

Planning Justification Report

5259 Dorchester Road

Niagara Falls, ON

June 10, 2025

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UCC File No. 24084

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PREFACE

Upper Canada Consultants has been retained by Butera Group to prepare a Planning Justification Report pertaining to an application for Official Plan Amendment and Zoning By-law Amendment on lands known municipally as 5259 Dorchester Road in Niagara Falls.

The property known as 5259 Dorchester Road is currently vacant. The site was the former location of a commercial office building and an industrial facility (laboratory), and contains remnant asphalt of the parking areas associated with that use.

The Official Plan and Zoning By-law Amendment has been prepared to amend the Official Plan designation of the property to change the land use designation from “Major Commercial” to “Residential”, and rezone the property from Shopping Centre Commercial Zone with a Holding Provision (SC-H) to a Site-Specific Residential 5F Zone (R5F). Site-specific provisions generally pertaining to deemed yards, building height, parking, minimum landscaping, lot area, lot coverage, setbacks are requested to facilitate the proposed building and site design.

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

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

- Preliminary Site Plan, Elevations and Floor Plans prepared by ACK Architects Studio Inc.
- Shadow Study prepared by ACK Architects Studio Inc.
- Planning Justification Report and Urban Design Brief prepared by UCC
- Functional Servicing Report prepared by Upper Canada Consultants
- Traffic Impact Study prepared by Paradigm
- Stage 1-2 Archaeological Assessment prepared by Archaeological Consultants Canada
- Noise and Vibration Study prepared by RWDI
- Air Quality Study prepared by RWDI
- Pedestrian Level Wind Study prepared by RWDI

DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The submitted Official Plan and Zoning By-law Amendment application pertains to lands known municipally as 5259 Dorchester Road in Niagara Falls. The lands are legally described as Part of Township Lot 115, Geographic Township of Stamford now in the City of Niagara Falls, Regional Municipality of Niagara. The subject property is located within the City of Niagara Falls Urban Area Boundary. The property is designated as “Major Commercial” on Schedule A of the City of Niagara Falls Official Plan, and within the “Morrison/Dorchester Node” on Schedule A.2 (d) of the City of Niagara Falls Official Plan. The lands are zoned as Shopping Centre Commercial Zone with a Holding Provision (SC-H) under Zoning By-law 79-200.

The subject lands are visually shown in **Figure 1** within the red outline.



Figure 1 – Subject Lands –Niagara Navigator (2023)

Location of the Subject Lands

The subject lands are located on the north-east corner of Dorchester Road and the QEW on-ramp, with legal frontages along both Dorchester Road and Dawson Street.

The lands have an area of 7.54 hectares and frontages are as follows:

- Dorchester Road – 222.50 metres
- Dawson Street – 24.765 metres

The properties are located approximately 30 metres north of Highway 420 and Dorchester Road, and 320 metres north of the intersection of Valley Way and 20 metres north of the QEW on-ramp.

Historical Uses

The subject lands were previously an office and laboratory facility that was in operation from approximately the late 1950s until the early 2000's, and the buildings stood until approximately 2006. A structure consistent with the size and placement of the previous structures is visible on a 1965 aerial photo, shown below as **Figure 2**.



Figure 2 – Subject Lands –Niagara Navigator (1965)

Existing Land Uses

The property known as 5259 Dorchester Road is vacant with some vegetation and remnants of a paved driveway and parking area associated with the former industrial use.

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



Figure 3 – 5259 Dorchester Road



Figure 4 – 5259 Dorchester Road

Adjacent Land Uses

The subject lands are located along Dorchester Road which is a high-volume arterial roadway that conveys traffic to and from the Queen Elizabeth Way (QEW) and Highway 420.

To the north of the property is Arterra Wines Canada, an industrial use, with a small-scale retail outlet.

To the east of the property is a mix of low and mid-rise residential uses and commercial uses.

To the south of the property is the Highway 420, QEW interchange.

To the west of the subject lands are Ministry of Transportation of Ontario lands.

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



Figure 5 – Arterra Wines Canada – 4887 Dorchester Road, Niagara Falls - North of Subject Lands



Figure 6 – Dorchester Estates – 5150 Dorchester Road – East of Subject Lands



Figure 7 – Dufferin Place - 5100 Dorchester Road – East of Subject Lands



Figure 8 – Retail Plaza – Dorchester Road - East of Subject Lands



Figure 9 – MTO Land - West of Subject Lands



Figure 10 – MTO Land – South of Subject Lands

Transportation Network

The subject lands have frontage along Dorchester Road which is classified as an arterial Road on Schedule C of the Niagara Falls Official Plan, and Dawson Street which is a local road. This segment of Dorchester Road is owner and maintained by the City of Niagara Falls, and is currently operating as a four-lane thoroughfare with dedicated turn lanes.

The subject lands are within proximity to key transportation routes including the Queen Elizabeth Way (QEW) and Highway 420, and are also serviced by Regional Transit bus stops on both sides of Dorchester Road.

The subject lands are accessible by private automobile and active transportation (walking) with sidewalks on both sides of Dorchester Road and one side of Dawson Street.

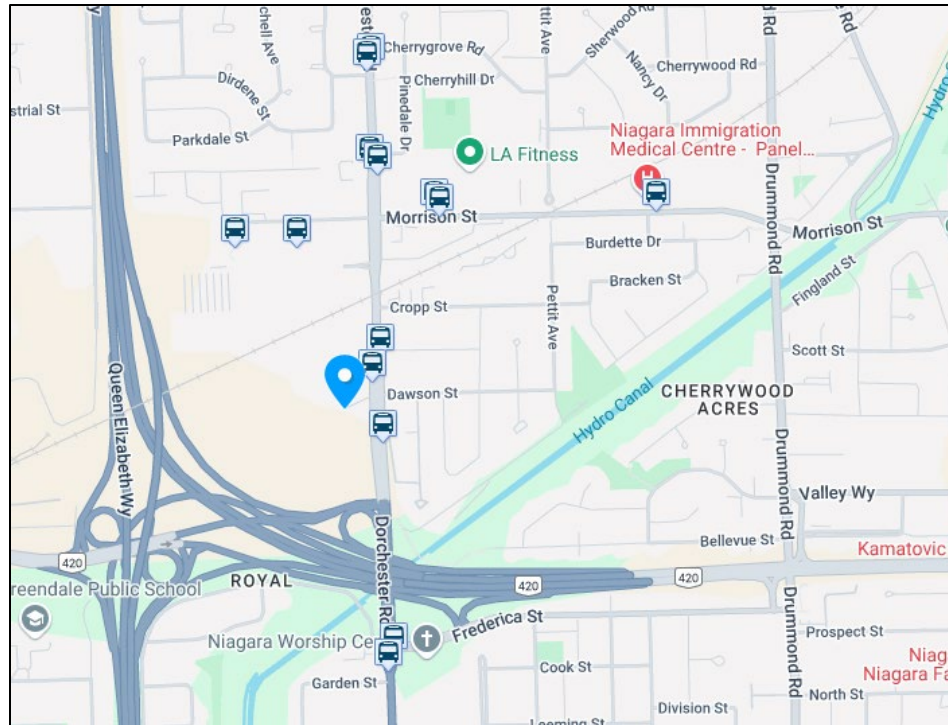


Figure 11 – Transit Stops Within Walking Distance of Subject Lands (Walkscore)

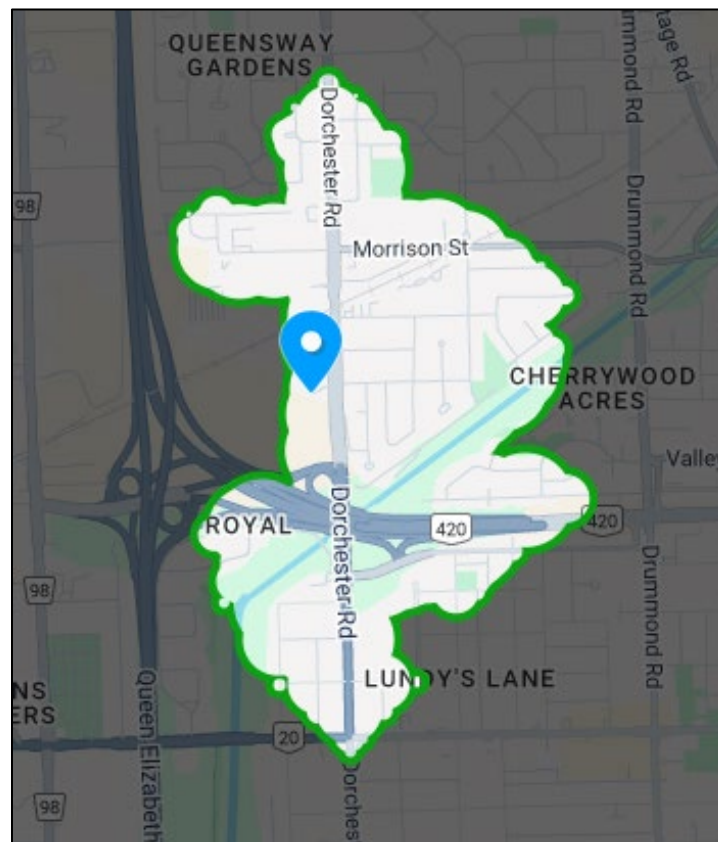


Figure 12 – 15-minute walk from subject lands (Walkscore)

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

- Zehrs
- Home Depot
- Canadian Tire
- Staples
- Restaurants, banks, retail stores, auto service shops and medical and general office uses.

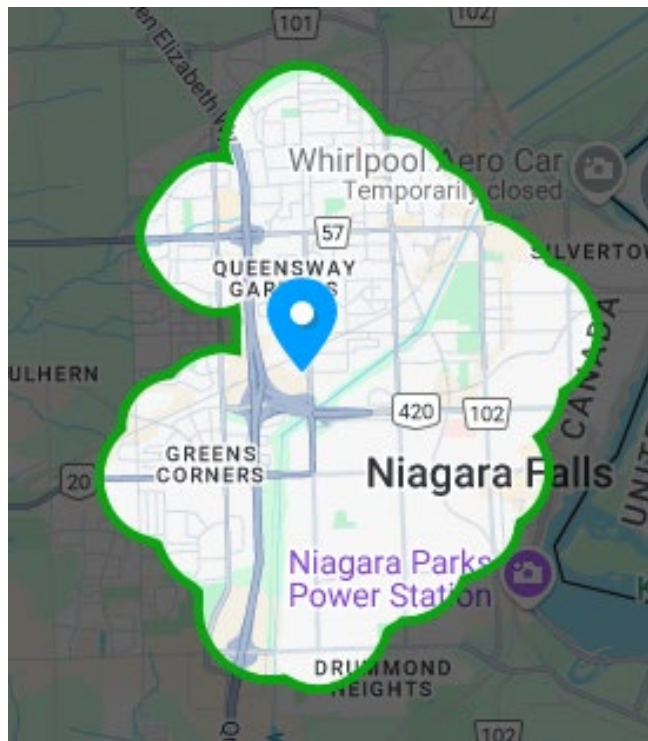


Figure 13 – 15-minute bike ride from subject lands (Walkscore)

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

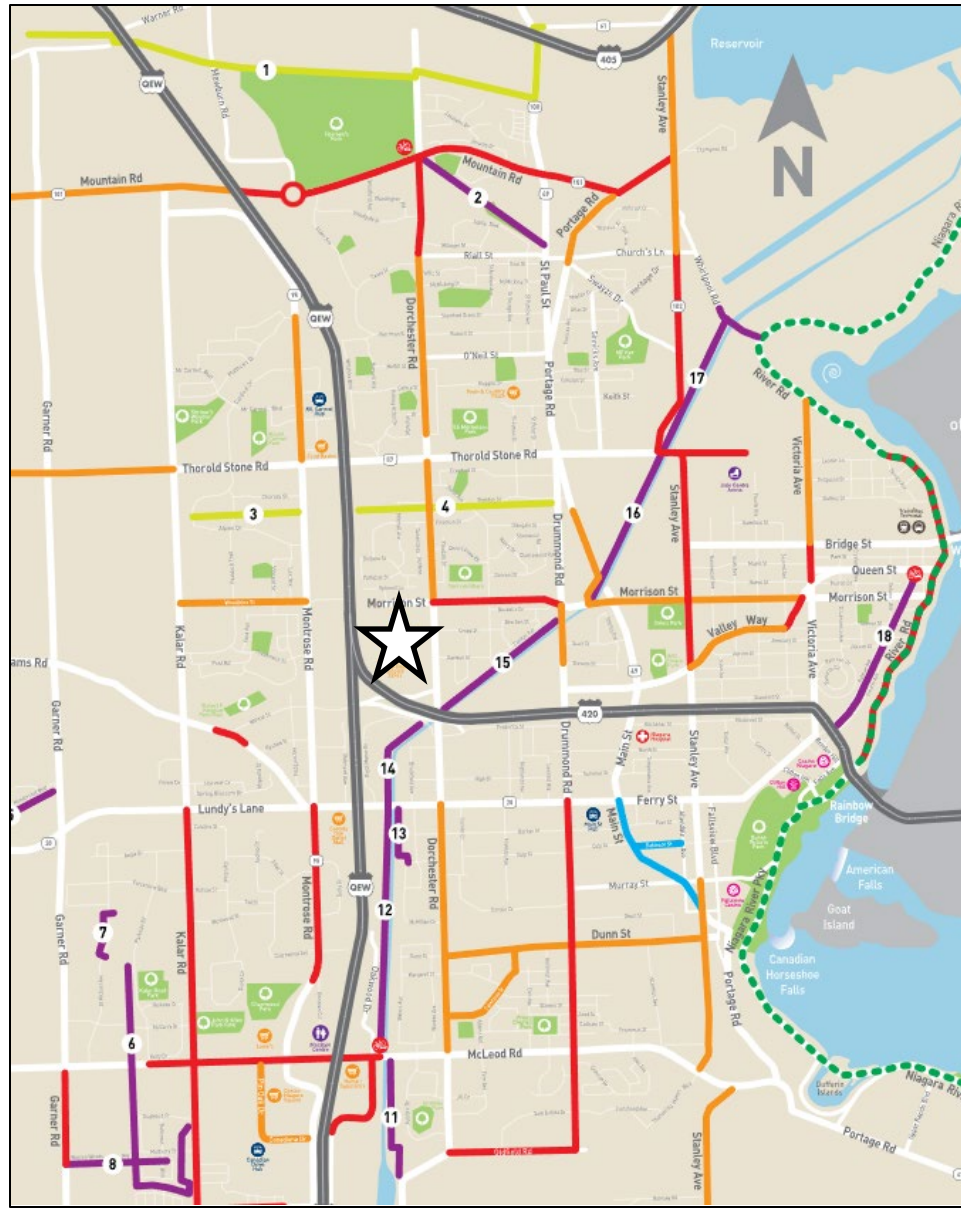


Figure 14 – Trails and Cycling (City of Niagara Falls) – Site Marked with White Star

