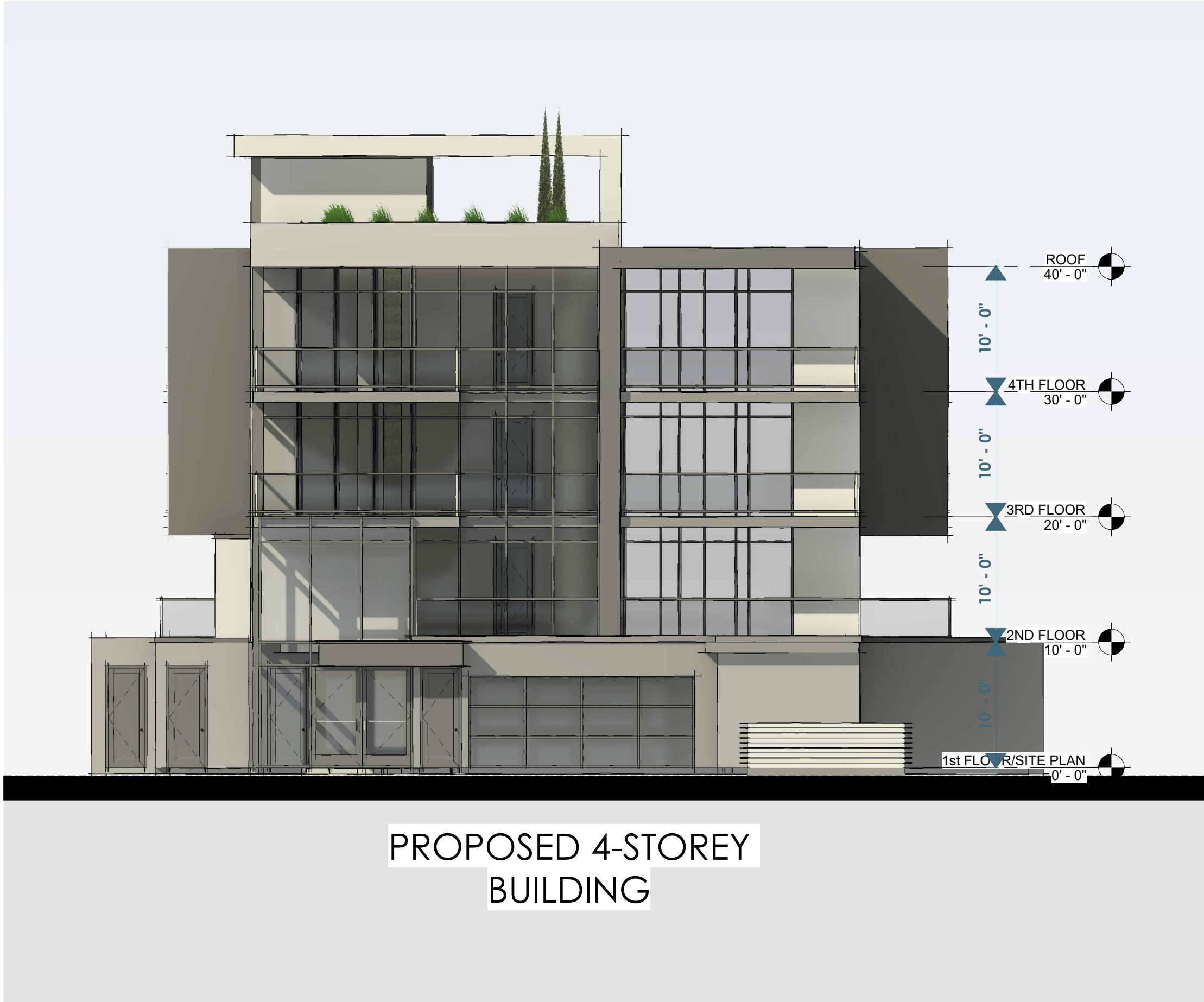
**VISCA RESIDENTIAL  
DEVELOPMENT**FRASER STREET /GEORGE  
STREET, NIAGARA FALLS, ONTARIO**A · C · K**  
architects  
STUDIO INC.Architectural Office:  
290 Glendale Ave, St.Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**BUILDING C  
2ND - 4TH FLOOR  
PLATE**

DRAWN BY:	JMR	DRAWING No.:
CHECKED BY:	MDA	<b>A.BC 1</b>
DATE ISSUED:		
PROJECT No.:	216-146	





BUILDING C FRONT (WEST) ELEVATION

1 : 100



BUILDING C LEFT SIDE (NORTH) ELEVATION

1 : 100

**DISCLAIMER:**  
: RENDERINGS/FLOORPLANS ARE ARTISTS  
CONCEPTIONS. ALL FLOOR PLANS ARE APPROXIMATE  
DIMENSIONS. ACTUAL USABLE FLOOR SPACE MAY  
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WITH ACTUAL ZONING BY-LAW FOR SUBJECT LOTS ONCE  
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No.	DATE:	DESCRIPTION:	BY:
1	MARCH 12/25	ZBA SUBMISSION	CH

COMMISSION: 216-146

VISCA RESIDENTIAL  
DEVELOPMENT

FRASER STREET /GEORGE  
STREET, NIAGARA FALLS, ONTARIO

A · C · K  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave, St.Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

FRONT AND SIDE  
ELEVATIONS

DRAWN BY:	JMR	DRAWING No.:
CHECKED BY:	MDA	A.BC 2
DATE ISSUED:		
PROJECT No.:	216-146	

# Appendix B

**Section 2 Planning Act – Provincial Interest - Compliance Table**

This appendix demonstrates how the proposed application is consistent with Section 2 of the Planning Act.

Matter	Comments	
a) the protection of ecological systems, including natural areas, features and functions;	There are no ecological systems impacted.	✓
b) the protection of the agricultural resources of the Province;	The lands are not designated for agricultural purposes.	✓
c) the conservation and management of natural resources and the mineral resource base;	Not applicable to this development application.	✓
d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;	Not applicable to this development application.	✓
e) the supply, efficient use and conservation of energy and water;	This will be considered during the detailed design of the project.	✓
f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;	Yes. Existing services and systems will be utilized where available.	✓
g) the minimization of waste;	Noted.	✓
h) the orderly development of safe and healthy communities;	Yes. The development is an infilling development in an established area. The form and function of the development is apartment style which considers matters of physical abilities	✓
(h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;	future tenants.	✓
i) the adequate provision and distribution of educational, health, social, cultural and recreational facilities;	Not applicable.	✓
j) the adequate provision of a full range of housing, including affordable housing;	Yes. This development adds to the range of housing types available in the area.	✓
k) the adequate provision of employment opportunities;	Yes. This development will have short term employment for the purposes of construction. It will have long term employment for administration and maintenance purposes.	✓

Appendix B to Planning Justification Report – Section 2 Planning Act – Provincial Interest  
5584 Fraser St., City of Niagara Falls

l) the protection of the financial and economic well-being of the Province and its municipalities;	The development will add to the tax base and utilizes existing infrastructure.	✓
m) the co-ordination of planning activities of public bodies;	The applications are subject to the public process.	✓
n) the resolution of planning conflicts involving public and private interests;	The applications are subject to the public process.	✓
o) the protection of public health and safety;	Supporting studies confirm the safety elements of the development in the form of a noise, traffic, environmental site assessment and land use compatibility study.	✓
p) the appropriate location of growth and development;	Urban infilling is encouraged.	✓
q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;	The lands are located near public transit and encourage active transportation.	✓
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 development is well designed and encourages a sense of place through the form of a rental apartment development with private on-site and personal amenity spaces. There are public spaces, services and amenities within walking distance and in close proximity to the subject property.	✓
s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.	This will be considered during the detailed design of the project.	✓



# Appendix C

### Provincial Planning Statement 2024 – Policy Compliance Table

This appendix demonstrates how the proposed application is consistent with those applicable policies of the Provincial Planning Statement.

Section	Policy	Comments	
<b>Chapter 2: Building Homes, Sustainable Strong and Competitive Communities</b>			
<b>2.1</b>	<b>Planning for People and Homes</b> <b>Summary:</b> Section 2.1 outlines the planning framework for population and employment growth in Ontario, emphasizing that municipalities must base forecasts on provincial projections while ensuring adequate land availability for diverse housing and land use needs over a 20- to 30-year horizon. It promotes the creation of complete communities by supporting varied land uses, improving accessibility, and enhancing social equity to meet the needs of all residents.		
<b>2.1.4</b>	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:		
<b>a)</b>	maintain at all times the ability to accommodate residential growth for a minimum of 15 years	The application proposes the re-development of lands for increased residential rental accommodations.	✓
<b>b)</b>	Maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply	The proposed development is supported by existing infrastructure.	✓
<b>2.1.6</b>	Planning authorities should support the achievement of complete communities by:		
<b>a)</b>	accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses	The application proposes the re-development of lands for increased residential rental accommodations, near access to public transit and employment opportunities.	✓
<b>b)</b>	improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and	The development will be designed to meet building code requirements and improve accessibility for people of all ages.	✓
<b>c)</b>	improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.	It is intended that rental accommodations be provided to help people in their current abilities and incomes afford a place to live.	✓

Section	Policy	Comments	
<b>Chapter 2: Building Homes, Sustainable Strong and Competitive Communities</b>			
<b>2.2</b>	<b>Housing</b> <b>Summary:</b> Section 2.2 outlines guidelines for planning authorities to ensure a diverse range of housing options and densities that meet the projected needs of current and future residents. This includes setting minimum targets for affordable housing, facilitating various housing types to support community well-being, promoting land-efficient densities, and prioritizing transit-oriented development near transit corridors and stations.		
<b>2.2.1</b>	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents of the regional market area by:		
<b>a)</b>	establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households	The application proposes to intensify and redevelop the lands to provide much needed rental accommodations.	✓
<b>b)</b>	permitting and facilitating:  1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents  2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;	Rental accommodations to be provided.  Represents a redevelopment of previous residential lands for intensified residential use within an established area.	✓
<b>c)</b>	promoting densities for new housing which efficiently use land, resources, infrastructure	The application will facilitate redevelopment that will efficiently use land, infrastructure and encourage active transportation which opportunities exist in close proximity to the subject lands.	✓

Appendix C to Planning Justification Report – Provincial Planning Statement 2024  
5584 Fraser St., City of Niagara Falls

	and public service facilities, and support the use of active transportation; and		
<b>d)</b>	requiring transit-supportive development and prioritizing intensification	The lands are near a public transportation route.	✓

Section	Policy	Comments	
<b>Chapter 2: Building Homes, Sustainable Strong and Competitive Communities</b>			
<b>2.4</b>	<b>Strategic Growth Areas</b> <b>2.4.1 General Policies for Strategic Growth Areas</b> <b>Summary:</b> Section 2.4.1 encourages planning authorities to identify strategic growth areas for focused development that supports complete communities. These areas should accommodate significant population and employment growth, serve as hubs for various uses, enhance transit connections, and prioritize infrastructure investment. Authorities should permit intensification, consider student housing, and promote the redevelopment of underutilized retail lands for mixed-use residential purposes.		
<b>2.4.1.1</b>	Planning authorities are encouraged to identify and focus growth and development in strategic growth areas.	The area is made up of a mix of residential, commercial, recreational, and industrial type uses. The policies of the Official Plan encourage growth and recent amendments continue to encourage a mix of land uses.	✓
<b>2.4.1.2</b>	To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:		
<b>a)</b>	to accommodate significant population and employment growth;	The area is being considered for an increased amount of residential development. The proposed application will increase the rental options in the area, nearby the mix of lands uses within a short commute or walking distance.	✓
<b>b)</b>	as focal areas for education, commercial, recreational, and cultural uses;	The area contains commercial, recreational and cultural lands uses.	✓



Appendix C to Planning Justification Report – Provincial Planning Statement 2024  
5584 Fraser St., City of Niagara Falls

<b>c)</b>	to accommodate and support the transit network and provide connection points for inter-and intra-regional transit; and	The lands are proximate to the public transportation corridor along Stanley Avenue.	✓
<b>d)</b>	to support affordable, accessible, and equitable housing.	The application proposes to increase the availability of rental housing.	✓
<b>2.4.1.3</b>	Planning Authorities should:		
<b>a)</b>	prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;		✓
<b>b)</b>	identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;	The lands are within an existing residential neighbourhood where the sensitive land use transitions to commercial and industrial land uses at increasing distances based on impact. The proposed application intensifies the number of residential units available in the neighbourhood, having been designed to consider reduction of impacts to the surrounding residential uses.	✓
<b>c)</b>	permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;	The uses are apartment style buildings which serves to intensify a complete community in a compact form.	✓
<b>d)</b>	consider a student housing strategy when planning for strategic growth areas; and	N/A	
<b>e)</b>	support redevelopment of commercially-designated retail lands (e.g., underutilized shopping malls and plazas), to support mixed-use residential.	N/A	

Section	Policy	Comments	
<b>Chapter 2: Building Homes, Sustainable Strong and Competitive Communities</b>			
<b>2.8</b> <b>2.8.1</b>	<b>Employment</b> <b>Supporting a Modern Economy</b> <b>Summary:</b> Section 2.8.1 promotes economic development by encouraging a diverse mix of employment and institutional uses. Planning authorities should maintain suitable employment sites, identify strategic investment areas, and support compact, mixed-use development. Industrial and small-scale warehousing are encouraged near transit in strategic growth areas, while development within 300 meters of employment areas must minimize impacts on their viability. Major office and institutional developments should be directed to major transit stations or strategic growth areas.		
<b>2.8.1.1</b>	Planning authorities shall promote economic development and competitiveness by:		
<b>a)</b>	providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;	The lands are within a residential neighbourhood. While the Official Plan continues to show the lands for industrial purposes, it is unlikely that any industrial will occur here due to the existing presence of sensitive land uses.	✓
<b>b)</b>	providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses	This area does not appear to be an ideal location for employment uses.	✓
<b>c)</b>	identifying strategic sites for investment	See above.	✓
<b>d)</b>	encouraging intensification of employment uses and compatible, compact, mixed-use development	See above.	✓

Appendix C to Planning Justification Report – Provincial Planning Statement 2024  
5584 Fraser St., City of Niagara Falls

e)	addressing land use compatibility adjacent to employment areas	Introducing employment uses into the residential neighbourhood is not realistic.	✓
2.8.1.2	Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas	The size of the parcels and the number of dwelling units that exist in the neighbourhood helps to conclude that introducing small scale warehousing uses in great numbers is not likely.	✓
2.8.1.3	On lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses	The land use compatibility study does not identify any impacts.	✓
2.8.1.4	Major office and major institutional development should be directed to major transit station areas or other strategic growth areas	N/A	

Section	Policy	Comments	
<b>Chapter 2: Building Homes, Sustainable Strong and Competitive Communities</b>			
2.8	<b>Employment</b>		
2.8.2	<b>Employment Areas</b> <b>Summary:</b> Section 2.8.2 requires planning authorities to protect and preserve employment areas for current and future needs. They must safeguard locations near major goods movement facilities for appropriate uses, designate long-term employment areas in settlements, and prohibit unrelated residential and commercial uses. Compatibility with sensitive land uses is essential, and any removal of lands from these areas must show no negative impact on viability or access to goods movement, while ensuring adequate land for projected employment growth.		

Appendix C to Planning Justification Report – Provincial Planning Statement 2024  
5584 Fraser St., City of Niagara Falls

<b>2.8.2.1</b>	Planning authorities shall plan for, protect and preserve employment areas for current and future uses	The area is primarily made up of residential and commercial type uses and is not reasonable to consider industrial development. The lands have traditionally been used for non-industrial purposes and will not likely transition to industrial uses.	✓
<b>2.8.2.2</b>	Planning authorities shall protect employment areas that are located in proximity to major goods movement facilities and corridors	These lands do not meet this criteria.	✓
<b>2.8.2.3</b>	Planning authorities shall designate, protect and plan for all employment areas in settlement areas by:		
<b>a)</b>	Planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;	The area does not serve and is not likely to serve this purpose.	✓
<b>b)</b>	prohibiting residential uses, commercial uses, public service facilities and other institutional uses;	Residential is a primary use in this area. This policy is already compromised.	✓
<b>c)</b>	prohibiting retail and office uses that are not associated with the primary employment use;	Not applicable.	✓
<b>d)</b>	prohibiting other sensitive land uses that are not ancillary to uses permitted in the employment area; and	Residential is a primary use in this area. This policy is already compromised.	✓
<b>e)</b>	including an appropriate transition to adjacent non-employment areas to ensure land use compatibility and economic viability.	There are commercial type uses to the north of the residential area, creating an appropriate transition to future potential industrial type development.	✓



<b>2.8.2.4</b>	Planning authorities shall assess and update employment areas identified in official plans to ensure that this designation is appropriate to the planned function of employment areas. In planning for employment areas, planning authorities shall maintain land use compatibility between sensitive land uses and employment areas in accordance with policy 3.5 to maintain the long-term operational and economic viability of the planned uses and function of these areas.	The City must update their Official Plan to reflect an appropriate designation and planned function of the areas. In this case, residential exists in this area, has mildly changed over 50 years and is not likely going to change to employment uses.	✓
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Appendix C to Planning Justification Report – Provincial Planning Statement 2024  
5584 Fraser St., City of Niagara Falls

<b>2.8.2.5</b>	Planning authorities may remove lands from employment areas only where it has been demonstrated that:		
<b>a)</b>	there is an identified need for the removal and the land is not required for employment area uses over the long term;	While designated industrial in the official plan, the area is primarily made up of residential lands. The overall area between George Street and the former railway corridor is 3 hectares. Of this area there are currently 36 properties. Of the 36 properties, it appears that 26 contain residential dwelling units. The remaining 10 properties are either institutional, commercial or vacant. It appears that over 90% of the uses in this area are legal non-conforming, clearly indicating that the intended employment function was never realized nor will be.	✓
<b>b)</b>	the proposed uses would not negatively impact the overall viability of the employment area by: 1. avoiding, or where avoidance is not possible, minimizing and mitigating potential impacts to existing or planned employment area uses in accordance with policy 3.5;  2. maintaining access to major goods movement facilities and corridors; existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and	The area is not viable for industrial purposes as they are historically residential and even if assembled, would only make up approximately 3 hectares of land, far too small for any major industrial operation. Nevertheless, it is unlikely for lands to be assembled for smaller industrial facilities due to land use compatibility challenges with other existing residential uses in the immediate area.	✓
<b>c)</b>	existing or planned infrastructure and public service facilities are available to accommodate the proposed uses; and	The lands are serviced for residential purposes.	✓
<b>d)</b>	the municipality has sufficient employment lands to accommodate projected employment growth to the horizon of the approved official plan.	These lands are not necessary to retain to achieve the long term employment growth projections of the City as they are small, and have too many challenges to realize viable industrial development.	✓

Section	Policy	Comments	
<b>Chapter 2: Building Homes, Sustainable Strong and Competitive Communities</b>			
<b>2.9</b>	<b>Energy Conservation, Air Quality and Climate Change</b> <b>Summary:</b> Section 2.9 emphasizes the role of planning authorities in reducing greenhouse gas emissions and adapting to climate change. It advocates for the development of compact, transit-supportive communities, incorporates climate considerations into infrastructure planning, and promotes energy conservation, green infrastructure, and active transportation. The section also encourages additional measures to enhance community resilience and improve air quality.		
<b>2.9.1</b>	Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:		
<b>a)</b>	support the achievement of compact, transit-supportive, and complete communities;	The proposed application contributes to a complete community.	✓
<b>b)</b>	incorporate climate change considerations in planning for and the development of infrastructure, including stormwater management systems, and public service facilities;	The development will be designed to use existing infrastructure and manage stormwater.	✓
<b>c)</b>	support energy conservation and efficiency;	The design will consider energy conservation and efficiency through the site plan process.	✓
<b>d)</b>	promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality; and	Active transportation is encouraged as there are several commercial and recreational areas within walking distance of the subject property.	✓
<b>e)</b>	take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.	This will be explored during the detailed design of the proposed building.	✓

