

Planning Justification Report

Official Plan Amendment and Zoning By-law Amendment

7800 Lundy's Lane

Niagara Falls, Ontario

September 2025

**Upper Canada Consultants
3-30 Hannover Drive
St. Catharines, ON. L2W 1A3**



UCC File No. 25009

Contents

APPENDIX	1
1.0 - PREFACE	2
2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS	3
3.0 - PROPOSAL	5
4.0 - REQUIRED APPLICATIONS	7
5.0 – SUPPORTING STUDIES AND REPORTS.....	8
6.0 – POLICY REVIEW	10
6.1 - PLANNING ACT	10
6.2 - 2024 PROVINCIAL PLANNING STATEMENT	12
6.3 - NIAGARA OFFICIAL PLAN (2022)	18
6.4 - CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)	21
6.5 - CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)	38
7.0 - PLANNING POSITION	42

APPENDICES

Appendix I – Site Plan

Appendix II – Draft Zoning By-law Amendment

Appendix III – Draft Official Plan Amendment

Appendix IV – Pre-consultation Agreement

1.0 - PREFACE

Upper Canada Consultants has been retained by 2793588 Ontario Inc. to prepare a Planning Justification Report in conjunction with applications for Official Plan Amendment and Zoning By-law Amendments made for the property municipally addressed as 7800 Lundy's Lane in the City of Niagara Falls, Regional Municipality of Niagara. The applications propose the conversion of the two (2) existing motel buildings on the property for 71 permanent residential dwelling units, and the construction of a new 6-storey building containing 66 residential apartment units, and 130m² of commercial space.

The need for a Planning Justification Report was identified through the pre-consultation meeting held on March 6th, 2025. The pre-consultation agreement is attached as **Appendix IV**.

This Planning Justification Report provides an analysis of how the applications satisfy the requirements of the *Planning Act*, are consistent with the Provincial Planning Statement, and conform to the Niagara Official Plan and the City of Niagara Falls Official Plan.

2.0 - DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The lands are municipally addressed as 7800 Lundy's Lane in the City of Niagara Falls and legally addressed as Stamford; Part Lot 140. These lands will be referred to as the "subject lands for the remainder of this Planning Justification Report. The subject lands are located on the south side of Lundy's Lane with a lot frontage of 76.19 meters and a total lot area of 0.697 hectares. The lands are rectangular in shape. An aerial view of the subject lands is provided in **Figure 1** below.



Figure 1 – aerial image of 7800 Lundy's Lane – Niagara Navigator, 2023 imagery

The subject lands are developed with two, two-storey motels containing guest rooms, reception and administration areas. The structures flank the eastern and western property lines, with the balance of the property being occupied by an asphalt parking area, as well as a pool and some landscaping areas. The south-west corner of the subject lands is vacant open area that is privately owned.

The surrounding lands contain the following uses:

North:	Tourist Commercial, Residential 1E, Residential 1C
East:	Tourist Commercial
South:	Institutional, Residential 1E, Residential 4
West:	Tourist Commercial, Institutional

The property is zoned as Tourist Commercial (TC) Zone under the City of Niagara Falls Comprehensive Zoning By-law 79-200, **Figure 2** below shows an excerpt from the Niagara Falls Land Regulation Viewer and illustrates the zoning of the subject lands and the surrounding land uses.

North of the subject lands contains multiple motel establishments and various smaller commercial establishments that service the immediate area. Further north of the subject lands is residential lands containing single detached dwellings.

East of the subject lands contains multiple motel establishments and a larger commercial shopping plaza containing a variety of stores that serves the greater area surrounding the subject lands.

South of the subject lands is a large area of institutional zoned lands; these lands contain St. George Serbian Orthodox Church with associated sports fields. Further south of the subject lands is residential lands containing single and semi-detached dwellings.

West of the subject lands is Lundy's Manor Retirement Residence, a variety of motel establishments and smaller commercial establishments and Westlane Secondary School.

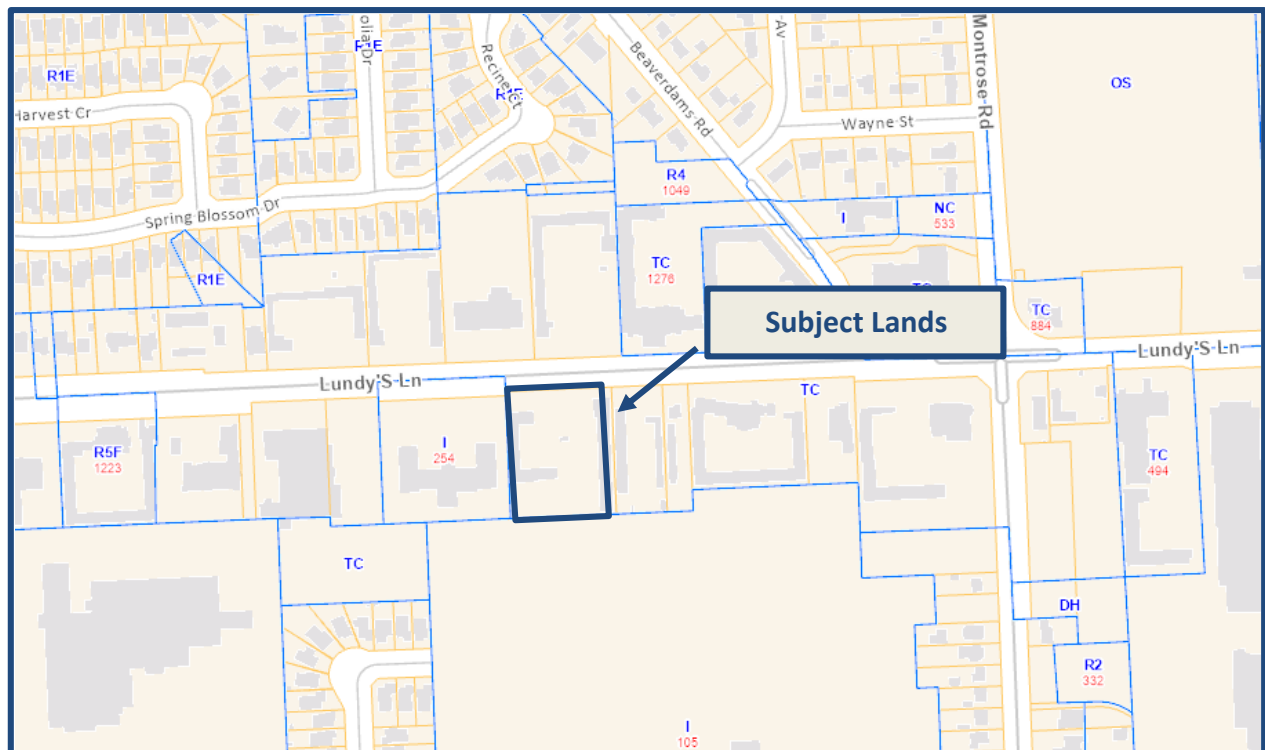


Figure 2 – excerpt from Niagara Falls Land Regulation Viewer

3.0 - PROPOSAL

The applications propose the conversion of the two (2) existing motel buildings on the property into 71 permanent residential dwelling units, and the construction of a new 6-storey building containing 66 residential apartment units, for a total of 137 residential dwelling units, as well as 130m² of commercial space within the proposed apartment building. An expansion to the existing parking area is also proposed to support the additional residential uses. The development proposal is shown visually in **Figure 3**, and each element is further described in detail below.

MOTEL CONVERSION

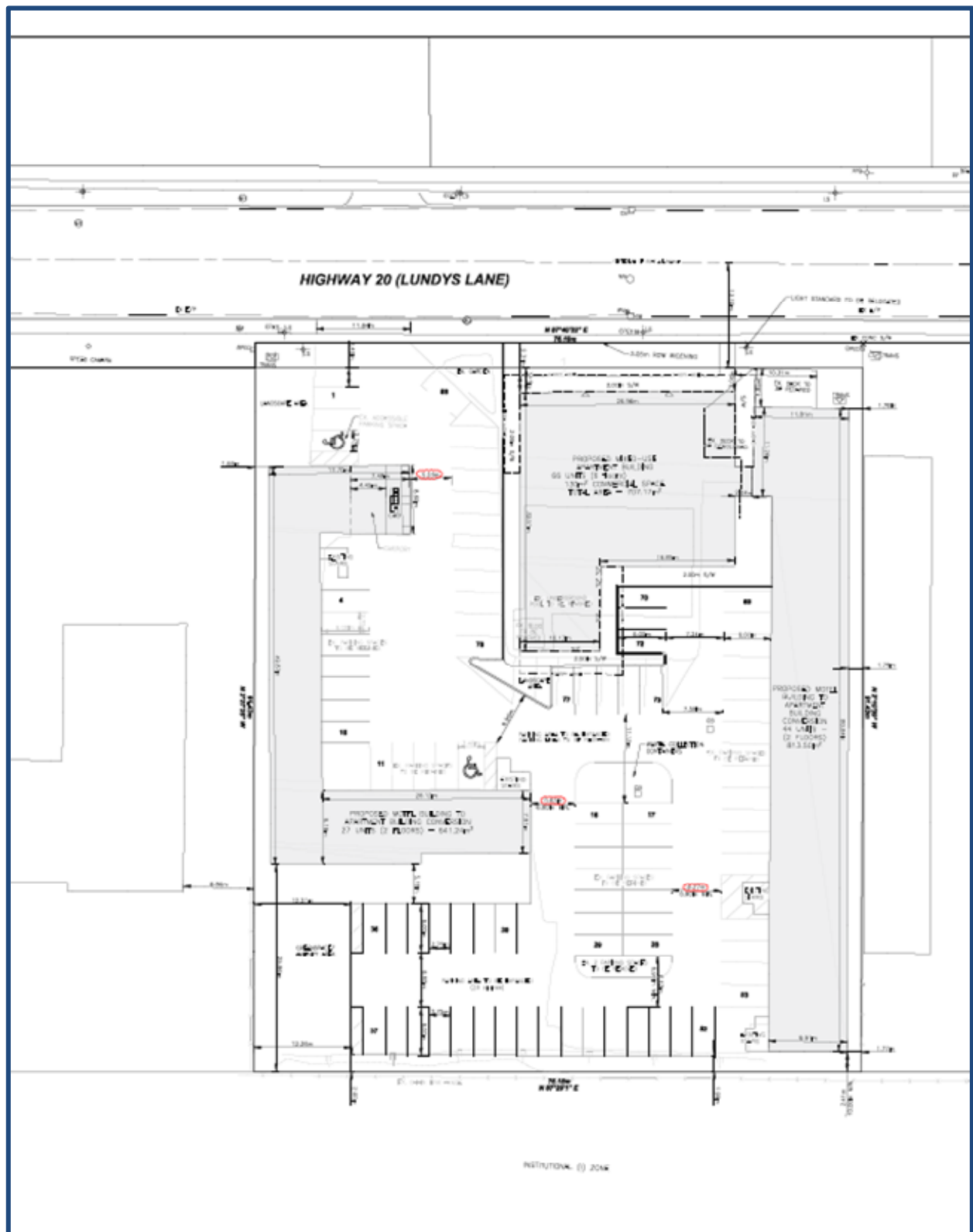
The conversion of the two existing motel buildings for permanent residential accommodations involves interior renovations to the existing motel units to make them suitable for permanent occupation in accordance with OBC requirements. In total, the two motel buildings are proposed to contain 71 apartment dwellings.

NEW APARTMENT BUILDING

A new 6 storey apartment building is proposed to be constructed in the northern portion of the property near Lundy's Lane. Currently this area is retained for a pool to be used by the motel guests. The new building is proposed to contain 66 dwelling units, in addition to indoor amenity and utility spaces (ie. mechanical room and bicycle parking room). A mix of studio, and one-bedroom dwelling units are proposed, ranging in area from approximately 36.65 square meters to 54.25 square meters. The building is also proposed to contain an approximately 130m² commercial unit on the ground floor, as well as 118m² of amenity space.

PARKING AND AMENITY AREA MODIFICATIONS

The parking area modifications include the re-painting of the parking lot lines to provide for a more regular parking layout and to improve the functionality of the parking lot. A portion of the parking lot will be expanded into the vacant open area that lies in the south-west corner of the subject lands. The modified parking lot is proposed to contain 88 parking spaces.



4.0 - REQUIRED APPLICATIONS

The following Planning Act applications are required to facilitate the proposed development:

OFFICIAL PLAN AMENDMENT

Section 22 of the *Planning Act* establishes the process and requirements to make an amendment to a local Official Plan.

The submitted Official Plan Amendment seeks to change the permitted apartment dwelling density from a density of 50-100 units per hectare to a density of 197 units per hectare.

Refer to Section 6.3 and 6.4 of this Planning Justification Report for more details about the applications conformity to the regional and municipal Official Plans.

A draft Official Plan Amendment is attached in **Appendix III** of this Planning Justification Report.

ZONING BY-LAW AMENDMENT

Section 34 of the *Planning Act* grants municipal council the authority to pass the Zoning By-laws to regulate the use of the land within a municipality. Amendments to such By-laws are permitted pursuant to Section 34(10) of the *Planning Act*.

The submitted Zoning By-law Amendment seeks to re-zone the subject property from the Tourist Commercial (TC) Zone to a Site-Specific Tourist Commercial (TC-XX) Zone to support the proposed development. Refer to Section 6.5 of this Planning Justification Report for more details about the proposed Zoning change.

A draft Zoning By-law Amendment is attached in **Appendix II** of this Planning Justification Report.

5.0 – SUPPORTING STUDIES AND REPORTS

A summary of key findings of the reports and studies which have been submitted for the subject applications is provided below. These summaries do not replace the analysis and findings of the original reports. The original report should be consulted for complete information.

ENVIRONMENTAL SITE ASSESSMENT

An Environmental Site Assessment was prepared by RiskCheck Environmental on January 6th, 2025. The Phase one ESA was completed in general accordance with the requirements of the Canadian Standards Association (CSA) Standard Z768-01. The following was concluded:

- A Phase II ESA is not recommended for the subject property at this time.
- A Hazardous Building Material Survey should be completed prior to any renovations and/or building demolition activities.

TREE INVENTORY AND PRESERVATION PLAN

A preliminary Tree Inventory and Preservation Plan (TIPP) report was prepared by Jackson Arboriculture Inc. on April 7th, 2025. The tree inventory documented a total of 36 trees situated on the subject lands, in the road allowance and on the neighbouring property within 6 meters. The results of the impact assessment indicated that the removal of 5 trees will be required to accommodate the proposed development.

It is recommended that a final TIPP be required through the Site Plan approval process as the current TIPP does not reflect the final development details.

FUNCTIONAL SERVICING REPORT

A functional servicing report was prepared by Upper Canada Consultants in June, 2025. The report concluded the following:

- The existing 300mm diameter watermain will have sufficient capacity to provide both domestic and fire protection water supply.
- The existing 375mm diameter municipal sanitary sewer will have adequate capacity for the proposed development.
- Stormwater quantity controls will be provided to existing levels prior to discharge from the site.
- Stormwater quality controls will be provided to Normal Protection Levels prior to discharge from the site.
- The site extreme stormwater overland flow route it to Lundy's Lane

PARKING STUDY

A Parking Study was completed by Paradigm Transportation Solutions, which assesses the adequacy of the proposed parking supply and site circulation for the proposed development. The parking study supports a residential parking ratio of 0.6 spaces per unit, and confirms that vehicles can maneuver the parking lot without conflict.