Servicing

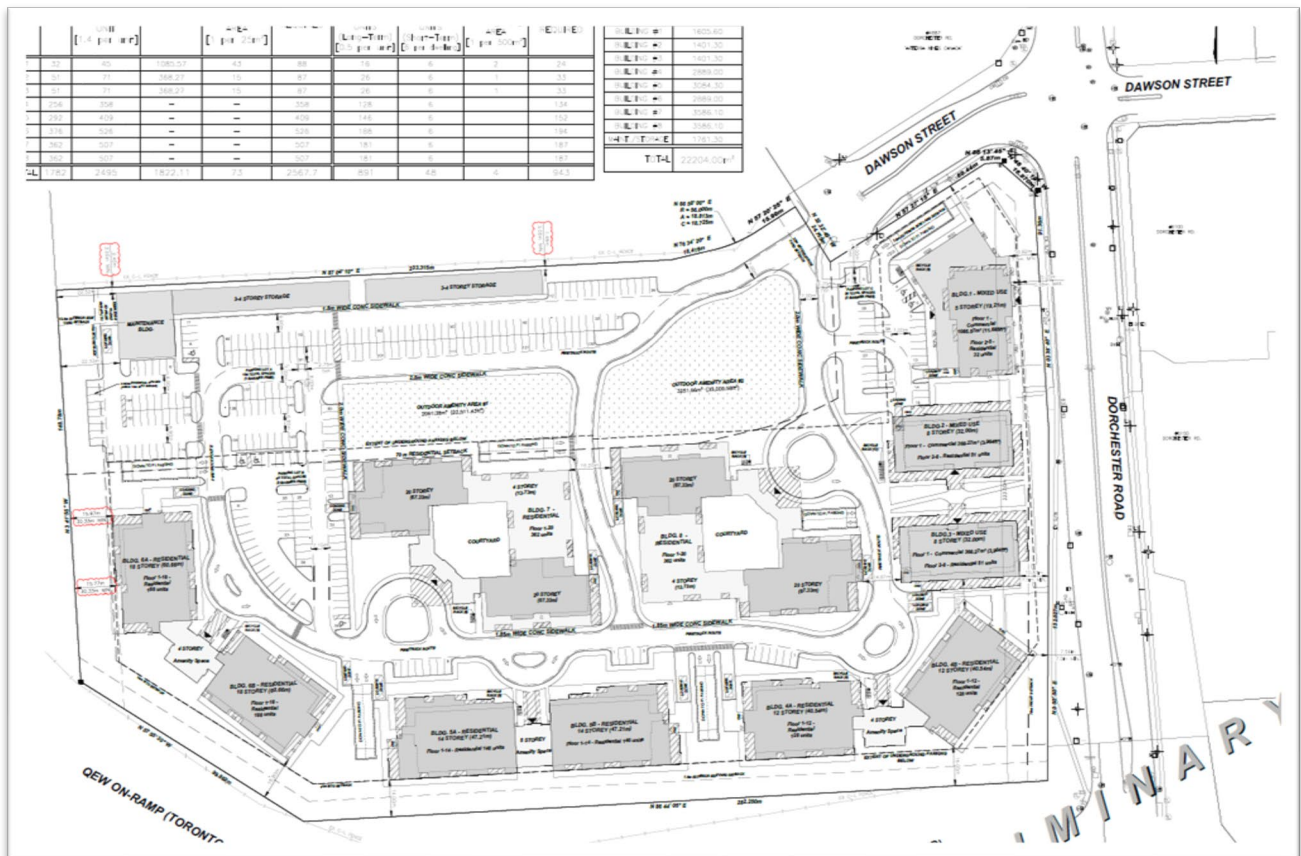
The subject lands have available municipal urban services available to connect to within Dorchester Road including local watermain, sanitary sewer and storm sewer services.

There is an existing 300 mm diameter watermain, which will have sufficient capacity to provide both domestic and fire protection water supply. There is an existing 1200/1350mm diameter municipal sanitary sewer on the east site of Dorchester Road conveying flows southerly. This connection will have adequate capacity for the proposed development. There is also an existing 1200mm diameter municipal storm sewer on Dorchester Road, which will have adequate capacity for the proposed development.

Hydro, gas and telecommunication utilities are also available along Dorchester Road.

THE PROPOSED DEVELOPMENT

The owner has proposed to redevelop the subject lands with eight (8) residential apartment buildings consisting of 1782 dwelling units, including two (2) mixed use buildings consisting of 1822.11 square metres (19613.03 square feet) commercial space on the ground floor, two (2) mini storages buildings, associated parking/loading areas for all the uses and outdoor amenity areas. Both surface and 2 levels of underground parking are proposed to be provided on-site. An image showing the preliminary Site Plan is included below as **Figure 12** and as **Appendix I** to this report.



buildings. The mixed-use buildings with ground floor commercial space will be provided along the Dorchester Road frontage. One vehicular access is provided to the site from Dawson Street, at the northernmost point of the property that includes a looping internal road system providing vehicular access to each individual apartment building and to the mini storage buildings.

The lower residential building heights will be located along the Dorchester Road interface. This is desirable as these buildings interface with existing low-density residential development that is opposite the site on the east side of Dorchester Road. The lower building heights will help to abate overlook and shadow impacts onto the existing residential area.

Conceptual Elevations prepared by ACK Architects Studio Inc. are provided as **Figures 16-21** of this Report and in **Appendix 1**.



Figure 16 – Front Elevation (Dorchester) – Building 1



Figure 17 – Front Elevation (Dorchester) Building 2 & 3



Figure 18 – Front Elevation (Dorchester) Building 4A & 4B



Figure 19 – Front Elevation (Internal Road Network) Building 5A & 5B



Figure 20 – Front Elevation (Internal Road Network) Building 6A & 6B



Figure 21 – Front Elevation (Internal Road Network) Building 7A/8A & 7B/8B

Commercial Use

At the ground level purpose-built commercial use is proposed in Buildings 1, 2 & 3. The commercial use area measures approximately 1822.11 square metres including (19613.03 square feet) in floor area and will be accessible from Dorchester Road, and from the internal road network.

Residential Dwelling Units

The owner is proposing 1782 residential apartment dwellings within the buildings.

The 1782 residential units will range in size between 43 square metres (463 square feet) and 154.2 square metres (1660 square feet) in area. Each unit will have its own balcony and will be accessible by elevator.

Building Amenities

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

Building 1

Common elements for all residents will include:

- Amenity Space (1st floor)
- Rooftop Terrace (2nd floor)

Building 2 & 3

Common elements for all residents will include:

- Rooftop Amenity Space and Terrace (9th floor)

Building 4

Common elements for all residents will include:

- Amenity Space (1st floor)
- Amenity Space (2nd - 4th floor connecting link)
- Rooftop Terrace (connecting link 5th floor)

Building 5

Common elements for all residents will include:

- Amenity Space (1st floor)
- Rooftop Terrace (connecting link 6th floor and at each end of the building 11th floor)

Building 6

Common elements for all residents will include:

- Amenity Space (1st floor)
- Amenity Space (2nd – 4th floor connecting link)
- Rooftop Terrace (5th floor)

Building 7 & 8

Common elements for all residents will include:

- Amenity Space (1st floor)
- Ground floor courtyard
- Rooftop Terrace (5th floor connecting link, 15th floor)

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

Mini Storage

Two (2) mini storage buildings are also proposed along the north property line adjacent to the existing industrial use. The mini-storage buildings will consist of 3-4 storeys in height and the westernmost storage building closest to the QEW corridor will also include a maintenance building attached to the mini-storage building.

Parking

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

The three hundred and seven (307) surface parking spaces and loading area will be accessible from Dawson Street. These parking spaces are intended to be used primarily for visitors or customers.

The underground garage will contain two thousand and forty-five (2045) spaces. The underground garage will be accessible from a ramp at the northern end of the property.

Forty-one (41) barrier-free spaces are contemplated within the development, as well.

REQUIRED PLANNING ACT APPLICATIONS

A pre-consultation meeting pertaining to this development proposal occurred on July 11th, 2023. City of Niagara Falls planning staff confirmed at that meeting that an application for Official Plan and Zoning By-law Amendment were required to permit the proposed development followed by Site Plan approval.

The site development will be subject to future Site Plan applications where technical development aspects of the development and site design details will be reviewed.

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

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

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

Official Plan Amendment

An Application for Official Plan Amendment is proposed to permit the mixed-used development, and density and height permissions.

A copy of the Official Plan Amendment is included as **Appendix II** to this report.

Zoning By-law Amendment

An Application for Zoning By-law Amendment is proposed to amend the zoning of the subject lands from Planned Shopping Centre Commercial Zone with a Holding Provision (SC-H) to a Site-Specific Residential 5 F Zone (R5F), and which removes the Holding Provision. Site-specific relief is requested for the following:

- Deeming of Front, Rear and Exterior Yards;
- Increased permitted building height from 12.0 metres to 68 metres.
- Minimum Lot Area;
- Minimum Rear Yard Depth;
- Minimum Interior Side Yard Width for Building Accessory to an Apartment;
- Maximum Height of a Building or Structure;
- Number of Apartment Dwellings on One Lot;
- Minimum Landscaped Open Space;
- Permitted Encroachments (Balconies, Patios, Ornamental Projections);
- Permit Commercial Uses on Ground Floor;
- Reduced Parking Ratio for Apartment Dwelling Units from 1.4 to 1.26 spaces per unit

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

RELATED STUDIES AND REPORTS

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

Functional Servicing Design Brief prepared by Upper Canada Consultants

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

Stormwater Management

The submitted report demonstrates that the existing storm sewer infrastructure on Dorchester Road possesses adequate capacity to accommodate the proposed development. Stormwater quality controls will be provided to Normal Protection levels prior to discharge from the site. However, stormwater quantity controls will not be required as peak stormwater flows to the Dorchester Road stormwater system and to the MTO road allowance will be reduced from the allowable design conditions under the proposed development plan.

The Upper Canada Consultants report identifies that the existing site is flat, and ultimately slopes southerly to convey stormwater flows towards the adjacent MTO road allowance. There is an existing 1200mm diameter municipal storm sewer on Dorchester Road fronting the proposed development site, conveying stormwater flows southerly prior to turning east just north of the QEW onramp. The flows are directed easterly through the residential condominium at #5200 Dawson Street and ultimately discharge directly to the OPG Hydro Canal east of 5232 Woodside Avenue. As part of the Dorchester Road reconstruction provided by the City of Niagara Falls, two storm sewer stubs were designed and constructed for the site. Although these connections are available, new connections may be required due to the future underground parking garage structure.

Sanitary Service

The submitted report demonstrates that the existing sanitary sewer infrastructure on Dorchester Road possesses adequate capacity to accommodate the proposed development. The report notes that the existing site is currently serviced with a 1200/1350 mm diameter municipal sanitary sewer on the east side of Dorchester Road conveying flows southerly. Additionally, there is a 1500 mm diameter sanitary sewer conveying flows easterly, located south of the site, just south of the QEW onramp. There is an existing sanitary lateral that

provides sanitary outlet to the existing sewer. All flows from these sewers discharge to the Regional Dorchester Road Sanitary Pumping Station.

It is expected that the existing sanitary service will not provide a suitable outlet for the proposed development, and will be abandoned as part of future design, and the development will discharge to the existing 1200/13500mm diameter sewer on Dorchester Road.

Water Service

The submitted report notes that there is sufficient capacity to provide adequate domestic and fire water supply for the proposed development. The report notes that the existing site is currently serviced with a 300mm diameter PVC municipal watermain (2006) located on the east side of Dorchester Road, fronting the proposed development. According to engineering drawings provided by the City of Niagara Falls, there are two services constructed to the property line:

- A 200mm diameter PVC water service located approximately 120m north of the QEW on-ramp.
- A 250mm diameter PVC water service located approximately 55m south of the intersection of Dawson Street.

It is expected that a 300mm diameter service will be required to provide adequate domestic and fire water supply for the proposed buildings. The existing water services will be disconnected and abandoned as part of future servicing designs.

Additionally, all existing fire hydrants in proximity to the development are located on the east side of Dorchester Road and will be insufficient for the requirements of the development. As a requirement of future detailed design, an internal watermain system will be constructed with private hydrants in close proximity to all future buildings on site. Each tower will also require internal sprinkler systems.

Functional Servicing Design Brief prepared by Upper Canada Consultants

A detailed noise assessment was requested to be submitted with the Official Plan and Zoning By-law Amendment applications by Niagara Region to evaluate potential impacts from transportation noise sources that include Dorchester Road and the Queen Elizabeth Way.

The owner retained RWDI to complete the required assessment in 2024. Based on the analysis completed of the noise levels, the consultant has recommended upgraded building components and the provision of air conditioning for all units, so that windows can remain closed. A detailed noise assessment during site plan approval is required to ensure detailed

mitigation measures are implemented. Additionally, the following Type D Warning clause is also recommended to be included in all offers of purchase, sale or lease:

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

Pedestrian Level Wind Study prepared by RWDI

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

The scope of this study was based on wind-tunnel testing for the proposed development under existing and proposed configurations of the site and surroundings. The results were analysed using the regional wind climate records and evaluated against the RWDI Pedestrian Wind Criteria for pedestrian comfort and pedestrian safety.

The modelling completed by RWDI produced the following findings:

- Most locations at grade level are expected to meet the wind safety criterion, except for one location in the parking lot north of Building 6a and one at the southeast corner of Building 6B;
- Wind speeds at most locations are predicted to be suitable for the intended uses in various areas in the summer and winter;
- Relatively higher wind speeds are identified in a few areas near building corners, between buildings, and in parking lots. The report deems these results as acceptable conditions in the summer, and “uncomfortable” in the winter;
- All above-grade amenities are expected to meet the wind safety criterion, and these are predicted to receive winds that would be suitable for passive use in the summer and winter;
- Lower wind speeds can be achieved in the windy areas on grade and amenity areas using wind control measures like landscaping and wind screens.

Overall, the report concludes that wind impacts on the preliminary design will be minimal, save minor mitigation measures on grade and amenity areas that can be incorporated at the site plan stage.

Land Use Compatibility Study prepared by RWDI

RWDI completed a Land Use Compatibility Study to assess air quality and land use compatibility related matters as a result of nearby industrial and transportation uses. Overall, the study

found that land uses within 1000 metres of the subject lands are predominantly residential and commercial/light industrial use, and the subject lands are generally compatible with the surrounding employment uses from an air quality standpoint and major potential odour and particulate emission sources are more than 70m away from the subject property. The report indicates that mitigation measures to reduce air quality impacts from Queen Elizabeth Way may also be required, i.e. central ventilation and air conditioning systems.

Traffic Impact Study prepared by Paradigm

A Traffic Impact Study has been prepared by Paradigm to determine net impacts of the development traffic on the surrounding road network, and document the adequacy of the proposed parking supply. The study has estimated the trip generation for the development at peak hours and also evaluated levels of service and intersections that include:

- Dorchester Road at Morrison Street (signalized)
- Dorchester Road at Dawson Street (signalized)
- Dorchester Road at Highway 420 North Ramp (signalized)
- Dorchester Road at Frederica Street/Royal Manor Drive (signalized)
- Frederica Street at Highway 420 South Ramp (unsignalized);
- QEW Toronto Bound Off-Ramp at Highway 420 (unsignalized);
- QEW Fort Erie Bound Off-Ramp at Highway 420 (unsignalized); and
- One site driveway.

Post-development, the subject site is estimated to generate 474 AM peak-hour trips, 635 PM peak-hour trips, and 708 Saturday peak-hour trips.

Overall, the study finds that the intersections will experience localized congestion due to background traffic growth in the area. Intersections are forecast to operate with acceptable service levels, spare capacity is available, and off-site mitigation measures are not required to facilitate the development proposal. It is recommended that the City monitor operations at the intersection of Dorchester Road and Morrison Street and adjust signal timings to improve operations in the future as traffic volumes increase and travel patterns change.