Section	Policy	Comments	
<b>Chapter 3: Infrastructure and Facilities</b>			
<b>3.5</b>	<b>Land Use Compatibility</b> <b>Summary:</b> Section 3.5 emphasizes the need for careful planning to ensure compatibility between major facilities and sensitive land uses. Authorities must aim to avoid or mitigate adverse effects from odour, noise, and contaminants while protecting public health and safety and the viability of major facilities. When avoidance is not possible, the planning and development of adjacent sensitive land uses can only proceed if potential negative impacts on both the sensitive uses and the major facilities are minimized and mitigated according to provincial guidelines.		
<b>3.5.1</b>	Major facilities and sensitive land uses shall be planned and developed to avoid, or minimize and mitigate any potential adverse effects from odour, noise, risk to public health and safety, and to ensure the long-term operational and economic viability	There is an existing manufacturing business located to the west of the subject property, separated by a railway and hydro canal. The land use compatibility study submitted with this application concludes that the development is compatible with the existing facility and will not impact its long-term operational and economic viability. This is further supported by new residential development occurring in closer proximity to the facility.	✓
<b>3.5.2</b>	Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment	See above.	✓



Section	Policy	Comments	
<b>Chapter 3: Infrastructure and Facilities</b>			
<b>3.9</b>	<b>Public Spaces, Recreation, Parks, Trails and Open Space</b> <b>Summary:</b> Section 3.9 promotes the development of healthy, active, and inclusive communities by ensuring public streets and spaces are safe and accessible for all ages and abilities. It emphasizes the need for a diverse range of publicly accessible recreational settings, including parks, trails, and water-based resources, while encouraging public access to shorelines. The section also highlights the importance of recognizing and protecting provincial parks and conservation reserves from negative impacts.		
<b>3.9.1</b>	Healthy, active, and inclusive communities should be promoted by:		
<b>a)</b>	planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;	The proposed development will increase the density of people living in the area, is designed to cater to various incomes, ages and abilities, and by its nature, foster social interaction within the building and its amenity areas including terraces and balconies. The area itself encourages active transportation as it is in walking distance to a number of commercial, recreational and employment opportunities.	✓
<b>b)</b>	planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open space areas, trails and linkages, and, where practical, water-based resources;	Not applicable to the proposed application.	✓
<b>c)</b>	Providing opportunities for public access to shorelines; and	Not applicable to this development.	✓
<b>d)</b>	Recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas	Not applicable to this development.	✓

# Appendix D

### Niagara Region Official Plan – Policy Compliance Table

This appendix demonstrates how the proposed application is consistent with applicable policies of the Niagara Region Official Plan.

Section	Policy	Comments	
<b>2.2.1 Managing Urban Growth</b>			
<b>2.2.1.1</b>	Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:		
<b>a.</b>	the intensification targets in Table 2-2 and density targets outlined in this Plan;	The proposed development will contribute to achieving the intensification goals.	✓
<b>b.</b>	a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;	The application proposes a compact built form, adding to the mix of residential land uses in support of creating a complete community.	✓
<b>c.</b>	a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs;	The application proposes an apartment type residential land use in an area primarily made up of low density single detached dwellings.	✓
<b>d.</b>	social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:		
	i. a range of transportation options, including public transit and active transportation;	The subject lands are located near access to a public transit stop which is within walking distance.	✓
	ii. affordable, locally grown food and other sources of urban agriculture;	Not applicable	
	iii. co-located public service facilities; and	Not applicable	
	iv. the public realm, including open spaces, parks, trails, and other recreational facilities;	The lands are located near a recreational trail, sidewalks, parks and a cemetery to which the residents of the development may take advantage of.	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

<b>e.</b>	built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;	The proposed application is for a compact form of residential development which will take advantage of existing infrastructure.	✓
<b>f.</b>	opportunities for transit-supportive development pursuant to Policies 2.2.2.17, 2.2.2.18 and 2.2.2.19;	Not applicable.	
<b>g.</b>	opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;	The proposed application will facilitate residential intensification of an existing low-density neighbourhood.	✓
<b>h.</b>	h. opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;	The proposed application will add to the mix and range of housing available in the established neighbourhood.	✓
<b>i.</b>	i. the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential areas;	The development is designed to be compatible with the existing neighbourhood. The introduction of the proposed apartment building may encourage other similar forms of residential intensification.	✓
<b>j.</b>	j. conservation or reuse of cultural heritage resources pursuant to Section 6.5;	Not applicable.	
<b>k.</b>	k. orderly development in accordance with the availability and provision of infrastructure and public service facilities; and	The lands are central to various public service facilities and will take advantage of existing infrastructure.	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

	I. mitigation and adaptation to the impacts of climate change by:		
	i. protecting natural heritage features and areas, water resource systems, and other components of the Region's natural environment system pursuant to Section 3.1;	The lands are not nearby any natural heritage features.	✓
	ii. where possible, integrating green infrastructure and low impact development into the design and construction of public service facilities and private development; and	This will be explored during the site plan approvals process.	✓
	iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.	The proposed application intensifies the use of lands for residential purposes, utilizing existing infrastructure and implementing the most recent standards of the Ontario Building Code. Additional building material technologies may be explored during the detailed design phase.	✓
<b>2.2.2.5</b>	A Regional minimum of 60 percent of all residential units occurring annually will be within built-up areas.	The subject lands are within the built-up area and the intensification proposed will help implement this intensification policy.	✓

Section	Policy	Comments	
<b>2.3.1 Provide a Mix of Housing Options</b>			
<b>2.3.1.1</b>	The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.	The proposed application increases the area density by providing a higher density residential land use. Efforts will be made to keep rental costs lower to make the units more attainable with the potential to include up to 15% affordable units. The multi-storey design and unit configurations will cater to housing needs for all stages of life.	✓



Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

2.3.1.2	Local Area Municipalities shall establish targets in Local official plans for an overall housing mix by density type and affordability based on consultation with the Region and the minimum affordable housing targets outlined in Policy 2.3.2.3.	The City of Niagara Falls is currently working to update their Official Plan. Regardless, the proposed development implements increased densities of a modest scale to the low density residential area. Affordable housing is being explored which may lead to lower rental rates.	✓
	The forecasts in Table 2-1 will be used to maintain, at all times:		
	a. the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development; and	Yes. The lands are providing residential intensification to the existing neighbourhood. The lands must be redesignated to Residential in order to facilitate the development.	✓
	b. where new development is to occur, land with servicing capacity to provide at least a three-year supply of residential units through lands suitably zoned to facilitate residential intensification, and lands in draft approved or registered plans.	Not applicable.	
<b>2.3.1.4</b>	New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:		
	a. facilitating compact built form; and	The proposed apartment is a compact development.	✓
	b. incorporating sustainable housing construction materials or practices, green infrastructure, energy conservation standards, water efficient technologies, and low impact development.	The proposed development will explore these methodologies and technologies to better mitigate impacts on climate change.	✓
	c. New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.	Yes. This will form part of the detailed design phase.	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

<b>2.3.3.1</b>	The following tools will be considered to support the development of affordable and attainable housing:		
	a. flexibility in the scale, form, and types of residential uses permitted as-of-right, including additional residential units and other alternative housing forms;	Yes. The proposed development for apartment rentals adds to the scale and types of residential land uses in the neighbourhood.	✓
	b. streamlining of planning approvals for the development of affordable housing, attainable housing, and community housing, with a priority for developments receiving time-sensitive government funding;	Not applicable at this time.	
	c. financial incentive programs, such as grants, development charge deferrals, and property tax reductions that promote brownfield redevelopment and affordable housing options, including purpose-built rental housing;	The proposed development is purpose built rental housing. If financial incentives are available, this will help offset rental costs to future residents of the apartment building.	✓
	d. the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;	The development is made of various unit sizes and bedrooms to help address market demands and range of incomes.	✓
	e. site standards that facilitate the development of additional residential units, such as reduced setbacks, narrower lot sizes, and reduced parking standards;	The area is made up of low density single detached dwelling units. The legal non-conforming status of all these dwellings makes it impossible to allow for additional dwelling units to be established. Through this development, changing the land use designation to Residential for all the existing residential lands is encouraged, to help with intensification of the area.	✓
	f. inclusionary zoning provisions within protected major transit station areas and/or areas with an approved Community Planning Permit System, subject to the preparation of an assessment report as described in the Planning Act and Ontario Regulation 232/18; and	Not applicable.	✓
	g. demolition control and residential replacement by-laws that would prohibit the demolition of existing rental units without	Not applicable.	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

	replacement of the same or higher number of rental units.		
<b>2.3.3.2</b>	Local Area Municipalities shall permit up to two additional residential units as of-right within new or existing residential development, subject to Provincial legislation and appropriate land use, size, and locational criteria.	The City is in contravention of this policy as the entire area is designated and zoned for Prestige industrial purposes rendering all existing residential dwellings legal non-conforming. Without a City initiated redesignation and rezoning, the lands are not able to accommodate the direction of this policy for additional dwelling units.	✓

Section	Policy	Comments	
<b>4.2.4 Employment Lands</b>			
	The Region will support Locally identified employment lands by: d. ensuring that the introduction of non-employment uses, if permitted by other policies in this Plan, would be limited and not negatively impact the primary function of the area;	This policy makes good planning sense; however, the area is made up of existing residential dwelling units and lots. It is noted that the residential area has been in existence long prior to the establishment of any industrial uses in the area. Accordingly, the nature of the area is in conflict with this policy, thus challenging the appropriateness of the industrial designation and zoning by the local municipality.	✓
<b>4.2.4.2</b>	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with Provincial guidelines, standards and procedures.	The industrial lands that exist in the area are subject to the Ministry compatibility standards and cannot develop for purposes that have incompatible adverse effects. As such the intensification of the lands for residential purposes does not further restrict the ability of industrially designated lands to develop. They also do not further impact the intensification of the existing residential neighbourhood for residential purposes.	✓
<b>4.2.4.3</b>	Where avoidance is not possible in accordance with Policy 4.2.4.2, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with Provincial guidelines, standards and procedures:		
	a. there is an identified need for the proposed use;	The lands are designated Urban Area in accordance with the Niagara Region Official Plan. These policies do not intend to consider existing residential areas that are improperly	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

		designated in local Official Plans. There is a need for residential intensification in compact form, increasing the mix of residential land uses in the neighbourhood.	
	b. alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;	Alternative locations are not necessary as the neighbourhood is existing and is primarily made up of low density residential land uses.	✓
	c. adverse effects to the proposed sensitive land use are minimized and mitigated; and	The land use compatibility study demonstrates that the development is compatible with industrial lands in the area. Considering the necessity of Ministry requirements for compatibility, the industrial lands in the area must maintain Ministry compatibility standards controlled through the Environmental Compliance Approvals process. This is not an issue for the proposed development. The proposed development will not contribute to further compatibility requirements to other industrial areas.	✓
	d. potential impacts to industrial, manufacturing or other uses are minimized and mitigated.	Any recommendations required through the land use compatibility study will be implemented.	✓
<b>4.2.4.4</b>	Within employment lands, retail and office uses will be directed to locations that support active transportation and have existing or planned transit.	The lands are not designated Employment Lands within the Regional Official Plan; rather, they are designated Urban Area. However, the area is comprised of small single residential parcels with the odd institutional land use. The area has existed for nearly 100 years and has seen limited office and retail type uses be established in the neighbourhood. There are more appropriate locations for such uses in the Urban Area.	✓
<b>4.2.4.5</b>	The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.	There are more appropriate locations for office and retail uses than within an established residential area.	✓
<b>4.2.4.8</b>	Employment lands planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment lands in accordance with Section 6.2.	There is an existing appropriate transition between the established residential area to the industrial lands west of the hydro electric canal. This transition area does not exist between the existing residential neighbourhood to the industrial lands to	✓

		the east, other than the road allowance and setback requirements.	
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Section	Policy	Comments	
<b>4.2.5 Redevelopment of Employment Lands</b>			
<b>4.2.5.1</b>	Any proposed redevelopment of non-employment uses on employment land, outside of employment areas, shall retain space for a similar number of jobs to remain accommodated on site.	The existing presence of primarily residential land uses, the unlikelihood of assembling lands and establishing compatible industrial development, confirms that the area is not intended for and not comprised of employment uses. There are more appropriate locations for employment uses in the City. As such it is impractical to assume that jobs related to the unlikelihood of establishing new employment uses should be retained on site.	✓
<b>4.2.5.2</b>	Local official plans may contain criteria for employment land redevelopment to non-employment uses outside of an employment area. If Local criteria are unavailable, the Region and Local Area Municipalities may use the Region's Employment Land Redevelopment Criteria Guideline identified in Appendix 3.	See City of Niagara Falls Official Plan.	✓
<b>4.2.5.3</b>	The Region and Local Area Municipalities shall discourage any redevelopment of employment land that may restrict the ability for nearby existing or planned employment uses to operate or expand.	The area is comprised primarily of residential uses. Intensification of residential uses will not create greater impacts to other existing industrial uses in the area. The land use compatibility study confirms this conclusion.	✓



Section	Policy	Comments	
<b>4.5.2 Economic Prosperity through Land Use Planning</b>			
<b>4.5.2.1</b>	This section consolidates policy direction integrated throughout this Plan that supports economic prosperity. The Region will endeavour to:		
	a. attract employers and workers to the region by:		
	i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;	The proposed development will add to the supply of rental units.	✓
	ii. supporting the provision of affordable housing for workers across all sectors of Niagara's economy;	The provision of up to 15% of the units as affordable will be explored during the site plan process.	✓
	iii. protecting and proactively planning for employment areas and supporting employment lands to attract and retain investment; and	This should also imply ensuring lands are appropriately designated if it is not possible, or unlikely to be able to reasonably contribute to achieving this objective.	✓
	iv. maximizing the economic development potential of the Niagara Economic Gateway;	Not applicable.	
	b. improve the region's infrastructure to attract new investment, support existing businesses to grow, and build resiliency by:		
	vi. supporting economic opportunities associated with climate change such as development of green energy infrastructure that may facilitate job creation, skills development and economic diversification;	Not applicable.	

Section	Policy	Comments	
<b>6.3.1 Plan Healthy and Safe Communities</b>			
<b>6.3.1.1</b>	The Region shall support healthy communities by:		
	a. creating built form that provides healthy living;	The proposed application will intensify the area with multiple residential dwelling units and increase population whereby people can interact and become part of the community.	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

		Socialization, security and increased active transportation are established through this form of development.	
	b. planning for all ages, incomes, abilities and populations;	The proposed development caters to people with various incomes and physical abilities. The ground floor does not require steps for access, whereas upper floors are suitable for people without or varying degrees of mobility.	✓
	c. supporting walkable and bikeable neighbourhoods through active transportation;	The area is made up of short streets with convenient access to public transit and the sidewalk network.	✓
	d. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;	The subject lands are in the vicinity of open spaces, parks, a cemetery and the recreational trail.	✓

Section	Policy	Comments	
<b>7.4.1 Local Official Plan Conformity</b>			
<b>7.4.1.1</b>	The Local official plan represents one of the most important vehicles for implementing this Plan. Accordingly, Local official plans shall be prepared and/ or updated to conform to this Plan within one year of the approval of this Plan.	The City of Niagara Falls has not brought their official plan into conformity with the Niagara Region's Official Plan.	✓
<b>7.4.1.2</b>	Local Area Municipalities shall update their official plans to bring them into conformity with this Plan, the Planning Act, Provincial Policy Statements, Growth Plan, Greenbelt Plan and any other applicable provincial policy and plans.	The City of Niagara Falls has not completed their Official Plan update at this time. However, the subject lands are located within the Urban Area, outside of Employment Areas. The new Provincial Planning statement came into effect on October 20, 2024, replacing both the Provincial Policy Statement and the Growth Plan. The new City Official Plan will need to be updated to implement the policies of the new Provincial Planning Statement.	✓
<b>7.4.1.3</b>	Local Area Municipalities shall ensure that official plan policies consider relevant Provincial guidelines and standards.	See above.	✓

Appendix D to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

	e. encouraging integration of open space and parks that facilitate physical activity, social cohesion and support mental health;	See above.	✓
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# Appendix E

**Niagara Region Official Plan – Appendix 3 – Employment Land Redevelopment Criteria Compliance Table**

This appendix demonstrates how the proposed application is consistent with employment land redevelopment criteria of the Niagara Region Official Plan.

Section	Policy	Comments	
<b>Appendix 3 – Niagara Region’s Employment Land Redevelopment Criteria</b>			
1.	Minimize the risk to public health and safety by mitigating any potential adverse impacts from odour, noise, vibration, and other contaminants, and to ensure the long-term operational and economic viability of land uses that may require separation from sensitive land uses in accordance with Provincial guidelines, standards and procedures.	The land use compatibility report demonstrates that there are no compatibility issues generated by the intensification of the residential area with residential uses.	✓
2.	There is an identified need for the proposed uses.	Residential intensification is encouraged by the Official Plan. This test does not consider if the lands should currently be or are practical to be designated for industrial purposes.	✓
3.	Alternative locations for the proposed uses have been evaluated and there are no reasonable alternative locations.	The lands are within an existing residential neighbourhood. Alternative locations are not necessary to consider.	✓
4.	Adverse effects to the proposed sensitive land use(s) are minimized and mitigated.	The lands are surrounded by existing residential (sensitive) land uses. Adverse effects are not anticipated.	✓
5.	Potential impacts to industrial, manufacturing or other uses are minimized and mitigated.	As confirmed by the land use compatibility study, no impacts are anticipated on existing industrial and manufacturing land uses in the area.	✓
6.	The proposed use(s) will maintain or improve the appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs.	The proposed application will improve the broader mix of residential land uses for the long-term needs of the City.	✓
7.	The proposed use(s) will support opportunities for a diversified economic base and take into account the needs of existing and future businesses.	The proposed use will intensify the economic base which is anticipated to increase the number of customers for existing commercial businesses in the immediate and general area.	✓



Appendix E to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

<b>8.</b>	The proposed use(s) are compact mixed-use development that incorporates compatible employment uses to support livable and resilient communities.	The development represents a compact residential use that supports resilient communities. There will be some employment created through the construction of the apartment building and the administration and maintenance of the premises over the long term.	✓
<b>9.</b>	The site has necessary infrastructure to support current and projected needs.	Yes. The servicing feasibility study demonstrates that the site can be appropriately serviced by existing municipal infrastructure.	✓
<b>10.</b>	The proposed use(s) will retain space for a similar number of jobs to remain accommodated on site. Similar number of jobs should be demonstrated by:		
	a. the existing and/or planned number of jobs for the subject site. The existing number of jobs would be known if the site is developed. The planned number of jobs should be based on applicable land use policies, including any minimum and maximum planned as-of-right employment densities. Employment densities must be converted to number of jobs; and	The subject property is currently vacant and therefore devoid of existing jobs. Instead, jobs are anticipated to be created with construction employment opportunities and long-term jobs for maintenance and administration of the apartment building. It is unclear how to calculate employment densities based on the 'as of right' uses of the zoning by-law. Manufacturing businesses and many of the permitted uses are not likely to be established on small parcels of land or adjacent to the existing residential land uses for incompatibility reasons. An office use is the most likely use to be established without compatibility challenges, however, it remains an unlikely use considering that there are more desirable and practical locations in the City for such uses. Furthermore, the majority of the parcel sizes do not comply with the zone provisions for such uses including the minimum lot frontage of 30 metres, lot area of 2000m <sup>2</sup> , and side setbacks of 3.5 metres. Furthermore, the inability to maneuver on a property without land assembly to facilitate a number of the prestige industrial uses demonstrates the impracticality of establishing these uses. The intent of this policy test is not appropriate in this instance.	✓
	b. whether the proposed number of jobs is similar to what was existing and/ or planned for the subject site. Similar means like; alike; having general	Yes. The proposed use will significantly increase the number of jobs to what exists on the property now.	✓

Appendix E to Planning Justification Report – Niagara Region Official Plan  
5584 Fraser St., City of Niagara Falls

	mutual resemblance but not necessarily identical.		
	c. The amount of retained space should be based on a review of the as-of-right employment uses and permitted space requirements for these uses. The median space requirement of the as-of-right permitted uses should be the threshold for the minimum amount of retained space for employment uses within the proposal.	The totality of this policy test does not apply considering the uniqueness of the application. There will be a net increase of jobs realized on this site over the current vacant use and the likely “as-of-right” employment use if it were to exist.	✓
11.	The land is not identified as provincially significant through a Provincial plan exercise or as regionally significant by the Region or its affiliated economic development corporation.	No.	✓
12.	The site does not offer direct access to major goods movement facilities and/or corridors.	No.	✓
13.	All or part of the site is restricted from development or redevelopment by natural heritage feature(s).	No.	
14.	All or part of the site is restricted from development or redevelopment by physical man-made features or other hazardous conditions.	No.	✓
15.	The site has qualities or characteristics that makes it less desirable / marketable for employment uses.	Yes. See above and planning justification report.	✓
16.	The proposed uses are compatible with existing and planned surrounding land uses located within and adjacent to the employment	Yes. However, the term ‘planned surrounding land uses’ does not apply in this circumstance since the majority of the area is residential.	✓

Appendix E to Planning Justification Report – Niagara Region Official Plan  
 5584 Fraser St., City of Niagara Falls

	area, including land uses located outside of the urban settlements.		
<b>17.</b>	The proposal is consistent with municipal strategic interests and policies.	Yes, with the exception of employment policies which are not appropriate to be applied to the existing residential area.	✓

# Appendix F

**City of Niagara Falls Official Plan – Policy Compliance Table**

This appendix demonstrates how the proposed application is consistent with those applicable policies of the City Official Plan.

