

**Official Plan Amendment &  
Zoning By-law Amendment  
Applications**

**8885 – 8911 Lundy’s Lane, Niagara Falls**

For: M5V Inc.

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## 1.0 Introduction

NPG Planning Solutions Inc. ("NPG") are planning consultants to M5V Inc., ("Owners") of approximately 0.92 hectares of land in the City of Niagara Falls, municipally known as 8885 – 8911 Lundy's Lane ("Subject Lands"). NPG has been retained to provide professional planning advice on the proposed 10-storey mixed-use development consisting of 184 apartment units and approximately 1460 square meters of commercial space on the Subject Lands. Implementation of the proposed development requires an Official Plan Amendment and a Zoning By-law Amendment. The Official Plan Amendment is needed to allow the proposed height and density on the Subject Lands. The Zoning By-law Amendment is required to permit the increase in residential use, deem Lundy's Lane as the lot frontage, and recognize site-specific height and parking requirements under the City of Niagara Falls Zoning By-law No. 79-200.

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

The proposed development focuses on intensification, mixed-use development, and the provision of a range of housing options within an existing settlement area. The proposed development is an example of good land use planning and therefore we recommend that the Official Plan Amendment and Zoning By-Law Amendment be approved.

This Planning Justification Report analyzes the proposed development to provide the support for the approval of the applications. Sections 5.1, 5.2, 5.3 and 5.4 of this report present analysis of the proposed applications within the provincial and regional planning policies. Section 5.5 of this report discusses the proposal's conformity with the NFOP, subject to the approval of the requested Official Plan Amendment. Section 6.0 provides analysis for the applicable urban design policies. Section 7.0 conducts Land Use Compatibility and Section 8.0 assess the City's housing affordability policies. Sections 9.0 and 10.0 provide justification for approval of the applications for Official Plan Amendment and Zoning By-Law Amendment, respectively.

## 2.0 Description of Subject Lands and Surrounding Area

The Subject Lands are in the City of Niagara Falls within the Built-up Area as defined Provincially, Regionally, and within the City. The Subject Lands are a corner parcel abutting the northwest part of the intersection of Lundy's Lane and Garner Road. The property has a frontage of approximately 105.27 metres on Lundy's Lane, a frontage of 86.1 metres on Garner Road, and a gross site area of 9261.9 square meters (0.92 hectares). The Subject Lands are irregular in shape, with a section of the lot extending north behind the existing Lundy's Lane Sewage Pumping Station at 5866 Garner Road (See Figure 2.1 – Aerial Context). The Subject Lands are undeveloped and do not contain any natural heritage features and are not identified in Schedule A-1 Natural Heritage Features and Adjacent Lands (see Appendix B – NFOP Schedules).

Surrounding the Subject Lands to the north and east are tourist commercial uses (campground). To the south and across Lundy's Lane is undeveloped lands. Across Garner Road and to the west are industrial and tourist commercial (campground) use. The Subject Lands are further contextualized by photos collected during a site visit on August 30, 2022. Please refer to the following photos for greater detail on the existing state of the Subject Lands and the surrounding land uses. (See Photos 1-18).

**Figure 2.1 - Aerial Context**



- North:** Tourist Commercial (Campground)  
**East:** Tourist Commercial (Campground)  
**South:** Undeveloped; Tourist Commercial (Adult Entertainment)  
**West:** Tourist Commercial (Campground)

## 2.1 Site Photos



*Photo 1 – View looking northeast of Subject Lands from northwest side of the intersection of Lundy's Lane and Garner Road.*





*Photo 2 – View from Subject Lands looking southwest at intersection of Lundy's Lane and Garner Road.*



*Photo 3 – View toward the north of Garner Road, with Subject Lands (right).*



*Photo 4 – View toward the south of Gateway Feature on southeast corner of intersection of Lundy's Lane and Garner Road.*



*Photo 5 – View looking north of same Gateway Feature as Photo 4, Subject Lands in the background.*





*Photo 6 – View toward west-northwest of Subject Lands and utility boxes (left) and Lundy's Lane (right).*



*Photo 7 – View looking north of Subject Lands from site boundary with Lundy's Lane.*



***Photo 8 - View toward the north of Subject Lands and utility boxes from site boundary with Lundy's Lane.***



***Photo 9 – View looking north of Subject Lands (left) and neighbouring parcel to the east (right). Approximate site boundary demarcated by mowed line in grass.***





***Photo 10 – View toward the west of Subject Lands (right) and Lundy's Lane (left).***



***Photo 11 – Blown up view looking north across the Subject Lands from Lundy's Lane of the Niagara Region water pumping station.***





*Photo 12 – View toward the east of Subject Lands from west side of Garner Road.*



*Photo 13 – View looking east of site boundary of Subject Lands (right) with sewage pumping station (left).*



*Photo 14 – View from Subject Lands of Niagara Region pumping station, looking north.*



*Photo 15 – View from Subject Lands of Niagara Region pumping station, looking northwest.*





*Photo 16 - View from north end of parcel of the Subject Lands, utility poles lining Lundy's Lane (left) and Garner Road (right).*



*Photo 17 – View from Subject Lands east of Niagara Region water pumping station, looking at RV's in Scott's Campground bordering the northern site boundary.*



*Photo 18 – View of RV's parked in Scott's Campground.*

### 3.0 Proposed Development

M5V Developments is proposing a 10-storey mixed-use complex with at-grade commercial storefronts and 184 residential units on two parcels of land located at the northeast corner of Garner Road and Lundy's Lane. The proposal will merge the two parcels - 8885 and 8911 Lundy's Lane into a single parcel as part of the development. Access to the development is proposed via Garner Road.

The complex is proposed to be 36 metres high in total, with an underground parking structure and 10 above ground storeys. The ground floor space will contain the entrance, lobby, amenity spaces, garbage room, bike storage and 6 retail spaces. Floors 2 – 10 will contain the proposed 184-residential units, with the following breakdown:

2 <sup>nd</sup> – 5 <sup>th</sup> floor:	23 units
6 <sup>th</sup> floor:	22 units
7 <sup>th</sup> – 8 <sup>th</sup> floor:	19 units
9 <sup>th</sup> – 10 <sup>th</sup> floor:	16 units.

There are a total of 28 barrier free units, located closer to the elevator. All units will be provided with private amenity areas in the form of balconies and/or private terraces.

Parking will be provided in the underground level and at-grade, by way of 283 parking spaces. Of the total, 8 accessible spaces are provided for the development, located near the entrance to the main building. In total, 283 parking spaces will be provided. The proposal also contains 88 short-term bicycle parking spaces and 189 long-term bike parking spaces.

#### 3.1 Pre-Consultation Summary

The proposed development has been reviewed through the City's pre-consultation process. The most recent pre-consultation meeting was held on April 20<sup>th</sup>, 2023, as enclosed with this submission. The key points are discussed below.

- Variation in height is recommended to break up the massing.
- Treat the corner of Garner & Lundy's Lane as a gateway intersection.
- A 2.94m road widening along Garner Road is required.
- The following studies are requested for an Official Plan and Zoning By-law Amendment Application
  - Air Quality
  - Archaeology Assessment
  - Conceptual Site Plan
  - Conceptual Landscape Plan

- Planning Justification Report, including Draft Official Plan Amendment, Draft Zoning By-law Amendment, Land Use Compatibility and discuss Housing Affordability
- Environmental Site Assessment
- Municipal Servicing Study & Stormwater Management Plan
- Noise & Vibration Study
- Shadow Analysis
- Transportation Impact Study
- Wind Study

Although an Architectural Design Review Form is requested, it was later confirmed as not required as this review form relates to the core tourism district (such as Clifton Hill, etc.). The Subject Lands fall within the satellite tourist district along Lundy's Lane.

Please refer to the Pre-Consultation Summary document, enclosed with this application, for a complete list of required studies and agency comments.

### 3.2 Project Background and Context

Lundy's Lane is a Regional Road (RR No. 20) and Garner Road is a City arterial road, as designated in Schedule C – Roads (Appendix B – City of Niagara Falls Official Plan Schedules). A 2.94 metre road widening is to be provided along Garner Road to be conveyed to the City. A daylight triangle is required at the intersection of Lundy's Lane & Garner Road. The net site area is calculated to be 9006.5 square metres (0.90 hectares) after the road widenings are taken from the Subject Lands.

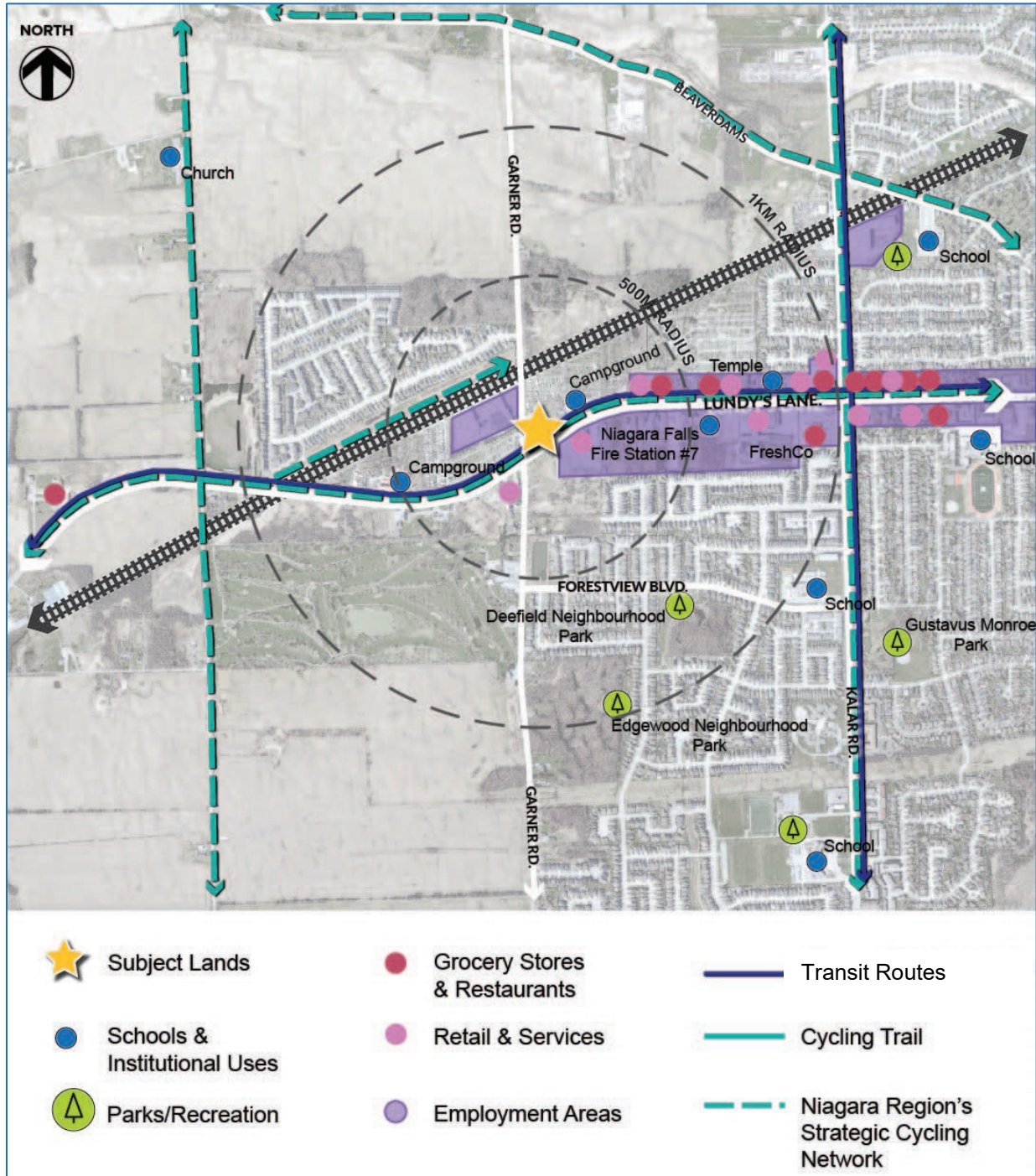
Lot coverage is proposed at approximately 28.6% of the net site area, and landscaping is proposed at approximately 30.6% of the net site area. Landscaping includes the walkways and buffer areas around the proposed complex.

Pedestrian sidewalks are currently provided along Lundy's Lane. The proposed Site Plan includes well-connected walkways providing direct access to the Lundy's Lane sidewalk from the development. The commercial uses at grade, fronting Lundy's Lane, will have direct access from the existing sidewalk. For transit, Niagara Region Transit provides transit services connecting Niagara communities as well as providing local transit in the City of Niagara Falls. Additionally, WEGO operates year-round transit services on the Red Line which includes Lundy's Lane.

Mixed-use development on the Subject Lands will promote high quality urban living with access to transit, grocery stores, schools, municipal parks, and other local attractions. (See Figure 2 – Community Amenities Map)



Figure 3.2.2 - Community Amenities Map



The City of Niagara Falls Official Plan designates the Subject Lands as Tourist Commercial according to Schedule A – Future Land Use (see Appendix B – City Schedules). This designation permits a height of 4 storeys and considers height up to 8 storeys through a Zoning By-law Amendment (City OP 4.4.3). It supports density to a maximum of 100 units per hectare (City OP 4.2.31 c)). An Official Plan Amendment (OPA) is needed to permit the height of 10 storeys and density of 205 units per net hectare.

The City of Niagara Falls Zoning By-law No. 79-200 currently zones the lands as Tourist Commercial (TC) Zone. The complex as proposed will need a site-specific Zoning By-law amendment to implement the proposed development. The proposed Zoning By-law Amendment is to modify zoning regulations related to Permitted Uses, Minimum Lot Frontage to deem Lundy's Lane as the lot frontage, Maximum Height Of Building, and Parking And Access Requirements.

## 4.0 Supporting Studies Review

### 4.1 Air Quality

An Air Quality Study was conducted by RWDI Air Inc. and the report is dated June 19, 2023. There were two industrial facilities identified in this study that are expected to be compatible with the Subject Lands with respect to air quality. This is due to their greater separation distances from the facilities, as well as the presence of existing sensitive land uses situated closer to the facilities compared to the proposed development. No additional study of these facilities is required from an air quality perspective.

- Class I within 70m of the development: Lundy's Lane Sewage Pumping Station
- Class II within 1000m of the development: BV Glazing Systems

Transportation sources related to air quality were also assessed. The following conclusions are from the study of transportation corridors in the vicinity of the Subject Lands.

- The Queen Elizabeth Way (QEW) is more than 2000 metres from the property. No significant air quality impact is expected from the QEW.
- The CN Stamford Subdivision railway line is located approximately 129 m to the northwest of the property. This separation distance is considered adequate from an air quality impact perspective.
- Garner Road, located west of the property is not a significant traffic corridor, while Lundy's Lane, located south of the property, is likely to have traffic levels that could potentially have a significant air quality impact on the Subject Lands.

The following mitigation measures are being recommended to reduce the impact of transportation pollution from Lundy's Lane on the proposed development:

- Where possible, the provision of mechanical building ventilation with air particle filtration rather than passive building ventilation; and,
- Location of ventilation air intakes on the roof and pointing away from Lundy's Lane.

It was concluded that the proposed development is compatible with the surrounding land uses and transportation corridors from an air quality perspective with the provision of



mitigation measures to reduce air quality impacts from transportation impacts along Lundy's Lane.

## 4.2 Archaeological Assessment

A Stage 1 and 2 Archaeological Property Assessment was conducted by AMICK in the report dated December 20, 2022. The report concluded that the Subject Lands are clear of any archeological concerns. As part of the recommendations, the report notes that no further assessment of the study area is warranted.

The relevant reports have been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Subject Lands have been entered into the register and a letter of acknowledgement, dated May 11, 2023, has been received and enclosed with this submission.

## 4.3 Environmental Site Assessment

A Phase One Environmental Site Assessment Update was conducted by NSSL, dated June 10, 2022, and identified three potentially contaminating activities within the study area resulting in one on-site and two off-site areas of environmental concern. A Phase Two ESA was previously recommended to be completed to investigate the potential for soil contamination at the study site resulting from the on-site historical fill material being introduced in 2018. However, NSSL assessed the material through a geotechnical drilling investigation subsequently and concluded a Phase Two ESA was not required.

## 4.4 Municipal Servicing Study

Scott Llewellyn & Associates Ltd. has prepared a Functional Servicing & Stormwater Management Report, dated June 2023 to provide detailed information of the proposed stormwater management and functional servicing scheme for this development.

The analysis on Stormwater Management determined the following:

- The post-development condition discharge rates to Lundy's Lane will not exceed the pre-development condition discharge rate during the 5-year storm event.
- Sufficient stormwater storage is provided on the surface of the asphalt parking lot. A total storage volume of 234 m<sup>3</sup> is provided while only 107m<sup>3</sup> of storage is required during the 5-year storm event.
- The proposed 110mmø orifice plate will provide adequate control to the Lundy's Lane storm sewer.

- Discharge will be subject to treatment from a HydroStorm oil/grit separator before ultimately discharging to the existing storm sewer system along Lundy's Lane to achieve the recommended level of water quality protection.

The proposed Sanitary Servicing include:

- A 200mmø sanitary sewer system, designed and constructed in accordance with the City of Niagara Falls standards, is proposed. Drainage from the proposed sanitary sewer system will discharge to the existing 450mmø sanitary sewer along Garner Road.
- No additional private hydrant is proposed for the development.

The proposed Water Servicing includes:

- A 200mmø watermain is proposed to feed off the existing 300mmø watermain along Lundy's Lane.
- There are two existing fire hydrants fronting the property on Lundy's Lane and Garner Road which meet the required 90m separation distance. Both the municipal watermain and fire hydrants will supply firefighting water for the development.
- Hydrant flow tests were completed concluding that the system has sufficient pressure and capacity to service the lands.

The report concludes that the proposed development can be adequately serviced by the installation of the proposed sanitary and water servicing system, in accordance with the Preliminary Grading Plan, Preliminary Site Servicing Plan, and Preliminary Erosion & Sediment Control Plan. Adequate control to the Lundy's Lane storm sewer can also be achieved through the recommended grading and installations.

#### 4.5 Noise & Vibration Study

A Noise and Vibration Impact Study of the Subject Lands was prepared by RWDI and dated June 15, 2023.

##### Transportation Sources:

- The rail line to the north is greater than 100 m from the property line. There are no significant impacts from rail vibration expected at this setback distance and no further analysis, measurements or mitigation is required.
- The proposed development is on the northeast corner of the intersection of Lundy's Lane and Garner Road. The following noise control measures are recommended for the proposed development:
  1. Installation of central air-conditioning so that all suites' windows can remain closed.
  2. The inclusion of noise warning clauses related to:

- a. Transportation sound levels at the building façade and in the outdoor amenity areas.
- b. Proximity to railway line.
3. Sound isolation performance:
  - a. Suite bedroom window glazing with sound isolation performance of up to STC-34.
  - b. Suite exterior balcony door and façade wall construction meeting the *Ontario Building Code*.
4. Construction of noise barriers along the perimeters of the two large balconies on the 2nd floor, with the applicable warning clause.

#### Stationary Sources:

- The following facilities were identified near the Subject Lands:
  - Lundy's Lane Sewage Pumping Station (Class I) is located 12 metres from the Subject Lands.
  - BV Glazing Systems (Class II) is located 40 metres of the Subject Lands. It is within the 300-metre zone of influence and the 70-metre minimum recommended setback.
  - Seductions and The Dwnr are two non-industrial sites located southeast and within 70 metres of the Subject Lands. None of these facilities operate under an MECP ECA or EASR permits.
- Based on the noise modeling results and setback distances, the proposed development is not expected to infringe on the compliance of any commercial or industrial operations with environmental noise permits. It is also not anticipated to cause infractions against the local noise by-law (Niagara, 2004) and are predicted to meet the relevant NPC-300 Guidance.
- The land use compatibility of the proposed development with respect to the nearby industrial land-uses are considered acceptable from the noise assessment perspective.

Overall, the report concluded that with the implementation of the recommendations, the proposed development is feasible to meet the applicable sound and vibration criteria.

#### 4.6 Transportation Impact Study

A Transportation Impact Study (TIS) was completed by Paradigm Transportation Solutions and dated June 2023. The report concludes the following.

- The proposed new driveway connection from Garner Road will be designed with adequate width to provide for access to and from the development and accommodate emergency response vehicles.
- The proposed driveway location provides safe sight lines for all turning movements and approaches.

- The development is projected to generate approximately 106-176 new vehicle trips during the weekday AM and PM peak hours.
- An intersection analysis revealed that the impact on the adjacent intersections, except for the westbound left turn at the intersection of Lundy's Lane and Kalar Road, are expected to be minimal with additional trips generated by the development. However, the left-turn volume is not expected to build a significant queue to require a storage extension.
- The analysis indicates that there is no need for an auxiliary left-turn lane at the development's driveway on Garner Road. Similarly, an auxiliary right-turn lane is not recommended, as it would not provide any significant benefits to traffic operations.

According to the study, the traffic generated by the development is not expected to have a significant impact on traffic operations in the study area. The existing transportation infrastructure in the area is deemed sufficient to handle the projected traffic volumes that will be generated by the proposed development.

The study provides two recommendations based on the findings:

1. That the Region and City monitor future traffic volumes at the intersection of Lundy's Lane with Garner Road and Kalar Road and adjust signal timings as needed to correspond to changing traffic volumes; and
2. The development implement a Transportation Demand Management program that includes the following at a minimum:
  - Transportation Information Package
  - Unbundled Parking
  - Bicycle Parking Supply

#### 4.7 Wind Study

RWDI Air Inc. has prepared a Pedestrian Wind Assessment, dated June 15, 2023. The study included a qualitative assessment of the pedestrian wind conditions expected around the proposed development.

The proposed 10-storey building's increased height compared to its surroundings will make it more susceptible to wind from all directions. This is expected to lead to increased wind activity around the building and nearby pedestrian areas, with the highest wind speeds anticipated at the exposed southwest corners of the building.

A summary of the study findings and recommendations are listed below:

- Although the project will increase wind speeds in the immediate surroundings, the building design incorporated several wind-responsive features, such as the alignment of the building with the prevailing southwest winds, podium and tower

setbacks as well as landscaping. These design elements will moderate the potential wind impacts on and around the project.

- Wind conditions at entrances and on sidewalks and other public areas on and around the proposed buildings are expected to be comfortable for the intended use throughout the year. Suitable wind conditions are also expected around the seating areas at grade.
- Uncomfortable wind conditions may occur around the southwest corner of the building in the winter. To mitigate this, the addition of a trellis and landscaping around the affected seating area is proposed to reduce wind speeds. Furthermore, the consideration of a large corner canopy and local wind screens is recommended to enhance wind control if feasible.
- Higher-than-desired wind speeds are also predicted on above-ground terraces. Wind control measures typically include taller guardrails, planters, screens and trellises.

#### 4.8 Land Use Compatibility Analysis

A Land Use Compatibility Analysis was conducted by NPG Planning Solutions using the Noise and Vibration Study and Air Quality Study to review the potential adverse impacts from the nearby transportation sources - Regional Road (Lundy's Lane) and the rail corridor to the north, and industrial/commercial uses – Niagara Region's Sewage Pumping Station to the north, industrial use to the west, and commercial uses to the southeast.

The analysis, along with the implementation of the included recommendations from the qualified studies, indicates that the proposed development is feasible in meeting the applicable noise and vibration criteria. The surrounding industrial facilities are expected to be compatible with the Subject Lands with respect to air quality. Please refer to Section 7.0 of this report for further analysis of Land Use Compatibility of the Subject Lands with respect to the surrounding land uses.

#### 4.9 Landscape Plan

A Landscape Plan was prepared by James McWilliam, dated July 2023, to provide landscaping treatments for the proposed development.

The proposed development will have landscape design and plantings to create a more attractive interface along Lundy's Lane and Garner Road frontages. The improvements include a combination of deciduous trees, ornamental landscaping, and site fencing. The perimeter of the property will include a combination of deciduous trees. Site entrance and

building entrances will have special landscaping treatments in the form of ornamental grasses, evergreen and deciduous shrubs, and perennials.

Further details can be found in the Landscape Plan drawing enclosed with this submission.

#### 4.10 Shadow Study

The study is based on a computer generated 3-dimensional model of the area produced by the project architect, SAPLYS Architects Inc., dated July 5<sup>th</sup>, 2023. The Shadow Study identifies the new shadows cast by the proposed 10-storey mixed-use complex. The study examines the shadow patterns for 3-4 times a day in Spring, Summer, Fall and Winter periods.

For the purposes of this analysis, the shadow assessment will be conducted for Summer and Fall.

Summer (June 21):

Shadows are typically shortest in summer. In this case, the shadows are longest at 7 am when the sun is low in the sky. As previously mentioned, immediately adjacent to the northern and eastern property line is a camping ground. Due to the commercial use of the property, the shadow impacts caused by the proposed development is not considered significant. There are no residential uses in the immediate vicinity of the Subject Lands. There is some shadowing anticipated along the Garner Road public realm, during the early-mid morning time. Shadowing impacts along the Lundy's Lane public realm is expected to be minimal.

Fall (September 21):

Shadows are typically longer in fall as the sun is generally lower in the sky than in summer. The existing industrial use west of Garner Road is predicted to be impacted by the shadow cast of the proposed development. However, since the industry is not an identified sensitive use, the shadowing will not be considered of significant impact. Additionally, the proposed 10-storey tower has a tapering built form, which will assist in moving shadows comparatively quicker across the site. There are no residential dwellings in the immediate vicinity of the proposed building to be impacted by the shadows. The proposal is not expected to cause significant concerns to the adjacent public realm, specifically along Lundy's Lane due to the known movements of the sun. There will be some shadowing along the Garner Road public realm in the morning that will be cleared by noon time.

Please refer to the drawings A901 and A902 in the architectural set for shadow illustrations due to the proposed development.

## 5.0 Planning Policy Review and Analysis

### 5.1 Planning Act

The *Planning Act*, R.S.O. 1990, Chapter P.13, provides provincial legislation that establishes the requirements for land use planning in Ontario. The Act describes how land uses may be controlled, and who may control them.” Section 2 of the *Planning Act* (“the Act”) outlines the matters of provincial interest that the council of a municipality, a planning board and the Ontario Land Tribunal shall have regard to in carrying out their responsibilities under the Act. The following table provides a summary of the provincial interests, along with an analysis as it relates to the proposed development and the subject Applications.

