

PLANNING JUSTIFICATION BRIEF

Prepared for: RPD Studio

Property Address: 5920 Dunn Street, City of Niagara Falls, Ontario

Application: Minor Zoning By-law Amendment

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Table of Contents

1. INTRODUCTION.....	3
2. SITE DESCRIPTION AND CONTEXT.....	3
3. PROPOSED DEVELOPMENT.....	4
4. PLANNING POLICY	4
4.1 PROVINCIAL POLICY STATEMENT	5
4.2 NIAGARA OFFICIAL PLAN	5
4.3 CITY OF NIAGARA FALLS OFFICIAL PLAN.....	6
4.4 HOUSING IMPACT STATEMENT.....	7
4.5 CITY OF NIAGARA FALLS ZONING BY-LAW 79-200, AS AMENDED	8
5. PLANNING RATIONALE	8
6. CONCLUSION	9

Table of Figures

FIGURE 1: AERIAL PHOTOGRAPH AND SITE CONTEXT	3
FIGURE 2: REVISED PROPOSED SITE LAYOUT	4
FIGURE 3: CITY OF NIAGARA FALLS OFFICIAL PLAN: EXCERPT FROM SCHEDULE A.....	6
FIGURE 4: CITY OF NIAGARA FALLS OFFICIAL PLAN: EXCERPT FROM SCHEDULE A2 URBAN STRUCTURE PLAN: CORRIDOR	7
FIGURE 5: CITY OF NIAGARA FALLS ZONING SCHEDULE EXCERPT	8

1. Introduction

The Planning Justification Brief is submitted for a revised residential development proposed at 5920 Dunn Street in Niagara Falls. The subject property is zoned Residential Apartment R5C Density Zone under the Zoning By-law No. 79-200, as amended by A-2024-49. An earlier concept for the site, which proposed 101 stacked townhouse units, received approval for multiple minor variances for front yard depth, interior side yard width, parking and access, landscaping and deck projection requirements. In response to addressing the current market trends and to meet the demand for more flexible, ground-oriented housing, the applicant has revised the proposal.

The revised proposal features a townhouse typology with a total of 102 units, comprising of primary and rental units. The total unit count is comprised of 34 primary units and 68 Accessory Residential Units (ARUs). Updated design maintains a similar scale and density of the previous concept. The proposed townhouses along Dunn Street are aptly addressing the street frontage and the central walkway connecting the units has been designed to provide a safe pedestrian movement and a delineated connection to the proposed amenity area. Planning justification brief demonstrates that the revised proposal continues to conform to the overall intent of the R5C zoning, respects the previously granted variances, and aligns with provincial, regional and municipal policy objectives.

2. Site Description and Context

The subject site is located at 5920 Dunn Street in the City of Niagara Falls. The site is located along the south side of Dunn Street with Fallsview Group Parking Lot and CB Wright Park to the south, and the Rainbow Village Condominium and two single family homes along the west side of the subject site.

The subject site is a rectangular parcel with an approximate frontage of 55 meters along Dunn Street and the eastern dimension of the property is approximately 167 metres. The land is generally flat with no significant topographic features, and aerial photograph shows no existing building on the property.



Figure 1: Aerial Photograph and Site Context

3. Proposed Development

The earlier proposal at 5920 Dunn Street proposed 101 stacked townhouse units, which were designed to align with the intent of the R5C zone, similar to the form and density of stacked townhouse built form. This proposal was granted with minor variances for the following:

- Front yard depth
- Interior Side yard width
- Parking and access
- Landscaping
- Deck projections

The revised proposal retains similar site planning and design principles, setbacks, and overall architectural style, and provides a compatible ground oriented built form, consisting of townhouse built form with 34 primary units and 68 ADUs, and there are no additional minor variances being requested. Refer to Figure 2.