6.0 – POLICY REVIEW

6.1 - PLANNING ACT

SECTION 2 – MATTERS OF PROVINCIAL INTEREST

The *Planning Act* (R.S.O. 1990) prescribes the regulations for land use planning in Ontario. Section 2 of the *Planning Act* outlines the matters of Provincial Interest which planning authorities must have regard for when considering planning applications. These matters include:

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

- c) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s. the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

With respect to these matters, the subject applications have regard for clauses (f), (h), (i), (p) and (p) of the Section 2 of the *Planning Act*, a description of the proposals conformity to each clause is described below:

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

The subject lands are located just west of Montrose Road on the south side of Lundy's Lane. Access to the apartment dwellings and at-grade parking lot will be provided from Lundy's Lane. As outlined in the Functional Servicing Report attached with this application, the development can be serviced by an existing watermain and sanitary sewer, efficiently using these existing services to support the development.

The proposed development of the subject lands re-purposes the existing motel buildings on the site, this not only increases the yield of the property but increases the efficient use of the existing infrastructure that services the subject lands.

h) The orderly development of safe and healthy communities;

The applications support the orderly development of safe and healthy communities through compatible infill development within a built-up area with access to existing services and amenities. This type of development mitigates the rapid depletion of land to accommodate residential growth and reduces capital infrastructure costs required to service new residential lands.

i) The adequate provision of a full range of housing, including affordable housing;

The proposed development achieves these goals by proposing a mix of unit types, and by contributing to the provision of housing that meets the Regional definition for affordable.

p) The appropriate location of growth and development;

The applications support the appropriate location of growth and development as the subject lands are located in a built-up area with access to infrastructure, services and amenities. The proposed development would increase the efficient use of municipal services and land.

SECTION 22 – OFFICIAL PLAN AMENDMENTS

Section 22 of the *Planning Act* Establishes the process and requirements to make an amendment to a local Official Plan. The submitted application has been made pursuant to the requirements under this section of the *Planning Act*.

SECTION 34 – ZONING BY-LAWS

Section 34 of the *Planning Act* grants municipal councils the authority to pass Zoning By-laws to regulate the use of the land within a municipality. Amendments to such By-laws are permitted pursuant to Section 34(10) of the *Planning Act*.

6.2 - 2024 PROVINCIAL PLANNING STATEMENT

The Provincial Planning Statement (PPS) (2024) provides policy direction on the matters of Provincial interest delineated under Section 2 of the *Planning Act* (R.S.O. 1990), and sets the policy framework for regulating the development and use of land. *The Planning Act* states that all planning decisions are required to be consistent with the Provincial Planning Statement. An overview of consistency to the applicable policies is provided below.

PLANNING FOR PEOPLE AND HOMES (PPS 2.1)

Chapter 2 of the PPS establishes the framework for growth and development in the province. Under the Provincial land use classification, the City of Niagara Falls is identified as a large and fast-growing municipality on Schedule 1 of the PPS. Policy 2.1 of the PPS states the following:

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:

- a) Establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land uses planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- b) Permitting and facilitating:*
 - 1. All housing options required to meet the social, health, economic and well being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities; and*
 - 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 2.3.1.2;

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

With regard to these policies, the proposed development occurs within the existing built-up area and has access to municipal infrastructure and services, including public transportation service. The proposed development provides for the efficient use of this existing infrastructure, and the subject lands. The development supports multi-modal transportation options through the requested reduction in vehicular parking requirements which in turn encourages use of the existing transit service, as well as active transportation modes.

The proposed development supplies accessible and affordable housing to the area as it proposes the redevelopment of an underutilized commercial property (motel) to provide for new affordable housing options within a previously developed area. The City of Niagara Falls affordable housing strategy states that a range of housing that is affordable, accessible, adequate and appropriate is needed to ensure a high quality of life for residents. This development supports the cities housing strategy.

HOUSING (PPS 2.2)

Policy 2.2 of the PPS provides that planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected needs of current and future residents. Policy 2.2 states the following:

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low- and moderate-income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- 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; and*
 - 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;*

- 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.*

The proposed development will contribute to the addition of 137 apartment dwelling units in the built-up Area surrounding Lundy's Lane in the City of Niagara Falls. This development will contribute to diversifying the housing option within the City. The development will increase the housing supply which contributes to improved affordability and attainability. The development efficiently uses the subject lands and infrastructure, and is in close proximity to the QEW.

SETTLEMENT AREAS AND SETTLEMENT AREA BOUNDARY EXPANSION (PPS 2.3)

Policy 2.3 of the PPS discusses the general policies for settlement areas. The subject lands are located within a settlement area, and are further identified as being within a strategic growth area, which are "nodes, corridors and other areas that have been identified by municipalities to be the focus for accommodating intensification and higher-density mixed uses in a more compact built form." Policy 2.3 states the following:

- 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. 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*
 - e. Are freight-supportive*
- 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.*

The PPS encourages large and fast-growing municipalities to establish a minimum density target of 50 persons and jobs per hectare. The proposed development density of 197 units per hectare and therefore supports the intensification and minimum density targets established in the PPS and conforms with the growth management vision for strategic growth areas.

STRATEGIC GROWTH AREAS (PPS 2.4)

Policy 2.4 of the PPS provides that planning authorities are encouraged to identify and focus growth in strategic growth areas and strategic growth areas should be planned. Policy 2.4 states the following:

To support the achievement of complete communities, a range and mix of housing options, intensification and more mixed-use development, strategic growth areas should be planned:

- a) to accommodate significant population and employment growth;*
- b) as focal areas for education, commercial, recreational, and cultural uses;*
- c) to accommodate and support the transit network and provide connection points for inter- and intra-regional transit; and*
- d) to support affordable, accessible, and equitable housing.*

Planning authorities should:

- a) prioritize planning and investment for infrastructure and public service facilities in strategic growth areas;*
- b) identify the appropriate type and scale of development in strategic growth areas and the transition of built form to adjacent areas;*
- c) permit development and intensification in strategic growth areas to support the achievement of complete communities and a compact built form;*
- d) consider a student housing strategy when planning for strategic growth areas;*

The subject lands are located within an area supported by existing commercial, institutional, and recreational uses, providing convenient access to a wide range of services and amenities. The proposed development leverages an opportunity to provide higher-density, affordable, and attainable housing options in a strategic growth area. The location, density, and use of the development align with the vision for strategic growth areas by accommodating population growth in a compact form that supports surrounding commercial and institutional functions; and supports the achievement of transit-supportive development densities.

GENERAL POLICIES FOR INFRASTRUCTURE AND PUBLIC SERVICE FACILITIES (PPS 3.1)

Policy 3.1 of the PPS encourages development patterns which enable the efficient provision and use of public infrastructure and services. Policy 3.1 states the following:

- 1. Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.*

Planning for infrastructure and public service facilities shall be coordinated and integrated with land use planning and growth management so that they:

- a) Are financially viable over their life cycle, which may be demonstrated through asset management planning;*
- b) Leverage the capacity of development proponents, where appropriate; and*
- c) Are available to meet current and projected needs.*

The subject lands are within the existing built-up area and have access to a full range of municipal infrastructure and services. The proposed development helps to optimize the efficient use of the existing infrastructure and services. The Functional Servicing Report that has been submitted with this application confirms the adequacy of the existing infrastructure to support the proposed development.

SEWAGE, WATER AND STORMWATER (PPS 3.6)

Policy 3.6 of the PPS encourages development patterns which consider the efficient use and provision of public sewage and water services. Policy 3.6 states the following:

- 1. Planning for sewage and water services shall:*
 - a. Accommodate forecasted growth in a timely manner that promotes the efficient use and optimization of existing municipal sewage services and municipal water services and existing private communal sewage services and private communal water services;*
 - b. Ensure that these services are provided in a manner that:*
 - 1. Can be sustained by the water resources upon which such services rely;*
 - 2. Is feasible and financially viable over their life cycle;*
 - 3. Protects human health and safety, and the natural environment, including the quality and quantity of water; and*
 - 4. Aligns with comprehensive municipal planning for these services, where applicable.*
 - c. Promote water and energy conservation and efficiency;*
 - d. Integrate servicing and land use considerations at all stages of the planning process;*
- 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's health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.*

The subject lands are within the existing built-up area and have access to a full range of municipal sewage and water services. The proposed development helps to optimize the

efficient use of the existing infrastructure. A Functional Servicing Report has been submitted with this application which confirms the adequacy of the existing sewage, water and stormwater infrastructure to support the proposed development.

PUBLIC SPACES, RECREATION, PARKS, TRAILS AND OPEN SPACE (PPS 3.9)

Policy 3.9 of the PPS encourages development that has access to areas the promote and support inclusive and complete communities. Policy 3.9 states the following:

1. *Healthy, active, and inclusive communities should be promoted by:*
 - a) *Planning public streets, spaces and facilities to be safe, meet the needs of persons of all ages and abilities, including pedestrians, foster social interaction and facilitate active transportation and community connectivity;*
 - b) *Planning and providing for the needs of persons of all ages and abilities in the distribution of a full range of publicly-accessible built and natural settings for recreation, including facilities, parklands, public spaces, open spaces areas, trails and linkages, and where practical, water-based resources;*
 - c) *Providing opportunities for public access to shorelines; and*
 - d) *Recognizing provincial parks, conservation reserves, and other protected areas, and minimizing negative impacts on these areas.*

The proposed development has been planned with safety in mind. The planning at-grade parking lot and building access points have been designed to ensure the safe movement of people and vehicles throughout the site.

The following parks are within a 1-kilometer radius of the subject lands:

- Bambi Park
- Gustavus Munroe Park
- Larry Delazzer Nature Park
- Royal Manor Park

These parks provide suitable amenity areas to support the future residential development of the subject lands.

6.3 - NIAGARA OFFICIAL PLAN (2022)

The Niagara Official Plan (NOP) outlines the long-term strategic policy planning framework for managing growth in the Region to a planning horizon ending in 2051. The Plan's focus is primarily on implementing the Provincial Planning Statement and other Provincial Plans and Guidelines, and providing regional-level land use planning direction on growth, the natural environment, infrastructure and other attributes or circumstances unique to Niagara.

The subject lands are located within the Built-Up Area of the City of Niagara Falls, this is shown on Schedule 'B' of the NOP which is attached below in **Figure 4**.

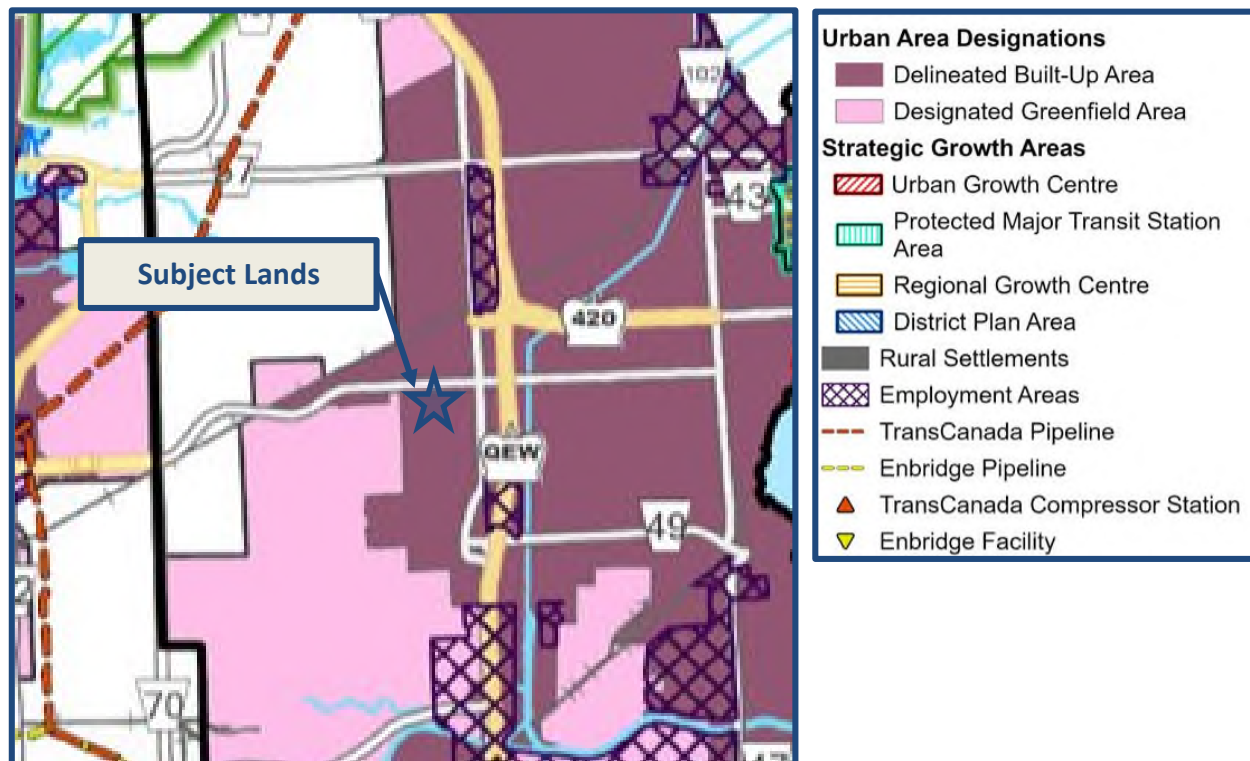


Figure 4 – excerpt from Schedule 'B' – Niagara Official Plan

FORECASTED GROWTH (NOP 2.1)

Chapter 2 of the NOP contains the regional level growth policy direction for the Niagara region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development. The NOP directs growth and development to Settlement Areas where full urban services are available, as well as public transit, community and public services and employment opportunities.

Section 2.1 of the NOP states that the Region of Niagara is anticipated to have a population of 694,000 people and 272,000 jobs by the year 2051, representing an increase of over 200,000

people and 85,000 jobs from 2021. These population and employment forecasts are further broken down by municipality in Table 2-1 of Section 2.1 of the Official Plan, this is shown below in **Figure 5**.

Municipality	Population	Employment
Fort Erie	48,050	18,430
Grimsby	37,000	14,960
Lincoln	45,660	15,220
Niagara Falls	141,650	58,110
Niagara-on-the-Lake	28,900	17,610
Pelham	28,830	7,140
Port Colborne	23,230	7,550
St. Catharines	171,890	79,350
Thorold	39,690	12,510
Wainfleet	7,730	1,830
Welland	83,000	28,790
West Lincoln	38,370	10,480
Niagara Region	694,000	272,000

Figure 5 – Table 2-1 – Niagara Official Plan

The proposed development will contribute 137 apartment dwelling units into the City's housing supply and will assist in achieving the City's annual growth targets.

REGIONAL STRUCTURE (NOP 2.2)

Section 2.2 of the NOP establishes the regional and use structure, based on Provincial directives which dictate how the projected growth is to be accommodated. A majority of growth is to occur within the Settlement Area, where water and wastewater systems exist or are planning. The Settlement Area is further broken down into the delineated Built-up Area and the Designated Greenfield Area.

Section 2.2.1 of the NOP contains policies pertaining to the management of urban growth. These policies direct growth to occur in a manner that supports the achievement of intensification targets. Section 2.2.1 states the following:

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

- a) the intensification targets in Table 2-2 and density targets outlined in this plan;*
- 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;*
- e) Built forms, land use patterns, and street configuration that minimized 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;*
- a) Opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites.*

The City of Niagara Falls is assigned an intensification target of 50% translating to the construction of 10,100 new dwelling units within the existing Built-up Area by the year 2051. The proposed development contributes positively to the accommodation of prescribed residential growth in the City's Built-up Area. The proposed development accommodates compact residential development in proximity to commercial and institutional uses, which contributes to the achievement of a complete community. The proposed development will contribute affordable apartment dwellings to the City's housing stock. The proposed development will increase the efficient use of the subject lands, as well as the municipal services. The proposed development provides intensified residential development that is reflective of and compatible with the surrounding area.

