

UEM PROJECT NO.: 22-215

DATE: JUNE 2023

PLANNING JUSTIFICATION REPORT PREPARED FOR:

1000110629 ONTARIO LIMITED

**PLANNING JUSTIFICATION REPORT
ZONING BY-LAW AMENDMENT
5504 LEWIS AVENUE, NIAGARA FALLS**



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1.0 INTRODUCTION

1.1 PROPONENT AND AGENT

Urban & Environmental Management Inc. (UEM) was retained by the proponent, Mr. John Wang to assist with an application for a Zoning By-law Amendment (ZBA) in support of the conversion of an existing mixed-use building to a stand-alone residential apartment building at 5504 Lewis Avenue in the City of Niagara Falls.

1.2 PRE-CONSULTATION

A pre-consultation meeting with City of Niagara Falls Planning and Infrastructure staff, as well as Niagara Region Planning staff was held on November 17, 2022. The meeting was attended by the proponent and UEM. Formal minutes of the pre-consultation meeting were prepared and issued by the City. At the pre-consultation meeting, the following supporting studies were identified as required in support of the ZBA:

- Planning Justification Report
- Functional Servicing Brief (3rd Party Infrastructure Modelling may be required)
- Conceptual Site Plan
- Record of Site Condition

1.3 APPLICATIONS TO BE SUBMITTED

A Zoning By-law Amendment application and supporting documentation are being submitted by the proponent to the City of Niagara Falls.

1.4 PURPOSE OF THE PLANNING JUSTIFICATION REPORT

The purpose of this Planning Justification Report is to analyze the proposed development in consideration of relevant Provincial, Regional, and Municipal planning documents and policies. The conformance of the proposed development is evaluated, and where deviations exist, justification is provided, or mitigation measures are proposed (as required).

2.0 SITE CONTEXT

2.1 SITE DESCRIPTION (EXISTING)

The subject property is located at 5504 Lewis Avenue in the City of Niagara Falls. There is an existing mixed-use building that has a non-operational grocery store and two residential units on the first floor, as well as three residential units and a laundry room on the second floor.

The property is located on the east side of Lewis Avenue. The property has a lot frontage of 30.82 m, a lot depth of 42.67 m and an area of 1,315.32 m². The legal description of the property is Plan 1063, Part Lots 6,7 and 8.

Figure 2-1 shows the location of the Site and the approximate boundaries of the property. **Figure 2-2** shows a streetview photograph of the existing building and property.



Figure 2-1: Site Location and Approximate Property Boundaries (Source: Niagara Navigator)



Figure 2-2: Streetview of the Existing Building on the Subject Property (Source: Google Maps)

2.2 SURROUNDING LAND USES

Land uses surrounding the properties are as follows:

- North – Immediately north of the property is Lewis Avenue and then Kitchener Park.
- East – Immediately east of the property are single-detached residential dwellings.
- South – Immediately south of the property are single-detached residential dwellings.
- West – Immediately west of the property is Lewis Avenue and further west is a large parking lot and building (formerly Niagara Falls Memorial Arena) zoned Tourist Commercial.

2.3 IDENTIFICATION OF ANY CONSTRAINTS AFFECTING THE SITE

UEM and the proponent are not aware of any constraints affecting the subject property.

2.4 IDENTIFICATION OF ANY LANDS REGULATED BY NPCA

There are no lands regulated by the Niagara Peninsula Conservation Area (NPCA) on or in close proximity to the subject property. It was confirmed during the pre-consultation process that the NPCA had no further requirements related to this proposed rezoning.

2.5 IDENTIFICATION OF ANY OTHER KNOWN DEVELOPMENT PROPOSALS

UEM and the proponent are not aware of any other development proposals that have the potential to affect the site.

3.0 DESCRIPTION OF PROPOSAL

3.1 EXISTING AND PROPOSED LAND USES ON THE PROPERTIES

The property currently has a mixed-use building that has a non-operational grocery store and two residential units on the first floor, as well as three residential units and a laundry room on the second floor. The remainder of the property is used for parking. The proponent is proposing to convert the grocery store into two additional residential units. No physical changes are proposed to the exterior of the building. The existing angled parking will be removed and parking will be moved to the rear of the property with two spaces along the side of the property. The existing covered structure at the rear of the property will be removed. A 2-metre-wide landscape step will be added at the rear of the property.

A conceptual site plan prepared in support of the ZBA application showing the layout of the property is included in **Appendix A**.

3.2 PLANNING HISTORY OF THE SITE

The property is currently designated Tourist Commercial in the Niagara Falls Official Plan (**Appendix B**), and zoned Deferred Tourist Commercial (DTC) in the Niagara Falls Zoning By-law (**Appendix C**). The property was approved for a site-specific Zoning By-law Amendment on August 26th, 1985 (By-law 1985-155). It is also part of a larger area that underwent a tourist parking requirement amendment, which was approved on July 24th, 2012 (By-law 2023-060). No further planning history for the property is known.

3.3 SITE SERVICING

Site servicing for the subject property includes:

- Municipal sewers and water
- Storm sewer

- Natural gas
- Electricity
- Communications (telephone and internet)

3.4 DESCRIPTION OF PREVIOUS CONSULTATIONS WITH RELEVANT AGENCIES

As noted, a pre-consultation meeting was held with City Staff on November 17, 2022. The history of any other previous consultations with City staff or relevant agencies is unknown.

3.5 PROPOSED MODIFICATIONS TO ZONING BY-LAW PROVISIONS

The property is currently zoned Deferred Tourist Commercial (DTC), which does not permit the proposed conversion of the mixed-use building to a stand-alone residential building. Therefore, to permit the proposed development, it is proposed that the subject property be rezoned to a Residential Apartment 5A (R5A) zone.

3.6 TECHNICAL SUPPORTING STUDIES REQUIRED

At the pre-consultation meetings, it was identified that the following were required to support the ZBA:

- Planning Justification Report
- Functional Servicing Brief (Note – In discussion with Mr. Brian Kostuk, it was confirmed that 3rd Party Infrastructure Modelling would not be required)
- Conceptual Site Plan

Regional Niagara also requested that a Record of Site Condition be obtained. This requirement was waived by the City's Deputy Chief Building Official as it was considered to meet the exemption criteria of Section 15 (i) of Ontario Regulation 153-04. **Appendix D** includes the email confirming the exemption.

4.0 POLICY AND PLANNING ANALYSIS

In support of the required ZBA, a summary and analysis of relevant planning documentation is provided. Planning guidance documents addressed include Provincial (i.e. *Provincial Policy Statement* and *Growth Plan for the Greater Golden Horseshoe*), Regional (*Niagara Region Official Plan*) and Municipal (*City of Niagara Falls Official Plan* and *Zoning By-Law*). The purpose of this review is to identify and consider relevant policies and discuss the appropriateness and conformity of the requested amendments with those policies.

