



Planning Justification Report

8885-8911 Lundy's Lane, City of Niagara Falls, ON

**Applications for Site Plan Approval and Minor Zoning By-law
Amendment**

Date: June 2025

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1.0 Introduction

NPG Planning Solutions Inc. (“NPG”) are planning consultants to M5V Inc., (“Owners”) of approximately 0.93 hectares of land in the City of Niagara Falls, municipally known as 8885 – 8911 Lundy’s Lane (“Subject Lands”). NPG has been retained to provide professional planning advice on the proposed 6-storey mixed-use development consisting of 195 apartment units and approximately 807.1 square metres of commercial space on the Subject Lands. These lands have existing site specific approvals for a 10-storey mixed use building. The current proposal would result in a 6 storey mixed use building. Implementation of the revised proposed development requires a Minor Zoning By-law Amendment and Site Plan Application, which are required to permit the increased density, decreased parking rate, eliminate the requirement with respect to a Quantitative Wind Study and the provision of a roof feature, and eliminate Schedule 2 (Height Schedule) of the approved Zoning By-law Amendment 2024-030. The Site Plan application facilitates the approval of the building, landscaping, and specific details of development.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development and evaluates the appropriateness of applications for Minor Zoning By-law Amendment and Site Plan when assessed against the requirements of the *Planning Act*, policies of the Provincial Planning Statement (“PPS”), Niagara Region Official Plan (“Region’s OP”), the City of Niagara Falls Official Plan (“NFOP”) and the City of Niagara Falls Zoning By-law No. 79-200.

The proposed development focuses on intensification, mixed-use development, and the provision of a range of housing options within an existing settlement area in a location identified for intensification. The proposed development is an example of good land use planning and therefore we recommend that the Minor Zoning By-Law Amendment and Site Plan applications be approved.

This Planning Justification Report analyzes the proposed development to provide the support for the approval of the applications. Sections 5.1, 5.2, and 5.3 of this report present analysis of the proposed applications within the Provincial and Regional planning policies. Section 5.4 of this report discusses the proposal’s conformity with the NFOP. Section 6.0 provides analysis for the applicable urban design policies. Section 7.0 conducts Land Use Compatibility and Section 8.0 assess the City’s housing affordability policies. Section 9.0 provides justification for approval of the application for Minor Zoning By-Law Amendment and Site Plan.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are in the City of Niagara Falls within the Built-up Area as defined Regionally and within the City. The Subject Lands are a corner parcel abutting the northwest part of the intersection of Lundy's Lane and Garner Road. The property has a frontage of approximately 105.27 metres on Lundy's Lane, a frontage of 87.5 metres on Garner Road, and a gross site area of 9,261.8 square metres (0.93 hectares). The Subject Lands are irregular in shape, with a section of the Subject Lands extending north and east of the existing Lundy's Lane Sewage Pumping Station at 5866 Garner Road (See Figure 1 – Aerial Context Map). The Subject Lands are undeveloped and do not contain any natural heritage features and are not identified in Schedule A-1 Natural Heritage Features and Adjacent Lands (see Appendix B – NFOP Schedules) in the City's Official Plan.

Surrounding the Subject Lands to the north and east are tourist commercial uses (campground). To the south and across Lundy's Lane are undeveloped lands. Across Garner Road and to the west are industrial and tourist commercial (campground) uses. The Subject Lands are further contextualized by photos collected during a site visit on August 30, 2022. Please refer to the following photos for greater detail on the existing state of the Subject Lands and the surrounding land uses. (See Photos 1-18).

Figure 1 - Aerial Context



North: Tourist Commercial (Campground)
East: Tourist Commercial (Campground)
South: Undeveloped; Tourist Commercial (Adult Entertainment)
West: Tourist Commercial (Campground)

2.1 Site Photos



Photo 1 – View looking northeast of Subject Lands from northwest side of the intersection of Lundy's Lane and Garner Road.



Photo 2 – View from Subject Lands looking southwest at intersection of Lundy's Lane and Garner Road.



Photo 3 – View toward the north of Garner Road, with Subject Lands (right).



Photo 4 – View toward the south of Gateway Feature on southeast corner of intersection of Lundy's Lane and Garner Road.



Photo 5 – View looking north of same Gateway Feature as Photo 4, Subject Lands in the background.



Photo 6 – View toward west-northwest of Subject Lands and utility boxes (left) and Lundy's Lane (right).



Photo 7 – View looking north of Subject Lands from site boundary with Lundy's Lane.



Photo 8 - View toward the north of Subject Lands and utility boxes from site boundary with Lundy's Lane.



Photo 9 – View looking north of Subject Lands (left) and neighbouring parcel to the east (right). Approximate site boundary demarcated by mowed line in grass.



Photo 10 – View toward the west of Subject Lands (right) and Lundy's Lane (left).



Photo 11 – Blown up view looking north across the Subject Lands from Lundy's Lane of the Niagara Region water pumping station.



Photo 12 – View toward the east of Subject Lands from west side of Garner Road.



Photo 13 – View looking east of site boundary of Subject Lands (right) with sewage pumping station (left).



Photo 14 – View from Subject Lands of Niagara Region pumping station, looking north.



Photo 15 – View from Subject Lands of Niagara Region pumping station, looking northwest.



Photo 16 - View from north end of parcel of the Subject Lands, utility poles lining Lundy's Lane (left) and Garner Road (right).



Photo 17 – View from Subject Lands east of Niagara Region water pumping station, looking at RV's in Scott's Campground bordering the northern site boundary.



Photo 18 – View of RV's parked in Scott's Campground.

3.0 Proposed Development

M5V Inc. is proposing a 6-storey mixed-use development with at-grade commercial storefronts and 195 residential dwelling units on two parcels of land located at the northeast corner of Garner Road and Lundy's Lane. The proposal will merge the two parcels – 8885 and 8911 Lundy's Lane into a single parcel as part of the development. Access to the development is proposed via a driveway fronting on Garner Road.

The development is proposed to have a height of 24.53 metres (6-storeys) and feature an underground parking structure in addition to surface parking at the rear of the building. The main residential entrance will be located at the rear of the building, with each commercial storefront having its own individual entrance via the Lundy's Lane frontage. A total of 807.1 square metres of commercial space is proposed. Floors 2 – 6 will contain the proposed 195-residential units, with each floor containing 39 units.

Parking will be provided in the underground parking and at-grade, with 158 spaces located underground and 79 at-grade for a total of 237 parking spaces, 7 spaces will be shared between the commercial and residential components of the development. Of the total, 7 accessible parking spaces will be provided. The proposal also contains 100 bicycle parking spaces.

3.1 Pre-Consultation Summary

The proposed development has been reviewed through the City's pre-consultation process. The most recent pre-consultation meeting was held on December 19th, 2024,

as enclosed with this submission. Of note, the studies identified during the pre-consultation meeting are for the Site Plan application. The key points are discussed below.

- Due to the decreased height of the building, Schedule 2 of the approved Zoning By-law Amendment is eliminated
- Construction of a 1.8 metre high fence along all common/shared property lines is requested
- A 2.94m road widening along Garner Road is required
- Distinct massing and building articulation should be included due to the prominence of the intersection
- The following are requested for each of the applications:
 - Minor Zoning By-law Amendment:
 - Confirmation that the Land Use Compatibility Study remains valid
 - Traditional and Coloured Site Plans & CAD
 - Floor Plans
 - Building Elevations & Renderings
 - Plan of Survey & CAD .dwg file to City projections standards
 - Land Registry PIN Sheet & PIN Map
 - Confirmation that the Noise and Vibration Study remains valid and Addendum if updates are required
 - Planning Justification Report
 - Housing Impact Statement
 - Urban Design Brief
 - Site Plan Application:
 - Confirmation that the Land Use Compatibility Study remain valid
 - Traditional & Coloured Site Plans & CAD .dwg file to City projection standards
 - Record of Site Condition
 - Engineering Drawings & CAD (.dwg) files to City projection standards:
 - Grading Plan
 - Site Servicing Plan
 - Storm Drainage Area Plan
 - Photometric Plan
 - Erosion & Sediment Control Plan
 - Unit Plan
 - Roof Plans
 - Floor Plans
 - Building Elevations & Renderings
 - Plan of Survey & CAD .dwg file to City projection standards
 - Updated Functional Servicing Report
 - Land Registry PIN Sheet & PIN Map

- Confirmation that the Noise and Vibration Study remains valid and Addendum if updates are required
- Road Widening
- Updated Stormwater Management Report
- Updated Transportation Impact Study
- Tree Inventory & Preservation Plan
- Urban Design Brief
- Detailed Landscape Plan & Details
- Itemized Landscape Cost Estimates
- Updated Sun/Shadow Study

Please refer to the Pre-Consultation Summary document, enclosed with this application, for a complete list of required studies and agency comments.

3.2 Project Background and Context

The Subject Lands underwent an Official Plan Amendment (OPA No. 165 adopted by By-law No. 2024-029), and Zoning By-law Amendment (By-law No. 2024-030) process to permit an increased height, an increased density, and to request site-specific zoning provisions. Both applications were approved and are in force and effect. The applicant has decided to amend the site design and decrease the building height from the originally proposed 10-storeys to 6-storeys and provide a minor increase in density from the approved 214 units per hectare to 216.5 units per hectare. Due to the decreased height the requirement for a Quantitative Wind Study and the addition of a roof feature, as identified in By-law 2024-030, have been eliminated. The City of Niagara Falls is also in the process of updating their parking rates and has confirmed that the proposed development can utilize a rate of 1.1 parking spaces per residential unit and a rate of 1 space per 29 square metres of commercial space. City Planning staff have confirmed, via email correspondence and the most recent Pre-consultation Agreement that the changes should be dealt with via Application for Minor Zoning By-law Amendment.

Lundy's Lane is a Regional Road (RR No. 20) and Garner Road is a City arterial road, as designated in Schedule C – Roads (Appendix B – City of Niagara Falls Official Plan Schedules). A 2.94 metre road widening is required along Garner Road to be conveyed to the City and has been shown on the updated Site Plan. A daylight triangle is provided at the intersection of Lundy's Lane & Garner Road. The net site area is calculated to be 9006.5 square metres (0.90 hectares) after the road widenings are taken from the Subject Lands.

Lot coverage is proposed at approximately 25.7% of the net site area, and landscaping is proposed at approximately 9.9% of the net site area.

Pedestrian sidewalks are currently provided along Lundy's Lane. The proposed Site Plan includes well-connected walkways providing direct access to the Lundy's Lane sidewalk from the development. The commercial uses at grade, fronting Lundy's Lane, will have direct access from the existing sidewalk. For transit, Niagara Region Transit provides

transit services connecting Niagara communities as well as providing transit within the City of Niagara Falls.

Mixed-use development on the Subject Lands will promote high quality urban living with access to transit, grocery stores, schools, municipal parks, and other local attractions. (See Figure 2 – Community Amenities Map)

Figure 2 - Community Amenities Map



The City of Niagara Falls Official Plan designates the Subject Lands as Tourist Commercial according to Schedule A – Future Land Use (see Appendix B – City Schedules). The lands underwent an Official Plan Amendment in 2024 (Amendment No. 165) for increased height and density.

The Subject Lands also went through a Zoning By-law Amendment (No. 2024-030) to rezone the lands to a Site-Specific Tourist Commercial (TC) Zone. The Zoning By-law Amendment was to modify zoning regulations related to Permitted Uses, Minimum Lot Frontage to deem Lundy's Lane as the lot frontage, Maximum Height of the Building, Parking and Access Requirements, as well as the requirement of a roof feature.

4.0 Supporting Studies Review

4.1 Archaeological Assessment

A Stage 1 and 2 Archaeological Property Assessment was conducted by AMICK in the report dated December 20, 2022. The report concluded that the Subject Lands are clear of any archeological concerns. As part of the recommendations, the report notes that no further assessment of the study area is warranted.

The relevant reports have been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Subject Lands have been entered into the register and a letter of acknowledgement, dated May 11, 2023, has been received and enclosed with this submission.

4.2 Record of Site Condition

A Record of Site Condition (No. B-402-7243886782) was filed for the property in 2024 and is enclosed as part of this submission.

4.3 Municipal Servicing Study

Scott Llewellyn & Associates Ltd. have prepared a Functional Servicing & Stormwater Management Report, dated May 2025 to provide detailed information on the stormwater management and functional servicing scheme for the proposed development.

The analysis on the Stormwater Management strategy determined the following:

- The post-development condition discharge rates to Lundy's Lane will not exceed the pre-development condition discharge rate during the 5-year storm event.

- Sufficient stormwater storage is provided on the surface of the asphalt parking lot. A total storage volume of 219 m³ is provided while only 115m³ of storage is required during the 5-year storm event.
- The proposed 130mm orifice plate will provide adequate control to the Lundy's Lane storm sewer.
- Discharge will be subject to treatment from a HydroStorm HS6 oil/grit separator before ultimately discharging to the existing storm sewer system along Lundy's Lane to achieve the recommended level of water quality protection.

The proposed Sanitary Servicing includes:

- A 200 mm sanitary sewer system, designed and constructed in accordance with the City of Niagara Falls standards, is proposed. Drainage from the proposed sanitary sewer system will discharge to the existing 300mm sanitary sewer along Lundy's Lane.
- No additional private hydrant is proposed for the development.
- Niagara Region advised via email on March 11, 2025, that the Lundy's Lane pumping station has the capacity to accommodate the proposed development.

The proposed Water Servicing includes:

- A 200mm watermain is proposed to feed off the existing 300mm watermain along Lundy's Lane.
- There are two existing fire hydrants fronting the property on Lundy's Lane and Garner Road which meet the required 90m separation distance. Both the municipal watermain and fire hydrants will supply firefighting water for the development.
- Hydrant flow tests were completed concluding that the system has sufficient pressure and capacity to service the lands.

The report concludes that the proposed development can be adequately serviced by the installation of the proposed sanitary and water servicing system, in accordance with the Grading Plan, Site Servicing Plan, and Erosion & Sediment Control Plan. Adequate control to the Lundy's Lane storm sewer can also be achieved through the recommended grading and installations.

4.4 Noise & Vibration Study

An updated Noise and Vibration Impact Study was prepared by RWDI and dated May 23, 2025.

Transportation Sources:

- The rail line to the north is greater than 100m from the property line, as such no significant impacts from rail vibration are anticipated and no further analysis, measurements or mitigation is required.
- The proposed development is located at the intersection of Lundy's Lane and Garner Road. The following noise control measures are recommended:

1. Installation of central air-conditioning so that all suites' windows can remain closed.
2. The inclusion of noise warning clauses related to:
 - a. Transportation sound levels at the building façade and in the outdoor amenity area.
 - b. Proximity to the railway line.
 - c. Proximity to the nearby industrial and commercial facilities
3. Sound isolation performance:
 - a. Suite bedroom window glazing with sound isolation performance up to STC-31.
 - b. Façade wall construction meeting the Ontario Building Code
4. Construction of noise barriers along the perimeter of the at grade amenity space.
5. For onsite mechanical equipment:
 - a. Maximum sound power level for the emergency generator of 100dBA or 84 dBA depending on the location.
 - b. Underground parking ventilation must meet the sound power limits of 68dBA (intake) and 86 dBA (exhaust) at outdoor vent openings and must account for all fans connected to the shaft. Compliance will likely require silencers and non-propeller-type fans. Additionally, the ceiling in the area around the intake should be acoustically absorbent.

Stationary Sources:

- The following facilities were identified near the Subject Lands:
 - Lundy's Lane Sewage Pumping Station (Class I) is located 12 metres from the Subject Lands
 - BV Glazing Systems (Class II) is located 40 metres from the Subject Lands. Within the 300-metre zone of influence and the 70-metre minimum recommended setback. Given the proximity to BV Glazing Systems a warning clause is recommended to be included.
 - Seductions and The Dwnr are two non-industrial sites located southeast and within 70 metres of the Subject Lands. Neither of these facilities operate under an MECP ECA or EASR permits.
- Based on the noise modelling results and setback distances, the proposed development is not expected to infringe on the compliance of any commercial or industrial operations with environmental noise permits. It is also not anticipated to cause infractions against the local noise By-law (Niagara, 2004) and are predicted to meet the relevant NPC-300 Guidance.
- The land use compatibility of the proposed development with respect to nearby industries are considered acceptable from the noise assessment perspective.

4.5 Transportation Impact Study

A Transportation Impact Study (TIS) was completed by Paradigm Transportation Solutions and dated May 2025. The report concludes the following:

- The proposed new Site Driveway is located at the northern terminus of the property and will be designed with adequate width to provide for access to and from the development and accommodate emergency response vehicles.
- The proposed driveway location provides safe sight lines for all turning movements and approaches.
- The development is projected to generate approximately 100-146 new vehicle trips during the weekday AM and PM peak hours.
- A detailed traffic analysis confirmed that under existing and future (2030 and 2035) conditions, most study area intersections will continue to operate at a Level of Service (LOS) D or better during peak hours, which is considered a well-functioning intersection in urban environments. The proposed development is expected to have minimal impacts as the increase to delay is forecast to be under 15 seconds during AM and PM peak hours.
- Signal timing split adjustments are forecast to improve eastbound through and westbound left-turn operations, however, the critical movements are forecast to still operate with delays in the LOS E-F range.
- The analysis indicated that there is no need for an auxiliary left-turn lane at the development's driveway on Garner Road. Similarly, an auxiliary right-turn lane is not recommended, as it would not provide any significant benefits to traffic operations.

According to the study, the traffic generated by the development is not expected to have a significant impact on traffic operations in the study area. The existing transportation infrastructure in the area is deemed sufficient to handle the projected traffic volumes that will be generated by the proposed development.

The study provides two recommendations based on the findings:

1. That the Region and City monitor future traffic volumes at the intersection of Lundy's Lane with Garner Road and Kalar Road and adjust signal timings as needed to correspond to changing traffic volumes; and
2. The development implements a Transportation Demand Management program that includes the following at a minimum:
 - Transportation Information Package
 - Unbundled Parking
 - Bicycle Parking Supply

4.6 Land Use Compatibility Analysis

A Land Use Compatibility Analysis was conducted by NPG Planning Solutions using the Noise and Vibration Study to review the potential adverse impacts from nearby transportation sources – including Regional Road (Lundy's Lane) and the rail corridor to the north, as well as the adjacent industrial and commercial uses, including the Niagara Region Sewage Pumping Station to the north, industrial facility to the west, and commercial operations to the southeast.