**Table 5.1.1: Analysis of Provincial Interest – Section 2 of Ontario *Planning Act***

SECTION	PROVINCIAL INTEREST	ANALYSIS
a)	<b><i>the protection of ecological systems, including natural areas, features and functions</i></b>	The Subject Lands do not contain any natural heritage features and are not identified in Schedule A-1 Natural Heritage Features and Adjacent Lands (see Appendix C – City Schedules).
b)	<b><i>the protection of the agricultural resources of the Province</i></b>	This is not applicable.
c)	<b><i>the conservation and management of natural resources and the mineral resource base</i></b>	This is not applicable.
d)	<b><i>the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest</i></b>	The Stage 1 and 2 Archaeological Property Assessment conducted by AMICK concluded that the Subject Lands are clear of any archeological concerns and no further assessment of the study area is warranted. There is no built heritage of significance on the Subject Lands or adjacent to the Subject Lands.



SECTION	PROVINCIAL INTEREST	ANALYSIS
e)	<b><i>the supply, efficient use and conservation of energy and water</i></b>	The proposed development will utilize existing municipal services. The stormwater management approach will address on-site quality and quantity control to discharge to infrastructure in Lundy's Lane.
f)	<b><i>the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems</i></b>	<p>The Subject Lands are located along Lundy's Lane, which is classified as an arterial/regional road. Waste management services will be considered in the future approvals and detailed design process. Water and wastewater services are available to serve the Subject Lands.</p> <p>The Transportation Impact Study (TIS) has verified various aspects of the development, such as the location of the access driveway, sight lines, intersection capacity, and projected traffic volume. The existing transportation infrastructure in the area is adequate to accommodate the expected traffic volumes generated by the proposed development.</p>
g)	<b><i>the minimization of waste</i></b>	The Owners will explore opportunities to minimize waste through the construction process, should the applications be approved. They also plan to implement internal garage collection to promote and facilitate waste separation and recycling.
h)	<b><i>the orderly development of safe and healthy communities</i></b>	<p>The Subject Lands are located within the Delineated Built-Up area of Niagara Falls and along the Lundy's Lane intensification corridor. The surrounding area consists of a variety of uses and amenities that are accessible from the Subject Lands. Further, the proposed development achieves orderly development as:</p> <ol style="list-style-type: none"> <li>1. It fronts on an arterial/regional road;</li> <li>2. The Subject Lands are in proximity to neighbourhood facilities and are proposed to include retail spaces which enable the</li> </ol>



SECTION	PROVINCIAL INTEREST	ANALYSIS
		<p>development to achieve complete communities within the area.</p> <ol style="list-style-type: none"> <li>3. There are no residential dwellings in the immediate vicinity of the Subject Lands to be impacted by the proposed height of the building. As such the proposal is supported by Wind and Shadow studies that confirm there are no significant concerns due to the proposed development from shadowing and wind impact perspectives.</li> <li>4. Appropriate infrastructure is provided to service the proposed development.</li> <li>5. The surrounding industrial facilities are expected to be compatible with the Subject Lands with respect to noise and air quality, subject to the recommendations in the respective reports.</li> </ol>
<b><i>h.1)</i></b>	<b><i>the accessibility for persons with disabilities to all facilities, services and matters to which this Act applies</i></b>	The proposed development includes 30 barrier free units (11 one-bedroom and 19 two-bedroom). The site plan also illustrates 8 accessible parking spaces located close to the building entrance. Further design details will be provided at the Site Plan stage of the planning process.
<b><i>i)</i></b>	<b><i>the adequate provision and distribution of educational, health, social, cultural and recreational facilities</i></b>	The Subject Lands have access to educational, health, social, cultural, and recreational facilities which are located in close proximity to the Subject Lands.
<b><i>j)</i></b>	<b><i>the adequate provision of a full range of housing, including affordable housing</i></b>	The proposed development provides one-bedroom and two-bedroom condominium units. Section 8 of this report assesses the affordability of these units based on the intended sale price.
<b><i>k)</i></b>	<b><i>the adequate provision of employment opportunities</i></b>	This is not applicable as the lands are not planned for employment.

SECTION	PROVINCIAL INTEREST	ANALYSIS
l)	<b><i>the protection of the financial and economic well-being of the Province and its municipalities</i></b>	The efficient use of land with existing and planned municipal infrastructure, provides for long-term financial stability and cost-effective development.
m)	<b><i>the co-ordination of planning activities of public bodies</i></b>	This will be addressed through the circulation of the planning applications to applicable public bodies. Pre-consultation comments have been received and are addressed throughout this report.
n)	<b><i>the resolution of planning conflicts involving public and private interests</i></b>	This is not applicable as the applications are being submitted to the City of Niagara Falls for their approval.
o)	<b><i>the protection of public health and safety</i></b>	<p>Safe access for vehicles, pedestrians, and cyclists is provided through the proposed site plan prepared by SAPLYS Architects.</p> <p>A Phase One Environmental Site Assessment was completed for the proposed development and a Phase Two assessment was not required.</p>
p)	<b><i>the appropriate location of growth and development</i></b>	<p>The Subject Lands are within the Delineated Built-up Area which is an area planned for intensification and is an appropriate location for growth and development. The Subject Lands are also located along Lundy's Lane Intensification Corridor which permits the proposed residential and retail uses on the property. Higher density housing is permitted along this corridor.</p> <p>Overall the Subject Lands are an appropriate location for growth and development, subject to satisfactory completion of the requisite technical studies.</p>
q)	<b><i>the promotion of development that is</i></b>	The design provides pedestrian access to Lundy's Lane and Garner Road. Public transit

SECTION	PROVINCIAL INTEREST	ANALYSIS
	<b><i>designed to be sustainable, to support public transit and to be oriented to pedestrians</i></b>	is within walking distance of the Subject Lands. Further, the site plan includes bike storage opportunities enabling future residents to rely on the Region's Strategic Cycling Route to reach various destinations on their bike.
r)	<b><i>the promotion of built form that:</i></b>  <b><i>i.) is well-designed</i></b> <b><i>ii.) encourages a sense of place</i></b> <b><i>iii.) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant</i></b>	i.) The design incorporates high quality urban design standards for the built form of the development. ii.) The design provides access to Lundy's Lane and Garner Road for pedestrians. iii.) There are private amenity areas, in the form of private balconies and terraces, within the proposed development.  Please refer to Section 6 of this report where applicable urban design principles have been assessed.
s)	<b><i>the mitigation of greenhouse gas emissions and adaptation to a changing climate</i></b>	The design of the proposed development addresses stormwater management. The stormwater management design addresses quality and quantity control.  The design of the site incorporates climate mitigation through placement of the buildings, and inclusion of features that support active modes of transportation.

## SUMMARY AND CONCLUSION

In summary, the proposed development and implementing applications have regard for matters of public interest in the *Planning Act* by locating growth in the appropriate location, utilizing existing infrastructure, and supporting the range of housing available in the area.

### 5.2 Provincial Policy Statement (2020)

The PPS sets the policy foundation for regulating land use in Ontario. It requires that developments make efficient use of land and services and supports opportunities for long-term economic prosperity.

### 5.2.1. Managing and Directing Land Use

Section 1.1 of the PPS provides the following with respect to managing and directing land use. The following applies to the proposed development:

## **POLICY**

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### **1.0 BUILDING STRONG HEALTHY COMMUNITIES**

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

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

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) promoting development and land use patterns that conserve biodiversity; and*
- i) preparing for the regional and local impacts of a changing climate.*

## **ANALYSIS**

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The Subject Lands are located within the settlement area of the City of Niagara Falls as defined in the PPS and are within an area that is the focus of growth and development. Additionally, the site is located along the Lundy's Lane Intensification Corridor according to Schedule A2 – Urban Structure Plan (see Appendix C – City Schedules) of the City

Official Plan, which is envisioned to take the form of tourist commercial redevelopment, local serving commercial uses and residential uses.

The proposed development is an efficient utilization of land within the settlement area, through residential intensification on the currently vacant lot. The mix of unit sizes are a cost-effective development pattern that will promote the utilization of existing municipal services and transit facilities. The proposed range of housing units implements a broader mix of housing types in this area of Niagara Falls. The supporting studies indicate that the proposed development can be constructed in accordance with the requirements of the City and the Region.

## **POLICY**

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

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

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion*

*c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

*d) prepare for the impacts of a changing climate;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed;*

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

*1.1.3.6 New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.*

## **ANALYSIS**

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The Subject Lands are in the designated growth area of the City of Niagara Falls, as defined in the PPS. The Subject Lands will develop 184 residential units in the proposed 10-storey building, promoting a higher density housing form. The proposed development

utilizes the available and planned infrastructure (cycling routes and public transit facilities) and municipal services along the Lundy's Lane intensification corridor.

The site is designed to have a built coverage of approximately 29% of the net land area. It aims to provide green space for the development by reducing the need for surface parking by way of the underground parking structure. As such, the proposal enables intensification in a compact form, with an appropriate density that allows for the efficient use of land, infrastructure, and public service facilities. A mix of uses is provided with both commercial and residential uses proposed. A Phase One Environmental Site Assessment was completed for the proposed development, concluding that a Phase Two Assessment was not required. Any concerns associated with wind activity around the building and nearby pedestrian areas can be mitigated through the recommendations provided in RWDI's Wind Study. The proposed density is a transit supportive density aligned with the provision of transit on Lundy's Lane.

### 5.2.2. Coordination

Section 1.2 of the PPS provides the following with respect to land use compatibility. The following applies to the proposed development:

## **POLICY**

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### **1.2 Coordination (Land Use Compatibility)**

*1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

*1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*

*d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

## **ANALYSIS**

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The Subject Lands are located in the vicinity of a rail line with low rail traffic volumes and bound by Garner Road and Lundy's Lane to the south and west, and in proximity to a few industrial and commercial uses. In accordance with Section 1.2.6.2, the following demonstrates that the proposed development is in compliance with the provincial policies. Further compatibility analysis is provided in Section 6.0 – Land Use Compatibility Analysis of this report as well as the Air Quality and Noise and Vibration Reports submitted with the applications.

- a) The proposed residential use will be along the Lundy's Lane Intensification Corridor, designated for growth by the City. The proposed use will help in achieving the minimum residential target for the City.
- b) The Subject Lands are designated Tourist Commercial, which permits the proposed residential use as per Part 2, Section 4.2.9 of the Niagara Falls Official Plan. As such, the Subject Lands have been designated for residential growth and development by the City of Niagara Falls.
- c) The CN Freight Rail is located to the north more than 100 metres from the proposed development. At this setback distance no significant impacts from rail vibration are expected as per RWDI's Noise Report.
- d) The site falls within the influence area of a Class I and Class II industries and two unclassified commercial developments. Based on the noise modeling results and setback distances, the land use compatibility of the proposed development with respect to the nearby facilities is considered acceptable from the noise impact perspective. Further, it was concluded that the proposed development is compatible with the transportation corridors from an air quality perspective, pending the provision of mitigation measures to reduce air quality impacts from transportation impacts along Lundy's Lane. Please refer to Section 4.1 of this report for the suggested mitigation measures.

### **5.2.3. Employment**

Section 1.3 and 1.7 of the PPS provides the following with respect to employment. The following applies to the proposed development:

## **POLICY**

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*1.3.1 Planning authorities shall promote economic development and competitiveness by:*

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;*
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment*



*uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;*

*d) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities, with consideration of housing policy 1.4.*

1.7.1 Long-term economic prosperity should be supported by:

*a) promoting opportunities for economic development and community investment readiness;*

## **ANALYSIS**

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The proposed development is characterized by its compact, high-density form featuring a mix of land uses including commercial uses with residential uses in the same building. Although not an area of employment, these commercial uses will provide new jobs to the area ensuring consistency with the employment policies of the PPS.

### **5.2.4. Housing**

Section 1.4 of the PPS provides the following with respect to housing. The following applies to the proposed development:

## **POLICY**

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### **1.4 Housing**

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

*a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and wellbeing requirements of current and future*



*residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

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

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

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

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

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

## **ANALYSIS**

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The proposed development will provide residential intensification by achieving a density of approximately 205 units per net hectare. It will provide a net increase in the number of residential units in the local housing stock by way of 184 residential units. The proposal includes 1- and 2-bedroom units, including wheelchair accessible units, which will enable home-ownership options to a diverse range of households. The studies conducted to analyze the capacity of the existing municipal services indicate that the projected servicing of the proposed development can be accommodated.

The Subject Lands are located along two arterial roads – Lundy's Lane (RR No. 20) to the south and Garner Road to the west. The site is also in proximity to bus stops on both sides of Lundy's Lane. Accessibility to the transit services will provide future residents with active modes of transportation.

### **5.2.5. Servicing**

Section 1.6 of the PPS provides the following with respect to infrastructure and public service facilities. The following applies to the proposed development:

## **POLICY**

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## **1.6 Infrastructure and Public Service Facilities**

### **1.6.6 Sewage, Water and Stormwater**

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

*1.6.6.7 Planning for stormwater management shall:*

- a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;*
- b) minimize, or, where possible, prevent increases in contaminant loads;*
- c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) mitigate risks to human health, safety, property and the environment;*
- e) maximize the extent and function of vegetative and pervious surfaces; and*
- f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development*

## **ANALYSIS**

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The conclusions and recommendations of the Functional Servicing & Stormwater Management Report, prepared by Scott Llewellyn & Associates, confirm that the existing water, sanitary sewer and storm sewer can accommodate the proposed development without causing any adverse impact on the current system, subject to the conditions outlined in the report. The technical requirements to service the proposed development will be implemented following the recommendations of the servicing reports.

The Stormwater Management strategies recommended for the development include controlling the discharge quantity, quality and proposes measures to control erosion. Sufficient stormwater storage is provided on the surface of the asphalt parking lot to provide enough storage to contain the 5-year storm event. A summary of the report can

be reviewed under Section 4.4 – Municipal Servicing Report of this report. The site plan shows approximately 31% of the site area as landscaped open space, which will provide surface for on-site stormwater infiltration.

## **POLICY**

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### **1.6.7 Transportation Systems**

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

### **1.6.8 Transportation and Infrastructure Corridors**

*1.6.8.3 New development proposed on adjacent lands to existing or planned corridors and transportation facilities should be compatible with, and supportive of, the long-term purposes of the corridor and should be designed to avoid, mitigate or minimize negative impacts on and from the corridor and transportation facilities.*

### **1.6.9 Airports, Rail and Marine Facilities**

*1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:*

- a) their long-term operation and economic role is protected; and*
- b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.*

## **ANALYSIS**

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The proposed development is along a Regional bus route, which will provide accessible connections to major destinations within the City. The proposed density and residential use will support the existing public transit service.

Currently, there are no cycling facilities along Lundy's Lane. However, bike parking facilities are included as part of the proposed development to provide a convenient and attractive mode of travel. In addition, there are sidewalks on both sides of Lundy's Lane and a sidewalk on the west side of Garner Road. The proposed development connects to the Lundy's Lane sidewalk through pedestrian walkways proposed for the site. Overall, the development supports a multi-modal transportation system, reduces the number of single-occupancy vehicle trips, and contributes to a more safe, sustainable, and feasible transportation system.

The Noise & Vibration Study prepared by RWDI shows that all residential units in the development will meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. In addition, the CN Freight Rail is not anticipated to

cause significant impacts due to the existing setback distances. Further details on the analysis and recommendation can be found in the Noise & Vibration Study enclosed with this submission.

As well, a Land Use Compatibility Analysis was conducted, which determined that the proposed development is feasible with respect to compatibility with the surrounding rail line and industrial/commercial uses. A detailed analysis can be found in Section 6.0 of this report. As such, the proposed sensitive use is sufficiently buffered from the existing facilities and is not anticipated to affect their long-term operation.

#### 5.2.6. Energy Conservation, Air Quality and Climate Change

Section 1.8 of the PPS provides the following with respect to energy conservation, air quality and climate change. The following applies to the proposed development:

### **POLICY**

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#### **1.8 Energy Conservation, Air Quality and Climate Change**

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

- a) promote compact form and a structure of nodes and corridors;*
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas;*
- c) focus major employment, commercial and other travel-intensive land uses on sites which are well served by transit where this exists or is to be developed, or designing these to facilitate the establishment of transit in the future;*
- e) encourage transit-supportive development and intensification to improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion;*
- f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and green infrastructure; and*
- g) maximize vegetation within settlement areas, where feasible.*

### **ANALYSIS**

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The site design of the proposed development demonstrates a compact built form. The proposal adds to the mix of residential options available in the area by way of providing



1-, and 2-bedroom units. The location of the development and proximity to Regional transit services provides active transportation choices. The location of the proposed development will allow future residents to reside close to employment areas, decreasing their commute times to and from work and reducing the traffic congestion on major roads.

Due to the known movement of the sun during the course of a day, units facing South, East and West will benefit from sun exposure. This will promote an overall reduction in energy consumption in majority of the units.

### 5.2.7. Archaeology

Section 2.6 of the PPS provides the following with respect to cultural heritage and archaeology. The following applies to the proposed development:

## POLICY

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### **2.0 WISE USE AND MANAGEMENT OF RESOURCES**

#### **2.6 Cultural Heritage and Archaeology**

*2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.*

## ANALYSIS

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In accordance with Section 2.6.2, an archaeological assessment was conducted by AMICK to evaluate the archaeological potential on the Subject Lands. There were no archaeological findings, and no further archaeological assessment is recommended. Further details on conclusions and recommendations can be found in the assessment enclosed with this submission.

### **SUMMARY OF ANALYSIS FOR PPS (2020)**

The proposal is consistent with the policies and direction of the Provincial Policy Statement in those policies related to intensification, growth, housing, and infrastructure services are implemented.

At a density of approximately 205 units per net hectare, the proposal will make use of the existing transit route, municipal services, and will contribute to providing a range of housing options in this area of Niagara Falls. The proposal is feasible with respect to land use compatibility with the surrounding industrial, commercial, transport and railway uses. As noted earlier in this report, several studies were completed concerning the proposed use of the development. In general terms, the development can be accommodated as envisioned on the Subject Lands, subject to the conditions and recommendations set out in these studies.

Therefore, the development of the lands for a higher density residential use is consistent with the policies of the Provincial Policy Statement (2020).

### 5.3 Growth Plan for the Greater Golden Horseshoe (2019)

The Growth Plan for the Greater Horseshoe (2020) emphasizes compact and well-designed development and prioritizes intensification in the Built-up Areas. The Growth Plan supports the achievement of complete communities that are “compact, transit-supportive, and make efficient use of investments in infrastructure and public service facilities” through site design and urban design standards.

Section 1.2.1 sets out the Guiding Principles of the Growth Plan, and the policies relevant to the development are listed below.

- 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 second units and affordable housing, to serve all sizes, incomes, and ages of households.

#### 5.3.1. Growth Management

The policies of Section 2.2.1 and 2.2.2 include policies pertaining to growth management. The following applies to the proposed development:

### **POLICY**

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#### **2.2.1 Managing Growth**

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

*a) the vast majority of growth will be directed to settlement areas that:*

*i. have a delineated built boundary;*

*ii. have existing or planned municipal water and wastewater systems; and*

*iii. can support the achievement of complete communities;*

*c) within settlement areas, growth will be focused in:*

- i. delineated built-up areas;*
  - iii. locations with existing or planned transit, with a priority on higher order transit where it exists or is planned; and*
  - iv. areas with existing or planned public service facilities;*
- d) development will be directed to settlement areas, except where the policies of this Plan permit otherwise;*

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

- a) feature a diverse mix of land uses, including residential and employment uses, and convenient access to local stores, services, and public service facilities;*
- b) improve social equity and overall quality of life, including human health, for people of all ages, abilities, and incomes;*
- c) provide a diverse range and mix of housing options, including second units and affordable housing, to accommodate people at all stages of life, and to accommodate the needs of all household sizes and incomes;*
- d) expand convenient access to:*
  - i. a range of transportation options, including options for the safe, comfortable and convenient use of active transportation;*
  - ii. public service facilities, co-located and integrated in community hubs;*
  - iii. an appropriate supply of safe, publicly-accessible open spaces, parks, trails, and other recreational facilities; and*
  - iv. healthy, local, and affordable food options, including through urban agriculture;*
- e) provide for a more compact built form and a vibrant public realm, including public open spaces;*
- f) mitigate and adapt to climate change impacts, improve resilience and reduce greenhouse gas emissions, and contribute to environmental sustainability; and*
- g) integrate green infrastructure and appropriate low impact development.*

## ANALYSIS

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The Subject Lands are part of the Lundy's Lane Intensification Corridor which is intended for higher density residential intensification. The development proposal supports the achievement of a complete communities vision by providing residential uses on currently vacant lands. The proposed complex, with both 1- and 2-bedroom units, creates an opportunity for a variety of housing options for a range of household types. Location of the site close to community amenities (schools and parks) and local businesses such as nearby commercial uses further implements the complete communities vision.

The proposed development will utilize the existing municipal facilities to service the residential and commercial uses. The site fronts on to Lundy's Lane – which is a transit route, providing convenient access to local stores, employment areas and neighbourhood facilities. The proposal features a compact built form, including private amenity areas, and will improve street presence along Lundy's Lane.

## POLICY

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### **2.2.2 Delineated Built-up Areas**

*1. By the time the next municipal comprehensive review is approved and in effect, and for each year thereafter, the applicable minimum intensification target is as follows:*

*a) A minimum of 50 per cent of all residential development occurring annually within each of the Cities of Barrie, Brantford, Guelph, Hamilton, Orillia and Peterborough and the Regions of Durham, Halton, Niagara, Peel, Waterloo and York will be within the delineated built-up area; and*

*2. Until the next municipal comprehensive review is approved and in effect, the annual minimum intensification target contained in the applicable upper- or single-tier official plan that is approved and in effect as of July 1, 2017 will continue to apply.*

## ANALYSIS

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The Subject Lands are located within the Built-up Area of Niagara Falls as per Schedule 2 of the Growth Plan. Accordingly, Niagara Region is targeting 60% of all new residential growth to be within the Built-up Area (Policy 2.2.2.5 of Niagara Official Plan), conforming with Policy 2.2.2.1 a) of the Growth Plan. The proposed development will provide residential intensification in Niagara Falls in an area planned for growth and development. It will utilize the existing municipal water and sanitary services, subject to the conditions outlined in the supporting study. Lastly, the Subject Lands proximity to neighbourhood facilities and proposal to include retail spaces will enable the development to support the achievement of complete communities within the area.



### 5.3.2. Employment

Section 2.2.5 of the Growth plan provides policy direction towards employment uses. The following applies to the proposed development:

#### **POLICY**

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##### **2.2.5 Employment**

*3. Retail and office uses will be directed to locations that support active transportation and have existing or planned transit.*

*4. In planning for employment, surface parking will be minimized and the development of active transportation networks and transit-supportive built form will be facilitated.*

*15. The retail sector will be supported by promoting compact built form and intensification of retail and service uses and areas and encouraging the integration of those uses with other land uses to support the achievement of complete communities.*

#### **ANALYSIS**

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The proposed development includes area for commercial uses within a mixed-use structure supporting active transportation networks. Parking is provided via an underground parking structure and surface spaces located at the rear of the building ensuring appropriate screening of all parking.

### 5.3.3. Housing

The policies of Section 2.2.6 include policies pertaining to housing. The following applies to the proposed development:

#### **POLICY**

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##### **2.2.6 Housing**

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

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

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

*b) identify mechanisms, including the use of land use planning and financial tools, to support the implementation of policy 2.2.6.1 a);*

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

*2. Notwithstanding policy 1.4.1 of the PPS, 2014, in implementing policy 2.2.6.1, municipalities will support the achievement of complete communities by:*

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

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

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

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

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

## **ANALYSIS**

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As mentioned previously, the Subject Lands are designated Tourist Commercial as per Schedule A – Land Use Plan of the City's Official Plan. The proposed residential use is permitted in this designation as per Part 2 Section 4.2.9 of the Local Official Plan.

Per Part 1 Section 3.9 of the City's Official Plan, the west end of Lundy's Lane is envisioned as an Intensification Corridor. The proposed development will provide 184 dwelling units at buildout. The proposal will facilitate a higher density residential development by achieving a density of approximately 205 dwelling units per net hectare. The development will provide a range of homeownership options by way of 1- and 2-bedroom units. Further, the development incorporates accessible units from the second to eighth floors. The proposed housing options will enable people of all ages and abilities to live in this community. Being located close to transit, neighbourhood facilities and employment opportunities, the proposed development will contribute to the creation of complete communities.

### **5.3.4. Transportation & Servicing**

The policies of Section 3 provide direction pertaining to infrastructure. The following applies to the proposed development:

## **POLICY**

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### **3.2.3 Moving People**

4. *Municipalities will ensure that active transportation networks are comprehensive and integrated into transportation planning to provide:*

*a) safe, comfortable travel for pedestrians, bicyclists, and other users of active transportation; and*

*b) continuous linkages between strategic growth areas, adjacent neighbourhoods, major trip generators, and transit stations, including dedicated lane space for bicyclists on the major street network, or other safe and convenient alternatives.*

## **ANALYSIS**

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The Subject Lands are located on a transit route which will provide connections to the City's downtown core and the tourist areas. The proposed development will be transit supportive, assisting in reducing single-occupancy car trips, and will contribute to a safer and more energy-efficient transportation network. The proposal will also provide area for bike storage at-grade and at the underground level to promote the use of active modes of transportation.

