

# **Planning Justification Report**

**5640 Stanley Avenue and 5609 & 5619 Buchanan Avenue**

**Niagara Falls, ON**

**July 2023**

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UCC File No. 22218

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## **PREFACE**

Upper Canada Consultants has been retained by 9431870 Canada Corporation to prepare a Planning Justification Report pertaining to an application for Zoning By-law Amendment on lands known municipally as 5640 Stanley Avenue and 5609 & 5619 Buchanan Avenue in Niagara Falls.

The property known as 5640 Stanley Avenue currently contains a two-storey motel operating as the Niagara Falls Courtside Inn. The properties known as 5609 and 5619 Buchanan Avenue currently contain single detached dwellings. The applicant is proposing to demolish all existing uses and redevelop the subject lands comprehensively with a fourteen-storey (14) mixed-use building containing 162 residential apartment dwelling units, a dedicated commercial unit and five (5) live/work units.

The Zoning By-law Amendment has been prepared to amend the Zoning of the property from Tourist Commercial (TC) and Deferred Tourist Commercial (DTC) to a site-specific Tourist Commercial Zone (TC-X). Site-specific provisions generally pertaining to deemed yards, building height, parking, setbacks and encroachments are requested to facilitate the proposed building design.

This Planning Justification Report provides an overview of how the application satisfies the requirements of the Planning Act, is consistent with the Provincial Policy Statement (2020) and conforms with the Growth Plan for the Greater Golden Horseshoe (2020), Niagara Official Plan (2022) and City of Niagara Falls Official Plan (as amended).

This report should be read in conjunction with the following reports:

- Preliminary Site Plan, Elevations and Floor Plans prepared by ACK Architects Studio Inc.
- Shadow Analysis prepared by ACK Architects Studio Inc.
- Traffic Impact Study prepared by GHD Limited
- Detailed Environmental Noise Assessment prepared by R.J. Burnside & Associates Limited
- Stage 1-2 Archaeological Assessment prepared by Detritus Consulting Ltd.
- Pedestrian Level Wind Study prepared by Gradient Wind
- Functional Servicing Report prepared by Hallex Engineering Ltd.
- Stormwater Design Brief prepared by Hallex Engineering Ltd.
- Phase 1 Environmental Site Assessments prepared by R.J. Burnside & Associates Limited

## DESCRIPTION AND LOCATION OF THE SUBJECT LANDS

The submitted Zoning By-law Amendment application pertains to lands known municipally as 5640 Stanley Avenue and 5609 & 5619 Buchanan Avenue in Niagara Falls. The lands are legally described as Part of Lots 816 & 187, Registered Plan 9 and Part of Lots 803, 804, 805, 806 and 807, Registered Plan 17, Niagara Falls, Regional Municipality of Niagara.

The subject lands are visually shown in **Figure 1** within the red outline. The three parcels of land forming the subject lands are intended to be merged in title by the owner and will eventually become one property.



Figure 1 - Context Map – Cropped from Niagara Navigator (2020)

### Location of the Subject Lands

The subject lands are located on the south side of North Street with legal frontages along the east side of Stanley Avenue and along the west side of Buchanan Avenue. The lands form the northern portion of the existing neighbourhood block bounded by Forsythe Street to the south.

The existing frontages and cumulative area for the subject lands are as follows:

- Stanley Avenue – 76.24 metres
- North Street – 74.0 metres

- Buchanan Avenue – 30.48 metres
- Site Area – 0.418 hectares

The properties are located approximately 310 metres south of the intersection of Highway 420 and Stanley Avenue, and 320 metres north of the intersection of Ferry Street and Stanley Street.

### Existing Land Uses

The property known as 5640 Stanley Avenue currently contains a two-storey, 54-room motel. The building is located along the east and south lot lines with a surface parking lot and inground pool along the western and northern lot lines, adjacent to the roadways.

The properties known as 5609 & 5619 Buchanan Avenue currently contain single detached dwellings with accessory structures. The dwellings and structures will be demolished to facilitate the development.

Photographs of the subject lands and existing uses are included as **Figures 2 and 3**.



Figure 2 - 5640 Stanley Avenue - Niagara Courtside Inn



Figure 3 - 5619 Buchanan Avenue (Left) and 5609 Buchanan Avenue (Right)

### Adjacent Land Uses

The subject lands are located along Stanley Avenue which is a high-volume arterial roadway that conveys traffic from the Queen Elizabeth Way (QEW) and Highway 420 to the tourism district of Niagara Falls. Stanley Avenue is characterized by predominantly commercial land uses, however, adjacent streets to the west and east contain residential dwellings.

To the north of the subject lands is an existing car rental agency (Enterprise) and single detached dwellings fronting onto Buchanan Avenue, north of North Street

To the east of the subject lands are existing single detached dwellings on the east side of Buchanan Avenue. There is also a vacant lot and existing detached dwelling located at 5629 and 5641 Buchanan Avenue immediately adjacent to the subject lands on the west side of Buchanan Avenue.

To the south of the property is a six-storey hotel. The hotel sits mid block between North Street and Forsythe Street with a dedicated passenger drop-off along Stanley Avenue and the required parking on the east side of the building that is accessed from Buchanan Avenue.

To the west of the subject lands is a relatively new fuel service station and convenience store.

Photographs of the adjacent land uses are included as **Figures 4 to 7** of this report.



Figure 4 - 5590 Stanley Avenue - Enterprise Car Rental - Northeast Corner of Stanley Avenue and North Street



Figure 5 - 5700 Stanley Avenue - Comfort Inn - South of Subject Lands



Figure 6 - 5619 Stanley Avenue - Pioneer Gas Bar and Commercial Plaza - West of Subject Lands



Figure 7 – 5641 (Left) and 5629 (Right) Buchanan Avenue - East of Subject Lands



### Transportation Network

The subject lands are located along an Arterial Road (Stanley Avenue) and are within proximity to key transportation routes including Lundy's Lane/Ferry Street, Highway 420/Falls Avenue, and the Queen Elizabeth Way Highway (QEW).

The subject lands are accessible by private automobile and active transportation (walking, cycling). There are currently no public transit stops on Stanley Avenue between Highway 420 and Ferry Street. However, the subject lands are less than 500 metres from each intersection where transit stops exist. This distance is considered to be a comfortable and reasonable walk to public transit service.

As outlined on the provided Preliminary Site Plan prepared by ACK Architects Studio Inc., road widenings and daylighting triangles are required to be dedicated along all public frontages of the site. In anticipating of these future dedications and to ensure future zoning conformity, all zoning provisions have been prepared on the assumption that these lands have been taken.

## THE PROPOSED DEVELOPMENT

The owner has proposed to redevelop the subject lands as a fourteen-storey (14) mixed use building containing of 162 residential apartment units (inclusive of five (5) live/work suites at grade along Stanley Avenue) and a 189.7 square metre (2,042 square foot) commercial unit. An image showing the preliminary Site Plan prepared by ACK Architects Studio Inc. is included below as **Figure 8** and as **Appendix I** to this report.

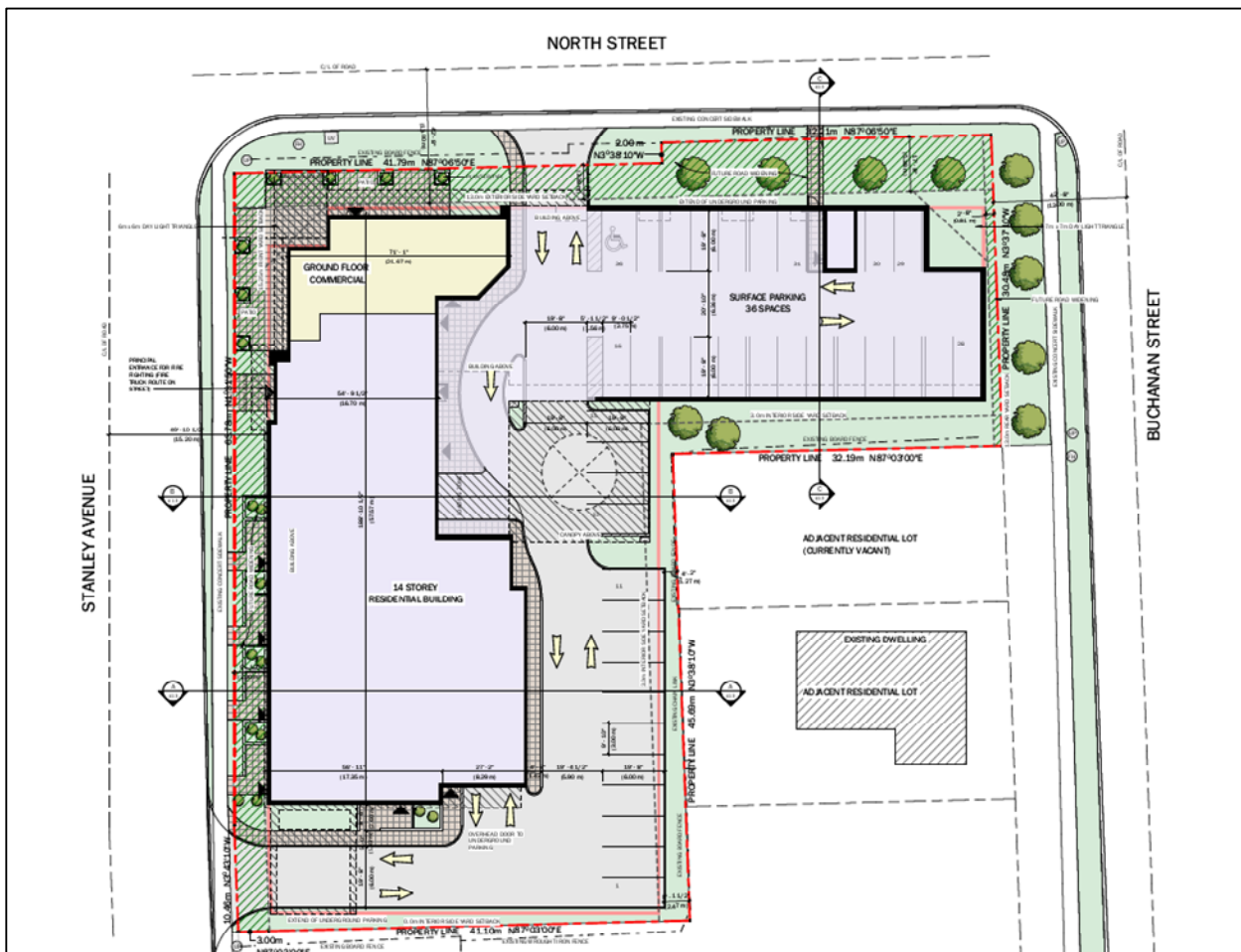


Figure 8 - Preliminary Site Plan prepared by ACK Architects Studio Inc.

### Proposed Elevations and Massing

The proposed building design will be a stepped tower design with minimal setbacks along Stanley Avenue, North Street and Buchanan Avenue.

The tallest portion of the building will be located at the corner of Stanley Avenue and North Street. This façade will extend to 14 storeys at the northwest corner of the property with a mix of step backs, balconies and at grade access points along the western façade of the building. One vehicular access is provided from Stanley Avenue at the southernmost point of the property.

The North Street interface will include ten storeys of massing with units at grade and the second vehicular access to the surface parking area.

Along Buchanan Avenue will be the side flankage of the east side of the building. This portion of massing will extend four floors upward before stepping back twice at the fifth and eighth floors. This stepping back is desirable as the eastern end of the building interfaces with existing low density residential development and will help to abate overlook and shadow impacts

Conceptual Elevations prepared by ACK Architects Studio Inc. are provided as **Figures 9 to 11** of this Report and in **Appendix 1**.

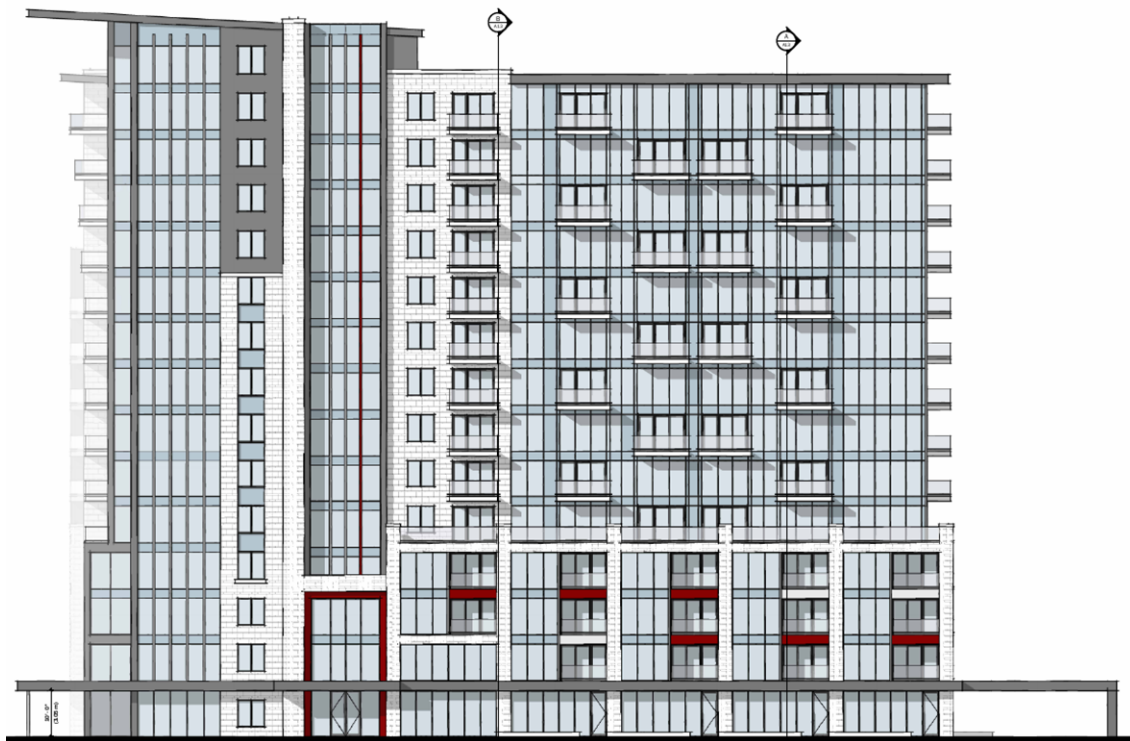


Figure 9 - Stanley Street Elevation (West)

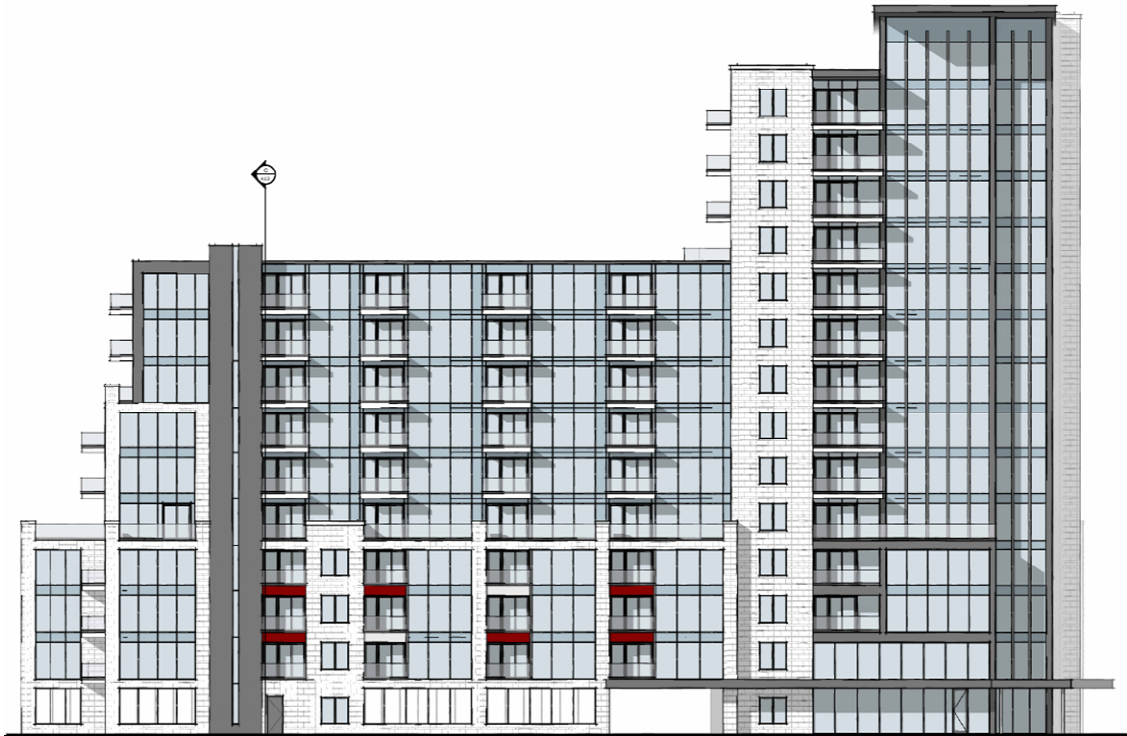


Figure 10 - North Street Elevation (North)

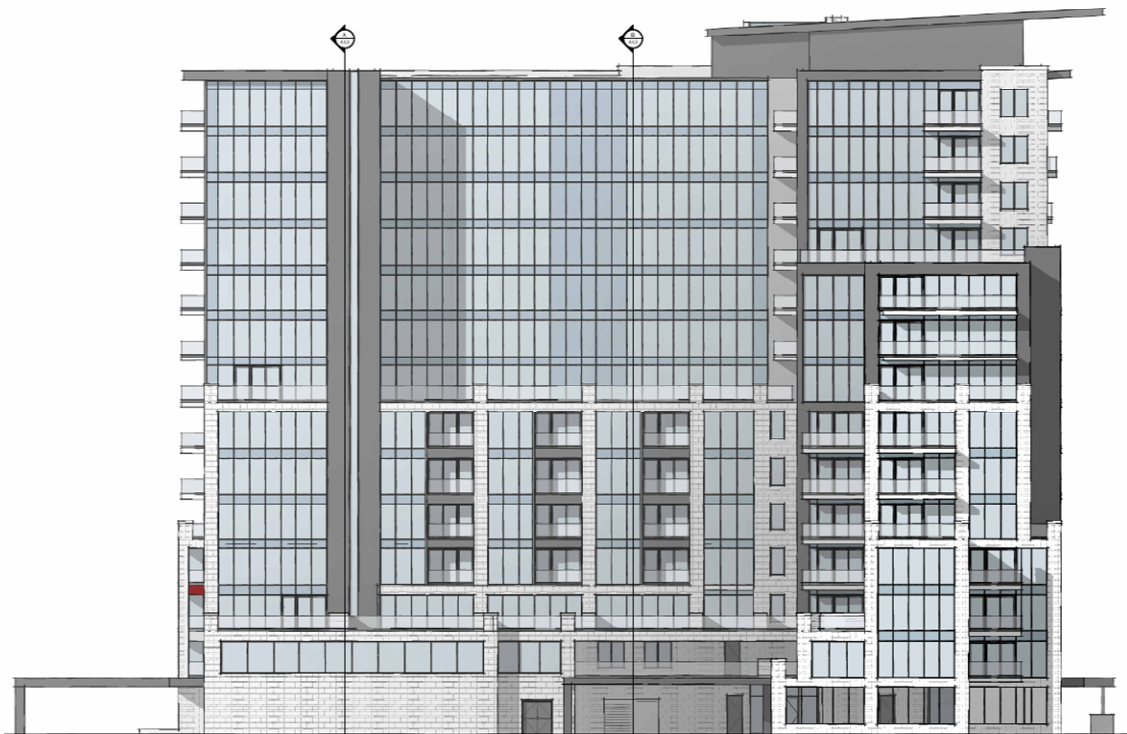


Figure 11 - Buchanan Avenue Elevation (East)

### Commercial Unit

At the ground level a purpose-built commercial unit is proposed. This unit measures approximately 189.7 square metres in floor area and will be accessible from North Street and the interior parking area. The commercial unit will be one floor but have a ceiling height extending to the limit of the second floor. It is intended that lands on-site and within the municipal boulevard will be utilized as a patio.

### Live / Work Units

Five (5) two-storey live / work units are proposed along the west and south side of the building along Stanley Avenue.

The proposed “work” units at grade will be between approximately 557 square feet and 763 square feet in floor area. The second storey “living” areas will range in area from 626 square feet to 877 square feet. The units will also have individual, exclusive patio space allocated outside the access doors, and a second storey balcony for dedicated private amenity space.

### Residential Dwelling Units

The owner is proposing 162 residential apartment dwellings within the building.

The 157 typical residential units (i.e., non live/work units) will range in size between 506 square feet and 1075 square feet in area. Each unit will have its own balcony or terrace and will be accessible by elevator.

### Building Amenities

The proposed building will include a mix of dedicated common amenity areas and private amenity areas for the residential portion of the building.

Common elements for all residents will include:

- business office (2<sup>nd</sup> floor)
- community room (2<sup>nd</sup> floor)
- fitness room (2<sup>nd</sup> floor)
- outdoor common terrace (2<sup>nd</sup> floor)
- dog walk amenity area (3<sup>rd</sup> floor)
- rooftop terrace (8<sup>th</sup> floor)

All residential dwelling units will be provided with a terrace or balcony depending on their location in the building. These areas will be exclusive for the tenants of each unit.

## Parking

On-site parking for the commercial unit and residential dwellings units will be provided through a mix of surface parking and underground garage parking.

The thirty-six (36) surface parking spaces and loading area will be accessible from North Street and Stanley. These parking spaces are intended to be used primarily for visitors or customers.

The underground garage will contain one-hundred-and-seventy-seven (177) spaces. The underground garage will be accessible from the southern end of the building.

Seven (7) barrier-free spaces are contemplated within the development, as well.

## **REQUIRED PLANNING ACT APPLICATIONS**

A pre-consultation meeting pertaining to this development proposal occurred on August 4, 2022. City of Niagara Falls planning staff confirmed at that meeting that an application for Zoning By-law Amendment is required to permit the proposed development.

The mixed-use building will be subject to future Site Plan Approval and Draft Plan of Condominium applications to confirm site design and establish tenure.

As requested by the City and review agencies, a complete application submission for Zoning By-law Amendment must include:

- Conceptual Site Plan, Elevations and Landscape Plan
- Planning Justification Report
- Environmental Site Assessment (Phase 1 & 2) and Record of Site Condition
- Functional Servicing and Stormwater Management Report
- Noise and Vibration Study
- Shadow Analysis
- Tree Preservation Plan
- Pedestrian Level Wind Study
- Traffic Impact Study

These required materials are provided with the Application submission.

A copy of the pre-consultation agreement is included as **Appendix III** to this report.

### **Zoning By-law Amendment**

An Application for Zoning By-law Amendment is proposed to amend the zoning of the subject lands from Tourist Commercial (TC) and Deferred Tourist Commercial (DTC) to a Site-Specific Tourist Commercial Zone (TC-X).

Site-specific relief is requested for the following:

- Deeming of Front, Rear and Exterior Yards;
- Increased building height from 12.0 metres to 43.28 metres (14 storeys);
- Increased percentage of a building that can be used for Dwelling Units from 50% to 71%;
- Reduced Front, Rear and Exterior Side Yard Setbacks to 0.0 metres;
- Permitted Encroachments (Balconies, Patios, Ornamental Projections); *and*
- Reduced Parking Ratio for Apartment Dwelling Units from 1.4 to 1.28 spaces per unit.

A copy of the Draft Zoning By-law Amendment is included as **Appendix II** to this report.

## **RELATED STUDIES AND REPORTS**

Consistent with the submission requirements outlined during pre-consultation, and in addition to this Planning Justification Report, several supporting reports and studies have been completed in relation to the application. A brief overview of the purpose, findings and conclusions of these reports and studies are provided below.

### **Functional Servicing Design Brief prepared by Hallex Engineering Ltd.**

The Functional Servicing Design Brief contains an overview of existing site servicing, available municipal infrastructure and proposed servicing methods for the development.

The Hallex report identifies that there are several existing water and sanitary servicing connections to the site that have supported the existing hotel and the detached dwellings on Buchanan Avenue. The size of these existing lateral connections is currently unknown and the report has recommended that any identified connections be capped and abandoned in favour of new, properly sized water and sanitary services.

With regard to water service, the Hallex Report recommends that a new 150 mm water service be provided to the building from the existing 200 mm City watermain on North Street. A second 150 mm service from the same watermain is proposed for fire protection. The report also notes that four (4) existing fire hydrants are available within acceptable proximity to the subject lands. The building will be equipped with a sprinkler system.

With regard to sanitary servicing, the Hallex Report is recommending a new 250 mm sanitary sewer connection from the building to the existing combined 1,350 mm City sewer on Stanley Avenue.

### **Stormwater Management Design Brief prepared by Hallex Engineering Ltd.**

The Stormwater Management Design Brief contains an overview of the proposed method of managing stormwater generated by the development.

As outlined in the report prepared by Hallex Engineering Ltd., stormwater will be managed through a blend of on-site storm sewers, parking structure drainage and roof drains. The captured stormwater will be directed to an oil/grit separator to provide stormwater quality control prior to being outlet into the existing 2,400 mm municipal storm sewer within Stanley Avenue. On-site storage will be utilized to manage stormwater quantity, due to the estimated increase in post-development storm drainage.



### Detailed Environmental Noise Assessment prepared by R.J. Burnside & Associates Limited

A detailed noise assessment was requested to be submitted with the Zoning Application by Niagara Region to evaluate potential impacts from transportation and stationary noise sources that include Stanley Avenue, Highway 420 and HVAC systems on adjacent commercial land uses. An assessment of potential impacts generated by the proposed development on existing, adjacent land uses was also requested.

The owner retained R.J. Burnside & Associates Limited (RJB) to complete the required assessment in 2023. The consultant relied on traffic counts produced by the owner's traffic consultant GHD to complete traffic noise predictions.

Based on the analysis completed, the consultant has recommended the provision of air conditioning for all units, so that windows can remain closed. The required Sound Transmission Class ratings for building materials are STC-33 for exterior walls, STC-29 for Windows, and STC-27 for Exterior Doors.

The following Type D Warning clause is also required to be included in all offers of purchase, sale or lease:

*"This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment."*

The report concludes that "...if all noise mitigation measures prescribed in Table 9 are implemented, sound levels at all receptors within the proposed development will meet the Ministry of the Environment, Conservation and Parks noise guideline requirements."

### Traffic Impact Study prepared by GHD Limited

A Traffic Impact Study has been prepared by GHD Limited to estimate and evaluate potential traffic generation associated with the proposed development. The study has estimated the trip generation for the development at peak hours and also evaluated levels of service and intersections that include:

- Highway 420/Falls Avenue and Stanley Avenue
- Stanley Avenue and North Street
- North Street and Buchanan Avenue
- North Street and the site access
- Stanley Avenue and the site access

The results of the trip generation study indicate that 64 two-way trips are expected during peak a.m. hours and 90 two-way trips during the p.m. peak hour. The report concludes that with these projected trip volumes that all intersections evaluated will continue to operate at appropriate standards.

The report also evaluated the parking required and provided for the development. The assessment indicates that 213 spaces, including seven (7) barrier free spaces and one (1) loading space will be provided, per the preliminary site plan.

Based on the requirements of the applicable zoning by-law provisions the site will require a minimum of 230 parking spaces (4 for commercial, 226 for residential). The provided plan provides 213 spaces, for a total shortfall of 17 spaces. The GHD states a shortfall of 19 spaces, however it is noted that the City of Niagara Falls does not round up on parking requirements.

Regardless of the rounding difference, the parking shortfall is considered to be acceptable for the development per the submitted report.

#### Pedestrian Level Wind Study prepared by Gradient Wind

As required for developments exceeding 10-storeys in the City of Niagara Falls, a pedestrian level wind study was commissioned by the owner from Gradient Wind.

The scope of this study was a computer modelled assessment using a simulation of wind speeds for selected directions in a three-dimensional model. The intent of this analysis was to assess pedestrian wind comfort and safety within and surrounding the subject side.

The modelling completed by Gradient Wind produced the following findings:

- Most ground level areas are not expected to experience any significant impacts throughout the year.
- Conditions over the amenity balcony and dog walk terrace are considered acceptable.
- Wind conditions near building access locations are considered to be acceptable.
- The patio proposed at the northwest corner of the building may be impacted by wind, however such impacts can be mitigated through the use of wind barriers. The most significant impacts will occur during winter months when the patio will be seldom utilized.

Overall, the report concludes that wind impacts on the preliminary design will be minimal, save for the patio area which is able to be protected through the use of a wind barrier. The incorporation of required mitigation can be considered through the site plan process.

### Phase One Environmental Site Assessment prepared by R.J. Burnside & Associates Limited

Due to the intended inclusion of residential land uses on the subject lands, Environmental Site Assessments and Record of Site Condition will be required prior to developing the subject lands.

A Phase 1 Environmental Site Assessment (ESA) was prepared for the owner by R.J. Burnside & Associates Limited in 2023. The scope of this report evaluates past and current uses on, and adjacent to the subject lands that may be of environmental concern.

The ESA outlines that the subject lands were used in the 1800's and to at least 1934s for agricultural purposes. In and around 1955 aerial images showed a residential dwelling and a small sheet metal and welding shop on the subject lands. Title records and aerial photography from 1965 reviewed in the preparation of the report show that the subject lands still contained the fabrication shop in 1965 and that a small motel with a pool was constructed. The motel use has continued to date and has expanded.

Given the site history the report states that the site contains one (1) Potentially Contaminating Activity (PCA), being the Sheet Metal and Welding Fabrication Shop. Off-site, the existing fuel station to the west and a former dry cleaner shop to the south were identified as offsite PCA's. These adjacent uses are also considered Areas of Potential Environmental Concern (APEC) given the nature of materials used on site.

Based on these findings a Phase 2 ESA is required to be completed prior to the filing of a Record of Site Condition. The findings provided in the report are considered suitable at this time to support the Zoning By-law Application. The requires Phase 2 ESA and filing of a Record of Site Condition are appropriate to complete as part of future applications.

### Stage 1 & 2 Archaeological Assessments prepared by Detritus Consulting Ltd.

The completion of an Archaeological Assessment of the subject lands was requested by the Regional Municipality of Niagara due to the property being considered to have Archaeological Potential. The Owner retained Detritus Consulting Ltd. to carry out the necessary review and site investigations.

The Stage 1 Assessment, which consists of background research, concludes that the subject lands exhibit a medium to high potential for the discovery of archeological resources. Accordingly, a Stage 2 Assessment was required and carried out in April and May of 2023.

The Stage 2 field work consisted of 30-centimetre-deep test pits at 5 metre spaced intervals. The site investigation yielded no finds and the Archaeologist has recommended no further assessment be required.

The Archaeologists Report has been provided to the Provincial Ministry of Citizenship and Multiculturalism for review and approval. Once the Letter of Concurrence is received from the Ministry, it shall be forwarded to the City and Region.

## **PROVINCIAL LEGISLATION AND PLANS**

Development applications within the City of Niagara Falls are subject to the Ontario Planning Act (R.S.O. 1990), 2020 Provincial Policy Statement and 2020 Growth Plan for the Greater Golden Horseshoe. An assessment of how the applications satisfy applicable Provincial legislation and policies is provided below.

### **PLANNING ACT (R.S.O. 1990)**

The Planning Act regulates land use planning in the Province of Ontario. The Act prescribes matters of Provincial Interest with regard to land use planning and the necessary procedures to follow when making or considering applications for development.

#### **Section 2 – Matters of Provincial Interest**

Section 2 of the Planning Act outlines matters of Provincial Interest that a planning authority must have regard for when contemplating a land use planning application. Matters of Provincial Interest include:

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

- q) *the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;*
- r) *the promotion of built form that,*
  - (i) *is well-designed,*
  - (ii) *encourages a sense of place, and*
  - (iii) *provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;*
- s) *the mitigation of greenhouse gas emissions and adaptation to a changing climate. 1994, c. 23, s. 5; 1996, c. 4, s. 2; 2001, c. 32, s. 31 (1); 2006, c. 23, s. 3; 2011, c. 6, Sched. 2, s. 1; 2015, c. 26, s. 12; 2017, c. 10, Sched. 4, s. 11 (1); 2017, c. 23, Sched. 5, s. 80.*

Clauses f), h), j), p), q) and r) are considered to be relevant to these applications, and are evaluated below.

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

*The subject lands are accessible from three municipal roadways (Stanley Avenue, Buchanan Avenue and North Street) and are currently serviced by municipal watermain, sanitary sewer and storm sewer. As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd., the development will efficiently use these existing municipal services to support the development.*

- h) *the orderly development of safe and healthy communities;*

*The orderly development of safe and healthy communities is achieved through the development of the subject lands with a mix of commercial and small-scale employment uses and residential apartment dwellings. The proposed units can be supported by existing municipal services, proximate public transportation, arterial roadways and highways, and are located in close proximity to the tourism district which provides the most significant amount of employment in the City of Niagara Falls.*

- j) *the adequate provision of a full range of housing, including affordable housing;*

*The application proposes 162 new residential apartment dwelling units on the subject lands. Currently, the property yields only two residential units (detached dwellings) and a commercial hotel.*

*The surrounding area is predominantly comprised of single detached dwellings on large urban lots. The introduction of apartment dwellings will add variety to the housing choices in the immediate area. Generally, apartment dwelling units can be more affordable than detached dwellings, and when supply of housing is increased, it allows for better affordability in the market.*

- k) the adequate provision of employment opportunities;

*The proposed commercial unit will generate some small-scale employment on site. This will be an increase over the current employment yield.*

*In addition, the provision of five (5) live work units will also generate a minimum of five (5) jobs.*

- p) the appropriate location of growth and development;

*The subject lands are located within the City of Niagara Falls Settlement Area Boundary and Provincially delineated Built Boundary. As outlined in the Growth Plan and Regional Official Plan, the vast majority of growth is to be directed to Settlement Areas, and within those Settlement Areas, to Built-up Areas and lands with available municipal services.*

*The subject lands satisfy this criterion as they are within the Urban Area, Built-up Area and are currently provided with municipal services. The subject lands are also located in proximity to public transit stops, and are within a short walk, cycle or drive of commercial and employment uses, Regional roads and provincial highways, and employment opportunities.*

*Although the subject lands are located within the Clifton Hill Area of the City's Central Tourism District, the strategic integration of additional housing, commercial and employment opportunities will assist in transitioning the existing area into a complete community.*

- q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

*The subject lands are located within a short walking distance of public transit stops at Stanley Avenue / Highway 420 and Stanley Avenue / Ferry Street.*

*The site is located within a walkable neighbourhood with pedestrian connections available to adjacent streets and general area.*

- r) the promotion of built form that,
  - (i) is well-designed,
  - (ii) encourages a sense of place, and
  - (iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

*The proposed architecture is well-designed and adds new and vibrant built form into this area of the City. Although in transition, this portion of the Tourism District is characterized by a mix of older homes and commercial businesses.*

*The proposed development provides a sense of place through the utilization of three (3) street frontages that will provide building massing, glazing and interactive elements such as patios, doors and landscaping. These inviting spaces will supplement the public realm and serve as attractive and accessible gathering and living spaces for existing and future residents in the area.*

*Preliminary design elevations have been provided with the application (see **Appendix I**) that show high quality architectural design and efforts to ensure additional architectural interest along Stanley Avenue, North Street and Buchanan Avenue which improve the public realm.*

### **Section 34 – Zoning By-laws and Amendments**

Applications for Zoning By-law Amendments are considered under Section 34 of the Planning Act. Amendments to municipal by-laws are permitted, subject to the provision of prescribed information. This application has been filed with the required fee and supporting materials requested through pre-consultation.



## **2020 PROVINCIAL POLICY STATEMENT**

### **Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns (PPS 1.1)**

The overarching purpose of the Provincial Policy Statement (2020) (PPS) is provide direction to planning authorities on how to best achieve the development of healthy, livable and safe communities.

To achieve these types of communities, the PPS promotes efficient development patterns, mixes of residential dwelling types and land uses, the integration of planning processes with growth management, public transit and infrastructure planning and the conservation of biodiversity. Development proposals should not include land use patterns that cause public health and safety concerns or propose inefficient expansions creating barriers for accessibility and mobility for vulnerable populations.

The subject lands are located within the Niagara Falls Urban Area, which is delineated in both the 2022 Niagara Official Plan and City of Niagara Falls Official Plan. The Niagara Falls Urban Area is considered as a Settlement Area under the Provincial Policy Statement (2020). Policy 1.1.3.1 of the PPS directs that Settlement Areas are to be the focus of growth and development within Ontario communities. The application is are consistent with PPS policy as the subject lands are located within a Settlement Area boundary and will accommodate residential and job growth.

As outlined in Policy 1.1.3.2 of the PPS, within Settlement Areas, development is to proceed in a manner that efficiently uses land and resources, is appropriate for the efficient use of existing or planned infrastructure and public service facilities, minimizes negative impacts on air quality and climate change, supports multi-modal transportation options including active transportation and transit and freight movement. Land use patterns are to be based on a range of uses and opportunities for intensification and redevelopment.

