



Planning Justification Report

Official Plan & Zoning By-law Amendment

7081 McLeod Road, Niagara Falls

For: Adam Peaker of LivWell Development Group Inc.

By: NPG Planning Solutions Inc.
4999 Victoria Avenue
Niagara Falls, ON L2E 4C9
T: 905 321 6743

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1.0 Introduction

NPG Planning Solutions Inc. are planning consultants to LivWell Development Group Inc., “Owner” of the property located at the northwest corner of Sharon Avenue and McLeod Road in the City of Niagara Falls, municipally known as 7081 McLeod Road (“Subject Lands”). The Subject Lands total approximately 0.36 hectares. NPG has been retained to provide professional planning advice on Applications for Official Plan and Zoning By-law Amendments for the construction of 50 purpose-built rental dwelling units in an apartment building on the Subject Lands. The Official Plan Amendment is required to facilitate the proposed density, and the Zoning By-law Amendment is required to address site-specific provisions related to minimum front yard depth, minimum exterior side yard width, minimum landscaped open space, minimum amenity area per unit, required landscaped strip, and projections into required yards.

This Planning Justification Report (“PJR”) provides an analysis of the proposed development. It evaluates the appropriateness of Applications for Official Plan and Zoning By-Law Amendments when assessed against policies in the Provincial Policy Statement (“PPS”), Growth Plan for the Greater Golden Horseshoe (“Growth Plan”), Niagara Official Plan (“Region’s OP”), the City of Niagara Falls (“City’s OP”) and the City of Niagara Falls Zoning By-law No. 79-200.

The proposed development focuses intensification along a Regional road, in an area serviced by existing transit and in proximity to commercial uses. It delivers a range of unit types in a compact built form, contributing to housing options in an area with predominantly low-density housing forms. The proposed development is an example of good land use planning and therefore we recommend that the Official Plan Amendment and Zoning By-Law Amendment be approved.

Sections 5.1, 5.2, 5.3, and 5.4 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal’s conformance with the general intent and objectives of the City’s OP while Sections 6.0 and 7.0 provide justification for approval of the Applications for Official Plan and Zoning By-Law Amendment, respectively.

2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are located on the northwest corner of Sharon Avenue and McLeod Road. The property has a frontage of approximately 35 metres on Sharon Avenue, a flankage of 86.7 metres along McLeod Road, and a total area of 3,440 m². The property is irregular in shape and contains an existing place of worship that will be demolished as part of this application, a grassed lawn in the front and side yard, and an asphalt parking lot to the west of the existing building.

Access to the Subject Lands is currently provided via a driveway off McLeod Road. McLeod Road is a Regional road, facilitating access to the nearby QEW located approximately 400 metres to the west of the site. Surrounding land uses are noted in the following figure:

Figure 1 - Aerial Context



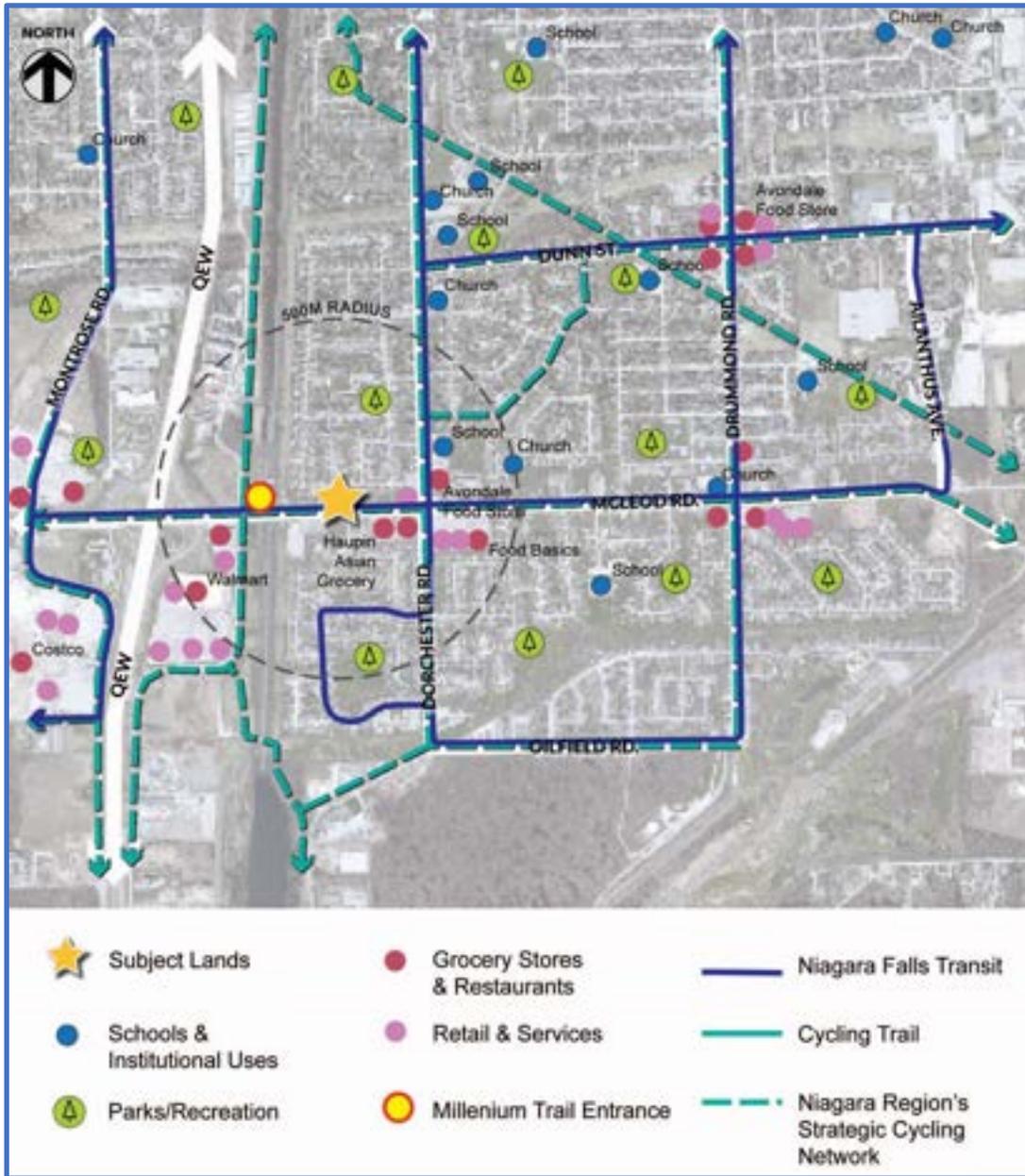
- North:** Single-detached Residential
- East:** Single-detached Residential
- South:** Commercial and Single-detached Residential
- West:** Vacant Residential Development Land

There are low density residential uses that surround the Subject Lands to the north and east. A vacant parcel zoned for a 3-storey residential apartment use abuts the western

property boundary. To the south across McLeod Road are commercial, light industrial and low-density residential uses. Fire Station No. 2, an institutional use, also exists to the southeast of the Subject Lands.

The Subject Lands are well served by existing public transit, where four Niagara Falls Transit Routes (#101, 103, 111, and 112) pass the Subject Lands. Bus stops are located near the intersection of McLeod Road and Sharon Avenue/Jubilee Drive facilitating bi-directional transit. Niagara Regional Transit connections are also available through Niagara Falls Transit from the Canadian Drive Hub located adjacent to the nearby Costco. The Subject Lands benefit from being within very close proximity to the City's Millennium Trail system, part of the Region's Strategic Cycling Network, providing convenient north-south access to other parts of the City. Further, the Subject Lands have ease of access to grocery stores (Walmart; Food Basics; Avondale; Haupin Asian Grocery), schools, retail, restaurants and other local attractions and amenities as noted in in Figure 2 – *Community Amenities Map*.

Figure 2 - Community Amenities Map



2.1 Site Photos

The Subject Lands are further contextualized by photos collected during a site visit on October 20, 2022. Please refer to the following photos for greater detail on the current state of the Subject Lands and the surrounding land uses (See photos 1-9).



Photo 1 – View of the existing church to be demolished, looking north from McLeod Road.



Photo 2 – View looking west down McLeod Road from Sharon Avenue, Subject Lands with existing church visible on the right.



Photo 3 – View looking north up Sharon Avenue from McLeod Road, Subject Lands with existing church visible on the left.



Photo 4 – View of the existing church to be demolished, looking west from Sharon Avenue.



Photo 5 – View looking toward the east from the westernmost lot line of the Subject Lands. The existing parking lot and church in the distance is visible.



Photo 6 – View from the same position as Photo 8, looking west at the neighbouring vacant residential parcel municipally known as 7143 McLeod Road.

3.0 Proposed Development

The Owner is proposing a purpose-built five (5) storey rental apartment building, consisting of 32 one-bedroom units and 18 two-bedroom units, for a total of 50 residential units (see **Appendix A – Proposed Site Plan and Renderings**). The proposed apartment building is rectangular in shape and will be situated on the southeast corner of the property along McLeod Road and Sharon Avenue. The principal entrance will be located on the west face of the building, to accommodate ease of access from the proposed parking area. Secondary entrances are proposed along the south building face on McLeod Road for access to the ground-floor amenity spaces in addition to main floor units, as well as along the east building face on Sharon Avenue to provide access from the internal waste/recycling room. Entrances are also provided on the north side of the building from the covered parking area, not visible from the public realm.

The site layout is organized to deliver the least amount of impact to adjacent low-density residential uses. The proposed building is located at the corner of McLeod Road and Sharon Avenue, sited as close to the street as possible to reduce impacts on neighboring properties. A variety of architectural elements are proposed to lessen the building massing and contribute to a vibrant public realm, including colour treatments, textures, exterior cladding materials, building canopies and balconies. The building is proposed to be constructed using from precast concrete.

There is an existing driveway from McLeod Road which will be closed as part of the proposed development. Access to the development is proposed via a driveway connection from Sharon Avenue to minimize conflicts and access from the Regional road. A total of 63 parking spaces are proposed at a rate of 1.25 parking spaces per dwelling unit, including 3 accessible spaces, through a mix of covered and surface parking. Of the 63 parking spaces proposed, 16 will be covered, located underneath the rear portion of the building. The remaining 47 spaces are located to the north and west of the building. Landscaping and fencing are proposed along the north and west property lines to buffer adjacent properties.

The proposed apartment building provides various amenity areas for future residents through a mix of private amenity spaces that are comprised of individual unit balconies/terraces; common amenity rooms on the ground floor; and an at-grade common outdoor amenity area fronting McLeod Road. The outdoor amenity area engages the streetscape and provides opportunities for residents to interact with the street. Landscaping and plantings are proposed along the McLeod Road frontage, which provides ground-floor residents with enhanced privacy and acts as buffer from the street. Please refer to the Architectural Package prepared by BIM Studio, dated February 2nd, 2023, for further details and renderings.

A 2.51 metre road-widening along McLeod Road, and a 4.5 metre daylighting triangle at the corner of McLeod Road and Sharon Avenue have been identified by the Region in pre-consultation and are reflected on the enclosed Site Plan and Architectural Package. Statistics for the zoning compliance review in the Site Plan prepared by NPG Planning

Solutions Inc., dated January 31st, 2023, are calculated after the anticipated conveyance of the road-widening. Lot coverage is proposed at 27% of the total site area, and landscaping is proposed to cover approximately 20% of the entire site area. Landscaping is comprised of the proposed walkways and landscaped areas on the property.