Section	Policy	Comments	
<b>Part 1 – Section 2 Strategic Policy Direction</b>			
<b>2</b>	<p>Promotes growth in a sustainable fashion through the orderly and effective use of land and infrastructure, creating compact, livable communities, and protecting natural heritage and agricultural lands.</p> <p>Development is encouraged to occur with urban areas.</p> <p>The Plan encourages future employment opportunities within the City areas most suited for such uses and are to be protected from non-employment uses.</p>		
	Growth Objectives		
<b>1</b>	To direct growth to the urban area and away from non-urban areas.	The lands are within the urban area.	✓
<b>3</b>	To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.	The lands increase the density of the area, utilizing existing infrastructure within the built-up area.	✓
<b>9</b>	To encourage alternative forms of transportation such as walking, cycling and public transit.	The location of the lands are located in close proximity to recreational trails, public transit and a network of sidewalks.	✓
<b>10</b>	To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.	The proposed development helps achieve this objective.	✓
<b>11</b>	To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.	Not applicable to this development application.	n/a



Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

<b>12</b>	To protect prime employment lands for the long term supply of employment in the Tourist Commercial and Industrial designations and to identify the Gateway Economic Zone.	The lands are inappropriately designated for industrial purposes. See analysis throughout the planning justification report. The analysis confirms the high unlikelyhood of this neighbourhood ever being used for industrial purposes.	✓
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Section	Policy	Comments	
<b>Part 1 – Section 4 Housing</b>			
<b>4</b>	A range of housing which is affordable, accessible, adequate, and appropriate is needed to ensure a high quality of life for residents. In order to meet the needs of current and future residents, a range of housing options is needed that includes the full spectrum of housing types, such as emergency shelters, transitional housing, subsidized and/or government assisted housing, affordable rental housing, affordable home ownership, market rental housing, market home ownership, and supportive housing.		
	<p>Vision</p> <p>All residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.</p>		
<b>Goals</b>	Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.	This development helps to achieve this goal by adding to the variety of housing options. In this case, the proposed development is intended to provide rental accommodations.	✓
<b>1.</b>	Diversify the City's housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).	The development for residential rental apartments adds to the mix of housing types and densities of the area.	✓
<b>2.</b>	Remove barriers to the creation of a range and mix of housing types, including alternative forms of housing throughout the City.	This policy encourages the City to approve development applications that are designed to meet this goal.	✓
<b>3.</b>	To plan for an urban land supply for 20 years and to maintain a minimum 10 year supply of land for residential growth through intensification or greenfield development.	This policy encourages the City to plan for intensification. As such, the proposed development helps the City achieve this goal.	✓
<b>4.</b>	The City supports a range of housing uses and built form types, including housing that is	This development requires an appropriate density in order to keep rental costs down. In order to achieve a target 15% for	✓
<b>Policy</b>			
<b>4.1</b>			

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	<p>affordable. To achieve this the City shall:</p> <ul style="list-style-type: none"> <li>• Provide opportunities for the development of affordable housing across the municipality</li> <li>• Establish targets for affordable housing</li> <li>• Promote a greater diversity of housing types</li> <li>• Ensure a healthy supply of rental units</li> <li>• Increase public awareness about housing and provide advocacy for partnerships</li> <li>• Provide a variety of financial incentives to promote and facilitate the development of affordable and rental housing</li> <li>• Monitor and report on an ongoing basis to measure the efficacy of implementation of the City's Housing Strategy, address emerging housing needs and ensure actions are met within the stated time frames</li> </ul>	affordable rental units, a higher density is required, but it is expected to provide a range of pricing that appeals to different levels of affordability. The development improves the diversity of housing types in the area.	
<b>4.2</b>	The City's Housing Strategy and key actions shall be implemented in collaboration with the Region, senior levels of government, the development industry, community partners and other stakeholders to increase housing options, including affordable and purpose-built rental options.	The proposed development helps the City achieve this policy by introducing purpose-built rental accommodations.	✓
<b>4.3</b>	Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:	The proposed development includes a variety of unit types for rental accommodations and is located within the built-up area.	✓
	4.3.1 Multiple unit developments, smaller lot sizes and innovative housing forms.	This policy encourages the proposed multi unit development project and introduces an innovative design to the area.	✓
	4.3.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.	The parcel is vacant and under utilized in its current form. The proposed development will achieve this policy by making more efficient use of the lands and add to the existing housing stock.	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	4.3.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.	This parcel was likely consolidated from two (2) smaller residential lots in the past which now creates the opportunity for increased residential densities in the neighbourhood.	✓
	4.3.4 Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.	The lands are located within walking and or cycling distance to commercial areas. Public transit is available to the nearby commercial areas. A network of sidewalks is available adjacent to the lands. The lands are located on streets with very low traffic, thus reducing safety hazards for pedestrians.	✓
	4.3.5 Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwellings in accordance with the legislation set out in the Planning Act and as further regulated through the policies of this Plan and the Zoning Bylaw.	Not applicable.	
<b>4.4</b>	Requires how planning applications are to include as part of a complete application, a housing impact statement, demonstrating how the proposal implements the City's Housing Strategy. There are several requirements of this statement.	See Housing Impact Statement.	
<b>4.6</b>	The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.	Not applicable.	
<b>4.8</b>	Policy regarding affordable housing	This development aims to achieve 15% affordable rental units.	

Section	Policy	Comments	
<b>Part 2 – Section 1 - Residential</b>			
	<p>Preamble</p> <p>The policies of this section are intended to guide the provision of housing which is affordable, accessible, adequate and appropriate to the needs of a full range of households in the City and to guide the development and redevelopment of Residential lands shown on Schedule "A" of this Plan. The City will ensure that a sufficient supply of land is available, on a continuing basis, to accommodate all forms of housing and that appropriate opportunities are provided for residential intensification. Lands designated for residential use shall be sufficient to accommodate anticipated population growth and the need for various housing types and densities throughout the period of the Plan. Residential development should occur in a manner which is compatible with the surrounding neighbourhood. Various amenity features will be incorporated within developments to ensure pleasant living conditions and a high quality of life. While housing represents the main component within this land use designation, other compatible land uses serving area residents which contribute to and enhance the surrounding residential environment will be encouraged and permitted in order to achieve a complete community.</p>		
<b>1.1</b>	The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadruplexes, townhouses, apartments, group homes and other forms of residential accommodation.	The lands are located in a neighbourhood made up of single and semi-detached dwelling units. The proposed development introduces purpose-built apartment units to the neighbourhood.	✓
<b>1.4</b>	The development and redevelopment of residential lands in the City shall primarily be by plan of subdivision incorporating a mix and variety of dwellings and supporting uses to foster the development of a complete community. Consents to sever individual parcels of land shall only be permitted when it can be demonstrated that a plan of subdivision	Not applicable.	

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	is not necessary to implement the policies of this Plan or applicable secondary plan.		
<b>1.5</b>	Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.	The proposed development requires a height of 4 storeys in order to be viable. With the proposed rooftop terrace, this is 3.7 metres higher than the existing zone provisions maximum height provision (12m) for industrial development. Residential development mixed with existing residential development, is inherently more compatible with each other. Impacts will be mitigated through the implementation of appropriate fencing and more mature landscaping in strategic areas to buffer neighbouring amenity areas.	✓
<b>1.7</b>	All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.	The development can be appropriately serviced.	✓
<b>1.10</b>	<b>Built Up Area</b> It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:	The proposed building is well designed to reduce windows and overlook upon adjacent buildings. Further mitigation through fencing and landscaping should allow appropriate integration of the apartment building into the neighbourhood.	✓
	1. The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.	The proposed development introduces a new form of residential dwelling type into the neighbourhood. The design and location of the proposed building takes advantage of a vacant, underutilized property. The proposed development will improve the streetscape with an innovative design, creating a more pleasant and aesthetic built piece within the established neighbourhood.	✓



Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	2. A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.	The proposed dwelling should have little impact to the lands to the east as the minimum interior side yard requirement is exceeded by almost 1m where the proposed apartment building is aligned with the semi-detached dwelling. The proposed apartment is only 2 stories taller than this existing residential use. There are only 3 small windows on the western façade of the adjacent semi-detached dwelling, and the proposed balconies on the apartment dwelling are setback from these window locations. The adjacent industrial building to the west has no windows at all on its façade that will abut the proposed apartment.	✓
	3. Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Built-up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.	The proposed development achieves this policy by increasing densities in the area and adding to the housing types in the area to cater to a variety of age groups, household sizes and incomes.	✓
	5. ii) Stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.	The density at 161 units per hectare exceeds the maximum net density of 75 units/ha. This policy suggests that apartments 'should' be located on collector and arterial roads. However, it is not a requirement. The arterial road (Stanley Ave.) is 160m away with 10 intervening single/semi-detached dwellings, 9 of which are legal non-conforming. As the PI zone permits building heights of 12m, the proposed apartment dwelling maintains consistency with this as-of-right height maximum. Furthermore, this policy does not consider the unique area of this neighbourhood, proximity to the Thorold Stone Road and Stanley Avenue intersection, or the future significant development of a mixed use community on the Cytec lands. In this instance, locating a smaller number of rental units on a local road is more appropriate in the context of the existing and future development of the larger area. Public transit exists within a 1-2 minute walk (160m) from the property. The proposed density	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	<p>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.</p> <p>Moreover, development should be on current or planned public transit routes and in proximity to commercial areas.</p> <p>Development shall comply with the following:</p>	is evaluated in greater detail under Section 9.1 of the PJR and the Urban Design Brief.	
	<ul style="list-style-type: none"> <li>architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;</li> </ul>	This is a low rise apartment where stepping is not necessary. The design of the building uses a mix of facades and materials to lessen the impacts to the adjacent dwelling.	✓
	<ul style="list-style-type: none"> <li>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;</li> </ul>	The rear yard setback is adjacent to the former NS&T railway corridor and open space lands of the Fairview Cemetery. The proposed interior west side yard setback is adjacent to an industrial building and the eastern side yard will exceed the zoning requirement by almost 1m.	✓
	<ul style="list-style-type: none"> <li>street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;</li> </ul>	A mix of features are proposed along the street frontage including landscaping and a large porte cochere which frames the front vestibule.	✓
	<ul style="list-style-type: none"> <li>parking is to be encouraged to be located within parking structures that are integrated with the development; and</li> </ul>	The provision of interior parking integrated within the building is a significant consideration in the financial feasibility of the proposed development and its positive contribution to site design and compatibility with adjacent development. Concealed ground floor parking necessitates a higher building height of 4 storeys in order to accommodate 3 storeys of residential units.	✓
	<ul style="list-style-type: none"> <li>where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall</li> </ul>	Only 2 outdoor surface parking spaces are proposed that conform to the zoning requirement for a landscaped buffer strip. Front yard parking is prevalent throughout the neighbourhood.	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.		
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Section	Policy	Comments	
<b>Part 2 – Land Use Policies - Industrial</b>			
	<p>Preamble</p> <p>It is the intent of this Plan to provide opportunities for the expansion of existing industry and the stimulation of new industrial growth. To this end, the Plan promotes infilling and redevelopment within established industrial districts in the Built-up Area, as well as the progressive development of lands within the Greenfield Area for new industry and employment uses.</p> <p>In accommodating the changing needs of industry and business growth trends, emphasis will be placed on improved aesthetics and environmental quality, including measures which will safeguard the integrity of adjacent land uses. The proximity of employment uses to residential and other uses is, however, critical in the future growth of the City as a complete community.</p> <p>The contribution of industry to employment and economic growth and diversity is clearly recognized in this Plan. In order to maintain a strong and competitive industrial resource base, programs which provide for the enhancement of industrial districts and the attraction of new firms will be pursued.</p>		
<b>8.1</b>	The City has a substantial supply of land available for industrial development within the Built-up Area. The redevelopment and intensification of this land supply for industrial and employment uses that are compatible with surrounding land uses is encouraged.	The analysis of this report concludes that the area is unlikely to ever develop for industrial purposes. Accordingly, the policy direction to encourage intensification in an existing residential area is inappropriate in this unique neighbourhood.	✓
<b>8.1.1</b>	Conversion of brownfield sites to non-employment uses, where the removal of the industrial land is consistent with a Municipal Comprehensive Review, may be considered through an amendment to this Plan where at least one of the following criteria are met:	This section is being amended as it is not consistent with the new Provincial Planning Statement 2024. The proposed development contributes to a mix of housing types and densities in the established residential neighbourhood. The Provincial Planning Statement removes the requirement for a municipal comprehensive review. However, the conversion of the employment lands facilitates the introduction of a mix of housing	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	<ul style="list-style-type: none"> <li>the reduction or elimination of any long-standing land use compatibility issues with surrounding conforming uses;</li> <li>provision of affordable housing;</li> <li>contributing to a mix of housing types and densities in the planning area; or</li> <li>the provision of facilities that assist in the development of a complete community.</li> </ul>	types and densities to the existing residential neighbourhood. The use is compatible with the area which is not going to be developed for industrial purposes. The conversion will help preserve the long standing residential land uses in the neighbourhood.	
<b>8.2</b>	The primary uses permitted in areas designated on Schedule "A" as Industrial will be for industry. In this regard, industry is defined as manufacturing, assembly, fabricating, processing, reclaiming, recycling, warehousing, distribution, laboratory and research, and storage. All forms of service industries and utilities are included within this definition. The indoor production of cannabis, adult entertainment parlours and body-rub parlours will also be permitted within the industrial designation subject to other policies of this plan. In addition, the following uses may be permitted within Industrial areas, subject to the policies of Subsection 8.8.	Most of the uses permitted in this policy are not compatible with the existing residential neighbourhood and are unable to be established. Furthermore, the size of the parcels are inconducive to the building size requirements for these types of industrial uses. Assembly of several parcels of land is also unlikely as it would be difficult and costly to arrange for this successfully. The ability to achieve a Ministry environmental compliance approval when residential land uses exist within the immediate area may be financially unrealistic and too difficult to achieve.	✓
	1. Uses that are ancillary to industrial operations including offices, retail and wholesale showrooms and outlets for products produced on the premises.	Offices are the most likely use to be compatible. However, there are no significant industries in the area that would require off site office uses. It is most likely that each industry will incorporate space for an internal office.	✓
	2. Commercial services such as, but not limited to, banks, restaurants, convenience retail outlets, material suppliers, which are incidental to the industrial district servicing industries and their personnel.	These uses are not likely to be established in the existing residential neighbourhood. These services already exist in more travelled portions of the city including the Thorold Stone Road and Portage Road area.	✓
	3. Corporate and business offices.	Not likely to be established in this area.	✓
	4. Health and fitness facilities, conference centres and private clubs.	Not likely to be established in this area. Requires land assembly.	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

<b>8.3</b>	Several categories of industrial land use will be established in the Zoning By-law to accommodate a variety of industrial activities ranging from heavy to prestige use. Moreover, industrial zones will be arranged in a gradation with the lighter, more prestige type industries located near residential areas and other sensitive land uses. In the zoning of lands for industrial purposes, regard will be had to the following objectives.	The current zoning of the residential area is prestige industrial.	✓
	1. To group industries with similar characteristics and performance standards.	Unlikely to assemble lands to achieve this objective.	✓
	2. To provide a suitable environment for industrial operations, free from interference and restriction by other uses.	Unlikely due to presence of existing residential neighbourhood.	✓
	3. To minimize potential land use conflicts caused by the indiscriminate mixing of heavier and light industrial types.	Unable to establish any uses that do not comply with Ministry environmental compliance requirements.	✓
	4. To protect adjacent lands, particularly residential areas from the effects of incompatible uses.	The majority of the lands are residential.	✓
	5. General Industrial or Heavy Industrial zones will be separated from residential areas, wherever possible, in order to protect such areas from the effects of noise, heavy traffic and other offensive characteristics.	The existing heavy industrial businesses are located at a significant distance from the residential neighbourhood.	✓

Section	Policy	Comments	
<b>Part 3 – Urban Design Strategy</b>			
<b>2.10</b>	<p>Preamble</p> <p>Urban design is the shaping of the built environment. It plays an important role in the upgrading and maintenance of the City's civic image and economic potential and is critical to the quality of life for its citizens. It is the intent of this Plan to create a compact and interconnected, pedestrian oriented and transit-supportive community. The built environment</p>		

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	consists of the public realm and private properties, both of which have to be designed to work harmoniously together. The policies of this section are to provide guidance to both the public and private sectors.		
<b>5.1</b>	New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.	The proposed development is designed in consideration of this policy through the use of streetscaping design techniques and landscaping.	✓
	1. The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.	The building is designed to achieve reasonable compatibility with the existing residential neighbourhood focusing on adjacent residential amenity areas. This is examined in-depth within the PJR and Urban Design Brief.	✓
	2. Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.	The building is located close to the existing sidewalk. An internal sidewalk is proposed to separate pedestrians in the parking area and vehicular movements.	✓
	3. Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands. Mitigation measures may be secured through provisions of a site specific zoning by-law, conditions of a minor variance, or within the terms of an agreement pursuant to sections 37 or 41 of the Planning Act.	The building is not anticipated to affect micro climates as the building is not over bearing and the lands are designed to incorporate landscaping along most property lines.	✓



Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	4. In prominent landmark locations such as gateway entrances to the City or along important roadway corridors, special attention to high quality design and landscaping shall be encouraged. Furthermore, new development and redevelopment should be designed and sited to minimize the obstruction of scenic views and vistas.	Not applicable.	
	5. Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.	Parking is minimal in the front yard (2 spaces), and will have a sufficient landscape strip to the Fraser St. right-of-way.	✓
	6. Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.	Not applicable.	✓
	7. The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.	Access points are minimized. The lands are located on a local road providing safer access to and from the property.	✓
<b>5.3</b>	Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.	Landscaping is proposed to achieve the general intent and purpose of this policy. This will be reviewed in greater details at the site plan stage.	✓
	1. The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the	Landscaping will further be considered during the site plan stage to improve the façade of the building and blend into the	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.	neighbourhood. Landscaping is intended to provide visual buffers to the amenity areas of adjacent dwelling lots.	
	2. Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.	Noted.	✓
	3. The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.	This will be considered at the site plan stage.	✓
	4. Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.	Agreed. This will be considered at the site plan stage.	✓
	5. The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.	There are generally no trees that exist on the property with the exception of the extreme rear of the parcel, adjacent to the former historic railway corridor. The proposed landscaping plan will include a net increase in the number of trees to the overall development. A tree preservation plan is not necessary in this instance.	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	6. Minor variances to zoning provisions and flexibility in site planning may be considered within the urban boundary in order to accommodate building orientation, landscaping designs, lot coverage and other site or building characteristics to provide for increased energy efficiency.	Not applicable.	
5.4	Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.	The proposed design achieves the intent of this policy.	✓
	1. Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.	Parking is proposed in the interior of the building. There will be minimum pavement on the property.	✓
	2. Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.	Pavement markings can be considered at the site plan stage to indicate pedestrian travel routes to sidewalk areas and the access point of the proposed apartment dwelling.	✓

Section	Policy	Comments	
<b>Part 4 – Conversion of Employment Lands</b>			
2.9	<p>The City may permit the conversion of lands within employment areas to non-employment uses but only through a municipal comprehensive review where it has been demonstrated that the conversion meets each of the tests identified in Policy 2.10 where it meets at least one of the following strategic objectives:</p> <p><b>Comment:</b> The Provincial Planning Statements removes the requirement for a municipal comprehensive review. Other policies of Section 2.9 and 2.10 are to be considered.</p>		
	1. promotes brownfield redevelopment;	Not applicable.	✓
	2. addresses issues related to land use incompatibility;	Yes. The application proposes residential development within a residential neighbourhood.	✓
	3. provides affordable housing; or,	N/A	✓

Appendix F to Planning Justification Report – Official Plan Compliance  
5584 Fraser St., City of Niagara Falls

	4. meets any of the other strategic policies of this Plan.	Yes. Encouraging higher-density development within the Built-Up Area to maximize existing infrastructure and transit options.	✓
<b>2.10</b>	Conversion of employment lands to non-employment uses must demonstrate that:		
	1. there is a need for the conversion;	This is irrelevant considering that the lands are never likely to be used for industrial purposes.	✓
	2. the City will meet employment targets allocated to the Municipality as documented in this Plan;	Yes. Since the lands will not contribute to the employment targets, the proposed development does not impact the ability of the City to achieve this intent.	✓
	3. the conversion will not adversely affect the overall viability of the employment area and the achievement of the intensification target, density targets and other policies of this Plan;	There will be no adverse impacts to the area which is an existing residential neighbourhood.	✓
	4. there is existing or planned infrastructure in place to accommodate the proposed use;	Yes. The development can be supported by existing infrastructure.	✓
	5. the lands are not required over the long term for the employment purposes for which they are designated; and,	The lands will not become employment uses. It is not realistic to assume the lands will ever be used for industrial purposes.	✓
	6. Cross jurisdictional issues, including but not limited to infrastructure, the environment and land supply have been considered.	Not applicable.	

# Appendix G

**City of Niagara Falls Official Plan Section 5.6.4 - Housing Impact Statement**

In accordance with Policy 4.4 of Part 1 of the Official Plan, certain Planning Act applications must submit a Housing Impact Statement as part of a complete application.

4.4 Applications for an **Official Plan Amendment, Zoning By-law Amendment**, Draft Plan of Subdivision, and Draft Plan of Condominium shall include, as part of a complete application, the submission of a housing impact statement, either as a standalone report for large-scale projects, or as a section within a planning justification report for small-scale projects, demonstrating how the proposal implements the City's Housing Strategy. The housing impact statement shall include the following:

Matter	Comments	
a) The proposed housing mix by dwelling type and number of bedrooms, as applicable;	The proposed development will include 18 units. A mix of 12 one (1) bedroom units and 6 two (2) bedroom units. Unit sizes are anticipated to range from 519 sq.ft. for the 1 bedroom units, and up to 919 sq.ft. for the 2 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);	<p>Policy 4.8 a) and b) are as follows;</p> <p>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.</p> <p>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.</p> <p>In evaluating criterion a), the Niagara Region defines affordable housing "for which the costs do not exceed 30 percent of gross annual household income for low and moderate-income</p>	✓



Appendix G to Planning Justification Report – Housing Impact Statement  
5584 Fraser St., City of Niagara Falls

	<p>households”, or “rent which is at or below the average market rent of a unit in the area.”</p> <p>The provincial government has set the thresholds for affordable units for both rented and owned units for each city/town. As of June 1, 2024, the affordability threshold for 1-bedroom units in the City of Niagara Falls is \$1200 and 2-bedroom units is \$1317.</p> <p>The goal is to add 3 units from this development (15%) to the City’s annual target of 135 units.</p>	
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;	<p>The proposed 1-bedroom units (at 519 sq.ft.) and up to 919 sq.ft. for 2-bedroom units are relatively small and will inherently have lower rents. In Niagara, the typical unit size for a 1 bedroom unit ranges between 600-800sq.ft., with 2-bedroom units between 800-1200sq.ft. The goal is to target 15% of rents as “affordable”. In this regard, three (3) of the 1-bedroom units are estimated to achieve rents of \$1200/month. The two (2) bedroom units are estimated to rent between \$1400-1600/month.</p>	✓
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; and,	Not applicable to this development application.	✓
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.	<p>Should the applicant apply for Regional Development Charge exemption for the construction of affordable units, this would require agreement ensuring the rental rates adhere to the definition of “affordability” for a specified period of time. This will be considered during the detailed design of the project.</p>	✓

# Appendix H

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
1	B4	425	99-126	Industrial	5312 Montrose Rd.	vacant	3825	For Sale as of July 2023
2	B4			Not designated	N/A	vacant	Extensive	Highway lands under MTO ownership (undevelopable)
3	B5/C5			Residential	6550 Oakwood Drive	Mini Warehousing	29,880	Fully developed
4	B5			Residential / Environmental Conservation Area	Oakwood Dr.	vacant	2265	Hydro One ROW (undevelopable)
5	B4/B5			Residential / Environmental Conservation Area	Oakwood Dr. (south of Days Inn on Lundy's Lane)	Vacant and well treed	47,740	Vacant industrial land; some land potentially developable but has ECA designation
6	C5			Residential / Environmental Conservation Area	South side Lundy's Lane	Vacant and well treed	31,740	Vacant industrial land; some land potentially developable but has ECA designation
7				Residential / ECA	South side of Lundy's Lane	vacant	21,200	Land associated with power dam (undevelopable)
8	C5			Residential / ECA	South side of Lundy's Lane north of Oakwood Dr.	vacant	36,600	Land associated with power dam (undevelopable)
9	C5			Residential / ECA	East side of Oakwood Dr.	vacant	24,750	Land associated with power dam (undevelopable)

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Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
10	B6			Industrial	Oakwood Dr.	vacant	32,840	Land associated with power dam (undevelopable)
11	B6			Industrial	7818-7838 Oakwood Dr.	Auto Dealership	18,030	KIA
12	B6			Industrial	7848 Oakwood Dr.	Single detached dwelling; auto storage yard	8115	
13	B6/C6	540	2001-75	Industrial		General Equipment/Tool Rental	18,510	Sunbelt Rentals
14	B6/C6	321	92-175	Industrial	7868 Oakwood Dr.	Industrial Mall	8040	Blue Jay Irrigation; Papettis Auto Repair, Wild Bills auto repair
15	B6			Industrial	7960 Oakwood Dr.	Truck Sales	11,485	Wheel Truck Sales
16	B6			Industrial	Oakwood Dr.	vacant	16,520	Vacant industrial land (no constraints)
17	B6			Industrial	8020 Oakwood Dr.	Single detached dwelling, unused auto repair garage	16,320	Largely vacant property with no constraints
18	B6			Industrial	8058 Oakwood Dr.	Niagara Falls Art Gallery; Children's Museum	7835	Apart from building at front, largely vacant with no constraints
19	B6			Industrial	8066 Oakwood Dr.	Single detached dwelling; abandoned storage buildings and yard	19,260	Redevelopment potential for range of industrial uses
20	B6			Industrial	8108 Oakwood Dr.	Auto Dealership	12,160	Nissan

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Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
21	B6			Industrial	8160 Oakwood Dr.	vacant	32,190	Derelict building; well treed; previous use on-site
22	B6			Industrial	8212 Oakwood Dr.	Single family residential dwelling	7875	Single detached dwelling; largely vacant
23	B6			Industrial	8230-8252 Oakwood Dr.		19,950	
24	B6			Industrial	8320 Oakwood Dr.	Single family dwelling; auto sales in rear	7920	Oakwood Motors Ltd.
25	B6			Industrial	8354 Oakwood Dr.	Single family dwelling; auto repair and storage in rear	8050	Auto repair shop no longer appears in use; large gravel storage yard
26	B6			Industrial	8356-8358 Oakwood Dr.	Semi-detached or duplex dwelling	7015	Vacant in rear; well treed
27	B6			Industrial	8378 Oakwood Dr.	Single detached dwelling	8800	Vacant but well treed in rear of property
28	B6			Industrial	8392 Oakwood Dr.	Single detached dwelling	3920	Vacant in rear; no constraints such as vegetation
29	B6	1096	2019-57	Industrial	8488 Oakwood Dr.	Single detached dwelling	6790	Large storage area in rear; paved
30	B6	1097	2019-57	Industrial	8550 Oakwood Dr.	Industrial building on-site potentially not in use	15960	Mostly paved; large outdoor storage yard empty
31	B6	849	2016-54	Industrial	8485 Montrose Rd.	Property Management Company	15960	Panoramic Properties Inc. (head office)
32	B6	849	2016-54	Industrial	7695 Blackburn Pkwy	Lighting Company	15875	SWS Warning Lights Inc.

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
33	B6	849	2016-54	Industrial	No address – west of 7695	vacant	41650	Vacant industrial land (no constraints)
34	B6	849	2016-54	Industrial	7873 Blackburn Pkwy	Hair products manufacturer	28400	Framar
35	B6	849	2016-54	Industrial	7790 Blackburn Pkwy	???	10650	Large warehouse building and parking
36	B6	1073 849	2018- 111 2016-54	Industrial	No address (in between 7790 and 7874)	vacant	8100	Fully developable
37	B6	849	2016-54	Industrial	7874 Blackburn Pkwy	vacant	8620	Fully developable
38	B6	849	2016-54	Industrial	No address (in between 7874 and 7958)	vacant	11,000	Fully developable
39	B6	849	2016-54	Industrial	7958 Blackburn Pkwy	vacant	11,350	Fully developable
40	B6	849	2016-54	Industrial	8000 Heartland Forest Rd.	Resin Manufacturer	26,760	Vinyl Works Canada
41	B6	849	2016-54	Industrial	8001 Heartland Forest Rd.	Brewery/ warehouse	17,520	Blackburn Brewing Company
42	B6	849	2016-54	Industrial	No address – in between 8001 and 9208	vacant	10,230	Fully developable
43	B6	849	2016-54	Industrial	8208 Heartland Forest Rd.	Transit garage / bus storage	68,000	Niagara Transit Yard (property is much larger but much of it zoned EPA)
44	B7	850	2016-54	Industrial	No Address (south of 8000	vacant	9500	Fully developable



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Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
					Heartland Forest Rd.			
45	B6	849	2016-54	Industrial	No address (n/e corner Heartland Forest Rd. and Chippawa Creek	vacant	60,430	Fully developable
46	B6	849	2016-54	Industrial	7703 Chippawa Creek Rd.	vacant	20,000	Fully developable
47	B6	1073 849	2018-111 2016-54	Industrial	7679 Chippawa Creek Rd.	vacant	7650	Fully developable
48	B6	849	2016-54	Industrial	7667 Chippawa Creek Rd.	vacant	10,600	Fully developable
49	B6	849	2016-54	Industrial	No address (n/w corner Montrose and Chippawa Creek Rd.	vacant	47,500	Fully developable
50	B7	662 505	2000-82	Industrial	8675 Montrose Rd.	Small hotel; tavern	14,700	Sam's Montrose Hotel; large parking lot
51	B7	505	2000-82	Industrial	8731 Montrose Rd.	Duplex dwelling (derelict)	2400	Dwelling appears abandoned, property can be redeveloped
52	B7			Industrial	8755 Montrose Rd.	Semi-detached dwelling (derelict)	1940	Property can be redeveloped
53	B7			Industrial	8825 Montrose Rd.	Single detached dwelling (derelict)	6050	Entirely vacant; Property can be redeveloped

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
54	B7			Industrial	8841 Montrose Rd.	Single detached dwelling (appears habitable)	1800	
55	B7			Industrial	No address (in between 8841 and 8873)	Vacant	1860	Perhaps created via a recent Consent
56	B7			Industrial	8873 Montrose Rd.	Single detached dwelling (potentially derelict);	1500	Well treed; small property
57	B7			Industrial	8891 Montrose Rd.	Storage yard; Quonset hut in rear; scrap material	3550	Underutilized and redevelopable
58	B7			Industrial and ECA	No address – south side of Chippawa Creek (north of Welland River)	Vacant, well treed, but large open area	178,000	Open area potentially unconstrained and developable (approx.. 50,000 sq.m.)
59	B7			Industrial and ECA	No address – Chippawa Creek Rd. s/e of waste water plant	Vacant, well treed, hazard land along river	45,000	Well treed along road and hazard land zoning along river; potentially undevelopable
60	B7			ECA	No address, immediately south of waste water plant	Vacant; some vegetation	58,000	Well treed; hazard land along river; potential for some development
61	B7			ECA	8770 Chippawa Creek Rd.	Single detached dwelling; well treed	50,000	Low potential for redevelopment

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
62	B7	740	2006-45	Industrial and ECA	No address – south side of Reixinger, west of QEW	Highly vegetated	21,000	Likely undevelopable
63	C1	783	2007-144	Industrial	2233 Stanley Avenue	Work trailer in front to support extractive industrial in rear of property	12,300	Largely vacant and developable
64	C1	528	2000-242	Industrial		Farm without residence; planted mostly with vines	10,600	Largely vacant and redevelopable
65	C1			Industrial	2086 Stanley Ave.	Single family detached dwelling	4560	Established single family home with numerous outbuildings on site
66	C2	51		Industrial	2886 Stanley Ave.	Warehouseing (self-storage lockers) and car wash	9780	Classic Storage, fully occupied and developed
67	C3	1128	2020-78	Industrial	4189 Stanley Ave.	Place of worship with large parking area	3060	River of Life Ministry, fully occupied with large paved parking lot
68	C3	392	95-270	Industrial	5584 Fraser St.	Vacant	1120	Subject property proposed for apartment dwelling
69	C3			Industrial	5523 Fraser St.	Part of Visca Electric commercial operation	550	Subject property proposed for apartment dwelling
70	C3			Industrial	5531 Fraser St.	Part of Visca Electric commercial operation	550	Subject property proposed for apartment dwelling
71	C3			Industrial	5539 Fraser St.	Part of Visca Electric commercial operation	550	Subject property proposed for apartment dwelling
72	C3			Industrial	5547 Fraser St.	Single detached dwelling	550	Subject property proposed for apartment dwelling

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
73	C3			Industrial	5555 Fraser St.	Single detached dwelling	550	Subject property proposed for apartment dwelling
74	C3			Industrial	5563 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
75	C3			Industrial	5569 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
76	C3			Industrial	5579 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
77	C3			Industrial	5595 Fraser St.	Single detached dwelling	1600	Small lot; likely impractical for industrial use without land assembly
78	C3	510	2000-119	Industrial	5610 Fraser St.	Assembly Hall, community hall	1400	Royal Canadian Legion branch; parcel fully developed with parking lot
79	C3			Industrial	5594 Fraser St.	Industrial/commercial operation (marine upholstery use)	1120	Streamline Auto & Marine Upholstery
80	C3			Industrial	5570-5572 Fraser St.	Semi-detached residence	550	Small lot; likely impractical for industrial use without land assembly
81	C3			Industrial	5564 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
82	C3			Industrial	5556 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
83	C3			Industrial	5548 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
84	C3			Industrial	5540 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
85	C3			Industrial	5532 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
86	C3			Industrial	5524 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
87	C3			Industrial	5514 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
88	C3			Industrial	5506 Fraser St.	Single detached dwelling	550	Small lot; likely impractical for industrial use without land assembly
89	C3			Industrial	4235 Stanley Ave.	Semi-detached dwelling	450	Small lot; likely impractical for industrial use without land assembly
90	C3			Industrial	4237 Stanley Ave.	Semi-detached dwelling	350	Small lot; likely impractical for industrial use without land assembly
91	C3			Industrial	4245 Stanley Ave.	Semi-detached dwelling	360	Small lot; likely impractical for industrial use without land assembly
92	C3			Industrial	4247 Stanley Ave.	Semi-detached dwelling	225	Small lot; likely impractical for industrial use without land assembly
93	C3			Industrial	4253 Stanley Ave.	Semi-detached dwelling	310	Small lot; likely impractical for industrial use without land assembly
94	C3			Industrial	4255 Stanley Ave.	Semi-detached dwelling	240	Small lot; likely impractical for industrial use without land assembly
95	C3			Industrial	4169 Stanley Ave.	Automotive Repair Garage; Pre-owned car sales	1940	Doc Jones Auto; Premium Pre-Owned Autos; fully developed with paved parking lot
96	C3			Industrial	5544 George St.	Single detached dwelling	530	Small lot; likely impractical for industrial use without land assembly
97	C3			Industrial	5552 George St.	Automotive repair Garage	1100	Niagara High-Tech Automotive; fully developed with parking lot
98	C3			Industrial	5578 George St.	Single detached dwelling	560	Subject property proposed for apartment dwelling

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
99	C3			Industrial	5586 George St.	Single detached dwelling	530	
100	C3			Industrial	5602 George St.	Visca Electric Office; multi-unit residential building	1110	Visca Electric with residential units above and on ground floor; fully developed with parking area in front
101	C3			Industrial	5618 George St.	Single detached dwelling	1110	Single family home on larger lot
102	C3			Industrial	5626 George St.	Single detached dwelling	1080	Single family home on larger lot
103	C3			Industrial	5559 George St.	Automotive Service Garage	7000	Niagara Battery & Tire; fully developed with large service building and parking lot
104	C3	175	88-48	Industrial	4129 Stanley Ave.	Commercial Strip Mall	4810	Brandon Park Mall; mixed-use commercial building; Biggars Lockmith, Project Share, Custom Brew, SunLife Financial; Powerplay Sports (new and used sporting goods)
105	C3			Industrial	4087 Stanley Ave.	Automotive Service Garage	2060	Mister Transmission; fully developed with large parking area in rear
106	C3	204	88-246	Industrial	4065 Stanley Ave.	Commercial Strip Mall	4910	Niagara Business Centre; mixed-use office/retail; Bain Printing; Evans Heating&Cooling; Force Security; Premier Basement Builders; Corriveau CADD; Kirkpatrick Monuments
107	C3			Industrial	5670 Thorold Stone Rd.	Hydo Dam corridor	18,000	Land associated with power dam; undevelopable
108	C3	402	96-96	Industrial SPA-15	6800 Morrison St.	Medical office	3080	Morrison Business Centre, Grand Core Physiotherapy; ProVision Cataract Centre; fully developed with large paved parking area