The application is consistent with this policy direction as it proposes the consolidation and development of urban, serviced lands within a developed area of the municipality. The proposed development can be supported by existing municipal services and infrastructure and is in close proximity to public transit and key municipal roadways and highways. The compact nature of the development is desirable and efficiently uses land to facilitate growth and compatibly scaled commercial and employment opportunities in the area.

### **Coordination (PPS 1.2)**

Section 1.2.1 of the PPS directs that planning matters should be dealt with through a coordinated, integrated and comprehensive approach. This approach is recommended to ensure that consideration is given to all relevant matters including, but not limited to, natural environment, infrastructure, hazards, employment and housing.

Section 1.2.4 of the PPS requires that upper tier municipalities provide planning direction on allocations of population and employment, preferred growth areas, targets for intensification and transit supportive development. The Regional Municipality of Niagara is the upper tier government body that manages and monitors growth within the Region. In conformity with the Growth Plan, Regional level policy direction requires a minimum annual residential intensification rate of 60% to the year 2051. The applications are consistent with these requirements, as all residential units will be counted towards the annual intensification target for Niagara Falls.

Through the pre-consultation process, the planning authority and other review agencies provided direction on required studies and information needed to process the application. This comprehensive approach was used to ensure that all matters of Provincial, Regional and local interest are identified. The requisite studies and materials have been provided with the submitted application.

### **Employment (PPS 1.3)**

Policy 1.3.1 a) of the PPS directs that planning authorities shall promote economic development and competitiveness by providing for an appropriate mix and range of employment, institutional and broader mixed uses to meet long-term needs. Policy 1.3.1 d) builds on this direction by encouraging compact, mixed-use development that incorporates compatible employment uses to support livable and resilient communities.

The proposed development concept is mixed-use in nature and will contain a purpose built 2,042 square foot commercial unit and five (5) live work units. Under the Tourist Commercial (TC) Zoning the commercial unit is able to be used for a variety of uses that can generate employment and/or provide services that support business and residents in the surrounding area. The live/work units are a unique addition to the site that will provide flexible work space for professionals. This provided mix of employment generating elements within a predominantly residential building will implement and achieve the appropriate range and mix of uses and compact design function directed by the PPS.

### **Housing (PPS 1.4)**

Section 1.4 of the PPS (2020) requires municipalities and planning authorities provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area. This is to be achieved through establishing targets for affordable, to low and moderately priced homes, including all forms of residential intensification, and second units.

The applications facilitate the development of 162 new residential apartment dwelling units under condominium tenure in the City of Niagara Falls. As the subject lands are generally bounded by a mix of older single detached dwellings and commercial land uses, the introduction of new dwelling and tenure forms contribute to the range and mix of housing options prescribed by the PPS as well as the Regional and City Official Plans.

Overall, the application is consistent with Section 1.4 of the PPS and will assist in the provision of additional housing in the City.

### **Public Spaces, Recreation, Parks, Trails and Open Space (PPS 1.5)**

The PPS directs planning authorities to promote healthy and active communities through the detailed planning of streets, spaces and facilities that are safe, foster social interaction and facilitate active transportation and community connectivity. To achieve this, Policy 1.5.1 of the PPS requires that a full range and equitable distribution of publicly accessible spaces for recreation be provided such as parks, trails, as well as access to shorelines for public enjoyment.

The subject lands are located within a 320 metre walk of the closest municipal park, being Don W. Johnson Park on Emery Street. To supplement public parkland, the preliminary development plan has proposed the provision of individual patios, terraces and balconies as well as a common outdoor amenity area. Internal amenity for recreation includes a fitness room.

### **Infrastructure and Public Service Facilities (PPS 1.6)**

A general tenant of the Policies within Section 1.6 of the PPS is that urban development must occur on urban services, and that existing infrastructure should be capitalized upon before undue expansions are considered.

### Water and Sanitary Services

As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd., the proposed development will utilize an existing watermain on North Street and a combined sewer for sanitary servicing on Stanley Avenue.

The utilization of urban services within Settlement Areas is a requirement of the PPS and the preferred method for accommodating growth in communities to mitigate risks to public health and safety.

### Stormwater Management

The development will utilize an existing storm sewer on Stanley Avenue as the stormwater outlet for the development. To control stormwater quality and quantity, best practices including on-site storage and on-site treatment will be utilized. Such methods are supported by the PPS.

### Transportation

The Policies under Section 1.6.7 of the PPS directs that efficient use should be made of existing and planned transportation infrastructure, that connectivity amongst systems and modes be maintained and improved, and that land use patterns, density and mix of uses should be promoted that minimizes the length and number of vehicle trips, and supports public transit.

The subject lands are located along Regional Road 102 (Stanley Avenue), which is identified as an Arterial Road on Schedule C the City of Niagara Falls Official Plan. Stanley Avenue provides convenient access to important Regional and local thoroughfares and Provincial Highway 420/Falls Avenue and the QEW. Opportunities for walking and cycling within adjacent neighbourhoods are abundant, as they contain sidewalks, tree lined boulevards and lower volumes of traffic.

### **Long Term Economic Prosperity (PPS 1.7)**

Section 1.7.1 of the PPS outlines several ways in which economic prosperity can be supported in Ontario. Based on the criteria listed in Policy 1.7.1, Policies 1.7.1 b), e) and h) are relevant to the applications.

Policy 1.7.1 b) encourages residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce. With regard to this application, the applications will respond to housing needs by utilizing lands

within the tourism area. The provision of higher density development is difficult in designated low-density residential areas where compatibility issues can emerge and land values are higher. By amending the threshold of the existing provision that permits dwellings above ground floor non-residential uses, the site can be utilized for higher development potential.

Policy 1.7.1 e) encourages developments to emulate a sense of place by promoting well designed built form. The proposed development scheme includes visually interesting architectural design and places emphasis on the relationship between the base of the building and surrounding streets. The inclusion of ground level glazing, varieties of building materials, landscaping and patio space are an improvement of the existing character of the streetscape along Stanley Avenue which currently contains a swimming pool and parking lot.

Policy 1.7.1 h) promotes opportunities for the development of sustainable tourism opportunities. The provision of housing and small-scale employment uses within the tourism district allows improves accessibility for employees and has the ability to draw people through and to areas that may not typically be seen within the tourism area.

#### **Energy Conservation, Air Quality and Climate Change (PPS 1.8)**

Section 1.8 of the PPS directs planning authorities to prepare for impacts of a changing climate through the consideration of development that is compact, utilized multi-modal non-automobile modes, provides connectivity between and the integration of residential and employment uses.

The proposed development utilizes urban lands for mixed use development in a compact form. The provision of housing within the tourism area and in proximity to public transit can will provide an opportunity for the improve accessibility between work and home and support sustainability goals.

#### **Cultural Heritage and Archaeology (PPS 2.6)**

Section 2.6 of the PPS requires that significant built-heritage resources and significant cultural heritage landscapes be conserved. Further to this, development shall not be permitted on lands that contain archeological resources or areas of archeological potential.

The Regional Municipality of Niagara has an Archeological Screening Tool that defines area of the municipality that exhibit potential for archaeological resources. Schedule K of the Niagara

Official Plan (2022) shows the property being within an area of archaeological potential, which conformed the requirement for this study to be completed.

The subject lands were assessed for archaeological resources by Detritus Consulting Ltd. Through Stage 1 and 2 investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry Citizenship and Multiculturalism for review and approval. The Ministry's Letter of Concurrence has not yet been issued.

## 2020 GROWTH PLAN FOR THE GREATER GOLDEN HORSESHOE

### Guiding Principles (PTG 1.2.1)

In order to realize the vision of the Growth Plan, policies within the Plan are based on the following principles:

- Support the achievement of complete communities that are designed to support healthy and active living and meet people’s needs for daily living throughout an entire lifetime.
- Prioritize intensification and higher densities in strategic growth areas to make efficient use of land and infrastructure and support transit viability.
- Provide flexibility to capitalize on new economic and employment opportunities as they emerge, while providing certainty for traditional industries, including resource-based sectors.
- Support a range and mix of housing options, including additional residential units and affordable housing, to serve all sizes, incomes, and ages of households.
- Improve the integration of land use planning with planning and investment in infrastructure and public service facilities, including integrated service delivery through community hubs, by all levels of government.
- Provide for different approaches to manage growth that recognize the diversity of communities in the GGH.
- Protect and enhance natural heritage, hydrologic, and landform systems, features, and functions.
- Support and enhance the long-term viability and productivity of agriculture by protecting prime agricultural areas and the agri-food network.
- Conserve and promote cultural heritage resources to support the social, economic, and cultural well-being of all communities, including First Nations and Métis communities.
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and infrastructure – that are adaptive to the impacts of a changing climate – and moving towards environmentally sustainable communities by incorporating approaches to reduce greenhouse gas emissions.

The submitted applications will facilitate the development of a mixed-use development within the City’s Settlement Area boundary. The proposed built form is appropriate to place near Stanley Avenue, which is an important arterial roadway that provides access into the City’s Tourism Area and to interregional roadways. Developing dwelling units in proximity to this area will leverage existing assets such as commercial uses, highway access, public transit and employment opportunities.

### **Managing Growth (PTG 2.2.1)**

The subject lands are located within the Niagara Falls Settlement Area and within the Provincially established Built-up Area. Consistent with the overall goal of the Growth Plan to create complete communities, the applications will facilitate intensification-based development that is generally consistent with the goals, objectives and policies of the City's Official Plan and Zoning By-law.

The applications manage growth appropriate by utilizing existing municipal services and utilities, being proximate to highways and public transit and within walking distance to employment and commercial uses. The proposed amendments seek to maximize the development potential of the subject lands to ensure they yield a mix of land uses and housing, commercial and employment opportunities within a developed area of the City of Niagara Falls.

### **Delineated Built-up Area (PTG 2.2.2)**

By 2031, and each year afterwards, 50% of all growth within the Regional Municipality of Niagara is to occur in the Built-up Area as intensification. Consistent with Growth Plan Policies 2.2.2.1 & 2.2.2.3, the Regional Municipality of Niagara has an established annual residential intensification target of 50% for the City of Niagara Falls, as its contribution to growth.

The development of the subject lands with residential apartment dwelling units will assist the City and Region in meeting prescribed minimum residential intensification targets, while limiting pressures for additional greenfield lands and urban boundary expansions.

### **Housing (PTG 2.2.6)**

The Growth Plan requires that a mix of housing forms be provided through new development. With regard to multi-unit development, the Growth Plan states that a variety of unit sizes are encouraged to be provided.

The proposed development will include 162 new residential apartment dwelling units of varying sizes within a new mixed-use building. Residential apartments can be considered as a more attainable form of housing when compared to other housing forms such as detached dwellings and townhouses that require more land and individual infrastructure. The condensed urban form of an apartment building uses land more efficiently than traditional ground-based dwellings and in turn can reduce the overall cost of a dwelling units, thus improving housing affordability.



### **Transportation (PTG 3.2.2)**

Similar to infrastructure planning, transportation planning and investment must be coordinated with development. Within Urban environments, the primary goals of the Growth Plan are to provide connectivity amongst modes, provide balance in transportation choices, to be sustainable, to ensure multimodal access to housing, jobs and other community elements and to ensure safety.

The subject lands are accessible by multiple modes of transportation including public transit, walking, cycling, and private automobile. Through detailed design and consideration of a Community Benefits charge, steps could be taken to provide for infrastructure on site that further supports multi-modal transportation options (i.e. new transit stop, bicycle racks/storage, etc.), and connections to established networks.

### **Moving People (PTG 3.2.3)**

Section 3.2.3 of the Growth Place places emphasis on the provision of public transit service to support development.

In conformity with this direction, the subject lands are serviced by proximate public transit routes and stops to the north and south. The density generated may serve as a catalyst for improving existing transit service and providing new access to the neighbourhood along Stanley Avenue.

### **Water and Wastewater Systems (PTG 3.2.6)**

The Growth Plan requires that urban development must be supported by urban services such as watermain and sanitary sewers.

As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd. the subject lands can be adequately serviced by existing municipal services.

### **Stormwater Management (PTG 3.2.7)**

Although prescribed by the Growth Plan, the City of Niagara Falls is one of many Niagara municipalities which does not have a Stormwater Management Master Plan. Although a master plan is not in effect, new developments must ensure that stormwater can be managed on site with no impact on adjacent lands.

Stormwater will be managed in accordance with City and Regional requirements through the utilization of on-site storage and on-site treatment prior to being outlet to an existing storm sewer. The servicing method for the development is both appropriate and required for urban development.

### **Cultural Heritage Resources (PTG 4.2.7)**

Policy 4.2.7.1 of the Growth Plan encourages municipalities to prepare Archaeological Master Plans to use in the consideration of development applications. The Regional Municipality of Niagara has an Archeological Screening Tool that defines areas of the municipality that exhibit potential for archaeological resources. Schedule K of the Niagara Official Plan shows the property being within an area of potential, therefore archeological assessments were required to be completed.

As noted previously in this report, the subject lands were assessed for archaeological resources by Detritus Consulting Ltd. Through investigation, no archaeological resources were encountered and the consultant filed the completed reports with the Ontario Ministry of Citizenship and Multiculturalism. A Letters of Concurrence pertaining to the completed Archaeological Report has not yet been issued.

## **NIAGARA OFFICIAL PLAN (2022)**

The Niagara Official Plan provides a comprehensive and long-range planning vision for the Regional Municipality of Niagara. The Official Plan's primary focus is implementing Provincial Policy and Plans, the Regional Growth Strategy and providing regional-level land use planning direction on attributes and resources unique to Niagara.

The subject lands are located within the Niagara Falls Urban Area and the Built-Up Area on Schedule B of the Niagara Official Plan (see **Figure 12**).



Figure 12 – Schedule A of the Regional Official Plan (Cropped Image)

### **Growing Region (Chapter 2)**

The Niagara Official Plan (NOP) contains the Regional level growth policy direction for Niagara Region and the twelve (12) local municipalities inclusive of population and employment forecasts, intensification targets and specific locations and methods for development.

The NOP directs the majority of anticipated growth development to occur in settlement areas where full urban services are available as well as public transit, community and public services and employment opportunities. The Plan directs that 60% of all residential units occurring

annually within Niagara are to occur within the Built-up Area to ensure the achievement of local intensification targets.

The subject lands are located within the Niagara Falls Urban Area (Settlement Area) and are within the Delineated Built-up Area on Schedule A of the NOP. Niagara Falls has a forecasted population of 141,650 people and 58,110 jobs by 2051, per Table 2-1 of the NOP. The required intensification target set by the Region for the City of Niagara Falls is 50% or 10,100 units, per Table 2.2 of the NOP.

The objectives of Section 2.2 of the NOP are generally to manage and accommodate growth in settlement areas through strategic intensification, promote transit supportive development

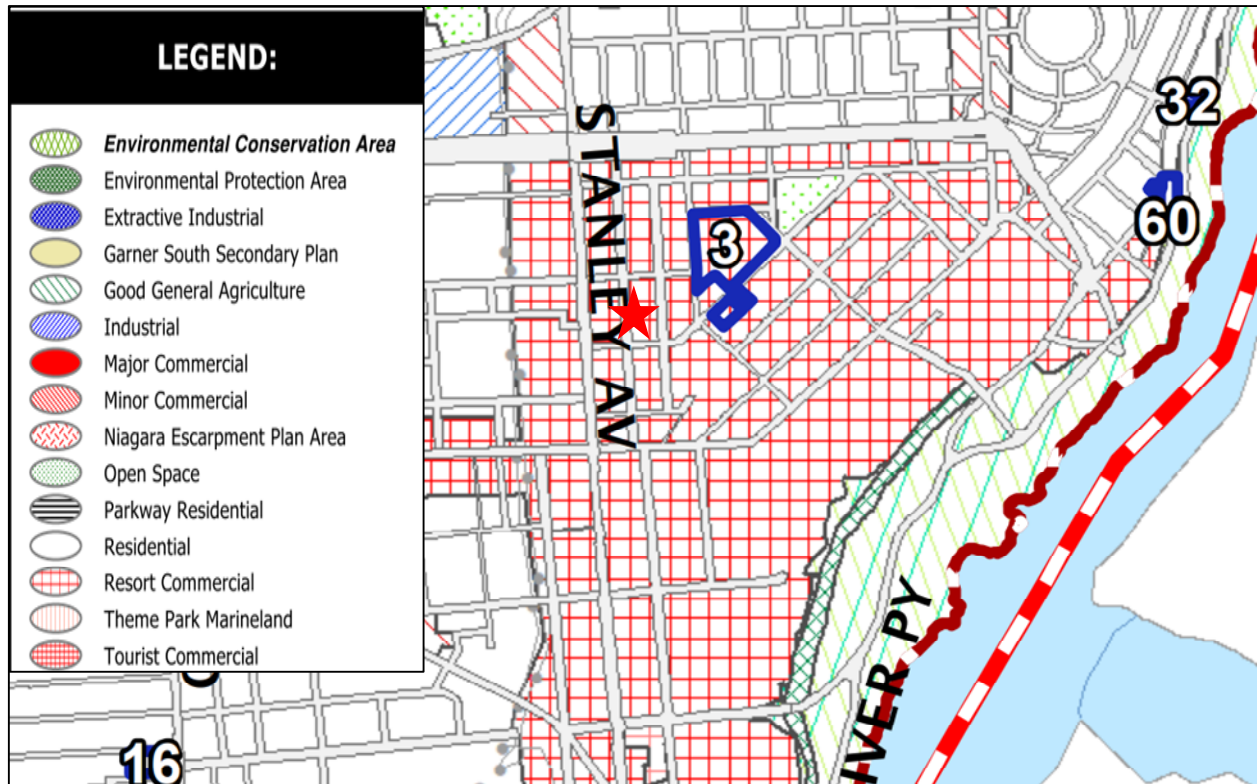
The proposed development will contribute 162 new apartment dwellings into the City's housing supply within the Settlement Area Boundary. The subject lands are a suitable location for compact residential development as they can be efficiently developed with higher density, are accessible by existing municipal/Regional roadways and can be supported by existing municipal infrastructure. The subject lands are also located within close proximity to public transit service that will benefit from higher densities within the catchment area. The proposed development will assist the City in accommodating forecasted growth and the achievement of its 50% minimum annual residential intensification target.

Section 2.3 of the NOP contains objectives and policies that pertain to the provision of housing. The NOP's housing objectives are to provide a mix of housing options to address current and future needs, provide more affordable and attainable housing options and to plan to achieve affordable housing targets through land use and financial tools.

The applications will facilitate the provision of new apartment dwelling units amongst a mix of detached low-density housing and non-residential land uses. In comparison to detached dwellings, apartment dwellings can be relatively more affordable or attainable for purchasers or sub-let renters. The inclusion of purpose built-apartment units provides necessary supply and choice into the market.

## **CITY OF NIAGARA FALLS OFFICIAL PLAN (1993, as Amended)**

The subject lands are designated as “Tourist Commercial” on “Schedule A – Land Use Plan” of the City of Niagara Falls Official Plan, as outlined in **Figure 13**, below.



**Figure 13 – Schedule A - City of Niagara Falls Official Plan (Cropped Image)  
Subject lands Delineated with a Red Star**

### **PART 1 – PLAN OVERVIEW AND STRATEGIC DIRECTION**

Part 1 of the City of Niagara Falls Official Plan describes the purpose, legislative basis, format, and interpretation of boundaries of the Official Plan as well as the period during which the Plan is to apply. This Part of the Official Plan also outlines the Strategic Policy Direction of the City to accommodate future growth through land use planning and intensification.

#### **Part 1, Section 2 – Strategic Policy Direction**

Part 1, Section 2 of the Niagara Falls Official Plan contains the growth objectives for the municipality that pertain to lands within the municipality both within and outside the Urban Area. These objectives range in focus between development, employment, tourism and the environment.

Specifically, the proposed development will contribute to the achievement of Objectives 1, 3, 5, 6, 7, 9 and 13 of the Official Plan, which include:

- To direct growth to the urban area and away from non-urban areas (Obj. 1)
- To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-up Section of the Urban Area (Obj. 3)
- To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review. (Obj. 5)
- To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review: (Obj. 6)
- To achieve a minimum of 40% of all residential development occurring annually within the Built Up Area shown on Schedule A-2 by the year 2015. (Obj. 7)
- To encourage alternative forms of transportation such as walking, cycling and public transit (Obj. 9)
- To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines. (Obj. 13)

The application conforms with Objective 1 as development is proposed within the Niagara Falls Urban Area (Settlement Area).

Conformity with Objective 3 is achieved as the application proposes development within the Built-up Area, which is a priority location for development and growth in the community. The development site is supported by full urban services, existing public roadway frontages and utilities. The subject lands are situated along an arterial roadway and are proximate to public transit service which are preferable locational characteristics for intensification-based developments.

Objectives 5, 6 and 7 are satisfied through the development of residential apartment units within the Urban and Built-up Area. This proposed growth will assist the City in achieving growth targets prescribed in Provincial and Regional plans and the Provincially allocated housing commitment of 10,000 units. A 50% annual residential intensification target for Niagara Falls is prescribed in the Niagara Official Plan (2022). The proposed development will contribute residential units towards this minimum target, as well.

The increased density proposed on the subject lands will be supported by proximate public transit service and existing pedestrian and cycling infrastructure in the general area. Increases in residential density are desirable as they can support increases in non-automobile portions of the modal share.

Section 2 of Part 1 of the Official Plan contains Growth Policies for the City of Niagara Falls, which include:

- 2.1 *The City shall protect agricultural uses in the non-urban area from urban pressures through the use of the Good General Agricultural Land Use designation and its related policies.*
- 2.2 *The City shall protect its Natural Heritage Areas, their features, quality and functions, through the Environmental Protection Area land use designations and their related policies.*
- 2.3 *The City shall provide sufficient lands within the Urban Area Boundary to meet the projected housing, population and employment targets of Table 1.*
- 2.4 *The opportunity for increased densities within the Built Area Boundary shall be provided to make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.*
- 2.5 *Phasing policies shall guide growth across the urban area to make the most efficient use of existing and new infrastructure and to reduce the costs of providing new infrastructure.*
- 2.6 *The City shall utilize Secondary Plans wherever possible for development within its Greenfield areas to ensure the design of complete communities providing both employment and residential opportunities.*
- 2.7 *The City shall identify lands along the Queen Elizabeth Way to be protected for employment uses under the Gateway Economic Zone directive of the Province.*
- 2.8 *The City shall consider residential and employment growth in relation to Schedule "B" - Phasing of Development and the policies of Part 1, Section 3 of this Plan.*
- 2.9 *The City shall monitor growth within the urban area at 5 year intervals to measure compliance with targets of the Province's Growth Plan and the Regional Niagara Policy Plan.*
- 2.10 *Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of*

*the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.*

*2.11 Expansions to the urban boundary shall only be considered in accordance with the Regional Policy Plan. Notwithstanding this and the policies of PART 4, Section 2.8, the applications to amend this Plan and the Regional Policy Plan affecting the lands west of the QEW to Kalar Road and south of Mountain Road to the hydro transmission corridor, may be considered in accordance with the transition regulations of the Planning Act and Places to Grow Act for pre-existing applications.*

2.12 No new urban areas shall be created.

Objective 2.4 is relevant to the submitted application and requires the achievement of increased densities within the Built Area Boundary that make use of existing infrastructure, buildings and available transit through specific policies for the intensification nodes and corridors outlined in Part 1, Section 3.

Although the subject lands are not within or along any designated nodes and corridors in the Official Plan, the locational characteristics of the site (i.e. fully serviced, near transit, in proximity to employment and services) qualify the subject property as a preferred candidate for intensification from a land use planning perspective.

#### Part 1 Section 3 – Intensification.

As required by the recently approved Niagara Official Plan (2022) intensification is required to represent a minimum of 50% of residential development annually in the City of Niagara Falls.

Consistent with Part 1, Section 3 of the Official Plan, intensification is to be accommodated within the Built-up Area and on lands designated Residential, however intensification on lands not currently designated as residential may be considered. The subject lands are not currently designated residential, however the existing Tourist Commercial zoning on the majority of the site does permit residential apartments as-of-right above ground based non-residential land uses.

The General Policies for Intensification in the City of Niagara Falls include:

*3.1 Unless otherwise permitted through the maps and policies of this Plan, residential intensification shall require an amendment to this Plan and proceed by way of site specific zoning by-law amendment whereby individual proposals can be publically*



*assessed. Proposals of sufficient land area shall be developed through plans of subdivision.*

- 3.2 *The development or redevelopment of lands currently designated Tourist Commercial in accordance with Part 2, Section 4.2.9 shall conform with the height and design policies of Part 2, Section 4 and meet the minimum density requirements for a high density development as permitted in Part 2, Section 1.15.5(iii).*
- 3.3 *The extent of the Intensification Nodes and Corridors as shown on Schedule A-2 and the limits of the height strategies of Schedules A-2(a), A-2(b), A-2(c) and A-2(d) are not intended to be scaled but a guide whereby building heights shall be considered on each individual basis with regards to the character of surrounding development.*
- 3.4 *The intensification through redevelopment of lands designated Residential in this Plan shall comply with the policies of Section 2, 1.15.5 of this Plan.*

Policy 3.2 pertains specifically to intensification within the Tourist Commercial designation, and requires that developments shall conform with the height and design policies of Section 4.2.9 of the Official Plan, as well as the minimum density requirements for high density development set out in Policy 1.15.5 (iii), which is a minimum of 75 units per net hectare.

A fulsome analysis of conformity with the Tourism Commercial policies of the Official Plan is provided further on in this report.

## **PART 2 – LAND USE POLICIES**

Part 2 of the City of Niagara Falls Official Plan contains policies for various land uses within the municipality. As noted, the subject lands are designated as “Tourist Commercial” in the City’s Official Plan and in addition to general policies, the development is specifically subject to Part 2, Section 4 of the Plan.

### **Part 2, Section 1 – Residential**

Although the subject lands are not designated as “Residential” but will contain predominantly residential dwellings it is considered appropriate to evaluate how the application and proposed development will satisfy and conform with overarching Residential land uses objectives and policies of the Official Plan.

## General Policies

General Policy 1.2 requires that opportunities for housing choice be provided to meet the changing needs of households in both the Built-up Area and Greenfield Area. To achieve these opportunities the Policy indicates the City will support:

1. *Multiple unit developments, smaller lot sizes and innovative housing forms.*
2. *Development of vacant land, and more efficient use of under-utilized parcels and existing housing stock.*
3. *The full utilization and consolidation of properties to achieve larger scale and more comprehensive residential development.*
4. *Development of housing in conjunction with commercial developments in order to create walkable neighbourhoods.*

The applications will facilitate the development of multiple residential units through the redevelopment of an underutilized parcel of land within the Built-up area. The development also includes a small scale commercial element that will support the proposed residential units and adjacent homes in the surrounding neighbourhood.

General Policy 1.6 provides a mechanism to provide taller building heights that prescribed in the Official Plan through the consideration of a zoning by-law. Minor increases in height are also permitted to be considered through Policy 1.7 and the Community Benefits provisions of the Planning Act. As only two floors of additional height is requested, this development is considered to be a suitable candidate for a Community Benefits considerations.

General Policy 1.9 cites that residential development that is exposed to less compatible land uses such as arterial roadways should be minimized, and where proposed, studies may be required. Strategically, the provision of high-density development on arterial roads is desirable, especially when in compact form like a single building and near public transit service. Necessary compatibility studies including a noise study and pedestrian wind analysis have been completed and demonstrate that road/traffic related impacts can be mitigated.

## Built Up Area

As shown on Schedule A2 of the City of Niagara Falls Official Plan (see **Figure 14**), the subject lands are identified as being within the Built-up Area.

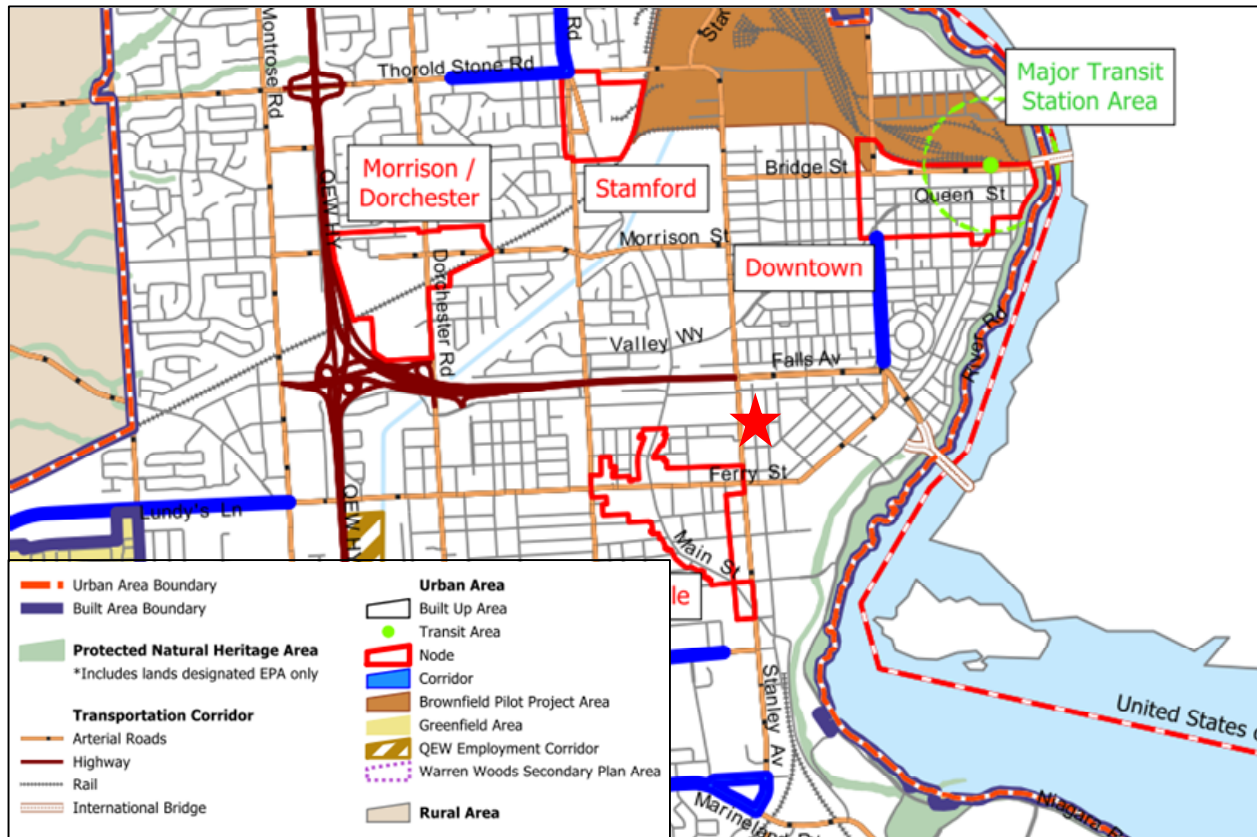


Figure 14 - Schedule A2 - City of Niagara Falls Official Plan – Subject Lands Shown with a Red Star

Within Part 2, Section 1, Policy 1.15 of the Official Plan there is a clear municipal position that opportunities currently exist throughout the Built-up Area to develop new housing units – including in those areas not designated as “Residential”. These infilling and intensification opportunities are supported by the Official Plan, but must integrate well into the surrounding neighbourhood.

Section 1.15 of the Official Plan contains a policy subset that directs how certain forms of residential development within the Built-up Area are to occur and function.

As the application proposes a high-density mixed-use building with residential apartments, subsection (iii) of Policy 1.15.5 is applicable. This policy states that:

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

*Development shall comply with the following:*

- *architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should to be employed to lessen the impacts of taller buildings;*
- *rear yard setbacks should be equal to building height and interior side yards shall be appropriate for the building height proposed in relation to abutting land uses;*
- *street frontages shall be engaged through the use of porte cocheres, podiums or landscaping;*
- *parking is to be encouraged to be located within parking structures that are integrated with the development; and*
- *where surface parking is provided, the parking area should be located in the rear or interior side yard. The parking area shall also have a landscaped perimeter of a depth and intensity that at maturity effectively buffers it from adjacent uses and streets.*

The applications conform with Policy 1.5.15 (iii) as the property has frontage on an arterial road (Stanley Avenue), is in proximity to public transit service, is near to and will contain commercial uses and has a projected development density of 451.3 units per hectare, which exceeds the minimum density requirement of 75 units per hectare.

More specifically, the applications and proposed design have a mix of cladding materials and step backs at different heights. A flat roof is being proposed to cap the height.

The rear yard setback from Buchanan Avenue, which currently functions as a front yard for the existing dwelling is proposed to be reduced to 0.0 metres from the back of the required road widening. With the reduction, the building will be located approximately 10 metres from the existing curb line in Buchanan Avenue.

The existing built condition of the two subject properties along Buchanan Avenue are dwellings at, or encroaching into the public right-of-way. A similar condition exists along the northern side yard of 5609 Buchanan Avenue along North Street. With the required road widenings on both local roadways, the proposed built form will be actually located further back from the roadway than existing development thus providing greater separation from adjacent land uses. It is preferable to have a minimal setback for this development rather than a setback equal to the height of the building from Buchanan as it improves the streetscape and maximizes the development potential of the land, thus improving housing affordability. The reduction in setback is complimented by the proposed step back in building mass at the fifth floor.

The development engages the streetscape often through the proposed inclusion of patio, ground level windows and doorways and balconies. Opportunities for landscaping on site and in the municipal boulevard can be explored through the Site Plan review process, subject to the consideration of encroachments or Community Benefits.

Parking for the proposed development is located interior to the site, shielded from public view at grade, and underground in a two level structure. The proposed method of providing parking limits impacts on the public realm and on adjacent streets.

## **Part 2, Section 4- Tourist Commercial**

As outlined within the preamble of Part 2, Section 4, the overall goal of the Tourist Commercial designation and policies is to create a better setting for tourism activities and experiences that continue to allow the City to function as a world-class destination.

To implement this vision, the Official Plan contains the following objectives:

- *to preserve and protect the primary tourism resource - the Falls, and the quality of its viewing experience;*
- *to ensure that future development builds upon and complements existing good tourism development and respects the built and natural heritage of the Tourist Area;*
- *to establish Tourist Districts which complement and support each other;*
- *to ensure that future development occurs in a manner which enhances the attractiveness of the tourism environment and promotes pedestrian-friendly streetscapes;*
- *to ensure that the new Casino Development supports the objectives of this Plan and enhances the existing tourism product;*
- *to ensure that the People Mover system supports the objectives of this Plan, enhances the existing tourism product, and is constructed in a manner which improves future development opportunities; and,*
- *to ensure that tourism development does not adversely affect the quality of life enjoyed in residential neighbourhoods.*

Consistent with these noted objectives, the proposed development will be a 14-storey mixed-use tower development within the Clifton Hill Subdistrict of the Central Tourism District. The subject lands are located far from the Tourism Core and currently have no direct view of the Falls due to the distance from the falls and existing development located between the same.

**Figure 15** demonstrates the location of the site in relevant proximity to the Falls, being between 1.4 and 1.6 kilometres away at the closest points.



Figure 15 - Distance from Niagara Falls

The proposed development will be a visual enhancement to one of the primary access gateways into the Niagara Falls tourism district from the QEW and some international border traffic. The current use of the subject lands along Stanley Avenue is not considered to be a high-quality interface for the corridor, presenting excessive paved surface and a swimming pool along the property line. The site will benefit from built form that appropriately frames the streetscape and provides visual interest.

With regard to design and mobility, the proposed built form maximizes the available development area of the lands. The proposed building exhibits new and modern architectural elements and design, which is a departure from some of the existing building stock along Stanley Avenue in this area which is a mix of newer and aged structures. The site will have multiple points of pedestrian interaction with the public realm and is accessible by public transit and active transportation. Private vehicles will be accommodated through an on-site, surface and underground parking facility which will shield vehicles from view, enhancing the aesthetic appeal of the development.

