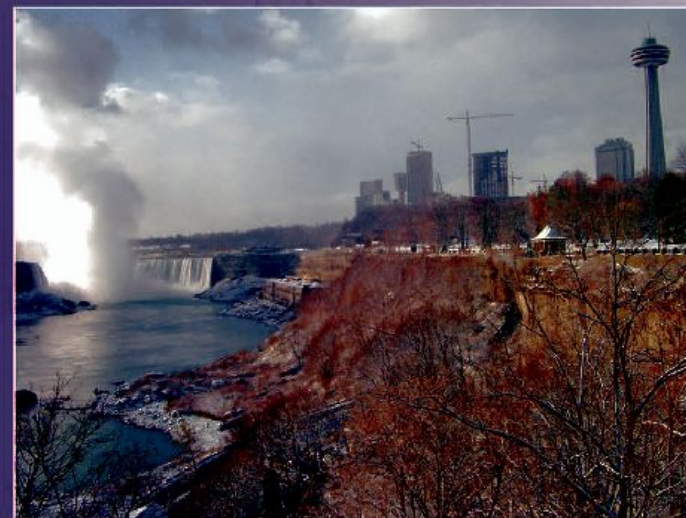


CITY OF NIAGARA FALLS

# TOURISM POLICY REVIEW

## IMPLEMENTATION HANDBOOK

May 31, 2004







CITY OF NIAGARA FALLS  
**TOURISM POLICY REVIEW**  
 IMPLEMENTATION HANDBOOK

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May 25, 2004

Douglas Darbyson MCIP RPP  
Director of Planning and Development  
City of Niagara Falls, City Hall

Dear Mr. Darbyson:

**Tourism Policy Review  
City of Niagara Falls, Ontario**

IBI Group is pleased to submit its Final Report and Urban Design Guidelines for the Tourism District of the City of Niagara Falls. In preparing this Report IBI Group has carried out the following tasks:

- Review of the policies of the Official Plan for the City of Niagara Falls
- Review of the Comprehensive Zoning By-law Regulations for the City of Niagara Falls
- Review of the major development approvals since 2000 within the Central Tourist District Area (including the applications filed, the Reports of the Planning and Development Department, Recommendation reports of the Architectural Peer Review Panel, Decisions of Council of the City of Niagara Falls, and Decisions of the Ontario Municipal Board related to specific hotel applications);
- Publication of a Phase One Report summarising the findings of our Phase One research and making a number of implementation recommendations, which Phase One Report was the subject of a Council Orientation Workshop in the summer of 2003 and subsequently published as an information report on the City's Internet web-site;
- Facilitation of two Community Consultation Focus Group meetings March 10 and 16, 2004 at the Central Library, the findings of which were published and made available to the public;
- Facilitation of a Community Consultation Town Hall Meeting March 31, 2004 at the City Hall Council Chambers; and
- Various liaison meetings with civic officials and representatives of City Council.

Having carried out this review and community consultation process, **it now is our Conclusion and Recommendation that the current policies of the Official Plan do not require formal amendments under the Planning Act.** The current Official Plan policies are adequate to achieve the key Tourism objectives of City Council and the community. **It is our Recommendation, however, that implementation of these policies should be more effectively understood and administered through clearer implementation Guidelines that could be appended to the Official Plan document to inform the development industry, the community and the Architectural Peer Review Panel as what it is that is expected to be achieved through the Official Plan and the city's current development review protocols.**



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The Recommended Guidelines are in conformity with the Official Plan and intended to be illustrative and exemplary rather than prescriptive or regulatory. The way we have organized our submission, applicable Official Plan policies are cited with each Guideline. The **Guidelines set out Urban Design Objectives that should be achieved through the official plan policies and Development Review Design Requirements that should form part of any application review in response to the Official Plan policies.** They can function as a replacement to the current TADS Guideline Implementation documents.

The current City of Niagara Falls planning regime requires and relies upon the adoption of Amendments to the Zoning By-law to implement development applications for buildings in excess of 4 storeys. **The Guidelines are intended to assist the Planning and Development Department and other civic officials in their review of these development applications.** In all cases, the final design for development and the precise performance standards imposed upon a development site should be the product of the analysis of its contextual relationship within the District area and the appropriate organization of development on-site and in relation to its neighbours.

During the course of the City's ongoing review of new development applications, the level of information required to adequately demonstrate conformity with the official plan will vary and change over time based upon new information, new trends and new municipal requirements. The current wording of the Official Plan policies are adequate to flexibly respond to changing needs over time.

For example, the current Recommendations of the Niagara Parks Commission as to the evaluative tests that should be carried out to assess the microclimatic implications of new development, can be accommodated under the current official plan policies enabling Council to require satisfaction on these matters. Similarly, the ability of the City to more effectively secure all of its community benefits through Agreements executed under Section 37 of the Planning Act, are also adequately enabled through the current Official Plan policies.

In our Phase One Report, we put forward a Recommendation for a Second Tier within the Central core of the Central Tourist District where an increased height could be considered and appropriately massed. **We still believe this opportunity exists for properties within the central area of the district away from the escarpment area and away from the transition to the residential neighbourhoods, but having carried out the public consultation process, we no longer believe it appropriate to pre-designate by Amendment in the Official Plan any areas for increased height within the potential second tier District. We believe any such applications require an evaluation on their merits and that they require a full contextual analysis each time.**

Our Recommendations have put forward, however, a proposed **Financial Formula as a form of Section 37 Community Benefit that Council and the development industry could consider when adopting any such amendment to the Official Plan under its current policies. Any such arrangement would be subject to the full public scrutiny required of all Official Plan Amendments and not pre-determined.**

In conclusion it has been our pleasure, to work with you and your staff, the Mayor and Members of Council and the people and hotel industry representatives in the City of Niagara Falls. We look forward to presenting our Recommendations to Council and wish all success and accomplishment in the achievement of the City's vision for the City.

Yours truly,  
IBI Group

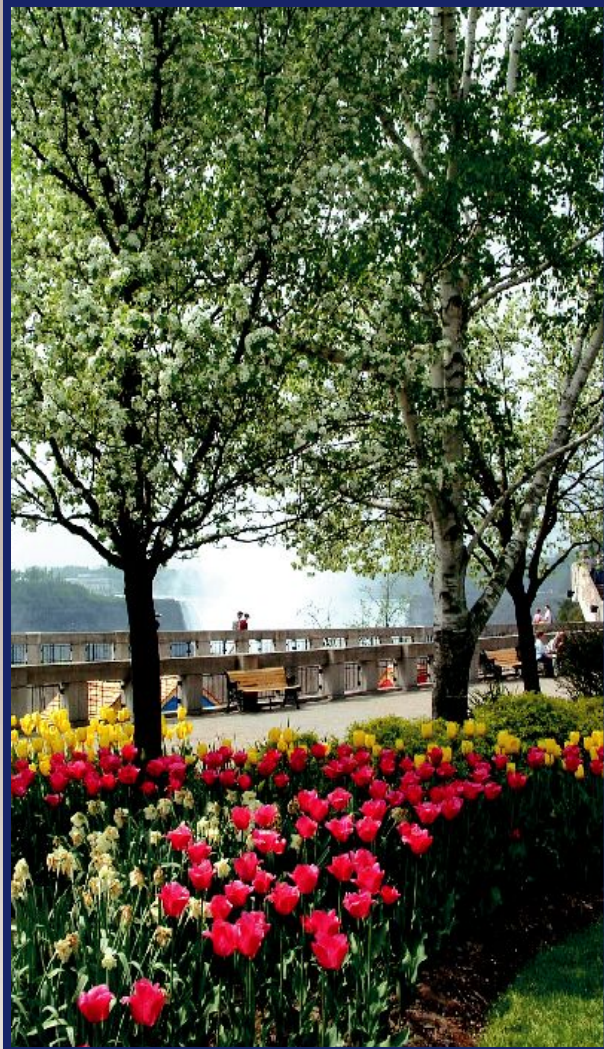
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## INTRODUCTION

Based on the findings of the Phase 1 Tourism Policy Review Report and the community consultation process, seven urban design principles were introduced as tools to be used on an ongoing basis to evaluate any future developments for proposals within the Tourist District. The seven principles are as follows:

1. Positive Base Building Principle;
2. Positive Public Realm at Grade Principle;
3. Sky View Principle;
4. Skyline Height Principle;
5. Niagara Falls Views and Vistas Principle;
6. Positive Microclimate Principle;
7. Parking and Circulation.

The following Implementation Handbook describes the principles, summarizes the general public feedback on each principle, and identifies opportunities and methods for how these principles can be implemented in a positive fashion. It is organized around:

- The statement of the Principle in full;
- Comments obtained through the public consultation process;
- The identification of existing Official Plan policy direction;
- Urban Design Objectives that should be achieved through the implementation of the Official Plan policies based on these principles;
- Development Review Requirements that should shape and inform any application for rezoning in conformity with the Official Plan.



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## BACKGROUND

The Niagara Falls Tourist Area Development Strategy (TADS) was completed and presented to City Council in June 1998. On July 13, 1998 Council adopted the components of the strategy dealing with high-rise buildings and development approval criteria through an Official Plan Amendment (OPA/26). The strategy was to act as a vision to guide future growth in the Niagara Falls tourist area. Five Pillars for City building were included in the Strategy:

- The Park in the City;
- An Integrated People Mover System;
- A Grand Boulevard on the Rail Corridor;
- New Casino Development;
- Building Quality and the Emerging Skyline.

