

Land Use Compatibility Report

Garner Road – Midrise (Block "A")

SW23380.00

Prepared For

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1.0 Introduction

At the request of 1198815 Ontario Limited (Client), Thornton Tomasetti (TT) presents this Land Use Compatibility Report regarding the proposed residential development (Block A) located on Garner Road, south of Lundy's Lane in the City of Niagara Falls, Ontario (the Project).

The purpose of this study is to assess the potential land use compatibility impacts between the Project and the surrounding commercial and industrial land uses.

Where applicable, this report will provide noise control recommendations to meet the requirements of the relevant Land Use Planning Authority (LUPA). LUPAs generally adopt the criteria developed by the Ontario Ministry of the Environment, Conservation and Parks (MECP) and provincial policies, but may also have unique requirements.

2.0 Site and Surrounding Area

2.1 Project Location

The Project is located on the northeast corner of the Garner Road with Angie drive, and south of Lundy's Lane.

The Project Site includes:

- Block A (PID 348813) – PIN 64264-2758(LT) Part Lot 139, Township of Stamford, Niagara Falls, ON

An illustration of the project location and surrounding area is provided in Figure 1.

2.2 Zoning & Official Plan

Under the City of Niagara Falls Zoning Bylaw 79-200 the Project is bordered on the north by "Tourist Commercial Zones" and "Camping Establishment Zones" land uses. The Project is bordered on the immediate east by "Residential 1F Density Zones" and "Residential 3 Density Zones" land uses, and immediate south by "Open Spaces" and "Development Holding" land uses. To the west, the Project is bordered by "Agricultural Zones" and "Open Spaces" land uses.

The broader neighborhood and beyond includes residential, open space, agricultural, development holding and environmental protection area land uses.

An extract of the City of Niagara Falls Zoning Bylaw 79-200 is presented in Figure 2.

2.3 Planned Development

The proposed concept plans for the Project consist of a residential building, ranging from 4 to 6 stories tall. The building would generally include residential units, indoor amenity areas, and outdoor amenity areas.

The proposed site plan is provided in Figure 3.

3.0 Land Use Compatibility

Industrial and sensitive land uses are commonly separated by LUPAs in their official plans and zoning by-laws. When these types of land use occur near each other there is a potential for conflict due to contaminants such as dust or noise from the industrial land use. While industrial facilities are required to limit their impacts on surrounding sensitive land uses and are often designed with mitigation measures intended to address existing neighbors, the introduction of new sensitive receptors can lead to complaints, thus requiring more stringent mitigation requirements for existing facilities.

3.1 Regulatory Background

3.1.1 Provincial Policy Statement

The *Provincial Policy Statement, 2020 Under the Planning Act*, published by the government of Ontario came into effect on May 1, 2020. The *Provincial Planning Statement, 2024 Under the Planning Act* (PPS) will come into effect on October 20, 2024. Both documents include similar language, the 2024 version of which is copied below:

3.5.1 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.

3.5.2 Where avoidance is not possible in accordance with policy 3.5.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other major facilities that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses is only permitted if potential adverse affects to the proposed sensitive land use are minimized and mitigated, and potential impacts to industrial, manufacturing or other major facilities are minimized and mitigated in accordance with provincial guidelines, standards and procedures.

3.1.2 Growth Plan

The *A Place to Grow, Growth Plan for the Greater Golden Horseshoe Office Consolidation 2020* (GP), published by the government of Ontario in August 2020 identifies the following instructions regarding land use compatibility:

Section 2.2.5: 7. Municipalities will plan for all employment areas within settlement areas by:

- a) prohibiting residential uses and prohibiting or limiting other sensitive land uses that are not ancillary to the primary employment use;*
- b) prohibiting major retail uses or establishing a size or scale threshold for any major retail uses that are permitted and prohibiting any major retail uses that would exceed that threshold; and*
- c) providing an appropriate interface between employment areas and adjacent non-employment areas to maintain land use compatibility.*

3.1.3 Environmental Protection Act

Section 9 of Ontario's Environmental Protection Act (EPA) requires that industrial facilities obtain an approval to operate from the MECP.