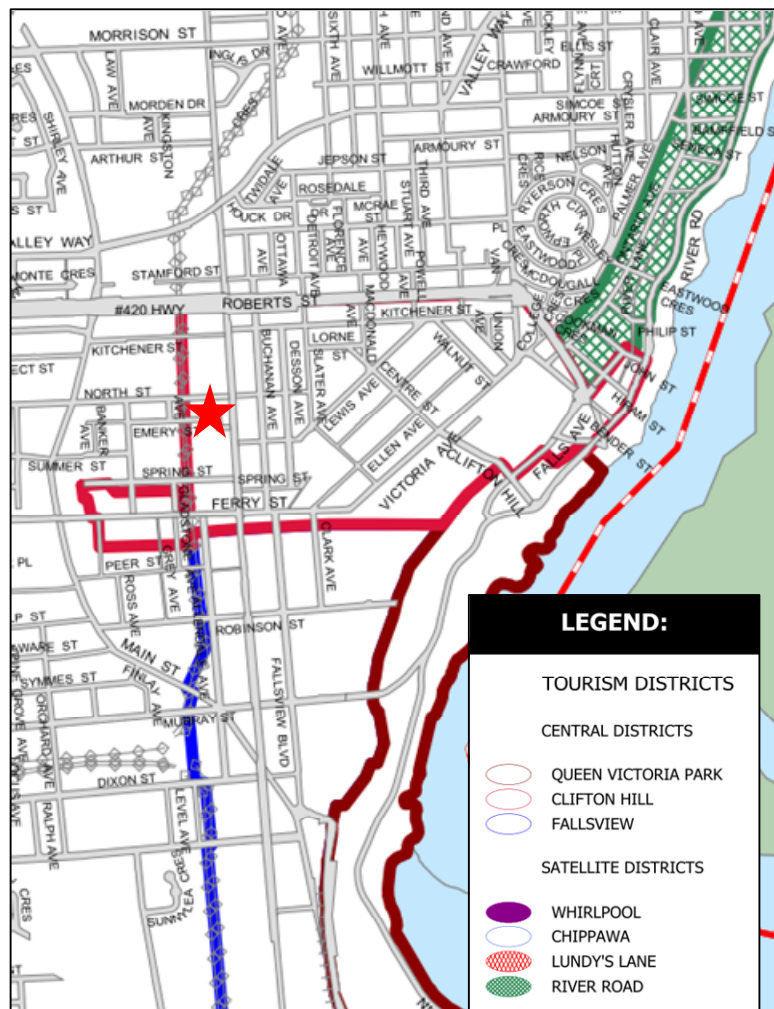
The subject lands are located adjacent to an existing low-density residential neighbourhood containing mostly single detached dwellings of varying ages. The proposed development is not considered to be tourism-related development, but rather primarily residential intensification with some minor commercial elements. The development is located along the periphery of the

tourism area and is expected to have most of its interactions with Stanley Avenue. Off-site impacts from the proposed use such as traffic infiltration, drainage or other nuisances typically associated with tourism activities such as noise and light pollution are not expected based on the supporting reports provided with the application.

**Building Quality and the Emerging Skyline**

Policy 4.1.23 of the Official Plan directs that the City Skyline is not to be developed as a continuous wall of buildings. To ensure this condition does not occur, a 4-storey (12 metre) limit has been placed on all development within the Tourist Commercial Area, with exceptions granted only through a Zoning By-law Amendment Application and only for heights set forth in Figure 4 in the Official Plan (height strategy) consistent with Policies 4.1.24 and 4.4.3 of the Official Plan.

The subject lands are located within the Clifton Hill sector of the Central Tourism Area, as shown in **Figure 16**.



**Figure 16 - Tourism District Map - Niagara Falls Official Plan**  
 Subject Lands are Delineated with a Red Star.

Section 4.1.24 of the Official Plan contains the following principles that regulate the built form in the tourism area:

- a) The highest buildings shall be constructed in the Central Tourist District in order to create an internationally recognizable skyline for Niagara Falls and to support the extent of municipal infrastructure required to service high density developments;*
- b) Building heights will be reduced toward the periphery of the tourist core in order to respect the scale and character of surrounding land uses. Lower profile buildings will be located in Satellite Districts where low-rise/low density residential neighbourhoods predominate;*
- c) Residential and institutional uses will be protected from the overshadowing effects of tall buildings;*
- d) The regulation of building mass will occur through a system of built form controls and urban design criteria consistent with Section 4.4.2 through 4.4.8 of this Plan;*
- e) Council will consider the merits of development applications having regard to the policies of this Plan;*
- f) All applications for additional building heights will be treated on a quid pro-quo basis wherein the developer agrees to provide public realm improvements; and,*
- g) Architectural Peer Review will be required for high-rise buildings over 10 storeys in height.*

As shown on **Figure 16**, the subject lands are located at the western edge of the Clifton Hill sector of the Central Tourism District. The proposed development will exceed the prescribed height range outlined in the Official Plan, however, will remain much smaller than existing buildings located closer to the waterfall and gorge areas where tourists primarily congregate.

As stated in Principle b), building heights are to be reduced towards the periphery of the Central District. As the subject lands are located at the edge of the Central District, building heights should not be proposed that are within the “High” height range of 13-30 storeys.

The proposed increase of two additional storeys beyond the medium height limit is considered to be in conformity with the general intent and purpose of this policy. The location of the subject lands is along an Arterial Road and located adjacent to another tall structure (Hotel). The visual impact of two additional floors is considered minor when the full scale of the building is considered.

In accordance with Principle c), a shadow impact analysis was prepared by the architect to demonstrate potential shadow impacts caused by the proposed building on adjacent residential lands. As shown on the completed diagrams prepared by ACK included as **Appendix IV** to this Report, the shadow impacts are limited on the adjacent residential neighbourhood for most of



the day, with the most “significant” impacts during the winter season when the sun is lowest in the sky. During warmer seasons where outdoor amenity and sunlight is most enjoyable, the shadow impacts are shown to be less intrusive with a smaller geographic area of impact. Overall, the proposed impacts from shadowing are considered to be acceptable.

Conformity with Sections 4.4.2 through 4.4.8 as cited in Principle d) are evaluated further on in this section of the Planning Report.

With regard to all other applicable criteria, the required evaluation of the development through the lens of the City’s Tourism Policy Review Implementation Handbook (2004) and the subsequent Architectural Design Review Document has been completed by ACK and has been submitted with the application and an independent document.

### Clifton Hill Subdistrict

Policies 4.2.16 to 4.2.20 directs how the Clifton Hill Subdistrict of the Central District is to function and what uses and forms of development are permitted. Policy 4.2.16 states that the Clifton Hill subdistrict is to functional as the commercial and entertainment centre of the Tourism Area. Accordingly, the area is permitted to include a wide range of related land uses with the most intensive uses to be directed towards the east side of Victoria Avenue.

Policy 4.2.19 acknowledges that the Clifton Hill subdistrict is large in scale and contains larger areas of land with non-tourism land uses such as residential housing. The Plan cautions against expansions of tourism uses in proximity to such existing uses.

As the proposed development is mixed-use and not tourism based, it is considered to be appropriately located within the Clifton Hill subdistrict and in a location where impacts on existing housing and existing tourism uses will be lessened.

### **Section 4.3 – The Public Realm**

The subject lands are situated along the east side of Stanley Avenue in Niagara Falls. Stanley Avenue is one of the primary access routes for the travelling public when coming to Niagara Falls, capturing traffic from the QEW/Highway 420 and the Rainbow Bridge.

### Gateways

Figure 1 of Section 4.3 of the Official Plan delineates the intersections of Stanley Avenue and Highway 420 and Stanley Avenue and Ferry Street as Entrance Gateways to the tourism district. The subject lands are located generally between these two gateways. The intersection of North Street and Stanley Avenue is not a Gateway in the Official Plan.

### Circulation Systems and Streetscapes

The Official Plan states that streets are a vital part of the City's Open Space System. Stanley Avenue between Highway 420 and McLeod Road is delineated on Figure 2 of Section 4.3 of the Official Plan as an Entry Corridor. With regard to Entry Corridors, Policy 4.3.7 states that:

*“Entry Corridors, as identified on Fig. 2, shall be designated as the main points of access through which visitors arrive at the Niagara Falls Tourist Area. Entry Corridors shall be automobile-oriented streets whose main purpose is to accommodate vehicular traffic within an attractive, signposted and landscaped streetscape. Council shall ensure that public improvements and new developments are consistent with the Design Criteria for Entry Corridors.”*

In conformity with this design direction for Streetscapes, the provided elevations and site plan prepared by ACK shows a mix of private and public realm improvements along the Stanley Avenue frontage which includes streetscaping, landscaping and public space (i.e. patios).

### Open Space Systems

The Open Space system within the Tourism District is to be of a high quality and be continuously approved to support the area as a world class destination.

The subject lands are not located near any identified Open Space areas of significance within the Tourism District, however, Figure 3 – Open Space Plan of the City's Official Plan identifies Stanley Avenue as a location for public realm improvement and greening, primarily through streetscape improvements and plantings.

Policy 4.3.15 is relevant to the application and states that *“To assist in the greening of the public realm, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces pursuant to Section 42(6) of the Planning Act. Contributions shall be maintained in a specially identified Parkland Dedication Account for each Tourist District and all expenditures shall be made by Council in consultation with the Business Improvement Area Association for the particular Tourist District.”*

Given the scope of the application and that significant opportunities for interaction between the public and private realm will occur, the subject lands are an appropriate candidate for considerations of Community Benefits charges and/or parkland dedication payment to achieve the desired open space form along Stanley Street.

## Section 4.4 – High Quality Private Development

### Building Heights

Policy 4.4.2 of the Official Plan pertains to building heights in the tourist area. As prescribed in the Plan, building heights are to be limited to 4-storeys and any requests for additional height must be consistent with the Height Strategy in Figure 4 of Section 4.4.3 the Official Plan.

As shown in **Figure 17**, the subject lands are located within the Medium-Rise overlay, which permits development heights between 9 and 12 storeys, subject to a Zoning By-law Amendment and justification.

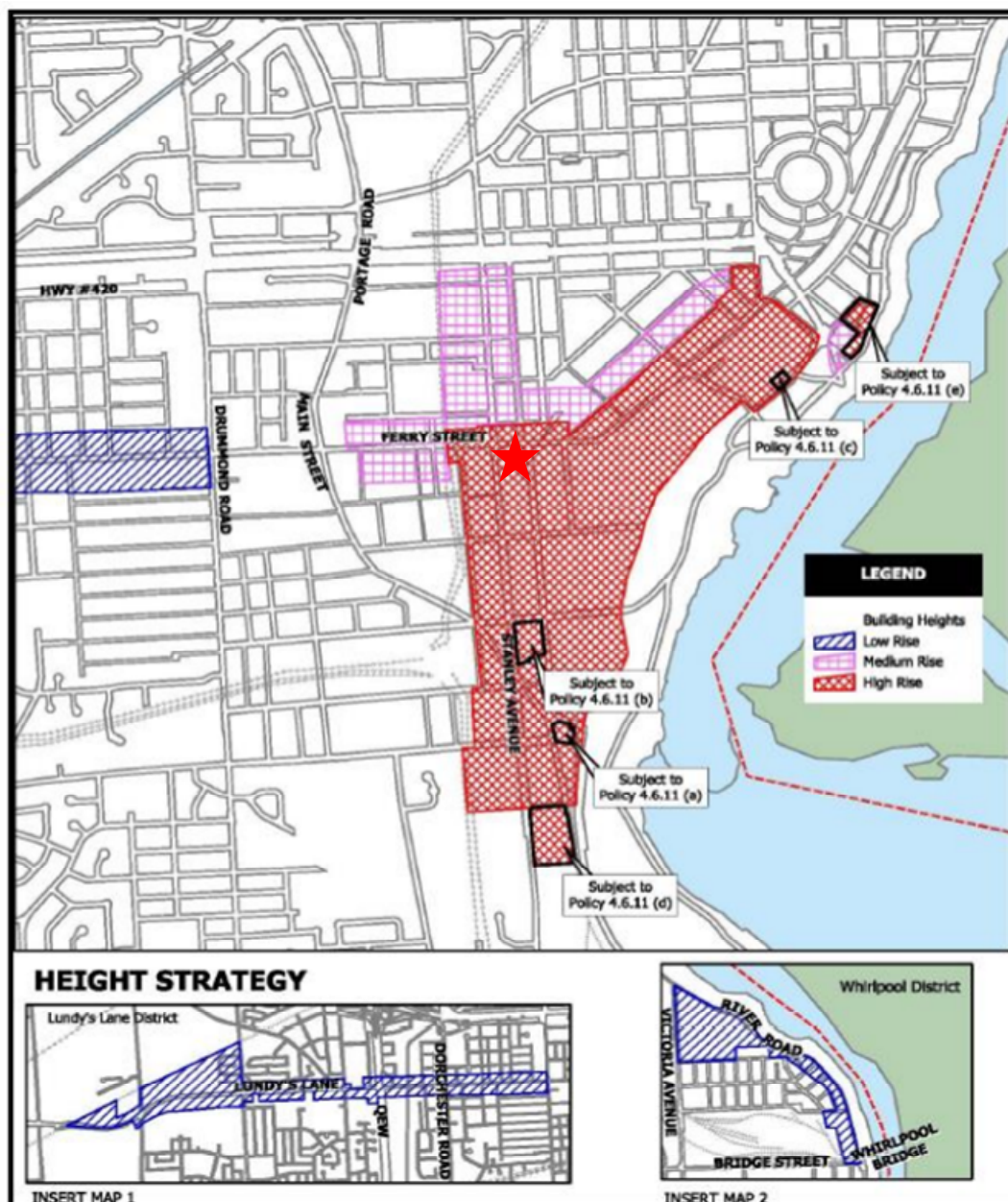


Figure 17 - Building Height Strategy - City of Niagara Falls Official Plan

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

- *High-rise        13 To 30 storeys*
- *Medium-rise    9 to 12 storeys*
- *Low-rise        5 to 8 storeys”*

As the policy utilizes the term “general parameters” to describe height thresholds, it is interpreted that there is some minor flexibility in the maximum building heights of each range. The requested two additional storeys beyond the medium-rise height range of 9-12 storeys is not considered to change the project into a high-rise development as 14 storeys is less than half of what is permitted in the high-rise range. Given this flexibility in the policy verbiage, an Official Plan Amendment is not considered to be required to facilitate the requested increase beyond 12 storeys. The applicable policy tests and required submission materials for height increases within the Tourism Area are considered sufficient to address policy conformity and provide justification for the provided Zoning By-law Amendment.

Policy 4.4.2 directs that “Building heights throughout the tourist area shall be restricted to four storeys in accordance with the provisions of the Zoning By-law. Council shall consider the allocation of additional building heights through site specific Zoning By-law amendments up to the maximum height set out in Fig. 4 and Section 4.4.3. The maximum height shall be allocated if a proposed development meets the following criteria;

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

Consistent with the criteria above, the developer has completed pre-consultation and has provided the requisite information, including preliminary building elevations, a wind study and a shadow study.

Requests for improvements to the public realm are anticipated to be scoped and discussed through the application review process and the future Site Plan process when detailed engineering and servicing plans are developed. The Community Benefits provisions of the

Planning Act are appropriate to utilize to secure public improvements in exchange for the additional height requested by the owner.

### Massing of New Development

New high-rise development is supported by the Official Plan, but must be designed in a manner that does not overwhelm the public realm. To achieve this, the Plan requires developments to reduce their massing as the height rises to provide appropriate gaps and step backs. Such design considerations ensure that new developments are not solid, looming structures that negatively impact the pedestrian realm and overall look of the streetscape.

The proposed development height would technically be classified as high-rise, however is considered to emulate a medium rise character. Notwithstanding this, the intent of the Massing policies to ensure compatibility.

As shown in the preliminary elevation drawings prepared by ACK Architects Studio Inc., the proposed building will be fourteen-storeys tall with an estimated maximum height of 43.28 metres (142.0 feet). The location of the subject lands and proposed height should have no discernible impacts on the Niagara Falls skyline.

The base of the building will step back at the fifth storey along Stanley Avenue and at the second storey on the east side of the main tower. The Building will step back once more on the eighth floor on the east side of the building. A mix of architectural elements and augmentations in the faced including balcony and ornamental projections are shown which will assist in softening the appearance and scale of the building.

The northeast corner of the building, which is adjacent to existing residential development will be limited to 10 storeys in height. Floors 11-14 will only continue on the portion of the building along Stanley Avenue.

A Pedestrian Level Wind Study was completed by Gradient Wind to evaluate impacts from the proposed building form. The report concludes that overall wind impacts on the preliminary design will be minimal, save for the patio area which is able to be protected through the use of a wind barrier.

Similarly, a shadow impact was completed by ACK Architects Studio Inc. The study has revealed that shadow impacts from the development will be minimal on City Streets. There will be shadowing along North Street throughout the day, however the current character of this street is framed by existing built form and trees which already generate shadowing impacts on the streetscape and adjacent development.

## Parking

Parking is integral to the success of tourism uses, however, if provided at the surface, parking areas can have a negative impact on the public realm and limit the ability to efficiently use land.

Consistent with Section 4.5 of the Official Plan, all required parking will either be provided in a secure, on-site underground garage or at the surface internal to the site and shielded from public view. The parking areas will be accessed from two points of ingress/egress with one on Stanley Avenue (south end of site) and one on North Street.

The subject lands are not located within an area of “no parking requirement” for non-accommodation uses, per Figure 5 of the City’s Official Plan. The subject lands will provide on-site parking for the commercial and residential components of the development on the subject lands. Although a small deficit of parking is provided (-17 spaces), the Parking Analysis completed by GHD concludes that the amount of parking to be provided on-site is adequate.

## **PART 3 – ENVIRONMENTAL MANAGEMENT**

Part 3 of the City of Niagara Falls Official Plan contains policy direction on phasing, infrastructure, transportation and the public realm.

### Part 3, Section 1.2 – Water and Sanitary Sewage

Policy 1.2.4 of Part 3 of the Official Plan requires that development within the Urban Area be provided with full municipal water and sanitary services. Consistent with this requirement, the proposed development is located within the Urban Area will be serviced by the existing watermain on North Street and the existing combined sewer and storm sewer on Stanley Avenue.

### Part 3, Section 1.3 – Storm Drainage

Policy 1.3.1 of Part 3 of the Official Plan requires that *“all new development or redevelopment within the City be connected to and serviced by a suitable storm drainage system.”*

As outlined in the Functional Servicing Design Brief prepared by Hallex Engineering Ltd., the proposed development will outlet stormwater to the existing storm sewer in Stanley Avenue. On-site detention will be used to control stormwater quantity and on-site treatment will be provided through an oil/grit separator.

### Part 3, Section 1.5 – Transportation

The subject lands have frontage along three public roadways including Stanley Avenue (Regional Road 102), North Street and Buchanan Avenue.

Stanley Avenue is classified as an arterial roadway on Schedule C of the City of Niagara Falls Official Plan. Arterial Roadways include all thoroughfares that are owned by the City and Region that are designed to accommodate large volumes of traffic between major land uses in the City. As cited previously, the stretch of Stanley Avenue between Highway 420 and Ferry Street carries large amounts of vehicular traffic to the tourism district from other higher order roadways.

In accordance with Policy 1.5.25 of Part 3, Section 1 of the City's Official Plan, 5 metre by 5 metre daylight triangles are provided at the corner of Stanley Avenue and North Street and at the corner of Buchanan Avenue and North Street. These dedications, including required road widenings, are shown on the preliminary Site Plan drawing prepared by ACK Architects Studio Inc.

North Street and Buchanan Avenue are classified as local streets in the City's Official Plan. It is expected that a portion of North Street will see some increase in traffic volume due to the provision of the second driveway access from that area of the site. The TIS completed by GHD has indicated that there will be no negative impact to the current level of service.

Policy 1.5.29 requires that plans for development and redevelopment shall have regard for impacts on existing road networks. The TIS concludes that the proposed development will generate 64 two-way trips during peak a.m. hours and 90 two-way trips during the p.m. peak hours. The TIS states that this increase in traffic will not result in the exceedance of the theoretical capacity for each vehicle movement and therefore do not result in any negative impacts or the need for improvements to existing roadways.

Policy 1.5.31 requires the completion of a detailed noise study where development is contemplated in proximity to major roads. Stanley Avenue is an Arterial Road and therefore noise impacts from the street onto the proposed development were conducted by R.J. Burnside and Associates. The completed evaluation concludes that the projected noise impacts could be sufficiently mitigated through the use of typical building materials and air conditioning.

The applications conform with overarching transportation policies of the City of Niagara Falls Official Plan by providing opportunities for the development to leverage existing road networks, transit services and being in proximity to adjacent active transportation/pedestrian routes.

#### Part 3, Section 5 – Urban Design Strategy

The Urban Design Strategy set out in the Official Plan generally seeks to ensure that development and redevelopment is of a high architectural quality, evokes a sense of place, is compatible with surrounding development and contemplates and provides for appropriate opportunities for pedestrian scaled development and robust landscaping.

The proposed redevelopment of the subject lands as a mixed-use tower provides opportunities for enhancing the existing streetscapes and public realm, particularly along Stanley Avenue which is a primary gateway route into the tourism district.

The proposed built form is pedestrian oriented with minimal building setbacks along Stanley Avenue, North Street and Buchanan Avenue, at grade commercial and live/work units, patios, landscaping and multiple building access points. The proposed built form is a significant improvement over the current built condition which is a surface parking lot with a swimming pool.

Micro-climatic impacts from the redevelopment including shadowing and wind have been reviewed in accordance with Policy 5.1.3 of the Official Plan. The shadow diagrams and wind study have shown no significant impact on adjacent lands, or the public realm.

On-site parking has been accommodated in accordance with the requirements of Policies 5.1.5, 5.1.6 and 5.1.7 by shielding the surface parking area from public view and providing an underground garage for the residential units. Vehicle access to the site has also been limited to one occurrence along Stanley Avenue (Arterial Roadway).

At this preliminary stage the provided architectural and site plans demonstrate a desire to provide patios, landscaping and improvements along Stanley Avenue and North Street. Such improvements should be more closely evaluated and designed through the Site Plan process. The redevelopment of the subject lands are considered an appropriate opportunity to introduce public realm improvements in proximity to the site consistent with the policies of the Official Plan and City's Urban Design Strategy.



## **CITY OF NIAGARA FALLS ZONING BY-LAW (By-law No. 79-200)**

As shown on **Figure 18**, the subject lands are zoned as “Tourist Commercial” (TC) and “Deferred Tourist Commercial” (DTC) within the City of Niagara Falls Zoning By-law 79-200. The TC Zone applies to the existing hotel property (5640 Stanley Avenue) and the DTC Zone applies to 5609 & 5619 Buchanan Avenue.

To facilitate the proposed development, the applicant has proposed a site-specific TC Zone for the entirety of the subject lands.

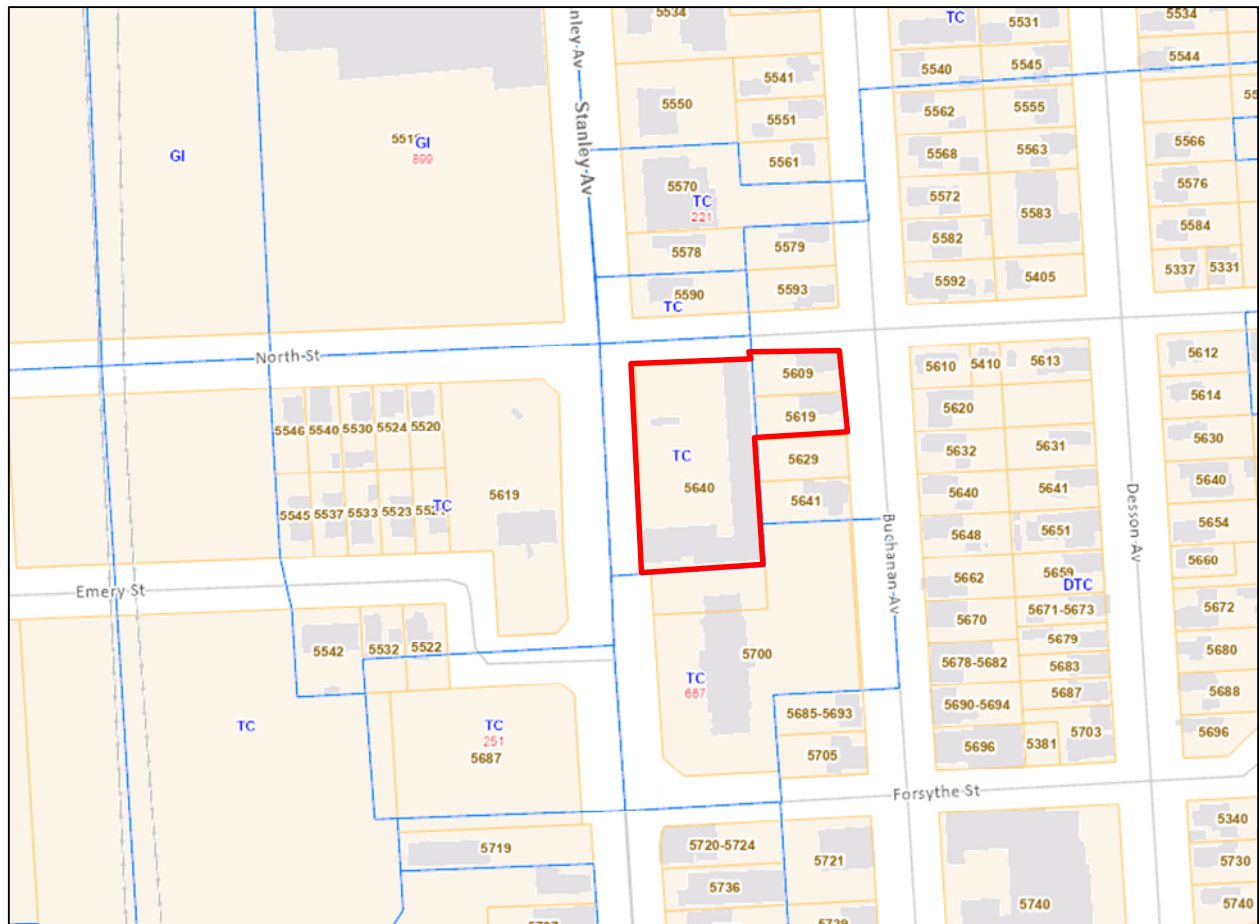


Figure 18 - Zoning By-law 79-200 – City Online Zoning Map Viewer

### Deferred Tourist Commercial Zone (DTC)

As shown in **Figure 18**, the properties known as 5609 and 5919 Buchanan Avenue are zoned as Deferred Tourist Commercial (DTC). The intent and purpose of the zone is to serve as a transitional zoning that recognizes existing land uses in proximity to the tourism district. The zone also permits existing single detached dwellings which are found within some of the older, established residential neighbourhoods located with or in close proximity to the tourism area.

The establishment of new commercial uses on the subject lands requires a change in zoning from DTC to Tourist Commercial (TC). The TC Zone is proposed to be utilized as the new base zone for the entirety of the subject lands as it is currently in place on 5640 Stanley Avenue and permits the intended uses of the lands.

### Tourist Commercial Zone (TC)

The Tourist Commercial Zone is generally found applied to lands within the City's Tourism Districts. The TC Zone permits an extensive array of commercial land uses of varying scales.

The TC Zone also permits the establishment of residential dwelling units in the Tourism Area, subject to the provisions of Section 8.6.1 (ii). As a mixed-use building containing commercial and residential uses is proposed, it is deemed appropriate to continue to utilize the TC Zone as the base zone for the development.

### Residential Dwelling Units

As noted, Provision 8.6.1 (ii) permits residential dwelling units, subject to the following:

*“dwelling units in a building in combination with one or more of the uses listed in this 2002-061 section, provided that not more than 50% of the total floor area of such building is used for dwelling units and further provided that such dwelling units except entrances thereto are located entirely above the ground floor.”*

The proposed building is primarily residential in composition and will contain 162 apartment dwelling units and 189.7 square metres (2,042 square feet) of dedicated commercial floor area at the northwest corner of the building. As the proposed development composition exceeds the maximum 50% floor area limit for residential uses, a site-specific provision is required to increase the ratio of permitted residential uses to commercial uses.

### Commercial Units / Live Work Units

One commercial unit is proposed within the building. This unit will be located at the northwest corner of the property at the intersection of Stanley Avenue and North Street. The intended use of the unit is for general commercial purposes at this time.

Five (5) two-storey live/work units are proposed at grade along Stanley Avenue. The “work” portion of the unit will be at ground level, with the second floor serving as the dedicated living space for the unit. The configuration of these units complies with the direction of the TC Zoning for residential dwellings as the “living” portion of each unit is on the second floor.

### **SITE SPECIFIC PROVISIONS**

The following section described the requested site-specific provisions requested through the Zoning By-law Amendment.

#### Deemed Yards

The subject lands have frontage along three (3) municipal roadways including Stanley Avenue, North Street and Buchanan Avenue which classifies the subject lands (as consolidated) as a corner lot under the Zoning By-law. As advised by City Planning staff, in such scenarios the front lot line / front yard is typically to be deemed where the primary access to the development is. In this case, the primary access to the residential apartments and resident parking area is from Stanley Avenue.

In accordance with this direction, and to provide clarity for the implementing Zoning By-law Amendment, the yards for the development are proposed to be deemed as follows:

- Front Yard – Stanley Avenue
- Exterior Side Yard – North Street
- Rear Yard – Buchanan Avenue

All other yards on the property will be considered as Interior Side Yards

#### Maximum Building Height

The TC Zone limits height to 12 metres (4 storeys) in alignment with the Height Strategy for the Tourism District set out in the Official Plan.

The subject lands are located within the Medium Rise portion of the Height Strategy which allows for developments between 9-12 storeys subject a Zoning By-law Amendment. The proposed development seeks to exceed the 12-storey limit by two storeys with a proposed height of 14 storeys.

To facilitate the proposed designed a site-specific zoning provision to allow a height of 14 storeys (43.28 metres) whereas 4 storeys (12 metres) is permitted is proposed.

The increase in height is deemed to be acceptable based on the alignment with and satisfaction of the related Official Plan policies and that there will be minimal shadow or wind impacts on adjacent lands.

#### Minimum Yard Setback (Front, Rear and Exterior)

The proposed building will be located either at, or slightly inside the ultimate property boundary for the subject lands after road widenings are taken. These setbacks vary between 0.01 to 0.7 metres. For ease of review and to provide some flexibility during detailed design it is proposed that the Front, Rear and Exterior Side Yard Setbacks be a minimum of 0.0 metres.

The provision of a 0.0 metre setback will allow for the building to be placed along the streetscape and augmented inward without the need for variations in setback provision. The resultant road widening will still ensure that sufficient public realm and road expansion area is able to be provided between the building and the existing curb line.

#### Parking

The proposed development will contain 162 residential dwellings units and one commercial unit.

The applicable parking ratio for apartment units, per section 4.27 of Zoning By-law 79-200 is 1.4 spaces per unit. Based on the 162 units proposed, the minimum amount of required parking would be 226.8 (226) parking spaces.

The commercial use to occupy the one commercial unit is not yet determined. As such, the basic commercial parking ration of 1 space for every 40 square metres of floor area was utilized. The 189.7 square metre unit would therefore require 4.74 (4) spaces.

In total, the site is able to accommodate 213 parking spaces on site representing five (5) spaces for commercial and 208 spaces for residential.

The requested reduction will result in a residential parking ratio of 1.28 spaces per unit. Although below 1.4 spaces per unit, other Niagara municipalities employ more modern ratios of 1.0 (Welland) or 1.25 (St. Catharines) spaces per unit for apartments – the proposed still remains above those minimums. It is also noted that there have been several instances of parking reductions that have been granted within the Tourism Area at value at or below 1.25 spaces per unit in recent years.

Given the findings of the TIS and that the ratio of parking sits above most modern zoning requirements for apartment dwelling units in similar municipalities, the request parking ratio reduction is considered to be appropriate for the subject lands.

#### Encroachments into Required Yard

Requested encroachments for balconies for individual dwelling units, patios for live/work units and the commercial unit, as well an ornamental feature above the southern parking lot access are proposed.

As a 0.0 metre setback is requested for the front, rear and exterior yards, any projection would be considered an encroachment. For this reason, it is requested that the noted items be able to project into the lot line in the noted yards.

The provision of balconies and patios is beneficial from an aesthetic perspective - providing visual interest, built form variation and opportunities for social interaction to occur. It is therefore appropriate and beneficial to the design of the site that the requested encroachments be permitted.

For encroachments that project into the municipal boulevards, necessary City approvals and permits will be required to be obtained.

Zoning Conformity Matrices are included as **Table 1** and **2** of this Report showing the requested departures from the base TC Zone and General Provisions of By-law 79-200.

**TABLE 1: ZONING COMPLIANCE TABLE – TOURIST COMMERCIAL ZONE (TC).**

Section 8.6 Tourist Commercial Zone (TC Zone)	REQUIRED	PROPOSED
8.6.1  Permitted Uses	<p>PERMITTED USES: No person shall within any TC Zone use any land or erect or use any building or structure for any purpose except one or more of the following uses:</p> <ul style="list-style-type: none"> <li>a) Art Gallery</li> <li>b) Assembly Hall</li> <li>c) Automobile Service Station</li> <li>d) Bake Shop</li> <li>e) Bank, Trust Company, Credit Union, Currency Exchange</li> <li>f) Beer, Wine Or Liquor Store</li> <li>g) Car Rental Establishment, Truck Rental Establishment</li> <li>h) Car Wash, Interior And Exterior Hand Car Cleaning</li> <li>i) Clothing Store</li> <li>j) Convention Centre</li> <li>k) Day Nursery</li> <li>l) Drive-In Restaurant</li> <li>m) Drug Store</li> <li>n) Exhibitions Of Wax Works, Automobiles, Handcrafts, Natural Or Artificial Curiosities,</li> </ul>	<ul style="list-style-type: none"> <li>ii) Dwelling Units in A Building In Combine With One Or More Of The Uses Listed in This Section, Provided That Not More Than <b>71 %</b> Of The Total Floor Area Of Such Building Is Uses For Dwelling Units And Further Provided That Such Dwelling Units Except Entrances Thereto Are Located Entirely Above The Ground Floor.</li> </ul>

Section 8.6 Tourist Commercial Zone (TC Zone)	REQUIRED	PROPOSED
	<p>Freaks Of Nature</p> <ul style="list-style-type: none"> <li>o) Food Store</li> <li>p) Health Entre</li> <li>q) Hotel</li> <li>r) Motel</li> <li>s) Museum</li> <li>t) Parking Lot</li> <li>u) Personal Service Shop</li> <li>v) Photographer's Studio</li> <li>w) Place Of Entertainment</li> <li>x) Place Of Worship</li> <li>y) Private Club</li> <li>z) Public Garage, Mechanical</li> <li>aa) Recreational Uses</li> <li>bb) Restaurant</li> <li>cc) Service Shop</li> <li>dd) Sightseeing Tours Establishment, Sightseeing Tourist Information Entre</li> <li>ee) Souvenir Store</li> <li>ff) Tobacco Store</li> <li>gg) Tourist Home</li> <li>hh) Adult Store Provided The Adult Store Is Separated From Another Adult Store By A Minimum Distance Of 10-0 Metres And From An Adult Entertainment Parlour Or Body-Rub</li> </ul>	

Section 8.6 Tourist Commercial Zone (TC Zone)	REQUIRED	PROPOSED
	<p>Parlour By A Minimum Distance Of 300 Metres</p> <p>ii) Dwelling Units In A Building In Combine With One Or More Of The Uses Listed in This Section, Provided That Not More Than 50% Of The Total Floor Area Of Such Building Is Uses For Dwelling Units And Further Provided That Such Dwelling Units Except Entrances Thereto Are Located Entirely Above The Ground Floor.</p> <p>jj) Gasoline Bar</p> <p>kk) Body-Rub Parlour</p> <p>ll) Timeshare Sales Office</p> <p>mm) Retail Store</p> <p>nn) Office</p> <p>oo) Outdoor Patio Which Is An Accessory Use To A Drive-In Restaurant, Hotel, Place Of Entertainment And A Restaurant, In Accordance With Section 4.25A.</p>	



Section 8.6.2 Regulations	REQUIRED	PROPOSED
<b>(a) Minimum Lot Frontage</b>	6 metres	74.27 metres <b>(Stanley Avenue to be Deemed Front Yard)</b>
<b>(b) Minimum Front Yard Depth</b>	in accordance with sections 4.27.1, where applicable	<b>0.0 metres</b> <b>(Stanley Avenue)</b>
<b>(c) Minimum Rear Yard Depth</b>	(i) where any part of the building is used for residential purposes <i>10 metres (33.0 ft.) plus any applicable distance specified in section 4.27.1</i>  (ii) where no part of the building is used for residential purposes  <i>3 metres (9.8 ft.) plus any applicable distance specified in section 4.27.1, provided that no rear yard is required where the rear lot line abuts a public land or a public parking lot</i>	(i) where any part of the building is used for residential purposes  <b>0.0 metres</b> <b>(Buchanan Avenue to be Deemed Rear Yard)</b>

Section 8.6.2 Regulations	REQUIRED	PROPOSED
<b>(d) Minimum Interior Side Yard Width</b>	(ii) where the side lot line does not abut a residential, institutional or open space zone  <i>None Required</i>	2.35 metres
<b>(e) Minimum Exterior Side Yard Width</b>	One Half the Height of the Building  43.28 metres / 2 = 21.64 metres	<b>0.0 metres</b>  <b>North Street to be Deemed Exterior Side Yard</b>
<b>(f) Maximum Lot Coverage</b>	70%	69%
<b>(g) Maximum Height of a Building of Structure</b>	12 metres (40.0 ft.) subject to section 4.27	<b>43.28 metres</b>
<b>(h) Maximum Floor Area</b>	Not Specified	-
<b>(i) Parking and Access Requirements</b>	<u>Apartment Dwellings</u> 1.4 spaces per unit  <u>Commercial Unit</u> 1 space per 40.0 square metres	<b>Apartment Dwellings</b> <b>1.28 spaces per unit</b>  Commercial Unit 5 spaces

Section 8.6.2 Regulations	REQUIRED	PROPOSED
<b>(j) Loading Area Requirements</b>	<p>In accordance with sections 4.20</p> <p>Over 300 sq. m but not exceeding 3,700 sq. m</p> <p>1 loading space required</p>	<p>1 loading space</p>
<b>(k) Maximum Floor Area for each Retail Store</b>	<p>400 square metres</p>	<p>189.7 square metres</p>
<b>(l) Maximum Floor Area of All Retail Stores per Property</b>	<p>3,530 square metres</p>	<p>189.7 square metres</p>

**TABLE 2: ZONING COMPLIANCE TABLE – GENERAL PROVISIONS**

Section 4.14 Yards	REQUIRED	PROPOSED
4.14  Permitted Uses	<p>Every part of every front yard, side yard and rear yard required by the provisions of this By-law shall be open from the ground to the sky and no such yard shall be obstructed or occupied by any building, structure, accessory building, accessory structure or part thereof or projection there from except as follows:</p> <ul style="list-style-type: none"> <li>a) sills, belt courses, cornices, chimney breasts, bay windows, pilasters and similar architectural features and window air conditioning units may project into any required yard a distance of not more than 0.45 metres;</li> <li>b) unsupported canopies, eaves or gutters, for other than an accessory building, may project into any required yard a distance of not more than 0.45 metres;</li> <li>c) open balconies not covered by a roof or canopy may project into any required front yard or rear yard a distance of not more than 1.8 metres and into any required side yard a distance of not more than 0.45 metres;</li> </ul>	<p><b>Notwithstanding the requirements of Section 4.14 that the following encroachments be permitted:</b></p> <ul style="list-style-type: none"> <li>a) open balconies not covered by a roof or canopy or at grade patios may project into any required front, rear or exterior to the lot line.</li> <li>b) That an ornamental architectural feature may be provided on the south side of the building over the parking lot access to a distance of 1.4 metres from the south lot line.</li> <li>c) That any awnings associated with building entrances or patios may project to the front, rear or exterior side yard lot lines.</li> </ul>

Section 4.14 Yards	REQUIRED	PROPOSED
	<p>d) subject to Section 4.27.1, a roofed-over one storey porch may project into a required front yard, rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 2.5 metres provided however that (i) no enclosure of such porch, other than removable screens and storm sashes or awnings, shall be erected to a height of more than 1.0 metre above the floor of such porch, and (ii) in no event and subject to said Section 4.27.1 shall any part of such porch be closer than 1.5 metres from any street line;</p> <p>e) fire escapes may project into any required side yard or rear yard a distance of not more than 1.2 metres;</p> <p>f) accessory buildings and accessory structures where specifically permitted in a zone, may be erected in accordance with Section 4.13 and the other applicable provisions of this By-law;</p> <p>g) light standards, fuel pump islands and fuel pumps of automobile service stations may be erected in accordance with the applicable provisions of this By-law;</p>	

Section 4.14 Yards	REQUIRED	PROPOSED
	<p>h) subject to section 4.27.1, a deck may project into a required front yard a distance of not more than 2.5 metres and into a required rear yard or privacy yard of a block townhouse dwelling unit a distance of not more than 4 metres and in no event, and subject to said Section 4.27.1, shall any part of such deck be closer than 1.5 metres from any street line and closer to the interior and exterior side lot lines than the minimum interior side yard and exterior side yard widths of the specific zone.</p>	

## **PLANNING OPINION**

9431870 Canada Corporation has submitted a Zoning By-law Amendment application to the City of Niagara Falls pertaining to lands known as 5640 Stanley Avenue and 5609 & 5619 Buchanan Avenue. The subject lands are currently zoned Tourism Commercial and Deferred Tourist Commercial in City of Niagara Falls Zoning By-law 79-200.