To implement the theme of 'Building Quality and the Emerging Skyline' the strategy set out a new regulatory process that was intended to focus on built form and the careful consideration of each development application on a site-specific basis.

Official Plan Amendment 26 states, *"new development shall not form a continuous wall, but should be of variable heights when viewed from Queen Victoria Park, the American side or the City of Niagara Falls."* That the *"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 in order to reduce their massing and visual impact, appropriate gaps are to be created between them. All buildings over four storeys (current height restriction under Zoning By-Law 79-200) are to be considered within the context of achieving urban design objectives and public amenities. Public Benefits are to be secured through Council's powers under Section 37 of the Planning Act.

A key part of the strategy is the establishment of an Architectural Peer Review Panel that reviews all developments over ten storeys and advises Council as to the conformity of a building to the intent and spirit of its Official Plan.





### ARCHITECTURAL PEER REVIEW PANEL

Since the adoption of the Tourist Area Development Strategy and Official Plan Amendment 26, Council has considered and approved approximately twelve high-rise development applications in the Clifton Hill and Fallsview Tourism Districts. All applications were subject to review by the Architectural Peer Review process. The City's experience with nine of these applications was summarized in our Phase One Report. Of these applications, our research indicated that the Architectural Peer Review Panel and the City staff had significant concerns with six out of nine of these applications. The areas of concern that needed to be resolved, including the following:

- Slab building formations creating a wall of development;
- Built Form manipulations to accommodate single loaded corridors with all rooms facing the Falls;
- Significant "Pedestrian Comfort" wind mitigation requirements;
- Off-site parking arrangements to meet required parking;
- Additional Height beyond 30 storeys;
- Incremental Approvals of additional height and massing after commencement of construction of foundation areas.

Council, Staff and the public in general find that the process is not working as well as should be expected. In some cases, the Developers consider the 30 storey maximum building height as a starting point and negotiate more storeys or incrementally build and add floors of several storeys to gain additional height. The stepping in of buildings as the height increases to create sky gaps has not been implemented or has been minimized to create in some areas massive buildings and a solid wall facing the Falls with too little daylight between buildings. Some new building groupings have created high ground wind levels and sections of Queen Victoria Park are affected by shadows and other micro-climatic conditions that were not anticipated. One of the official plan goals of preserving the three original viewing towers on the City Skyline has been threatened with surrounding hotels dwarfing the Minolta Tower. With the original strategy treated as a guideline and subsequently current applications of hotels wishing to push towards the 50- 60 storey level, Council of the City of Niagara Falls requested that the Official Plan



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Tourism Policies and implementation strategies be reviewed and updated by an outside consultant.

Request for proposals were put out in the fall of 2002 and City Council hired the IBI Group in January 2003 to review and update the original planning strategies set out in the Official Plan and related documents.

### COMMUNITY CONSULTATION

Community Consultation Meetings were held in the form of Focus Group Break out sessions on March 10, 2004 and again on March 16, 2004 with the second meeting building upon the findings of the first meeting. On March 31, 2004 the City organized a Town Hall Meeting chaired by the Mayor at which approximately a 100 persons attended to hear the summary and make deputations on the Tourism Policy Review. Many Members of Council also attended and listened to persons making deputations and questioned the consultants.

There were common themes provided to the consultants and to Council Members as a result of the overall community consultation process. These included the following observations:

#### Singularity of Niagara Falls

- The past 100 years of history surrounding development around the Falls is a matter of important public stewardship.
- Development should be required to respond to the geo-technical characteristics of the area and the sensitive micro-climatic requirements of the Falls and its immediate environs.
- There is a need to relate the economic development requirements of the Tourist District and the public stewardship requirements of the environment.

#### Height Regime

- Building Height does matter and it is important to all stakeholders.





- The review of the Tourism policies is being pulled in two directions – both to lessen current restrictions and to increase the current restrictions with respect to permissible Height.
- Diversity of Height is important but so too is diversity of price range, target markets and form of accommodations.

### **Skyline**

- Development reviews need to be contextual with respect to existing development patterns and property rights.
- The Skylon Tower, as an icon of the skyline, feels threatened by proposals to increase height around it. The existing viewing towers are part of the vocabulary of the skyline acknowledged by the Official Plan.
- Walls of development and indiscriminate lighting and unattractive signage do matter.

### **Infrastructure Investment**

- There is a public concern that there be a clear coordination of new Hotel development with the implementation of the major city infrastructure such as the People Mover and roads and services which support it.
- There is public desire to understand the diversity of ideas currently under consideration for the Grand Boulevard concept and how it is to be implemented. Is it to be a pedestrian only civic space or a vehicular arterial road or the People Mover or all three?

### **Section 37 Bonus Provisions**

- There is a public concern over “Let’s Make a Deal Planning” and the acquisition of increased density at the expense of other public objectives.
- How much is too much and how is a “Bonus cap” introduced, understood and administered.



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**Remember the Third Tier – The Neighbourhoods**

- There is a view from the residential Neighbourhoods that has changed and separated the community from the Central Tourist District and from the Falls.
- The Transition of use between the Neighbourhoods and the Central Tourist District is frustrated by off-site parking lots for hotels and land use incompatibility issues.





## APPENDIX TO THE OFFICIAL PLAN – TOURISM POLICY GUIDELINES

Each of the following Guidelines are organized around a fundamental Urban Design Principle that underlies current Official Plan policies. The Appendix Guidelines:

- State the Urban Design Principle;
- Report the Community Consultation Comments presented in response to the Principle;
- Cite the current approved Official Plan Policies that require implementation of the Principle;
- Put Forward Urban Design Objectives to be Achieved to implement the Official Plan ; and
- Put Forward Development Review Design Requirements to implement the Official Plan





## PRINCIPLE 1 – POSITIVE BASE BUILDING PRINCIPLE

Achieve a positive base interface between vertical building and street elements through built to lines, setbacks, edge treatments, weather protection, transparency, proportion and scale.

### COMMENTS THAT WE HEARD:

- There is no sense of order or hierarchy to the streets within the Tourist District.
- The District does not in any way connect back into the adjacent parts of the City of Niagara Falls.
- The relationship between the Tourist District and the Falls themselves is broken by the escarpment and there is no strong visual or physical relationship between the two.
- The streets and pedestrian connections are not clearly evident, and are not inviting for passing through the District as one would normally pass through other parts of the City.
- The traffic movements are generally confusing, streets are not well defined by building edges, and the pedestrian environment is lacking.
- The activity that occurs along the street is not inviting or at a pedestrian scale that encourages one to feel comfortable in walking along the street.
- There is no apparent sense of order between building edges, setbacks or base building elements on adjacent blocks.





## OFFICIAL PLAN POLICIES

**Part 2 - Policy 4.3.1.** “ The Physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways. Public and private development will occur within this new planning framework.”

**Part 2 - Policy 4.3.5.** “Streets are a vital part of the public open space system. Streetscape improvements shall be used as a means to create a high quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development.”

**Part 2 - Policy 4.3.11.** “The City’s vision of becoming an international tourist destination shall be achieved through the upgrading and improvement of the physical plant. Improvements to the public realm include the provision of public plazas, landscaped open spaces and streetscape greening programmes as illustrated on Figure 3.”

**Part 2 - Policy 4.3.15.** “ To assist in the greening of the public realm, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces pursuant to section 42(6) of the Planning Act. Contributions shall be maintained in a specially identified Parkland Dedication Account for each Tourist District and all expenditures shall be made by Council in consultation with the Business Improvement Area Association for the particular Tourist District.”

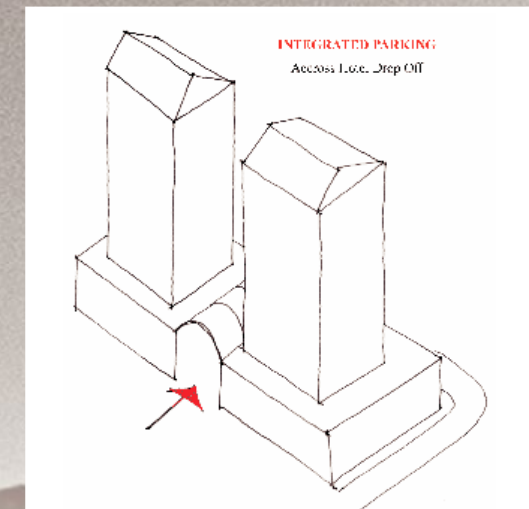
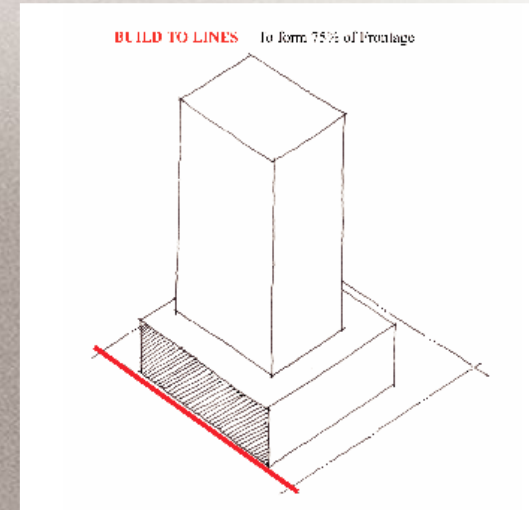
**Part 2 -Policy 4.4.1.** “High-quality private developments which complement and enhance the public realm shall be encouraged. To do this, Council shall establish a set of built form regulations consistent with Section 4.1.24 of this Plan.”