The analysis, along with the implementation of the included recommendations from the qualified studies, indicates that the proposed development is feasible in meeting the applicable noise and vibration criteria. The surrounding industrial facilities are expected to be compatible with the Subject Lands with respect to air quality. Please refer to the Section 7.0 of the report for a further Land Use Compatibility Analysis.

4.7 Landscape Plan

A Landscape Plan was prepared by James McWilliam, dated May 22, 2025, to provide landscaping treatments for the proposed development.

The site features landscape design and plantings to create a more attractive interface along the Lundy's Lane and Garner Road frontages. The improvements include a combination of deciduous and coniferous trees, shrubs, hedges and mass plantings/perennials. The Garner Road frontage will feature landscape screening in the form of deciduous trees and hedges to screen the proposed parking lot from Garner Road.

Further details can be found in the Landscape Plan enclosed with this submission.

4.8 Shadow Study

The Shadow Study was prepared by NPG Planning Solutions, dated May 2025, to assess the shadowing impacts of the proposed 6 storey mixed-use building. The Study has been prepared as per the requirements of the City of Niagara Falls Terms of Reference (TOR).

The massing model was prepared by the project architect, Podariu Architects. NPG utilized SketchUp software to geo-reference the model and simulate shadow casting. The Study examines the shadow patterns at nine hourly intervals from 10AM to 6PM for four key dates: April 21st, June 21st, September 21st and December 21st.

The Shadow Analysis is summarized based on the two shadow-sensitive areas identified for the proposed development.

1. Outdoor Residential Amenity Spaces within the proposed development

- The proposed development includes two key Outdoor Amenity Spaces, a Recreational Court and a partially covered Outdoor Amenity Area.
 - The uncovered Recreational Court remains free from shadowing throughout the day, receiving more than 4 hours of sunlight during the April to September period.
 - The partially covered Outdoor Amenity Area is located at ground level and connected to the indoor Amenity Party Room. While the northern portion remains mostly shaded, the western portion receives direct sunlight from early afternoon onwards, providing balanced environments for residents to enjoy the private amenity areas.
2. Sidewalk area and boulevards along the frontage of the development
- The Subject Lands are located at the southwest corner of the intersection of Garner Road and Lundy's Lane, with the Lundy's Lane lot line identified as the frontage. Both roads have associated sidewalks.
 - Lundy's Lane receives at least 6 hours of sun, exceeding the minimum recommended threshold of 4 hours.
 - Garner Road receives sunlight after 12PM until sunset, resulting in more than 5 hours of sunlight.

The Shadow study of the proposed mixed-use building meets or exceeds all applicable shadow impact criteria outlined in City of Niagara Falls' TOR. The scale of potential shadow impact has been mitigated by the reduced building height, building placement and orientation. The proposed development is appropriate and supportable from a shadow impact perspective,

5.0 Planning Policy Review and Analysis

5.1 Planning Act

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them." Section 2 of the *Planning Act* ("the Act") outlines the matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of the provincial interests, along with an analysis as it relates to the proposed development and the subject Applications.

Table 5.1.1: Analysis of Provincial Interest – Section 2 of Ontario *Planning Act*

SECTION	PROVINCIAL INTEREST	ANALYSIS
a)	<i>the protection of ecological systems, including natural areas, features and functions</i>	The Subject Lands do not contain any natural heritage features and are not identified in Schedule A-1 Natural Heritage Features and Adjacent Lands (see Appendix C – City Schedules).
b)	<i>the protection of the agricultural resources of the Province</i>	This is not applicable.
c)	<i>the conservation and management of natural resources and the mineral resource base</i>	This is not applicable.
d)	<i>the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i>	The Stage 1 and 2 Archaeological Property Assessment conducted by AMICK concluded that the Subject Lands are clear of any archeological concerns and no further assessment of the study area is warranted. There is no built heritage of significance on the Subject Lands or adjacent to the Subject Lands.
e)	<i>the supply, efficient use and conservation of energy and water</i>	The proposed development will utilize existing municipal services. The stormwater management approach will address on-site quality and quantity control to discharge to infrastructure in Lundy's Lane.
f)	<i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i>	<p>The Subject Lands are located along Lundy's Lane, which is classified as an arterial / regional road. Waste management services will be considered in the future approvals and detailed design process. Water and wastewater services are available to serve the Subject Lands.</p> <p>The Transportation Impact Study (TIS) has verified various aspects of the development such as the location of the access driveway, intersection capacity, and projected traffic</p>

SECTION	PROVINCIAL INTEREST	ANALYSIS
		volumes. The existing transportation infrastructure in the area is adequate to accommodate the expected traffic volumes generated by the proposed development.
g)	<i>the minimization of waste</i>	The Owners will explore opportunities to minimize waste through the construction process. They also plan to implement internal garbage collection to promote and facilitate waste separation and recycling.
h)	<i>the orderly development of safe and healthy communities</i>	<p>The Subject Lands are located within the Delineated Built-Up area of Niagara Falls and along the Lundy's Lane intensification corridor. The surrounding area consists of a variety of uses and amenities that are accessible from the Subject Lands. Further, the proposed development achieves orderly development as:</p> <ol style="list-style-type: none"> 1. It fronts on an arterial/regional road; 2. The Subject Lands are in proximity to neighbourhood facilities and are proposed to include retail spaces which enable the development to support complete communities within the area. 3. There are no residential dwellings in the immediate vicinity of the Subject Lands to be impacted by the proposed height of the building. As such, the proposal is supported by the Shadow study that confirm there are no significant concerns due shadowing from the proposed development. 4. Appropriate infrastructure is provided to service the proposed development. 5. The surrounding industrial facilities are compatible with the Subject Lands with respect to noise and air quality, subject to implementing the recommendations in the reports.
h.1)	<i>the accessibility for persons with disabilities to all</i>	The proposed development includes 30 barrier free units (20 one-bedroom, 5 two-bedroom, and 5 studio). The site plan also illustrates 6

SECTION	PROVINCIAL INTEREST	ANALYSIS
	<i>facilities, services and matters to which this Act applies</i>	accessible parking spaces located close to the building entrance on the ground floor and 1 accessible parking spaces in the underground parking structure for a total of 7 accessible parking spaces.
<i>i)</i>	<i>the adequate provision and distribution of educational, health, social, cultural and recreational facilities</i>	The Subject Lands have access to educational, health, social, cultural, and recreational facilities which are located in close proximity to the Subject Lands.
<i>j)</i>	<i>the adequate provision of a full range of housing, including affordable housing</i>	The proposed development provides one-bedroom, two-bedroom, three-bedroom, and studio condominium units. Section 8 of this report assesses the affordability of these units based on the intended sale price and the City's housing affordability guidelines.
<i>k)</i>	<i>the adequate provision of employment opportunities</i>	This is not applicable as the lands are not planned for employment. However, the commercial spaces will include provision of jobs.
<i>l)</i>	<i>the protection of the financial and economic well-being of the Province and its municipalities</i>	The efficient use of land with existing and planned municipal infrastructure provides for long-term financial stability and cost-effective development.
<i>m)</i>	<i>the co-ordination of planning activities of public bodies</i>	This will be addressed through the circulation of the planning applications to applicable public bodies. Pre-consultation comments have been received and are addressed throughout this report.
<i>n)</i>	<i>the resolution of planning conflicts involving public and private interests</i>	This is not applicable as the applications are being submitted to the City of Niagara Falls for their approval.

SECTION	PROVINCIAL INTEREST	ANALYSIS
o)	<i>the protection of public health and safety</i>	<p>Safe access for vehicles, pedestrians, and cyclists is provided through the proposed site plan.</p> <p>A Phase One Environmental Site Assessment was completed for the proposed development and a Phase Two assessment was not required. The conclusions of this report remain valid. Additionally, a Record of Site Condition has been filed in the Environmental Site Registry and is included as part of this submission.</p>
p)	<i>the appropriate location of growth and development</i>	<p>The Subject Lands are within the Delineated Built-up Area which is an area planned for intensification and is an appropriate location for growth and development. The Subject Lands are also located along Lundy's Lane Intensification Corridor which permits the proposed residential and retail uses on the property. Higher density housing is permitted along this corridor.</p> <p>Overall, the Subject Lands are an appropriate location for growth and development, subject to satisfactory completion of the requisite technical studies.</p>
q)	<i>the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians</i>	<p>The design provides pedestrian access to Lundy's Lane and Garner Road. Public transit is within walking distance of the Subject Lands. Further, the site plan includes bike storage opportunities enabling future residents to rely on the Region's Strategic Cycling Route to reach various destinations on their bike.</p>
r)	<i>the promotion of built form that:</i> <i>i.) is well-designed</i> <i>ii.) encourages a sense of place</i>	<p>i.) The design incorporates high quality urban design elements for the built form of the development.</p> <p>ii.) The design provides access to Lundy's Lane and Garner Road for pedestrians.</p>

SECTION	PROVINCIAL INTEREST	ANALYSIS
	<i>iii.) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant</i>	<p>iii.) Shared amenity areas including an outdoor sitting area, fitness room, party room, and theater area are incorporated in the proposed development.</p> <p>Please refer to Section 6 of this report where applicable urban design principles and policies have been assessed.</p>
s)	<i>the mitigation of greenhouse gas emissions and adaptation to a changing climate</i>	<p>The design of the proposed development addresses stormwater management. The stormwater management design addresses quality and quantity control.</p> <p>The design of the site incorporates climate mitigation through placement of the buildings, and inclusion of features that support active modes of transportation.</p>

SUMMARY AND CONCLUSION

In summary, the proposed development and implementing applications have regard for matters of public interest in the *Planning Act* by locating growth in the appropriate location, utilizing existing infrastructure, and increasing the range of housing available in the area.

5.2 Provincial Planning Statement (2024)

The Provincial Planning Statement (2024), hereinafter referred to as the “PPS”, is a streamlined province-wide land use planning policy framework that replaces both the Provincial Policy Statement, 2020 and A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, while building upon housing-supportive policies from both documents. The PPS came into effect on October 20, 2024.

5.2.1. Planning for People and Homes

Section 2.1 of the PPS provides policy direction related to managing and directing land use. The following policies apply to the proposal:

POLICY

2.1.6 *Planning authorities should support the achievement of complete communities by:*

- a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment, public service facilities and other institutional uses (including schools and associated childcare facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;*
- b) improving accessibility for people of all ages and abilities by addressing land use barriers which restrict their full participation in society; and*
- c) improving social equity and overall quality of life for people of all ages, abilities, and incomes, including equity-deserving groups.*

ANALYSIS

The Subject Lands are within the settlement area in Niagara Falls, supported by existing municipal and wastewater infrastructure. The site is also located along the Lundy's Lane Intensification Corridor according to Schedule A2 – Urban Structure Plan in the Niagara Falls Official Plan (see Appendix C – City Official Plan Schedules), making the location an appropriate for higher density, mixed-use development on underutilized lands in an area with a variety of land uses, services and transit options. The Subject Lands have access to a range of multi-modal transportation options including a planned, dedicated bicycle lane on Lundy's Lane, an existing sidewalk on Lundy's Lane, as well as access to a range of transit routes operated by Niagara Region.

The range of land uses, amenities, and accessible active transportation options helps to improve the overall quality of life for the residents of the proposed development.

5.2.2. Housing

Section 2.2 of the PPS provides the following policies with respect to housing:

POLICY

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

b) permitting and facilitating:

- 1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;*
- 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas and redevelopment,*

which results in a net increase in residential units in accordance with policy 2.3.1.3;

c) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation; and

d) requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations.

ANALYSIS

The proposal facilitates a mix of housing through the development of a mixed-use building consisting of 195 dwelling units on an underutilized lot and achieving a density of approximately 216.5 units per hectare. The proposal includes studio, 1-, 2-, and 3-bedroom units, including accessible units, which will accommodate a wide range of households. As of 2021 census records, the City of Niagara Falls had 37,795 private dwelling units, of which 24,4990 (66%) were single detached dwellings. The proposed development will assist in providing a range of housing options within the municipality.

The Subject Lands are located at the intersection of two arterial roads: Lundy's Lane (Regional Road 20) to the south and Garner Road to the west. The property is also located near existing transit stops on both sides of Lundy's Lane, which enhances connectivity and provides access to active transportation options for future residents.

5.2.3. Settlement Areas

Section 2.3 of the PPS provides the following policies with respect to settlement areas:

POLICY

2.3.1.1 Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.

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

- a) efficiently use land and resources;*
- b) optimize existing and planned infrastructure and public service facilities;*
- c) support active transportation;*
- d) are transit-supportive, as appropriate, and*

2.3.1.3 Planning authorities shall support general intensification and redevelopment to support the achievement of complete communities, including by planning for a range and mix of housing options and prioritizing planning and investment in the necessary infrastructure and public service facilities.

ANALYSIS

The proposed development promotes the efficient use of land within a Settlement Area by providing a density that can be accommodated by the existing municipal infrastructure. The site is located along the Region's Strategic Cycling Network, as well as a Regional transit corridor, encouraging the use of active and public transportation options. A Regional transit stop is located around 100 metres east of the property providing convenient access to public transit servicing the City and larger Niagara Region.

5.2.4. Employment

Section 2.8 of the PPS provides policy direction with respect to employment. The following applies to the proposed development:

POLICY

2.8.1.1 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*
- d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and*

ANALYSIS

The proposed development is characterized by its compact, high-density built form featuring a mix of land uses including commercial and residential in the same building. Although the Subject Lands are not in an employment area, these commercial uses will provide new jobs and services to the area ensuring consistency with the employment policies of the PPS.

5.2.5. Energy Conservation, Air Quality and Climate Change

Section 2.9 of the PPS provides policies regarding Energy Conservation, Air Quality, and Climate Change. The following policy applies to the proposed development:

POLICY

2.9.1 Planning authorities shall plan to reduce greenhouse gas emissions and prepare for the impacts of a changing climate through approaches that:

- a) support the achievement of compact, transit-supportive, and complete communities;*

- d) promote green infrastructure, low impact development, and active transportation, protect the environment and improve air quality and*
- c) take into consideration any additional approaches that help reduce greenhouse gas emissions and build community resilience to the impacts of a changing climate.*

ANALYSIS

The site design demonstrates a compact built form and adds to the mix of residential housing options available in the area by providing 1-, 2-, and 3-bedroom units, as well as studio units housed within a mixed-use building. The proposal does achieve transit supportive land use densities. The site's strategic location along a key cycling route, existing transit infrastructure, and proximity to commercial and employment areas, parks, and institutional facilities promotes walkability and supports multi-modal transportation options – in turn helping to reduce greenhouse gas emissions.

The orientation of the building along the east-west axis allows south facing units to benefit from direct sun exposure throughout the day. Such a placement maximizes passive solar gains during the winter months, which contributes to improving the overall energy efficiency for heating the units.

5.2.6. Transportation Systems

Section 3.2 of the PPS provides policies regarding transportation systems. The following policy applies to the proposal:

POLICY

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

ANALYSIS

The Subject Lands are located on Lundy's Lane, which is an arterial road containing a range of transportation options including public transit and active transportation infrastructure. The proposal also provides an area for bicycle storage to promote the use of active modes of transportation. As such the development will make efficient use of existing and future transportation infrastructure along Lundy's Lane.

5.2.7. Airports, Rail and Marine Facilities

Section 3.4 of the PPS provides policy direction for planning in the vicinity of airports, rail and marine facilities. The following policies apply to the proposed development:

POLICY

- 3.4.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*
- a) their long-term operation and economic role is protected; and*

b) airports, rail facilities and marine facilities, and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 3.5.

ANALYSIS

The Subject Lands are located in proximity to the CN Freight Rail Line to the north. However, the rail line is not anticipated to cause significant impacts due to the existing setback distances and all residential units in the development will meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. Further details on the analysis and recommendation can be found in the Noise & Vibration Study enclosed as part of these submissions.

5.2.8. Land Use Compatibility

Section 3.5 of the PPS provides policy direction related to land use compatibility. The following apply to the proposal:

POLICY

- 3.5.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*
- 3.5.2 Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.*

ANALYSIS

The Subject Lands are near a rail line with low rail traffic volumes and bounded by Garner Road and Lundy's Lane to the west and south. They are also in proximity to industrial and commercial uses. In accordance with Section 3.5.2, the following demonstrates that the proposed development is in compliance with the provincial policies. Further compatibility analysis is provided in Section 6.0 – Land Use Compatibility Analysis of the report as well as the Noise and Vibration Report submitted with the applications.

- a) The proposed mixed use development will be along the Lundy's Lane Intensification Corridor, designated for growth by the City. The proposed use will help in achieving the minimum residential target for the City.

- b) The Subject Lands are designated Tourist Commercial and underwent an Official Plan Amendment (OPA No. 165) for increased height and density. The Tourist Commercial designation permits the proposed residential use as per Part 2, Section 4.2.9 of the City Official Plan.
- c) The CN Freight Rail Line is located over 100 metres north of the proposed development. This setback distance poses no significant impacts from rail vibration. Please refer to the Noise and Vibration Report prepared by RWDI for a more detailed analysis.
- d) The site is within the influence area of Class I and II industrial uses and two unclassified commercial developments. Noise modelling and setbacks indicate acceptable compatibility from a noise perspective. The development is also considered compatible with nearby transportation corridors in terms of air quality subject to the mitigation measures outlined in the land use compatibility section and the Noise and Vibration Report.

5.2.9. Sewage, Water and Stormwater

Section 3.6 of the PPS provides land use policies with respect to municipal servicing. The following applies to the Subject Lands:

POLICY

- 3.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

ANALYSIS

The proposed development would connect to existing servicing infrastructure on Garner Road and Lundy's Lane. This approach is consistent with the policies of the PPS that require the efficient use of infrastructure including municipal services and indicate that municipal services are the preferred form of servicing in Settlement Areas. The technical requirements to service the proposed development will be implemented following the recommendations of the servicing reports.

5.2.10. Cultural Heritage and Archaeology

Section 4.6 of the PPS provides policy direction regarding cultural heritage and archaeology. The following applies to the proposal:

POLICY

- 4.6.2 Planning authorities shall not permit development and site alteration on lands containing archaeological resources or areas of archaeological potential unless the significant archaeological resources have been conserved.*

ANALYSIS

A Stage 1-2 Archaeological Assessment prepared by AMICK did not identify and/or recover archaeological resources on the Subject Lands and recommends no further archaeological assessment be undertaken.

CONCLUSION

Based on the above the proposed development is consistent with the PPS.

5.3 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is intended to manage growth coming to Niagara by influencing economic, environmental, and planning decisions until 2051 and beyond.