For these reasons, the submitted application has regard for matters of regional interest conforming with the Niagara Official Plan.

6.4 - CITY OF NIAGARA FALLS OFFICIAL PLAN (2019 CONSOLIDATION)

The City of Niagara Falls Official Plan is the long-range planning tool used to guide growth and development in the municipality. The intent of the Official Plan is to guide land use and development in the City of Niagara Falls so as to ensure orderly and efficient growth to meet Provincial and Regional growth targets while maintaining and protecting natural heritage and agricultural lands.

CURRENT OFFICIAL PLAN DESIGNATION

The subject lands are designated as Resort Commercial within Schedule A of the Niagara Falls Official Plan identifies that the subject lands are designated as Tourist Commercial, this is displayed below in **Figure 6**. The subject lands are also situation along Lundy's Lane which is considered to be a "corridor" as per Schedule 'A-2' of the Official Plan

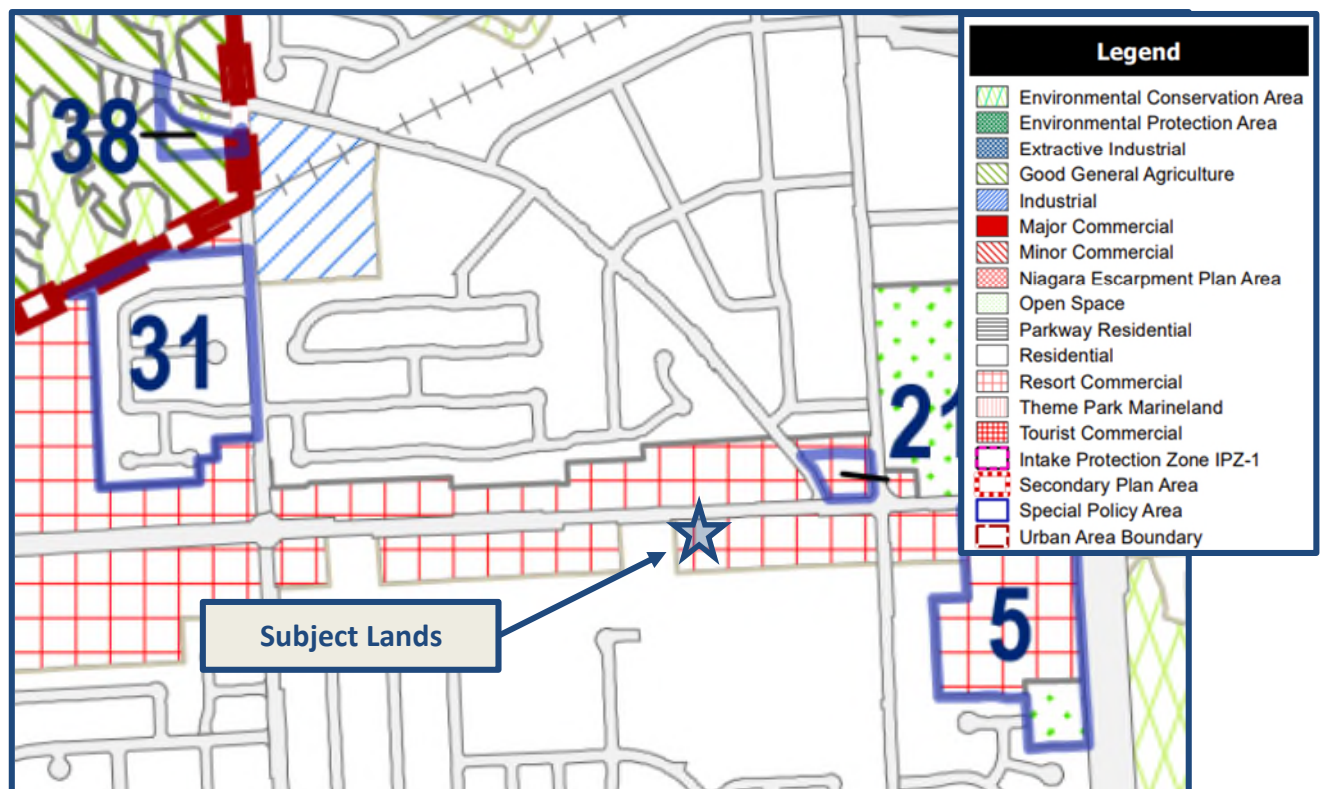


Figure 6 – Excerpt from Schedule 'A' – City of Niagara Falls Official Plan

OFFICIAL PLAN AMENDMENT

An Official Plan Amendment has been submitted to permit the proposed development density of 197 units per hectare.

PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION

SECTION 2 – STRATEGIC POLICY DIRECTION – GROWTH OBJECTIVES

Part 1 of the Official Plan discusses the basis of the plan, outlining the purpose legislative basis, format and interpretation of boundaries of the Plan as well as the period during which the Plan will apply. The following is an evaluation of the proposal conformity to the Growth Objectives within Part 1, Section 2 of the Official Plan.

- 1. To direct growth to the urban area and away from non-urban areas.*

The applications appropriately propose growth in an urban area.

- 2. To protect Natural Heritage Areas and their functions.*

The subject lands are not impacted by Natural Heritage Areas.

- 3. To support increased densities, where appropriate and the efficient use of infrastructure within the Built-up section of the urban area.*

Consistent with this objective, the proposal seeks to increase density on serviced urban lands. The proposal development increases the efficient use of the land and infrastructure.

- 5. To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*

According to the Region of Niagara Official Plan (2022), the City of Niagara Falls is anticipated to have a population of 141,650 by 2051. The proposed development supports the accommodation of Niagara Falls' anticipated growth in accordance with Provincial, Regional and growth management directives.

- 7. To achieve a minimum of 40% of all residential development occurring annually within Built-up Areas shown on Schedule A-2 by the year 2015.*

As per the most recent Regional Official Plan (2022), the City of Niagara Falls' intensification target is 50%. The proposed development supports the achievement of the City's intensification obligations.

- 9. To encourage alternative forms of transportation such as walking, cycling and public transit.*

The proposed zoning amendment proposes a reduction in automobile parking for the development. Reducing parking supply encourages alternative modes of transportation including walking, cycling and use of public transit.

10. To plan for an urban land supply for 20 years and to maintain a minimum 10-year supply of land for residential growth through intensification or greenfield development.

The proposed development represents intensification within the urban boundary. The efficient redevelopment and intensification of existing urban land limits that need to expand the urban boundary and allows for adequate amount of land to be maintained to accommodate future growth.

11. To provide a supply of serviced land that is capable of providing three years of residential development through intensification and land in draft approved and registered plans of subdivision.

Consistent with this objective, the subject lands are serviced urban lands and the proposed development would facilitate the intensification of the land.

14. To increase the supply of affordable housing options in the City and aim to achieve an annual target of 40% of all new housing developed meeting the definition of “affordable”.

The proposed development will contribute housing options that meet the criteria of affordable for low- to moderate-income households.

POLICIES

The following is an evaluation of the proposals conformity to the Growth Objective policies within Part 1, Section 2 of the Official Plan. The objectives are quoted verbatim in *italics* and an analysis of the conformity is provided below each quote.

2.3) The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.

According to Table 1, the City of Niagara Falls is anticipated to have a population of 106,800 in 42,740 households. The proposed development would increase the efficient use of existing residential lands to accommodate this anticipated growth.

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.

The subject lands are located within the Lundy's Lane intensification corridor as identified on Schedule A2 of the Official Plan. The Official Plan Amendment provides for increased densities

that make efficient use of the existing infrastructure and services, including public transportation service.

2.8) The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the policies of Part 1, Section 3 of this Plan.

Schedule B of the Official Plan indicates that the subject lands are within the Existing Municipal Service Area. The proposed development of the land does not require the provision of new infrastructure.

2.11) No new urban areas shall be created.

The applications propose the efficient and intensified use of lands within an existing urban area.

SECTION 3 – INTENSIFICATION – GENERAL POLICIES

The following is an evaluation of the proposals conformity to the general policies within Part 1, Section 3 of the Official Plan.

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

A Zoning By-law Amendment application has been submitted to permit and regulate the proposed development. While the Official Plan generally permits residential intensification to occur on the subject lands, an Official Plan amendment is required to permit the proposed density.

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).

The subject lands are designated as Tourist Commercial.

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

Schedule A-2 identifies the lands as being within the Lundy's Lane Intensification Corridor. The lands are not shown to be subject to a height strategy on this schedule.

INTENSIFICATION – INTENSIFICATION CORRIDORS

The following is an evaluation of the proposals conformity to the intensification corridor policies within Part 1, Section 3 of the Official Plan.

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.

The subject lands are located along the Lundy's Lane intensification corridor as shown on Schedule A2 of the City's Official Plan, and is therefore considered an appropriate location for the proposed intensification and residential uses.

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:

- c) 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;*
- d) local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road; and*
- e) residential uses in accordance with the policies of Part 2, Section 4.2.31.*

The proposed development takes the form of residential uses as described under sub-heading e). The submitted Official Plan amendment seeks to permit an increase in the maximum density permitted for the lands under that policy set.

SECTION 4 - HOUSING (HOUSING IMPACT STATEMENT)

The City's Official Plan requires that applications for Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision and Draft Plan of Condominium are to include a housing impact statement, demonstrating how the proposal implements the City's Housing Strategy. This section of the Planning Justification Report addresses this requirement.

The proposed development will provide 137 rental apartment units, made up primarily of studio apartments, with a mix of one-bedroom units and a limited number of two- and three-

bedroom units. It includes a new six-storey apartment building with 66 units, the conversion of the existing west-side motel to 27 units, and the conversion of the east-side motel to 44 units.

Within the existing buildings, small studios are expected to rent for about \$1,048 per month, with larger studios up to roughly \$1,350, while one-bedroom units will start around \$1,500 and the limited two- and three-bedroom units will rent for up to approximately \$2,400. In the new building, studios are anticipated to begin at about \$1,500 per month and one-bedroom units around \$1,800.

VISION AND GOALS FOR HOUSING

The Official Plan contains the following vision for housing:

“All residents have safe, stable and appropriate housing to meet both their physical and financial needs throughout the various stages of life.”

The proposed development implements, or otherwise supports the following goals associated with this vision:

1. Ensure housing is available throughout the City to meet the varying financial needs of existing and future residents.
2. Diversify the City’s housing supply to include a wider range of price points; mix of housing types and densities; and a range of options for housing tenure (rental and ownership).

HOUSING POLICIES

The following is an evaluation of how the proposal conforms with the applicable policies for housing under Part 1, Section 4 of the Official Plan.

4.3) Opportunities for a choice of housing including type, tenure, cost and location shall be provided to meet the changing needs of households throughout the Built-up Area and Greenfield Area. In order to achieve this goal, the City shall support the following:

- 1. Multiple unit developments, smaller lot sizes and innovative housing forms.*
- 2. Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
- 3. The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
- 4. Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*
- 5. Additional dwelling units in single-detached, semi-detached, duplex and townhouse dwellings in accordance with the legislation set out in the Planning*

Act and as further regulated through the policies of this Plan and the Zoning By-law.

The proposed development reflects the development patterns described under Policy 4.3.1, being a multiple unit development with innovative housing forms. The proposed development also represents the efficient use of an underutilized parcel as described under Policy 4.3.2. Such development patterns are encouraged under the Official Plan.

4.6) The City, in its review of subdivision/rezoning applications, will encourage provision of varying lot sizes, housing form and unit size in order to contribute to affordability.

The proposal will contribute a variety of unit sizes which provides for a range of rental prices, contributing to the provision of affordable and accessible housing units.

4.8) Based on projections, it is expected that 20,220 new residential units will be built in the City between 2021 and 2051, or 674 new units on an annual basis. The City will aim to exceed the minimum targets for affordable housing established by the Niagara Region, which is set as 20% of all new rental housing built will be affordable and 10% of all ownership will be affordable.

As such, the City has set an annual target of 40% of all new units meeting the definition of “affordable”. In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown:

- a) 135 units per year to be built with a purchase price or rental price at or below the identified threshold for affordable in accordance with the Niagara Region’s definition of affordable.*
- b) 135 units per year to be built as rental units that would be affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City’s annual housing monitoring report. Rental unit support provided by Regional Housing Services shall be in alignment with the Region’s Consolidated Housing Master Plan and dependent on available resources.*

The Niagara Region defines affordable housing (in the case of rental housing) as the least expensive of:

- a unit for which the rent does not exceed 30 per cent of gross annual household income for low and moderate income households; or
- a unit for which the rent is at or below the average market rent of a unit in the regional market area

The City's Housing Strategy Report (January 2022) defines moderate-income households as those earning \$95,900 or less annually, and establishes an affordability threshold (ie. less than 30% of gross annual income) for rental housing at \$2,400 for this income group.

Available market data shows that an average monthly rent in the immediate market area is approximately \$1,245 for a studio apartment, \$1,755 for one-bedroom apartments, \$1,950 for two-bedroom apartments, and \$2,325 for three-bedroom apartments.¹

Within the existing building, the proposed development will offer small studios starting at roughly \$1,050 per month and larger studios up to about \$1,350, along with one-bedroom units at about \$1,500 and a limited number of two- and three-bedroom units renting up to approximately \$2,400. The new building is expected to provide studios and one-bedroom units ranging from 1,500 and one-bedroom units around \$1,800.

With studios forming the majority of the unit mix, the proposal delivers a substantial share of units that satisfy both the income-based and market-based affordability tests. The larger units, while in some cases approaching current upper-market rents, remain well within the City's income-based threshold of \$2,400 per month.

By delivering a majority of units that meet both the income-based and market-based tests for affordability, and ensuring that the remaining units still satisfy the City's income-based definition, the proposal makes significant contributions to the achievement of the City's affordable housing target.

4.13) The conservation and renewal of the existing house stock shall be encouraged as an important element in meeting future housing needs. In addition, the maintenance and rehabilitation of existing housing will be promoted by discouraging unnecessary demolition or conversion to non-residential uses through such mechanisms as demolition control and application of the Maintenance and Occupancy Standards By-law, where permitted under the Planning Act, without amendment to this Plan.

The proposed development involves the conversion of an existing commercial use (motel) for permanent residential accommodations.

¹ Data from Apartments.com

PART 2 – LAND USE POLICIES

SECTION 4 – TOURIST COMMERCIAL

As noted, Schedule A identifies the lands as Tourist Commercial. Schedule E of the Official Plan further identifies that the lands are within the Lundy's Lane Satellite Tourism District, an excerpt of Schedule 'E' is shown below in **Figure 7**.