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**URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED**

- Recognizing that taller buildings will continue to be developed within the Tourist District, all development proposals should have a clearly defined base building designed to animate and define public streets with active uses, such as retail store fronts, galleries, hotel lobbies, high quality landscaped courtyards, mid block connections, and generally provide activities that contribute positively to the success of the adjacent street.
- Retail and entertainment uses should be located along built-to lines wherever possible, and create activity along public streets and open spaces.
- Base buildings should be defined through a combination of built to lines, which encourage well defined street edge, and in some cases which will allow for more generous sidewalks or streetscape treatments.
- It is important that development proposals clearly define the street wall or podium level, and illustrate how the proposed development addresses adjacent developments on neighbouring blocks.
- Weather protected canopies and colonnades should be continuous along street frontages, providing pedestrian comfort during inclement weather. The scale of these features should have regard for the pedestrian scale, the width of the sidewalk, and the overall scale of the adjacent building.
- Areas such as drop-off areas, where pedestrians and vehicles mix, should be integrated within the architectural solutions, and should be kept to a minimum dimension, thereby holding the edge of the street.
- Architectural features, such as cornices, changes in material, canopies or balconies should be coordinated with adjacent buildings, and wherever possible should reflect a principle that is a Block or Neighbourhood principle rather than an individual building expression.
- In the case of above grade parking, all above grade parking structures should be lined with active retail and/or street related uses at grade.





#### *DEVELOPMENT REVIEW REQUIREMENTS*

- In considering individual development applications the Architectural Peer Review Panel should evaluate the location of any colonnades, canopies and other weather protected routes and their relationship to the public pedestrian system and existing and proposed transit services.
- The panel should consider the location of parking facilities and proposed vehicular access points to assess the effect of these on the public sidewalks and on signalized intersections.

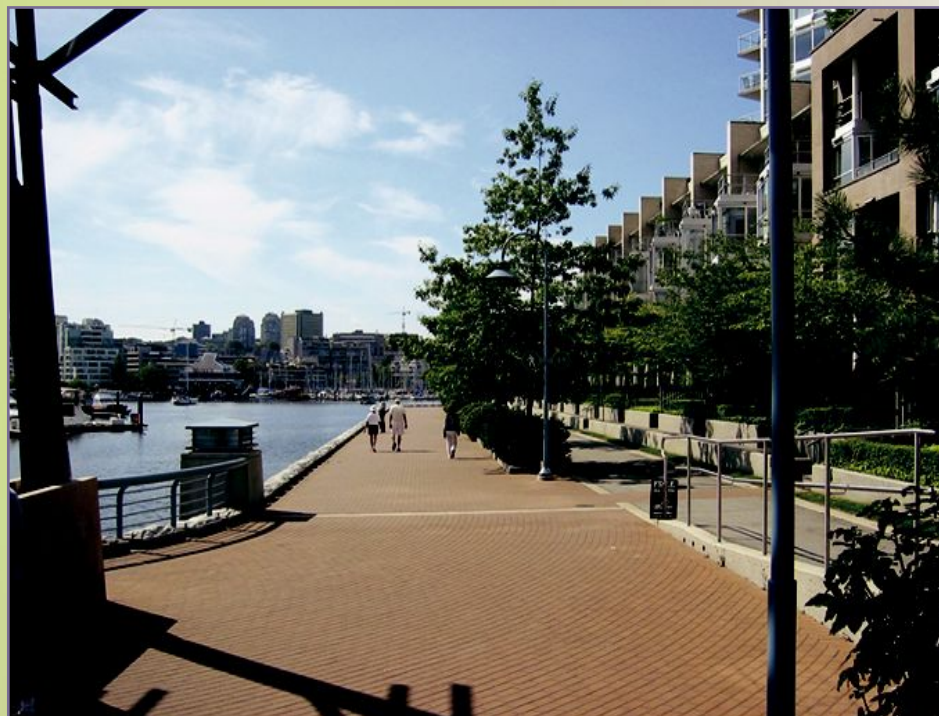




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PRINCIPLE 1





## PRINCIPLE 2 – PUBLIC REALM AT GRADE PRINCIPLE

Achieve an upgraded pedestrian environment through high quality streetscape, planting and furniture, and signage.

### *COMMENTS THAT WE HEARD:*

- There does not appear to be any coordinated streetscape program for the Tourist District.
- The public was aware that a streetscape masterplan had been prepared, however the plan has not yet been implemented.
- Where streetscape improvements have been made, it has been on an ad hoc basis with no apparent overall plan or phasing plan.
- The public realm at grade does not yet provide a pleasing pedestrian environment with wide sidewalks, planting and comfortable street furniture.
- Current streetscapes are not barrier free nor are the sidewalks continuous and safe from vehicle conflict.





## **OFFICIAL PLAN POLICIES**

**Part 2 - Policy 4.3.1.** “ The Physical setting of the Niagara Falls tourist area requires upgrading and renewal to reflect an internationally significant tourist destination image. In order to do this, a high quality public realm must be created consisting of generously landscaped streets, open spaces, parks and gateways. Public and private development will occur within this new planning framework.”

**Part 2 - Policy 4.3.2.** “A series of Entrance Gateways shall be created, as identified on Figure 1. Entrance Gateways shall be located at main entry points in order to welcome visitors to Niagara Falls. Entrance gateways shall direct visitors to the City’s Tourist Districts and provide information as to the various attractions and commercial functions available.”

**Part 2 - Policy 4.3.3.** “A series of Landscaped Entry Points shall be created, as identified on Figure 1. Landscape Entry Points shall be located at important intersections along Stanley Avenue, which provide direct connections to the escarpment, Queen Victoria Park and the Falls. To assist in the orientation of visitors directional signage, display panels and information kiosks shall be incorporated into the design of landscaped entry points.”

**Part 2 - Policy 4.3.4.** “Gateways and landscaped entry points will be constructed as part of a tourist area greening programme and will be designed to visually attract visitors through distinctive landscaping, paving and lighting.”

**Part 2 - Policy 4.3.5.** “Streets are a vital part of the public open space system. Streetscape improvements shall be used as a means to create a high quality public realm. Council shall adopt design criteria for each street type in the Tourist Area to guide the public improvement of these streets as well as adjacent private development.”

**Part 2 - Policy 4.3.6.** “The Grand Boulevard concept, as set out in Section 4.1.13 through 4.1.17 of this Plan and identified on Fig. 2, shall be created. Council shall ensure that public improvements and new developments along this new public street are consistent with the Design Criteria for the new Grand Boulevard.”

**Part 2 - Policy 4.3.7.** “Entry Corridors, as identified on Fig 2, shall be designated as the main points of access through which visitors arrive at the Niagara Falls Tourist Area. Entry Corridors shall be automobile-oriented streets whose main purpose is to accommodate vehicular traffic within an attractive, sign-posted and landscaped streetscape. Council shall ensure that public improvement and new developments are consistent with the Design Criteria for Entry Corridors.”



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**Part 2 - Policy 4.3.8.** "Retail Streets, as identified on Fig 2, shall be designated as comfortable and animated places which offer a variety of activities, amenities and experiences to pedestrians. Council shall ensure that public improvements and new developments abutting such streets are consistent with Design Criteria for Retail Streets."

**Part 2 - Policy 4.3.9.** "A network of pedestrian-related east-west streets shall be designated as Falls Access Streets, as identified on Fig 2, which lead from the commercial uses at the top of the escarpment to access points to and from Queen Victoria Park. Falls Access Streets shall encourage pedestrian circulation with a variety of experiences. Buildings built to the street with publicly accessible uses at grade as well as attractively landscaped setbacks are considered to be appropriate. Council shall ensure that public improvements and new development abutting such streets are consistent with the Design Criteria for Falls Access Streets."

**Part 2 - Policy 4.3.10.** "Council shall ensure that public improvements and new developments abutting all streets in the Tourist Area not otherwise designated on Fig.2, help improve the physical setting of the Tourist Area through streetscape improvements such as reconstructing sidewalks, the planting of street trees, and landscaping treatment. The details of these improvement shall be outlined in Streetscape Master Plans."

**Part 2 - Policy 4.3.11.** "The City's vision of becoming an international tourist destination shall be achieved through the upgrading and improvement of the physical plant. Improvements to the public realm include the provision of public plazas, landscaped open spaces and streetscape greening programmes as illustrated on Figure 3."

**Part 2 - Policy 4.3.12.** "A continuous publicly-accessible landscaped trail shall be created along the top of the escarpment from Clifton Hill to the southern end of the Fallsview. Details regarding the location of the escarpment trail will be incorporated into a Streetscape Master Plan for the area."

**Part 2 - Policy 4.3.13.** "New and improved pedestrian connections shall be developed between Queen Victoria Park and the top of the escarpment, as generally illustrated in Fig 3."