## **POLICY**

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### **3.2.6 Water and Wastewater Systems**

2. *Municipal water and wastewater systems and private communal water and wastewater systems will be planned, designed, constructed, or expanded in accordance with the following:*

*a) opportunities for optimization and improved efficiency within existing systems will be prioritized and supported by strategies for energy and water conservation and water demand management;*

*b) the system will serve growth in a manner that supports achievement of the minimum intensification and density targets in this Plan;*

*c) a comprehensive water or wastewater master plan or equivalent, informed by watershed planning or equivalent has been prepared to:*

*i. demonstrate that the effluent discharges and water takings associated with the system will not negatively impact the quality and quantity of water;*

*ii. identify the preferred option for servicing growth and development, subject to the hierarchy of services provided in policies 1.6.6.2, 1.6.6.3, 1.6.6.4 and 1.6.6.5 of the PPS, 2020, which must not exceed the assimilative capacity of the effluent receivers and sustainable water supply for servicing, ecological, and other needs; and*

*iii. identify the full life cycle costs of the system and develop options to pay for these costs over the long-term.*

*d) in the case of large subsurface sewage disposal systems, the proponent has demonstrated attenuation capacity; and*

### **3.2.7 Stormwater Management**

*1. Municipalities will develop stormwater master plans or equivalent for serviced settlement areas that:*

*b) protect the quality and quantity of water by assessing existing stormwater facilities and systems;*

*c) characterize existing environmental conditions;*

*d) examine the cumulative environmental impacts of stormwater from existing and planned development, including an assessment of how extreme weather events will exacerbate these impacts and the identification of appropriate adaptation strategies;*

*e) incorporate appropriate low impact development and green infrastructure;*

*f) identify the need for stormwater retrofits, where appropriate;*

*g) identify the full life cycle costs of the stormwater infrastructure, including maintenance costs, and develop options to pay for these costs over the long-term; and*

*h) include an implementation and maintenance plan.*

*2. Proposals for large-scale development proceeding by way of a secondary plan, plan of subdivision, vacant land plan of condominium or site plan will be supported by a stormwater management plan or equivalent, that:*

*a) is informed by a subwatershed plan or equivalent;*

*b) incorporates an integrated treatment approach to minimize stormwater flows and reliance on stormwater ponds, which includes appropriate low impact development and green infrastructure;*



*c) establishes planning, design, and construction practices to minimize vegetation removal, grading and soil compaction, sediment erosion, and impervious surfaces; and*

*d) aligns with the stormwater master plan or equivalent for the settlement area, where applicable.*

## **ANALYSIS**

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Water, sanitary sewer services, and stormwater management will be implemented in accordance with the recommendations of the Functional Servicing & Stormwater Management Report, prepared by Scott Llewellyn & Associates. The report addresses the City's and the Region's requirements for water, sewer, and stormwater servicing. The proposed development can be adequately serviced and can be designed to meet the City of Niagara Falls objectives. Sufficient stormwater storage is provided on the surface of the asphalt parking lot to contain the 5-year storm event. The site is proposed to have a 31% landscape cover which will provide sufficient surface for on-site water percolation.

### **5.3.5. Climate Change**

The policies of Section 4.2.9 provide direction pertaining to climate change. The following applies to the proposed development:

## **POLICY**

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### **4.2.9 Climate Change**

*1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with other provincial plans and policies for environmental protection, that will include:*

*a) supporting the achievement of complete communities as well as the minimum intensification and density targets in this Plan;*

*b) reducing dependence on the automobile and supporting existing and planned transit and active transportation;*

*c) assessing infrastructure risks and vulnerabilities and identifying actions and investments to address these challenges;*

*d) undertaking stormwater management planning in a manner that assesses the impacts of extreme weather events and incorporates appropriate green infrastructure and low impact development;*

*e) recognizing the importance of watershed planning for the protection of the quality and quantity of water and the identification and protection of hydrologic features and areas;*

*h) providing direction that supports a culture of conservation in accordance with the policies in subsection 4.2.9; and*

*i) any additional policies to reduce greenhouse gas emissions and build resilience, as appropriate, provided they do not conflict with this Plan.*

## **ANALYSIS**

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The proposed retail and residential uses will make efficient use of the existing services, and implement the planned uses and function identified by the City. Location of the development and proximity to Regional transit services will promote the use of active modes of transportation to places where people can work, study, shop, and play. The proposal will also implement bike parking provisions to further enable active transportation for residents and visitors. Therefore, the proposed use and density will contribute to the achievement of complete communities in the area and will support reduced dependence on automobiles, a key action that supports climate change mitigation. The proposed development exhibits a compact built form, optimizing site design, reducing the need for surface parking, and increasing opportunities for permeable surfaces to allow rainwater infiltration. The Stormwater Management Report prepared by Scott Llewellyn & Associates recommends strategies for controlling the quantity and quality of the stormwater by way of a stormwater storage and orifice plate before discharging runoff to the existing storm sewers along Garner Road and Lundy's Lane.

## **SUMMARY OF ANALYSIS FOR GROWTH PLAN (2020)**

The Growth Plan for the Greater Golden Horseshoe (2020) provides a policy framework to inform where and how the Region will grow. The Growth Plan promotes better use of land and infrastructure by:

- Directing growth to settlement areas;
- Prioritizing intensification;
- Providing new economic and employment opportunities; and,
- Promoting the use of active transportation.

The Subject Lands are located within the delineated Built-up Area of the City of Niagara Falls, where municipal infrastructure is available. The proposed development can be adequately serviced by the existing municipal water and sanitary systems and achieves the stormwater management requirements of A Place to Grow.

The proposed development is located within an Intensification Corridor of Niagara Falls. The development will be a residential density of approximately 205 units per net hectare, by way of a 10- storey complex. The proposed development is located within the delineated Built-up Area and supports the achievement of complete communities, housing choice, as well as the minimum intensification targets set for the Region of

Niagara. The proposed uses are compatible with the existing surrounding uses and the planned function of the area.

Based on the analysis undertaken for this section, the proposal conforms with the policies set out in the Growth Plan (2019) related to managing growth, directing growth to built-up areas, housing, and servicing.

#### 5.4 Niagara Official Plan (2022)

The Niagara Official Plan (NOP) is intended to manage growth coming to Niagara by influencing economic, environmental, and planning decisions until 2051 and beyond.

**Table 5.4.1 – NOP Schedules and Designations of Subject Lands**

SCHEDULE	SUBJECT LAND DESIGNATION
<b>B – Regional Structure</b>	Delineated Built-up Area
<b>J1 – Transportation infrastructure</b>	Lundy's Lane is a Regional Road
<b>J2 – Strategic Cycling Network</b>	Lundy's Lane is identified as part of the Strategic Cycling Network
<b>K – Areas of Archaeological Potential</b>	Subject Lands are an identified area for archaeological potential

##### 5.4.1. Managing Growth

Section 2.2.1 of the NOP provides policy direction regarding managing urban growth within the region. The following policies apply:

#### **POLICY**

*2.2.1.1 Development in urban areas will integrate land use planning and infrastructure planning to responsibly manage forecasted growth and to support:*

*b) a compact built form, a vibrant public realm, and a mix of land uses, including residential uses, employment uses, recreational uses, and public service facilities, to support the creation of complete communities;*

*c) a diverse range and mix of housing types, unit sizes, and densities to accommodate current and future market-based and affordable housing needs.*

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

*i. a range of transportation options, including public and active transportation;*

*e) built forms, land use patterns, and street configurations that minimize land consumption, reduce costs of municipal water and wastewater systems/services, and optimize investments in infrastructure to support the financial well-being of the Region and Local Area Municipalities;*

*f) opportunities for transit-supportive development pursuant to Policies 2.2.17, 2.2.2.18 and 2.2.2.19...*

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

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

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

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

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

## **ANALYSIS**

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The Subject Lands are within the Delineated Built-up Area of the City of Niagara Falls and are located along the Lundy's Lane Intensification Corridor. The property is accessible via an existing transit route and fronts on an arterial road and regional road (Garner Road and Lundy's Lane, respectively), which will enable the development to align with the intent of the Region to direct residential intensification through strategically located corridors. Furthermore, in compliance with Policy 2.2.2.5, the proposed development aims to contribute to the fulfillment of the Regional minimum requirement of 60 percent of all residential units annually occurring within Built-up Areas. This will be achieved by attaining a density of approximately 205 units per net hectare. This increase in density in conjunction with the mixed-use nature of the proposal achieves the goals of complete communities.

The development will be 10 storeys in height accommodating 184 dwelling units. The proposal is at a higher density and was found to be compatible with the surrounding land uses.

Proximity to the existing transit facilities, implementation of sidewalk connections and provision of bicycle parking within the site will render the proposed development to be transit-supportive and active transportation supportive. Lastly, the proposed development will utilize and optimize the use of existing municipal sanitary and water services.

#### 5.4.2. Strategic Intensification and Higher Densities

Section 2.2.2 of the NOP provides policy direction regarding intensification, as follows:

#### **POLICY**

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

- b) areas with existing or planned public service facilities;*
- c) other locations with existing or planned transit service, with a priority on areas with existing or planned frequent transit; and*

*2.2.2.6 Local Area Municipalities shall establish intensification targets in their official plans that meet or exceed the targets identified in Table 2-2 (Table 2-2 identifies 10,100 units and a 50% intensification rate for Niagara Falls).*

*2.2.2.9 Local Area Municipalities may apply different intensification targets throughout their built-up area, provided the overall minimum intensification target in Table 2-2 for their municipality is planned to be achieved.*

*2.2.2.10 Local intensification strategies shall be implemented through Local official plans, secondary plans, zoning by-laws, and other supporting documents that identify:*

- a) development standards to support the achievement of complete communities, permit and facilitate a compact built form and all forms of intensification throughout the built-up area, and avoid or mitigate risks to public health and safety;*
- c) other major opportunities for intensification, such as infill, redevelopment, brownfields, and the expansion or conversion of existing buildings and greyfield sites; and*

#### **ANALYSIS**

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The proposed development is considered to be intensification as promoted in the NOP and would contribute to meeting Regional intensification targets for the City of Niagara Falls. The proposed development would facilitate appropriate development standards to



support the achievement of complete communities and facilitate compact built form. For these reasons, the proposed development conforms with Section 2.2.2 of the NOP.

### 5.4.3. Housing

Section 2.3.1 of the NOP provides policy direction regarding housing within the region. The following policies apply:

#### **POLICY**

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

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

*a) facilitating compact built form;*

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

#### **ANALYSIS**

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The proposed development would facilitate the development of dwelling units with several unit sizes, contributing to the range and mix of housing densities and types. This form of residential development also conforms with policies encouraging compact built form. Further, the provision of wheelchair accessible units will enable people of all ages and abilities to live in their community as long as possible.

### 5.4.4. Multimodal Transportation System

Section 5.1 of the NOP identifies policies regarding the provision of a multimodal transportation system that allows all users to travel in a safe, accessible, convenient, and affordable manner regardless of their chosen method of transportation. The following policies apply:

#### **POLICY**

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*5.1.1.4 Local Area Municipalities shall consult with the Region and/or the Province to ensure decisions on development applications will not preclude or negatively affect the use of planned corridors for the purpose(s) for which it was identified.*

*5.1.5.1 As conditions of the approval of a development application under the Planning Act:*

*a) the Region may acquire land from the landowner required for the road allowance as identified in Schedule M, at no cost to the Region and free of all encumbrance, encroachments, and improvements unless otherwise agreed to by the Region*

*5.1.5.6 Where new development for a sensitive land use is adjacent to a Regional Road, the Region will consider the need for a noise study or noise control measures to address traffic noise as per Provincial guidelines.*

## **ANALYSIS**

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The Subject Lands are located along the Strategic Cycling Route as per Schedule J2 of the Niagara Official Plan (see Appendix A – Regional Schedules). Lundy's Lane is part of this route. The proposed development will utilize the proximity to the Regional bicycling network to utilize active transportation, reduce the need for single-occupancy vehicle trips, and support a multi-modal transportation system.

The existing width of Lundy's Lane (RR No. 20) was assessed as part of the pre-consultation meeting. No road widening was requested from the Lundy's Lane frontage. No driveway access for vehicles is proposed to/from Lundy's Lane.

A Noise & Vibration Study was conducted by RWDI to address potential concerns due to proximity of the Subject Lands to the arterial roads and the CN Freight Line. The report indicates that all the proposed units in the development can meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. The CN Freight Line was identified to be sufficiently setback not to cause any significant noise and vibrational concerns. The development will be constructed as per the recommended mitigation measures, as outlined in the report. Further conclusions and recommendations of the report can be found in Section 4.5 – Noise & Vibration Study of this report.

### **5.4.5. Infrastructure Planning, Development, and Asset Management**

Section 5.2.1 of the NOP identifies policies regarding infrastructure planning. The following policies apply:

## **POLICY**

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*5.2.1.1 Infrastructure planning, development, and asset management shall be undertaken in support of the growth management policies of this Plan to promote sustainability and the achievement of complete communities.*

*5.2.1.5 Before consideration is given to developing new infrastructure, the Region and Local Area Municipalities shall optimize the use of*

*existing infrastructure, and plan and direct growth, in a manner that promotes efficient use of existing services.*

## **ANALYSIS**

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The proposed development will have services constructed in accordance with the recommendations of Scott Llewellyn's Functional Servicing & Stormwater Management Report. The report indicates that the proposed development can be constructed to meet the City of Niagara Falls objectives, subject to the recommendations outlined in the report.

### **5.4.6. Archaeology**

Section 6.4 of the NOP identifies policies regarding archaeology. The following policies apply:

## **POLICY**

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*6.4.2.1 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved or the land has been investigated and cleared or mitigated following clearance from the Province.*

*6.4.2.6 Where a site proposed for development is located within an area of archaeological potential, the Local Area Municipality shall circulate the application and a Stage 1 Archaeological Assessment by a licensed archaeologist, as well as a Stage 2 Assessment, where required, to the Region as part of a complete application. This policy applies when any part of a development application falls within an area of archaeological potential as identified on Schedule K and will be addressed as early as possible in the planning process. For lands located outside a settlement area boundary where site alteration or development will not affect the entire property, the archaeologist may consult with the Province on a property-by-property basis to determine if these areas can be exempt or the assessment can be scoped.*

## **ANALYSIS**

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Schedule K of the Niagara Official Plan identifies the Subject Lands as having high potential for archaeological resources. A Stage 1 and 2 Archeological Property Assessment was completed by AMICK concluding that the Subject Lands are clear of any archeological concerns. As part of the recommendations, the report notes that no further assessment of the study area is warranted. The Archaeological Assessment report has been enclosed with this submission.

The findings have been submitted to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI). The Subject Lands have been entered into the Register and a letter of acknowledgement, dated May 11, 2023, has been received.

## **SUMMARY OF ANALYSIS FOR NIAGARA OFFICIAL PLAN (2022)**

The NOP is a long-range, region-wide planning document that directs where intensification in the form of compact, mixed-use, transit-supportive development is to take place in built-up urban areas. The proposed development prioritizes lands available for growth within the Built-up Area of the City. The proposal is residential intensification on lands that are within a City-designated intensification area. The proposed 184 residential units will contribute toward the minimum Intensification target of 50% for the City of Niagara Falls. The enclosed Noise Study confirms all the proposed units in the development can meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. An archaeological assessment confirms there are no archaeological findings identified on the property.

Based on the analysis undertaken for this Planning Justification Report, the proposed development conforms with the Niagara Official Plan (2022) regarding managing growth and providing housing and infrastructure.

### **5.5 Niagara Falls Official Plan**

The Niagara Falls Official Plan (NFOP) has a 20-year vision outlining long term objectives and policies of the City concerning the growth and development of urban lands and the provision of necessary infrastructure. It is the intent of this Plan to focus new growth to accommodate people and jobs in a sustainable manner that makes for an orderly and effective use of land and infrastructure and creates compact and livable communities.

The following are Growth Objectives for the City relevant to the proposal:

- *To direct growth to the urban area and away from non-urban areas*
- *To support increased densities, where appropriate, and the efficient use of infrastructure within the Built-Up section of the urban area.*
- *To meet the targets as established by the Province through the Greater Golden Horseshoe Growth Plan and through the Region of Niagara Comprehensive Review.*
- *To accommodate growth in accordance with the household, population and employment forecasts of the Region's Comprehensive Review.*
- *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.*
- *To encourage alternative forms of transportation such as walking, cycling and public transit.*
- *To develop a transit and pedestrian friendly, sustainable and livable City through the use of urban design criteria and guidelines.*

**Table 5.5.1 – City Official Plan Schedules & Designations of Subject Lands**

SCHEDULE	SUBJECT LAND DESIGNATION
<b>A – Future Land Use</b>	Tourist Commercial
<b>A2 – Urban Structure Area</b>	Lundy's Lane Intensification Corridor
<b>B – Phasing Plan</b>	Existing Municipal Servicing Area
<b>C - Roads</b>	Lundy's Lane and Garner Road are Arterial Roads
<b>E – Tourism District</b>	Lundy's Lane Satellite District

### 5.5.1. Strategic Growth and Intensification

Part 1 of the NFOP provides policy strategic policy direction regarding intensification with the municipality. The following policies apply:

#### **POLICY**

#### ***Part 1 Plan Overview and Strategic Direction***

#### ***Section 2 Strategic Policy Direction***

*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*

#### ***Section 3 Intensification***

*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 A2(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.*

*3.5 Intensification Corridors contain lands that front onto arterial roads and have the attributes conducive to supporting medium or high density residential redevelopment over the long term. Lands with frontage directly onto these corridors may be considered for residential use.*



3.9 The portion of Lundy's Lane to the west of Montrose Road is identified as an intensification corridor on Schedule A-2 to this Plan as this section is characterized by large lots capable of supporting intensification at varying levels. Intensification may take the form of:

- a) tourist commercial redevelopment that capitalizes on, and expands upon, the existing tourism infrastructure. Uses that serve as attractors, as well as indoor and outdoor recreational facilities, are encouraged;
- b) local-serving commercial uses which should be clustered in proximity to the intersections of Montrose Road and Kalar Road; and
- c) residential uses in accordance with the policies of Part 2, Section 4.2.31.

## **Part 2 Land Use Policies**

### **Section 1 Residential**

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 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.

## ANALYSIS

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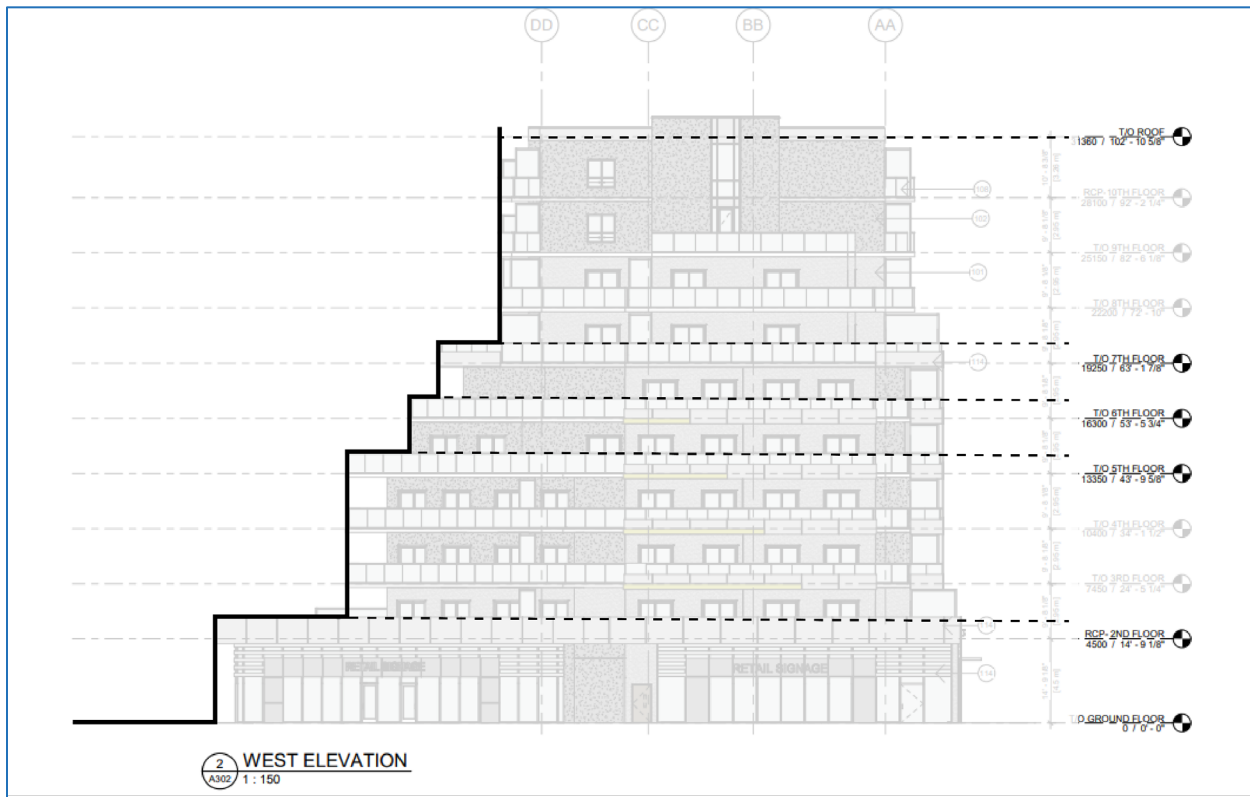
The Subject Lands are located within the Urban Area Boundary and are identified within the Built-up Area as per Schedule A2 – Urban Structure Plan of the NFOP (see Appendix B – City Schedules). The site is also part of the Lundy's Lane Intensification Corridor which is envisioned to have tourist commercial development, local-serving commercial uses and residential uses.

Although the Subject Lands are designated Tourist Commercial, Section 3.2 requires development to meet the density provisions of Part 2 Section 1.15.5 (iii) of the City Official Plan. As per Section 1.15.5 (iii) the proposed housing form – apartments, with a maximum height of 6 storeys, can be developed up to a maximum net density of 100 units per hectare. The proposed density for the development is approximately 205 units per net hectare, which is higher than the maximum indicated in Section 1.15.5 (iii). The proposed housing form will add to the mix of housing, efficiently utilize the currently vacant lands, and achieves the vision for the intensification corridor. As such, the NFOP encourages development within the Built-up Area to be at a higher density that what currently exists in the neighbourhood.

Section 1.15.5 (iii) requires such developments to be along arterial roads. The Subject Lands are a corner lot, abutted by two arterial roads – Garner Road and Lundy's Lane. Further, the development complies with the other policy requirements of Section 1.15.5 (iii) as follows:

Architectural treatments: The proposal incorporates stepback features at the 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> storeys to reduce massing when viewed from the public street, as shown in Figure 3 below.

*Figure 5.5.1. West side Elevation showing building stepbacks*



**Yard Setbacks:** For rear yard setbacks, the Official Plan policy states that the “rear yard setbacks should be equal to building height”. In this case, the proposed setback is 53.4 metres (where building height is 36 metres). Additionally, the proposed rear yard setback meets the requested parent TC zone requirement of 10 metres.

Setback for the “interior side yards shall be appropriate for the building height proposed in relation to abutting land uses”, as per the Official Plan policy in Section 1.15.5 (iii). The development currently abuts a campground to the north and east and is bounded by arterial roads to its south and west. The building is located closer to the south lot line, where the interior side yard along the east lot line is 3.6 m at the pinch point. It is our opinion that the proposed 3.6-metre side yard setback is appropriate as the distance complies with the requested parent TC zone, which does not require an interior side yard setback where the side lot line does not abut a residential, institutional or open space zone.

**Street Frontage:** The development is also designed to create a street presence along Lundy's Lane by orienting the building towards the roadway, providing commercial uses conveniently accessible by walkway links to the municipal sidewalk, and suitable landscaping along the street front.

**Parking:** The majority of the parking is provided in an underground structure and to the rear of the development, in accordance with the Official Plan policy. Landscaping is also proposed to reduce visibility of parking spaces from the street, as shown in James McWilliam's Conceptual Landscape Plan.

## 5.5.2. Tourist Commercial Policies

Part 2 Section 4 of the NFOP provides direction regarding tourist commercial uses. The following policies apply:

### **POLICY**

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#### **Part 2 Land Use Policies**

#### **Section 4 Tourist Commercial**

#### **4.1 The Niagara Falls Tourist Area Vision**

##### *Building Quality And The Emerging Skyline*

*4.1.23 The skyline of Niagara Falls shall continue to be characterized by the three existing viewing towers. New high-rise buildings shall be of variable heights and mass and shall not form a continuous wall when viewed from Queen Victoria Park, the U.S. side or the City of Niagara Falls. To achieve these objectives, any proposal to exceed 4 storeys in height shall be considered by zoning by-law amendment on a site specific basis.*

*4.1.24 A system of built-form regulations in the Tourist Area shall be established, based on the following principles:*

*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;*

*f) All applications for additional building heights will be treated on a quidproquo basis wherein the developer agrees to provide public realm improvements;*

#### **4.2 Tourist Districts**

*4.2.3 The Lundy's Lane Satellite District is a multi-functional commercial area catering to both City residents and tourists. A portion of the District also provides opportunities for cultural heritage preservation.*

4.2.9 Residential uses may be permitted throughout lands designated Tourist Commercial either as standalone or mixed use buildings in order to assist in creating a complete community in accordance with the policies of this section and PART 1, Section 3.

*Lundy's Lane Satellite District*

4.2.26 The Lundy's Lane District is envisioned over the long term as a primarily tourist commercial corridor existing compatibly with local-serving commercial facilities and residential uses.

4.2.29 An attractive streetscape for the Lundy's Lane Satellite District shall be sought through the provision of:

- a) a uniform building setback, closer to the street line with a consistent landscaped setback;
- b) a consolidation of vehicular access points on site and with neighbouring properties where possible; and,
- c) front yard surface parking limited to one row, with additional parking provided to the rear of buildings.

4.2.30 The Lundy's Lane Satellite District interfaces primarily with residential lands north and south. To lessen potential land use conflicts with the residential lands, commercial development shall be designed in accordance with the following:

- a) screening and buffering is to be provided adjacent to residential lands through a combination of fencing and landscaping;
- b) loading areas should be located within interior side yards;
- c) garbage and recycling materials should be stored within fully enclosed structures;
- d) access ramps onto intersecting roads should be located as far from the residential interface as possible; and
- e) any signage should not be illuminated when facing residential lands.

4.2.31 The following policies shall apply to development proposals for residential intensification within the intensification corridor:

- a) Residential uses may be in the form of standalone buildings, located and designed such that they do not interrupt the continuity of the existing tourist commercial development, or as part of multiple use buildings. Within multiple use buildings, commercial



*uses shall be designed to avoid conflict with residential uses in the building and oriented such that they provide a pedestrian presence along the street.*

*b) Developments shall engage the street through the use of unit frontages, podiums, porte cocheres, landscaping or by locating amenity space within the building close to the street.*

*c) Residential uses may develop to a maximum building height of 6 storeys, with a maximum net density of 100 units per hectare and a minimum net density target of 50 units per hectare.*

*d) Building heights shall respect surrounding building heights site specifically by increasing separation distances from buildings of lower height and from public open spaces.*

*e) Buildings should be sited such that rear yard setbacks are equal to building height and interior side yards are appropriate for the building height proposed in relation to abutting land uses;*

*f) Parking is encouraged to be provided within parking structures that are integrated with the development. Parking structures shall have active pedestrian uses or residential units when abutting street frontages.*

*g) 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.*

*h) Reductions in the parking standard, and shared parking arrangements within multiple use buildings, may be considered through site specific amendments to the Zoning By-law when accompanied by a parking demand analysis that is satisfactory to the Director of Planning, Building and Development in consultation with Transportation Services.*

*i) Developments should provide pedestrian connections to the surrounding neighbourhood where possible.*

*j) Amenity space is to be provided for residential uses and may take the form of:*

- private on-site green space;*
- balconies and roof-top green space; or*

- *public open space, in proximity to the subject development, or cash-in-lieu, pursuant to the provisions of the Planning Act, that will assist in the creation of public open space in the District.*

*4.2.32 New developments within the Lundy's Lane Satellite District shall be consistent with Section 4.3.7 of this Plan with respect to the relationship of new developments to public streets and open spaces and Sections 4.4.2 through 4.4.8 with respect to the development's built form.*

## ANALYSIS

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As previously identified, the Subject Lands are designated Tourist Commercial, as per Schedule A – Future Land Use of the NFOP (see Appendix B – City Schedules). The Subject Lands are located within the Lundy's Lane Satellite District of Niagara Falls. The proposed mixed-use residential development is permitted on the property, in accordance with Section 4.2.9 of the NFOP.