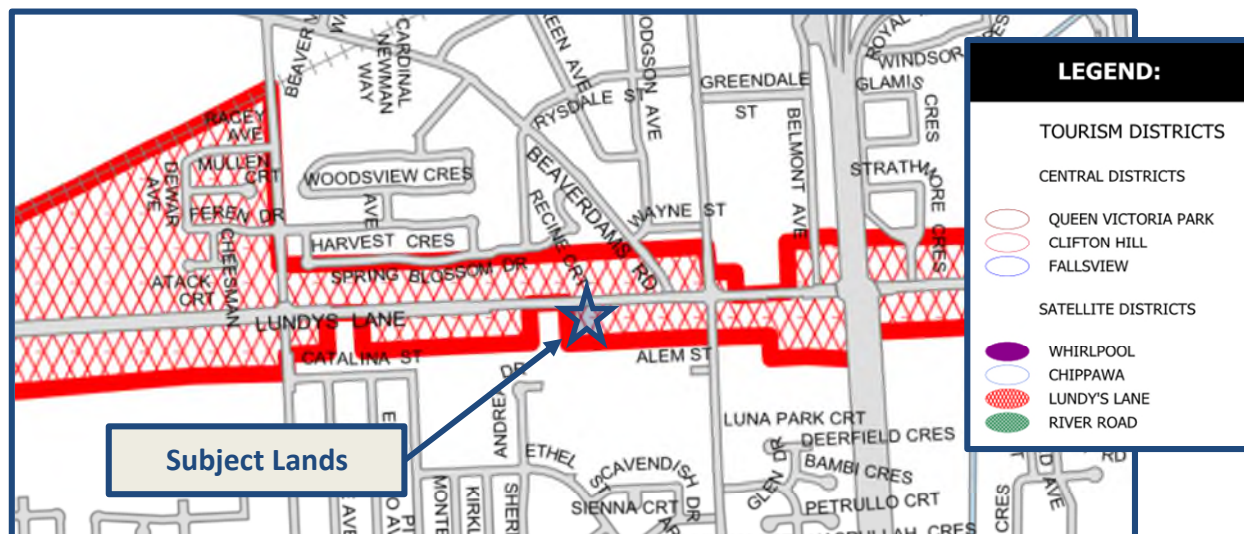


Figure 7 – Excerpt from Schedule 'E' – City of Niagara Falls Official Plan

BUILDING QUALITY AND THE EMERGING SKYLINE

The policies under Part 2, Section 4 apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposals conformity to the applicable policies within the 'Building Quality and the Emerging Skyline' General Policies section.

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.

The proposed Zoning By-law Amendment proposes a maximum building height of 6 storeys. The proposed building height does not detract from the existing skyline of Niagara Falls as defined by the 3 viewing towers.

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

- a) *The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;*

The proposed building height is significantly lower than those in the Central Tourism district.

- 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;*

The subject lands are located within a Satellite District, and the proposed building is appropriately low-rise in nature.

- c) *Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*

The subject lands abut commercial land uses. Overshadowing impacts on commercial uses are not considered under this policy.

- 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;*

The above-noted policies are evaluated under the applicable section of this report.

- e) *Council will consider the merits of development applications having regard to the policies of this Plan;*

The proposed amendments have been submitted for Council's consideration and decision. This Planning Justification Report evaluates the merits of the applications against applicable planning policies.

- f) *All applications for additional building heights will be treated on a quid pro-quo basis wherein the developer agrees to provide public realm improvements; and,*

No public realm improvements were identified through the pre-consultation process.

- g) *Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.*

As the building is less than 10 storeys in height, Architectural Peer Review is not applicable.

TOURIST DISTRICTS

The policies under Part 2, Section 4 apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposals conformity to the applicable policies within the 'Tourist Districts' General Policies section.

4.2.1) Land Uses in the Tourist Commercial designation shall be organized in a complementary fashion. To this end, a hierarchy of tourist districts will be established, consisting of a Central Tourist District and four Satellite Districts as delineated on Schedule E.

The subject lands are within the Lundy's Lane Satellite Tourism District as delineated on Schedule E.

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

The proposed development caters to residents, while also containing a dedicated commercial component to maintain the commercial character of the area. The proposed development does not impact any cultural heritage resources.

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.

The proposed development consists of residential uses in conjunction with commercial uses, which are permitted under this policy. Conformity to the policies under Part 1, Section 3 is evaluated previously in this report. As noted, the development generally conforms with the policies under this section. An Official Plan Amendment is required to permit the proposed density of 197 units per hectare.

LUNDY'S LANE SATELLITE DISTRICT

The policies under Part 2, Section 4 apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposals conformity to the applicable policies within the 'Lundy's Lane Satellite District' General Policies section.

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.

The proposed development is comprised of mixed commercial and residential uses, as envisioned in this policy.

4.2.27) The portion of Lundy's Lane to the east of Montrose Road is intended to function primarily as a community serving and tourist commercial corridor. Residential intensification within this corridor shall be in accordance with Part 1, Section 3.9.

The subject lands are located to the west of Montrose Road. This policy is not applicable.

3.2.31) 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.*

The proposed development consists primarily of residential use, with a commercial component. The uses are permitted under this policy.

- 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.*

The proposed 6 storey apartment building has been located close to Lundy's Lane which helps to provide an activated and pedestrian friendly streetscape. The proposed commercial space is also located adjacent to Lundy's Lane which helps to recognize and reinforce the commercial function of the area.

- 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.*

The proposed building is 6 storeys in height. The proposed development represents a development density of 197 units per hectare. An Official Plan Amendment has been submitted to permit the proposed development density. A Zoning By-law Amendment has been submitted to regulate the proposed height through zoning.

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

The proposed building height of 6 storeys for the proposed apartment building is permitted under the previous Official Plan policy. The existing building is 2 storeys in height. The proposed development conforms with this policy as the 6-storey portion of the building is sufficiently separated from adjacent lands and does not create any incompatibilities.

- 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;*

The rear yard setback for the proposed development consists of the rear yard setback for the existing building.

- 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.*

The development does not include a standalone parking structure; however, the parking areas are largely located behind the buildings which obscures them from public view and avoids the appearance of streetscapes dominated by surface parking.

- 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.*

The proposed development generally maintains the existing parking location and layout which is located within a courtyard and is therefore separated from adjacent properties.

- 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.*

A reduction in parking is proposed for the proposed development through the submitted Zoning By-law Amendment. The reduction is supported by a Parking Study.

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

The proposed development includes sidewalk connections to the public sidewalk on Lundy's Lane.

- 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.*

Amenity space for the proposed development is provided by way of indoor amenity areas and outdoor amenity areas.

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.

Conformity to these sections is demonstrated in this report.

4.2.33) A comprehensive Streetscape Master Plan for the Lundy's Lane Satellite District shall be undertaken, in cooperation with area BIA'S, to provide detailed urban design guidelines and identify detailed streetscape improvements, road and sidewalk widths, sidewalk paving, street lighting, the location and type of street trees, street furniture details, the treatment of public utilities in the street allowance and signage, in order to implement the policies of this Plan.

The Lundy's Lane Urban Design Guidelines have been prepared to address this policy.

HIGH-QUALITY PRIVATE DEVELOPMENT

The policies under Part 2, Section 4 apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposals conformity to the applicable policies within the 'High-Quality Private Development' General Policies section.

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.

The proposed development is subject to the Lundy's Lane Urban Design Guidelines. An Urban Design Brief has been prepared under a separate cover to demonstrate conformity to this document.

BUILDING HEIGHTS

The policies under Part 2, Section 4 apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposals conformity to the applicable policies within the 'Building Heights' General Policies section.

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."*

Policy 4.2.31 c) of the Official Plan permits residential buildings in the Tourist Commercial Area to be a maximum of 6 storeys. The proposed building height of 6 storeys conforms with this policy. A Zoning By-law Amendment application is required to permit the proposed building height. The application has been submitted with all materials requested through pre-con.

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*

In accordance with this policy, the proposed 6-storey building is considered to be "low-rise".

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.

The proposed building height is permitted under Official Plan policy 4.2.31 c) of the Official Plan. A Zoning By-law Amendment has been submitted to implement this height through Zoning. No public realm improvements were requested through the pre-consultation process.

4.4.5) By virtue of allowing high-rise buildings, design controls need to be established to ensure that they do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.

The subject lands do not abut residential uses, and shadowing impacts are not considered.

MASSING OF NEW DEVELOPMENT

The policies under Part 2, Section 4 apply to all lands that are designated as Tourist Commercial on Schedule A of the Official Plan. The following is an evaluation of the proposals conformity to the applicable policies within the 'Building Heights' General Policies section.

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.

In accordance with Policy 4.4.3, the propose building is considered to be "low-rise". The proposed building has been located close to the street in order to enhance the pedestrian realm, as envisioned in this policy.

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.*

These policies are not applicable as the proposed building is not a high-rise building.

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.

A site-specific Zoning By-law Amendment has been submitted for the proposed development

6.5 - CITY OF NIAGARA FALLS ZONING BY-LAW (By-law 79-200)

EXISTING ZONING

The subject property is currently zoned as Tourist Commercial (TC) in accordance with the City's Comprehensive Zoning By-law (79-200), as shown in **Figure 8**, below.

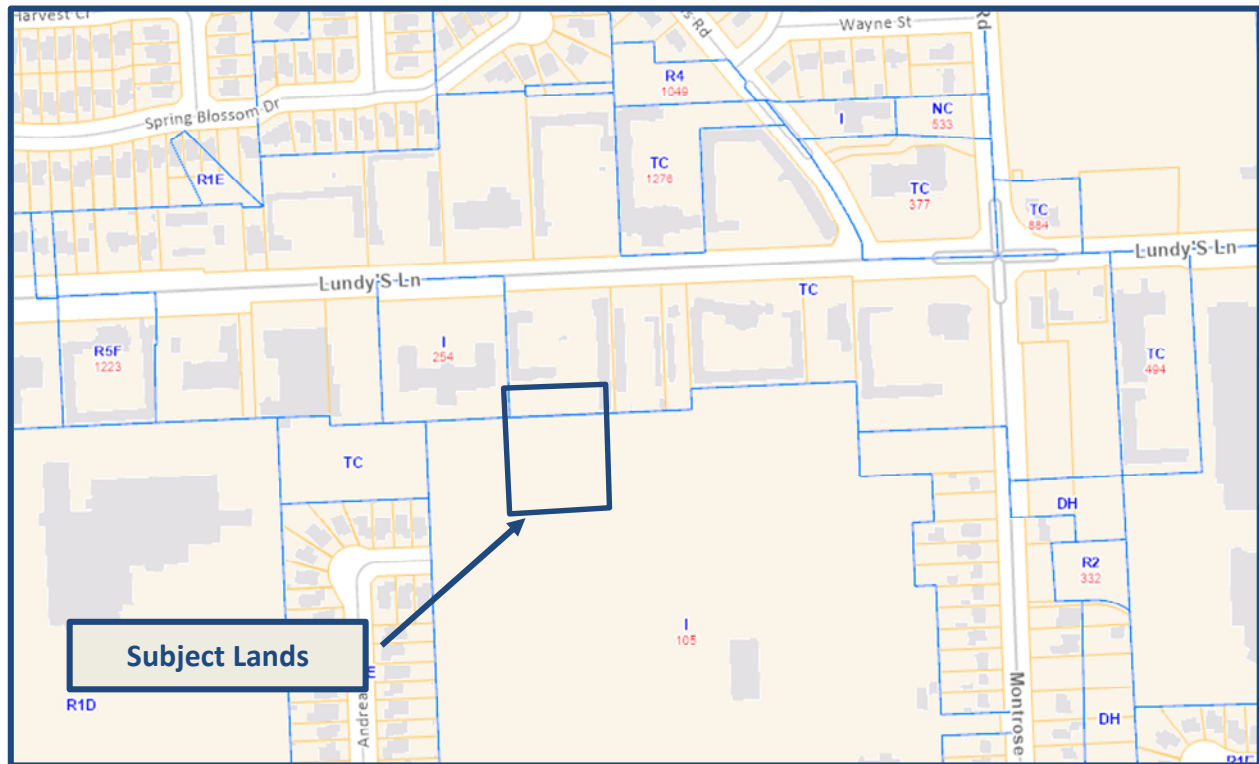


Figure 8 – excerpt from Niagara Falls Land Regulation Viewer

PROPOSED ZONING BY-LAW AMENDMENT

The Zoning By-law Amendment proposes the inclusion of site-specific provisions for the existing Tourist Commercial zone in order to implement the proposed development, as well as to recognize some existing zoning deficiencies.

A zoning matrix is included in **Table 1** which demonstrates where zoning relief is required. An evaluation of each site-specific provision is provided below **Table 1**. A Draft Zoning By-law Amendment is included as **Appendix II** of this Planning Justification Report.

Table 1 – Zoning Conformity**Zoning By-law 79-200****Section 8.6 Tourist Commercial Zone (TC)**

Provision	Required	Provided	Proposed Provision
8.6.1 – Permitted Uses			
Various commercial uses; dwelling units in a building in combination with one or more of the uses listed in this section, provided that not more than 50% of the total floor area of such a building is used for dwelling units, and further provided that such dwelling units except entrances thereto are located entirely above the ground floor.		Standalone Residential Uses; Commercial Uses	Add: Standalone Residential Uses
8.6.2 – Regulations			
a) Minimum lot frontage	6 meters	76.19 meters	No Change
b) Minimum front yard depth	13.1 meters from the centreline of the original Lundy's Lane road allowance	13.1 meters to the centreline of the Lundy's Lane road allowance	No Change
c) Minimum rear yard depth (residential building)	10 meters	2.41 meters (existing building)	2.4 meters
d) Minimum interior side yard (abutting a commercial zone)	None	1.69 meters (existing building)	No Change
e) Minimum exterior side yard	In accordance with section 4.27.1 where applicable	N/A	No Change
f) Maximum lot coverage	70%	30.85%	No Change
g) Maximum height of building or structure	12 meters	18.0 meters to top of roof 22.0 meters to top of stairwell roof	18.0 meters
h) Maximum floor area	None	N/A	No Change
i) Parking and access	In accordance with Section 4.19.1	See below	
j) Loading area requirements	In accordance with Sections 4.20	None	No Change
k) Maximum floor area for each retail store	400 square meters	130 square meters	No Change
l) Maximum floor area of all retail stores per property	3,530 square meters	130 square meters	No Change
4.14 - Yards			
Unsupported canopies may project into a required yard a distance of not more than 0.45 meters		2.31m into the front yard	2.35m
4.19 Parking Areas			
Minimum Parking Space Requirements	1.4 parking space per dwelling unit	0.6 spaces per dwelling unit	0.6 spaces per dwelling unit
Parking Space Dimensions	2.75m x 6m	2.75m x 6m	No Change
Maneuvering Aisle Width	6.9 meters	5.63 existing	5.60 meters for existing

REQUESTED SITE SPECIFIC RELIEF

Permitted Uses

The proposed Zoning By-law Amendment seeks to add standalone residential uses as a permitted use for the subject property, whereas residential uses in the Tourist Commercial Zone must be in conjunction with a permitted commercial use, must be located on the second floor and must not occupy more than 50% of the floor area of a building. The requested provision is desirable and appropriate as it contribute to the provision of affordable housing units in the City. The subject lands will retain the balance of the permitted tourist commercial uses, with commercial space being maintained on site.

Minimum Rear Yard Depth

The requested site-specific minimum rear yard depth seeks to recognize the existing rear yard depth of 2.4 meters for the easterly motel building.

Maximum Height of a Building or Structure

A maximum height of 18 meters is requested for the proposed apartment building. While the total building height is 22 meters, it should be noted that the taller portions consist of elevator and stairwell penthouses, which are exempt from height requirements under Section 4.7 of the Zoning By-law.

The requested height in meters translates to a total of 6 residential storeys. Policy 4.2.31 c) under Part 2 of the Official Plan permits residential buildings in the Tourist Commercial Area to be a maximum of 6 storeys. The proposed building height therefore conforms with the Official Plan, and the requested site-specific provision implements this permission.

The increased building height does not cause negative impacts on adjacent uses. With regards to shadow impacts, the adjacent lands are occupied by commercial uses. Shadowing impacts are only considered for residential uses in accordance with the Official Plan.