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Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
109	C3	334	93-56 94-115	Industrial SPA-15	6700-6760 Morrison St.	Mixed-use retail/office/automotive centre	15,200	Mix of retail, professional office, medical buildings and automotive service buildings; fully developed with large parking surface
110	C3	446	98-39	Industrial SPA-15	4850 Dorchester Rd.	Professional office building; insurance and real estate	3760	Reimax; Fena Insurance; fully developed with paved parking
111	C3	446	98-39	Industrial SPA-15	4838 Dorchester	Professional office building (half vacant)	3700	Chiropractor office, former nursing care agency; fully developed with parking
112	C4	41	81-62	Not designated	No address	MTO highway corridor	N/A	undevelopable
113	C6/D6	9	2018-022	Industrial	8223 Stanley Ave.	Vacant industrial land	56,600	Very well treed; perhaps a previous single detached dwelling on property or former small industrial building; special provision by-law permits 50 unit mobile home park which appears vacated
114	D6			Tourist Commercial / Residential	No address – south of Norton beside Marineland	Vacant	12,200	Appears fully developable and unconstrained
115	D6			Residential	No address – Norton St.	Vacant	1070	Vacant and developable
116	D6			Residential	No address – Norton St.	Vacant	350	Vacant and developable
117	D6			Residential	7865 Norton St.	Vacant	460	Vacant and developable
118	D6			Residential	7875 Norton St.	Vacant	500	Vacant and developable
119	D6			Residential	7885 Norton St.	Vacant	1030	Vacant and developable
120	D6			Residential	7911 Norton St.	Single detached residential	1020	Existing residential on treed lot; potentially redevelopable

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
121	D6			Residential	7925 Norton St.	Single detached residential	1010	Existing residential on treed lot; potentially redevelopable
122	D6			Residential	7965 Norton St.	Vacant	2470	Vacant and developable
123	D6	31	94-297	Industrial SPA-25	8455 Stanley Ave.	Vacant industrial/warehouse building	5580	Largely vacant and developable; existing building on site available for reuse; within Stanley Ave. business park
124	D6	31	94-297	Industrial SPA-25	No address – Plan 243, Lot 11	Vacant	4130	Vacant and developable; part of Stanley Ave. business park
125	D6	31	94-297	Industrial SPA-25	8539 Stanley Ave.	Large industrial/warehouse building on site	4170	Part of Stanley Ave. business park – appears to be in operation
126	D6	31	94-297	Industrial SPA-25	No address – Plan 243 Lot 9	Abandoned industrial building/office on site	4850	Part of Stanley Ave. business park – appears abandoned and potentially redevelopable – existing building could be adapted?
127	D6	31	94-297	Industrial	8407 Stanley Ave.	Used tire shop	4960	Bateman's Tires – fully developed parcel
128	D6	31	94-297	ECA	8375 Stanley Ave.	Existing office building	4140	Marineland marketing office
129	D6	31	94-297	Industrial	8345 Stanley Ave.	Existing industrial / warehouse / office building	4110	Peglow Tool & Die, Shotz Bar Supply Store – fully developed parcel
130	D6			Industrial SPA-25	8323 Stanley Ave.	Vacant	2240	Well treed but potentially developable
131	D6			Industrial SPA-25	8309 Stanley Ave.	Vacant	2300	Well treed but potentially developable
132	D6			Industrial SPA-25	8297 Stanley Ave.	Vacant	2290	Well treed but potentially developable
133	D6			Industrial SPA-25	No address	Vacant	1450	Well treed but potentially developable

## Appendix H – Prestige Industrial Zone Analysis Table

### Prestige Industrial (PI) Zoned Parcels in the City of Niagara Falls – Zoning By-law 79-2000

Parcel No.	Zoning Sheet	Special Provision	By-law No.	Official Plan Designation (Current)	Address	Current Use	Area (sq.m.)	Comments/ Notes
134	D6			Industrial SPA-25	8279 Stanley Ave.	Existing single detached residential	1560	Potentially developable
135	D6			Industrial SPA-25	8203 Stanley Ave.	Window manufacturer and showroom	1870	AC Vinyl Windows - fully developed site
136	D6			Industrial SPA-25	No address – Plan 168 Lots 6 to 11	Vacant and well treed	7150	Potentially fully developable
137	D6			Industrial SPA-25	8113 Stanley Ave.	Vacant, not overly treed	2360	Large open areas capable of development
138	D6			Industrial SPA-25	8073 Stanley Ave.	Vacant; fairly well treed	5430	Potentially developable
139	D6			Industrial	5574 Ramsey Rd.	Vacant; fairly well treed	780	Potentially developable
140	D6			ECA	No address – n/w corner Stanley and Ramsey Rd.	Vacant and well treed	16420	Well treed and designated ECA but potentially developable if studied?; for sale sign on property as of July 2023
141	D7			Industrial	8699 Stanley Ave.	Split zoned property – most of property LI zoned with Canada BW warehouse	24,000	Part of Canada BW building on PI zoned area but mostly vacant and potentially developable with other uses/buildings
142	D7			Industrial	5571 Chippawa Pkwy	Vacant with potential environmental constraints	5800	Potentially undevelopable – wetland feature present

# Appendix I

## OFFICIAL PLAN AMENDMENT NO. XX

(April 2025 draft)

### PART 1 – PREAMBLE

#### (i) Purpose of the Amendment

The purpose of this amendment is to include a set of policies that provide policy direction for the development of the lands at 5584 Fraser St., legally described as Lots 29 and 30, Registered Plan 31, City of Niagara Falls.

#### (ii) Location of the Amendment

The amendment applies to the land shown on Map 1.

#### (iii) Details of the Amendment

##### Map Changes

- Schedule A – Land Use has been amended to:
  - Redesignate the subject lands from Industrial to Residential; and
  - Create a new “Special Policy Area XX” for the lands;

##### Text Changes

The amendment creates new Special Policy Area No. XX.

#### (iv) Basis of the Amendment

The revised schedules and policies will guide the residential development on the subject lands. This amendment aims to diversify housing options in the neighbourhood to better promote complete communities, recognizing the benefits of a higher density rental housing form, but to limit the density of development in a manner that ensures compatibility with existing lower density housing in the area.

The land affected by this amendment is recognized as being within a built-up area, adjacent to other residential and in close proximity to major recreation and transit along the Stanley Ave. and Thorold Stone Rd. arterials. There are existing employment lands west of the hydro canal and planned employment lands to the east and northeast of the subject property.

The purpose of the proposed land use and density increase is to meet the policies of the *Provincial Planning Statement 2024, Niagara Official Plan and City of Niagara Falls Official Plan* and to facilitate the creation of a neighbourhood with a variety of housing forms to meet the needs of a range of ages and households.

This amendment was the subject of comprehensive public consultation. A Community Open House was held on January 23, 2025. The statutory meeting was held on XXXX, 20\_. Council considered and approved the staff report that contained XX recommendations which are incorporated into this amendment.

## **PART 2 – BODY OF THE AMENDMENT**

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

### **DETAILS OF THE AMENDMENT**

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

### **MAP CHANGES**

SCHEDULE A – FUTURE LAND USE PLAN of the Official Plan is amended by:

- i)
  - Redesignating the subject lands from “Industrial” to “Residential”
  - Adding the subject lands to a new “Special Policy Area XX”.

as shown on the map attached entitled “Map 1 to Amendment No. XX”



## TEXT CHANGES

- i) PART 2, SECTION 13.73 SPECIAL POLICY AREA “XX” is hereby created with the following:

### 13.7 SPECIAL POLICY AREA “XX”

Special Policy Area “XX” applies to approximately 0.11 hectares of land located at 5584 Fraser Street, legally described as Lots 29 and 30, Registered Plan 31, City of Niagara Falls.

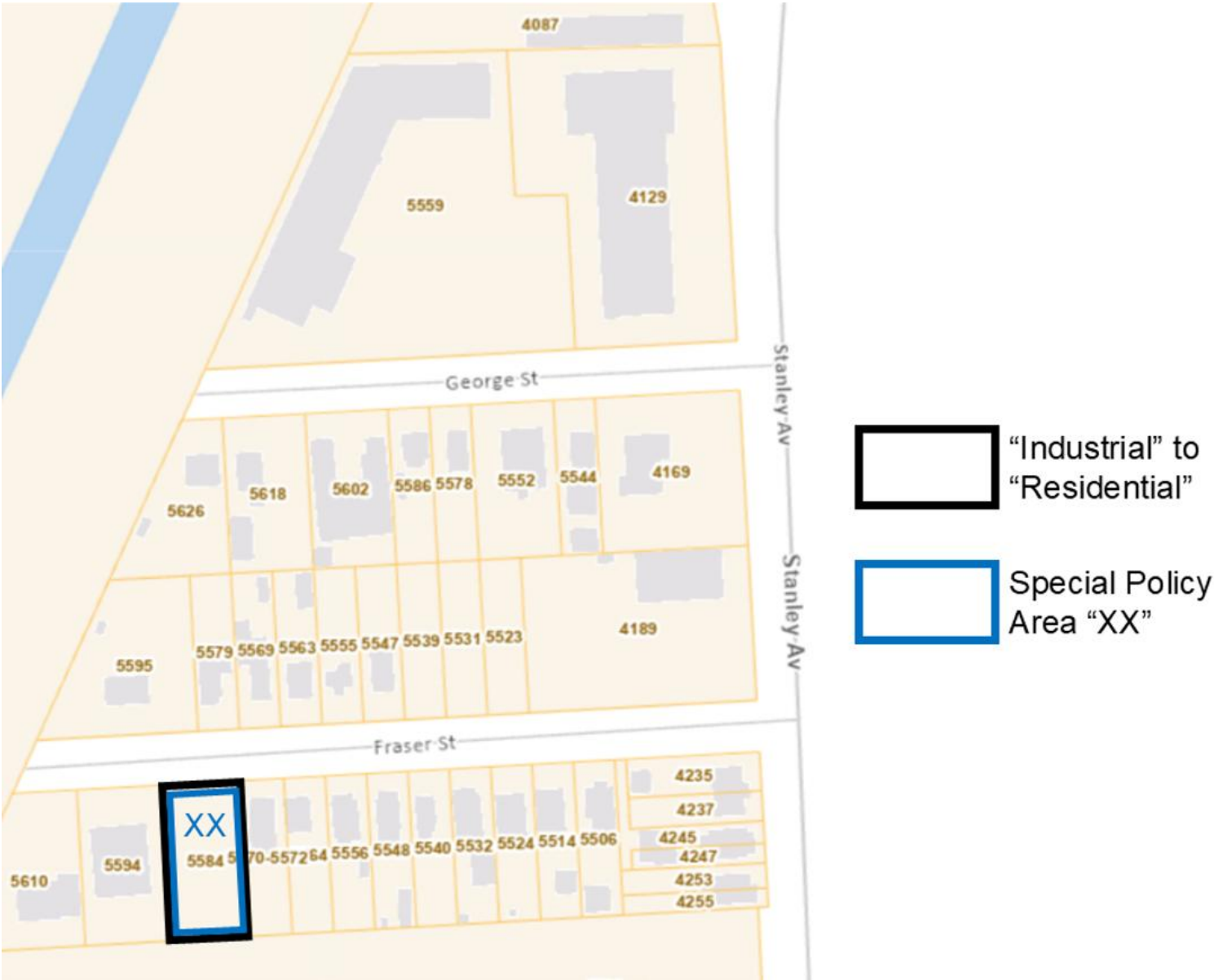
The following policies apply to the subject lands:

- 13.XX.1 Notwithstanding Policy 1.10.5 of this Plan, apartments of not more than 4 storeys, can be developed to a maximum net density of 161 units per hectare with a minimum net density of 50 units per hectare. Such development is permitted along local roads.

# MAP 1 TO AMENDMENT NO. XX

## SCHEDULE – A – TO THE OFFICIAL PLAN

Area Affected by this Amendment – Proposed change from Industrial to Residential, and Special Policy Area XX



NOTE: This schedule forms part of Amendment No. ### to the Official Plan for the City of Niagara Falls and must be read in conjunction with the written text

# Appendix J

**CITY OF NIAGARA FALLS**

(DRAFT April 2025)

**By-law No. 2025-\_\_\_\_\_**

A by-law to amend By-law No. 79-200, to permit residential development on the Lands.

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is part of this by-law.
2. The Lands shall be identified as Parcel R5F(XX).
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the lands.
  - b) Notwithstanding the Regulations of SECTION 4.14(c) YARDS, the following regulations shall apply for parcel R5F(XX):
    - ii) Open balconies not covered by a roof or canopy may project into any required side yard a distance of not more than 1.25 metres (east side yard) and not more than 1.65 metres (west side yard)
  - a) Notwithstanding the Regulations of SECTION 4.19.1 PARKING AREAS REQUIREMENTS, Table 1, the following regulations shall apply for parcel R5F(XX):
    - i) Dwelling containing 4 or more dwelling units save and except an on street townhouse dwelling – 1 parking space for each dwelling unit
  - c) Notwithstanding the Regulations of SECTION 7.15.2 RESIDENTIAL APARTMENT 5F DENSITY ZONE (R5F ZONE), the following regulations shall apply for parcel R5F(XX):

i) Minimum lot frontage	24.35 metres (79.9 ft.)
ii) Minimum front yard depth	4.98 metres (16.33 ft.) plus any applicable distance specified in section 4.27.1
iii) Minimum rear yard depth	5.28 metres (17.32 ft.)
iv) Minimum interior side yard width	0.1 metres (0.33f ft.) west side yard
v) Minimum interior side yard width	1.11 metres (3.64 ft.) east side yard
vi) Maximum lot coverage	71.2%
vii) Minimum landscaped open space	21.1%

5. The provisions of the By-law shall be shown on Sheet C3 of Schedule "A" of By-law No. 79-200 rezoning the Lands from PI-392 to R5F(XX)
6. Section 19 - Exceptions and Special Provisions of By-law 79-200 is amended by adding thereto:

19.1.XXXX

Refer to Bylaw No. 2025-XX

Passed this \_\_\_\_ day of \_\_\_\_, 20XX

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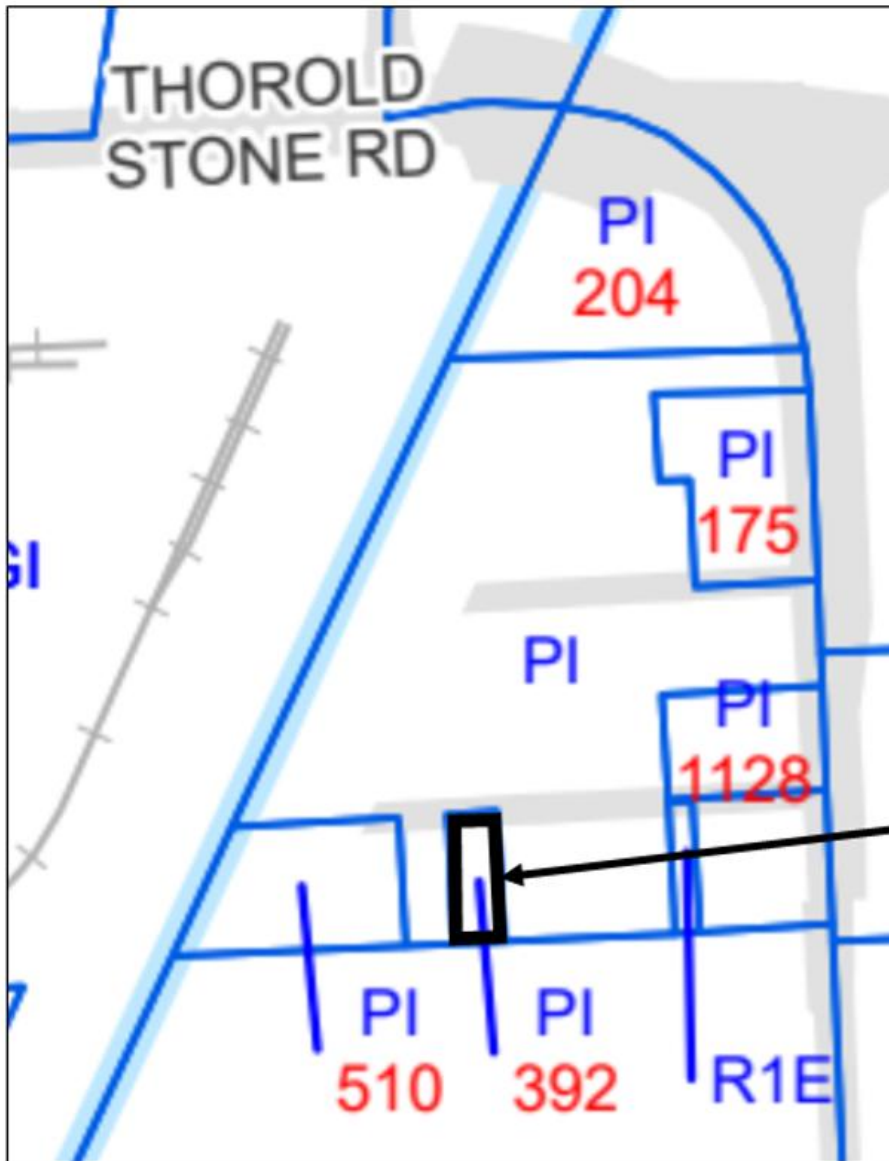
ELIZABETH EATON, CITY CLERK

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JAMES M. DIODATI, MAYOR

First Reading: \_\_\_\_, 20XX  
Second Reading: \_\_\_\_, 20XX  
Third Reading: \_\_\_\_, 20XX

# SCHEDULE 1 TO BY-LAW No. 2025-##



Rezone from  
PI 392 to  
R5F(XX)

## AMENDING ZONING BY-LAW No. 79-200

5584 Fraser St.  
Lots 29 & 30, Registered Plan 31, City of Niagara Falls

Applicant: Rita Visca



April 2025



# Appendix K

### **Neighbourhood Open House Summary**

A neighbourhood open house was hosted by the applicant (Sam and Rita Visca) at the River of Life Ministry (4189 Stanley Ave.) on January 23, 2025.

The purpose of the meeting is described in the handout on the following page. Attendees were requested to sign-in. The sign-in sheet is included.

#### **Summary:**

The consulting team of CL Planning & Design and ACK Architects Studio Inc. provided a brief presentation outlining the applicable policy framework and presenting the design plans, elevations and renderings proposed for the property.

Key questions, issues and comments received included:

- Uncertainty over whether our application is being made to redesignate and rezone all the lands in the neighbourhood (this confusion seemed to stem from the fact the City is undertaking a new Official Plan as well as from the Employment Lands Strategy studies that were undertaken 2-3 years ago)
- Concerns over on-street parking and increased traffic
- Potential overlook into other adjacent residential properties from balconies and rooftop terrace
- Separation distances between the building and other residential properties
- Provision of adequate landscaping, screening and buffering for more privacy

## Neighbourhood Open House

### Proposed Apartment Dwellings

5584 Fraser St. / 5523-5555 Fraser St. & 5578 George St.

**Thursday, January 23, 7:00pm-9:00pm**

River of Life Ministry (4189 Stanley Ave.)