Table 5.3.1 – NOP Schedules and Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
B – Regional Structure	Delineated Built-up Area
J1 – Transportation infrastructure	Lundy's Lane is a Regional Road
J2 – Strategic Cycling Network	Lundy's Lane is identified as part of the Strategic Cycling Network
K – Areas of Archaeological Potential	Subject Lands are an identified area for archaeological potential

5.3.1. Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

POLICY

2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:

- b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*
- c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:*

i. a range of transportation options, including public and active transportation;

e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;

f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...

i) the development of a mix of residential built forms in appropriate locations, such as local growth centres, to ensure compatibility with established residential area.

k) orderly development in accordance with the availability and provision of infrastructure and public service facilities;

l) mitigation and adaptation to the impacts of climate change by:...

iii. promoting built forms, land use patterns, and street configurations that improve community resilience and sustainability, reduce greenhouse gas emissions, and conserve biodiversity.

2.2.2.5 A Regional minimum of 60 per cent of all residential units occurring annually will be within built-up areas.

ANALYSIS

The Subject Lands are within the Delineated Built-up Area of the City of Niagara Falls and are located along the Lundy's Lane Intensification Corridor. The property is accessible via an existing transit route and fronts on a City Arterial Road and a Regional Road (Garner Road and Lundy's Lane, respectively), both of which will enable the development to align with the intent of the Region to direct residential intensification through strategically located corridors. Furthermore, in compliance with Policy 2.2.2.5, the proposed development contributes to the fulfillment of the Regional policy requirement of 60 percent of all residential units annually occurring within the Built-up Area. This will be achieved by attaining a density of approximately 216.5 units per net hectare. This increase in density in conjunction with the mixed-use nature of the proposal achieves the goals of complete communities.

The development will be 6 storeys in height accommodating 195 dwelling units. The proposal is at a slightly higher density than what was previously approved; the previous proposal was found to be compatible with the surrounding land uses.

Proximity to the existing transit facilities, implementation of sidewalk connections, the transit-supportive land use densities, and provision of bicycle parking within the site will render the proposed development to be transit-supportive and active transportation supportive. Lastly, the proposed development will utilize and optimize the use of existing municipal sanitary and water services.

5.3.2. Strategic Intensification and Higher Densities

Section 2.2.2 of the NOP provides policy direction regarding intensification, as follows:

POLICY

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

- b) areas with existing or planned public service facilities;*
- c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and*

2.2.2.6 Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 10,100 units and a 50% intensification rate for Niagara Falls).

2.2.2.9 Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.

2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites; and ...*

ANALYSIS

The proposed development is considered to be intensification as stipulated in the NOP and contributes to meeting the Regional intensification targets for the City of Niagara

Falls. The proposed development would facilitate appropriate development standards to support the achievement of complete communities and facilitate compact built form. For these reasons, the proposed development conforms with Section 2.2.2 of the NOP.

5.3.3. Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the region. The following policies apply:

POLICY

2.3.1.1 The development of a range and mix of densities, lot and unit sizes, and housing types, including affordable and attainable housing, will be planned for throughout settlement areas to meet housing needs at all stages of life.

2.3.1.4 New residential development and residential intensification are encouraged to be planned and designed to mitigate and adapt to the impacts of climate change by:

a) facilitating compact built form;

2.3.1.5 New residential development and residential intensification should incorporate universal design standards to meet housing needs at all stages of life.

ANALYSIS

The proposed development would facilitate the development of dwelling units with several unit sizes, contributing to the range and mix of housing density and types. This form of residential development also conforms with policies encouraging compact built form. Further, the provision of accessible units will enable people of all ages and abilities to live in this community.

5.3.4. Multimodal Transportation System

Section 5.1 of the NOP identifies policies regarding the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

POLICY

5.1.1.4 Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.

5.1.5.1 As conditions of the approval of a development application under the Planning Act:

a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region

5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.

ANALYSIS

The Subject Lands are located along the Strategic Cycling Route as per Schedule J2 of the Niagara Official Plan (see Appendix A – Regional Schedules). Lundy's Lane is part of this route. The proposed development will utilize the proximity to the Regional bicycling network to utilize active transportation, reduce the need for single-occupancy vehicle trips, and support a multi-modal transportation system.

No road widening was requested from the Lundy's Lane frontage. No driveway access for vehicles is proposed to/from Lundy's Lane.

A Noise & Vibration Study was conducted by RWDI to address potential concerns due to proximity of the Subject Lands to the arterial roads and the CN Freight Line. The report indicates that all the proposed units in the development can meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. The CN Freight Line was identified to be sufficiently setback not to cause any significant noise and vibrational concerns. The development will be constructed as per the recommended mitigation measures, as outlined in the report. Further conclusions and recommendations of the report can be found in Section 4.4 – Noise & Vibration Study of this report.

5.3.5. Infrastructure Planning, Development, and Asset Management

Section 5.2.1 of the NOP identifies policies regarding infrastructure planning. The following policies apply:

POLICY

5.2.1.1 Infrastructure planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of complete communities.

5.2.1.5 Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of

existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.

ANALYSIS

The proposed development will have services constructed in accordance with the recommendations of the Scott Llewellyn & Associates Ltd. Functional Servicing & Stormwater Management Report. The report indicates that the proposed development can be constructed to meet the City of Niagara Falls requirements, subject to the recommendations outlined in the report.

5.3.6. Archaeology

Section 6.4 of the NOP identifies policies regarding archaeology. The following policies apply:

POLICY

6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.

6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.

ANALYSIS

Schedule K of the Niagara Official Plan identifies the Subject Lands as having high potential for archaeological resources. A Stage 1 and 2 Archeological Property Assessment was completed by AMICK concluding that the Subject Lands are clear of any archeological concerns. As part of the recommendations, the report notes that no further assessment of the study area is warranted.

The findings have been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Subject Lands have been entered into the Register and a letter of acknowledgement, dated May 11, 2023, has been received.

SUMMARY OF ANALYSIS FOR NIAGARA OFFICIAL PLAN (2022)

The NOP is a long-range, region-wide planning document that directs where intensification in the form of compact, mixed-use, transit-supportive development is to take place in built-up urban areas. The proposed development prioritizes lands available for growth within the Built-up Area of the City. The proposal is residential intensification on lands that are within a City-designated intensification area. The proposed 195 residential units will contribute toward the minimum Intensification target of 50% for the City of Niagara Falls. The enclosed Noise and Vibration Study confirms all the proposed units in the development can meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. An archaeological assessment confirms there are no archaeological findings identified on the property.

Based on the analysis undertaken for this Planning Justification Report, the proposed development conforms with the Niagara Official Plan (2022) regarding managing growth and providing housing and infrastructure.

5.4 Niagara Falls Official Plan

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

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

- *To direct growth to the urban area and away from non-urban areas*
- *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
- *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
- *To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.*
- *To 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.*
- *To encourage alternative forms of transportation such as walking, cycling and public transit.*
- *To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.*

Table 5.4.1 – City Official Plan Schedules & Designations of Subject Lands

SCHEDULE	SUBJECT LAND DESIGNATION
A – Future Land Use	Tourist Commercial
A2 – Urban Structure Area	Lundy's Lane Intensification Corridor
B – Phasing Plan	Existing Municipal Servicing Area
C - Roads	Lundy's Lane and Garner Road are Arterial Roads
E – Tourism District	Lundy's Lane Satellite District

5.4.1. Strategic Growth and Intensification

Part 1 of the NFOP provides policy strategic policy direction regarding intensification with the municipality. The following policies apply:

POLICY

Part 1 Plan Overview and Strategic Direction

Section 2 Strategic Policy Direction

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

Section 3 Intensification

3.2 The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.15.5(iii).

3.3 The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A2(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.

3.5 Intensification Corridors contain lands that front onto arterial roads and have the attributes conducive to supporting medium or high density residential redevelopment over the long term. Lands with frontage directly onto these corridors may be considered for residential use.

3.9 The portion of Lundy's Lane to the west of Montrose Road is identified as an intensification corridor on Schedule A-2 to this Plan as this section is characterized by large lots capable of supporting intensification at varying levels. Intensification may take the form of:

- a) tourist commercial redevelopment that capitalizes on, and expands upon, the existing tourism infrastructure. Uses that serve as attractors, as well as indoor and outdoor recreational facilities, are encouraged;*
- b) local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road; and*
- c) residential uses in accordance with the policies of Part 2, Section 4.2.31.*

Part 2 Land Use Policies

Section 1 Residential

1.15.5 (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.*

ANALYSIS

The Subject Lands are located within the Urban Area Boundary and are identified within the Built-up Area as per Schedule A2 – Urban Structure Plan of the NFOP (see Appendix B – City Schedules). The site is also part of the Lundy's Lane Intensification Corridor which is envisioned to have tourist commercial development, local-serving commercial uses and residential uses.

The Subject Lands are designated Tourist Commercial in accordance with the City's Official Plan and are located within Special Policy Area 94, as amended by OPA 165. Special Policy Area 94 permits a maximum building height of 10 storeys and a maximum net density of 214 units per hectare. The applicant has revised the site design and the new proposal is for a 6-storey mixed use building with a density of 216.5 units per hectare. City Planning staff were in agreement with the minor increase in density.

The NFOP encourages development within the Built-up Area to be at a higher density than what currently existing in the neighbourhood, which is the case for the proposed development. The proposed housing form will also add to the mix of housing, and efficiently utilize the vacant lands, in turn achieving the vision of the Lundy's Lane intensification corridor.

Section 1.15.5 (iii) requires such developments to be along arterial roads. The Subject Lands are a corner lot, abutted by two arterial roads – Garner Road and Lundy's Lane. Further, the development complies with the other policy requirements of Section 1.15.5 (iii) as follows:

Architectural treatments: Instead of stepbacks, the revised design introduces a continuous horizontal architectural projection at the 1-storey height along the Lundy's Lane and Garner Road frontages. This design feature creates a clear visual break between the commercial uses at grade and the residential uses above. It establishes a pedestrian scale at the street level by articulating the building's base.

Figure 3 Building Elevation

Yard Setbacks: For rear yard setbacks, the Official Plan policy states that the “rear yard setbacks should be equal to building height”. In this case, the proposed setback is 50.98 metres (where building height is 24.53 metres). Additionally, the proposed rear yard setback meets the requested parent TC zone requirement of 10 metres.

Setback for the “interior side yards shall be appropriate for the building height proposed in relation to abutting land uses”, as per the Official Plan policy in Section 1.15.5 (iii). The development currently abuts a campground to the north and east and is bounded by arterial roads to its south and west. The building is located closer to the south lot line, where the interior side yard along the east lot line is 3.89 m at the pinch point. It is our opinion that the proposed 3.89-metre side yard setback is appropriate as the distance complies with the requested parent TC zone, which does not require an interior side yard setback where the side lot line does not abut a residential, institutional or open space zone.

Street Frontage: The development is also designed to create a street presence along Lundy's Lane by orienting the building towards the roadway, providing commercial uses conveniently accessible by walkway links to the municipal sidewalk, and suitable landscaping along the street front.

Parking: Parking is provided in an underground structure and to the rear of the development, in accordance with the Official Plan policy. Landscaping is also proposed to reduce visibility of parking spaces from the street, as shown in the Conceptual Landscape Plan.

5.4.2. Tourist Commercial Policies

Part 2 Section 4 of the NFOP provides direction regarding tourist commercial uses. The following policies apply:

POLICY

Part 2 Land Use Policies

Section 4 Tourist Commercial

4.1 The Niagara Falls Tourist Area Vision

Building Quality And The Emerging Skyline

4.1.23 The skyline of Niagara Falls shall continue to be characterized by the three existing viewing towers. New high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height shall be considered by zoning by-law amendment on a site specific basis.

4.1.24 A system of built-form regulations in the Tourist Area shall be established, based on the following principles:

- b) Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;*
- c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*
- d) The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;*
- f) All applications for additional building heights will be treated on a quid pro quo basis wherein the developer agrees to provide public realm improvements;*

4.2 Tourist Districts

4.2.3 The Lundy's Lane Satellite District is a multi-functional commercial area catering to both City residents and tourists. A portion of the District also provides opportunities for cultural heritage preservation.

4.2.9 Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.

Lundy's Lane Satellite District

4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.

4.2.29 An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:

- a) a uniform building setback, closer to the street line with a consistent landscaped setback;*
- b) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,*
- c) front yard surface parking limited to one row, with additional parking provided to the rear of buildings.*

4.2.30 The Lundy's Lane Satellite District interfaces primarily with residential lands north and south. To lessen potential land use conflicts with the residential lands, commercial development shall be designed in accordance with the following:

- a) screening and buffering is to be provided adjacent to residential lands through a combination of fencing and landscaping;*
- b) loading areas should be located within interior side yards;*
- c) garbage and recycling materials should be stored within fully enclosed structures;*
- d) access ramps onto intersecting roads should be located as far from the residential interface as possible; and*
- e) any signage should not be illuminated when facing residential lands.*

4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:

- a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial*

uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.

b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.

c) Residential uses may develop to a maximum building height of 6 storeys, with a maximum net density of 100 units per hectare and a minimum net density target of 50 units per hectare.

d) Building heights shall respect surrounding building heights site specifically by increasing separation distances from buildings of lower height and from public open spaces.

e) Buildings should be sited such that rear yard setbacks are equal to building height and interior side yards are appropriate for the building height proposed in relation to abutting land uses;

f) Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have active pedestrian uses or residential units when abutting street frontages.

g) 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.

h) 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.

i) Developments should provide pedestrian connections to the surrounding neighbourhood where possible.

j) 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.*

4.2.32 New developments within the Lundy's Lane Satellite District shall be consistent with Section 4.3.7 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form.

ANALYSIS

The Subject Lands are designated Tourist Commercial in accordance with the City's Official Plan and are located within Special Policy Area 94, as amended by OPA 165. Special Policy Area 94 permits a maximum building height of 10 storeys and a maximum net density of 214 units per hectare. The applicant has revised the site design and the new proposal is for a 6 storey mixed use building with a density of 216.5 units per hectare. City Planning staff are in agreement with the minor increase in density. The proposed mixed-use residential development is permitted on the property, in accordance with Section 4.2.9 of the NFOP.

In speaking to the policies of Section 4.2.29, the proposed development maintains uniform building setbacks from both Garner Road and Lundy's Lane. Multiple entrances are proposed off Lundy's Lane with the principal building entrance located at the rear of the building. A consistent landscape setback is proposed along Lundy's Lane and Garner Road which creates visual uniformity. Moreover, there is only one vehicular access proposed from Garner Road. This will allow for streamlining of traffic and eliminate any driveway/roadway conflicts on Lundy's Lane. Lastly, all the parking has been provided to the rear of the property and in an underground parking garage.

With regards to Section 4.2.30, even though the proposed development does not interface with residential lands on either side as described in Section 2 of this report, the following measures have been implemented:

- The proposed loading bay is located right behind the building for convenient access to the at-grade commercial uses.
- Waste and recycling will be stored in a room within the building footprint and fully enclosed.

When considering policies of Section 4.2.31, the following features have been illustrated on the site plan:

- The residential component of the development will be located above-grade in the proposed multi-use building. The main residential entrance will be located at the rear of the building and will be conveniently accessible to elevators, parking areas, bike storage rooms and other amenities for residential purposes.

- All the commercial spaces have street frontage and individual accesses off Lundy's Lane, and their presence is enhanced by including higher ceilings, use of architectural materials that promotes visual connection, appropriate signages and suitable landscaping along the front.
- Section 4.2.31 c) permits a maximum building height of 6 storeys, with a maximum density of 100 units per hectare. Site-specific Official Plan and Zoning By-law Amendments were approved (By-law No. 2024-029 & By-law No. 2024-030) to increase the height and density of the proposal and to request site-specific zoning relief. The original application was for a 10-storey building at a residential density of 214 units per net hectare. The application has since been amended and the new proposal is for a 6-storey mixed-use building with a net density of 216.5 units per hectare. City Planning staff are supportive of dealing with the minor increase in density via Minor Zoning By-law Amendment.
- The location and massing of the proposed building is not anticipated to cause any concerns to the abutting land uses. As previously mentioned, the proposed rear yard and interior side yard setbacks comply with the parent TC zone. NPG conducted a Shadow Study, concluding the shadow impacts caused by the proposed development on the nearby commercial and industrial uses are not considered significant. Additionally, shadowing impacts along the public realm are expected to be minimal and there are no residential uses in the immediate vicinity of the Subject Lands. Further details of the Shadow Study can be found in Section 4.8 of this report.
- Parking for the development is carefully located to the rear of the building and in the underground level. There are no spaces visible from the Lundy's Lane frontage. Adequate parking has been provided for both the residential and commercial uses. Please refer to Section 8 of this report for further details on the requested parking standard.

Relevant policies mentioned in 4.4.2 – 4.4.8 are elaborated in the following section of this report.

POLICY

4.4 High-Quality Private Development

4.4.1 High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built-form regulations consistent with Section 4.1.24 of this Plan.

4.4.2 Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum

height set out in Fig. 4 and section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria;

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

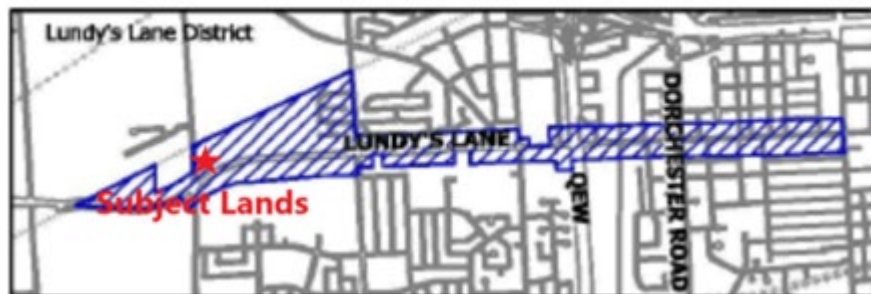
4.4.3 In order to provide reasonable flexibility in the regulation of building heights, general parameters for building heights will be established rather than strict height limits. In this regard, the following parameters will apply:

High-rise 13 To 30 storeys

Medium-rise 9 to 12 storeys

Low-rise 5 to 8 storeys

HEIGHT STRATEGY



4.4.4 In approving zoning by-law amendments permitting increases in building heights, Council shall authorize the use of Section 37 of the Planning Act and enter into legal agreements under that Section to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture and the provision of landscaped open space

Massing Of New Development

4.4.6 High-rise developments shall not overwhelm the public realm, nor shall they collectively create a solid wall at the top of the escarpment. The intention is to permit tall buildings to be built but to reduce their massing and visual impact as they become taller and to provide

appropriate gaps between them. At lower levels, buildings will be permitted to develop to the property line in order to enhance street level activities.