The proposal will deliver a density of 147 units per hectare, exceeding the City's OP maximum density of 100 units per hectare for apartments with building heights of not more than 6-storeys (City OP Policy 1.15.5(iii)). This will be further explored in section 5.0 *Planning Policies* and dealt with in section 6.0 *Proposed Official Plan Amendment*. The proposal will seek a Zoning By-law Amendment to rezone the Subject Lands from *Institutional Zone (I Zone)* to a site-specific *Residential Apartment 5E Density Zone (R5E Zone)* to facilitate the proposed development.

3.1 Housing Impact Statement

The City's Housing Directions Study Phase 2: Housing Strategy ("Housing Strategy") was presented to City Council on March 22, 2022. Council endorsed the Housing Strategy and recently passed OPA 149 to include policies that implement the Actions that were identified in the Strategy. Key among these new housing policies is a set of criteria in which applications for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Draft Plan of Condominium must demonstrate on how the proposal will contribute to achieving the City's annual housing targets, especially regarding affordable housing.

This section of the report fulfills policy 4.4 (Part 1) of the City's Official Plan requiring a housing impact statement that includes the following:

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

3.1.1 Proposed Rental Rates

The applicant is proposing the following monthly rental rates. These values are a range and are subject to change.

- One-bedroom units:
 - 32 units ranging from \$1,600/month to \$1,800/month
- Two-bedroom units:
 - 18 units ranging from \$2,200/month to \$2,400/month

3.1.2 Defining Affordable

The City's OP relies in part on the Niagara Region's definition of "affordable" for the purposes of determining conformity and for establishing housing targets.

The PPS, Growth Plan and the Region's OP define "affordable", in the case of rental housing, as the least expensive of:

- unit for which the rent does not exceed 30 percent 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*.

In the case of rental housing, *low- and moderate-income households* are "households with income in the lowest 60 percent of the income distribution for renter households in the regional market area". The *regional market area* is the Niagara Region.

The City of Niagara Falls Housing Strategy (January 2022) summarizes the following average household income deciles in Niagara, which were adjusted for inflation from the 2016 Census:

Table 1 – Niagara's Lowest Six Income Deciles

Decile	Gross Annual Household Income in Niagara Region ¹
1 st	Less than \$22,100
2 nd	\$22,100 to \$33,600
3 rd	\$33,600 to \$45,300
4 th	\$45,300 to \$60,000
5 th	\$60,000 to \$77,900
6 th	\$77,900 to \$95,900

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

¹ City of Niagara Falls Housing Strategy, January 2022

The table below provides average market rent rates for units in the *regional market area* (Niagara Region), which assist in evaluating the second criterion of the Region's definition.

Table 2 – CMHC Average Market Rent in Niagara

Unit Type	Average Market Rent in Niagara Region ²
One-Bedroom	\$1,071
Two-Bedroom	\$1,260

The City's Housing Needs and Supply Report, prepared on June 14th, 2021, notes that CMHC data includes the average rents of old and new apartments, as well as occupied average rents.³ As occupied apartment units are subject to rent control, CMHC's reported average rents are often lower than the actual market rents. In this instance, the City has included the average market rent data from Rentals.caⁱ in their Housing Needs and Supply Report as a point of comparison for understanding Niagara Region's average market rents.

With this understanding, to obtain a more fulsome analysis, the most updated (February 2023) average market rents in Niagara Region from Rentals.ca is reported in **Table 3** below:

Table 3 – Rentals.ca Average Market Rent in Niagara

Unit Type	Average Market Rent in Niagara Region ⁴
One-Bedroom	\$1,586
Two-Bedroom	\$1,901

3.1.3 Contribution Towards Affordable Housing Targets

Part 1, Policy 4.8 of the City's OP sets annual targets for affordable rental housing builds between 2021 and 2051. The targets are as follows:

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

² CMHC Rental Market Survey, October 2022

³ City of Niagara Falls Housing Directions Strategy – Housing Needs and Supply Report, June 14th, 2021

⁴ <https://rentals.ca/national-rent-report#municipal-rental-rates>

provided by Regional Housing Services shall be in alignment with the Region's Consolidated Housing Master Plan and dependent on available resources.

This section examines the proposal with respect to the above two targets.

A. Niagara Region Definition of Affordable (Part 1, Policy 4.8 a) of OP)

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

Table 4 below illustrates that all rental rates in the proposed development will be affordable by the first criterion of the Region's definition, as they represent less than 30 percent of gross annual household income for *low- and moderate-income households* (i.e., households with a gross annual household income of less than \$95,900). All units within the building are proposed to have rental rates affordable to low- and moderate-income households.

Table 4 – Affordability for Low-and Moderate-Income Households

Proposed Rental Rates	Minimum gross annual income if spending 30% on rent	Less than \$95,900 gross annual income?
One-Bedroom Units		
\$1,600/month	\$64,000	Yes, affordable
\$1,800/month	\$72,000	Yes, affordable
Two-Bedroom Units		
\$2,200/month	\$88,000	Yes, affordable
\$2,400/month	\$96,000	Yes, affordable ⁵

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

Table 5 and **Table 6** below illustrates that the second criterion of the Region's definition of affordable is not met when using CMHC data for rental rates within the proposed development as rents will be above the average market rent within the regional market area. **Table 6** illustrates that the second criterion of the Region's definition of affordable is met when using Rentals.ca data for one-bedroom rental rates of \$1,600 per month within the regional market area. It is important to note that while the second criterion of affordability is not met for the higher rental rates for a one-bedroom unit and the proposed two-bedroom unit rental rates, the percentage difference from average market rent using Rentals.ca data is significantly lower than that of CMHC's data. The proposed rental rates do not present drastic increases from average market rents. This understanding is key in assessing the proposed rental rates through the perspective of affordability.

⁵ This rental rate is considered affordable per *Table 3-2 Affordable Rental Prices based on Annual Income* of the City's Housing Strategy (January 2022).

Table 5 – Affordability based on CMHC Average Market Rents

Proposed Rental Rates	At or below Niagara average market rent?	Percentage difference from market rent
One-Bedroom Units		
\$1,600/month	No	49.4% higher
\$1,800/month	No	68.1% higher
Two-Bedroom Units		
\$2,200/month	No	74.6% higher
\$2,400/month	No	90.5% higher

Table 6 – Affordability based on Rentals.ca Average Market Rents

Proposed Rental Rates	At or below Niagara average market rent?	Percentage difference from market rent
One-Bedroom Units		
\$1,600/month	Yes ⁶	0.9% higher
\$1,800/month	No	13.5% higher
Two-Bedroom Units		
\$2,200/month	No	15.7% higher
\$2,400/month	No	26.2% higher

B. Affordable to Households in 30th Income Percentile or Lower (Part 1, Policy 4.8 b) of OP)

1. Are the rental units affordable to rental households in the 30th income percentile or lower based on income deciles presented in the City's annual housing monitoring report?

Table 7 below illustrates that all rental rates in the proposed development are not affordable by this criterion as they exceed the minimum 30% of gross annual income for those in the lowest 3rd income deciles (i.e., households with a gross annual household income of less than \$45,300).

⁶ This rental rate represents a marginal increase of only 0.9% over the average market rent and meets the intent of the affordability definition.

Table 7 – Affordability for lowest 3rd Income Deciles

Proposed Rental Rates	Minimum gross annual income if spending 30% on rent	Less than \$45,300 gross annual income?
One-Bedroom Units		
\$1,600/month	\$64,000	No
\$1,800/month	\$72,000	No
Two-Bedroom Units		
\$2,200/month	\$88,000	No
\$2,400/month	\$96,000	No

SUMMARY

Per the above analysis, the proposed development will contribute to achieving the first criterion of the Region's definition of affordable, in that all units will be affordable to *low- and moderate-income households* (i.e., rental rates will be less than 30% of gross annual household incomes). Additionally, although rental rates are not at or below CMHC average market rent rates, the lower range of rental rates for a one-bedroom unit are at Rentals.ca average market rent rates. Per the second criterion for the City's definition of affordable, proposed rental rates are not affordable to rental households in the 30th income percentile or lower. The proposed development will contribute to achieving the City's affordable housing targets.

4.0 Supporting Studies Review

As per the Pre-Consultation Agreement dated October 6th, 2022, the following items are required for Official Plan and Zoning By-law Amendment Applications:

1. Planning Justification Report
2. Conceptual Site Plan
3. Elevations/Landscape Plans
4. Draft Local Official Plan Amendment
5. Draft Zoning By-law Amendment
6. Tree Inventory Preservation Plan
7. Noise & Vibration Study
8. Municipal Servicing Study
9. Stormwater Management Plan

The supporting studies and plans have been submitted as supporting documentation for the proposed development and should be read and reviewed in conjunction with this PJR. These studies have been prepared by qualified professionals according to industry standards. A thorough review of each document has been undertaken in preparing this PJR and it is noted that no significant issues have been raised.

4.1 Municipal Servicing Study

A Municipal Servicing & Stormwater Management Report ("MS&SWM") was prepared by MTE Consultants Inc., dated January 27th, 2023, to identify how the proposed development will be serviced and connected to existing municipal water, sanitary and stormwater infrastructure, as well as to outline how stormwater will be managed on-site. The MS&SWM concludes that there is existing infrastructure capacity to service the proposed development and that there is sufficient on-site storage volume to accommodate a 5-year storm event. The following outlines a summary of the MS&SWM:

1. The property is serviced by municipal water, sanitary and storm services. A 300 mm watermain and 1050 mm sanitary sewer exist in the McLeod Road right-of-way. Additionally, there is a 375 mm storm sewer that flows east and drains into a 1500 mm trunk storm sewer that flows west located in the McLeod Road right-of-way. There are no known existing stormwater management or quality controls on-site.
2. The proposed development will be serviced by a private storm sewer system consisting of a 250 mm sewer connection that will outlet into the existing 375 mm municipal sewer under McLeod Road, while a Stormceptor Model EF04 is proposed for installation to provide Level 1 water quality control.
3. The proposed development will be serviced by a 200 mm sanitary service. Further, the proposed development will be serviced by a dual 200 mm fire service and 200 mm domestic service at the southern property line. The site servicing plan shows

the general configuration under consideration, though it will be subject to third party review as per City of Niagara Falls policy and discussion with the architect and mechanical engineer before being finalized.

4. Appropriate erosion and control measures are also recommended to implemented, monitored, and maintained during the construction period.