The application has been submitted to facilitate the development of a 14-storey mixed use building containing one (1) commercial unit, one-hundred-and-sixty-two (162) residential apartment dwelling units (inclusive of five (5) live-work units). The proposed use of the lands for residential and commercial purposes is permitted by the City's Official Plan and Zoning By-law.

The Zoning By-law Amendment is required to facilitate an increase in building height beyond 4 storeys and beyond the 12 storeys permitted in the Height Strategy for the Tourist Commercial Area. The Amendment also proposes site-specific departures from the base provisions of the TC Zone to deem yards, facilitate 0.0 metre setbacks along public street frontages and permit building projections to the lot line. The requested zoning relief will have no significant impacts on adjacent lands and will provide opportunities for enhanced design and better integration between the private and public realm along Stanley Avenue.

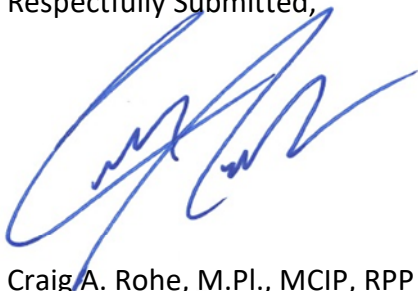
Supporting studies pertaining to traffic/parking, wind and shadow impacts have demonstrated minimal impacts to adjacent properties and municipal roadways as a result of the requested zoning provisions and residential building density.

Additional studies including Phase 1 Environmental Site Assessment, Stage 1 and 2 Archaeology Review and Servicing have similarly outlined no significant impacts or concerns and that development can be supported.

Future consideration of Community Benefits Charges and encroachments to facilitate desirable and prescribed improvements to the public realm on Stanley Avenue are encouraged to be explored by the City and owner through the review of this application and the Site Plan review process to achieve the overall goals for the City's Central Tourism district.

Upon review and analysis of applicable plans, policies and supporting documentation it is my professional opinion that the applications satisfy the requirements of the Planning Act, are consistent with 2020 Provincial Policy Statement and conform to the 2020 Growth Plan for the Greater Golden Horseshoe, 2022 Niagara Official Plan, and the City of Niagara Falls Official Plan (as amended).

Respectfully Submitted,

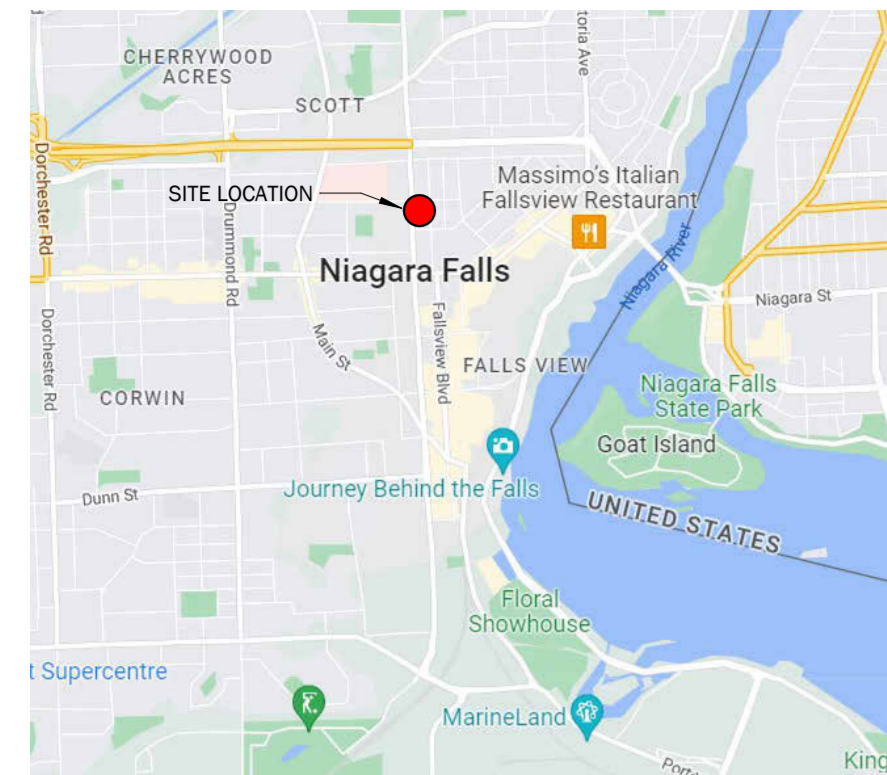
A handwritten signature in blue ink, appearing to read 'Craig A. Rohe', written in a cursive style.

Craig A. Rohe, M.Pl., MCIP, RPP  
Senior Planner  
Upper Canada Consultants



# **APPENDIX I**

PRELIMINARY SITE PLAN, FLOOR PLANS AND  
ELEVATIONS

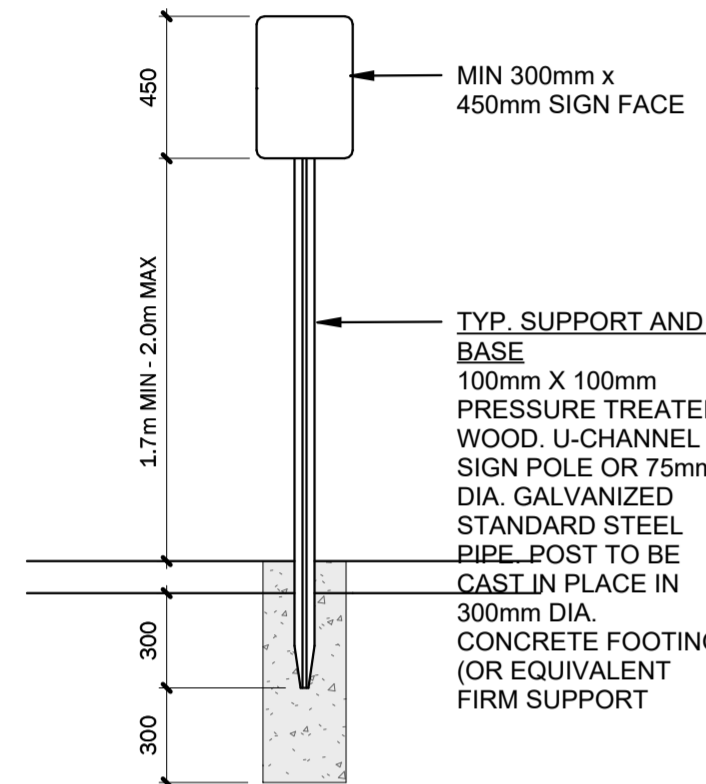


**KEY MAP**

NOT TO SCALE

**LEGEND**

- RESIDENTIAL
- COMMERCIAL
- RESIDENTIAL ABOVE
- CANOPY ABOVE
- AREA RESERVED FOR ROAD WIDENING

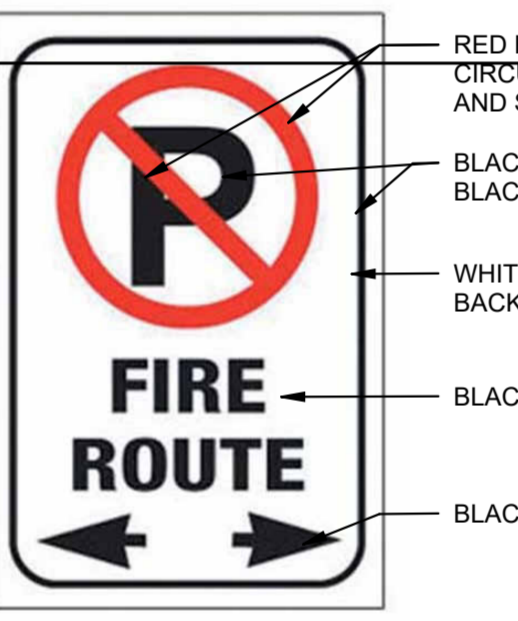


- NOTES:**
- AUTHORIZED SIGNS WILL BE PLACED IN THE CENTRE OF THE REAR PORTION OF EACH PARKING SPACE IN THE DISABLED PARKING AREA.
  - WHERE THE DESIGNATED SPACES ABOUT THE FACE OF A BUILDING, DISABLED PARKING SIGNS MAY BE AFFIXED TO THE FACE OF THE BUILDING AT A MINIMUM HEIGHT OF SIX AND ONE HALF (6 1/2) FEET, AND A MAXIMUM HEIGHT OF NINE (9) FEET. WHERE THE DESIGNATED SPACES ABOUT A SIDEWALK OR LANDSCAPED AREA, DISABLED PARKING SIGNS WILL BE ERECTED ON PERMANENT POSTS AT A MINIMUM HEIGHT OF SIX AND ONE HALF (6 1/2) FEET AND A MAXIMUM OF NINE (9) FEET.

**SIGNAGE POST INSTALLATION**



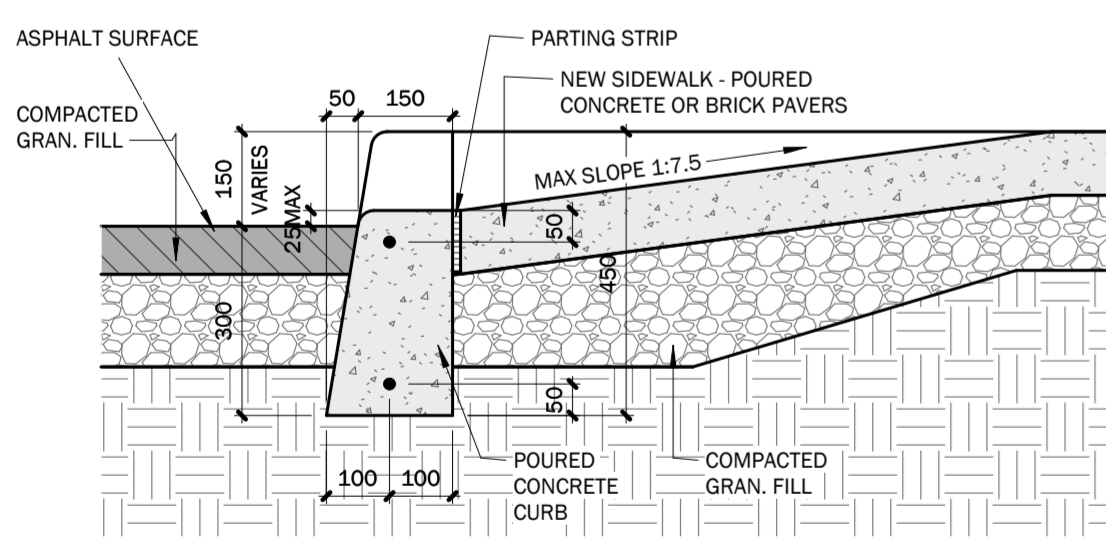
- LEGEND**
- RED REFLECTIVE CIRCULAR BACKGROUND AND STROKE/4" = 1'-0"
  - BLACK LETTER 'P' AND BLACK BORDER
  - WHITE REFLECTIVE BACKGROUND
  - BLUE SQUARE WITH REFLECTIVE BACKGROUND AND OUTLINE
  - 30mm BLACK LETTERS



- RED REFLECTIVE CIRCULAR BACKGROUND AND STROKE
- BLACK LETTER 'P' AND BLACK BORDER
- WHITE REFLECTIVE BACKGROUND
- BLACK LETTERS
- BLACK ARROWS

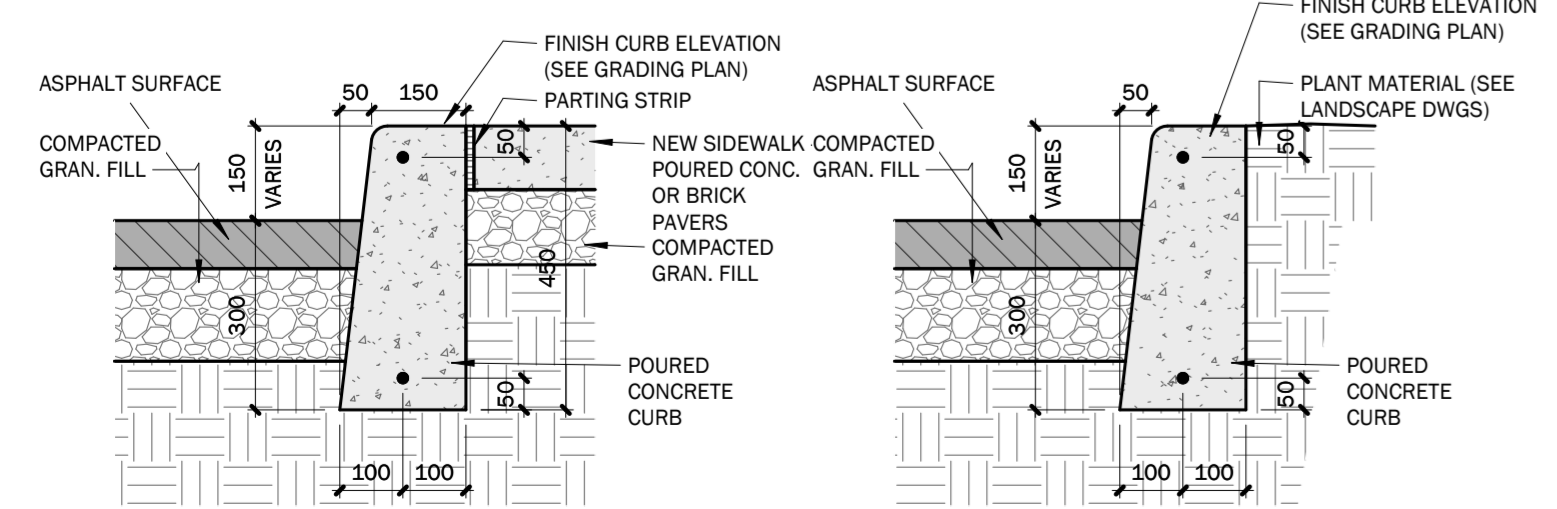
**BARRIER-FREE PARKING SIGNAGE**

**FIRE ROUTE SIGNAGE**



**CURB RAMP DETAIL**

1:10

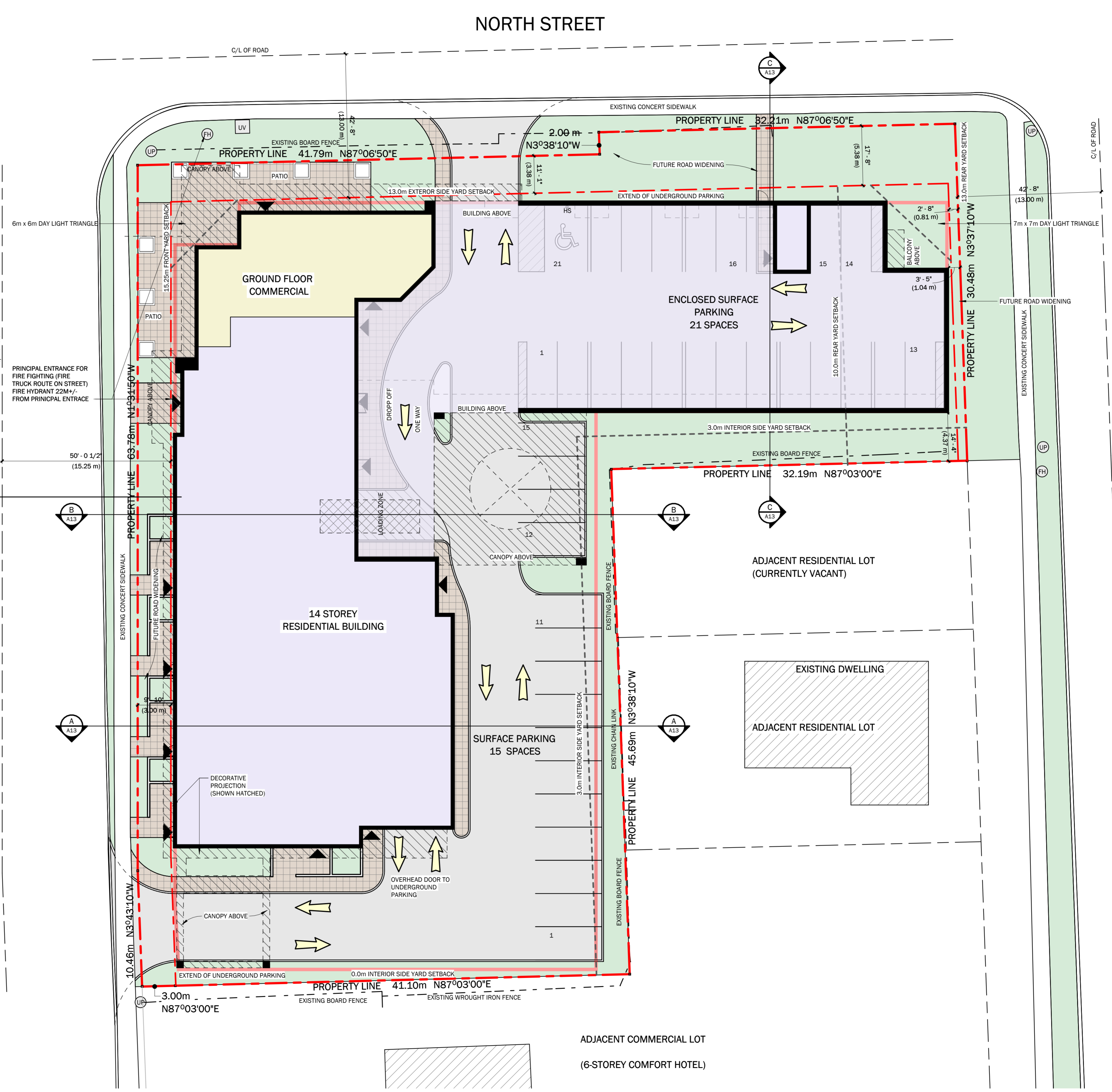


**TYP CONC. CURB & SIDEWALK**

1:10

**TYP CONC. CURB**

1:10



**SITE PLAN - CONCEPTUAL**

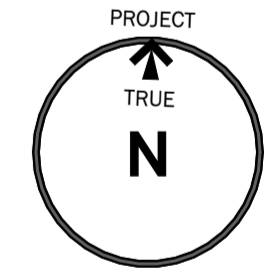
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No.	DATE	DESCRIPTION	BY:
1	07/11/2022	PRE-CON SUBMISSION	JC
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COMMISSION:

**14-STOREY RESIDENTIAL DEVELOPMENT**

5640 STANLEY AVENUE, NIAGARA FALLS, ON.



**A · C · K**

architects

STUDIO INC.

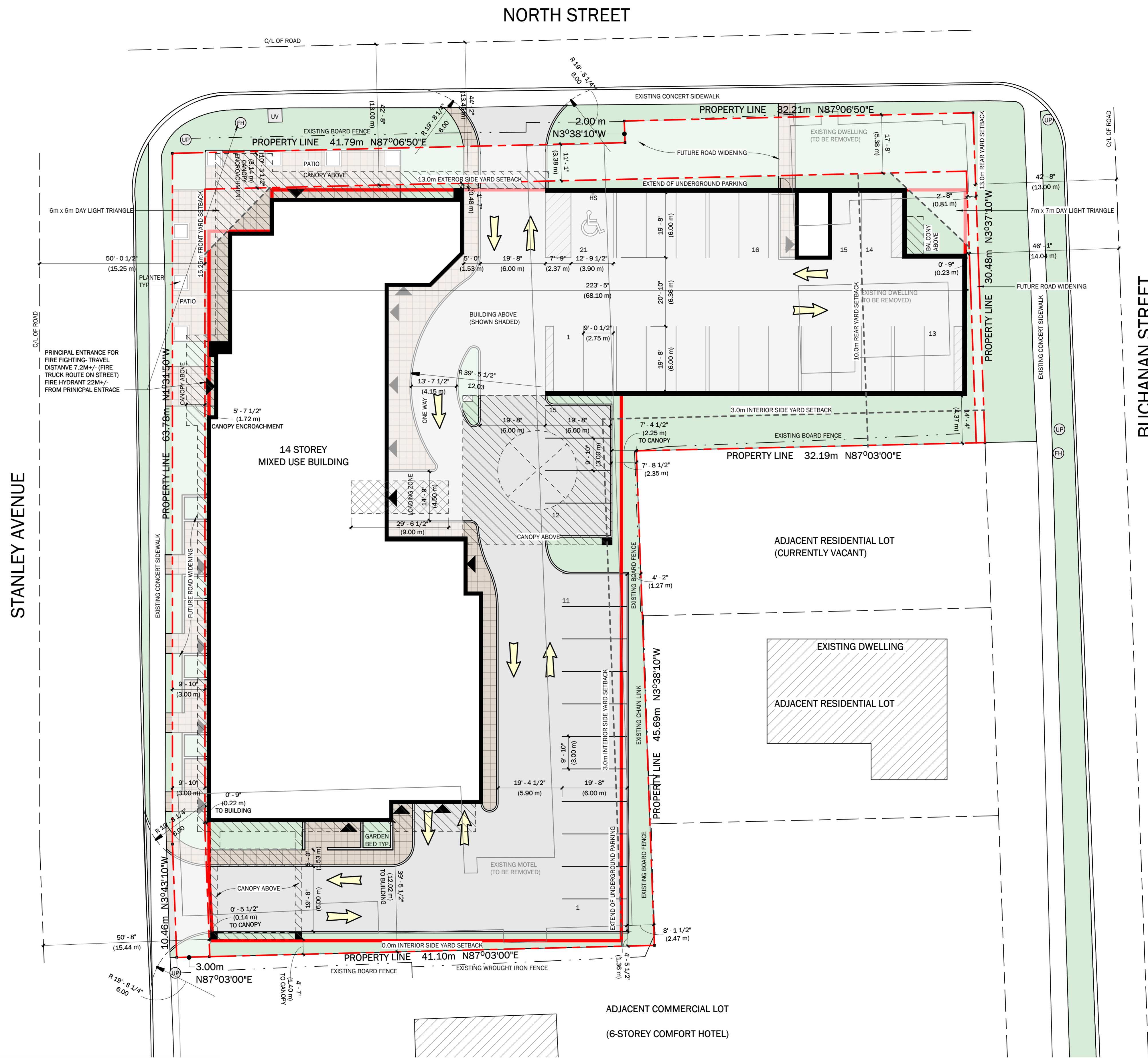
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**CONCEPTUAL SITE PLAN**

DRAWN BY:	JC	DRAWING No.:	<b>.SP1</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

PRELIMINARY SITE STATS				
	HECTARES	ft²	m²	%
<b>LOT AREA</b>				
Total Lot Area	0.4180	44994.59	4,180.1	
Road Widening + Day Light Triangle	0.0591	6357.70	590.6	
Developable Lot Area	0.3589	38636.89	3,589.5	100%
<b>LOT FRONTAGE</b>				
Minimum Required	6.0m	19.7ft		
Proposed (Stanley Ave)	74.3m	799.1ft		
<b>LOT COVERAGE</b>				
Proposed				
Max Allowed	27045.8	2512.7		70%
Proposed				
Building	23686.1	2,200.5		61.30%
Balconies/Projections	3588.0	333.3		9.29%
Total	27274.1	2533.8		70.59%
<b>LANDSCAPE COVERAGE (INCLUDES SIDEWALKS/PATIOS)</b>				
Proposed	4488.2	417.0		11.62%
<b>PAVED/PARKING AREA (NOT COVERED BY BUILDING)</b>				
Proposed	6874.6	638.7		17.79%
<b>BUILDING HEIGHT</b>				
Permitted	12.0m	40.0ft		
Proposed	14 Storey	43.28m	142.0ft	
<b>DENSITY</b>				
Proposed Density				
Total Lot Density	387.5	Units/Hectare		
Developable Lot Density	451.3	Units/Hectare		
<b>DWELLING UNIT AREA</b>				
Permitted Maximum	50%	Of Total Floor Area		
Proposed				
Total Floor Area	188,868.0	sq.ft		
Total Dwelling Area	133,106.0	sq.ft		
	70.5%	of Floor area		
<b>SETBACKS</b>				
	Required	Proposed		
Front Yard* (Stanley Ave)	15.25m	15.44m		
Canopy encroaches 1.72m into road widening				
Rear Yard Where Part of the Building is Used for Residential	10.0m	0.23		
Rear Yard Where No Part of the Building is Used for Residential	3.0m	N/A		
Interior Side Yard Abuts Residential, Institutional or Open Space				
Southerly (Enclosed Parking)	3.0m	4.37m		
Easterly (Canopy)	3.0m	2.35m		
Interior Side Yard Does Not Abut Residential, Institutional or Open Space				
Southerly (Canopy)	0.0m	1.40m		
Exterior Yard* (North Street)	13.0m	13.46m		
Canopy encroaches 3.14m into road widening				
*From the original centerline of road				
<b>PARKING STATS</b>				
<b>PARKING REQUIRED</b>				
	Commercial	1 per 40.00	4.7	
	Residential	1.4 per unit	226.8	
	<b>Total</b>		<b>231.5</b>	
	<b>BF Required</b>	2+2% of total	<b>6.63</b>	
	<b>Loading Require</b>	1 for 2300m2	<b>1</b>	
<b>PARKING PROVIDED</b>				
	Enclosed Surface		21	
	Surface		15	
	P1 Underground		87	
	P2 Underground		90	
	<b>Total</b>		<b>213</b>	
	<b>BF Provided</b>		<b>7</b>	
	<b>Loading Provided</b>		<b>1</b>	
* 5 Spaces for commercial and 208 for residential units - 1.28 Parking ratio				
<b>BUILDING STATS</b>				
<b>UNITS STATS</b>				
14 Storey Building				
	Residential Units	Commercial Area		
		ft²	m²	
	1st FLOOR	0		
	2nd FLOOR	16		
	3rd FLOOR	17		
	4th FLOOR	17		
	5th FLOOR	16		
	6th FLOOR	16		
	7th FLOOR	16		
	8th FLOOR	12		
	9th FLOOR	12		
	10th FLOOR	12		
	11th FLOOR	7		
	12th FLOOR	7		
	13th FLOOR	7		
	14th FLOOR	7		
	Mechanical Penthouse	0		
	*Live work units counted on 2nd Floor			
	<b>Total Units</b>	<b>162</b>		



**SITE PLAN - ZONING**

1 : 200

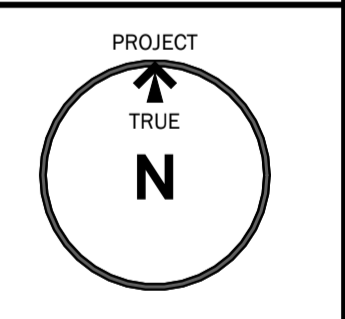
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No.	DATE	DESCRIPTION	BY:
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2	06/21/2023	REVISED CONCEPT/ELEVATIONS	JC
3	07/17/2023	ISSUED FOR ZBA	JC

COMMISSION:

**14-STOREY RESIDENTIAL DEVELOPMENT**

5640 STANLEY AVENUE, NIAGARA FALLS, ON.



**A · C · K**  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2L 2L3  
905 984 5545

SHEET TITLE:

**ZONING SITE PLAN**

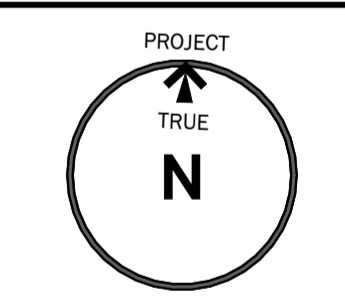
DRAWN BY:	JC	DRAWING No.:
CHECKED BY:	MA/JR	<b>.SP2</b>
DATE ISSUED:		
PROJECT No.:	2022-143	



**UG P1 PARKING**  
 3/32" = 1'-0" **34,923 SQ.FT +/-**

No.	DATE:	DESCRIPTION:	BY:
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COMMISSION:  
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 DEVELOPMENT**  
 5640 STANLEY AVENUE, NIAGARA FALLS, ON.



**A · C · K**  
 architects  
 STUDIO INC.  
 Architectural Office:  
 290 Glendale Ave. St. Catharines, ON, L2T 2L3  
 905 984 5545

SHEET TITLE:  
**UNDERGROUND  
 P1 PARKING**

DRAWN BY:	JC	DRAWING No.:	<b>.UG1</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

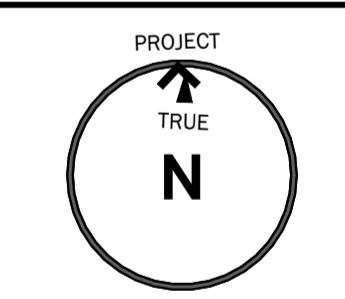


**U.G P2 PARKING**  
 3/32" = 1'-0" **34,923 SQ.FT +/-**

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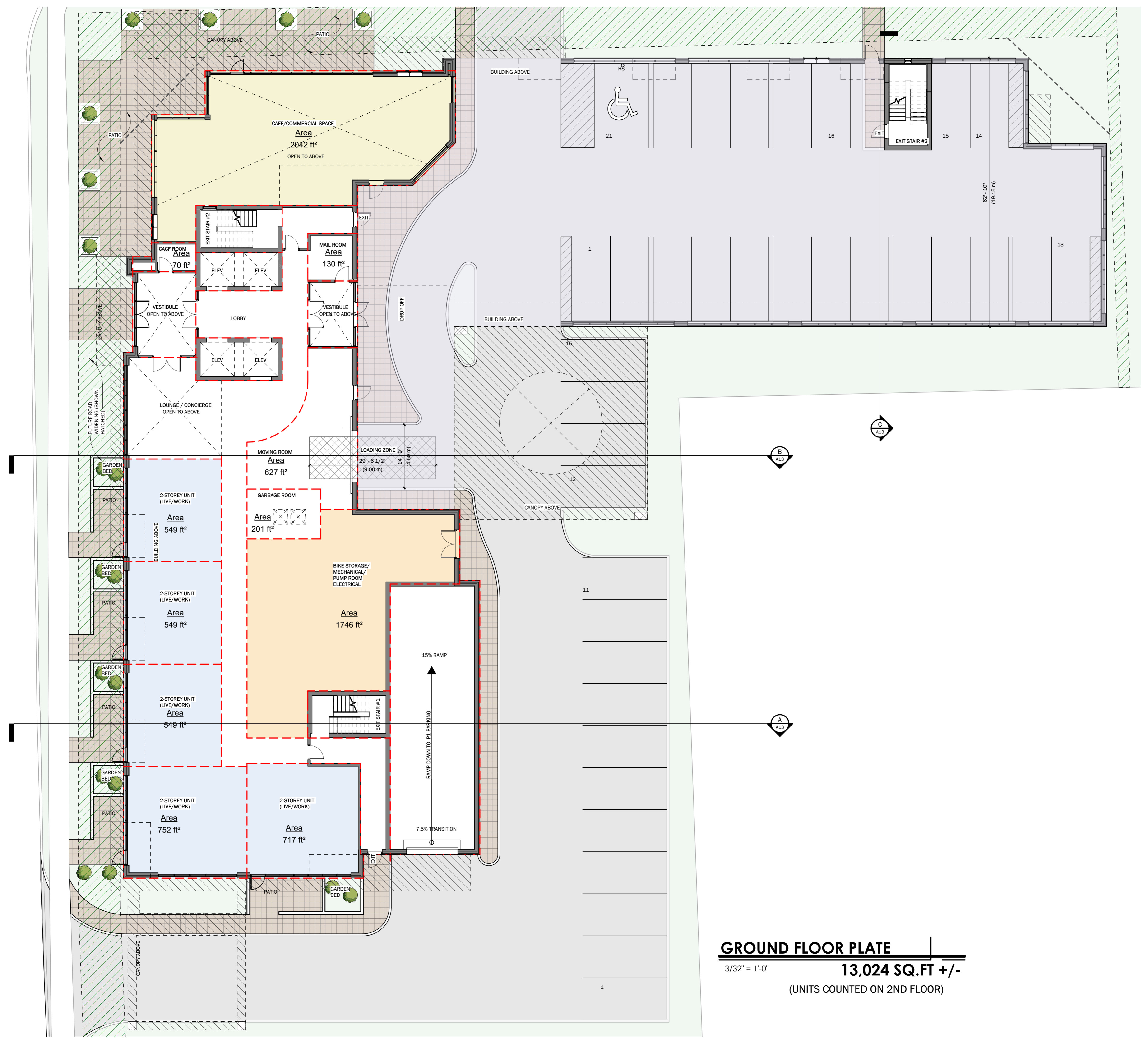
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 architects  
 STUDIO INC.  
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 290 Glendale Ave. St. Catharines, ON, L2T 2L3  
 905 984 5545

SHEET TITLE:  
**UNDERGROUND P2 PARKING**

DRAWN BY:	JC	DRAWING No.:	<b>.UG2</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		



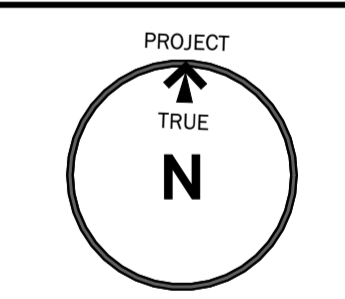
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<span style="display:inline-block; width:15px; height:10px; background-color:orange;"></span>	AMENITY SPACE
<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen;"></span>	EXTERIOR SPACE

No.	DATE	DESCRIPTION	BY:
1	07/11/2022	PRE-CON SUBMISSION	JC
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COMMISSION:

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RESIDENTIAL  
DEVELOPMENT**

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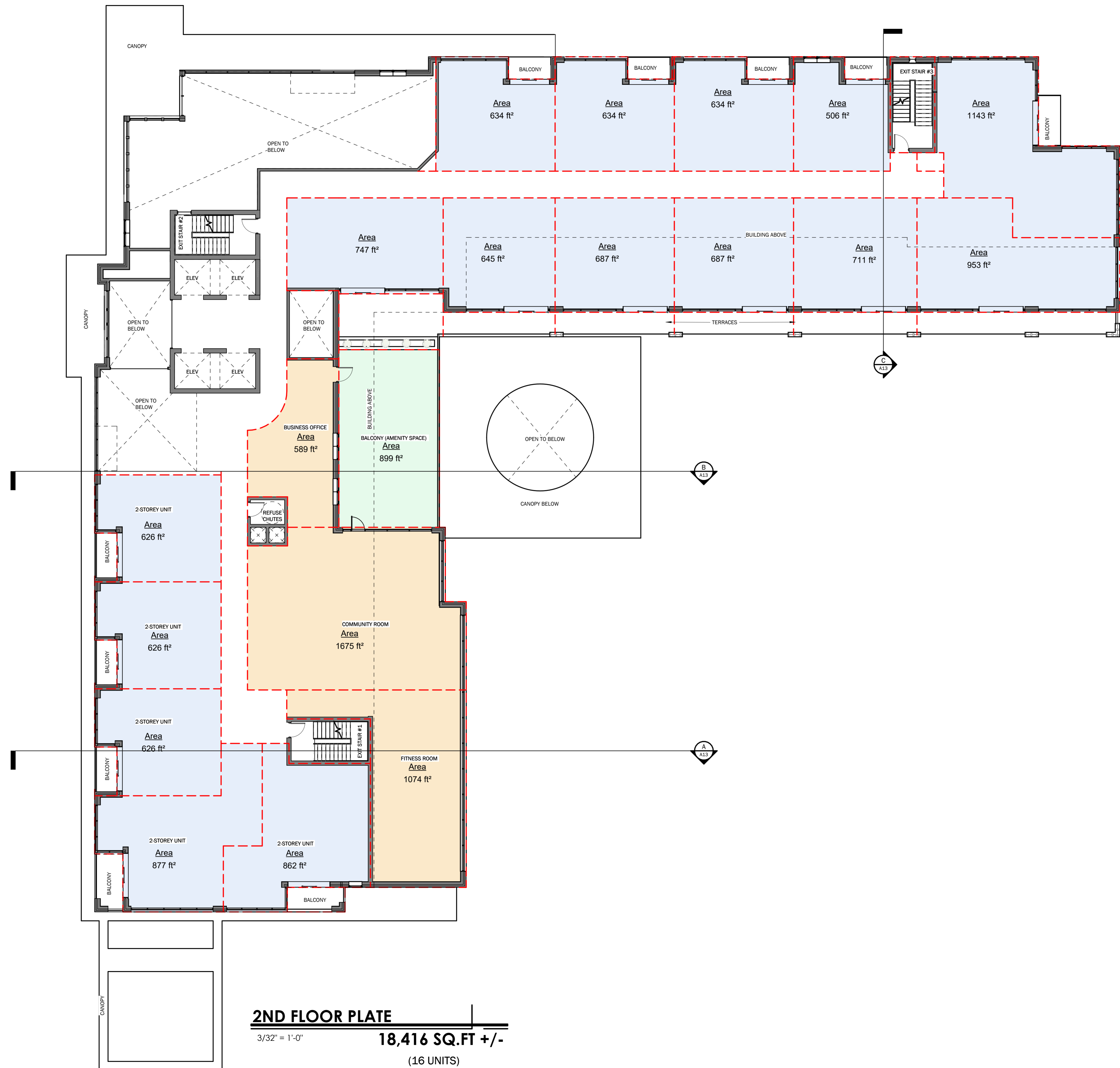
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**GROUND FLOOR PLAN**

DRAWN BY:	JC	DRAWING No.:	<b>A1</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

**GROUND FLOOR PLATE**  
3/32" = 1'-0"      **13,024 SQ.FT +/-**  
(UNITS COUNTED ON 2ND FLOOR)



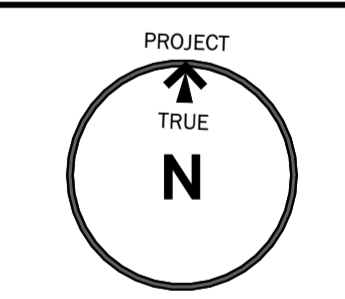
LEGEND	
<span style="color: blue;">■</span>	RESIDENTIAL UNITS
<span style="color: orange;">■</span>	COMMERCIAL
<span style="color: yellow;">■</span>	AMENITY SPACE
<span style="color: green;">■</span>	EXTERIOR SPACE

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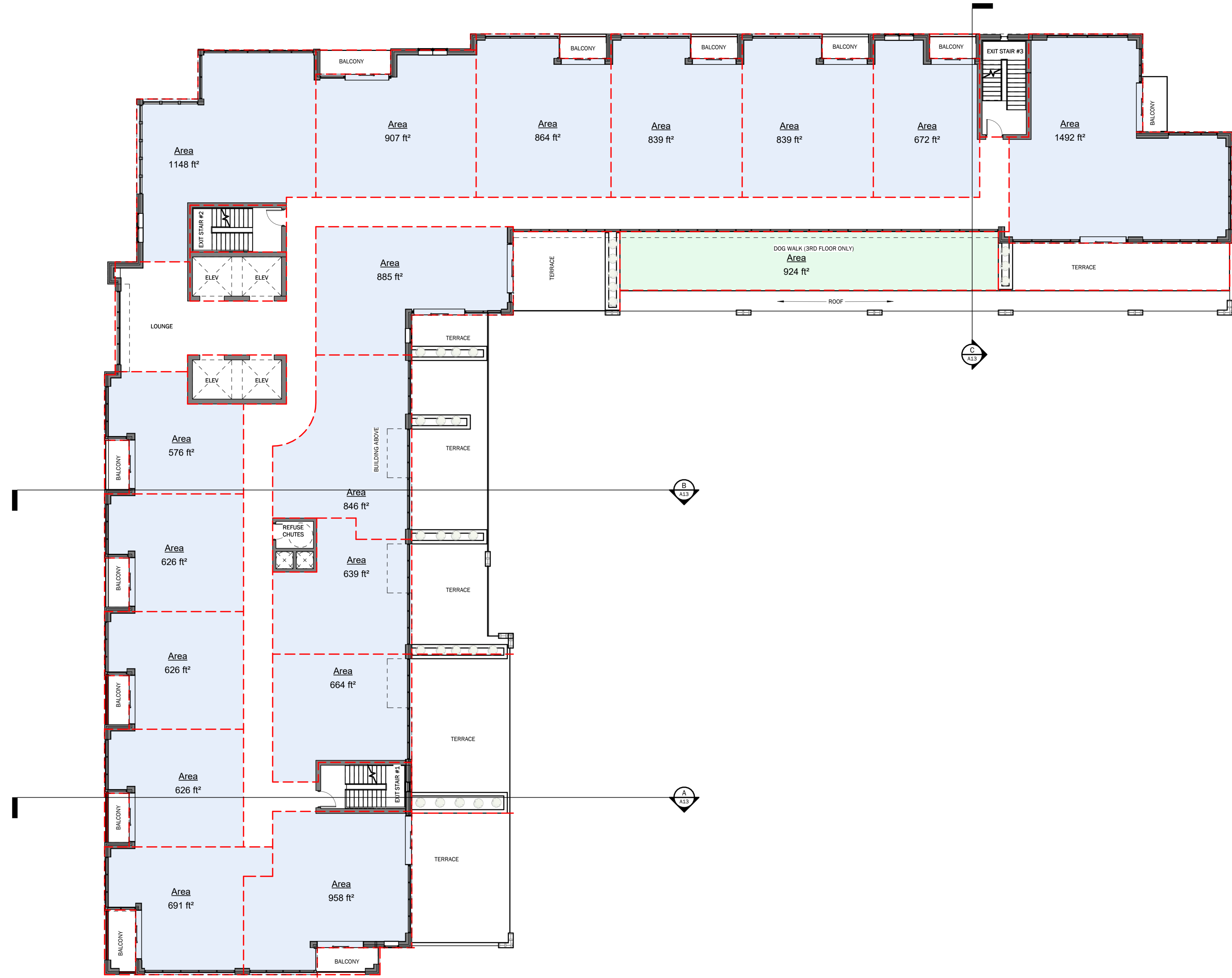
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**2ND FLOOR PLATE**

DRAWN BY:	JC	DRAWING No.:	<b>A2</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

**2ND FLOOR PLATE**  
3/32" = 1'-0" **18,416 SQ.FT +/-**  
(16 UNITS)



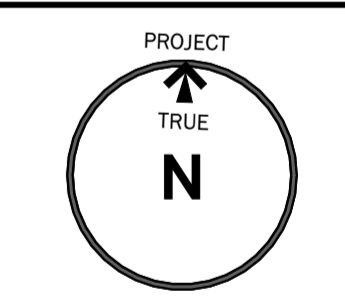
LEGEND	
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<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen;"></span>	EXTERIOR SPACE

No.	DATE:	DESCRIPTION:	BY:
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5640 STANLEY AVENUE, NIAGARA FALLS, ON.



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architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**3RD FLOOR PLATE**

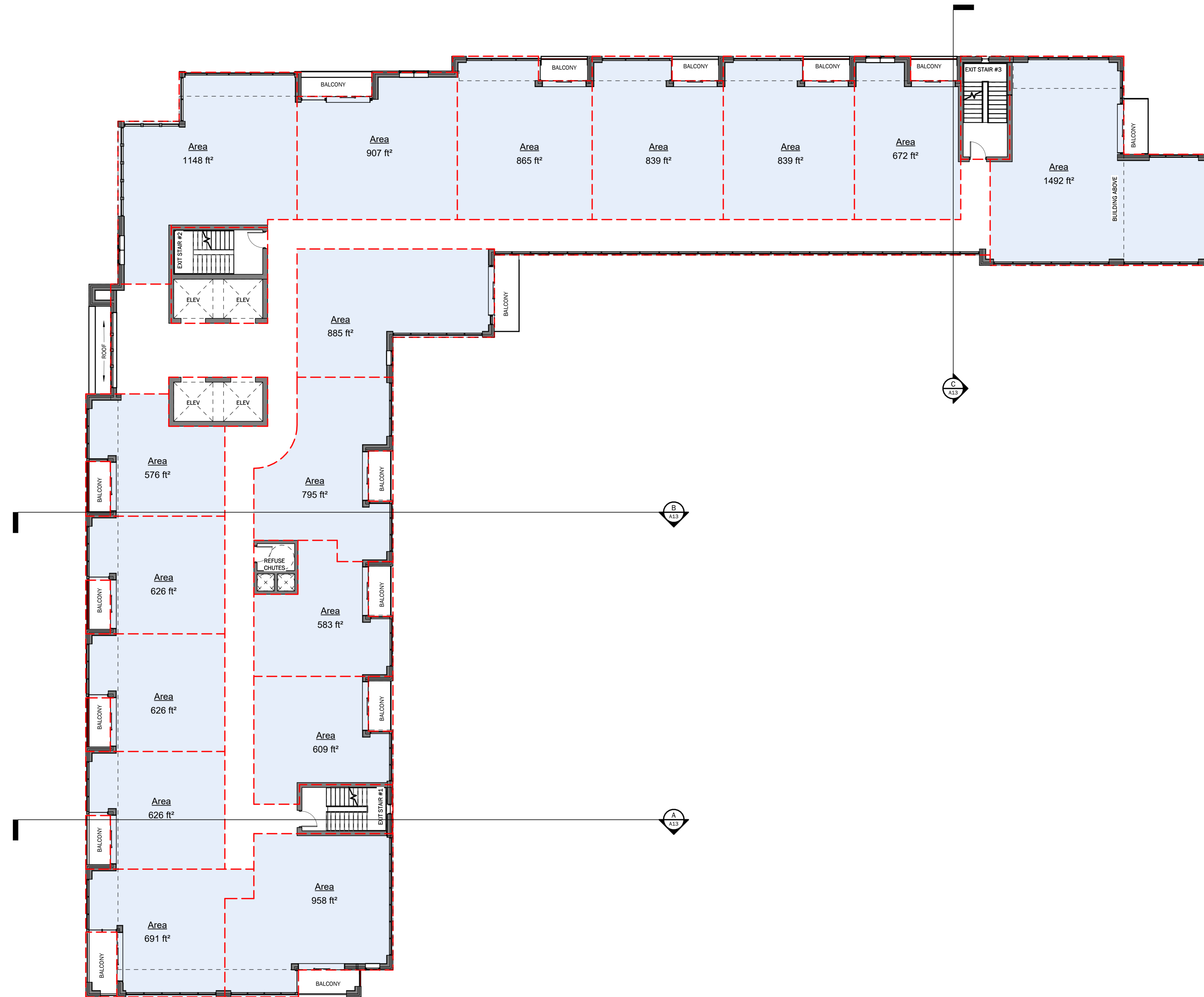
**3RD FLOOR PLATE**

3/32" = 1'-0"

**17,619 SQ.FT +/-**  
(17 UNITS)

DRAWN BY:	JC	DRAWING No.:
CHECKED BY:	MA/JR	<b>A3</b>
DATE ISSUED:		
PROJECT No.:	2022-143	



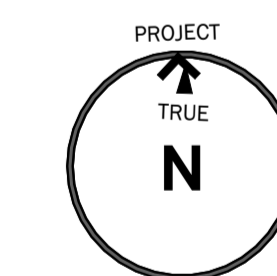


**4TH FLOOR PLATE**  
 3/32" = 1'-0"  
**17,471 SQ.FT +/-**  
 (17 UNITS)

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No.	DATE	DESCRIPTION	BY:
1	07/11/2022	PRE-CON SUBMISSION	JC
2	06/21/2023	REVISED CONCEPT/ELEVATIONS	JC
3	07/17/2023	ISSUED FOR ZBA	JC

COMMISSION:  
**14-STOREY  
 RESIDENTIAL  
 DEVELOPMENT**  
 5640 STANLEY AVENUE, NIAGARA FALLS, ON.

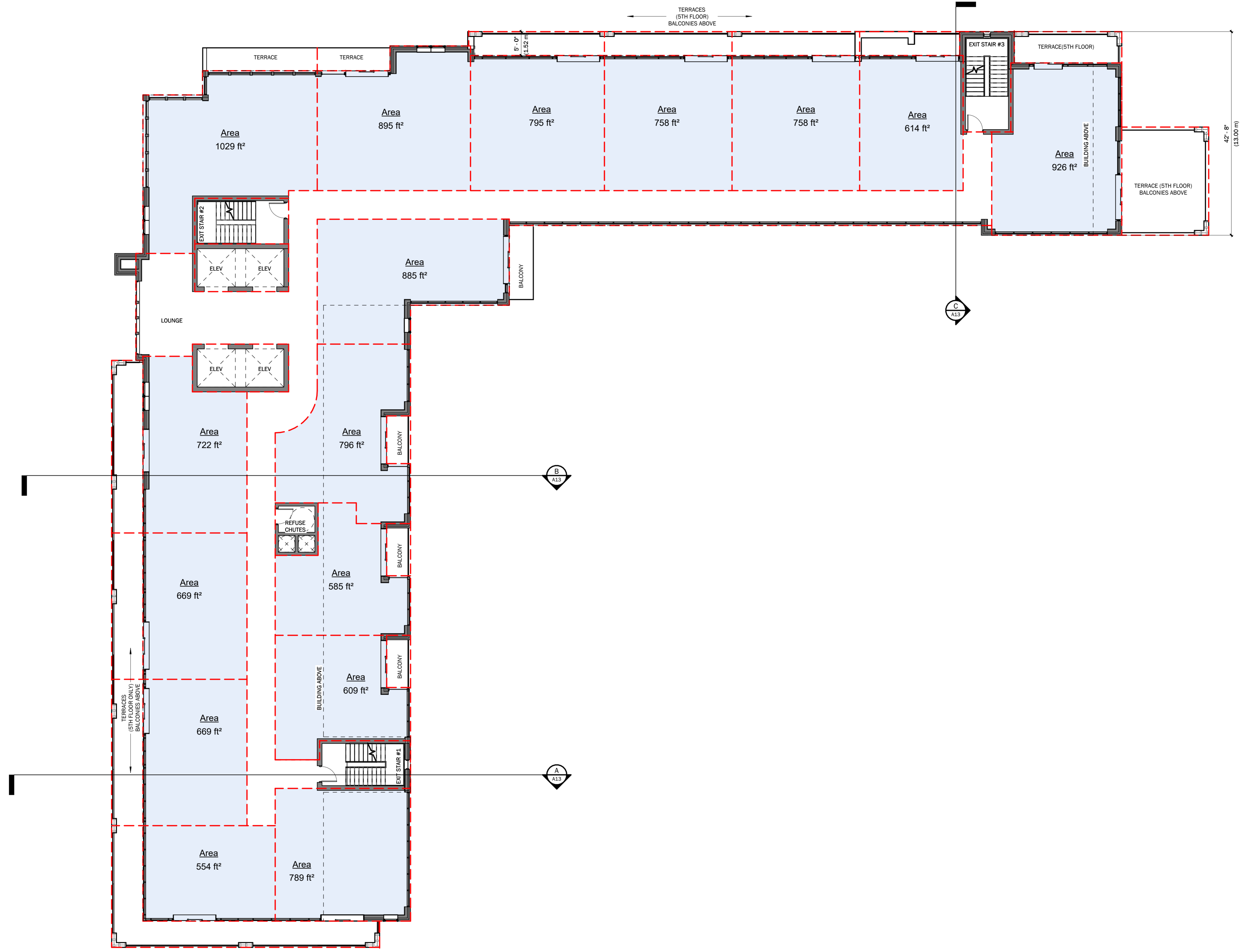


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 architects  
 STUDIO INC.

Architectural Office:  
 290 Glendale Ave. St. Catharines, ON, L2T 2L3  
 905 984 5545

SHEET TITLE:  
**4TH FLOOR PLATE**

DRAWN BY:	JC	DRAWING No.:	<b>A4</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		



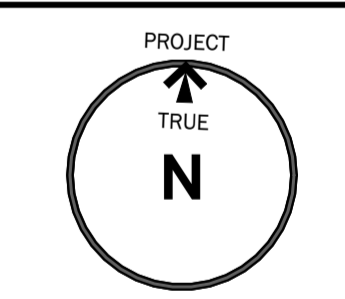
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<span style="display:inline-block; width:15px; height:10px; background-color:lightblue; border:1px solid black;"></span>	RESIDENTIAL UNITS
<span style="display:inline-block; width:15px; height:10px; background-color:yellow; border:1px solid black;"></span>	COMMERCIAL
<span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span>	AMENITY SPACE
<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	EXTERIOR SPACE

No.	DATE:	DESCRIPTION:	BY:
1	07/11/2022	PRE-CON SUBMISSION	JC
2	06/21/2023	REVISED CONCEPT/ELEVATIONS	JC
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COMMISSION:

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DEVELOPMENT**

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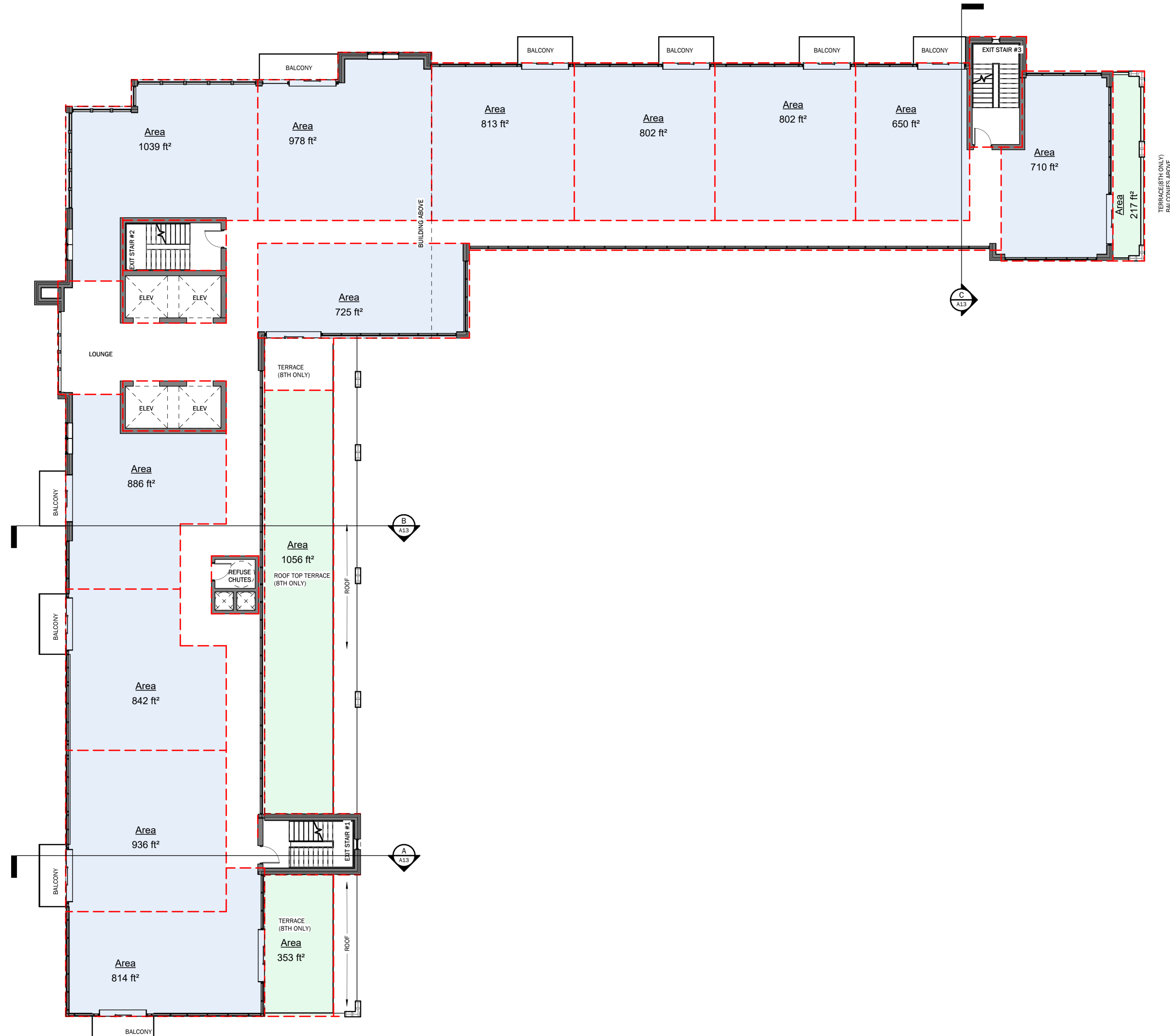
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**5TH - 7TH FLOOR PLATE**

**5TH - 7TH FLOOR PLATE**  
3/32" = 1'-0"  
**15,732 SQ.FT +/-**  
(16 UNITS)

DRAWN BY:	JC	DRAWING No.:	<b>A5</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		



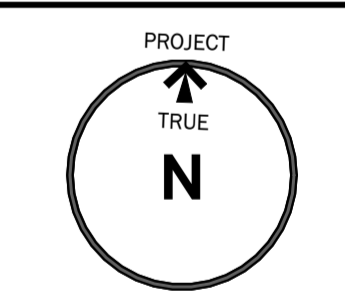
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<span style="display:inline-block; width:15px; height:10px; background-color:orange; border:1px solid black;"></span>	AMENITY SPACE
<span style="display:inline-block; width:15px; height:10px; background-color:lightgreen; border:1px solid black;"></span>	EXTERIOR SPACE

No.	DATE:	DESCRIPTION:	BY:
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COMMISSION:

**14-STOREY  
RESIDENTIAL  
DEVELOPMENT**

5640 STANLEY AVENUE, NIAGARA FALLS, ON.



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SHEET TITLE:

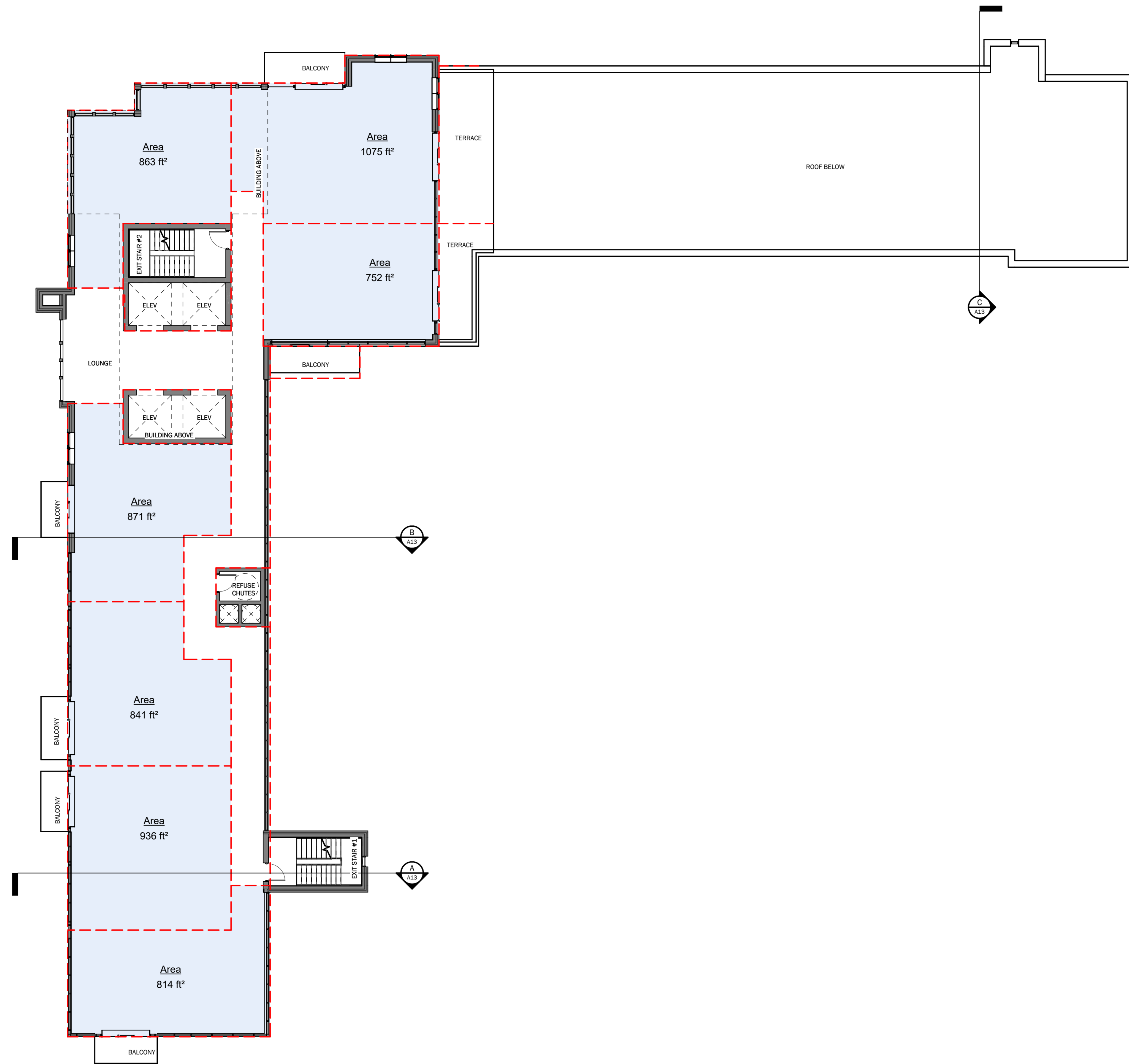
**8TH - 10TH FLOOR  
PLATE**

DRAWN BY:	JC	DRAWING No.:	<b>A6</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

**8TH-10TH FLOOR PLATE**

3/32" = 1'-0"      **13,546 SQ.FT +/-**

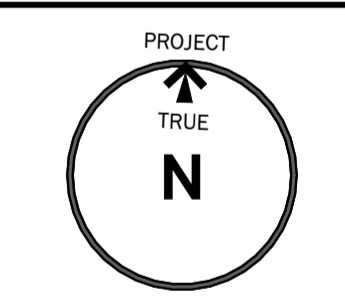
(12 UNITS)



LEGEND	
<span style="color: blue;">■</span>	RESIDENTIAL UNITS
<span style="color: yellow;">■</span>	COMMERCIAL
<span style="color: orange;">■</span>	AMENITY SPACE
<span style="color: green;">■</span>	EXTERIOR SPACE

No.	DATE:	DESCRIPTION:	BY:
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2	06/21/2023	REVISED CONCEPT/ELEVATIONS	JC
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COMMISSION:  
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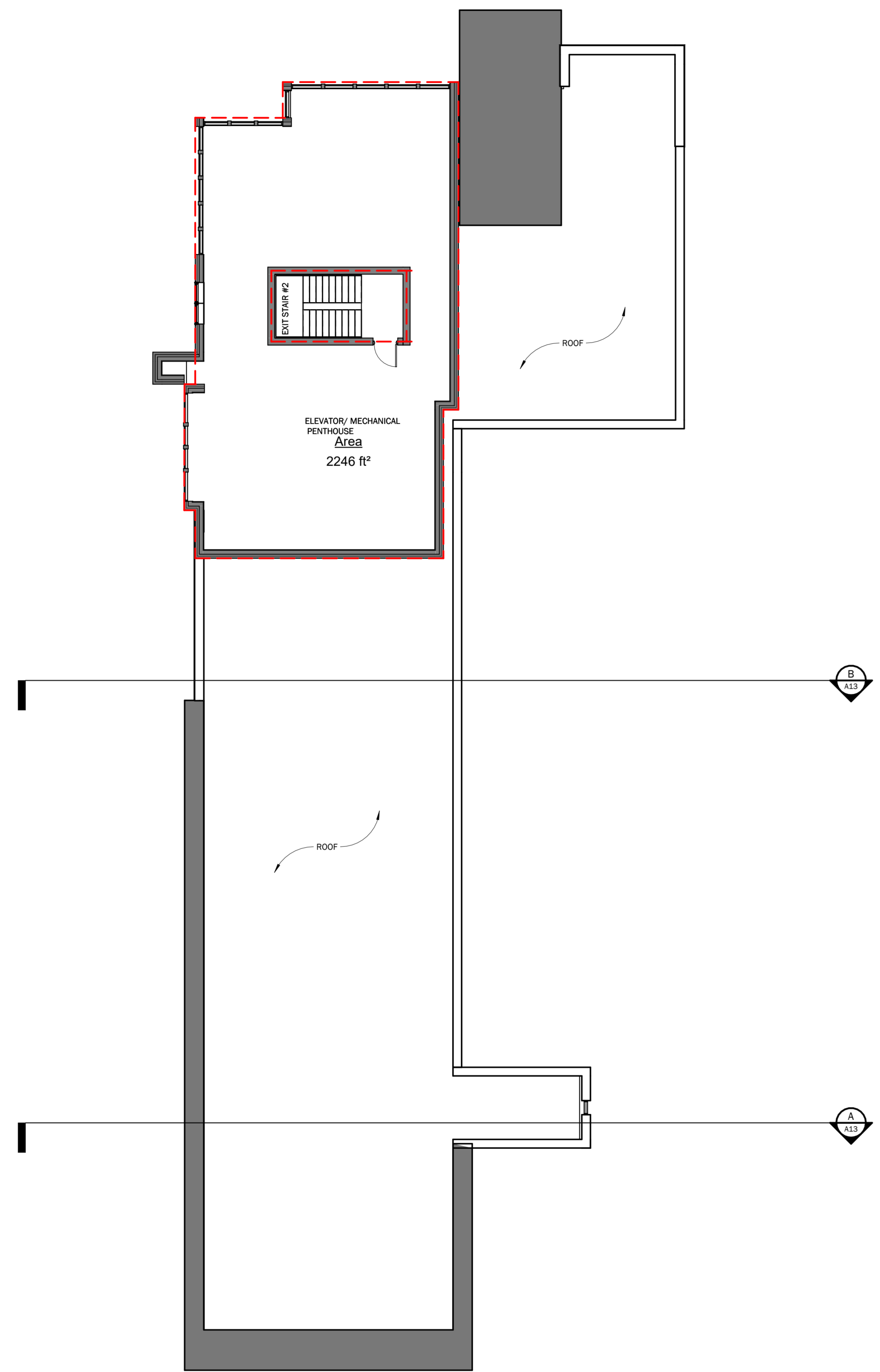
**A · C · K**  
 architects  
 STUDIO INC.

Architectural Office:  
 290 Glendale Ave. St. Catharines, ON, L2T 2L3  
 905 984 5545

SHEET TITLE:  
**11TH - 14TH FLOOR  
 PLATE**

DRAWN BY:	JC	DRAWING No.:	<b>A7</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

**11TH - 14TH FLOOR PLATE**  
 3/32" = 1'-0"  
**8,626 SQ.FT +/-**  
 (12 UNITS)

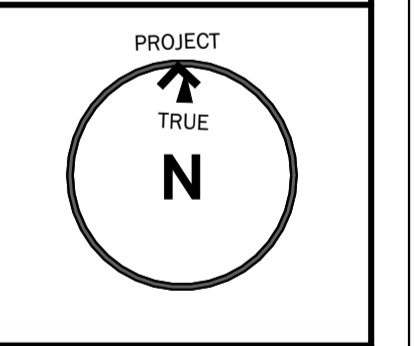


**PENTHOUSE**  
 3/32" = 1'-0" **2,438 SQ.FT +/-**

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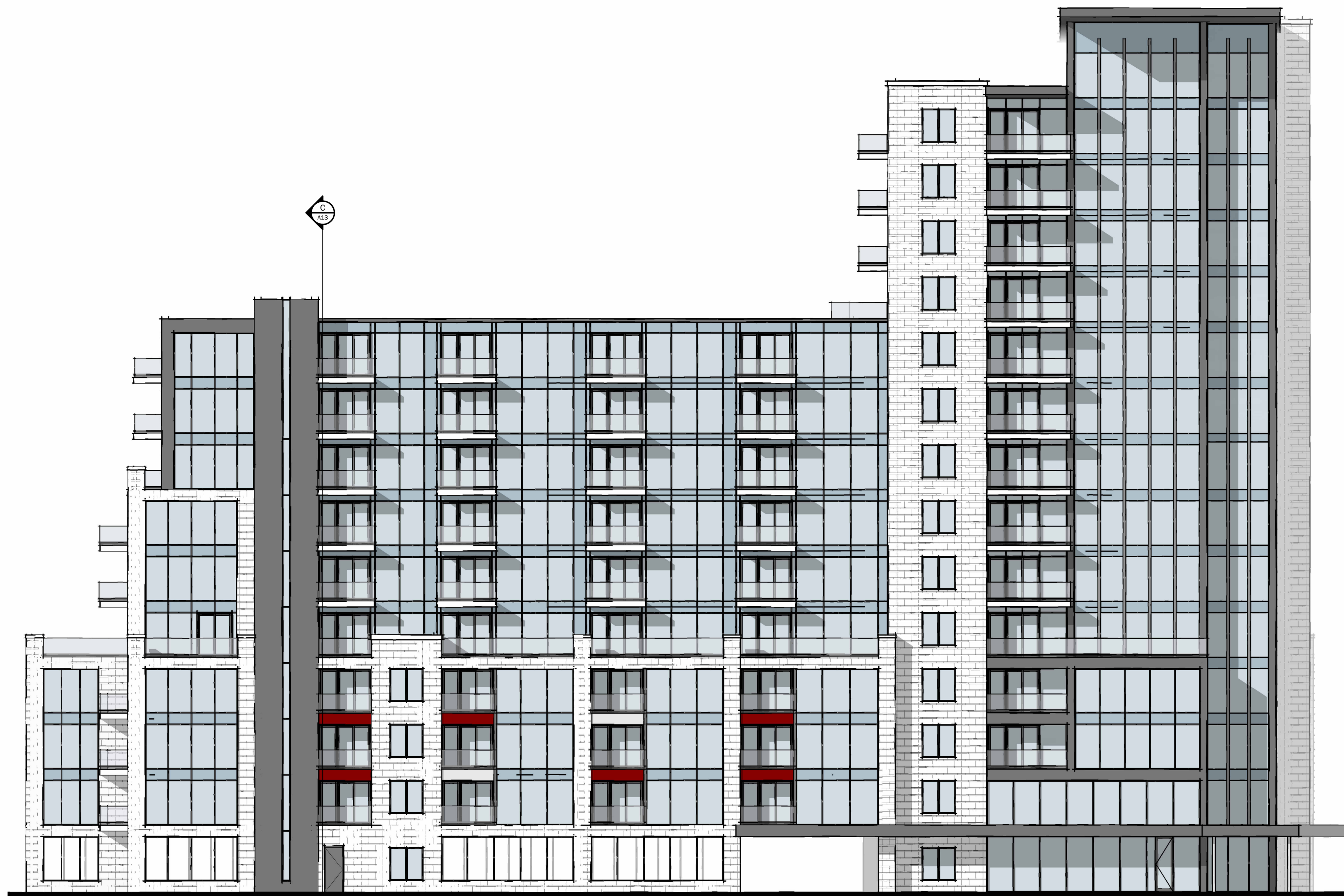
COMMISSION:  
**14-STOREY  
 RESIDENTIAL  
 DEVELOPMENT**  
 5640 STANLEY AVENUE, NIAGARA FALLS, ON.