4.1 PROVINCIAL POLICY STATEMENT

The Provincial Policy Statement (PPS, 2020) provides policy direction on matters of Provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land while protecting resources of provincial interest, public health and safety, and the quality of the natural environment.

The policies of the PPS may be complemented by Provincial Plans or by locally generated policies regarding matters of municipal interest. The Planning Act sets a minimum standard that requires all municipal planning decisions 'to be consistent with' the policies of the PPS. Together the PPS and Municipal Official Plans provide a framework for comprehensive, integrated and long-term planning.

4.1.1 ANALYSIS OF PROVINCIAL POLICY STATEMENT

In Part IV – Vision for Ontario's Land Use Planning System the PPS states:

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public services. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel.

The proponent is proposing to convert the commercial portion of the existing mixed-use building to residential apartments. This would provide additional housing close to employment opportunities, as well as essential amenities, which can be easily accessed through active transportation and transit. These support the PPS vision statement above.

Table 4-1 provides an analysis of the proposed development compared to relevant PPS policies.

Table 4-1: Results of Review of the Provincial Policy Statement (PPS)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.1.1 b)	<p>Healthy, liveable and safe communities are sustained by:</p> <p>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.</p>	The conversion of the commercial grocery store to residential apartment units will provide additional housing options in the City of Niagara Falls.
Section 1.1.1 c)	<p>Healthy, liveable and safe communities are sustained by:</p> <p>c) Avoiding development and land use patterns which may cause environmental or public health and safety concerns.</p>	No additions to the existing building will be constructed. Therefore, there would be no impact to the surrounding area.
Section 1.1.1 d)	<p>Healthy, liveable and safe communities are sustained by:</p> <p>d) Avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas.</p>	The subject property is already within the settlement area and is developed. No additions to the existing building are being proposed. Therefore, the proposed land use has no impact on the ability to efficiently expand the settlement area.
Section 1.1.1 e)	<p>Healthy, liveable and safe communities are sustained by:</p> <p>e) Promoting cost-effective development patterns and standards to minimize land consumption and servicing costs.</p>	The subject property is already developed, and no additions to the existing building are being proposed. Therefore, the proposed development will not consume any new greenfield land.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.1.1 g)	Healthy, liveable and safe communities are sustained by: (g) Ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs	The subject property is currently connected to and will continue to utilize existing infrastructure along Lewis Avenue. Therefore, no new infrastructure is required.
Section 1.1.3.1	Settlement areas shall be the focus of growth and development.	The subject property is within the City of Niagara Falls urban area.
Section 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; c) minimize negative impacts to air quality and climate change, and promote energy efficiency; d) prepare for the impacts of a changing climate; e) support active transportation; f) are transit-supportive, where transit is planned, exists or may be developed; and g) are freight-supportive.	The subject property is located within an existing settlement area and will continue to utilize existing municipal infrastructure. Further, as no additions to the existing building are being proposed on the property, there would be no negative impacts to air quality resulting from any development. The property is also located in an area with employment opportunities and essential amenities located nearby, which supports transit and active transportation.
Section 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.	The proposal will intensify the residential use of the property. No buildings or structures are being added to the property, therefore no impacts to the surrounding area will occur.
Section 1.4.1 a)	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall: a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development.	The proposal to convert the commercial grocery store into additional residential apartments will provide new residential housing options in the City of Niagara Falls and assist in maintaining the residential housing stock in the area.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 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.	The subject property will continue to utilize existing municipal infrastructure.

4.1.2 SUMMARY OF PPS ANALYSIS

The proposed rezoning of 5504 Lewis Avenue to allow the commercial grocery store in the existing mixed-use building to be converted to new residential apartments will provide new housing options in the City of Niagara Falls. The property is also located close to employment opportunities and essential amenities, supporting the use of transit and active transportation. No additions to the existing building are being proposed and it will continue to utilize existing municipal infrastructure. Based on this, it is concluded that the project is consistent with the policies set out in the PPS (2020).

4.2 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

The Province of Ontario’s *Growth Plan for the Greater Golden Horseshoe* (GGH) (updated August 2020) was developed to create more livable, sustainable, and efficient communities in conjunction with significant anticipated population and economic growth in the Province. The Growth Plan was prepared under the *Places to Grow Act, 2005*, and is a framework for implementing the Government of Ontario’s vision for building stronger, prosperous communities by better managing growth in the GGH. The Plan is intended to guide decisions on a wide range of issues including land-use planning, housing, and natural heritage and resource protection.

The Growth Plan builds on other key government initiatives including the Greenbelt Plan, Planning Act reform and the Provincial Policy Statement. The Growth Plan does not replace Municipal Official Plans but works within the existing planning framework to provide growth management policy direction for the GGH.

4.2.1 ANALYSIS OF GROWTH PLAN POLICIES

The subject property is within the City of Niagara Falls Urban Boundary, which is considered to be a “Settlement Area” in the Growth Plan. There are several components of the Growth Plan that provide guidance for this project. **Table 4-2** includes review of relevant policies in the Growth Plan in relation to the proposed development.

Table 4-2: Results of Review of the Growth Plan for the Greater Golden Horseshoe (GGH)

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Section 1.2	<p>Vision for the GGH states:</p> <p><i>The GGH will have sufficient housing supply that reflects market demand and what is needed in local communities. Thriving, livable, vibrant, and productive urban and rural areas will foster community health and individual well-being. The region will be supported by modern, well-maintained, sustainable, and resilient infrastructure built in accordance with a broad plan for managing growth. Residents will have easy access to food, shelter, education, health care, arts and recreation, and information technology.</i></p>	<p>The proposal will provide additional housing options in the City of Niagara Falls and will continue to use existing municipal infrastructure, without any requirement for additional connections to the municipal infrastructure.</p>
Section 2.2.1	<p>Managing Growth states that:</p> <p>Forecasted growth to the horizon of this Plan will be allocated based on the following:</p> <p>a) the vast majority of growth will be directed to settlement areas that:</p> <ul style="list-style-type: none"> 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. <p>c) within settlement areas, growth will be focused in:</p> <ul style="list-style-type: none"> 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. 	<p>The subject property is located within the Urban Boundary of the City of Niagara Falls.</p>

4.2.2 SUMMARY OF GROWTH PLAN ANALYSIS

The proposed conversion of the commercial grocery store to additional residential apartments in the existing building at 5504 Lewis Avenue supports the primary objective of the Growth Plan to direct growth to settlement areas and to utilize existing municipal infrastructure. It is concluded that the proposal satisfies the objectives of the Growth Plan for the Greater Golden Horseshoe.