Approval, plant or production process

9 (1) No person shall, except under and in accordance with an environmental compliance approval,

- (a) use, operate, construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or thing that may discharge or from which may be discharged a contaminant into any part of the natural environment other than water; or
- (b) alter a process or rate of production with the result that a contaminant may be discharged into any part of the natural environment other than water or the rate or manner of discharge of a contaminant into any part of the natural environment other than water may be altered.

In order to obtain and maintain this approval, industrial facilities are required to demonstrate that their emissions (including noise emissions) are within applicable limits at nearby sensitive receptors.

3.2 Recommended Setbacks

The *D-6 Compatibility Between Industrial Facilities* (D6) guideline published by the MECP was last revised in July 1995, and sets out potential influence areas, as well as minimum recommended separation distances for industrial facilities from sensitive land uses.

The D6 guidelines are generally accepted as applicable screening standards for demonstrating compliance with the PPS and GP requirements for land use compatibility. In cases where a sensitive land use would be located within the identified minimum recommended separation distance, additional consideration and mitigation is typically recommended to ensure that the sensitive land use is not subject to adverse effects, and the industrial facility is not unreasonably limited in its operations.

The separation distances may be determined from different points on the properties depending on the site conditions; however, the typical measurement is based on the property lines. Table 1 provides the potential influence area and recommended minimum separation distance from the industrial facility to the sensitive land use. Table 2 is a list of applicable criteria for the categorization of the industrial facilities.

Table 1: D-6 Separation Distances for Industry Classes

Category	Potential Influence Area	Recommended Minimum Separation Distance
Class I	70m	20m
Class II	300m	70m
Class III	1000m	300m

Table 2: D-6 Industrial Categorization Criteria

Category	Outputs	Scale	Process	Operation/Intensity
Class I	<ul style="list-style-type: none"> - Sound not audible off property - No ground borne vibration on plant property - Infrequent and not intense dust and/or odour 	<ul style="list-style-type: none"> - No outside storage - Small scale plant or scale is irrelevant in relation to all other criteria for this Class 	<ul style="list-style-type: none"> - Self-contained plant or building which produces/stores a packaged product - Low probability of fugitive emissions 	<ul style="list-style-type: none"> - Daytime operations only - Infrequent movement of products and/or heavy trucks
Class II	<ul style="list-style-type: none"> - Sound occasionally audible off property - Possible ground borne vibration, but cannot be perceived off property - Frequent and occasionally intense dust and/or odour 	<ul style="list-style-type: none"> - Outside storage permitted - Medium level of production allowed 	<ul style="list-style-type: none"> - Open process - Periodic outputs of minor annoyance - Low probability of fugitive emissions 	<ul style="list-style-type: none"> - Shift operations permitted - Frequent movement of products and/or heavy trucks with the majority of movements during daytime hours
Class III	<ul style="list-style-type: none"> - Sound frequently audible off property - Ground borne vibration can frequently be perceived off property - Persistent and/or intense dust and/or odour. 	<ul style="list-style-type: none"> - Outside storage of raw and finished products - Large production levels 	<ul style="list-style-type: none"> - Open process - Frequent outputs of major annoyances - High probability of fugitive emissions 	<ul style="list-style-type: none"> - Continuous movement of products and employees - Daily shift operations permitted

3.3 Surrounding Commercial and Industrial Facilities

Based on a review of satellite imagery, zoning maps, and existing MECP approvals in the vicinity of the Project area, TT has identified the actual or potential commercial and industrial facilities listed in Table 3 and illustrated in Figure 4 for consideration.