**A · C · K**  
 architects  
 STUDIO INC.  
 Architectural Office:  
 290 Glendale Ave. St. Catharines, ON, L2T 2L3  
 905 984 5545

SHEET TITLE:  
**PENTHOUSE FLOOR  
 PLATE**

DRAWN BY:	JC	DRAWING No.:	<b>A8</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		



6'-0"	T/O PENTHOUSE ROOF	158'-0"
6'-0"	PENTHOUSE CEILING	152'-0"
10'-0"	T/O ROOF	142'-0"
10'-0"	14TH FLOOR	132'-0"
10'-0"	13TH FLOOR	122'-0"
10'-0"	12TH FLOOR	112'-0"
10'-0"	11TH FLOOR	102'-0"
10'-0"	10TH FLOOR	92'-0"
10'-0"	9TH FLOOR	82'-0"
14'-0"	8TH FLOOR	72'-0"
10'-0"	7TH FLOOR	62'-0"
10'-0"	6TH FLOOR	52'-0"
10'-0"	5TH FLOOR	42'-0"
10'-0"	4TH FLOOR	32'-0"
10'-0"	3RD FLOOR	22'-0"
10'-0"	2ND FLOOR	12'-0"
12'-0"	GROUND FLOOR	0'-0"
11'-6"	UG P1 PARKING	-11'-6"
11'-6"	UG P2 PARKING	-23'-0"

**NORTH ST (NORTH) ELEVATION**

3/32" = 1'-0"

No.	DATE	DESCRIPTION	BY:
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3	07/13/2023	ISSUED FOR ZBA	JC

COMMISSION:  
**14-STORY  
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 5640 STANLEY AVENUE, NIAGARA FALLS, ON.

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 architects  
 STUDIO INC.  
 Architectural Office:  
 290 Glendale Ave. St. Catharines, ON, L2T 2L3  
 905 984 5545

SHEET TITLE:  
**NORTH STREET  
 ELEVATION**

DRAWN BY:	JC	DRAWING No.:	<b>A9</b>
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

●	T/O PENTHOUSE ROOF	158'-0"	6'-0"	(1.83 m)
●	PENTHOUSE CEILING	152'-0"	10'-0"	(3.05 m)
●	T/O ROOF	142'-0"	10'-0"	(3.05 m)
●	14TH FLOOR	132'-0"	10'-0"	(3.05 m)
●	13TH FLOOR	122'-0"	10'-0"	(3.05 m)
●	12TH FLOOR	112'-0"	10'-0"	(3.05 m)
●	11TH FLOOR	102'-0"	10'-0"	(3.05 m)
●	10TH FLOOR	92'-0"	10'-0"	(3.05 m)
●	9TH FLOOR	82'-0"	10'-0"	(3.05 m)
●	8TH FLOOR	72'-0"	10'-0"	(3.05 m)
●	7TH FLOOR	62'-0"	10'-0"	(3.05 m)
●	6TH FLOOR	52'-0"	10'-0"	(3.05 m)
●	5TH FLOOR	42'-0"	10'-0"	(3.05 m)
●	4TH FLOOR	32'-0"	10'-0"	(3.05 m)
●	3RD FLOOR	22'-0"	10'-0"	(3.05 m)
●	2ND FLOOR	12'-0"	10'-0"	(3.05 m)
●	GROUND FLOOR	0'-0"	12'-0"	(3.66 m)
●	UG P1 PARKING	-11'-6"	11'-6"	(3.51 m)
●	UG P2 PARKING	-23'-0"	11'-6"	(3.51 m)



**STANLEY AVE (WEST) ELEVATION**  
3/32" = 1'-0"

No.	DATE:	DESCRIPTION:	BY:
1	07/11/2022	PRE-CON SUBMISSION	JC
2	06/21/2023	REVISED CONCEPT/ELEVATIONS	JC
3	07/13/2023	ISSUED FOR ZBA	JC

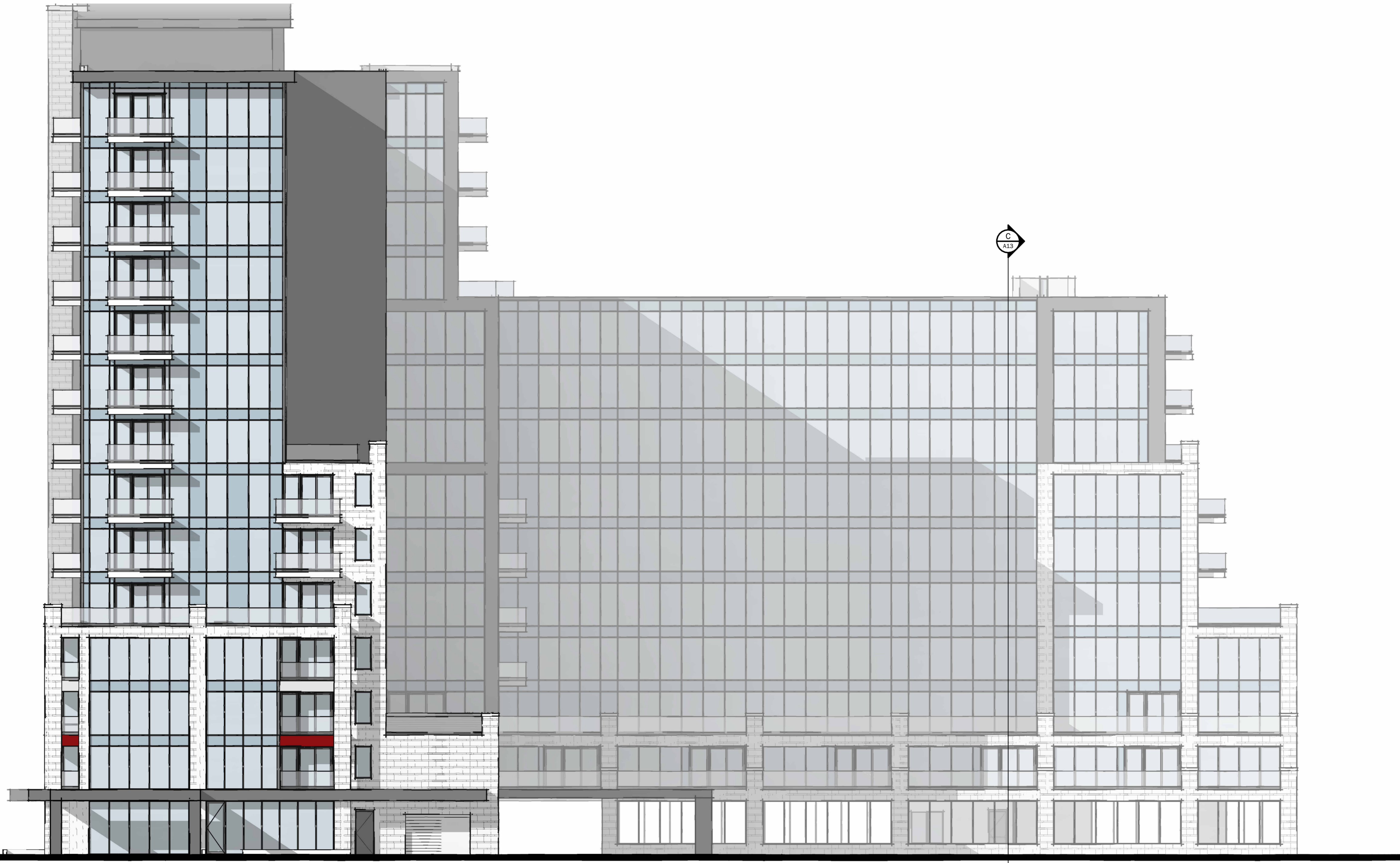
COMMISSION:  
**14-STOREY  
RESIDENTIAL  
DEVELOPMENT**  
5640 STANLEY AVENUE, NIAGARA FALLS, ON.

**A · C · K**  
architects  
STUDIO INC.  
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:  
**STANLEY AVENUE  
ELEVATION**

DRAWN BY:	JC	DRAWING No.:	A10
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

- PENTHOUSE CEILING  
152'-0"
- T/O ROOF  
142'-0"
- 14TH FLOOR  
132'-0"
- 13TH FLOOR  
122'-0"
- 12TH FLOOR  
112'-0"
- 11TH FLOOR  
102'-0"
- 10TH FLOOR  
92'-0"
- 9TH FLOOR  
82'-0"
- 8TH FLOOR  
72'-0"
- 7TH FLOOR  
62'-0"
- 6TH FLOOR  
52'-0"
- 5TH FLOOR  
42'-0"
- 4TH FLOOR  
32'-0"
- 3RD FLOOR  
22'-0"
- 2ND FLOOR  
12'-0"
- GROUND FLOOR  
0'-0"
- UG P1 PARKING  
-11'-6"
- UG P2 PARKING  
-23'-0"



**SOUTH ELEVATION**

3/32" = 1'-0"

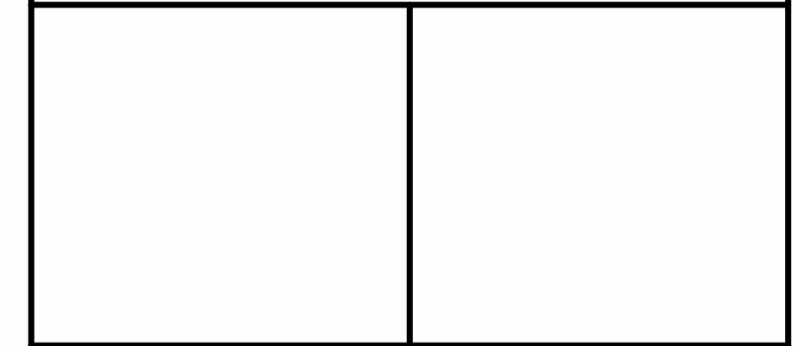
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COMMISSION:

**14-STORY  
RESIDENTIAL  
DEVELOPMENT**

5640 STANLEY AVENUE, NIAGARA FALLS, ON.



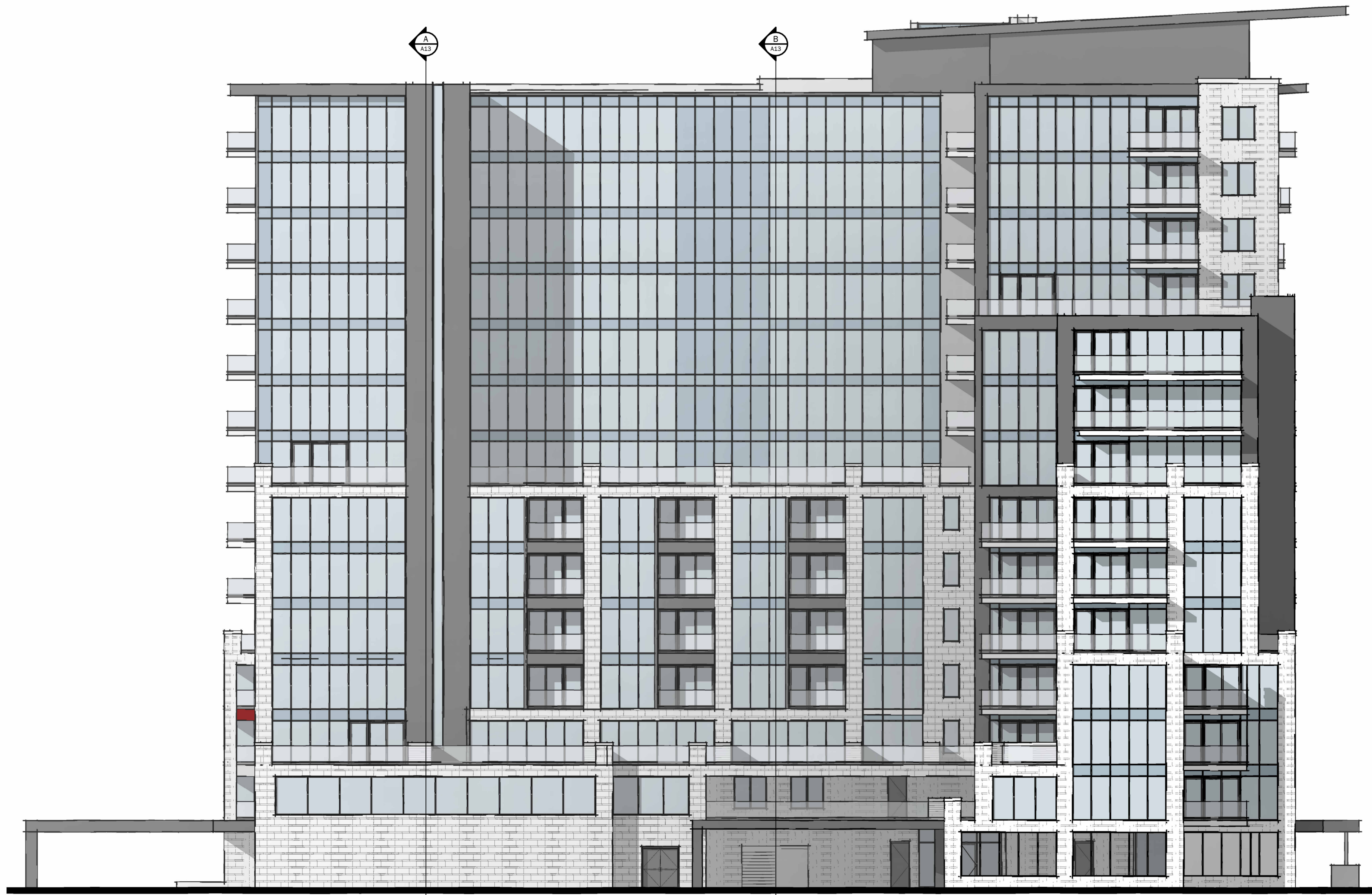
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**SOUTH ELEVATION**

DRAWN BY:	JC	DRAWING No.:	
CHECKED BY:	MA/JR		<b>A11</b>
DATE ISSUED:			
PROJECT No.:	2022-143		





T/O PENTHOUSE ROOF	158'-0"
PENTHOUSE CEILING	152'-0"
10'-0" (3.05 m)	
T/O ROOF	142'-0"
14TH FLOOR	132'-0"
13TH FLOOR	122'-0"
12TH FLOOR	112'-0"
11TH FLOOR	102'-0"
10TH FLOOR	92'-0"
9TH FLOOR	82'-0"
8TH FLOOR	72'-0"
7TH FLOOR	62'-0"
6TH FLOOR	52'-0"
5TH FLOOR	42'-0"
4TH FLOOR	32'-0"
3RD FLOOR	22'-0"
2ND FLOOR	12'-0"
GROUND FLOOR	0'-0"
UG P1 PARKING	-11'-6"
UG P2 PARKING	-23'-0"

**EAST ELEVATION**

3/32" = 1'-0"

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COMMISSION:

**14-STORY  
RESIDENTIAL  
DEVELOPMENT**

5640 STANLEY AVENUE, NIAGARA FALLS, ON.

**A · C · K**  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**EAST ELEVATION**

DRAWN BY:	JC	DRAWING No.:	A12
CHECKED BY:	MA/JR		
DATE ISSUED:			
PROJECT No.:	2022-143		

## **APPENDIX II**

### **DRAFT ZONING BY-LAW AMENDMENT**

# Draft Zoning By-law Amendment

## Schedule X

*5640 Stanley Avenue & 5609 and 5619 Buchanan Avenue*

### **THE CORPORATION**

### **OF THE**

### **CITY OF NIAGARA FALLS**

### **BY-LAW NO. [REDACTED]**

A BY-LAW TO AMEND BY-LAW NO. 79-200, to regulate Part of Lots 816 & 187, Registered Plan 9 and Part of Lots 803, 804, 805, 806 and 807, Registered Plan 17, Niagara Falls, Regional Municipality of Niagara

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

1. The lands that are the subject of and affected by the provisions of this by-law are described in Schedule 1 of this by-law and shall be referred to in this by-law as the “Lands”. Schedule 1 is a part of this by-law.
2. The purpose of this by-law is to amend the zoning on the subject lands from “Tourist Commercial” (TC) and “Deferred Tourist Commercial” (DTC) to Site-Specific Tourist Commercial (TC-X), to permit the lands to be developed in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provision of this by-law are to prevail.
3. The subject lands currently consist of three (3) lots which are intended to be consolidated under one Property Identification Number (PIN) prior to development. Accordingly, the zoning provisions of the TC-X zone are to be applied to the subject lands as if they are one (1) Lot. Consistent with this approach, the required Yards are defined as follows:
  - Front Yard – Stanley Avenue
  - Rear Yard – Buchanan Avenue
  - Exterior Side Yard – North Street

4. Notwithstanding the permitted uses in the TC Zone, the following provision shall also be applicable:

*“Dwelling Units in A Building In Combine With One Or More Of The Uses Listed in This Section, Provided That Not More Than 71 % Of The Total Floor Area Of Such Building Is Uses For Dwelling Units And Further Provided That Such Dwelling Units Except Entrances Thereto Are Located Entirely Above The Ground Floor.”*

5. Notwithstanding the Regulations of Section 8.6.2 of the Zoning By-law that the following provisions shall be applicable:

***Tourist Commercial – Site Specific Zone (TC- X)***

*Minimum Front Yard Setback 0.0 metres*

*Minimum Rear Yard Setback 0.0 Metres*

*Minimum Exterior Side Yard 0.0 metres*

*Setback*

*Maximum Height of a Building or 43.28 metres (14 Storeys)*

*Structure*

*Parking and Access Requirements 1.28 spaces per unit for an Apartment Dwelling*

6. Notwithstanding the requirements of Section 4.14 that the following encroachments be permitted:

*a) open balconies not covered by a roof or canopy or at grade patios may project into any required front, rear or exterior yard to the lot line.*

*b) That an ornamental architectural feature may be provided on the south side of the building over the parking lot access to a distance of 1.4 metres from the southernmost lot line.*

*c) That any awnings associated with building entrances or patios may project to the front, rear or exterior side yard lot lines.*

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

8. No person shall use the Lands for a use that is not a permitted use.

9. No person shall use the Lands in a manner that is contrary to the regulations.
10. The provisions of this by-law shall be shown on Sheet B6 of Schedule "A" of By-law No. 79-200 by re-designating the Lands from TC and DTC to TC-\_\_\_\_\_.

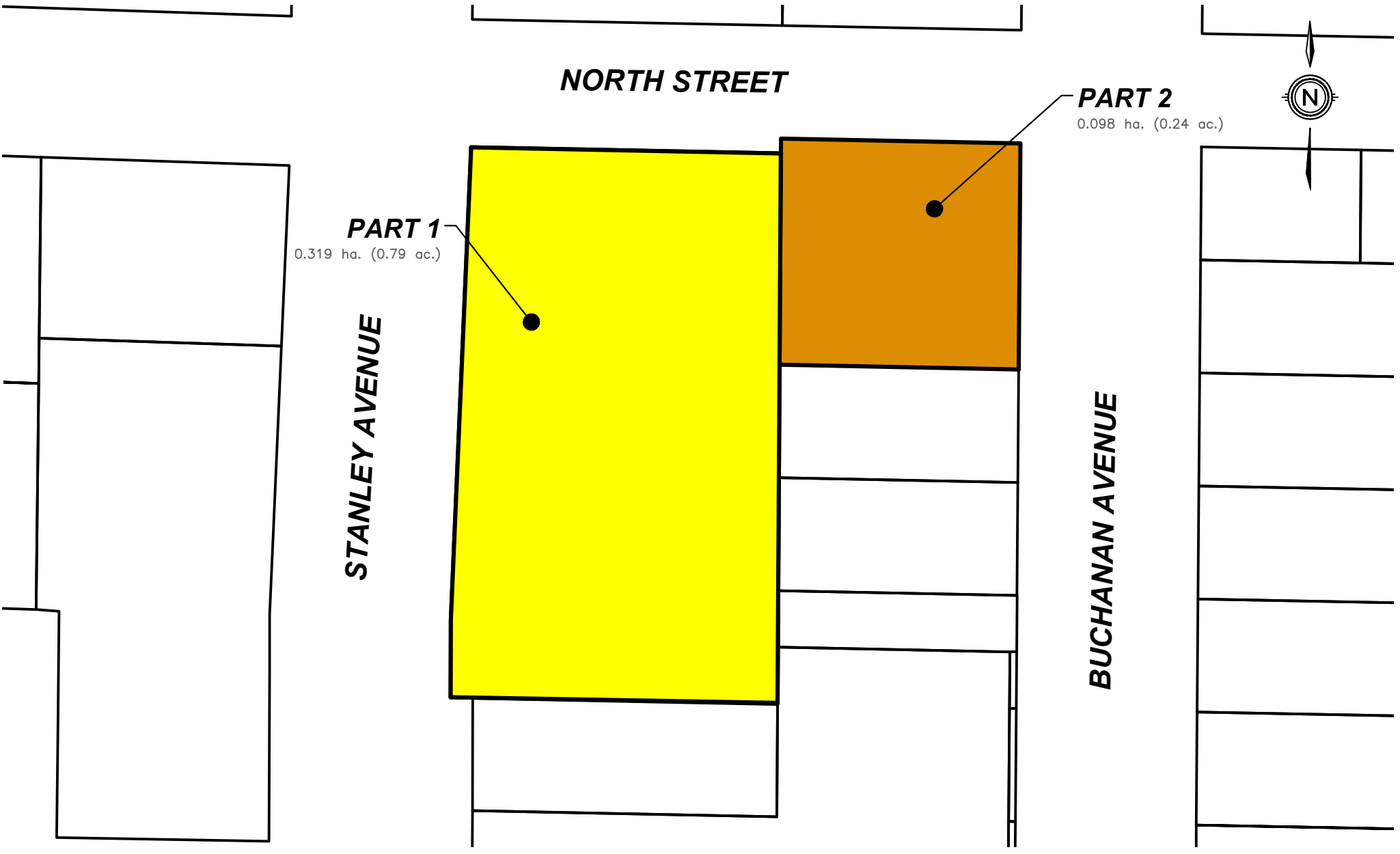
Passed this \_\_\_\_ day of \_\_\_\_\_, 2023.

**READ A FIRST, SECOND AND THIRD TIME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
**MAYOR**

\_\_\_\_\_  
**CITY CLERK**

Draft



**LEGEND**



PART 1 - FROM TOURIST COMMERCIAL ZONE TO TOURIST COMMERCIAL SITE SPECIFIC (TC-X)



PART 2 - FROM DEFERRED TOURIST COMMERCIAL TO TOURIST COMMERCIAL SITE SPECIFIC (TC-X)

5640 STANLEY AVE & 5609 & 5619 BUCHANAN AVE, NIAGARA FALLS  
 SCHEDULE 'A' TO ZONING BYLAW AMENDMENT No. \_\_\_\_

MAYOR: \_\_\_\_\_

CLERK: \_\_\_\_\_



## **APPENDIX III**

### **PRE-CONSULTATION AGREEMENT**



# 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: August 4<sup>th</sup>, 2022

Time: 3:45

## 1. SUBJECT PROPERTY INFORMATION

Street Address:

**5640 Stanley Ave, 5609 & 5619 Buchanan Ave**

Legal Description:

PLAN 17, PT LOTS 803-807; PLAN 653 LOT 817; NEW PLAN 09; PLAN 09, LOT 816

Land Area : 0.4ha

Lot Frontage : 74.24m (Stanley), 74m (North), 30.48m (Buchanan)

Municipal Land Involved: Yes  No

## 2. CONTACT INFORMATION

### Owner Information

Registered Owner:

9431870 Canada Corp

Mailing Address: (Street address, unit number, city & postal code)

5640 Stanley Ave, Niagara Falls, ON, L2G 3X5

Phone Number:

647-289-8303

E-mail Address:

[contactdaljit@gmail.com](mailto:contactdaljit@gmail.com)

### Applicant/Agent Information (if applicable)

First and Last Name:

Michael D. Allen (ACK Architects Studio Inc)

Mailing Address:

290 Glendale Ave, St. Catharines, ON, L2T 2L3

Phone Number:

905-984-5545

E-mail Address:

[mallen@ackarchitects.com](mailto:mallen@ackarchitects.com)

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

## 3. PROPOSAL

12 storey residential building. The ground floor will contain commercial space, 2-storey residential units, and amenity space for the residents. The building will contain 156 residential units and two levels of underground parking.



#### 4. PROPOSED DEVELOPMENT INFORMATION

Gross Floor Area:

Building Height:

12 storeys

# Dwelling Units:

156

# Hotel/Commercial Units:

Ground floor commercial

Location:

Brownfield

Greenfield

Built-up

Outside Urban Boundary

NEP Area

CIP Area

\*\*\*Note: If within a CIP Area, please speak to the City's CIP Coordinator

#### 5. DESIGNATIONS

Regional Official Plan:

Yes  No

Niagara Escarpment Plan:

Yes  No

N/A

City Official Plan:

Yes  No

Tourist Commercial – Clifton Hill Subdistrict

Secondary Plan:

Yes  No

N/A

Zoning:

Yes  No

TC & DTC

#### 6. PROPOSED APPLICATION(S)- Check all that are applicable

Regional Policy Plan Amendment

City Official Plan Amendment

Zoning By-law Amendment

Subdivision Approval

Condominium- Vacant Land

Condominium- Standard

Site Plan Approval

Consent/Severance

NEC

Other:

#### 7. REQUIRED INFORMATION AND STUDIES- To be submitted with the Application(s).

Studies identified with an asterisk\* will likely require a peer review at the cost of the developer.

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	10	<u>Official Plan/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.
X	X			X	14	<u>Site Plan Application</u>  Site Plan, Elevations (including floor plans), Landscape Plan (by OALA), Grading Plan, SWM Plan, Servicing Plan, STANDA, STWMDA, Photometric, Zoning Chart, and CAD .dwg files to City projection standards of the site & servicing plans.
X	X		Condominium Plan	X	10	<u>Condominium Application</u>  Draft Plan of Condominium and submit CAD .dwg file to City projection standards.
			Cultural Heritage Impact Analysis			
			Draft Local Official Plan Amendment			
			Draft Regional Policy Plan Amendment			
			Environmental Impact Study			
			Environmental Planning Study/ Sub-Watershed Study			
	X		Environmental Site Assessment/Record of Site Condition	X	1	Phase 1 & 2 + subsequent ESA work with Letter of Reliance at zoning, RSC can be managed through site plan
			Farm Operation and Ownership			
			Financial Impact Assessment			
			Floodplain and Hazard Lands Boundary Plan			
			Gas Well Study/Gas Migration Study			
X			Geotechnical	X	1	At time of building permit
			Hydrogeological Study and Private Servicing Plans			
			Land Use/Market Needs*			
			Mineral Aggregate Resources			
			Minimum Distance Separation 1 & 11			
X			Municipal Servicing Study	X	2	To review services and demonstrate capacity. Infrastructure modelling may be required—if required, at applicant's cost
	X		Noise & Vibration Study*	X	1	Peer review, at applicant's cost.
X			Other	X	1	Unit plan at time of site plan
	X		Phasing Plan	X	1	At Zoning stage
X	X		Planning Justification Report	X	1	Review and analyze applicable Provincial, Regional, and City policies.  Discuss affordability policies and provide potential prices/rental rates.  Provide draft OPA and Zoning By-law amendment.  Prepared by RPP
			Risk Management Study			

X	X		Road Widening	X	2	3m along Stanley, 6 x 6m daylight triangle Stanley & North 3.38m widening on North St abutting 5640 Stanley Ave 5.38 widening on North St abutting 5609 Buchanan Ave 0.81m widening on Buchanan Ave 7x7m daylight triangle at the southwest corner of Buchanan Ave & North St (over & above the widenings required)
			Sensitive Land Use Report			
X			Shadow Analysis	X	1	
			Shoreline Study			
			Slope Stability Report			
			Soil Report			
X			Stormwater Management Plan	X	2	Pre- to post, 5 year storm
X			Transportation Impact Study & Parking Impact Analysis	X	2	Contact City for a TOR before starting
X			Tree inventory Preservation Plan	X	2	At time of site plan
X			Urban Design Brief/Architectural Brief			For Tourist Area: Complete & submit Architectural Design Review form, found here:  <a href="https://niagarafalls.ca/city-hall/planning/tourist-area-development.aspx">https://niagarafalls.ca/city-hall/planning/tourist-area-development.aspx</a>  Or Region's Model Urban Design Guidelines Or Area Specific UDG
	X		Urban Design/Landscape Plans	X	1	Conceptual Building Forms, Elevations, & Landscape Plan at zoning stage
X	X		Wind Study	X	1	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:

- Will need to provide sidewalk and streetscape improvements as per Part 2, Section 4.4.4 of the City's Official Plan
- Can the remaining residential use lots be purchased and incorporated into the proposal?
- A 45 degree angular plane will need to be achieved to residential uses
- Street frontage shall be engaged through the use of porte cocheres, podiums and landscaping
- Architectural treatments such as stepped or articulated built form, changes in exterior cladding and roof features should be employed to lessen the impacts
- Needs step back above the four storey mark
- Suggest that Stanley Ave façade have more depth and interest to it, similar to North St façade
- Landscaping along North to screen view of parking from the street
- Landscaping strip along Stanley Ave after road widening for entryway corridor
- Have commercial units along Stanley, residential along North St
- Don't have issue with the height provided the above noted comments are satisfied

### Building Comments:

- Please see attached comments.

### Engineering Comments:

- Please see attached comments.

### Fire Comments:

- Fire Department has no comments or concerns with the zoning by-law amendment.
- With regards to the site plan & draft plan of condo, the applicant will be required to provide:

- Site plans that indicate conformance to the access route requirements required by the Ontario Building Code. Based on type, size, and configuration of access routes there will likely be parking restrictions imposed.
- Site servicing drawings to be provided that indicate the locations and servicing any proposed fire hydrants.

#### GIS (Addressing):

- All 3 current civic addresses will be retired upon completion of the demolition permits
- we will need the developer to declare the primary access point; this will determine address street name (i.e.) North St or Stanley
- A new civic address number will be assigned at the appropriate stage of development
- Unique unit numbers are the responsibility of the developer (happy to help here), and we will require a comprehensive unit plan comparing civic to legal number

#### Landscape Services:

- 5% Parkland dedication required
- Landscape drawings subject to review
- A tree survey plan will be required as part of the site plan submission. The plan shall be developed by a certified professional. The tree survey plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent land owner(s).

#### Transportation Comments:

- The proposal abuts three roads.
- Stanley Avenue is a Regional road.
- North Street is a City collector road. It has a planned 26.0m right-of-way, between Stanley Avenue and Buchanan Avenue. A 3.38m widening on North Street is required abutting 5640 Stanley Avenue (a 2.0m widening was acquired in 1990, see 59R-7442), to establish a 13m setback from the original centre line of North Street. A 5.38m widening on North Street is required abutting 5609 Buchanan Avenue, to establish a 13m setback from the original centre line of North Street.
- Buchanan Avenue is a City collector road. It has a planned 26.0m right-of-way. A 0.81m widening on Buchanan Avenue is required abutting 5609 & 5619 Buchanan Avenue, to establish a 13m setback from the original centre line of Buchanan Avenue.
- A 7m x 7m daylight triangle is required at the southwest corner of Buchanan Avenue and North Street, abutting 5609 Buchanan Avenue, over and above the widenings identified for Buchanan Avenue and North Street. This is the standard sized triangle for an intersection of two collector roads.
- The Region may be asking for a widening on Stanley Avenue along with a daylight triangle at Stanley/North. City Staff defers comments on these requirements to Regional Staff.
- A traffic brief is required. The applicant's traffic consultant is requested to contact City Transportation Staff to get a terms of reference approved prior to starting their study.
- A 156-unit apartment building requires 218 parking spaces, at a rate of 1.4 parking spaces per unit. A 177 square metre (1,912 square feet) commercial space requires 7 parking spaces at a rate of 1 parking space for every 25 square metres. Zoning Staff will confirm the parking figures. A total of 208 parking spaces are proposed. Given that there is no transit service next to the site, Transportation Staff recommends that the 1.4 parking space per unit rate be used. If the applicant wishes to use the requested 1.3 parking spaces per unit rate, then a parking demand study will be required. The study must evaluate the parking demand of a similar development with no nearby/direct transit. The applicant's traffic consultant is requested to contact Transportation Services to get their terms of reference approved prior to initiating work.
- A minimum number of accessible parking spaces is required. A parking lot with 208 parking spaces as shown requires a minimum of seven (7) accessible parking space and this is determined through the following formula for parking lots between 201 and 1,000 parking spaces:  $2 + 2\%$  of the total number of parking spaces, rounding up to the nearest whole number, thus  $2 + 0.02 \times 208 = 6.16$ , or 7 accessible parking spaces. Eight (8) accessible parking spaces are proposed.
- Each accessible parking space shall consist of the following signing and marking requirements:
  - one authorized disabled parking sign on display;<sup>4</sup>
  - one '\$300.00 Fine' sign tab directly beneath the authorized disabled parking sign;
  - both signs are to be permanently installed at the front and centre of the parking stall and mounted at a height of 1.0 metres to 1.5 metres from the ground to the bottom of the sign;
  - be a minimum of 3.9 metres (12 feet, 10 inches) in width and 6 metres (19 feet, 8 inches) in length;
  - have a 1.5 metre wide aisle way that extends the full length of the space on at least one side of every accessible parking space with barrier free access provided at the end of the access aisle;
  - shall be marked with appropriate white pavement markings (lines and symbol) when located on a hard surface;

- located on a level surface; and,
- placed in a location as to minimize the distance to building entrances.
- How/where is garbage collected from?
  - Clarification was provided through the pre-consultation meeting and there are no concerns
- There is no Niagara Falls Transit service on Stanley Avenue, between Ferry Street and McRae Street. The closest bus stops are on Ferry Street, which is more than 400m away.

**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.

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

Application	City of Niagara Falls	Niagara Region	NPCA
Zoning By-law	\$5,800	\$1,345	
Standard Condo + Site Plan	\$1,550 + \$4,100	\$4,010	
Major Urban Design Review		\$640	
Total (less \$500)	\$11,450 \$10,950		

**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  NPC  NEC  Hydro  Pipeline  CN/CP  Other:

**10. ATTENDEES**

City	Applicant	Agency
Alexa Cooper acooper@niagarafalls.ca	Daljit Goraya (applicant)	Alexander Morrison (Region) Alexander.morrison@niagararegion.ca
Sue Scerbo (Zoning) sscerbo@niagarafalls.ca	Davinder Goraya (applicant)	
Ned Mijatovich (Building) nmijatovich@niagarafalls.ca	ACK Architects Studio Inc. Michael Allen (Agent)	
Ben Trendle (Fire) btrendle@niagarafalls.ca	9431870 Canada Corp (applicant)	
Eric Lehtinen (Engineering) elehtinen@niagarafalls.ca		
Josiah Jordan (Engineering) jjordan@niagarafalls.ca		
Michael Parniak (Engineering) mparniak@niagarafalls.ca		
David Antonsen (Landscape) dantonsen@niagarafalls.ca		
John Grubich (Transportation) jgrubich@niagarafalls.ca		
Michael Warchala (Business Dev.) mwarchala@niagarafalls.ca		
Danaka Kimber (GIS/Addressing) dkimber@niagarafalls.ca		

**Signatures**

Planning Staff Alexa Cooper	<i>Alexa Cooper</i>	Aug 11 / 2022
Planning Staff		
Regional Planning Staff		
NPCA Staff		
Agent		
Owner		
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

*Alexa Cooper*

## 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.

# Inter-Departmental Memo

**To:** Alexa Cooper  
Municipal Planner  
Ext. 4246

**From:** Cesar Ramires  
Senior Building Plan Examiner  
Ext. 4344

**Date:** August 10, 2022

**Re:** Pre-Consultation Meeting Comments  
5640 Stanley Av, 5609 & 5619 Buchanan Av

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In reference to Pre-Consultation Meeting of Thursday, August 4, 2022; offer the following preliminary comments for the applicant:

1. Firefighting site provisions to be addressed by the Fire Prevention Division (i.e. fire-route accesses, private/public fire-hydrants, building's fire-department connections, building fire-fighting access, private-onsite firefighting water-supply, etc...).
2. All required Building Permits/Site-Servicing and Demolition Permit(s) to be obtained prior to construction/demolition for review. Building Data Design Matrixes shall be reviewed during the building and fire examination, application process.
3. Municipal, Regional, and Educational Development Charges will be assessed/determined at time of Building Permit application review, if applicable. Parkland Dedication Fee under the direction of the Planning Division, if required.
4. Spatial-Separation Fire-Protection provisions to be conducted, during the Building and Fire Prevention Divisions permit application review process.
5. Any earthquake/seismic recommendations and ground-water table conditions (including any contamination, soil-gas, etc...) shall be provided by a geotechnical consultant at building application submission.



#### Item #4

3:45 p.m.