Additionally, the parking study found that based on parking demand information collected at comparable sites, secondary source data from ITE and vehicle ownership rates observed within the City of Niagara Falls, apartment demand is reflective by a peak parking rate ranging between 0.74 and 1.23 spaces per unit the peak residential parking demand is estimated to align with the proposed 2,352 residential spaces (1.32 spaces per unit). Overall, the proposed total parking supply of 2,352 spaces is determined to be sufficient for the development.

Stage 1 & 2 Archaeological Assessments prepared by Archaeological Consultants Canada.

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

The Stage 1 Assessment, which consists of background research, concludes that the subject lands exhibit potential for the discovery of archeological resources. Accordingly, a Stage 2 Assessment was required and carried out in October 9th, 2024.

The Stage 2 field work assessment was conducted with test pits in 5m intervals. As widespread disturbance became evident, intervals of 10m were adopted to confirm disturbance. During this assessment, no artifacts or other archaeological resources were identified. previously disturbed areas of the site and the remainder of the site was assessed by typical test pit survey at 5 metre spaced intervals. The site investigation yielded no finds and the Archaeologist has recommended no further assessment be required.

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

Shadow Analysis by ACK

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

Environmental Impact Study by Colville

Colville Consulting Inc. prepared an Environmental Impact Study of the subject lands. The study found that no portion of the property or adjacent lands contains natural heritage features consistent with an Environmental Protection Area of Environmental Conservation Area. The studies found that the principal vegetation community on the property is Environmental Land Classification (ELC) Dry – Moist Old Field Meadow Type (CUM1-1), which is dominated by non-

native species. Located west of the property is Mineral Cultural Thicket Ecosite (CUT1), which is dominated by Grey Dogwood and Common Buckthorn and located on adjacent lands. The site was also found not to contain any significant wildlife or wildlife habitat, or animal movement corridors. However, the report recommends mitigation measures that include the timing of when trees and vegetation should be removed to minimize impacts on any wildlife species, any native trees not required to be removed should be maintained where possible and tree hoarding be installed to ensure roots are not compacted or injured, and appropriate sediment and erosion controls be installed prior to construction to prevent sediment from leaving the site.

It is noted that a few trees exist along the perimeter of the property and they are considered to be specimen trees. Given the scope and scale of development, it is likely that any existing trees on the site will require removal. These removals will be offset through the planting of native species, as detailed in the landscape plan submission at the Site Plan stage.

PROVINCIAL LEGISLATION AND PLANS

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

PLANNING ACT (R.S.O. 1990)

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

Section 2 – Matters of Provincial Interest

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

- a) *the protection of ecological systems, including natural areas, features and functions;*
- b) *the protection of the agricultural resources of the Province;*
- c) *the conservation and management of natural resources and the mineral resource base;*
- d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*
- e) *the supply, efficient use and conservation of energy and water;*
- f) *the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;*

- g) *the minimization of waste;*
- h) *the orderly development of safe and healthy communities;*
 (h.1) the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies;
- i) *the adequate provision and distribution of educational, health, social, cultural and recreational facilities;*
- j) *the adequate provision of a full range of housing, including affordable housing;*
- k) *the adequate provision of employment opportunities;*
- l) *the protection of the financial and economic well-being of the Province and its municipalities;*
- m) *the co-ordination of planning activities of public bodies;*
- n) *the resolution of planning conflicts involving public and private interests;*
- o) *the protection of public health and safety;*
- p) *the appropriate location of growth and development;*
- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

Clauses a), d), f), h), i), j), k), l), o), p), q) and r) are considered to be relevant to these applications, and are evaluated below.

- (a) *the protection of ecological systems, including natural areas, features and functions;*

Colville Consulting Inc. prepared an Environmental Impact Study to assess the extent of potential natural heritage features on 5259 Dorchester Road property. As a result of this investigation, no portion of the property or adjacent lands contains a natural heritage feature consistent with an EPA or ECA. The subject development will therefore will have no negative impact on the ecological systems, including natural areas, features and functions.

- (d) *the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

Archaeological Consultants Canada prepared a Stage 1 & 2 Archaeological Assessment, which found that the subject site exhibited no potential for archaeological findings. The subject development will therefore have no negative impact on the preservation of areas of archaeological interest.

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

The subject lands are accessible from two municipal roadways (Dorchester Road, and Dawson Street) and have access to municipal watermain, sanitary sewer and storm sewer. As outlined in the Functional Servicing Design Brief prepared by Upper Canada Consultants., the development will efficiently use these existing municipal services to support the development.

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

The orderly development of safe and healthy communities is achieved through the development of the subject lands with a mix of commercial and residential apartment dwellings. The proposed development can be supported by existing municipal services, proximate public transportation, arterial roadways and highways, and are located in close proximity to the tourism district which provides the most significant amount of employment in the City of Niagara Falls. The site design and building layout also ensures the orderly development of the site and provides for safe access to the property for both pedestrian and vehicular movements.

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

The subject lands are located approximately 2-5 kilometres of three public schools;

- *Cherrywood Acres Public School*
- *A.N. Myer Secondary School*
- *Westlane Secondary School*
- *Stamford Collegiate*

Additionally, the area is serviced by amenity areas, such as Rotary Storywalk Pathway, and Carolyn Park at the end of Dawson Street. Additionally, the site proposes an outdoor amenity area of 5,343.03 m², as well as private balconies and terraces.

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

The application proposes 1782 new residential apartment dwelling units on the subject lands. Currently, the property is vacant.

The surrounding area is predominantly mixed, with single-detached, apartments and townhouses. The introduction of apartment dwellings will add variety to the housing choices in the immediate area. Generally, apartment dwelling units at this higher rate of supply can be

more affordable than detached dwellings, and when supply of housing is increased, it allows for better affordability in the market.

k) the adequate provision of employment opportunities;

The proposed commercial creates the opportunity to generate employment on site. This will be an increase over the current employment yield.

l) the protection of the financial and economic well-being of the Province of its municipalities;

The proposed development will generate additional tax revenue for the Province, regional and local municipalities over what it currently generated from the property as a result of the proposed redevelopment. In addition, the region and the City will benefit from development charges collected to aid in funding growth related costs. The proposed redevelopment will contribute to the increase in supply of housing and provides for some employment opportunities that will improve the resiliency and economic well-being of the City.

o) the protection of public health and safety;

A record of site condition (RSC) was filed in the Environmental Site Registry in 2019 confirming the site as safe for residential use.

p) the appropriate location of growth and development;

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

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

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

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

Existing transit stops are located along the Dorchester Road frontage of the subject lands. The proposed additional residential units will support the existing public transit service serving the area. The site design is such that accommodates pedestrian movements on the site through the provision of sidewalks and walkways.

The site is located within walking distance to the commercial areas directly north.

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

The proposed architecture is well-designed and adds new and vibrant built form into this area of the City.

Buildings 1-4 front onto Dorchester Road, and will provide an attractive enhancement of the streetscape. The centrepiece of this presence on Dorchester Road is Buildings 2-3, which include a landscaped breezeway between the buildings that offer an attractive pedestrian access to the site.

The proposed development will establish a distinct sense of place through carefully considered design elements. Enhanced building frontages, featuring strategic massing and glazing, will be complemented by interactive elements such as patios and doors. Pedestrian-friendly landscaping will guide movement and create inviting pathways. These spaces will extend the public realm, providing accessible and appealing gathering and living areas for the community.

*Preliminary design elevations have been provided with the application (see **Appendix I**) that show high quality architectural design and efforts to ensure additional architectural interest along Dorchester Road which improve the public realm, as well as attractive design that will enhance the interior of the site.*

Section 21 – Official Plan and Amendments

Applications for Official Plan Amendments are considered under Section 21 of the *Planning Act*. Amendments to Official Plans are permitted, subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.

Section 34 – Zoning By-laws and Amendments

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

2024 PROVINCIAL PLANNING STATEMENT

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

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

2.1 Planning for People and Homes, 2.2 Housing

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

The applications facilitate the development of 1782 new residential purpose-built apartment dwelling units in the City of Niagara Falls. As the subject lands are generally bounded by a mix of older single detached dwellings, apartments, townhouses and local commercial land uses, the introduction of new dwelling and tenure forms contribute to the range and mix of housing options at various price levels prescribed by the PPS as well as the Regional and City Official Plans.

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

2.3 Settlement Areas and Settlement Area Boundary Expansions

Under Policy 2.3, municipalities are to direct growth and development within settlement areas. The subject lands are located within the Niagara Falls Urban Area, which is delineated in both the 2022 Niagara Official Plan and City of Niagara Falls Official Plan. The Niagara Falls Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2024). Policy 2.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. The application is consistent with PPS policy as the subject

lands are located within a Settlement Area boundary and will accommodate residential and job growth.

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

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

2.8 Employment

Under Policy 2.8.1, the PPS requests that planning authorities promote economic development and competitiveness by encouraging intensification and compact, mixed-use development to support the achievement of complete communities. The application is consistent with this policy direction, as it will generate 1782 condominium units with 1822.11 square metres (19613 square foot) of gross leasable commercial floor space on the ground floor of three (3) buildings. The location and siting of the mixed-use development is sensitively scaled to transition and complement the character of the surrounding s land uses and supports the achievement of a complete community. In addition, the site design and building orientation has been intentional to ensure protection of the adjacent industrial use and the employment opportunities it represents.

2.9 Energy Conservation, Air Quality and Climate Change

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

PPS. The building design will also take into consideration matters of energy conservation and efficiency.

Chapter 3: Infrastructure and Facilities

3.1 General Policies for Infrastructure and Public Service Facilities

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

3.3 Transportation and Infrastructure Corridors

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

The subject lands are located along Dorchester Road, which is identified as an arterial road on Schedule C the City of Niagara Falls Official Plan. Dorchester Road provides convenient access to important Regional and local thoroughfares and Provincial Highway 420/Falls Avenue and the QEW. There are some opportunities for walking and cycling within adjacent neighbourhoods and adjacent commercial areas, as they contain sidewalks, and a multi-use trail – Rotary Storywalk Pathway.

3.5 Land Use Compatibility

The PPS requires that major facilities and sensitive land uses be planned and developed to avoid and if avoidance is not possible, minimize and mitigate any potential adverse impacts 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.

A Land Use Compatibility Study was completed and determined that overall the subject lands are generally compatible with the surrounding employment uses and mitigation measures to reduce air quality impacts from the Queen Elizabeth Way may be required, i.e. central ventilation and air condition systems.

3.6 Sewage, Water and Stormwater

The policies in this section of the PPS address the requirements for planning for sewage and water services. Municipal sewage and municipal water services are the preferred form of servicing within settlement areas. Planning for sewage and water services are to ensure efficient use and optimization of existing municipal sewage and municipal water services to accommodate forecasted growth; ensure that services can be sustained by the water resources which such services rely on, is feasible and financially viable over the life cycle, protects human health and safety and the natural environment including quality and quantity of water, and aligns with comprehensive planning for these services where applicable. Planning for these services is also to promote water and energy conservation and efficiency, integrate servicing and land use considerations, consider opportunities to allocate and reallocate unused system capacity to support efficient use of these services and meet current and projected needs for increased housing supply.

Planning for stormwater management is to integrated with planning for sewage and water services to ensure systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle. Further, planning for stormwater management is to minimize or where possible, prevent or reduce increases in stormwater volumes and contaminant loads; minimize erosion and changes in water balance, mitigate risks to human health, safety and the environment; maximize the extent and function of vegetative and pervious surfaces; promote best practices including stormwater attenuation and re-use, water conservation and efficiency and low impact development; and align plans that consider cumulative impacts of stormwater from development on a watershed scale.

The Functional Servicing Report identified that the proposed development can utilize existing municipal water, sanitary and storm sewer services that are available to the site providing for an efficient use and optimization of these services and allocation of capacity in these systems to provide for housing. Best practices will be utilized in the engineering site design for site servicing.

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

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

The subject lands are located in an area that is serviced with direct access to sidewalks on the municipal road network. The development also proposes outdoor amenity area within the interior of the development for the residents of community, and the preliminary development plan has proposed the provision of individual balconies as well as a common outdoor amenity area, and indoor amenity rooms in each apartment building. Further the site is within walking distance to the existing Rotary Storywalk multi-use trail along the Hydro Canal corridor.

Chapter 4: Wise Use and Management of Resources

4.6 Cultural Heritage and Archaeology

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

Schedule K of the Niagara Official Plan (2022) shows the property being within an area of archaeological potential. The subject lands are not considered to be a protected heritage property. The lands were assessed for archaeological resources by Archaeological Consultants Canada. A Stage 1 and 2 Archaeological Assessment was undertaken and no archaeological resources were encountered and no further archaeological assessment of the property is required. The consultant filed the completed reports with the Ontario Ministry Citizenship and Multiculturalism for review and approval. The Ministry's Letter of Concurrence has not yet been issued and is pending.

Chapter 6: Implementation and Interpretation

6.2 Coordination

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

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

NIAGARA OFFICIAL PLAN (2022)

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

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

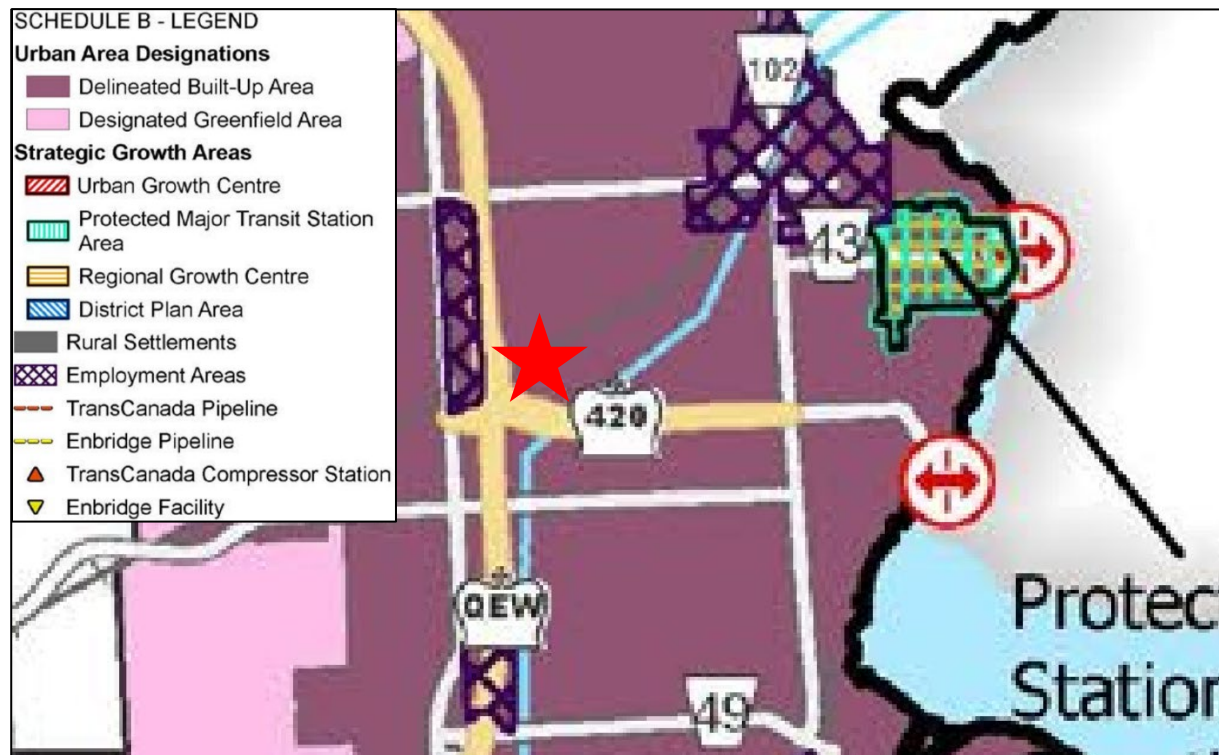


Figure 22 – Schedule A of the Regional Official Plan (Cropped Image)

Growing Region (Chapter 2)

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

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

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

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

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

The proposed development will contribute 1784 new apartment dwellings into the City's housing supply within the Settlement Area Boundary. The subject lands are a suitable location for compact residential development as they can be efficiently developed with higher density, are accessible by existing municipal/Regional roadways and can be supported by existing municipal infrastructure. The subject lands are also located along a public transit service route that will benefit from higher densities within the catchment area. The proposed development will assist the City in accommodating forecasted growth and the achievement of its 50% minimum annual residential intensification target.