4.4.7 Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.

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

b) to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design;

c) to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;

d) to ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings;

e) to minimize adverse impacts on residential areas.

4.4.8 Regulating the scale and massing of buildings, as described in policy 4.4.7, will be implemented through the adoption of site specific zoning provisions for individual development projects.

ANALYSIS

In accordance with Part 2 Section 4.4.2, the originally proposed height of 10 storeys was greater than the maximum permitted 6 storeys in the parent TC zone. The proposed height was implemented as per the amending site-specific Zoning By-law No. 2024-030, in accordance with Part 2 Section 4.4.3. The revised proposal decreases the height of the development to 6 storeys.

As mentioned previously, the proposal includes landscape treatments as part of the streetscape, which can be reviewed in the Landscape Plan. The development promotes street presence by orienting the building towards Lundy's Lane and providing walkable links to the municipal sidewalk. Further analysis of the design implementation can be found in Section 6 of this report.

Although the building does not exceed 10 storeys, a shadow study has been conducted and enclosed with this submission. The Shadow Study prepared by NPG Planning Solutions confirms there are no significant shadowing impacts on the neighbouring uses and the public realm. There are no residential uses in the immediate vicinity of the Subject Lands to cause any adverse wind or shadowing impacts.

In assessing Section 4.4.7 policies, the following measures have been implemented:

- The proposed development at 6-storeys is not anticipated to cause any significant impacts to the Niagara Falls skyline due to its distance from the central tourist commercial district.
- The revised design introduces a continuous horizontal architectural projection at the 1-storey height along the Lundy's Lane and Garner Road frontages. This design feature creates a clear visual break between the commercial uses at grade and the residential uses above. It establishes a pedestrian scale at the street level by articulating the building's base. At-grade commercial uses, landscaping and walkable links to the municipal sidewalk enhance the pedestrian environment at the street level on Lundy's Lane.

POLICY

4.5 Parking

4.5.3 With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:

- a) As parking areas are highly visible and tend to detract from the pedestrian environment, this Plan encourages active uses other than parking at the street level;*
- b) Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping;*
- c) Where structured parking is provided, publicly-accessible uses should be incorporated at grade level to enhance the street environment. Alternatively, setbacks and landscaping shall be provided to visually screen the parking structure;*

ANALYSIS

The development proposes a total of 237 parking spaces on site to accommodate the proposed commercial and residential uses. City Planning staff have finalized a study to modernize the multi-residential parking rates in the zoning by-law and have no objection to a 1.10 parking space per dwelling unit rate being applied to the proposed development. As such, the required parking for the proposed development is 215 residential parking spaces and 28 commercial parking spaces at a rate of 1 commercial space for each 29 square metres of commercial space, for a total of 243 parking spaces, with 7 spaces being shared between the residential and commercial portions, decreasing the total amount of required parking spaces to 236 spaces.

The development incorporates underground parking that will reduce car parking areas at grade and increase on-site landscaping. The surface parking is sufficiently screened from

the Lundy's Lane frontage due to the siting of the proposed building. Although parking is visible from Garner Road, the spaces are further setback within the property, away from main road and screened to a degree through the proposed landscape treatments illustrated on the Landscape Plan.

5.4.3. Servicing

Part 3 Section 1 of the NFOP provides direction regarding municipal infrastructure. The following policies apply:

POLICY

Part 3 Environmental Management

Section 1 Municipal Infrastructure

1.2 Water And Sanitary Sewage

1.2.4 Development within the urban area shall be accommodated on the basis of full municipal services including sewers, storm sewers, water services and improved roadways. Uses within the urban area shall connect to municipal water and sanitary services, if available. Outside of the urban area, Council shall cooperate with the Niagara Region in promoting individual sewage disposal systems which incorporate proven new technology achieving reduced volumes and/or improved quality of effluents.

1.3 Storm Drainage

1.3.1 It is required that all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system. Appropriate systems may include underground pipes, ditches, culverts, swales, man-made and natural watercourses, detention storage areas or any other storm water management system acceptable to Council, the Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.

ANALYSIS

As per Schedule B Phasing Plan of the NFOP (see Appendix B – City Schedules), the Subject Lands are within the Existing Municipal Service Area of the City of Niagara Falls. The development can be serviced by the existing water and sanitary sewage services, as per the Functional Servicing Report prepared by Scott Llewellyn & Associates (SLA). Additionally, SLA's Stormwater Management Report provides recommendations for storm servicing that will be designed and constructed to meet the objectives of the City of Niagara Falls. The majority of the stormwater will be captured and controlled by the private storm servicing before controlled release back to the municipal sewer. The plan

also recommends measures to minimize erosion, improve stormwater quality and provide stormwater storage during storm events up to and including the 5-year event.

5.4.4. Transportation

Part 3 Section 1.5 of the NFOP provides direction regarding transportation services. The following policies apply:

POLICY

1.5 Transportation

Rail And Public Transit

1.5.11 Where residential or institutional development is proposed in close proximity to operational railway lines, Council shall require the preparation of a noise and vibration impact assessment. If necessary, the assessment shall include measures necessary to achieve acceptable attenuation levels in accordance with Ministry of the Environment, and Railway criteria. The measures may take the form of fencing, increased setbacks, earth berms, tree planting, acoustical insulation, site plans or combinations thereof in order to minimize potential safety hazards and visual, noise and vibration impacts to the satisfaction of the City and the Ministry of the Environment, and in consultation with the appropriate Railway.

Active Transportation Facilities

1.5.16 New development will be encouraged to provide bicycle parking and other facilities to accommodate active transportation. In this regard, the City will provide bicycle facilities within its own buildings.

Collector And Local Road Network

1.5.18.4 Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres.

1.5.23 The dedication of land for roads and rights-of-way improvements will conform to prescribed Provincial and Regional standards. Where lands are required for road construction or widening, such lands shall be conveyed to the appropriate public body as a condition of site plan control, consent to sever or plan of subdivision and when such road construction or widening is contemplated on a City-owned road within a five year time space. Road widenings, as identified in Policy 1.4.19, may

be required to expand the width of the travelled portion of the roadway, or for servicing locations, including ditches and drains.

1.5.29 In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left-hand turn lanes or any measure which stems from the development or redevelopment and which is necessary in order to maintain an adequate level of service and safety on the established highway system. A transportation study to assess the current and future impact of the development may be required.

1.5.31 Council shall require the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads.

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

1.5.34 The proposed widths of roads are as follows:

<i>Road</i>	<i>From</i>	<i>To</i>	<i>City Arterial</i>
Garner Road	Mountain Road	Chippawa Creek Rd	26 m

ANALYSIS

A Noise & Vibration report was prepared by RWDI, to address potential concerns due to the proximity of the Subject Lands to arterial roads and the CN Rail Freight Line. The report indicates that all the proposed units in the development can meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. Next, the CN Freight Line was identified to have no significant vibrational impacts due to the separation distance from the Subject Lands. The development will be constructed per the recommended mitigation measures, as outlined in the report. Further conclusions and recommendations of the report can be found in Section 4.5 – Noise Study of this report.

In support of the City's policies regarding active transportation, the proposed development connects to the existing sidewalk along Lundy's Lane, connecting the development to local businesses, transit stops and other facilities at a walkable distance. The proposal

also builds on its proximity to planned future bicycle lanes along Lundy's Lane by providing secure bicycle parking within the development for residents and visitors.

Schedule C Major Road Plan of the NFOP (see Appendix B – City Schedules) designates Garner Road as an arterial road. As per the Pre-Consultation Checklist, land for a road widening was requested along this street. As per the Table under 1.5.34, Garner Road is required to have a road allowance of 26 metres, which is reflected in the proposed Site Plan in the form of a new property line setback 2.94 metres from the old property line. Lastly, a 9m x 9m daylight triangle is illustrated on the site plan at the intersection of Lundy's Lane and Garner Road.

5.4.5. Energy Conservation & Environmental Quality

Part 3 Section 3 and Section 6 of the NFOP provides direction regarding energy conservation and environmental quality. The following policies apply:

POLICY

Part 3 Environmental Management

Section 3 Energy Conservation

3.1 Energy Resources

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

3.1.2.2 Building orientation and design that maximizes exposure to sunlight.

3.1.2.3 High-rise developments located to minimize the physical extent and duration of shadows on surrounding land uses, particularly with respect to lower density residential areas, pedestrian corridors, open space and amenity areas. Special drawings or studies may be required in the assessment of development applications in such cases.

Section 6 Environmental Quality

6.2 In order to minimize the effects of development or redevelopment from an environmental perspective, Council may, in consultation with the appropriate public agency, require the proponent to undertake various studies by a qualified professional to ensure protection of the environment and the quality and quantity of surface and ground water features.

6.12 Council supports compact, efficient designs, a compatible mix of land uses and the use of alternative or renewable energy, such as solar and wind, to support energy efficiency and improved air quality.

6.13 The City supports all efforts to reduce sources of air pollution and activities that contribute to greenhouse gas emissions. To this end the City shall:

a) endeavour to operate City facilities in an energy efficient manner and, wherever possible, utilize alternatives to fossil fuel based energy.

b) encourage site design that support a healthy environment such as building orientation to minimize heating/cooling costs, mixed land uses to minimize the necessity of vehicular travel for basic goods, the provision of walkways, cycling facilities and public transit to provide alternative forms of travel.

c) promote the retention and enlargement of green spaces in site design through such measures as tree planting, tree preservation, roof top gardens, and the use of native species in landscaping.

d) support the use of alternative and renewable sources of energy such as wind or solar power.

ANALYSIS

The proposed site design features a compact built form and provides surface and underground parking, with the majority of parking located underground. This design enables the preservation of green spaces, which will increase surface for stormwater percolation and on-site landscaping. The compact building footprint reduces the overall heating and cooling demands. Many of the units are designed to face south, which will enhance sun exposure, especially during the winter months. As a result, a reduction in supplementary energy for heating/cooling needs can be expected.

The site plan provides convenient access to active forms of travel such as Regional transit, and access to municipal sidewalks. The proposed improvements and site design will enable continuous connection to commercial establishments, tourism facilities and access to other amenities close to the Subject Lands. As such, the development aims to discourage the use of single-occupancy vehicles, which will contribute to reducing greenhouse gas emissions at build-out.

Overall, the proposal aims to conserve water, increase energy efficiency and promote retention of green spaces throughout the site.

5.4.6. Cultural Heritage

Part 3 Section 4 of the NFOP provides direction regarding archaeology. The following policies apply:

POLICY

Section 4 Cultural Heritage Conservation

4.10 The City recognizes that there are many archaeological sites containing artifacts or other physical evidence of past human use or activities throughout the municipality. Every effort will be taken to ensure archaeological resources are protected in situ. No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist. Any fieldwork and investigation shall adhere to Provincial guidelines and requirements. The archaeological report shall be prepared to the satisfaction of the Ministry of Culture or its designate to address, among other things: site findings, analysis of findings, a statement of heritage value, any further assessment needed, methods of protecting archaeological sites/artefacts (buffer areas, landscaping, avoidance strategy) and a construction monitoring schedule.

ANALYSIS

A Stage 1-2 Archaeological Assessment report was prepared by AMICK. The investigation did not find any archaeological resources and does not recommend further assessment. Further details on conclusions can be found in the Archaeological Assessment enclosed with this submission.

5.4.7. Implementation

Part 4 Section 4.1 of the NFOP provides direction regarding administration and implementation of Minor Zoning By-law Amendments, whereas Part 4 Section 10 provides direction regarding administration and implementation of Site Plan Control. The following policies apply:

POLICY

Part 4 Administration And Implementation

Section 4 By-laws

4.1.1.1 Minor Zoning By-law Amendments, as determined by the General Manager of Planning, Building and Development, may include:

- a) The lifting of a holding provision*
- b) Any other amendments that meet the following criteria:*
 - i. No studies or reports are required to review the application, other than a Planning Justification Report, and*
 - ii. The proposal does not contradict any Provincial Policies, and*
 - iii. The proposal conforms to the Region and City's Official Plan.*

4.1.1.2 Approval of minor zoning by-law amendments as outlined in Policy 4.1.1.1 may be delegated, by by-law, to the General Manager of Planning, Building and Development or their designate in accordance with the requirements of the Planning Act.

Section 10 Site Plan Control

10.1 All of the are of the City affected by this Plan shall be a site plan control area. The actual uses which will or which will not be subject to site plan control will be established by by-law of Council. It is intended that all classes of development, including but not limited to Residential, Commercial, Industrial, Institutional and Open Space, shall be subject to site plan control...

10.2 Approval of drawings within a site plan control area shall be delegated, by by-law, to the General Manager, Planning, Building and Development or designate, in accordance with the requirement of the Planning Act.

10.6 The City may grant a conditional site plan approval by imposing one or more conditions through the granting of approval of site plan drawings and the execution of a site plan agreement. These conditions may include, but are not limited to, completion of certain studies, implementation of recommended measures in said studies and completion of recommended on and off-site works. Agreements detailing the conditions may specify deposits to secure necessary works, as well as expiry dates of conditions.

10.7 In instances where land will be dedicated for road widening purposes as a condition of site plan approval, the road widening policies to be implemented, as well as the roads and extent of roads to be widened, are to be in accordance with the policies of this Plan. The Region may, by amendment to the Niagara Regional Official Plan, identify widening requirements for Regional Roads.

ANALYSIS

Minor Zoning By-law Amendment and Site Plan applications are required to facilitate the development as proposed. The Subject Lands were approved through an Official Plan Amendment and Zoning By-law Amendment in 2024 to permit a 10-storey development with a density of 214 units per hectare, along with site-specific zoning provisions. Since that time, the development concept has been revised to reduce the building height to 6 storeys while slightly increasing the density to 216.5 units per hectare.

As per comments received through the most recent Pre-consultation process, City Planning staff advised that the increased density can be dealt with through a Minor Zoning

By-law Amendment. The policies under Part 4 Section 4.1 need to be addressed when considering a Minor Zoning By-law Amendment.

As previously mentioned, a Pre-consultation meeting was held on December 19, 2024, to review the updated site and building design. During the meeting, City Planning staff confirmed that they support eliminating Schedule 2 (the Height Schedule) of By-law No. 2024-030. They also recommended that the holding provisions related to the Quantitative Wind Study and Section 5(d), which requires the provision of a roof feature, be addressed through a Minor Zoning By-law Amendment application.

In relation to the Quantitative Wind Study and the roof feature, City Staff confirmed that due to the decreased height of the building neither a Quantitative Wind Study nor a roof feature will be required. A copy of the Pre-consultation Agreement dated December 19, 2024, is included as part of this submission.

In relation to the Site Plan application, policy 10.1 states that the entirety of the City of Niagara Falls is a site plan control area, and as such all classes of development are subject to site plan control. During the pre-consultation meeting several studies were requested as part of a Site Plan application, these studies are provided with this submission and will be reviewed by the relevant planning authority consistent with policy 10.2. Further, policy 10.6 permits the City to grant conditional site plan approval after the initial plan/study review.

SUMMARY OF ANALYSIS FOR NIAGARA FALLS OFFICIAL PLAN (2017)

The Subject Lands are designated Tourist Commercial and are located in Special Policy Area 94 as per OPA 165. The proposed commercial and residential use complies with this designation. The proposal promotes a more efficient use of the currently vacant lands, by facilitating a higher density residential development within the Lundy's Lane Intensification Corridor and by utilizing existing municipal services. The proposed development will have a net residential density of approximately 216.5 units per net hectare at 6 storeys, on lands that permit a maximum density of 214 units per hectare at a maximum height of 10 storeys (as per Amendment No. 165 approved in 2024). City Planning staff recommended dealing with the minor increase in density via Minor Zoning By-law Amendment. As requested by the City, an allowance of 2.94-metre width along Garner Road will be conveyed for road widening purposes. Lastly, there were no archaeological findings identified on the property and the site is considered free of any archaeological concern.

Based on the analysis undertaken in this section, the proposed mixed-use development conforms with the City of Niagara Falls Official Plan.

6.0 Urban Design

The Planning Justification Report (PJR), prepared by NPG in August 2023, discussed urban design policies in support of the Official Plan and Zoning By-law Amendment applications. These applications were approved in March 2024. Since then, several changes were made to the site plan. The building height was reduced from 10 storeys to 6 storeys. The number of residential units was increased from 184 to 195, increasing the density to 216.5. The total landscaped open space is 891.4 square metres, while lot coverage is 25.7%. The front yard setback at grade is 6 metres, and the rear yard setback is 50.98 metres. Additionally, the holding provision for the roof feature is proposed to be removed through this application.

Following the recent design revisions, a Pre-consultation meeting was held in December 2024, where staff requested an update to the urban design section to address the following:

- evaluate the development against the City of Niagara Falls Lundy's Lane Urban Design Guidelines (2017) ("LLUDG").
- the requirement for the roof feature.
- how the proposed revisions address urban design-related feedback received during the Official Plan and Zoning By-law Amendment stage for the previous applications.

6.1 Analysis of the Proposed Development with the Relevant Policies and Guidelines

This section builds on the analysis of the previous PJR and illustrates how the proposed development respects and meets the policies and guidelines to provide quality urban design within the context of the City OP and LLUDG.

6.1.1 Site Design

GUIDELINES AND POLICY

LLUDG

3.1.1 Siting and Orientation of Buildings

- 1. New buildings shall be oriented to address the street and provide clearly defined entrances that directly connect to the sidewalk along the frontage of the building.*
- 2. Elevations oriented towards the street shall include active uses with clear fenestration to address Lundy's Lane and flankage elevations on corners.*
- 3. To support the LLSMP and create more pedestrian friendly streetscapes, new buildings should be located close to the street edge.*

4. To support street tree planting and outdoor uses (e.g. patio spaces) along Lundy's Lane, some added building setback is encouraged, up to 3.0m, where the pedestrian boulevard is too narrow as noted in the LLSMP.

9. Building frontage should wherever possible cover the full width of the property.

14. Buildings on corner lots shall be oriented to address both streets and generally located close to the street edge. Where corner lot rear elevations are exposed to street view they shall be consistent in architectural design and quality with the front and external side elevations.

3.2 Gateways, Enhanced Corners & Open Spaces

4. Gateway buildings may be set back further from the corner where there is a potential to improve the adjacent streetscape boulevard and pedestrian quality by creating a wider pedestrian and planting zone.

