

PRELIMINARY PLANNING POLICY JUSTIFICATION REPORT AND IMPACT ANALYSIS

Prepared for
Anthony Vacca
8178 Thorold Stone Road
LOT 11 & PART LOT OF SMITH STREET / RP 139
City of Niagara Falls, Regional Municipality of Niagara



DISCLAIMER

The Report was prepared by South Coast Consulting for the Zoning By-law Amendment application for the subject property. The material in the Report reflects the South Coast Consulting's best judgment.

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Pending agency, municipal, and public comments

South Coast Consulting reserves the right, but will be under no obligation, to review and / or revise the contents of this Report considering information which becomes known to South Coast Consulting after the date of this Report.

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INTRODUCTION

South Coast Consulting, Land Use Planning and Development Project Management, was retained on 2023-01-26 by Anthony Vacca to prepare this [Planning Policy Justification Report and Impact Analysis](#) for *Planning Act* applications to permit a residential development at 8178 Thorold Stone Road in the City of Niagara Falls. The purpose of this [Planning Policy Justification Report and Impact Analysis](#) is to review a proposal to redevelop the approximately 1410 square metre subject property with about 30 metres frontage on the south side of Thorold Stone Road for a residential redevelopment, as illustrated in [Annex 1, Sketch For Planning Purposes Only](#). The subject property illustrated in [Annex 2, City Of Niagara Falls Pre-Consultation Checklist](#) has a one and a half single detached dwelling and an accessory structure. Zoning By-law Amendment and Consent for Severance applications are being submitted.

This [Planning Justification Report and Impact Analysis](#) is intended to accompany two separate and distinct *Planning Act* applications proposed at 8178 Thorold Stone Road in the City of Niagara Falls. The first pertains to the proposed rezoning to:

- Reduce the minimum lot frontage from 12 metres to 10.66 metres for the proposed severed parcel.
- Increase the maximum width of the driveway of parking area in the front yard from 60 percent to 84.4 percent for the proposed severed parcel.
- Increase the accessory structure side yard for the proposed retained parcel from 0.45 to 0.84 metres.

The proposed rezoning will permit the development illustrated in [Annex 1, Sketch for Planning Purposes Only](#). The second pertains to the Consent for Severance to create the new parcel.

The proposal is reviewed against the policies of the: [Provincial Policy Statement](#); [Growth Plan for the Greater Golden Horseshoe \(Growth Plan\)](#); [Region of Niagara Official Plan](#); [City of Niagara Falls Official Plan](#); and the provisions of the [City of Niagara Falls Zoning By-Law](#).

On 2022-12-01 the City of Niagara Falls hosted a pre-consultation meeting to discuss the proposed development (see [Annex 2, City Of Niagara Falls Pre-Consultation Checklist](#)). Staff of the City's Planning, Engineering, Fire, GIS, Transportation, Building, and Zoning, Departments and Niagara Region attended or provided comments. The meeting established the applications required to proceed with the proposal and that the following were required:

- Sketch for Planning Purposes Only - a coloured site plan and elevations in .dwg and .pdf files.
- Draft Zoning By-law Amendment.

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- Planning Justification Report – reviewing and analyzing applicable Provincial, Regional and City policies, discussing affordability policies, and providing potential prices / rental rates.
- Stormwater Management - grading plan required prior to building permit application indicating no negative impact on adjacent or surrounding properties.
- Tree Inventory Preservation Plan.

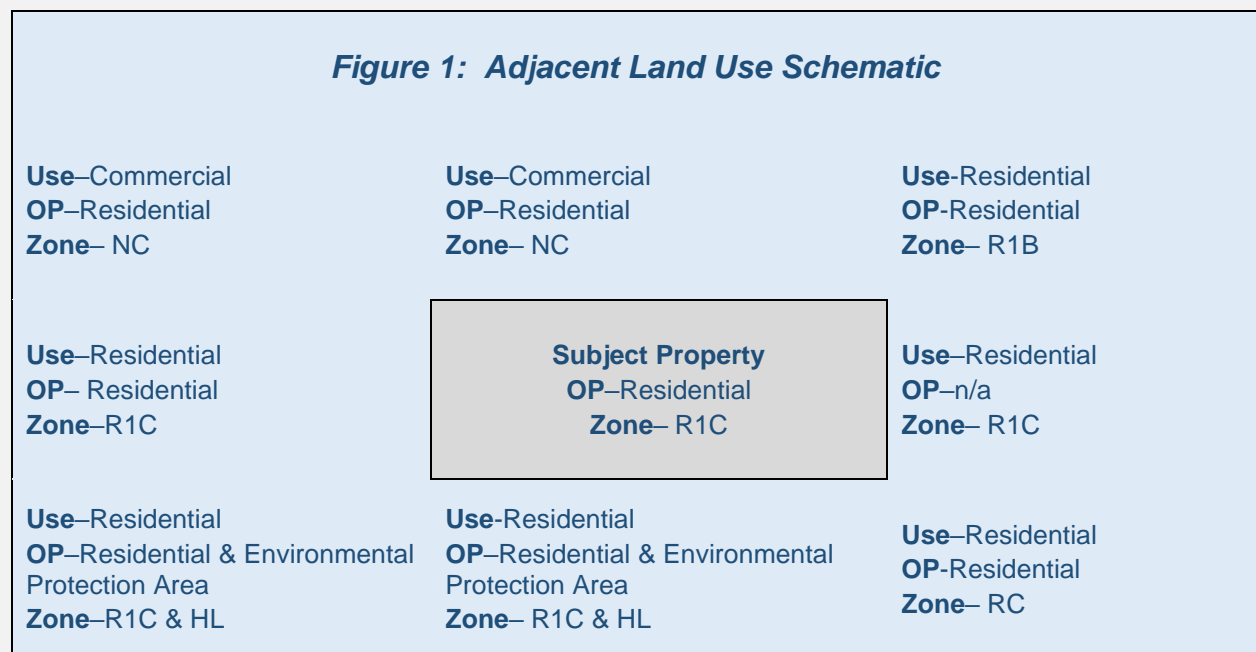
The subject property is **designated Designated Built-up Area** in the Region of Niagara Official Plan , **Residential and Environmental Protection Area** in the Niagara Falls Official Plan, and **zoned R1C** in part and **Hazard Land** in part.

SITE CONTEXT AND SURROUNDING LAND USES

As illustrated in *Figure 1, Adjacent Land Use Schematic*, the subject property is bordered by existing long standing residential uses and a recent commercial use.

The neighbourhood of the subject property is an older established area and can be considered 100% developed but also exhibiting infill opportunities such as that of this proposal. Neighbourhood land uses are residential and neighbourhood commercial. The key features of the neighbourhood are Thorold Stone and Kalar Roads. In terms of improvements, Thorold Stone Road has curb and sidewalk abutting the subject property. Mount Carmel Park is located to the east and Shriner’s Woodlot Park is located to the north.

The development of the subject property as residential use is compatible with the commercial and residential mix of land uses context of the surrounding area.



DESCRIPTION OF THE PROPOSAL

This section of the Report provides conceptual details about proposed use, proposed building, and its siting. The [Description of the Proposal](#) also provides a brief description of the other technical, supporting studies submitted as a part of the complete application and how these relate to applicable planning policies (i.e., Servicing Plan and Tree Inventory and Preservation Plan).

The [Sketch for Planning Purposes Only](#) is an indicative plan reflecting a desirable development scenario for the subject property and is an articulation of established best practices in community design and urban planning. It provides a flexible framework and practical direction for development of signature buildings in the space, and to the extent possible currently, detail of the anticipated building location, massing, and development parameters. Regardless of the eventual implementation and build out, the intent and objective of creating a safe, walkable, environmentally resilient, and complete community attuned to the everyday needs of all residents remains constant.

The [Sketch for Planning Purposes Only](#) began with identification of preferred location of the buildings and servicing. Once the preferred building location was confirmed the next step was to establish landscaped areas. The built form and massing proposed is informed by servicing analysis and the City's and the Region's urban design directions. The underutilized subject property will be transformed into a new *residential intensification* development on this site. Consideration is given to how this site presents itself to both the immediate vicinity and the broader context in terms of vista impact and public realm enhancement.

The [Sketch for Planning Purposes Only](#) promotes a human scale living and pedestrian experience. The subject property has easy access to Niagara Falls' integrated streets providing alternatives to driving. Landscaping will include planting areas, and street trees. The [Sketch for Planning Purposes Only](#) landscaping will create an environmentally resilient, and walkable development as part of the complete community concept.

The underutilized subject property will be transformed into a new *residential intensification* development on this site. Consideration is given to how this site presents itself to both the immediate vicinity and the broader context in terms of vista impact and public realm enhancement.

Conceptual Site Plan

See [Annex 1, Sketch For Planning Purposes Only](#) prepared by J. D. Barnes, dated 2023-02-1. A rendering of the proposed single detached dwelling is illustrated on the title page.

Servicing Plan

See [Annex 3, Site Servicing Plan](#) by Arik Engineering Ltd., dated 2023-03-08.

Tree Inventory and Tree Protection Plan

See Annex 4, [Tree Inventory And Tree Protection Plan](#), by Kaitlyn Simpson, dated 2023-03. Seven (7) trees could be removed due to tree health, three (3) trees should be removed due to proposed construction, and two (2) trees should be pruned prior to construction commencing. Any trees retained throughout the construction process should have stress mitigation techniques implemented to minimize the severity of any stress that may occur. The project arborist should assess the site once a month, to ensure all procedures are followed.

Access Review

Although not required, an Access Review by Paradigm Transportation Solutions, dated 023-03-23 concluded the existing and proposed site driveways are supportable. The proposed driveway design provides an on-site turnaround area increasing the level of safety for entering and exiting the property. The proposed two points of access as part of the severance application do not create any remarkable impacts or differences with respect to traffic operations, design considerations, or traffic safety along the Thorold Stone Road corridor.

Discussions with Niagara Region also confirm that even though no stopping restrictions are provided along Thorold Stone Road, a temporary lane occupancy permit can be obtained. This will facilitate the loading of supplies and equipment within the curb lane of Thorold Stone Road by either loading directly from the road or stopping and reversing into the site for construction purposes.

POLICY AND PLANNING ANALYSIS

The [Policy and Planning Analysis](#):

- Provides the basis for establishing why a proposal should be considered and approved.
- Provides an outline of applicable planning policy documents and regulatory context reviewing specific policies relevant to the proposal.
- Establishes the basis for the applications by explaining how the proposal conforms to the policies.

Good planning practice directs that the plan and its policies are not written in stone. Policies such as those of the [Provincial Policy Statement](#), [Growth Plan](#), [Region of Niagara Official Plan](#), and [Niagara Falls Official Plan](#) reviewed here, are used to try to reach a goal. They should not be used as a set of threshold measures where the inability to meet every policy results in a proposal's failure. All the policies may not be and, based on good planning practice, don't have to be, satisfied as though they are zoning by-law regulations. If, on balance, the proposal satisfies most of the policies and moves the community towards its stated goals, then the proposal should be given serious consideration for approval.

Land use planning in Ontario, Niagara, and Niagara Falls is about development. Protecting and preserving resources is important but land use planning is primarily about

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promoting and encouraging appropriate development and complete communities. There are aspects of control to protect valuable and sensitive resources, such as significant cultural and natural heritage features from negative impacts from nearby uses, but the primary purpose is guiding development.

The guidance of development is evident starting with the *Planning Act*. The Citizen's Guide to Land-use Planning ([the Guide](#)) states the *Act*, among other things promotes sustainable economic development in a healthy natural environment and provides for a land use planning system led by provincial policy. [The Guide](#) further states the *Act* provides the basis for preparing official plans and planning policies that will guide future development. [The Guide](#) states the [Provincial Policy Statement](#) provides policy direction that will help build strong communities by protecting, among others, natural heritage features. Community planning is aimed at identifying common community goals and balancing competing interests of the various parties.

In addition to the *Planning Act* the following planning documents are addressed as part of the [Policy and Planning Analysis](#):

- Provincial Policy.
 - [Provincial Policy Statement](#).
 - Growth Plan for the Greater Golden Horseshoe ([Growth Plan](#)).
- Municipal Policy.
 - [Region of Niagara Official Plan](#).
 - [City of Niagara Falls Official Plan](#).