Table 3: Actual or Potential Industrial Facilities Surrounding the Project

Category	Location	Distance (m)	Description	Inside Potential Influence Area?	Inside Recommended Setback Distance?
N/A	8988 Lundy's Ln	27	Kingsway Motel	N/A	N/A
Class I	6169 Garner Rd	155	Niagara Falls Golf Club	No	No
Class II	8870 Lundy's Ln	135	The Dwnr (Nightclub)	Yes	No
Class II	8860 Lundy's Ln	200	Seductions (Nightclub)	Yes	No
Class I	5866 Garner Rd	240	Government Office	No	No
Class II	5855 Garner Rd	216	BVG Glazing Systems	Yes	No
N/A	6395 Garner Rd	500	Stay and Play Niagara	N/A	N/A
Class I	9387 Lundy's Ln	450	Campark Resorts	No	No
N/A	8406 Forestview Blvd	760	Forestview Public School	N/A	N/A
Class I	8720 Lundy's Ln	300	Passions Niagara	No	No
N/A	8674 Lundy's Ln	330	Tropicana Inn Motel	N/A	N/A
N/A	8646 Lundy's Ln	380	Lundy's Motel	N/A	N/A
Class I	8685 Lundy's Ln	400	Commercial Plaza	No	No
Class I	8626 Lundy's Ln	390	Niagara Airbus	No	No
N/A	8618 Lundy's Ln	450	Space Motel	N/A	N/A
N/A	8627 Lundy's Ln	485	A-1 Star Inn	N/A	N/A
N/A	8511 Lundy's Ln	625	Caravan Inn	N/A	N/A
Class I	8568 Lundy's Ln	514	Cannabis Dispensary	No	No
N/A	8530 Lundy's Ln	520	Fire Station	N/A	N/A
N/A	8445 Lundy's Ln	708	Blue Moon Motel	N/A	N/A
Class I	8444 Lundy's Ln	570	Resort Spa and Waterpark	No	No
Class I	8279 Lundy's Ln	900	Commercial Plaza	No	No

3.4 Facilities within Potential Influence Area

Based on a review of satellite imagery and existing environmental approvals granted by the MECP, three facilities have been identified within their respective potential influence areas of the Project. The following sections provide a detailed discussion of each facility and TT's assessment of potential impacts.

3.4.1 Nightclubs

Nightclub facilities are considered to be Class II sites, based on the potential for sound occasionally being audible off property and have overnight operations.

Identified nightclub facilities within the 300m Class II potential influence area are as follows:

- **8870 Lundy's Ln (~135m property line to property line):** This building is **not expected to significantly impact the proposed residential development.** This building is located beyond the 70m recommended minimum setback distance. The building is primarily operated during the nighttime period and could produce some audio noise in the immediate vicinity of the facility.
- **8860 Lundy's Ln (~200m property line to property line):** This building is **not expected to significantly impact the proposed residential development.** This building is located beyond the 70m recommended minimum setback distance. The building is primarily operated during the nighttime period and could produce some audio noise in the immediate vicinity of the facility.

3.4.2 Manufacturing Facilities

Warehouse facilities are considered to be Class II sites, based on the potential for frequent movement of products and/or heavy trucks.

Identified warehouses within the 300m Class II potential influence area are as follows:

- **5855 Garner Rd (~216m property line to property line):** This warehouse is **not expected to significantly impact the proposed residential development.** The warehouse is located beyond the 70m recommended minimum setback distance and is closer to an existing campground at 8845 Lundy's Ln than the Project Site.

3.5 Facilities within Recommended Separation Distance

There are no nearby properties which may house operations within the recommended minimum separation distance from the Project Site.

3.6 Transportation Corridors

Surrounding transportation sources include the following:

- Lundy's Lane (approximately 115 m to the north);
- Garner Road, adjacent to the development; and
- Railway, approximately 350 m to the north.

3.6.1 Air Emissions

Transportation related air pollution (TRAP) is considered a major local contributor to air pollution and can result in adverse health impacts for people living near highways and roadways, as noted in the 2017 Toronto Public Health 'Avoiding the Trap' Technical Report – Land Use Planning at the Project site Level'.