4.2 Road Traffic and Stationary Noise Impact Study

A Noise Impact Study was prepared by Acoustic Engineering Ltd., dated November 14th, 2022, to assess impacts on the proposed development from local road traffic and stationary noise sources, including those in NPC-300 Environmental Noise Guideline Stationary and Transportation Sources – Approval and Planning (“NPC-300”). The study identifies potential noise impacts from road traffic and recommends the following mitigation measures for the proposed development:

- Warning Clause Type D for all façades
- Air Conditioning is required for all units
- A minimum of STC 30 is required for all exterior glazing for the North façade
- A minimum of STC 29 is required for all exterior glazing for the East façade
- A minimum of STC 33 is required for all exterior glazing for the South and West façades

4.3 Tree Preservation Plan

A Tree Preservation Plan (TPP) was prepared by Hill Design Studio Inc., dated February 9th, 2023, to identify trees on and adjacent to the Subject Lands that will be impacted by the proposed development. There are four trees on the Subject Lands that are in fair condition. These trees are located adjacent to the Sharon Avenue right-of-way and are proposed to be removed to facilitate the development. A Landscape Plan will be completed through the Site Plan process to illustrate replacement trees and overall site landscaping.

The (TPP) identifies a single tree, No. 7, on the adjacent property to the north, whose branches will overhang the proposed parking area for the development. The Plan notes that tree No. 7 is in poor condition and recommends the following actions:

- Prune branches of tree #7 that overhang proposed parking area following proper ANSI A300 pruning standards
- To be completed by a certified arborist

The remaining trees identified on the TPP on the neighboring properties will not be impacted by the proposed development and are to be preserved.

5.0 Planning Policies

The purpose of this Planning Justification Report is to evaluate the appropriateness of advancing an application for an Official Plan and Zoning By-law Amendment in the context of the Provincial Policy Statement (PPS), Growth Plan, Niagara Official Plan (NOP), and City of Niagara Falls Official Plan (City OP). This section provides an overview and discussion of these documents.

5.1 The Planning Act

Section 2 of the *Planning Act* identifies matters of provincial interest for which Council shall have regard for in carrying out its responsibilities under the *Planning Act*. Included in these matters are:

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (p) the appropriate location of growth and development;*
- (q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- (r) the promotion of built form that,*
 - (i) is well-designed,*
 - (ii) encourages a sense of place, and*
 - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- (s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.*

Matters of provincial interest are articulated in Provincial, Regional, and City planning documents, and discussed throughout this Planning Justification Report. In summary, the Applications provide for an appropriate location for growth and development, including the provision of a full range of housing by permitting a purpose-built rental apartment building which contains attainable housing units, affordable to moderate-income households. The compact form and location of the development along a commercial corridor within proximity to existing transit routes supports public transit, walkability, and reduced automobile reliance, while making efficient use of an under-utilized property through intensification.

Consistency and conformity with Provincial, Regional and Township policies are discussed in-depth in the subsequent sections of this report.

For these reasons, subject to the analysis provided in the following sections of this report, the Applications are considered to comply with the provisions of the *Planning Act*.

5.2 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity. The Subject Lands are within a Settlement Area as per the policies of the PPS. In this regard, the following applies:

5.2.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land-Use Patterns

The PPS provides the following with respect to managing and direct land-use:

POLICY

1.1.1 *Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

1.1.3.1 *Settlement areas shall be the focus of growth and development.*

1.1.3.2 *Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 *Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.*

1.1.3.4 *Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.*

ANALYSIS

The Subject Lands are located within a Settlement Area. The proposed development is consistent with the Settlement Area policies of the PPS by permitting appropriate development standards through intensification along a commercial corridor and existing transit route, a range and mix of residential types, the efficient use of land and resources, and optimizing the use of existing municipal infrastructure.

5.2.2 Housing

The PPS provides the following policies with respect to housing:

POLICY

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

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

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

f) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

ANALYSIS

The Applications are consistent with the housing policies of the PPS as they propose to permit and facilitate development standards for residential intensification, compact form, and the provision of a range of housing options. Of note, the proposal is for a purpose built-rental apartment building, a form of attainable housing that contributes to housing affordability and viability.

5.2.3 Municipal Servicing

Section 1.6.6 of the PPS provides policies regarding municipal servicing. Of note, the following applies:

POLICY

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

ANALYSIS

The proposed development is a form of intensification that will make use of the City's existing municipal sewage and water services.

5.2.4 Transportation Systems

Section 1.6.7 of the PPS provides policies regarding Transportation Systems. The following policy applies to the proposed development:

POLICY

1.6.7.4 *A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.*

ANALYSIS

The proposed development is for a mid-rise apartment building that will support a greater density along a commercial corridor with existing transit routes. This will promote

walkability, transit, and active transportation while reducing the length and number of vehicle trips

5.2.5 Energy Conservation, Air Quality, and Climate Change

Section 1.8 of the PPS provides policies regarding Energy Conservation, Air Quality, and Climate Change. The following policy applies to the proposed development:

POLICY

1.8.1 *Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:*

a) promote compact form and a structure of nodes and corridors;

b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;

e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;

ANALYSIS

The proposed development is a compact built form that promotes appropriate density in the neighborhood. Its location along a commercial corridor and linkages to existing transit and nearby commercial uses promotes walkability, active transportation, and public transit.

SUMMARY

Based on the foregoing, the proposed development is consistent with the general policies and intent of the PPS as it is within an existing settlement area and provides an opportunity for intensification through infill development and the utilization of existing municipal services. The development will contribute to housing options in the City by providing units affordable to moderate-income households.

5.3 Growth Plan for Greater Golden Horseshoe (Office Consolidation 2020)

The Growth Plan for the Greater Horseshoe (2020) identifies the lands as being within the Urban Area, within a Built-Up Area. The Growth Plan emphasizes compact and well-designed development and prioritizes intensification in the Built-up Areas and supports the achievement of complete communities that are “*compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities*” through site design and urban design standards. In this regard, the following policies apply:

5.3.1 Managing Growth

Section 2.2.1 of the Growth Plan provides the following policies with respect to managing growth:

POLICY

2.2.1.2 *Forecasted growth to the horizon of this Plan will be allocated based on the following:*

- a) *the vast majority of growth will be directed to settlement areas that:
 - i. have a delineated built boundary;
 - ii. have existing or planned municipal water and wastewater systems; and
 - iii. can support the achievement of complete communities;*
- c) *within settlement areas, growth will be focused in:
 - i. delineated built-up areas;
 - ii. strategic growth areas;
 - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and
 - iv. areas with existing or planned public service facilities;*
- d) *development will be directed to settlement areas, except where the policies of this Plan permit otherwise;*

2.2.1.3 *Upper-and single-tier municipalities will undertake integrated planning to manage forecasted growth to the horizon of this Plan, which will:*

- c) *provide direction for an urban form that will optimize infrastructure, particularly along transit and transportation corridors, to support the achievement of complete communities through a more compact built form;*

2.2.1.4 *Applying the policies of this Plan will support the achievement of complete communities that:*

- a) *feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- c) *provide a diverse range and mix of housing options, including additional residential units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) *expand convenient access to:
 - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*

e) provide for a more compact built form and a vibrant public realm, including public open spaces;

ANALYSIS

The Subject Lands are in a Settlement Area within the Built-Up Area with existing municipal services and transit, which supports the achievement of complete communities. The proposed development makes efficient use of existing infrastructure along a key commercial corridor with existing transit, contributing to a compact built form and walkability. Furthermore, the proposed development is for a purpose-built rental apartment building, which will contribute to housing affordability and provide housing options in the neighbourhood.

5.3.2 Delineated Built-Up Area

Section 2.2.2 of the Growth Plan provides the following policies with respect to the built-up area:

POLICY

2.2.2.3 *All municipalities will develop a strategy to achieve the minimum intensification target and intensification throughout delineated built-up areas, which will:*

c) encourage intensification generally throughout the delineated builtup area;

d) ensure lands are zoned and development is designed in a manner that supports the achievement of complete communities;

ANALYSIS

The proposed development is located in a built-up area that will contribute to achieving the City's intensification target. The proposed development's location along a transit route and ease of access to commercial services within walking distance supports the achievement of complete communities. This increase in density supports opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and public service facilities in proximity to the Subject Lands.

5.3.3 Housing

Section 2.2.6 of the Growth Plan provides the following policies with respect to housing:

POLICY

2.2.6.1 *Upper- and single-tier municipalities, in consultation with lower-tier municipalities, the Province, and other appropriate stakeholders, will:*

a) support housing choice through the achievement of the minimum intensification and density targets in this Plan, as well as the other policies of this Plan by:

i. identifying a diverse range and mix of housing options and densities, including additional residential units and affordable housing to meet projected needs of current and future residents; and

e) implement policy 2.2.6.1 a), b), c) and d) through official plan policies and designations and zoning by-laws.

2.2.6.2 *Notwithstanding policy 1.4.1 of the PPS, 2020, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

a) planning to accommodate forecasted growth to the horizon of this Plan;

b) planning to achieve the minimum intensification and density targets in this Plan;

c) considering the range and mix of housing options and densities of the existing housing stock; and,

d) planning to diversify their overall housing stock across the municipality.

2.2.6.3 *To support the achievement of complete communities, municipalities will consider the use of available tools to require that multi-unit residential developments incorporate a mix of unit sizes to accommodate a diverse range of household sizes and incomes.*

ANALYSIS

The proposed development will contribute to achieving the City's intensification and density targets while providing a housing form and tenure that is not predominant in the area, contributing to both housing choice and diversity. Furthermore, the proposed development will support the achievement of complete communities through its proposed density and linkages to existing community facilities and transit, encouraging active transportation.

SUMMARY

Based on the foregoing, the proposed development conforms to the policies of the Growth Plan and supports the achievement of complete communities by contributing to the housing options and densities through intensification.

5.4 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is intended *"to guide the physical, economic and social development of the Regional Municipality of Niagara"*. It contains objectives, policies and mapping that implement the Region's approach to managing growth, growing the economy, protecting the natural environment, resources and agricultural land, and providing infrastructure.

The Subject Lands are located within the Region’s Delineated Built-Up Area. **Table 8** below identifies the land-use designations that are applicable to the Subject Lands.

Table 8 – NOP Schedules

NIAGARA OFFICIAL PLAN SCHEDULES (see Appendix B)	
Schedule B – Regional Structure	<i>Delineated Built-up Area</i>
Schedule J1 – Transportation Infrastructure	<i>On Regional Road 49 (McLeod Road)</i>
Schedule J2 – Strategic Cycling Network	<i>On Strategic Cycling Network</i>

5.4.1 Growth, Intensification and Housing

Section 2.2.1 of the NOP provides general direction with respect to managing growth. Section 2.3.1 contains the Region’s housing policies.

POLICY

Section 2.2.1 – Managing Urban Growth

2.2.1.1 *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.*
- d) social equity, public health and safety, and the overall quality of life for people of all ages, abilities, and incomes by expanding convenient access to:

 - i. a range of transportation options, including public transit and active transportation**
- e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*
- f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19;*
- g) opportunities for intensification, including infill development, and the redevelopment of brownfields and greyfield sites;*

h) opportunities for the integration of gentle density, and a mix and range of housing options that considers the character of established residential neighbourhoods;

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

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

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

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

Section 2.2.2 – Strategic Intensification and Higher Densities

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

d) local growth centres and corridors, as identified by Local Area Municipalities

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

ANALYSIS

The Subject Lands are located within the Region's Delineated Built-Up Area. The proposed development will accommodate forecasted population growth through intensification, contributing to a compact built form and providing for housing mix in an area predominantly comprised of low-density single-detached dwellings. Furthermore, the proposed development is for a purpose-built rental apartment which will also contribute to housing affordability and housing choice in the neighbourhood.