[Planning Act](#)

The *Planning Act* sets out the basis for land use planning in Ontario. The *Act* promotes sustainable economic development in a healthy natural environment; integrates matters of provincial interest into provincial and municipal planning decisions by requiring all planning decisions to be consistent with the [PPS](#). Section 34 the establishes land use controls. Specifically, Section 34(4)1 of the states:

Zoning by-laws may be passed by the councils of local municipalities restricting use of land, prohibiting the use of land, for or except for such purposes as may be set out in the by-law within the municipality.

The part of the subject property, zoned R1C, needs to be rezoned to R1E to permit reduced lot area for the severed parcel to enable the retained parcel to be wide enough to permit the continued use of the existing attached garage. The Maximum width of driveway or parking area in the front yard of the severed lot needs to be increased from 60 percent to 86 percent to be able to accommodate a hammerhead vehicle manoeuvring area in the front yard of the severed parcel to enable safer vehicle access for the severed parcel to Thorold Stone Road.

Provincial Policy Statement (2020)

Settlement areas such as the Niagara Falls are to be the focus of growth and development, and their vitality and regeneration is to be promoted. Land use patterns within *settlement areas* are to be based on, among other things, densities and a mix of land uses which; efficiently use land and resources, and efficiently use the *infrastructure* and *public service facilities* planned or available. The proposal addresses the [Provincial Policy Statement](#) directions by developing residential uses within the *settlement area* efficiently using land and resources and the *infrastructure* and *public service facilities* available.

The proposal addresses the [Provincial Policy Statement](#) directions by developing a residential use within the *settlement area* efficiently using land and the *infrastructure* and *public service facilities* available. The proposal:

- Constitutes intensification within a *settlement area* and is consistent with [Policy 1.1.2](#).
- Uses land wisely and efficiently, ensuring effective use of infrastructure, and minimizing unnecessary public expenditures as required by [Policy 1.1.3](#).
- Constitutes intensification which can be accommodated upon the site as suggested by [Policies 1.1.3.1., 1.3.3.2, and 1.3.3.3](#).
- Implements the creation of housing options as encouraged by [Policy 1.4.1](#).
- Constitutes infill development contributing toward the more efficient use of existing infrastructure as required by [Policy 1.6.3](#).
- Constitutes infill development, intensification, and the efficient use of municipal sewage and water services within the settlement area as required by [Policy 1.6.6.2](#).

Growth Plan (2020)

The [Growth Plan](#) requires population and employment growth to be accommodated by directing a significant portion of new growth to the *built-up areas* of Niagara, such as the Niagara Falls, through *intensification*. The [Growth Plan](#) directs development in the *Built-up Area* through *intensification* to support sustainability, therefore:

- Protecting and preserving prime agricultural land in prime agricultural areas.
- Reducing automobile dependence by transit supportive development.
- Encouraging complete communities with a range of housing types.

The proposal addresses the [Growth Plan](#) directions by developing residential uses within the urban area and providing the City a range of housing types and affordability accessible to a range of household incomes. The proposal:

- Constitutes intensification required by [Policy 1.2.1](#).
- Is within an established *settlement area* with sufficient infrastructure capacity as required by [Policy 2.2.1](#).
- Contributes toward providing a diverse mix of land uses, particularly residential development as required in [Section 4](#).

One of the key directions of the [Growth Plan](#) is establishing and achieving minimum intensification targets. Intensification is defined as “the development of a property, site or area at a higher density than currently existing through:

- Redevelopment including the reuse of brownfield sites.
- Development of vacant and/or underutilized lots within previously developed areas.
- Infill development; and the expansion or conversion of existing buildings.”

[Section 2.2.2](#) of the Growth Plan specifically requires municipalities to develop intensification strategies within the [Delineated Built-up Area](#), ensuring that land is zoned and designed supporting the achievement of complete communities. [The Delineated Built-up Area](#) is a fixed line that reflects what was built and, on the ground, when the initial [Growth Plan](#) came into effect in June 2006. Planning and investment should prioritize infrastructure and public service facilities that support intensification.

Official Plans

[Region of Niagara Official Plan \(2022\)](#)

The Regional Official Plan (2014) was updated adopted by Regional Council on 2022-06-23 and subsequently approved by the Province with modifications on 2022-11-04. [The Region of Niagara Official Plan](#) is a long-term, strategic policy planning framework for managing growth coming to Niagara. The policies of the [Plan](#) guide land use and development, influencing economic, environmental, and planning decisions until 2051 and beyond.

The [Region of Niagara Official Plan](#) designates the subject land as [Designated Built Up Area](#). Chapter 2 of the [Region of Niagara Official Plan, Growing Region](#) has the policies facilitating and encouraging appropriate growth. [Section 2.2.1](#) of the [Region of Niagara Official Plan, Managing Urban Growth](#), encourages compact built form and a diverse range and mix of housing types, unit sizes and densities to accommodate current and future market-based and affordable housing needs in Designated Built-Up Area such as the subject property. The proposal achieves the goals expressed in the [Region of Niagara Official Plan](#) specifically, [Section 2.2.1.1](#) which provides for built forms, land use patterns, and street configurations minimizing land consumption as provided by the proposal. The proposed intensification increases the density of an existing, underutilized site and is consistent with this policy minimizing land consumption.

The [Region of Niagara Official Plan](#) provides additional policies with regards to housing in [Section 2.3](#). The objectives of [The Plan](#) are to provide a mix of housing options to addressing current and future needs, providing more affordable and attainable housing options within communities, and achieving affordable housing targets through land use and financial incentive tools. This application would contribute to the overall intensification target established by the [Region of Niagara Official Plan](#). Intensification and infill development as proposed is encouraged and supports the Region’s intensification targets for Niagara Falls.

Niagara Falls Official Plan

As intended by [Section 1-2, Strategic Policy Direction](#), this proposal increases the use of land connected to existing infrastructure. Natural heritage and agricultural lands are not involved.

The proposal meets or exceeds all the objectives of [Section 1-2, Growth Objectives](#).

[Policy 3.1, Site-Specific Zoning By-law Amendment](#), states residential intensification requires an amendment to the [Niagara Falls Official Plan](#) and to proceed by way of site-specific zoning by-law amendment whereby individual proposals can be publicly assessed. The City has not requested an Official Plan Amendment, nor is one appropriate in this case. A zoning by-law amendment will address this policy requirement to be publicly addressed.

As required by [Section 2.1, Policy 1.1](#) the predominant use of land will be for a single detached dwelling unit catering to a wide range of households.

As required by [Section 2.1, Policy 1.2](#), the single detached dwelling will be provided in the [Built-Up Area](#) on the largely vacant subject property, under-utilized by existing housing stock.

As required by [Section 2.1, Policy 1.8](#) the development will connect to municipal services in the adjacent rights-of-way.

As required by [Section 2.1, Policy 1.13](#), the single detached dwelling may be a rental unit increasing the supply in the City rental accommodation.

Zoning By-Law

The subject property is zoned R1C to accommodate lower density residential. Part 2 will have to be rezoned to the R1E permitting a reduced lot frontage and an increase in the maximum width of driveway or parking area in the front yard.

POLICY AND ISSUES REVIEW SUMMARY

The City of Niagara Falls Council has the authority to approve zoning by-law amendments, where they implement the policies of the Official Plan. *Settlement areas* such as the Niagara Falls where the subject property is located are to be the focus of growth and development, and their vitality and regeneration is to be promoted. The proposal satisfies the [Region of Niagara Official Plan](#) intent to build more sustainable, *complete communities* by, among other things, making efficient use of land, resources and *infrastructure* and supporting *intensification*, to maximize the use of existing and planned *infrastructure* to support growth in a compact and efficient manner. The [Niagara](#)

ZONING PROVISION REVIEW

PROVISION / USE	RESIDENTIAL 1E DENSITY ZONE REQUIREMENT	PROPOSED		COMMENT
		Retained	Severed	
Detached dwelling sec. 7.5(a)	Permitted	Detached dwelling	Detached dwelling	Satisfied
Frontage sec 7.5.2(b)(ii)	12 metres	19.21 metres	10.66 metres	Enables retention of existing attached garage access and proposed 3.0 metre driveway and vehicle manoeuvring hammerhead on the retained parcel. No negative impact
Min Lot Area sec 7.5.2(a)(i)	370 square metres	907.5 square metres	500.5 square metres	Satisfied
Min Front Yard sec 7.5.2(c)	6 metres plus any applicable distance specified in section 4.27.1	17.31 metres	13.8 metres	Satisfied
Min Interior Side Yard sec 7.5.2(e)	1.2 metres subject to the provisions of clause a of section 5.1,	2.41 metres	1.2 metres	Satisfied
Min Rear Yard sec 7.5.2(d)	7.5 metres plus any applicable distance specified in section 4.27.1	14.67 metres	12.8 metres	Satisfied
Max Building Height sec 7.5.2(h)	10 metres subject to section 4.7	Less than 10 metres	Less than 10 metres	Existing building on the retained parcel and new the new building on the severed parcel will comply. Satisfied
Max Lot Coverage sec 7.5.2(g)	45%	19.3%	32.5%	Satisfied
Min Landscape Area sec 7.5.2(m)	30%	57.4%	56.4%	Existing building on the retained parcel and new the new building on the severed parcel will comply. Satisfied
Parking Spaces Required sec. 4.19.1(a)	1 parking space for each dwelling unit	4	3	Satisfied
The total lot coverage of all accessory buildings and accessory structures on a lot shall not exceed 15% of the lot area or 93 square metres, whichever is lesser, and in no case shall the total lot coverage of all buildings and structures exceed the maximum lot coverage regulation of the specific zone sec. 4.13(g).		2.42%	0%	Existing accessory structure on the retained parcel and any new the new accessory structure on the severed parcel will comply. Satisfied
Maximum lot area which can be used as a surface parking area (sec. 4.19.4(a)(i))	30 percent	17.1%	11.8%	Satisfied
Maximum width of driveway or parking area in the front yard of a lot (sec. 4.19.4(a)(ii))	60% / 9 metres	46.8%	84.4%	Enables provision of a hammerhead for vehicle maneuvering. No negative impact
Maximum area of a rear yard which can be used as a parking area (sec. 4.19.4(a)(iii))	40 square metres	22 square metres	0	Satisfied
Accessory structure side yard sec. 4.13(c)	1.2 metres	0.84 metres	0	Existing accessory structure on the retained parcel and any new the new accessory structure on the severed parcel will comply. Satisfied
Accessory structure rear yard sec. 4.13(d)	0.45 metres	1.39 metres	0	Satisfied

Falls Official Plan encourages *residential intensification* and *redevelopment* such as proposed in areas that have sufficient existing or planned *infrastructure*.

The proposal is efficient development, *intensification*, and optimization of the use of land and public investment in *infrastructure*, a strong theme throughout the [Provincial Policy Statement](#), [Region of Niagara Official Plan](#), and [Niagara Falls Official Plan](#). The proposal is in an area where redevelopment is provided for in these planning documents. It is efficient *development* optimizing the use of land, resources, and public investment in existing infrastructure, and public service facilities. As a residential development in a mixed-use commercial and residential area there are no conflicts with surrounding uses. Its location near a Niagara Falls Transit Route is transit supportive. The location provides safe and easy walking to commercial and community facilities and is close to safe, publicly accessible open spaces and recreational facilities.

There are a several positive policy supported aspects of the proposal:

- It is an intensified residential use of an existing underutilized parcel of land within an existing residential area, providing housing type and choice alternatives.
- It is a compact redevelopment efficiently utilizing urban land, existing services, and municipal infrastructure.
- It provides safe and easy walking to commercial and community facilities and is close to safe, publicly accessible open spaces, parks, and recreational facilities.
- It is a compact, orderly, built form that will help the City meet intensification target.
- Its design places windows overlooking pedestrian routes providing for “eyes on the street”.
- It has a strong relationship to Thorold Stone Road. The primary building entrance clearly addresses the street.
- Through the addition of a single detached dwelling unit in this location residential density is increased promoting transit use and municipal sustainability.