**Part 2 - Policy 4.3.14.** "Open space improvements around the new casino development site, as illustrated in Fig 3, shall be pursued as part of the new casino development."

**Part 2 - Policy 4.3.15.** "To assist in the greening of the public realm, all development and redevelopment in the tourist area will contribute to the development and improvement of public open spaces pursuant to

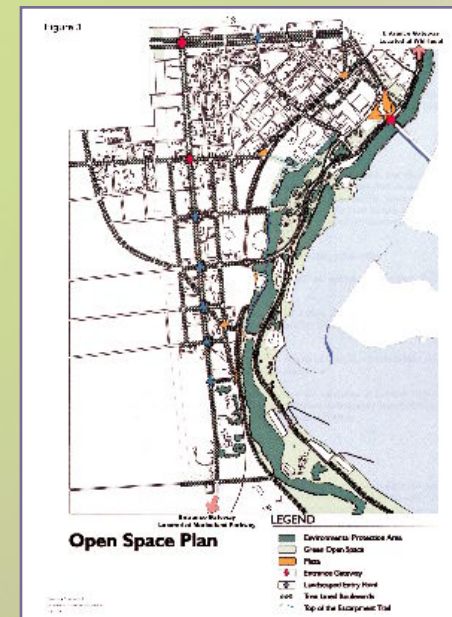
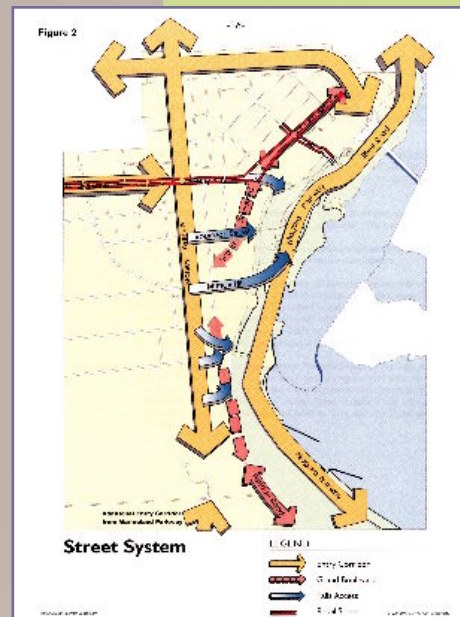
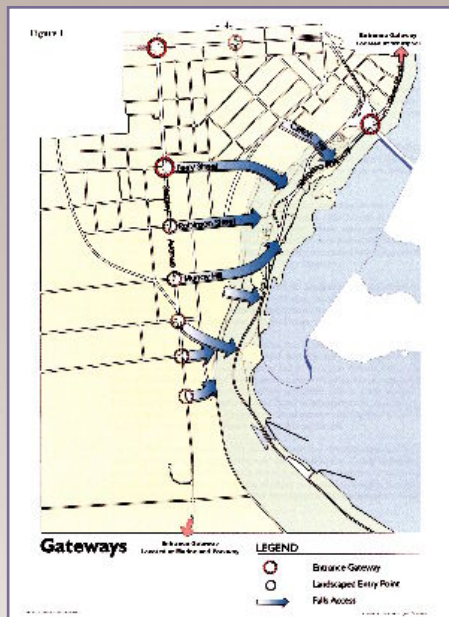




section 42(6) of the Planning Act. Contributions shall be maintained in a specially identified Parkland Dedication Account for each Tourist District and all expenditures shall be made by Council in consultation with the Business Improvement Area Association for the particular Tourist District.”

**Part 2 - Policy 4.3.16.** “Where lands designated as Open Space or Pedestrian Path on Fig.3 are in private ownership, this Plan shall not be construed as implying that such areas are free and open to the general public or will definitely be purchased by the municipality. It is the long term objective of Council, in such cases, to make it best efforts to seek such public access or dedication in relation to a specific development or redevelopment application.”

**Part 2 - Policy 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.”





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**URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED**

There are several “big moves” which form major public benefits to the Tourist District, and to the City of Niagara Falls in general. These include the following:

- The streetscape master plan that was prepared previously should have a clear implementation strategy. This will in some instances require the Council adoption of Amendments to its Official Plan to identify required road-widening areas. Road widening of roads under the jurisdiction of the Region will require similar amendments to the Regional Official Plan.
- Wherever possible, streetscapes should be completed in full phases rather than on an odd ad hoc basis:
  - The first responsibility is that of the City to settle its unified streetscape program for a given street. Within that program the City needs to identify those matters that it intends to introduce as part of its normal capital budget works or maintenance programs, and the public infrastructure requirements that are to be protected within the landscape plan such as underground utilities.
  - The second responsibility is that of the City to identify those matters of the streetscape plan that are allocated components of its Development Charges By-law that are administered through the allocation of DC dollars for street improvements.
  - The third responsibility is to identify those elements of the unified streetscape plan that are to be the result of Section 37 Contributions from private development that will consistently enhance the base Streetscape Requirements provided by the City either through its capital budget line items or through its DC allocations.
  - Streetscape improvements provided by the developer under Section 37 of the Planning Act should be installed to the specification and requirements of the City at the time of building permit and secured through appropriate Letters of Credit.
  - Streetscape Improvements that need to be deferred for construction purposes until other capital works and municipal improvements are implemented within the street should be allocated to a separate account accessible only for the appropriate







Capital Budget allocation for implementation of the unified streetscape plan. The phasing of construction of Streetscape Improvements and Landscape Plans for public boulevards can be addressed in a subdivision agreement, in the site plan agreement and in the Section 37 Agreement as appropriate to the circumstances of a proposal.

- Any development proposals that will be responsible for their adjacent streetscapes should include identification of their portion of the streetscape, the location of any colonnades, canopies and other weather protected routes, and the relationship of these private development improvements to the public pedestrian system and transit services.
- Adjacent streetscape plans that are required as part of a development approval should consider the placement of street furniture and sidewalk design, including a curb design that will provide continuous barrier free access, with pedestrian priorities.
- In order to strengthen the relationship between the Tourist District and the edge of the escarpment, and the Falls, the primary public pedestrian routes, and secondary mid block routes should be clearly mapped out by the City and coordinated with private development plans.
- The integration of the People Mover within the Tourist Area Development should remain a corporate priority that is enhanced through private land development decisions.
- The Grand Boulevard Concept, whether the boulevard ends up being a broad pedestrian civic space, a major transportation corridor, or a combination of the two, should be considered an important organizing principle that helps to define the Central Tourist District and hold it together. New Development should not be permitted to turn its back on the corridor with solid walls and loading docks but it should provide a built form and a land use activity system that encourages the presence of people and place; public design and investment in the Grand Boulevard Corridor should use the corridor to link the movement of people by various means to places and activities that are key parts of the Central Tourist District.
- Wider sidewalks and active public uses as defined in both the Master Streetscape Plan and Master Transportation Plan should be achieved.



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- Pedestrian and open-space linkages that exist between Queen Victoria and the Tourist District, both in the form of physical or visual connections should be identified and protected.
- Reconstructed sidewalks, street trees, public plazas and the creation of escarpment trails should be encouraged and achieved through public and private development investment decisions.

**DEVELOPMENT REVIEW REQUIREMENTS**

- In considering individual development applications the Architectural Peer Review panel should evaluate whether an application has adequately addressed the location of principal entrances and their relationship to street frontages to ensure that such entrances reinforce the role of the street.
- The panel should be advised of any required road widening and public streetscape requirements.
- The panel should consider the location of public pedestrian routes including the primary system of public streets and alternative secondary routes such as walkways and lanes and their relationship to each other.
- The panel should consider the range of proposed grade related public street uses and the manner in which they will support or detract from an active street presence.
- The panel should take into account requirements for the mobility impaired, such as safety and security features at bus stops, standards for the placement of street furniture and sidewalk design, including curb cuts so as to provide continuous barrier free paths.
- The panel should monitor the consistency of streetscape requirements as development applications proceed within a given street and block.









### PRINCIPLE 3 – THE SKY VIEW PRINCIPLE

Maximize sky, light and air transparency by building buildings with adequate spacing and mass, and mitigate shadow and blocking light and air penetration – avoid a feeling of a wall of development. It is the view of the composition of buildings from all sides.

#### *COMMENTS THAT WE HEARD:*

- The Tourist District is already a wall of development.
- Height is not an issue in and of itself, the issue lies in scale, massing and spacing between buildings, including access to sky views.
- Diversity in built form is important providing buildings are tall and slender.





## OFFICIAL PLAN POLICIES

**Part 2 - Policy 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.

**Part 2 - Policy 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”.

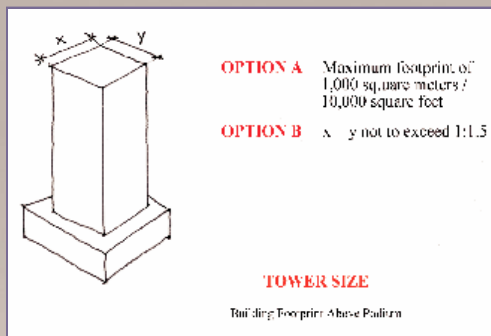
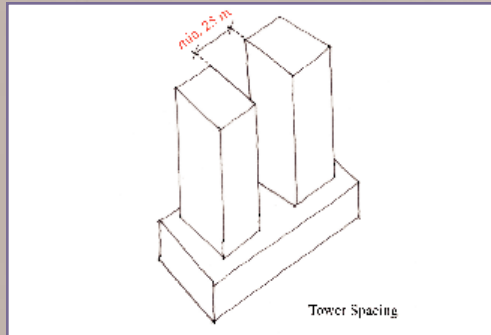
**Part 2 - Policy 4.6.9.** “The City shall retain design and/or architectural professionals for the purpose of undertaking Architectural Peer Reviews based on the design objectives and criteria contained in this Plan. The Architectural Peer Review process shall have a limited time frame for its completion and the costs of same shall be paid by the applicant.”