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

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

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

The subject lands are designated as “Major Commercial” on “Schedule A – Land Use Plan” of the City of Niagara Falls Official Plan, as outlined in **Figure 13**, below. The subject lands are also within the “Morrison/Dorchester Node” on “Schedule A2 – Urban Structure Plan.”

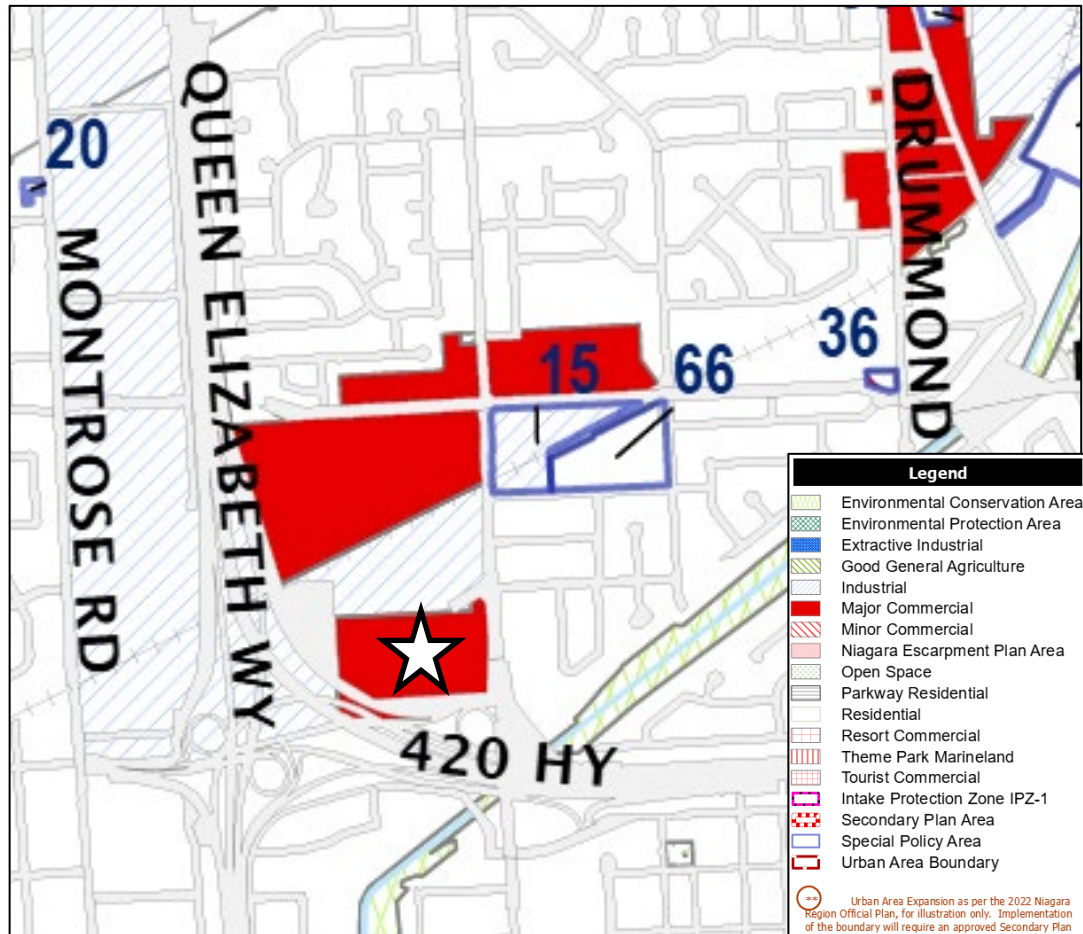


Figure 23 – Schedule A - City of Niagara Falls Official Plan (Cropped Image)
Subject lands Delineated with a White Star

The Major Commercial designation represents the largest concentrations of commercial space in the City and the predominant permitted land uses include a full range of retail uses, personal service use, accommodations, medical services and office space uses and may include mixed use developments, recreational, community and cultural facilities as secondary uses.

Residential developments may be permitted subject to a zoning by-law amendment. The Morrison/Dorchester Node also referred to as the Morrison/Dorchester Retail District approved in 2005 is considered to be a sub-regional shopping district and is envisioned as a mix of major commercial/institutional uses with a range of residential uses and densities. The subject lands are to develop for a large free-standing supermarket and other commercial uses including

restaurants, gas bar/car wash, and ancillary retail office, health centre, clinic, banks and personal service commercial uses in separate buildings with an overall maximum gross leasable floor area of 18,786m². There is also a policy that the lands be placed in a Holding Zone with the “H” symbol being removed after approval of the Ministry of Environment of the Class Environmental Assessment for Dorchester Road.

It is noted that in order to develop the lands as proposed for primarily residential apartment building use with 1822.11m² of commercial floor area and two 3-4 storey mini-storage buildings an Official Plan Amendment is required to redesignate the lands from Major Commercial to a Residential designation to permit primarily residential apartment units with ancillary commercial uses and mini-storage use. It is also noted that the Dorchester Road Environmental Assessment was completed a number of years ago and a Holding Zone is no longer necessary.

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

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

Part 1, Section 2 – Strategic Policy Direction

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

Specifically, the proposed development will contribute to the achievement of Objectives 1, 2, 3, 5, 6, 7, 9, 10, 13 and 14 of the Official Plan, which include:

- (1) To direct growth to the urban area and away from non-urban areas (Obj. 1)
- (2) To protect Natural Heritage Areas and their functions
- (3) To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the Urban Area (Obj. 3)
- (5) To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review. (Obj. 5)
- (6) To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review: (Obj. 6)
- (7) To achieve a minimum of 40% of all residential development occurring annually within the Built-Up Area shown on Schedule A-2 by the year 2015. (Obj. 7) (Note the

40% intensification target has now been increased to 50% by the Region of Niagara Official Plan.)

- (9) To encourage alternative forms of transportation such as walking, cycling and public transit (Obj. 9)
- (10) To plan for an urban land supply for 20 years and to maintain a minimum 10-year supply of land for residential growth through intensification or greenfield development.
- (13) To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines. (Obj. 13)
- (14) To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”.

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

Objective 2 is with regards to protecting natural heritage areas and their functions. There are no natural heritage features or areas identified on the lands and therefore there will be no impact on existing natural heritage features ensuring their continued protection.

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

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

Objectives 9 and 13 are satisfied through the development of residential apartment buildings, as the site is supported by transit, and the induced demand by densities introduced by the development will further support transit affordability and expansion in Niagara Region. Additionally, the development proposes pedestrian-scaled architecture along Dorchester, as well as proximity to mixed-use trails, Rotary Storywalk Pathway and Millennium Recreational Trail. Increases in residential density are desirable as they can support increases in non-automobile portions of the modal share. Internally the development of site is supported by a

pedestrian system that links each building with one another and provides for safe pedestrian movements through the site.

Objective 14 is satisfied as the increase in housing units will contribute to affordability by increasing the supply of housing within the area and achieving a broad continuum of housing at different price points.

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

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

2.9 The City shall monitor growth within the urban area at 5-year intervals to measure compliance with targets of the Province's Growth Plan and the Regional Niagara Policy Plan.

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

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

2.12 No new urban areas shall be created.

Policy 2.2 is relevant to the submitted application, as the submitted EIS by Colville Consulting Inc. confirms that there are no natural heritage features on the site and development at this location will not have a negative impact on natural heritage features or their functions.

Policy 2.4 is relevant to the submitted application and requires the achievement of increased densities within the Built Area Boundary that make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3. While there are no buildings on the site, the proposal will make efficient use of existing infrastructure and available transit to the site.

Policy 2.5 is relevant to the submitted application, as the subject application will utilize existing capacity available in existing infrastructure resulting in a more efficient use of existing infrastructure and does not require the provision of additional new infrastructure.

Policy 2.7 is relevant for this application, as while the lands are within a QEW Gateway Economic Zone as identified in the former Growth Plan for the Greater Golden Horseshoe, the lands are not located within the QEW Employment Corridor as identified on Schedule A-2 of the City Official Plan. It is those lands within the QEW Employment Corridor that are protected for employment use. Nevertheless, the proposed development will retain a commercial component that will provide some employment opportunities on the site.

Policy 2.8 is relevant to this application, and this report confirms how the development meets Part 1, Section 3 of the Official Plan, particularly 3.1 General Policies, and 3.17 Intensification Nodes, which are discussed in depth in this report.

The locational characteristics of the site (i.e. fully serviced, available transit, in proximity to employment and services) qualify the subject property as a preferred candidate for intensification from a land use planning perspective.

Part 1 Section 3 – Intensification.

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

Consistent with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated Residential, however intensification on lands not currently designated as residential may be considered. The subject lands are designated for Commercial Use, however under Part 1 Section 3, policy 3.18, and Part 2, Section 3, commercial lands in excess may permit residential provided they are consistent with design criteria under 3.5.3.1-3.5.3.6, which as discussed in this report the application satisfies.

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

3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site-specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision.

3.3 The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.

3.4 The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.10.5 of this Plan.

Policy 3.1 is relevant to this application, as this application proposes a site-specific Zoning By-Law to allow assessment of the proposal for adherence to the City's Plan.

Policy 3.3 is relevant, as three of the buildings along the Dorchester Road frontage in the development adhere to the height strategy of Schedule A-2 (d), as shown on the Morrison/Dorchester Node – Height Strategy. The remainder of the apartment buildings within

the site are taller than the 4-10 storey height strategy however. The taller apartment buildings have been strategically located interior to the site, at the corner of the QEW on-ramp and along the flankage of the QEW on-ramp with the tallest building located in the centre of the property. All the apartment buildings have an enhanced architectural design that compliments the area, each provide amenity areas for the residents and outdoor amenity areas are also provided. There is minimal impact onto neighbouring properties from to the increase in building height due to the site layout and building design, and the adjacent industrial use is protected. The placement of the ancillary mini-storage adjacent to the industrial use helps to provide a buffer between the industrial and residential uses.

Policy 3.4 pertains to Section 2 1.10.5 of the Official Plan, specifically that intensification in Built-up areas in Residential designation is encouraged to provide for an overall mix of housing forms within all communities of varying building heights and densities and permits apartments of not more than 6 storeys and a maximum density of 100 units per hectare. The proposal requires this policy to be amended to permit buildings greater than 6 storeys, i.e., 20 storeys and a higher maximum density 237 dwelling units per hectare. It is noted that the development does front on an arterial road, is supported by public transit and walkable to nearby commercial uses. Further the building design utilizes articulated built forms and a variety of building materials and design elements to minimize the impact of the building height and provide for building height transition. Also, the street frontages are engaged with the use of podiums, landscaping and pedestrian access. Two levels of underground parking will be provided and the surface parking interior to the site and accessed via a looping road pattern with appropriate landscaping elements and minimal impact on the public road system. Building setbacks are appropriate to minimize impacts on adjacent use and there are open landscaped amenity areas provided internal to the site as well.

Policy 3.10 is relevant to the subject application, as it addresses Intensification Nodes within the City, which are meant to promote and encourage residential intensification in order to regenerate an increase the vitality of existing commercial or industrial areas. These policies allow that commercial designated lands that are in excess of demand are eligible for zoning by-law amendments for medium and high-density apartments, pursuant to the following criteria:

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

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

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

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

3.10.5 The proposal does not hinder commercial traffic patterns.

Pursuant to Policy 3.10.1, intensification will be somewhat consistent with the height parameters for the Morrison/Dorchester Node, which is 4-10-storeys. The buildings facing Dorchester are to be five (5), eight (8), and twelve (12) storeys along Dorchester Road. The primary Dorchester street face will consist of Buildings 1, 2 and 3, which are five (5), eight (8) and eight (8) storeys respectively. The taller buildings will be stepped back from the street frontage, thereby mitigating the effect of these taller buildings on the streetscape. This is also consistent with policy 3.10.2, and that development will be arranged in a gradation of building heights and densities with the tallest buildings in the centre of the site. As well, consistent with Policy 3.10.4, the development will provide adequate landscaping and separation distances through the development, with a larger outdoor amenity area, landscape buffers, and landscaping along the frontage along Dorchester Road. Finally, as demonstrated in the report by Paradigm (2024), the development will not hinder overall traffic patterns, and there is adequate capacity on Dorchester Road. The proposed development will also support the nearby commercial uses and is compatible with the adjacent industrial use and is not anticipated to be adversely impacted by the existing industrial use.

Policy 3.17-3.20 are relevant for the subject lands as it pertains to residential intensification policies for the Morrison/Dorchester Node. Policy 3.17 provides overall direction for higher density employment lands and long-term development within the Node is envisioned to be a mix of major commercial/institutional uses with a range of residential uses and densities. Major commercial uses are developed at the Morrison and Dorchester intersection. The proposed development will include some commercial use and does provide for a range of apartment dwelling units ranging in size from 43 m² (463 ft²) to 154.2 m² (1660 ft²) Policy 3.18 provides criteria for development proposals for residential intensification in the Morrison/Dorchester Node, shown in **Figure 14**.