4.3 NIAGARA REGION OFFICIAL PLAN

The property is located within the “Delineated Built-Up Area” of Niagara Region’s Urban Area for the City of Niagara Falls as identified on Schedule B of the Niagara Region Official Plan (2022). Development proposals within Urban Areas are subject to the availability of adequate municipal water, sanitary sewer, and stormwater and road services.

4.3.1 ANALYSIS OF NIAGARA REGION OFFICIAL PLAN POLICIES

The Niagara Region Official Plan has two basic functions: first to provide guidelines for the location and type of development in both urban and rural areas and second, to identify the environmental resources of the Region and to develop measures for their protection and management. **Table 4-3** summarizes the review of applicable Niagara Region Official Plan policies with respect to this proposed rezoning.

Table 4-3: Summary of Applicable Regional Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
2.2	The objectives of this [Regional Structure] section are as follows: a) manage growth within urban areas; b) accommodate growth through strategic intensification and higher densities.	The proposed development is within the existing urban boundary and is an intensification opportunity.
2.2.1	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; c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.	The proposed development will intensify the residential use of the property and increase the density of an existing property. It will also provide additional housing options.
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: areas with existing or planned public service facilities.	The subject property is within an urban area, will intensify an existing the residential use of the property and will utilize existing municipal infrastructure.
2.3.1.3	The forecasts in Table 2-1 will be used to maintain, at all times: a) the ability to accommodate residential growth for a minimum of 15 years through residential intensification, and lands designated and available for residential development.	The proposed development will provide new housing in the City of Niagara Falls through intensification and will contribute to accommodating the Region’s population forecasts.
2.3.1.5	New residential development and residential intensification should incorporate universal	No additions to the existing building are being proposed, however interior

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	design standards to meet housing needs at all stages of life.	design standards will be followed when developing the new apartment units.
5.2.2.12	Within urban settlement areas full municipal services are the preferred form of servicing.	The proposed development will utilize existing full municipal infrastructure.

4.3.2 SUMMARY OF NIAGARA REGION OFFICIAL PLAN ANALYSIS

The Niagara Region Official Plan policies require consideration related to proposals in built-up urban areas. The proposed conversion of the commercial grocery store to residential apartments in the existing mixed-use building at 5504 Lewis Avenue meets the intent of the Niagara Region Official Plan, as the property is located in a Delineated Built-Up Area in the urban area of Niagara Falls, will provide new housing options in the City and will utilize existing municipal infrastructure.

4.4 CITY OF NIAGARA FALLS OFFICIAL PLAN

The Official Plan for the City of Niagara Falls outlines the long-term objectives and policies of the City with respect to the growth and development of urban lands, the protection of agricultural lands, the conservation of natural heritage areas, and the provision of the necessary infrastructure.

4.4.1 ANALYSIS OF CITY OF NIAGARA FALLS OFFICIAL PLAN POLICIES

The property is designated Tourist Commercial in the City of Niagara Falls Official Plan and is located within the Clifton Hill Tourist District. The Tourist Commercial designation in this district permits a variety of commercial and entertainment uses, including hotels, motels and other tourist-related uses, as well as appropriate development types in areas where non-tourist uses are the dominant land use (i.e. in residential neighbourhoods). **Table 4-4** provides an analysis of the proposed development relative to the relevant policies of the City of Niagara Falls Official Plan.

Table 4-4: Summary of Applicable City of Niagara Falls Official Plan Policies

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Schedule A – Land Use Plan	Subject property is identified as “Tourist Commercial”	The proponent is proposing to rezone the property from Deferred Tourist Commercial (DTC) to Site-Specific Residential Apartment 5A (R5A).
Part 1, Section 2 – Growth Objectives	<ol style="list-style-type: none"> 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 6. To accommodate growth in accordance with the household, population and 	The property is located within an urban area. The proposed conversion of the commercial grocery store to residential apartment units will increase the density of the property and provide additional housing options in the City of Niagara Falls, accommodating population growth and

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	<p>employment forecasts of the Region’s Comprehensive Review</p> <p>7. To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2 by the year 2015</p> <p>9. To encourage alternative forms of transportation such as walking, cycling and public transit</p> <p>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</p>	<p>contributing to the residential growth targets in the City.</p> <p>The property is located close to employment opportunities and essential amenities, supporting the use of transit and active transportation.</p> <p>Further, the property will continue to use existing municipal infrastructure.</p>
Part 1, Section 2.3	The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1	The property is located within the urban area and the proposed development will contribute to housing targets in the City.
Part 1, Section 2.4	The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3	The proposed development will increase the density of the property and utilize the existing building, as well as existing municipal infrastructure.
Part 1, Section 2.5	Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure	The property is located within the urban area and will continue to utilize existing municipal infrastructure.
Part 1, Section 3.1 – Intensification General Policies	Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publicly assessed. Proposals of sufficient land area shall be developed through plans of subdivision	The proponent is proposing to rezone the property from Deferred Tourist Commercial (DTC) to site-specific Residential Apartment 5A (R5A) to permit the conversion of the commercial grocery store to additional residential apartments. This will intensify the residential use of the property.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
Part 1, Section 3.2 – Intensification General Policies	The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.15.5(iii)	The proposed development will utilize an existing building in a Tourist Commercial designated area. No major external changes to the building are being proposed.
Part 2, Section 1.2 – Residential General Policies	<p>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:</p> <p>1.2.1 Multiple unit developments, smaller lot sizes and innovative housing forms</p> <p>1.2.2 Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock</p> <p>1.2.3 The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development</p>	The proposed development will result in the existing mixed-use commercial and residential building being converted entirely to a multiple unit residential apartment building. The development will utilize an existing building on an existing property.
Part 2, Section 1.15 – Built Up Area	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 proposed development will provide new residential apartments through intensification of the site, providing new housing units in the City of Niagara Falls.
Part 2, Section 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	The proposed development will utilize an existing building on an existing property that is already established as part of the neighbourhood’s streetscape/built form.
Part 2, Section 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	The proposed development will utilize an existing building on an existing property. The height of the building will not change.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	complementary arrangement of residential uses	
Part 2, Section 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 Built Up Area so that at any one time a variety of housing types will be available suitable for different age groups, household sizes and incomes	The proposed development will increase the density of the property and provide additional residential apartments in a multiple unit apartment building. Further, the property is located in the Built Up Area.
Section 4.2.19 – Clifton Hill Subdistrict	Given the extensive area encompassed by the Clifton Hill Subdistrict and the large tracts of land occupied by non-tourist serving uses, such as industry, housing and schools, discretion shall be exercised in phasing tourist commercial development into these areas in order to concentrate tourism activities along the streets of Clifton Hill, Victoria Avenue and Ferry Street, and to minimize impacts on existing land uses. To accomplish this phasing, the implementing Zoning By-law shall defer tourism development until expansion is required and adequate services are available.	The property is located in an established residential neighbourhood inside of the Clifton Hill Tourist Commercial Subdistrict. The proposal to convert the existing mixed-use building entirely to a residential apartment building will conform with the surrounding residential uses.
Part 3, Section 1.2.4 – Water and Sanitary Sewage	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.	The property is currently utilizing, and will continue to utilize, existing municipal water and sanitary sewer infrastructure.
Part 3, Section 1.3.1 – Storm Drainage	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,	The property is currently utilizing, and will continue to utilize, existing municipal storm sewer infrastructure.