The proposed development is located along a transit route and a key commercial corridor, with existing sidewalks on McLeod Road and Sharon Avenue, and proposed walkways from the development to the municipal sidewalk. The proposed development represents a transit-supportive development with an efficient land-use pattern, located in proximity to commercial uses to support the achievement of complete communities. Furthermore, the proposed development will utilize existing municipal services, optimizing existing infrastructure capacity. While not located within a local intensification area, the Subject Lands are located between an intensification corridor and a major highway interchange, on an arterial road.

POLICY

Section 2.3.1 – Provide a Mix of Housing Options

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

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

a) facilitating compact built form;

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

Section 2.3.3 – Planning Tools to Achieve Affordable and Attainable Housing

2.3.3.1 *The following tools will be considered to support the development of affordable and attainable housing:*

d) the inclusion of a mix of unit sizes in multi-unit developments to accommodate a diverse range of household sizes and incomes;

ANALYSIS

The proposed development represents a type of housing density, built form, and tenure that is not common in the neighbourhood, which adds to the housing stock diversity, choice, and affordability in the area. The proposed development represents a compact built form that makes an efficient use of land, with design features such as walkways and elevators that promote accessibility throughout the development and to the public realm. Furthermore, the proposed development will contain a mix of one-bedroom and two-bedroom units. Varying unit sizes from 600 square feet to 954 square feet are proposed and will accommodate a diverse range of household sizes and incomes and contribute to attainable housing, as defined by the NOP.

5.4.2 Economic Prosperity

Section 4.5.2 of the NOP consolidates policy direction from the Plan supporting economic prosperity through land use planning.

POLICY

Section 4.5.2 – Economic Prosperity through Land-Use Planning

4.5.2.1 *This section consolidates policy direction integrated throughout this Plan that supports economic prosperity. The Region will endeavour to:*

a) attract employers and workers to the region by:

i. planning for an adequate supply and mix of rental and ownership housing for all stages of life to support opportunities to live, work and study in Niagara;

ANALYSIS

The proposed development contributes to the supply of rental housing in the neighborhood. The configuration of one-bedroom and two-bedroom units will provide housing opportunities for residents at all stages of, thereby supporting economic prosperity in the Region through the provision of attainable housing.

5.4.3 Infrastructure

Section 5.2 of the NOP includes policies which ensure the region's existing and future development is supported by infrastructure that is planned, constructed and managed in an integrated, efficient and environmentally sustainable manner.

POLICY

Section 5.2.2 – Municipal Water and Wastewater Servicing within Urban Areas

5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.

5.2.2.1 Adequate water supply and sewage collection shall be provided to meet the existing and future development needs in alignment with the growth management policies of this Plan, the Water and Wastewater Master Servicing Plan and the Region's capital budget process.

5.2.2.2 Municipal water and wastewater systems/services are the required form of servicing for development in urban areas.

5.2.2.4 Prior to approval of development, the municipality shall ensure that required water and wastewater services and servicing capacity is available to support the development.

5.2.5 – Stormwater Management and the Planning Process

5.2.5.1 All new development and redevelopment in settlement areas must be provided with separate storm drainage systems or separate storm drainage connections.

ANALYSIS

The MS&SWM Report concludes that there is existing water and wastewater servicing available to serve the development. Stormwater management details are also included in the report.

5.4.4 Built Form and Active Transportation

Sections 6.2 and 6.3 of the NOP include urban design and healthy community policies to be considered in planner matters.

POLICY

Section 6.2.1 – Excellence in Urban Design

6.2.1.8 *The Region shall promote:*

- a) the creation of liveable and vibrant urban areas and streets;*
- b) community design that:
 - i. offers a range of transportation options, including public transit and active transportation;*
 - i. offers a range of transportation options, including public transit and active transportation;*
 - ii. respects the complete streets approach by creating safe and attractive interconnected streets; and,*
 - iii. encourages a mix of land uses, a vibrant public realm and compact built form;**
- d) well-designed buildings, high quality streetscapes, and attractive public spaces that create neighbourhood character and strengthen community identity and diversity;*

Section 6.3.1 – Plan Healthy and Safe Communities

6.3.1.1 *The Region shall support healthy communities by:*

- a) creating built form that provides healthy living;*
- b) planning for all ages, incomes, abilities and populations; and,*
- c) supporting walkable and bikeable neighbourhoods through active transportation.*

ANALYSIS

The proposed development is a compact built form featuring landscaping along the McLeod Road frontage and a variety of exterior cladding materials across the façade. The façade is comprised of different building textures and materials that create visual interest and contributes to an attractive built form. Building articulation is achieved through the strategic use of colours, material, and vertical/horizontal lines. Notably, the fifth storey lighter in colour to accentuate the first four storeys as a podium. Outdoor amenity and landscaped areas along the McLeod Road frontage contribute to a vibrant public realm, offering residents the opportunity to engage with the public realm and activate the streetscape. Proposed pedestrian pathways from the development connect to the municipal sidewalk, providing ease of access to and from the development. The proposed development's location along a commercial corridor with an existing transit route supports the achievement of walkable and bikeable neighborhoods by promoting active transportation. These elements altogether enhance the streetscape and contributes to the Region's goal of urban design excellence and healthy communities.

SUMMARY

Based on the foregoing, the proposed development conforms with the policies of the Niagara Official Plan by providing attainable housing in a built-up area which supports a walkable and transit-oriented neighborhood and contributes to urban design excellence.

5.5 City of Niagara Falls Official Plan

The City of Niagara Falls Official Plan (“City OP”) provides policy direction for development of the City. The Subject Lands is designated Residential and located along the McLeod Road Corridor. **Table 9** below identifies the applicable land-use designations for the Subject Lands.

Table 9 – Niagara Falls OP Schedules

CITY OF NIAGARA FALLS OFFICIAL PLAN SCHEDULES (see Appendix C)	
Schedule A – Future Land Use	<i>Residential</i>
Schedule A2 – Urban Structure Plan	<i>Arterial Road</i>
Schedule C – Major Roads Plan	<i>Arterial Road: McLeod Road</i>

5.5.1 Growth Objectives

POLICY

Part 1, Section 2 – Growth Objectives

1. *To direct growth to the urban area and away from non-urban areas.*
3. *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
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.*
6. *To accommodate growth in accordance with the household, population and employment forecasts of the Region’s Comprehensive Review:*
9. *To encourage alternative forms of transportation such as walking, cycling and 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.*
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.*

ANALYSIS

The proposed development is in the Built-Up section of the City's urban area. It is in an appropriate location to support higher density on an under-utilized parcel of land with existing municipal infrastructure and transit along McLeod Road. This supports housing targets established by the Province and the Region, contributing to the City's land supply for residential growth through intensification. Furthermore, the proposed development's location along a Regional road with an existing transit route and proximity to commercial uses promotes active transportation and reduces reliance on automobiles. Given the foregoing, the proposed development supports the growth objectives of the City's Official Plan.

5.5.2 Residential Land Use Policies

POLICY

Part 2, Section 1 – General Residential

- 1.1 *The predominant use of land in areas designated Residential shall be for dwelling units of all types catering to a wide range of households. Predominant uses shall include single detached and semi-detached dwellings, duplexes, triplexes, quadraplexis, townhouses, apartments, group homes and other forms of residential accommodation.*
- 1.2 *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:*
 - 1.2.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*
 - 1.2.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
 - 1.2.3 *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
 - 1.2.4 *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*
- 1.6 *Building heights referred to in this Plan through the text and schedules are intended as a general guide. Consideration may be given in specific situations to allow suitable, well-designed developments that exceed these height guidelines through an implementing zoning bylaw amendment.*
- 1.8 *All residential development shall require proper and adequate municipal services. The municipality shall promote phased development to maintain logical, outward growth in residential areas in accordance with the policies of Part 3, Section 1.*

ANALYSIS

The Subject Lands are designated Residential in **Schedule A – Future Land-Use** of the City’s Official Plan and is intended for a wide range of residential uses per Policy 1.1. The proposed development is a permitted housing form that will accommodate a multiple unit development by making efficient use of an under-utilized property in a built-up area. The surrounding area is predominantly comprised of low-density housing forms such as single-detached dwellings. The proposal is for a purpose-built rental apartment building which would contribute to the housing mix and variety in the neighborhood and provide for greater housing choice. Furthermore, the proposed development is in proximity to commercial uses along an existing transit route on McLeod Road, which promotes walkability and active transportation and contributes to the achievement of complete communities. The proposed development will utilize existing municipal services to optimize existing infrastructure.

POLICY

Part 2, Section 1.15 – Built-Up Area

1.15 *It is recognized that opportunities exist throughout the Built-Up Area as shown on Schedule A-2 to create new housing units. Intensification, while maximizing the density of a given land area, shall be designed to integrate into the surrounding neighbourhood. The following policies are to be considered in the design of residential development, intensification and infilling and read in conjunction with the policies of PART 1, Sections 2 and 3:*

1.15.1 *The character of the existing neighbourhoods within the Built-up Area shall be retained. Accordingly, residential development, intensification and infilling shall blend into the lot fabric, streetscape and built form of a neighbourhood.*

1.15.2 *A gradation of building heights and densities will be encouraged together with sufficient horizontal separation distances between taller buildings and low rise dwellings in order to ensure a complementary arrangement of residential uses.*

1.15.3 *Generally, development within the Built-up Area should be at a higher density than what currently exists in the neighbourhood. A harmonious mix of single and multiple accommodation will be encouraged through the Builtup Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes.*

1.15.5 *Single detached housing is the dominant housing form in existing residential neighbourhoods. Increasing the amount of various types of multiple residential accommodations is encouraged in order to provide for an overall mix of housing within all communities. The inclusion of various housing forms through subdivisions, intensification and infilling shall not be mixed indiscriminately, but will be arranged in a gradation of building heights and densities according to the following policies:*

- (iii) *Apartments with building heights of not more than 6 storeys can be developed up to a maximum net density of 100 units per hectare with a minimum net density of 75 units per hectare. Such development shall be located on lands that front onto arterial roads. Moreover, development should be on current or planned public transit routes and in proximity to commercial areas. Development shall comply with the following:*
- *architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;*
 - *rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
 - *parking is to be encouraged to be located within parking structures that are integrated with the development; and*
 - *where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*

ANALYSIS

The proposed development is a form of infilling and intensification on an under-utilized property in the City's built-up area. Although the surrounding neighborhood is generally comprised of single detached dwellings, Policy 1.15.5 directs that a mix of housing types should be provided through intensification and infilling, subject to the applicable criteria in Policy 1.15.5 (iii). The proposed development is for a 5-storey apartment building with a density of 147 units per hectare, desirably located along McLeod Road, a Regional and arterial road. The proposed development employs various exterior cladding materials, colours and building articulation to create visual interest and mitigate potential impacts of the proposed height on the surrounding streetscape and surrounding uses. The Subject Lands are adjacent to a site with approved site-specific zoning for a mid-rise apartment building.