*Light snacks and refreshments (coffee, water) to be provided*

As a property owner and/or resident in the Fraser / George neighbourhood, you are being cordially invited to attend a neighbourhood open house on January 23rd, 2025 at the River of Life Ministry to review and discuss the redevelopment plans at 5584 Fraser St. and 5523-5555 Fraser St. & 5578 George St.

**Development Proposal:** The applicant, Sam Visca owns the subject properties. 5584 Fraser St. is currently vacant, while 5523-5554 Fraser St. & 5578 George St. is occupied by Visca Electric.

5584 Fraser St. – proposed four (4) storey apartment dwelling (18 units)

5523-5555 Fraser St. & 5578 George St. – proposed four (4) storey apartment dwelling (31 units)

Both parcels will require Official Plan Amendments and Zoning By-law Amendments to permit the proposed apartment dwellings. A number of background and technical studies have been completed to address the feasibility of these proposed new dwellings and to support the required applications. It is anticipated that the applications will be filed with the City in the next 1-2 months with the statutory public meeting before City Council in Spring/Summer 2025.

**Further Information:** The City of Niagara Falls is currently in the process of preparing a new Official Plan that will guide the use of lands over the next 20-30 years. The City's timeline anticipates the draft new Official Plan to be available for public review and consultation in the Spring of 2025 followed by the Council approval process.

Lands within the Fraser/George Neighbourhood are currently designed Industrial in the City's Official Plan and zoned Prestige Industrial in the City's Zoning By-law.

**Purpose of Open House:** The purpose of the open house is to present the specific development plans and designs for the two (2) subject parcels in the context of the current Official Plan status and the new Official Plan currently in progress.

Information boards will be available for review, followed by a brief presentation by the consulting team of ACK Architects Studio Inc. and CL Planning & Design. There will be ample opportunity to ask questions and receive further information. If you are unable to attend the open house and wish to receive additional information, please feel free to email the following:

Cam Lang  
CL Planning & Design  
[camlang@yahoo.com](mailto:camlang@yahoo.com)

Michael Allen  
ACK Architects Studio Inc.  
[mallen@ackarchitects.com](mailto:mallen@ackarchitects.com)

# Neighbourhood Open House

Proposed Apartment Dwellings

5523-5555 Fraser Ave./5578 George St. & 5584 Fraser St.

January 23, 2025, 7-9 pm.

River of Life Ministry, 4189 Stanley Ave., Niagara Falls

## Attendance Sheet

Please sign in.

No.	Name	Address	Phone No. and/or Email
1.	Allison Price	5610 Fraser	289 296 3884
2.	Richard Bulge	4189 Stanley	905-348-7424
3.	SCOTT SELVIE	5594 FRASER	905-9329505
4.	ZORICA SAVANOVIC	5544 George St.	289-696-7445
5.	Nick DeBenedetti	5523 Buchanan Ave	905-329-0636
6.	Justin Vermon	5563 Fraser St.	
7.	Brenda Watchorn	5563 Fraser	905-964-1913
8.	Chris Watchorn	5563 Fraser	
9.	CHRIS ROLKO	5578 GEORGE ST	437 928 8084
10.	ANITA GAULT	5552 GEORGE ST	905-357-0232
11.	Mary Williams	5579 FRASER	289-264-4806
12.	Erika Spreitzer	5586 George St	905-354-3167
13.	Murray Gault	5552 George	905 3570232
14.	Katherine Zand	5548 Fraser	905-374-8666
15.			
16.			
17.			
18.			
19.			
20.			

You will not be contacted. This sheet will be included as part of the public consultation summary submitted with the planning applications to the City of Niagara Falls.

# Appendix L



# City of Niagara Falls Pre-Consultation Checklist

(Revised: October, 2023)

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

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

## OFFICE USE ONLY: PRE-CONSULTATION WAIVED BY DIRECTOR

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

Date:

Signature:

## PRE-CONSULTATION

Day:

**March 21, 2024**

Time:

**2:30pm**

## 1. SUBJECT PROPERTY INFORMATION

Street Address:

**5584 Fraser Street (Parcel C)**

Legal Description:

**PLAN 31 LOTS 29, 30**

Land Area :

**1118m<sup>2</sup>**

Lot Frontage :

**24.35m**

Municipal Land Involved: Yes ☐

No ☒

## 2. CONTACT INFORMATION

### Owner Information

Registered Owner:

**Rita Visca**

Mailing Address: (Street address, unit number, city & postal code)

**11179 Niagara Parkway, Niagara Falls**

Phone Number:

**905-354-0184**

E-mail Address:

**rita@viscaelectric.ca**

### Applicant/Agent Information (if applicable)

First and Last Name:

**Michael D. Allen (c/o ACK Architects STUDIO Inc.)**

Mailing Address:

**290 Glendale Ave, St. Catharines, ON, L2T 2L3**

Phone Number:

**905-984-5545**

E-mail Address:

**[mallen@ackarchitects.com](mailto:mallen@ackarchitects.com)**

Contact for all future correspondence (select one): ☒ Registered Owner ☒ Authorized Agent

## 3. PROPOSAL

**A 4 storey, 18 unit residential building. The ground floor will be used for a lobby and parking.**



4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area:

Unknown

Building Height (in metres and storeys):

4 storeys, 15.7m

# Dwelling Units:

18

# Hotel/Commercial Units:

0

Location:

Brownfield

Greenfield

Built-up

☒

Outside Urban Boundary

NEP Area

\*CIP Area

\*Note: If within a CIP Area, please speak to the City's CIP Coordinator

5. DESIGNATIONS

Regional Official Plan:

Yes

No

Delineated Built-Up Area

Niagara Escarpment Plan:

Yes

No

N/A

City Official Plan:

Yes

No

☒

Industrial

Secondary Plan:

Yes

No

N/A

Zoning:

Yes

No

☒

PI-392

6. PROPOSED APPLICATION(S)- Check all that are applicable

Regional Policy Plan

City Official Plan

☒

Zoning By-law

☒

Amendment

Amendment

Subdivision Approval

Condominium- Vacant Land

Condominium- Standard

Site Plan Approval

☒

Consent/Severance

NEC

Other:

7. REQUIRED INFORMATION AND STUDIES

Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

OPA/ ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans	Required	Notes
			(See notes for additional details)	(Digital Copies Only)	
			Agricultural Impact Assessment		
X		X	Air Quality*	X	Peer review, at applicant's cost.
X			Archaeology Assessment- Please be mindful of your duty to consult obligations	X	Stage 1 at minimum and a Clearance Letter from Ministry
X			Conceptual Site Plan	X	Official Plan/ Zoning By-law Application <ul style="list-style-type: none"> <li>Site Plan (with zoning matrix/site statistics)</li> <li>Coloured Site Plan</li> <li>Elevations</li> <li>Floor Plans</li> <li>CAD .dwg file of the conceptual site plan to City projection standards.</li> </ul>

		X	Site Plan	X	<u>Site Plan Application</u> <ul style="list-style-type: none"> <li>○ Site Plan</li> <li>○ Elevations</li> <li>○ Floor plans</li> <li>○ Underground parking plans</li> <li>○ Landscape Plan and Details (by OALA)</li> <li>○ Erosion &amp; Sediment Control Plan (optional)</li> <li>○ Grading Plan</li> <li>○ Servicing Plan</li> <li>○ Storm Drainage Area Plan</li> <li>○ Sanitary Drainage Area Plan</li> <li>○ Photometric Plan</li> <li>○ Building Code Matrix</li> <li>○ Zoning Compliance Certificate (ZCC), And;</li> <li>○ CAD (.dwg) files to City projection standards of Site plan &amp; Servicing plan</li> </ul>
			Cultural Heritage Impact Analysis		
X			Draft Local Official Plan Amendment	X	
			Draft Regional Policy Plan Amendment		
			Environmental Impact Study		Terms of Reference - Region and NPCA to be consulted.
			Environmental Planning Study/ Sub-Watershed Study		
X		X	Environmental Site Assessment/ Record of Site Condition	X	A letter of reliance must be submitted with the ESA work
			Farm Operation and Ownership		
			Financial Impact Assessment		
			Floodplain and Hazard Lands Boundary Plan		
			Functional Servicing Report (FSR)		
			Gas Well Study/ Gas Migration Study		
			Geotechnical Investigation / Study	X	Typically required at Building Permit stage
X			Housing Impact Statement	X	Can be included in PJR. Statement done in accordance with Part 1, Section 4 of City's Official Plan.
			Hydrogeological Study and Private Servicing Plans		
X		X	Land Registry PIN sheet or "Final Deed" to the property	X	
X		X	Land Use Compatibility Study*	X	Peer review, at applicant's cost.
			Mineral Aggregate Resources		
			Minimum Distance Separation 1 & 11		
X		X	Municipal Servicing Study	X	To review services and to demonstrate capacity. Infrastructure is required, at applicant's cost. The fee must be paid by applicant for 3 <sup>rd</sup> party modelling for sanitary and storm sewer capacity as part of a complete application.
X		X	Noise & Vibration Study	X	Completed in accordance with MECP NPC-300 Guidelines. Peer review at applicant's cost.
		X	Other: Verified Unit Plan	X	
			Phasing Plan		

X			Planning Justification Report	X	<p>Review and analyze applicable Provincial, Regional, and City policies, including the conversion policies outlined in Part 4, Section 2.10.</p> <p>Discuss affordability policies, provide and Housing Impacts Statement, and provide potential prices/rental rates.</p> <p>Provide a draft OPA and Zoning By-law amendment.</p> <p>Done by an RPP.</p>
			Risk Management Study		
			Road Widenings and Daylight Triangle		
			Sensitive Land Use Report		
			Shadow Analysis (i.e. Sun-Shadow Study)		
			Shoreline Study		
			Slope Stability Report		
			Soil Report		
			Stormwater Management Report (SWM)		Pre- to post, 5 year storm
X			Parking Impact Analysis	X	A terms of reference is required prior to beginning the study. Please speak with City Transportation Staff to determine the TOR.
		X	Tree Inventory & Preservation Plan	X	Prepared by a Landscape Architect/Arborist. Note: Please refer to pages 31-32 of the City's <i>Site Plan Guidelines (March, 2023)</i> for further guidance.
X			Urban Design Brief/ Architectural Brief	X	Please refer to the City's <a href="#">Terms of Reference</a> for an Urban Design Brief and use the <a href="#">Niagara Region's Model Urban Design Guidelines</a> in your evaluation
			Urban Design/ Landscape Plans		Streetscape requirements
			Wind Study		

## 8. COMMENTS

### Planning Comments:

- The proposal is for a 4 storey apartment building with 18 dwelling units and 19 parking spaces.
- The property is designated Industrial in the City's Official Plan. This designation is intended to provide opportunities for the expansion of existing industry and the stimulation of new growth. Infilling and redevelopment of established industrial districts in the Built-Up Area is encouraged. Emphasis will be placed on improved aesthetics and environmental quality, including measures which will safeguard the integrity of adjacent land uses.
- Please note that OPA 147 was passed by City and Regional Council and is currently under appeal. If the application is submitted once these matters have been settled, the Planning Justification Report will need to address the policies as amended by OPA 147, if applicable.
- The proposal will require an Official Plan amendment to redesignate the property Residential. The Official Plan amendment would also require a Special Policy Area to permit the proposed density of 161 units per hectare on a local road.
- The Planning Justification Report will need to address and demonstrate conformity with the conversion policies contained in Part 4, Section 2.10. In addition, it will need to include a Housing Impact Statement in accordance with the City's housing policies that demonstrates how the proposal is contributing to the City's affordable housing targets. Please ensure it addresses all other applicable policies and addresses the increased density.
- An Air Quality and Noise Study analyzing D6 Guidelines is required to ensure Land Use Compatibility.
- A Parking Study will need to be submitted to ensure there is adequate parking available for future residents.
- The proposal appears to be an overdevelopment of the site. Based on the comments to follow, it doesn't appear the subject site can accommodate the proposal.
- The R5 zones require a minimum amenity space of 20 sq.m. per unit. A total of 5.9sq.m. per unit has been provided. Staff are unable to support this reduction. Please ensure there is adequate amenity space provided for future residents. This can be in the form of common rooms, roof top amenity space, balconies, or usable landscaped open space.

- There is an existing detached dwelling to the east of the site. To ensure compatibility, please provide a side yard setback equal to half the height of the building. Please ensure a 3m landscape buffer is provided for fencing and tree plantings to help with buffering between properties.
- Please provide an adequate rear yard landscape buffer to ensure adequate room for fencing and tree plantings. A larger rear yard setback is recommended to maintain existing trees on site.
- If approved by Council, please note that a 3 year sunset clause will apply to the zoning. A site plan agreement will need to be executed within 3 years of the passing of the amending zoning by-law, if approved.
- Please submit your application through the City's website.

#### Landscape Comments:

- Please see the attached comments for full details.
- Cash-in-lieu of parkland dedication at a rate of 5% is required.
- The Tree Inventory and Preservation Plan shall be developed in accordance with the Site Plan Guidelines.
- A Landscape Plan will be required at site plan, showing street trees on Fraser and George, where further comments will be made.
- Please screen any utility and/or gas metres from the public realm.
- Please design any porches to appropriately accommodate seating.

#### Building Comments:

- Please review the attached comments. Building permit requirements have been provided, if the proposal receives approval.

#### Engineering Comments:

- Please review the attached comments for full details.
- George Street currently has combined sewers. A feasibility study is being conducted to separate the services. The detailed design is expected to be awarded early 2025, if warranted.
- Storm and sanitary connections will need to be provided with separate connections to the combined sewer and design considerations should be made for the future connection to a new storm sewer, should the combined services be separated.
- With the combined sewer system, it must be demonstrated that a net reduction of flows into the combined sewer will occur before connections are approved by the City. A demonstration of no wet weather (stormwater) increase in flows will also need to be demonstrated to the combined sewer.

#### Fire Comments:

- No comments or concerns with the Official Plan and Zoning By-law Amendments. Permits to demolish any existing structures shall be obtained from the Building Department.
- A complete building code matrix is required to be submitted at the time of Site Plan application.
- The Site Plan must demonstrate conformance with the requirements of Subsection 3.2.5. of the Ontario Building Code (Access for firefighting).

#### GIS (Addressing):

- The existing address will remain the same.
- A verified spatial unit plan will be required at site plan identifying the unit numbers for each dwelling.

#### Transportation Comments:

- Fraser Street is a local municipal road.
- An 18-unit apartment building requires 25 parking spaces, at a rate of 1.4 parking spaces per unit. There are 19 parking spaces proposed, at a rate of 1.055 parking spaces per unit. A parking demand study is required to justify that the proposed parking is appropriate for this site. The applicant's traffic consultant is requested to contact City Transportation Staff to get a term of reference approved prior to starting their study.
- The minimum number of accessible parking spaces is based on the parking lot capacity. A parking area having 19 parking spaces requires a minimum of one (1) accessible parking spaces and this is determined through the following formula for parking lots between 13 – 100 parking spaces: 4% of the total number of parking spaces, rounding up to the nearest whole number, thus  $0.04 \times 19 = 0.76$ , rounded up to 1 accessible parking space. Two (2) accessible parking spaces are shown.
- Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:
  - one authorized disabled parking sign on display;
  - one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
  - both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
  - be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;

- have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
- shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
- located on a level surface; and,
- placed in a location as to minimize the distance to building entrances.
- A garbage room is noted. The manner of garbage collection proposed is requested.
- Parking is prohibited on the north side of Fraser Street between a point 15m east of the west limit of Fraser Street to a point 46m east of the west limit of Fraser Street, except by permit and on the entire south side of Fraser Street. Parking is prohibited on all roads Citywide between the hours of 2:00am and 6:00 a.m., year-round.
- There is an existing sidewalk on the south side of Fraser Street. The sidewalk is to continue uninterrupted through the driveways, per OPSD 350.010.
- Transit service is provided on Stanley Avenue with a bus stop located at George Street (for southbound service) and at Fraser Street (for northbound service).

**Zoning Comments:**

- Please see attached comments and provide the requested information with your submission.

**Mississauga's of the Credit First Nation:**

- Please see attached comments for full details.
- The MCFN requests to receive all Environmental and Archeological Studies/Reports.
- If a Stage 2 Arch is required, MCFN DOCA is expected to be involved in the field study with a participating Field Liaison on-site. This will be at the cost of the proponent.

**Niagara Region:**

- Please see attached comments. Note the Region is accepting online payment via their website.

**9. APPLICATION FEES-2023** Please contact the City for current fees when ready to proceed

Application	City of Niagara Falls	Niagara Region	NPCA
Official Plan & Zoning By-law Amendment (Major)	\$21,630	\$10,695 + \$1,440	\$
Site Plan	\$ 8,520	\$590	
<b>Total</b>	\$30,150	\$12,135	\$

**Notes:**

*Notwithstanding the fees noted above, all fees are payable based upon the rate in the fee schedule by-law in effect on the date the application is received. Additional fees may be required at a later date based on the fee schedule by-law.*

*Separate cheques are required made payable to each appropriate agency and are submitted to the City with the complete application. The Region is accepting on-line payments on the Niagara Region website.*

**Additional Agencies to be contacted:**


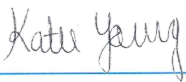
MTO ☐ NPC ☐ NEC ☐ Hydro ☐ Pipeline ☐ CN/CP ☒ Other:



**10. ATTENDEES**

City	Applicant	Agency
Alexa Cooper (Planning) acooper@niagarafalls.ca	Michael Allen – Agent ACK Architects	Katie Young (Region) Katie.Young@niagararegion.ca
Signe Hansen (Landscape) shansen@niagarafalls.ca		Taran Lennard (NPCA) tlennard@npca.ca
Sue Scerbo (Zoning) - email sscerbo@niagarafalls.ca		Meghan Birbeck (NPCA) mbirbeck@npca.ca
Cesar Ramires(Building) cramires@niagarafalls.ca		Rachel Adamsky (Niagara Parks) radamsky@niagaraparks.com
Ben Trendle (Fire) btrendle@niagarafalls.ca		Abby La Forme (Mississaugas of the Credit First Nation – MCFN) Abby.LaForme@mncfn.ca
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca		
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		
Danaka Kimber (GIS/Addressing) dkimber@niagarafalls.ca		

**Signatures**

Planning Staff Alexa Cooper		Mar 126 124
Planning Staff		
Regional Planning Staff Katie Young		March 26, 2024
NPCA Staff		
Agent		
Owner		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature



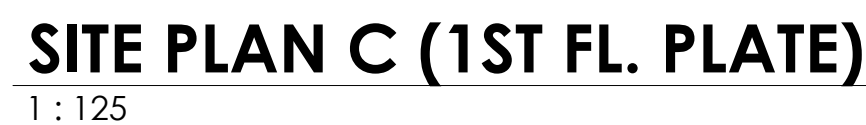


## 11. NOTES

1. The purpose of the pre-consultation is to identify the information required to commence processing of this development application. Pre-consultation does not imply or suggest any decision whatsoever on behalf of City staff or the City of Niagara Falls to either support or refuse the application. This checklist should not be construed as a complete list of information required as further assessment may reveal the need for more information.
2. This pre-consultation form expires within one year from the date of signing or at the discretion of the Director of Planning & Development
3. An application submitted without the information identified through the pre-consultation process may not be sufficient to properly assess the application and may be deemed by staff to be an incomplete application.
4. The applicant should be aware that the information provided is accurate as of the date of the pre-consultation meeting. Should an application not be submitted in the near future, and should other policies, by-laws or procedures be approved by the Province, City, Region or other agencies prior to the submission of a formal application, the applicant will be subject to any new policies, by-laws or procedures that are in effect at the time of the submission of a formal application.
5. The applicant acknowledges that the City and Region considers the application forms and all supporting materials including studies and drawings, filed with any application to be public information and to form part of the public record. With the filing of an application, the applicant consents and hereby confirms that the consent of the authors of all supporting reports have been obtained, to permit the City and Region to release the application and any supporting materials either for its own use in processing the application, or at the request of a third party, without further notification to, or permission from, the applicant.
6. It is hereby understood that during the review of the application additional studies or information may be required as a result of issues arising during the processing of the application or the review of the submitted studies.
7. If the City or Region does not have sufficient expertise to review and determine that a study is acceptable, the City may require a peer review. The Terms of Reference for a peer review is determined by the City or Region and paid for by the applicant.
8. Some studies may require NPCA review and clearance/approval. In this instance the NPCA review fee shall be paid by the applicant.
9. All plans and statistics must be submitted in metric.
10. By signing this document the Owner/Agent/Applicant acknowledges that they have been informed of the application process, anticipated timing, public notification and steps to be followed for the development discussed at this meeting.
11. A copy of this pre-consultation checklist has been provided to the applicant/agent .