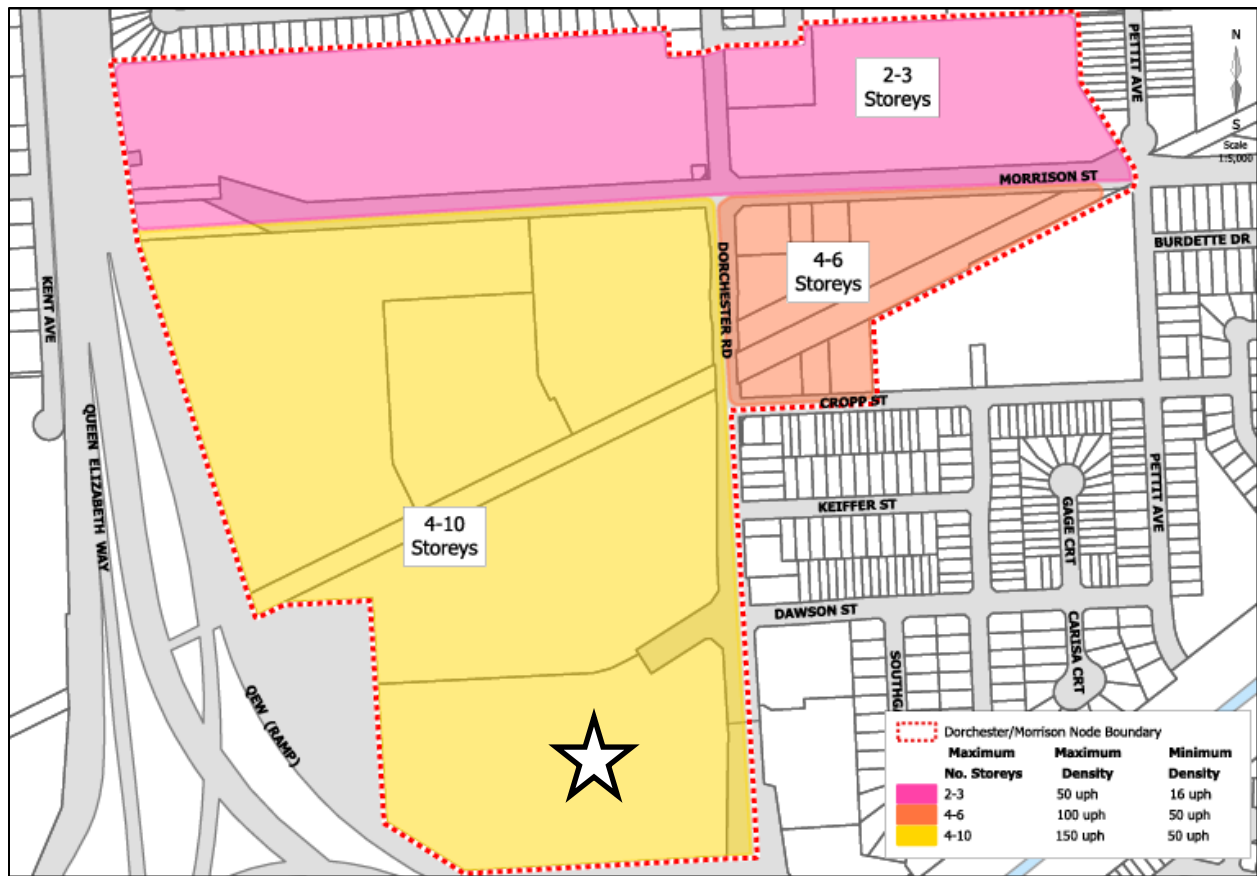


Figure 24 – Schedule A.2 (d) - City of Niagara Falls Official Plan – Morrison/Dorchester Node – Height Strategy
Subject lands Delineated with a White Star

These residential intensification development policies under 3.18.3 are as follows:

3.18.3.1 Building heights shall respect surrounding building heights. Taller buildings shall increase separation distances from buildings of lower height. Building heights shall also decrease with proximity to the street.

3.18.3.2 Development shall engage the street through the use of unit frontages, podiums, porte cocheres or landscaping. Within multiple use buildings, commercial uses shall fully occupy the whole of the ground floor, preferably with retail or service commercial uses located such that they provide a pedestrian presence along the street.

3.18.3.3 Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have retail or service commercial uses or residential units when abutting street frontages.

3.18.3.4 Where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a

depth and intensity that at maturity effectively buffers the parking area from adjacent uses and streets.

3.18.3.5 Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.

3.18.3.6 Developments shall provide pedestrian connections to the surrounding neighbourhood where possible.

3.18.3.7 Amenity space is to be provided for residential uses and may take the form of:

- private on-site green space;*
- balconies and roof-top green space; or*
- public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.*

3.18.3.8 Developments on lands that do not have direct access to an arterial road shall be designed such that traffic movement on local streets is minimized. In such situations, optimum densities as envisaged by this Plan may not be achievable. High density developments that are 6 storeys or more in height or exceed 50 units per hectare shall have direct access onto an arterial road.

The subject application has regard for the above policies. Regarding Policy 3.18.3.1, the development will respect surrounding heights. Directly across the street there is an eight (8) storey building, which the subject development will complement with a similar height proposal. While the building heights increase within the interior of the site, this can be considered appropriate as they do not impact upon any neighbouring sites in terms of overlook perspective or imposition of privacy. Additionally, the submitted Shadow Analysis by ACK and Wind Analysis by RWDI demonstrate that from a liveability perspective within the site itself, the arrangement and massing of the buildings is appropriate, and does not have negative impacts. The buildings will be designed to a high architectural standard which will overall enhance the site, and create a gateway appearance in a prominent location, visible from the highway and interchange. A variety of transitions in building heights is proposed with the use of podiums, connecting links, and building step backs.

Regarding Policy 3.18.3.2, the development will have unit frontages along Dorchester Road, with human-scaled podiums, covered canopy extensions, and landscaping. In the mixed-use

buildings along Dorchester Road, the commercial area will front onto Dorchester Road providing a presence on the street, and in Building 1 the commercial area will occupy the whole of the ground floor. Buildings 2 & 3 will also front onto Dorchester Road and front along a landscaped breezeway between the two buildings, allowing for a more enhanced pedestrian experience that provides pedestrian access to the commercial space.

Regarding Policy 3.18.3.3, parking will be integrated into the site through 2 levels of underground parking, as well as surface parking at the rear of the buildings fronting Dorchester Road, which is preferable from an urban design perspective.

Pursuant to Policy 3.18.3.5, a reduction in the parking standard is supported through the site's location, walkability and proximity to public transit, and through the submitted Traffic Impact and Parking Study by Paradigm.

Consistent with policy 3.18.3.6, the development will provide pedestrian connections from the public street into the site, and will provide landscape pedestrian connections throughout the site. The site is across the street from an existing residential neighbourhood, and pedestrian connection to this existing neighbourhood is via the signalized intersection at Dorchester Road and Dawson Street.

The development is aligned with Policy 3.18.3.7, as amenity space is to be provided for residential uses through private on-site green space; balconies and roof-top green space; as well as public open space in proximity to the subject development including trails and parks. In addition, the proposed development will be subject to contributing cash-in-lieu of parkland, pursuant to the provisions of the *Planning Act*, that will assist in the creation of public open space in the District.

Finally, in regards to 3.18.3.8, the development will have direct access to an arterial road via the signalized intersection at Dawson Street and Dorchester Road. The development is considered to be high density being greater than 6 storeys in height and having a density greater than 50 units per hectare.

Policy 3.19 is relevant to this application. As demonstrated in the Functional Servicing Report by Upper Canada Consultants, and the Traffic Impact Study by Paradigm, servicing capacity is available to service the lands and traffic generated by the development can be accommodated by the existing road system.

Finally, Policy 3.20 is relevant to this application, as the studies submitted with this application demonstrate that the proposal will not detrimentally impact on the day-to-day operations of business and employment uses. The residential portion of the building is setback 70 metres from the adjacent operation north owned and operated by Arterra Wines Canada. The setback

provides a livable environment for residents and safeguards the business from nuisance complaints. Additionally, noise, odour, vibration, traffic and land use compatibility measures are assessed through the reports submitted by RWDI, ACK, and Paradigm, confirming that there are no negative impacts.

In summary, the proposed development meets the criteria for residential intensification for the Morrison/Dorchester Node under Policy 3.18.

PART 2 – LAND USE POLICIES

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

Part 2, Section 1 – Residential

Residential areas are to contain predominantly residential dwellings and conform with overarching Residential land uses objectives and policies of the Official Plan. Although housing is the primary focus of this land use designation, other compatible land uses that serve local residents and enhance the surrounding residential environment are encouraged and permitted to create a complete community, including commercial uses that are scaled to the surrounding residential environment and help create a complete community.

General Policies

General Policy 1.1 provides that permitted uses within the Residential designation can be a range of typologies, including apartments. Policy 1.2 further requires that opportunities for housing choice be provided to meet the changing needs of households in both the Built-up Area and Greenfield Area.

To achieve these opportunities the Policy indicates the City will support:

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

The applications will facilitate the development of multiple residential units through the redevelopment of a vacant parcel of land within the Built-up area providing for a more efficient

use of both land and infrastructure. The proposed development is considered to be a large-scale development that will be phased and provides for the full utilization of the land in a comprehensive manner consistent with the City's policy direction. The development also includes a commercial element that will support the proposed residential units and adjacent area. General Policy 1.5 provides a mechanism to provide taller building heights that exceed the height guidelines in the Official Plan through the consideration of a zoning by-law amendment. Developments are to be well designed and suitable for the area to be considered which the proposed development is. The development proposed increased building height for some of the buildings greater than the height guidelines and consistent with the policy direction the proposal is well designed from an architectural, urban design and landscape perspective that will result in a development that is suitable, compatible and appropriate for the site conditions and the surrounding context allowing for the consideration of increased building height in this case.

Policy 1.7 requires that residential development require proper and adequate municipal services. Full municipal services are available to the property and there is capacity within the systems to accommodate the proposed development without significant upgrades or improvements to the existing infrastructure.

Policy 1.8 provides that studies may be required for residential developments in proximity to arterial roads, highways and railways to determine impacts of these transportation facilities and recommend mitigation measures to address adverse impacts. A Noise and Vibration Impact Study was completed as well as a Land Use Compatibility Study, both by RWDI, that recommended mitigation measures to address transportation noise impacts including the provision of central air conditioning, window glazing requirements, noise barriers along amenity areas and appropriate warning clauses. Strategically, the provision of high-density development on arterial roads is desirable, especially when in compact form and near public transit service. Necessary compatibility studies including a noise study and pedestrian wind analysis have been completed and demonstrate that road/traffic related impacts can be mitigated.

Built Up Area

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

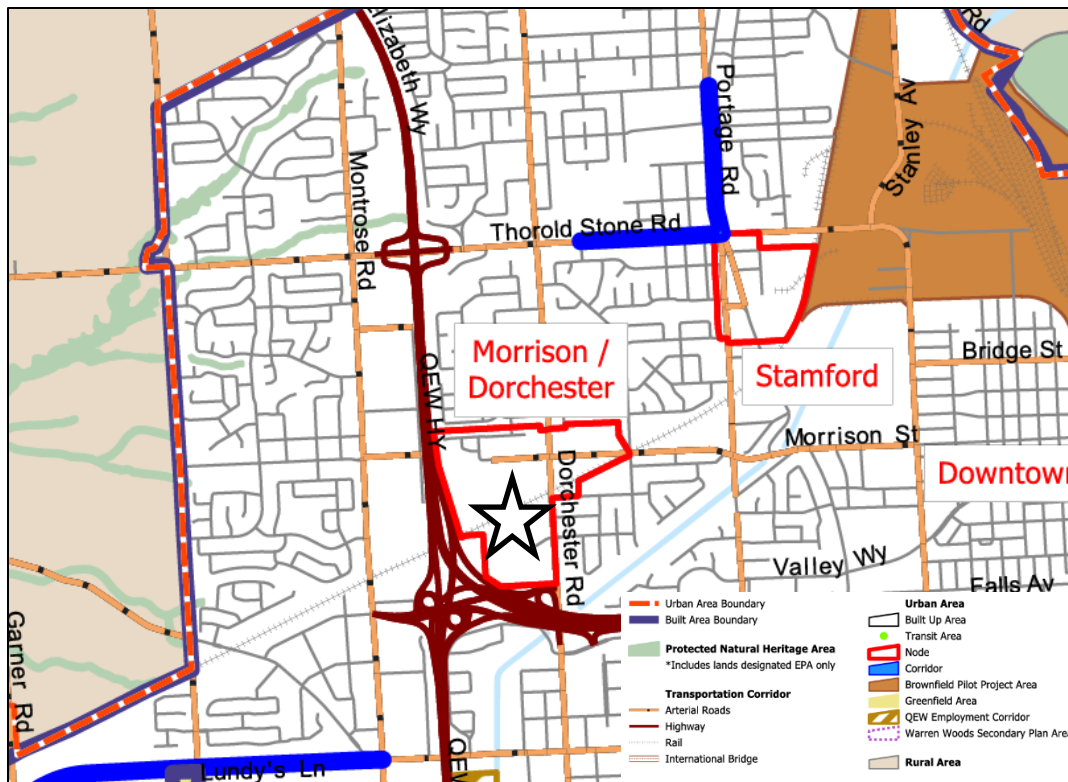


Figure 25 - Schedule A2 - City of Niagara Falls Official Plan – Subject Lands Shown with a White Star

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

Policies 1.10.1, 1.10.2, and 1.10.3, 1.10.5 direct that:

- *Existing character is to be retained (Policy 1.10.1)*
- *A gradation of building heights and densities is encouraged with sufficient horizontal separation distances (1.10.2)*
- *Development within the Build-up Area is to be a higher density than what exists in the neighbourhood (1.10.3)*
- *Various forms of housing through intensification and infilling are to be arranged with sensitivity to surrounding uses, by locating apartments with building heights of not more than 6 storeys with a maximum net density of 100 units per hectare, to front onto arterial roads. (1.10.5)*

The applications meet the intent of the above policies. The existing character of the area as a sub-regional commercial district is maintained and enhanced. The additional residential units proposed by the development will continue to support the existing commercial uses in the area ensuring the vitality of this commercial area is maintained and enhanced over the long term. The residential character of the area is a mix of medium density and low-density residential

uses. The introduction of higher density residential uses at the southwest corner of the Morrison/Dorchester Node is appropriate as the development provides a suitable buffer to the existing highway and commercial and industrial uses that help support the maintenance of the surrounding medium and low-density residential uses. Further, the development represents a gradual higher-density transition from the medium and low-density residential uses, and is an appropriate scale and massing that fronts onto an arterial road and highway. The eastern facing buildings' height and massing directed towards Dorchester Road will create an attractive and visually engaging street wall that will improve the public realm with animated commercial ground floor space and uses. The heights also provide a transition in building height from the height of buildings facing these buildings on the east side of Dorchester Road leading to higher buildings further in the interior of the site.

Additionally, in accordance with the plan, in particular policy 1.10.3, it is intended that the Built-up Area be at a higher density than what currently exists in the neighbourhood; the proposal adds higher density than what exists, but at an appropriate scale and massing. The proposal also adds a variety of unit types and housing options that is less prevalent in the area.

Within Part 2, Section 1, Policy 1.10 of the Official Plan there is a clear municipal position that opportunities currently exist throughout the Built-up Area to develop new housing units. These infilling and intensification opportunities are supported by the Official Plan, but must integrate well into the surrounding neighbourhood.

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

As the application proposes a high-density mixed-use building with residential apartments, subsection (iii) of Policy 1.10.5 is relevant. This policy states that:

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

Development shall comply with the following:

- architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should be employed to lessen the impacts of taller buildings;*

- *rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
- *street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;*
- *parking is to be encouraged to be located within parking structures that are integrated with the development; and*
- *where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*

While the proposal is for apartment buildings that exceeds 6 storeys in height and has a density greater than 100 units per hectare, the criteria provided in 1.10.5 (iii) for consideration is germane. As part of the Official Plan Amendment, this policy will be amended to permit increased building height to 20 storeys and a density of 237 units per hectare. Otherwise, the development criteria within Policy 1.10.5 (iii) can be addressed. The buildings all have articulation in building height with podiums and step backs and while modern in design the exterior cladding provides a mix of materials that minimizes the impact of the building height.

The rear and side yards are appropriate for the building heights and site context given the site's location along a 4-lane arterial road with turning lanes, provincial highway system and adjacent to an industrial use, and given the layout of the buildings internally on the site with the higher buildings being provided to the interior of the site. The functional rear yard setback reduction is negligible, as there is no adjacent property owners or existing residential buildings that will be impacted by the proximity of the building to the property line. Similarly, the side-yards proposed are appropriate, as there are no residential neighbours, and setbacks are supported through the submission of a Shadow Analysis by ACK, Wind Analysis by RWDI, and Noise and Vibration and Land Use Compatibility Study by RWDI. The exterior (southerly) side-yard is 14 metres from the property line, while the interior (northerly) side-yard is approximately 70 metres from the property line for the balance of the buildings on site, and largely separated by an outdoor amenity area. Building 1 is setback from Dawson Street by 16.85 metres. The proposed development thereby maximizes the development potential of the land, and is an efficient use of land towards achieving greater affordability.