Policy Identifier	Policy Text	Is the Proposed Development Consistent with this Policy?
	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.	

4.4.2 SUMMARY OF CITY OF NIAGARA FALLS OFFICIAL PLAN ANALYSIS

The subject property is currently designated Tourist Commercial and is within the Clifton Hill Tourist District. The proposed conversion of the commercial grocery store to additional residential apartments in the existing mixed-use building will provide new housing options within the City of Niagara Falls within the Built Up Area. The development will intensify the residential use of the property and increase the density. Further, the property will not be physically changed and will continue to utilize existing municipal infrastructure. Therefore, it is concluded that the proposed rezoning of the subject property is consistent with the City of Niagara Falls Official Plan.

4.5 CITY OF NIAGARA FALLS ZONING BY-LAW

4.5.1 EXISTING ZONING

The property is currently zoned Deferred Tourist Commercial (DTC) as identified in the City of Niagara Falls Zoning By-law 79-200. The DTC Zone acts similar to a holding zone in areas designated as Tourist Commercial in the Niagara Falls Official Plan. Many older residential subdivisions exist in the Tourist Commercial area, so the DTC zone is used to ensure they are appropriately transitioned from residential to commercial uses in a way that will not abruptly alter the neighbourhoods.

4.5.2 PROPOSED ZONING

The proposal is to amend the current Deferred Tourist Commercial (DTC) zoning to a site-specific Residential Apartment 5A (R5A) Zone, which will permit the conversion of the commercial grocery store to additional residential apartments in the existing building. **Tables 4-5** summarizes the required zoning provisions for the property.

Table 4-5: Zoning Provisions for 5504 Lewis Avenue

Parameter	R5A Requirements	Existing Dimensions	Meets Requirement?
Minimum Lot Area	200 m ² per dwelling unit	185.7 m ² per dwelling unit	No – Existing condition, no changes proposed to existing units in building. Site specific zoning required to recognize existing condition.
Minimum Lot Frontage	30 m	30.824 m	Yes

Minimum Front Yard Depth	7.5 m	2.57 m	No – Existing condition, no changes proposed to the building to increase existing front yard setback. Site specific zoning required to recognize existing condition.
Minimum Rear Yard Depth	10 m	18.63 m	Yes
Minimum Interior Side Yard Width	One-half the height of the building	1.83 m	No – Existing condition, no changes proposed to the building to increase interior side yard setback. Site specific zoning required to recognize existing condition.
Minimum Exterior Side Yard Width	7.5 m	N/A	N/A
Maximum Lot Coverage	30%	27.4%	Yes
Maximum Height of Building	10 m	7.1 m	Yes
Number of Apartment Dwellings on One Lot	1	1	Yes
Parking	In Accordance with Zoning By-law Sections 4.19.1 – 1.4 Spaces per Dwelling Unit 7 units x 1.4 spaces = 9.8 parking spaces	10 parking spaces	Yes
Accessory Buildings	In Accordance with Zoning By-law Sections 4.13 and 4.14	N/A	N/A

Minimum Landscaped Open Space	30% of Lot Area	14% of Lot Area	No – Currently there is no landscaped open space area. Proposing to add 2 m landscape strip along rear of property. Open space/amenity area along rear of building will be available outside of minimum parking aisle width. The landscaped open space area will increase from 0% currently to 14%. This is still below the zoning by-law requirement and therefore, a site-specific zoning will be required.
Minimum Amenity Space for an Apartment Dwelling Unit	In Accordance with Zoning By-law Sections 4.44 – 20 m ² per Dwelling Unit 7 units x 20 m ² = 140 m ² of amenity area	143 m ²	Yes – includes 73 m ² area at rear of building and 70 m ² landscaped buffer area.

4.5.3 DRAFT ZONING BY-LAW AMENDMENT

The proponent is proposing a Site-Specific Residential Apartment 5A (R5A) Zone with the following site-specific provisions to allow for the existing building to be utilized as a stand-alone residential apartment building:

- Reduced Minimum Lot Area of 185.7 m² per dwelling unit
- Reduced Minimum Front Yard Setback of 2.57 m
- Reduced Interior Side Yard Setback of 1.83 m
- Reduced Minimum Landscaped Open Space of 14%

5.0 CONCLUSIONS AND RECOMMENDATIONS

5.1 CONCLUSIONS

Based on the analysis of relevant planning documentation in this Planning Justification Report and the Conceptual Site Plan prepared in support of the Zoning By-Law Amendment application, the following is concluded with respect to the proposed rezoning of 5504 Lewis Avenue in the City of Niagara Falls.

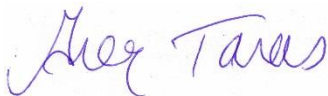
- The proposed development meets the intent of the Provincial Policy Statement, as it will contribute to the housing stock in the area and utilizes existing municipal infrastructure.

- The proposal meets the intent of the Growth Plan, because the subject property is within an urban area and will aid in accommodating future residential growth within the urban area.
- The proposed development supports the policies within the Niagara Region Official Plan, as the subject property is located within the Built-Up Area of Niagara Falls, will offer new housing options in an existing building to the area and will utilize existing municipal infrastructure.
- The proposed rezoning and conversion to a residential apartment building is consistent with the Tourist Commercial designation, as it is an appropriate use for the established residential neighbourhood in the Clifton Hill Tourist Commercial Subdistrict. Further, existing municipal infrastructure will continue to be utilized.
- The proposed rezoning of the subject property from Deferred Tourist Commercial (DTC) to Site-Specific R5A will permit the conversion of the existing mixed-use commercial and residential building to a fully residential apartment building, which is supported by the planning policies analyzed in this Planning Justification Report. Site specific zoning requirements are as follows:
 - Reduced Minimum Lot Area of 185.7 m² per dwelling unit
 - Reduced Minimum Front Yard Setback of 2.57 m
 - Reduced Interior Side Yard Setback of 1.83 m
 - Reduced Minimum Landscaped Open Space of 14%

5.2 RECOMMENDATIONS

Based on the analysis presented in the Planning Justification Report, it is recommended that City of Niagara Falls Council approve the Zoning By-Law Amendment application to rezone the property at 5504 Lewis Avenue in the City of Niagara Falls from a Deferred Tourist Commercial zoning, to a Site Specific-Residential Apartment 5A zoning to permit the conversion of the commercial grocery store to additional residential apartment buildings in the existing building.