3.3.1 Private Realm Streetscape Frontage

1. Where the public realm sidewalk boulevard is less than 3.0m in width, new buildings should include a ground floor setback of 2.0m to 3.0m from the front property line to provide a 5.0m to 6.0m boulevard width to accommodate landscaping street furniture, pedestrian circulation space and/or sidewalk patio spaces.

4. Buildings should be articulated to provide pedestrian scaled storefronts and ideally have narrow store frontages (8.0m to 12.0m) to create opportunities for visual interest and pedestrian activity. Where larger frontages are proposed, articulation in the form of vertical piers/projections should be introduced to provide a finer grain of building frontage.

CITY OP Section 5

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

ANALYSIS

The proposed development has been modified to a 6-storey mixed-use building fronting onto Lundy's Lane. The revised design maintains a strong street presence by maximizing the building's frontage along Lundy's Lane, supporting an active and vibrant public realm in alignment with the City OP and LLUDG. The site layout continues to prioritize pedestrian safety and experience by avoiding vehicular access along the building frontage.

Commercial spaces at grade are accessed from the south and southwest facades, while the principal residential entrance is centrally located and accessible from both the north and south sides of the building. By providing separate access points for commercial and residential users, the development ensures efficient building management and remains convenient and secure for all tenants.

Both the residential and commercial entrances are oriented towards the public sidewalk, reinforcing a well-integrated development and walkable environment along Lundy's Lane. In addition to the sidewalk, a front yard setback of 6 metres is provided, which will form part of the private realm streetscape frontage. The ground level of the development comprises four retail spaces, each with approximately 12 to 18 metres of store frontage.

6.1.2 Built Form and Massing

GUIDELINES AND POLICY

LLUDG

3.1.2 Building Height and Massing

1. Building heights along Lundy's Lane will have a minimum height of 2 storeys, with a preferred height of 4 to 6 storeys, but not exceeding a height of 6 storeys. Where heights exceed 3 storeys, a setback of 2.0m to 3.0m shall be provided, beginning with the 4th storey.

3. Ground floors shall have a minimum height of 4.5m to provide flexibility for retail/commercial uses and a pedestrian-scaled edge.

5. Building massing should reinforce a continuous street wall frontage located close to the front property line to help frame the pedestrian boulevard.

3.1.3 Mechanical Equipment and Utilities

1. Rooftop mechanical equipment shall be screened from public view through location, integration into the architectural design or enclosures clad in complementary materials/colours to the building.

2. Wherever possible, transformers and other utilities should be located within the building, screened from public view or located inconspicuously within the property.

3.2 Gateways, Enhanced Corners & Open Spaces

8. Ground floors shall have a minimum height of 4.5m to provide flexibility for retail/commercial uses and a pedestrian-scaled edge

CITY OP Section 5

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

5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands.

ANALYSIS

The revised design proposes a 6-storey mixed use development, reduced from the original 10-storey concept. This reduction significantly lowers the overall building height and massing, while continuing to align with the City OP and LLUDG intent. The revised building height is measured at 24.53 metres, which is within the height limit of the approved Zoning By-law Amendment (through By-law No. 2024-030), allowing a maximum of 36.5 metres. The surrounding context comprises primarily of commercial, industrial and open space uses, which continues to remain compatible with the proposal, and the updated height presents no privacy concerns.

Additionally, the revised development maintains or incorporates the following key design features related to its built form and massing:

- The ground floor continues to feature a floor-to-ceiling height of 4.5 metres, providing flexibility for future commercial tenants and contributing to a pedestrian-scaled edge.
- Rooftop mechanical equipment and stairwells remain setback and screened to minimize visibility from the public realm.
- RWDI prepared an updated Wind Study, dated May 16, 2025, confirming the reduction in building height would not significantly change the overall wind conditions around the property compared to the 2022 wind tunnel test predictions. Sidewalks, building entrances and the outdoor amenity area to the north of the building are expected to remain appropriate for the intended use. Moreover, changes to the building design will resolve any previously identified uncomfortable conditions at the northwest corner of the building.

- NPG conducted an updated Shadow Study which demonstrates shadow impacts caused by the reduced building height. Any shading on the adjacent public realm along Lundy's Lane is expected to be minimal and of short duration.
- While the previous proposal included stepback features at various levels to mitigate building massing, there are no stepbacks proposed due to the reduction in height to 6 storeys. The massing is in keeping with the scale envisioned in the LLUDG. Instead of stepbacks, the revised design introduces a continuous horizontal architectural projection at the 1-storey height along the Lundy's Lane and Garner Road frontages. This design feature creates a clear visual break between the commercial uses at grade and the residential uses above. It establishes a pedestrian scale at the street level by articulating the building's base.

6.1.3 Architectural Design

GUIDELINES AND POLICY

LLUDG

3.2 Gateways, Enhanced Corners & Open Spaces

1. Buildings at gateway locations will coordinate with the landscaping feature proposed for the gateways and will include articulated massing and added height at the corner to emphasize these special intersections.

3. Gateway buildings can include a variety of features or details to announce a significant entry into Lundy's Lane including:

a. Building wall articulation and increased fenestration;

c. Building wall planes that are either projected or recessed significantly to anchor and indicate entry to the corridor;

d. Locating primary entrances to the building at the gateway corner and accentuating the entrance through canopies, overhangs or architectural detailing;

e. Differentiation of immediate corner element through colour and material variation that are complementary to each other (e.g. fully glazed corner feature, stone and brick variation or introducing a second colour where identical masonry types are used); and,

f. The introduction of hardscaped plazas in front of recessed corner designs that include a public art component to accentuate the gateway.

6. Buildings located at enhanced corners should incorporate the same architectural treatments as noted for gateway buildings. Although added massing/height is preferred at the corners, it is not required.

ANALYSIS

The proposed 6-storey mixed-use building continues to prioritize a welcoming and engaging built form at the intersection of Lundy's Lane and Garner Road. The revised design continues to incorporate elements that relate to gateway treatments, as follows:

- The building is strategically designed to complement the chamfered corner at Lundy's Lane and Garner Road, incorporating a setback to accommodate a landscaping feature, made of an Armourstone retaining wall and a combination of perennials, coniferous shrubs and deciduous trees. The private realm portion of the boulevard will include enhancements such as benches, ornamental landscaping and decorative paving to establish a visually distinct and welcoming plaza at this important intersection. These design elements respond to the LLUDG's direction for enhanced corners and gateway locations. Please refer to the landscape plans prepared by James McWilliam and dated May 22, 2025 for more information.
- The main commercial entrance is located at the gateway corner, providing a prominent, inviting feature that anchors the intersection and encourages pedestrian activity.
- To achieve a human-scaled development and contribute to a positive pedestrian experience, the revised design introduces a continuous horizontal architectural projection at the 1-storey height along the Lundy's Lane and Garner Road frontages. This design feature created a clear visual break between the commercial uses at grade and the residential uses above.
- The development incorporates a variety of materials and glazing to create visual interest and break up the building's massing. The variation in materials supports a modern expression that aligns with the LLUDG's intent on façade articulation related to increased fenestration.

6.1.4 Landscaping and Amenity Areas

GUIDELINES AND POLICY

LLUDG

3.2 Gateways, Enhanced Corners & Open Spaces

5. Where possible, landscape materials and building cladding should be coordinated to create a complementary relationship at this important corner.

3.3.3 Landscaping Within At-Grade Parking Areas

2. Crime Prevention Through Environmental Design (CPTED) principles shall guide landscape design and landscaping should not obstruct sight

lines for vehicles or pedestrians. To provide for visual surveillance and avoid the creation of hiding spaces hard and soft landscaping features should be specified or maintained so that they are no more than 0.9m in height.

4. The use of native tree and shrub species should be prioritized and be low maintenance, salt tolerant and able to survive urban stress conditions within a parking area. At least 75% of plantings should be native species.

13. Snow storage areas should be identified and incorporated into the overall landscape plan for surface parking areas.

14. Environmentally friendly features within parking courts such as solar canopies or electric vehicle charging canopies are encouraged.

CITY OP Section 5

5.3.1 The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.

5.3.2 Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.

5.3.3 The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.

5.3.4 Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.

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

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

ANALYSIS

The revised development proposes approximately 9.9% landscaped open space, amounting to 891.4 square metres of the total site area. This landscape coverage contributes to stormwater management, improves visual quality, and improves the overall pedestrian experience along the municipal boulevard.

Landscaping is concentrated along the property's perimeter and public frontages and features a mix of low-maintenance deciduous trees, shrubs, and ornamental plantings. In accordance with Policy 5.3.1, this orientation enhances the pedestrian experience and animates the streetscape. The project will introduce trees such as the Sugar Maple, Red Maple Serviceberry, Maidenhair Tree, Shademaster Honeylocust, Pyramidal Sweetgum, Pin Oak among others, are low to moderate maintenance deciduous trees. Shrubs such as the White Cedar, Hicks Yew, Diablo Ninebark are also suggested along the building and site entrance. The proposed plantings prioritize low-maintenance and native species responding to Policy 5.3.2.

A new 1.8-metre-high timber privacy fence is proposed along the northern and eastern property boundaries to provide screening for adjacent uses, responding to Policy 5.3.4. In addition, sodded areas will function as permeable surfaces, capable of accommodating seasonal snow accumulation, contributing to natural infiltration and helping reduce runoff to the municipal stormwater system.

Overall, the landscape design complements the architectural character of the development, enhances the public interface, and supports the urban design goals outlined in the City OP and LLUDG.

6.1.5 Parking, Service Areas & Circulation

GUIDELINES AND POLICY

LLUDG

3.2 Gateways, Enhanced Corners & Open Spaces

9. Parking, servicing, utilities and loading or similar functions, are located away from highly exposed elevations facing the two street frontages. Where located internally and exposed to view they shall be additionally screened through landscaping.

3.3.2 Parking, Driveway Access and Walkways

3. Where the rear and the side yards of the lots are not connected to adjacent properties, a continuous 3.0m planted side yard buffer and a 3.0m rear yard planted buffer with 1.8m high privacy fencing should be provided.

4. *For new developments, parking shall not be provided in front of buildings between the street right-of-way and building frontages. Parking areas and servicing for new development shall be located in the rear of the development or, where possible, below grade.*

5. *Parking within interior side yards adjacent to buildings will be considered where the parking areas:*

a. Occupy a width of 50% or less of the lot's street frontage;

b. Have a 3.0m deep landscaped edge along the street in line with its adjacent building located at the front property line;

c. Provide a 2.0 to 3.0m planted side yard setback; and,

d. Include a defined pedestrian walkway from parking to the building's front entrance. Building entrances facing parking areas will only be considered where an entrance onto Lundy's Lane is provided.

6. *No parking should be permitted at the front of buildings; all required parking should be accommodated through consolidated rear parking lots or within internal parking courtyards where screened by buildings fronting Lundy's Lane.*

7. *Where surface parking or service areas are exposed to public view, their visual impact shall be mitigated with landscaping and/or other design measures.*

8. *Designated parking (e.g. accessible parking spaces, bicycles, and electric or energy efficient vehicles) should be located close to building main entrances.*

12. *Defined walkways should be provided within new development to provide a safe connection between rear parking areas and rear entries to the building.*

14. *Pedestrian walkways and drive aisle crossings through parking shall be clearly demarcated and barrier-free for safe pedestrian movement within parking areas.*

CITY OP Section 5

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

5.1.6 Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.

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

ANALYSIS

Parking for the revised 6-storey mixed-use development will be provided through a combination of underground and surface parking, primarily serving residents. Surface parking is strategically located at the rear of the site and is effectively screened from the Lundy's Lane public realm by the building's placement along the front lot line. A landscape buffer of approximately 3 metres wide landscape buffer is maintained along the surface parking area north and east property boundaries, in accordance with Section 3.3.2.3 of the LLUDG, which supports visual screening.

Along Garner Road, there are no parking spaces visible from the street. The visual impact of the parking spaces located deeper in the lot is significantly minimized through the orientation of the ramp, integration of landscaping, including street trees and ornamental plantings, as illustrated in the submitted Landscape Plan. These landscape treatments ensure the surface parking does not detract from the pedestrian experience or the overall character of the streetscape, aligning with the LLUDG's intent to preserve and enhance the public realm. One driveway access is provided from the parking area/underground parking garage to Garner Road.

6.2 Analysis of the Proposed Development with Staff Comments

The Recommendation Report for the previous Official Plan and Zoning By-law Amendment application (AM-2023-022), includes an Architectural Design Review. The Pre-consultation comments requested that the revised proposal address urban design-related comments raised by staff during the Official Plan and Zoning By-law Amendment stage. This section addresses the respective agency comments, as summarized in the table enclosed.

ITEM NO.	AGENCY COMMENTS	HOW IS IT BEING ADDRESSED
Section 1 – General Siting and Building Design		
1.	In accordance with the Lundy's Lane Urban Design Guidelines, the proposal is oriented to address Lundy's Lane and Garner Road with clearly defined	The development enables a pedestrian oriented streetscape through the orientation of commercial entrances towards the sidewalk. The store frontages are envisioned with glazing to

ITEM NO.	AGENCY COMMENTS	HOW IS IT BEING ADDRESSED
	<p>entrances that connect directly to the public sidewalk; transparent glass is present along the majority of Lundy's Lane and Garner Road; a front yard setback of 3.2 metres has been provided to support street tree planting; a minimum 3 metre landscape buffer has been provided along Garner Road abutting the proposed parking area; and, the proposed building stretches along the entire frontage of Lundy's Lane for a continuous streetscape.</p>	<p>create a transparent building edge and invites pedestrian activities.</p> <p>A 6-metre building setback is provided along both Lundy's Lane and Garner Road, aligning with adjacent developments and reinforcing a consistent street wall condition along the public realm. Ornamental plantings, benches, and decorative paving along the frontage also creates a welcoming interface between the existing public sidewalk and the private realm.</p>
2.	<p>The rear elevation is mostly consistent with the architectural design quality of the front and side elevations. There is a blank wall on the rear elevation near the intersection of Lundy's Lane and Garner Road. Through the site plan application process, it is recommended a design feature be included, such as faux window treatments or material/colour changes, to give the blank wall visual interest and design consistency with the remainder of the façade.</p>	<p>The updated site plan renderings, illustrated in Sheets 306 and 307, show that window treatments have been incorporated on all elevations, including the rear façade.</p>
3.	<p>In addition, a step back of 3 metres is provided at the fourth floor; the ground level commercial space has a height of 4.5 metres; and, the building is articulated with a defined base, middle, and top through</p>	<p>The reduction in building height to 6 storeys achieves an appropriate scale that is compatible with the surrounding context and the LLUDG's vision. Instead of stepbacks, the revised proposal introduces a continuous horizontal projection at the 1-storey</p>

ITEM NO.	AGENCY COMMENTS	HOW IS IT BEING ADDRESSED
	proposed step backs and building material changes.	height along both street frontages. This element provides a clear visual break between the commercial ground floor and the residential upper storeys, which articulates the building base and contributes to a human-scaled façade.
Section 2 – Gateways, Enhanced Corners & Open Spaces		
4.	The corner of Lundy's Lane and Garner Road has been enhanced by providing various plantings, two pergolas, and armour stone sitting walls. In addition, one of the building facades is angled to address the gateway intersection and provide a vertical height element through building wall articulation.	<p>To emphasize its role as a gateway site, the development incorporates the following design elements:</p> <ul style="list-style-type: none"> • A key design strategy involves activating the chamfered corner of the building with a commercial entrance, what might otherwise be a blank wall into a functional and inviting space. The treatment supports connection at the street level. • The combination of solid and glazed walls for the corner commercial unit creates visual interest, supports and enhances the vibrancy of the public-facing frontage. Additionally, the design incorporates lighting fixture details that further contributes to its visual engagement with the streetscape. • Landscaping features, made of Armourstone retaining wall and a combination of perennials, coniferous shrubs and deciduous trees, creates visual interest along this important intersection.
5.	It is recommended rooftop detailing that is distinctive and	Due to the decreased height of the development, City Staff have confirmed

ITEM NO.	AGENCY COMMENTS	HOW IS IT BEING ADDRESSED
	complimentary to the building be provided and secured through the site plan application stage of not more than 6 metres in height. This will be included in the holding (H) provision. The rooftop detailing will further enhance the gateway intersection and provide interest to what is currently a flat roof line along Lundy's Lane.	that a roof feature is no longer required. However, Staff requested that detailing be introduced to the roofline to avoid a long, uninterrupted roofline. As part of revisions to the building design, a Mechanical Penthouse and a screen for the mechanical equipment are being added, as shown in the Roof Plan (see Sheet A203 of the Architectural Set).
Section 3 – Private Realm Streetscape & Parking Area		
6.	Access to the parking area is provided from Garner Road to not break up the Lundy's Lane street edge. A continuous 3 metre landscaping buffer is provided where the proposal abuts neighbouring properties, aside from an interior lot line that abuts the Regional pumping station. A 1.8 metre high fence is proposed where the property abuts adjacent lands. The proposed loading area is screened by bike racks and plantings.	Access to the parking area continues to remain from Garner Road. Where the proposal abuts neighbouring properties, a 3-metre buffer is provided along the northern edge and 3.8 metres along the eastern edge of the property. The 1.8-metre-high fence is also suggested where the property abuts neighbouring lands. The proposed loading area is now screened behind the partially covered outdoor amenity space (BBQ Sitting Area) structure.
Section 4 – Built Form & Building Facades		
7.	The proposal aligns with this section of the guidelines by proposing storefronts that are broken up with material changes, that are highly visible/articulated, and have barrier-free access.	<p>The following design elements are incorporated to inform built form and building facade integration:</p> <ul style="list-style-type: none"> The ground floor commercial space features a combination of floor-to-ceiling glass wall and solid wall,

ITEM NO.	AGENCY COMMENTS	HOW IS IT BEING ADDRESSED
	<p>During the detailed design stage, this section of the design guidelines will be thoroughly reviewed to ensure compliance and implementation.</p>	<p>while the upper residential levels adopt a consistent window wall pattern. This contrast establishes a clear visual separation between the two uses.</p> <ul style="list-style-type: none"> As previously mentioned, the building incorporates a horizontal architectural projection above the ground floor, acting as a separating element between the commercial and residential uses. Further, the alternating use of glass and wall treatments introduces the perception of depth. These strategies together break down the building massing both vertically and horizontally.