Figure 2: Revised Proposed Site Layout

4. Planning Policy

The subject site is identified as Special Policy Area "72" in the City of Niagara Falls Official Plan (OP), refer to Figure 3. This special area policy allows that this land may be developed with townhomes at a minimum density of 45 units per hectare, notwithstanding the density provisions of Part 2, Section 1, and policy 1.10.5 (ii). That encourages stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare. Such development should be located on collector roads and designed with a street presence that is in character with the surrounding neighbourhood. In addition, setbacks should be appropriate for the building height proposed and greater where abutting lands are zoned for single or semi-detached dwellings.

4.1 Provincial Policy Statement, 2024

The Province of Ontario Provincial Policy Statement (PPS) came into effect October 20, 2024 and applies to all Planning Act approvals made after that date. The following key Provincial Policy Statement policies are relevant to the proposed Minor Zoning By-law Amendment.

2.1.4 - To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through lands which are designated and available for residential development;*

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

- a) establishing and implementing minimum targets for the provision of housing that is affordable to low and moderate income households, and coordinating land use planning and planning for housing with Service Managers to address the full range of housing options including affordable housing needs;*
- b) permitting and facilitating:
 - 1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including additional needs housing and needs arising from demographic changes and employment opportunities;*
 - 2. all types of residential intensification, including the development and redevelopment of underutilized commercial and institutional sites (e.g., shopping malls and plazas) for residential use, development and introduction of new housing options within previously developed areas, and redevelopment, which results in a net increase in residential units in accordance with policy 2.3.1.3;**

The proposed infill development that is compatible and makes use of land identified and designated by the City of Niagara Falls for stacked townhouse development. With a total of 102 units, the project comprises of 34 primary units and 68 ARUs. The overall revised proposal aligns with the PPS objectives, and is introducing gentle density and rental housing option in a compatible urban form.

4.2 Niagara Official Plan

The Niagara Official Plan is revised and re-approved by the Province that the November 4, 2022 version is in force and effect.

The proposed development will facilitate the achievement of the Region's objectives to provide intensification, density and a range of attainable housing options in accordance with Growth Management Objectives 2.2(b), 2.2(e), 2.3(a), and 2.3(b).

As mentioned above, proposed revised development consists of townhouse built form with 102 total residential units on a site that is 1.02 ha in area, and represents a density of 100 units per hectare. This proposal provides a compact built form design that is along an intensification corridor and provides attainable housing options for future residents and changing demography. Furthermore the subject property is located adjacent to existing

municipal water and wastewater services.

4.3 City of Niagara Falls Official Plan

The September 2023 Consolidation of the City of Niagara Falls Official Plan, as available from the City's website, was used in the following analysis.

The subject site is identified as Special Policy Area "72" in the City of Niagara Falls Official Plan (OP), refer to Figure 3. This special area policy allows that this land may be developed with townhomes at a minimum density of 45 units per hectare. Encouraging stacked townhouses, apartments and other multiple housing forms with building heights of not more than 4 storeys can be developed to a maximum net density of 75 units per hectare with a minimum net density of 50 units per hectare, refer to Policy 1.10.5 (ii) in Section 1 and Part 2 of the OP.

Schedule A – Future Land Use designates the Subject Property as Residential.