Planning Goals, Objectives, and Policies Satisfied

The proposal:

- provides a mix of residential uses accommodating households with diverse social and economic characteristics, needs, and desires.
- optimizes existing infrastructure use.
- is *intensification*.
- is transit supportive *development* within the *built boundary*.
- is close to and designed with on-site open space.
- can incorporate design features for an aging population.
- counts towards the municipality’s *intensification* target.
- *matches the pre-established building character of adjacent buildings*.

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The proposal is for transit supportive, active transportation friendly uses of existing underutilized land in the Niagara Falls urban area making it an efficient and sustainable use of existing municipal sewage and water services on Thorold Stone Road.

Efficient Development

This development is focused within the *urban area*. It is appropriate development helping the City meet the full range of current and future needs, while achieving efficient development and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety.

The proposal is *intensification* of an under-utilized existing parcel optimizing the use of land and public investment in infrastructure and public service facilities. The development:

- provides a diversified residential opportunity meeting the identified needs in Niagara.
- makes efficient use of land.
- has no significant land use conflicts.

The proposal increases the efficiency of the use of existing municipal infrastructure and increases the municipality's sustainability through a compact, transit supportive, *active transportation friendly* development in the *Urban Area*.

As a residential development in a residential area there are no conflicts with surrounding uses and no impact on natural resources.

The development facilitates the efficient use of community and engineering services, does not create an undue financial hardship on the municipality, and increases the City's robustness and ability to accommodate infrastructure and services maintenance.

The proposal is primarily an intensified residential use in an existing residential area. It is compact development efficiently utilizing urban land, existing services, and municipal infrastructure. The location provides safe and easy walking to commercial and community facilities and is close to safe, publicly accessible open spaces, parks, and other recreational facilities.

Efficient development, intensification, and optimizing the use of land and public investment in infrastructure resulting from this proposal is a strong theme throughout the [Provincial Policy Statement](#), [Region of Niagara Official Plan](#), and [Niagara Falls Official Plan](#). As a residential redevelopment in an existing residential area there are no conflicts with surrounding uses. The location on Thorold Stone Road transit supportive.

High Quality Urban Design

The proposal is a high quality, compact, orderly, built form that will help the City meet intensification targets. The building design places windows to overlook pedestrian routes to encourage “eyes on the street.”

The development has a strong relationship to Thorold Stone Road as encouraged by the Region of Niagara Model Urban Design Guidelines.

Affordable Housing

The [Provincial Policy Statement](#) requires planning authorities to provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by:

- establishing and implementing minimum targets for the provision of housing *affordable to low- and moderate-income households*.
- permitting and facilitating:
 - all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements.
 - all forms of *residential intensification*, including second units, and *redevelopment*.

OPINION

The proposed Zoning By-law Amendment:

- Conforms with the provisions of the [Planning Act](#); [Provincial Policy Statement](#); [Growth Plan](#); [Region of Niagara Official Plan](#) ; and [Niagara Falls Official Plan](#).
- Permits the proposed residential use; and
- Is good planning.

Council can be confident that the proposed Zoning By-law Amendment is consistent with the City’s Official Plan as well as Provincial and Regional policies. The applicant can be required to enter into a Development Agreement ensuring the development is built and maintained as approved by the City.

The approval of the proposed Zoning By-law amendment will allow a new single detached dwelling unit. This development constitutes intensification and infill. The proposed [Planning Act](#) application for a Zoning By-law amendment is consistent with the policies for permitting and encouraging urban intensification and infill residential development within the City of Niagara Falls. The proposed development constitutes good planning.

CLOSING

This report is intended solely for Anthony Vacca (the “Client”) in providing the City of Niagara Falls the Planning Justification Report to obtain necessary [Planning Act](#)

Pending agency, municipal, and public comments

approvals for the proposed residential redevelopment at 8178 Thorold Stone Road. This report is prohibited to be used by any other party without written consent by an authorized representative of 2198795 Ontario Limited Operating as South Coast Consulting (South Coast). This report is considered South Coast / Steven Rivers' professional work product and shall remain the sole property of South Coast / Steven Rivers. Any unauthorized reuse, redistribution of, or reliance on, the report shall be at the Client's and recipient's sole risk, without liability to South Coast / Steven Rivers. The Client shall defend, indemnify, and hold South Coast / Steven Rivers harmless from any liability arising from or related to the Client's unauthorized distribution of the report. No portion of this report may be used as a separate entity; it is to be read in its entirety and shall include all supporting drawings and appendices.

The conclusions and recommendations made in this report are in accordance with South Coast / Steven Rivers' present understanding of the proposed project, the current site use, surface, and subsurface conditions, and are based on available information, a site reconnaissance on the date(s) set out in the report, records review and interviews with appropriate people and the work scope provided by the Client and described in the report and should not be construed as a legal opinion. South Coast / Steven Rivers relied in good faith on the data and information provided by the Client and from other materials as noted in this report. South Coast / Steven Rivers has assumed that the information provided was factual and accurate. South Coast / Steven Rivers accepts no responsibility for any deficiency, misstatement, or inaccuracy contained in this report because of omissions, misinterpretations or fraudulent acts of persons interviewed or contacted. Reliance on this report is only extended to the Client. No other representations or warranties of any kind, either expressed or implied, are made. Any use which a third party makes of this report, or any reliance on or decisions made based on it, are the sole responsibility of such third parties. If conditions at the property change or if any additional information becomes available at a future date, modifications to the findings, conclusions and recommendations in this report may be necessary.

Steven Rivers

South Coast Consulting

Land Use Planning and Development Project Management

Steven Rivers, MCIP, RPP

189 Clare Avenue

Niagara Falls, Ontario L3K 5Y1

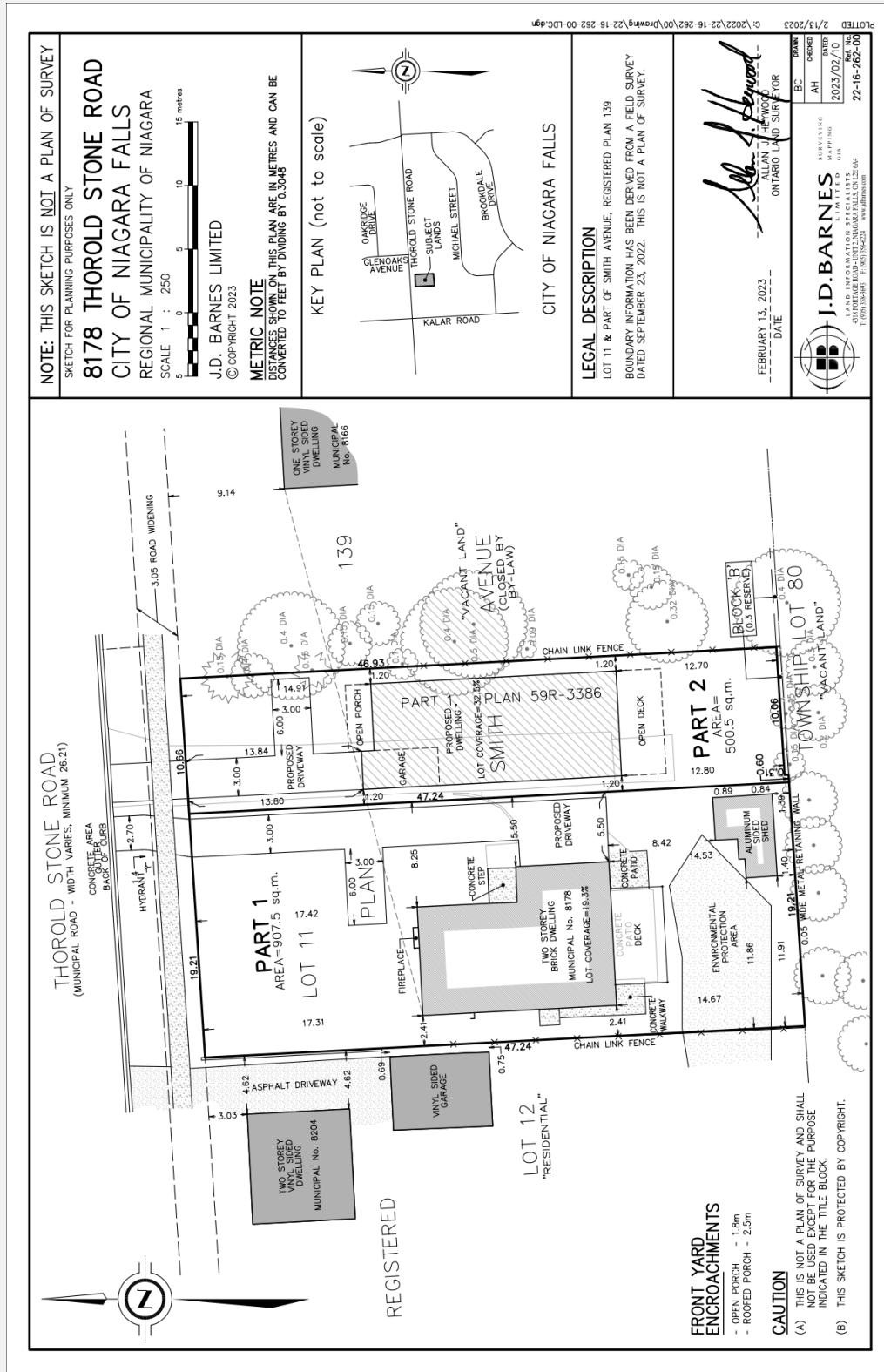
Phone: 905-733-8843

Email: info@southcoastconsulting.ca

Dated: 2023-04-04

Pending agency, municipal, and public comments

ANNEX 1: SKETCH FOR PLANNING PURPOSES ONLY
SUBMITTED UNDER A SEPARATE COVER



Pending agency, municipal, and public comments

ANNEX 2: CITY OF NIAGARA FALLS PRE-CONSULTATION CHECKLIST



City of Niagara Falls Pre-Consultation Checklist

(Revised: February 2022)

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

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

PRE-CONSULTATION- WAIVED BY DIRECTOR

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

Date:

Signature:

PRE-CONSULTATION

Day: December 1st, 2022

Time: N/A

1. SUBJECT PROPERTY INFORMATION

Street Address:

8178 Thorold Stone RD

Legal Description:

Lot 11 & Part of Smith Street/Registered Plan 139

Land Area: 1407.9 sq.m

Lot Frontage: 29.87

Municipal Land Involved: Yes No

2. CONTACT INFORMATION

Owner Information

Registered Owner: Anthony Vacca

Mailing Address: 8074 Oakridge Drive, Niagara Falls, ON, L2H 2V9

Phone Number: 905-401-7770

E-mail Address: avacca7777@gmail.com

Applicant/Agent Information (if applicable)

First and Last Name: N/A

Mailing Address: N/A

Phone Number: N/A

E-mail Address: N/A

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

3. PROPOSAL

The applicant is proposing to sever the eastern portion of this parcel for a new residential lot with the existing single detached dwelling to remain on the remnant lot. The applicant is seeking to rezone the created parcel from R1C to the R1F zone to permit a reduced lot area, lot frontage, and maximum driveway width.

4. PROPOSED DEVELOPMENT INFORMATION	
Gross Floor Area: To be confirmed	
Building Height: To be confirmed	
# Dwelling Units: 2	# Hotel/Commercial Units: N/A
Location:	
Brownfield <input type="checkbox"/> Greenfield <input type="checkbox"/> Built-up <input checked="" type="checkbox"/> Outside Urban Boundary <input type="checkbox"/> NEP Area <input type="checkbox"/> CIP Area <input type="checkbox"/>	
***Note: If within a CIP Area, please speak to the City's CIP Coordinator	

5. DESIGNATIONS		
Regional Official Plan:	Yes	No
• Built-up Area	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Niagara Escarpment Plan: N/A	Yes <input type="checkbox"/>	No <input type="checkbox"/>
City Official Plan:	Yes	No
• Residential	<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Environmental Protection Area		
Secondary Plan: N/A	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Zoning: Residential 1C Density Zone (R1C) in part, Hazard Land in part.	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>

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

7. REQUIRED INFORMATION AND STUDIES- To be submitted prior to and with Application(s).

Studies identified with an asterisk* will likely require a peer review at the cost of the developer. Reports and plans are required to be submitted prior to application for review and comments.