In speaking to the policies of Section 4.2.29, the proposed development maintains uniform building setbacks from both Garner Road and Lundy's Lane. As retail entrances also exist along both roads, there will be a consistent landscape setback which will increase visual uniformity. Moreover, there is only one vehicular access proposed from Garner Road. This will allow for streamlining of traffic and minimize any congestion on Lundy's Lane. Lastly, all the parking has been provided to the rear of the property and in the underground level.

With regards to Section 4.2.30, even though the proposed development does not interface with residential lands on either side as described in Section 2 this report, the following measures have been implemented:

- The proposed loading bay is located right behind the building for convenient access to the at-grade commercial uses.
- Waste and recycling will be stored in a room within the building footprint and fully enclosed.

When considering policies of Section 4.2.31, the following features have been illustrated on the site plan:

- The residential component of the development will be located above-grade in the proposed multi-use building. To avoid conflict with the at-grade commercial spaces, separate residential entrances are provided at the front and back of the building, conveniently accessible to elevators, parking areas, bike storage rooms and other amenities for residential purposes.
- All six commercial spaces have street frontage, and their presence is enhanced by including higher ceilings, use of architectural materials that promotes visual connection, appropriate signages and suitable landscaping along the front.

- Section 4.2.31 c) permits a maximum building height of 6 storeys, with a maximum density of 100 units per hectare. The proposed development is for a 10-storey building at a residential density of 205 units per net hectare. A site-specific Official Plan and Zoning By-law Amendment is being requested to increase the height and density requirements for the Subject Lands.
- The location and massing of the proposed building is not anticipated to cause any concerns to the abutting land uses. As previously mentioned, the proposed rear yard and interior side yard setbacks comply with the parent TC zone. NPG conducted a review of the Shadow Study, concluding the shadow impacts caused by the proposed development on the nearby commercial and industrial uses are not considered significant. Additionally, shadowing impacts along the public realm are expected to be minimal and there are no residential uses in the immediate vicinity of the Subject Lands. Further details of the Shadow Study can be found in Section 4.10 of this report.
- Parking for the development is carefully located to the rear of the building and in the underground level. There are no spaces visible from the Lundy's Lane frontage. Adequate parking has been provided for both the residential and commercial uses. Please refer to Section 8 of this report for further details on the requested parking standard.
- All units will be provided with private amenity areas in the form of balconies and/or private terraces.

Relevant policies mentioned in 4.4.2 – 4.4.8 are elaborated in the following section of this report.

## **POLICY**

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### **4.4 High-Quality Private Development**

*4.4.1 High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built-form regulations consistent with Section 4.1.24 of this Plan.*

*4.4.2 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."

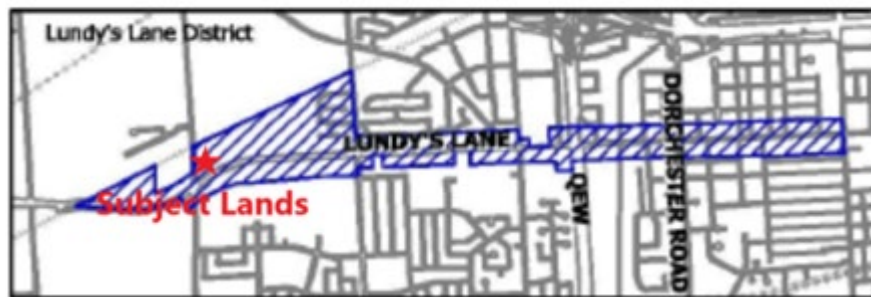
4.4.3 In order to provide reasonable flexibility in the regulation of building heights, general parameters for building heights will be established rather than strict height limits. In this regard, the following parameters will apply:

High-rise 13 To 30 storeys

Medium-rise 9 to 12 storeys

Low-rise 5 to 8 storeys

## HEIGHT STRATEGY



4.4.4 In approving zoning by-law amendments permitting increases in building heights, Council shall authorize the use of Section 37 of the Planning Act and enter into legal agreements under that Section to ensure that all street frontages are improved including sidewalks, the planting of street trees, the provision of street furniture and the provision of landscaped open space

### Massing Of New Development

4.4.6 High-rise developments shall not overwhelm the public realm, nor shall they collectively create a solid wall at the top of the escarpment. The intention is to permit tall buildings to be built but to reduce their massing and visual impact as they become taller and to provide appropriate gaps between them. At lower levels, buildings will be permitted to develop to the property line in order to enhance street level activities.

4.4.7 Additional skyline elements compete with the Falls for visual attention and should be added with great care. To this end, Design Criteria for High Rise Buildings shall be implemented for all development projects over four storeys in height based on the following principles.

*a) to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;*

*b) to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian-scale design;*

*c) to ensure that high-rise buildings are appropriately set back and stepped back from the street level in order to mitigate adverse wind impacts and excessive shadowing on City streets;*

*d) to ensure that building mass is reduced above the four-storey podium level and again at the 15-storey level so that no single building dominates the skyline, and that appropriate gaps are maintained between buildings;*

*e) to minimize adverse impacts on residential areas.*

*4.4.8 Regulating the scale and massing of buildings, as described in policy 4.4.7, will be implemented through the adoption of site specific zoning provisions for individual development projects.*

## **ANALYSIS**

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In accordance with Part 2 Section 4.4.2, the proposed height of 10 storeys is greater than the maximum permitted 6 storeys. The proposed height will be implemented as per the amending site-specific Zoning By-law, in accordance with Part 2 Section 4.4.3.

As mentioned previously, the proposal includes landscape treatments as part of the streetscape, which can be reviewed in the conceptual Landscape Plan prepared by James McWilliam and Associates. The development promotes street presence by orienting the building towards Lundy's Lane and providing walkable links to the municipal sidewalk. Further analysis of the design implementation can be found in Section 6 of this report.

Although the building does not exceed 10 storeys, wind and shadow studies have been conducted and enclosed with this submission. RWDI's wind study concludes that several wind-responsive features of the building and landscaping design are favourable towards reducing the potential for significant wind impacts. The Shadow Study prepared by SAPLYS Architects and assessed by NPG confirms there are no significant shadowing impacts on the neighbouring uses and the public realm. There are no residential uses in the immediate vicinity of the Subject Lands to cause any adverse wind or shadowing impacts.

In assessing Section 4.4.7 policies, the following measures have been implemented:

- The proposed development at 10-storeys is not anticipated to cause any significant impacts to the Niagara Falls skyline due to its distance from the central tourist commercial district.
- The proposal implements several step backs throughout the height of the building to reduce massing along the Lundy's Lane public realm (deemed as the property



frontage at pre-consultation). The proposal incorporates stepback features at the 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> storeys to reduce massing when viewed from the public street.

- At-grade commercial uses, landscaping and walkable links to the municipal sidewalk enhance the pedestrian environment at the street level.

## POLICY

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### 4.5 Parking

*4.5.3 With the emphasis of this Plan on improving the public realm, it is important that parking facilities be designed in an aesthetically pleasing manner. The following design strategies will be adopted:*

- a) As parking areas are highly visible and tend to detract from the pedestrian environment, this Plan encourages active uses other than parking at the street level;*
- b) Where surface parking is provided, it shall be screened from the public street by appropriate setbacks and landscaping;*
- c) Where structured parking is provided, publicly-accessible uses should be incorporated at grade level to enhance the street environment. Alternatively, setbacks and landscaping shall be provided to visually screen the parking structure;*

## ANALYSIS

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The development proposes a total of 283 parking spaces on site to accommodate the proposed commercial and residential uses. A total of 308 parking spaces are required on site as per the parking rates outlined in Zoning By-law 79-200 Section 4.19.1 (a). The reduction in parking rate is appropriate as the site is located along an existing transit route, and planning for higher levels of active transportation modes of travel. In addition, the development includes short-term and long-term bicycle parking spaces further implementing active transportation options. Further information on the parking calculations is provided in Section 9.0 – Proposed Zoning By-law Amendment in this report.

The development incorporates underground parking that will reduce car parking areas at grade and increase on-site landscaping. The surface parking is sufficiently screened from the Lundy's Lane frontage due to the siting of the proposed building. Although parking is visible from Garner Road, the spaces are further setback within the property, away from main road and screened to a degree through the proposed landscape treatments illustrated on James McWilliam's Landscape Plan.

## POLICY

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## **4.6 Planning Implementation**

### *Zoning By-Law Amendments*

*4.6.4 Given the focus of this Plan on built-form regulations and the greening of the Tourist Area, applicants for rezoning shall be required to submit a detailed set of prescribed information, describing the proposed building, site planning and landscaping. Council shall prepare a Rezoning Application Guide, which will set out in detail the full requirements of any applicant for rezoning in the Tourist Area.*

## **ANALYSIS**

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A Zoning By-law amendment is being sought to rezone the lands from Tourist Commercial to Site-specific Tourist Commercial (TC-XX), and the application will be supported by architectural drawings and the required studies prepared by qualified professionals. The full list of required studies and reports is mentioned in Section 3.1 – Pre-Consultation Summary of this report.

### **5.5.3. Servicing**

Part 3 Section 1 of the NFOP provides direction regarding municipal infrastructure. The following policies apply:

## **POLICY**

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### **Part 3 Environmental Management**

#### **Section 1 Municipal Infrastructure**

##### **1.2 Water And Sanitary Sewage**

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

##### **1.3 Storm Drainage**

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

Niagara Region, the Niagara Peninsula Conservation Authority, and other agencies.

## **ANALYSIS**

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As per Schedule B Phasing Plan of the NFOP (see Appendix B – City Schedules), the Subject Lands are within the Existing Municipal Service Area of the City of Niagara Falls. The development can be serviced by the existing water and sanitary sewage services, as per the Functional Servicing Report prepared by Scott Llewellyn & Associates (SLA). Additionally, SLA's Stormwater Management Report provides recommendations for storm servicing that will be designed and constructed to meet the objectives of the City of Niagara Falls. The majority of the stormwater will be captured and controlled by the private storm servicing before controlled release back to the municipal sewer. The plan also recommends measures to minimize erosion, improve stormwater quality and provide stormwater storage during storm events up to and including the 5-year event.

### **5.5.4. Transportation**

Part 3 Section 1.5 of the NFOP provides direction regarding transportation services. The following policies apply:

## **POLICY**

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### **1.5 Transportation**

#### *Rail And Public Transit*

*1.5.11 Where residential or institutional development is proposed in close proximity to operational railway lines, Council shall require the preparation of a noise and vibration impact assessment. If necessary, the assessment shall include measures necessary to achieve acceptable attenuation levels in accordance with Ministry of the Environment, and Railway criteria. The measures may take the form of fencing, increased setbacks, earthberms, tree planting, acoustical insulation, site plans or combinations thereof in order to minimize potential safety hazards and visual, noise and vibration impacts to the satisfaction of the City and the Ministry of the Environment, and in consultation with the appropriate Railway.*

#### *Active Transportation Facilities*

*1.5.16 New development will be encouraged to provide bicycle parking and other facilities to accommodate active transportation. In this regard, the City will provide bicycle facilities within its own buildings.*

#### *Collector And Local Road Network*

1.5.18.4 Arterial Roads - include all roadways under the Region's and City's jurisdiction that are designed to accommodate large volumes of traffic between major land use areas in the City. City Arterial Roads accommodate two to four lanes of traffic and have a general road allowance width of 26 metres.

1.5.23 The dedication of land for roads and rights-of-way improvements will conform to prescribed Provincial and Regional standards. Where lands are required for road construction or widening, such lands shall be conveyed to the appropriate public body as a condition of site plan control, consent to sever or plan of subdivision and when such road construction or widening is contemplated on a City-owned road within a five year time space. Road widenings, as identified in Policy 1.4.19, may be required to expand the width of the travelled portion of the roadway, or for servicing locations, including ditches and drains.

1.5.29 In considering plans for development or redevelopment, regard shall be had to the impact of such development on the established road system. The developer, where required by Council, shall furnish facilities to provide access to and from the site including signalization, signing, entrance construction, left-hand turn lanes or any measure which stems from the development or redevelopment and which is necessary in order to maintain an adequate level of service and safety on the established highway system. A transportation study to assess the current and future impact of the development may be required.

1.5.31 Council shall require the preparation of a noise study in accordance with Ministry of the Environment guidelines, where new residential or institutional development is proposed in proximity to major roads.

1.5.33 Where land for road widening is required as a condition of site plan control or lot creation, such land shall be acquired equally from both sides of the road as measured from the centreline wherever feasible. Where topography, existing or proposed development, utilities or other constraints, necessitate a larger widening on one side, no more than 50 percent of the required widening shall be acquired through the planning application. Additional land may be acquired by other means.

1.5.34 The proposed widths of roads are as follows:

Road	From	To	City Arterial
<b>Garner Road</b>	<b>Mountain Road</b>	<b>Chippawa Creek Rd</b>	<b>26 m</b>

## ANALYSIS

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As part of the pre-consultation requirements, a Noise & Vibration report was prepared by RWDI, to address potential concerns due to the proximity of the Subject Lands to arterial roads and the CN Freight Line. The report indicates that all the proposed units in the development can meet the noise guidelines with respect to transportation sources with appropriate mitigative measures. Next, the CN Freight Line was identified to have no significant vibrational impacts due to the separation distance from the Subject Lands. The development will be constructed per the recommended mitigation measures, as outlined in the report. Further conclusions and recommendations of the report can be found in Section 4.5 – Noise Study of this report.

In support of the City's policies regarding active transportation, the proposed development connects to the existing sidewalk along Lundy's Lane, connecting the development to local businesses, nearest transit stops and other facilities at walkable distance. The proposal also builds on its proximity to planned future bicycle lanes along Lundy's Lane by providing secure bicycle parking within the development for residents and visitors.

Schedule C Major Road Plan of the NFOP (see Appendix B – City Schedules) designates Garner Road as an arterial road. As per the Pre-Consultation Checklist, land for road widening was requested along this street. As per the Table under 1.5.34, Garner Road is required to have a road allowance of 26 metres, which is reflected in the proposed Site Plan in the form of a new property line setback 2.94 metres from the old property line. Lastly, a 9m x 9m visibility triangle is illustrated on the site plan, the final placement of the daylight triangle will be provided at the site plan stage of the application.

#### 5.5.5. Energy Conservation & Environmental Quality

Part 3 Section 3 and Section 6 of the NFOP provides direction regarding energy conservation and environmental quality. The following policies apply:

### **POLICY**

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#### ***Part 3 Environmental Management***

#### ***Section 3 Energy Conservation***

#### ***3.1 Energy Resources***

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

*3.1.2.2 Building orientation and design that maximizes exposure to sunlight.*

*3.1.2.3 High-rise developments located to minimize the physical extent and duration of shadows on surrounding land uses, particularly with respect to lower density residential areas, pedestrian corridors, open*



*space and amenity areas. Special drawings or studies may be required in the assessment of development applications in such cases.*

### **Section 6 Environmental Quality**

*6.2 In order to minimize the effects of development or redevelopment from an environmental perspective, Council may, in consultation with the appropriate public agency, require the proponent to undertake various studies by a qualified professional to ensure protection of the environment and the quality and quantity of surface and ground water features.*

*6.12 Council supports compact, efficient designs, a compatible mix of land uses and the use of alternative or renewable energy, such as solar and wind, to support energy efficiency and improved air quality.*

*6.13 The City supports all efforts to reduce sources of air pollution and activities that contribute to greenhouse gas emissions. To this end the City shall:*

*a) endeavour to operate City facilities in an energy efficient manner and, wherever possible, utilize alternatives to fossil fuel based energy.*

*b) encourage site design that support a healthy environment such as building orientation to minimize heating/cooling costs, mixed land uses to minimize the necessity of vehicular travel for basic goods, the provision of walkways, cycling facilities and public transit to provide alternative forms of travel.*

*c) promote the retention and enlargement of green spaces in site design through such measures as tree planting, tree preservation, roof top gardens, and the use of native species in landscaping.*

*d) support the use of alternative and renewable sources of energy such as wind or solar power.*

## **ANALYSIS**

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The proposal implements the City's residential intensification strategy on lands that are currently vacant and designated for growth and development as per Part 1 Section 3.9 of the NFOP. The proposed development will achieve a net residential density of approximately 205 units per net hectare in a compact and logical manner. The plan also proposed at-grade commercial uses, promoting a mix of cohesive land uses and supporting efficient use of the underdeveloped lands.

The proposed site design features a compact built form and minimizes the need for surface parking by way of the underground parking structure. This design enables the preservation of green spaces, which will increase surface for stormwater percolation and

on-site landscaping. The compact building footprint reduces the overall heating and cooling demands. Many of the units are designed to face the south, which will enhance sun exposure, especially during the winter months. As a result, a reduction in supplementary energy for heating/cooling needs can be expected.

The site plan provides convenient access to active forms of travel such as Regional transit, and access to municipal sidewalks. The proposed improvements and site design will enable continuous connection to commercial establishments, tourism facilities and access to other amenities close to the Subject Lands. As such, the development aims to discourage the use of single-occupancy vehicles, which will contribute to reducing greenhouse gas emissions at build-out. The additional green space, due to the reduced need for surface parking, further contributes to improving air quality in the area.

Overall, the proposal aims to conserve water, increase energy efficiency and promote retention of green spaces throughout the site.

#### 5.5.6. Cultural Heritage

Part 3 Section 4 of the NFOP provides direction regarding archaeology. The following policies apply:

### **POLICY**

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#### **Section 4 Cultural Heritage Conservation**

*4.10 The City recognizes that there are many archaeological sites containing artifacts or other physical evidence of past human use or activities throughout the municipality. Every effort will be taken to ensure archaeological resources are protected in situ. No work shall be carried out on any property which has identified archaeological resources or has archaeological potential without first conducting archaeological fieldwork and submitting a report, both undertaken by a licensed archaeologist. Any fieldwork and investigation shall adhere to Provincial guidelines and requirements. The archaeological report shall be prepared to the satisfaction of the Ministry of Culture or its designate to address, among other things: site findings, analysis of findings, a statement of heritage value, any further assessment needed, methods of protecting archaeological sites/artefacts (buffer areas, landscaping, avoidance strategy) and a construction monitoring schedule.*

### **ANALYSIS**

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A Stage 1-2 Archaeological Assessment report was prepared by AMICK as per the pre-consultation agreement. The investigation did not find any archaeological resources and does not recommend further assessment. Further details on conclusions can be found in the Archaeological Assessment enclosed with this submission.

### 5.5.7. Implementation

Part 4 Section 2.6 of the NFOP provides direction regarding administration and implementation of amendments to the Official Plan. The following policies apply:

## **POLICY**

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### ***Part 4 Administration And Implementation***

#### ***Section 2 Official Plan Review And Amendments***

*2.6 When considering an amendment to the Official Plan, Council shall consider the following matters.*

*2.6.1 The conformity of the proposal to the general objectives of this Plan.*

*2.6.2 Suitability of the site or area for the proposed use, especially in relation to alternative sites or areas of the City or possible areas of intensification or redevelopment.*

*2.6.3 Compatibility of the proposed use with adjacent land use designations and natural resources.*

*2.6.4 The need for and market feasibility of the proposed use.*

*2.6.5 The extent to which the existing areas of the City designated for the proposed use are developed or are available for development.*

*2.6.6 The availability of adequate municipal services and facilities for the proposed use and its impact on the transportation system, community facilities and natural environment.*

*2.6.7 The financial implications of the proposed development.*

## **ANALYSIS**

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As part of the proposal, a site-specific Official Plan Amendment (OPA) is being sought to facilitate the proposed development on the Subject Lands. The policies under Part 4 Section 2.6 need to be addressed when considering an Official Plan Amendment.

2.6.1: Based on the analysis undertaken in Section 5.4 – City Official Plan of this report, the proposed development is found to conform with the general objectives of this Plan. More specifically, the proposed development achieves the following:

- Creation of additional housing units to support the City's planned growth and Provincial housing target;
- The proposed development will be at transit supportive land use densities;
- The proposed mixed use of residential and commercial achieves the planned function of the Lundy's Lane Intensification Corridor;

- The provision of active transportation amenities in the proposed development; and,
- High quality urban design.

2.6.2 & 2.6.5: The Subject Lands are part of the Lundy's Lane Intensification Corridor, as per Official Plan Schedule A2, and are designated for residential growth as per Part 1 Section 3.9. As such, the proposal conforms with the planned land use requirements of the Intensification Corridor.

2.6.3: The proposed development is compatible with the adjacent land uses in the following manner:

- The site is currently designated for commercial and residential development. The proposed residential use is ideal as it will introduce higher density on lands that are not abutting low density uses. Additionally, it is along the Lundy's Lane Intensification Corridor, which is designated for growth over the long term.
- The residential units in the development will meet the noise guidelines with respect to transportation sources as per the noise study undertaken by RWDI. Further conclusions of the study can be reviewed in Section 4.5 of this report.
- The site is sufficiently buffered from the existing industrial and commercial uses and the railway line to cause any potential impacts on the proposed development. The Land Use Compatibility Analysis conducted in Section 7.0 of this report concludes that the location of the lands makes it suitable for higher density residential development.
- The proposed building is located close to Lundy's Lane and is sufficiently setback from the campgrounds to the north. The height and scale of the building will not have significant negative impacts on the adjacent uses. A shadow study was conducted, and the conclusions can be found in Section 4.10 of this report.

2.6.4: The proposed mixed-use development promotes complete communities, increases density, and will provide homeownership options for a variety of households in the City.

2.6.6: As indicated in SLA's Functional Servicing Report, the proposed development can be accommodated by the existing municipal services, subject to the conditions outlined in the report. Paradigm's Traffic Impact Study indicates that the proposed development will not cause any operational issues and will not add significant delay or congestion to the local roadway network. As such, there is adequate municipal services and infrastructure to support the proposal without causing major concerns.

2.6.7: The proposed development offers a higher density development than what currently exists in the community. It will contribute to better use of the existing infrastructure within the urban boundary. Further, more dwellings in the area will create a larger tax base for future maintenance works.

## **SUMMARY OF ANALYSIS FOR NIAGARA FALLS OFFICIAL PLAN (2017)**

The Subject Lands are designated Tourist Commercial, and the proposed commercial and residential use complies with this designation. The proposal promotes a more efficient use of the currently vacant lands, by facilitating a higher density residential development within the Lundy's Lane Intensification Corridor and by utilizing existing municipal services. The proposed development will have a net residential density of approximately 205 units per net hectare at 10 storeys, on lands that permit a maximum density of 100 units per hectare at a maximum height of 6 storeys. A site-specific Official Plan Amendment is requested to implement the proposed density and height. As requested by the City, an allowance of 2.94-metre width along Garner Road will be conveyed for road widening purposes. Lastly, there were no archaeological findings identified on the property and the site is considered free of any archaeological concern.

Based on the analysis undertaken in this section, the proposed mixed use development conforms with the City of Niagara Falls Official Plan, subject to the approval of the Site-Specific Official Plan Amendment.



## 6.0 Urban Design

This section analyzes the proposed development within the context of urban design policies under the City's Official Plan and guidelines under the City of Niagara Falls Lundy's Lane Urban Design Guidelines ("LLUDG") (2017) to ensure they provide private realm-built form design direction and streetscape relationship guidelines.

In particular, the LLUDG sets out four urban design principles with specific guidelines to inform the design of future enhancements by informing the design of streetscape and built form development along Lundy's Lane, namely Siting and Building Design Guidelines, Gateway, Enhanced Corners & Open Spaces, Private Realm Streetscape & Parking Areas, and Built Form & Building Facades. The guidelines for material and colour (3.4.2) and awnings and canopies (3.4.4) will be reviewed at the Site Plan Approval stage of the application and therefore have not been addressed at this time.

Additionally, the City of Niagara Falls' Official Plan also contains policies that support the aforementioned urban design principles. The following sections will discuss relevant OP policies as well as LLUDG guidelines in the respective urban design principles they address. The effectiveness of the proposed development's design responses in meeting the objectives of the urban design principles within the context of the OP policies and LLUDG will be thoroughly evaluated.

### 6.1 Siting and Building Design Guidelines

This sub-section provides design direction for existing and future development, encouraging frontage enhancements and cohesive pedestrian-scaled built forms along Lundy's Lane. New developments should support and reinforce the street edge through orientation, height, and massing while maintaining high-quality design and transitioning appropriately to adjacent low-density residential areas.

#### 6.1.1 Siting and Orientation of Buildings

New development along Lundy's Lane can strategically contribute to enhancing the streetscape quality, promoting pedestrian activity, mitigating the impact on nearby residential areas, and addressing the gateways and open spaces. The following guidelines and policies apply:

### **GUIDELINES & POLICY**

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#### **LLUDG**

##### **3.1.1 Siting and Orientation of Buildings**

- 1. New buildings shall be oriented to address the street and provide clearly defined entrances that directly connect to the sidewalk along the frontage of the building.*

*2. Elevations oriented towards the street shall include active uses with clear fenestration to address Lundy's Lane and flankage elevations on corners.*

*3. To support the LLSMP and create more pedestrian friendly streetscapes, new buildings should be located close to the street edge.*

*4. To support street tree planting and outdoor uses (e.g. patio spaces) along Lundy's Lane, some added building setback is encouraged, up to 3.0m, where the pedestrian boulevard is too narrow as noted in the LLSMP.*

*9. Building frontage should wherever possible cover the full width of the property.*

*14. Buildings on corner lots shall be oriented to address both streets and generally located close to the street edge. Where corner lot rear elevations are exposed to street view they shall be consistent in architectural design and quality with the front and external side elevations.*

### **CITY OP Section 5**

*5.1.2 Development shall be designed and oriented to the pedestrian. As such buildings shall be set as close to the street as possible. Moreover, where development includes multiple buildings, the buildings should be deployed in such a manner that allows pedestrians to move between buildings with a minimum of interference from vehicular traffic. To this end, designated walkways through parking areas and to other buildings are to be provided.*

## **ANALYSIS**

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The proposed development is a 10-storey mixed-use building situated facing Lundy's Lane. The building's orientation ensures that it maximizes the entire frontage along Lundy's Lane, creating an active and engaging street front and framing the adjacent public realm more effectively. The design avoids any drive aisles that could disrupt the pedestrian flow, ensuring a seamless and safe experience for pedestrians without interference from vehicles along this frontage.