The proposed development exceeds the maximum density of 100 units per hectare at 147 units per hectare (please refer to **Section 6** of this report for an analysis of the policies for the Official Plan Amendment). It is sensitively designed and sited to avoid impacts on surrounding built forms, located at the southeast corner of the property near the intersection. The proposed density is suitable as it is located along a Regional and arterial road which supports the existing transit route along McLeod Road and contributes to a lively streetscape while sited away from adjacent low-density built forms. The proposed rear yard setback of 40.7 metres is greater than the height of the building (16 metres). The building will have an interior side yard setback of 16.8 metres for most of the building (15.6 metres for balconies) except for one pinch-point at the west end of the building where the north property line jogs. At this location, the building has an interior side yard setback of 10 metres (8.8 metres for balconies) side. These are appropriate setbacks that

will effectively mitigate any impacts on adjacent properties and provide a gradual transition in height and density.

Parking for the development is proposed through a mix of covered and surface parking spaces. The covered spaces are located at the rear (north) of the building at-grade. This effectively integrates the parking into the building and reduces the visual impacts on the surroundings. Surface parking spaces are also located in the side yard along the northern property line and in the rear yard of the development, west of the building. Planting strips are proposed as a buffer to reduce impacts on adjacent uses and the streetscape. Additionally, fencing is proposed along the northern and western property lines between the parking spaces to further mitigate impacts on the neighboring properties.

While an Official Plan Amendment is needed to address the increase in density, the proposed development meets the general intent and purpose of the built-up area policies and represents good planning.

POLICY

Part 1, Section 4 – Housing

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:*

4.3.1 *Multiple unit developments, smaller lot sizes and innovative housing forms.*

4.3.2 *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*

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

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

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

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

d) Where construction of the units is expected to occur in phases, information regarding the number of housing units that would meet Niagara Region's definition of affordable to be provided per phase, where applicable; and,

e) The proposed legal and/or financial mechanisms to ensure the delivery of any proposed new affordable housing commitments, and mechanisms to retain the long-term affordability of units, where applicable.

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.*

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

As such, the City has set an annual target of 40% of all new units meeting the definition of "affordable". In this regard, the City will aim to achieve a minimum of 270 units to be built annually between 2021 and 2051 and beyond as affordable, with the following breakdown (the figure below provides an illustration of this for further clarity):

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

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

ANALYSIS

The proposed development contributes to housing choice and diversity through a variety of unit sizes and rental prices in a purpose-built rental apartment building, representing intensification on an under-utilized parcel of land in the City's Built-up Area. As detailed in Section 3.1 of this report, the proposed development will contribute to achieving units affordable to low- and moderate-income households (i.e., rental rates will be less than 30% of gross annual household incomes for the sixth income decile), contributing to the City's housing targets. Although rental rates for the proposed development are not at or below CMHC average market rent rates, the lower range of one-bedroom unit rental rates are at Rentals.ca average market rent rates and are considered affordable by the first

criterion, in accordance with the Region's definition of affordability. The proposed development will contribute to achieving the City's affordable housing targets.

5.5.2 Infrastructure and Transportation

POLICY

Part 3, Section 1.2 – Water and Sanitary Sewage

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

Part 3, Section 1.3 – Storm Drainage

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

ANALYSIS

The MS&SWM Report concludes that there is existing water and wastewater servicing available to serve the development. Stormwater management details are also included in the report.

POLICY

Part 3, Section 1.5 – Transportation

1.5.2 *The corridors within the City's jurisdiction shall be of the width provided for in this Plan and should contain sidewalks and bicycle lanes of sufficient width to safely accommodate users.*

1.5.4 *Access ramps from private developments should be minimized and amalgamated with adjoining properties where possible.*

1.5.23 *The dedication of land for roads and rights-of-way improvements will conform to prescribed Provincial and Regional standards. Where lands are required for road construction or widening, such lands shall be conveyed to the appropriate public body as a condition of site plan control, consent to sever or plan of subdivision and when such road construction or widening is contemplated on a City-owned road within a five year time space. Road widenings, as identified in Policy 1.5.19, may*

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

ANALYSIS

The proposed development fronts onto McLeod Road, a Regional Road and a City arterial road, and Sharon Avenue, a local road. The proposed site access is on Sharon Avenue in order to minimize potential traffic conflicts on McLeod Road. There are existing municipal sidewalks on McLeod Road and Sharon Avenue, with proposed pathways from the development that connect to the street to facilitate a pedestrian-oriented design.

A 2.15 metre road widening and 4.5 metre x 4.5 metre daylight triangle have been requested to be conveyed to the Region as part of this development. The road widening and daylight triangle have been accounted for on the Conceptual Site Plan prepared by NPG Planning Solutions Inc., dated January 31st, 2023, enclosed with this submission.

5.5.3 Energy Conservation

POLICY

Part 3, Section 3.1 – Energy Resources

3.1.1 *The City shall encourage an energy efficient community where land uses are distributed to reduce travel needs, vehicle trips and subsequent energy use. A complementary arrangement and mix of uses which minimizes land use conflicts but also allows for integration shall be encouraged. This approach is advocated by the Future Land Use Schedule "A" and may be further refined through secondary plans. In order to achieve energy efficiency, the following shall be considered.*

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

ANALYSIS

The proposed development is a compact built form, located along an existing transit route and in walking distance to commercial uses and community facilities, which encourages walkability and active transportation. The location is appropriate for supporting a higher density given the existing commercial uses and transit route along McLeod Road, and its walkability contributes to energy efficiency and reduces reliance on automobiles.

5.5.4 Urban Design and Landscaping

POLICY

Part 3, Section 5 – Urban Design Strategy

5.1 *New development, redevelopment and public works projects shall utilize building, streetscaping and landscaping designs to improve the built and social environment*

of the City and to enhance quality of life. Development should integrate and be compatible with the surrounding area including natural and cultural heritage features.

- 5.1.1** *The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*
- 5.1.2** *Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*
- 5.1.5** *Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or side yards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*
- 5.1.6** *Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.*
- 5.1.7** *The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.*

ANALYSIS

The proposed development is for a 5-storey apartment building surrounded by predominantly low-density uses. Access to the site is proposed on Sharon Avenue, a local road, in order to minimize traffic on McLeod Road. The building is sited as close to McLeod Road as possible, employing substantial side and rear yard setbacks to mitigate impacts on adjacent land-uses and provide an appropriate buffer and transition from these low-density built forms. The building facades include different building textures and materials to create visual interest and an attractive built form. Building articulation is achieved through the strategic use of colours, material, and vertical/horizontal lines. The fifth storey lighter in colour to accentuate the first four storeys as a podium.

Parking is located in the rear and side yard, with landscaping throughout the development to buffer the building and shield parking areas from the street. The proposed development features an outdoor amenity area along McLeod Road, which interfaces with the street and contributes to a vibrant public realm. Pedestrian pathways throughout the development connect the building and parking areas to the municipal sidewalk. The connectivity throughout the development and building orientation towards McLeod Road fosters a pedestrian-friendly environment that further contributes to a vibrant streetscape.

POLICY

- 5.3** *Landscaping and open space amenity areas can provide an opportunity to enhance the visual image of properties along the streetscape and should be incorporated in development projects to complement boulevard plantings. Landscaping can soften dominant building mass, screen noise and visual intrusion, shield against excessive wind and sun and provide various environmental benefits.*
- 5.3.1** *The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the substantial greening of the area intended for landscaping within development sites.*
- 5.3.5** *The City shall encourage the preservation and the incorporation of existing trees, vegetation, green areas and topography into the design and landscaping plans of proposed developments. Tree Preservation Plans may be required prior to any site alteration in compliance with PART 2, Section 11.*
- 5.4** *Parking areas should be designed efficiently to minimize the extent of pavement and provide the opportunity for additional landscaping.*
- 5.4.1** *Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.*
- 5.4.2** *Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.*

ANALYSIS

Landscaping is provided throughout the development along the perimeters of the property and in between parking and pedestrian pathways. The proposing landscaping and plantings interface with the street, providing a buffer between parking and the public realm, while contributing to the streetscape. An outdoor amenity area is proposed at-grade at the southern property line, fronting McLeod Road. This amenity area incorporates landscaping and plantings along the perimeters of the amenity space that buffers noise from parking and the street, with pedestrian pathways that connect to the street and the primary building entrance. This area provides an opportunity for residents to interact with and contribute to the streetscape and a vibrant public realm. More detailed design such as paving materials, detailed planting, fencing, and lighting will be provided at the Site Plan approval stage.

A Tree Management Plan was prepared by Hill Design Studio Inc., dated January 6th, 2023, which identifies 3 trees for preservation and 4 trees for removal to facilitate the proposed development. Please refer to the plan for more details.

SUMMARY

Based on the foregoing, the proposed development conforms with the general intent and policies of the City's Official Plan by contributing to the City's intensification targets and attainable housing supply through a compact, walkable, and transit-oriented development that promotes housing diversity and excellent urban design principles. The proposed increase to density is supported as detailed in this section.

6.0 Proposed Official Plan Amendment

The Owner is proposing an Official Plan Amendment (OPA) to facilitate the proposed development. A site-specific OPA is needed to permit a density increase on the Subject Lands. The Owner is proposing a density of 147 units per hectare while a maximum density of 100 units per hectare is permitted in the Residential policies of the City's OP.

POLICY

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

SITE SPECIFIC AMENDMENT

The specific change to the Official Plan is as follows:

1. Notwithstanding Policy 1.15.5(iii) of the Official Plan for the City of Niagara Falls, the maximum density for an apartment dwelling shall be 147 units per hectare.

POLICIES AND ANALYSIS

Part 4, Section 2 – Official Plan Review and Amendments

Policy 2.6 in Part 4, Section 2 of the City's OP establishes the matters that Council shall take into account when considering an amendment to the Official Plan. **Table 10** below outlines the criteria and analysis of the proposed development.

Table 10 – OPA Criteria Assessment for Proposed Development

City's Official Plan Part 4, Policy 2.6 Criteria Assessment	
Criteria	Proposed Development
2.6.1 <i>The conformity of the proposal to the general objectives of this Plan.</i>	The proposed development conforms with the general objectives of the City's Official Plan, as it is an appropriate form of infilling and intensification on an under-utilized property with existing municipal services. Its compact built form, proximity to commercial uses and location along a Regional road and transit route promotes walkability and active transportation. Please refer to Section 5.5 for more detail.
2.6.2 <i>Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.</i>	The property is suitable for the proposed development as it is designated Residential in the City's OP, and is an under-utilized parcel of land located along a Regional road and an existing transit route, with proximity to commercial uses. It is ideal to support the

City's Official Plan Part 4, Policy 2.6 Criteria Assessment	
Criteria	Proposed Development
	proposed density and built form, which promotes active transportation and walkability. As per the City's OP, higher density housing should be located on lands that front onto arterial roads. The proposal is a redevelopment of a former church site, making good use of land in the Built-Up Area.
2.6.3 <i>Compatibility of the proposed use with adjacent land use designations and natural resources.</i>	There are no known natural resources on the property or on the neighboring properties. The surrounding land-uses are residential with commercial uses southeast of the property along McLeod Road. The proposed height and densities are compatible with the surrounding neighborhood.
2.6.4 <i>The need for and market feasibility of the proposed use.</i>	Section 5.5 of the PJR discusses how the proposed development is needed to contribute to the City's intensification targets and provide for a variety of housing forms and tenures per the goals and policies in the City's OP. There is a demonstrated need for attainable housing in the City as well as rental apartments.
2.6.5 <i>The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.</i>	The Subject Lands are designated for the proposed apartment building use.
2.6.6 <i>The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.</i>	There are available municipal services to support the proposed development; please refer to the Municipal Servicing Study and Stormwater Management Report prepared by MTE Engineering for more details. A Transportation Impact Study was not requested at the pre-consultation meeting. It is not anticipated that the proposed development will have any negative impacts on the transportation system, community facilities, or the natural environment.
2.6.7 <i>The financial implications of the proposed development.</i>	No direct financial implications are expected except for an increase in assessment and tax revenue.
2.6.8 <i>The protection of specialty crop land as defined in the Provincial Policy Statement from development.</i>	There is no specialty crop land on the property or in the surrounding neighborhood.
2.6.9 <i>Any applicable cross-jurisdictional issues such as, but not limited to servicing, transportation, watersheds and natural areas.</i>	There are no cross-jurisdictional issues.
2.6.10 <i>Compliance with a Comprehensive Review prepared by the City when considering the conversion of employment areas including an area of employment, to another land use category, except where the</i>	Not applicable.