Canopy Projection

The Zoning By-law permits an unsupported canopy to project into a required yard not more than 0.45m. The main building entrance is covered by an unsupported canopy which projects into the front yard a distance of 2.31 meters.

Canopies are a typical architectural feature of apartment buildings, offering essential weather protection for residents and visitors while enhancing the visual character of the façade. This canopy also serves to establish an inviting and clearly defined entrance that strengthens the relationship between the building and the public sidewalk.

The as-of-right 0.45 m projection permitted by the Zoning By-law is insufficient to create a canopy large enough to fulfill these functions. The proposed canopy provides the necessary scale to deliver both shelter and architectural presence, yet remains visually secondary to the building and does not add appreciably to its overall massing.

For these reasons, the requested site-specific canopy projection is appropriate.

Minimum Parking Requirements

The proposed Zoning Amendment requests a parking ratio of 0.6 parking spaces per dwelling unit, whereas a minimum of 1.4 parking spaces per dwelling unit are required under the Zoning By-law. The Parking Study prepared by Paradigm Transportation Solutions concludes that the proposed parking supply is sufficient for the proposed development.

Maneuvering Aisle Width

A reduction in maneuvering aisle width from 6.9 meters to 5.23 meters is requested for the proposed development. This reflects the existing maneuvering aisle on the east side of the carport. Existing maneuvering aisle deficiencies are present elsewhere on the site, however the requested provision reflects the narrowest maneuvering aisle width. The Autoturn analysis included in the Parking Study also confirms that the maneuvering aisles are functional which is also confirmed by their present use. The proposed reduction is therefore considered to be appropriate.

7.0 - PLANNING POSITION

This Planning Justification Report has been prepared to provide a planning rational for the Official Plan Amendment and Zoning By-law Amendment applications made for 7800 Lundy's Lane in the City of Niagara Falls, Region of Niagara.

The subject lands are within the Built-up Area of the City of Niagara and are located within the Lundy's Lane intensification corridor. The applications propose the conversion of the existing motel buildings for permanent residential accommodations, and the construction of a new building containing residential units and commercial space. In total, the development will accommodate 137 dwelling units and approximately 130m² of commercial space.

The applications are appropriate as they will establish the necessary permission for the suitable and compatible development of the lands in accordance with Provincial, Regional and local land use planning documents.

The proposed development contributes to the diversity and availability of housing options in the area, including the provision of affordable housing, aligning with the objects of the City's Official Plan. The proposed development support sustainable land use patterns outlined in Provincial land use documents in achieving compact land uses that help to optimize the efficient use of existing infrastructure.

Based on the analysis of the Applications, it has been demonstrated that they:

- Have regard for, and satisfy the relevant sections of the *Planning Act*;
- Are consistent with the 2024 Provincial Planning Statement;
- Are in conformity with the 2022 Niagara Official Plan;
- Are in conformity with the City of Niagara Falls Official Plan;
- Consider the requirements laid out in the City of Niagara Falls Zoning By-law.

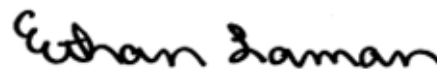
It is in our option that the applications will facilitate appropriate forms of development that will contribute to the achievement of community goals and additional housing supply and forms. The applications are considered to be in public interest and represent good planning, therefore, should be approved.

Prepared by,



Sara Meerveld
Planning Technician Student
Upper Canada Consultants

Reviewed and submitted by,



Ethan Laman, BURPL., MCIP, RPP
Senior Planner
Upper Canada Consultants

Appendix I

Site Plan



Appendix II
Draft Zoning By-law Amendment

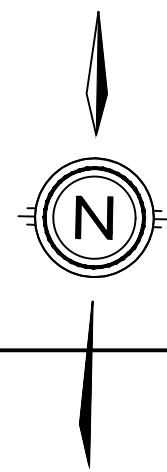
Appendix III
Draft Official Plan Amendment



Appendix IV
Pre-Consultation Agreement



7800 LUNDYS LANE
CITY OF NIAGARA FALLS



KEY PLAN
N.T.S.

CONCEPT PLAN

ZONING MATRIX

TOURIST COMMERCIAL (TC) ZONE - SECTION 8.6		
PROVISION	REQUIRED	PROVIDED
MIN. LOT FRONTAGE	6.00m	76.19m
MIN. FRONT YARD	2.85m plus 13.10m from the centerline of the Lundys Lane Road Allowance	3.00m plus 13.10m to centerline of road allowance
MIN. REAR YARD	10.00m	2.41m (existing)
MIN. EXTERIOR SIDE YARD	in accordance with sections 4.27.1 where applicable.	N/A
MIN. INTERIOR SIDE YARD	where the side lot line abuts a residential, institutional or open space zone the setback shall be 3.00, where the site lot line does not abut a residential, institutional or open space zone no set back is required.	1.69m (existing)
MAX. HEIGHT OF BUILDING	12.00m	22.10m
MAX. LOT COVERAGE	70%	32.14%
MAX. FLOOR AREA	not specified	N/A
MAX. FLOOR AREA FOR EACH RETAIL STORE	400m ²	130m ²
MAX. FLOOR AREA OF ALL RETAIL STORES PER PROPERTY	3530m ²	130m ²
PERMITTED ENCROACHMENTS - SECTION 4.14		
PROVISION	REQUIRED	PROVIDED
UNSUPPORTED CANOPIES	unsupported canopies, eaves or gutters, for other than on accessory buildings, may project into any required yard a distance of not more than 0.45 meters	2.31m into front yard
PARKING REQUIREMENTS - SECTION 4.19.1		
PROVISION	REQUIRED	PROVIDED
PARKING DIMENSIONS	Parking stalls shall be 2.75m wide and 6.00m long	2.75m wide and 6.00m long
MIN. PARKING REQUIRED	Apartment: 1.40 spaces per unit (66 x 1.40 = 93) Commercial: 1 space per 25m ² GLFA, plus 1 space for each 90m ² of area devoted to storage.	88 spaces (66x1.3=86)
MANEUVERING AISLE REQUIREMENTS	parking stalls shall have an access aisle of 6.90m in width.	5.23m (existing)

LAND USE SCHEDULE

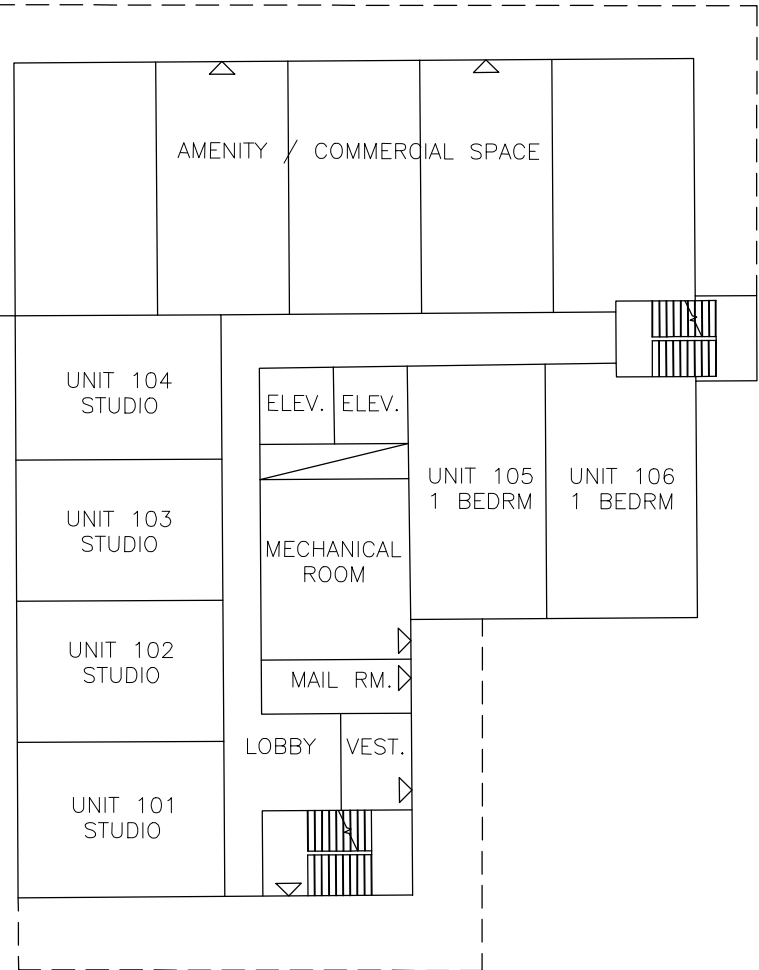
AREA	ha	% COVERAGE
BUILDING	0.215	30.85
DRIVEWAY/PARKING	0.319	45.77
ROW WIDENING	0.023	3.30
LANDSCAPING	0.140	20.08
TOTAL	0.697	100.00

2	NEW UNIT COUNT AND STAIRS	2025-09-12	ND
1	NEW BUILDING AND REVISION	2025-04-16	SM
0	ISSUED FOR PRE CON	2025-01-30	SM
#	REVISION	DATE	INIT

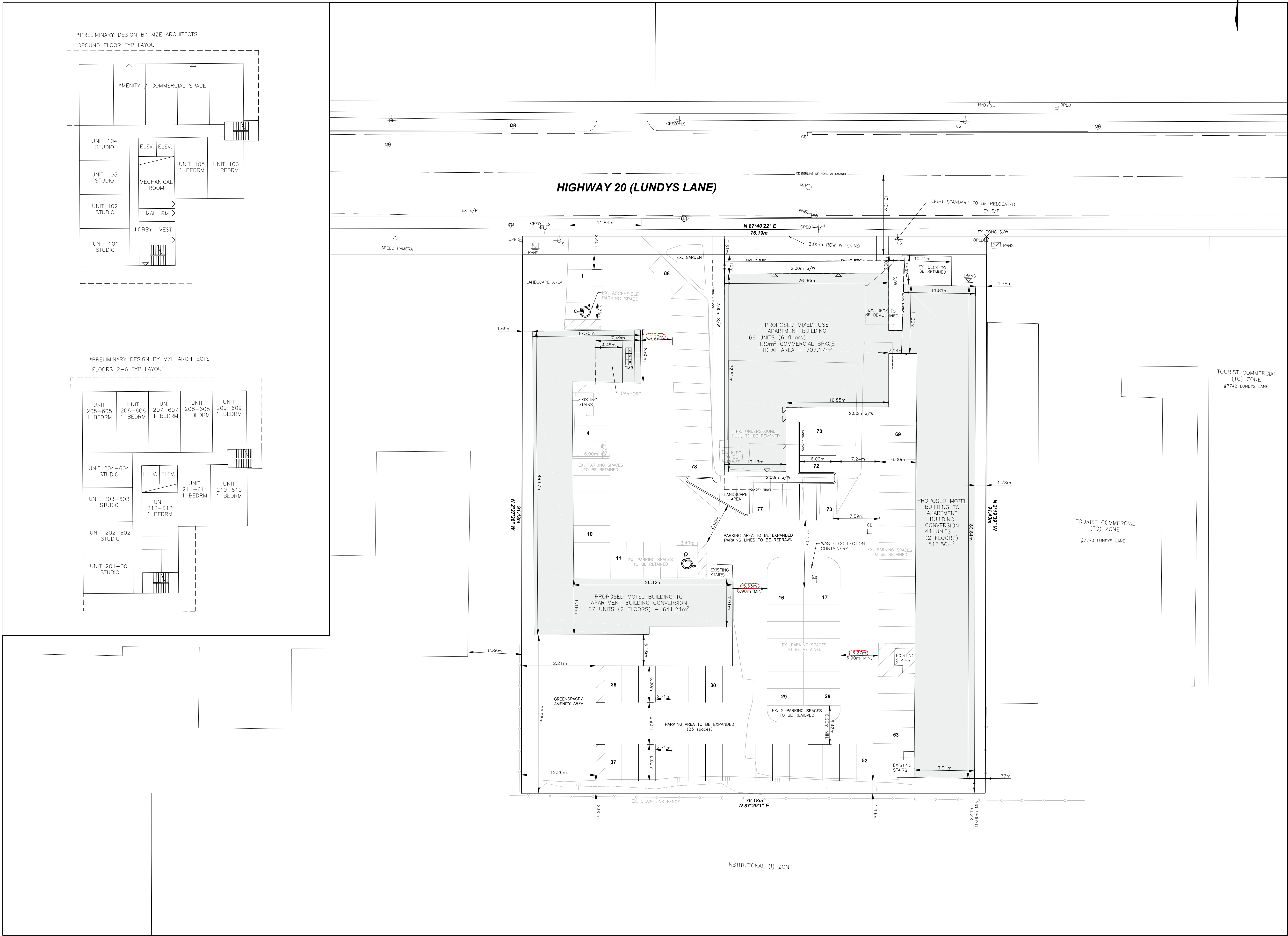
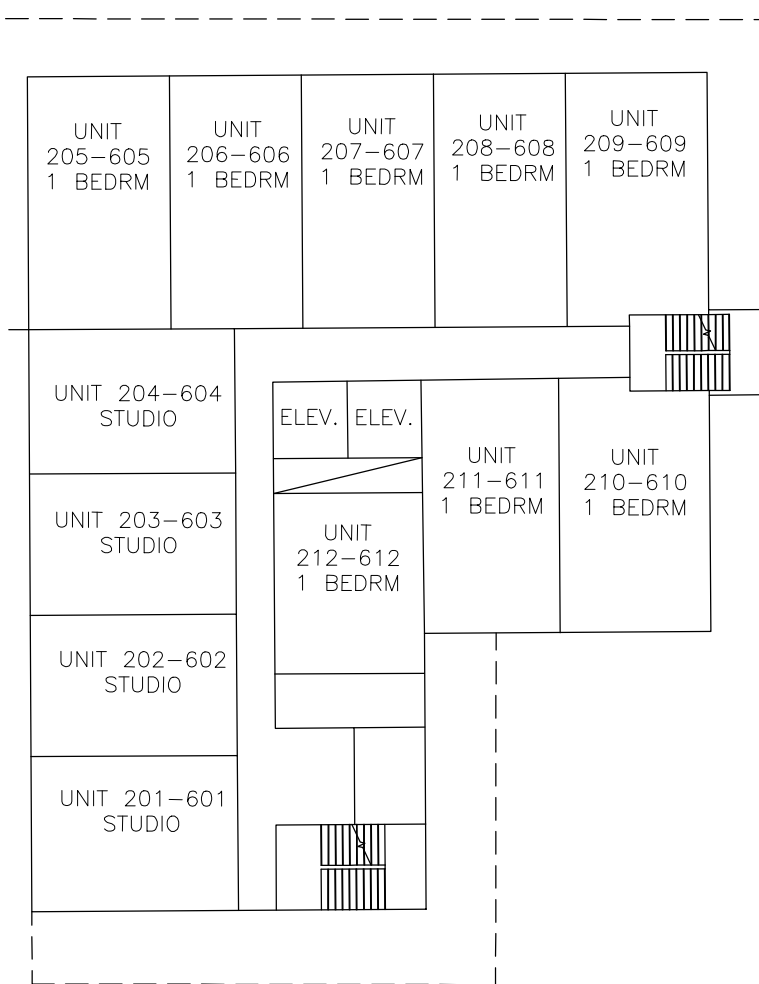


DRAWING TITLE SITE PLAN	DRAFTING	SM
	DATE	JANUARY 30, 2025
	PRINTED	SEPTEMBER 12, 2025
	SCALE	1:300
	DWG No.	25009
	REV	1

*PRELIMINARY DESIGN BY MZE ARCHITECTS
GROUND FLOOR TYP LAYOUT



*PRELIMINARY DESIGN BY MZE ARCHITECTS
FLOORS 2-6 TYP LAYOUT



Appendix II
Draft Zoning By-law Amendment



Appendix II
Draft Zoning By-law Amendment



Appendix III
Draft Official Plan Amendment



Appendix IV
Pre-Consultation Agreement



**THE CORPORATION
OF THE
CITY OF NIAGARA FALLS
BY-LAW NO. [REDACTED]**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to facilitate the development of the lands with 137 apartment dwelling units, and commercial space (_____).