Access to the ground floor commercial space is from the south and southwest building façades. The principal residential building entrance is more centrally located, accessible from the north and south sides of the building. Typically, residents and commercial users interact with a mixed-use building in different ways, requiring unique access control needs. Keeping accesses separate allows the building to be managed effectively. The proposed development provides separate entrances for the residential and commercial

users to ensure tenants can access the spaces they are authorized to access in a convenient and secure manner.

Both residential and commercial entrances are oriented towards the public street and are accessible from the public sidewalk.

### 6.1.2 Building Height and Massing

The height and massing of buildings significantly impact the streetscape's quality and play a vital role in shaping the pedestrian experience. Along Lundy's Lane, the vision is to have buildings designed at a pedestrian scale, with careful articulation to enhance active and vibrant street edges. The following guidelines and policies apply:

## **GUIDELINES & POLICY**

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### **LLUDG**

#### **3.1.2 Building Height and Massing**

*1. Building heights along Lundy's Lane will have a minimum height of 2 storeys, with a preferred height of 4 to 6 storeys, but not exceeding a height of 6 storeys. Where heights exceed 3 storeys, a stepback of 2.0m to 3.0m shall be provided, beginning with the 4th storey.*

*3. Ground floors shall have a minimum height of 4.5m to provide flexibility for retail/commercial uses and a pedestrian-scaled edge.*

*5. Building massing should reinforce a continuous street wall frontage located close to the front property line to help frame the pedestrian boulevard.*

#### **3.1.3 Mechanical Equipment and Utilities**

*1. Rooftop mechanical equipment shall be screened from public view through location, integration into the architectural design or enclosures clad in complementary materials/colours to the building.*

*2. Wherever possible, transformers and other utilities should be located within the building, screened from public view or located inconspicuously within the property.*

### **CITY OP Section 5**

*5.1.1 The design of new development and redevelopment shall specifically address height, setbacks, massing, siting and architecture of existing buildings in order to provide a compatible relationship with development in an area.*

*5.1.3 Development and redevelopment shall be designed to minimize microclimatic impacts on adjacent lands.*

## **ANALYSIS**

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The design proposes a 10-storey building, measuring 36 metres from average grade. The current zoning and designation of the Subject Lands permits a height of 12 metres and 8 storeys, respectively. Site-specific amendments to the Official Plan and Zoning By-law are requested to implement the proposal. As previously mentioned, there will be no privacy concerns resulting from the proposed height as the surrounding areas are entirely commercial, industrial or open space in nature.

In addition to the above, the following measures have been taken to ensure quality along Lundy's Lane streetscape.

- The floor to ceiling height of the ground floor level is 4.5 metres to provide flexibility for retail/commercial uses and a pedestrian-scaled edge.
- The rooftop mechanical equipment and stairwell are sufficiently setback and screened to be visible from the public realm.
- RWDI's Wind Study proposed several wind-responsive features for the building and landscaping design that are favourable towards reducing the potential for significant wind impacts.
- The shadow impacts caused by the proposed development is not considered significant due to the known movement of the sun and surrounding land uses. Any shadowing impacts on the public realm adjacent to Lundy's Lane will be minimal. In addition, the proposal incorporates stepback features at the 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> storeys to reduce massing and assist in moving shadows quickly across the site.

## **6.2 Gateways, Enhanced Corners & Open Spaces**

The LLUDG specific areas for enhanced entry points and gateways, which will benefit from built form and landscape enhancements. The Garner Road intersection is identified as a Gateway feature, and the following guidelines will apply:

## **GUIDELINES & POLICY**

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### **LLUDG**

- 1. Buildings at gateway locations will coordinate with the landscaping feature proposed for the gateways and will include articulated massing and added height at the corner to emphasize these special intersections.*
- 3. Gateway buildings can include a variety of features or details to announce a significant entry into Lundy's Lane including:*
  - a. Building wall articulation and increased fenestration;*

- c. Building wall planes that are either projected or recessed significantly to anchor and indicate entry to the corridor;*
  - d. Locating primary entrances to the building at the gateway corner and accentuating the entrance through canopies, overhangs or architectural detailing;*
  - e. Differentiation of immediate corner element through colour and material variation that are complementary to each other (e.g. fully glazed corner feature, stone and brick variation or introducing a second colour where identical masonry types are used); and,*
  - f. The introduction of hardscaped plazas in front of recessed corner designs that include a public art component to accentuate the gateway.*
- 4. Gateway buildings may be set back further from the corner where there is a potential to improve the adjacent streetscape boulevard and pedestrian quality by creating a wider pedestrian and planting zone.*
  - 5. Where possible, landscape materials and building cladding should be coordinated to create a complementary relationship at this important corner.*
  - 6. Buildings located at enhanced corners should incorporate the same architectural treatments as noted for gateway buildings. Although added massing/height is preferred at the corners, it is not required.*
  - 8. Ground floors shall have a minimum height of 4.5m to provide flexibility for retail/commercial uses and a pedestrian-scaled edge*
  - 9. Parking, servicing, utilities and loading or similar functions, are located away from highly exposed elevations facing the two street frontages. Where located internally and exposed to view they shall be additionally screened through landscaping.*

## **ANALYSIS**

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The proposed development aims to create a welcoming and engaging addition to the intersection of Lundy's Lane and Garner Road by incorporating the following elements:

- The building is carefully designed to complement the chambered corner at the intersection of Lundy's Lane and Garner Road. It is strategically setback to create space for a gateway feature, which will be enhanced through architectural elements like a seat wall and trellis. The surrounding area will be adorned with ornamental landscaping and pavement, giving it the appearance of a welcoming plaza at this intersection.



- To maintain an aesthetically pleasing streetscape, the building's massing gradually tapers after the 4th storey, which will help to frame the street. The entrance to the building is accentuated by locating the commercial space entrance at the gateway corner, inviting pedestrians to explore the retail offerings within.
- In terms of appearance, the rendering below showcases a mix of building materials and glazing, adding visual interest and diversity to the overall design. This variation in materials gives the building a modern and vibrant look.
- The ground floor level has a floor-to-ceiling height of 4.5 meters that will promote a pedestrian-friendly environment. This generous height provides flexibility for retail and commercial spaces, allowing for creative and dynamic layouts that cater to different business needs. Additionally, this design choice contributes to a pedestrian-scaled edge, enhancing the overall ambiance of the area and encouraging foot traffic.

***Figure 6.2.1 – Rendering showing the proposed development from the intersection of Lundy's Lane and Garner Road***



### 6.3 Private Realm Streetscape & Parking Areas

The section focusses on the private realm frontages and parking areas in Lundy's Lane. The objective is to achieve a continuous street edge by combining built form and various landscaping elements, through mitigating visual impact of parking areas, enhancing pedestrian connections, landscaping to define street edges and minimizing impacts on pedestrian circulation.

### 6.3.1 Private Realm Streetscape Frontage

The treatment of building frontages will play a crucial role in transforming Lundy's Lane into a more pedestrian-friendly corridor while accommodating existing conditions. The following guidelines apply:

#### **GUIDELINES & POLICY**

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##### **LLUDG**

##### **3.3.1 Private Realm Streetscape Frontage**

*1. Where the public realm sidewalk boulevard is less than 3.0m in width, new buildings should include a ground floor setback of 2.0m to 3.0m from the front property line to provide a 5.0m to 6.0m boulevard width to accommodate landscaping street furniture, pedestrian circulation space and/or sidewalk patio spaces.*

*4. Buildings should be articulated to provide pedestrian scaled storefronts and ideally have narrow store frontages (8.0m to 12.0m) to create opportunities for visual interest and pedestrian activity. Where larger frontages are proposed, articulation in the form of vertical piers/projections should be introduced to provide a finer grain of building frontage.*

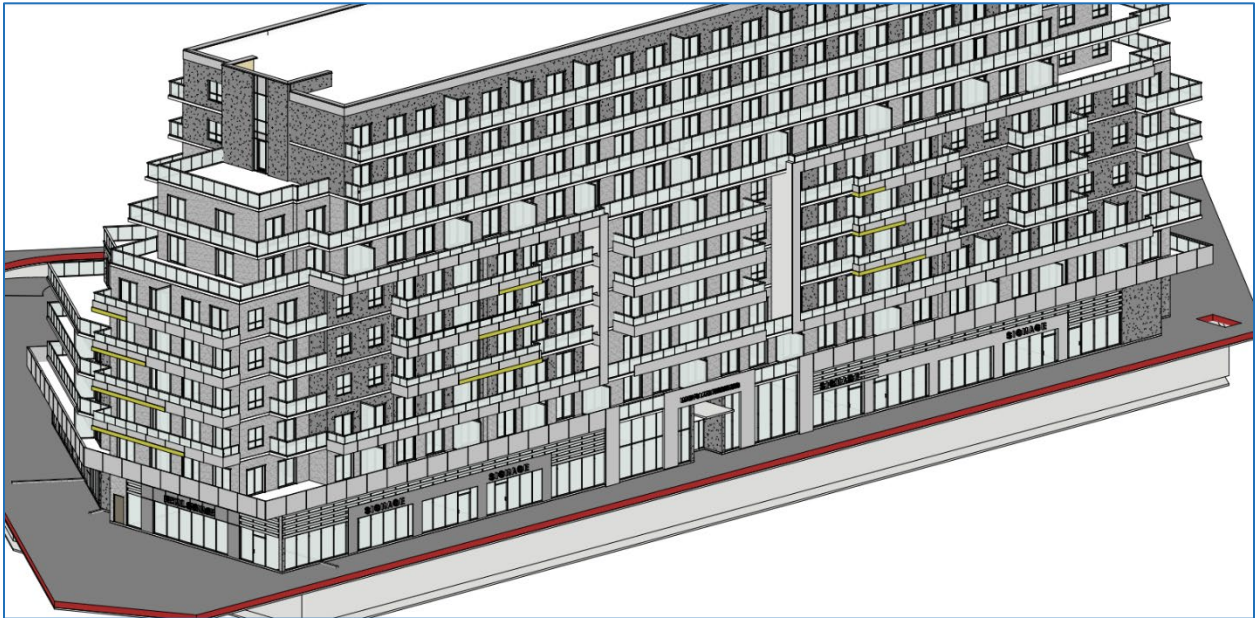
#### **ANALYSIS**

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The Site Plan prepared by SAPLYs Architects indicate sufficient sidewalk boulevard width (greater than 3 metres) and does not require ground floor setbacks from the front property line. The building is proposed to be setback 3.7 metres from the south property line, which will accommodate sufficient landscaping and pavement to facilitate access connections between the building and the public sidewalk.

The ground level of the development comprises six retail spaces, each with approximately 19 metres of store frontage. The preliminary renderings (shown below) showcase a façade articulation plan that includes vertical intervals at 6.4 metres, creating visual interest and promoting pedestrian activity throughout the store façade.

***Figure 6.3.1. Preliminary Rendering of the Proposed Building (Refer to A303 of the Architectural Set)***



### 6.3.2 Parking, Driveway Access and Walkways

Enhancing streetscape quality and pedestrian circulation along Lundy's Lane will be crucial in minimizing the visual impacts of parking and driveway access points. The applicable guidelines and policies are discussed below:

## **GUIDELINES & POLICY**

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### **LLUDG**

#### **3.3.2 Parking, Driveway Access and Walkways**

*3. Where the rear and the side yards of the lots are not connected to adjacent properties, a continuous 3.0m planted side yard buffer and a 3.0m rear yard planted buffer with 1.8m high privacy fencing should be provided.*

*4. For new developments, parking shall not be provided in front of buildings between the street right-of-way and building frontages. Parking areas and servicing for new development shall be located in the rear of the development or, where possible, below grade.*

*5. Parking within interior side yards adjacent to buildings will be considered where the parking areas:*

*a. Occupy a width of 50% or less of the lot's street frontage;*

*b. Have a 3.0m deep landscaped edge along the street in line with its adjacent building located at the front property line;*

*c. Provide a 2.0 to 3.0m planted side yard setback; and,*

*d. Include a defined pedestrian walkway from parking to the building's front entrance. Building entrances facing parking areas will only be considered where an entrance onto Lundy's Lane is provided.*

*6. No parking should be permitted at the front of buildings; all required parking should be accommodated through consolidated rear parking lots or within internal parking courtyards where screened by buildings fronting Lundy's Lane.*

*7. Where surface parking or service areas are exposed to public view, their visual impact shall be mitigated with landscaping and/or other design measures.*

*12. Defined walkways should be provided within new development to provide a safe connection between rear parking areas and rear entries to the building.*

*14. Pedestrian walkways and drive aisle crossings through parking shall be clearly demarcated and barrier-free for safe pedestrian movement within parking areas.*

#### **CITY OP Section 5**

*5.1.5 Parking areas are to be minimized within the front yard of development sites. Parking shall primarily be located in the rear or sideyards of development sites with sufficient landscaping utilized to create an effective buffer to abutting lands.*

*5.1.6 Appropriately designed and scaled parking structures or underground parking shall be encouraged for large tourist commercial and high density residential developments.*

*5.1.7 The number of access points onto arterial roads shall be minimized. Linked parking and driveway areas shall be encouraged. Access points shall be oriented toward major roadways.*

## **ANALYSIS**

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Parking for the proposed development will be provided through surface and underground parking facility for the residents. The surface parking spaces are located to the rear of the development and are sufficiently buffered by the location of the building along the front lot line. A 3-metre landscape buffer is maintained around the north and east lot lines in accordance with guideline 3.3.2.3. There are four parking spaces visible from the Garner Road frontage. Ample landscape features made up of street trees and ornamental plantings are proposed along this lot line to minimize the view of the surface parking



spaces from the public street, as demonstrated in the Landscape Plan. The four parking spots will not cause any negative impacts on the adjacent public realm along Garner Road. Lastly, a 1.5-metre-wide internal walkway is illustrated on the Site Plan connecting the parking spaces to the building entrance.

Policy 5.1.7 states that the number of access points onto arterial roads shall be minimized. The proposed development has one vehicular access point from Garner Road. The proposal does not provide vehicular access from Lundy's Lane, intending to eliminate the drive aisles from the Regional arterial road. The proposed drive aisle offers efficient vehicle circulation within the development.

### 6.3.3 Landscaping

The following guidelines and policies apply:

#### **GUIDELINES & POLICY**

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##### **LLUDG**

##### **3.3.3 Landscaping Within At-Grade Parking Areas**

*2. Crime Prevention Through Environmental Design (CPTED) principles shall guide landscape design and landscaping should not obstruct sight lines for vehicles or pedestrians. To provide for visual surveillance and avoid the creation of hiding spaces hard and soft landscaping features should be specified or maintained so that they are no more than 0.9m in height.*

*4. The use of native tree and shrub species should be prioritized and be low maintenance, salt tolerant and able to survive urban stress conditions within a parking area. At least 75% of plantings should be native species.*

*8. Designated parking (e.g. accessible parking spaces, bicycles, and electric or energy efficient vehicles) should be located close to building main entrances.*

*13. Snow storage areas should be identified and incorporated into the overall landscape plan for surface parking areas.*

*14. Environmentally friendly features within parking courts such as solar canopies or electric vehicle charging canopies are encouraged.*

##### **CITY OP Section 5**

*5.3.1 The orientation of landscaping within development sites should be toward public use areas, realizing the importance of the effective placement and maintenance of such landscaping in creating attractive amenity areas and entranceways. In addition, the City shall promote the*

*substantial greening of the area intended for landscaping within development sites.*

*5.3.2 Low maintenance forms of landscaping shall be encouraged, where possible, with the responsibility for maintenance to be placed on the landowner.*

*5.3.3 The size and extent of new plantings shall be appropriate for the mass and size of the building and surrounding area. Suitable tree types and plant species shall be selected having regard for their purpose, appearance and resilience to conditions of the urban environment.*

*5.3.4 Landscaping, together with other design measures, can assist in mitigating the impacts of development on surrounding lands. Landscaping, where adjacent to buffer areas of natural heritage features, shall be designed to incorporate native species. The City shall encourage the utilization of adequate buffering, screening and other landscaping measures to ensure separation between potentially incompatible uses.*

*5.4.1 Green space and landscaping shall be interspersed throughout the parking area but not affect it's functioning and safety.*

*5.4.2 Traffic islands, paving materials, landscaping and lighting should be used to clearly distinguish between vehicle areas and pedestrian routes to provide safety and amenity.*

## **ANALYSIS**

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The proposed development provides approximately 31% of landscaped area of the net site area. The majority of the landscaping is provided along the perimeter of the property, which includes deciduous trees, shrubs, and ornamental plantings.

Proposed plantings were chosen to ensure they will thrive and contribute to the overall aesthetics of the proposed development. The project will introduce trees such as the Sugar Maple, Serviceberry, Pyramidal English Oak, among others, are low maintenance deciduous trees. Shrubs such as the Dwarf Winged Burningbush, and Goldflame Spirea are also suggested along the building and site entrance.

A combination of shrubs and trees such as the Hicks Yew and Pyramidal English Oak is proposed along the Lundy's Lane frontage, which will enhance the streetscape and overall pedestrian experience along the municipal boulevard. Any specifications related to the City and Region's planting guidelines will be considered at the Site Plan Approval stage of the application.

For fencing, the Landscape Plan (L1) prepared by James McWilliam proposes a new 1.8-metre-high timber fence along the northern and eastern property perimeter. The existing board fence along the pumping station will continue to remain. The proposed sodded area



will provide permeable surfaces to allow stormwater absorption into the soil and minimize discharge into the storm drain system.

Overall, the proposed landscaping ensures the proposed development complements the public realm interface as well as the adjacent properties.

### 6.3.4 Loading and Service Areas

The following guidelines and policies apply:

#### **GUIDELINES & POLICY**

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##### **LLUDG**

##### **3.3.4 Loading and Service Areas**

- 1. Locate service areas including loading and garbage, in locations that are not directly visible to Lundy's Lane or provide a screening wall integrated into the building design.*
- 3. Service areas should be screened from views from upper storeys of buildings and adjacent buildings.*
- 4. Architectural screening or enclosures of service areas should be built with materials/colours complementary to the building style.*

#### **ANALYSIS**

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A loading space is planned for the commercial use on the north façade of the building, providing access to serve the commercial spaces. Positioned deep within the lot, the loading space will remain hidden from view at the sidewalk level. Additionally, service areas like the Garbage Room, Recycling, Mechanical and Electrical rooms, and Moving areas are integrated into the building footprint, ensuring they are screened from outside view.

### 6.4 Built Form & Building Facades

The introduction of new development is expected to significantly enhance the quality and appearance of Lundy's Lane streetscapes. Currently, there is a lack of consistency and continuity in the design and style of the facades along most of the Lundy's Lane streetscape. This section focusses on new developments and facade details.

#### 6.4.1 Storefront Design

Storefront design plays a vital role in enhancing the overall streetscape quality, as it adds visual appeal and liveliness to the street, thereby promoting pedestrian activity. It constitutes a significant part of the built environment that every pedestrian will encounter along Lundy's Lane. To create a vibrant and dynamic street atmosphere, the following guidelines are provided:

## **GUIDELINES & POLICY**

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### **LLUDG**

#### **3.4.1 Storefront Design**

- 1. Storefronts should have a high-level of transparency, with a minimum of 75% glazing to maximize visual animation.*
- 2. Clear glazing should be used for all wall openings (e.g., windows and doors) along the street-level façade. Dark tinted, reflective or opaque glazing shall not be permitted for storefronts.*
- 3. On corner sites, storefronts should address both street frontages through entries and/or clear glazing.*
- 4. To provide flexibility in use and high quality retail/commercial space at grade level, a minimum 4.5 metre ground floor height should be provided.*
- 5. Defined horizontal breaks (e.g. change in material, change in fenestration, storefront band/cornice, or decorative banding) should be provided between the street-level storefront uses and the upper floors of a building to provide visual interest and articulation.*
- 8. Barrier-free access should be provided while not impeding pedestrian travel lanes in front of the building. Ramps and automated doorways are encouraged to be incorporated within vestibules or where entries are set back from the storefront.*
- 9. Storefront entrances should be highly visible and clearly articulated. Entrances should be located at or near grade. Split level, raised or sunken entrances shall not be permitted.*

## **ANALYSIS**

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The proposed development aims to enhance the streetscape experience for pedestrians by introducing visual variety. The façade facing Lundy's Lane is lined with storefronts. The southern building façade provides a combination of doors, floor to ceiling windows and vertical material treatments to add visual variety for pedestrians and provides a prominent and visible entrance not only to the building but also to the commercial spaces. The accessibility to both the stores and building entrance is barrier-free, ensuring inclusivity.

The design of the building is carefully planned to optimize its frontage along Lundy's Lane and Garner Road. While the majority of the building faces Lundy's Lane, two retail spaces are strategically oriented towards Garner Road.

During the detailed design stage of the application, the guidelines outlined in section 3.4.1 will be thoroughly reviewed to ensure compliance and implementation.

## 6.4.2 Signage

Signage plays a crucial role in enhancing streetscape quality, but it should be thoughtfully designed to harmonize with the character of each building and seamlessly integrate into the overall streetscape. The following applicable policies and guidelines are discussed below:

### **GUIDELINES & POLICY**

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#### **LLUDG**

##### **3.4.3 Signage**

- 1. Signs should be placed in a consistent location on all building façades. Generally, signs should be located above the storefront windows and within an articulated sign band, or on canopies over the storefront.*
- 2. Signage should not obscure windows, cornices, columns or other architectural elements and be limited to the storefront of a building, preferably with a maximum total sign area no more than 20% of the storefront area.*
- 3. To minimize visual clutter, signage should be integrated into the design of building façades wherever possible, through placement within architectural bays and friezes.*
- 4. Signage materials should be durable, weatherproof, and complementary to the materials of the building façade.*
- 5. Signs should use simple lettering typefaces that are clear and visible and include easy-to understand graphics or symbols that relate to the retail/commercial use.*
- 6. Signs that use lettering and/or images that create depth to the sign, such as raised lettering or individually cut lettering and are lit from above or below are encouraged. Box signage with internal lighting are discouraged.*
- 11. All signage shall conform to City of Niagara Falls' by-laws and regulations.*

#### **CITY OP Section 5**

- 5.5.1 The city is organized into sign districts in order to establish the appropriate sign types and regulations for each district.*

*5.5.2 Proposed signs should be designed so as not to compete for visual attention and airspace with streetscape elements, existing signage and buildings.*

*5.5.3 Signs are a part of the streetscape and are to be designed to complement the built form and character of the surrounding area. Signs are not to be intrusive nor add to visual clutter.*

*5.5.4 Signs should be designed to integrate with building architecture and the development in general.*

*5.5.5 Electronic signage should be carefully sited. Due to its illumination and display characteristics, electronic signage should be located such that impacts on vehicular and pedestrian traffic are minimized.*

## **ANALYSIS**

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High-quality signage is essential to ensure it contributes positively to the aesthetic appeal of the area rather than detracting from it. During the detailed design stage of the application, a comprehensive review of the guidelines presented in section 3.4.3 and City OP policies 5.5.1 – 5.5.5 will be conducted.

## **SUMMARY AND CONCLUSION**

In summary, the proposed development represents good urban design and advances the design objectives set out in the NFOP and the Lundy's Lane Urban Design Guidelines.

- The proposal is a pedestrian-oriented development that contributes to the improved safety and walkability of its immediate neighbourhood.
- The proposed building design, massing and setback effectively address the location, complement the surrounding properties, and add visual variety to the streetscape.
- The high-quality building and landscaping design enhancements not only improve the private realm but also the public-private interface on Lundy's Lane and Garner Road.
- The proposed mixed-use development will contribute to increased street animation, safety and economic vitality of the area.

## 7.0 Land Use Compatibility Analysis

A Land Use Compatibility Analysis is required to assess and recommend mitigation for potential adverse impacts from the nearby Regional Road (Lundy's Lane), the abutting Region's Sewage Pumping Station (SPS), industrial uses to the west, the rail corridor to the north, and commercial uses to the southeast.

The following sections include compatibility analysis of the regulatory framework to ensure the safety of the future residents and the long-term viability of the existing major facilities.

### 7.1 Regulatory Framework With Respect To Industrial Facilities

#### D-6 COMPATIBILITY

The Ministry of the Environment, Conservation and Parks (MECP) Guideline D-6 sets out recommendations intended for the *"land use planning process to prevent or minimize future land use problems due to encroachment of sensitive land uses and industrial uses on one another"*. The guideline is intended to apply when a change in land use is proposed and further states that *"If a proposed use is permitted in the official plan, but rezoning is required, or if both redesignation and rezoning are required, then this guideline shall apply"*.

In this instance, the site is designated Tourist Commercial, as per the City's Official Plan (See Schedule A – Future Land Use in Appendix B). An Official Plan Amendment is required to permit additional height and density for the Subject Lands. Notably, the Subject Lands lie on an intensification corridor which is envisioned for residential growth and intensification.

#### **POLICY**

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##### ***Sensitive land uses (1.2.1)***

*For the purposes of this guideline, (i.e. where industry is concerned) sensitive land use may include:*

*any building or associated amenity area (i.e. may be indoor or outdoor space) which is not directly associated with the industrial use, where humans or the natural environment may be adversely affected by emissions generated by the operation of a nearby industrial facility. For example, the building or amenity area may be associated with residences, senior citizen homes, schools, day care facilities, hospitals, churches and other similar institutional uses, or campgrounds.*

*Note: Residential land use shall be considered sensitive 24 hours/day.*

##### ***Application (3.0)***

*The information set out Section 2.0 of Guideline D-1, "Land Use Compatibility" shall apply for this guideline also.*

***D-1 Land Use and Compatibility: Compliance with Existing Zoning and Official Plan Designation (2.3.2)***

*This guideline does not normally affect a change in land use, an expansion, or new development, for either a facility or a sensitive land use which is in compliance with existing zoning, and the official plan designation, except for plans of subdivision and condominium and/or severances. In these exceptional situations, Ministry staff may require studies(see Guideline D-6, "Compatibility Between Industrial Facilities and Sensitive Land Uses, Sections 4.6, "Studies"and 4.7, "Mitigation"), and the identification of any necessary mitigative measures to prevent or minimize any potential 'adverse effects'.*

*If a proposed use is permitted in the official plan, but rezoning is required, or if both redesignation and rezoning are required, then this guideline shall apply.*

## **ANALYSIS**

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As per Section 1.2.1 of the D-6 Guidelines, residential use is classified as a sensitive land use (i.e. where industry is concerned). Section 2.3.2 of the D-1 guidelines indicates that where a proposed use is permitted in the official plan, but rezoning is required then this guideline shall apply. The preferred approach under the guidelines for addressing future land use compatibility issues is separation of incompatible land uses based on the potential influence area of an industrial facility and recommended minimum separation distance from it.