L o c a l	R e g i o n	N P C A	Reports, Studies, Plans (See notes for additional details)	Number of Copies		Notes
				Digital	Paper	
			Agricultural Impact Assessment			
			Air Quality*			Peer review, at applicant's cost.
			Archaeology Assessment- Please be mindful of your duty to consult obligations			Stage 1 & 2, Clearance Letter from Ministry
X	X		Conceptual Site Plan	X	6	<u>Zoning By-law Application</u> Site Plan, Coloured Site Plan, Elevations, and submit CAD .dwg file or survey plan (.dwg file) to City projection standards.
			Cultural Heritage Impact Analysis			
X	X		Draft Zoning By-law Amendment	X	3	
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			Terms of Reference- Region and NPCA to be consulted.
			Environmental Planning Study/ Sub-Watershed Study			
			Environmental Site Assessment/Record of Site Condition			
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
			Geotechnical			
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
			Municipal Servicing Study			To review services and demonstrate capacity. Infrastructure modelling may be required—if required, at applicant's cost
			Noise & Vibration Study*			Peer review, at applicant's cost.
X	X		Other: Confirmation of entrances/accesses to both the new lot and retained lot	X		To be shown on site plan.
			Phasing Plan			
X	X		Planning Justification Report	X	3	Review and analyze applicable Provincial, Regional, and City policies. Discuss affordability policies and provide potential prices/rental rates. Provide draft Zoning By-law amendment.
			Risk Management Study			
			Road Widening			

			Sensitive Land Use Report			
			Shadow Analysis			
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X			Stormwater Management	X	2	Grading plan required prior to building permit application indicating no negative impact on adjacent or surrounding properties.
			Transportation Impact Study/ Parking Impact Analysis			Terms of Reference- Region and City staff to be consulted.
X	X		Tree inventory Preservation Plan	X	3	Tree Preservation Plan at Zoning By-law Amendment Stage
			Urban Design Brief/Architectural Brief			For Tourist Area: Complete & submit Architectural Design Review form, found here: https://niagarafalls.ca/city-hall/planning/tourist-area-development.aspx Or Region's Model Urban Design Guidelines Or Area Specific UDG
			Urban Design/Landscape Plans			
			Wind Study			Computer simulation with first submission. Wind tunnel modelling required upon resubmission and/or at site plan stage, in consultation with Planning staff.

8. COMMENTS

- Planning Comments:**
- Cash-in-lieu of Parkland Dedication will apply for the newly created lot.
 - Fees are subject to increase in January 2023.
 - Official Plan
 - The subject lands are within the Urban Area and are designated "Residential" in part, and "Environmental Protection Area" in part, within the City's Official Plan.
 - The City of Niagara Falls Official Plan encourages infill that blends into the existing lot fabric, streetscape, and built form of the neighbourhood.
 - Zoning
 - The subject lands are zoned Residential 1C Density (R1C) in part, and Hazard Lands (HL), in part, in accordance with Zoning By-law No. 79-200, as amended.
 - Zoning staff identified instances of missing information that will need to be provided for full staff review and comments. Please see the attached zoning comments for further information.
 - Staff provide additional comments on the following:
 - **Newly Created Lot (Part 2)**
 - The proposed lot would be deficient within the R1C zone in regard to lot frontage, lot area, and driveway width.
 - To address these deficiencies, staff recommend the applicant rezone the proposed severed lot (Part 2) to a **Site Specific R1E Zone**, with special provisions to permit the reduced lot frontage (10.66m) and the increased maximum driveway width (84%/9m).
 - The special provision to address driveway width should clearly indicate that the increase pertains only to the portion of the driveway required for the turnaround. Any further expansion of the driveway would not be permitted.
 - As noted in the attached zoning comments, the proposal is slightly deficient in regard to the front yard setback requirement. Staff recommend revising the proposal to comply with this requirement.
 - **Remnant Lot (Part 1)**
 - As noted in the attached comments from the Regional Municipality of Niagara, a turnaround driveway will need to be provided on the remanent parcel (Part 1).
 - The turnaround shown on the revised proposal, exceeds the 9m maximum driveway width required under Zoning By-law No. 79-200 (section 4.19.4).
 - The driveway throat width should be reduced from 4.5m to 3.0m in order to comply with the 9m width requirement.

- **Hazard Land** - A rear portion of the property is zoned Hazard Land, which does not permit any buildings or structures to be erected. As noted in the attached zoning comments, further information is required to confirm that no part of the building or accessory structure are proposed to encroach into Hazard Lands (HL) Zone.
- **Landscaping**
 - Cash-in-lieu of Parkland Dedication will apply.
 - Tree Preservation Plan required at Zoning By-law Amendment Stage
- As previously noted, staff would prefer that the existing dwelling on the property be reconfigured to provide driveway access in the front yard. This would allow for a larger lot to be created while maintaining the functionality of the retained property.
- In general, Staff do not object to the revised severance proposal and required Zoning By-law Amendment, subject to the comments/requirements noted above and our review of the required Planning Justification Report (PJR). Staff will rely on the PJR prepared by a Registered Professional Planner to demonstrate that the proposal meets the intent of the City's Zoning By-law and Official Plan and that the proposed infill development will blend into the existing lot fabric, streetscape, and built form of the neighbourhood.

Engineering Comments:

Thorold Stone Road is a Regional Road (#57)

Existing infrastructure on Thorold Stone Road	300mmØ PVC Watermain (1993) 250mmØ CONC Sanitary Sewer (1968)
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Existing infrastructure on Smith Avenue	250mmØ CONC Sanitary Sewer (1969) 1050mmØ RC Storm Sewer (1988)
---	--

Zoning By-law Amendment Requirements:

- No requirements

Consent Requirements

- Detailed grading plan submitted prior to Building Permit Application indicating no negative impact on adjacent or surrounding properties. To be reviewed by Engineering Services. Additional drainage structures may be required (e.g. rear-yard catch basin).
- Sump pumps to discharge to grade. Downspouts should drain via splash pad and shall not be connected to a sewer.
- Servicing may not cross any severance line. Retained lot will require a new sanitary service from Thorold Stone Road. New lot may reuse existing sanitary service from Smith Avenue.
- Road Occupancy Permit for service connections to be obtained through Sam Mirabelli - (905) 356-7521 ext. 4295
- Regional Permits required for Thorold Stone Road.
- Five (5) percent Parkland Dedication in the form of Cash-in-Lieu on the new severed parcel only.

Fire Comments:

- Fire has no comments or concerns with the consent or zoning by-law amendment.

GIS (Addressing):

- Existing address 8178 would remain with the existing home and the new lot will be issued an address through the usual building permit process.

Transportation Comments:

- No objections to the zoning/consent
- Thorold Stone Road is a Regional road.

Building Comments:

- Please see attached comments

Zoning Comments:

- Please see attached comments and provide the requested information with your submission.

Niagara Region:

- Please see attached comments. Note the Region is accepting payment on their website.

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

Application	City of Niagara Falls	Niagara Region	NPCA
Consent	\$3,500		
Zoning By-law Amendment	\$5,800	\$1,345	
Tree Preservation Plan Review		\$415	
Total (less \$500)	\$9,300 \$8,800	\$1,760	

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

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


The \$500 pre-consultation fee is deducted from a City application fee if made within 1 year of the meeting date.

Additional Agencies to be contacted:
 MTO NPCA NEC Hydro Pipeline CN/CP Other:

10. ATTENDEES

City	Applicant	Agency
Scott Turnbull sturnbull@niagarafalls.ca	Anthony Vacca avacca7777@gmail.com	Alexander Morrison (Region) Alexander.morrison@niagaregion.ca
Cesar Ramires (Building) nmijatovich@niagarafalls.ca		
Ben Trendle (Fire) btrendle@niagarafalls.ca		
Eric Lehtinen (Engineering) elehtinen@niagarafalls.ca		
Brian Kostuk (Engineering) bkostuk@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		

Signatures

Planning Staff: Scott Turnbull		December 16, 2022
Regional Planning Staff: Alex Morrison		
NPCA Staff		
Owner: Anthony Vacca		
Owner		
Other		

Pursuant to Section 1 of By-law No. 2008-189, being a by-law to require pre-consultation for certain applications under the Planning Act, I hereby verify that a pre-consultation meeting has been held for the proposed detailed herein.

Signature: 

11. NOTES

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

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

PLANNING, BUILDING & DEVELOPMENT

Inter-Departmental Memo

To: Scott Turnbull, Planner 1
From: Sue Scerbo, Senior Zoning Administrator
Date: December 13, 2022
Re: **Proposed Consent and Minor Variance
 8178 Thorold Stone Road Option 1**

Summary:

The applicant is proposing to convey a parcel of land (Part 2) for the future construction of a detached dwelling. Part 1 is to be retained for continued residential use and contains a single detached dwelling known as 8178 Thorold Stone Road.

The subject property is zoned Residential 1C Density (R1C), in part, and Hazard Lands (HL), in part, in accordance with Zoning By-law No. 79-200, as amended.

The following table compares the regulations of the R1C zone with what is proposed for Part 2 (proposed new parcel):

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	502 square metres	No
Minimum lot frontage for an interior lot	15 metres	10.66 metres	No
Minimum lot frontage for a corner lot	18 metres	n/a	n/a
Minimum front yard depth Special Building Setback applies (where a proposed building is to be erected on an interior lot between 2 buildings or structures that are distant from each other not more than 45 metres)	(17.31 m + 9.45 metres = 26.76/2=13.38 metres) - Average setback of the dwellings on either side + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	13.2 metres + 13.1 metres from the original centerline of Thorold Stone Road	No (average building setback of the dwellings on either side is 13.38 metres)

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Pending agency, municipal, and public comments

Minimum rear yard depth	7.5 metres	13.8 metres	Yes
Minimum interior side yard width on each side of a dwelling with an attached garage or carport	1.2 metres	1.2 metres	Yes
		1.2 metres	
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	33%	Yes
Maximum height of building or structure	10 m	7.32 metres	Yes
Maximum number of one family detached dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	2 parking spaces	Yes
Maximum width of a driveway in a front yard	60% of the lot frontage but in no case more than 9 metres	84%/9 metres	No
Maximum lot area which can be used as a surface parking area	30% of the lot area	not noted	information required
Minimum Landscaped Open Space Area	30% of lot area	59% of the lot area	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None proposed	n/a
Maximum projection of a roofed over one storey porch	2.5 metres into a required front yard	less than 2.5 metres into the required front yard	Yes

Comments:

- Additional information should be provided where missing

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The following table compares the regulations of the R1C zone with what is proposed for Part 1 (retained parcel):

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	904.8 square metres (including lands within the HL zone) 804.8 square metres (within the R1C zone)	Yes the lot area will need to be adjusted to remove the lot area located within the HL zone (100 square metres)
Minimum lot frontage for an interior lot	15 metres	19.21 metres	Yes
Minimum lot frontage for a corner lot	18 metres	n/a	n/a
Minimum front yard depth	6 metres + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	17.31 metres + 13.1 metres from the original centerline of Thorold Stone Road	Yes
Minimum rear yard depth	7.5 metres	14.6 metres	Yes
Minimum interior side yard width on each side of a dwelling with an attached garage or carport	1.2 metres	2.41 metres (west)	Yes
		6.1 metres (east)	Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	25.6% not including accessory building (28.6% with accessory building)	Yes will be slightly higher after lot area is adjusted)
Maximum height of building or structure	10 m	7.31 metres	Yes
Maximum number of one family detached dwellings on one lot	1 only	1	Yes

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Pending agency, municipal, and public comments

Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	2 parking spaces	Yes
Maximum width of a driveway in a front yard	60% of the lot frontage but in no case more than 9 metres	54.6%/10.5 metres	No
Maximum lot area which can be used as a surface parking area	30% of the lot area	not noted	information required
Minimum Landscaped Open Space Area	30% of lot area	70% (slightly less after lot area is adjusted)	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14 Permitted in a rear yard Minimum 0.45 metres from interior lot lines and rear lot line. Maximum lot coverage of 15% of the lot area or 93 square metres whichever is lesser Maximum building height of 3 metres, provided that a an accessory building with a pitched roof may be erected to a height not exceeding 4.6 metres	Proposed shed located in the rear yard 0.6 metres from the proposed easterly lot line, not noted from the westerly lot line 1.22 metres from the rear lot line, 27.6 square metres in floor area 3% lot coverage 4.6 metres in height (to a pitched roof?)	No Part of the proposed shed is located within the Hazard Lands zone
Maximum projection of a deck into a required rear yard	4 metres into a required rear yard	the open pergola/deck encroach into the Hazard Lands zone	Information required not to be located within the HL zone

Comments:

- Additional information is required as noted above to ensure zoning compliance.
- The proposed open pergola and deck and part of the proposed shed illustrated on Part 1 appear to be located within the HL zone. Structures are not permitted within the HL zone. Please see attached zoning schedule

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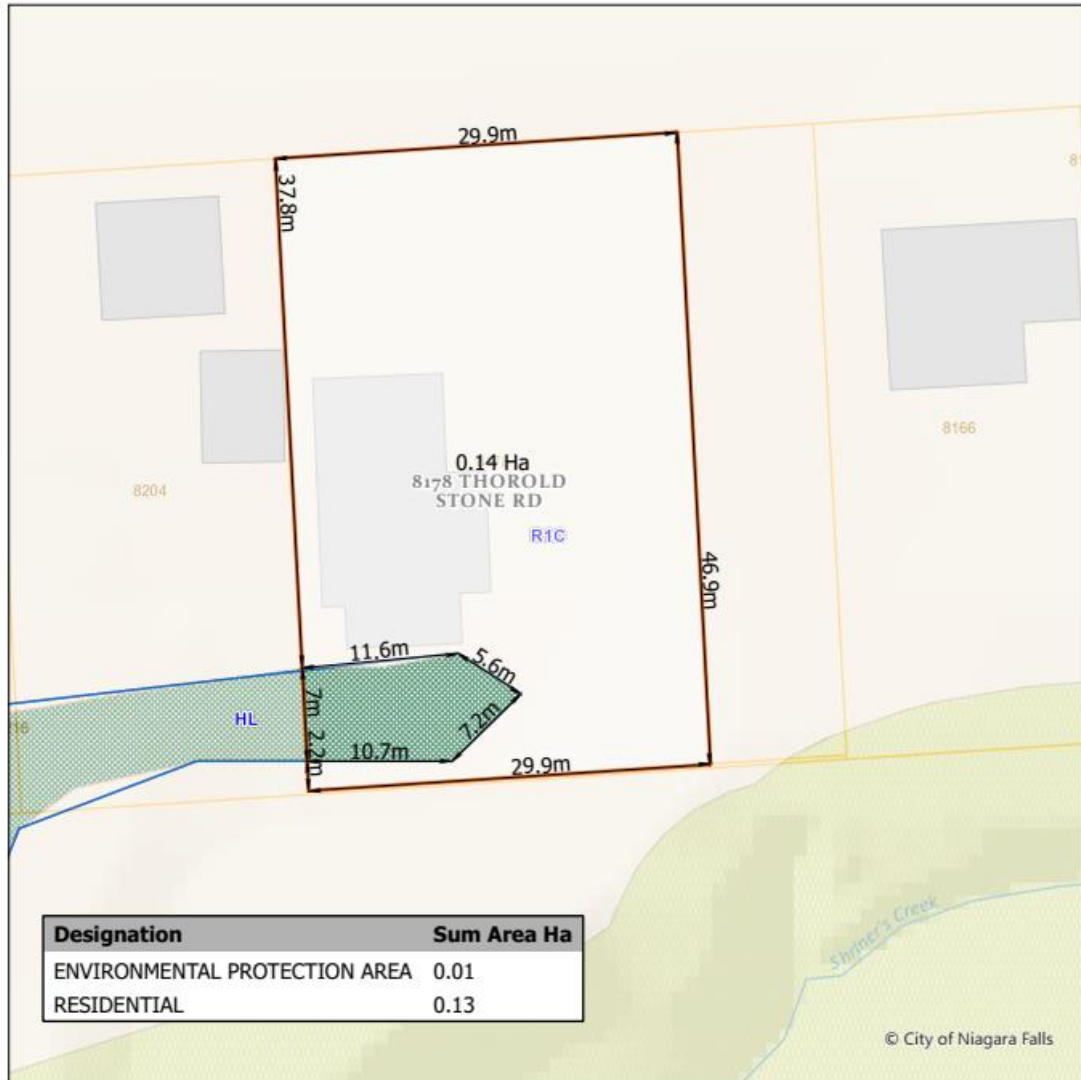
- Please describe required road widenings as "parts" on the surveyor's sketch for consent application.
- Please confirm if partial discharge of mortgage/mortgage or charge is required as part of the consent application.

SS
S:\PRECONSULTATION2022\DECEMBER 1\THOROLD STONE 8178\ZONING COMMENTS.docx

A Great City ... For Generations To Come



Location Map 8178 Thorold Stone Rd



© City of Niagara Falls

March 30, 2022

Legend

- Existing Property Parcel
- Building Footprint (2018)
- Environmental Protection Area
- Residential

This data is provided "as is" and the City of Niagara Falls (the City) makes no representations or warranties, express or implied, as to the accuracy or completeness of the data. The maps and drawings contained herein are intended for general layout purposes only and shall not be considered as official plans or drawings. For further information, please contact the City. The City shall not be held liable for special, incidental, consequential or indirect damages arising from the use of this data. Users assume all risks in using this data. No part of these digital images, or information, or hardcopies made from them may be reproduced and/or distributed without this disclaimer.

Path: K:\GIS_Requests\2022\Custom\Planning\LocationMap\LocationMap\LocationMap.aprx, 8178 THOROLD STONE RD

Pending agency, municipal, and public comments

PLANNING, BUILDING & DEVELOPMENT

Inter-Departmental Memo

To: Scott Turnbull M. PL
Planner 1
Ext 4297

From: Cesar Ramires
Senior Building Examiner
Ext. 4344

Date: December 1, 2022

Re: Pre-consultation – Consent & Zoning By-Law Amendment
8178 Thorold Stone Rd
Applicant: Anthony Vacca
Agent:
Proposal: Severance to create a new lot for future residential use
(Option 1 on submitted sketch)
Proposal would require zoning relief for minimum lot frontage, lot
area, and maximum driveway width in front yard. The applicant is
proposing a Site Specific R1F zoning.

I have reviewed the submitted documents and offer the following comments for the applicant:

- 1.** I have reviewed the submitted documents and offer the following comments for the applicant: The applicant should be informed that they will be required to obtain all necessary Building Permits the proposed single family dwelling from Building Services if granted approval.
- 2.** All further detailed, and site specific Ontario Building Code construction requirements will be addressed during the building permit application process.
- 3.** All necessary building permit fees and securities shall be accessed during building permit application review.
- 4.** If applicable, Municipal, Regional, and Educational Developments Charges will be assessed at time of building permit review.

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Pending agency, municipal, and public comments

Niagara Region – Development Services Division

Pre-Consultation Notes

8178 Thorold Stone Road, Niagara Falls

December 1, 2022

Comments Provided via Email

Regional staff: Alex Morrison, Susan Dunsmore, Lori Karlewicz.

City staff: Scott Turnbull.

Applicant: Anthony Vacca.

Type of Application: Zoning By-law Amendment & Consent (Severance).

Application Description

- Proposal is to create new lot for future residential use and requires zoning relief for lot frontage & area

Provincial and Regional Land Use Designations

Provincial Policy Statement (PPS): Settlement Area.

Growth Plan: Delineated Built-Up Area.

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

Planning Comments

- Regional staff does not object to the proposal, in principle, as the proposed uses are permitted within Provincial and Regional Urban Area policies, subject to the comments below.

Archaeological Resources

- Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site exhibits potential for the discovery of archaeological resources, as it's within 300m of a registered archaeological site and natural watercourse feature. However, based on a review of available aerial imagery, the majority of the subject property has experienced disturbance below top soil level from previous development activities. As such, staff offer no archaeological assessment requirements at this time. The Applicant is advised that the property may not be free and clear of archaeological resources.

Land Use Compatibility

- The proposed new lot fronts Thorold Stone Road. This section of Regional Road has an average annual daily traffic count (AADT) of approximately 20,000 trips per day. Typically a Noise Impact Study is required for new sensitive uses located along a Regional Road with an AADT greater than 10,000 trips per day. However, recognizing that the lands are already designated and zoned for this type of use with neighbouring properties occupying a similar use, staff waive the requirement for the Noise Study and recommend that the construction of the future dwelling include noise mitigation measures, such as: upgraded exterior windows and doors, forced air/central air units, and an exterior brick veneer.

Niagara Region – Development Services Division

Pre-Consultation Notes

8178 Thorold Stone Road, Niagara Falls

December 1, 2022

Environmental Comments

- The property is impacted by the Region's Natural Environment System (NES), consisting of a permanent or intermittent watercourse adjacent to the property, within a city-owned block. Further, these adjacent lands may meet criteria for significant woodland or other woodland. Consistent with NOP Policy 3.1.9.7, new development or site alteration adjacent to a natural heritage feature or area shall require an Environmental Impact Study (EIS) within 120 m of significant woodland, 50 m of other woodland and 30 m of permanent or intermittent watercourses. Within settlement areas, mandatory buffers from these features are required, and the width is recommended by the EIS.
- The proposed new lot, dwelling and associated structures are within the above-noted setbacks. However, NOP Policy 3.1.9.7.2 states that EIS requirements can be scoped if the proposed development is minor and is not anticipated to have a negative impact on the NES.
- Staff are satisfied that the consent and future development will be minor and not have a negative impact on the NES, provided that a Tree Preservation Plan (TPP) is submitted for Regional approval. The TPP is to be prepared in accordance with Region's Woodland Conservation By-law (By-law 20-79).

Transportation / Roads

- Thorold Stone Road (Regional Road 57).
 - Both parcel accesses shall provide a turnaround on-site to provide easier egress from the lots. Any existing driveways that are not used will have to be restored with barrier curb and boulevard. New access points will require permits.

Road Widening Requirement

- The existing Region Road width is 26.2m and meets NOP Policy. Therefore, no widening is required.

Regional Permit Requirements

- A Regional Construction Encroachment and Entrance Permit is required prior to any construction within Regional Road Allowance.
- A Regional Sign Permit is required for any signs within 20m of the centreline on Thorold Stone Road.

Servicing

- Water: 300 mm D – unknown (Local) – Thorold Stone Road.
- Sanitary: 250 mm D – conc (Local) – Thorold Stone Road.

Stormwater Management

- Based on the type and nature of the proposal, Regional staff offer no stormwater management requirements at this time.

Waste Collection (Low Density Residential)

- Curbside collection only.
- Recycling blue / grey containers – no limit (collected weekly).
- Organics green containers – no limit (collected weekly).
- Garbage / waste bags or cans – 2 maximum per lot (collected every-other-week).

Niagara Region – Development Services Division

Pre-Consultation Notes

8178 Thorold Stone Road, Niagara Falls

December 1, 2022

Required Studies & Materials for Regional Review

- Site Plan Drawing(s) that show proposed accesses to Thorold Stone Road.
- Tree Preservation Plan.

Regional Review Fees

The Region's 2022 Fee Schedule is available at: https://www.niagararegion.ca/business/fpr/forms_fees.aspx.

Be advised that the Region's review fee amounts are subject to change in the New Year (2023). Applications will be subject to the in-effect fee amounts at the time that the Application is submitted.

- Zoning By-law Amendment Review (\$1,345).
- Tree Preservation Plan Review (\$415).
- Consent Review within the Urban Area – fee and circulation is not required. Provincial / Regional interests will be addressed through the Zoning By-law Amendment Application.