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PRINCIPLE 3



## URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED

This Principle can be implemented through various means including the following:

- The way to ensure light and transparency between buildings is through developing Regulations for minimum separation distances between towers and control of building floor plates. The City should establish General Regulations within the Zoning By-law that prohibit slab form buildings that contribute to a wall of development. Any site specific Zoning Amendment should be required to demonstrate how any divergence from the general regulations can meet the general Urban Design Objective to create slender towers above a base podium. Recommended General Regulations include consideration of the following measures:
  - Building floor plates should be controlled through a maximum floor plate size above the base podium that are generally no more than 929m<sup>2</sup> - 1115m<sup>2</sup>, [10,000 - 12,000 sq.ft.] and by a floor area ratio where the length/width ratio of any tower will generally not exceed a 1:1.5 ratio. This prohibits slab form buildings that contribute to the 'Wall of Development'.
  - Above the podium, there should be a minimum separation distance of 25 metres between towers on a lot or on an abutting lot.
  - No person shall erect a building or structure having a height greater than 15 metres unless above such height a minimum three metre setback is provided from the main wall of such building or structure that faces a lot line that abuts a street other than a public lane.
  - Buildings or structures shall provide a minimum front yard setback of 0 metres and a maximum front yard setback of 3 metres. In the case of flanking lots the same setbacks shall apply. [Yard setbacks should reflect the Master Streetscape Requirements of Council in complement to the road widening requirements and overall boulevard treatment strategy].
  - Build-to area for any Lot shall be a minimum of 60% of any lot frontage abutting a public street to a minimum height of 6 metres and a maximum height of 15 metres. For the purposes of this Regulation, Build-to area means the area of the lands within which a street wall of building or a structure shall be located. Street wall means any exterior wall abutting a public street.



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- All development proposals shall have respect for adjacent development, and specifically tower locations, such that tower locations are offset from one another ensuring the maximum amount of sunlight and sky view between the towers.

#### **DEVELOPMENT REVIEW REQUIREMENTS**

The Architectural Peer Review Panel should be retained as part of the review process for buildings greater than ten storeys. The role of the Panel should be:

- To encourage architectural excellence and conformity with the City's overall vision;
- To achieve the goals for excellence that have been stated by the Official Plan in the City's Vision Statement; and
- To look at a variety of ways to achieve urban design and architectural excellence.

In considering individual development applications

- The Architectural Peer Review panel should evaluate whether an application has adequately addressed the massing of buildings on a development block, providing a diversity of heights, consistent setbacks above the street wall or podium level, adequate separation distances among buildings and a reasonable distribution of density within the permissible building envelopes.
- The panel should evaluate the proposed building base, tower shaft and roof treatment, the maximum width of building face walls that is appropriate on all sides, and the proposed changes in dimensional width and use of architectural materials as building height increases.
- The panel should speak to the skylight and sky view between all buildings and comment on the minimum separation distances proposed and those that are appropriate and should be secured as matters of any rezoning.
- To the extent possible under law, features of the design that can be secured through the section 37 agreements should be so secured and not merely deferred to the site plan approval process.









## PRINCIPLE 4 - SKYLINE HEIGHT PRINCIPLE

The official plans set the maximum height at 30 storeys. The principles of positive base building and skyline apply equally to a building of less than 30 storeys as they do to buildings of more than 30 storeys. The taller the building, the greater the civic emphasis on slenderness as a requirement should be. Diversity of height can be achieved provided it is shaped or located in a way that warrants the height within the Tourist District.

### COMMENTS THAT WE HEARD:

- Height matters but Height in and of itself is not the problem. It is the scale and 'massing' of the built form that is not sensitive to its surrounding context.
- There should be diversity of height to help create an interesting skyline.
- The City should address the role of the Viewing Towers as part of its skyline.





## **OFFICIAL PLAN POLICIES**

**Part 2 -Policy 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.”

**Part 2 -Policy 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.”

**Part 2 - Policy 4.1.24.** “ A system of built-form regulations in the Tourist District shall be established, based on the following principles:

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



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**Part 2 - Policy 4.4.2.** “Building Heights throughout the Tourist District 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 Figure 4 and Section 4.4.3. The maximum building height shall be allocated if a proposed development meets the following criteria:

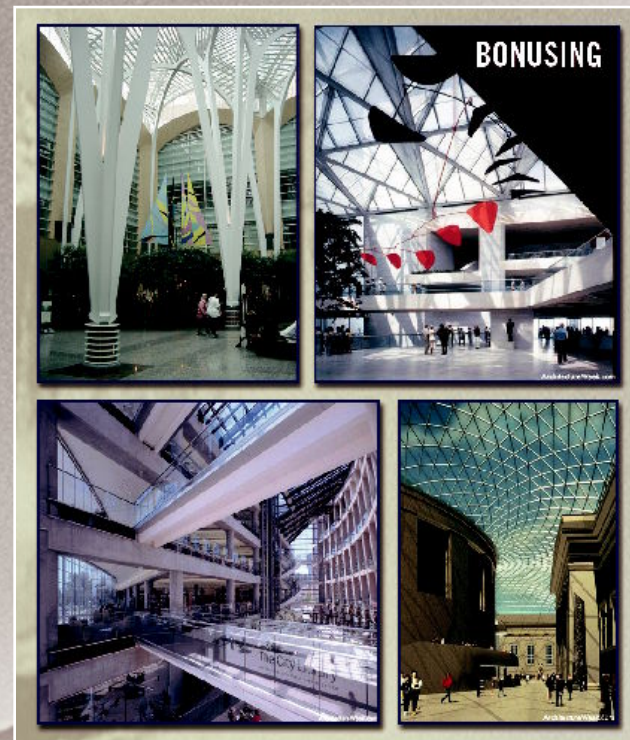
- a) the applicant has submitted all required zoning information;
- b) the applicant agrees to provide sidewalk and streetscape improvements in accordance with Section 4.4.4.;
- c) in cases where buildings exceed 10 storeys, the applicant has submitted requisite wind and shadow studies and has completed 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.”

**Part 2 - Policy 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”

**Part 2 - Policy 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 frontage are improved including sidewalks, the planting of street trees, the provision of street furniture and the provision of landscaped open space.”

**Part 2 - Policy 4.4.5.** “By virtue of allowing high-rise buildings, design controls need to be established that do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the





street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts.”

**Part 2 - Policy 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.

**Part 2 - Policy 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:

- f) to ensure that buildings are designed to add distinct and interesting features to the Niagara Falls skyline;
- g) to ensure that new developments enhance the pedestrian environment at the street level by reflecting a pedestrian scale design;
- h) 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;
- i) 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; and
- j) to minimize adverse impacts on residential areas”.

**Part 2 - Policy 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..”

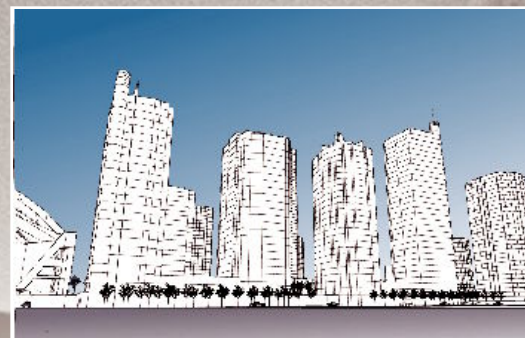
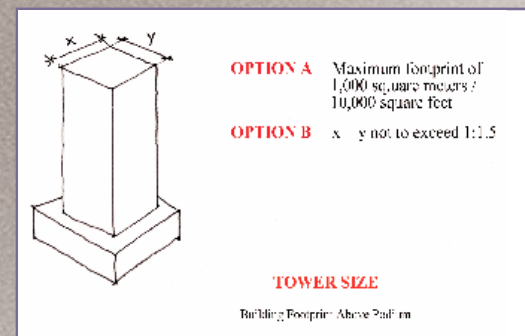
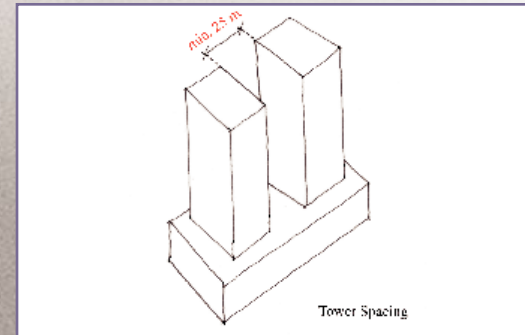
**Part 2 - Policy 4.6.9.** “The City shall retain design and/or architectural professionals for the purpose of undertaking Architectural Peer Reviews based on the design objectives and criteria contained in this Plan. The Architectural Peer Review process shall have a limited time frame for its completion and the costs of same shall be paid by the applicant.”