Industrial uses are classified in the D-6 guidelines as Class I, II or III Industry based on their scale, operation intensity and the likelihood and frequency of adverse effects from noise, dust, odour and vibration (Appendix A of the D-6 Guidelines). Figure 5 – Facilities close to the Subject Lands shows the location and the Industrial Class of the facilities around the proposed development, based on the information provided in RWDI's Noise and Vibration Impact Study.



**Figure 7.1: Facilities close to the Subject Lands**



The following table provides the recommended minimum separation distance and potential influence area (as per Appendix C of the D-6 MECP guidelines) for the facilities, and distance of the facilities from the proposed development.

**Table 7.1. Recommended Minimum Separation Distance And Potential Influence Area**

INDUSTRY CLASS	SURROUNDING INDUSTRIAL AND COMMERCIAL USES	POTENTIAL INFLUENCE AREA	RECOMMENDED MINIMUM SEPARATION DISTANCE	DISTANCE FROM THE PROPOSED DEVELOPMENT
I	Sewage Pumping Station (8971 Lundy's Lane)	70 m	20 m	12 m
II	BV Glazing Systems (5855 Garner Road)	300 m	70 m	40 m

INDUSTRY CLASS	SURROUNDING INDUSTRIAL AND COMMERCIAL USES	POTENTIAL INFLUENCE AREA	RECOMMENDED MINIMUM SEPARATION DISTANCE	DISTANCE FROM THE PROPOSED DEVELOPMENT
-	The Dwnr	Unknown	Unknown	Not mentioned in RWDI Report (approx. 40 m)
-	Seductions	Unknown	Unknown	Not mentioned in RWDI Report (approx. 40 m)

In addition, there are two non-industrial sites located within 70 m of the Subject Lands: Seductions and The Dwnr to the southeast. None of these facilities operate under an MECP ECA or EASR permits. The rooftop HVAC equipment is included in the stationary noise source assessment as due diligence to ensure a comfortable acoustic environment for the residents.

The Subject Lands are within the minimum recommended separation distance of one Class II facility, one Class I facility and 2 unclassified commercial developments. Section 4.5 in the D-6 Guidelines provides consideration for sensitive land uses within the potential influence area of Class I, II and III industrial land uses, as discussed below.

## POLICY

### ***Considerations when a change in land use is proposed within an influence area or potential influence area (4.5.1)***

*The potential influence areas, or where known, the actual influence areas (see Section 4.1 of this guideline) should act as a flag, and no sensitive land uses shall be permitted within the actual or potential influence areas of Class I, II or III industrial land uses, without evidence to substantiate the absence of a problem. When studies are needed to identify problems and mitigative measures, see Section 4.6, "Studies".*

## ANALYSIS

RWDI's Noise and Vibration Study provides analysis for potential implications of these industrial and commercial facilities on the proposed residential development. The analysis indicates that the proposed development is not anticipated to infringe on the compliance of any commercial or industrial operations with environmental noise permits (ECA or EASR), nor cause infractions against the local noise by-law. The sound levels from surrounding facilities are expected to meet the applicable NPC-300 Guidance.

Regarding the two commercial developments, Table 7.1 provides information about the distance between the property lines of the Subject Lands and the existing commercial facilities. In reality, the actual separation distance between the proposed and existing

buildings is even greater and is likely to meet the required separation distance. Therefore, as mentioned before, there are no noise-compliance concerns arising due to the proposed development.

RWDI's Air Quality Study indicated that the Class I and II facilities are expected to be compatible with the Subject Lands with respect to air quality. The study suggested the following mitigation measures to combat air quality impacts generated from Lundy's Lane:

- Where possible, the provision of mechanical building ventilation with air particle filtration rather than passive building ventilation;
- Location of ventilation air intakes on the roof and/or pointing away from Lundy's Lane

As such, the land use compatibility of the proposed development with respect to the nearby industries is considered acceptable from the noise impact and air quality perspective.

## 7.2 Regulatory Framework With Respect To Rail Operations

### **POLICY**

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#### ***Other Facilities (1.2.4)***

*This guideline does not apply to the following provincial, municipal or private facilities, land uses or related activities, nor to any on-site industrial-type facilities associated with them, except as noted below:*

- *railways (but it does apply to railway yards and other ancillary rail facilities)*
- *roadways (except for ancillary transportation facilities and transportation-related activities for an industrial land use including shipping and receiving)*

### **ANALYSIS**

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RWDI's Noise and Vibration Impact Study indicates that the rail line to the north is greater than 100 m from the property line, at this setback distance no significant impacts from rail vibration are expected.

With respect to roadways, the Noise study recommends noise control measures to address transportation noise sources. These include recommendations related to building façade components, ventilation recommendations, warning clauses and noise barriers around exposed terraces. Implementation of these recommendations will occur at the Site Plan Approval stage.

### **CONCLUSION FOR LAND USE COMPATIBILITY ANALYSIS**

In reviewing the adjacent land uses, the proposed mixed-use development is sufficiently buffered from the industrial/commercial uses, transportation sources and the railway line. The location of the Subject Lands within an intensification corridor makes it suited for higher density residential development.

The Air Quality Report by RWDI also states that the proposed development is compatible with the surrounding land uses and transportation corridors from an air quality perspective, subject to the provision of mitigation measures to reduce air quality impacts from transportation pollution along Lundy's Lane.

Based on our review of the surrounding land uses, the separation distances between the proposal and the existing facilities, the specific Noise Report, the building and site design, and the planned context, we are of the opinion that the proposed development is feasible with respect to land use compatibility at this stage.

## 8.0 Housing Affordability

The City's Housing Directions Study Phase 2: Housing Strategy ("Housing Strategy") was presented to City Council on March 22, 2022. Council endorsed the Housing Strategy, and recently, OPA 149 was passed to incorporate policies that implemented the identified Actions from the Strategy. One of the significant additions in these new housing policies is the introduction of specific criteria that applicants must fulfill when submitting proposals for an Official Plan Amendment, Zoning By-law Amendment, Draft Plan of Subdivision, or Draft Plan of Condominium. These criteria require applicants to demonstrate how their proposals will contribute to achieving the City's annual housing targets, with particular emphasis on affordable housing aspects.

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

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

The applicant is proposing the following purchase prices. These values are a range and are subject to revision at the time the units are available for sale.

- One-bedroom (and one-bedroom + flex) units: 71 units ranging from \$300,000 - \$400,000.
- Two-bedroom (and two-bedroom + flex) units: 113 units ranging from \$400,000 to \$600,000.

The NFOP relies, in part, on the Niagara Region's definition of "affordable" for the purposes of determining conformity and for establishing housing targets. The PPS, Growth Plan and the Region's OP define "affordable", in the case of ownership housing, as the least expensive of:



- a) *housing for which the purchase price results in annual accommodation costs which do not exceed 30 per cent of gross annual household income for low and moderate income households; or*
- b) *housing for which the purchase price is at least 10 per cent below the average purchase price of a resale unit in the regional market area;*

Part 1, Policy 4.8 of the NFOP sets annual targets for affordable ownership housing builds between 2021 and 2051. The targets are as follows:

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

The following examines the proposal with respect to the above target (based on Niagara Region's Definition of Affordable (Part 1, Policy 4.8 a) of OP):

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

In the case of ownership housing, *low- and moderate-income households* are with incomes in the lowest 60 per cent of the income distribution for the *regional market area*. The *regional market area* is the Niagara Region.

**Table 8.1. Niagara's Lowest Six Income Deciles (2022)**

DECILE	GROSS ANNUAL HOUSEHOLD INCOME IN NIAGARA REGION <sup>1</sup>
1 <sup>ST</sup>	Less than \$22,100
2 <sup>ND</sup>	\$22,100 to \$33,600
3 <sup>RD</sup>	\$33,600 to \$45,300
4 <sup>TH</sup>	\$45,300 to \$60,000
5 <sup>TH</sup>	\$60,000 to \$77,900
6 <sup>TH</sup>	\$77,900 to \$95,900

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

Table 5 below illustrates that all unit prices in the proposed development will not be affordable by the first criterion of the Region's definition, as they represent more

<sup>1</sup> City of Niagara Falls Housing Strategy, January 2022



than 30 percent of gross annual household income for low- and moderate-income households (i.e., households with a gross annual income of less than \$95,900). All units within the development are proposed to have purchase price that are not affordable to low- and moderate- income households.

**Table 8.2. Affordability for Low-and Moderate-Income Households**

PROPOSED PRICE	NO. OF UNITS	MINIMUM GROSS ANNUAL INCOME IF SPENDING APPROX. 30% ON MORTGAGE <sup>2</sup>	LESS THAN \$95,900 GROSS ANNUAL INCOME?
<b>One-bedroom</b>			
\$300,000	71	\$59,373	Yes, affordable
\$400,000		\$76,509	Yes, affordable
<b>Two-bedroom</b>			
\$400,000	113	\$76,509	Yes, affordable
\$600,000		\$114,462	No, not affordable

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

The City has included Home Price Index (HPI) in their Housing Needs and Supply Report<sup>3</sup> as a point of comparison for understanding the City's Homeownership market. A household with an income of \$57,000 could afford to purchase a house/condo with a maximum price of \$267,500. The 2020 HPI for Niagara Falls was \$432,700. A more recent calculation was conducted by the Niagara Association of Realtors that indicates the HPI composite benchmark price for Niagara Falls was \$667,600<sup>4</sup> as of July 2023. The HPI composite benchmark represents a home that falls within the age range of 51 to 99 years and features three bedrooms.

Since HPI does not capture prices for one- and two-bedroom units, a review of home prices in Niagara Falls from Realtor.ca is tabulated below. The average was calculated based on the top 15 listings observed on April 13, 2023.

<sup>2</sup> Refer to Appendix F for Mortgage Calculations

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

<sup>4</sup>

<https://www.niagararealtor.ca/public/Stats/2023/NAR%20Monthly%20Market%20Update%20Media%20Release%20-%20July%202023.pdf>

**Table 8.3. Realtor.ca Average Market Price in Niagara Falls**

UNIT TYPE	TYPICAL HOME PRICE IN NIAGARA FALLS
One-bedroom	\$434,358
Two-bedroom	\$419,786

Table 8.4 below illustrates that the second criterion of the Region's definition of affordable is partially met when using average home purchase prices within the regional market. The criterion assesses purchase prices that is at least 10 percent below the average purchase price.

**Table 8.4. Affordability Based on City's Average Market Price (for one- and two-bedroom units) and Region's Home Price Index (for three-bedroom units)**

PROPOSED PRICE	AVG. MARKET PRICE	PERCENTAGE DIFFERENCE FROM MARKET PRICE	10% BELOW NIAGARA'S AVG MARKET PURCHASE PRICE?
<b>One-bedroom</b>			
\$300,000	\$434,358	31% lower	Yes, affordable
\$400,000		8% lower	No, not affordable
<b>Two-bedroom</b>			
\$400,000	\$419,786	5% lower	No, not affordable
\$600,000		43% higher	No, not affordable

### SUMMARY FOR HOUSING AFFORDABILITY

As per the above analysis, the one-bedroom units of the proposed development will contribute to achieving the first and second criterion of the Region's definition of affordable, in that the units will be affordable to low- and moderate-income households and are anticipated to be 10% below the market rate. A total of 71 units that are priced between \$300,000 - \$400,000 would be considered affordable. The proposed price for the two-bedroom units is not affordable to ownership households. In summary, the proposed development will contribute to achieving the City's affordable housing targets through the one-bedroom units.

## 9.0 Proposed Official Plan Amendment

An Official Plan Amendment (OPA) is needed to permit the development of the proposed development of 10 storeys at 205 units per net hectare on the Subject Lands notwithstanding the density and height requirements of Part Section 1.15.5 (iii), Part 2 Section 4.2.31 (c) and Part 2 Section 4.4.3 of the NFOP. This section of the report provides an analysis of the proposed development with respect to the relevant matters to determine the appropriateness of the proposed OPA, as outlined in the NFOP.

The specific changes to the Official Plan are as follows:

1. That the Subject Lands be redesignated from “Tourist Commercial” to “Tourist Commercial Special Policy Area No. YY” on Schedule A of the Official Plan for the City of Niagara Falls;
2. That the Subject Lands be developed for a mixed-use building at a maximum of 205 units per net hectare and a height of 10 storeys.

The proposed Amendment text and mapping can be found in Appendix “D” of this Report.

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

- The proposed development has regard for matters of Provincial interest in accordance with Section 2 of the *Planning Act*.
- The proposal is consistent with the Provincial Policy Statement and conforms to A Place to Grow (Growth Plan for the Greater Golden Horseshoe) and the Niagara Official Plan (2022).
- The proposal implements the policies of the Niagara Official Plan, and the City of Niagara Falls Official Plan in that the Subject Lands are located within the Delineated Built-Up Area which is a focus for intensification;
- The proposal creates new housing in the City of Niagara Falls contributing to a more diversified housing mix;
- The proposal provides residential intensification on lands designated for growth and development and achieves the land use compatibility requirements for an Official Plan Amendment, in accordance with the City’s Official Plan; and,
- The proposed development achieves high quality urban design and implements the Urban Design Guidelines for Lundy’s Lane in the City of Niagara Falls.

The text of the Official Plan Amendment is found in Appendix D – Draft Official Plan Amendment to this report.

## 10.0 Proposed Zoning By-law Amendment

The Subject Lands are presently zoned Tourist Commercial in accordance with Zoning By-law No. 79-200 (see Appendix C – City Zoning By-law Map). In order to facilitate the

proposed development, the owner is proposing to change the current zoning as described above, to a site-specific Tourist Commercial Zone (TC-XX). This will seek relief from: Permitted Uses, Minimum Lot Frontage to deem Lundy's Lane as the lot frontage, Maximum Height Of Building, and Parking And Access Requirements.

A Draft Zoning By-law has been prepared and can be found in Appendix E – Draft Zoning By-law Amendment of this report.

**Table 10.1. Zoning Comparison Chart for TC Zone (Section 8.6)**

Regulations	Requirement	Proposed Concept	Compliance
<b>Permitted Uses</b>	The uses permitted in the TC zone: (ii) 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. (mm) Retail store	Commercial uses; Dwelling units above the ground floor Percentage of dwelling units: approx. 91%	<b>No</b>
<b>Minimum lot frontage (deem Lundy's Lane as the lot frontage)</b>	6 metres	105.27 metres	<b>Yes</b>
<b>Minimum front yard depth</b>	13.1 metres from the original centerline of Lundy's Lane (Section 4.27.1)	19.18 metres from Lundy's Lane centreline	<b>Yes</b>
<b>Minimum rear yard depth where any part of the building is used for residential purposes</b>	10 metres	53.44 metres	<b>Yes</b>
<b>Minimum interior side yard width</b>	None required	3.66 metres (east lot line)	<b>N/A</b>

Regulations	Requirement	Proposed Concept	Compliance
where the side lot line does not abut a residential, institutional or open space zone			
Minimum exterior side yard width	13 metres from the original centerline of Garner Road	19.94 metres from Garner Road centreline; 6.88 m from west property line	Yes
Maximum lot coverage	70%	28.6%	Yes
Maximum height of building or structure	12 metres subject to section 4.7	36 m	No
Maximum floor area	Not specified	N/A	N/A
Parking and access requirements	(Section 4.19.1) Commercial: 1 parking space for each 25 square metres of floor area: 58.3 spaces (1459.5 sqm/20 sqm)  Residential: 1.4 parking spaces for each dwelling unit: 257.6 spaces (1.4 x 184 units)  Total required: 316 spaces	283 spaces	No
Minimum parking stall width (surface and structure)	2.75 metres	2.75 metres (surface) 2.75 metres (structure)	
Minimum parking stall length (surface and structure)	6 metres	6 metres (surface) 6 metres (structure)	
Minimum manoeuvring aisle	6.9 metres (surface) 6.3 metres (structure)	6.9 metres (surface) 6.3 metres (structure)	Yes
Loading area requirements	(section 4.20.1)	1 loading space 3 x 9 metres	Yes

Regulations	Requirement	Proposed Concept	Compliance
	Floor Area of Building or Structure Up to and including 2,300 sq. m: 1 loading space (proposed commercial use: 1459.5 sqm)  Dimension: 3 m x 9 m		
<b>Maximum floor area for each retail store</b>	400 square metres	301.6 sqm (Retail 1)	<b>Yes</b>
<b>Maximum floor area of all retail stores per property</b>	3,530 square metres	1459.5 sqm	<b>Yes</b>
<b>Accessible spaces</b>	for parking lots between 200 and 1,000 parking spaces: 2 + 2% of the total number of parking spaces, rounding up to the nearest whole number  Required spaces: 2 + 0.02 x 283 = 7.66, rounded up to 8 accessible parking spaces	8 accessible spaces	<b>Yes</b>
<b>Accessible spaces dimension</b>	3.9 x 6 metres	2 accessible spaces in the underground parking structure measure 2.75 x 6m	<b>No</b>

### Permitted Uses

The proposed development features 184 dwelling units, which accounts for 91% of the total floor area. The City of Niagara Falls Zoning By-law permits not more than 50% of the total floor area to be dwelling units in a TC Zone. The requested increase in residential percentage can be supported for the following reasons:

- The Subject lands have been designated for higher density residential development by the City of Niagara Falls, as they are part of the Lundy's Lane Intensification Corridor.
- The Land Use Compatibility Analysis confirms that the proposed residential use is feasible with respect to the surrounding uses.



- There are no significant noise, wind and shadow concerns caused by the proposed development on abutting lands. As such, there are no low-density residential uses in the immediate vicinity of the Subject Lands.

### **Minimum Lot Frontage**

According to the City of Niagara Falls Zoning By-law, the lesser lot line is designated as the lot frontage for corner lots. The Subject Lands, being a corner lot, have frontages of 86.1 meters on Garner Road and 105.27 meters along Lundy's Lane. As per the By-law, the lot line abutting Garner Road would be considered the lot frontage. However, as requested by the staff during the pre-consultation, the lot's frontage is to be designated as Lundy's Lane. The amending by-law seeks to recognize the lot line along Lundy's Lane as the lot's frontage.

### **Maximum Height Of Building Or Structure**

The City's Zoning By-law permits a maximum of 12 metres of building height, where the proposed development is at a height of 36 metres. The requested variance can be supported for the following reasons:

- According to Part 2 Section 4.4.3 of the City's Official Plan, the Subject Lands are designated to accommodate residential buildings up to 8 storeys (26 metres approximately) in height. The development seeks for two additional storeys through the proposed Official Plan Amendment. As such, this area is designated for higher density residential development.
- Through the preparation of this application, it has been confirmed that there are no significant privacy, shadow or wind concerns due to the proposed height.
- Sufficient rear yard and interior side yard setbacks have been implemented, in compliance with the parent TC Zone.
- The proposal incorporates stepbacks at the 2<sup>nd</sup>, 5<sup>th</sup>, 6<sup>th</sup>, and 7<sup>th</sup> storeys to reduce massing when viewed from the public street. This achieves the vision for the building to be pedestrian scaled along the public realm and implements the urban design requirements for Lundy's Lane.

### **Parking And Access Requirements**

The following are the City's Zoning By-law requirements for residential and commercial uses. In total, 316 spaces are required:

- 1.4 parking spaces per unit, which translates to 257.6 parking spaces and
- 1 parking space for each 25 square metres of floor area for commercial space, which comes to 58.3 spaces.

The project is proposing 283 spaces. The proposed variance can be supported for the following reasons:

- The City has accepted a rate of 1.25 spaces per dwelling unit for similar projects. The reduction is appropriate as Lundy's Lane is a transit corridor and is also an intensification corridor. The total of 230 spaces would be provided for the residential component, using the revised parking rate of 1.25 spaces per unit.
- The commercial spaces will make use of the remaining 53 spaces out of the required 58 spaces. A reduction in 5 spaces for commercial use can be supported due to the presence of transit options and alternative active transportation means.
- The proposal is providing 297 bicycle parking spaces. NPG conducted research on bicycle parking and reductions to the required vehicle parking. We found cities like Kitchener and Milton utilize on-site bicycle parking to reduce required vehicle parking by 1 vehicle space for every 5 bicycle parking spaces. For this site, it means reducing the required number of spaces by 59.
- The site fronts on to Lundy's Lane – which is a transit route and is within accessible distance to a transit stop.
- The Transportation Impact Study prepared by Paradigm supports active transportation utilizing transit, bikes, and other sustainable means of travel modes.

## 11.0 Summary and Conclusion

The proposed Official Plan and Zoning By-law Amendment is consistent with the policies of the Provincial Plans and conforms with the Niagara Official Plan and the City of Niagara Falls Official Plan. The proposed development of six commercial spaces and 184 dwelling units in a 10-storey building is within the existing settlement area and will provide residential intensification in City designated growth areas. The site design promotes higher-density residential development and will be an efficient use of the Subject Lands.

The Subject Lands are located within proximity to commercial areas, transit facilities, and tourism-attracting establishments. The proposed development supports the vision of building a walkable and bikeable community. The proposed development is compatible with the surrounding uses and vision for the City's Intensification Corridor.

It is our opinion that the proposed Official Plan and Zoning By-law Amendment should be approved because it represents good land use planning, is in the City's interest and should be supported for the following reasons:

1. The proposed development has regard for matters of Provincial interest in accordance with Section 2 of the *Planning Act*, including matters of the provision of housing; optimization of infrastructure; implementation of transportation and active transportation.

2. The proposed development is consistent with the Provincial Planning Policy Statement (2020) and is in conformity with the Growth Plan (2020), Niagara Official Plan (2022), and the City of Niagara Falls Official Plan.
3. The proposed development will implement the planned residential intensification in the Delineated Built-up Area and along the Lundy's Lane Intensification Corridor. It will implement the vision of complete communities within the area. There is sufficient availability of amenities such as grocery stores, public schools, parks and open spaces near the Subject Lands.
4. The proposed units will contribute to diversify the existing housing mix in the neighbourhood. The proposed development is feasible in meeting the applicable sound and vibration criteria, subject to the implementation of the included recommendations from the qualified studies. Additionally, the surrounding industrial facilities are expected to be compatible with the Subject Lands with respect to air quality.
5. The proposal will provide intensification in a compact manner, promote public realm improvements, and overall land-use efficiency on the Subject Lands.
6. The proposed development will make efficient use of the existing municipal services and infrastructure. The proposal is supported by reports prepared by qualified professionals, subject to relevant recommendations, that confirm that no issues with municipal servicing or the projected traffic volumes. There were no archaeological findings identified on the property.
7. The proposed development achieves high quality urban design and implements the urban design policies of Lundy's Lane Urban Design Guidelines and of the City of Niagara Falls.