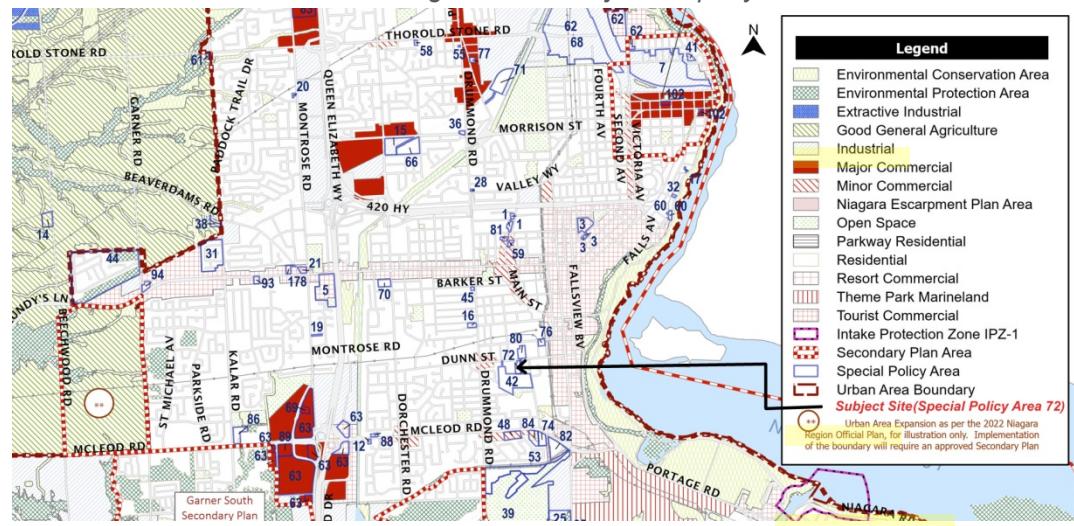


Figure 3: City of Niagara Falls Official Plan: Excerpt from Schedule A

Part 1, Section 3- Intensification, of the Official Plan, permits the following:

3.6 Proposals for residential development shall comply with the policies of Part 2, Section 1.10.5(ii) with respect to building height and density for the following intensification corridors, as shown on Schedule A-2:

1. Dunn Street
2. Thorold Stone Road

3. Victoria Avenue (notwithstanding the Minor Commercial designation)

Proposals within these intensification corridors may develop in accordance with the policies of PART 2, Section 1.10.5(iii) (iii) should the subject lands have sufficient lot area, street frontage and other site attributes that allow for the development of increased densities.

As per Schedule A2 (Urban Structure Plan) of the Official Plan, Dunn Street is identified as a corridor.

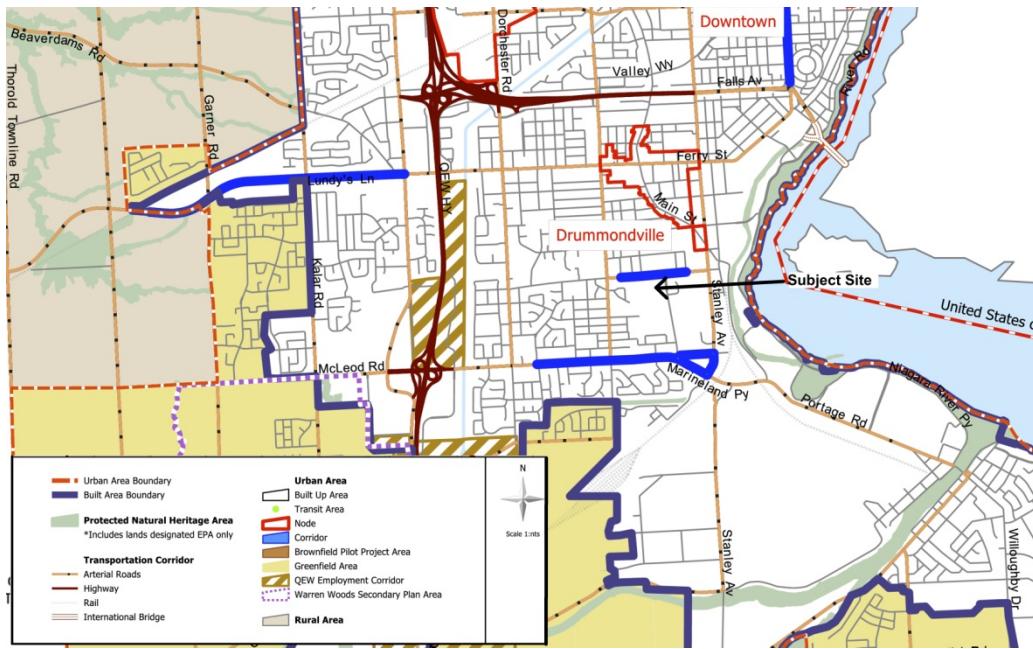


Figure 4: City of Niagara Official Plan: Excerpt from Schedule A2 Urban Structure Plan: Corridor

The revised proposal represents an approximate density of 100 units per hectare. The proposal's compact townhouse built form design aligns with the City's Official Plan. The proposed development is located along an intensification corridor along Dunn Street and is aligning with the Part 1, Section 3- Intensification, of the Official Plan.