The buildings directly fronting Dorchester Road will be up to 8 storeys, which is in keeping with the apartment across the street, Dufferin Place and the street frontage of these buildings will contain podium and canopy extensions, building step backs and appropriate landscaping to provide for a pedestrian scaled development that will engage the street and enhanced public

realm. The property also has frontage on an arterial road (Dorchester Road), is in proximity to public transit service, is walkable to commercial uses directly north, and will also be present within the site itself.

The proposed building designs include a mix of cladding materials and varied building heights that are stepped back along Dorchester Road, and transition to taller buildings within the site which lessens the impact on Dorchester Road and the nearby residential uses. The street frontage will be engaged with a commercial use with potential spillover areas, and the frontage will feature balconies that provide visual interest. The development engages the streetscape through the proposed inclusion of patio, street-level retail, ground level windows and doorways and balconies. Additionally, there is a landscaped boulevard/breezeway into the site between Buildings 2 & 3. Other opportunities for landscaping on site and in the municipal boulevard can be explored through the Site Plan review process.

Additionally, parking is integrated within the development with the majority of parking provided below grade with two levels of underground parking. Surface parking for the proposed development is located interior to the site, shielded from public street view and will be suitably landscaped to be a buffer from adjacent uses. The proposed method of providing parking limits impacts on the public realm and on adjacent streets.

Part 2, Section 3 – Commercial

Morrison/Dorchester Retail District

As noted earlier, the lands are designated Major Commercial and located in the Morrison/Dorchester Node or Morrison/Dorchester Retail District. It is proposed that the lands be re-designated from Major Commercial to Residential, however will remain in the Morrison/Dorchester Node and the site-specific Policy 3.2.6.3 will be deleted as this policy only permits a large free-standing supermarket and other commercial uses that are not contemplated by the proposed development. The policies that support this requested deletion are discussed in this report, including Policy 3.5.3 (below) of PART 3, and Policies 3.17-3.20 of PART 1 (above) which provide the policy guidance for residential intensification in the Morrison/Dorchester Node.

General Policies

Policy 3.5.3 applies to these lands, stating that when commercially designated land exceeds demand, zoning by-law amendments for medium and high-density apartments as residential intensification may be considered if specific general criteria are met:

3.5.3.1 The policies of PART 1, Section 3.10 to 3.19 shall apply lands that are designated a Node on Schedule A-2 to this Plan.

3.5.3.2 Intensification is to be consistent with the height and density parameters for each node, should the lands be so designated. For lands not designated a node, height and density should be consistent with the policies of PART 2, Section 1.10.5.5.

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

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

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

3.5.3.6 The proposal does not hinder commercial traffic patterns.

The subject applications address the above policies and were discussed earlier in this report, particularly regarding PART 1, Policy 3.10 and 3.17 to 3.19 which apply to the subject lands and the rationale for increasing the building height and density that continues to provide for a compatible development plan. The development plan provides for a gradation in building height and density and is compatible with and supports the surrounding commercial development in the area. Appropriate landscaping will be provided and building separation distances to provide for a pleasant living environment and ensure privacy for the future residents of the development and for existing nearby residents. In addition, the proposed development will not adversely impact commercial traffic patterns in the area as demonstrated by the findings of the Traffic Impact Study.

Part 2, Section 3 – Neighbourhood Commercial

Under Policy 3.4.1, limited neighbourhood commercial developments can be permitted within the Residential designations of this Plan, subject to the policies of 3.4.2 Built-Up Area. These policies include the following:

- Neighbourhood commercial facilities will primarily provide for the day-to-day needs of nearby residents and shall generally not exceed 930 square metres of gross leasable floor space. Such facilities should not reduce the economic viability of designated commercial districts (3.4.2.1).
- Neighbourhood commercial facilities shall be integrated into the neighbourhood into which they are to be located in terms of built form; the location of on-site parking and on-site delivery areas; and landscaping (3.4.2.2).

- Neighbourhood commercial facilities may locate not less than 500 metres from any other commercial development (3.4.2.3).

It is noted that the commercial floor area provided in the proposed development will exceed 930 square metres of gross leasable floor space and will be 1822 square metres in area in addition to the area associated with the mini storage. However, given the number of residential units and scale of the proposed development and the strength of the existing commercial area it is not anticipated that the commercial area provided by the proposed development will reduce the economic viability of the Morrison/Dorchester Retail District. It is noted that the site has had approval for 18,786 square meters of commercial space for many years without market uptake and this approved commercial floor space is being reduced significantly by the proposal. The amendment to permit primarily residential use is an adaptation that better fits market conditions and development trends and will support the existing commercial district not reduce its economic viability.

Policy 3.4.2.2 is achieved as the uses will be thoughtfully integrated into the site by fronting onto Dorchester Road where they will have a public street presence, while the residential uses will be concentrated primarily within the interior of the site and above the commercial uses. On-site deliveries, parking and landscaping have been designated to accommodate the commercial uses without interfering with the residential uses. Parking for residential uses will be primarily underground, while the commercial uses will utilize surface parking.

Policy 3.4.2.3 will be not be applicable to the development as part of this application. The development does not meet the separation distance criteria to other existing commercial development as required by this policy, however because the area was already designated for large-scale and limited neighbourhood commercial uses these uses do exist within less than 500 meters separation distance, and because the proposed commercial uses are intended to complement and integrate with the proposed residential uses, there is no conflict in terms of a land use planning outcome. The commercial uses will service the new residential units at this location. Additionally, this will enable the area to better transition to a complete community.

Part 2, Section 4 - Housing

Housing Impact Statement

Under Part 1, Section 4 Housing, Policy 4.4 of the City's Official Plan, applications for an Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Condominium are to include a housing impact statement. The following section is written to address the City's requirement for a Housing Impact Statement.

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

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

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

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

The proposed housing consists of eight (8) apartment buildings with 1782 dwelling units in total. There are approximately 8-22 units per floor in each of the buildings. The units will range in size from approximately 463-1660 square feet which will be a mix of bachelor suite, 1, 2- and 3-bedroom units. The rental prices for these units will range from 1-bedroom starting at \$2299. 2-bedroom starting at \$2899, and 3-bedroom starting at \$3000.

	<i>Min Sq. Ft.</i>	<i>Max Sq. Ft.</i>	<i>Min Sq. M.</i>	<i>Max. Sq. M.</i>	<i>Number of Units</i>
<i>Building 1</i>	719	1170	66.78	108.69	32
<i>Building 2</i>	467	1261	43.38	117.15	51
<i>Building 3</i>	467	1261	43.38	117.15	51
<i>Building 4</i>	583	1081	54.16	100.42	256
<i>Building 5</i>	571	1278	53.0	118.73	292
<i>Building 6</i>	583	1081	54.16	100.42	376
<i>Building 7</i>	463	1660	43.0	154.21	362
<i>Building 8</i>	463	1660	43.0	154.21	362

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

Part 1, Section 4, Policies 4.8 a) and b) are as follows:

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

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

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

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

The report notes that based on projections it is expected that 20,200 new residential units will be built in the City between 2021 and 2051, which is an average of 674 units per year. In implementing this goal, it is recommended in the Housing Strategy Report that 40% of the new housing (270 units per year) to be built to be affordable to households earning \$95,891 (2021) per year, which means that the rental price of units would need to be at or below \$2,400 a month to qualify as affordable based on this annual income which is a moderate-income level.

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

As noted above, the price rentals would need to be at or below a \$2,400 per month benchmark based on the City’s information.

While this development of over 1782 units may not include units officially designated as "affordable" according to the Province's specific definitions, its addition to the housing market can contribute to overall affordability within the broader continuum of housing through increased supply and market dynamics.

The introduction of 1782 new units, regardless of their initial price point, directly addresses the fundamental issue of housing scarcity. Through increasing the available housing stock, the development can enhance increased options and mobility by providing housing options for a segment of the population who might currently be occupying existing units, which in turn frees up those existing units for others. This creates upward mobility in the housing market. Additionally, it will help ease demand pressure, which is a driver of price increases. While these units may not be "affordable" in isolation, they will help alleviate the competition for existing, more affordable housing options, which can slow down the rate at which prices increase across the market. Finally, as renters move into these new units, this frees up units at a lower price point, which contributes to a more accessible market overall.

In conclusion, while the development may not directly provide "affordable units", it will contribute to a more affordable market in a broader sense by increasing options, easing demand, and creating mobility within the broader housing continuum.

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

PART 3 – ENVIRONMENTAL MANAGEMENT

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

Part 3, Section 1.2 – Water and Sanitary Sewage

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

Part 3, Section 1.3 – Storm Drainage

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

As outlined in the Functional Servicing Design Report prepared by Upper Canada Consultants., the proposed development will outlet stormwater to the existing storm sewer on Dorchester

Road. Stormwater quality controls will be provided to Normal Protection levels prior to discharge in accordance with the City's requirements.

Part 3, Section 1.5 – Transportation

The subject lands have frontage along Dorchester Road and Dawson Street road allowance. Dorchester Road is classified as an arterial roadway on Schedule C of the City of Niagara Falls Official Plan. Arterial Roadways include all thoroughfares that are owned by the City and Region that are designed to accommodate large volumes of traffic between major land uses in the City. As cited previously, the stretch of Dorchester Road carries large amounts of vehicular traffic.

A 12-metre by 12-metre daylight triangle is present at the southwest corner of Dorchester Road and Dawson Street, and during the pre-consultation meeting it was identified that it does not need to be enlarged.

Dawson Street is identified as a local street in the City's Official Plan. Dawson Street leads directly into the site, and therefore will experience an increase in traffic volume due to the provision of the driveway access to the site, however this portion of the road allowance is only used by one other property to the north and provides access to the Arterra Wines Canada property. It is noted that the intersection of Dawson Street and Dorchester road is a signalized intersection with dedicated turning lanes in all directions.

Policy 1.5.29 requires that plans for development and redevelopment shall have regard for impacts on existing road networks. Additionally, the pre-consultation meeting identified that Dorchester Road has been constructed to its ultimate cross-section, and that the TIS needs to confirm that the development can be safely/efficiently accommodated on the adjacent road network. The TIS completed by Paradigm has indicated that there will be no negative impact to the current level of service and intersections are forecasted to operate at acceptable service levels, spare capacity is available and off-site mitigation measures are not required to facilitate the development proposal.

The TIS concludes that the proposed development will generate 474 AM peak-hour trips, 646 PM peak-hour trips, and 708 Saturday peak-hour trips. The TIS states that this increase in traffic will not result in the exceedance of the theoretical capacity for each vehicle movement and therefore would not result in any negative impacts or the need for improvements to existing roadways. It was recommended that the City continue to monitor and adjust signal timings at Dorchester Road and Morrison Street as the development builds out to improve operations as traffic volume increase and travel patterns change.

Policy 1.5.31 requires the completion of a detailed noise study where development is contemplated in proximity to major roads. Dorchester Road is an arterial road and the site also abuts provincial highways (QEW and Highway 420), therefore transportation noise and air quality impacts from the street and highway system onto the proposed development were conducted by RWDI. The completed evaluation concludes that the projected noise impacts could be sufficiently mitigated through the use of typical building materials and air conditioning. Similarly, regarding air quality impacts the property is located just beyond the recommended buffer setback from main traffic lanes of the major highways, however is proximate to ramps that connect to the highways. It is recommended that further air quality assessment to be undertake along the ramps accessing the highways to determine impacts. Some mitigation measures depending on the impacts could be locating ventilation air intakes away from or above the transportation related air pollutants, the use of mechanical ventilation, air conditioning and potentially reducing balconies on lower floor levels.

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

Part 3, Section 5 – Urban Design Strategy

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

The proposed redevelopment of the subject lands as eight (8) residential apartment buildings, including three (3) mixed-use buildings along Dorchester Road provides opportunities for enhancing the existing streetscapes and public realm, which is also designated as a Node in the urban area of Niagara Falls.

The proposed built form is pedestrian oriented with appropriate building setbacks along Dorchester Road, at grade commercial use to animate the street, patios/sidewalk space, landscaping and multiple building access points. The proposed built form is a significant improvement over the current site condition, which has been vacant for decades, and represents a significant reinvestment in the property.

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

properties late in the afternoon on December 21st which is expected given that this is the time of the year that the shadows are the longest, however less time is spent outdoors during this time. During the summer months, shadow impacts on adjacent residential properties occur in the evening hours after 6 pm. The wind study determined that there is one location in the parking lot north of building 6A that grade level wind is not anticipated to meet the wind safety criterion. The use of wind screens and landscaping can mitigate the impacts of wind and this will be reviewed in further detail during the site plan approval stage.

It is also anticipated that the site will be developed with a high-quality landscape design and the building placement and layout on the site has been intentional to provide vistas and views through the site.

On-site parking has been accommodated in accordance with the requirements of Policies 5.1.5, 5.1.6 and 5.1.7 by shielding the surface parking area from public view and providing an underground garage for parking for the residential units.

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

Official Plan Amendment

The purpose of the Official Plan Amendment is to permit the residential use, density and height maximums, as well as a neighbourhood commercial use within 500m of an existing commercial use. The suggested amendment to remove 3.2.6.3 is to permit residential on the subject lands, and remove this provision for standalone commercial. The Development supports a mixed-use concept that will foster a more complete community and improve the urban design of Niagara Falls, and as shown in the Urban Design Brief, is scaled to minimize negative impacts to the surrounding neighbourhood while providing a high-quality gateway appearance. Also, as demonstrated in the submitted materials, particularly the TIS and FSR, the site has adequate capacity for the development from a transportation network and infrastructure perspective.

URBAN DESIGN BRIEF

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

SECTION 1 - VISION & PRINCIPLES

Vision Statement

The vision for the multi-storey, mixed-use development is to build on the site's inherent assets through its strategic gateway location, and create a landmark development that will revitalize a former commercial and industrial area, to create a vibrant and complete urban neighbourhood, and gateway into the urban area of Niagara Falls.

The buildings will feature contemporary architecture, focusing on community and connectivity. Street-level commercial spaces and patios, as well as balconies and resident amenities will activate the frontage. As a gateway, the project will enhance the corner location and elevate the surrounding area, setting a new design standard on Dorchester Road by creating an engaging and visually appealing and invitational street edge.

Design Principles

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

1. Landmark Gateway/Gateway Enhancement

This design principle acts as a fundamental guide for the design decisions, as it shapes the decision-making around this project with considerations regarding future material selection, building form, and public space design. A key design objective is to establish this development as a prominent landmark within the Niagara Falls' urban area, and this objective has been central to every design choice.

2. Vertical Integration and Human Scale

Urban density and efficient land use are key to creating complete communities, and this principle emphasizes the scaled, human qualities applied to this development. This principle emphasizes the need to integrate the vertical elements (towers) seamlessly with the horizontal elements (podium, street level) and integrate in a landscaped setting. The design of the podium and lower levels creates a strong base for the towers, visually and functionally connecting them to the street. The use of building step backs allows for the

transition of building heights at various levels minimizing the overall impact of the building heights.

The development will use consistent architectural language and materials throughout the development to create a sense of unity and together with the landscape design will contribute to creating a sense of place.

3. Mix of Uses to Support Vibrant and Complete Communities

This development transforms a former commercial and industrial site, and amends a monofunctional zoning designation, to create instead a site that integrates residential, commercial and open spaces, to ensure continuous activity, vibrancy and community interaction.