Proposed: Zoning By-law Amendment, Site Plan, Draft Plan of Condominium- Standard AC  
Applicant: 9431870 Canada Corp., Daljit Goraya and Davinder Goraya  
Agent: Michael Allen, ACK Architects Inc.  
Property: 5640 Stanley Avenue, 5609 & 5619 Buchanan Avenue  
Proposal: Proposed 12 storey mixed use building consisting of main floor commercial and 11 upper storeys of 156 residential units. Underground parking

Infrastructure on Stanley Ave 500mmØ CI Watermain (Regional)  
1350mmØ RC Sanitary  
2400mmØ RC Storm

Infrastructure on North St 200mmØ PVC Watermain  
250mmØ PVC Sanitary  
900mmØ CONC Storm

Infrastructure on Buchanan Av 150mmØ PVC Watermain  
250mmØ PVC Sanitary  
525mmØ RC Storm

#### **As part of ZBA**

- Engineering Services requires a Functional Servicing Brief where the applicant must ensure that the municipal infrastructure will adequately service the development as proposed. This is to include all necessary supporting documentation.
- We will require Stormwater Management Brief balancing pre to post for a 5 yr. storm event contained & controlled on site.
- The City will require third party infrastructure modelling at applicants' expense verify available infrastructure capacities. Fees are in accordance with the City Schedule of Fee's.
- As Stanley is a Regional Road, Engineering will defer to the Region regarding Engineering requirements
- Engineering drawings of existing underground infrastructure available upon request

#### **Landscape comments**

- 5% Parkland dedication required
- Landscape drawings subject to review
- A tree survey plan will be required as part of the site plan submission. The plan shall be developed by an certified professional. The tree survey plan shall identify and evaluate all trees on-site for potential preservation. Boundary trees and trees on adjacent lands that could be negatively affected by the proposed development shall be preserved unless consent is provided by adjacent land owner(s).

#### **As Part of Site Plan Control and Draft Plan of Standard Condominium**

- Engineering Services will be requiring the applicant to submit engineering drawings for site servicing, grading, SANDA (sanitary drainage area plan), STMDA (storm drainage area plan), a photometric and landscape plan.
- Updated FSR and SWM Report will be required.

# Inter-Departmental Memo

**To:** Alexa Cooper, Planner 2

**From:** Sue Scerbo, Senior Zoning Administrator

**Date:** August 4, 2022

**Re:** **Proposed Zoning By-law Amendment, Site Plan, Draft Plan of Condo 5640 Stanley Avenue, 5609 & 5619 Buchanan Avenue  
Proposed 12 storey mixed use building  
Zoning Comments**

Summary:

The applicant is proposing to construct a 12 storey mixed use building consisting of main floor commercial and 11 supper storeys of 156 dwelling units with underground parking

The property is currently zoned Tourist Commercial in part, and Deferred Tourist Commercial, in part, in accordance with Zoning By-law 79-200, as amended by By-law 2012-060.

The applicant is proposing to rezone the lands to a site specific TC zone to facilitate the proposed development.

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

Provision	Requirement	Proposal	Comply
Permitted Uses	The uses permitted in the TC zone Including dwelling units in combination with a commercial use provided the dwelling units are located entirely above the ground floor and provided that not more than 50% of the building is used for dwelling units	Commercial Dwelling units in combination with commercial Dwelling units located on the ground floor Percentage of dwelling units unknown	No Please provide percentage of dwelling units
Minimum lot frontage (through lot fronting on 3 streets, frontage is deemed the principal access)	6 metres	74 metres (North Street)	Yes

<p>Minimum front yard depth</p>	<p>In accordance with section 4.27.1</p> <p>North Street: 13 metres from the original centerline of North Street</p> <p>Stanley Avenue: 15.25 metres from the original centerline of Stanley Avenue</p> <p>Buchanan Avenue: 13 metres from the original centerline of Buchanan Avenue</p>	<p>13 metres from the original centerline of North Street (patio encroaches onto the road allowance)</p> <p>15.25 metres from the original centerline of Stanley Avenue (patio and canopy above encroaches onto the road allowance)</p> <p>13 metres from the original centerline of Buchanan Avenue</p>	<p>Yes and No</p> <p>Yes and No</p> <p>Yes</p>
<p>Minimum rear yard depth where any part of the building is used for residential purposes</p>	<p>10 metres</p>	<p>10+ metres</p>	<p>Yes</p>
<p>Minimum rear yard depth where no part of the building is used for residential purposes</p>	<p>3 metres provided that no rear yard is required where the rear lot line abuts a public lane or a public parking lot</p>	<p>n/a</p>	<p>n/a</p>
<p>Minimum interior side yard width where the side lot line abuts a residential, institutional or open space zone</p>	<p>3 metres</p>	<p>n/a</p>	<p>n/a</p>
<p>Minimum interior side yard width where the side lot line does not abut a residential, institutional or open space zone</p>	<p>None required</p>	<p>0 metres to the canopy to the easterly interior side yard</p> <p>3.53 metres to the southerly interior side yard</p>	<p>Yes</p> <p>Yes</p>
<p>Minimum exterior side yard width</p>	<p>In accordance with section 4.27.1</p>	<p>n/a (see front yard depth)</p>	<p>n/a</p>

Maximum lot coverage	70%	60.9%	Yes
Maximum height of building or structure	12 metres	39.9 metres 12 storeys	No
Maximum floor area	Not specified	n/a	n/a
Parking and access requirements	In accordance with section 4.19.1 Commercial use: 177.6 sq.m./(use unknown) Dwelling units: 1.4 parking space for each dwelling unit: 156 units x 1.4 = 218.4 parking spaces	Surface: 40 spaces P1: 82 spaces P2: 86 spaces TOTAL: 208 parking spaces	No Please confirm commercial use (Table 1 or Table 1.1)
Minimum parking stall width	2.75 metres	2.75 metres	Yes
Minimum parking stall length	6 metres	5.2 metres and 6 metres (surface) 6 metres (structure)	No Yes
Minimum manoeuvring aisle	6.9 metres (surface) 6.3 metres (structure)	6 metres and 6.9 metres (surface) 6.3 metres (structure)	No Yes
Loading area requirements	In accordance with section 4.20.1 1 loading space 3 m x 9 m	1 loading space	Yes Please provide dimensions
Maximum floor area for each retail store	400 square metres	177.6 square metres (if retail)	Yes
Maximum floor area of all retail stores per property	3,530 square metres	177.6 square metres (if retail)	Yes

Comments:

- Additional information is required as noted above to ensure zoning compliance.

SS:  
S:\PRECONSULTATION\2022\AUGUST 4\STANLEY AVENUE 5640 AND BUCHANAN AVENUE 5609 & 5619\ZONING COMMENTS.DOCX

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5640 Stanley Avenue, 5609 & 5619 Buchanan Avenue, Niagara Falls

August 4, 2022

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**Attendees:** Johnpaul Loiacono (Region); Alexa Cooper (City); Ben Trendle (City – Fire); Danaka Kimber (City); Josiah Jordan (City); Mathew Bilodeau (City); Eric Lehtinen (City); Scott Turnbull (City); Michael Allen and team (Agent); Applicant (9431870 Ontario Corp.)

### **Type of Application: Zoning By-law Amendment, Site Plan Approval, Draft Plan of Condominium (Standard)**

#### **Application Description**

- Proposed 12-storey mixed use building consisting of commercial at-grade and 11 upper storeys of 156 residential units. The concept provides for underground parking.

#### **Provincial and Regional Land Use Designations**

- Provincial Policy Statement (PPS): Settlement Area.
- Growth Plan: Delineated 'Built-Up' Area (Urban Area).
- Regional Official Plan (ROP): Urban (Built-Up) Area.

#### **Planning Comments**

- The proposed residential uses and commercial uses are permitted within Provincial and Regional urban area policies, subject to the comments provided below. Regional staff defer to City staff with respect to ensuring that the proposed development is appropriate and compatible with the surrounding urban fabric, including transitions to adjacent neighbourhoods.
- The proposed development is located on existing urban serviced lands and will make better use of an underutilized property. The development will contribute to the diversification of Niagara's housing supply (apartment units) and will support the City in achieving its annual intensification target (40%) as provided within the ROP.
- The concept supports the notion of a complete community, as it provides for a mix of land uses (residential and commercial). The Applicant is encouraged to consider providing for affordable housing units within the proposed development and retaining some new units as rental. This recommendation is aligned with Provincial and Regional policies, as well as Regional Council's Strategic Priorities.

#### **Urban Design**

- Staff is encouraged by the overall design approach. At this early stage of the design staff suggest that the ground floor residential units benefit from additional privacy through urban design approaches such as grade separation of the ground floor unit in relation to the sidewalk, and setting back the walls of ground floor units such that additional landscaping can be provided. In addition, the 2 storey residential units could benefit from direct street access and porticos and steps. In addition the doors to the lobby should not encroach into the Regional right-of-way.

#### **At Official Plan & Zoning Amendment Stage:**

- Staff requires submission of: a Site Plan Drawing, a Conceptual Building Forms and Conceptual Elevations, a Conceptual Landscape Plan, and Phasing Plan.
- A Qualitative Pedestrian Wind Comfort Study is required for buildings along the Regional Road frontage. A technical Terms of Reference can be provided to the Applicant upon request to the Region's Manager of Urban Design, Khaldoon Ahmad ([Khaldoon.Ahmad@niagararegion.ca](mailto:Khaldoon.Ahmad@niagararegion.ca)).

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5640 Stanley Avenue, 5609 & 5619 Buchanan Avenue, Niagara Falls

August 4, 2022

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### **At Site Plan Stage:**

- Staff requires submission of a typical Site Plan Drawing Package, Building Elevations, Detailed Landscape Plans, and Grading Plans.

### **Archaeological Resources**

- Based on a review of the Province's Criteria for Evaluating Archaeological Potential, the site exhibits a low potential for the discovery of archaeological resources, as it is not within 300 m of any registered archaeological sites, nor natural watercourse features. Additionally, staff observe that the subject lands has been subjected to previous ground disturbances from development / site alteration activities. As such, staff offers no archaeological assessment requirements for the proposed applications.

### **Site Condition**

- The property has been historically used for commercial (motel – Courtside Inn) and parking uses. It is also identified as a "Commercial" use through MPAC.
- The proposed development will introduce a new sensitive (residential) use to the site. As such, a Phase One and Phase Two Environmental Site Assessment (ESA), plus any subsequent ESA work, is required with the Zoning Application to obtain a Record of Site Condition (RSC) to demonstrate that the lands are suitable to accommodate the residential use.
  - The ESA work is required at Zoning stage, while the RSC can be managed through a condition of Draft Plan / Site Plan Agreement.
  - A Letter of Reliance by a Qualified Professional for the completed ESA work shall also be provided to the Region.

### **Land Use Compatibility**

- The property is located in proximity to several stationary (i.e., commercial, employment) and transportation-related (Highway 420, Stanley Avenue) noise sources. As such, an Environmental Noise Feasibility Study is required at the time of Zoning Application to assess potential adverse impacts to future occupants, as well as to recommend warning clauses for future agreements, as well as mitigation measures / devices that can be incorporated into site and building design.
  - A subsequent Detailed Noise Impact Study is required at the time of Draft Plan / Site Plan stage in order to re-evaluate the proposal based on any changes that may have occurred to the proposed concept / surrounding area since the zoning application.
  - The Environmental Noise Feasibility Study and the Detailed Noise Impact Study shall be completed in accordance with the Ministry of the Environmental, Conservation and Parks' NPC-300 Guidelines. Please see attached Terms of Reference to assist with Study scoping.

### **Environmental Comments**

- The property is located outside of the Region's Core Natural Heritage System mapping. As such, Environmental Planning staff offers no comments or requirements at this time.

### **Transportation / Roads**

- Buchanan Avenue (Local).
- North Street (Local).

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5640 Stanley Avenue, 5609 & 5619 Buchanan Avenue, Niagara Falls

August 4, 2022

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- Stanley Avenue (Regional Road 102).
  - The existing accesses from Stanley Avenue are to be closed and reinstated to Regional standards with a new access from Stanley Avenue proposed at the southern edge of the property. The new access is to meet TAC guidelines with respect to entrance design and clear throat length requirements.

### **Road Widening Requirement**

- The property has frontage along Regional Road 102 which is currently deficient of the recommended road width and daylighting area. The Region requires an approximate 3 m road widening and 6 m x 6 m daylighting area in order to satisfy ROP requirements. The provided Concept Plan has accounted for these requirements.

### **Servicing**

- Local municipal services available from Stanley Avenue and North Street.
- The existing 500 mm diameter Regional trunk watermain located along Stanley Avenue is not to be disturbed. Any proposed watermain crossing will require the submission of a detailed servicing cross-section for Regional review and approval.

### **Stormwater Management**

- Stanley Avenue (Regional Road 102) shall not be negatively affected as a result of the development. Please circulate the Site Grading / Servicing Plan to this office for our review and file.

### **Waste Collection**

- Recycling blue / grey carts – no limit (collected weekly).
- Organic green carts – no limit (collected weekly).
- Garbage bags or cans - 12 maximum (collected every-other-week).
- Curbside collection only.
- Based on the scale and mixed-use nature of the proposal, waste collection services would be the responsibility of the Owner through a private waste collection contractor and not the Region.

### **Required Studies & Materials for Regional Review**

- Planning Justification Report (prepared by a RPP) – at Zoning.
- Urban Design Materials:
  - At Zoning stage: a Qualitative Pedestrian Wind Comfort Study, a Site Plan Drawing, a Conceptual Building Forms and Conceptual Elevations, a Conceptual Landscape Plan, and Phasing Plan.
  - At Site Plan stage: Typical Site Plan Drawing Package, Building Elevations, Detailed Landscape Plans, and Grading Plans.
- Phase One and Phase Two ESA (plus any subsequent ESA work), w Letter of Reliance – at Zoning.
  - RSC can be managed through condition of Draft Plan / Site Plan.
- Environmental Noise Feasibility Study – at Zoning.
  - Detailed Noise Impact Study – at Draft Plan / Site Plan.
- Site Grading / Servicing Plan.

# **Niagara Region – Development Services Division**

## ***Pre-Consultation Notes***

5640 Stanley Avenue, 5609 & 5619 Buchanan Avenue, Niagara Falls

August 4, 2022

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### **Regional Review Fees**

The Region's 2022 Fee Schedule is available at: [https://www.niagararegion.ca/business/fpr/forms\\_fees.aspx](https://www.niagararegion.ca/business/fpr/forms_fees.aspx).

- Major Urban Design Review (\$640) – at Zoning.
- Zoning By-law Amendment Review (\$1,345) – at Zoning.
- Combined Standard Condominium Review and Site Plan Review (\$4,010) – at Draft Plan / Site Plan.

### **City Comments**

- City requires submission of a Planning Justification Report that address affordability, Shadow Analysis, Urban Design Brief. City staff will not have issue with the 12-storeys provided that the Planning comments are addressed.
- Will require deeming by-law for residential lots (no longer part of subdivision).
- City staff would like to have the building re-design to have a more active street frontage and architectural variation along Stanley Avenue. Commercial units should be located along Stanley Avenue (applicant noted the two-storey units will be live work).
- City staff request the submission of a Functional Servicing Report and Stormwater Management Plan.
- City will require sidewalk and streetscape improvements.
- Made a note to consider purchasing the two lots abutting the site. This would help in achieving the 45 degree angular plane.
- City requires a widening along North Street and Buchanan Street and a daylight triangle at North Street and Buchanan.
- Parking demand study if the applicant chooses to use the proposed ratio.
- Refer to the complete Pre-Consultation Package for a fulsome list of City requirements.



# Noise Impact and Vibration Study Terms of Reference

## Description

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

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

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

## When Required

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

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

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

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

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

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

## Rationale

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

## Required Contents

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

### Introduction

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

### Environmental Noise (and Vibration) Assessment

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

### Noise (and Vibration) Mitigation Recommendations

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

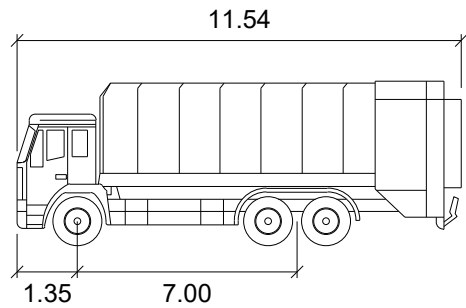
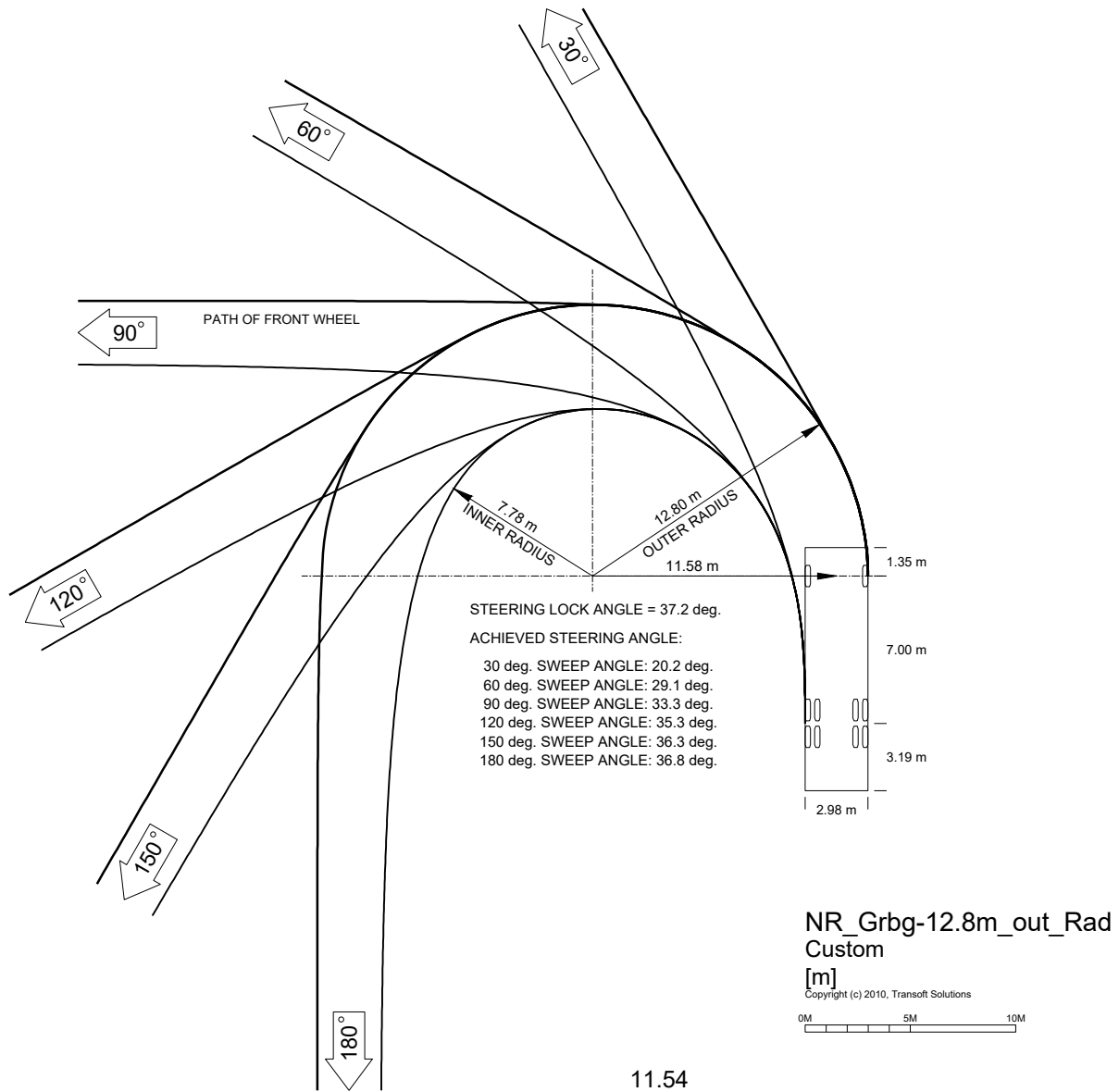
## Conclusions

Appendix A – Base Noise Level Calculations (Noise Source Data)

Appendix B – Ministry of Environment Noise Guidelines

Appendix C – Sample Sound Exposure Calculation

DRAFT



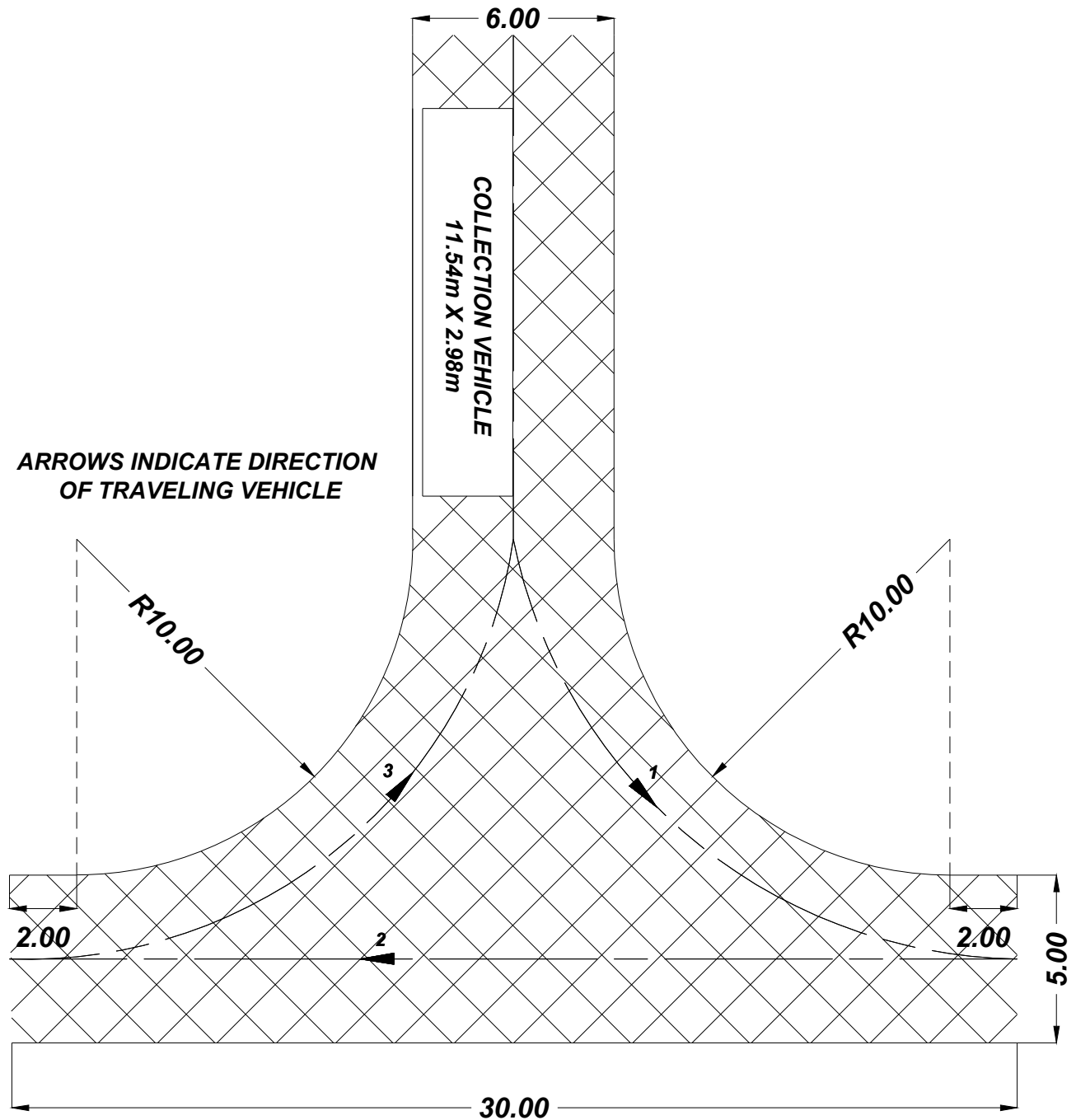
NR\_Grbg-12.8m\_out\_Rad  
meters

- Width : 2.98
- Track : 2.98
- Lock to Lock Time : 3.0
- Steering Angle : 37.2

REGIONAL COLLECTION TRUCK TURNING  
TEMPLATE 12.8m OUTSIDE RADIUS

DATE: August 2020	SCALE: NTS
UPDATED BY: M.T.K.	DRAWN BY: E.M.





**EXAMPLE INSTALLATION**

**"T" TURNAROUND DIMENSIONS**



DATE: August 2020

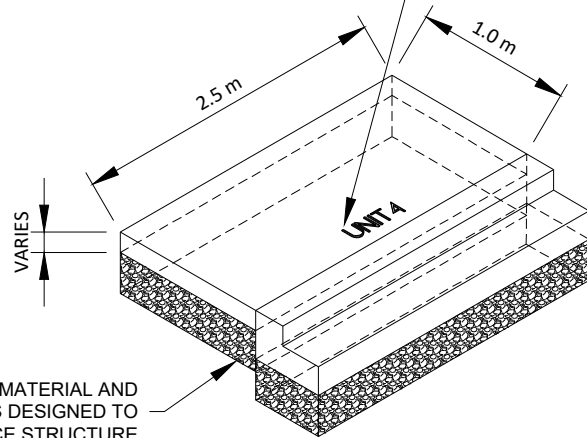
SCALE: NTS

UPDATED BY: M.T.K.

DRAWN BY: E.M.

DEDICATED COLLECTION PAD  
MADE OF PERMANENT MATERIAL  
(POURED CONCRETE, "TURF BLOCK", ASPHALT,  
CONCRETE PAVERS)

INDIVIDUALLY LABELED FOR  
EACH UNIT (EMBOSSSED,  
PLAQUE, SIGN)



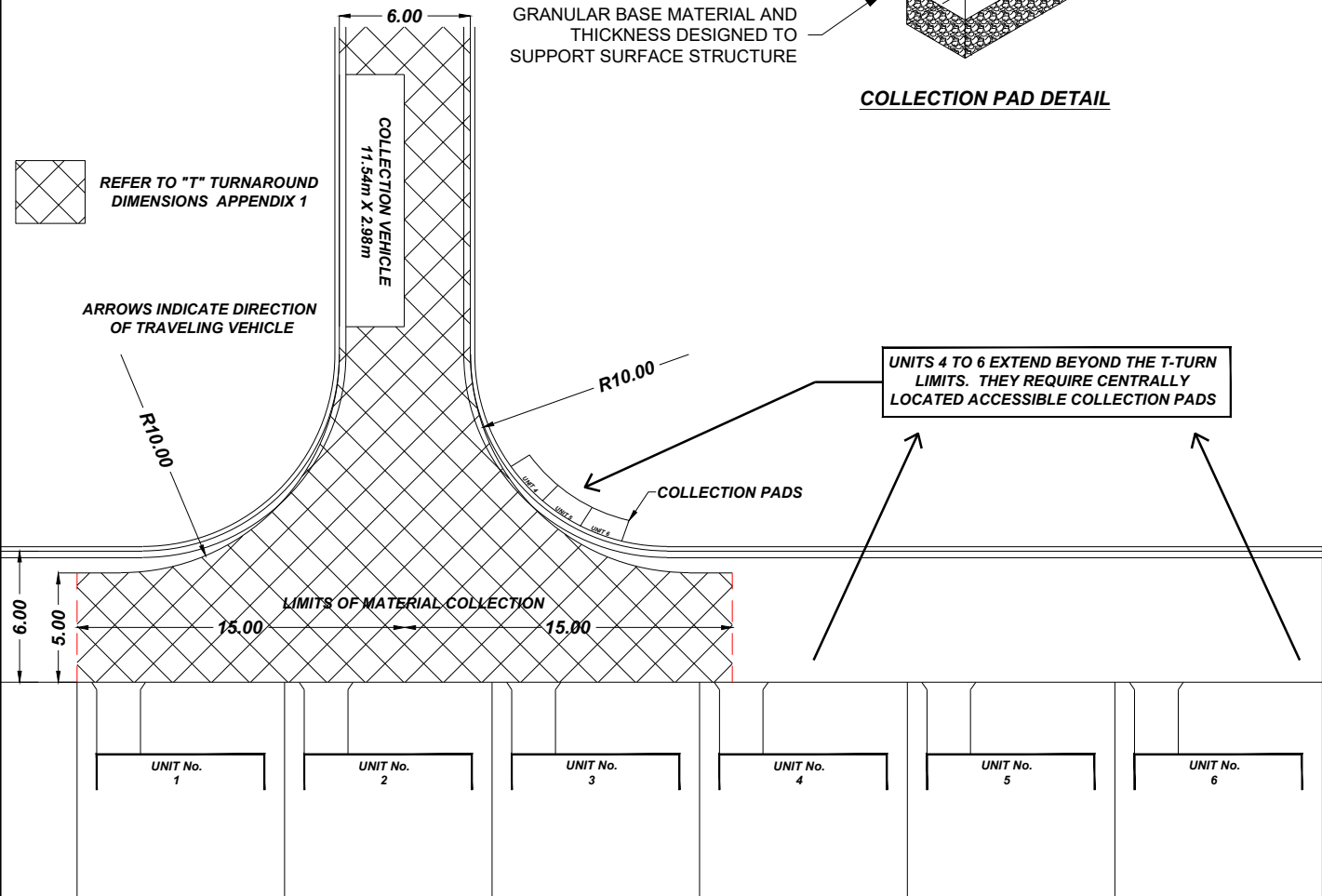
GRANULAR BASE MATERIAL AND  
THICKNESS DESIGNED TO  
SUPPORT SURFACE STRUCTURE

**COLLECTION PAD DETAIL**



REFER TO "T" TURNAROUND  
DIMENSIONS APPENDIX 1

ARROWS INDICATE DIRECTION  
OF TRAVELING VEHICLE



**EXAMPLE INSTALLATION**

**"T" TURNAROUND DIMENSIONS  
AND LIMITS OF MATERIAL COLLECTION**

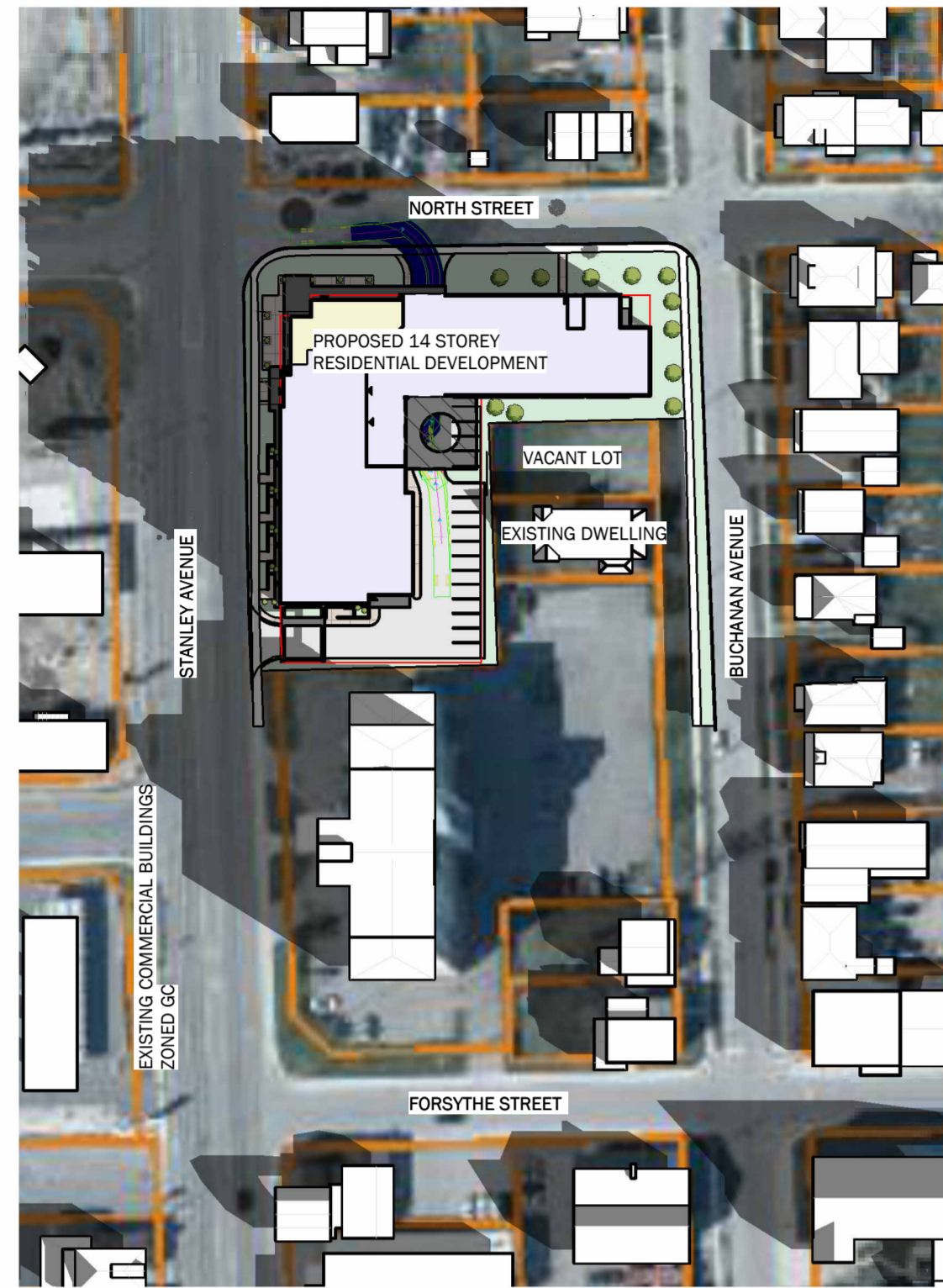
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SCALE: NTS

UPDATED BY: M.T.K.

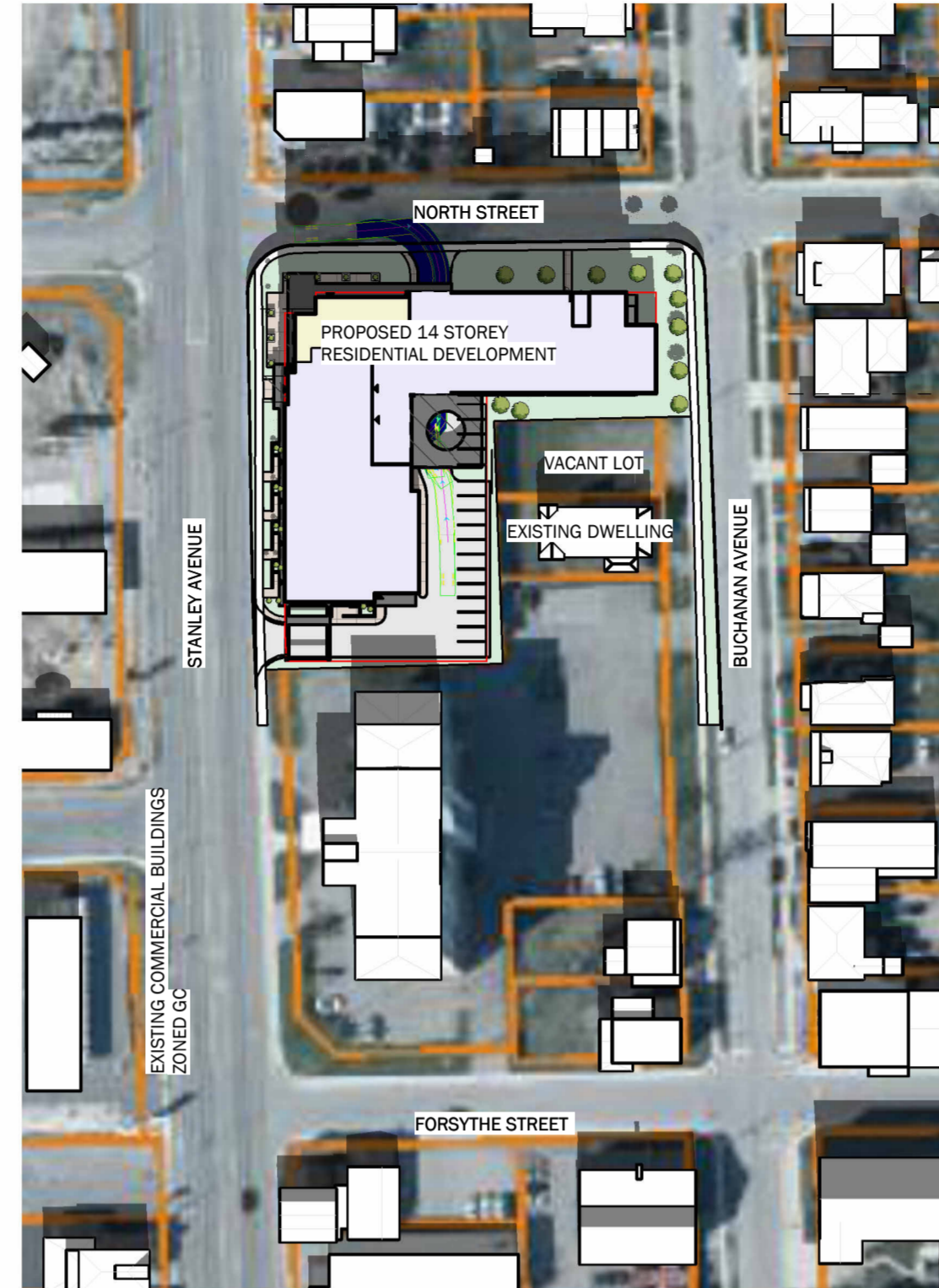
DRAWN BY: E.M.