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 Scheduled 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 lands shall be identified as Parcel TC-[REDACTED].
3. The purpose of this by-law is to amend the provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be permitted uses and regulations governing the permitted uses on any of the Lands.
 - a. Apartment dwellings;
 - b. The balance of uses permitted in the TC Zone.
5. The regulations governing the uses permitted on Parcel TC-[REDACTED] shall be as follows:

TC-XXX Zone Provisions	
a) Minimum Rear Yard Depth	2.4 meters
b) Minimum Exterior Side Yard	10.9 meters to the centerline of the original Beaverdams Road road allowance
c) Maximum Height of a Building or Structure	18 meters
d) Minimum Parking Space Requirements	0.6 spaces per dwelling unit
e) Unsupported canopy projection	2.35 meters into the front yard
f) Maneuvering aisle width – more than 60 degrees and up to 90 degrees	5.6 meters

6. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the lands, with all necessary changes in detail.
7. No person shall use the Lands for a use that is not a permitted use.
8. No person shall use the Lands in a manner that is contrary to the regulations.
9. The provisions of this by-law shall be shown on Sheet X of Schedule "X" of By-law No. 79-200 by re-designating the Lands from the Tourist Commercial (TC) zone to Tourist Commercial site-specific (TC-XXX) Zone.

Passed this ____ day of ____, 2025.

READ A FIRST, SECOND AND THIRD TIME THIS ____ DAY OF ____, 2025.

MAYOR

CITY CLERK

Appendix III
Draft Official Plan Amendment



Appendix II
Draft Zoning By-law Amendment



Appendix III
Draft Official Plan Amendment



Appendix IV
Pre-Consultation Agreement



CITY OF NIAGARA FALLS

By-law No. 2024-

A by-law to provide for the adoption of Amendment No. X to the City of Niagara Falls Official Plan

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

1. The attached text and map constituting Amendment No. X to the City of Niagara Falls Official Plan is hereby adopted.

Passed this X day of X, 2024.

.....
CITY CLERK

.....
MAYOR

First Reading:
Second Reading:
Third Reading:

OFFICIAL PLAN AMENDMENT NO. XX

PART 2 - BODY OF THE AMENDMENT

All of this part of the document entitled PART 2 - Body of the Amendment, consisting of the following text and attached map, constitute Amendment No. X to the Official Plan of the City of Niagara Falls.

DETAILS OF THE AMENDMENT The Official Plan of the City of Niagara Falls is hereby amended as follows:

1. MAP CHANGE

The "Area Affected by this Amendment", shown on the map attached hereto, entitled "Map 1 to Amendment No. X", shall be identified as Special Policy Area "X" on Schedule "A" to the Official Plan.

2. TEXT CHANGE

PART 2, SECTION 13 - SPECIAL POLICY AREAS is hereby amended by adding the following new subsection:

13.X SPECIAL POLICY AREA "X"

Special Policy Area "X" applies to the property containing the municipal address of 7800 Lundy's Lane, being approximately 0.697 hectares in area with frontage on Lundy's Lane

Notwithstanding anything to the contrary, this land may be developed with residential uses to a maximum density of 197 units per hectare.

Appendix IV
Pre-consultation Agreement



Appendix II
Draft Zoning By-law Amendment



Appendix III
Draft Official Plan Amendment



Appendix IV
Pre-Consultation Agreement





City of Niagara Falls Pre-Consultation Checklist

(Revised: October, 2023)

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

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

OFFICE USE ONLY: PRE-CONSULTATION WAIVED BY DIRECTOR

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

Date:

Signature:

PRE-CONSULTATION

Day: **March 6, 2025**

Time: **2:30 PM**

1. SUBJECT PROPERTY INFORMATION

Street Address: **7800 Lundy's Lane, Niagara Falls On L2H 1H1**

Legal Description: **STAMFORD; PT LOT 140**

Land Area : **6965.81**

Lot Frontage: **76.2**

Municipal Land Involved: Yes ☐ No ☒

2. CONTACT INFORMATION

Owner Information

Registered Owner: **2793588 ONTARIO INC**

Mailing Address: **7800 Lundy's Lane, Niagara Falls On L2H 1H1**

Phone Number: **Not Available**

E-mail Address: **Not Available**

Applicant/Agent Information (if applicable)

First and Last Name: **Ethan Laman**

Mailing Address: **30 Hannover Drive, St.Catharines, On L2W 1A3**

Phone Number:

905-688-9400 ext 505

E-mail Address:

ethan@ucc.com

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

3. PROPOSAL

Official Plan, Zoning By-Law Amendment and Site Plan approval for Phase 1 - Conversion of the existing motel (2 buildings) containing 146 dwelling units. Phase 2 - the construction of a 6-storey apartment building containing 52 units.

4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area: N/A	
Building Height (in metres and storeys): 6 Storeys	
# Dwelling Units: 130 total dwellings units, 78 in phase 1, phase 2 52 units	# Hotel/Commercial Units: N/A
Location: <div>Brownfield <input type="checkbox"/> Greenfield <input type="checkbox"/> Built-up <input checked="" type="checkbox"/> Outside Urban Boundary <input type="checkbox"/> NEP Area <input type="checkbox"/> *CIP Area <input type="checkbox"/></div> <i>*Note: If within a CIP Area, please speak to the City's CIP Coordinator</i>	

5. DESIGNATIONS	CONFORMITY			
Regional Official Plan:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Niagara Escarpment Plan: N/A	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
City Official Plan:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
Secondary Plan: N/A	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
Zoning:	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>

6. PROPOSED APPLICATION(S)- Check all that are applicable			
Regional Policy Plan Amendment	<input type="checkbox"/>	City Official Plan Amendment	<input checked="" type="checkbox"/>
Subdivision Approval	<input type="checkbox"/>	Condominium- Vacant Land	<input type="checkbox"/>
Site Plan Approval	<input checked="" type="checkbox"/>	Consent/Severance	<input type="checkbox"/>
Zoning By-law Amendment			
Condominium- Standard			
NEC			
Other:			

7. REQUIRED INFORMATION AND STUDIES					
Studies identified with an asterisk* will likely require a peer review at the cost of the developer.					
OPA/ZBA	DRAFT PLAN/ CONSENT	SITE PLAN	Reports, Studies, Plans (See notes for additional details)	Required (Digital Copies Only)	Notes
			Agricultural Impact Assessment		
			Air Quality*		
			Archaeology Assessment- Please be mindful of your duty to consult obligations		
X			Conceptual Site Plan & CAD .dwg file to City projection standards.	X	<ul style="list-style-type: none">○ In metric○ Please include zoning matrix/site statistics○ Standard & Coloured Site Plan○ Demonstrate adequate fire access in accordance with Section 3.2.5 of the OBC○ Indicate the location of all required ‘No Parking’ signs in accordance with City of Niagara Falls By-law No.2019-97○ Please include Floor Plans○ Elevations<ul style="list-style-type: none">➤ Please refer to City of Niagara’s Terms of Reference

X			Draft OPA/ZBA	X	
			Cultural Heritage Impact Analysis		
			Draft Local Official Plan Amendment		
			Draft Regional Policy Plan Amendment		
		X	Engineering Drawings & CAD .dwg file to City projection standards.	X	○ Including site plan, site servicing plan, grading plan, erosion and sediment control plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighboring properties. Please see Municipal Works Development comments for more information.
			Environmental Impact Study		
			Environmental Planning Study/ Sub-Watershed Study		
X			Environmental Site Assessment/ Record of Site Condition	X	○ Phase one assessment (at minimum), Please include Letter of Reliance, Record of Site Condition. See Niagara Region comments for more information.
			Farm Operation and Ownership		
			Financial Impact Assessment		
X			Functional Servicing Report	X	○ Please see engineering comments.
			Floodplain and Hazard Lands Boundary Plan		
			Gas Well Study/ Gas Migration Study		
X			Geotechnical Investigation / Study	X	○ A geotechnical report/subsurface investigation containing soil bearing capacity, underground water data, seismic data, foundation recommendation, etc. shall be provided at building permit application submission. Please see building comments.
			Housing Impact Statement		
			Hydrogeological Study and Private Servicing Plans		
			Land Registry PIN sheet or “Final Deed” to the property		
			Land Use/ Market Needs*		
			Mineral Aggregate Resources		
			Minimum Distance Separation 1 & 11		
			Municipal Servicing Study		
X			Noise & Vibration Study*	X	○ Please see Regional Comments.
			Other		
			Parking Statistics Table		
			Plan of Survey & CAD .dwg file to City projection standards.		
			Phasing Plan		
X			Planning Justification Report	X	○ Prepared by a Registered Professional Planner is provided to outline the changes and how the proposal continues to meet Provincial and Regional policies – Housing Impact Statement.
			Risk Management Study		
			Road Widenings and Daylight Triangle		
			Sensitive Land Use Report		
			Shadow Analysis (i.e. Sun-Shadow Study)		

			Shoreline Study		
			Slope Stability Report		
			Soil Report		
X			Stormwater Management Report (SWM)	X	○ Stormwater Management Brief. Please see city and regional comments.
X			Transportation Impact Study/ Parking Impact Analysis	X	○ Please City Planning comments.
X			Third Party Infrastructure Modelling	X	○ Please see engineering comments.
X			Tree Inventory & Preservation Plan / Arborist Report	X	○ Please see Urban Design/Landscape comments.
			Urban Design Brief/ Architectural Brief		
X			Urban Design/ Landscape Plans	X	○ Please see Urban Design/Landscape comments.
		X	Landscape Plan	X	○ Please see Urban Design/Landscape comments.
		X	Landscape Elevation	X	○ Please see Urban Design/Landscape comments.
			Wind Study		
X			Waste Collection	X	○ Please see Regional comments regarding waste collection requirements.
X			Zoning Compliance Certificate	X	

8. COMMENTS

Planning:

- The subject lands are designated Tourist Commercial and are located within the Lundy's Lane Satellite District. Standalone residential uses are permitted in this designation however, they are only permitted at a density range of 50-100 units per hectare. The proposed density is 138 units per hectare and as such, an Official Plan Amendment is required.
- In the Lundy's Lane Satellite District, parking is encouraged to be provided within parking structures however, in the event that surface parking is provided, the parking area should be located within the rear or interior side yard. Staff have no concerns with the proposed location of the parking considering the existing and proposed buildings would act as a screening measure, however landscaping and fencing is required along the southern boundary of the lot. The parking configuration will need to be revised as staff are not supportive of the entrance and it has not been demonstrated that required turning radii have been provided. The entrance should be widened or moved to the right to avoid multiple unnecessary maneuvers on site. It is noted on the plan that some existing parking stalls will be retained on site, they will need to be reoriented to provide a more uniform drive aisle, specifically stalls 16-31. Parking reductions may be considered through a parking demand analysis. The current request is for 108 spaces to service 198 units at a parking ratio of 0.54 parking spaces per unit. The current parking requirement is 1.4 spaces per unit which would result in a required 277 parking spaces for this development. Typically staff would be supportive of a reduced rate of 1.1 spaces per unit. Additionally, pedestrian connectivity to the rear parking area is recommended. The reduced drive aisle widths and a lack of sidewalks for pedestrians moving from their vehicles to their units contributes to poor connectivity. It is recommended that designated pedestrian walkways be provided to the rear of the site.
- Please identify the location of the garbage storage location.
- While it is not required, Staff would like to see a commercial component on the ground floor of the proposed 6 storey apartment with units that engage the street.
- No amenity space has been identified on the subject lands. Staff will require that some form of amenity space is provide for residents. This may take the form of private on-site green space, balconies and rooftop greenspace or public open space in proximity to the site (note: the open recreational field and court behind the subject lands are private property). Amenity space will need to be provided for residents of all buildings.
- As per Section 4.4 of the Official Plan, any application for Official Plan or Zoning By-law Amendment must be accompanied by a Housing Impact Statement. This may be included within

the Planning Justification Report and must respond to the policies contained under Section 4.4, including, the proposed housing mix by dwelling type and number of bedrooms, how the proposal contributes to achieving the annual housing targets, estimated rents and/or sales prices and where they are either above or below the threshold for affordable units, phasing information and any proposed legal/ financial mechanisms for ensuring the delivery of new affordable units.

- The subject lands are zoned as Tourist Commercial in accordance with Zoning By-law 79-200. A Zoning By-law Amendment will be required to permit the proposed residential uses with site-specific provisions. Please see the attached zoning comments for the required departures and to provide more information where necessary. Please provide a justification for all the required departures in the Planning Justification Report and the Parking Demand Analysis/ Transportation Impact Study should review the proposed reductions in maneuvering aisles.
- Due to the proximity to Lundy's Lane, which is an arterial road, staff will be requiring the submission of a noise study in accordance with the Noise Study Terms of Reference which can be found on the City's website.
- Staff have looked into the processing of the OPA, ZBA and SPC applications concurrently and have determined that it would not be to the benefit of Staff or the owner to work on the applications at the same time. The OPA and ZBA can be concurrent, however we would not begin processing the Site Plan Control Application until the policy framework is in place. There is no guarantee Council will approve the OPA and ZBA and therefore the processing of the SPC prior to approval is deemed to be premature. To speed up the SPC review process Staff will review and provide comments on the Landscape Plan and Tree Inventory and Preservation Plan at the OPA/ZBA stage.

Urban Design/Landscape Architect:

- Please see attached comments.

Business Development:

- No comments.

Building:

- All detailed and site-specific Ontario Building Code construction requirements will be addressed during the building permit application process. Please be advised the new Ontario Building Code is in effect as of January 1, 2025.
- All necessary building permit fees and securities will be assessed during building permit application review. Calculations are completed in accordance with Niagara Falls Building By-law.
- Municipal, Regional, Educational Developments Charges a (not excluding Parkland dedication and Community Benefit charges if applicable) will be assessed at time of building permit review. Development Fees are required to be paid at time of building permit issuance.
- Signs are to be in accordance with municipal sign-bylaw and are subject to a sign and or building permit application.
- A geotechnical report/subsurface investigation containing soil bearing capacity, underground water data, seismic data, foundation recommendation, etc. shall be provided at building permit application submission.
- All applicable law approvals shall be obtained prior to acceptance of a building permit application.
- Fire Prevention may provide comments related to firefighting requirements such as fire-route accesses, fire-hydrant locations (private and/or public), fire-department connection(s), etc.