EXISTING - Part 1 - Zoned R1C - OPTION #1		
PROVISION	REQUIREMENT	PROPOSAL
Min. Lot Area	550m ²	904.8m ²
Min. Lot Frontage	15m	19.21m
Min. Front Yard Depth	13.1m from C/L of RA + Avg setback	13.1m + 17.51m
Min. Rear Yard Depth	7.5m	14.6m
Min. Interior Sideyard Depth	1.2m	2.41m
Max. Lot Coverage	45%	25.6% (Not Incl. Acc. Bldg)
Max. Height of Building	10m	2 storey - 7.31m
Max. # of SFD on Lot	1 only	1
Parking & Access Requirements	Section 4.19 / 1 parking space / SFD	2
Max. Width of Driveway in Front Yard	60% of Lot Frontage - No Case > 9m	54.6% & 10.5m
Min. Landscape Open Space	30% of Lot Area	70%
Accessory Buildings & Structures	Floor Area.....< 93m ²	27.6m ²
	Lot Coverage.....15% max	3%
	Building Height.....4.6m max	4.6m
NEW - Part 2 - Zoned R1C - OPTION #1		
PROVISION	REQUIREMENT	PROPOSAL
Min. Lot Area	550m ²	502m ²
Min. Lot Frontage	15m	10.6m
Min. Front Yard Depth	13.1m from C/L of RA + Avg setback	13.1m + 13.2 avg setback
Min. Rear Yard Depth	7.5m	13.8m
Min. Interior Sideyard Depth	1.2m	1.2m
Max. Lot Coverage	45%	33% (Not Incl. Acc. Bldg)
Max. Height of Building	10m	2 storey - 7.31m
Max. # of SFD on Lot	1 only	1 only
Parking & Access Requirements	Section 4.19 / 1 parking space / SFD	2
Max. Width of Driveway in Front Yard	60% of Lot Frontage - No Case > 9m	84% & 9m
Min. Landscape Open Space	30% of Lot Area	59%
Accessory Buildings & Structures	Floor Area.....< 93m ²	N/A
	Lot Coverage.....15% max	
	Building Height.....4.6m max	
NEW - Part 2 - ReZoned R1F - OPTION #1		
PROVISION	REQUIREMENT	PROPOSAL
Min. Lot Area	320m ²	502m ²
Min. Lot Frontage	10m	10.66m
Min. Front Yard Depth	13.1m from C/L of RA + Avg setback	13.1m + 13.2 avg setback
Min. Rear Yard Depth	7.5m	13.8m
Min. Interior Sideyard Depth	0.9m	1.2m
Max. Lot Coverage	45%	33% (Not Incl. Acc. Bldg)
Max. Height of Building	10m	2 storey - 7.31m
Max. # of SFD on Lot	1 only	1 only
Parking & Access Requirements	Section 4.19 / 1 parking space / SFD	2
Max. Width of Driveway in Front Yard	60% of Lot Frontage - No Case > 9m	84% & 9m
Min. Landscape Open Space	30% of Lot Area	59%
Accessory Buildings & Structures	Floor Area.....< 93m ²	N/A
	Lot Coverage.....15% max	
	Building Height.....4.6m max	

PLANNING, BUILDING & DEVELOPMENT

Inter-Departmental Memo

To: Scott Turnbull, Planner 1

From: Sue Scerbo, Senior Zoning Administrator

Date: January 11, 2023

Re: **Proposed Consent and Minor Variance or Zoning By-law Amendment 8178 Thorold Stone Road Option 1**

Summary:

The applicant is proposing to convey a parcel of land (Part 2) for the future construction of a detached dwelling. Part 1 is to be retained for continued residential use and contains a single detached dwelling known as 8178 Thorold Stone Road.

The subject property is zoned Residential 1C Density (R1C), in part, and Hazard Lands (HL), in part, in accordance with Zoning By-law No. 79-200, as amended.

The following charts compare the proposal to the R1C zone, R1E and R1F zones. The retained parcel will remain R1C.

The following table compares the regulations of the R1C zone with what is proposed for Part 2 (proposed new parcel):

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	502 square metres	No
Minimum lot frontage for an interior lot	15 metres	10.66 metres	No
Minimum lot frontage for a corner lot	18 metres	n/a	n/a
Minimum front yard depth Special Building Setback applies (where a proposed building is to be erected on an interior lot between 2 buildings or structures that are distant from	(17.31 m + 9.45 metres = 26.76/2=13.38 metres) - Average setback of the dwellings on either side + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	13.2 metres + 13.1 metres from the original centerline of Thorold Stone Road	No

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Pending agency, municipal, and public comments

each other not more than 45 metres)			
Minimum rear yard depth	7.5 metres	13.8 metres	Yes
Minimum interior side yard width on each side of a dwelling with an attached garage or carport	1.2 metres	1.2 metres	Yes
		1.2 metres	
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	33%	Yes
Maximum height of building or structure	10 m	7.31 metres	Yes
Maximum number of one family detached dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	2 parking spaces	Yes
Maximum width of a driveway in a front yard	60% of the lot frontage but in no case more than 9 metres	84%/9 metres	No
Maximum lot area which can be used as a surface parking area	30% of the lot area	not noted	information required
Minimum Landscaped Open Space Area	30% of lot area	59% of the lot area	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	None proposed	n/a
Maximum projection of a roofed over one storey porch	2.5 metres into a required front yard	less than 2.5 metres into the required front yard	Yes

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The following table compares the regulations of the R1E zone with what is proposed for Part 2 (proposed new parcel):

Provision	Requirement	Proposal	Comply
Minimum lot area for an interior lot	370 square metres	502 square metres	Yes
Minimum lot area for a corner lot	450 square metres	n/a	n/a
Minimum lot frontage for an interior lot	12 metres	10.66 metres	No
Minimum lot frontage for a corner lot	15 metres	n/a	n/a
Minimum front yard depth Special Building Setback applies (where a proposed building is to be erected on an interior lot between 2 buildings or structures that are distant from each other not more than 45 metres)	(17.31 m + 9.45 metres = 26.76/2=13.38 metres) - Average setback of the dwellings on either side + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	13.2 metres + 13.1 metres from the original centerline of Thorold Stone Road	No
Minimum rear yard depth	7.5 metres	13.8 metres	Yes
Minimum interior side yard width on each side	1.2 metres	1.2 metres	Yes
		1.2 metres	
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	33% (not including accessory building)	Yes
Maximum height of building or structure	10 m	7.31 metres	Yes
Maximum number of one family detached dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1	2 parking spaces	Yes

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	1 parking space per dwelling		
Minimum Landscaped Open Space Area	30% of lot area	59% of the lot area	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14		
Maximum projection of a roofed over one storey porch	2.5 metres into a required front yard	less than 2.5 metres into the required front yard	Yes

The following table compares the regulations of the R1F zone with what is proposed for Part 2 (proposed new parcel):

Provision	Requirement	Proposal	Comply
Minimum lot area	320 square metres	502 square metres	Yes
Minimum lot frontage for an interior lot	10 metres	10.6 metres	Yes
Minimum lot frontage for a corner lot	12 metres	n/a	n/a
Minimum front yard depth Special Building Setback applies (where a proposed building is to be erected on an interior lot between 2 buildings or structures that are distant from each other not more than 45 metres)	(17.31 m + 9.45 metres = 26.76/2=13.38 metres) - Average setback of the dwellings on either side + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	14.2 metres + 13.1 metres from the original centerline of Thorold Stone Road	Yes
Minimum front yard depth Special Building Setback applies (where a proposed building is to be erected on an interior lot between 2 buildings or structures that are distant from	(17.31 m + 9.45 metres = 26.76/2=13.38 metres) - Average setback of the dwellings on either side + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	13.8 metres + 13.1 metres from the original centerline of Thorold Stone Road	Yes

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each other not more than 45 metres)			
Minimum rear yard depth	7.5 metres	13.8 metres	Yes
Minimum interior side yard width on each side	0.9 metres	1.2 metres	Yes
		1.2 metres	
Minimum exterior side yard width for a one family detached dwelling	3 metres	n/a	n/a
Minimum exterior side yard width for a private garage with driveway access from the front yard	6 metres	n/a	n/a
Maximum lot coverage	45%	33%	Yes
Maximum height of building or structure	10 m	7.31 metres	Yes
Maximum number of detached dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	2 parking spaces	Yes
Maximum width of a driveway in a front yard	55% of the lot frontage	84% of the lot frontage	No
Maximum lot area which can be used as a surface parking area	25% of the lot area	not noted	information required
Minimum Landscaped Open Space Area	30% of lot area	59% of the lot area	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14	n/a	n/a

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Maximum projection of a roofed over one storey porch	2.5 metres into a required front yard	less than 2.5 metres into the required front yard	Yes
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The following table compares the regulations of the R1C zone with what is proposed for Part 1 (retained parcel):

Provision	Requirement	Proposal	Comply
Minimum lot area	550 square metres	904.8 square metres (including lands within the HL zone) 804.8 square metres (within the R1C zone)	Yes the lot area will need to be adjusted to remove the lot area located within the HL zone (100 square metres)
Minimum lot frontage for an interior lot	15 metres	19.21 metres	Yes
Minimum lot frontage for a corner lot	18 metres	n/a	n/a
Minimum front yard depth	6 metres + 13.1 metres from the original centerline of Thorold Stone Road (between Garner Road and Stanley Avenue)	17.31 metres + 13.1 metres from the original centerline of Thorold Stone Road	Yes
Minimum rear yard depth	7.5 metres	14.6 metres	Yes
Minimum interior side yard width on each side of a dwelling with an attached garage or carport	1.2 metres	2.41 metres (west)	Yes
		6.1 metres (east)	Yes
Minimum exterior side yard width	4.5 metres	n/a	n/a
Maximum lot coverage	45%	25.6% not including accessory building (28.6% with accessory building)	Yes will be slightly higher after lot area is adjusted)
Maximum height of building or structure	10 m	7.31 metres	Yes

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Maximum number of one family detached dwellings on one lot	1 only	1	Yes
Parking and access requirements	In accordance with section 4.19.1 1 parking space per dwelling	2 parking spaces	Yes
Maximum width of a driveway in a front yard	60% of the lot frontage but in no case more than 9 metres	54.6%/10.5 metres	No
Maximum lot area which can be used as a surface parking area	30% of the lot area	not noted	information required
Minimum Landscaped Open Space Area	30% of lot area	70% (slightly less after lot area is adjusted)	Yes
Accessory buildings and accessory structures	In accordance with sections 4.13 and 4.14 Permitted in a rear yard Minimum 0.45 metres from interior lot lines and rear lot line. Maximum lot coverage of 15% of the lot area or 93 square metres whichever is lesser Maximum building height of 3 metres, provided that a an accessory building with a pitched roof may be erected to a height not exceeding 4.6 metres	although the plan illustrates a proposed shed and pergola/deck, revisions have been made to the plan and building permits obtained	n/a
Maximum projection of a deck into a required rear yard	4 metres into a required rear yard	although the plan illustrates a proposed shed and pergola/deck, revisions have been made to the plan and building permits obtained	n/a

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Comments:

- Additional information is required as noted above to ensure zoning compliance.
- Please describe required road widenings as "parts" on the surveyor's sketch for consent application.
- Please confirm if partial discharge of mortgage/mortgage or charge is required as part of the consent application.

SS
S:\PRECONSULTATION\2022\DECEMBER 1\THOROLD STONE 8178\ZONING COMMENTS REVISED.docx

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ANNEX 4: TREE INVENTORY AND TREE PROTECTION PLAN
SUBMITTED UNDER A SEPARATE COVER



Anthony Vacca
8178 Thorold Stone Road, Niagara Falls

Tree Inventory and Tree Protection Plan
March 2023



Prepared By
Kaitlyn Simpson - Certified Arborist

Page 1 of 11



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1 – Introduction

This document is comprised of a tree inventory and tree preservation plan for all trees on the property of 8178 Thorold Stone Road, Niagara Falls, as well as any neighbouring trees with overhanging canopies.

1.1 Description

In February of 2023 Anthony Vacca approached Safe Tree Ltd., requesting a tree inventory and tree preservation for all trees in the area specified above, including any trees with canopies overhanging the property. There are 24 trees included in this inventory.