**APPENDIX IV**  
SHADOW STUDY DIAGRAMS



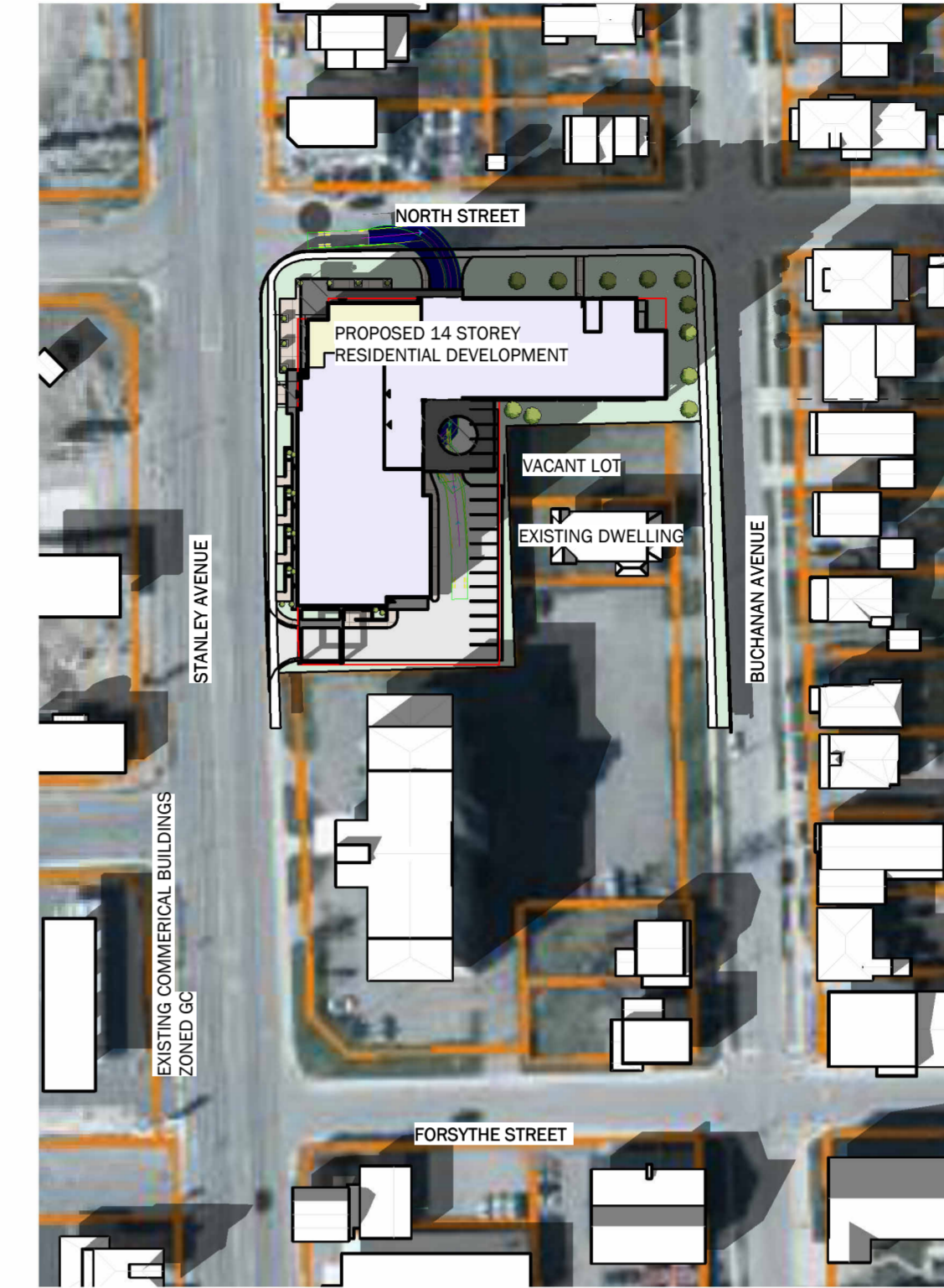
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1" = 100'-0"



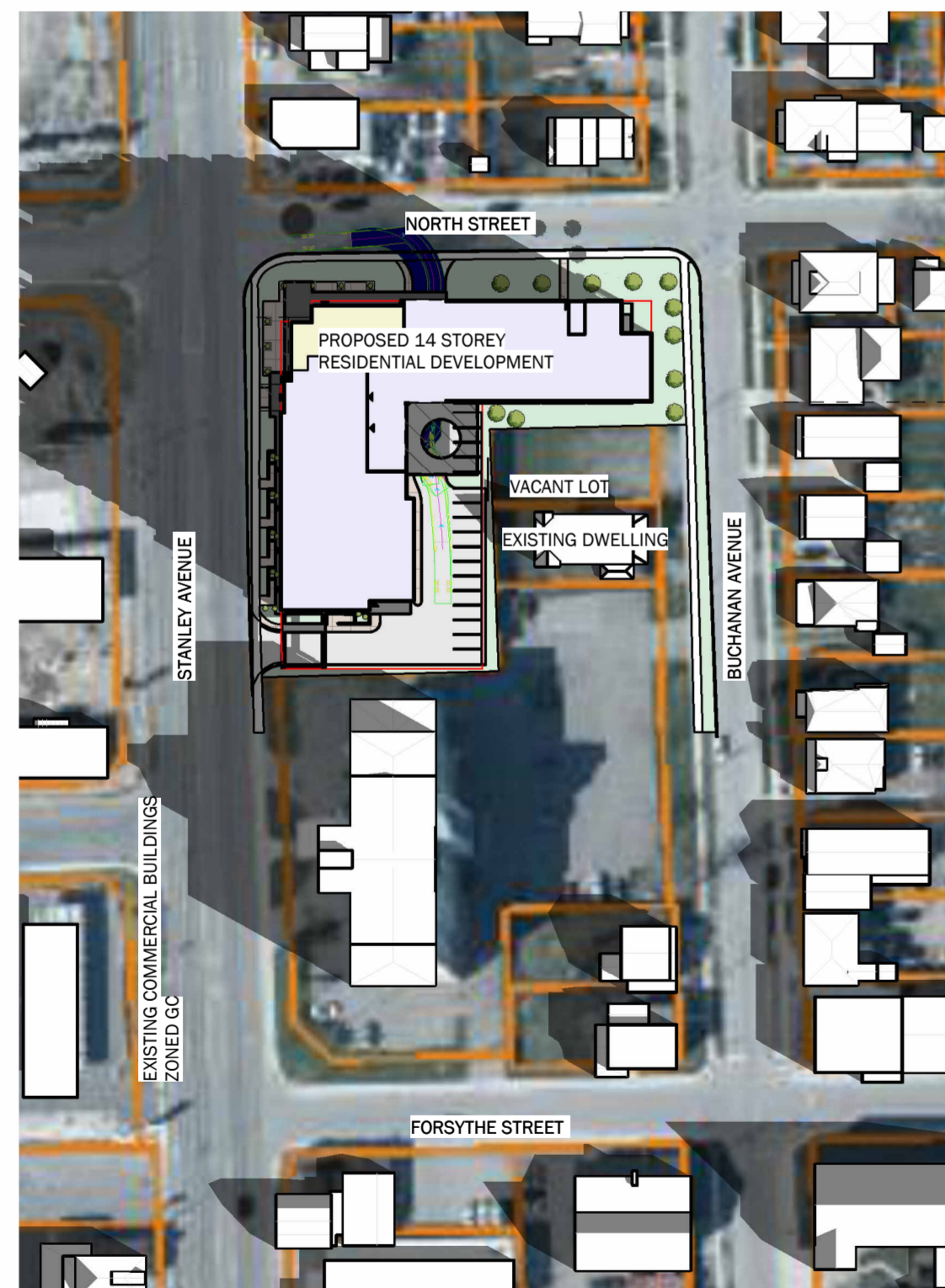
**September 22, 12 PM**

1" = 100'-0"



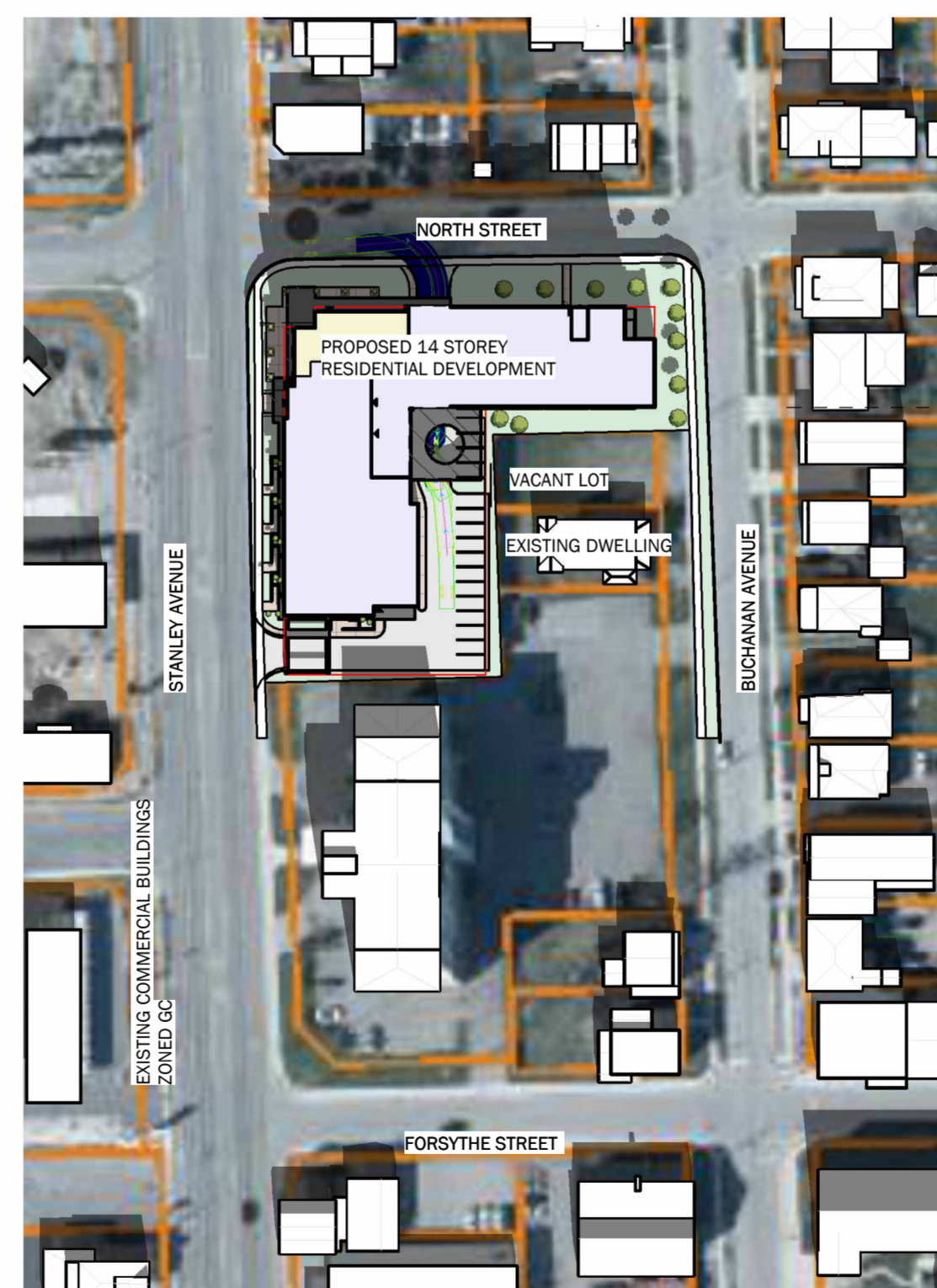
**September 22, 3 PM**

1" = 100'-0"



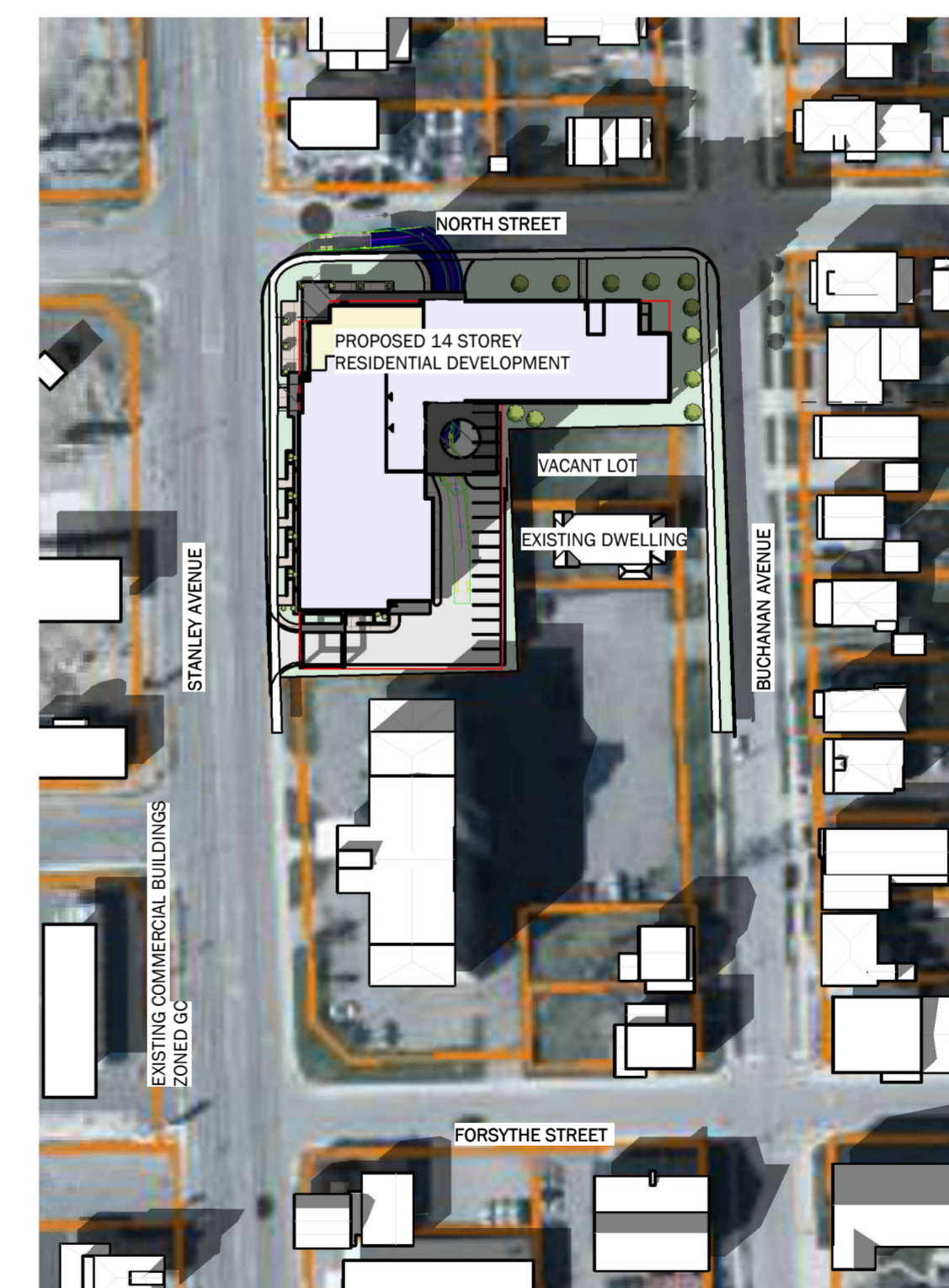
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1" = 100'-0"



**March 20, 12 PM**

1" = 100'-0"



**March 20, 3 PM**

1" = 100'-0"

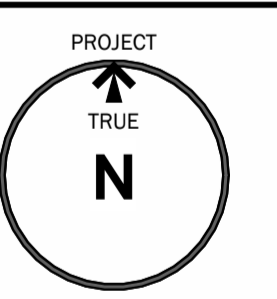
ALL CONTRACTORS AND/OR TRADES SHALL VERIFY ALL DIMENSIONS, NOTES, SITE AND REPORT ANY DISCREPANCIES PRIOR TO COMMENCEMENT OF THE WORK. THIS DRAWING NOT TO BE SCALED. ALL DRAWINGS, PRINTS AND RELATED DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND MUST BE RETURNED UPON REQUEST. REPRODUCTION OF DRAWINGS AND RELATED DOCUMENTS IN PART OR IN WHOLE IS STRICTLY FORBIDDEN WITHOUT WRITTEN CONSENT. DRAWINGS TO BE FOR THE PURPOSE FOR WHICH THEY ARE ISSUED.

No.	DATE	DESCRIPTION	BY:
1	07/11/2022	PRE-CON SUBMISSION	JC
2	06/21/2023	REVISED CONCEPT/ELEVATIONS	JC
3	07/17/2023	ISSUED FOR ZBA	JC

COMMISSION:

**14-STORY  
RESIDENTIAL  
DEVELOPMENT**

5640 STANLEY AVENUE, NIAGARA FALLS, ON.



**A · C · K**  
architects  
STUDIO INC.

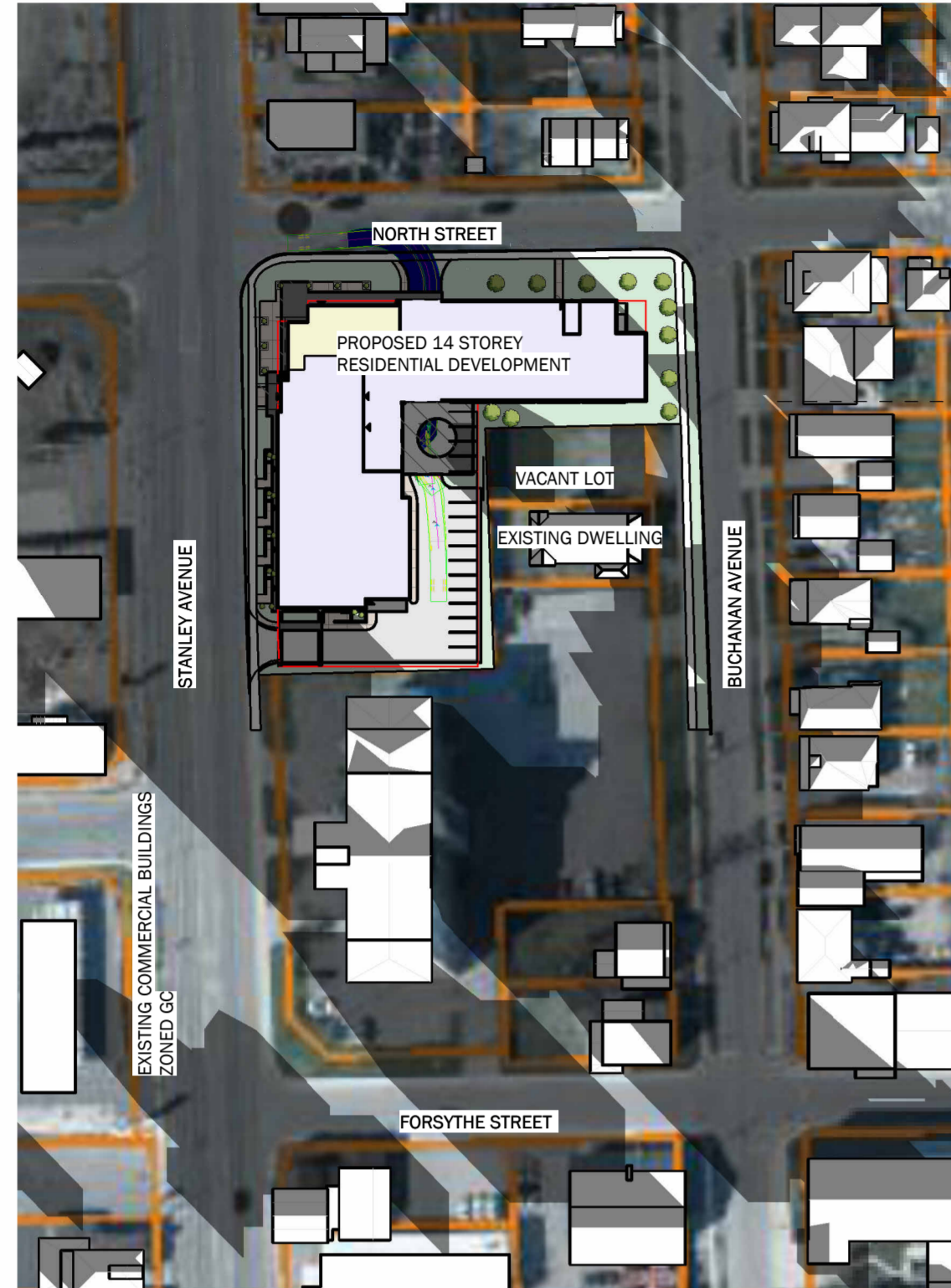
Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**Fall & Spring Equinox**

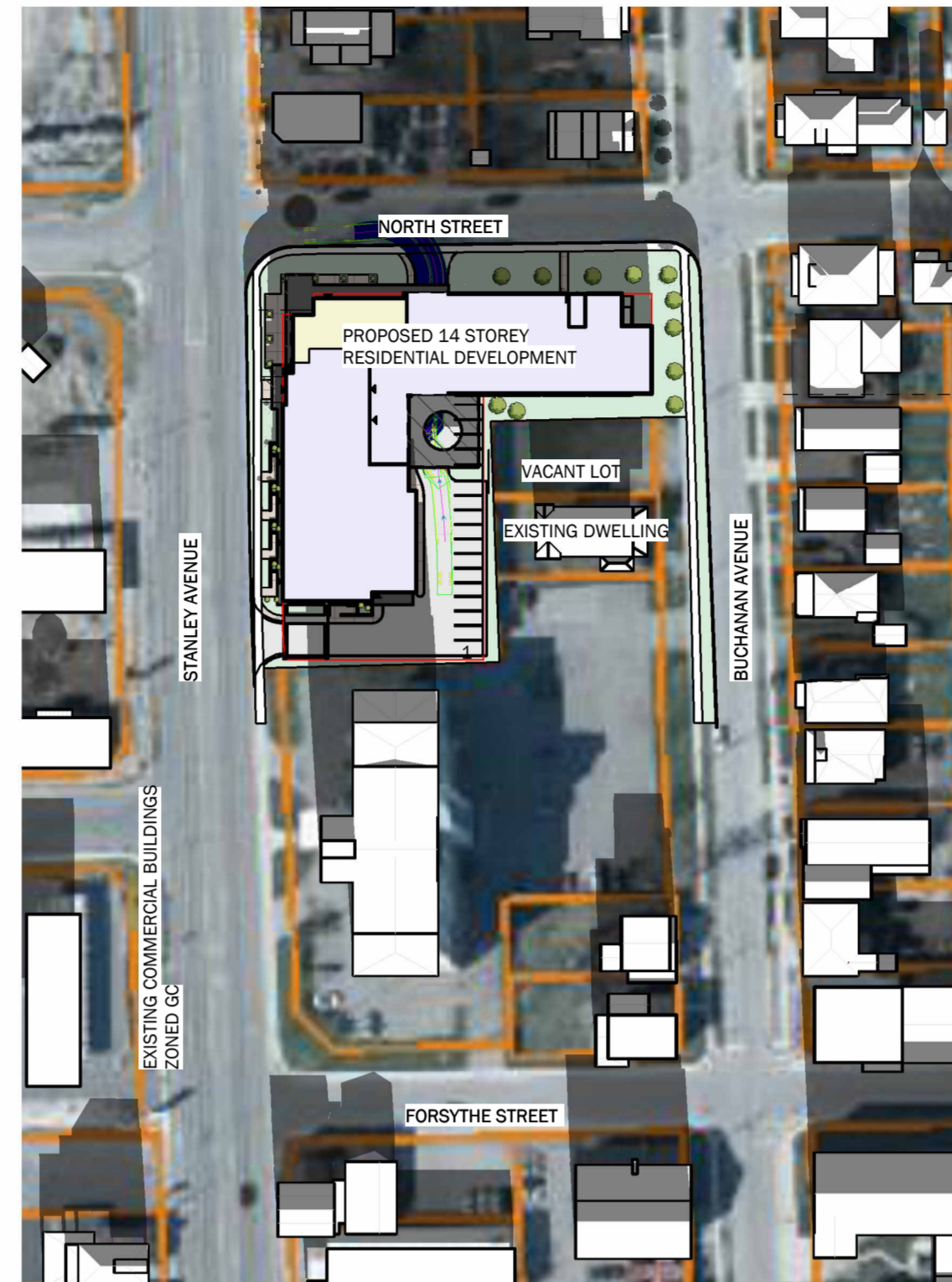
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CHECKED BY:	MA/JR	<b>SS1</b>
DATE ISSUED:		
PROJECT No.:	2022-143	





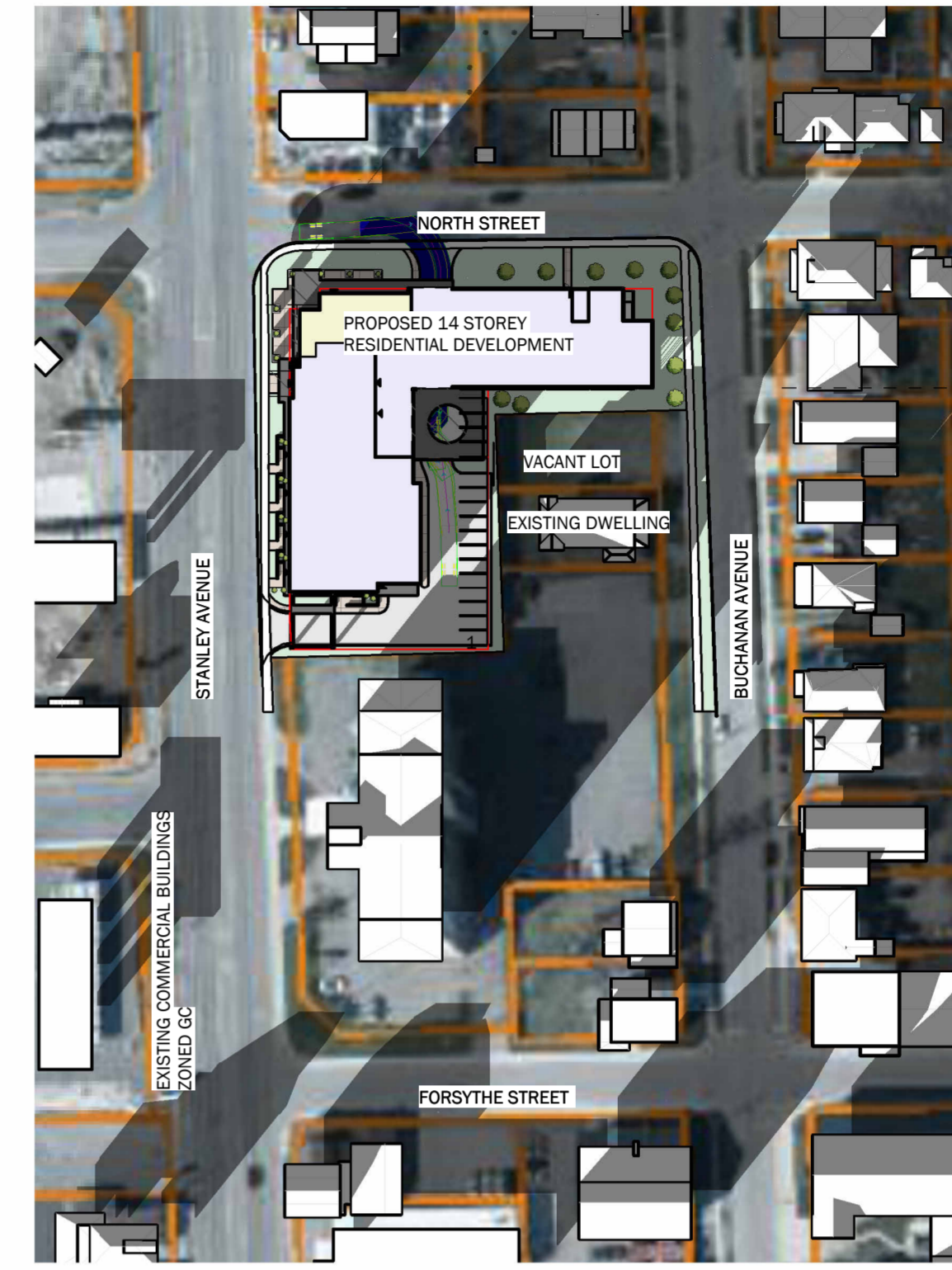
**December 21, 9 AM**

1" = 100'-0"



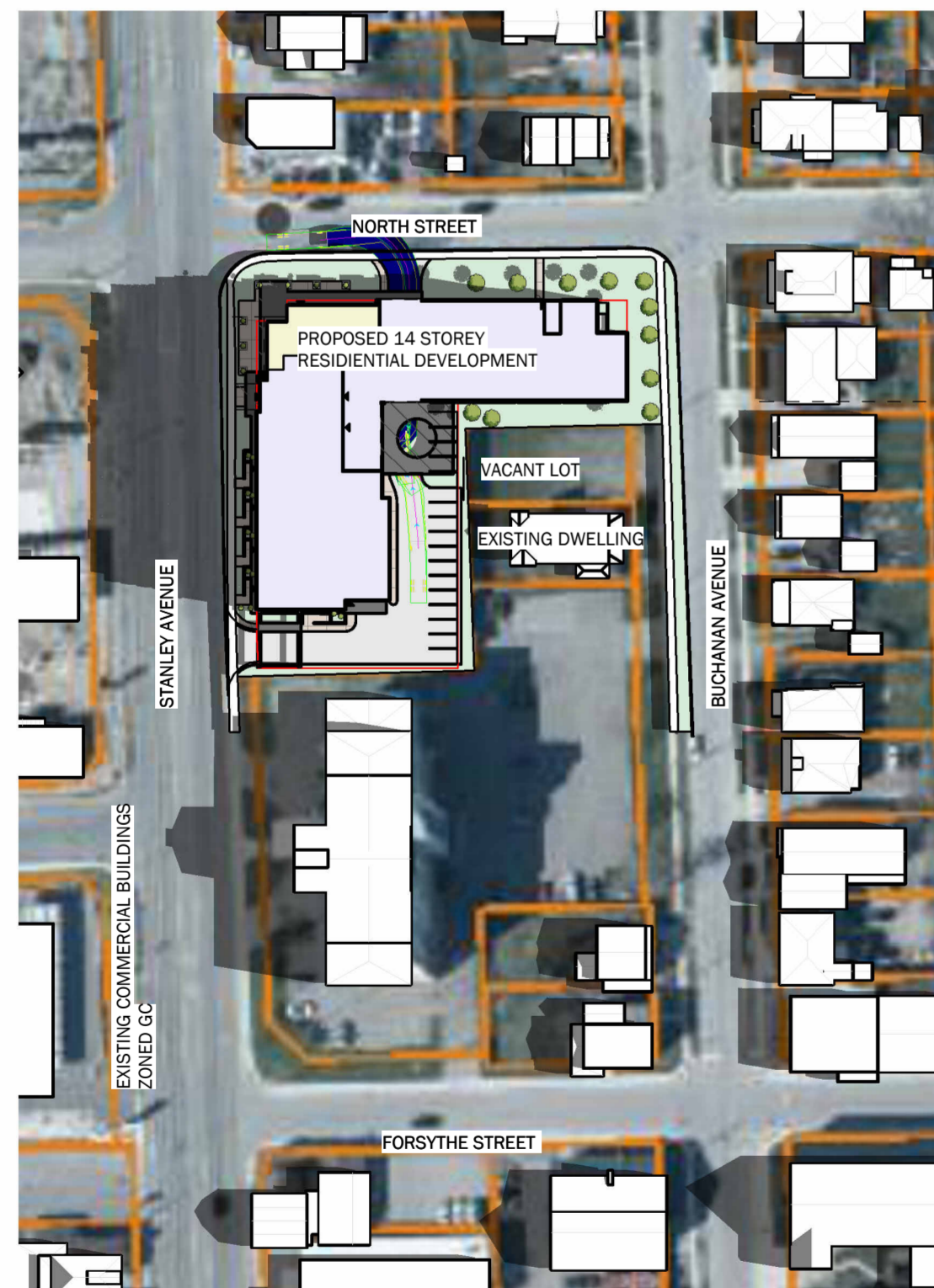
**December 21, 12 PM**

1" = 100'-0"



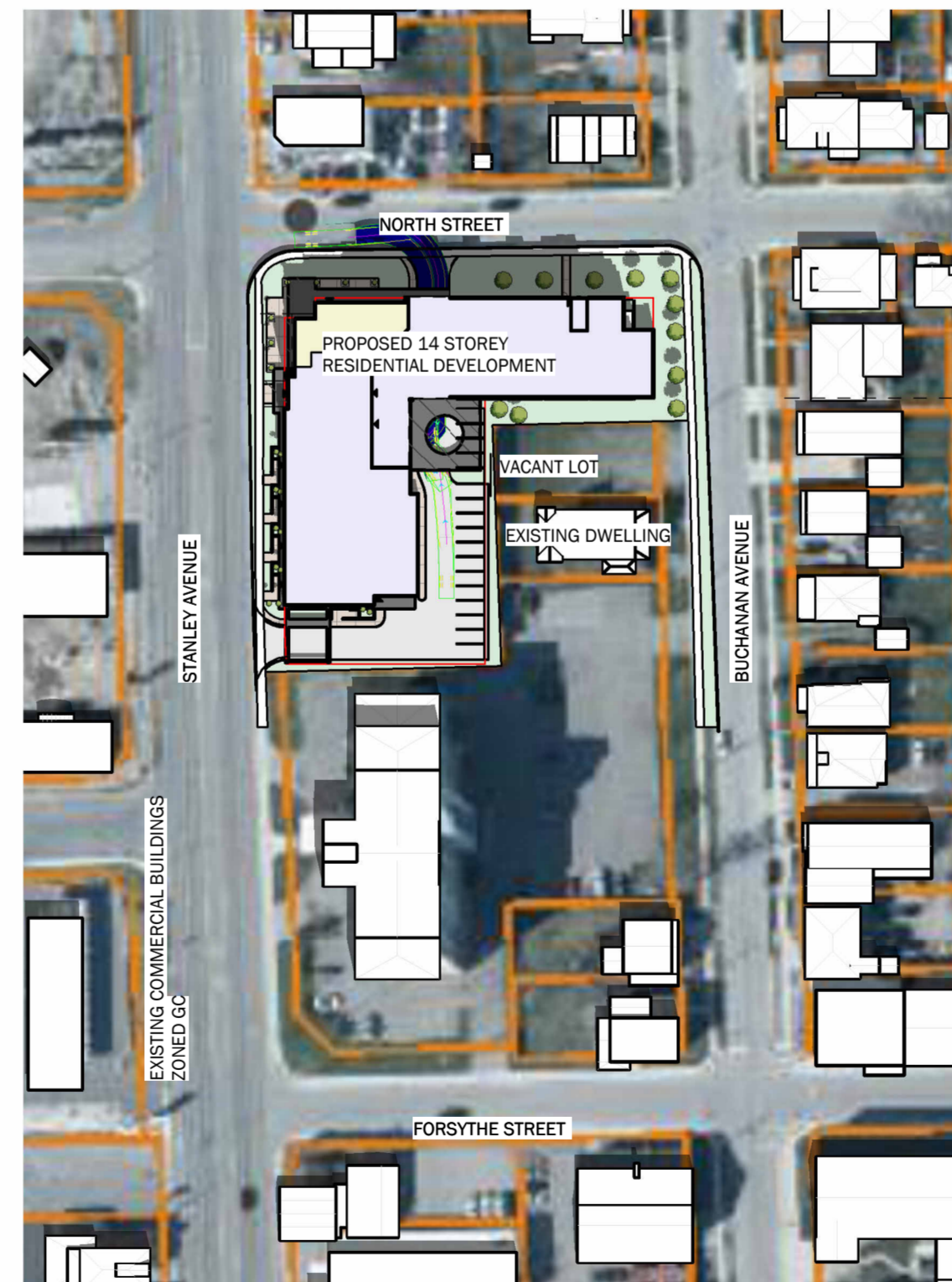
**December 21, 3 PM**

1" = 100'-0"



**June 21, 9 AM**

1" = 100'-0"



**June 21, 12 PM**

1" = 100'-0"



**June 21, 3 PM**

1" = 100'-0"

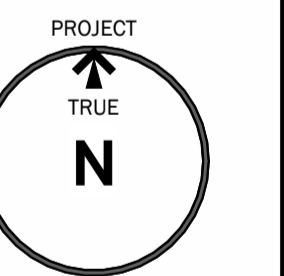
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COMMISSION:

**14-STOREY  
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**A · C · K**  
architects  
STUDIO INC.

Architectural Office:  
290 Glendale Ave. St. Catharines, ON, L2T 2L3  
905 984 5545

SHEET TITLE:

**Winter & Summer  
Solstices**

DRAWN BY:	JC	DRAWING No.:
CHECKED BY:	MA/JR	<b>SS2</b>
DATE ISSUED:		
PROJECT No.:	2022-143	