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**URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED**

- Towers should be organized with visible skyview between.
- Tower buildings should generally be located along and define the streets that run perpendicular to the escarpment edge.
- The City should generally define public view corridors in the direction of the Falls.
- The tallest buildings within the Tourist District should be located generally within the core of the Tourist District rather than at the escarpment edge or adjacent the residential community to the west.
- There should be a gradation of height stepping down towards the escarpment and Queen Victoria Park, so as to minimize the shadow impact on the park and there should be a stepping down towards the stable residential area to the west so as to minimize the shadow impact on the residential neighbourhood.
- Within a radius of 300 metres around the Skylon Tower the City should establish view corridors generally along the lines illustrated in Figure [4] in an effort to allow the visible presence of the Skylon to remain a signature feature of the Skyline. Building Heights and the orientation of building towers within this radius should be evaluated relative to the view corridor and relative to the visibility of the viewing tower from Queen Victoria Park, and relative to the key view corridors within the City and the Central Tourist District.





#### *DEVELOPMENT REVIEW REQUIREMENTS*

In considering individual development applications, the Architectural Peer Review Panel should require applicants for buildings of less than 30 storeys to prepare conceptual plans addressing the implications of additions and enlargements that would increase the height of the building proposed, the panel should consider the location of elevator corridors and structural load bearing design.

The Architectural Peer Review Panel should consider the distribution of varying Building Heights for a development block and for a functional street segment based upon approved development plans and existing development patterns.

The determination of maximum Height should be based upon a full analysis of the implications of the proposal within the objectives of the Official Plan with respect to skyline, microclimate and orientation of buildings and view corridors.

The panel should consider the built form techniques used to maximize height and determine which of these techniques, such as step back from building face, dimensional lengths and widths and other characteristics, are matters that can be secured as zoning performance standards, and which of these should be secured as matters of a Section 37 Agreement and which of these should be secured through the site plan approval process.

All applications for rezoning of heights above 4 storeys should be subject to an Agreement under section 37 of the Planning Act and those matters and facilities required for streetscape improvements, landscape open space improvements or improved community amenities and services should be identified in the Zoning By-law.

Contributions to streetscape improvements and enhanced amenity areas should have cost estimates that are secured through the Section 37 Agreement at the time of enactment.



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PRINCIPLE 4





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**PRINCIPLE 5 - NIAGARA FALLS VIEWS AND VISTAS PRINCIPLE**

Enhance the visual connections to the features of the Falls and across the borders and other environmental amenities. Avoid obstructing the valuable views and creating new ones.

**COMMENTS THAT WE HEARD:**

- The visual and physical connections between the Tourist District and Niagara Falls are weak at best and need significant improvements.
- The overall skyline composition of the Tourist District should be looked at from the American side, and from the major entryways along the Niagara Parkway.
- The overall composition of the Tourist District should represent an interesting skyline and not a wall of development.



PRINCIPLE 5



## OFFICIAL PLAN POLICIES

**Part 2 - Policy 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.”

**Part 2 - Policy 4.1.24.** “ A system of built-form regulations in the Tourist District shall be established, based on the following principles:

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



#### **URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED**

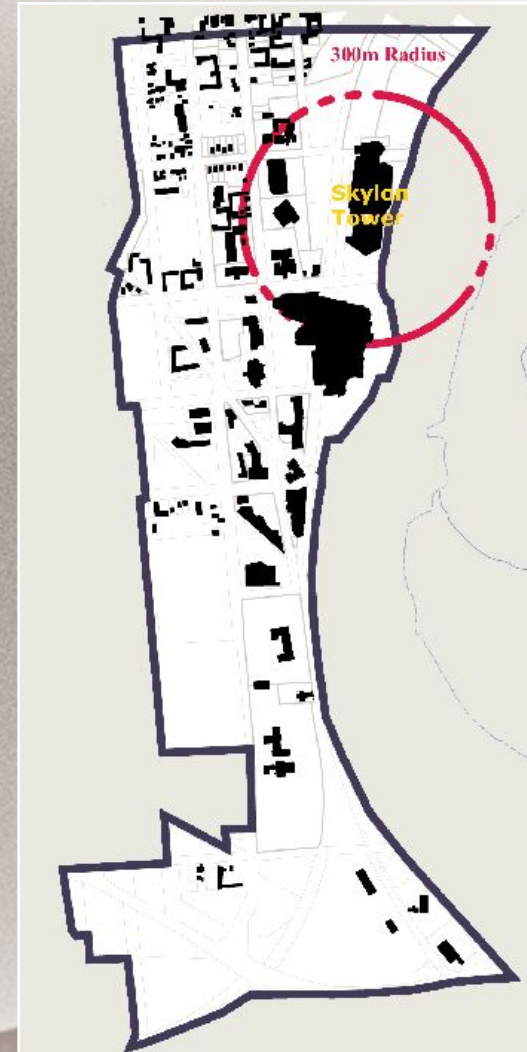
- Massing and Building scale should be designed to maintain views and exposure of the natural and man made features such as views to and from the Falls, Queen Victoria Park and the American Skyline.
- Maintain a positive exposure to the Skylon Tower.
- Minimize negative visual impact to low-rise residential neighbourhood to the west of the Tourist District.

There are elements that can be improved and/or added

- Increased forestation of escarpment area.
- Visible extensions of landscape themes from the Park ascending up the escarpment in corridors that are visible from all vantage areas.
- Other landmark public buildings – cultural venues such as Theatre, Opera House Ballet and Art Gallery.
- Public art celebrating the Heritage of Hydro and its Workers and celebrating the Environmental Wonder of the World that is Niagara Falls.

#### **DEVELOPMENT REVIEW REQUIREMENTS**

- The contribution of the Niagara Parks Commission on the Architectural Peer Review Panel should be clearly stated to ensure the coordinated tourism development objectives of the City and the Parks Commission are achieved.
- To this end, the City and the Niagara Parks Commission should agree upon priority sight lines between Queen Victoria Park and the Central Tourist District and consistently evaluate applications that fall within these corridors with similar criteria for built form intrusions, pedestrian, transit and vehicular connections, streetscape improvements and boulevard themes and standards.







## PRINCIPLE 6 - POSITIVE MICROCLIMATE PRINCIPLE

Implement design measures that will maximize comfort, enjoyment of the public realm, and minimize impacts on adjacent properties through shadow, wind and snow. Consider pedestrian criteria, for sitting, standing and walking.

### COMMENTS THAT WE HEARD:

- The microclimate has changed since the creation of the wall of buildings atop the escarpment.
- The misting that occurs may well be the result of the built form.
- All built form should have a well defined podium, with the tower elements stepped back from the edge of the podium so as to improve the pedestrian microclimate along the street.
- Any development plans should provide for colonnades, canopy and other weather protected routes along the public pedestrian system and directly related to transit services.

### ADDITIONAL COMMENTS THAT WE HEARD FROM THE NIAGARA FALLS PARKS COMMISSION STUDY

The Niagara Parks Commission commissioned a report on the mist dispersion patterns of Niagara Falls mist plumes to address the difference between the mist dispersion patterns as they have changed over time.

The findings of their consultants RWDI included the following conclusion:

“ In the Previous Configuration, before the addition of new buildings in the Fallsview area, the height of the moraine was not sufficient to produce a significant re-circulating flow zone large enough to pull the mist plume towards the moraine onto the Canadian side of the Falls. In the current configuration, the combination of the high rise buildings and the moraine results in a large recirculating flow zone that can extend to the source of the mist plume and pull it towards the moraine onto the Table Rock House area.







The larger volume of the mist plume is drawn towards the moraine when wind speeds are higher; and thus more misting events occur at higher wind speeds.

The difference between the mist dispersion patterns of the current configurations is not clear. The need for additional consultation and investigation is required in order to quantify what impact the future developments will have on misting events. A study of this nature could also be tailored to determine what, if anything, could be done by future developments to rectify current misting conditions. This study would likely require the use of computational fluid dynamics and computer modelling, along with additional wind tunnel tests."





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**Part 2 - Policy 4.4.2.** "Building Heights throughout the Tourist District 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 Figure 4 and Section 4.4.3. The maximum building height shall be allocated if a proposed development meets the following criteria:

- a) the applicant has submitted all required zoning 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."

**Part 2 - Policy 4.4.5.** "By virtue of allowing high-rise buildings, design controls need to be established that do not create adverse impacts, such as extensive shadowing on residential areas, public streets and open spaces, encroachment on the views of other landowners and the creation of severe wind impacts at the street level. Council will be guided by studies submitted in support of new development applications to ensure that high quality building designs are achieved with minimal environmental impacts."



PRINCIPLE 6



#### **URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED**

- The intent of the official plan is to protect the microclimate of the public realm streets and open space within the City that are immediately impacted by the scale and mass of buildings within the Central Tourist District.
- The larger microclimate relates to the coordinated public stewardship of Niagara Falls shared between all levels of government and society.
- To the extent that new built form is able to modify and alter the environment of its natural setting it is a matter of urban design integration of the building within its natural setting at the macro and at the micro level.