Note: Upon submission, the City will review all submitted plans, studies, etc. to ensure the information is sufficient before declaring the application complete. This will occur within 30 days.



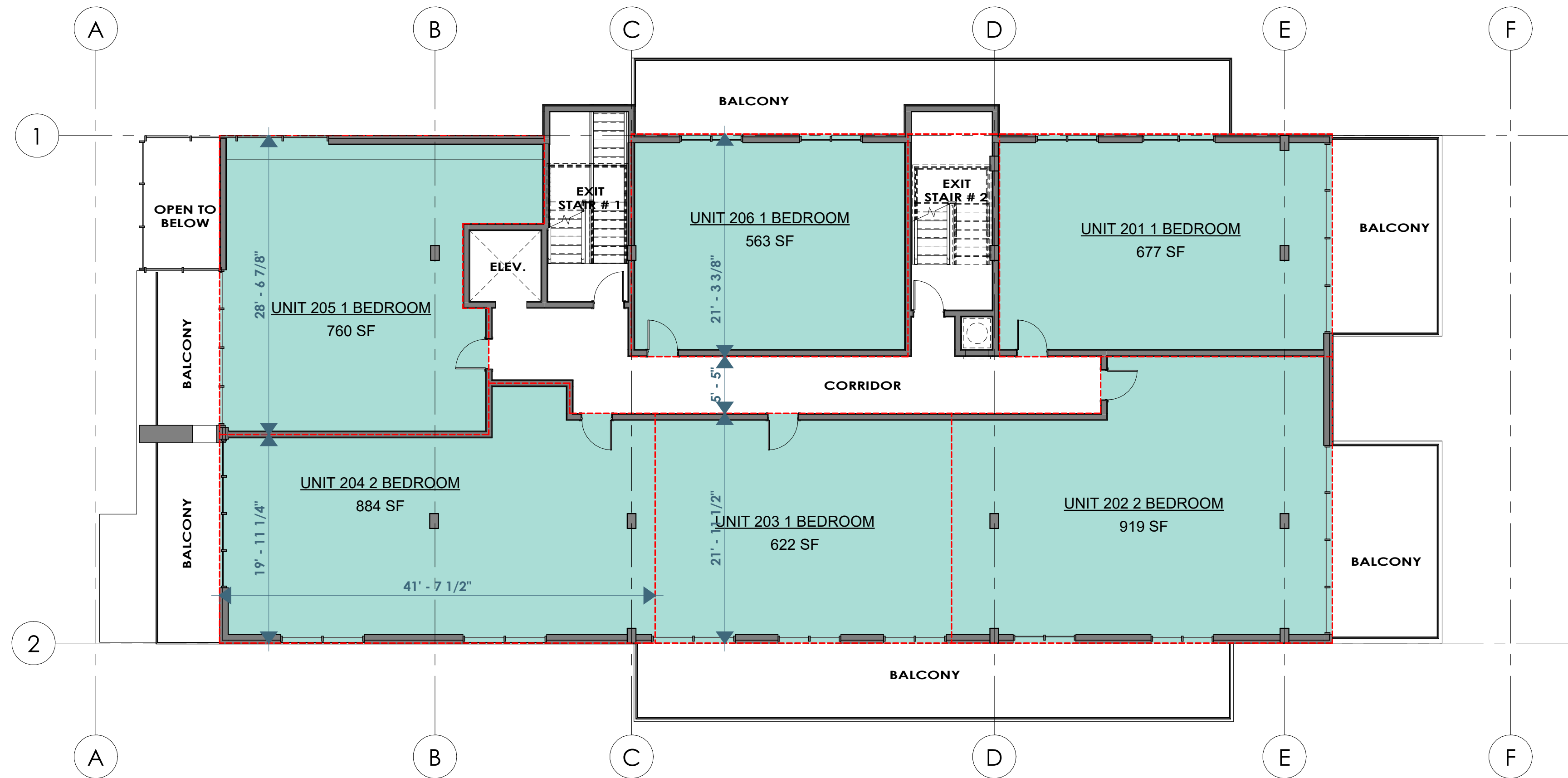


PROJECT No.:	2016-146
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PARKING	BUILDING B/C
PROVIDED PARKING SPACE	REQUIRED PARKING SPACE
19 SPACE PROVIDED	PROPOSED 1 PER UNIT 19 SPACE REQUIRED
<b><i>BARRIER FREE PARKING</i></b> 4% OF THE TOTAL NUMBER OF PARKING SPACES, ROUNDING UP TO THE NEAREST WHOLE NUMBER 4% x 19 = 1 REQ'D	
<b><i>2 BARRIER FREE PARKING PROVIDED</i></b>	

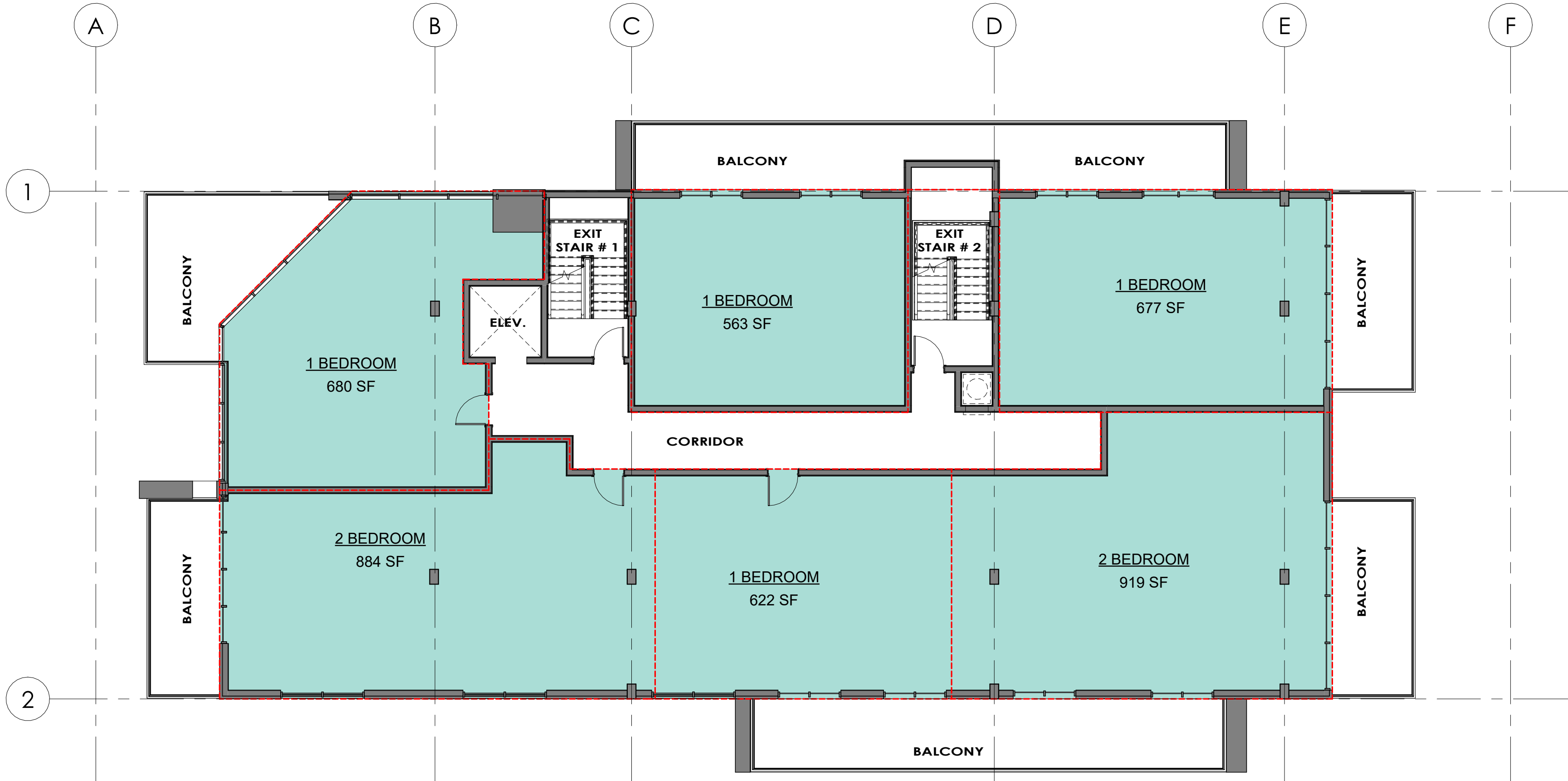


ISSUED FOR  
REVIEW  
B/C



BUILDING B/C 2ND FL.PLATE

1 : 100



BUILDING B/C 3RD - 4TH FL. PLATE

1 : 100

UNIT STATISTICS  
(FINAL UNIT COUNTS AND SQUARE  
FOOTAGES TO BE DETERMINED AT  
DESIGN DEVELOPMENT STAGE  
DETAIL SEE SITE PLANS)

DISCLAIMER:  
: RENDERINGS/FLOORPLANS ARE ARTISTS  
CONCEPTIONS. ALL FLOOR PLANS ARE APPROXIMATE  
DIMENSIONS. ACTUAL USABLE FLOOR SPACE MAY  
VARY FROM THE STATED FLOOR AREA. ALL PLANS MAY  
BE SUBJECT TO MIRRORING. DESIGN TO BE CONFIRMED  
WITH ACTUAL ZONING BY-LAW FOR SUBJECT LOTS ONCE  
AN ACTUAL PARCEL AND MUNICIPALITY HAS BEEN  
CONFIRMED BY THE CLIENT

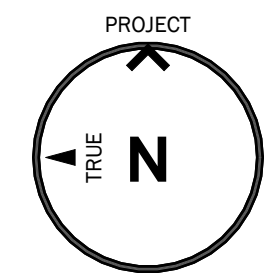
ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS,  
NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO  
COMMENCEMENT OF THE WORK. THIS DRAWING NOT TO BE SCALED. ALL  
DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF  
THE ARCHITECT AND MUST BE RETURNED UPON REQUEST.  
REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN  
WHOLE IS STRICTLY FORBIDDEN WITHOUT WRITTEN CONSENT.  
DRAWINGS TO BE FOR THE PURPOSE FOR WHICH THEY ARE ISSUED.

No.	DATE:	DESCRIPTION:	BY:

COMMISSION: 216-146

VISCA RESIDENTIAL  
DEVELOPMENT

FRASER STREET / GEORGE  
STREET  
NAGARA  
FALLS, ON



A · C · K  
architects  
STUDIO INC.

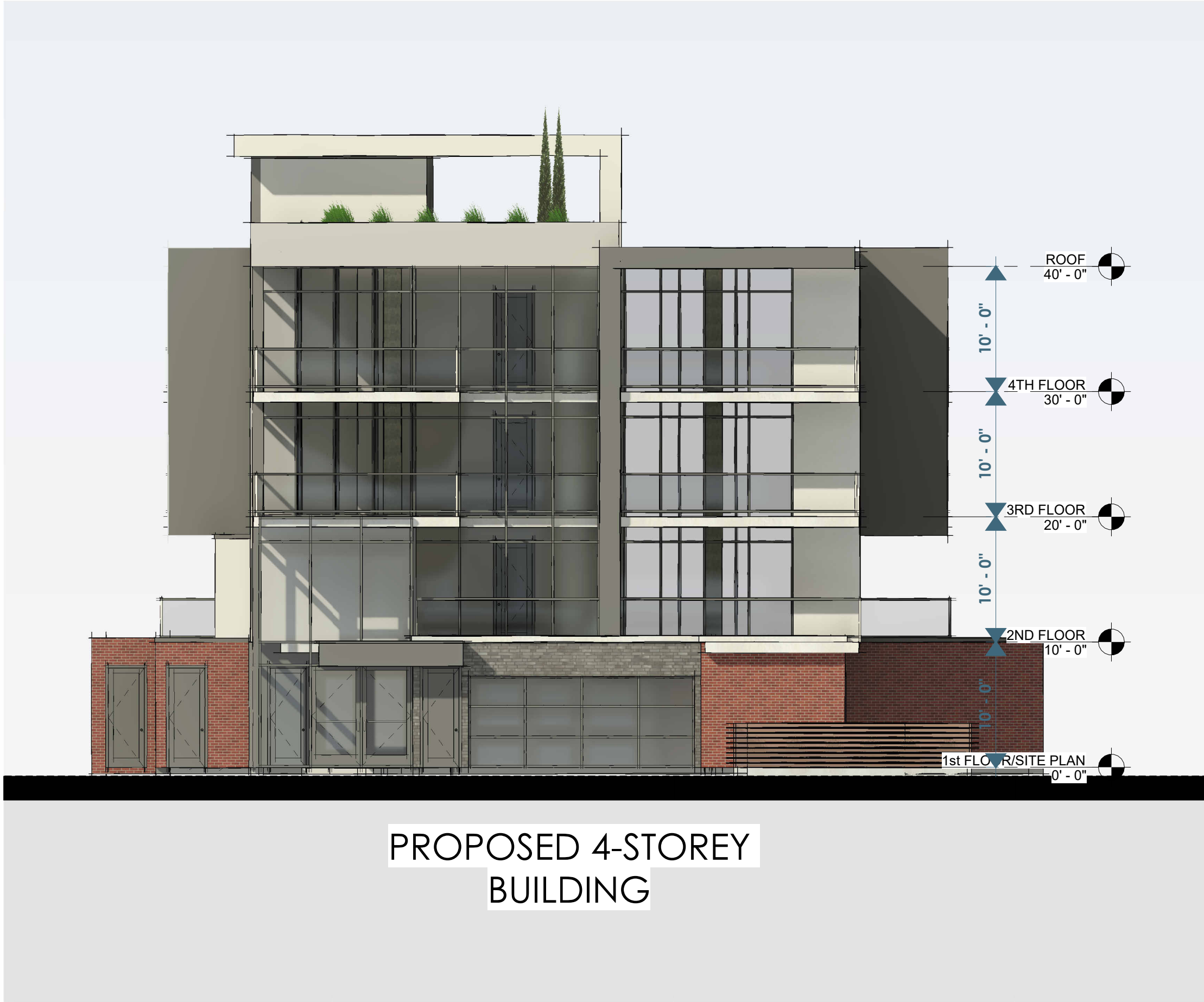
Architectural Office:  
290 Glendale Ave, St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

BUILDING B/C2ND - 4TH  
FLOOR PLATE

DRAWN BY:	JMR	DRAWING No.:	A.BC 1
CHECKED BY:	MDA		
DATE ISSUED:			
PROJECT No.:	216-146		

ISSUED FOR  
REVIEW  
B/C



BUILDING B/C FRONT (WEST) ELEVATION  
1 : 100



BUILDING B/C LEFT SIDE (NORTH) ELEVATION  
1 : 100

**DISCLAIMER:**  
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No.	DATE:	DESCRIPTION:	BY:

COMMISSION: 216-146

VISCA RESIDENTIAL  
DEVELOPMENT

FRASER STREET / GEORGE  
STREET  
NAGARA  
FALLS, ON

A · C · K  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave, St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

FRONT AND SIDE  
ELEVATIONS

DRAWN BY:	JMR	DRAWING No.:
CHECKED BY:	MDA	A.BC 2
DATE ISSUED:		
PROJECT No.:	216-146	





BUILDING A & B BIRDSEYE  
PERSPECTIVE FRONT PERSPECTIVE



BUILDING A FRONT PERSPECTIVE



BUILDING B/C FRONT PERSPECTIVE



BUILDING B/C FRONT PERSPECTIVE

ISSUED FOR  
PRE-CON  
B/C

DISCLAIMER:  
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No.	DATE:	DESCRIPTION:	BY:
1	FEB 08 2024	PRE-CON RO	ACK

COMMISSION: 2016-146

VISCA RESIDENTIAL  
DEVELOPMENT  
FRASER STREET / GEORGE  
STREET  
NAGARA  
FALLS, ON

A · C · K  
architects  
STUDIO INC.  
Architectural Office:  
290 Glendale Ave, St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:  
  
PERSPECTIVES  
BUILDINGS A & B

DRAWN BY:	JMR/CH	DRAWING No.:
CHECKED BY:	MDA	EL 3D
DATE ISSUED:	FEB 08 2024	
PROJECT No.:	2016-146	



# Inter-Departmental Memo

## Landscape and Parkland Dedication Comments

**To:** Alexa Cooper, Planner 2

**From:** Signe Hansen, Senior Manager Long Range Planning Initiatives

**Date:** Pre-con meeting March 21, 2024

**Re:** **5584 FRASER STREET  
PROPOSED 4 STOREY APARTMENT BUILDING (18 UNITS)**

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### Cash-in-Lieu (CIL) of Parkland

- Parkland dedication shall be provided as a Cash-in-lieu payment at the current prescribed rate of 5% for residential uses. Payment will be required at the Site Plan Application stage.

### Tree Inventory and Preservation Plan

- A Tree Inventory and Preservation Plan will be required pursuant to the requirements of the City of Niagara Falls Site Plan Guidelines. The Plan shall be developed by a licensed professional. The Plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands shall be included on the Plan, and those that could be negatively affected by future construction/development shall be protected and preserved unless written consent to damage or destroy is provided to the City by adjacent landowner(s).

### Landscape Design

- A Landscape Plan will be required as part of the Site Plan application and must conform to the requirements outlined in City's Site Plan Guidelines. The Plan shall be prepared and stamped by a licensed Ontario Landscape Architect. The design of the Landscape Plan shall have consideration for enhancing the street frontage, landscape treatment within the site, appropriate privacy buffering of adjacent properties, active transportation, pedestrian access and accessibility considerations throughout the development, sustainability, public amenity space, waste collection, reducing heat island effect of hard surface areas and snow storage. The planting of native plant species is preferred.
- Street trees will be required along the Fraser Street frontage. Street trees shall be of a species approved by the City, at a minimum 10m on centre spacing. Please refer to the City's Site Plan Guidelines for a list of approved street trees.
- If porches are proposed, please ensure that they are appropriately sized to accommodate seating.
- Please ensure utility and gas meters are screened from view from the street/ public realm.
- Further comments to be made following submission of Landscape Plan.