TRAP studies are typically completed if a development is located within 500m of a major highway (>100,000 veh/day), 150 m of highways (>50,000 veh/day) and 100 m for roadways (>15,000 veh/day). As no major highways are located within 500 m of the proposed development, and Lundy's Lane/Garner Road have volumes less than 15,000 veh/day, a TRAP study is not considered necessary for roadway noise.

Railway air emissions are typically only a concern within 150 m of a railway corridor. Given the large separation distance of 350 m to the railway, a TRAP study is not considered necessary for the railway.

3.6.2 Noise Emissions

Roadway noise has the potential to impact the proposed development, due to the proximity to Garner Road and Lundy's Lane. Rail noise (freight) is not anticipated to be a concern, as the railway is located outside of the 300 m separation distance for assessment. As the Niagara Region Noise Study Terms of Reference requires a consideration of rail noise up to a 500 m separation distance, a review of railway noise impacts is considered necessary. Based on the above, an assessment of transportation noise is considered necessary to determine if noise controls are required for the development.

4.0 Concluding Comments

The Project Site is located outside of the minimum recommended setback requirements for all nearby properties operating under a valid provincial environmental approval. TT does not anticipate any significant impacts to the operations of surrounding approved industrial, manufacturing or other land uses.

Based on our review, the Project is considered compatible with the surrounding land uses. The conversion of the Project lands:

- will not affect the compliance of local industrial facilities with applicable Provincial environmental policies, regulations, approvals, authorizations, and guidelines;
- are not likely to result in an increased risk of complaint and nuisance claims;
- are not likely to result in operational constraints for the surrounding industries and commercial operations;
- are not likely to result in constraints on surrounding industries to reasonably expand, intensify or introduce changes to their operations; and
- are not likely to result in constraints for new industries to reasonably be established in the surrounding lands.

The following study is recommended to address roadway noise :

- An Environmental Noise Study to assess transportation noise impacts, identifying potential noise control measures, ventilation and warning clause recommendations.

Please do not hesitate to contact us if there are any questions.

Yours Truly,

Thornton Tomasetti



Marc-André Bois
Senior Scientist

Reviewed by:

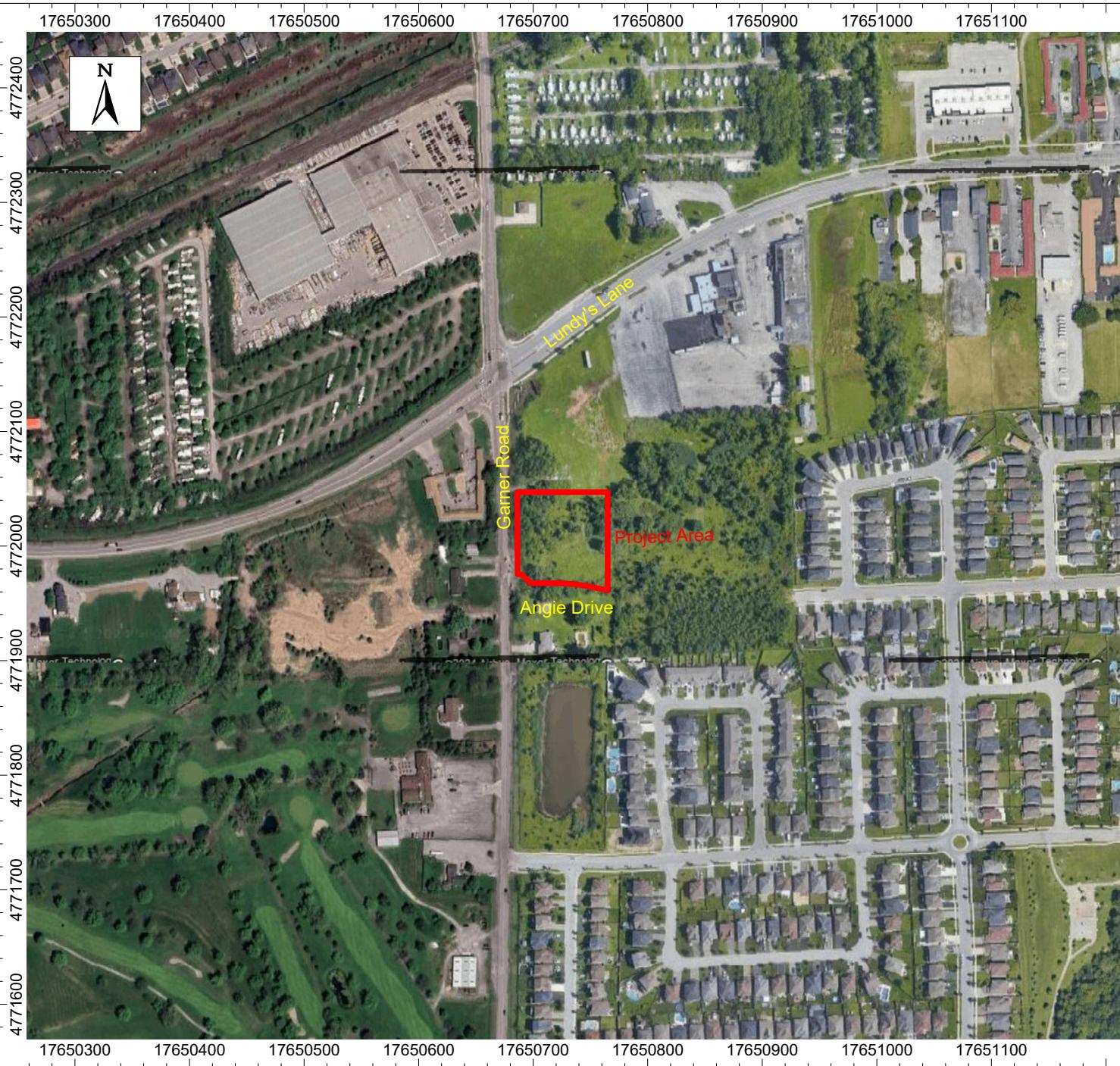
Marcus Li, P.Eng.
Vice President

Disclaimer

Achieving the required noise control requirements relies on correct incorporation of noise control recommendations into Architectural and Mechanical drawings and specifications, as well as correct installation during construction. On Request, TT will conduct drawing reviews and onsite reviews of noise control measures and provide observations as appropriate; however, notwithstanding the foregoing, it is expressly understood and agreed that TT shall not have control or charge of, and shall not be responsible for the acts or omissions, including but not limited to means, methods, techniques, sequences and procedures, of the Design Professionals and/or Contractors performing design and/or construction on the Project. Accordingly, TT shall not be held responsible for the failure of any party to properly incorporate the noise control measures stated in this report.