City's Official Plan Part 4, Policy 2.6 Criteria Assessment	
Criteria	Proposed Development
<i>conversion is proposed within an area identified as a Community Improvement Plan Area in this Plan in which case a Comprehensive Review as defined by the Provincial Places to Grow Growth Plan has been initiated or adopted by the City.</i>	

The proposed OPA conforms to and implements Policy 2.6 of the City's OP.

SUMMARY

The Official Plan Amendment can be supported for the following reasons:

- The proposed development is consistent with the Provincial Policy Statement and conforms to the Growth Plan and the Niagara Official Plan;
- The proposed development is located within the Built-up Area, along a Regional/Arterial Road and is serviced by existing municipal infrastructure and public transit, therefore implementing the intensification policies of the Niagara Official Plan and the City of Niagara Falls Official Plan;
- The proposed development will create new and varied housing types in the City of Niagara Falls in a predominantly low-density neighborhood, contributing to a diversified housing mix and attainable housing options;
- The proposed development will not have any undue impacts on community facilities, the transportation system, or natural features; and
- The requested site-specific increase in density is appropriate and not anticipated to impact surrounding properties.

A draft of the Official Plan Amendment is provided in **Appendix E**.

7.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned *Institutional (I) Zone* in accordance with Zoning By-law No. 79-200, as amended (see **Appendix D – City of Niagara Falls Zoning By-law 79-200**).

A Zoning By-law Amendment is requested for the proposed development. The Zoning By-law Amendment proposes rezoning of the Subject Lands from an *Institutional Zone (I Zone)* to a site-specific *Residential Apartment 5E Density Zone (R5E Zone)* to facilitate the proposed development. **Table 11** reviews the proposed development against the proposed R5E zoning regulations, noting deficiencies related to the following:

- Minimum Front Yard Depth;
- Minimum Exterior Side Yard Width;
- Minimum Landscaped Open Space;
- Minimum Amenity Area per Unit;
- Landscaped Open Space Strips; and
- Yard Projections

A draft Zoning By-law Amendment is provided in **Appendix F – Draft Zoning By-law**.

Table 11 below provides an overview of compliance with the following applicable sections of the Zoning By-law:

- Section 7.14 (*Residential Apartment 5E Density Zone*);
- Section 4.42 (*Amenity Areas for Apartment Dwellings*);
- Section 4.19.1 (*Parking Areas*);
- Section 4.19.4 (*Parking in Yards*); and,
- Section 4.14 (*General Provisions*).

Table 11 – Zoning Compliance

Section No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
7.14.1	Permitted Uses	(a) An Apartment Dwelling (b) Accessory buildings and accessory structures, subject to the provisions of sections 4.13 and 4.14	An apartment dwelling	Yes
7.14.2	Minimum Lot Area	67 m ² for each dwelling unit	68.8 m ² for each dwelling unit 3,440 m ² total*	Yes

Section No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
		<i>(67 m² x 50 dwelling units = 3,350 m²)</i>	<i>*after road widening and daylighting triangle</i>	
	Minimum Lot Frontage	35 m	36.77 m	Yes
	Minimum Front Yard Depth	7.5 m plus any applicable distance in section 4.27.1	4.3 m	No
	Minimum Rear Yard Depth	One-half the height of the building or 10 metres, whichever is greater plus any applicable distance in section 4.27.1	40.67 m	Yes
	Minimum Interior Side Yard Width	One-third the height of the building	8.8 m	Yes
	Minimum Exterior Side Yard Width	7.5 m plus any applicable distance in section 4.27.1	3.4 m	No
	Maximum Lot Coverage	30%	27%	Yes
	Maximum Height of Building or Structure	25 m subject to section 4	16 m	Yes
	Number of Apartment Dwellings on One Lot	One only	One	Yes
	Parking and Access Requirements	In accordance with section 4.19.1	As shown on Conceptual Site Plan prepared by NPG Planning Solutions Inc., dated January 31 st , 2023	Yes
	Minimum Landscaped Open Space	50% of the lot area	20%	No

Section No.	REGULATION	REQUIRED (metres ²)	PROPOSED (metres ²)	COMPLIANCE
4.42	Minimum Amenity Area Per Unit	20 m ² per dwelling unit (1,000 m ² total)	10.52 m ² per dwelling unit (525.97 m ² total)	No
4.19.4 (c)(i)	Landscaped Strip Between Lot Line and Parking	3 m	2 m abutting front lot line 1 m abutting exterior side lot line	No
4.19.1	Table 1 – Dwelling containing 3 or more dwelling units save and except an on-street townhouse dwelling	1.4 parking spaces for each dwelling unit*	1.25 parking spaces per dwelling unit	No
4.14	Yards	(b) Unsupported canopies may project into any required yard a distance of not more than 0.45m	1.6 m into front yard	No
		(c) Open balconies (uncovered) may project into any required side yard a distance of not more than 0.45.	1.2m for covered balconies into exterior side yard	No

Minimum Front Yard Depth (Sharon Avenue)

Required: 7.5 metres

Proposed: 4.5 metres

The east property line abutting Sharon Avenue is deemed the front lot line for the purpose of the zoning review. The building face fronting onto Sharon Avenue is the side elevation, comprised of the building canopy and windows of the residential units above. Landscaping and plantings are proposed in the front yard to provide further privacy for the ground floor residential units. There are no negative impacts anticipated on the streetscape.

Minimum Exterior Side Yard Width (McLeod Road)

Required: 7.5 metres

Proposed: 4.6 metres

The southern property line abutting McLeod Road is the exterior side yard for the purpose of this review. The building is located 6.75 metres from the existing lot line along McLeod Road; however, with the required 2.15 metre Regional road widening, the building will be located 4.6 metres from the new lot line. The position of the proposed apartment dwelling, with ground-floor terraces and balconies facing McLeod Road will contribute to an interesting streetscape and “eyes on the street”, with proposed landscaping and plantings that provide additional buffer. The proposed Minimum Exterior Side Yard Width of 4.6 metres is not anticipated to negatively impact the streetscape or future residents, with sufficient landscaping buffers and a design that will contribute to a vibrant streetscape.

Minimum Landscaped Open Space

Required: 50% of lot area

Proposed: 20% of lot area

The requested reduction is appropriate for the proposed development of the site, and can be supported for the following reasons:

- The proposed development does not meet the required 50% minimum landscaped open space requirement in order to accommodate surface parking for the proposed development. This is desirable to ensure adequate parking spaces for the development in a manner that reduces impacts on the streetscape and adjacent land-uses. The cost of underground parking for the proposal would increase the rental rates contemplated by the Owner. The landscaping deficiency is also impacted by the imposed road-widening which removes area from the lands.
- The proposed landscaped area will be made up of landscaping and tree plantings, surface walkways, and an outdoor amenity area that provides a space for residents to gather and interact outdoors. Additionally, although the unit balconies do not contribute to the landscaped area calculation, each dwelling unit will contain private balconies that provides a similar function in terms of amenity and open space area.
- The proposed percentage of landscaped open space will not pose any issues for stormwater management for the development. Stormwater for the development will drain into the proposed on-site 250mm diameter private storm sewer and will outlet into the existing municipal sewer in the McLeod ROW. Please refer to the Municipal Servicing Study prepared by MTE Engineering, dated January 27th, 2023, for more details.
- The site is close to various City parks and recreational trails and spaces such as the Millennium Trail, Westfield Park, and FJ Miller Park. In proximity to the development cross the QEW to the west and within walking distance is McBain

Community Centre and McBain Park. Please refer to **Figure 2 – Community Amenities** of this PJR. Proximity to such residential amenities will provide residents space for walking, socializing, and exercising.

Minimum Amenity Area per Unit

Required: 20 m² per dwelling unit for a total of 1,000 m²

Proposed: 10.52 m² per dwelling unit for a total of 525.97364 m²

Each dwelling unit will have approximately 10.52 m² of amenity area on site. The requested reduction is appropriate for the proposed development and can be supported for the following reasons:

- Each dwelling unit has its own balcony or terrace, providing residents with a private space for their use and enjoyment.
- Two large flex rooms are proposed on the ground floor of the proposed development, to be used as common amenity areas such as a gym or party room. The flex rooms contain terraces which open to an outdoor amenity space on the south side of the property. The outdoor space will contain low level planting and fencing to separate the space from the public realm.
- Similarly, the site is in proximity to the previously mentioned recreational trails and spaces which provides residents ease of access to additional recreational opportunities.

Landscaped Open Space Strips Between Lot Line and Parking

Required: 3 m

Proposed: 2 m adjacent to front lot line; 1 m adjacent to exterior side lot line

The driveway for the proposed development is accessed via Sharon Avenue along the eastern property boundary. There is one parking stall that is located within the required 3 metre landscaped strip in this vicinity. The development proposes a 2 metre landscaped strip between the front yard and parking area which will include buffer plantings. The proposed 1 metre reduction to the required landscaped strip will not have a negative impact on the streetscape or surrounding land-uses and will still provide an appropriate buffer and screening from the street.

The parking area to the west of the building has a landscaped open space strip of 2.5 metres along the McLeod Road lot line (after the road widening is taken), except for the “back-out” areas of the two drive aisles which are adjacent to a 1.0 m landscaped strip. This parking area will be screened with plantings through the Site Plan process.

Yard Projections

Required: Unsupported Canopies: maximum projection of 0.45 metres into a required yard

Uncovered Balconies: maximum projection of 0.45 metres into required front yard

Proposed: Unsupported Canopies: maximum projection of 1.6 metres into a required yard

Covered Balconies: maximum projection of 1.2 metres into required yard exterior side yard

The City's Zoning By-law provides for a maximum Yard Projection of unsupported canopies and balconies of 0.45 metres into any required side yard. The development proposes a projection of 1.6 metres into a required yard for unsupported canopies over the building's entrance located on the east face of the building. Furthermore, the development proposes a projection of 1.2 metres into the required exterior side yard for private balconies. The requested increase is appropriate for the proposed development of the site, and can be supported for the following reasons:

- The proposed canopies and balconies are prominent architectural features and contribute to the breaking up the façade and increasing the visual appeal of the apartment building; and
- The proposed unsupported canopies will provide shelter from the elements for visitors and resident alike; and

Minimum Parking Per Unit

Required: 1.4 parking space per unit

Proposed: 1.25 parking space per unit

The proposed development is located on transit service and within walking distance to local amenities. The proposed reduction to 1.25 parking spaces per unit is supported.