# Inter-Departmental Memo

**To:** Alexa Cooper, BURPI  
Planner 2  
Ext 4246

**From:** Cesar Ramires  
Senior Building Examiner  
Ext. 4344

**Date:** March 21, 2024

**Re:** Preconsultation- Official Plan & Zoning By-Law Amendment, Site Plan  
Address: 5584 Fraser St  
Applicant/Owner: Rita Visca  
Agent: Michael Allen  
Proposal: A 4-storey, 18-unit residential apartment building

---

I have reviewed the submitted documents and offer the following comments for the applicant:

1. A building permit shall be obtained if granted approval. Standard requirements for architectural/structural drawings apply and include plumbing/mechanical drawings. This does not exclude pre-engineered systems, shop drawings, material specifications, fire alarm/sprinkler drawings and structural engineering etc. Contact extension 4001 for permit requirements.
2. All further detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process.
3. Spatial separation/fire protection measures will be reviewed during permit review.
4. All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.

5. Municipal, Regional, Educational, Parkland Dedication and Community Benefits Developments Charges will be assessed at time of building permit review. Parkland Dedication is payable on the Issuance of first permit (appraisal report required).
6. Signs are to be in accordance with municipal sign-bylaw and may be subject to separate sign permit application. Contact extension 4001 for permit requirements.
7. A geotechnical report/subsurface investigation shall be provided at building permit application submission.
8. All other applicable law approvals to be obtained prior to building permit application.
9. Fire Prevention to assess the site proposal as it relates to on-site fire-fighting practices, i.e., private fire-route accesses, fire-hydrant locations (private and / or public), fire-department connection(s), etc

## **Pre-Consultation Meeting – March 21<sup>st</sup>, 2024 – Item #3 – Alexa Cooper**

Proposed: Official Plan & Zoning By-law Amendment, Site Plan  
Applicant: Rita Visca  
Agent: Michael Allen  
Property: 5584 Fraser Street  
Proposal: A 4-storey, 18 unit residential apartment building

Existing infrastructure on Fraser Street: 150mmØ PVC Watermain (1991)  
250mmØ Concrete Combined Sewer (1976)

### **Official Plan & Zoning By-law Amendment Requirements:**

- Third party infrastructure modeling for large scale development is required to verify available sanitary and storm sewer capacity, at the applicant's expense. In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of modeling fees are required. Fees to be in accordance with the City's Schedule of Fees at time of application. Please contact [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca) to arrange for payment.
- Applicant must follow Ministry of the Environment, Conservation, and Parks guidelines for new connections to combined sewer systems to show a net reduction of flows into the combined sewer before connections will be approved by the City of Niagara Falls. The Applicant will be required to demonstrate no wet weather (stormwater) increase in flows to the combined sewer.
- Functional Servicing Report which identifies the existing and proposed servicing characteristics of the development, as well as the existing municipal infrastructure available for connection, to the satisfaction of Engineering staff. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which is available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).
- Detailed Stormwater Management Report balancing post- to pre-development for the 5-year minor storm event, contained and controlled on-site and directed to a suitable outlet, with major storm events directed overland to an acceptable outlet, to the satisfaction of Engineering staff. The report should also address stormwater quality control measures, if applicable. Municipal storm design criteria is available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).
- Engineering drawings of existing underground infrastructure are available upon request from [mwdev@niagarafalls.ca](mailto:mwdev@niagarafalls.ca).

### **Site Plan Requirements:**

- Updated Functional Servicing and Stormwater Management Reports.
- Engineering drawings, including site plan, site servicing plan, grading plan, erosion and sediment control plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- A feasibility study is currently being conducted on the combined sewers along Fraser and George Street, the detailed design is expected to be awarded early 2025. The applicant may contact Project Manager Rachel Whyte ([rwhyte@niagarafalls.ca](mailto:rwhyte@niagarafalls.ca)) to coordinate future servicing, although it should be noted that there is no detailed information at this time.
- Storm and sanitary connections will need to be provided with separate connections to the combined sewer and design considerations should be made for the future connection to the new storm sewer.
- Road Occupancy Permit for connection to the City's infrastructure to be obtained through Josh Caughell - (905) 356-7521 ext. 4549.

# Inter-Departmental Memo

**To:** Alexa Cooper, Planner 2

**From:** Sue Scerbo, Senior Zoning Administrator

**Date:** March 21, 2024

**Re:** **Official Plan & Zoning By-law Amendment, Site Plan  
5584 George Street  
Proposed 4 storey, 18 unit apartment dwelling (Building B)**

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## Summary:

The applicant is proposing to construct a 4 storey apartment dwelling containing 18 dwelling units on the subject lands.

The lands are currently zoned Prestige Industrial (PI-392), in accordance with Zoning By-law 79-200, as amended by site specific By-law 1995-270.

The applicant is proposing to rezone the lands to a site specific Residential Apartment 5F Density Zone (R5F) Zone to facilitate the proposed development.

**The following table compares the regulations of the R5F zone with what is proposed:**

Provision	Requirement	Proposal	Comply
Minimum lot area	57 square metres for each dwelling unit 57 square metres x 18 dwelling units = 1026 square metres	62.14 square metres for each dwelling unit 62.14 square metres x 18 dwelling units = 1118.6 square metres	Yes
Minimum lot frontage	45 metres (Fraser Street)	24.35 metres	No
Minimum front yard depth	7.5 metres	4.99 metres	No
Minimum rear yard depth	One-half the height of the building or 10 metres, whichever is greater	5.29 metres	No

	Proposed building height: 15.7 metres/2=7.85 metres 10 metres is required		
Minimum interior side yard width	One-quarter the height of the building Proposed building height: 15.7 metres/4=3.93 metres	4.57 metres 5 metres	Yes
Minimum exterior side yard width	7.5 metres	n/a	n/a
Maximum lot coverage	30%	71.2%	No
Maximum height of building or structure	28 metres, subject to section 4.7	15.7 metres	Yes
Number of apartment dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1.4 parking spaces for each dwelling unit: 1.4 parking spaces x 18 dwelling units = 25.2 parking spaces	19 parking spaces	No
Minimum parking stall width	2.75 metres	2.75 metres	Yes
Minimum parking stall length	6 metres	6 metres	Yes
Minimum manoeuvring aisle	6.3 metres	6 metres	No
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14		
Minimum Landscaped Open Space Area	55% of the lot area	21.1%	No
Minimum amenity space for an apartment dwelling or a stacked townhouse dwelling	20 square metres for each dwelling unit	5.9 square metres for each dwelling unit	No



Maximum projection of a balcony into a required rear yard	1.8 metres	3.2 metres	No
Maximum projection of a balcony into a required side yard	0.45 metres	2.29 metres 2.4 metres	No No
Parking in yards	<p>Within the R4, R5A, R5B, R5C, R5D, R5E and R5F zones no person shall use any portion of the front yard of any lot for the parking or storing of any motor vehicle unless either a landscaped open space strip or a decorative wall or decorative fence and a landscaped open space strip is provided and maintained along the part of every front lot line and side lot line which abuts a street, except that part thereof crossed by an access driveway or sidewalk, an in accordance with the following regulations;</p> <p>If only a landscaped open space is provided such landscaped open space strip shall have a minimum width of 3 metres, unless a decorative wall or decorative fence in accordance with subsection (ii) is provided; in which case the landscaped open</p>	<p>two parking spaces located within the front yard</p> <p>1.0 metre wide landscaping strip</p>	No

	<p>space strip shall have a minimum width of 1.5 metres.</p> <p>The height of a decorative wall or fence shall be a minimum of 1 metre above the average level of the parking area in the front yard.</p> <p>Any such decorative wall or fence shall be located a minimum of 1 metre inside the abutting street line;</p> <p>Where a daylighting triangle is required, no such decorative wall or decorative fence shall be located within such daylighting triangle.</p>		
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Comments:

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

SS

S:\PRECONSULTATION\2024\03.21.24\FRASER STREET 5584\ZONING COMMENTS.docx

March 21, 2024

Alexa Cooper  
Planner 2- Planning, Building & Development  
The City of Niagara Falls  
RE: 5584 Fraser Street, Niagara Falls


Dear Alexa,

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

The Mississaugas of the Credit First Nation would like to notify you that we are the Treaty Holders of the land on which the proposed development of a 4-storey, 18-unit apartment building will be taking place. This project is located on the Mississaugas Treaty at Niagara of 1781.

In light of this, the MCFN Department of Consultation and Accommodation (DOCA) requires that we be in receipt of all Environmental Study reports and that a Stage 1 Archaeological Study be conducted on the site to determine its archaeological potential and further that the Stage 1 report be submitted to MCFN DOCA for review. If it is determined that a Stage 2 is required, MCFN DOCA is expected to be involved in the field study with MCFN Field Liaison Representation (FLR) on-site participation. This study will be at the cost of the proponent.

Thank you



Abby (LaForme) Lee  
Consultation Officer, MCFN DOCA- [Abby.LaForme@mncfn.ca](mailto:Abby.LaForme@mncfn.ca)

Cc: Mark LaForme, Director, MCFN DOCA – [Mark.LaForme@mncfn.ca](mailto:Mark.LaForme@mncfn.ca)  
Cc: Craig King, Consultation Officer, MCFN DOCA – [Craig.King@mncfn.ca](mailto:Craig.King@mncfn.ca)



# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5584 Fraser Street, Niagara Falls

March 21, 2024

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**Region Contact:** Katie Young

**Local Contact:** Alexa Cooper

**Proposal Description:** Proposal for a 4-storey, 18 unit residential apartment building (Building C)

**Applicant/Owner/Agent:** 1338284 Ontario Inc. (Applicant); Michael Allen (Agent)

### **Application Type:**

- ☒ Local Official Plan Amendment
- ☒ Zoning By-law Amendment
- ☒ Site Plan

### **Site Designation:**

Provincial Policy Statement (PPS)- Settlement Area

Provincial Growth Plan- Delineated Built-Up Area

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

### **Planning Comments**

- A full range of residential, commercial, and industrial uses are generally permitted within the Built-Up Area under Provincial and Regional policies. The proposal will contribute to the City's intensification target of 50% as set out within Table 2-2 of the NOP.
- City staff should be satisfied that the proposed development is compatible with the surrounding local context and its built-form provides a transition with nearby existing and planned land uses.
- Staff request the submission of a **Planning Justification Report**, prepared by a Registered Professional Planner to address Provincial and Regional policies, including the below regarding employment land conversion and land use compatibility. Staff note that the proposal for residential uses will need to demonstrate that compatibility can be achieved and will not impact nearby existing or planned employment uses to operate or expand.

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5584 Fraser Street, Niagara Falls

March 21, 2024

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### **Employment Land Conversion**

- The required PJR will need to address NOP Section 4.2.5 (Redevelopment of Employment Lands). The Growth Plan (policy 2.2.5.14) and NOP (policy 4.2.5.1) state that any proposed redevelopment of non-employment uses on employment land, outside of employment areas, shall retain space for a similar number of jobs to remain accommodated on-site.
- The PJR will also need to analyze and provide rationale for the employment land conversion in accordance with the Region's Employment Land Redevelopment Criteria Guideline identified in Appendix 3 of the NOP and any local policies.
- The PJR will need to address how the proposed redevelopment of employment land will not restrict the ability for nearby existing or planned employment uses to operate or expand.

### **Land Use Compatibility**

- Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise, and other contaminants. Staff note the property is nearby to the NF-2 North Niagara Falls Secure Storage Core Employment Area intended for long term traditional industrial uses, an active rail line to the west, and Stanley Avenue (Regional Road 102), which has a high average annual daily traffic count.
- The NOP notes that where avoidance is not possible from adverse effects, the long-term viability of existing or planned industrial, manufacturing, or other uses that are vulnerable to encroachment should only allow for proposed sensitive land uses if NOP policy 4.2.4.3 can be met, including that there is an identified need for the proposed use, alternative locations for the proposed use have been evaluated and there is no reasonable alternative, adverse effects of the proposed sensitive land uses are minimized and mitigated, and potential impacts to industrial, manufacturing or other uses are minimized and mitigated.
- Staff request the submission of a **Land Use Compatibility Study**, completed in accordance with the Ministry of the Environment, Conservation and Parks (MECP) D-Series Guideline, which includes air quality and odour impact analysis and a **Noise Impact Study**, completed in accordance with the MECP NPC-300 Environmental Noise Guideline.
- ToR for these studies is attached.
- These studies will require peer review at the owner's expense.

### **Archaeological Potential**

- 5584 Fraser Street is mapped as an area of archaeological potential on Schedule K of the NOP. Staff require the submission of a **Stage 1 Archaeological Assessment** (at minimum) and **acknowledgement from the Ministry of Citizenship and Multiculturalism** for the submitted reports. No demolition, grading, or other soil disturbing activities are permitted until the Ministry's clearance is provided.



# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5584 Fraser Street, Niagara Falls

March 21, 2024

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### **Site Condition**

- 5584 Fraser Street is listed on MPAC as vacant industrial use. As the proposal is for a sensitive land use (residential), staff request the submission of a Phase One **Environmental Site Assessment** (ESA), at minimum in order to file a **Record of Site Condition** in accordance with O.Reg 153/04, as amended under the Environmental Protection Act.
- Staff request a **Letter of Reliance** for all submitted ESA work.

### **Environmental Comments**

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

### **Transportation/ Roads**

- George Street – Local

### **Servicing**

- Water – 150 D UNK – Local (Fraser Street)
- Sanitary – 250 D CON – Local (Fraser Street)

### **Stormwater Management**

- The development SWM plans for the above noted applications will be subject to the satisfaction of City to ensure local infrastructure requirements to be adequately addressed.

### **Waste Collection (Multi Residential)**

- Green – no limit (weekly)
- Waste – 2 bag/can limit per unit, max. 24 bags per building bi-weekly)
- **Curbside collection only**
- Regional staff note a garbage room is shown on the submitted site plan, Future submissions should include the intention for waste collection for the site. Based on the number of units, the proposal would not be eligible for Regional curbside waste collection.
- Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

### **Required Studies for Regional Review**

- Planning Justification Report – OPA/ZBA
- Stage 1 Archaeological Assessment (at minimum), Ministry Acknowledgement Letter(s) – OPA/ZBA
- Land Use Compatibility Study – OPA/ZBA
- Noise Impact Study – OPA/ZBA
  - Detailed study at Site Plan

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5584 Fraser Street, Niagara Falls

March 21, 2024

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- Phase One Environmental Site Assessment (at minimum), Letter of Reliance – OPA/ZBA
  - Record of Site Condition - can be managed as a Holding provision.

### **Required Fees**

The Region's 2024 Fee Schedule is available at:

[https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx)

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

<b>Development Application Review Type</b>	<b>Fee Amount</b>
Official Plan Amendment Review	\$10,695
Zoning By-law Amendment Review	\$1,440
Site Plan Review	\$590

# Land Use Compatibility Study Terms of Reference

## Description

A Land Use Compatibility Study is a technical report that provides a written description of the land use compatibility of sensitive land uses, where permitted or proposed adjacent to, or near to industrial uses; or within the influence area of major facilities; or in proximity to transportation and utility sources.

The report will identify any existing and potential land use compatibility issues and will identify and evaluate options to achieve appropriate design, buffering and/or separation distances between the proposed sensitive land uses and existing uses.

This report will be used to assist Regional staff in making recommendations concerning the proposed sensitive land uses, and may be peer reviewed by the Region at the cost of the applicant.

The report will:

1. Provide a written description of:
  - any potential land use compatibility impacts by type (i.e.: traffic, noise, vibration, and emissions, including dust and odour) and the severity, frequency and duration of such impacts, as may be appropriate for each type;
  - the history of any complaints received by the municipality and/or MOECP within the immediate area of the proposed development;
  - the potential land use compatibility issues the proposed development may create. Impacts shall be considered based on the potential:
    - effects on major facilities' compliance with applicable environmental policy, regulations, approvals, authorizations and guidelines, including the noise provisions of local by-laws;
    - increased risk of complaint and nuisance claims;
    - operational constraints for major facilities;
    - constraints on major facilities to reasonably expand, intensify or introduce changes to their operations;
    - constraints for new major facilities to reasonably be established on lands in proximity to the development that are designated for employment uses;
    - the extent of non-compliance with land use separation requirements for existing employment uses in the vicinity, including propane storage and distribution facilities, if applicable; and,
  - the extent to which the applicant of the proposed development and businesses within the nearby industrial, utility, transportation and/or major facilities have exchanged relevant information. This would include the written undertakings given to affected businesses that any information regarding their processes, emissions data and expansion plans not already part of the public record would be treated on a confidential basis.

2. Identify and evaluate options to achieve appropriate design, buffering and/or separation distance to prevent or mitigate potential adverse effects from traffic, noise, vibration, and emissions. This would include details on the following:
  - At-Source Mitigation: Technology that businesses in *Employment Areas* and/or major facilities may consider implementing to mitigate adverse effects;
  - Buffers: Physical structures, building design elements or distance separation that could be incorporated into the site design of the proposed sensitive land uses, including residential uses, to mitigate adverse effects and negative impacts;
  - At-Receptor Mitigation: Technologies, building materials, design features etc. that could be incorporated both on-site and within the built structure of proposed sensitive land uses, including residential uses, to mitigate negative impacts and adverse effects; and
  - Other: Any other potential techniques, strategies and approaches not identified above, including but not limited to, warning clauses, environmental easements, agreements with major facilities to secure at-source and at-receptor mitigation and classifying lands as a Class 4 Area in accordance with the requirements of the MOECP “Environmental Noise Guideline, Stationary and Transportation Sources – Approval and Planning Publication NPC-300”, as amended or replaced from time to time.
3. Provide details of assessment criteria.
4. Provide details regarding the methodology used and assessment locations.
5. Discuss how the proposed development is consistent with the Provincial Policy Statement, is in accordance to the *Planning Act* (as amended), and conforms to The Growth Plan for the Greater Golden Horseshoe and The Greenbelt Plan, as it applies to the planning and development of sensitive land uses in proximity to industrial, utility and transportation uses.
6. Recommended methods to secure the necessary mitigation to guarantee that such mitigation is installed, performs as intended and will be maintained to ensure land use compatibility.

The study is to be prepared on behalf of the applicant by a Consultant (or Consultants) that is/are fully accredited, qualified and/or certified in the relevant matters being evaluated and recommended (for example air quality assessments should be performed by an engineer fully accredited in such field, etc.).

## When Required

A study may be required to justify sensitive land uses where permitted or proposed adjacent to or in proximity to industrial, transportation, and utility sources:

- Official Plan Amendment
- Zoning By-law Amendment
- Subdivision Application

- Site Plan Control
- Consent Application

During pre-application consultation, Regional staff will work with the applicant and the applicant's consultant(s) to determine if such a Study is required and, if so, the specific requirements of the Study, based on the nature of the proposed application and the context of the study area.

## Peer Review

The objective of the peer review is to provide staff with an independent, expert, third party assessment of the potential land use compatibility issues as well as the proposed mitigation measures. The purpose is to assist in making fully informed land use planning recommendations.

The peer reviewer will provide, at the cost of the applicant, an assessment of the report and whether appropriate methodology and data have been applied to the analysis, as well as an evaluation of the recommended mitigation measures and conclusions. The peer reviewer may request updates to the study as needed to satisfy Niagara Region and the Local Area Municipality that the report is complete and adequately addresses any potential land use compatibility concerns.

# Noise Impact and Vibration Study Terms of Reference

## Description

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

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

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

## When Required

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

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

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

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

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



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

## Rationale

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

## Required Contents

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

### Introduction

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

### Environmental Noise (and Vibration) Assessment

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

### Noise (and Vibration) Mitigation Recommendations

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

### Conclusions

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

Appendix B – Ministry of Environment Noise Guidelines

Appendix C – Sample Sound Exposure Calculation