



VIA EMAIL

September 21, 2023

Planning Division
City of Niagara Falls
4310 Queen Street
Niagara Falls, ON
L2E 6X5

Attention: Scott Turnbull, Planner 1

**Re: Resubmission – Official Plan and Zoning By-law Amendments (AM-2023-017)
8004 Lundy’s Lane
City of Niagara Falls**
Our File: BLV/NIA/22-01

On behalf of 11464957 Canada Inc. (the “Owner”), Zelinka Priamo Ltd. is pleased to provide resubmission materials for concurrent Official Plan and Zoning By-law Amendments related to the land municipally known as 8004 Lundy’s Lane in the City of Niagara Falls (the “subject lands”).

RESPONSE TO COMMENTS

The initial OPA and ZBA application was received by Staff on August 11, 2023. The following supplementary information and enclosed submission materials are to respond to comments provided in a Letter of Incomplete Application dated September 12, 2023.

Comment	Response
Please address the specific affordability policies in Part 1, Section 4 of the City’s Official Plan [4.4(b)/4.8(a)(c), 4.4(e)]	Additional analysis is provided below to address specific affordability policies.
The PJR identifies the unit types and average rental rates for 53 of the 87 proposed units. Please provide this information for the remaining 34 units. All 87 units should be analyzed against the City’s affordability policies.	A breakdown of all units by type was provided with the original submission package. For certainty, the subject lands provide: 83 studio units; 2 1-bedroom units; and 2 2-bedroom units (87 total units). Affordable (61%): 52 studios; 1 1-bedroom (53 total affordable units) Market rate (39%): 31 studios; 1 1-bedroom; 2 2-bedrooms (34 total market rate units) Additional analysis is provided below.
The site plan states 310.22 square metres of amenity area is provided whereas the Planning Justification Report states 299.22 square metres.	A total of approximately 310.22 sq m of amenity space is proposed (208 sq m outdoor, 102.22 sq m indoor). A minimum amenity area

Please provide clarification as to which calculation is correct.	of 290m ² continues to be proposed by the Draft Zoning By-law Amendment to allow for flexibility.
Transportation Services Staff have reviewed the Parking Study submitted by Paradigm Transportation Solutions Limited and have noted that additional information/clarification is required prior to Staff providing a position on the application.	A Revised Parking Study and Addendum Letter is enclosed with this resubmission to address specific comments.
The submitted PJR and application form do not reflect the relief that is required to facilitate parking in the front yard (please see attached zoning comments and section 4.19.3 (c) of Zoning By-law 79-200 for requirements). Please identify how these regulations will be addressed through either a revised site design or a request for further zoning relief.	The Draft Zoning By-law has been updated to reflect this provision, and additional justification is provided below.
Front yard depth not noted from centre line of Lundy's Lane	The Site Plan has been updated to reflect. The minimum building setback from the Lundy's Lane centreline is approximately 23.8m.
Aisle width for stalls 38 & 39 is not noted	The Site Plan has been updated to reflect.
Please confirm if any of the 16% [landscaped open space] is within the road allowance	No; The 16% landscaped open space is wholly within the property lines.
Please confirm if [310.22 square metres] is the area per dwelling unit	No; This is the total common amenity area for the subject lands. The proposal improves upon the existing condition for amenity space.

SUPPLEMENTARY PLANNING ANALYSIS

Affordable Housing Analysis

Part 1, Section 4 of the Niagara Falls Official Plan ("OP") outlines the City's goals as it relates to housing and affordable housing targets. The following is an analysis of relevant policy subsections:

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

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

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

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

As stated in the Planning Justification Report, the proposed amendments are to recognise and maintain 87 rental units, 53 of which are considered affordable to rental households as defined by CMHC guidelines, as being no greater than 30% of the median renter income.

Specific to Niagara Region's affordability thresholds, the rental rates for the identified 53 units are considered "affordable market housing," as they provide rental rates between a range of \$750-\$1045 per month. As of September 2023, the following definitions and thresholds are provided by Niagara Region:

"Affordable market housing: Rental or ownership housing provided by the market for low and moderate income households.

"Low income household: A household with annual income (before tax) of up to \$29,400, which can afford up to \$735 per month for housing costs.

"Moderate income household: A household with annual income (before tax) of \$29,401 to \$52,500, which can afford up to \$1,313 per month for housing costs."

The proposed amendments therefore support the City's affordable housing objective of Part 1, s. 4.8(a) by maintaining the Region's overall supply of affordable housing stock for moderate income households.

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

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

These policies are addressed above.

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

As stated in the Planning Justification Report, the rental rates for 53 of the 87 units are to be within the range of \$750-\$1045 per month. Niagara Region's affordability thresholds are addressed above.

The remainder of the units (39%) are provided at market rate. The current average rental price for these units is approximately \$1,400 per month, which is above Niagara Region's threshold to be considered "affordable" housing.

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

The 53 units identified for affordable rental rates are proposed to be secured for a minimum period of 10 years through a future financing agreement between the Owner and the Canadian Mortgage and Housing Association ("CMHC") that will be registered on title.

Revised Draft Zoning By-law

A ZBA for the subject lands is proposed, which would rezone the lands from “Residential Apartment (R5C-1078)” to the “Residential Apartment (RF5-XXXX)” zone to permit the existing residential density. The intent of the site-specific zoning is to reflect the existing conditions, and to accurately carry forward the existing exceptions applying to the subject lands which were approved through the 2018 rezoning process.

The Draft ZBA has been revised to include a site-specific exemption to the prohibition of front yard parking [ZBL s. 4.19.3(c)]. The following justification is provided:

- The location of parking spaces in the front yard is an existing condition. As noted in the Planning Justification Report, the built context of the subject lands provides limited opportunities for meeting the standards of the Zoning By-law, such as additional landscaped open space and surface parking. The location of nine (9) parking spaces in the front yard is an existing condition, and is compatible with the commercial character of the Lundy’s Lane corridor.
- As proposed, an amendment to the Residential Apartment rate of 1.4 is required to permit a rate of 0.66 per unit. A further reduction in provided parking on the subject lands for the use of residents and visitors is therefore not desirable.

RESUBMISSION PACKAGE

Please find enclosed the following resubmission materials:

- Letter of Incomplete Application and Submission Comments, dated September 12, 2023;
- Revised Draft Zoning By-law Amendment, prepared by Zelinka Priamo Ltd.;
- Revised Site Plan dated September 2023, prepared by Zelinka Priamo Ltd.;
- Revised Colourised Site Plan dated September 2023, prepared by Zelinka Priamo Ltd.;
- Revised Parking Impact Study dated September 2023, prepared by Paradigm Transportation Solutions; and
- Addendum Letter dated September 2023, prepared by Paradigm Transportation Solutions.

Please note that cheques for the local and regional planning review fees were submitted to Staff with the initial submission.

We trust that the enclosed information is satisfactory and we look forward to a timely approval process. Should you have any questions, or require further information, please do not hesitate to contact the undersigned.

Yours very truly,

ZELINKA PRIAMO LTD.



Azar Davis, BURPI, CPT
Planner

cc. 11464957 Canada Inc. (via email)