SUMMARY AND CONCLUSION

In summary, the proposed development represents good urban design and advances the design objectives set out in the NFOP and the Lundy's Lane Urban Design Guidelines.

- The proposal is a pedestrian-oriented development that contributes to the improved safety and walkability of its immediate neighbourhood.
- The proposed building design, massing and setback effectively address the location, complement the surrounding properties, and add visual variety to the streetscape.
- The high-quality building and landscaping design enhancements not only improve the private realm but also the public-private interface on Lundy's Lane and Garner Road.
- The proposed mixed-use development will contribute to increased street animation, safety and economic vitality of the area.

7.0 Land Use Compatibility Analysis

A Land Use Compatibility Analysis was prepared for the previous Official Plan and Zoning By-law Amendment Applications. As per the most recent Pre-consultation agreement City Staff have requested confirmation that the Land Use Compatibility Analysis remains applicable. It is our opinion that since the only changes to the proposal are a decreased height and a slight increase in density the previously submitted Land Use Compatibility Assessment remains applicable for the application. The updated Noise Study by RWDI confirms the suitability of the Subject Lands for the lower height mixed use proposal. Please see below for the original Land Use Compatibility Assessment.

Original Land Use Compatibility Assessment

A Land Use Compatibility Assessment is required to assess and recommend mitigation for potential adverse impacts from the nearby Regional Road (Lundy's Lane), the abutting Region's Sewage Pumping Station (SPS), industrial uses to the west, the rail corridor to the north, and commercial uses to the southeast.

The following sections include compatibility analysis of the regulatory framework to ensure the safety of the future residents and the long-term viability of the existing major facilities.

7.1 Regulatory Framework With Respect To Industrial Facilities

D-6 COMPATIBILITY

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

In this instance, the site is designated Tourist Commercial, as per the City's Official Plan (See Schedule A – Future Land Use in Appendix B). An Official Plan Amendment was approved in 2024 to permit additional height and density for the Subject Lands. Notably, the Subject Lands lie on an intensification corridor which is envisioned for residential growth and intensification.

POLICY

Sensitive land uses (1.2.1)

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

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

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

Application (3.0)

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

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

This guideline does not normally affect a change in land use, an expansion, or new development, for either a facility or a sensitive land use which is in compliance with existing zoning, and the official plan designation, except for plans of subdivision and condominium and/or severances. In these exceptional situations, Ministry staff may require studies(see Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses, Sections 4.6, "Studies" and 4.7, "Mitigation"), and the identification of any necessary mitigative measures to prevent or minimize any potential 'adverse effects'.

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

ANALYSIS

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

Industrial uses are classified in the D-6 guidelines as Class I, II or III Industry based on their scale, operation intensity and the likelihood and frequency of adverse effects from noise, dust, odour and vibration (Appendix A of the D-6 Guidelines). Figure 4 – Facilities close to the Subject Lands shows the location and the Industrial Class of the facilities

around the proposed development, based on the information provided in RWDI's Noise and Vibration Impact Study.

Figure 4: Facilities close to the Subject Lands



The following table provides the recommended minimum separation distance and potential influence area (as per Appendix C of the D-6 MECP guidelines) for the facilities, and distance of the facilities from the proposed development.

Table 7.1. Recommended Minimum Separation Distance And Potential Influence Area

INDUSTRY CLASS	SURROUNDING INDUSTRIAL AND COMMERCIAL USES	POTENTIAL INFLUENCE AREA	RECOMMENDED MINIMUM SEPARATION DISTANCE	DISTANCE FROM THE PROPOSED DEVELOPMENT
I	Sewage Pumping Station (8971 Lundy's Lane)	70 m	20 m	12 m

INDUSTRY CLASS	SURROUNDING INDUSTRIAL AND COMMERCIAL USES	POTENTIAL INFLUENCE AREA	RECOMMENDED MINIMUM SEPARATION DISTANCE	DISTANCE FROM THE PROPOSED DEVELOPMENT
II	BV Glazing Systems (5855 Garner Road)	300 m	70 m	40 m
-	The Dwnr	Unknown	Unknown	Not mentioned in RWDI Report (approx. 40 m)
-	Seductions	Unknown	Unknown	Not mentioned in RWDI Report (approx. 40 m)

In addition, there are two non-industrial sites located within 70 m of the Subject Lands: Seductions and The Dwnr to the southeast. None of these facilities operate under an MECP ECA or EASR permits. The rooftop HVAC equipment is included in the stationary noise source assessment as due diligence to ensure a comfortable acoustic environment for the residents.

The Subject Lands are within the minimum recommended separation distance of one Class II facility, one Class I facility and 2 unclassified commercial developments. Section 4.5 in the D-6 Guidelines provides consideration for sensitive land uses within the potential influence area of Class I, II and III industrial land uses, as discussed below.

POLICY

Considerations when a change in land use is proposed within an influence area or potential influence area (4.5.1)

The potential influence areas, or where known, the actual influence areas (see Section 4.1 of this guideline) should act as a flag, and no sensitive land uses shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of a problem. When studies are needed to identify problems and mitigative measures, see Section 4.6, "Studies".

ANALYSIS

RWDI's Noise and Vibration Study provides analysis for potential implications of these industrial and commercial facilities on the proposed residential development. The analysis indicates that the proposed development is not anticipated to infringe on the compliance of any commercial or industrial operations with environmental noise permits (ECA or EASR), nor cause infractions against the local noise by-law. The sound levels from surrounding facilities are expected to meet the applicable NPC-300 Guidance.

Regarding the two commercial developments, Table 7.1 provides information about the distance between the property lines of the Subject Lands and the existing commercial facilities. In reality, the actual separation distance between the proposed and existing buildings is even greater and is likely to meet the required separation distance. Therefore, as mentioned before, there are no noise-compliance concerns arising due to the proposed development.

RWDI's Air Quality Study indicated that the Class I and II facilities are expected to be compatible with the Subject Lands with respect to air quality. The study suggested the following mitigation measures to combat air quality impacts generated from Lundy's Lane:

- Where possible, the provision of mechanical building ventilation with air particle filtration rather than passive building ventilation;
- Location of ventilation air intakes on the roof and/or pointing away from Lundy's Lane

As such, the land use compatibility of the proposed development with respect to the nearby industries is considered acceptable from the noise impact and air quality perspective.

7.2 Regulatory Framework With Respect To Rail Operations

POLICY

Other Facilities (1.2.4)

This guideline does not apply to the following provincial, municipal or private facilities, land uses or related activities, nor to any on-site industrial-type facilities associated with them, except as noted below:

- *railways (but it does apply to railway yards and other ancillary rail facilities)*
- *roadways (except for ancillary transportation facilities and transportation-related activities for an industrial land use including shipping and receiving)*

ANALYSIS

RWDI's Noise and Vibration Impact Study indicates that the rail line to the north is greater than 100 m from the property line, at this setback distance no significant impacts from rail vibration are expected.

With respect to roadways, the Noise study recommends noise control measures to address transportation noise sources. These include recommendations related to building façade components, ventilation recommendations, warning clauses and noise barriers around the proposed outdoor amenity area, which has been included to replace the

previously proposed exposed terraces. Implementation of these recommendations will occur at the Site Plan Approval stage.

CONCLUSION FOR LAND USE COMPATIBILITY ANALYSIS

In reviewing the adjacent land uses, the proposed mixed-use development is sufficiently buffered from the industrial/commercial uses, transportation sources and the railway line. The location of the Subject Lands within an intensification corridor makes it suited for higher density residential development.

The Air Quality Report by RWDI also states that the proposed development is compatible with the surrounding land uses and transportation corridors from an air quality perspective, subject to the provision of mitigation measures to reduce air quality impacts from transportation pollution along Lundy's Lane.

Based on our review of the surrounding land uses, the separation distances between the proposal and the existing facilities, the specific Noise Report, the building and site design, and the planned context, we are of the opinion that the proposed development is feasible with respect to land use compatibility at this stage.

8.0 Housing Impact Statement

The City's Housing Directions Study Phase 2: Housing Strategy ("Housing Strategy") was presented to City Council on March 22, 2022. Council endorsed the Housing Strategy, and recently, OPA 149 was passed to incorporate policies that implemented the identified Actions from the Strategy. One of the significant additions in these new housing policies is the introduction of specific criteria that applicants must fulfill when submitting proposals for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Draft Plan of Condominium. These criteria require applicants to demonstrate how their proposals will contribute to achieving the City's annual housing targets, with particular emphasis on affordable housing aspects.

This section of the report fulfills policy 4.4 (Part 1) of the City's Official Plan requiring a housing impact statement that includes 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;*
- 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 definition of affordable to be provided per phase, where applicable; and,*
- 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.*

The applicant is proposing the following purchase prices. These values are a range and are subject to revision at the time the units are available for sale.

- Studio units: 25 units ranging from \$237,000 to \$286,000.
- One-bedroom units: 80 units ranging from \$330,000 - \$389,000.
- Two-bedroom units: 85 units at \$480,000.
- Three-bedroom units: 5 units at \$736,000

The NFOP relies, in part, on the Niagara Region's definition of "affordable" for the purposes of determining conformity and for establishing housing targets. The PPS and the Region's OP define "affordable", in the case of ownership housing, as the least expensive of:

- a) *housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or*
- b) *housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;*

Part 1, Policy 4.8 of the NFOP sets annual targets for affordable ownership housing builds between 2021 and 2051. The targets are as follows:

- 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.*

The following examines the proposal with respect to the above target (based on Niagara Region's Definition of Affordable (Part 1, Policy 4.8 a) of OP):

1. *Does price exceed 30 percent of gross annual household income for low- and moderate- income households?*

In the case of ownership housing, *low-and moderate-income households* are with incomes in the lowest 60 per cent of the income distribution for the *regional market area*. The *regional market area* is the Niagara Region.

Table 8.1. Niagara's Lowest Six Income Deciles (2022)

DECILE	GROSS ANNUAL HOUSEHOLD INCOME IN NIAGARA REGION ¹
1 ST	Less than \$22,100
2 ND	\$22,100 to \$33,600
3 RD	\$33,600 to \$45,300
4 TH	\$45,300 to \$60,000
5 TH	\$60,000 to \$77,900
6 TH	\$77,900 to \$95,900

Therefore, the top end of low-and moderate-income households earn \$95,900 in gross annual income. This assists with determining an affordable purchase price using the "30 percent of gross annual household income" criterion, which is discussed further below.

Table 8.2 below illustrates that all unit prices in the proposed development will not be affordable by the first criterion of the Region's definition, as they represent more

¹ City of Niagara Falls Housing Strategy, January 2022

than 30 percent of gross annual household income for low- and moderate-income households (i.e., households with a gross annual income of less than \$95,900). All units within the development are proposed to have purchase price that are not affordable to low- and moderate- income households.

Table 8.2. Affordability for Low-and Moderate-Income Households

PROPOSED PRICE	NO. OF UNITS	MINIMUM GROSS ANNUAL INCOME IF SPENDING APPROX. 30% ON MORTGAGE ²	LESS THAN \$95,900 GROSS ANNUAL INCOME?
Studio			
\$200,000	25	\$43,559	Yes, affordable
\$300,000		\$59,373	Yes, affordable
One-bedroom			
\$300,000	80	\$59,373	Yes, affordable
\$400,000		\$76,509	Yes, affordable
Two-bedroom			
\$480,000	85	\$97,161	No, not affordable
Three-bedroom			
\$736,000	5	\$142,449	No, not affordable

2. *Is the purchase price at or below the average market price of a unit in the regional market area?*

The City has included Home Price Index (HPI) in their Housing Needs and Supply Report² as a point of comparison for understanding the City's Homeownership market. A household with an income of \$57,000 could afford to purchase a house/condo with a maximum price of \$267,500. The 2020 HPI for Niagara Falls was \$432,700. A more recent calculation was conducted by the Niagara Association of Realtors that indicates the HPI composite benchmark price for Niagara Falls was \$616,700 as of April 2025. The HPI composite benchmark represents a home that falls within the age range of 51 to 99 years and features three bedrooms.

²City of Niagara Falls Housing Directions Strategy – Housing Needs and Supply Report, June 14th, 2021

Since HPI does not capture prices for one-, two- and three-bedroom units, a review of home prices in Niagara Falls from Realtor.ca is tabulated below. The average was calculated based on the top 11 listings observed for one and two-bedroom units, and the top 7 listings observed for three-bedroom units on May 26, 2025. Of note, no studio units were available for sale on Realtor.ca and as such, these have been excluded from the assessment.

Table 8.3. Realtor.ca Average Market Price in Niagara Falls

UNIT TYPE	TYPICAL HOME PRICE IN NIAGARA FALLS
One-bedroom	\$418,018
Two-bedroom	\$470,672
Three-bedroom	\$821,757

Table 8.4 below illustrates that the second criterion of the Region's definition of affordable is partially met when using average home purchase prices within the regional market. The criterion assesses purchase prices that is at least 10 percent below the average purchase price.

Table 8.4. Affordability Based on City's Average Market Price (for one- and two-bedroom units) and Region's Home Price Index (for three-bedroom units)

PROPOSED PRICE	AVG. MARKET PRICE	PERCENTAGE DIFFERENCE FROM MARKET PRICE	10% BELOW NIAGARA'S AVG MARKET PURCHASE PRICE?
One-bedroom			
\$200,000	\$418,018	28% lower	Yes, affordable
\$400,000		4% lower	No, not affordable
Two-bedroom			
\$480,000	\$470,672	2% higher	No, not affordable
Three-bedroom			
\$736,000	821,757	10% lower	Yes, affordable

SUMMARY FOR HOUSING AFFORDABILITY

As per the above analysis, the studio and one-bedroom units of the proposed development will contribute to achieving the first and second criterion of the Region's definition of affordable, in that the units will be affordable to low- and moderate-income households and are anticipated to be 10% below the market rate. A total of 105 units that

are priced between \$200,000 - \$400,000 would be considered affordable, based on the City's 2022 thresholds. The proposed price for the two-bedroom units is not affordable to ownership households based on the 2022 thresholds; however, these units are slightly above the affordable income threshold. The price of the three-bedroom units fails to meet the first criterion of the Region's definition of affordable but meets the second criterion. In summary, the proposed development will contribute to achieving the City's affordable housing targets through the studio and one-bedroom units.

9.0 Proposed Minor Zoning By-law Amendment

The Subject Lands underwent a Zoning By-law Amendment process in 2024 and are presently zoned site-specific Tourist Commercial in accordance with amending Zoning By-law No. 2024-030.

Since the time of the original application, the Owner has made changes to the site and building design and is proposing a Minor Zoning By-law Amendment to address the minor increase in density from the originally approved 214 units per hectare to 216.5 units per hectare, implement the City's new parking rate of 1.1 spaces per residential unit 1 parking space per 29 square metres of commercial space, eliminate the requirement of a Quantitative Wind Study and the provision of a roof feature, and to eliminate the setbacks associated with Schedule 2 (Height Schedule) of By-law 2024-030.

The table below analyzes the updated site design against the provision of the Site-specific Tourist Commercial Zone (By-law No. 2024-030).

Table 10.1. Zoning Comparison Chart for TC Site -Specific Zone (By-law No. 2024-030)

Regulations	Requirement	Proposed Concept	Compliance
Permitted Uses	The uses permitted in the TC zone: (i) Home Occupations in accordance with the regulations contained in Section 5.5 of By-law No. 79-200; (ii) Dwelling units in a building in combination with one or more of the uses listed in Section 8.6.1 of By-law No. 79-200, provided that not more than 92% of the	Commercial uses; Dwelling units above the ground floor Percentage of floor area: 72%	Yes

Regulations	Requirement	Proposed Concept	Compliance
	total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor; and iii) the uses permitted in the TC zone.		
Minimum lot frontage (deem Lundy's Lane as the lot frontage)	6 metres	105.27 metres	Yes
Minimum front yard depth	13.1 metres from the original centerline of Lundy's Lane (Section 4.27.1)	21.10 metres from Lundy's centreline Lane	Yes
Minimum rear yard depth where any part of the building is used for residential purposes	10 metres	50.98 metres	Yes
Minimum interior side yard width where the side lot line does not abut a residential, institutional or open space zone	None required	3.89 metres (east lot line)	N/A
Minimum exterior side yard width	13 metres from the original centerline of Garner Road	19.07 metres from Garner Road centreline	Yes
Maximum lot coverage	70%	25.7%	Yes
Maximum height of building or structure	36.5 metres / 10-storeys	24.53 metres / 6-storeys	Yes
Locations of the various components of the building or	Refer to Schedule 2 of this by-law and clause (c) of this section	Schedule 2 is eliminated due to the decreased building height. The proposal	Yes

Regulations	Requirement	Proposed Concept	Compliance
structure on the Lands, their maximum heights and maximum number of storeys and minimum yards		meets all setback requirements.	
Roof feature	The building shall have a roof feature which has a maximum height of 6 metres above the top storey, which is not permitted to contain a place of occupancy. The roof feature shall be a distinct architectural element of the building.	As per the most recent pre-consultation agreement a vertical roof feature is no longer warranted due to the decreased height.	No
Parking and access requirements	<p>(Section 4.19.1)</p> <p>Commercial: 1 parking space for each 29 square metres of floor area: 27.83~ 28 spaces (807.1 sqm/29 sqm)</p> <p>Residential: 1.1 parking spaces for each dwelling unit: 214.5 ~ 215 spaces (1.1 x 195 units)</p> <p>7 spaces shared b/w commercial and residential</p> <p>Total required: 243 – 7 = 236 spaces</p>	237 spaces	No
Minimum parking stall width (surface and structure)	2.75 metres	2.75 metres (surface) 2.75 metres (structure)	Yes
Minimum parking stall length (surface and structure)	6 metres	6 metres (surface) 6 metres (structure)	Yes
Minimum manoeuvring aisle	6.9 metres (surface) 6.3 metres (structure)	6.9 metres (surface) 6.3 metres (structure)	Yes

Regulations	Requirement	Proposed Concept	Compliance
Loading area requirements	(section 4.20.1) Floor Area of Building or Structure Over 300 sq.m but not exceeding 3,700 sq.m: 1 loading space Dimension: 3 m x 9 m	1 loading space 3 x 9 metres	Yes
Maximum floor area for each retail store	400 square metres	343 sqm	Yes
Maximum floor area of all retail stores per property	3,530 square metres	807 sqm	Yes
Accessible spaces	for parking lots between 200 and 1,000 parking spaces: 2 + 2% of the total number of parking spaces, rounding up to the nearest whole number Required spaces: $2 + 0.02 \times 238 = 4.76$, rounded up to 5 accessible parking spaces Total required: 7 spaces	7 accessible spaces	Yes
Accessible spaces dimension	3.9 x 6 metres	3.9 x 6 metres	Yes

Holding Provision (Quantitative Wind Study)

As per clause 10(a) of site-specific By-law No. 2024-030 a Quantitative Wind Study with wind tunnel modelling was required to remove the Holding (H) symbol on the property. During the most recent Pre-consultation meeting City Staff confirmed that due to the decreased height of the building a Quantitative Wind Study, as required by the holding provision would no longer be required. A copy of the Pre-consultation Agreement is included as part of this submission.