SECTION 2 - POLICY CONTEXT & SITE ANALYSIS

Response to Policy Documents

The proposal aligns with Part 1 Section 3 “General Policies” and Part 2 Section 1 “Residential” policies, and which are discussed in greater detail above. The site conforms to prevailing policies supporting intensification and infill development where it is contextually appropriate, in this case along an arterial, and within an intensification node, making optimal use of underdeveloped, formerly commercial and industrial lands that have been lying vacant for decades.

Site Analysis: Opportunities and Challenges

The site has opportunities with respect to under-utilized land and its prominent gateway location. It is necessary to ensure that development is sensitive to the prevailing land forms, adjacent uses, while also creating high-quality modern development that contributes to a complete community for the neighbourhood.

Area Context - Existing topography, vegetation, and environmental features

The lands are largely flat that slightly slopes southerly, and contain no significant environmental or natural heritage features that need to be integrated with the development.

The vegetation in this area is largely made up of street trees in the public road allowance or buffer plantings on adjacent properties, with a mix of deciduous and coniferous tree types. There are a few individual specimen trees on the edges of the site that are not significant and do not represent a constraint to the development

Lot Fabric

The representative lot fabric within 400 metres of the lands is shown below in **Figure 26** and includes a range of property sizes, shapes and uses including industrial, commercial, condominium residential, freehold residential comprising both low and medium density residential, open space and transportation corridors.



Figure 26 – Subject Lands 400m Radius (Google Maps)

Surrounding Land Uses/ Built Form Character

The immediate area has a range of uses, includes industrial and commercial directly north on Dorchester Road, and low and mid-rise residential and commercial on the eastern side of Dorchester Road as well as a small commercial plaza. The built form has little consistency in the area, with a mix of styles and typologies. Development has occurred over various time periods and appears largely to be postmid-1960's. The apartment building Dufferin Place was constructed in 1989, while the private road development Dorchester Estates was built in 1988. Highway expansion and interchanges have also taken place in the area over the past 50 years as well as expansion of the adjacent industrial uses on the property to the north. Further north a contemporary big box retail centre has developed over the last 20 years.

Lot Fabric – General Street/Block Pattern

The area is characterized by large industrial and commercial lots to the north, and more traditional suburban grid patterns to the east, with larger lots for the mid-rise apartment and private road development. To the south and west the lands are dominated by the provincial highway system and interchanges. As such, frontages vary and there is not general consistency. The general street and block pattern is a loose grid, with some loops and organic/non-parallel cul-de-sacs that align with the power canal.

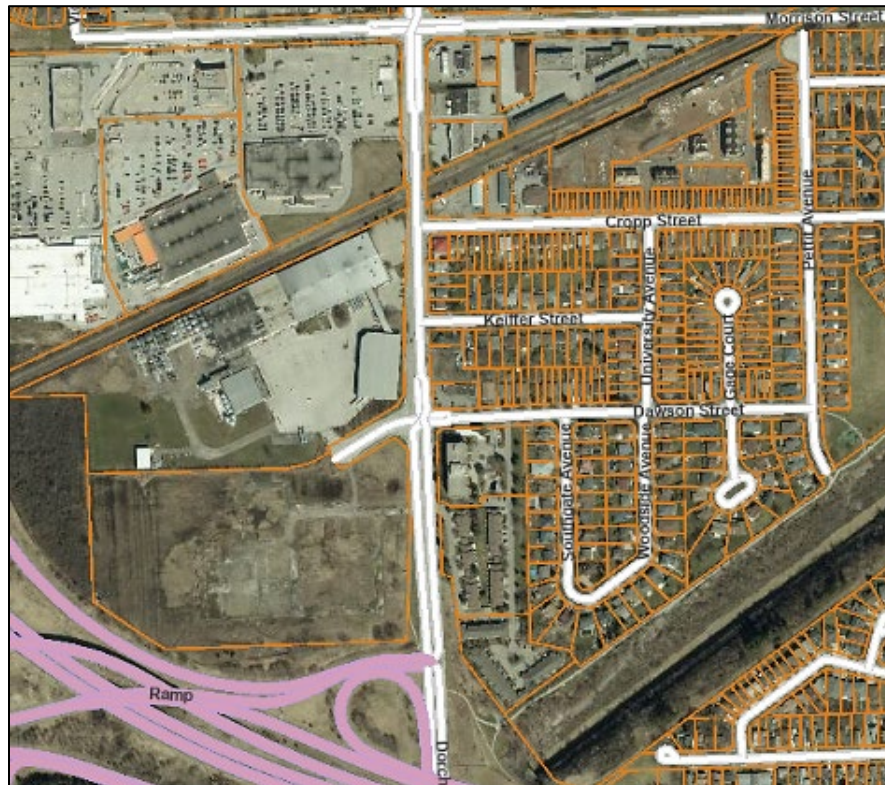


Figure 27 – Subject Lands – Lot Fabric (Niagara Navigator)

Spatial Analysis and Landscape Character of the Surrounding Area

Representative photos are shown below. The west side of Dorchester Road (Figure 28), is lined with a curb-faced sidewalk at the northern half of the site, and on the southern half of the site a boulevard with only hydro poles and transformers. This general negative space and blankness makes the site well-suited for infill development that will bring character and enhance the surrounding area.



Figure 28 – West Side Dorchester Road, South of Dawson Street

The east side of Dorchester Road (Figure 29, 30, 31) is a mix of commercial and residential. The area can be broadly characterized by a street edge that does not proudly engage with the public realm, and is instead recessed and withdrawn from the street. The commercial plaza is turned sideways and poorly engages the Dorchester Road street frontage. There is a grassed boulevard along the sidewalk, though the most prominent elements of the Dorchester Road street edge are hydro and street lighting poles. The trees on this east side are mostly on private property, and consist of a mixture of mostly coniferous varieties, with some deciduous trees. The street face of the apartment building opposite the site on the east side of Dorchester Road is dominated by a board-on-board wood fence and utility boxes that do not contribute positively to the public realm and further south on the east side of Dorchester Road a grassed berm, street trees and a board fence comprise the public realm. The street currently lacks distinct visual elements that would establish a strong character. The architectural elements of the area are weak, obscured and situated away from or hidden from the street view and the existing public realm is weak and does not present as a pleasing or engaging environment.



Figure 29 – East Side of Dorchester Road, North of Dawson Street



Figure 30 – East Side Dorchester Road, South of Dawson Street



Figure 31 – East Side Dorchester Road, South of Dawson Street

SECTION 3 – DESIGN CONSIDERATIONS

Site Design

The site's gateway location along the QEW, Highway 420 and Dorchester Road makes this site ideal for enhancing both public and private realms. The weak street edge along Dorchester Road lends itself to improvement through the proposed buildings, which will create a new contemporary street wall, with commercial uses that spill out into the public realm. The ground floor ceiling height of the podiums of buildings 1, 2 & 3 which front onto Dorchester road is 4.5 metres, which creates a human-scaled dimension to the building at the street level while creating flexibility for the commercial uses. The site will function as an enhancement of the street, and also act as a vital new neighbourhood. The new street edge is shown in Figures 32-34 below, as Buildings 1-3 will front Dorchester, as well as one side of Building 4.



Figure 32 – Building 1, Dorchester Frontage (ACK)



Figure 33 – Building 2 & 3, Dorchester Frontage (ACK)



Figure 34 – Building 4, Dorchester Frontage (ACK)

The buildings are situated on the lot to transition the massing to be sensitive to the established neighbourhood of residential uses to the east by presenting buildings of a comparable and compatible height to the surrounding area. As a whole, the development of the site will create a landmark and the internal site layout will ensure that there are views and vistas not only from the site, but also internal within the site.

As shown in the “Transportation Network” section above, the site is well-served by an existing road and highway network, transit options and active transportation routes exist. Additionally, the site provides a total of 48 exterior bicycle parking spaces, and 891 interior bicycle spaces will be provided enhancing opportunities for active transportation. Further an internal sidewalk system will be provided to connect the building to one another and to connect through to Dorchester Road and Dawson Street allowing for pedestrians to safely move through the site.

Site access is provided via a single point on Dawson Street, optimizing circulation and ease of movement. It is noted that the intersection of Dawson Street and Dorchester Road is signalized providing appropriate traffic controls for turning movements. Underground parking is accessible through multiple ramps located throughout the site. The design effectively hides surface parking from street view along Dorchester Road, allowing the development's full frontage to command attention.

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

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

To ensure year-round visual appeal, the conceptual landscape plan features a blend of deciduous and coniferous trees, along with plantings, throughout the site and along Dorchester Road to provide interest. This plan also incorporates aesthetically pleasing buffer zones for appropriate screening. Appropriate green space and outdoor amenity spaces are also provided and will be landscaped to support their use and function.

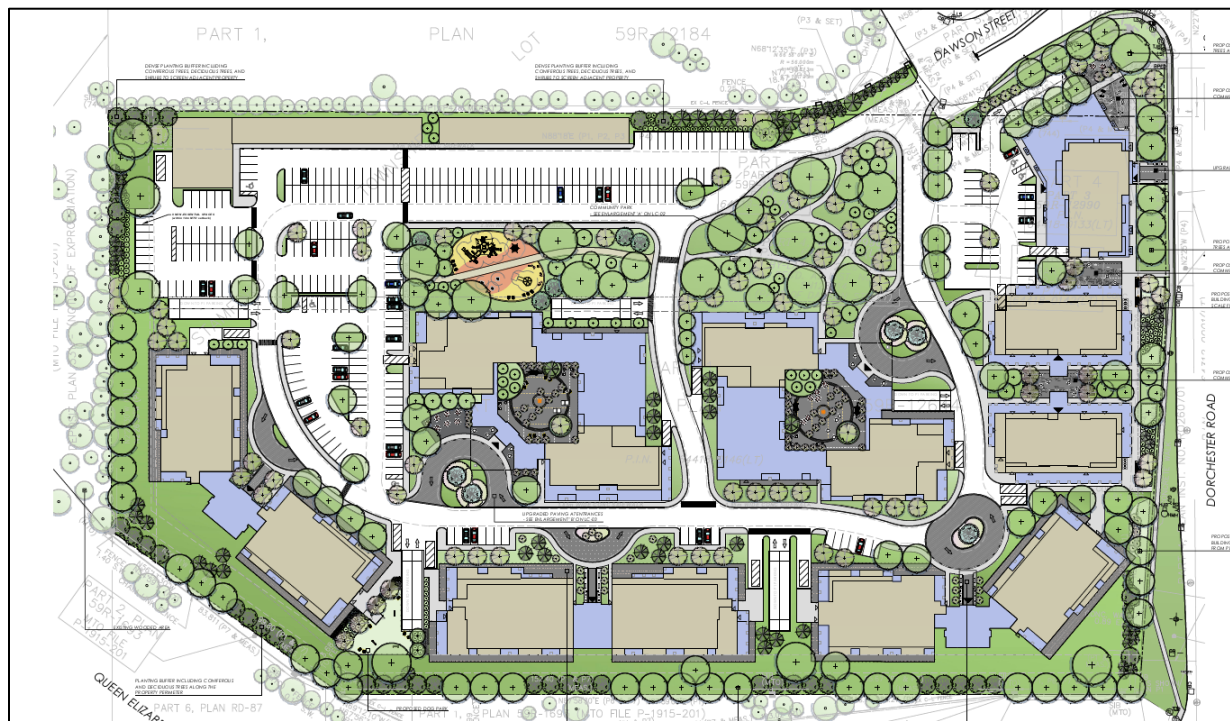


Figure 35 – Conceptual Landscape Plan (Adesso Design Inc.)

Built Form Massing

This development, comprised of eight distinct towers ranging from 5 to 20 storeys, features a stepped-back massing strategy along the rear property line. The site layout creates a comparable street wall to the development across Dorchester Road, while also establishing a visually compelling street wall and prominence along Dorchester Road itself. The provided sun shadow, wind, and noise/vibration studies demonstrate that this design will ensure a comfortable living environment for future residents, maintaining sunlight access, open space, and preventing overlooking of private amenity spaces.

A climate-protected drop-off area at the floor plate level for each building offers both functional weather protection and a visually appealing, lightened building foundation.

Building and Architectural Design

This is designed with a distinctly contemporary architectural style. Each tower's facade is a blend of glass and masonry with metal elements, showcasing clean lines and modern design.

The building's aesthetic is further enhanced by sleek metal railings, which define spacious and functional balconies. These balconies are not only inviting for residents, offering private outdoor spaces, but also contribute significantly to each building's visual appeal from the street level. The architects have prioritized creating a visually engaging experience, ensuring that each elevation of each building's facade is designed to provide aesthetic value.

Strategically situated on the west side of Dorchester Road at Dawson Street, this development is intended to enhance this gateway location, serving as a landmark that elevates the architectural standard within the neighborhood. This development is not just about creating a visually appealing residence; it's also about setting a precedent for future intensification opportunities along the Morrison/Dorchester Road Node. The building's design and placement are meant to inspire and guide future developments in the area, contributing to the evolution and modernization of the streetscape.



Figure 36 – Building 1. Conceptual Drawing (ACK)



Figure 37 – Building 2. Conceptual Drawing (ACK)



Figure 38 – Building 3. Conceptual Drawing (ACK)



Figure 39 – Building 3. Conceptual Drawing (ACK)



Figure 40 – Building 4. Conceptual Drawing (ACK)



Figure 41 – Building 5. Conceptual Drawing (ACK)



Figure 42 – Building 6. Conceptual Drawing (ACK)



Figure 43 – Building 7 & 8. Conceptual Drawing (ACK)

The development will utilize a natural palette of light beige and gray, accented by dark window frames and metal balconies. Lighting will be installed around the site to illuminate entrances and exits, ensuring easy access for residents. The parking lot will also be well-lit to provide safe passage throughout the site. Given the building's proximity to Dorchester Road, street lighting will further enhance its visibility.

Emphasizing sustainability, the roof will be designed for efficient water management and will incorporate low-VOC materials. Communal terraces on various floor levels of the buildings will provide residents with landscaped green spaces, fostering a welcoming outdoor atmosphere.

The ground floor of 3 buildings will feature commercial spaces designed to activate the public realm through spill-out activities, such as patios and seating. Large glazed areas will encourage pedestrian interaction and enhance safety. Clear pedestrian-level signage will improve tenant visibility, while distinct indicators will differentiate the residential entrance and clearly mark the building's address.

Summary

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

1. Landmark/Gateway Enhancement

Architectural Prominence:

- With 8 towers ranging in height, the development inherently creates a strong visual presence. The varying heights are strategically arranged to create a dynamic and memorable skyline with the highest buildings being interior to the site.
- The design incorporates distinctive architectural features, such as unique tower shapes, expressive cladding, or illuminated elements, to make it instantly recognizable.



Figure 44 – Northeast View of Site (ACK)

Strategic Placement and Orientation:

- The towers are positioned to maximize visibility from key approaches to Niagara Falls.
- The development's layout creates a clear sense of arrival, with a central plaza and open space that serves as a focal point.

Public Realm Integration:

- The gateway function can be enhanced by incorporating public art installations, water features, or landscaped plazas that create a welcoming and engaging public space both at the edge of and within the development.

- The ground-level design can prioritize pedestrian accessibility and connectivity, ensuring that the development integrates seamlessly with the surrounding streetscape.

Lighting and Signage:

- Strategic lighting can highlight the towers' architectural features and create a dramatic nighttime presence.
- Clear and visible signage can reinforce the development's role as a gateway.