Report prepared by:



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**Rhea Davis, MPlan**

Intermediate Planner & Urban Designer  
*NPG Planning Solutions Inc.*

Report reviewed and approved by:



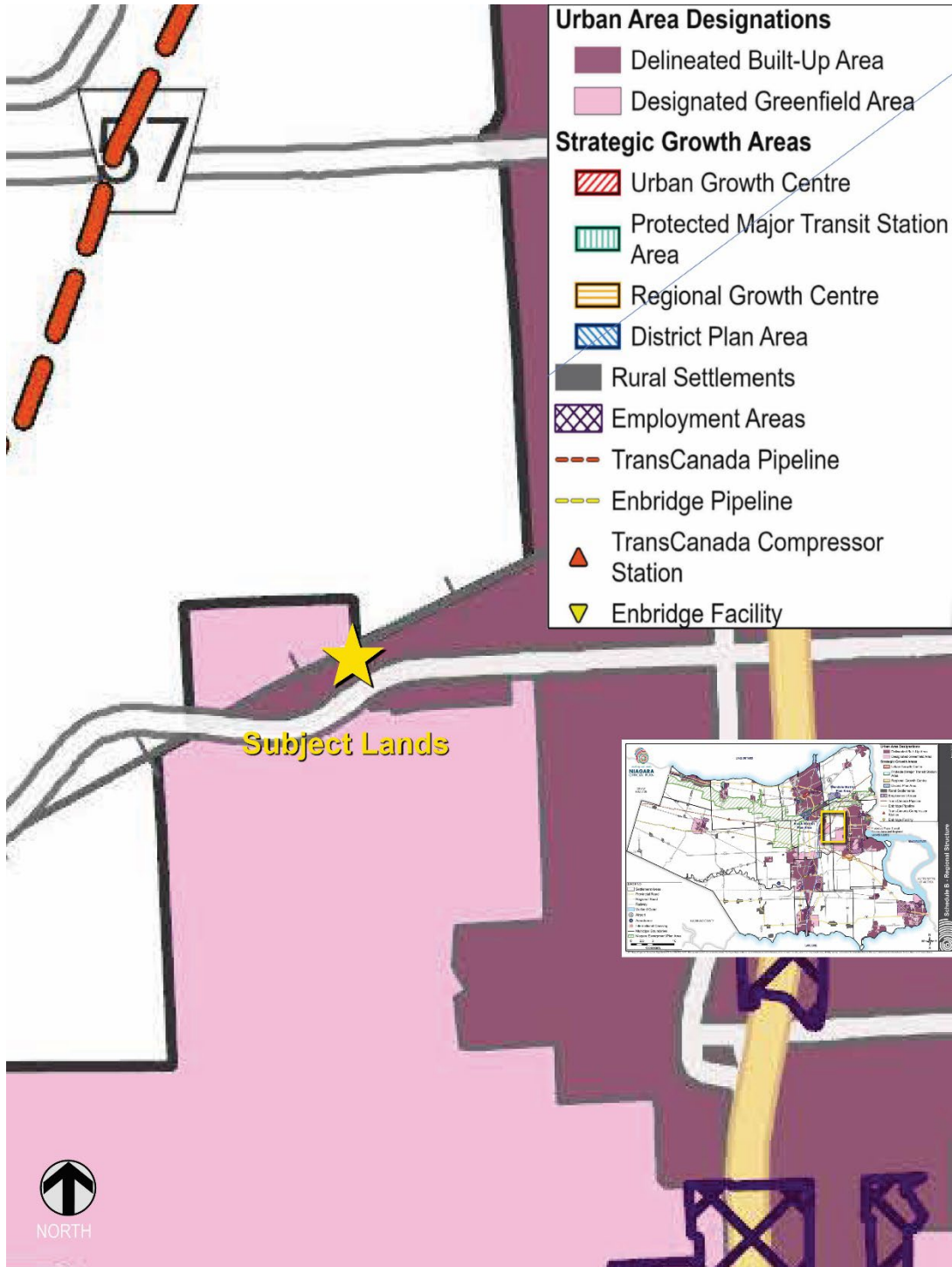
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**Mary Lou Tanner, FCIP RPP**

President  
*NPG Planning Solutions Inc.*

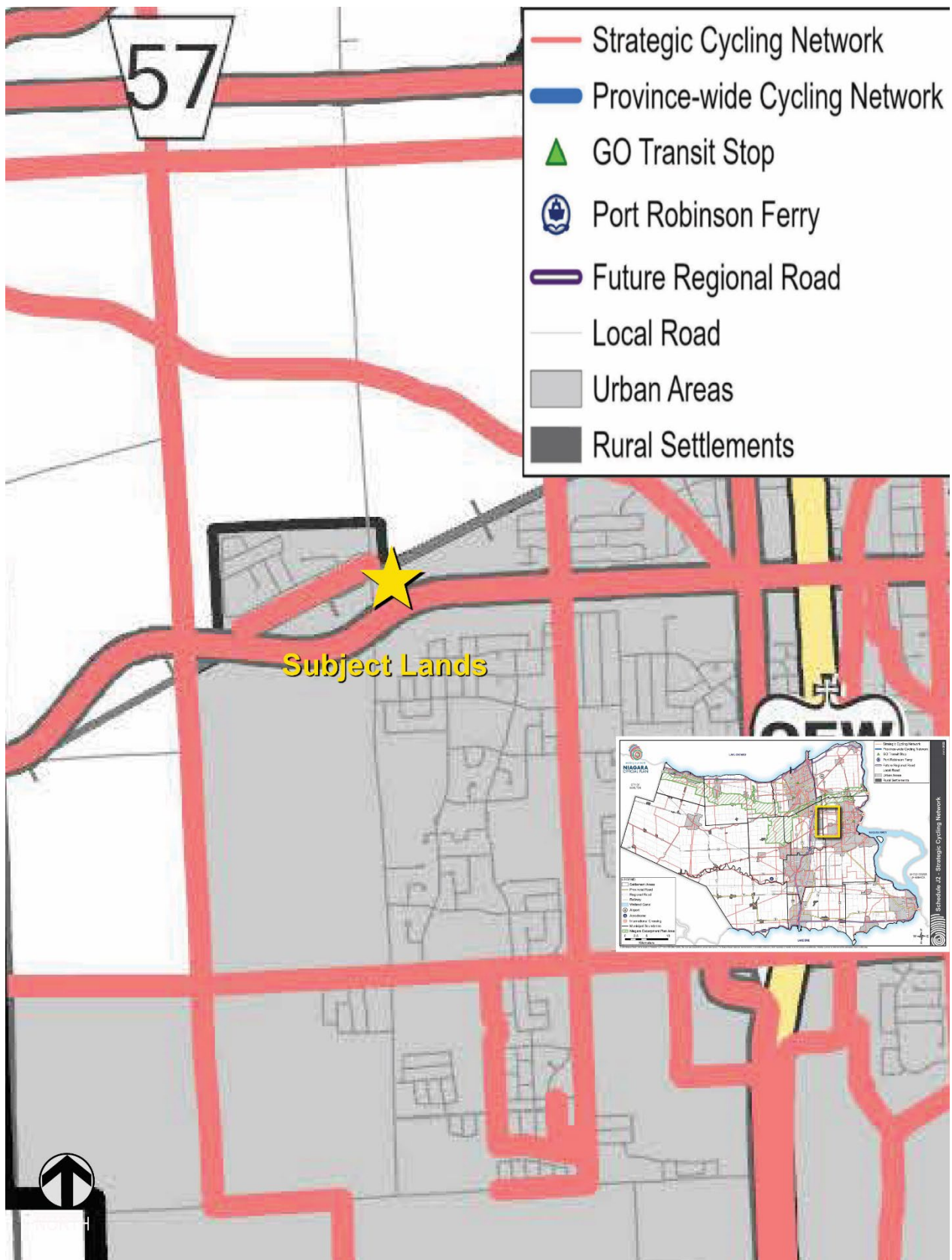
## 12.0 Appendices

### Appendix A - Region Schedules





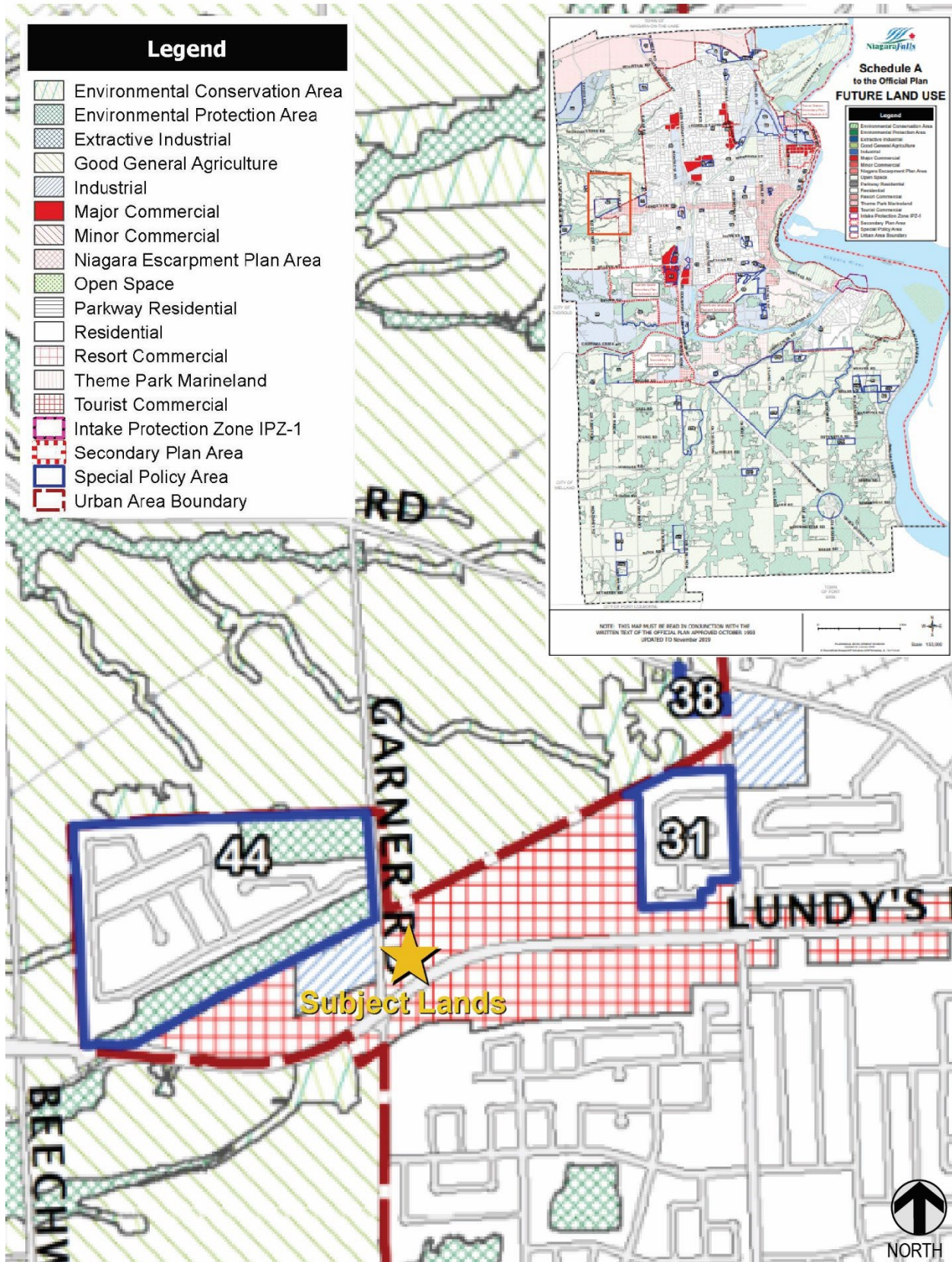








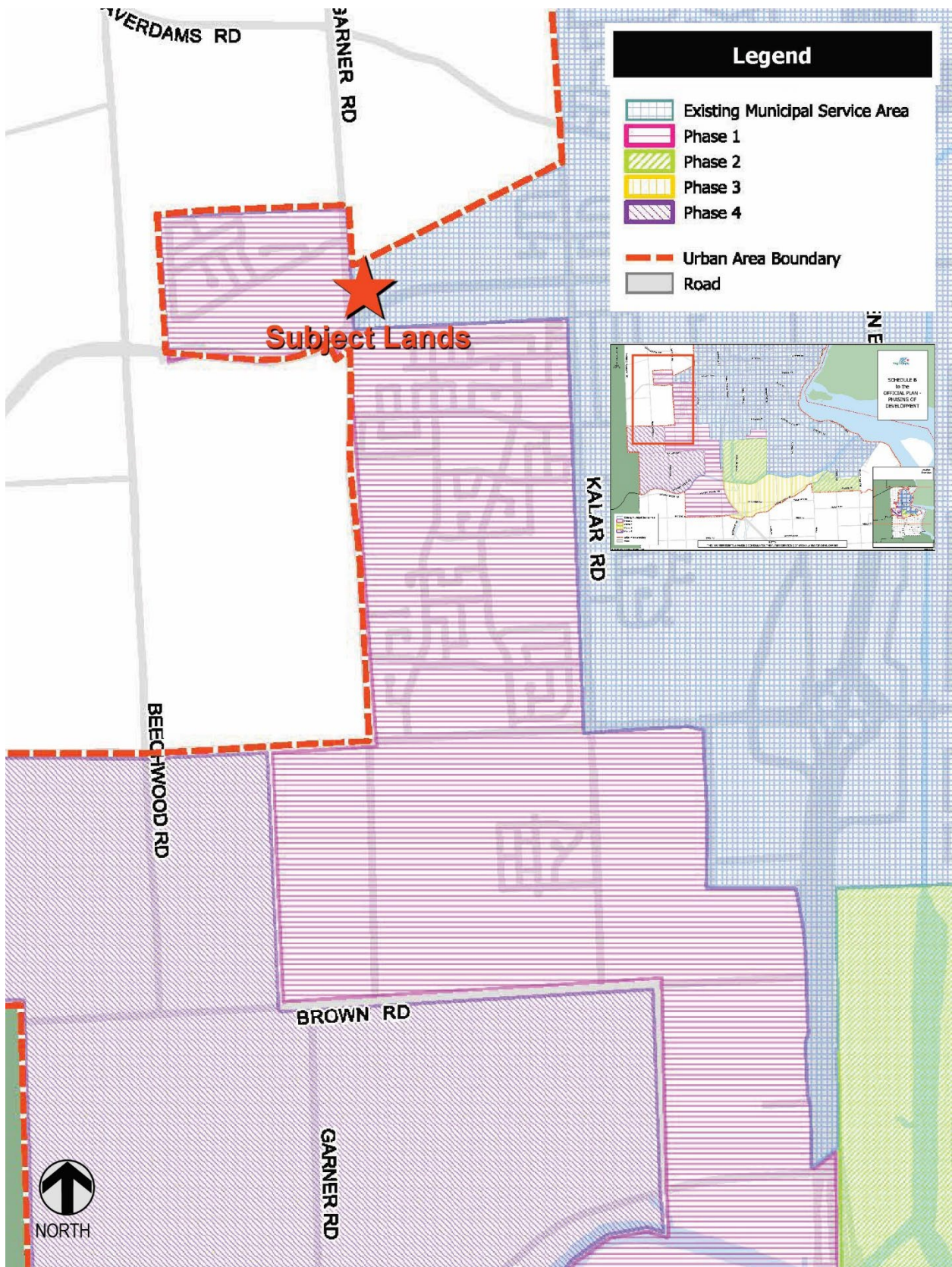
# Appendix B - City Schedules







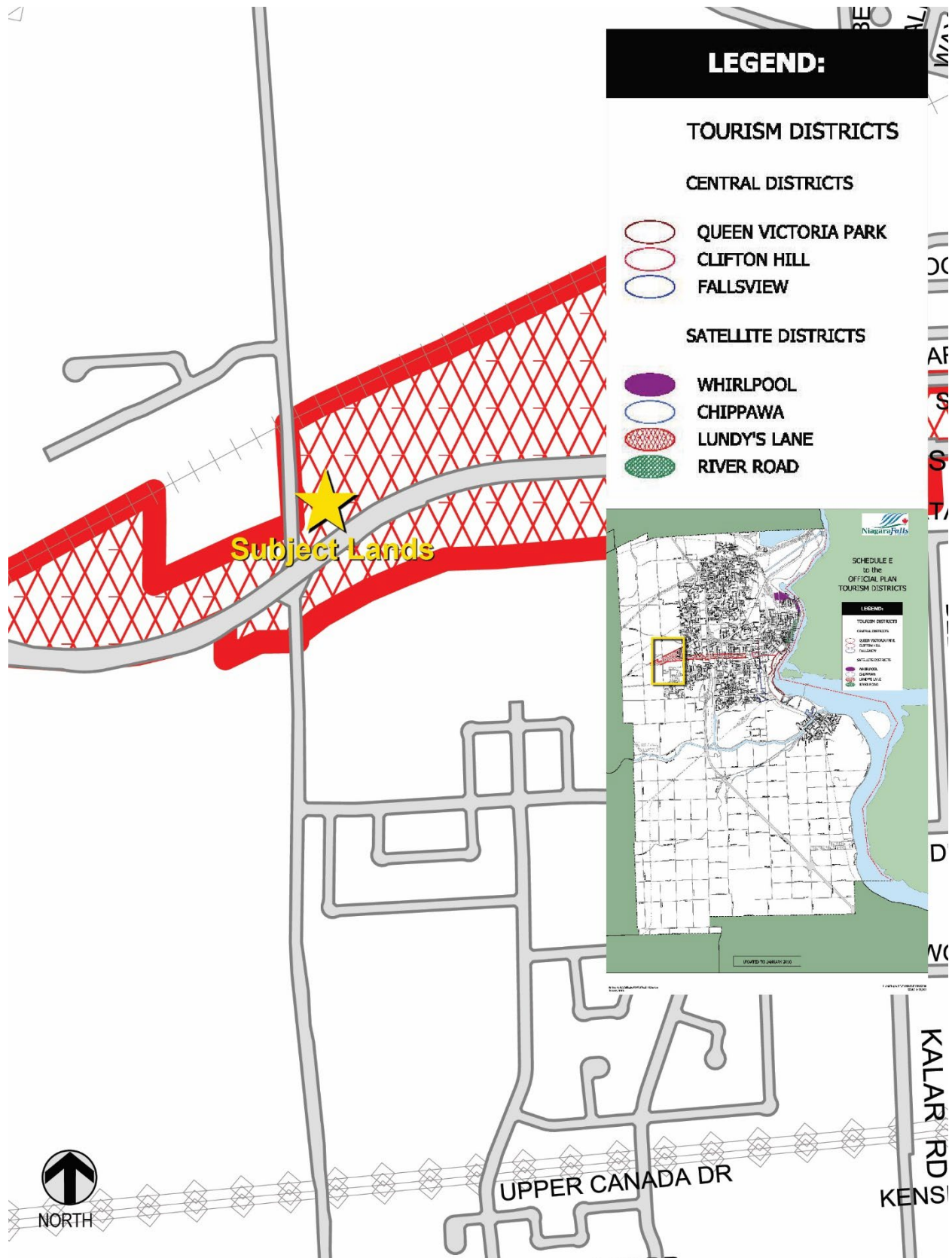












Appendix C - City of Niagara Falls Zoning By-law Schedule



## Appendix D - Draft Official Plan Amendment

### **PART 2 - BODY OF THE AMENDMENT**

All of this part of the document entitled PART 2 - BODY OF THE AMENDMENT, consisting of the following text and attached map, constitute Amendment No. XX to the Official Plan of the City of Niagara Falls.

### **DETAILS OF THE AMENDMENT**

The Official Plan of the City of Niagara Falls is hereby amended as follows:

#### **1. MAP CHANGE**

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

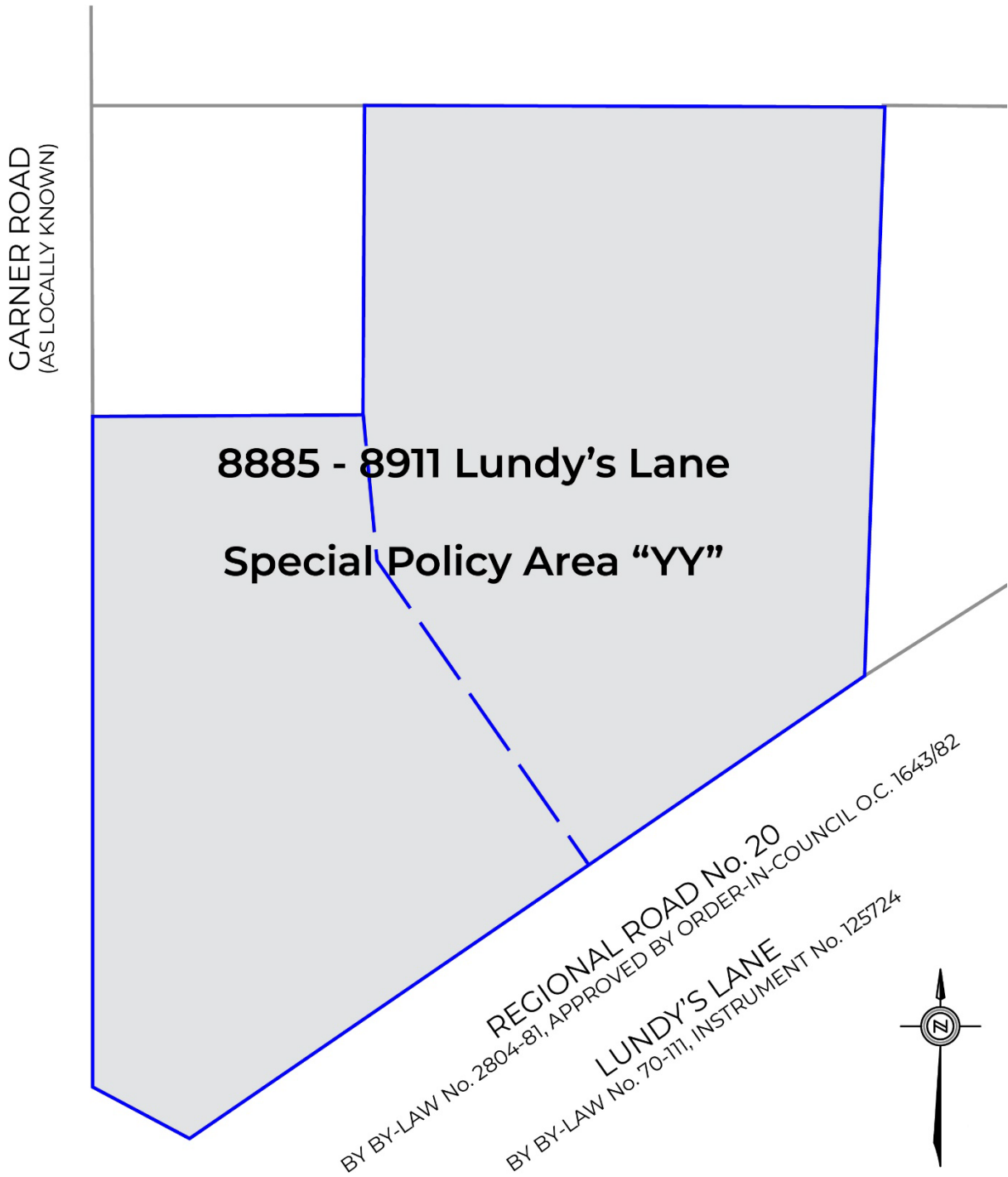
#### **2. TEXT CHANGE**

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

##### **13.YY SPECIAL POLICY AREA "YY"**

Special Policy Area "YY" applies to 0.92 hectares of land on the north side of Lundy's Lane, east of Garner Road, being comprised of Part of Township Lot 139, City of Niagara Falls. Notwithstanding the policies of Part Section 1.15.5 (iii), Part 2 Section 4.2.31 (c) and Part 2 Section 4.4.3, the land may be developed for a maximum density of 205 units per net hectare and a maximum height of 10 storeys.

**MAP 1**



Appendix E - Draft Zoning By-law Amendment

**CITY OF NIAGARA FALLS**

**By-law No. 2023-XX**

A by-law to amend By-law No. 79-200 to rezone the Lands to Tourist Commercial Zone (TC-XXXX) site-specific zone.

**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 provisions of By-law No. 79-200, to permit the use of the Lands in a manner that would otherwise be prohibited by that by-law. In the case of any conflict between a specific provision of this by-law and any existing provision of By-law No. 79-200, the provisions of this by-law are to prevail.
3. Notwithstanding any provision of By-law No. 79-200 to the contrary, the following uses and regulations shall be the permitted uses and regulations governing the permitted uses on and of the Lands.
4. Notwithstanding the definition of "Lot Frontage" for a corner lot, the lot line along Lundy's Lane shall be deemed as the lot frontage for the Lands.
5. The permitted uses shall be:
  - (a) The uses permitted in a TC zone
  - (b) Notwithstanding Section 8.6.1 (ii), 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 92% 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.
6. The regulation governing the permitted use of the Lands shall be:

(a)	Maximum height of building or structure	36 metres
(b)	Parking and access requirements	1.25 spaces for each dwelling unit; 1 parking space for each 28 square meters of gross leasable floor area
7. The balance of regulations specified for a TC zone.



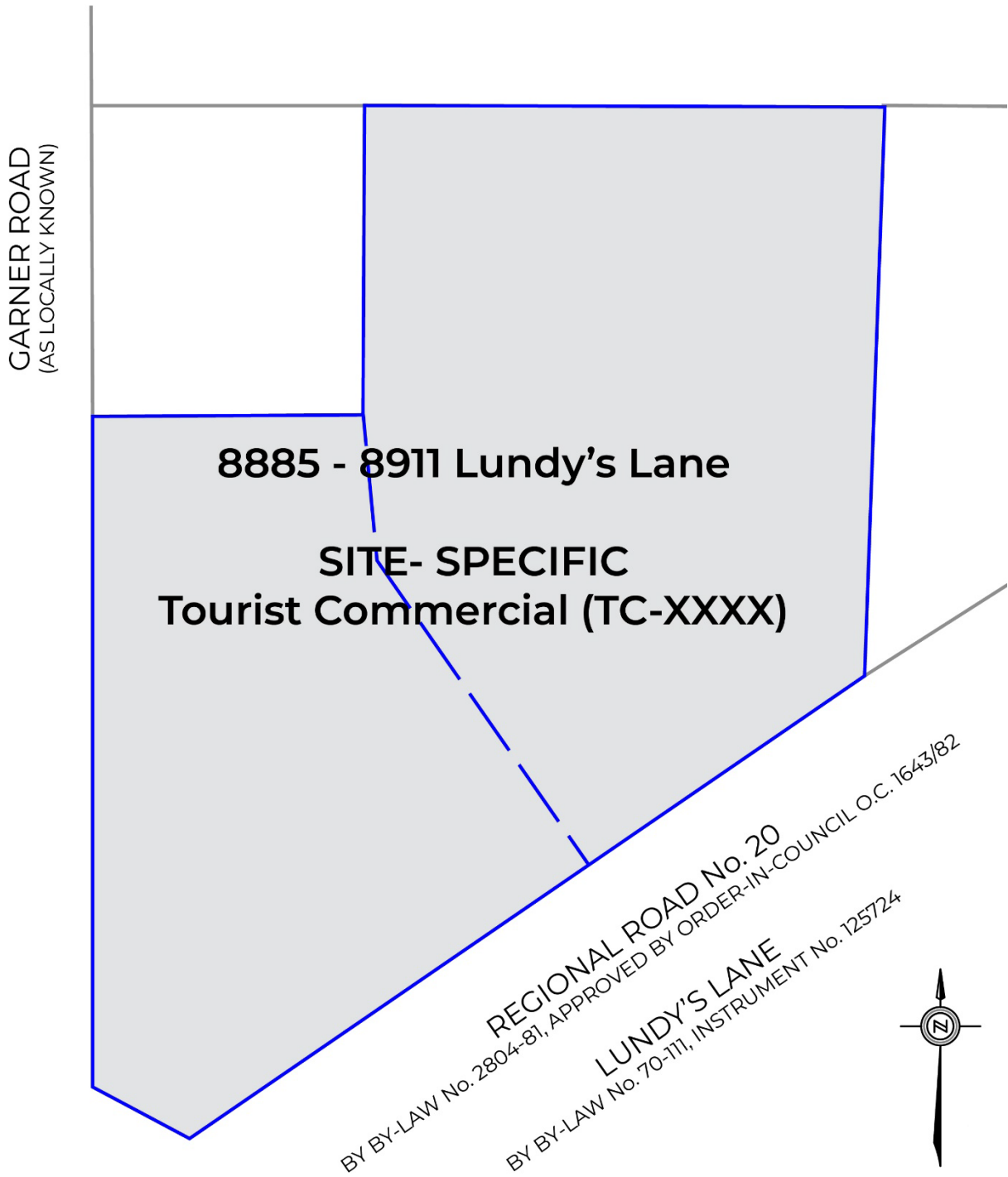
8. Parking and access shall be in accordance with section 4.19.1.
9. All other applicable regulations set out in By-law No. 79-200 shall continue to apply to govern the permitted uses on the Lands, with all necessary changes in detail.
10. No person shall use the Lands for a use that is not a permitted use.
11. No person shall use the Lands in a manner that is contrary to the regulations.
12. The provisions of this By-law shall be shown on Sheet A4 and B4 of Schedule "A" of By-law No. 79-200 by redesignating the Lands from TC to TC and numbered XXXX.