Municipal Works (Development Engineering):

Lundy's Lane is a Regional Road (#20)
Existing infrastructure on Lundy's Lane:
300mmØ PVC Watermain (1984)
375mmØ AC Sanitary Sewer (1955)

(Regional) 675mmØ RC Storm Sewer (1964)

Official Plan Amendment and Zoning By-law Amendment Requirements:

- Third party infrastructure modelling for mid scale development is required to verify available sanitary sewer capacity, at the applicant's expense. In order to deem the application complete, a Functional Servicing Report satisfactory to Engineering staff and payment of the modeling fees are required. Fees to be in accordance with the City's Schedule of Fees at time of application. Please contact mwdev@niagarafalls.ca to arrange for payment.
- Functional Servicing Report which identifies the existing and proposed servicing characteristics of the development, as well as the existing municipal infrastructure available for connection, to the satisfaction of Engineering staff. The report should reference criteria outlined in the MECP's Design Guidelines for Sewage Works and Design Guidelines for Drinking Water Systems, any applicable Ontario Building Code requirements, and municipal design criteria which can be obtained from the City's webpage at the following address: <https://niagarafalls.ca/city-hall/municipal-works/default.aspx>
- The Functional Servicing Report should also identify whether any stormwater outlets (e.g., roof leaders, drains, catchbasins, etc.) are connected to the municipal sanitary sewer and plans for disconnection, if necessary.
- Detailed Stormwater Management Report balancing post- to pre-development for the 5-year minor storm event, contained and controlled on-site and directed to a suitable outlet, with major storm events directed overland to an acceptable outlet, to the satisfaction of Engineering staff. The report should also address stormwater quality control measures, if applicable. Municipal storm design criteria can be obtained from the City's webpage at the following address: <https://niagarafalls.ca/city-hall/municipal-works/default.aspx>
- As the site fronts onto a Regional Road, Region Stormwater Management requirements will also apply.

Site Plan Requirements:

- Updated Functional Servicing and Stormwater Management Reports. Functional Servicing Report to be updated with reference to the third-party modeling results, including any recommendations that may have been provided.
- Engineering drawings, including site plan, site servicing plan, grading plan, erosion and sediment control plan, sanitary drainage area plan, storm drainage area plan, and photometric plan demonstrating zero light trespass onto neighbouring properties.
- Road Occupancy Permit for connection to the City's infrastructure to be obtained through Josh Caughell - (905) 356-7521 ext. 4549. Further information can be found on the City's website at the following address: <https://niagarafalls.ca/city-hall/municipal-works/road-occupancy-permit.aspx>
- Regional Permits required for any work within the Regional road allowance.
- Engineering drawings of existing underground infrastructure are available upon request from mwdev@niagarafalls.ca.

Municipal Works (Transportation):

- Lundy's Lane is a Regional road (RR #20).
- The request is to convert the 146-unit existing motel to residential units for long term residency and to construct a 6-storey apartment consisting of 52 units. In total, the site will have 198 dwelling units. A total of 108 parking spaces are shown, resulting in a parking rate of 0.54 parking spaces per unit. The residential rate in the City's Zoning Bylaw is 1.40 parking spaces per unit, but Transportation Staff have supported a 1.25 parking space per unit rate for residential developments serviced by direct transit. Moreover, Staff supported a 0.62 parking space per unit rate for a similar motel conversion to a lower income long term residential for a nearby use. Is this a planned affordable development? Will the proposed apartment offer the same rental price as the former motel units, and if so, what guarantees will be provided to ensure this remains in place for the long term.
- A parking demand study will be required to justify the proposed parking rate. The study will need to evaluate the parking demand from a converted motel to long term residency use, plus another

site for a mid-rise apartment in the same property with a motel. The applicant's traffic consultant is requested to contact City Transportation Staff to get a term of reference approved prior to starting their study.

- Given that the motel building is existing, a minimum of one (1) accessible parking space is required, for parking lot having between 50 and 99 parking spaces (80 parking spaces are proposed for the 146-room former motel). Accessible parking for the proposed apartment will be calculated separately, in accordance with the updated Accessible Parking By-law requirements, which will be 4% of the parking supply. A parking area having 28 parking spaces for the 52-room apartment requires a minimum of two (2) accessible parking spaces and this is determined through the following formula for parking lots between 13 – 100 parking spaces: 4% of the total number of parking spaces, rounding up to the nearest whole number, thus $0.04 \times 28 = 1.12$, rounded up to 2 accessible parking spaces. There are no accessible parking spaces.
- Each accessible parking space must be signed and marked according to the prevailing by-law requirements, which includes:
 - a. one authorized disabled parking sign on display;
 - b. one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
 - c. both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
 - d. be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
 - e. have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
 - f. shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;
 - g. located on a level surface; and,
 - h. placed in a location as to minimize the distance to building entrances.
- There is a conflict with the existing driveway entrance to the site and the side of parking spaces in the driveway throat. Regional Transportation Staff comments on the driveway will prevail.
- Parking spaces are noted to be 2.75m wide x 6.0m long. The corresponding aisle is to be a minimum 6.3m, for residential uses. There are a few locations in the lot where the aisle is 6.0m. Transportation Staff can support the slight reduction in the aisle width from 6.3m to 6.0m. The proposed 2.0m sidewalk on each side of the proposed apartment can be reduced to 1.5m which would provide space to increase the 5.27m near the entrance aisle to at least 6.0m. This will also help with satisfying the fire route width particularly near the entrance to the site.
- There is no garbage area shown. Garbage truck drivers must be able to navigate the site so that they only enter and exit the site in a forward direction. Truck turning templates to be applied at the site plan stage.
- Pedestrian connectivity from the municipal sidewalk along Lundy's Lane to the apartment building is recommended and is noted.
- The site is serviced by Niagara Region Transit, which operates on Lundy's Lane. The closest bus stop is approximately 50m west of the subject lands.

Fire:

Official Plan

- The Fire Department has no comments or concerns with respect to the official plan amendment.

Zoning By-law Amendment

- The Fire Department has no concerns with respect to the zoning by-law amendment.
- The proposed development will require a change of use/building permits from the City of Niagara Falls Building Department. All required permits shall be obtained prior to the commencement of any construction.

Site Plan Control

- A complete building code matrix is required to be submitted at the time of site plan application.
- The site plan must demonstrate conformance with the requirements of Subsection 3.2.5. of the Ontario Building Code. (Access for firefighting)

GIS (Addressing):

- The existing civic address will remain unchanged.
- In keeping with the upcoming new NG911 standards, we are pre-emptively collecting unit plan data. We will require a plan showing door location and associated civic unit number.

Zoning:

- Please see attached comments.

Mississauga’s of the Credit First Nation (MCFN):

- Please see attached comments.

Niagara Region:

- Please see attached comments.
- Please note that while most f the Regional planning responsibilities have been downloaded to the City of Niagara Falls, City Staff will still require all of the submission materials requested by the Region. When the application is submitted, Staff or a designated consultant will be reviewing the materials. Please be advised that if any submission requires a peer-review, the cost will be incurred by the applicant.

Niagara Peninsula Conservation Authority (NPCA):

- Based on the NPCA mapping, the subject lands do not contain NPCA Regulated Areas. As such, the NPCA has no objection and will not require circulation of a review fee.

9. APPLICATION FEES-2024 Please contact the City for current fees when ready to proceed

Application	City of Niagara Falls	Niagara Region	NPCA
Official Plan and Zoning Bylaw Amendment Combined	\$ 16, 975.00	Please see Niagara Region attachment for details on fees and changes as of March 31, 2025.	
Site Plan – All Other Lands	\$ 9,013.00		
Total	\$ 25, 988.00		

Notes:

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

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

Additional Agencies to be contacted:

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

10. ATTENDEES

City	Applicant	Agency
------	-----------	--------

Chris Roome (Planning) croome@niagarafalls.ca	Ethan Laman (Applicant) ethan@ucc.com	Katie Young (Region) Katie.Young@niagararegion.ca
Ellen Roupas (Zoning) eroupas@niagarafalls.ca		Abby La Forme (Mississaugas of the Credit First Nation – MCFN) Abby.LaForme@mncfn.ca
Cesar Ramires(Building) cramires@niagarafalls.ca		
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca		
Jessica Garrett (Engineering) jgarrett@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		

11. NOTES

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

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

Inter-Departmental Memo

To: Chris Roome, Planner 2

From: Ellen Roupas, Senior Zoning Administrator

Date: March 5 ,2025

Re: **Proposed Official Plan, Zoning By-law Amendment and Site Plan Control Applications – Pre-con PLPCA20250060**
Address: 7800 Lundy's Lane
Zoning Comments

Summary:

The applicant is proposing to construct a 6 storey 52-unit apartment dwelling and to convert the 2 existing motel buildings with 146 units into apartment dwellings for a total of 198 dwelling units on the subject property.

The subject property is zoned Tourist Commercial (TC) in accordance with Zoning By-law No. 79-200.

The following table compares the standards of the TC zone with what is proposed:

Provision	Requirement	Proposal	Comply
Permitted uses	The uses permitted in the TC zone, section 8.6.1 of By-law No. 79-200	An apartment dwelling	No – 3 apartment dwellings in total
Minimum lot frontage	6 metres	76.2 metres	Yes
Minimum front yard depth	In accordance with section 4.27.1 13.1 metres from the original centreline of Lundy's Lane	2.85 m + 13.1 metres from the original centreline of Lundy's Lane	Yes – please note that 13.1 metres is required, as such the front yard depth has been reduced to accommodate the road allowance
Minimum rear yard depth where any part of the building is used for residential purposes	10 metres	2.41 metres	No
Minimum rear yard depth where no part	3 metres provided that no rear yard is	n/a	n/a – apartment dwellings proposed

of the building is used for residential purposes	required where the rear lot line abuts a public lane or a public parking lot		
Minimum interior side yard width where the side lot line abuts a residential, institutional or open space zone	3 metres	n/a	n/a
Minimum interior side yard width where the side lot line does not abut a residential, institutional or open space zone	None required	1.69 metres	Yes
Minimum exterior side yard width	In accordance with section 4.27.1	n/a	n/a
Maximum lot coverage	70%	29.45%	Yes
Maximum height of building or structure	12 metres	Not noted	Information Required
Maximum floor area	Not specified	n/a	n/a
Parking and access requirements	In accordance with section 4.19.1 <u>Dwelling units:</u> 1.4 parking space for each dwelling unit 1.4 parking spaces x 198 units = 277.2 277 parking spaces	0.55 parking spaces for each dwelling unit 0.55 spaces x 198 units = 108 parking spaces	No
Minimum parking space width	2.75 metres	Not noted	Information Required – please confirm the width of all existing parking spaces
Minimum parking space length	6.0 metres	Not noted	Information Required – please confirm the length of all existing parking spaces
Minimum manoeuvring aisle	6.3 metres	5.27 metres	No
Loading area requirements	In accordance with section 4.20.1	n/a	n/a

Maximum floor area for each retail store	400 square metres	n/a	n/a
Maximum floor area of all retail stores per property	3,530 square metres	n/a	n/a

Comments:

- Additional information should be provided where necessary to ensure zoning compliance.

ER:

H:\ZONING COMMENTS\2025 PRE-CONS\MARCH 6, 2025\#3 PLPCA20250060 7800 LUNDYS LANE ZONING COMMENTS.DOCX

Urban Design and Landscape Architect Comments

From: Jack Mosque
Urban Design/Landscape Architecture
Ext. 4291

Date: March 20th, 2025

Re: PLPCA20250060 – 7800 Lundys Ln
Phase 1 - Conversion of the existing motel (2 buildings) for 146 dwelling units. Phase 2 - the construction of a 6-storey apartment building containing 52 units.

URBAN DESIGN & LANDSCAPE COMMENTS

- **Parkland dedication** shall be provided as cash-in-lieu at the current prescribed rate of 2% for the commercial units and 5% for the residential units. Payment shall be required at the Site Plan Application stage.
- **A Tree Inventory and Preservation Plan** will be required as part of this application. The plan shall be developed by a certified/licensed professional Arborist or a licensed Ontario Landscape Architect and shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands (including municipal road allowances) that could be negatively affected by the proposed development shall be preserved unless consent is provided by the adjacent landowner(s). The recommendations of the Plan shall be implemented at this stage, including potential modifications to the project layout, site servicing, site grading, and photometric plans. Please refer to the City's Site Plan Guidelines for further drawing requirements and site design. In addition,
 - Tree Preservation Plans shall inventory all trees with a Diameter at Breast Height (DBH) of 100mm or greater. This includes all trees within the subject site and includes boundary line trees, border trees, municipal boulevard trees at frontages and trees on adjacent properties that the qualified professional believes could be impacted from the proposed development.

- The inventory shall be completed in accordance with industry best practices and include at a minimum a plan indicating the location of every tree along with an inventory table. The inventory table shall identify every tree by species name (botanical and common name), size (DBH), condition/tree health and proposed action (preservation or removal). If a removal is proposed, then a statement of justification is required and there may be requirement for tree compensation.
- The removal of municipal street trees will require a fee as per the City's 2025 Schedule of Fees, page 22.
- **A Landscape Plan** is required as part of the Site Plan Control application and must conform to the City's Standards for Site Planning. The plan shall be prepared and stamped by a licensed Ontario Landscape Architect. The design of the Landscape Plan shall consider enhancing street frontage, improving walkability, supporting active transportation, sustainability, and reducing the heat island effect of hard surface areas. The planting of native plant species is preferred. Please refer to the City's Site Plan Guidelines for further drawing requirements and site design. In addition,
 - Privacy fencing will be required where the property abuts adjacent residential land, along with features such as planting beds, seating, and a shaded area.
 - Please consider an outdoor amenity space for residents, with features such as planting beds, seating, and a shaded area.
 - Please illustrate overhead and underground utilities, as well as utility boxes, on the Landscape Plan to ensure there is no conflict with proposed trees and site amenities. These features should be clearly identified and properly labeled.
 - Trees and landscaping should be incorporated into the design wherever possible, including but not limited to street trees, rooftop gardens, amenity spaces, and parking areas.
 - Incorporate design solutions to mitigate the urban heat island effect. Integrate shade trees, plantings, and reflective materials into the Landscape Plan. These measures will enhance environmental sustainability and reduce heat retention.
 - Wherever possible the use of permeable or porous pavers along with extensive soft landscaping to minimize stormwater and integrate into stormwater management for the site.

- Parking should be divided into smaller “parking courts” by landscaped islands with a minimum of 2 deciduous shade trees each and pedestrian pathways.
- A minimum of 30 cubic meters of soil per tree should be provided to ensure conditions for successful growth. Where continuous planting beds are proposed, or area is shared a reduced soil volume may be considered.
- If planters are introduced, consideration for raised planters with integrated seating should be provided. A height of between 0.45 and 0.55m can provide for informal seating in front of buildings or along a pedestrian path.
- Snow storage areas should be identified and incorporated into the overall landscape plan for surface parking areas.
- Environmentally friendly features within parking courts such as solar canopies or electric vehicle charging canopies are encouraged.
- Street trees will be required along the Lundy’s Lane frontage where achievable. Street trees shall be of a species approved by the City, with a minimum spacing of 10 meters on center. Please refer to page 54 of the City’s Site Plan Guidelines (March 2023) for a list of approved street trees.
- Construction-level details for all site-specific elements shown on the Landscape Plan are required for review. These details are essential to ensuring a cohesive and functional urban design that meets user needs and enhances the overall site experience. Please include precise construction details for site elements as part of your submission.
- A detailed Landscape Cost Estimate will be required at the Site Plan Submission that should reflect current market pricing. The landscape cost estimate forms a portion of the security deposit. Should the work not be completed or deficiencies not be addressed, the city will use the security deposit to perform the work.
- **A Landscape elevation** along Lundy Lane is requested for this application and must be prepared by a qualified landscape architect or design professional and submitted as part of the site development plan package. The intent is to ensure that the proposed landscaping complements the building architecture, blends with surrounding land uses, and complies with local zoning and landscape codes. The plan should depict landscape treatments from all public and accessible sides

of the property. This includes plant materials, hardscape elements, and any decorative features.