Roof Feature

As per clause 5(d) of site-specific By-law No. 2024-030 a roof feature is required. Due to the decreased height of the development, City Staff have confirmed that a roof feature is no longer required, however Staff requested that detailing be introduced to the roofline to avoid a long, uninterrupted roofline. The updated building design separates the roofline through the addition of a mechanical penthouse and associated screening for the mechanical equipment.

Parking And Access Requirements

During the most recent Pre-consultation meeting the City confirmed that they have finalized a study to modernize the multi-residential parking rates, and the preliminary recommendation is 1.1 parking spaces per unit. Transportation Staff offered no objection to the applicant applying a 1.1 parking space per dwelling unit rate instead of the approved 1.25 parking space per unit rate. As such, the new site design provides for a parking rate of 1.1 parking spaces per residential dwelling unit, necessitating 215 residential parking spaces. The commercial component of the development has a parking rate of 1 space per 28 square metres of commercial space. During the Pre-consultation meeting, staff agreed to a modified commercial parking rate of 1 space per 29 square metres, which necessitates 28 commercial parking spaces, for a sum of 243 total parking spaces. At time of Pre-consultation, a comment was included requesting that 7 parking spaces be reserved as shared between the residential and commercial components, this in turn decreases the required parking from 243 spaces to 236 spaces. A total of 237 parking spaces have been provided.

Increased Density

The Official Plan Amendment that was approved (AM-2023-022) permitted a density of 214 units per hectare. The amended site design proposes to increase the density to 216.5 units per hectare. During the most recent Pre-consultation meeting City staff confirmed that this minor increase in density can be dealt with via Minor Zoning By-law Amendment.

10.0 Summary and Conclusion

The proposed Minor Zoning By-law Amendment and Site Plan Applications are consistent with the policies of the Provincial Planning Statement, have regard for matters of provincial interest in the *Planning Act*, and conform with the Niagara Official Plan and the City of Niagara Falls Official Plan. The proposed development of 807 square metres of commercial space and 195 dwelling units in a 6-storey building is within the existing settlement area and will provide residential intensification in City designated growth areas. The site design promotes higher-density residential development and will be an efficient use of the Subject Lands.

The Subject Lands are located within proximity to commercial areas, transit facilities, and tourism-attracting establishments. The proposed development supports the vision of building a walkable and bikeable community. The proposed development is compatible with the surrounding uses and vision for the City's Intensification Corridor.

It is our opinion that the proposed Minor Zoning By-law Amendment and Site Plan should be approved because it represents good land use planning, is in the public interest and should be supported for the following reasons:

1. The proposed development has regard for matters of Provincial interest in accordance with Section 2 of the *Planning Act*, including matters of the provision of housing; optimization of infrastructure; implementation of transportation and active transportation.
2. The proposed development is consistent with the Provincial Planning Statement (2024) and is in conformity with the Niagara Official Plan (2022), and the City of Niagara Falls Official Plan.
3. The proposed development will implement the planned residential intensification in the Delineated Built-up Area and along the Lundy's Lane Intensification Corridor. It will implement the vision of complete communities within the area. There is sufficient availability of amenities such as grocery stores, public schools, parks and open spaces near the Subject Lands.
4. The proposed units will contribute to diversify the existing housing mix in the neighbourhood. The proposed development is feasible in meeting the applicable sound and vibration criteria, subject to the implementation of the included recommendations from the qualified studies. Additionally, the surrounding industrial facilities are expected to be compatible with the Subject Lands with respect to air quality.
5. The proposal will provide intensification in a compact manner, promote public realm improvements, and overall land-use efficiency on the Subject Lands.
6. The proposed development will make efficient use of the existing municipal services and infrastructure. The proposal is supported by reports prepared by qualified professionals, subject to relevant recommendations, that confirm that there are no issues with municipal servicing or the projected traffic volumes. There were no archaeological findings identified on the property.
7. The proposed development achieves high quality urban design and implements the urban design policies of Lundy's Lane Urban Design Guidelines and of the City of Niagara Falls.

Report prepared by:



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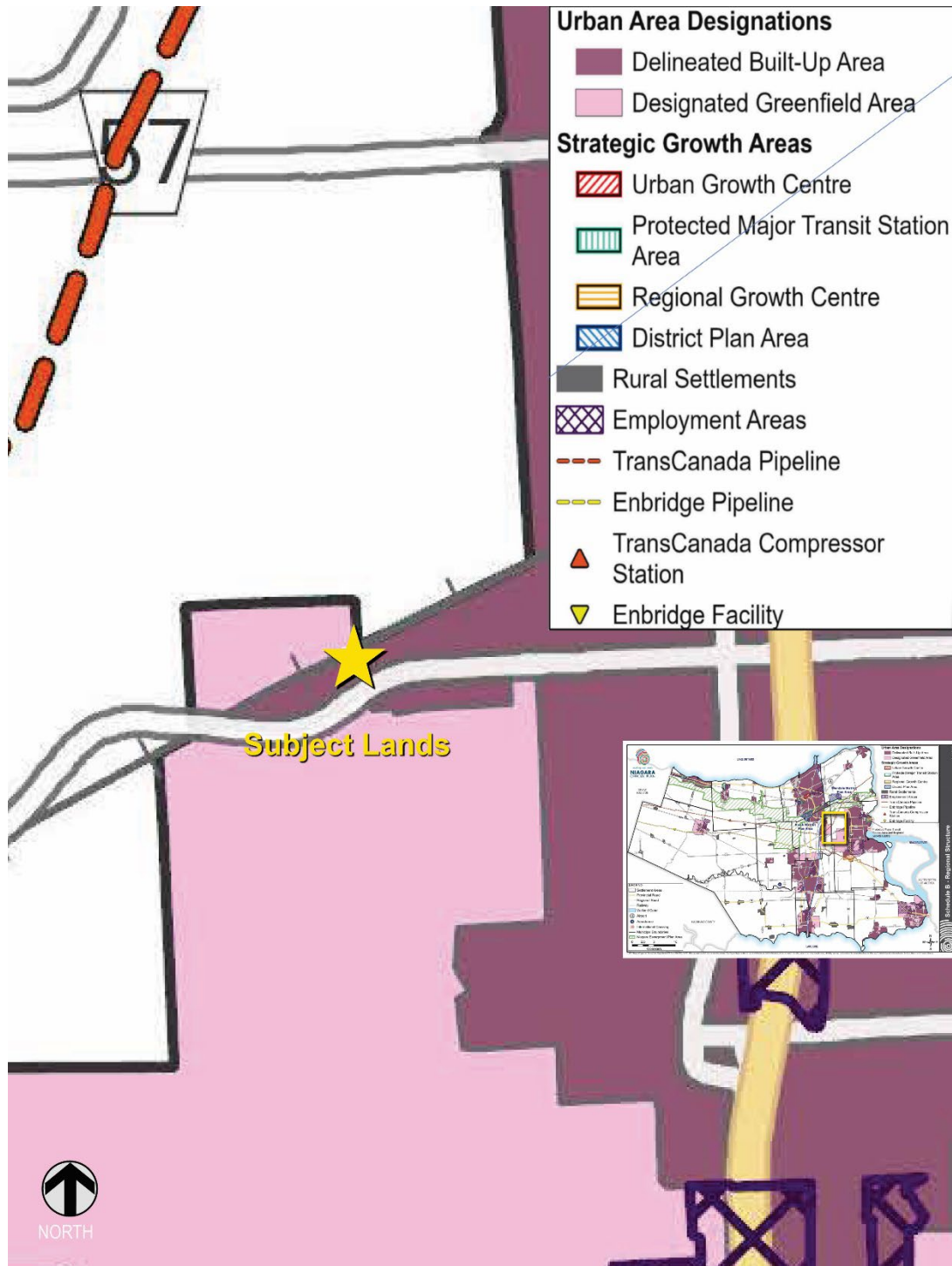
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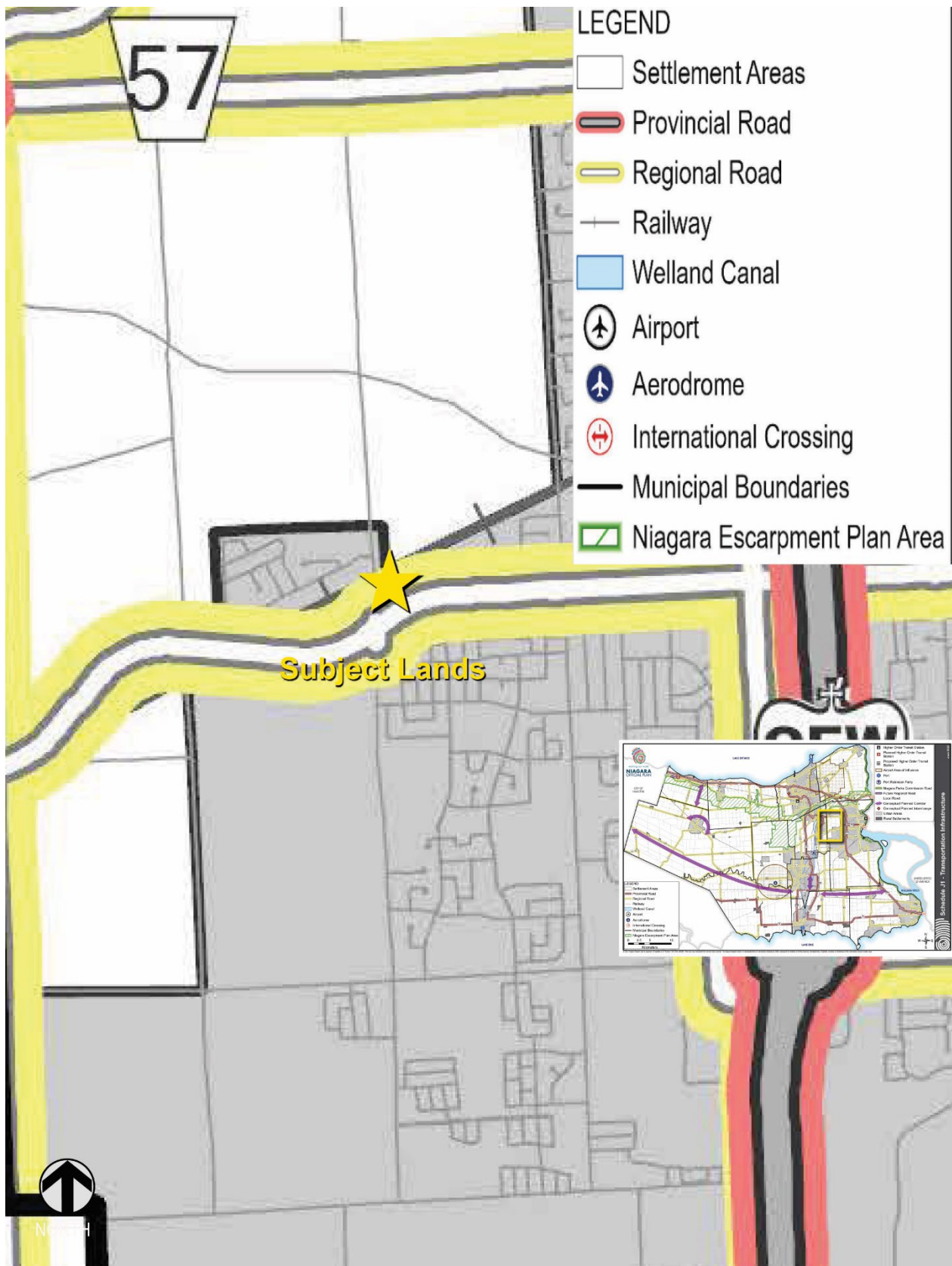


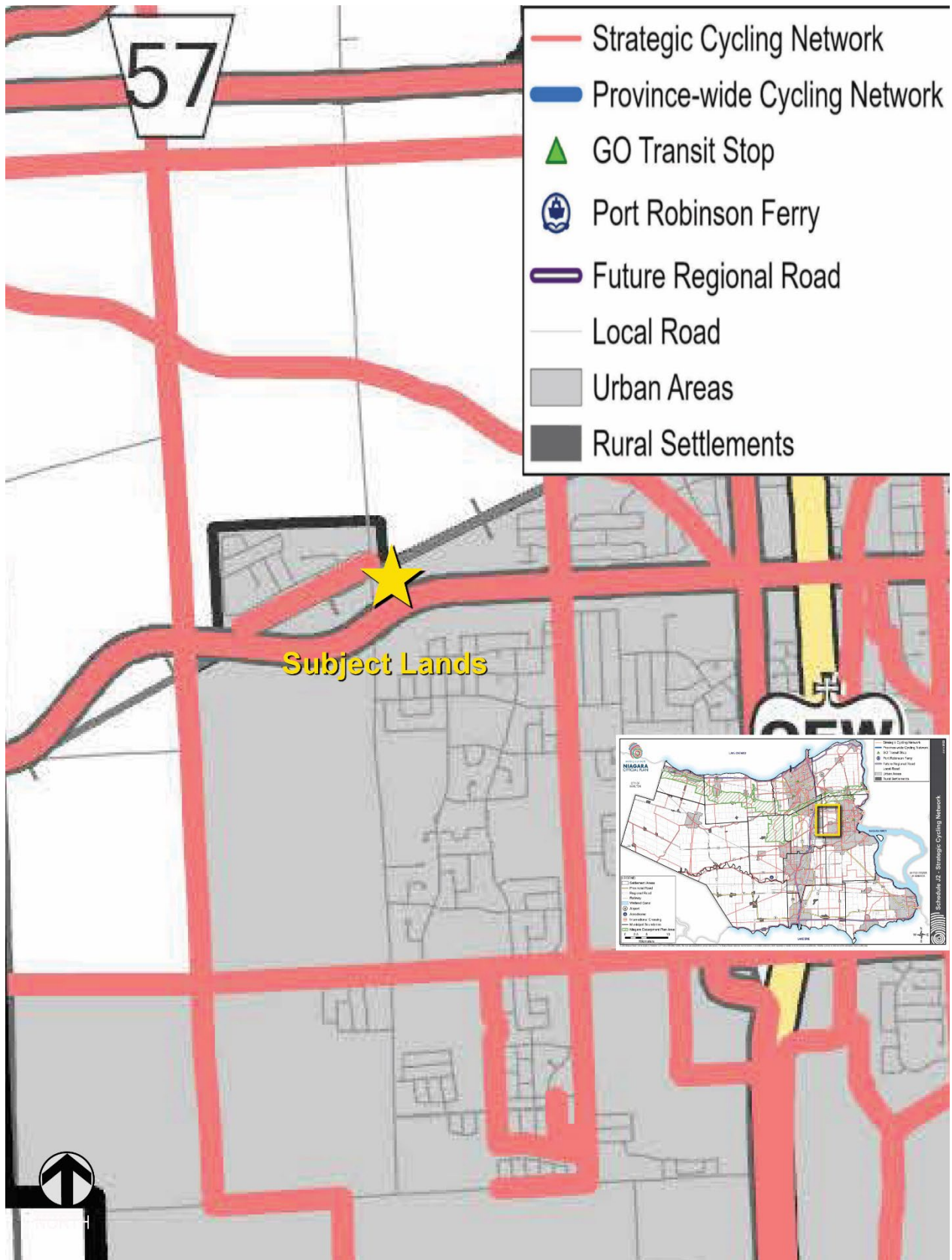
Mary Lou Tanner, FCIP RPP
President
NPG Planning Solutions Inc.