4.4 Housing Impact Statement

In accordance with Policy 4.4 of Part 1 of the Official Plan, certain Planning Act applications must submit a Housing Impact Statement as part of the a complete application.

The proposed development is anticipated to contain potential rental units in the ARUs. The proposal comprises of 34 primary units, and 68 ARUs, approximately with seventy (70), 2 bedroom units ranging in area from 70m² – 90m² and thirty two (32), 1 bedroom units ranging in area from 50m² -70m².

The proposed development will not include affordable units and will not contribute toward the City's goals set in Policy 4.8(a) and 4.8(b). (Policy 4.4(b))

The proposed development is anticipated for purpose built rental units. The final configuration of this management/ownership structure has not been decided at this time. However, it is anticipated that per unit with initial rents around \$2,000 per month. (Policy 4.4(c))

Phasing is being contemplated for the proposed development, however, the timing and configuration of each phase has not yet been determined. Phasing would align with the provision of one or more complete buildings per phase. (Policy 4.4(d))

Policy 4.4(e) is not applicable as no units are proposed to meet the definition of affordable.

4.5 City of Niagara Falls Zoning By-law 79-200, as amended

The subject site is zoned R5C - Residential Apartment R5C Density Zone, which permits

an apartment dwellings, and stacked townhouse dwellings. While townhouse dwelling is not listed as permitted use in R5C, however proposed townhouse buildings A-F are designed to reflect the compatible character, height, and massing of a stacked townhouse built form.

Furthermore, the proposed Additional Residential Units (ARUs) are in alignment with provincial legislation (Bill 23) and the Planning Act, which now mandates their permission as-of-right in residential zones. The revised design is not exceeding the previously approved density or built form thresholds and remains consistent with the approved minor variances.



Figure 5: City of Niagara Falls Zoning Schedule Excerpt

5. Planning Rationale

The revised proposal maintains the intent of the previous proposal while strengthening its responsiveness to rental housing needs through the following measures:

- Maintains townhouse built form design that is consistent with R5C zoning.
- Market responsive design incorporates townhouse dwellings with ARUs to improve housing attainability, affordability and support multi-generational living.
- Site layout incorporates a delineated internal pedestrian circulation, shared amenity space, and parking.
- No additional variances are requested beyond those already approved per the decision of the Committee of Adjustment (municipal file #: A-A-2024-006), dated April 23, 2024.
- The revised proposal is in compliance with the PPS 2024, and Region's and City of Niagara Falls Official Plans.

From a rental housing perspective, the revised proposal delivers comparable outcome to the previously approved concept, and introducing a built form that is responsive to current market demands and trends.

Proposed revised development consists of 34 primary units and 68 Additional Residential

Units (ARUs). The ARUs are ideally suited for rental tenure and offer flexible living arrangements that appeal to a broad range of tenants, including students, young professionals, extended families, and multi-generational households. Unlike, previously proposed stacked townhouses, the revised ground-oriented built form design provides private entrances, improved outdoor access, and enhanced liveable features that are increasingly required in current rental market trends.

The revised proposal aligns with the earlier proposals rental yield while delivering a more adaptable, desirable, and family-friendly built form that contributes meaningfully to the City's attainable and rental housing supply and intensification objectives. The proposed townhouse built form is sympathetic to adjacent context, and helps to optimize the use of land and infrastructure while contributing to the mix of housing typology encouraged by all tiers of policy framework.

6. Conclusion

The revised proposal at 5920 Dunn Street is aligning with the City's planning goals and objectives, as well as the overall intent of the R5C zone, and the broader provincial policy framework. The proposal incorporates an adaptable residential built form design, with a mix of townhouse dwellings and ARUs that are consistent with the character, scale and massing of the previously approved site layout design. The overall design complements the adjacent land uses and built form and is representing sound planning.

Based on the analysis provided, I respectfully request the City of Niagara Falls to consider the revised proposal and recognize its contribution to the City's housing supply and alignment with policy objectives.

Sincerely,

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