#### **DEVELOPMENT REVIEW REQUIREMENTS**

- Under Part 2 – Policy 4.4.5. applicants should be required to address the microclimate investigation requirements cited by the Niagara Parks Commission consultant investigations. This investigation should be included in the consideration of buildings above ten storeys and form part of the information supplied to the Architectural Peer Review panel as part of a complete application.
- When considering Pedestrian Comfort reports in support of an application Council should be satisfied that the applicant has considered all relevant microclimatic variables. These may include the height and massing of new buildings and the primary wind directions, and their orientation to sunlight, an analysis of built form structures that can create wind activity such as sheer walls, wind speeds and opportunities for wind mitigation through design rather than landscaping. The analysis should address the existing conditions, the proposed conditions and any required mitigation.
- The City should be consulted on the scope of the pedestrian comfort study to be carried out and agree on the test configurations to be considered, the development to be included in the test configurations and any specific requirements associated with the particular development site. The City should publish standard criteria that will be used to evaluate all applications with the same evaluation standards.
- A pedestrian level comfort evaluation should address wind force taking into account wind



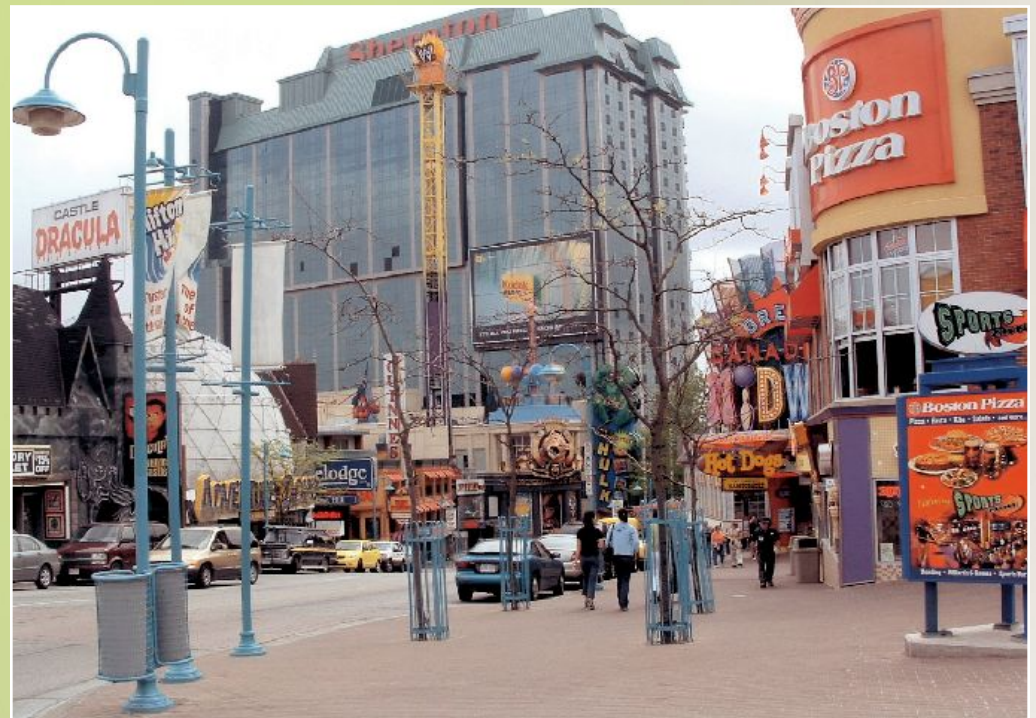
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frequency and wind velocity, thermal comfort taking into account relative humidity, sun shade, temperatures, anticipated pedestrian activities and assumed exposure times and wind chill based on wind chill and velocity. Evaluations should distinguish the levels of comfort as they vary by major seasons such as winter and summer and indicate levels of comfort that can be sustained and expected.

- Overall pedestrian comfort should be based upon a clear understanding of when a location will have acceptable levels of wind force, thermal comfort and wind chill for the three basic pedestrian activities of sitting, standing and walking
- Sun/shade assessments should address the impact of shade on public boulevards and public streets, on public open space areas and on residential neighbourhoods. The City should publish standards of sun and shade evaluation criteria that are acceptable for each of these settings.
- Standards of pedestrian comfort and standards of Sun Shade impacts on Queen Victoria Park should be agreed upon between the City and the Niagara Parks Commission and consistently applied in the review of development applications that affect the park.









## PRINCIPLE 7 – PARKING AND CIRCULATION

Allow less intrusive parking solutions that increase the convenience of the Tourist District; and implement services that reduce automobile circulation at and around the Falls and Queen Victoria Park.

### COMMENTS THAT WE HEARD:

- Off-site parking on the Hydro Corridor is seen as a threat by the stable residential neighborhoods. Concerns were raised about the land use incompatibility of lights, and car noise late at night, as well as a concern that its presence will create pressures for Tourist Related development to leap frog the Corridor and open up the neighborhood to tourist commercial development pressures.
- Access to the Falls is complicated by confusing way-finding, and the seasonal operation of certain facilities.
- Surface parking is generally unattractive and in excess at the park.
- Shuttle services or attractive easy-to-use transit can alleviate congestion, parking, and way-finding issues between the Tourist District, off-site parking lots, and the Falls.
- Short-term parking at the Park reduces business opportunities in the District.
- While parking is an important revenue generator, it is also expensive.
- There are too few East-West connections between the City and the Park.
- Way-finding aids including signage designed for pedestrians are needed to facilitate connections between parking facilities and area attractions.

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## OFFICIAL PLAN POLICIES

**Part 2 - Policy 4.5.1.** “ In order for the local business community to realize the full benefits of tourism, an integrated visitor circulation system needs to be established. Such a system should be designed to accommodate large numbers of visitors who have parked their cars for the day to explore the City as pedestrians. The following parking strategies shall be pursued in order to meet this overall objective:

- a) Parking shall be distributed throughout the Tourist Area with parking lots of various sizes. Large Parking facilities shall be strategically located at major attractions where tourists can easily use other modes of travel, including walking to reach a range of tourist attractions;
- b) The availability of parking at Table Rock contributes to short lengths of stay by visitors. The City shall work with the Niagara Parks Commission to find parking alternatives which will allow for the reduction of vehicle and bus parking at Table Rock; and
- c) Remote parking lots, serving only casinos, shall not be permitted unless connected to the people mover system.

**Part 2 - Policy 4.5.2.** “With the establishment of a people mover and structured parking facilities en route, parking requirements for individual retail or entertainment uses may be reduced. A review of City parking requirements, as they apply within the Central District, will be undertaken as part of Transportation Master Plan update.

**Part 2 - Policy 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; and
- d) parking lots and structures shall be designed in accordance with the City's Design Criteria for Parking Areas.”



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**URBAN DESIGN OBJECTIVES THAT SHOULD BE ACHIEVED**

- As a general rule, all required parking for new development should be provided on-site.
- New Development should concentrate parking in structured lots or underground.
- New development should provide retail or other active uses along the street frontage of structured lots.
- New Development should divide and disperse surface parking into landscaped modules to reduce impact on street-life and visual amenity.
- The City and the Niagara Parks Commission should link parking facilities through attractive pedestrian connections and transit or shuttle service that allows for the sharing of parking between Tourist District Facilities and area attractions such as the Falls or Queen Victoria Park. Ensure that these connections are clearly indicated.
- The City and the Niagara Parks Commission should seek to reduce automobile circulation and create “green” streets below the escarpment, by providing clearly identified off-site parking and easy pedestrian access.
- The City and the Niagara Parks Commission should provide incentives such as reserved spaces close to shuttle services or destinations for high-occupancy vehicles.

**DEVELOPMENT REVIEW REQUIREMENTS**

- As a general rule all applications for new development should be supported by a parking demand analysis that clearly establishes the parking requirements for guests and visitors, for employees and takes into account seasonal fluctuations, opportunities for shared parking arrangements and reduced parking based on levels of available transit.
- The Architectural Peer Review Panel should ensure that parking entrances are designed to prevent vehicles from blocking pedestrian pathways. Similarly, exhaust vents should be located away from pedestrian and public gathering areas.





- New Development should include conveniently located bicycle parking in safe, secure, and weather protected areas for employees
- The Architectural Peer Review Panel and the City should carefully evaluate requests for off-site parking. There is a fear of encroachment of parking on surrounding neighborhoods, compounded by the current provision of affordable parking to District employees through informal arrangements.
- In considering individual development applications, the Architectural Peer Review Panel should evaluate the degree to which sufficient parking supply has been provided on-site, and that the design of these parking areas does not have a deleterious effect on surrounding streets, either from the point of view of the pedestrian or vehicle circulation.
- With respect to surface parking lots, the panel should ensure that appropriate site amenities, landscaping and walkways reduce the number of conflicts between automobiles and pedestrian in and around the lot.





## ADDITIONAL MATTERS:

### *STABLE URBAN BOUNDARY PRINCIPLE*

**The Hydro Corridor should be reconfirmed as an urban separator between the tourist area and the residential lands to the west in order to create a stable boundary.**

Our Phase One Report emphasized the importance of a stable boundary to the Central Tourist District to define the areas of Tourist Commercial intensification separate from the stable residential areas to the west. During the community consultation and stakeholders meeting there were additional issues raised as to permeability of the area so that the corridor represents a transition and not a barrier.