8.0 Summary and Conclusion

The proposed development is located on McLeod Road within proximity to nearby commercial and recreational amenities. The location of the proposal is well serviced by existing transit and promotes the continued intensification along the McLeod Road Corridor. The proposed 50 rental units in an apartment configuration is a redevelopment of the Subject Lands and will contribute to providing housing choice in the City of Niagara Falls.

It is our opinion that the proposed Official Plan and Zoning By-law Amendments represent good land use planning, are in the public interest, and should be approved for the following reasons:

1. The proposal is consistent with the Provincial Policy Statement (2020) and is in conformity with the Growth Plan, Niagara Official Plan, and the City of Niagara Falls Official Plan;
2. The proposal will provide an opportunity for residential intensification in a regionally accessible location that is near the QEW and McLeod Road interchange;
3. The development will make efficient use of existing municipal services and facilities;
4. The proposed density is appropriate for the Subject Lands due to its location on a Regional and arterial road – McLeod Road. The location provides access to local public transit and other active transportation choices;
5. Zoning deficiencies, such as minimum landscaped open space area, are requested in order to provide surface parking for the proposed development. The cost of constructing underground parking would increase the proposed rental rates;
6. The proposal creates new purpose-built rental housing in the City of Niagara Falls with a mix of unit types, contributing to a more diversified mix of housing options, including attainable housing and units affordable to moderate income households; and
7. The development respects the surrounding neighborhood and built forms, and is appropriately scaled with the apartment block placed at the southeast corner of the site, minimizing any impacts on adjacent land-uses and contributing to a vibrant streetscape.

Report prepared by:



**Edan Nelson, BA Urban Studies,
Sustainability Studies**
Planner
NPG Planning Solutions Inc.

Report prepared by:



Lichheng Lim, BES Planning
Planner
NPG Planning Solutions Inc.

Report reviewed and approved by:

A handwritten signature in black ink that reads "A Butler". The signature is written in a cursive, slightly slanted style.

Aaron Butler, MCIP, RPP
Development Principal
NPG Planning Solutions Inc.

9.0 Appendices

Appendix A – Proposed Site Plan and Renderings

Appendix B – Regional Official Plan Schedules

Appendix C – City of Niagara Falls Official Plan Schedules

Appendix D – City of Niagara Falls Zoning By-law 79-300

Appendix E – City of Niagara Falls Draft Official Plan Amendment

Appendix F – City of Niagara Falls Draft Zoning By-law Amendment

Appendix G – Endnotes



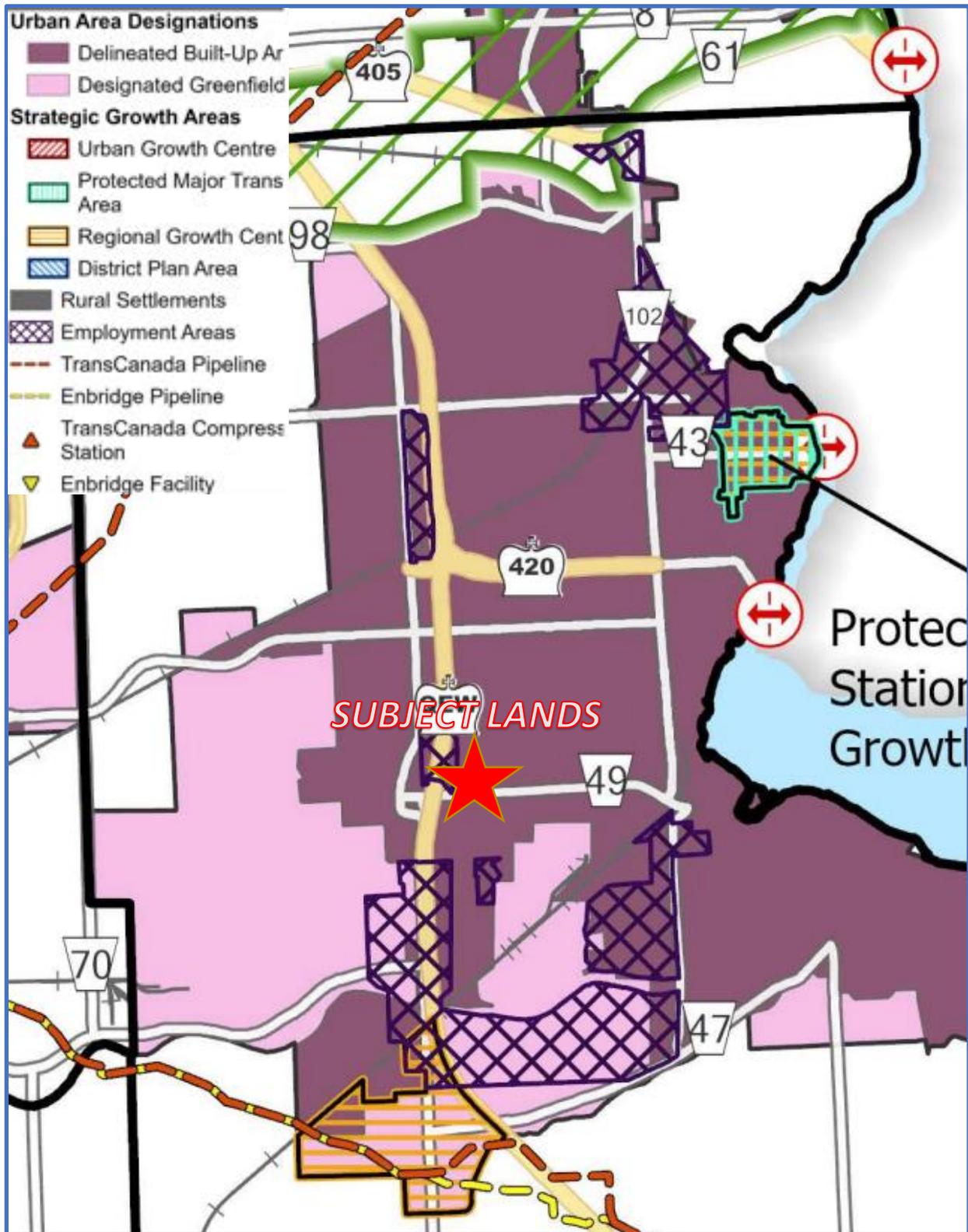
Rendering – Street View from McLeod Road



Rendering – Street View from Sharon Avenue

Appendix B – Regional Official Plan Schedules

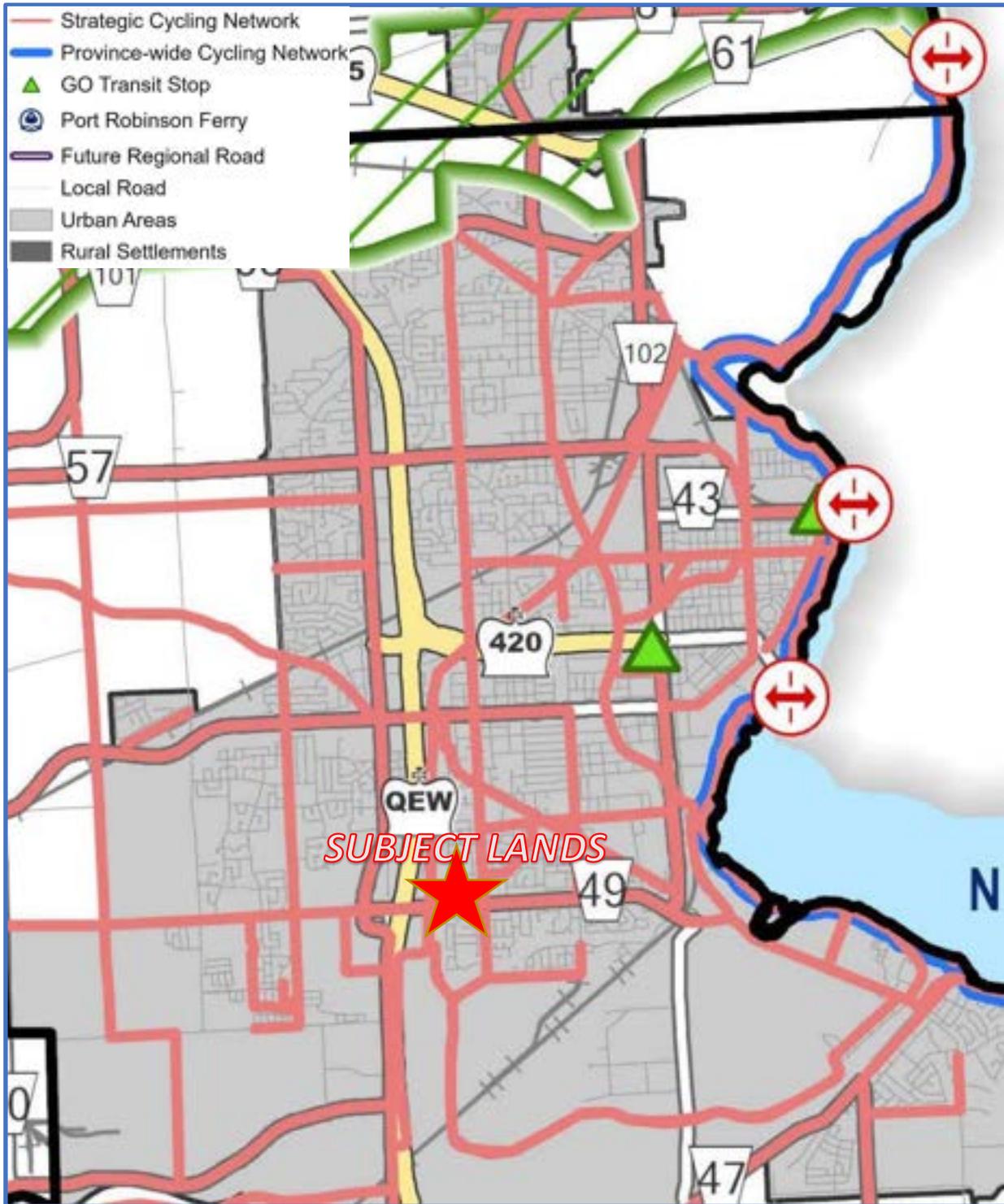
SCHEDULE B – REGIONAL STRUCTURE, *Delineated Built-up Area*