2. Vertical Integration and Human Scale:

Podium Design:

- Podium levels have been designed to create a strong and engaging street-level experience. The podiums have active frontages that create opportunity for retail, restaurants, or public amenities.
- Podiums and covered canopy extensions will be designed with varied building forms, setbacks, and landscaping to break down building mass from the street level and create a more human-scaled environment.

Tower Integration:

- Towers are integrated with the podium, using consistent architectural language and materials to create a unified design.
- Towers designed with varied step backs and articulation to reduce their perceived mass, height impacts and to create more visual interest and articulation.

Pedestrian Experience:

- Development prioritizes pedestrian comfort and accessibility, with wide sidewalks, well-lit pathways, and ample landscaping.
- Design incorporates open spaces, such as plazas, courtyards, and rooftop terraces, to provide opportunities for social interaction and recreation.

Landscaping and Green Spaces:

- Landscaping is designed for seasonal variety, with upgraded paving to highlight entrances and drop-off areas coordinated to aid in wayfinding across the site. There will also be clean lines within entryways; integrated planters with seating, and matching site furniture coordinated throughout the site. This creates a sense of approachable “public space” within the otherwise private realm, making it an

attractive, livable site for future residents. Plantings will also emphasize native species to support local ecosystem functions and enhance the sense of place.

3. Mix of Uses to Support Vibrant and Complete Communities

Residential Diversity:

- 8-tower development offers a range of housing options, from studios to multi-bedroom units, to accommodate diverse demographics.
- Residential component also creates a built-in customer base for on-site commercial and retail businesses that also supports the existing commercial uses to the north.

Commercial and Retail Integration:

- Ground-floor commercial spaces can provide essential services and amenities, such as convenience stores, cafes, restaurants, shops and office use.
- Development can attract a mix of businesses, creating employment opportunities and contributing to the local economy.

Public and Community Spaces:

- The development incorporates community spaces, such as plazas, parks, courtyards and roof top terraces to provide opportunities for social interaction and recreation.

Connectivity and Accessibility:

- The development is well-connected to public transportation, with easy access to bus stops along Dorchester Road.
- The design will prioritize pedestrian and cyclist accessibility, with safe and well-lit bike storage facilities.

As shown on **Figure 45**, the subject lands are zoned as “Shopping Centre Commercial” (SC-H) within the City of Niagara Falls Zoning By-law 79-200.

Shopping Centre Commercial with Holding Provision

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zoning Shopping Centre Commercial (703) Zone was approved in 2005 however the site has never developed for these intended uses.

In order to permit the proposed development a Zoning By-law Amendment is required. It is proposed to rezone the property site specifically to a Residential Apartment R5 Density (R5F-??) Zone. The intent and purpose of the Zoning Amendment is to permit a multi-storey residential and mixed-use development. The establishment of a mixed-use apartment development with ancillary mini-storage and maintenance building requires a change in zoning from SC-H (703) Zone to a site-specific Residential Apartment 5F Density Zone (R5F-??). The R5F Zone is proposed to be utilized as the new base zone for the entirety of the subject lands.

Residential Dwelling Units

The proposed development is primarily residential in composition and will contain 1782 apartment dwelling units. The zoning is to tailor the R5F zone to the specifics of the proposed architectural design and site layout.

Commercial Units

The commercial space, totaling 1822.11 square metres (19613.03 square feet), will be situated on the ground floor of proposed buildings 1-3 along the eastern side of the site facing Dorchester Road. In addition, the proposed Zoning Amendment also seeks approval of ancillary commercial uses consisting of two 3-4 storey mini-storage buildings along the north property line adjacent to the existing industrial use (Arterra Wines Canada) and also include a maintenance building.

SITE SPECIFIC PROVISIONS

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

Deemed Yards

The subject lands have frontage along two (2) municipal roadways including Dorchester Road and Dawson Street, which classifies the subject lands (as consolidated) as a corner lot under the Zoning By-law. As the development and commercial use fronts onto Dorchester Road, this is requested to be deemed the front yard.

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

- Front Yard – Dorchester Road

- Exterior Side Yard – Dawson Street road stub
- Exterior Side Yard – QEW and Highway 420 on-ramp
- Interior Side Yard – Property line abutting 4887 Dorchester Road

Maximum Building Height

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

The building height will exceed the height requirement of the R5F Zone at 67.4 m and is supportable based on alignment with and satisfaction of the related Official Plan policies and that there will be minimal shadow or wind impacts on adjacent lands. Additionally, the towers will be a gateway landmark feature that will enhance this location within the urban boundary in Niagara Falls. Given the site context, size and site layout the increased in building height can be supported and will aid in achieving a new vibrant development.

Minimum Yard Setback (Front, Rear, Interior and Exterior)

The purpose of the front and exterior side-yard setback provision is to create a balanced and functional urban environment, that supports a quality public realm, privacy, and safety and access between buildings and for pedestrians and vehicles.

The proposed front yard setbacks of 7.5m and exterior side yard setback of 14.0 m and 16.85m can be supported given that there is negligible impact to neighbouring properties, and the site remains functional for livability, servicing and maintenance purposes. Dorchester Road has a variable roadway right-of-way width of 35m to 63m that also contributes to the separation of the proposed buildings from the uses on the opposite side of the roadway making a building setback of 7.5m from the Dorchester Road property line appropriate in this case. The proposed 14.0m exterior yard setback is along the exterior side yard adjacent to the QEW access ramp and 16.85 exterior side yard is adjacent to the Dawson Street right-of-way. The 14.0m setback from the QEW access ramp is appropriate and does not conflict with the requirements of the Ministry of Transportation for building setbacks adjacent to their highways. The proposed 16.85m building setbacks along the Dawson Street right-of-way provides for adequate separation of the Building 1 to this street and allows for access to the below grade parking to be located in this exterior side yard, therefore this setback from Dawson Street is appropriate.

The interior side yard setback of 1.46m is warranted, as the setback allows the placement of the mini-storage and maintenance buildings near the property line of the existing industrial use allowing these buildings to also function as a buffer against the northern industrial property, and the reduced setback is not anticipated to impact that neighbour.

Parking

The proposed development will contain 1782 residential dwellings units and 1822.11 square metres of commercial space.

The applicable parking ratio for apartment units, per section 4.27 of Zoning By-law 79-200 is 1.4 spaces per unit. Based on the 1782 units proposed, the minimum amount of required parking would be 2568 spaces.

The commercial use to occupy the one commercial unit is not yet determined. As such, the basic commercial parking ration of 1 space for every 25 square metres of floor area was utilized. The 1822 square metre space would therefore require 72.88 (73) spaces.

In total, the site is able to accommodate 2352 parking spaces on site representing seventy-three (73) spaces for commercial and two thousand, two hundred and seventy-nine (2279) spaces for residential.

The requested reduction will result in a residential parking ratio of 1.278 spaces per dwelling unit. Although below 1.4 spaces per unit as specified in the Zoning By-law, the justification provided in the Traffic Impact Study to support the reduction to the residential parking requirements shows that the provided parking will match or exceed demand based upon comparable parking demand for residential apartment use in other jurisdictions, secondary source data from the Institute of Transportation Engineers (ITE) and vehicle ownership data.

Other Niagara municipalities employ ratios of 1.0 (Welland) or 1.25 (St. Catharines) spaces per unit for apartments. The proposed reduction is appropriate as the site is serviced by transit, and has walkable and bikeable amenities that support a reduction to the parking standards. It is also noted that there have been several instances of parking reductions that have been granted within at or below 1.25 spaces per unit in recent years.

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

It is noted that the mini-storage and use is only for residents of the proposed development and will be an ancillary use to the residential use and will not operate as public mini-storage, therefore no parking is necessary for the mini-storage use. Similarly, the maintenance building is also an accessory structure.

Minimum Rear Yard Depth

The minimum rear yard depth is meant to ensure that there is sufficient amenity space, and no nuisance overlook or privacy concerns with respect to neighbouring properties. The reduction in the rear yard requirement to 15.0m is appropriate, as there is no rear yard neighbour, and there is sufficient amenity space being provided for throughout the site, both in outdoor amenity space, as well as private amenity space in the form of balconies. The rear yard abuts the QEW access ramp and the 15.0m setback does not conflict with the Ministry of Transportation requirements for building setbacks adjacent to their right-of-way.

Maximum Height of Building or Structure

The purpose of the building height provision is to control height given its impact to neighbouring properties and on the public realm. The proposed increase in building height to 68m can be supported as it will have minimal impact on neighbouring properties due to the separation distance of the tallest building from adjacent uses and being located centrally on the site. There are no immediate residential neighbours that will be impacted by the increase in building height. Lower buildings are proposed to be opposite the existing development on Dorchester Road. Additionally, the submitted wind and shadow studies demonstrate that the proposed height will not have negative micro-climatic impacts on the area, or within the development itself.

Minimum Lot Area

The intent of the minimum lot area provision per dwelling unit is to ensure the density of the site is not over-built with respect to number of people and dwelling units. The requested relief from the lot area provision to 40 square metres/dwelling unit is appropriate, as the proposed development is an urban infill project that adds needed density and enables the transition of the neighbourhood to a complete community, while maintaining no negative impact to neighbouring properties, and full site functionality. There is also adequate amenity space, provided through the provision of both outdoor amenity space in various forms, i.e. open space, courtyards, rooftop terraces and private amenity space that supports the reduction of the lot area per dwelling unit.

Minimum Landscaped Open Space

The purpose of the landscape provision in the zoning by-law is to enhance aesthetics, provide green space for recreation and community well-being, provide buffering and screening to neighbouring properties, and improve environmental aspects such as air quality and heat reduction. The reduction of landscaping requirements for the subject lands is appropriate, because the area is supplied with ample amenity space and open space. The site will still have

landscaped open spaces for use and enjoyment by the residents and will be landscaped to create an aesthetic buffer for surrounding uses as well as enhancing the urban design along the frontages of Dorchester Road and internally in the site. Native species will be included as part of the detailed landscape plan to enhance sense of place and ecological function on site.

Commercial

The purpose of the commercial provision is to allow ground floor commercial, as it aligns with the principles of transitioning Niagara Falls to a complete community. It will support community well-being by providing local amenities and services, create a more engaging streetscape, and improve economic aspects along the Dorchester Road frontage. The amendment will still ensure appropriate urban design and compatibility with surrounding uses along Dorchester Road. Also, the permission of the mini-storage use as an ancillary use to the residential use is important to the future residents. It is not intended that the mini-storage will be public mini-storage.

Number of Apartment Dwellings

It is proposed to permit 8 apartment buildings on the site an increase from 1 that is permitted in the By-law. Allowing for 8 apartment buildings means the site will develop comprehensively with a consistent architectural style and cohesiveness and create the landmark development that is envisioned.

TABLE 1: ZONING COMPLIANCE TABLE

Zoning Matrix – Dorchester Road, 5259				
7.15 – Residential Apartment 5F Density (R5F) Zone				
7.15.1 – Permitted Uses				
a) An apartment dwelling		Provided	Proposed	Conformity
b) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14		Apartment Dwellings with ground floor commercial	Apartment Dwellings with ground floor commercial and accessory mini-storage and maintenance	No
7.11.2 – Regulations				
Provision	Required	Provided	Proposed	Conformity
a) Minimum Lot Area	57 square metres for each dwelling unit 57 x 1782 dwelling units = 101574 square metres	75,850 square metres = 42.21 sq. m.	40 sq. metres	No
b) Minimum Lot Frontage	45 metres	24.77 metres (Dawson Street)	222.50 metres (Dorchester Road)	Yes
c) Minimum Front Yard Depth	7.5 metres	7.5 metres	7.59 metres	Yes
d) Minimum Rear Yard Depth	One half of the height of the building or 10 metres – whichever is greater Building Height = 60.66m metres (Building 6) / 2 = 30.33 m	15.77 metres	15 metres	No

e) Minimum Interior Side Yard Width	One quarter of the height of the building (Accessory building) Building Height = 12.5 / 4	3.05 metres	1.2 metres	No
f) Minimum Exterior Side Yard Depth	7.5 metres	14 metres	14 metres (south) 16.85 metres (north)	Yes
g) Maximum Lot Coverage	30%	27.80 %	27.80 %	Yes
h) Maximum Height of a Building or Structure	28 metres	67.4 metres	68 metres (20 storeys)	No
i) Number of Apartment Dwellings on one lot	One	8	8	No
j) Parking and Access Requirements	1.4 spaces per residential dwelling unit 1782 units x 1.4 = 2,495 spaces 1 space per 25 square metres of commercial area = 73 spaces Total = 2,568 spaces	1.26 spaces per residential dwelling unit = 2,227.5 spaces 1 space per 25 square metres of commercial area = 73 spaces Total = 2301 spaces	1.26 spaces per residential dwelling unit = 2,250 spaces 1 space per 25 square metres of commercial area = 72 spaces Total = 2352 spaces	No
Minimum Required Accessible Spaces	11+1% = 36.9	41 spaces	41 spaces	Yes
k) Accessory Buildings and	In accordance with sections 4.13 and 4.14		N/A	N/A

Accessory Structures				
I) Minimum Landscaped Open Space	55% of the lot area	44.43 %	40 %	No
Minimum Amenity Space for an Apartment Dwelling Unit	20 sq. m. per dwelling unit	23.08 sq. m.	23.08 sq. m. per dwelling unit	Yes

4.14 – Yards			
Provision	Required	Proposed	Conformity
Projection of unsupported canopies in a required yard	Maximum 0.45 metres into a required yard	0.25 metres	No
Projection of balconies in a required yard	1.8 metres into a required front or rear yard 0.45 metres into a required side yard	0 metres	No
Projection of parking ramp in a required yard	-	0 metres	-

PLANNING OPINION

Upper Canada Consultants has submitted an Official Plan and Zoning By-law Amendment application to the City of Niagara Falls pertaining to lands known as 5259 Dorchester Road. The subject lands are currently designated as Major Commercial and within the Morrison/Dorchester Node as provided in the Official Plan and zoned Shopping Centre Commercial (703) with a Holding Provision (SC-703)

It is proposed to amend the Official Plan and Zoning By-law to facilitate the development of an 8-tower mixed use development with 3 buildings containing ground-floor commercial space. A total of one-thousand seven hundred and eighty-two (1782) residential apartment dwelling units is proposed along with associated parking provided in 2 levels of below grade parking and some surface parking. Also proposed is ancillary open space and mini-storage use for the residents of the development and an accessory maintenance building.

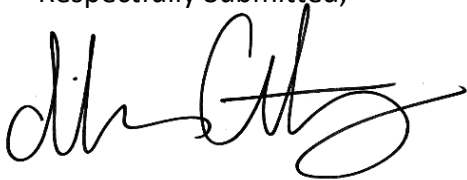
The Official Plan Amendment is required to permit the residential use and to permit neighbourhood commercial uses within 500 metres of another commercial development. The Zoning By-law Amendment is required to facilitate an increase in building height and site-specific provisions to facilitate the site layout of the development as well as the uses. The

Amendment also proposes site-specific departures from the base provisions of the R5F Zone to deem yards, facilitate setbacks and permit building projections to the lot line. The requested zoning relief will have no significant impacts on adjacent lands and will provide opportunities for enhanced design and better integration between the private and public realm along Dorchester Road.

Supporting studies pertaining to traffic/parking, wind and shadow impacts have demonstrated minimal impacts to adjacent properties and municipal roadways as a result of the requested zoning provisions and residential building density. Additional studies including Stage 1-2 Archaeological Assessment, Noise and Vibration Impact Study, Functional Servicing Report have similarly outlined no significant impacts or concerns and that development can be supported.

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

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Nicholas Godfrey', with a stylized, flowing script.

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