- The **Urban Design Brief** is a tool to review and evaluate such matters as the arrangement and design of the buildings, site, and landscape design, compatibility with adjacent land uses, accessibility and safety, function and design of the building and its adjacent streetscape and public spaces, as well as the mitigation of negative impacts on the surrounding area. This ensures a high-quality design of the public and private realm. Furthermore, the Urban Design Brief should demonstrate that the functional needs of the site's users will be met over the long term.
 - Please refer to the City of Niagara's Terms of Reference for further details: Urban Design Brief Guidelines.
- **Architectural elevations** at a 1:50 metric scale are required to provide the city with a clearer visual understanding of the proposed units. The following details should be included:
 - Full-color elevations
 - Total height and height of each storey (metric) Exterior design features, materials, and window types
 - Fenestration patterns and treatments within the first 10–12 meters to mitigate bird collisions
 - Proposed planting and vegetation to ensure consistency across disciplines
- The applicant should refer to the **Lundy's Lane Urban Design Guidelines**. The guidelines will provide direction with respect to the Urban design requirements that will assist in realizing Lundy's Lane CIP recommendations and creating supportive built form objectives. Some design aspects to be considered in the development include:
 - Enhancing the pedestrian experience along the corridor and encouraging activity through pedestrian scaled built form and additional connectivity. The inclusion of sidewalks, trails, and pathways within the development should be strategically located to provide routes to parks and access trails. Connectivity to roadways (bike lanes or walkways) and commercial areas should also be addressed.
 - Addressing gateways and open space public areas through appropriate built form relationship
 - Providing a sensitive transition from new built form with existing corridor development and adjacent residential uses

- Staff recommend incorporating architectural style, building materials, and tones that complement existing buildings in the area.
- Development should incorporate high-quality architectural treatments, building materials, and site planning that provide visual interest at the pedestrian scale, reduce building mass impacts, respect local character, and provide a distinct sense of place.
- Consider Effective lighting that enhances both safety and ambiance. Energy-efficient, downward-facing lights are recommended to reduce light pollution while creating a welcoming environment.
- Consider Maintaining a cohesive aesthetic that respects the character of the area is key. This may include matching material choices, colour palettes, or architectural styles within the neighborhood's identity.
- Consider durable, Low-Maintenance Materials for longevity and ease of upkeep. This reduces the need for frequent repairs and ensures the site remains attractive over time.
- Staff recommend incorporating architectural styles, building materials, and tones that complement existing buildings in the area. These treatments should provide visual interest at the pedestrian scale, reduce building mass impacts, respect local character, and provide a distinct sense of place.
- Building heights along Lundys Lane will a minimum height of 2 storeys, with a preferred height of 4 to 6 storeys. Where heights exceed 3 storeys, a stepback of 2m to 3m shall be provided.
- Ground floors shall have a minimum height of 4.5m to provide flexibility for retail/commercial uses and a pedestrian-scaled edge.
- To provide a sensitive transition of built form massing, buildings abutting's lots that are zoned for low density residential uses, a 45-degree angular planes should be applied and measured from the abutting property.
- Rooftop mechanical equipment shall be screened from public view through location, integration into the architectural design or enclosures clad in complementary materials/colours to building.
- The introduction of planted medians at the end of each parking aisle are encouraged to help mitigate the visual impact of large parking areas viewed from Lundy's Lane, minimize 'heat island' effects and improve water infiltration on the site.

- Pedestrian walkways and drive aisle crossings through parking shall be clearly demarcated and barrier- free for safe pedestrian movement within parking areas.
- Proposed parking lot configuration requires more detail it's hard to delineate between proposed and existing parking stall lines.
- Please identify how waste collection will be handled, for proposed commercial area/tenants. Please consider an underground waste collection system for ease of collection and as a means of reducing the unsightliness of waste collection bins and maintenance of a garbage enclosure.

Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Pre-consultation Notes

7800 Lundy's Lane, Niagara Falls

March 6, 2025

Region Contact: Katie Young

Local Contact: Chris Roome

Proposal Description: To facilitate the conversion of the existing motel (2 buildings) containing 146 dwelling units (Phase 1). The construction of a 6-storey apartment building containing 52 units (Phase 2).

Applicant/Owner/Agent: 2793588 Ontario Inc. (Applicant); Ethan Laman (Agent)

Application Type:

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

Site Designation:

Provincial Planning Statement (PPS)- Settlement Area

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

Please note as of March 31, 2025, Niagara Region will no longer have land use planning responsibilities under the Planning Act. Niagara Region to date has not signed an agreement with the City of Niagara Falls to continue providing planning support to the City. Accordingly, if the application is submitted after March 31, 2025, the planning comments/requirements are at the discretion of local staff. Please be advised that Niagara Region will continue to comment on Planning Act applications as it relates to regional infrastructure.

Planning Comments

- A full range of residential uses are generally permitted within the urban area. Staff note the proposed conversion and additional apartment building will contribute to the City's intensification target of 50% as set out within Table 2-2 of the NOP.

Site Condition

- The property is currently utilized as a motel, which is considered to be a commercial use under Ontario Regulation (O.Reg) 153/04 (Record of Site Condition) under the Environmental Protection Act. A change to a more sensitive land use (i.e. residential) requires a mandatory filing of a RSC.

Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

- Staff recommend the submission of a Phase One Environmental Site Assessment (at minimum), prepared by a qualified person as defined under O. Reg 153/04 in order to file a RSC.

Land Use Compatibility

- The average annual daily traffic count for Lundy's Lane (RR 20) is over 20,000 vehicles, which exceeds the 10,000-threshold staff use for determining whether a noise study is required. Accordingly, staff request a Noise Impact Study, prepared by an acoustical consultant be completed to determine whether there are any mitigation measures / warning clauses required for the conversion (Phase 1) and the new 6-storey apartment building (Phase 2) which will front Lundy's Lane. Transportation noise shall be projected out 20 years in accordance with the Region's Traffic Noise Control Policy (PW5.NO1.0).

Archaeological Potential

- The subject property is not mapped as an area of archaeological potential. Staff offer no archaeological assessment requirements. Staff recommend the inclusion of a standard archaeological warning clause in the future site plan agreement should any resources be unexpectedly encountered during construction activities.

Environmental Comments

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

Road Widening

- This property has frontage along Regional Road #20 (Lundy's Lane) At this location the NOP width does not meet the requirements. For the subject site a road widening of approximately 3.05 m (to be determined by field survey to achieve the recommended width) is required to be established parallel to the existing road limit.

Regional Permit Requirements

- Existing driveways are to be closed and reinstated if they are not being used as the entrance to the development. Engineering drawings for all the work within the Regional right of way is to be submitted through the permitting process.
- Require Regional Construction Encroachment and Entrance Permit prior to any construction within Regional Road Allowance.
- Regional Sign Permit Required for any signs within 20m of the centreline of the Regional Road
- Permit link: <https://www.niagararegion.ca/living/roads/permits/default.aspx>
- Restoration is to be to Regional standards :
<https://www.niagararegion.ca/living/roads/permits/construction-encroachment-specifications.aspx>

Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free: 1-800-263-7215

Stormwater Management Comments

- At the time of Site Plan, a stormwater management brief (and the associated fee), indicating in details how additional stormwater will be adequately accommodated not to negatively affect Lundy's Lane (Regional Road 20), is required to be circulated to this office for review and approval.

Protection of Survey Evidence

- Survey Evidence adjacent to Regional road allowances is not to be damaged or removed during the development of the property. We would request that any future agreements entered into for this development include a clause that requires the owner to obtain a certificate from an Ontario Land Surveyor stating that all existing and new evidence is in place at the completion of said development.

Waste Collection

(Multi Residential)

- Green – unlimited (collected weekly)
- Waste – 2 bag/can limit to a maximum of 24 (collected bi-weekly)
- Curbside collection only
- Based on the number of units, waste collection will be the responsibility of a private contractor, and not Niagara Region.
- Circular Materials Ontario is responsible for the delivery of residential Blue / Grey Box recycling collection services. The most up to date information regarding recycling can be found using the following link: <https://www.circularmaterials.ca/resident-communities/niagara-region/>

Recommended Studies (after March 31, 2025)

- Phase One Environmental Site Assessment (at minimum), Letter of Reliance, Record of Site Condition

Required Studies for Regional Review (after March 31, 2025)

- Noise Impact Study
- Stormwater Management Brief

Required Fees

The Region's 2025 Fee Schedule is available at:

https://www.niagararegion.ca/business/fpr/forms_fees.aspx

Please be advised that the Region's review fee amounts are subject to change March 31, 2025. Please contact Regional staff to confirm the below fees prior to submission.

Regional Public Works Growth Management and Planning Division

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7

905-980-6000 Toll-free:1-800-263-7215

<i>Fees applicable after March 31, 2025:</i>	
Development Application Review Type	Fee Amount
Major Engineering Infrastructure Review	\$1,325
Stormwater Review	\$725

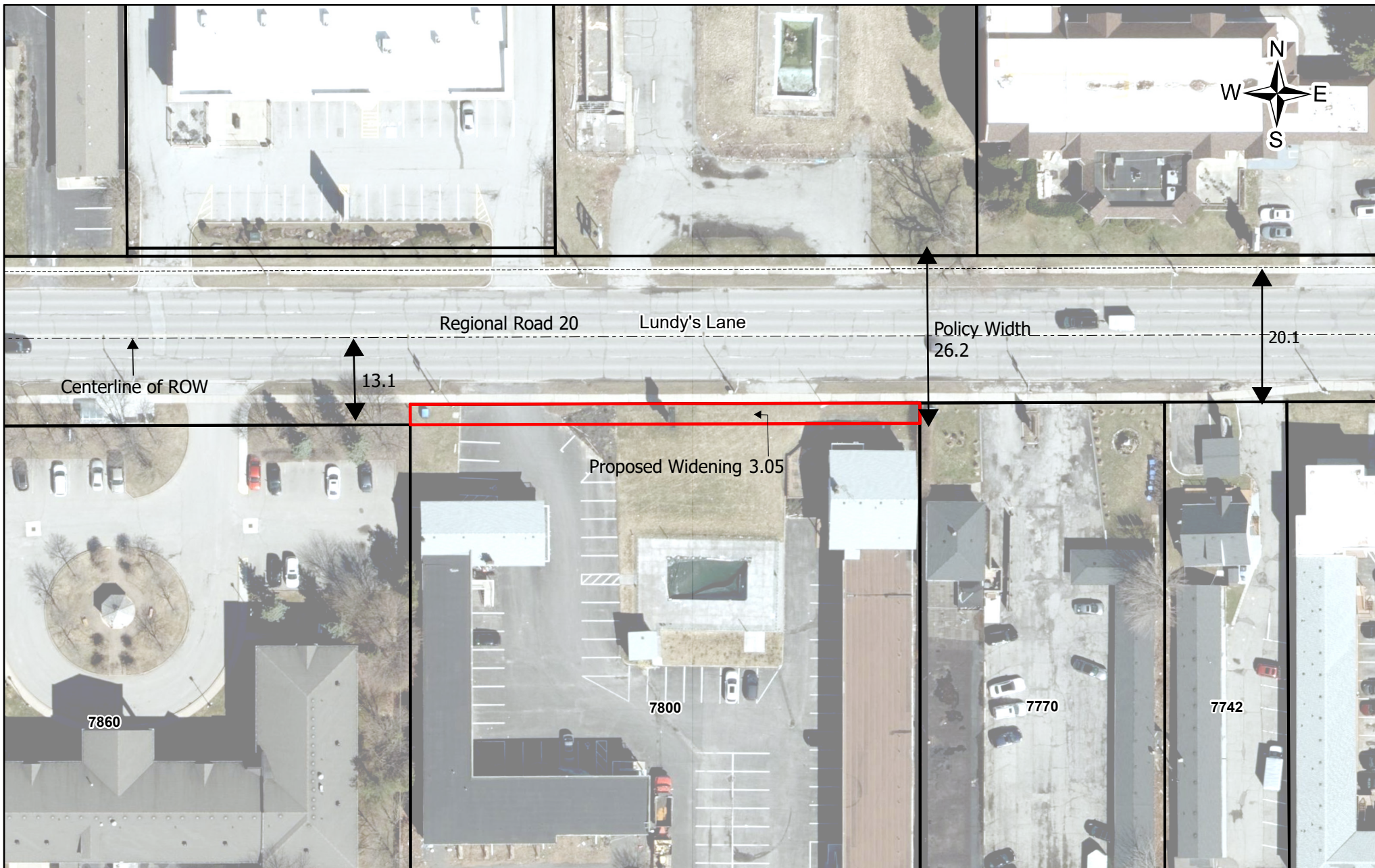


ILLUSTRATION SHOWING APPROXIMATE LOCATION OF PROPOSED WIDENING
NO.7800 LUNDYS LANE
CITY OF NIAGARA FALLS

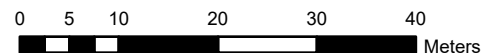
- DENOTES TERANET MAPPING
- DENOTES PROPOSED WIDENING

DISCLAIMER

This map was compiled from various sources and is current as of 2025.
The Region of Niagara makes no representations or warranties whatsoever, either expressed or implied,
as to the accuracy, completeness, reliability, and currency or otherwise of the information shown on this map.
© 2025 Niagara Region and its suppliers. Projection is UTM, NAD 83, Zone 17. Air Photo (Spring 2023)

CAUTION:

- This is not a Plan of Survey
- The proposed widened limits have been compiled from office records and the shown measurements are approximate.
- The final extent of the widening will be established through field survey by an Ontario Land Surveyor.



Noise Impact and Vibration Study Terms of Reference

Description

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

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

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

When Required

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

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

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

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

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

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

Rationale

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

Required Contents

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

Introduction

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

Environmental Noise (and Vibration) Assessment

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

Noise (and Vibration) Mitigation Recommendations

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

Conclusions

Appendix A – Base Noise Level Calculations (Noise Source Data)
Appendix B – Ministry of Environment Noise Guidelines
Appendix C – Sample Sound Exposure Calculation



March 6, 2025

Project Name: 7800 Lundy's Lane, Niagara Falls
DOCA Project Number: 2025-0242
Proponent: 2793588 Ontario Inc.
Project Location: 7800 Lundy's Lane, Niagara Falls

Dear Chris Roome,

This letter is to confirm receipt of the project-related correspondence sent by the Town of Fort Erie, on February 21, 2025, regarding 7800 Lundy's Lane, Niagara Falls.

The Mississaugas of the Credit First Nation (MCFN) are the Treaty Holders of the land on which the project will take place – specifically, the Between the Lakes Treaty no. 3, of 1792. The MCFN holds Indigenous and Treaty Rights specific to the project location and its environs, which may be adversely impacted by it. The Department of Consultation and Accommodation (DOCA) is designated by the MCFN to handle consultation matters on its behalf.

The DOCA consultation team has filed the project-related correspondence identified above. **We have no questions or comments for you at this time.** This does not indicate a position of support for the project, that the Duty to Consult and Accommodate the MCFN has been met, or that there are no adverse impacts to the MCFN's Indigenous and Treaty Rights.

DOCA expects to be notified of any and all future project updates and/or changes. Additionally, DOCA must be notified of, invited to participate in, and provided the opportunity to review any environmental and/or archaeological assessments. At its discretion, DOCA may request capacity funding from the proponent for its consultation and engagement activities relating to the project.

If you have any questions for the DOCA consultation team, please feel free to contact us.

Thank you,

Abby (LaForme) Lee
Consultation Coordinator
Department of Consultation and Accommodation
Phone: 905-768-4260

Email: abby.laforme@mncfn.ca
Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225



CC

Megan DeVries, Manager of Consultations, megan.devries@mncfn.ca



Mississaugas of the Credit First Nation
2789 Mississauga Road, Hagersville, Ontario N0A 1H0



Phone: (905) 768-1133
Fax: (905) 768-1225