**Read a first, second and third time; passed, signed and sealed in open Council this XXth day of XX, 2023.**

.....  
WILLIAM G. MATSON, CITY CLERK

.....  
JAMES M. DIODATI, MAYOR

**SCHEDULE 1**



## Appendix F - Mortgage Calculations

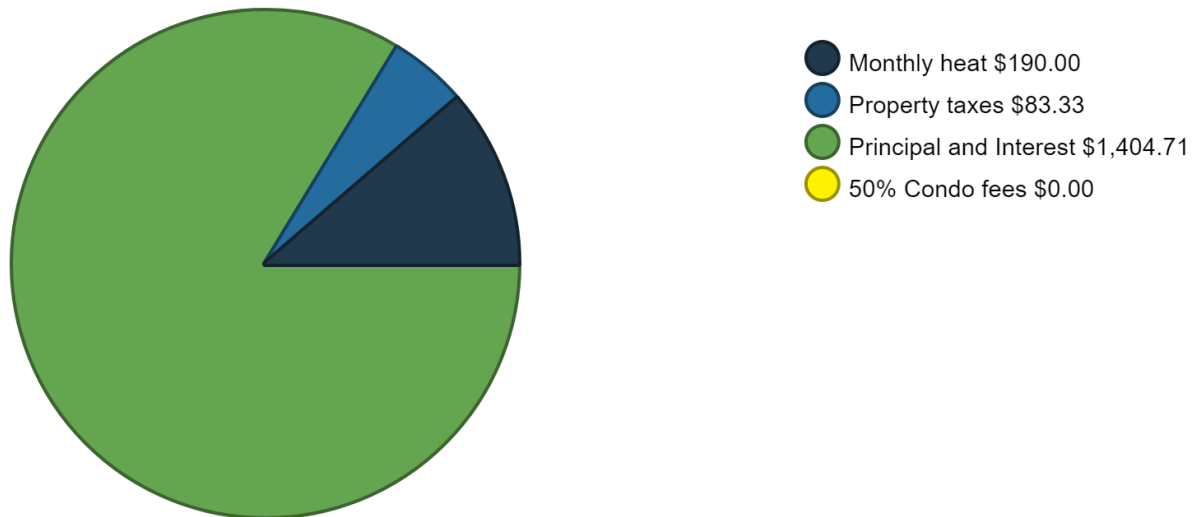
## Canadian Mortgage Affordability Calculator: Canada Home Loan Income Qualification Tool

mortgagecalculator.org

**An annual income of \$59,373 may qualify you for \$253,800 loan.**

Using your input values, an annual income of \$59,373 should enable you to carry a 25-year mortgage at 4.5% in the amount of \$253,800. With a \$46,200.00 down payment, the total purchase price would be \$300,000. Total closing costs for this loan are estimated at \$800 plus \$0.00 for Mortgage Principal Insurance which is financed in your loan.

### \$1,678 Monthly Payment Breakdown



### Your \$1,678.04 monthly payment consists of:

<b>Principal and interest</b>	\$1,404.71
<b>Taxes</b>	\$83.33
<b>Heat</b>	\$190
<b>Condo fees</b>	\$0.00 (only 50% of this amount is included in your monthly payment)

### Qualify Calculation

Results are based on: (i) the lower of the gross debt service ratio (GDSR) and the total debt service ratio (TDSR), (ii) the assumption that the rate of interest does not change from the current rate for the entire amortization period, (iii) other assumptions, such as heating costs for your home, and (iv) information that you provided. (v) required minimum down payment of 5% of purchase price. Some restrictions may apply.

The \$1,678 monthly payment you could qualify for is calculated by taking the lower of two these calculations:

1. GDSR=Monthly Income X 35%  
\$4,948 X 35% = \$1,732
2. TDSR=Monthly Income X 42% - Other loan payments  
\$4,948 X 42% - \$400 = \$1,678

Regardless of your monthly payment qualification, there is a required minimum down payment of 5% for homes with a purchase price of \$0 to \$500,000. For amounts over \$500,000 an additional 10% down payment is required for each dollar

over \$500,000. For amounts over \$1,000,000 a 20% down payment is required. The down payment does not include mortgage insurance, which may be financed. For a purchase price of \$300,000, the minimum required down payment is \$15,000.

<b>Mortgage Summary</b>	
<b>Purchase price of home</b>	\$300,000
<b>Down payment</b>	\$46,200.00
<b>Financed fees</b>	\$0.00
<b>Loan amount</b>	\$253,800
<b>Annual income</b>	\$59,373
<b>Purchase price</b>	\$300,000
<b>Monthly payment (PI)</b>	\$1,404.71
<b>Amortization</b>	25 years
<b>Balance at end of 5 year term</b>	\$222,827.55
<b>Interest rate</b>	4.5%

<b>Down Payment and Closing Costs</b>	
<b>Cash on hand</b>	\$47,000
<b>Net GST (new homes only)*</b>	\$0
<b>Other closing costs</b>	\$800
<b>Mortgage insurance premium at 0% of loan**</b>	\$0.00
<b>Total cost</b>	\$800.00
<b>Closing costs paid at closing:</b>	\$800.00
<b>Remaining for down payment</b>	\$46,200.00

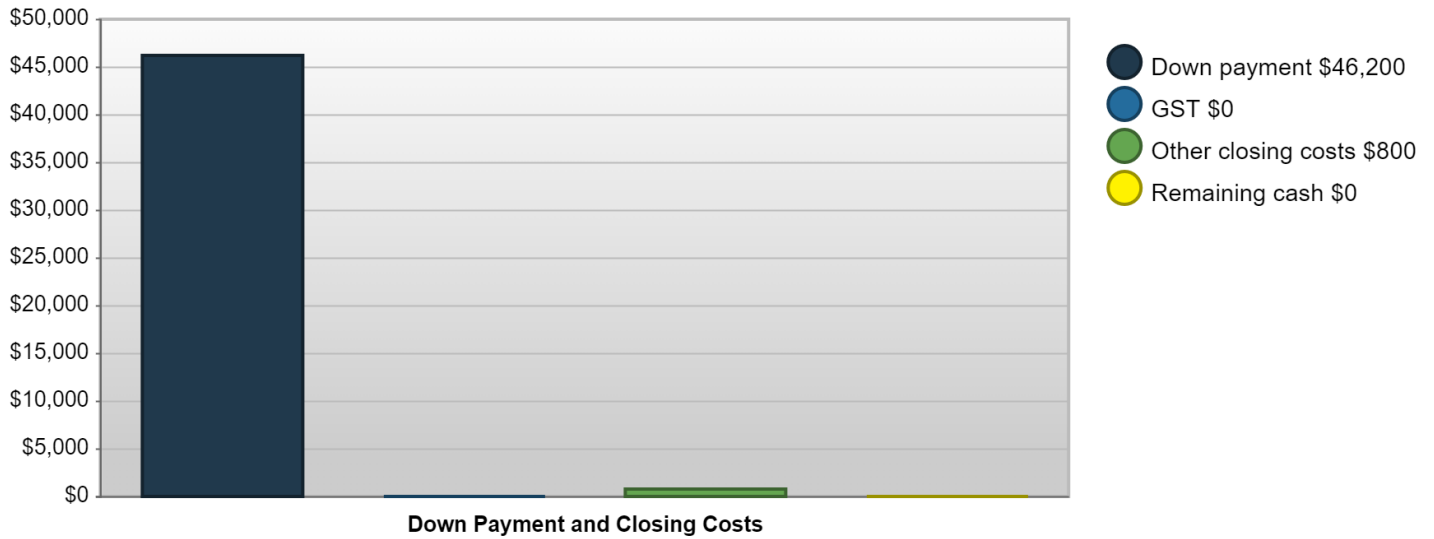
\* Existing homes are not subject to GST or HST. Some new homes have the purchase price with GST and/or HST/PST included. If this is the case for your home purchase, the checkbox to include HST/GST should be left unchecked since the GST and/or HST/PST will be included in the purchase price. It is important to be aware that there may be additional taxes on new home purchases depending on the province where the purchase is made. These additional taxes are not included in this analysis.

\*\*This amount is financed in your mortgage and does not increase the cash total amount required at closing. Mortgage insurance is NOT included in these results since you did not check the 'Mortgage Insurance Required' box. If mortgage insurance is required by your Financial Institution, the cost would be \$7,106.40. To avoid having to pay mortgage insurance, an estimated down payment of \$60,000 is required. This equals 20% of your home's purchase price. The cash required for a 20% down payment plus closing costs would be \$60,800.

## Total Payments



### Use of \$47,000 Cash on Hand



Total Principal and Interest Payments	
Total principal and interest payments	\$421,416
Total interest	\$167,616

### Payment Schedule

year	Interest	Equity	Balance	Interest Paid
1	\$11,200.73	\$5,655.79	\$248,144.21	\$11,200.73
2	\$10,943.36	\$5,913.16	\$242,231.05	\$22,144.09
3	\$10,674.29	\$6,182.23	\$236,048.82	\$32,818.38
4	\$10,392.95	\$6,463.57	\$229,585.25	\$43,211.33
5	\$10,098.82	\$6,757.70	\$222,827.55	\$53,310.15
6	\$9,791.31	\$7,065.21	\$215,762.34	\$63,101.46
7	\$9,469.81	\$7,386.71	\$208,375.63	\$72,571.27
8	\$9,133.65	\$7,722.87	\$200,652.76	\$81,704.92
9	\$8,782.20	\$8,074.32	\$192,578.44	\$90,487.12
10	\$8,414.76	\$8,441.76	\$184,136.68	\$98,901.88
11	\$8,030.62	\$8,825.90	\$175,310.78	\$106,932.50
12	\$7,629.00	\$9,227.52	\$166,083.26	\$114,561.50
13	\$7,209.07	\$9,647.45	\$156,435.81	\$121,770.57
14	\$6,770.06	\$10,086.46	\$146,349.35	\$128,540.63

<b>year</b>	<b>Interest</b>	<b>Equity</b>	<b>Balance</b>	<b>Interest Paid</b>
<b>15</b>	\$6,311.06	\$10,545.46	\$135,803.89	\$134,851.69
<b>16</b>	\$5,831.16	\$11,025.36	\$124,778.53	\$140,682.85
<b>17</b>	\$5,329.46	\$11,527.06	\$113,251.47	\$146,012.31
<b>18</b>	\$4,804.91	\$12,051.61	\$101,199.86	\$150,817.22
<b>19</b>	\$4,256.48	\$12,600.04	\$88,599.82	\$155,073.70
<b>20</b>	\$3,683.09	\$13,173.43	\$75,426.39	\$158,756.79
<b>21</b>	\$3,083.61	\$13,772.91	\$61,653.48	\$161,840.40
<b>22</b>	\$2,456.85	\$14,399.67	\$47,253.81	\$164,297.25
<b>23</b>	\$1,801.60	\$15,054.92	\$32,198.89	\$166,098.85
<b>24</b>	\$1,116.47	\$15,740.05	\$16,458.84	\$167,215.32
<b>25</b>	\$400.23	\$16,458.84	\$0.00	\$167,615.55

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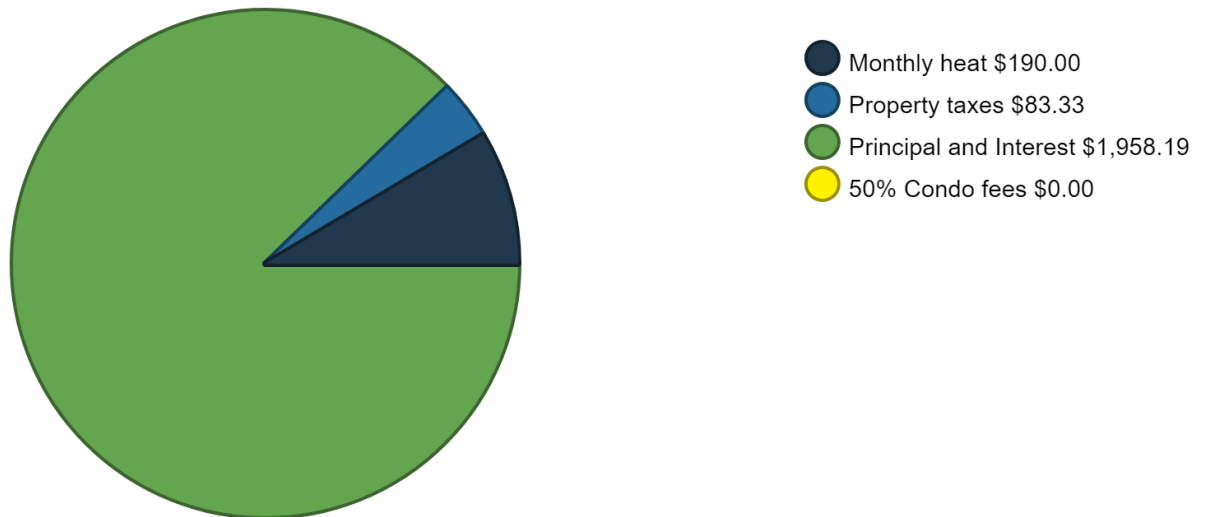
## Canadian Mortgage Affordability Calculator: Canada Home Loan Income Qualification Tool

mortgagecalculator.org

**An annual income of \$76,509 may qualify you for \$353,800 loan.**

Using your input values, an annual income of \$76,509 should enable you to carry a 25-year mortgage at 4.5% in the amount of \$353,800. With a \$46,200.00 down payment, the total purchase price would be \$400,000. Total closing costs for this loan are estimated at \$800 plus \$0.00 for Mortgage Principal Insurance which is financed in your loan.

### \$2,232 Monthly Payment Breakdown



### Your \$2,231.52 monthly payment consists of:

<b>Principal and interest</b>	\$1,958.19
<b>Taxes</b>	\$83.33
<b>Heat</b>	\$190
<b>Condo fees</b>	\$0.00 (only 50% of this amount is included in your monthly payment)

### Qualify Calculation

Results are based on: (i) the lower of the gross debt service ratio (GDSR) and the total debt service ratio (TDSR), (ii) the assumption that the rate of interest does not change from the current rate for the entire amortization period, (iii) other assumptions, such as heating costs for your home, and (iv) information that you provided. (v) required minimum down payment of 5% of purchase price. Some restrictions may apply.

The \$2,232 monthly payment you could qualify for is calculated by taking the lower of two these calculations:

1. GDSR=Monthly Income X 35%  
\$6,376 X 35% = \$2,232
2. TDSR=Monthly Income X 42% - Other loan payments  
\$6,376 X 42% - \$400 = \$2,278

Regardless of your monthly payment qualification, there is a required minimum down payment of 5% for homes with a purchase price of \$0 to \$500,000. For amounts over \$500,000 an additional 10% down payment is required for each dollar

over \$500,000. For amounts over \$1,000,000 a 20% down payment is required. The down payment does not include mortgage insurance, which may be financed. For a purchase price of \$400,000, the minimum required down payment is \$20,000.

<b>Mortgage Summary</b>	
<b>Purchase price of home</b>	\$400,000
<b>Down payment</b>	\$46,200.00
<b>Financed fees</b>	\$0.00
<b>Loan amount</b>	\$353,800
<b>Annual income</b>	\$76,509
<b>Purchase price</b>	\$400,000
<b>Monthly payment (PI)</b>	\$1,958.19
<b>Amortization</b>	25 years
<b>Balance at end of 5 year term</b>	\$310,623.47
<b>Interest rate</b>	4.5%

<b>Down Payment and Closing Costs</b>	
<b>Cash on hand</b>	\$47,000
<b>Net GST (new homes only)*</b>	\$0
<b>Other closing costs</b>	\$800
<b>Mortgage insurance premium at 0% of loan**</b>	\$0.00
<b>Total cost</b>	\$800.00
<b>Closing costs paid at closing:</b>	\$800.00
<b>Remaining for down payment</b>	\$46,200.00

\* Existing homes are not subject to GST or HST. Some new homes have the purchase price with GST and/or HST/PST included. If this is the case for your home purchase, the checkbox to include HST/GST should be left unchecked since the GST and/or HST/PST will be included in the purchase price. It is important to be aware that there may be additional taxes on new home purchases depending on the province where the purchase is made. These additional taxes are not included in this analysis.

\*\*This amount is financed in your mortgage and does not increase the cash total amount required at closing. Mortgage insurance is NOT included in these results since you did not check the 'Mortgage Insurance Required' box. If mortgage insurance is required by your Financial Institution, the cost would be \$10,967.80. To avoid having to pay mortgage insurance, an estimated down payment of \$80,000 is required. This equals 20% of your home's purchase price. The cash required for a 20% down payment plus closing costs would be \$80,800.

## Total Payments

### Use of \$47,000 Cash on Hand



Total Principal and Interest Payments	
Total principal and interest payments	\$587,456
Total interest	\$233,656

### Payment Schedule

year	Interest	Equity	Balance	Interest Paid
1	\$15,613.95	\$7,884.33	\$345,915.67	\$15,613.95
2	\$15,255.17	\$8,243.11	\$337,672.56	\$30,869.12
3	\$14,880.05	\$8,618.23	\$329,054.33	\$45,749.17
4	\$14,487.86	\$9,010.42	\$320,043.91	\$60,237.03
5	\$14,077.84	\$9,420.44	\$310,623.47	\$74,314.87
6	\$13,649.15	\$9,849.13	\$300,774.34	\$87,964.02
7	\$13,200.95	\$10,297.33	\$290,477.01	\$101,164.97
8	\$12,732.35	\$10,765.93	\$279,711.08	\$113,897.32
9	\$12,242.44	\$11,255.84	\$268,455.24	\$126,139.76
10	\$11,730.24	\$11,768.04	\$256,687.20	\$137,870.00
11	\$11,194.70	\$12,303.58	\$244,383.62	\$149,064.70
12	\$10,634.81	\$12,863.47	\$231,520.15	\$159,699.51
13	\$10,049.45	\$13,448.83	\$218,071.32	\$169,748.96
14	\$9,437.43	\$14,060.85	\$204,010.47	\$179,186.39



<b>year</b>	<b>Interest</b>	<b>Equity</b>	<b>Balance</b>	<b>Interest Paid</b>
<b>15</b>	\$8,797.58	\$14,700.70	\$189,309.77	\$187,983.97
<b>16</b>	\$8,128.61	\$15,369.67	\$173,940.10	\$196,112.58
<b>17</b>	\$7,429.21	\$16,069.07	\$157,871.03	\$203,541.79
<b>18</b>	\$6,697.96	\$16,800.32	\$141,070.71	\$210,239.75
<b>19</b>	\$5,933.42	\$17,564.86	\$123,505.85	\$216,173.17
<b>20</b>	\$5,134.12	\$18,364.16	\$105,141.69	\$221,307.29
<b>21</b>	\$4,298.44	\$19,199.84	\$85,941.85	\$225,605.73
<b>22</b>	\$3,424.72	\$20,073.56	\$65,868.29	\$229,030.45
<b>23</b>	\$2,511.27	\$20,987.01	\$44,881.28	\$231,541.72
<b>24</b>	\$1,556.22	\$21,942.06	\$22,939.22	\$233,097.94
<b>25</b>	\$557.70	\$22,939.22	\$0.00	\$233,655.64

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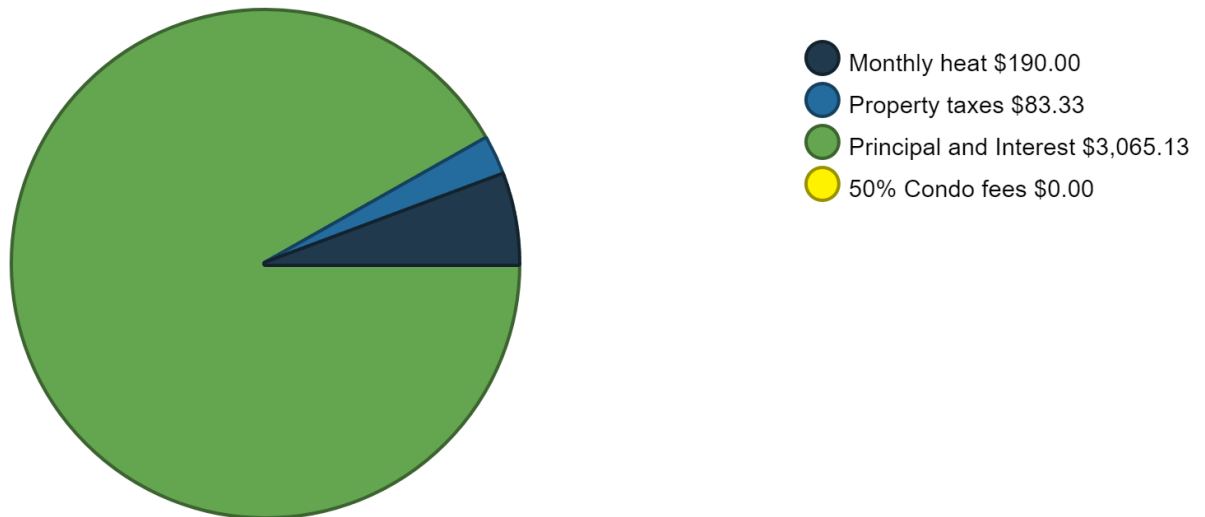
## Canadian Mortgage Affordability Calculator: Canada Home Loan Income Qualification Tool

mortgagecalculator.org

**An annual income of \$114,462 may qualify you for \$553,800 loan.**

Using your input values, an annual income of \$114,462 should enable you to carry a 25-year mortgage at 4.5% in the amount of \$553,800. With a \$46,200.00 down payment, the total purchase price would be \$600,000. Total closing costs for this loan are estimated at \$800 plus \$0.00 for Mortgage Principal Insurance which is financed in your loan.

### \$3,338 Monthly Payment Breakdown



### Your \$3,338.46 monthly payment consists of:

<b>Principal and interest</b>	\$3,065.13
<b>Taxes</b>	\$83.33
<b>Heat</b>	\$190
<b>Condo fees</b>	\$0.00 (only 50% of this amount is included in your monthly payment)

### Qualify Calculation

Results are based on: (i) the lower of the gross debt service ratio (GDSR) and the total debt service ratio (TDSR), (ii) the assumption that the rate of interest does not change from the current rate for the entire amortization period, (iii) other assumptions, such as heating costs for your home, and (iv) information that you provided. (v) required minimum down payment of 5.83% of purchase price. Some restrictions may apply.

The \$3,338 monthly payment you could qualify for is calculated by taking the lower of two these calculations:

1. GDSR=Monthly Income X 35%  
\$9,539 X 35% = \$3,338
2. TDSR=Monthly Income X 42% - Other loan payments  
\$9,539 X 42% - \$400 = \$3,606

Regardless of your monthly payment qualification, there is a required minimum down payment of 5% for homes with a purchase price of \$0 to \$500,000. For amounts over \$500,000 an additional 10% down payment is required for each dollar

over \$500,000. For amounts over \$1,000,000 a 20% down payment is required. The down payment does not include mortgage insurance, which may be financed. For a purchase price of \$600,000, the minimum required down payment is \$35,000.

<b>Mortgage Summary</b>	
<b>Purchase price of home</b>	\$600,000
<b>Down payment</b>	\$46,200.00
<b>Financed fees</b>	\$0.00
<b>Loan amount</b>	\$553,800
<b>Annual income</b>	\$114,462
<b>Purchase price</b>	\$600,000
<b>Monthly payment (PI)</b>	\$3,065.13
<b>Amortization</b>	25 years
<b>Balance at end of 5 year term</b>	\$486,216.58
<b>Interest rate</b>	4.5%

<b>Down Payment and Closing Costs</b>	
<b>Cash on hand</b>	\$47,000
<b>Net GST (new homes only)*</b>	\$0
<b>Other closing costs</b>	\$800
<b>Mortgage insurance premium at 0% of loan**</b>	\$0.00
<b>Total cost</b>	\$800.00
<b>Closing costs paid at closing:</b>	\$800.00
<b>Remaining for down payment</b>	\$46,200.00

\* Existing homes are not subject to GST or HST. Some new homes have the purchase price with GST and/or HST/PST included. If this is the case for your home purchase, the checkbox to include HST/GST should be left unchecked since the GST and/or HST/PST will be included in the purchase price. It is important to be aware that there may be additional taxes on new home purchases depending on the province where the purchase is made. These additional taxes are not included in this analysis.

\*\*This amount is financed in your mortgage and does not increase the cash total amount required at closing. Mortgage insurance is NOT included in these results since you did not check the 'Mortgage Insurance Required' box. If mortgage insurance is required by your Financial Institution, the cost would be \$22,152.00. To avoid having to pay mortgage insurance, an estimated down payment of \$120,000 is required. This equals 20% of your home's purchase price. The cash required for a 20% down payment plus closing costs would be \$120,800.

## Total Payments

### Use of \$47,000 Cash on Hand



Total Principal and Interest Payments	
Total principal and interest payments	\$919,541
Total interest	\$365,741

### Payment Schedule

year	Interest	Equity	Balance	Interest Paid
1	\$24,440.37	\$12,341.19	\$541,458.81	\$24,440.37
2	\$23,878.77	\$12,902.79	\$528,556.02	\$48,319.14
3	\$23,291.60	\$13,489.96	\$515,066.06	\$71,610.74
4	\$22,677.73	\$14,103.83	\$500,962.23	\$94,288.47
5	\$22,035.91	\$14,745.65	\$486,216.58	\$116,324.38
6	\$21,364.90	\$15,416.66	\$470,799.92	\$137,689.28
7	\$20,663.34	\$16,118.22	\$454,681.70	\$158,352.62
8	\$19,929.88	\$16,851.68	\$437,830.02	\$178,282.50
9	\$19,163.01	\$17,618.55	\$420,211.47	\$197,445.51
10	\$18,361.25	\$18,420.31	\$401,791.16	\$215,806.76
11	\$17,523.02	\$19,258.54	\$382,532.62	\$233,329.78
12	\$16,646.63	\$20,134.93	\$362,397.69	\$249,976.41
13	\$15,730.37	\$21,051.19	\$341,346.50	\$265,706.78
14	\$14,772.40	\$22,009.16	\$319,337.34	\$280,479.18

<b>year</b>	<b>Interest</b>	<b>Equity</b>	<b>Balance</b>	<b>Interest Paid</b>
<b>15</b>	\$13,770.84	\$23,010.72	\$296,326.62	\$294,250.02
<b>16</b>	\$12,723.72	\$24,057.84	\$272,268.78	\$306,973.74
<b>17</b>	\$11,628.95	\$25,152.61	\$247,116.17	\$318,602.69
<b>18</b>	\$10,484.34	\$26,297.22	\$220,818.95	\$329,087.03
<b>19</b>	\$9,287.65	\$27,493.91	\$193,325.04	\$338,374.68
<b>20</b>	\$8,036.49	\$28,745.07	\$164,579.97	\$346,411.17
<b>21</b>	\$6,728.44	\$30,053.12	\$134,526.85	\$353,139.61
<b>22</b>	\$5,360.82	\$31,420.74	\$103,106.11	\$358,500.43
<b>23</b>	\$3,931.00	\$32,850.56	\$70,255.55	\$362,431.43
<b>24</b>	\$2,436.07	\$34,345.49	\$35,910.06	\$364,867.50
<b>25</b>	\$873.15	\$35,910.06	\$0.00	\$365,740.65

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