Report Prepared By:



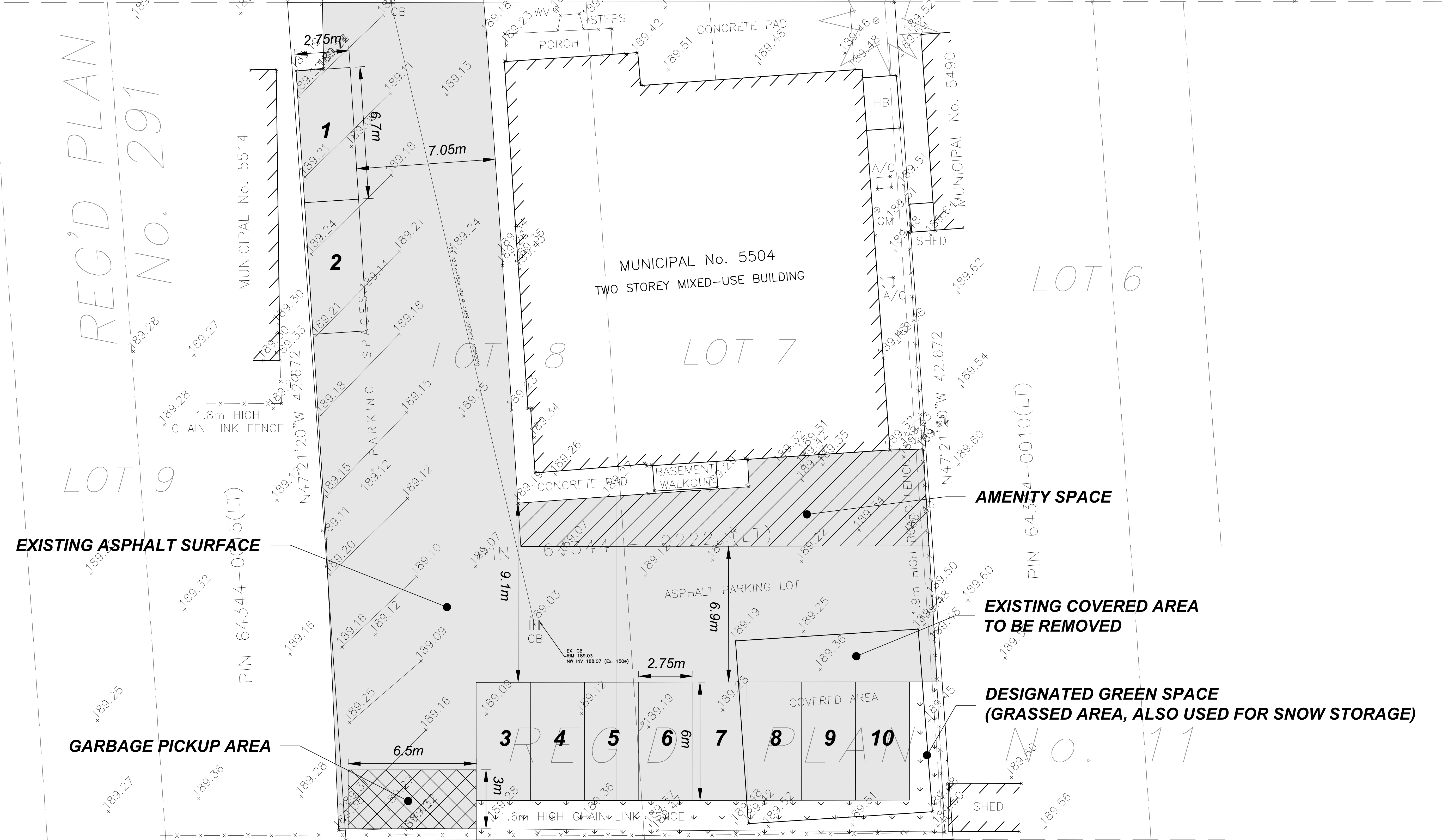
Greg Taras, RPP
Senior Planner

Appendix A

Site Plan

LEWIS AVENUE

REG'D PLAN
No. 291



EXISTING ASPHALT SURFACE

AMENITY SPACE

EXISTING COVERED AREA TO BE REMOVED

DESIGNATED GREEN SPACE (GRASSED AREA, ALSO USED FOR SNOW STORAGE)

GARBAGE PICKUP AREA

VERIFY SCALE
BAR IS 25mm ON ORIGINAL DRAWING.
IF NOT 25mm ON THIS SHEET, ADJUST SCALES ACCORDINGLY.

DSGN	JS
DR	JS
CHK	0
APVD	0

STAMP

5504 LEWIS AVENUE, NIAGARA FALLS
SITE PLAN



UEM No. 22-215
SCALE HORZ. 1 : 100
DWG. No. 01
MUN. REF No.

NOTES

- The position of pole lines, conduits, watermain, sewers, and other underground and above ground utilities and structures is not necessarily shown on the contract drawings, and, where shown the accuracy of the position of such utilities and structures is not guaranteed. Before starting work, the contractor shall identify the exact location of all such utilities and structures and shall assume liability for damage to them.
- Check all dimensions and report any inconsistencies to the Engineer before proceeding with the work - DO NOT SCALE DRAWINGS.
- This drawing is an instrument of Professional Service and is intended for use only in connection with the project covered by the Engineering Agreement.
- Urban & Environmental Management Inc. does not assume any responsibility for losses, damages, and costs arising from use or misuse of this drawing by persons, firms, or corporations without prior written consent of Urban & Environmental Management Inc.
- Copyright Urban & Environmental Management Inc., 2015. All rights reserved. No part of this drawing may be reproduced in any form or by any means without the written permission of Urban & Environmental Management Inc.