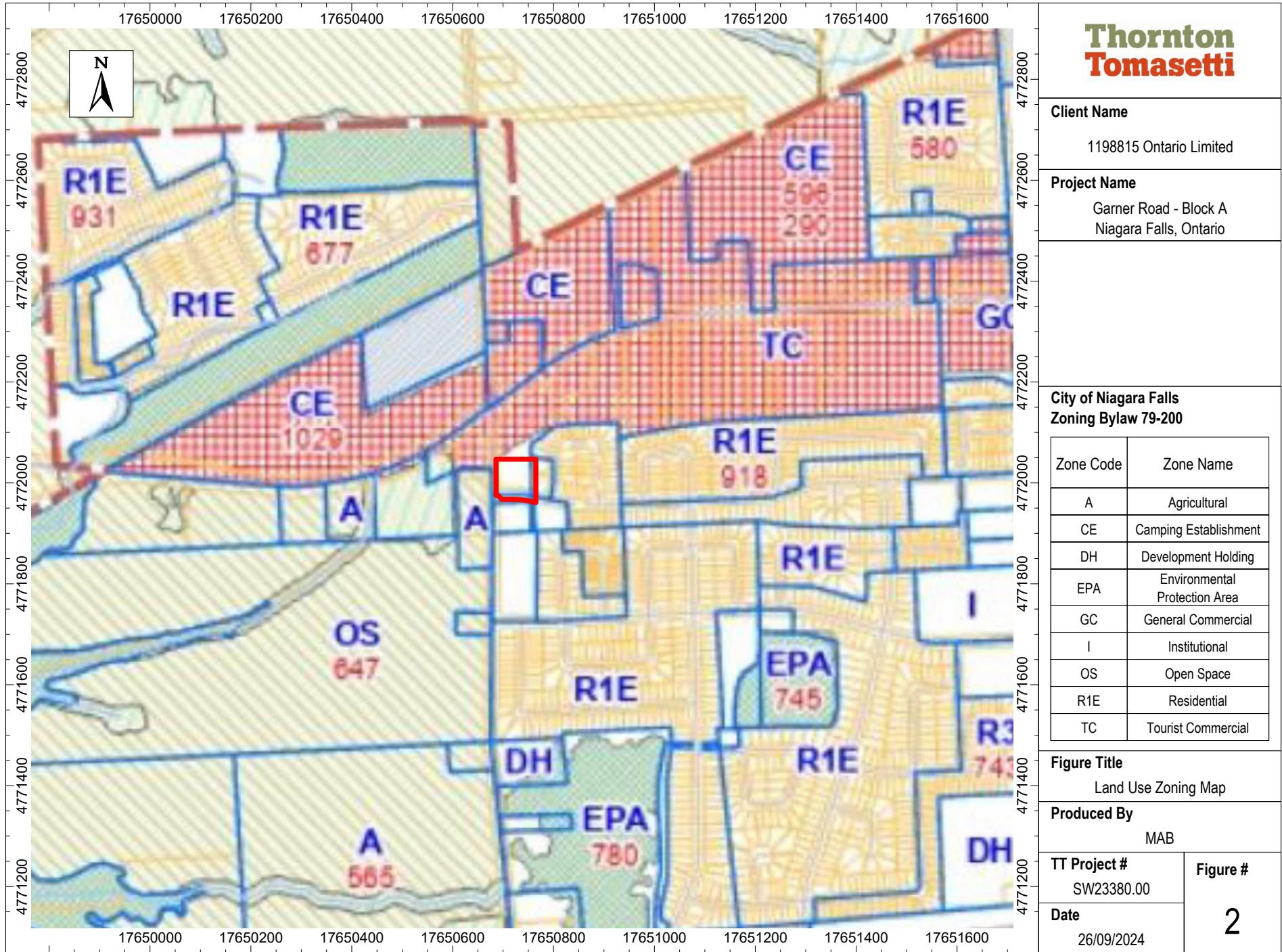
Appendix A: Figures

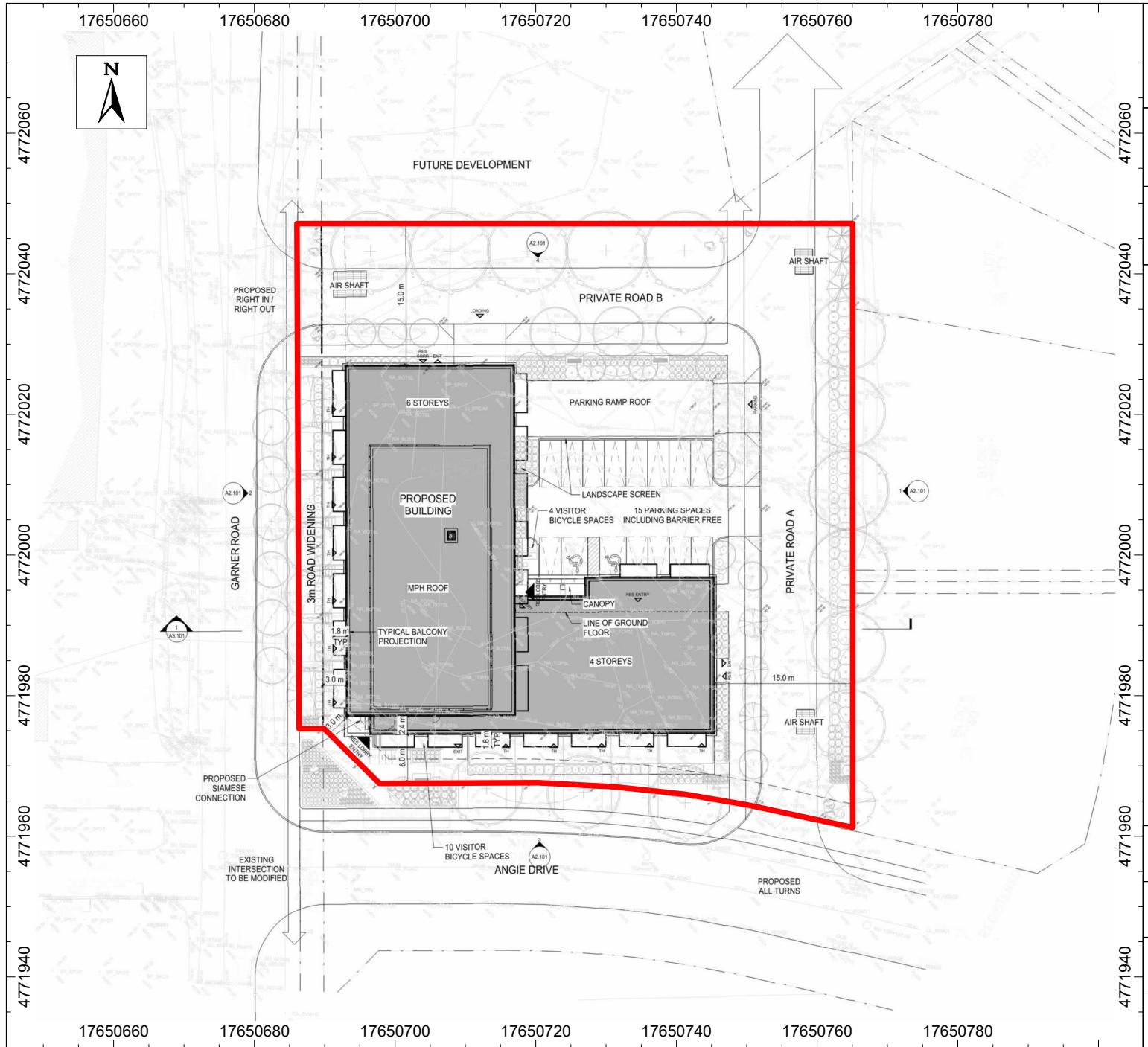
- Figure 1: Project Location & Surroundings
- Figure 2: Land Use Zoning Plan
- Figure 3: Proposed Site Plan
- Figure 4: Industrial Facility Influence Area
- Figure 5: Industrial Facility Recommended Setbacks



**Thornton
Tomasetti**

Client Name	1198815 Ontario Limited
Project Name	Garner Road - Block A Niagara Falls, Ontario
Figure Title	Site Location & Surroundings
Produced By	MAB
TT Project #	SW23380.00
Date	26/09/2024
Figure #	1