2 – Scope of Work and Methods

2.1 – Scope of Work

This document is comprised of a tree inventory and recommended preservation techniques for the trees in proximity to proposed construction at 8178 Thorold Stone Road, Niagara Falls. Any trees that are recommended to remain are to be protected as much as possible, with measures taken before, during, and after the proposed work to minimize tree stress and damage. More information on recommendations for tree protection can be found in section 4 of this document.

2.2 – Methodology

Safe Tree’s consulting arborist, Kaitlyn Simpson, who is a certified arborist and TRAQ certification (Tree Risk Assessment Qualification) was on site for tree assessment and data collection on March 2nd, 2023. All trees were assessed by Kaitlyn during data collection. The notes and recommendations relative to tree health and vitality are relative to a timeframe of three years, in which the trees should be reassessed, or immediately after construction is completed.

A level 2 tree risk assessment is a “detailed visual inspection of a tree and its surrounding site, and a synthesis of the information collected. It is ground based and requires the arborist to inspect completely around the tree – looking at the site and visible buttress roots, trunk, and branches. Simple tools can be used to acquire more information about the tree or any potential defects.” For more information, refer to ISA’s Tree Risk Assessment Manual, Second Edition: Module 2.

The following data was collected:

Tree Number

Species

Vigor Rating: high, medium, low

Structural Risk Rating: high, medium, or low risk of failure

Notes and Recommendations based on tree health (recommendations listed in order)



Notes and Recommendations based on Proposed Construction (recommendations listed in order)

The location of each specimen was tracked by giving each tree a number, which correlates to the revised survey in section 3 of this document.

3 – Tree Inventory

3.1 – Tree Inventory Chart

The tree inventory comprises all trees 13cm DBH or greater. The tree inventory section of this document solely focuses on data relative to tree health and vitality. Information regarding tree recommendations based on proposed construction can be found in section 4 of this document.

Tree #	Species (Scientific Name)	Vigor:	Structural Risk:	Health Notes and Recommendations	Construction Notes and Recommendations
1	Poplar (<i>Populus spp.</i>)	Medium	Medium	1.Remove 2.Retain and monitor	1.Retain and monitor 2.Remove
2	Poplar (<i>Populus spp.</i>)	Low	High	1.Remove	1.Remove (due to health) 2.Retain and monitor
3	Unknown	N/A	N/A	Stump ~4ft tall	
4	Manitoba Maple (<i>Acer negundo</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor 2.Remove
5	Manitoba Maple (<i>Acer negundo</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor 2.Remove
6	Norway Maple (<i>Acer platanoides</i>)	Medium	Medium	1.Retain and monitor 2.Remove (invasive)	1.Retain and monitor 2.Remove (invasive)
7	Norway Maple (<i>Acer platanoides</i>).	Medium	Medium	1.Retain and monitor 2.Remove (invasive)	1.Retain and monitor 2.Remove (invasive)
8	Poplar (<i>Populus spp.</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor
9	Poplar (<i>Populus spp.</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor

10	Poplar (<i>Populus sp.</i>)	Low	High	1.Retain and monitor 2.Remove	1.Retain and monitor
11	Unknown	Low	High	1.Remove 2.Retain and monitor	1.Retain and monitor 2.Remove
12	Apple (<i>Malus spp.</i>)	Medium	Medium	1.Retain and monitor	1.Retain and monitor
13	Unknown	Low	High	1.Remove	1.Remove (due to health) 2.Retain and monitor
14	Maple (<i>Acer spp.</i>)	Medium	Medium	1.Retain and monitor	1.Retain and monitor 2.Remove
15	Ash (<i>Fraxinus spp.</i>)	Low	High	1.Remove	1.Remove (due to health) 2.Retain and monitor
16	Silver Maple (<i>Acer saccharinum</i>)	Medium	Medium	1.Retain and monitor	1.Remove 2.Retain and monitor
17	Poplar (<i>Populus sp.</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Remove 2.Retain and monitor (prune)
18	Unknown	Low	High	1.Remove *could not ID due to minimal health/vitality	1.Remove (due to health) 2.Retain and monitor
19	Unknown	Low	High	1.Remove *could not ID due to minimal health/vitality	1.Remove (due to health) 2.Retain and monitor
20	Red Oak (<i>Quercus rubra</i>)	High	Medium	Retain and monitor.	1.Remove 2.Retain and monitor
21	Spruce (<i>Picea spp.</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor 2.Remove
22	Walnut (<i>Juglans spp.</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor 2.Remove
23	Silver Maple (<i>Acer saccharinum</i>)	Medium	Medium	1.Retain and monitor 2.Remove	1.Retain and monitor (prune) 2.Remove (due to



					age, species, and condition)
24	Spruce (<i>Picea spp.</i>)	Medium	Medium	1.Retain and monitor	1.Retain and monitor 2.Remove

3.2 – Site Survey

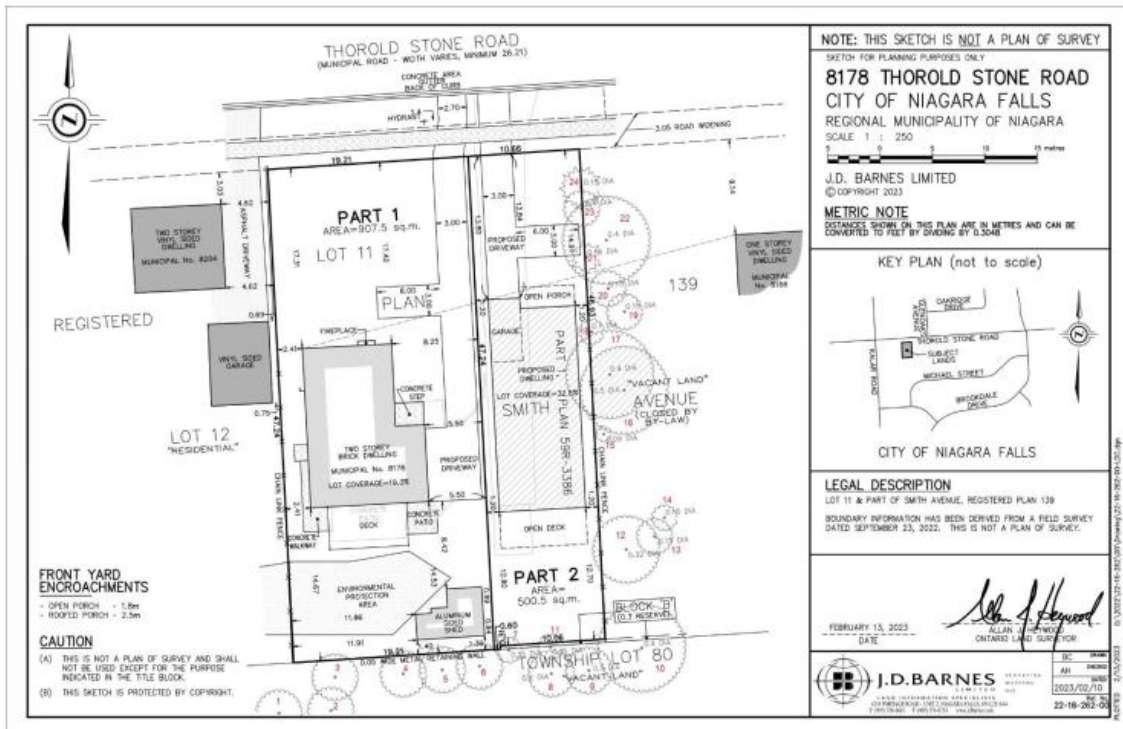


Figure 1 the site survey for the property in question. Red numeric values are relative to the tree inventory numbers in section 3.1 of this document.

4 – Tree Recommendations Relative to Proposed Construction

4.1 – Trees Recommended to be Removed or Pruned

After assessment, it is recommended to remove the follow specimens:

Removals due to health: 1, 2, 11, 13, 15, 18, 19.

Removals due to proximity to the proposed construction: 16, 17, 20

In respect to the trees recommended to be removed due to the proximity to the proposed construction, the proposed construction would create too much impact on the specimen's root systems in which retaining the specimens in question throughout the construction process is not practical nor effective. Both structural and absorption roots would be negatively altered, and the trees would undergo a significant amount of stress. This scenario will also increase the structural integrity of the trees and increase hazards on the job site, and to the public. Based on tree species, age, and potential severity of stress, it is not practical to attempt to retain the trees. Even with mitigation and best management practices, such as root pruning, tree protection zones, or fertilizing, these trees would still undergo significant stress that could permanently alter the vigor and vitality of each specimen. Therefore, it is recommended that these three trees should be removed prior to construction commencing, and two native, urban environment tolerant trees are planted after construction to mitigate the impact of the removal.

Tree Pruning due to proposed construction: 17, 23.

After assessment, trees 17 and 23 should be pruned, if tree(s) are not removed, to ensure branches are not damaged during construction. Removing specific limbs that overhang 8178 Thorold Stone Road and are low enough that equipment may come in contact with equipment during construction should be pruned prior to construction commencing. All pruning should be done by an ISA Certified Arborist, or Ontario Qualified Arborist to ensure best arboricultural practices are used.

4.2 – Recommended Tree Protection Zones

At this time, there are no by-laws in the City of Niagara Falls that requires tree protection zones, therefore the following information is **solely a recommendation** based on the City of Toronto's Tree Protection Zone Policy.

After assessment, it is recommended that the following trees have a Tree Protection Zone, as per figure 1 below, installed for the duration of the proposed construction:

10, 12, 21, 22.

The trees indicated above does **not** include any trees that are recommended for removal.



If tree protection zones are installed, the minimum protection distance recommended should be followed based on the figure below.

Trunk Diameter (DBH) ¹	Minimum Protection Distances Required ² City-owned and Private Trees	Minimum Protection Distances Required Trees in Areas Protected by the Ravine and Natural Feature Protection By-law
		Whichever of the two is greater:
<10cm	1.2 m	The drip line ⁴ or 1.2 m
10- 29 cm	1.8 m	The drip line or 3.6 m
30 ³ – 40 cm	2.4 m	The drip line or 4.8 m
41 – 50 cm	3.0 m	The drip line or 6.0 m
51 – 60 cm	3.6 m	The drip line or 7.2 m
61 – 70cm	4.2 m	The drip line or 8.4 m
71 – 80cm	4.8 m	The drip line or 9.6 m
81 – 90 cm	5.4 m	The drip line or 10.8 m
91 – 100 cm	6.0 m	The drip line or 12.0 m
>100 cm	6 cm protection for each 1 cm diameter	12cm protection for each 1 cm diameter or the drip line ⁵

Figure 2 the minimum tree protection zone determination. Source: City of Toronto's Tree Protection Policy and Specifications for Construction Near Trees.

5 – Guidelines for Construction and Excavation in Specimen(s) Dripline

5.1 – Tree Protection Zones (TPZ)

Tree protection zones are an established and agreed upon area surrounding a tree which cannot in any way be disturbed by the construction process. It is a minimum area of protection designed to retain the number of roots required for tree stabilization as well as nutrient absorption. Root systems are important to protect as they provide two essential functions: they absorb water and nutrients from the soil and anchor a tree to the ground providing stabilization in inclement weather. TPZ may be amalgamated if specimens are within proximity to each other, and individual TPZ would overlap. TPZ should be assessed at minimum once a month by the project's arborist, to ensure all procedures to protect retained trees are followed throughout the construction process.

6 – Best Construction Practices to Minimize Tree Stress and Damage

6.1 – Construction Inside a TPZ

Root pruning is an example of a best practice within a TPZ. This is comprised of the use of compressed air, hydro-excavation, or hand tools to carefully remove soil from around root structures.



Once roots are exposed, proper root pruning of only structures necessary to project completion can be performed. Any pruning of a canopy necessary for a construction project should also take into consideration the extent of root pruning required and be factored in the tree protection plan.