No.	DATE	REVISION	No.	No.
			BY	0

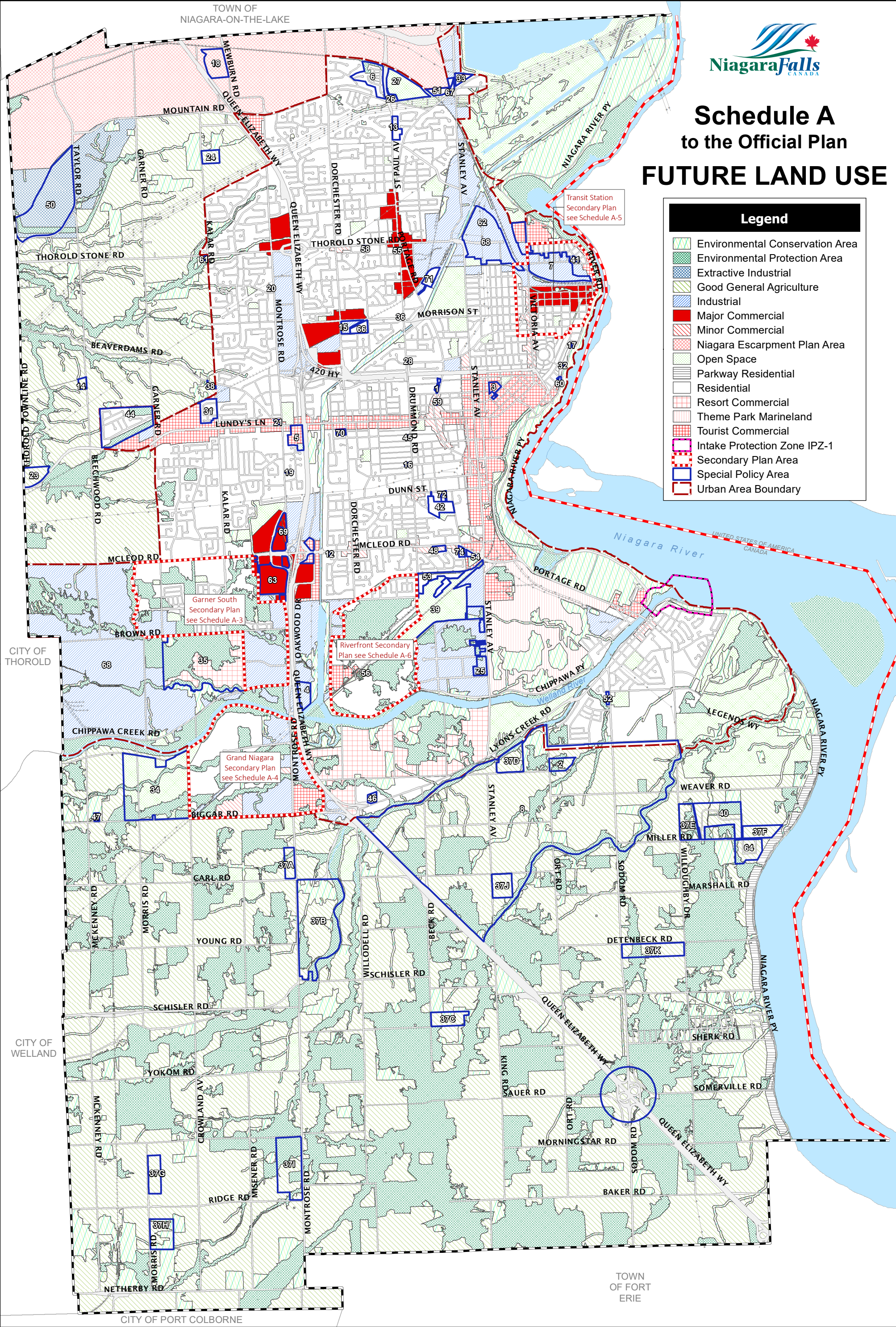
PROJ. NO. 22-215

Appendix B

Official Plan Maps

Schedule A to the Official Plan FUTURE LAND USE

Legend	
	Environmental Conservation Area
	Environmental Protection Area
	Extractive Industrial
	Good General Agriculture
	Industrial
	Major Commercial
	Minor Commercial
	Niagara Escarpment Plan Area
	Open Space
	Parkway Residential
	Residential
	Resort Commercial
	Theme Park Marineland
	Tourist Commercial
	Intake Protection Zone IPZ-1
	Secondary Plan Area
	Special Policy Area
	Urban Area Boundary



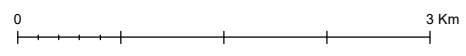
Garner South
Secondary Plan
see Schedule A-3

Riverfront Secondary
Plan see Schedule A-6

Grand Niagara
Secondary Plan
see Schedule A-4

Transit Station
Secondary Plan
see Schedule A-5

NOTE: THIS MAP MUST BE READ IN CONJUNCTION WITH THE
WRITTEN TEXT OF THE OFFICIAL PLAN APPROVED OCTOBER 1993
UPDATED TO November 2019






SCHEDULE E to the OFFICIAL PLAN TOURISM DISTRICTS

LEGEND:

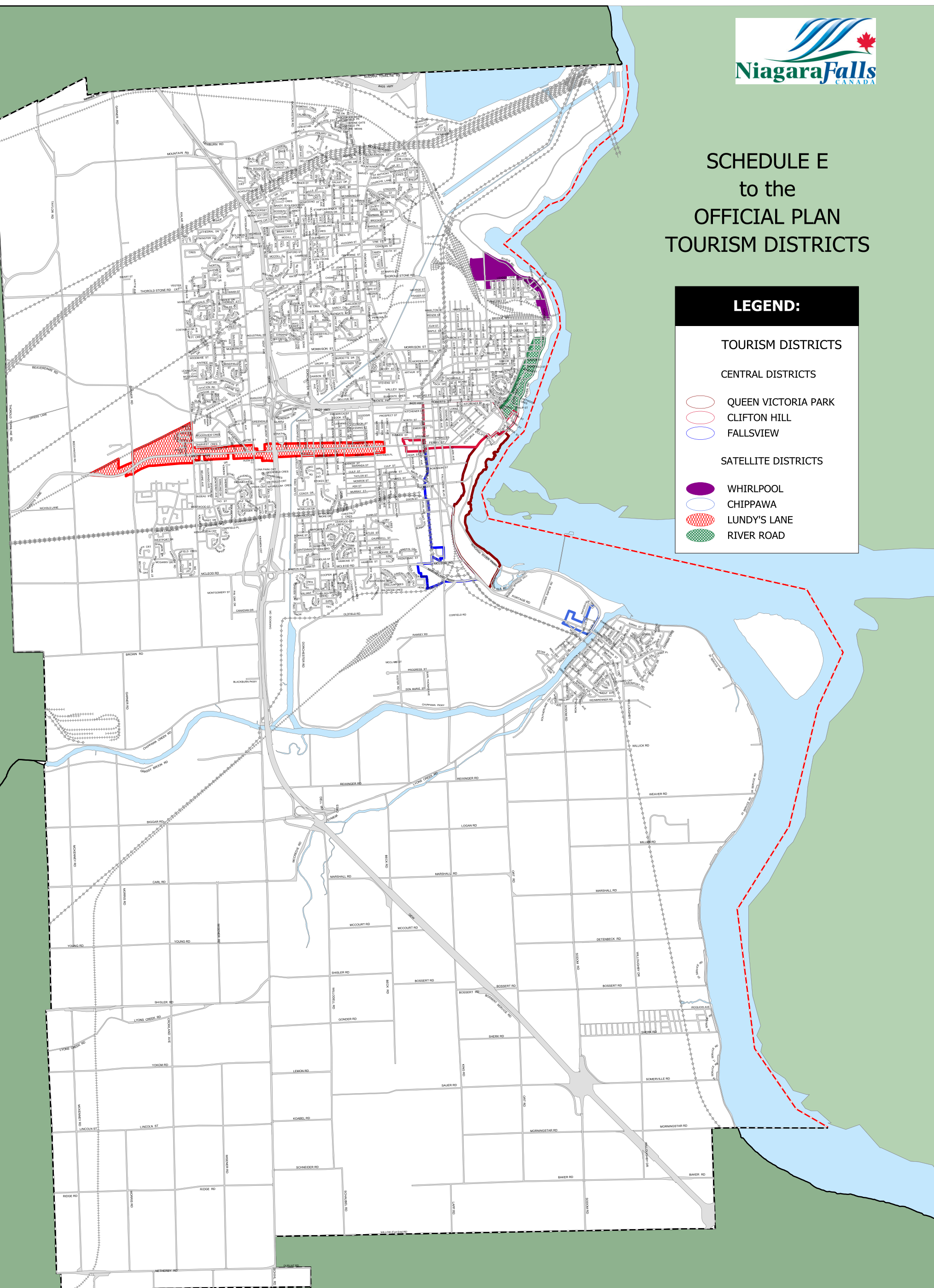
TOURISM DISTRICTS

CENTRAL DISTRICTS

-  QUEEN VICTORIA PARK
-  CLIFTON HILL
-  FALLSVIEW

SATELLITE DISTRICTS

-  WHIRLPOOL
-  CHIPPAWA
-  LUNDY'S LANE
-  RIVER ROAD



UPDATED TO JANUARY 2010

Appendix C

Zoning By-law Maps

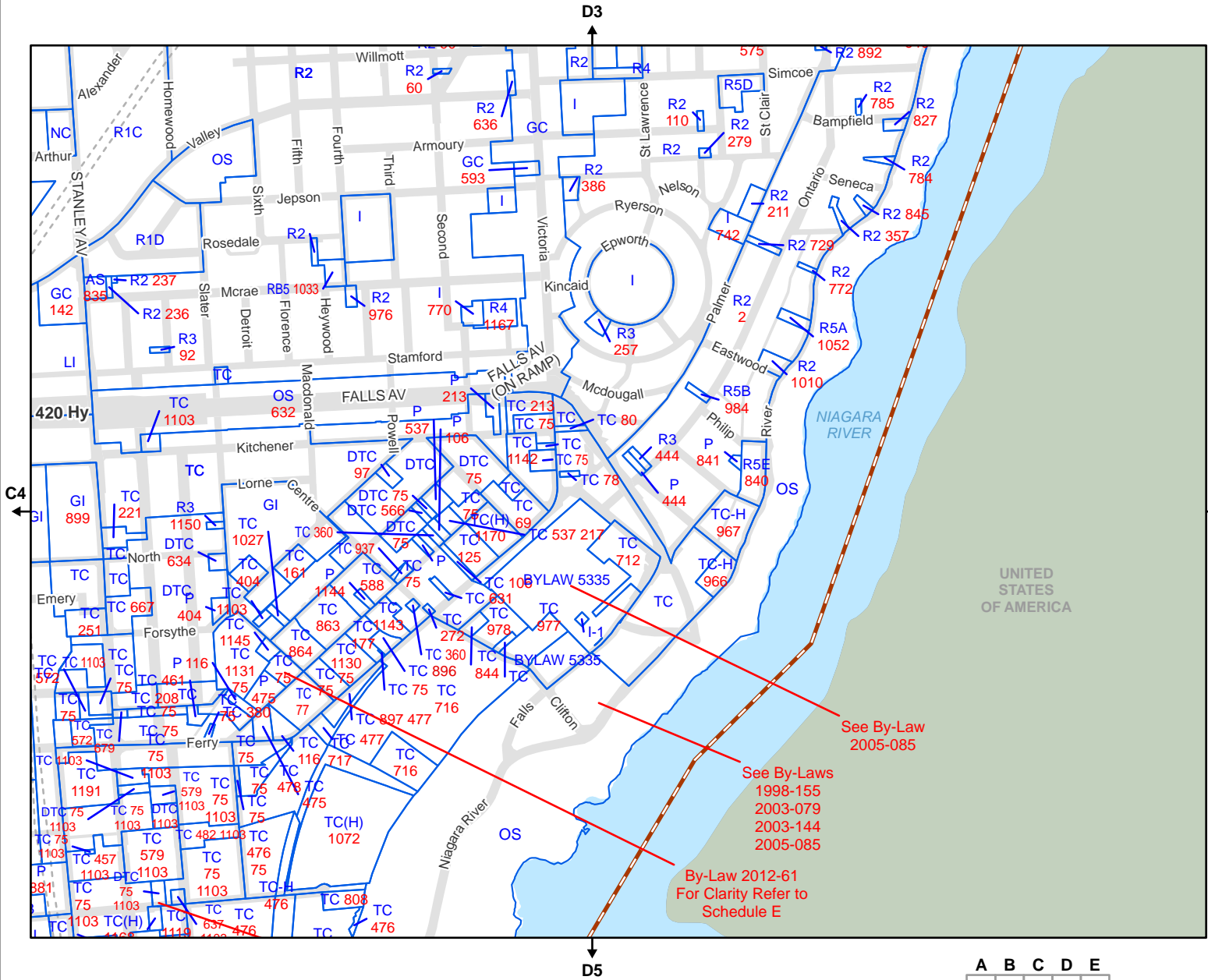
ZONING BY-LAW 79-200



— ZONE LINES

EXCEPTIONS & SPECIAL PROVISION NO.
SEE SECTION 19

81-019	03-164	07-208	13-031
98-155	03-169	08-013	13-090
98-196	03-180	08-039	15-051
99-052	03-181	08-130	15-056
99-078	03-190	08-100	16-053
99-104	03-204	08-207	16-077
92-240	04-017	08-219	17-001
01-021	04-112	08-174	17-062
01-050	04-156	09-084	17-124
01-085	04-183	09-085	19-083
01-265	04-192	09-139	20-006
02-112	04-210	10-040	20-045
02-143	04-216	10-041	20-098
02-148	05-085	10-067	21-007
02-180	05-174	10-068	21-011
02-202	05-188	11-031	21-030
03-009	06-093	11-092	21-103
98-155	07-022	12-016	22-013
03-079	07-040	12-061	22-065
03-123	07-051	12-062	22-118
03-144	07-118	12-136	
03-157	07-119	13-029	
03-159	07-152	13-030	