**Thornton
Tomasetti**

Client Name

1198815 Ontario Limited

Project Name

Garner Road - Block A
Niagara Falls, Ontario

Figure Title

Project Site Plan

Produced By

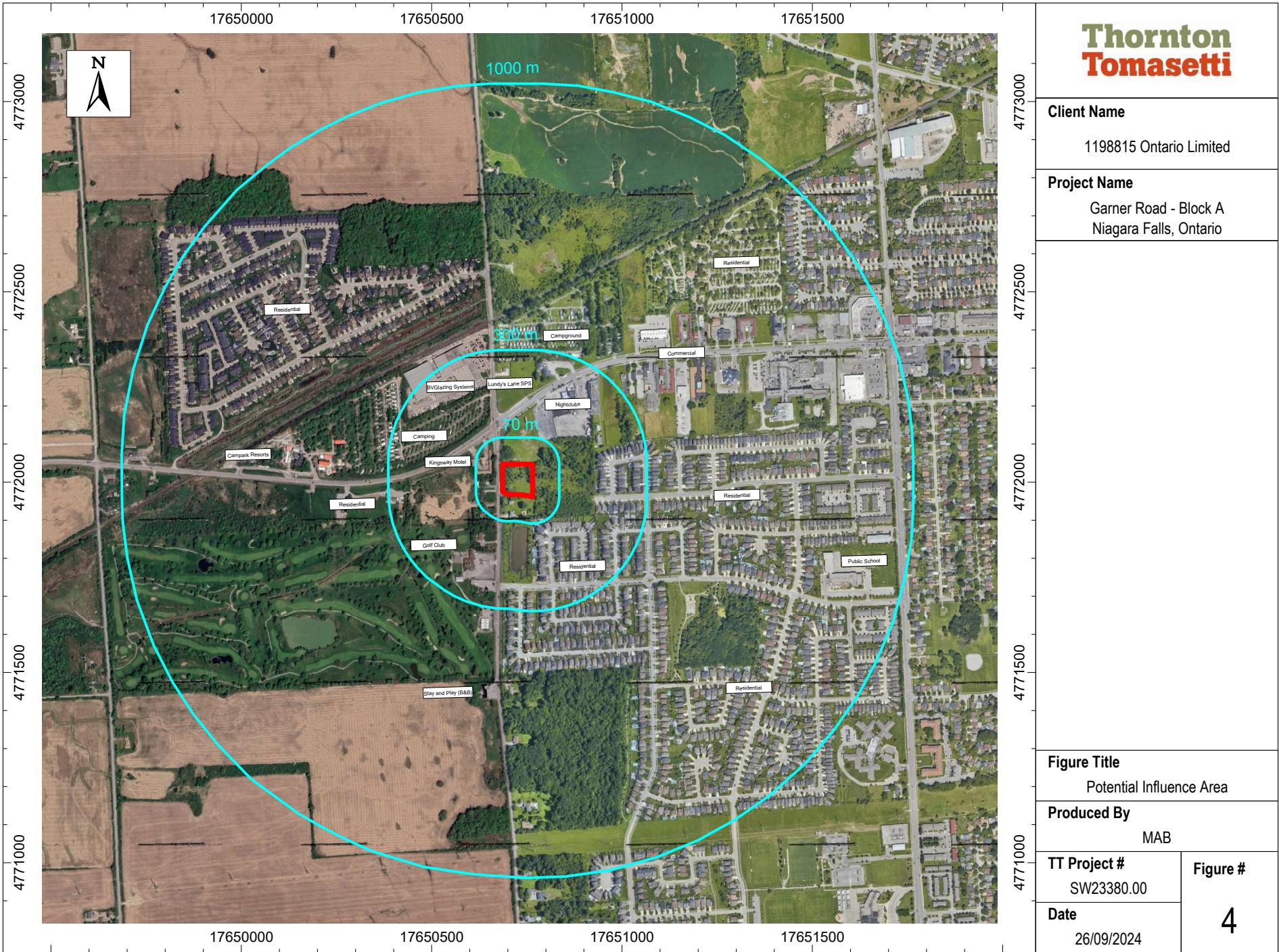
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TT Project #
SW23380.00

Date

Figure

3





**Thornton
Tomasetti**

Client Name

1198815 Ontario Limited

Project Name

Garner Road - Block A
Niagara Falls, Ontario

Figure Title

Recommended Minimum
Separation Distance

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Date

26/09/2024

Figure #

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