SCHEDULE J1 – TRANSPORTATION INFRASTRUCTURE, *On Regional Road 49*

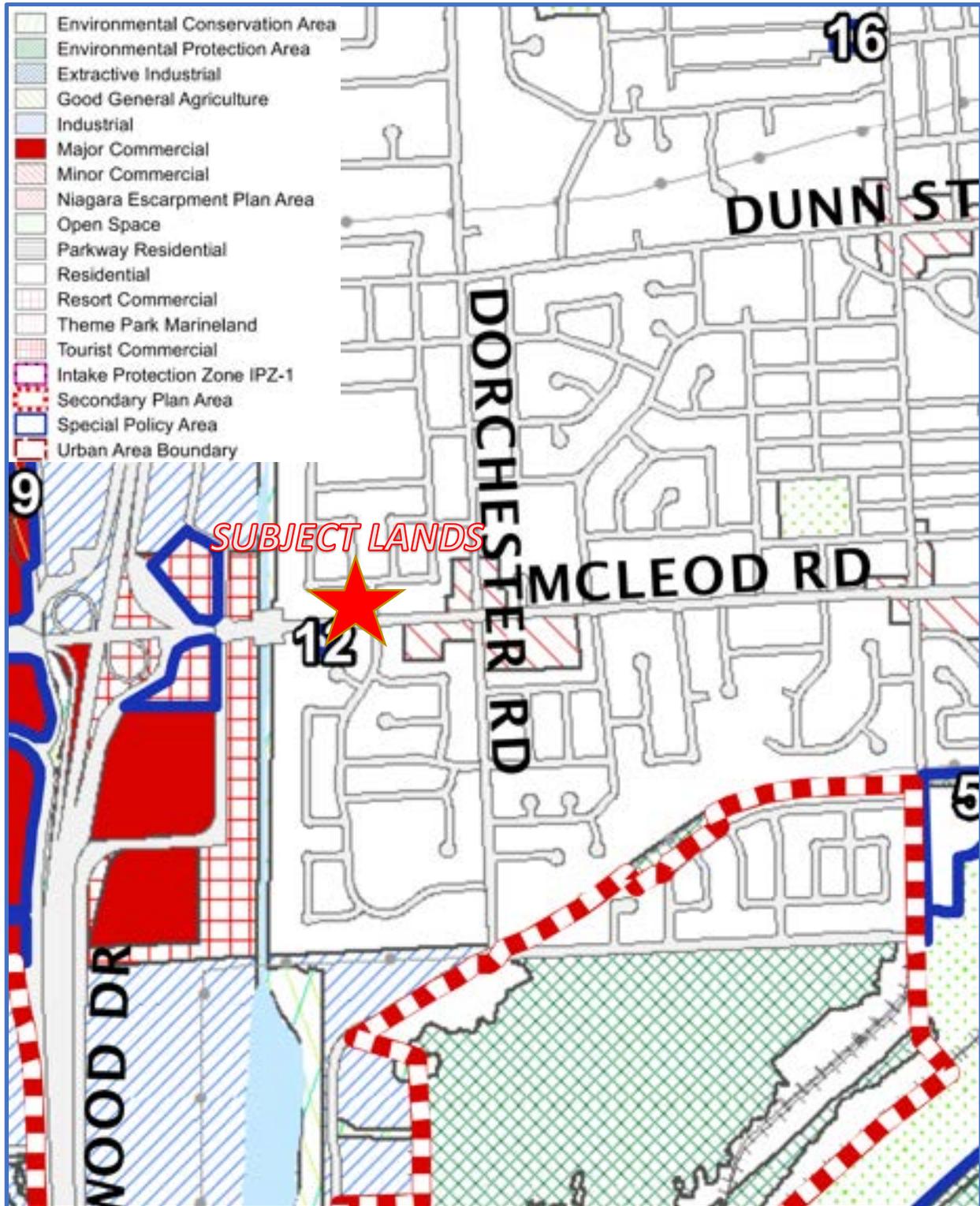


SCHEDULE J2 – STRATEGIC CYCLING NETWORK, *On Strategic Cycling Network*



Appendix C – City of Niagara Falls Official Plan Schedules

SCHEDULE A – FUTURE LAND USE, *Residential*

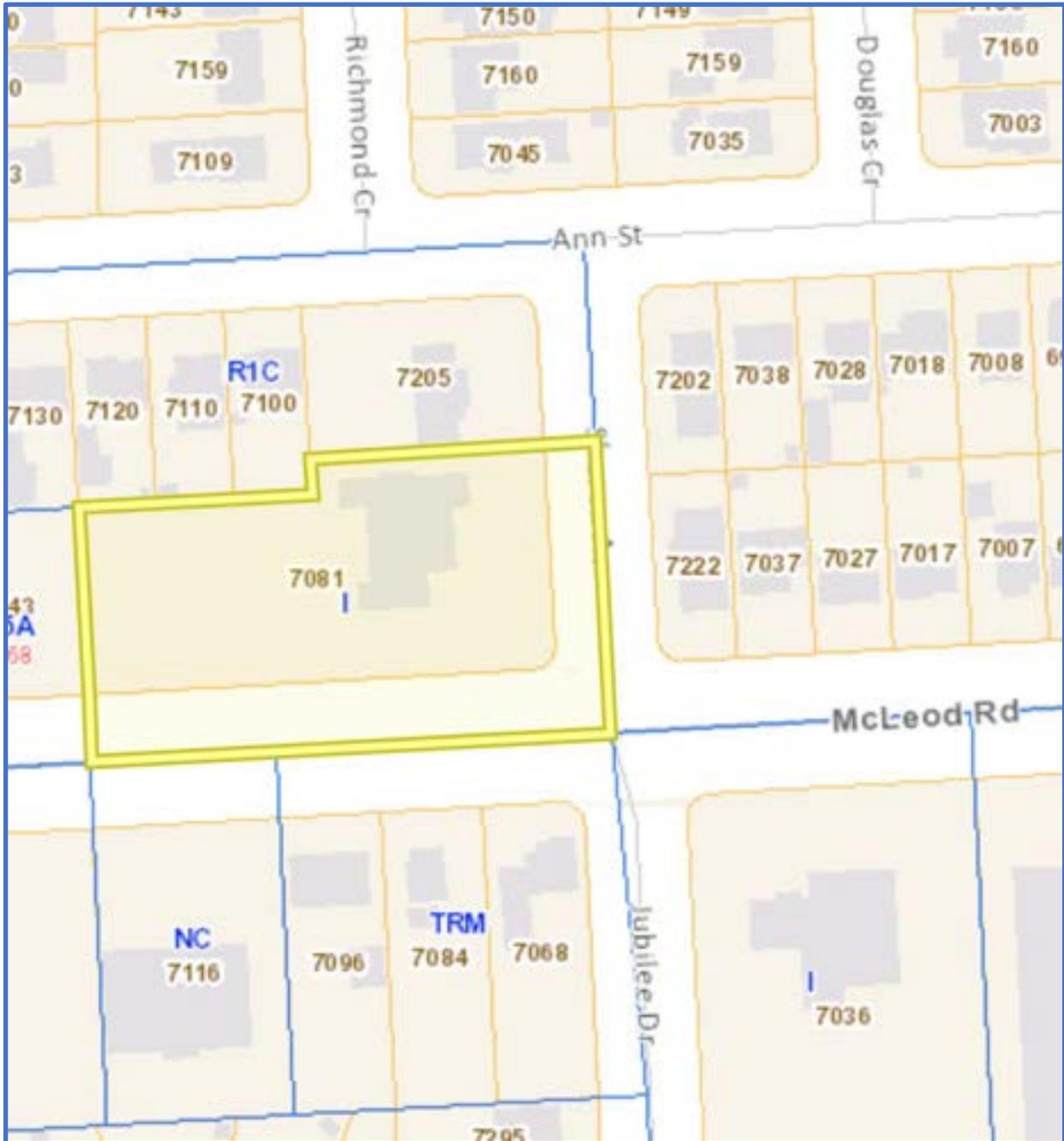


SCHEDULE C – MAJOR ROADS PLAN, *Arterial Road: McLeod Road*



Appendix D – City of Niagara Falls Zoning By-law 79-200

NIAGARA FALLS VIEWER – ZONING BY-LAW 79-200, *Institutional (I)*



Appendix E – Draft Official Plan Amendment

PART 2 - BODY OF THE AMENDMENT

All parts of this document consisting of the following text entitled PART 2 – BODY OF THE AMENDMENT, and attached map constitute Amendment No. XX 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

Schedule “A” to the Official Plan - Future Land Use, is hereby amended by redesignating the lands identified on Map 1 attached hereto, and forming part of the amendment, as Residential Special Policy Area “YY”.

2. TEXT CHANGE

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

13.YY SPECIAL POLICY AREA “YY”

Special Policy Area “YY” applies to 0.36 hectares of land on the north side of McLeod Road, and east side of Sharon Avenue, being comprised of Lots 81 to 86 and Part of Lots 56 to 58 on Registered Plan No. 193. Notwithstanding the policies of Part 2, Section 1.15.5, the maximum density shall be 147 units per hectare.

Appendix F – Draft Zoning By-law Amendment

CITY OF NIAGARA FALLS BY-LAW NO. 2022-XX

A BY-LAW TO AMEND BY-LAW NO. 79-200, TO REZONE THE LANDS TO RESIDENTIAL APARTMENT 5E DENSITY (R5E-XX) SITE SPECIFIC ZONE (AM-2022-XX).

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 as described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to change the zoning of the Lands identified in Schedule 1 from “Institutional Zone (I Zone)” to “Residential Apartment 5E Density Site-Specific Zone (R5E-XX)”.
3. The purpose of this by-law is to amend the provisions of By-law 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
4. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
5. The permitted uses shall be the uses permitted in the R5E Zone.
6. The regulations governing the permitted uses shall be:
 - (a) Minimum Front Yard Depth 4.3 metres
 - (b) Minimum Exterior Side Yard Width 4.6 metres
 - (c) Minimum Landscaped Open Area 20%
 - (d) Minimum Amenity Area Per Unit 10.5 m² per dwelling unit
 - (e) Minimum width of Landscaped Open Space Strip 2.0 metres adjacent to front lot line
1.0 metres adjacent to exterior side lot line
 - (f) Minimum Parking 1.25 per dwelling unit
 - (g) Yards Unsupported canopies may project a distance of not more than 1.6 metres.

Appendix G – Endnotes

ⁱ **Rentals.ca Data:** The data used in this analysis is based on monthly listings from the Rentals.ca Network of Internet Listings Services (ILS). This data differs from the numbers collected and published by the Canada Mortgage Housing Corporation (CMHC).

The Rentals.ca Network of ILS's data covers both the primary and secondary rental markets and includes basement apartments, rental apartments, condominium apartments, townhouses, semi-detached houses, and single-detached houses. CMHC's primary rental data only includes purpose-built rental apartments and rental townhouses. CMHC also collects data on secondary market rentals, but this is reported separately.

CMHC's rental rates are based on the entire universe of purpose-built rental units (rental stock), regardless of rental tenure. CMHC rental rates are reflective of what the average household spends on rental housing and not the current market rents for vacant units. The data used in the Rental.ca report is based on the asking rates of available (vacant) units only and reflect on-going trends in the market. This covers a smaller sample size but is more representative of the actual market rent a prospective tenant would encounter. The Rentals.ca Network of ILS's data typically provides much higher rental rates compared to CMHC, as vacant units typically reset to market rates when not subject to rent control.

The average and median rental rates in this report can also skew higher than CMHC's data for the following reasons: the inclusion of larger more expensive unit types such as single-family homes, townhouse units, and large luxury condominium units; the presence of duplicate or multiple listings at the same property and the survivorship bias where more expensive or over-priced units take longer to lease and remain in the sample longer.

Properties listed for greater than \$5,000 per month, and less than \$500 per month are removed from the sample. Similarly, short-term rentals, single-room rentals, and furnished suites are removed from the sample when identifiable.