UNITED STATES
OF AMERICA

See By-Law
2005-085

See By-Laws
1998-155
2003-079
2003-144
2005-085

By-Law 2012-61
For Clarity Refer to
Schedule E

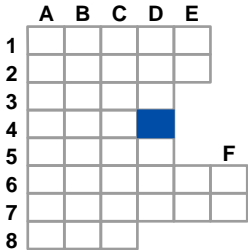


CONSOLIDATION
DECEMBER 2022

CITY OF NIAGARA FALLS
Planning & Development Department



Scale 1:13,000



SHEET D4

Appendix D

**Email from Mr. Trevor Toth, Senior Manager of
Building Services and Deputy Chief Building Official**

Samantha Bray

From: Greg Taras
Sent: June 5, 2023 9:57 AM
To: Samantha Bray
Subject: FW: [EXTERNAL]-Record of Site Condition Requirement

From: Trevor Toth <ttoth@niagarafalls.ca>
Sent: Thursday, May 11, 2023 12:46 PM
To: john.wang.123@hotmail.com; Greg Taras <gtaras@uemconsulting.com>
Cc: Kira Dolch <kdolch@niagarafalls.ca>; Nick DeBenedetti <ndebenedetti@niagarafalls.ca>; Wayne Thomson <wthomson@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Record of Site Condition Requirement

Good Afternoon John,

Further to our conversation, I can confirm what is being proposed appears to meet the exemption criteria in the Section 15(1) of O. Reg. 153-04 (mentioned below)

Therefore, a "Record of Site Condition" would not be required for the issuance of a building permit, for the proposed interior renovations at 5504 Lewis Ave.

If you have any questions, please don't hesitate to call.

Sincerely,

Trevor Toth, CBCO | Senior Manager of Building Services & Deputy Chief Building Official | Building and Municipal Enforcement Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4259 | Fax 905-374-7500 | ttoth@niagarafalls.ca

From: Greg Taras <gtaras@uemconsulting.com>
Sent: Tuesday, March 7, 2023 3:25 PM
To: Sam Valeo <svaleo@niagarafalls.ca>; Trevor Toth <ttoth@niagarafalls.ca>
Cc: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Record of Site Condition Requirement

Sam, Trevor

I have spoken with Nick DeBenedetti about this further and he said he has spoke to you about this, but that I should reach out again.

We have followed up with the Ministry of the Environment and there is an exemption Section 15 (1) of O.Reg 153-04 that we believe applies to this, as this meets the test for an exemption. Please see correspondence with MECP.

However, they are non-committal and refer ultimate decision back to CBO.

Thanks

Greg Taras, RPP

President

Urban & Environmental Management Inc.

4701 St. Clair Avenue, Suite 301

Niagara Falls, Ontario
Canada L2E 3S9

Direct Line: +1 (905) 358-6873
Telephone: +1 (905) 371-9764, ext. 225
Toll Free: +1 (866) 840-9764, ext. 225
Facsimile: +1 (905) 371-9763
Mobile: +1 (905) 328-8102

e-mail: gtaras@uemconsulting.com
URL: <http://www.uemconsulting.com>

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 Please think about the environment before printing this email.

From: Greg Taras
Sent: Friday, January 20, 2023 2:57 PM
To: Sam Valeo <svaleo@niagarafalls.ca>
Cc: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Record of Site Condition Requirement

Sam
Just wondering if you have had a chance to look into this further. I am going to get proposals for the owner to do a Phase 1 ESA and RSC, but hoping we don't need to. If a site visit with yourself or City staff would help in order to determine if RSC needed, would be happy to arrange with owner.
Thanks
Greg

From: Greg Taras
Sent: December-20-22 11:53 AM
To: Sam Valeo <svaleo@niagarafalls.ca>
Cc: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Record of Site Condition Requirement

Hi Sam
Sorry I have not gotten back to you sooner. The only information I have for this property is a survey that the owner had done. We used it for the pre-consultation meeting, with a proposal to change the parking from the angled parking on the side to parking in the rear. The owner does not have any floor plans or other information. The property is totally covered with the existing building and parking lot. The only change is interior to the building and where the parking will be on site (City staff prefer the parking in the back). There are 5 apartment units in the building now and the conversion of the former grocery store area on the floor to 2 more apartments would make it 7 apartment units in total. Hope this adds a bit more clarification.
Greg

From: Sam Valeo <svaleo@niagarafalls.ca>
Sent: November-29-22 11:42 AM
To: Greg Taras <gtaras@uemconsulting.com>

Cc: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Subject: RE: [EXTERNAL]-Record of Site Condition Requirement

Hi Greg, you will have to provide me with a bit more information, site plans, architectural drawings or existing and proposed use, etc. to make a better judgement whether a RSC is required. Can you provide me with this info?

Thank you,

Sam Valeo, M.Eng., P.Eng., CBCO, PMP | Director & Chief Building Official | Building and Municipal Enforcement Services | City of Niagara Falls
4310 Queen Street | Niagara Falls, ON L2E 6X5 | (905) 356-7521 ext 4257 | Fax 905-374-7500 | svaleo@niagarafalls.ca

From: Greg Taras <gtaras@uemconsulting.com>
Sent: Tuesday, November 29, 2022 9:39 AM
To: Sam Valeo <svaleo@niagarafalls.ca>
Cc: Nick DeBenedetti <ndebenedetti@niagarafalls.ca>
Subject: [EXTERNAL]-Record of Site Condition Requirement

Sam

I recently submitted a request on behalf of the owner for a pre-consultation meeting for a rezoning property for a property at 5504 Lewis Avenue. The property currently has some residential apartments and the former Geppino's Food Market. The intent is to change the previous Geppinos Food Market portion of the building into 2 apartment units. Because of the Tourist Commercial Zoning, we have to rezone to a residential zone to allow the entire building to be used for apartments. We had the pre-consultation meeting on November 17. No one seemed to have any issue with this, however, Region Niagara indicated a Record of Site Condition is required because of the change of use from a small neighbourhood grocery store to 2 apartments. We discussed this at the meeting and Region is willing to defer to yourself as CBO if an RSC is required. There is no change to the exterior of the building or building footprint and there is already residential use of the property. There is enough parking. This is simply an interior renovation. We are requesting if you could waive the need for an RSC in this situation.

If you require further information, please feel free to contact me or speak to Nick DeBenedetti.

Thanks

Greg Taras, RPP
President
Urban & Environmental Management Inc.
4701 St. Clair Avenue, Suite 301
Niagara Falls, Ontario
Canada L2E 3S9

Direct Line: +1 (905) 358-6873
Telephone: +1 (905) 371-9764, ext. 225
Toll Free: +1 (866) 840-9764, ext. 225
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e-mail: gtaras@uemconsulting.com
URL: <http://www.uemconsulting.com>

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