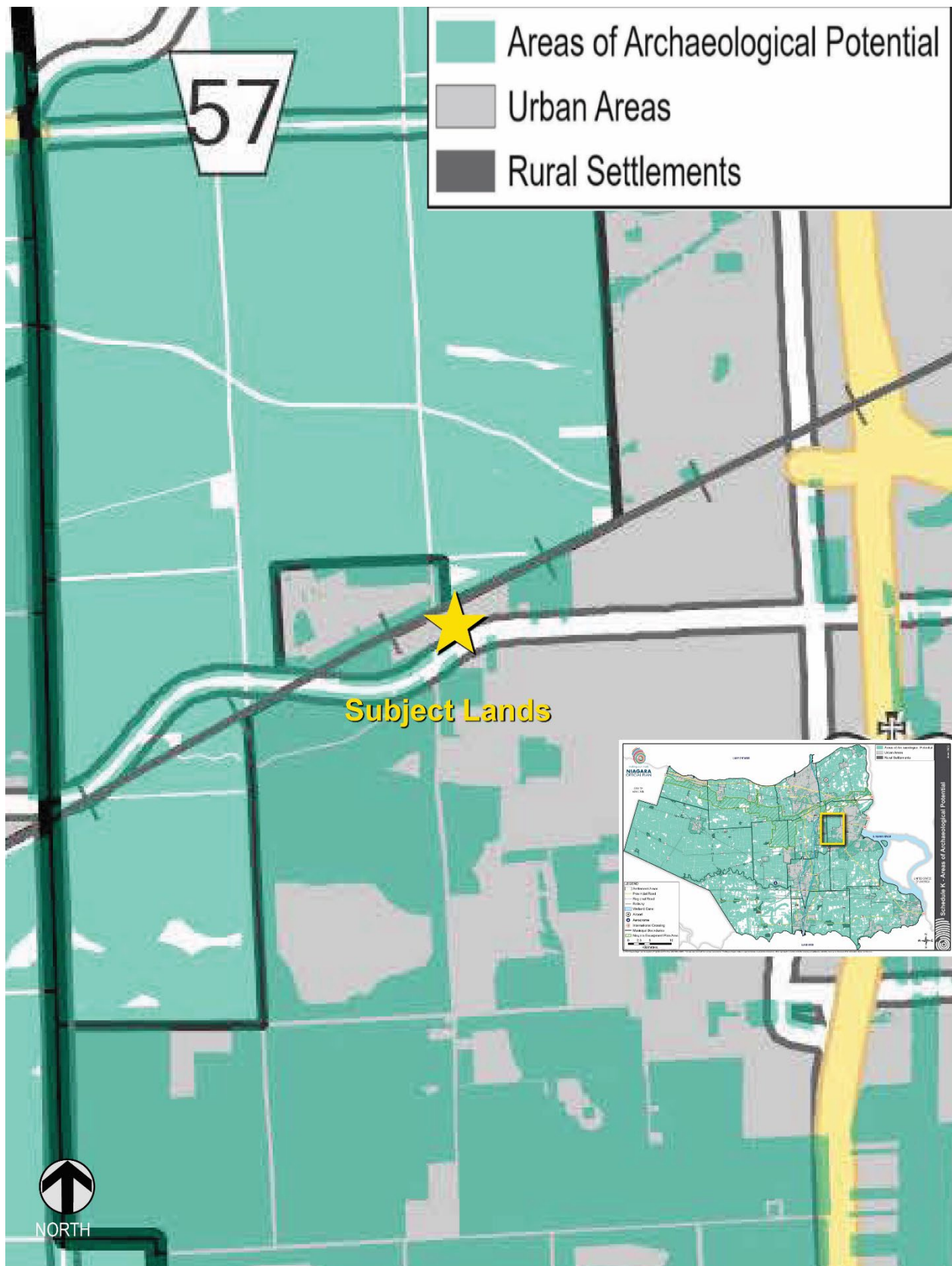
11.0 Appendices

Appendix A - Region Schedules

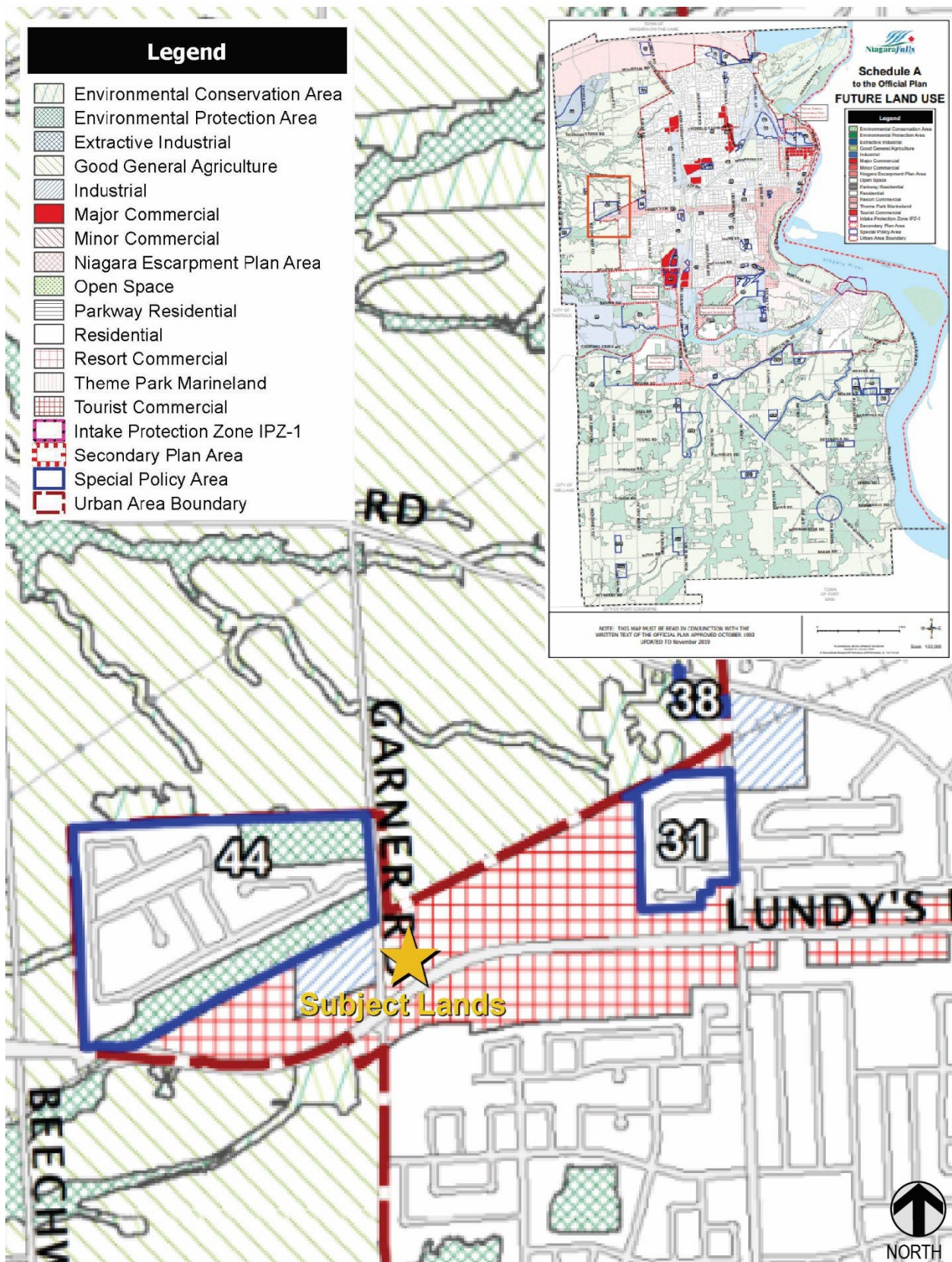


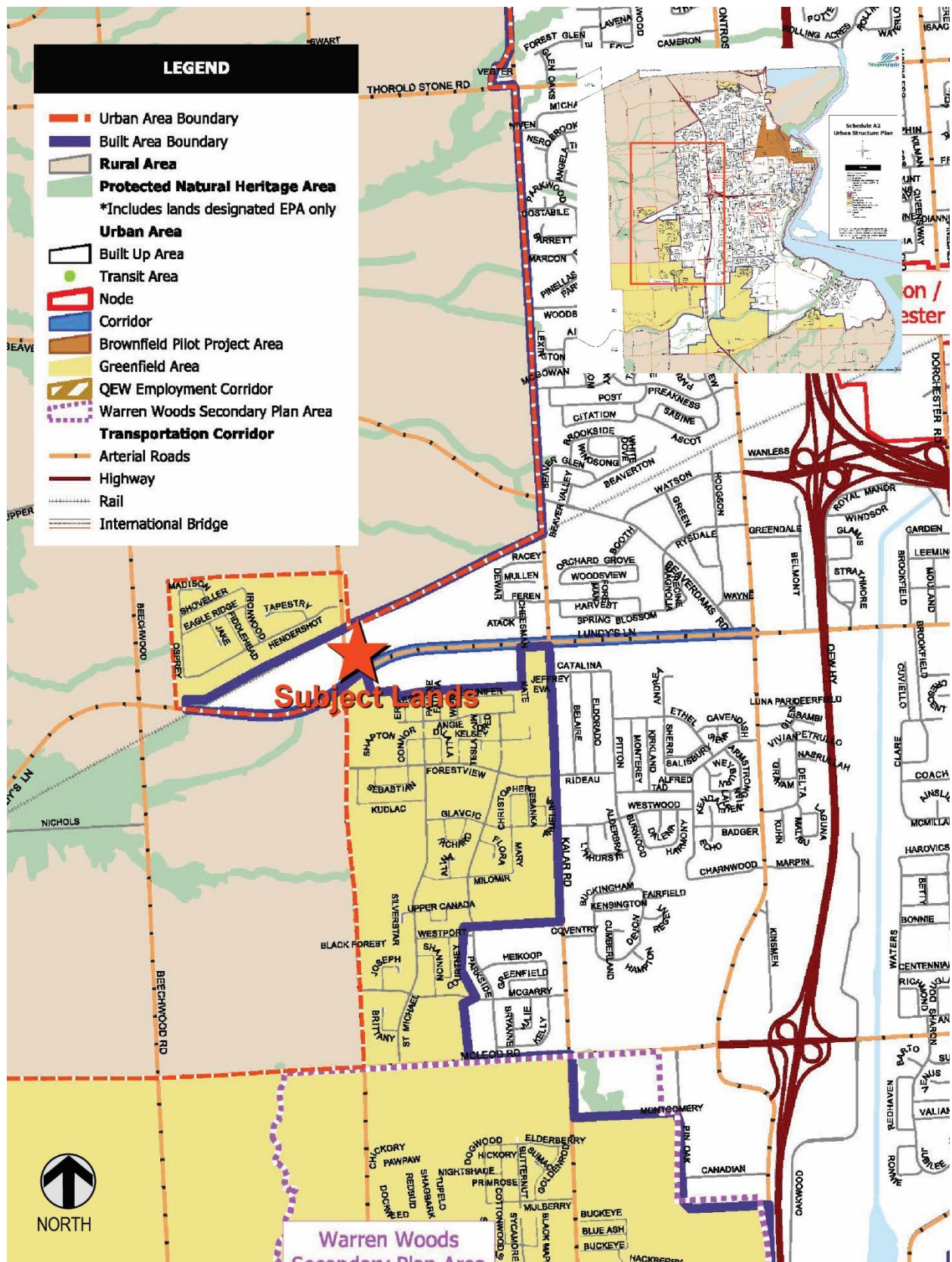


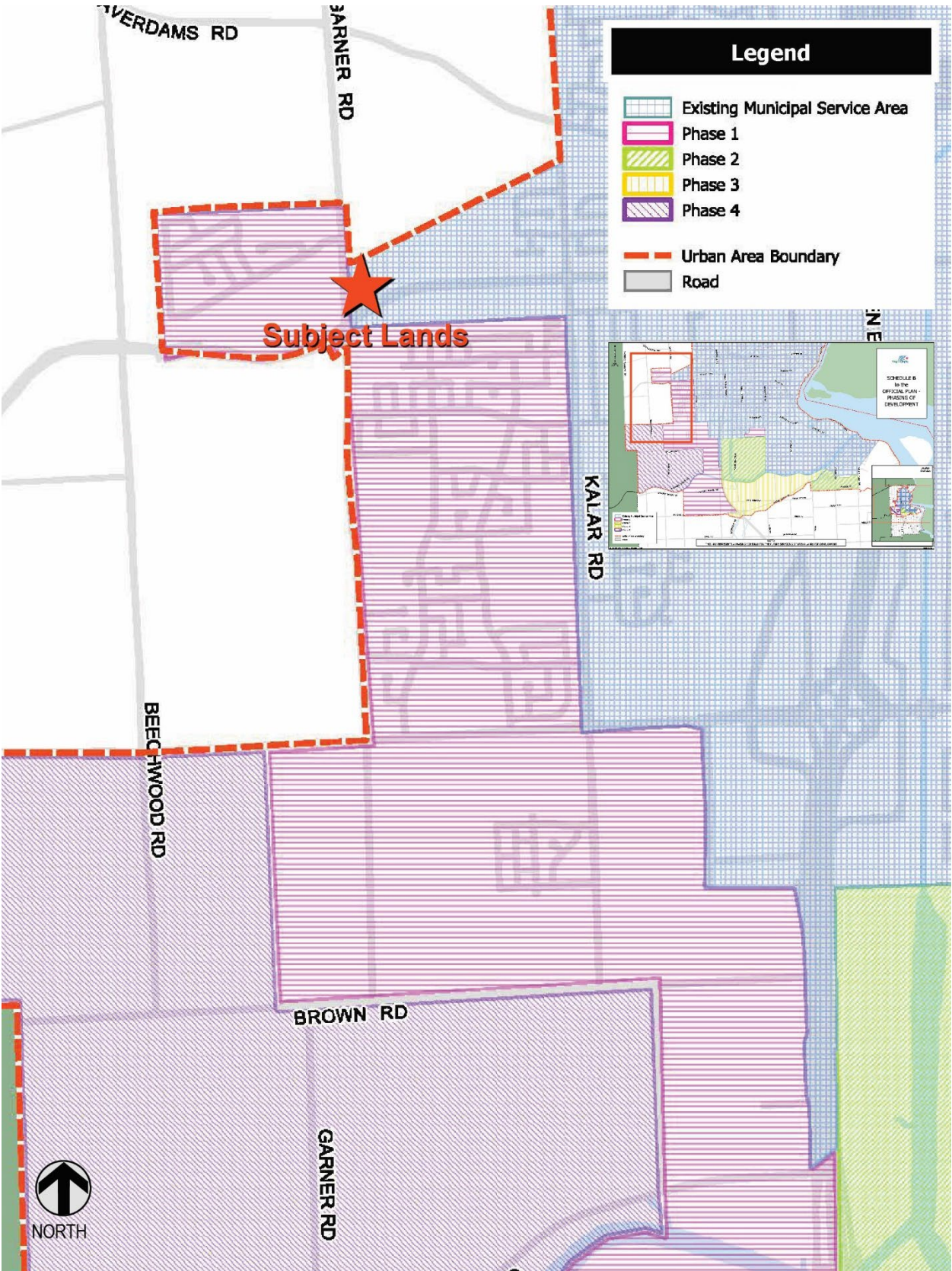


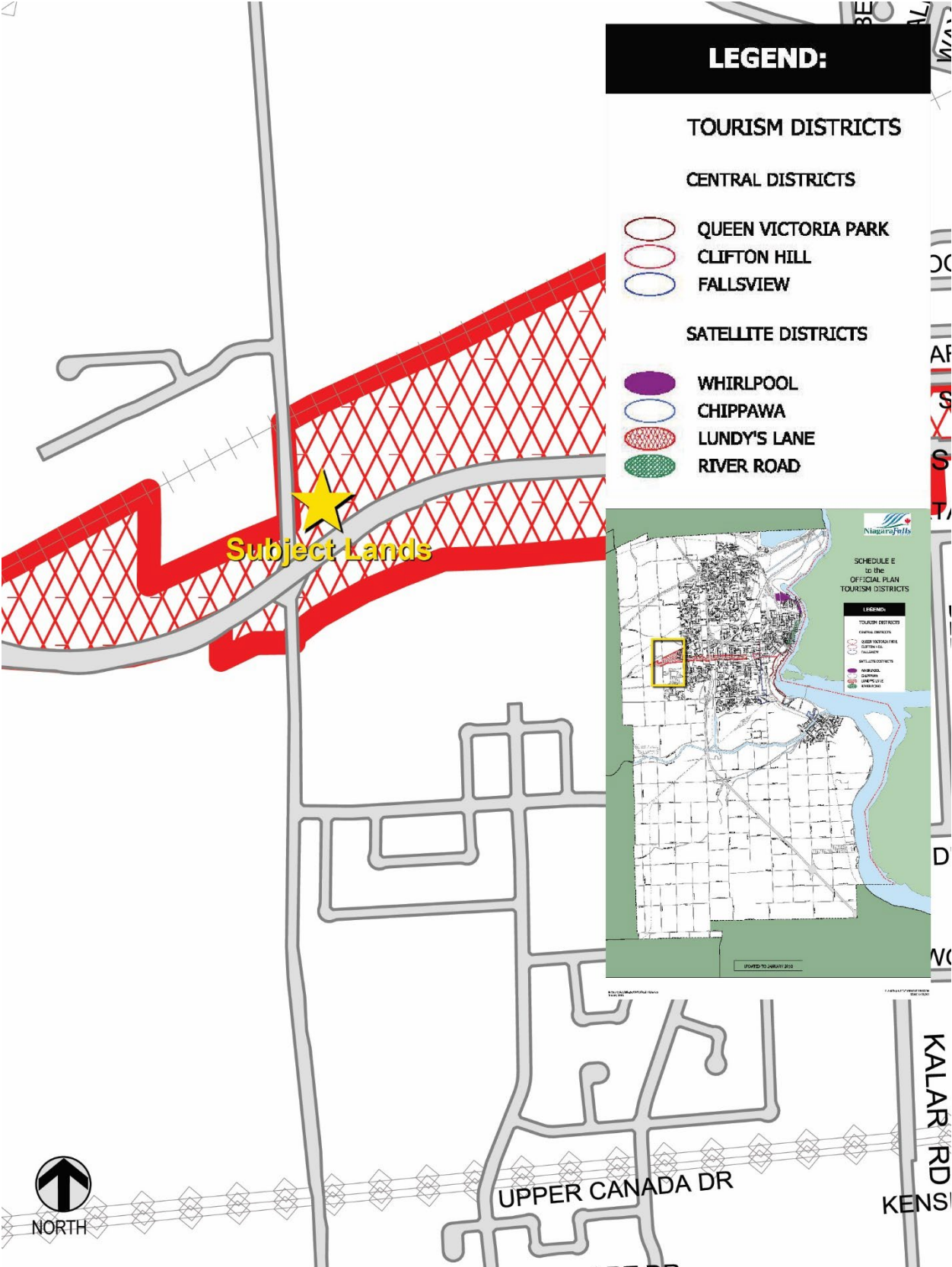


Appendix B - City Schedules









Appendix C - City of Niagara Falls Zoning By-law Schedule



Appendix D – Draft Zoning By-law

CITY OF NIAGARA FALLS

By-law No. 2025-XXX

A by-law to amend By-law No. 2024-030, being a By-law to amend By-law 79-200.

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

1. The Lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the "Lands". Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the provisions of By-law No. 2024-030, being a By-law to amend By-law No. 79-200, as amended, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 2024-030 and By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 2024-030 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. The permitted uses shall be:
 - (a) The uses permitted under By-law No. 2024-030
5. That Subsections 5 (b), and 5 (d) of By-law No. 2024-030, are hereby removed entirely.
6. That Subsection 5 (e) of By-law No. 2024-030, is hereby removed and replaced with the following:

(e) Minimum number of parking spaces	1.1 spaces for each dwelling unit; 1 parking space for each 29 square meters of gross leasable floor area for a retail store
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7. That Subsection 5 of By-law No. 2024-030 is hereby amended by adding the following at the end of the Subsection:

(h) Maximum Density 217 units per hectare

8. That Subsection 6 is hereby removed entirely.

9. That Subsection 10 (a), and 10 (g), are hereby removed entirely.

10. That Schedule 2 of By-law No. 2024-030 is hereby deleted.

11. All other applicable regulations set out in By-law No. 79-200 and By-law No. 2024-030 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.

12. The provisions of this By-law shall be shown on Sheet A4 and B4 of Schedule "A" of By-law No. 79-200 as TC(H)-XXX.

13. Section 19 of By-law No. 79-200 is amended by adding thereto:

19.1.1239 Refer to By-law No. 2024-030 and By-law No. 2025-XXX

Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2025.

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

.....
JAMES M. DIODATI, MAYOR

SCHEDULE 1