6.2 – Site Remediation

Site remediation is an important final step to preserving tree health after a construction product has completed. Excavation within a root zone is stressful for a tree, causing it to lose nutrient absorption abilities and perhaps even destabilizing the specimen. It is recommended that steps be taken prior, during and after construction to improve soil quality in areas outside the construction envelope. Compaction of the surrounding area is a common tree stressor during a construction project. Frequent trampling of a root zone causes the soil to become compacted, which decreases its ability to absorb and retain water and creates difficult root growth conditions. Application of mulch throughout a tree's dripline before, during and after construction, helps alleviate compaction, introduces biomatter into the soil, and helps retain soil moisture.

6.3 – Recommendations for Tree Protection – After Construction

Once the construction project is complete, the mulch can be removed and any TPZ can be uninstalled. The ground should be assessed by the consulting arborist to indicate if soil compaction is present. If so, soil remediation should take place to increase the bulk density, porosity, and oxygen present within the soil. There are many techniques to do this, which can be discussed, if needed, once the construction is complete.

Another recommendation is to deep root fertilize. This will help minimize stress to the trees that may occur due to the construction. It is recommended to fertilize twice annually, for a minimum of one season, to aid in maintaining the health and vitality of the trees.

7 – Conclusion Statement

In my professional opinion, there are 7 trees that could be removed due to tree health, 3 trees that should be removed due to proposed construction, and 2 trees that should be pruned prior to construction commencing.

For any trees that will be retained throughout the construction process, proper stress mitigation techniques should be implemented, to minimize the severity of any stress that may occur. It is recommended that the project's arborist assess the site minimum once a month, to ensure all procedures are followed throughout the proposed scope of work.

8 – Disclaimer

LIMITATIONS OF THIS REPORT

This report is based on an assessment of the circumstances and observations as they existed at the time of the site inspection of the customer's property and the trees situated thereon and upon information provided by the customer to Safe Tree Ltd. The opinions in this report are given based on observations made and using generally accepted professional judgment, however, because trees and plants are living organisms and subject to change, damage and disease, the results, observations, recommendations, and analysis as set out in this report are valid only as at the date any such testing, observations and analysis took place and no guarantee, warranty, representation or opinion is offered or made as to the length of the validity of the results, observations, recommendations and analysis contained within this report. As a result, the customer shall not rely upon this report, save and except for representing the circumstances and observations, analysis and recommendations that were made as at the date of such inspections. It is recommended that the trees discussed in this report should be re-assessed periodically.

RESTRICTION OF ASSESSMENT

The assessment carried out was restricted to the property. No assessment of any other trees or plants has been undertaken by Safe Tree. Safe Tree is not legally liable for any other trees or plants on the property except those expressly discussed herein. The conclusions of this assessment do not apply to any areas, trees, plants, or any other property not covered or referenced in this report.

PROFESSIONAL RESPONSIBILITY

In carrying out this report, Safe Tree Ltd and any assessor/arborist appointed for and on behalf of Safe Tree Ltd to perform and carry out the Assessment contained in this report has exercised a reasonable standard of care, skill and diligence as would be customarily and normally provided in carrying out this assessment. The Assessment has been made using accepted arboricultural techniques. These include a visual examination of each tree for structural defects, scars, external indications of decay such as fungal fruiting bodies, evidence of insect attack, discoloured foliage, the condition of any visible root structures, the degree and direction of lean (if any), the general condition of the tree(s) and the surrounding site, and the current or planned proximity of property and people. Except where specifically noted in the report, none of the trees examined on the property were dissected, cored, probed, climbed, or viewed with arial devices and detailed root crown examinations involving excavation were not undertaken. While reasonable efforts have been made to ensure that the trees recommended for retention are healthy, no guarantees are offered, or implied, that these trees, or all parts of them will remain standing. It is professionally impossible to predict with absolute certainty the behaviour of any single tree or group of trees, or all their component parts, in all given circumstances. Inevitably, a standing tree will always pose some risk. Most trees have the potential to fall, lean, or otherwise pose a danger to property and persons. In the event of adverse weather conditions, this risk can only be eliminated if the tree is removed. Without limiting the foregoing, no liability is assumed by Safe Tree or



its directors, officers, employees, contractors, agents or Assessors or Arborist for: a) any legal description provided with respect to the Property; b) issues of title and or ownership respect to the Property; c) the accuracy of the Property line locations or boundaries with respect to the Property; d) the accuracy of any other information provided to Safe Tree by the Customer or third parties; e) any consequential loss, injury or damages suffered by the customer or any third parties, including but not limited to replacement costs, loss of use, earnings and business interruption; and, f) the unauthorized distribution of the report.

GENERAL

Any plans and/or photos in this report are included only to help the Customer visualize the issues and shall not be relied upon for any other purposes.

ANNEX 5: ACCESS REVIEW



5A-150 Pinebush Road
Cambridge ON N1R 8J8
p: 905.381.2229

www.ptsl.com

03 April 2023
Project: (230114)

Anthony Vacca
8075 Oakridge Dr
Niagara Falls ON
L2H 2V9

**RE: 8178 THOROLD STONE ROAD, NIAGARA FALLS
ACCESS REVIEW**

The property located at 8178 Thorold Stone Road is an existing residential dwelling with direct access provided to Thorold Stone Road.

The property owner proposes a rezoning and severance of a new single-family lot with the construction of an additional driveway connection to Thorold Stone Road. The driveway connections are proposed to be designed 3.0 metres in width spaced, approximately 1.6 metres (curb to curb) and 4.0 metres (centreline to centreline). Each lot will also have an on-site turnaround measuring 6.0 metres by 3.0 metres to avoid reversing onto Thorold Stone Road.

The site plan is appended to this letter.

This technical memorandum provides guidance and opinion regarding the proposed accesses arrangement.

Thorold Stone Road

Thorold Stone Road is an east-west arterial road under the Region of Niagara jurisdiction that is comprised of four travel lanes and a posted speed limit of 50 km/h. The roadway has no cycling lanes; however, sidewalks are provided on both the north and south sides of the road. The roadway is also identified with stopping prohibitions on both sides of the roadway.

Contrary to access management policies along arterial roadways, this section of Thorold Stone Road between Kalar Road and Brookdale Drive provides access to several single-family detached dwelling units, predominately along the south side of the road. As a result, driver expectations would not be impacted by adding a new driveway connection to Thorold Stone Road. Additionally, a review of the existing driveway connection to single-family lots along Thorold Stone Road confirms a similar spacing of 1.6 metres between driveways is provided (8166 and 8154 Thorold Stone Road).

Pending agency, municipal, and public comments

Discussions with Niagara Region also confirm that even though no stopping restrictions are provided along Thorold Stone Road, a temporary lane occupancy permit can be obtained. This will facilitate the loading of supplies and equipment within the curb lane of Thorold Stone Road by either loading directly from the road or stopping and reversing into the site for construction purposes.

Access Review

To assist in determining the appropriateness of the access locations, the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads¹ was reviewed.

Corner Clearances at Major Intersections

TAC Chapter 8.8 (Corner Clearances at Major Intersection), Section 8.8.1 (General) states, "Corner clearance is the distance from an intersection to the nearest access upstream or downstream of it. Corner clearance is measured from the near curb of the cross roadway to the near edge of the access throat. It consists of three components: the curb return radius at the intersection, a length of tangent, and the curb return radius or flare dimension at the driveway. Inadequate corner clearance between accesses and intersections along a major road, such as a major arterial, can create operational issues."

TAC has been reviewed to determine sufficiency of the corner clearance from a major intersection. The suggested corner clearances, as stipulated by TAC, are as follows:

- ▶ Arterials
 - 70 metres (curb radii to curb radii) downstream and upstream of a signalized-intersection.

The existing and proposed driveway connection to 8178 Thorold Stone Road will be located 90 metres (curb radii to curb radii) downstream of the major intersection of Thorold Stone Road and Kalar Road Line.

The existing and proposed driveway connections exceed the corner clearance guidelines stipulated by TAC.

Spacing Guidelines

As spacing criteria along arterial roadways for driveways is not described within TAC and the City of Niagara Falls and Niagara Region do not have access management guidelines, we have relied on the driveway spacing criteria along local and collector roadways as outlined by TAC given the proposed driveway can be considered low volume.

¹ Geometric Design Guide for Canadian Roads, Transportation Association of Canada, 2017



TAC Chapter 8.9 (Driveways), Section 8.9.8 (Spacing of Adjacent Driveways) states, "In addition to the corner clearance considerations described in Section 8.9.7, driveways are normally located in consideration of their physical relationships to existing or possible future driveways. The following three criteria need to be considered: minimum spacing between driveways, minimum offset to property line, maximum number of driveways based on property frontage."

TAC suggests a minimum of 1.0-metre spacing is recommended between adjacent low-volume driveways for residential properties along local and collector roadways. A maximum of two driveways for frontages between 16 and 50 metres is permitted.

The proposed driveway connections are located away from the property line, exceed the driveway spacing guidelines, and meet the guidelines to permit two connections based on the size of the frontage to Thorold Stone Road, as stipulated by TAC. For low-volume roadways, such as locals and most collectors, the spatial relationship between driveways on opposite sides of the road is not a necessary design consideration. Similarly, this relationship does not impact traffic operations if one or both driveways are low volumes.

The existing and proposed driveway connections exceed the spacing guidelines stipulated by TAC.

Sight Distance

The section of Thorold Stone Road is located on a relatively flat pavement width with no discernable curve present. A design speed of 10 kilometres per hour over the posted or assumed speed is typically utilized for urban roadways.

Paradigm conducted a sight distance evaluation for the existing and proposed driveway connections to Thorold Stone Road, following the guidelines provided by TAC. Sight distance considerations are divided into; decision sight distance (DSD) and intersection sight distance (ISD).

- ▶ Decision Sight Distance (DSD) is the distance required for a vehicle approaching an intersection from either direction to perceive, react and select an appropriate speed and path, and initiate and complete the movement safely and efficiently to avoid the hazard. In this respect, DSD can be considered as the preferred visibility criterion for the safe operation of an unsignalized intersection.
- ▶ Intersection Sight Distance (ISD) is based on the time required for perception, reaction and completion of the desired critical exiting maneuver (typically, a left turn) once the driver on a minor street approach (or a driveway) decides to execute the maneuver. Calculations for ISD include the time to: (1) turn left and clear the near half of the intersection without conflicting with the vehicles approaching from the left; and (2) upon turning left, to accelerate to the operating speed on the roadway without causing approaching vehicles on the main road to unduly reduce their speed. In this context,



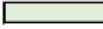

ISD can be considered as a desirable visibility criterion for the safe operation of an unsignalized intersection.



Table 1 summarizes the sight distance analysis for the proposed driveways.

TABLE 1: SIGHT DISTANCE REVIEW

Location	Sight Distance (m)			
	60 km/h Design Speed			
	DSD		ISD	
	TAC	Measured	TAC	Measured
East Driveway				
To/From the East	205	205+	130	130+
To/From the West	205	205+	110	110+
West Driveway				
To/From the East	205	205+	130	130+
To/From the West	205	205+	110	110+

 Meets or Exceeds TAC Guideline
 Does not meet TAC Guideline

The sight distance along Thorold Stone Road at the proposed and existing driveway connections to 8178 Thorold Stone Road exceeds the intersection sight distance and decision sight distance in both directions.

Operations

The existing and proposed single-family dwelling is estimated to generate approximately 18 daily trip ends². Design hour vehicle trips generated during the weekday AM and PM peak hours are estimated to be 2-3 trip ends. The low volume and low frequency of trips are not anticipated to be problematic to the operations along Thorold Stone Road.

Conclusions

The results indicate that the existing and proposed site driveways are supportable. In addition, the proposed driveway design provides an on-site turnaround area, thereby increasing the level of safety for entering and exiting the property by doing so through a forward motion and avoiding reversing onto Thorold Stone Road.

Based on our professional traffic operations experience, the proposed two points of access as part of the severance application to Thorold Stone Road do not create any remarkable impacts or differences with respect to traffic operations, design considerations, or traffic safety along the Thorold Stone Road corridor.

² Trip Generation Eleventh Edition, Institute of Transportation Engineers, Washington D.C., 2020



Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Adam J. Makarewicz
Dipl.T., C.E.T. MITE
Senior Project Manager



Stew Elkins
B.E.S., MITE
Vice President