Under the current Provincial Protocol for the Secondary Plan Land Use Program for the Corridor Lands, the city is requested to make its recommendations known to the Province prior to May 31, 2005. The city knows that subject to meeting Hydro One's existing and future transmission and distribution needs, and its technical, operational and safety requirements, public uses generally will have priority over private commercial ones. During the municipal planning period, the city is encouraged to identify suitable land uses, including potential linear public uses of the corridor lands as part of its overall planning program. The Province will review the city's proposal so that, if approved, it can be incorporated into the official plan.

Under the PSLUP a hierarchy of public uses principles are established. Proposals for public linear uses serving provincial and inter-regional purposes will have priority over those for local use. Following the local and provincial planning period, there is to be an opportunity to identify areas of interest that can be incorporated into regional and local infrastructure plans and subsequently into official plans.

Our **Recommendation** is that the City consider and prepare a linear Corridor Plan for the Hydro Corridor that would allow its use as a transitional area and stable boundary to the Tourist District. The linear corridor plan encompassing additional open space linkages, pedestrian networks east and west and a range of compatible transitional uses should be explored. The area has a mix of zoning and the appropriateness of these current zoning permissions should form part of the background review. Current short-term and long-term land lease arrangements



between Hydro and third party private landowners will also need to form part of the background review. The linear corridor plan should focus on the public City needs that can best be accommodated in this location in a manner that will stabilize the two distinct planning areas of residential neighbourhoods on the west and the Central Tourist District on the East.

#### *CURRENT REGULATORY IMPLEMENTATION*

The Current Tourist District Policies contain a number of explicit directions that all significant development of more than 4 storeys be subject to site specific zoning by-law amendments. The current policies rely upon the zoning amendment process to achieve the built form objectives of the official plan, to create a window of opportunity for the Architectural Peer Review Panel to contribute to the development review process, and to enable all of the community benefits that are associated with any zoning amendment application to be secured through a Section 37 Agreement under the Planning Act. The use of Section 37 of the Planning Act under the existing Official Plan policies can be set out as Regulations within the Zoning By-law Amendment to secure public realm streetscape improvements, conservation and heritage preservation and increased amenities without any need to amend the Official Plan.

Proposals that require amendments to the Official Plan can also introduce additional policy requirements for the use of Section 37 on a site-specific basis and subsequently form part of the site-specific policies and the site-specific zoning. In such cases, Council can consider the contribution of capital facilities and/or cash contributions towards capital facilities. With respect to the latter, we have drafted a Financial Formula that could form the starting point of negotiations on such an application.”



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**OFFICIAL PLAN REQUIREMENTS FOR ZONING BY-LAW AMENDMENTS**

**PART 2 -Policy 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.

**PART 2 -Policy 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.

**PART 2- Policy 4.6.1.** “A set of built-form zoning regulations and design criteria shall be established by Council, consistent with Section 4.4.1 through 4.4.8 of this Plan, which will ensure that all new buildings contribute to creating an appropriate skyline for Niagara Falls.

**PART 2 – Policy 4.6.8.** “All zoning By-Law Amendment applications for buildings or structures greater than 10 storeys shall be required to undergo a process of Architectural Peer Review for the purpose of ensuring that the design objectives of this Plan have been met.”

**PART 2 – Policy 4.6.10.** “Proponents of development and redevelopment plans within the Tourist Districts adjoining Niagara Parks Commission property shall, pursuant to Section 34(10.2) of the Planning Act complete the Architectural Peer Review process prior to making formal application for a zoning by-law amendment. The Report of the Peer Review panel shall form part of the application.

**CURRENT USE OF SECTION 37 OF THE PLANNING ACT**

**PART 2 - Policy 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.”

**PART 4 – Policy 4.5.1.** “Council may pass a by-law in accordance with Section 37 of the Planning Act to establish increases in height and/or density of development in return for the provision of certain facilities, services or other matters. Such a by-law would identify areas or zone categories where the bonus provisions would apply, and would specify the amount by which the height and/or density of development would be permitted to increase in exchange for conserving historical buildings and archaeological sites, providing increased amenities and protecting woodlot locations.”



## **OFFICIAL PLAN AMENDMENTS**

**PART 2 - Policy 4.6.11.** "Applications will be considered for Official Plan Amendments for proposed developments in excess of the 30 storey height limit set out in this Plan. The amendment application shall be supported by one or more reports prepared by a professional urban designer, land use planner or architect in order to address the manner in which the proposed development, at a defined building height, will maintain the built form objectives set out in policies 4.1.23 and 4.1.24. Further, such a report or reports shall demonstrate that no significant adverse impacts will be created because of the proposed development and its additional height. Issues to be addressed shall include extensive shadowing on residential areas, public streets and green spaces, encroachments on the views of the Falls of other landowners and the creation of severe wind impacts at street level.



#### **PROPOSITIONS FOR SECTION 37 BENEFITS**

- Public realm benefits within the tourist district have been and remain a first priority for new development to contribute.
- Community benefits that are perceived to improve the quality of life of the residents as well as the quality of life of the visitors should be pursued.
- Rigid Urban Design Guidelines explored in our Phase One Report are not seen as working well or effectively by the public or the hotel owners; public benefits are elected as an exchange of benefits – the city can challenge the hotel industry to be creative; require the urban design excellence and secure it through appropriate agreements.
- Section 37 Benefits for increased height above that now permitted by the Official Plan could include consideration of the cash contributions allocated for capital facility improvements within the City.

#### **IMPLEMENTATION GUIDELINES FOR AMENDMENTS TO THE OFFICIAL PLAN REQUESTING ADDITIONAL HEIGHT**

Under its existing policies in the Official Plan the City has the ability and the authority to require any official plan amendment for increased Height and or Density to be considered in the context of an exchange of benefits secured through Section 37 of the Planning Act.

An Official Plan Amendment application to permit a building in excess of the current Official Plan maximum of (30) thirty stories if considered, should be considered in the context of the official plan policy Part 4 – Section 4.5.1 as well as Part 2 - Policy 4.6.11.

Official Plan Amendments for increased height should in the first instance be weighed in the context of all of the good planning tests set out in the official plan for compatible High Rise Hotel development as described in Part 2 - Policy 4.6.11. Only if these can be adequately satisfied, Council may then further consider the use of Section 37 to achieve municipal capital facilities and/or cash contributions towards the achievement of capital facilities such as new Civic Plazas, Community Centres, enhanced transit facilities or other capital facilities for the betterment of the Tourist District and for other capital facility objectives set out in the official plan. The contributions specified should form part of the approved planning program of the City.



Any matters or services that are to be provided should be specified as policy requirements in the site-specific Official Plan Amendment as adopted and similarly reflected as specific Regulations in any implementing zoning by-law. Their appropriateness will form part of the public statutory review process required to amend the official plan.

As a Guideline, the value of a capital facility or cash contribution should be weighed against the value of the capital costs of the gross floor area of any habitable floors above thirty storeys since it is this increased height that the Official Plan Amendment will be authorizing if enacted. The bricks and mortar construction capital cost of the additional floors is a value that is not difficult for an applicant to determine.

In negotiating these matters Council can consider the following variables:

- Cash contributions provided under Section 37 of the Planning Act cannot function like an additional tax or growth related development levy. They are provided in exchange for benefits of increased height and density and related to the approved planning program set out in the Official Plan.
- Council's approach to evaluating the merits of a Section 37 contribution should be reasonable and predictable and consistently and equitably applied through its Amendments to the Official Plan and implementing zoning by-laws.
- The product of the contribution should be directed toward the provision of capital facilities and benefits rather than towards operating expenses.
- There should be a reasonable percentage of the value of these additional floors that is representative of the value of the public benefits to be provided as capital facilities or as a cash contribution towards a capital facility. A value of 5% of the capital cost value of the additional floors is a reasonable percentage to consider. A value percentage used by Council should be consistently and equitably used and form part of the official plan amendment policy that is adopted on a site-specific basis.
- Cash Contributions should be secured through Letters of Credit under an Agreement executed under Section 37 of the Planning Act.



- Agreements should be executed concurrent with the enactment of any Official Plan Amendment and Zoning By-law Amendment with provisions that allow the Agreement to unwind if for any reason the amendments do not become final and binding.
- The dollar value of the Cash Contributions and their Letters of Credit should be indexed in accordance with the Non-Residential Capital Expenditures Price Statistics published by Statistics Canada.
- The Capital Facility and/or cash contribution should be deliverable at the time of Building Permit issuance when financing is in place.

#### **FINANCIAL FORMULA EXAMPLE FOR SECTION 37 CONTRIBUTION ABOVE THIRTY STOREYS**

**The Financial Formula is simply: Value of the Floor x the number of additional floors above thirty storeys x 5% = value of capital facility contribution or cash contribution towards a capital facility.**

- **For Example:** In the case of a 45 storey building with a 8,000 square foot floor plate that has a capital cost of \$150 a square foot as determined by a source such as the Helyar Construction Cost Guide Canada [Year], a 5% cash contribution could be calculated as follows:
  - Each floor at 8000 square feet at \$150 a square foot would be valued at \$1,200,000 per floor;
  - The value of 15 additional floors would be  $15 \times \$1,200,000 = \$18,000,000$ ;
  - 5% of the total value of the additional floors would be  $\$18,000,000 \times 5\% = \$900,000$  capital facility value or cash contribution value.